

Witness on Trial



Bishop W. Angie Smith at the Church Trial of James J. Stewart

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On the morning of April 25, 1957, in Cincinnati, Ohio, Methodist Bishop W. Angie Smith of Oklahoma City was elected president of the Council of Bishops of his denomination by acclamation. That night, his predecessor, Bishop W. Earl Ledden, turned the chair over to him. Smith was elected president of the bishops of the South Central Jurisdiction as well. He thus became, in effect, the most powerful individual in The Methodist Church. Within a week, however, Smith's practices as the bishop of the Oklahoma–New Mexico Area came under intense examination dur-

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ing a church trial of a minister. The proceedings briefly trained a national spotlight on difficulties in The Methodist Church about holding bishops accountable and about the procedures for trying clergy.¹

Since 1944 Smith, a native of Texas, had lived in Oklahoma City and presided over the work of the denomination in his area, which included part of southwest Texas as well as Oklahoma and New Mexico. He had “adopted” Oklahoma “as his [s]tate and loved it,” giving “time and thought to every movement for its betterment.”² A major upcoming event in his home city was a ceremony planned for May 10, 1957, at which the Oklahoma City Chamber of Commerce planned to recognize him as the “Man of the Year.”³ First, however, Bishop Smith must travel to El Paso, Texas, whose churches belonged to the New Mexico Conference.

In El Paso on April 29, 1957, Smith participated in the church trial of the Reverend James J. Stewart of Albuquerque, New Mexico, a minister who had established two growing congregations in that city, Trinity in 1944 and St. John’s in 1950. Stewart had filed complaints against Bishop Smith in late 1956, accusing the bishop primarily of encouraging and receiving inappropriate “love gifts” for himself and his family. Some of these love gifts, Stewart alleged, had even been used to pay for Mrs. Smith to travel to different parts of the world with her husband. Ironically, the trial was to take place in part because of a letter that Smith’s predecessor, Bishop Ledden, had sent to Stewart. Stewart was advised by Ledden that the Council of Bishops would not hear his concerns about alleged misconduct by bishops. Ledden also informed the minister that the church provided “other procedures,” i.e., filing charges, that he could follow if he felt he “must take this step.”⁴ Stewart’s action led to a meeting of the Committee of Investigation of the Oklahoma Annual Conference on January 10, 1957, at the May Avenue Methodist Church in Oklahoma City. During this meeting the committee completely rejected Stewart’s complaints and denounced him in a blistering statement from the committee and three district superintendents.⁵ By April 1957 the minister was on trial.

The church proceeding against Stewart was unusual in part because the minister himself had insisted on it, seeing it as one way to keep his campaign against love gifts before the public. Accordingly, the trial was set, but Stewart had then walked out of it when the presiding officer, the Reverend Ralph R. Reed, denied his request for an open trial. It was unusual for another reason: Smith found himself as an unofficial defendant. In a real sense the proceeding

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was a trial within a trial. This trial was of Bishop Smith himself. This understanding of what had happened at the trial was graphically illustrated almost four decades later when one of the jurors was asked about the proceedings in El Paso. He said simply, "We cleared Bishop Smith."⁶ Another juror had the same impression, viewing it as really a trial of the bishop and even referring to the prosecutor for the church as the defense attorney for Bishop Smith.⁷ This study examines Bishop Smith's role as an official witness against Stewart and then as an unofficial defendant.

Bishop Smith was the first and primary witness against Stewart. In fact, when the bishop finished the first part of his testimony, the Reverend Joe Scrimshire, the prosecuting counsel for the New Mexico Conference, thanked him for "sav[ing] a lot of time in getting the information that we needed before us and into the record."⁸ Smith's statements at the trial fall into three categories: support for the charges and specifications against Stewart; testimony about church law; and other comments about the minister. (In the first group, one of the complaints against Stewart was that he had filed false charges against the bishop; Smith's comments about that are discussed in the second part of this study.)

The charges against Stewart were severe. He stood accused of "[u]nchristian tempers, words, or actions" and "[i]mprudent or unministerial conduct." Smith addressed several of the specifications that supported these two charges. They tend to overlap and can be arranged into three groups. The first relates to Stewart's complaints against Bishop Smith, other church leaders, and the bishop's family. The minister was accused of using the press to make "false and misleading" statements about church officials. For example, Stewart held the ecclesiastical leadership responsible "for a shortage of Methodist ministers." The second group deals with Stewart's relationship with the Oklahoma Conference's investigating committee that had reviewed his complaints against the bishop: He used it instead of the New Mexico committee, refused to attend its hearing, failed to present evidence that supported his charges, and widely distributed statements that condemned the committee and its findings. The third set of specifications can be grouped as miscellaneous matters, including accusations that he falsified membership statistics at St. John's, that he made a public claim that left the erroneous impression that "he had been denied a right," and that he refused to go to a church to which he had been appointed.⁹

Scrimshire opened up the first group of specifications by having the bishop describe his relationship with Stewart over the past ten years. Smith made some broad statements about it. Although at one time he had thought their relationship “a pleasant one,” he came to realize that Stewart was “tracking me or having his friends do so, also members of my family. . . .” The minister had “either unintelligently or through some weakness with which I am not familiar attacked the character not only of myself, but of my lovely wife.” The bishop concluded this long, wide-ranging statement by observing that the minister “ha[d] done everything that he possibly could do to me and my family and the Methodist Church to attempt to embarrass us and injure me[,] and at no time have I ever done anything but to help him.”

