

**BREAKING THE LEGACY
OF LEGALIZED HATE**

**THE
PLACE
WE
MAKE**

**SNEAK
PEEK**



**SAMPLE
ONLY**

**UNCORRECTED
PROOF**

SARAH L. SANDERSON

FOREWORD BY CHANTÉ GRIFFIN

THE PLACE WE MAKE

Breaking the Legacy of Legalized Hate

Sarah L. Sanderson



WATERBROOK

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Some names and identifying details have been changed,
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The Crete Collective

The Red Door Project

Native American Youth and
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and other organizations that
benefit people of color.

for Loy

who is finally done running

and for Jayedin

who's just getting started

No free Negro, or Mulatto, not residing in this state
at the time of the adoption of this constitution,
shall come, reside, or be within this state,
or hold any real estate, or make any contracts, or
maintain any suit therein;
and the Legislative Assembly shall provide by penal
laws,
for the removal, by public officers, of all such Negroes,
and Mulattos,
and for their effectual exclusion from the state,
and for the punishment of persons who shall bring
them into the state,
or employ, or harbor them.

—amendment to the Oregon State Constitution, 1857,
Oregon State Archives

The only thing about Oregon that is unique
is that they were bold enough to write it down.

—Walidah Imarisha, “Why Aren’t There More Black
People in Oregon? A Hidden History”

Foreword

As the United States struggles to find its footing during this era of racial reckoning, throughout the book publishing industry and beyond, a question looms large: Is there space for White voices? Given that the publishing industry has historically marginalized voices of color, should there be space for a White woman to write a book that documents racism toward Black people and Native Americans, especially when said racism was proliferated by her relatives?

These questions are critical. Yet I humbly suggest there are two more questions to ask: Should there be space for voices that cry out to repent and repair? And, *Who* ultimately benefits when these voices speak out? I believe that answering the latter questions helps answer the former ones.

I met Sarah L. Sanderson in the summer of 2022 when she attended the Writing With God virtual retreat I co-lead with poet Velynn Brown, a fellow Black writer. Velynn had invited Sarah, who was knee-deep in writing *The Place We Make*, to set up a consultation with me during the retreat. I imagine Sarah wanted to meet with me because I'm a journalist who writes extensively about how race intersects with various aspects of U.S. culture, including faith.

During our time together, Sarah's internal turmoil was evident: A part of her felt drawn to writing this book, but another part won-

dered if hers was the right voice to tell this story: *Am I doing what my ancestors have done before me? Taking ownership and command of stories and lands that aren't ours to touch in the first place?*

In *The Place We Make*, Sarah examines Oregon's exclusion laws that banned Black people from living within its borders and details how, in 1851, a successful businessman named Jacob Vanderpool was expelled from living and making a living in Oregon City—a town only minutes from Sarah's current home—*simply* because he was Black. Throughout the book, Sarah takes readers back in time to witness how the intersecting forces of racism, greed, and silence forcibly removed Vanderpool from Oregon City, prevented other Black people from settling in the state, and stole land from the Clackamas Tribe who resided there.

While speaking with Sarah and reading *The Place We Make*, I was struck by her humility toward the book's topics. Instead of positioning herself as a heroine, she took the posture of a learner and truth-teller, regardless of how bad it makes her or her family look. As a reader and fellow writer, I appreciated her candor and vulnerability. And as a Christian, I especially appreciated how she publicly grappled with how to repair what she and her ancestors have breached.

Should there be space for voices that cry out to repent and repair? Absolutely. After reading *The Place We Make*, I believe Sarah L. Sanderson is one of those voices.

And to answer the question about *who* ultimately benefits when these voices speak out. . . . Well, we *all* benefit: displaced Black Oregonians, all of Oregon's residents, racial justice advocates, as well as students of history who want to connect the dots between

our past and our present. (I, for one, can count on my hand the number of Black people I saw in the Beaver State the one time I visited. Now I know why.) History buffs, activists, and those who seek to repair the breaches racism forged will also appreciate this tenderly delivered book. It's a beautiful rendering of an ugly history, a worthy read among the myriad of race books published in recent years. I am honored to introduce you to it.

—Chanté Griffin, advocate,
journalist, and author

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Author's Note

Many writers working on the subject of racism in America capitalize *Black* but not *white*, citing various reasons for doing so. These range from the claim that *white* does not denote a “shared culture and history,” to the argument that leaving it uncanceled reflects a desire to withhold from white people the “respect, pride, and celebration” that is extended to the Black community with a capital *B*. For many years, I wrote with a capital *B* for *Black* and a lowercase *w* for *white*.

