House Concurrent Resolution 16
Sponsored by Representative BOWMAN

SUMMARY
The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Recognizes and honors members of 1857 Oregon Constitutional Convention who voted not to ratify state’s founding document that included racial exclusion clause.

CONCURRENT RESOLUTION
Whereas the framers of Oregon’s legal systems designed laws to exclude racial minorities—including African Americans, Native Americans and those of Chinese descent—from enjoying equality before the law, participating in civic life and living among white Oregonians; and

Whereas in 1844, fifteen years before statehood, one of the first official acts of Oregon’s provisional legislature was to pass a racial exclusion law that prohibited black people from living in the territory for more than three years; and

Whereas the 1844 law authorized as punishment for any black settler remaining in the territory a whipping of “not less than twenty nor more than thirty-nine stripes” for every six months they remained; and

Whereas the territorial legislature passed another exclusion law in 1849, which barred black people who were not already in the territory from entering or residing in Oregon; and

Whereas in 1857, after Oregonians had voted for statehood, they subsequently called for a state constitutional convention; and

Whereas in August 1857, 60 delegates from across the territory met in Salem to draft the Oregon Constitution; and

Whereas prominent among the issues the delegates wrestled with were questions of suffrage, slavery and exclusionary racism; and

Whereas debate was fierce, and many delegates were adamantly opposed to slavery and argued vehemently against enshrining racial exclusion laws into the Constitution; and

Whereas the convention ultimately decided to submit the questions of slavery and racial exclusion directly to the voters of the territory, and the convention ended on September 18, 1857, when the delegates voted to ratify the draft Constitution; and

Whereas the final tally included 35 votes in favor of ratification, but 10 delegates exercised their conscience and courageously voted against the draft, and another 15 members of the convention abstained; and

Whereas on November 9, 1857, the public voted overwhelmingly to approve the Constitution and separately approved the provision banning slavery, ensuring that Oregon would be a free state, but the public also voted heavily in favor of the racial exclusion clause; and

Whereas the final Oregon Constitution approved by voters thus included Article I, section 35, which prohibited blacks from being in the state, owning property or making contracts; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

LC 4052
Whereas Oregon was the only free state admitted to the Union with a racial exclusion clause in its Constitution; and

Whereas Oregon Constitutional Convention delegate John R. McBride, later a state Senator and United States Representative, described the exclusion law as being “largely an expression against any mingling of the white with any of the other races”; and

Whereas in 1859, the United States Congress voted to ratify the Oregon Constitution-including its racial exclusion clause-and confer statehood on Oregon; and

Whereas Article I, section 35, of the Oregon Constitution, was legally invalidated by the ratification of the Fourteenth Amendment to the United States Constitution in 1868; and

Whereas despite its unconstitutionality, section 35 remained formally in the Oregon Constitution until it was repealed by Oregon voters with a 1926 ballot measure; and

Whereas it wasn’t until 2002 that Oregon voters removed references to the 1857 referendum and its overtly racist language from the Oregon Constitution; and

Whereas although Oregon's three exclusion laws were all later rescinded, they largely succeeded in their aim of discouraging free blacks from settling in Oregon, ensuring that Oregon would develop as a primarily white state; and

Whereas it is imperative to teach current and future Oregonians about our racist history in order to fully understand the realities of racial oppression and to address the continued impacts of systemic racism on our state and nation; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

That we, the members of the Eighty-second Legislative Assembly, recognize Oregon’s racist history, including the exclusion clause written into the Oregon Constitution at the time of statehood; and be it further

Resolved, That we honor those members of the Oregon Constitutional Convention in 1857 who exercised great courage and humanity by voting against the inclusion of racist language in the state’s founding document.