In his questions to the bishop following this reply, Scrimshire noted that Stewart had made accusations about matters “going back nine (9) or ten (10) years ago.” He asked the bishop if he had not been “warned that [Stewart] would go to any lengths to embarrass or ruin you if he was moved. . . .” Smith said that he had been warned “in the last two years” and then wondered why Stewart had not earlier pressed charges “if these things had happened.” By not having done so, he said, the minister “clearly demonstrated that he was trying to build up some material to hold as a means of blackmail.”

Within his early testimony and in replies to the subsequent questions, Smith supported several specifications against Stewart that described his opposition to the bishop. The former pastor had not consulted him: “He has never discussed any of the matters in any shape, form, or fashion with me.” “It would have been better,” the bishop said, for Stewart “to come and discuss [his concerns] with me.” In reply to Scrimshire’s reminder that Stewart claimed that “in this area” there was a shortage of Methodist pastors “because the Bishop and the District Superintendents have their hands in the funds of the preachers and are demanding gifts,” Smith replied, “That is certainly a falsehood.” He said that every church in his area had a pastor, although certainly the area “could use another fifty (50) or more preachers.” He then wondered aloud whether Stewart “ha[d] ever furnished a one.” Regarding Stewart’s frequent use of public media to press his case against his superior, the bishop stated more than once that the minister was looking for publicity.

Replying to several questions by Scrimshire, the bishop testified about Stewart’s relationship with the Oklahoma Conference Committee of Investigation. He noted that Stewart had rejected the

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committee's findings and "took all of his accusations to everyone throughout the nation" (almost immediately reduced by the bishop to simply "across the entire area"). On a related matter, said Smith, Stewart had never asked the New Mexico Conference Committee of Investigation to look into his "actions or administrations."

One of the other counts against Stewart was that he had led people to believe that "he had been denied a right. . . ." Scrimshire fleshed out this specification. He discussed an article in which the minister allegedly claimed that he had been denied the opportunity to present the love gifts question before the Council of Bishops because "the Bishops were protecting each other. . . ." Smith explained that "[o]ne Bishop ha[d] no authority over another Bishop" and that individuals could not take matters to the council. "If we permit all of the cranks and nuts in the world to come before the Council that have got something against some Bishop," he said, "I would have a line 100 miles long waiting to be heard."

Smith thus laid a broad foundation for the case against Stewart and began the process of supporting some of the specific accusations. Much of his testimony dealt with his relationship with the accused minister, and the bishop clearly stated that Stewart was hungry for publicity and implied that, at the least, he was ungrateful. It could also be argued that he left in the jurors' minds the impression that he viewed the accused minister as something of a "crank" or a "nut."

Interpretation of church law was an important aspect of the trial. Although Reverend Reed, the presiding officer, was a lawyer and ruled before the trial and at its beginning on various points related to the proceedings, Bishop Smith functioned during the examination as the primary expert on church law. Apparently, when Bishop Smith and the superintendents of the New Mexico Conference planned for the trial, they saw no need to bring in an outside expert in this field. Three of his legal explanations dealt directly with Stewart's trial, and two referred to the meeting of the Oklahoma Conference Committee of Investigation that heard Stewart's accusations against Smith.¹⁰

The key question about Stewart's trial was that of jurisdiction: Should Stewart's case have been handled by the conference's investigating committee at all? After apparently first asking that it be called, the former pastor soon claimed that he should be investigated by a district committee. His motion, sent to Reed several days before his trial, avowed that he had been incorrectly charged as a "traveling preacher," rather than as a "local preacher" no longer re-



Bishop and Mrs. Smith receiving a gift of luggage during a trip to Sacramento, New Mexico (Courtesy Oklahoma City University Library).

quired to accept an appointment.¹¹ Reed had rejected this motion without explanation. To accept it would have been to invalidate the work of the conference's Committee of Investigation and send the case to R. L. Willingham, superintendent of the Albuquerque District. Willingham would then have called a meeting of a district investigating committee. Stewart would have been required to appear before such a committee, and in the process, his rights would not have been very clearly defined.¹²

Due to lack of clarity in the trial transcript, it is not completely certain how Smith defined Stewart's status. It is clear that Smith defended the placing of Stewart's trial before a "trial court," or jury,

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at the conference level. Unquestionably, Stewart had been an ordained elder and a full member of the conference, thus subject to appointment, or to "travel." It was also certain that he had taken voluntary location;¹³ both the *Discipline* and a Judicial Council decision made it reasonably clear that an ordained elder who had been a traveling preacher but had located and become part of an individual church or circuit (whose governing body was called a quarterly conference) was to "be held amenable for his conduct and the continuance of his ordination rights to the Annual Conference within which the Quarterly Conference membership is held."¹⁴ Thus, a good case could be made that Stewart was being rightly tried.¹⁵

