Judicial investiture

Judge Michael McShane: A Formal Welcome

By Adair Law

Although Monday April 21, 2014 was a gray, overcast day in Eugene, a kilted bagpiper practicing outside the Wayne L. Morse Courthouse in the mid afternoon hinted that this was not an ordinary Monday. After passing through the courthouse’s security, members of the Eugene and Oregon legal community followed the sound of the bagpipes to the formal investiture of Judge Michael McShane, the District Court of Oregon’s 29th federal and first openly gay judge. The event took place in the wood-paneled ceremonial courtroom and overflowed into an adjoining courtroom equipped with a video link up. Confirmed as a judge on May 20, 2013, Judge McShane started his new job in Eugene on June 3, 2013 with full powers. This solemn, friendly and often humorous ceremony confers the authority and symbols of high office on the judge, and gives friends and colleagues a chance to speak of the judge’s qualifications and poke fun, while formally welcoming the new judge to the court.

It was a large welcoming committee. United States Senators Ron Wyden and Jeff Merkley and U.S. Rep. Peter DeFazio were there. Members of Oregon’s federal bench who attended the proceedings included Chief Judge Ann Aiken, District Court Judges Anna Brown, Marco Hernandez, Michael Mosman and Michael Simon; Senior Ninth Circuit Judge Edward Leavy; U.S. Bankruptcy Judge Randall Dunn; and Magistrate Judges John Acosta, Mark Clarke, Tom Coffin, and Patricia Sullivan. There were also a large number of state circuit court judges in attendance. Chief Judge Aiken thanked them for their attendance, noting that they did the emergency work of the judicial system.

Senator Merkley shared with those assembled that Judge McShane first came to Portland as a member of the Jesuit Volunteer Corps to live in community and serve the poor. Senator Wyden spoke of Judge McShane’s professionalism, objectivity, and fairness, noting that no one was more prepared for this moment. Audience members knew that Senator Wyden was referring not just to Judge McShane’s investiture but to the case he would begin hearing on April 23, a legal challenge to Oregon’s constitutional ban on same-sex marriage. In his remarks, Representative DeFazio quoted from Nelson Mandela’s first court statement in 1962: “In its proper meaning equality before the law means the right to participate in the making of the laws by which one is governed....”

Jolie Russo, president of the Oregon chapter of the Oregon Historical Society, was on hand to welcome Judge McShane as his investiture ceremony got underway.

Chief Judge Ann Aiken swearing in Judge Michael McShane. (Photo courtesy of Paul Carter/ Register Guard)
President’s Message

This issue of the newsletter contains the sweep of 140 years of northwest history, from the 1874 posting of Civil War veteran Joseph Sladen (who later served as Clerk of the District Court of Oregon) at Fort Vancouver to the investiture of Judge Michael McShane. In between we have a visit from our most recently appointed Supreme Court Justice, Oregon judges receiving honors, and an article based on the oral history of a path-breaking Oregon female trial attorney.

Even with the swath of history the U.S. District Court of Oregon Historical Society covers, we still have an event that would be recognizable to Capt. Joseph Sladen—a country picnic. On Sunday, August 3 we will enjoy a picnic at the Leavy Family hop farm. The focus of our picnic is also something that would likely receive Captain Sladen’s approval, honoring the staff of the U.S. Courts in Oregon. The appearance of the band China Watch with court staff members Houston Bolles and Rick Galarneau might surprise Captain Sladen, but what’s a picnic without a few surprises?

I hope that you will take this opportunity to enjoy a beautiful day, good food, excellent colleagues and friends at the Leavy family hop farm in the shade of some stately oaks. One lifetime member we will miss is Jan Dysart, who passed away in December 2013. Her face, which usually carried an expression of amused intelligence, was one we enjoyed seeing at our Famous Cases presentations, picnics, and annual dinners. We are appreciative that the Society has received her husband George Dysart’s archives.

I especially want to welcome and acknowledge the commitment of our new Board members—Ryan Des Jardins, Alyssa Engelberg, Molly Honoré, Tom Kranovich, Salumeh Loesch, Scott McCurdy, Stephen Raher, Jordan Schnitzer, and Tanner Webber—who started their two-year terms in January.

Finally, I’m pleased to announce that Oregon’s Federal Public Defender Steven T. Wax will be the recipient of our Lifetime Service Award this year. We will honor him at our annual meeting on November 6 at the Sentinel Hotel. Please mark your calendars.