But I have chosen in this book to emulate scholars such as Kwame Anthony Appiah, Eve Ewing, Nell Irvin Painter, Imani Perry, and Chanequa Walker-Barnes, who insist on the capitalization of both *Black* and *White*. Leaving the *w* uncanceled, Ewing wrote, is “reinforcing the dangerous myth that White people in America do not have a racial identity.” After four hundred years of racialization, being White means something. My grappling with *what* it means, exactly, is the very subject of this book.

Another stylistic choice I’d like to point out is the omission of reference numbers that would direct you to citations. Though the citations are still in the endnotes, they are tied to page numbers and keywords rather than superscript numbers in the text. In this way, I hope to facilitate uninterrupted engagement with the story for all readers, while still providing access to citations for those who want to find my sources.

Introduction

Let us take a knife
And cut the world in two—
And see what worms are eating
At the rind.

—Langston Hughes, “Tired,”
The Collected Poems of Langston Hughes

What do you see when you lift your eyes from this book?

Someone’s shoulder, perhaps, as they brush past you in the bookstore? Library shelves? Tired bodies folded into subway seats? Your grandmother’s quilt draped over your toes? The edge of your beach towel or the ever-shifting edge where sand meets water?

Wherever you are in the world—whether surrounded by evergreens or palm trees or a thicket of office towers, whether sitting in a waiting room or an aisle seat or nestled on your living room couch—thank you for bringing me along to this place you call *here*. I do not know it the way you do. I do not know the name of the baby whose cry will light up the monitor any second now, or the names of the cows in your barn, or the name of the woman who drives your bus. I don’t know the names of the laborers who built the building in which you are sitting, or the names of the children who played in that very spot thousands of years before anyone

thought to build there at all. I can tell you only what I discovered when I began to be curious about *my* place. This is the story of what I learned when I began to wonder about the place where I live: who made it, and why, and how it all came to be.

When you leave the thought-place we make together in the sharing of these pages and return to the real place of dishes and deadlines and bills, I hope you will carry some of my questions with you.

I wonder what you will find if you do.

Originally, I wanted to write about Jacob Vanderpool—the only Black man living in the tiny frontier town of Oregon City in 1851. Oregon was the only state admitted to the Union with anti-Black exclusion laws on its books; Jacob Vanderpool was the only person ever expelled from Oregon under the application of those laws. He was, in fact, the only person in the history of the United States ever convicted and punished solely for the crime of being Black.

The singularity of that fact riveted me: the *only* state, the *only* man. Throughout the vast history of injustice rolling down like a mighty river across this nation, from century to century and sea to shining sea, here, I thought, was a story small enough for me to hold.

But as I began to ask questions, I grew concerned that the evidence available for Jacob Vanderpool's story might be *too* small to give a satisfactory account. The social ramifications of his story were certainly immense. His life itself had surely been as large and full and valuable as every other human life. But history seemed to

have hidden its records.

The known facts were maddeningly few. Vanderpool had been a sailor. He turned his hand to hotel management in June 1851. He stood trial in August under the Exclusion Law. By the end of September, he'd been expelled from the Oregon Territory. I dug and poked but could not discover where Vanderpool had lived before he came to Oregon or where he went after; nothing was said about whom he had loved or what he had cherished. It seemed that the life of the only person legally exiled from Oregon had not won the attention of the keepers of the state's annals. Though not unusual for the time, the omission itself felt to me like another indignity—a second wrong.

In contrast to how little we know about Jacob Vanderpool, however, there was a great deal in the historical record about the men who had successfully conspired against him. There was John McLoughlin, the Founder; Theophilus Magruder, the Treasure Hunter; Thomas Nelson, the Judge; and Ezra Fisher, the Pastor—all men whose lives history has not forgotten. Oregon celebrates her wagon-train heroes with statues and plaques, museum exhibitions and elementary school field trips. Ezra Fisher's name is painted on the wall in the Senate chambers at the Oregon State Capitol; John McLoughlin's and Thomas Nelson's names are displayed in the House. Yet these famously lauded pioneers had moved—in some cases, specifically and deliberately; in others, with silent complicity—to oust a Black man from their midst.

Why?