On the other hand, Stewart was undoubtedly a local preacher. Church law in 1956 stated explicitly that when "a local preacher, ordained or unordained . . . , is accused of any of the [chargeable] offenses . . . ," he had "the duty . . . to appear" first before the district committee of investigation made up of local preachers. If a trial resulted, the jury would be a committee of "local preachers or, when necessary, members of the church."¹⁶ The Judicial Council decision to which the preceding paragraph referred also stated that "[a] minister when located, automatically becomes a member of The Methodist Church and Quarterly Conference where he resides."¹⁷ Becoming a member of a local church clearly implied a return to lay status.¹⁸

Although his legal position was a strong one, Stewart would have been on even stronger ground if he had insisted from the beginning that he be investigated as a local preacher by a district committee. If he could have gone before a jury made up primarily of lay persons, he would probably have had a better chance at acquittal, for at least two reasons: He had consistently argued in favor of giving lay people a greater voice in the church; and his trial would almost certainly have been in Albuquerque, where most of his supporters lived. Persons favorably disposed toward him might have ended up on the jury.

Smith also dealt with "the matter of secret meetings," which, the bishop said, "people outside" were "wanting to know all about." Was a closed trial legal, or was Stewart within his rights when he insisted on its being open? Smith read a paragraph from the *Discipline* and a summary of a Judicial Council ruling on the paragraph.¹⁹ This ruling referred to an annual conference session and upheld its right to "order an executive session of the ministerial members to consider questions relating to matters of ordination, character, and conference relations." Smith then went on to com-

pare church proceedings to those of a Masonic lodge meeting and to state that “the Methodist Church has always handled the matter of its brethren in secret. He [*sic*] is always innocent until he is found guilty.”²⁰ With no defense representative present to challenge him, the bishop was thus able to appeal to long-standing custom, ignore the fact that Stewart obviously opposed a closed trial, and take a rule related to the work of a conference at its annual meeting and apply it to church trials.

On a third legal matter related to Stewart’s trial, Scrimshire asked Smith to testify as to why Stewart could not have an attorney at the New Mexico investigating committee meeting or at his trial. Replying that the minister had been repeatedly advised that he could have any minister in the country as his counsel, Smith then read aloud an appropriate passage from the *Discipline*, which indicated that Stewart’s counsel must be clergy. Smith also commented that Stewart had decided to be his own counsel.²¹

Where the Oklahoma committee hearing was concerned, the church counsel asked the bishop to explain how a conference committee of investigation had been formed. This request was clearly in response to Stewart’s public statements to the effect that he could not get a fair hearing before such a committee because all its members were nominated by the bishop.²² The bishop stated that he had nominated the committee members and that they were elected by the annual conference, but he apparently added a step that church law did not require—the inclusion of other names from a nominating committee before the annual conference voted. Church law simply specified that an annual conference elected five committee members and three “reserves” “upon nomination of the presiding bishop.”²³ Scrimshire also asked Smith whether church law or procedure had been violated in the work of the Oklahoma Conference Committee of Investigation. The bishop replied, “It was called absolutely in keeping with the church.”²⁴

While presiding over annual conferences, Bishop Smith seldom if ever had his rulings challenged to the point of taking them to the Judicial Council, which served as the denominational supreme court. His testimony at the Stewart trial, however, indicates varying degrees of interpretive skill. Regarding Stewart’s defense attorney, Smith rightly explained that this person must be a minister. His description of the way conference investigating committees were chosen was fundamentally accurate, although he included a procedure that was not mentioned in church law. As to whether Stewart was being tried in the right venue, the bishop’s case was

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strong, but so was Stewart's. On the question of open trials, Smith was on extremely shaky ground when he took a rule regarding executive sessions of the clergy at an annual conference meeting and applied it to a separate church trial. As a matter of fact, the practice of closed trials was based on precedent and custom, to which the bishop also appealed, but nothing in church law required a closed trial.²⁵

When he claimed that the Oklahoma hearing had been in complete agreement with required church procedure, Smith overstated. Ironically, he insisted that all of Stewart's complaints be reviewed, and this meant setting one church law aside. Strict application of the two-year statute of limitations by the presiding officer at the hearing, Superintendent Edwin W. Parker, would have meant rejecting some of Stewart's claims and evidence.²⁶ In addition, Parker could have legitimately thrown out all of Stewart's accusations because the minister had not connected his complaints to the official list of chargeable offenses. Further, Parker could have agreed to hear only the accusations about happenings in his district and could have told Stewart that the majority of his allegations should be filed with a superintendent in the New Mexico Conference. Finally, once the hearing was set, a substantial question arose about whether two other superintendents could participate in addition to Parker. Because most of Stewart's accusations related to New Mexico, there was perhaps some practical justification for the presence of Scrimshire from that conference, but any argument for having another Oklahoma superintendent present, Robert J. Smith, was shaky at best.²⁷