Steven Joncus

Remembering Jan Dysart

By John Stephens and Adair Law

Juanita Dysart, known to everyone as Jan, died December 15, 2013. Jan was the wife of George Dysart, the longtime General Counsel to the U.S. Department of Interior in Portland, who died in 2002. Jan was born in Corvallis in 1926 to Lee and Opal Bennett. She graduated from Corvallis High School in 1944 and attended Oregon State College. She met a young man from Centralia, Washington named George Dysart who served with the U.S. Marines in the Pacific in World War II. He graduated from the University of Washington and from the Harvard School of Law (with honors) before he came back to work as an attorney for the BPA in 1949. George and Jan married in June 1951 and they raised three sons, Scott, Donald and John.

In 1969 George Dysart brought the legal case United States v. Oregon, in which U.S. District Judge Robert Belloni of Portland ruled Columbia River tribes have special fishing rights because of 1855 treaties with the U.S. government. That case led to the landmark 1974 ruling, in United States v. Washington, in which U.S. District Judge George Boldt of Seattle ruled that salmon harvests should be split 50/50 between tribes and others, including sport and commercial fisherman.

George Dysart was a founding member of USDCHS. After his death, Jan continued attending every annual picnic, annual dinner, and most Famous Cases presentations, just as she had before. For Jan, there was nothing quite so interesting as other people. With a quick smile and a nice laugh, she could talk to anyone. She was one of those people who had a nice way of drawing other people out.

Through George’s work on the Indian treaty fishing rights cases, he and Jan were frequent guests at gatherings at the Warm Springs Reservation. Jan was a big fan of Oregon State baseball, the Boston Red Sox, and needless to say—Jacoby Ellsbury.

She was one of those remaining links to the post-World War II period during which the federal court and the practice of law in Oregon became “modern.”
Judge McShane
continued from page 1

Federal Bar Association and a Lewis & Clark Law School classmate of Judge McShane’s, noted that among his other qualities, he is “courageous, independent, willing to make unpopular decisions.”

Multnomah County Circuit Court Judge Eric Bergstrom, a friend and colleague from Judge McShane’s years on the Multnomah County Circuit Court, noted that he was honored “and a little surprised to be here.” Known for his sense of humor, Judge Bergstrom asked the audience: What is the difference between God and a federal judge? Answer: God doesn’t think he is a federal judge. Judge Bergstrom then noted that, of course, God didn’t have to go through a Senate confirmation hearing. He reminded the crowd that Judge McShane would soon be making a decision that could affect a whole community—divorce lawyers. In a more serious vein, Judge McShane thanked his mother, who was at the investiture, noting that she lives by a simple philosophy, serve others. He extended his thanks to President Barack Obama for nominating him. He thanked Senators Wyden and Merkley for their kindness during the confirmation process and the senior judges for not dumping their worst cases on him. Chief Judge Aiken closed the event and the crowd adjourned to the jury assembly room for a reception.

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Federal Practice & Procedure for Summer Associates and Law Clerks
Mark O. Hatfield United States Courthouse
1000 S.W. Third Avenue - Portland, Oregon
(Photo I.D. Required for Admission)

Famous Cases Presentation: Bankruptcy in the Cathedral
A presentation on Portland’s archdiocese bankruptcy cases, featuring Bankruptcy Judge Elizabeth Perris, Howard Levine, Al Kennedy, Erin Olson, and Tom Dulcich.
Learn about Oregon’s most complex bankruptcy litigation from the judge and attorneys who resolved it.
1.0 CLE units applied for – no charge

Bench and Bar Social
Ninth Floor, Mark O. Hatfield Courthouse
The Day I Met Justice Sotomayor
Silvia Tanner
Lewis & Clark Law School, '15

Although my seat at the Portland Literary Arts event was in the back of the Arlene Schnitzer Auditorium, as the March 11 event approached, my excitement grew. I was going to see Justice Sonia Sotomayor, someone whose story of hard work and determination inspires me so much.