I began to wonder if this was the story for me to tell—not *what* happened to Jacob Vanderpool but *why* it happened. I could not

speak for a man who was the object of racism. But perhaps I could look squarely at those who directed their racism at him, twisting and bending the levers of society to expel a neighbor whose only crime was the darkness of his skin. Who were these people who had acted in this egregious way? And why had they done it? “The scholarship that looks into the mind, imagination, and behavior of slaves is valuable,” wrote Toni Morrison. “But equally valuable is a serious intellectual effort to see what racial ideology does to the mind, imagination, and behavior of masters.” How had racism warped the minds, imaginations, and behaviors of those who took it upon themselves to master Oregon?

As I tried to learn what had shaped the people who had so deeply influenced the place I call home, I realized my journey would not only take me to nineteenth-century Oregon. I would also have to travel further back, to the very origins of the racialized story that human beings have been telling about ourselves, and further out, to see how racism had shaped my nation and the world.

And, I discovered, I would need to go further in—to explore the secret depths of my own heart. For, like the early settlers of Oregon City, I am White. My mind, imagination, and behavior have also been shaped by the racial ideology of the society in which I live: the society that those White men of long ago had a hand in making. As I examined their racist deeds, my study forced me to look again and again at my own face in the mirror.

I am a daughter of Oregon. I was born here. After decades away, I have recently returned. Some branches of my family tree trace their origins all the way back to those first wagon trains. When I began this investigation, I knew I was related by blood and

marriage to one of the White men whose stories I wanted to tell. In the course of my study, I learned that I share a common ancestor with a second man as well.

This is my place. These are my people. I may not be able to answer for what they did. But by the grace of God, I can at least begin to ask.

By the grace of God is not merely a rhetorical flourish. Throughout this book, my work springs from my conviction as a Christian. I want to be clear about this from the outset for three reasons. First, I want you to know what kind of book you are getting yourself into. Though I write as a Christian, I do not intend to write *only* for Christians, and I hope that if you are not the kind of person who regularly picks up Christian books, your curiosity might impel you to keep reading anyway. I will speak as clearly as possible so that whether or not you are familiar with the practice of faith, you might understand what I am trying to say.

Second, I want to be clear about my faith because I believe it is past time for White American Christians to practice thinking and talking about matters of race. Works like Willie James Jennings's *The Christian Imagination: Theology and the Origins of Race* and Jemar Tisby's *The Color of Compromise: The Truth About the American Church's Complicity in Racism* explain how the church has historically not only condoned but often engineered the evils of White supremacy. We must reckon with this legacy.

I am certainly not claiming to be the first person to lead this charge. Many White Christian leaders have far more knowledge

on the subject than I do. But my experience with people in the pews (of whom I am one) is that many of us are so afraid to say the wrong thing that we can hardly bring ourselves to say anything at all. What I hope to bring you in this book is not the advice of yet another expert but simply the story of how I myself was confused, scared, and in need of forgiveness, and how I inched my way forward.

And that brings me to the third reason I need to tell you that I am a Christian: because I don't know if I could have overcome the fear and shame I felt in approaching this subject if I didn't *believe*, down to my toes, that there is a God whose heart for us overflows with grace. I do not know how else I could have summoned the courage to undertake this work—to examine injustices perpetrated by my own ancestors; to trace the lines running straight from the racist histories of so many White people in America to the realities I found lurking in my own heart; to tiptoe into the chilly currents of my own hidden racism—without the belief that the God who loves justice also loves *me*.

Some think forgiveness is a panacea—that those who drop their sins at the foot of the cross are merely imagining for themselves a world in which they never need face the consequences of their own actions. I believe the opposite is true. I never could have begun to face the enormity of my own or my people's sins if I didn't believe in grace. After all, as the apostle Paul wrote nearly two thousand years ago, it is the kindness of God that leads us to repentance.

No, forgiveness does not always mean forgetting. Forgiveness means, instead, that we are pursued by a love that is larger than space and older than time—a love that surrounds us and whispers that we are safe enough to begin to remember.

Prologue

First came the lava.

It hurtled up from the planet's core: red-hot liquid bursting forth with power and force, rolling and sliding over hundreds of miles of fresh-cracked earth until it cooled and slowed and stopped and became rock. Faraway volcanoes popped and rumbled; furious magma rushed and slid. Millennium after millennium, lava flowed and lava flowed. For two million years, the lava flowed. And, layer by layer, there was land.

Next came the floods.

An ice dam broke on a distant lake; an ocean of water raced across the plateau. The deluge pushed between mountains, pooled in valleys, carved gorges, and snaked along riverbeds until the very shapes of the hills were nothing but the memory of water. For three thousand years, ice froze and broke, froze and broke, froze and broke again, spilling cataclysms of glacial torrents every time. The water buffeted the rocks, rubbed at the basalt, and wore away the stone until the floods had formed a path for the water to follow on its journey from the snowmelt to the sea. And there was river.