In addition to supporting the charges against Stewart and discussing church law, Smith commented on various other matters. With no defense present at the trial to raise objections, he, the other witnesses, and Scrimshire could range into matters whose connection with Stewart's trial were at best indirect. Reed at one point tried to rein in comments that he deemed irrelevant, but in general he permitted considerable leeway.²⁸ At several points in his initial statement Bishop Smith claimed that he had always tried to help Stewart; this point was not directly relevant to the complaints against the minister. The bishop said that when someone objected to admitting Stewart to the annual conference because of his "health and . . . attitude," Smith had insisted that he be brought in. When a group of pastors planned a luncheon for Bishop and Mrs. Smith without inviting Stewart, Smith had insisted that he be asked to come. When Stewart left Trinity Church and returned to

school, “[h]e completely ignored the conference . . . ,” but the bishop had “insisted” that he be contacted about an appointment. Stewart had been allowed in 1950 to change from starting a church in west Albuquerque to beginning St. John’s on the northeast side of the city; this was done by Superintendent F. Lee Willshire “[o]ut of the kindness of his heart” to make Mrs. Stewart’s teaching position more accessible.²⁹

Other issues addressed by the bishop also had little if any direct relationship with the counts against Stewart. In his early testimony Smith described his reaction when Willingham advised him first that Stewart was going to give up his credentials and later that he changed his mind: The bishop was comfortable with either development. On another matter, he regretted that his “dear friend” J. R. Cole, one of the witnesses present in support of Stewart, “had to leave.” He then described working with Cole to continue Stewart’s appointment at Trinity, despite some congregational concern over Stewart’s alleged support of Henry Wallace’s presidential campaign.³⁰ When the bishop broke ground for the start of St. John’s, on a day when “there was a hard dust storm” and at a place where “[t]here was not a single residence within about a mile,” he casually expressed some doubts about the location, and Stewart had taken it as “an insult to him and to his people.”³¹ Further, early in his testimony about work of the Oklahoma investigating committee the bishop noted that once the minister’s plans to file complaints had been publicized, he decided to allow Stewart and the committee to ignore the two-year statute of limitations and go back to the date of his birth if they liked.

Perhaps a bit less indirectly related to the actual accusations against Stewart was another matter that Smith included in his testimony. He described a conversation with a minister, Thurman Thomas, who reported that when Stewart had tried to get him to file charges against the bishop, “he said he was crazy.” Such marginal comments by the bishop did little if anything directly to support the case against Stewart. However, in a broad sense the remarks helped to convince the jury that the minister was not a person who deserved their sympathy. Above all, he did not appreciate Smith’s efforts to help him, and his attacks on the bishop could even be viewed as “crazy.”

In addition to the case against Stewart, the trial would involve the defense of Bishop Smith. Even though the Oklahoma investigating committee had thoroughly examined Stewart’s accusations against the bishop, Scrimshire (probably in consultation with the

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Bishop Smith consecrating a minister at the Indian Mission Conference (Courtesy Oklahoma City University Library).

other superintendents and the bishop) clearly made the decision to go over the ground again. This course of action directly supported the specification against Stewart that he had made “false accusations” against the bishop and his wife. But the detailed attention that would be given to many of Stewart’s specific accusations also suggests that exonerating the bishop was at least of equal importance with making a case against the minister.

One of the counts against the bishop was broadly worded: He had allowed “preachers to solicit money for him and for his family from their colleagues and church treasuries.” In his lengthy early statement Smith described how at least two of his efforts to be helpful to Stewart were in response to the minister’s attacks about love gifts. Following the appearance of an article in which Stewart accused Smith and his wife “of taking church funds,” a superintendent had recommended that charges be filed against the minister, but the bishop refused to do so. Smith commented that despite Stewart’s statement that the issue of love gifts had led to his leaving both churches, he refused to approve the minister’s removal from St. John’s unless the superintendents unanimously favored it. Instead, “determined to be fair with the man,” Smith said he had insisted

that Stewart be offered his choice of two churches, both of which paid more than St. John's.³² In addition, the bishop stated, he never discussed gifts with Stewart. Regarding Stewart's and his supporters' efforts at the 1956 General Conference to prohibit love gifts, the bishop commented that he had friends who laughed about it. Stewart had every right to make the attempt, he noted, but it lost in committee. Later in the trial Scrimshire asked the bishop about a picture of him and Mrs. Smith, taken at the Sacramento Methodist Assembly, showing the couple receiving "a love offering . . . presented by some three hundred or more people on their 35th wedding anniversary."³³ The counsel asked the bishop if he was aware of the collection of money in advance. The bishop replied that the gift was a surprise.