A couple of things led me to suspect that I might actually see the justice from a shorter distance. First, Chief Judge Ann Aiken organized a diversity event called “Behind the Robes” just before the justice’s talk. “Behind the Robes” offered students a chance to interact closely with federal and state judges from a wide array of backgrounds. Second, Ramon Pagán, president of the Oregon Hispanic Bar Association and former clerk of the justice, sent me a very upbeat e-mail about the importance of promoting the event with Lewis & Clark students. I have worked with him for two years and that is not his usual tone. “Okay,” I thought, “even if I am right, she will probably give a short speech and leave.” This was still a very exciting prospect, but nothing like what I was about to experience.

For “Behind the Robes,” we gathered in Judge Aiken’s courtroom at the Mark O. Hatfield Courthouse and heard Seema Patel give a very personal and engaging speech about her story as a woman from a minority background in the United States, her experiences in India, and her path in the law. She works with the White House Initiative on Asian Americans and Pacific Islanders.

Over 100 people attended the event, a mix of students, judges, attorneys, and children with diabetes who came with a doctor from Oregon Health & Science University. In her memoir’s prologue, Justice Sotomayor wrote of her realization as an eight year-old that she would need to take responsibility for caring for her diabetes.

When the justice arrived, the room suddenly grew loud with excitement. After greeting the room, she went around answering one question per table. When asked if I wanted to ask our table’s question, I jumped at the opportunity.

The justice wrote in My Beloved World that as a child she wanted to be a better student, so she asked another good student for advice and successfully implemented it. Now that I had the opportunity to speak to someone as successful as her, I wanted to know her advice on how to be better lawyers and law students. She recalled Justice Steven’s words: Nobody is born a justice. You grow into it.

So, how do you become better at what you do? Identify people whose work you admire, read and analyze their work, and seek their mentorship. That’s the advice that Justice Sonia Sotomayor gave me.

Justice Sotomayor visits Lewis & Clark College
Adam Geisler, Lewis & Clark Law School, Small Business Legal Clinic

On Wednesday March 12, 2014, Lewis & Clark Law School hosted an hour-long event, “Conversations with Justice Sotomayor” which was attended by students, faculty, and staff. Justice Sotomayor was introduced by Law School Dean Robert Klonoff. Dean Klonoff and special guest Rudy Aragon of White & Case were both Yale Law School classmates of Justice Sotomayor. For the first half of the event, Justice Sotomayor answered prepared questions from her former classmates. Most of the questions were centered on her background and her experiences in the Supreme Court. The speakers conversed as old friends would; each of them taking their turn to make a friendly joke at one another’s expense. The packed audience in Pamplin Gym joined in on the laughter.

During the second half of the event, Justice Sotomayor roamed the audience fielding questions and taking pictures with students and staff. Her genuine, eloquent responses endeared her to the crowd as she painted a vivid picture of the complex legal issues she faces daily. Justice Sotomayor used the event as an opportunity to educate the
audience on the blessings and burdens that come with being a Supreme Court Justice. She mentioned that even when she wins a case, she still feels deeply for the other side because she knows that they “lost something they were passionate about.” Justice Sotomayor spent the entire hour answering questions and letting the audience have a small glimpse of her life as a Supreme Court Justice. She was escorted by several members of the U.S. Marshals Service. Justice Sotomayor noted that the marshals were probably not happy with her roaming the crowd taking questions, and it appeared that she was right because they followed her closely. She was walking around on a leg that she injured prior to coming to Oregon.

Although there was a disclaimer at the beginning of the event informing the audience that Justice Sotomayor would not discuss any current cases, she did not shy away from sensitive topics altogether. For example, she was not afraid to address the lack of diversity in the Supreme Court. At a breakfast prior to the event, Judge Anna Brown, Judge Clarke’s former law partner Tracy McGovern and his former law clerk Karen Clevering spoke on his behalf. When asked about the award, Judge Clarke noted that Judge Panner has been a respected friend and mentor for many years.

Judge Clarke writes: “He has taught me many things about being a judge, but more importantly, about our profession and how to fairly treat people. First, we have one of the best professions because we have the opportunity to help people. Second, we do not lose our humanity when we became lawyers or judges. Third, protect your integrity at all times. Fourth, we all do serious work but should never lose our sense of humor. Finally, attitude is important and although our profession has challenges, we are privileged to be lawyers and judges and should enjoy it.”

Judge Marco Hernandez received the Paul J. De Muniz Professionalism Award from the Oregon Hispanic Bar Association. The award originated in 2006 and is named for Oregon’s first Hispanic Chief Justice, who is also the award’s first recipient.

The award is given to individuals who elevate the practice of law by a combination of attributes such as exemplary professionalism; contributions to the justice system and the public; courage in the face of adversity; outstanding service to the bench, bar, and people of Oregon; exceptional volunteer work and community service; outstanding efforts in providing free or low cost services to the poor; significant contribution to advancing legal education in Oregon; dedication to mentoring students and legal professionals; and exemplary dedication to the OHBA and to the Latino community.

Judge Hernandez writes, “Justice De Muniz is a great example of all the things the award celebrates. Since 2006, the award was given each year to amazing members of the Hispanic legal community. I am very humbled and flattered that the OHBA chose me to be its 2014 Paul De Muniz Award winner. My wife and I still can’t figure it out.”

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This article is based on an oral history conducted by Diane Rynerson in May 2000 and on additional research as well. It is on file with the Oregon Historical Society on behalf of the U.S. District Court of Oregon Historical Society. As with many women attorneys, McGraw has had more than one last name in her career, including Kelly and Saltveit, while we use her current name in this article.

Noreen Kelly Saltveit McGraw was born March 7, 1932 in Medford, Oregon to a lawyering family. Her father Edward C. Kelly was a second-generation lawyer and later a respected judge. She attended Marylhurst College as undergraduate and went on to, the University of Oregon Law School. She was a politically active Young Democrat and she graduated in 1955. McGraw graduated from the University of Oregon Law School, passed the bar, was sworn in, and began practicing law with her father in Medford. With full confidence in his daughter, Edward C. Kelly sent her off to try the case right after she began work, thus starting her historic legal career as one of Oregon’s first female trial lawyers. She started her pioneering legal career in the hot seat, defending a drunk-driving case in Phoenix, Oregon with a “hanging judge.” McGraw learned at her father’s right hand how to try cases. When her father was appointed to the circuit court for Jackson and Josephine counties in 1957, McGraw asked her brother Bernard (also a lawyer), to join her at their father’s large law and litigation practice, which he did. During this time, McGraw served as the city attorney for Gold Hill and also as the Medford municipal judge. She recalls the mayor wanted an idealistic person as city judge, someone who would allow the parties to say their piece.

At one point, McGraw and her brother Bernard were both city judges and their father Edward was a circuit judge. The trio appeared on the popular game show, “What’s My Line?” McGraw quickly became a high-profile single woman in a small town, and was itching to get out of the “fish bowl.” In 1960, with many trials and an Oregon Supreme Court case under her belt, she moved to Portland.

Getting Established

McGraw found it challenging, in the pre-Civil Rights era, to land a job in Portland despite her extensive trial experience. During interviews, she was asked if she wasn’t just going to have babies and quit, or if she would be happy as a “glorified legal secretary” or doing library research. She was firm that she wanted to try cases. Ultimately, she sent 35 to 40 resumes out, had 10 to 12 interviews, and eventually had one job offer, trying cases for Oregon Attorney General Bob Thornton as the state’s only female trial attorney. McGraw happily joined the group of young attorneys trying cases in Multnomah County and all over the state, gaining acceptance and respect along the way. She tried personal injury and SAIF cases against Frank Pozzi, Dan O’Leary, Don Wilson, Don Atchison, Chuck Paulson, Burl Greene, and many other plaintiff’s attorneys.

McGraw married Carl Saltveit, an assistant labor commissioner, in November 1960. In 1961, the William “Smoky” Humbird case—a big break for her—came her way. The plaintiff’s nurse disliked Humbird and called McGraw to tip her off to a “Bonanza-style” shootout reenactment Humbird was playing in just two days before his trial seeking permanent total disability. McGraw took a train with her husband Carl to watch and take notes on the event, with Humbird crawling around on the ground. She tried the case two days.
later against Frank Pozzi, before then-circuit Judge Herb Schwab, dragging her cross examination until just after lunch, then zinging Humbird with the events two days earlier. The jury enjoyed the show, and did not award permanent partial disability.

In court, McGraw learned to be professional but firm when opposing counsel was disrespectful, objecting to the court if an improper remark was made towards her based on the canon of ethics. She faced some cantankerous judges and smarmy attorneys early in her career, but also faced wary jurors, especially the female jurors. With female attorneys still being such a novelty, McGraw soon realized that female jurors worried that she would not be prepared or would not do well. She worked diligently to be prepared and present a strong case, and she could tell the jurors, female and male, would relax about halfway through trial once they realized she could hold her own in the courtroom.

Noreen and Carl Saltveit had three sons and a daughter during the 1960s. She worked half time with Attorney General Thornton’s permission (something legal employers rarely do even today). She eventually left the Attorney General’s office and opened her own office, also a rare event for a female at the time. She signed up for the criminal appointments list, and was appointed to several criminal cases before U.S. District Judge Gus Solomon. McGraw found that Judge Solomon treated her as slightly inferior as a female attorney. He would call her at home asking her how she would prove certain elements of her case. She thought “What do I have to do to prove myself to this guy?” There were few other female trial attorneys in those days, Neva Elliott doing criminal cases, Mary Vershum in Gresham, and Aggie Peterson in St. Helens. There were so few female trial attorneys that McGraw was often mistaken for Aggie Peterson, although they looked nothing alike. McGraw’s solo practice included workers’ compensation cases, a growing practice area, and she was Kemper Insurance’s primary workers’ compensation attorney for over a decade.

New Challenges

In 1971, soon after winning a major migrant worker class action case, Moreno v. Tankersley she was approached by Don Marmaduke, Larry Aschenbrenner, and Charlie Merten to start a public-interest law firm. McGraw, who spoke fluent Spanish (having spent a year in Mexico with her family in 1966) and had the Kemper Insurance work, was a great asset to the new firm. After two years, Marmaduke joined the new Tonkon Torp & Galen firm, Aschenbrenner went to work for the Department of the Interior on Indian affairs, and McGraw and Merten started their own firm. The migrant worker class action case, and perhaps the 1970s in general, fueled liberal Catholic Democrat McGraw’s passions for social justice, she recalls:

…when I think of those times… it’s funny because I can see that the ’70s—we all had a feeling that social justice was achievable and that it was a great time to try to achieve it, and it was sort of now or never. And the reality was, that that was the truth. Because when you got into the ’80s, there weren’t the possibilities of reform from within, nearly as much as there were in the ’70s. The ’70s were kind of a rough-and-ready time when you could try all sorts of new things and new theories and battle, and do your share of winning, and feel like you were really accomplishing something.

One of the firm’s clients was a woman (represented by Owen Blank, who was then working for the firm) who had paid the Multnomah Athletic Club membership dues for years for herself and her husband. When the couple divorced, she lost, among other things, a Multnomah Athletic Club membership, because at that time women could not hold their own memberships. McGraw’s firm sued and the Multnomah Athletic Club, which eventually changed its rules to allow women to hold memberships in their own names.

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Noreen S. McGraw  
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McGraw was active in liberal politics throughout her life, starting at Marylhurst College then at University of Oregon Law School, later taking up migrant worker and farm labor issues. She once attended a meeting with Cesar Chavez and a prayer vigil at the state Capitol just prior to Governor McCall’s courageous veto of a restrictive farm labor bill in the mid-1970s. McGraw also recalls more women coming into the practice of law in the 1970s, including Katherine O’Neil, Sue Reese, Kris Rogers, Susan Hammer, and Gayle Troutwine. McGraw recalls a dinner party at George Van Hoomissen’s house discussing the Multnomah Bar Association’s sexist leadership rules changes, which were made just before the first female, Virginia Riley, would have become president. McGraw commented, “Oh, yeah, just about the time a woman will finally have a chance to become president, you change the rules and prevent her from being it.” And there was sort of this shocked silence, but it was so obvious it was just terrible.”

Growth of Women Lawyers

McGraw’s reputation in the legal community was strong enough in the 1970s that she was approached for several different trial court and appellate positions, including the new Oregon Court of Appeals and the U.S. District Court. She felt a woman should be appointed to the District Court, but was reluctant to seek the position knowing her friend and law partner Charlie Merten also was interested. Ultimately, Helen Frye was appointed as the court’s first female judge. McGraw’s decision also was affected by memories of her father’s circuit court work. She recalls his difficulties handling juvenile cases involving the worst of human conduct, and his difficulty in watching ill-prepared trial lawyers handling cases. McGraw seriously considered the bench, but ultimately was pleased she did not give up her role as advocate. McGraw and Merten maintained their partnership until they amicably split in 1982, when she once again opened a solo practice. She became the first female head of the Oregon State Bar’s Continuing Legal Education committee, and worked as an editor on some publications. McGraw also began doing mediation work, and became involved with Oregon Women Lawyers, at Aggie Peterson’s urging, and served on the OWLS’ board from 1992 to 1995. She attended the Oregon Women Lawyers’ first dinner, at the Benson Hotel, and was blown away by the numbers of women in attendance. Simultaneous to her service on the Oregon Women Lawyers’ board, McGraw was elected to the Oregon State Bar Board of Governors, serving 1992-94, and as vice president her last year on the board. As she gained insight on how to become a bar leader, she then used this knowledge to provide Oregon Women Lawyers’ members with information on becoming leaders themselves. McGraw subsequently served on the Multnomah Bar Association’s board, and more recently has been awarded with the Oregon State Bar’s Award of Merit.

In 1997, Noreen took a month-long around-the-world trip, where she met another traveler—Dr. William R. McGraw, a retired university professor and academic dean from Ohio. They married in 1998 and moved to Prineville, Oregon in 2000. Noreen McGraw now lives in San Diego, still practicing alternative dispute resolution on a part-time basis, as well as traveling and spending time with her family.

Honoring Judges  
continued from page 5

Bankruptcy Judge Elizabeth Perris received the Justice Betty Roberts Award from Oregon Women Lawyers in March. The award was named for its first recipient, Justice Roberts (the first woman to serve on the Oregon Supreme Court) in 1992. The award recognizes an individual who has made an outstanding contribution to promoting women in the legal profession and in the community.

Judge Perris writes, “I was very surprised to receive the award because encouraging women to pursue legal careers and advancement opportunities, plus opening doors is the right thing to do. It has been gratifying to witness the career development and success of the many wonderful women lawyers I’ve known and worked with over the years. It is humbling to be included with the group of past recipients, who are women and men I have respected and admired for many years.”
Many thanks to Christy Weller for providing the first push down the path of this article. Information came from Making Peace with Cochise: the 1872 Journal of Captain Joseph Alton Sladen, edited by Edwin R. Sweeney, and foreword by Frank J. Sladen, Jr. University of Oklahoma Press, 1997, conversations with Bob Wagner, and additional research.

In 2000 after several years as legal colleagues at the firms Schwabe Williamson and Hoffman Hart & Wagner, David Miller and Robert Wagner decided to “shack up,” as Wagner puts it, and start the Miller Wagner law farm. The shack they chose for this endeavor is a stately building at 2210 NW Flanders designed by Portland’s first architectural firm Whidden and Lewis for their client Joseph Alton Sladen. Built in 1897, the house had seen better days, but Wagner enjoyed refurbishing older homes. The building was bought under an LLC named N2Deep, a fitting moniker since it perfectly describes the feeling of anyone researching the history of the people connected with this building.

Joseph Alton Sladen was a man who spent his life in the assistance and organization of others as a foot soldier, army aide de camp, and a clerk for the U.S. District Court of Oregon. Sladen was born in Rockdale, England in 1841 and settled in Lowell, Massachusetts with his parents in 1846. He was of average height for his time, about five feet six inches tall, with light hair, a light complexion, and hazel eyes. He signed up as a private in Co. A of the Massachusetts 33rd Infantry in August 1862. He fought at the battles of Chancellorsville and Gettysburg in 1863. At Gettysburg he became part of Gen. Oliver Otis Howard’s detail. A man of deep religious conviction, O.O. Howard was known as the praying or Christian general. A math instructor at West Point, he was contemplating becoming a minister when the war broke out. His right arm was amputated in 1862 after severe battle wounds. Private Sladen remained with General Howard’s detail and in 1864, during Sherman’s March to the Sea, he won two brevets and a medal of honor for distinguished gallantry in the May 14, 1864 Battle of Resaca, Georgia. By the end of the war Sladen had risen to the rank of first lieutenant and on March 26, 1866, he was mustered out of the volunteer service. The next day, he received an appointment as second lieutenant in the 17th infantry. Later that year on November 29, he married Martha Frances Winchester of Lowell, Massachusetts.

General Howard was put in charge the Bureau of Refugees, Freedmen, and Abandoned Lands (the Freedmen’s Bureau) which was created by Congress in March 1865. The bureau was created by the War Department to assist blacks and whites in the transition from slavery to freedom in the South. General Howard was a great supporter of education for the recently freed slaves and was able to start several colleges and training schools, including Howard University, which was named for him. Lieutenant Sladen’s assignment with General Howard...
allowed him the opportunity to attend Georgetown Medical College (later known as Howard University Medical College) in Washington, D.C. He graduated in 1871 with an M.D. In 1872 he attended Bellevue Medical College in New York City where he also received an M.D. He and wife Martha had the first of their four children, son Fred and daughter Carrie, during that time. Sons Harry and Frank followed in 1875 and 1882.

In August 1872, General Howard was dispatched by the Grant administration to meet with the Chiricahua Apache leader Cochise and bring an end to his decade-long guerilla war against American settlers. Sladen accompanied General Howard, a guide, and two Apache scouts on this mission. He also kept a journal of his “two months quest from Fort Tularosa, New Mexico to Cochise’s stronghold” in Arizona’s Dragoon Mountains. Howard successfully negotiated a treaty with Cochise in September 1872.

Traveling West

General Howard was posted to the Department of Columbia (the state of Oregon and the territories of Washington and Idaho) in August 1874 and Lieutenant Sladen followed him there, as did a recent West Point graduate, Lt. Charles Erskine Scott Wood (1852-1944). Their main base was at the Fort Vancouver Barracks, but they moved throughout the forts of the area. In the “Military Notes” section of the September 4, 1874, Oregonian, Sladen’s duties were described as aide de camp, acting assistant adjutant general, and acting judge advocate. He gained the rank of captain. On October 12, 1875, during a trip to Fort Walla Walla, Captain Sladen mounted a horse that had not been ridden recently. He was thrown against a tree and broke his right leg. Unfortunately gangrene set in, and on October 25, a surgeon amputated Sladen’s leg above the ankle. The November 10, 1875 Oregonian noted that Sladen’s life “is now considered safe, for the present at least. The danger so much dreaded by the surgeons, of gangrene reappearing in the stump, is about over. We hope the time is not far distant when the kindly face of Captain S. will once more be visible to his friends.” Sladen and his wife had three children under the age of eight at this time. Less than a year later, on August 16, 1876 while traveling to Astoria on the steamer John L. Stephens, Sladen fell and broke his right leg again, this time above the knee, which may have led to an additional amputation.

Sladen continued as General Howard’s adjutant during the Nez Perce campaign of 1877 and the Bannock campaign of 1878. Lieutenant C.E.S. Wood was Howard’s aide de camp in the Nez Perce campaigns and it was Lieutenant Wood who took down Chief Joseph’s surrender speech, one of the most famous examples of Native American oratory, at Bear’s Paw Mountain. In the first half of 1879, both Wood and Sladen were in eastern Washington Territory during negotiations with Chief Moses and the Sinkiuse-Columbia (Interior Salish) Indians. During the trip, the multi-talented Lieutenant Wood carried a sketchbook, making detailed drawings and watercolors of the landscape and many of the chiefs he encountered. He even captured his sleeping comrade Captain Sladen, renaming him “In His Great Sleep” for the purposes of his sketchbook. The sketch is below.

Further Travels

In October 1879, at the end of a two-year around the world trip, former President and General Ulysses S. Grant and his wife, Julia, traveled from China to San Francisco and then on to Oregon. General Grant was stationed at Fort Vancouver from September 1852 to September 1853. General Howard, Captain Sladen, and Lieutenant Wood traveled to Astoria to greet them, where General Grant came ashore and addressed the crowd. His ship the St. Paul continued on to Fort Vancouver and the next day on to Portland where it was caught up in the sandy shoals off Swan Island and needed two ships to help set it free. According to the October 15, 1879 Oregonian, Sladen in Arizona, 1872 during his pursuit of Cochise.

(Courtesy of Sladen Family and Mike Ryerson)

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(Courtesy of Sladen Family and Mike Ryerson)
Oregonian, General Grant took the opportunity to joke with his wife, who was an uneasy water traveler, “Julia, you ought to be satisfied now, we’ve gone to the bottom at last.”

In 1881 Sladen, Wood, and their families followed General Howard to his new posting as superintendent of West Point. Wood attended law school at Columbia University, left the army, and returned to Portland where he became an important cultural and legal figure. Captain Sladen accompanied Howard to the Department of The Platte in Omaha, Nebraska. Sladen was detached from Brigadier General Howard’s staff in 1885 and assigned to Fort Vancouver in Washington Territory. General Howard wrote to his friend that he would remember their “marches, battles, inspections, day and night toilings, helpfulness in trouble, sympathy in pain, joy in triumph, chagrin at false friends, and loyal service to the country...so much that my heart swells as I think that I am growing old and need you still so much.”

A Job and Home in Portland

Captain Sladen remained with the army until he retired in April 8, 1889. He moved to Northwest Portland. He worked as general manager for Aetna Life Insurance Company and later as agent for the German American Insurance Company, where he remained until 1894. At that time, he accepted a job as Clerk of the U.S. Circuit Court, District of Oregon in Portland, based at what is now called the Pioneer Courthouse.

Over thirty years after the actual event, in July 1895, Captain Sladen received a medal for distinguished gallantry in action from his days as a young private in the 33rd Regiment of Massachusetts Volunteers. A reporter for the Oregonian noted that the medal was “a five-pointed star, of bronze, of no intrinsic value, but all the more highly prized on that account, like the Iron Cross of Germany. On the face is a figure of Liberty repelling treason and on the reverse is inscribed: The Congress to Captain Joseph A. Sladen, USA for gallantry at Resaca, Ga., May 14, 1864.” Captain Sladen was very pleased to receive it.

The Sladen family—Joseph, wife Martha and their youngest child, Frank—moved into their newly completed home at NW 22nd and Flanders in 1897. Sladen hired the architects William Marcy Whidden and Ion Lewis to design the home. Whidden and Lewis formed their partnership in 1889 and no other architectural firm put such a strong stamp on Portland between 1890 and 1920. Their private and public buildings include Portland City Hall (1905), the Multnomah County Courthouse (1911 and 1914 addition), the Arlington Club (1909) and numerous residential projects around the city. The Sladen house was a stately, but not huge, two-story home with a parlor that looked out over what became a lovely garden. In that now busy and built-up portion of Portland, it is hard to believe that the Sladens enjoyed a quiet, almost lonely corner there for several years.

Retirement and Tragedy

Captain Sladen served as clerk of the court from 1894 to 1908. When he received news that President Theodore Roosevelt had recommended his promotion on the retired list from captain to major, he tendered his resignation immediately and G.H. Marsh took his place. Captain Sladen remained active in a range of volunteer organizations, including Boys and Girls Aid Society, Scottish Rite Masons, Grand Army of the Republic, and the June 1909 Northern Baptist Convention in Portland.

In July 1909, the Sladens went to stay in a Gearhart cottage on the Oregon Coast for several weeks. Dr. Roy A. Miles Collins and his wife Kate served as caretakers while they were away. The Collinses had married three months earlier in Honolulu. Dr. Collins’ had an earlier marriage that ended when his wife, the former Norah Lang (described as a chorus girl from Iowa) eloped with Vigo Holstein von Rathlou (who claimed he was a Danish count) in July 1908. The Collinses were in the basement packing up their belongings on the morning of July 24, since the Sladens were expected back that evening. Kate thought Roy was still in love with his first wife, who had returned to Portland. Their conversation turned to separation and then divorce. Kate grabbed Roy’s gun in an attempt to take her life. He got in the way, she shot him, and he died in her arms. Kate Collins was acquitted of murder by the jury in 90 minutes on the grounds of insanity on October 14, 1909.

Captain Joseph Sladen died of a heart attack on January 25, 1911. He and his wife Martha were eventually laid to rest at U.S. Military Academy Post Cemetery in West Point, New York, where their son Fred Winchester Sladen served as Superintendent of the U.S. Military Academy, from 1922 to 1926, following General Douglas MacArthur in that position. Major General Fred W. Sladen retired in 1931.

As for the Sladen House, it remains, stately and surrounded by sumptuous landscaping at the southwest corner of Northwest 22nd and Flanders in Portland. Take a look at it the next time you are in the neighborhood.
SUNDAY, AUGUST 3, 2014

USDCHS Annual Picnic!

*Leavy Family Hop Farm*

1:00 – 3:00

Finger-licking Good Barbecue

Music from China Watch

with Houston Bolles and Rick Galarneau

3:00

Let the Games Begin!

Egg race, balloon toss, and more!

*See USDCHS.org/events for more info and directions*