When the floodwaters receded, the river remained: a sinuous ribbon pulsing through flatland. The river rolled gently through the valley until it came *here*, this one last great hurdle of volcanic rock. Now it flings itself over, a million flashing droplets at a time. More water flows over this falls than almost any other on the continent. All through the valley, the water gurgles. But here, at the

bow-shaped waterfall—this joyous clash of land and river—the water roars.

This is what God did.

It was God—or as the Clowwewalla say, the ancient hero Coyote—who set this waterfall here as an eternal source of salmon for the people. For that is who came next: the salmon and the people. Below the falls, the river swells with tides. Above the falls, salmon nose their way to their birth waters. In the falls, salmon jump, sea lions bark, and the Clowwewalla people reach out their nets and are fed.

They call this place Charcowah. Magic Fish Trap.

Chapter One

The Founder



Portrait of John McLoughlin, circa 1855.
Used by permission from the Minnesota Historical Society.

In 1829, a red-faced man with a shock of white hair and steel-blue eyes brought his vessel to rest at the base of a waterfall. Raised in Quebec by a Scotch Irish father and a French Canadian mother, the man had trained as a doctor before making his way across the continent as a fur trader. He was six feet, four inches tall and forty-five years old. A biographer would later gush that he

was a “superb specimen of man” with “magnificent physical proportions.” The Indigenous people called him “White-Headed Eagle.” Others knew him as “the Czar of the West,” whose “rule was imperial for a thousand miles.” By the time of his voyage up the Willamette River that day, he was serving as chief factor of the Columbia region for the Hudson’s Bay Company, supervising all British trade from Alaska to California, the Rockies to the Pacific. His name was John McLoughlin.

Did McLoughlin pause, just for a moment, to gaze in awe at the dense crowd of fir, maple, cedar, and oak trees that stood sentinel along the riverbanks? Did he stop to listen to the mighty rhythm pounded out by water jumping ceaselessly over rock? Did he notice the eyes—of elk, or deer, or Clowwewalla Indian—that might have peered out from among the trees, watching him? Or did he turn to his companion, George Simpson, and shout over the noise of the falls that they had reached the farthest inland point in the Willamette Valley accessible by ship? This was it. The end.

As they scrambled up the steep, grassy riverbank to the narrow strip of land running between the river and the nearby basalt cliffs, the men imagined a productive sawmill operating one day through the power of the waterfall. McLoughlin saw the place as a potential connection point between the fertile farmland south of the falls and the waterway north that would lead to trade with the outside world. He had found a site, he thought, “destined by nature to be the most important place in the country.” He constructed three buildings there and “claimed land at Willamette Falls for England.”

The story of North American land being claimed by the first

White man to walk upon it stretches back, of course, to 1492. And that story held (among those who repeated it, anyway) for five hundred years—as late as 1999, John McLoughlin’s biographer still conceived of the land McLoughlin found as “deep and rich, waiting for their plows.” But the story of land lying in wait for White men’s plows is not the first story told about this continent. Our First Nations have long told other stories. For them, the land is not a virgin to be conquered but a mother who freely offers what her children need. For them, the land’s story does not begin with the first White footsteps. It stretches back, with the presence of their peoples, to the beginning of time.

“Almost every tribe,” wrote Lakota activist and history professor Vine Deloria, Jr., “can point out those features of the landscape which mark the boundaries of their lands and tell how the people first knew that this was their country and that it was in exactly the right place.”

The exact right place for the Clowwewalla people was the village they called Charcowah, with its most important feature: the mighty waterfall that provided them with fish. The ancestors of this small band of the Clackamas Tribe had fished and traded here for ten thousand years.

Just fifteen years before McLoughlin’s visit, a Canadian explorer named Alexander Henry had passed by the Charcowah village, noting six longhouses and “numerous” Clowwewalla residents. But by the time McLoughlin arrived in 1829, waves of European diseases like smallpox and cholera had reduced the Clowwewallas’ numbers to a mere twenty-five to thirty inhabitants. Though few, they resisted McLoughlin’s incursion by burn-

ing his three buildings to the ground.