Subsequent questions from Scrimshire to other witnesses reinforced Smith's early testimony and underlined the point that gifts in no way influenced appointments. For example, Lee Willshire, former superintendent, stated that the bishop had never asked him for gifts and did not "ever request or demand" that he secure money or gifts "from any preacher or church" in his district. Furthermore, Willshire said, "Whenever [the bishop] had any information that anything regarding gifts was contemplated," he requested that it not be done.³⁴

In his early testimony the bishop also began the process of dealing with some of Stewart's more specific accusations against him. Scrimshire read these into the record, along with the more general count just discussed.³⁵ The majority dealt with the bishop's alleged use of the episcopal office for monetary gain: "fees for consecrating and dedicating churches . . ."; "[u]sing district fund money . . . for taking his wife on junkets in foreign countries"; permitting a minister "to collect money for Mrs. Smith" as part of a communion service; "[a]ccepting excessive fees for a preaching mission . . ."; and having the superintendent of the Oklahoma Indian Mission "solicit the Indians frequently for . . . valuable items . . . for himself and family." Stewart also claimed that the bishop had tried to "manipulate the awarding of an insurance contract" so that the hospitalization plan for Oklahoma Conference pastors would go to a company that employed one of the bishop's sons. The "other offenses" to which Stewart alluded were a charge that the bishop allowed a superintendent to have retreats "in a bar room," that he collected for "a New Mexico Episcopal Residence which does not exist," and that he threatened "to sue an Indian layman . . . for refusing to repudiate a statement . . . concerning the solicitation of gifts from the Indi-

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ans.”³⁶ Smith’s testimony on some of these matters was supplemented at several points by other witnesses.

Regarding the claim that he collected fees for carrying out his official responsibilities, the bishop stated that there was no remuneration for him when he laid the cornerstone for the Trinity Church building and when he preached there later while Stewart was pastor; nor was there any pay when he broke ground for St. John’s. Superintendent Parker from Oklahoma also addressed the complaint that the bishop took money for “consecrating and dedicating” churches,³⁷ acts that were part of his official duties. Stewart possessed a letter from a layman in Bard, New Mexico, regarding Bishop Smith’s dedication of the neighboring church at San Jon. There had been some confusion about the purpose of the offering that had been taken at the ceremony, and the bishop had refused to accept any of it. Later, however, the church mailed a check to his office.³⁸ Parker apparently read aloud this letter as well as subsequent correspondence. They stated the “true facts,” as Scrimshire put it. Unfortunately, only the early letter from the layman in Bard has been preserved, so there is no way of knowing how completely the bishop was “cleared” in this matter.³⁹

Parker referred to another case related to official episcopal acts, a ceremony at First Church, Albuquerque. He stated that he had in his possession “signed statements” showing that a Mrs. Cletsoway had made three false statements about the matter.⁴⁰ Albuquerque District Superintendent R. L. Willingham and James G. Brawn, former pastor of the church, also testified about the incident.⁴¹ Parker was talking about Mrs. Ruth Cletsoway, a member of the finance committee at the church, who had provided Stewart with a statement about the occasion of the bishop’s consecration of the sanctuary in November 1955. The church, she alleged, was “expected to pay all his expenses while here (a suite at the Alvarado Hotel) plus a \$100 ‘honorarium’ for the day.” She also claimed that on another occasion or two a similar honorarium had been requested for the bishop.⁴² Willingham said that the bishop “made no such request,” and he then confirmed Scrimshire’s summary of the case: When the pastor asked Smith for a list of expenses, the bishop said that there were “no expenses.” However, Smith had supplied a list when the superintendent requested them for the pastor. At no time did the bishop ask for money. On the same trip to Albuquerque, Bishop Smith gave “a missionary address” at a district rally, and a gift to a missionary cause that he supported was arranged by the rally’s or-

ganizers without telling him that it “was to be paid by First Methodist or by some individual.”

Brawn confirmed that Smith had not made requests of the church. Expecting Mrs. Smith to accompany her husband, Brawn had originally asked for a suite. When the bishop came alone, he himself cancelled the suite and “took a single room with bath.” Scrimshire asked Brawn about “a check for his expenses and \$100” that the church subsequently sent to the bishop. He inquired whether the bishop had said “he would accept the money only to be used in his work and not for himself personally,” that is, “for his [m]issionary work.” The minister agreed that this was the case. Brawn confirmed that the church had paid “for the hotel and meals” and that the official board approved an additional \$100, although Brawn thought “it was too small.” He also thought that Mrs. Cletsoway must be confusing visits by other clergy with that of the bishop.⁴³

Scrimshire and the bishop dealt at length with Stewart’s claim that Smith had used “church funds . . . to take pleasure trips around the world,” as the counsel phrased it. They may also have been responding to his complaint that the bishop had permitted a minister “to collect money for Mrs. Smith” by having persons “lay an offering on the altar when they took communion.”⁴⁴ In his testimony Smith described a difficult official trip that he and Mrs. Smith had made to Southeast Asia at the end of World War II. The trip had involved his using his Masonic membership to get on a plane, sitting on the floor of a Royal Air Force bomber, and preaching in the open in Rangoon, Burma. Asked how his expenses had been covered, the bishop replied, “The church takes care of the actual expenses of myself, but individuals and churches and different groups have helped.” “At no time,” he affirmed, “have Mrs. Smith and I ever received expenses that were anything like the cost.” For every trip, they had been obliged to borrow about a thousand dollars. Both he and Mrs. Smith had incurred medical problems as a result of their trips, and it was no wonder, he said, that he would “get a little upset” about Stewart’s allegations, because he had “seen [his] wife suffer.”

In Central America, the bishop testified, he had written “[his] personal check to pay the expenses of everyone of the [m]issionaries to come to me.” Asked if he ever promised to send money to missionaries for their work, he replied, “Yes[,] sir. I guess I have a tender heart.” He then described sending “over twenty thousand dollars” back to that area, noted that he received requests for a hundred thousand dollars a year, told how he helped a recently appointed

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missionary in Burma and India who had fund-raising problems, and reminded the court, "I am an officer appointed to this work" just as to New Mexico.

Scrimshire had Bishop Smith repeat that his trips were not "pleasure trips" and that the money he received was not for his "personal benefit." The prosecutor then submitted a letter from a former superintendent, I. L. Morgan, who described raising money to help Mrs. Smith accompany her husband to India, observing that it was "an entirely voluntary matter with the churches and pastors" in his district. Smith commented, "If we have reached a place in the Methodist Church that the giving of a gift either by me or to me is a sin, then I have certainly a false conception of love." He could not accept a gift, he concluded, if he thought that "a man was trying to purchase anything."⁴⁵

Reverend Dewey D. Etchieson, superintendent of the Oklahoma Indian Mission, followed Smith on the witness stand. The minister spoke to the two specifications related to work there.⁴⁶ Regarding Stewart's accusations that Smith had used the superintendent to "solicit" valuable gifts from members of the Indian Mission, Etchieson testified that Smith had told him "that he would not accept a gift from an Indian without determining whether the Indian was able to give it or not." The superintendent explained that the bishop had been given a saddle that was said to have belonged to the great Apache leader Geronimo, but the saddle was probably not authentic and had no value. Indians had "not given the [b]ishop an expensive gift[,] period." Some of the gifts made to visiting dignitaries had been paid for by the bishop himself. Smith refused to let the Indian Mission cover "any of his expenses" at annual conference meetings.

Stewart's other accusation about malfeasance in the Indian work concerned an alleged threat by Bishop Smith "to sue an Indian layman" because he would not "repudiate a statement" about "the solicitation of gifts from the Indians." Stewart had been in contact with Joel Sahmaunt, a leader in the Mt. Scott Kiowa Methodist Church near Lawton, Oklahoma, and had based this complaint on telephone conversations and correspondence with him. Sahmaunt had, in fact, listed numerous complaints against Etchieson, several of which were unrelated to gifts. Scrimshire asked Etchieson about the "charge that the Indians were not being fairly treated" by the bishop. First, the superintendent addressed Sahmaunt's alleged "personal" reasons for "hitting at" him, and then he described a con-



Bishop and Mrs. Smith (center, in white) and members of the Indian Mission in 1962 (Copyright photo, Courtesy of The Oklahoman).

frontation with the Indian leader in which he in fact told him that the bishop “could sue” him for “slander.”

Superintendent Edwin W. Parker testified after Etchieson. The official read letters that repudiated Stewart’s claim that Bishop Smith had tried to channel conference insurance business to a company that employed one of his sons. Scrimshire commented that they showed that Stewart “used material that could not be substantiated. . . .”⁴⁷

Next, Superintendent Willingham spoke to Stewart’s accusation that the bishop had permitted a superintendent to hold retreats in a barroom. He said that the bishop would have had no specific knowledge of the retreats that Willingham organized; the Arrowhead Lodge, where they were held, was not a bar, although its owner had a liquor license for “catering to private parties.” No liquor had been served at the church retreats. Willingham noted that Stewart himself had been present at one of them and had voiced no objections.⁴⁸

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Bishop Smith (center) and D. D. Etchieson (standing, above his left shoulder) at a meeting of the Indian Mission (Courtesy Oklahoma City University Library).

The trial record ranges from showing complete exoneration of the bishop on some of Stewart's counts, to apparent support, obviously inadvertent, on others.⁴⁹ In the former category, Willingham's testimony showed that Stewart's accusation about retreats had no merit. There was no reason to assume that Smith knew about them. Nor is there any reason to assume, in the matter of Etchieson's conflict with Joel Sahmaunt, that the bishop had instructed the mission superintendent to threaten a lawsuit.

Incompleteness of the trial record makes it impossible to determine whether the bishop was "cleared" of two more of Stewart's accusations. One of these is the claim that the bishop tried to shift the Oklahoma Conference's hospital insurance coverage. Letters presented by Parker that supported the bishop have not been preserved with the trial transcript, but Stewart possessed evidence, obtained from one of the underwriters who held the current policy, indicating that the bishop had made the effort but then had backed off.⁵⁰ Ironically, Parker volunteered his opinion that Stewart's accusation may have had some foundation.⁵¹ What is certain is that the bishop did not actually carry through on his alleged plan. The other is the possibility that Smith had accepted money for the dedication of the church in San Jon in 1951. As noted earlier, it is apparent

that he had turned down an offering when he was there, but he did accept a check that was later sent. There is no way of knowing, absent some of the correspondence read at the trial, whether the check was clearly marked as payment for the dedication or could have been viewed in the bishop's office as a separate donation, perhaps for missions.

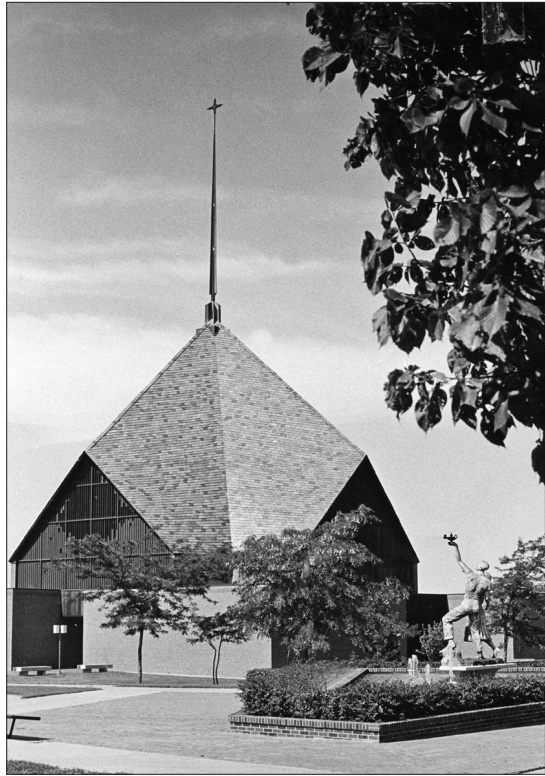
The evidence presented at the trial about other counts against the bishop tends to implicate him to some degree. The testimony about the consecration of the sanctuary at First Church in Albuquerque illustrates this point. The bishop properly planned to cover his own expenses, but after insistence by the pastor, he allowed the church to cover them. It also seems clear that he stated that he would use the gift of one hundred dollars for missions. However, the fact that the bishop preached at a missionary rally on the same trip and the fact that the pastor and the superintendent ignored church law when they insisted on covering the bishop's expenses, do not completely "clear" the episcopal leader.⁵²

The testimony about the raising of foreign travel money for the bishop and his wife also hardly clears him. Smith's testimony that they never received enough to cover their expenses does not erase the implications of another statement that he made: "The church takes care of the actual expenses of myself, but individuals and churches and different groups have helped." Why did he need money in addition to his expenses? Why was it apparently assumed that his wife should accompany him on official trips? The bishop obviously permitted the raising of such funds; the claim read by Scrimshire from a former superintendent that gifts for a trip by Mrs. Smith to India were "an entirely voluntary matter with the churches and pastors" does not change this fact.⁵³

Even Etchieson's response to Stewart's claim that Smith sought valuable gifts from members of the Indian Mission⁵⁴ left an element of doubt. The superintendent described a situation in which "fiercely independent" Indians, for whom the sharing of gifts was a normal practice, voluntarily gave gifts, whose value was minimal, to a leader whom they greatly respected. However, Smith's statement that he would not accept a gift from someone who could not afford it shows that the bishop and his superintendent did discuss gifts and implies that value could be attached to at least some of them. Etchieson thus probably went too far in minimizing the worth of the gifts given to the bishop. It is true that when Stewart referred to "valuable items" in his list of gifts allegedly solicited by Etchieson, he included some that could have had little value, e.g.,

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*Bishop Angie Smith
Chapel, on the
campus of Oklahoma
City University
(Courtesy Oklahoma
City University
Library).*



“beaded handbags” and “saddles,” remembering that “Geronimo’s saddle” was probably a hoax. But he also named “rugs” and “jewelry,” which could have had considerable value, and he had a statement from Sahmaunt, admittedly, as Etchieson underlined, almost certainly not written by him but still signed by him. It claimed that the superintendent told the Indians “what to give and when to give.” Stewart fell short, however, of showing that the bishop actually instructed his superintendent to solicit gifts, and the nature of Stewart’s evidence about rugs and jewelry is not clear.⁵⁵

Perhaps most seriously implicating Bishop Smith was some of the evidence about the only broad, general complaint in Stewart’s list: the bishop’s “[p]ermitting preachers to solicit money for him and for his family from their colleagues and church treasuries.” This accusation represented the heart of the minister’s concerns about bishops. Testimony supporting Smith included statements that an anniversary gift was a surprise, that the bishop never asked

for gifts, and that he had asked that gifts not be given. Yet in the frequently repeated testimony that there never was a relationship between gifts given and the quality of appointments received, there is a clear implication that gifts were given. Smith admitted as much with his affirmation, quoted earlier: "If we have reached a place in the Methodist Church that the giving of a gift either by me or to me is a sin, then I have certainly a false conception of love." Stewart's wording of this complaint accused the bishop merely of allowing the raising of money for himself and his family. At another trial Scrimshire was to describe the giving of gifts to the bishop as "one of the Methodist ministers' features of brotherhood[;] it is just like one big family."⁵⁶ Stewart, on the other hand, saw it as putting the church on the level of corrupt politics. As with the repeated raising of travel funds for Mrs. Smith, the bishop could have put a stop to other gifts by simply announcing that the practice was not acceptable.

In the church trial of James J. Stewart, Bishop Smith was the primary witness about the facts of the case and about applicable church law. Stewart wrote later that he had requested the trial "for the sole purpose of getting an open hearing where the sordid love offering evils could be brought out into the open."⁵⁷ He failed to secure an open trial, but he succeeded in generating considerable publicity for his cause. The trial record itself never became public; part of it was lost or misplaced, and it still is difficult to access.⁵⁸

What Stewart clearly succeeded in doing was having himself removed from all significant relationship with the denomination of his childhood and ordination. Despite his record of starting two new congregations and despite his unanimous support by the official board at St. John's, some of the ministers who testified against him described him as a publicity-hungry renegade and a misfit who did not adequately promote the program of the denomination.⁵⁹ Some of the lay persons who knew him best and were prepared to testify on his behalf continued to remember him long after his trial as a selfless man of principle who wanted nothing more than to hold his church to the highest of ethical standards.

The case against Stewart, as we have seen, included detailed discussion about several of his accusations against Smith. This was so extensive that it is reasonable to say that the bishop was on trial as well as Stewart. The testimony in defense of the bishop did little more than repeat some of what had already been spelled out in the official reports of the Oklahoma Committee of Investigation.⁶⁰ It showed that on some counts Stewart's claims were clearly without

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merit, yet others could not be completely dismissed. In fact, it supported the conclusion that the bishop permitted the raising of gift money for himself and for Mrs. Smith, especially for trips outside the United States. For some, like Stewart, the love gifts resulted from pressure that could reach the level of coercion and even corruption. For others, like Scrimshire, they were mere signs of brotherly affection.⁶¹

Bishop W. Angie Smith returned from the trial to Oklahoma City and continued to preside from there over the work of The Methodist Church in Oklahoma, New Mexico, and part of West Texas until he retired in 1968. It appears that the practices of providing gifts for the bishop and supporting his and Mrs. Smith's international travel to churches were continued.⁶² Gift giving for bishops and their families in the successor United Methodist Church has apparently become less widespread than in the Smith era, although it is still a frequent practice to recognize bishops in a substantial way when they transfer from one area to another and when they retire from active service. In neither case is there any reason to suspect that favor is being sought.

Some of the problems visible throughout the Stewart trial have since been corrected. Complaints against a bishop, for example, are heard by a jurisdictional committee, not by a conference committee made up entirely of ministers over whom the bishop presides. Furthermore, open trials are now permitted.⁶³ At the very least, the Stewart proceedings provided a historical backdrop for these changes, and it is not unreasonable to assume that his and similar trials helped to bring about these changes.

ENDNOTES

* A. W. Martin, Jr., is Professor of Religion Emeritus at Oklahoma City University, Oklahoma City, Oklahoma. He has published earlier articles on Smith and Stewart: "Love Gifts for the Bishop: James J. Stewart v. Bishop W. Angie Smith," *The Chronicles of Oklahoma* 78 (Spring and Summer 2000), 4–27, 132–59 (in two parts); "So Much Over So Little? The Libel Suit of James J. Stewart," *New Mexico Historical Review* 79 (Spring 2004), 215–36; and "New Mexicans for Church Reform: The Lay Movement for Democracy in Methodism (LMDM) and Episcopal Power," *New Mexico Conference United Methodist Historical Journal* 1 (May 2009), 8–16. In addition to the acknowledgments in those articles, the author wishes to express further thanks. The Reverend Richard Campbell, Jonathan Carleton, and Ivan Hall helped with the search for the Stewart trial records. Bishop D. Max Whitfield, who presides over United Methodist work in the New Mexico and Northwest Texas Annual Conferences, and Shelby Smith, the son of Bishop W. Angie Smith, permitted access to what apparently is the only extant transcript of the Stewart trial record. Professor Dennis Arrow, School of Law, Oklahoma City University, provided legal advice in the early stages of seeking access to this transcript. Special thanks go to two members of the

Stewart trial jury for interviews and correspondence, M. Buren Stewart, now deceased, and Ira Williams, Jr. An additional word of appreciation for research assistance goes to Reverend David Madara, pastor of Trinity United Methodist Church, Albuquerque, in 2009; to Timothy Binkley, archivist at the Bridwell Library, Southern Methodist University; and to the following United Methodist archivists: Will Steinziek of the New Mexico Annual Conference, Mauzel Beal of the Arkansas Conference, and Bill Hedges of the South Central Jurisdiction. The photo on page 48 was provided courtesy of Oklahoma City University Library.

¹ Minutes December 1956–November 1957, Council of Bishops of the Methodist Church [bound volumes of typed, mimeographed material], Bridwell Library, Southern Methodist University, Dallas, Texas, 169, 175. “[T]he presidency is largely ceremonial and rotates through the jurisdictions,” with “the senior bishop” being chosen. Noted in James E. Kirby, Russell E. Richey, and Kenneth E. Rowe, *The Methodists*, in *Denominations in America*, No. 8, ed. Henry Warner Bowden (Westport, Conn.: Greenwood Press, 1996), 58, n. 49. See “Love Gifts,” *Time Magazine* (New York) May 13, 1957, 71–72; and “Love Gift’ Trial Held in Secret,” *Christian Century* (Chicago), May 22, 1957, 645.

² The Reverend Edwin W. Parker, