

For the first time in its 94-year history, the Multnomah Bar Association posthumously reinstated a member who was expelled after being implicated in a 1912 same-sex vice scandal. The efforts of George Painter, who has researched the incident during his spare time for the past four years, led to the vindication of Edward S.J. McAllister.

It all started in the early 1900s when the mayor of Portland was pressured to clean up the town. Oregon's governor wanted to rid the state of gambling and prostitution and set a high standard for morality.

The mayor was a rival of his and had different views about what people did in their private lives. Nonetheless, he bowed to political pressure.

Gambling and prostitution were high on the list of things to clean up, but a vice commission unexpectedly stumbled across a same-sex scandal at the YMCA. By the time those who were questioned finished naming names, 68 men were implicated.

When the scandal broke in the fall of 1912, every state had a sodomy law. Most described it as a crime against nature, allowing the courts to determine exactly what that meant.

The *Portland News* didn't have any trouble with the definition. "Charged with the most debased degeneracy that human or brute nature can be guilty of; charged with degeneracy of the sort that made Sodom ashes and Gomorrah a sand pit, 25 men, male persons is better, in this town are tonight telling the noisome and nasty details to a gasping officialdom," the paper declared Nov. 15, 1912.

According to Painter, a lot of men fled when the trials started. Some were caught and brought back, others were allowed to leave, and a few

CASE CLOSED

The Multnomah Bar Association rights an 88-year-old wrong by Pat Young

never were heard from again.

During the trials, Painter says the court had an interesting way of labeling the participants in same-sex relationships. Even if both men were 30 or 40, "the older was considered the perpetrator, and the other was the boy victim."

In February 1913, it was McAllister's turn in court. He was one of the more prominent men to stand trial.

Painter says the well-known attorney was active in political affairs. He helped write the Portland City Charter, was caught up in the tax issues of the day and was associated professionally with William U'Ren, who established the initiative and referendum process in Oregon.

Because of his reputation, McAllister had no trouble finding four attorneys to defend him. But despite their efforts and their eloquent arguments, he was found guilty of sodomy and sentenced to one to five years in prison.

McAllister remained free on bail while his case was appealed to the state Supreme Court. His conviction eventually was overturned Nov. 20, 1913, because of tainted evidence.

This is where it gets suspicious for Painter. He says the Multnomah Bar Association probably anticipated the state Supreme Court's reversal.

So, it was prepared to get even with McAllister in its own way. Five days after the reversal, the association made a motion to expel him.

"There is absolutely nothing in the minutes

of any kind of debate or what the vote was," Painter contends. "But two months later, in January 1914, the minutes read that McAllister was, in fact, expelled from membership."

And with that, his law career ended. McAllister held a job as a clerk for a while before buying a farm in Myrtle Creek, near Roseburg.

He lived there without any further scandal and died in 1926. In addition to changing McAllister's life, the scandal affected Oregon's sodomy law.

"The prison term was increased to 15 years," Painter says. "Also, the term 'crime against nature' was replaced with very broad language that covered virtually any erotic activity between two people. That law remained unchanged until the 1971 Criminal Code repealed it."

The fact that McAllister's law career was ruined and that he endured such a scandal didn't sit right with Painter, so he wrote to



Edward S.J. McAllister



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the Multnomah Bar Association to find out about a possible reinstatement. He backed up the request with as much documentation as possible.

"I think the heaviest evidence is the motion to expel McAllister five days after the state Supreme Court reversed the conviction," Painter notes. "They really didn't have a legal ground to expel him."

In June 2000, the Multnomah Bar Association board agreed and unanimously voted to reinstate McAllister as a

member. In a letter to Painter, the equality committee chairman wrote, "The information available is consistent with the conclusion that Mr. McAllister was expelled due only to the fact that he was gay."

■ PAT YOUNG, a Portland-based free-lance writer and gay and lesbian historian, is writing a book about Ballot Measure 9.

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