McLoughlin had an intimate yet authoritarian relationship with the people indigenous to the territory he ruled. He took two Native wives in succession, the mothers of his five children. He believed in treating American Indians fairly and admonished his employees to do the same. Yet he was frustrated that an abundance of salmon and “Nutricious Roots” contributed to what he considered the Indians’ “Lasiness,” making them unwilling to work for him as often as he wished they would. McLoughlin also exacted swift punishment for perceived wrongs. When a Hudson’s Bay employee was killed in an attempted robbery, McLoughlin pursued the Indigenous man alleged to be responsible for the crime and “made the arrangements for the execution in a way best calculated to strike terror to the Indian mind.”

When the Clowwewalla burned his three buildings at Willamette Falls, McLoughlin rebuilt.

A town was born.

Seventeen years later, after the career that sent him roving up and down the West Coast came to an unfortunate end, McLoughlin returned to the falls of the Willamette. He was an older man now, approaching the end of his life. This time—disgraced by an ongoing feud with George Simpson that had cost him his job and disconsolate over the untimely death of his oldest son—McLoughlin came to stay.

In the intervening years since he’d first set foot there, McLoughlin had kept tabs on his claim. After erecting those first three build-

ings, he'd returned to his base at Fort Vancouver, twenty miles north, near the place where the Willamette River emptied into the Columbia. But he'd left some company employees to mind the site at the base of the falls, and he had often returned to make improvements. In 1832, McLoughlin blasted a millrace. In 1838, he built a "house & store." In 1842, he platted the streets of his town and named it Oregon City. In 1844, he designated the location of Oregon City's jail. That same year, Oregon City became the first incorporated city west of the Rocky Mountains.

Shortly after, in 1846, McLoughlin moved to Oregon City permanently, with his second wife and a couple of adult children and their families, into a two-story house with a pyramid-shaped roof that he built with his own two hands. He opened a dry-goods store across the street. Depressed about his precipitous fall from chief factor of half a continent to proprietor of a small-town general store, McLoughlin sat in his new house in Oregon City and wrote to his former employer, "I have Drunk and am Drinking the cup of Bitterness to the very Dregs."

The house where McLoughlin drank his dregs was pictured on the cover of the New York City publication *Holden's Dollar Magazine* not long after the McLoughlins moved in—it is just to the right of the mast of the ship that lays at anchor, with the American flag pointing down at it. The sketch depicts the expansion of the town in its first two decades, far beyond its initial three buildings. As the first city in the West to be founded as a commercial center rather than as a military fort or religious mission, Oregon City's population had grown from a handful at the start of the decade to nine hundred at its close.



Etching of Oregon City, circa 1850. Library of Congress.

The sawmill McLoughlin had envisioned decades before is visible here in the etching, already humming. And McLoughlin's dream of ships streaming in from the Pacific has been realized too. In the sketch, one ship stands ready for its supplies to be unloaded and portaged over Singer Creek, at the right edge of the picture, and past the Willamette Falls, which roars just outside the frame, to the waiting steamboats on the higher stage of the river. The other ship in the etching appears to be moving away from Oregon City, presumably full of exports produced by farmers in the fertile Willamette Valley. Still, for all this human activity, the town itself appears almost lost in the vast landscape of sun-tipped clouds, towering evergreens, soaring cliffs, and the glassy river. The artist has depicted the town's buildings as but a handful of dice scattered across the sliver of open land that hugs the river. To the *Holden's*

Dollar readers in New York, the little town must have seemed awfully exotic and far away.

Oregon City was the focus of the national imagination just then, toward the end of the 1840s. The closing decade had seen thousands of Americans toiling across the plains and over the Rockies, oxcarts laden with expectations. All their hopes were pinned on reaching those wooden structures scratched out between the bluffs and the river. Oregon City was the official End of the Oregon Trail. All over the country, from New York to Independence, Missouri, hearts were soaring at the very idea of Oregon City. Whatever the country would become—marching west in pursuit of her Manifest Destiny—she would become it in Oregon City.

The Library of Congress classifies the *Holden's Dollar Magazine* cover as the oldest known map of Oregon City, although it is not a map at all. It's easy to see why the inhabitants of the town would not yet have needed maps to navigate from house to house. No roads are visible, and the fifty-odd structures appear to be placed at random, eschewing the neat rows we moderns have come to associate with urban life. The two tiny groups of human-shaped figures sketched into the center of town would surely have known exactly who lived in which house.

Though maps were not yet necessary, flags were. The provenance of the territory had long been subject to dispute. Russia and Spain had withdrawn their claims to the region by the 1820s, but England and America continued to argue over their border in the West for another two decades. Although McLoughlin had originally claimed the land at Willamette Falls for England, he quickly

recognized that the steady stream of Americans trooping across the continent would change the calculus. So while he was stationed at Fort Vancouver, McLoughlin provisioned the American settlers who straggled in and sent them south. He hoped that England might hold the land north of the Columbia River (present-day Washington State), leaving Oregon for America. Though McLoughlin's willingness to help the Americans earned him the wrath of his British employers, one hundred years after his death, it would earn him the title "Father of Oregon."

Just as McLoughlin had anticipated, the early Oregon settlers made it clear in their founding documents that their makeshift government was to stand only "until such time as the United States of America extend their jurisdiction over us." Official inclusion of the Oregon Territory into the holdings of the United States finally occurred in 1848. Perhaps it is in celebration or proclamation of this new arrangement that the artist sketched two different nineteenth-century versions of the American flag into the image. The Francis Hopkinson flag, its rows of stars neatly aligned in the upper left corner, streams from the top of a ship sailing out of view on the left edge of the picture. The Cowpens flag—with its circle of stars surrounding a single star in the field of blue—flies from the top of a double-masted schooner anchored in the harbor. Together, the flags declare the allegiance of the little village.

There is another symbol of the settlers' allegiance that stands in the center of town: its church steeple. Built in 1843, the Methodist Church in Oregon City was the first Protestant congregation established west of the Rocky Mountains. In the line drawing, the rooftops of the densest cluster of buildings rise to a triangular pin-

nacle apexed by the flag and the steeple. God and country—together they represent the twin loyalties of the town's people. The flag and steeple seem to announce that, from now on, this would be an American place and a Christian place.

What is *not* visible from the artist's rendering is the fact that, from its inception, this town was not just meant to be quintessentially Christian and American. It was also designed, legislated, and enforced to be a White utopia.

Throughout the 1840s and 1850s, as pioneers in covered wagons strained for months on end to reach McLoughlin's general store, where they could stake their claim to their own 160 acres of Oregon farmland, trouble was brewing behind them. The nation, of course, was headed for war. Even as the country rapidly expanded westward, mounting tensions threatened to tear it apart. And so, for every "free" state that became part of the Union in those years, Southern senators sought a slave state to go with it, so as not to upset the delicate balance of votes on the floor. Mississippi and Indiana came in together. Alabama and Illinois. Missouri and Maine. Which way would Oregon lean?

Today, we think of Oregon as a Northern state, a free state. At the time, however, the question of whether Oregon would enter the Union as a slave state was up for some discussion. Many of the settlers hailed from slave states like Missouri, and a few enslaved people did come across on the Oregon Trail with those who enslaved them. But most of the Oregon Trail pioneers weren't interested in enslaving others. By and large, they did not hail from the

wealthy, slave-owning class of White people. If they had, they wouldn't have risked their lives on a team of oxen, a covered wagon, and a lengthy journey with an uncertain outcome. A deep economic depression had settled over the country in the 1840s, fostering the desperation that bred "Oregon Fever." Poor White Missourians looked at the seemingly endless supply of free labor then possessed by their slave-owning neighbors and felt that they could never keep up. "I'm going to Oregon," remarked one pioneer, "where there'll be no slaves, and we'll all start even." Oregon's provisional government voted to ban slavery in the Territory in 1843.

But opposition to slavery was not the same thing as hospitality toward Black people. Oregon settler Jesse Applegate wrote of his compatriots, "Many of those people hated slavery, but a much larger number of them hated free negroes worse even than slaves." Oregon pioneers viewed African Americans not as the help but as the competition—a competition they wanted to eliminate. Historians estimate the population of Black residents in the Oregon Territory in the 1840s at around fifteen. For some White settlers, it was fifteen too many.

Ambivalence about the slave issue they had left behind was not the only factor contributing to the settlers' mistrust. The pioneers were also uneasy about the world they had entered. When they reached Oregon, the settlers found themselves in a space that for centuries had already been populated by not only Indigenous tribes but also a multiethnic group of fur traders, missionaries, and sailors. A unique regional trade language ("Chinook wawa") comprised of a patois of Chinook, French, and English was widely

spoken. Alliances had already been formed that the pioneers were not privy to. (Not that they desired alliances; they had come, as one said, “not to establish trade with the Indians, but to take and settle the country exclusively for [themselves].”) Historian Kenneth Coleman wrote that when the settlers arrived in the Oregon Territory, they “felt most vulnerable. Most had traveled incredible distances overland to arrive in an ethnically diverse region they did not fully understand.” They sought to minimize their discomfort by maximizing the homogeneity of their new homeland.

One alliance, in particular, raised the settlers’ apprehension. In 1844, a Black man named James Saules—a former sailor who had been living with a Chinook wife in the Willamette Valley for three years—aligned himself with the local tribe and, together with them, threatened violence against the White settler who had laid claim to their land. Saules said “he would stand for the Indians’ rights” and that he was “armed and prepared to do so.” He was arrested, tried, convicted, and placed in federal custody. After Saules was released, the federal agent who had detained him wrote to the United States secretary of war. “[Saules] ought to be transported, together with every other Negro, being in our condition dangerous subjects,” the agent complained. “Until we have some further means of protection, their immigration ought to be prohibited. Can this be done?”

Evidently, it could. Mere weeks after the Saules case, Oregon’s provisional government voted to amend the anti-slavery law it had passed the previous year. On June 26, 1844, the legislative council set a time limit of three years for Oregon’s enslavers to remove their enslaved persons from the territory (effectively legalizing

slavery in the state for the duration of those three years). At the end of that time, no Black person would be allowed to remain in Oregon. Anyone who refused to go would be punished by up to thirty-nine lashes with a whip every six months until the so-called criminal “quit the Territory.”

There is no evidence that the “Lash Law” punishment was ever used. (There is no evidence that the prohibition against slavery was enforced either; Quintard Taylor estimated that between 1850 and 1860, “at least 14,” and possibly as many as 135, enslaved people arrived in Oregon with their enslavers and were never informed of the fact that they should legally have been set free.) Under criticism that the proposed thirty-nine lashes was too harsh a punishment, Oregon’s legislature repealed the Lash Law in 1845. But in 1849, they tried again. This time, the law stated that “any negro or mulatto” could not “enter into, or reside” in Oregon. This is the law that hangs invisibly over the houses and businesses on the cover of *Holden’s Dollar Magazine*.

That law was rescinded in 1854. But three years later, at the constitutional convention organized in 1857 to prepare for statehood, Oregon legislators made a third attempt to exclude Black people from the state. They submitted two proposals to the convention’s delegates: One, should Oregon enter the Union as a slave state? Two, should free Black residents be excluded? Delegates opposed the slavery proposal but approved the exclusion clause by a wide margin. Therefore, when Oregon’s citizens ratified their new state’s constitution, they approved a Bill of Rights that included Article 1, “We declare that all men, when they form a social compact are equal in right.” But they also overwhelmingly approved

this separate amendment: “No free Negro, or Mulatto, not residing in this state at the time of the adoption of this constitution, shall come, reside or be within this state.” By granting “all men” equal rights, and in the same stroke denying equal rights to Black men, the state of Oregon began its official existence on the foundational premise that Black men were not men at all. The Exclusion Law was not repealed until 1926, by 62.5 percent of the vote.

For the first sixty-plus years of its existence, the state of Oregon banned Black people from even *being* within its borders. Towns where Black people were not welcome after dark were often called “sundown towns.” As others have pointed out before me, Oregon was a sundown state. It was the only state in the United States of America ever to join the Union with an exclusion law on its books.

Peter Burnett, an influential pioneer who joined Oregon’s first legislative body the year after he arrived and later became the first governor of California, is often called the father of the exclusion laws. He argued for that initial 1844 amendment by stating, “The object is to keep clear of that most troublesome class of population,” by which he meant Black people. In a bitter and self-deluded twist of irony, Burnett saw his law as a means not of perpetuating evil but of avoiding it. “We are in a new world under the most favorable circumstances,” he said, “and we wish to avoid most of those evils that have so much afflicted the United States and other countries.” A 1916 historian explained that Burnett “was opposed to slavery largely on account of the evil to both the white and black races by the inevitable mixing of the races where slavery existed.”

Burnett and his compatriots could not see that by trying to avoid “evil,” they were reinforcing one of the gravest evils of them all.



It is the summer of 1851. The second law preventing “any negro or mulatto” from entering or residing in the Oregon Territory is nearly two years old. A few more buildings have been constructed, perhaps, since the magazine cover picture was etched. The citizens of Oregon City have just elected their town’s founder, Dr. John McLoughlin, as mayor. A new newspaper, the *Oregon Statesman*, has recently been established.

Reading the newspaper’s notices and advertisements page feels like strolling through the commercial streets of the little town, hearing merchants calling out the day’s bargains. In the June 6, 1851, edition of the *Statesman*, we read of the two competing surgeon dentists; of the prices of “butter, old,” and “butter, fresh”; of lard, putty, soap, and sperm oil. Three dry-goods companies announce their plans to keep an assortment of merchandise “constantly on hand,” while another mercantile, “being desirous of closing out their present stock,” offers to exchange it for gold.

Does the young city already sense that the discovery of gold in California, just three years before, threatens their status as one of the most important commercial centers in the newly American West? The notices page is filled with gold: You can have it “insured and forwarded” by Adams & Co. or transported by the “superior facilities” of Todd & Co. Just about the only thing you can’t do with gold in Oregon City is pull it out of the ground. The Klamath mines in southern Oregon, some 275 miles away, have optimistically taken out an advertisement. But if you can’t find

gold in Oregon, there is also an ad informing readers of the precise address of every church in San Francisco.

The times are mobile and transient. The steamship *Hoosier*, we read, “will run regularly between Oregon City and Dayton,” a farming community some thirty miles upriver, carrying passengers and freight. But “the Keel Boat, Salem Clipper, still continues to run,” another ad assures us. Two express companies promise to carry “packages of every description” to “all parts of the United States.” Everyone and everything, it seems, is on the move.

With all this movement, some people have become lost altogether. “An afflicted mother,” we find out, “will be greatly obliged by learning where her son, GEORGE RARITY, about 16 years, is.” And there is a lost wallet—or a found wallet, rather: “much worn, containing some papers apparently belonging to Orville Krum,” which the finder will return if said Mr. Krum will reimburse him for the cost of the advertisement. Two citizens of Oregon City have lately made their final journeys: Four-year-old Albert Johnson has died, as has thirty-one-year-old Ann Calhoun, leaving behind “a large family of small children,” including an infant, one day old.

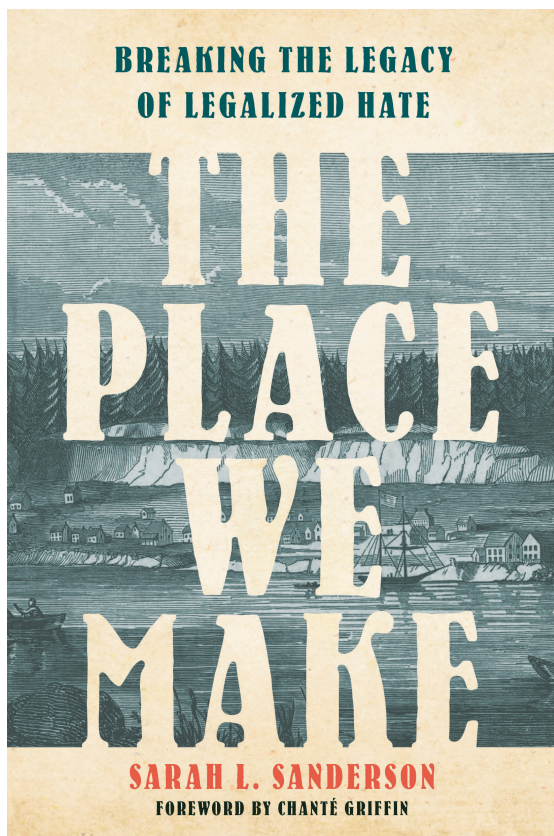
And then, in the third column of all this raucous humanity, five notices down, a small ad draws attention to itself with an ink drawing of a bird standing in the grass. “Oregon Saloon and Boarding House,” the copy reads, “Main Street, opposite the Statesman Office. Meals furnished at the regular hours for 75 cents. Persons from the country are invited to call.” At the bottom of the square, the proprietor of the establishment has signed his name.

It is the name of the only person in the history of the United

States ever to be convicted and punished solely for the crime of being Black: Jacob Vanderpool.

We don't know much about Jacob Vanderpool, but his name alone holds a clue. Vanderpool: It's Dutch. A witness in the trial would testify that he believed Vanderpool came from the West Indies, which had been partially colonized by the Dutch. And court documents classified Vanderpool as "mulatto," or of mixed racial heritage. As a biracial man from the West Indies with the last name Vanderpool, it's highly likely that Jacob Vanderpool was descended from a male Dutch plantation owner and an enslaved African woman.

It was a consequential time for these two men, John McLoughlin and Jacob Vanderpool. Both had begun their lives outside the United States of America: Quebec for McLoughlin, the West Indies for Vanderpool. By the summer of 1851, both had made their way across the North American continent to Oregon City. The French Canadian was elected mayor in April. The Dutch African began advertising his boarding house in June. By the end of that short summer, John McLoughlin would be granted American citizenship. But Jacob Vanderpool would no longer have a business to advertise.



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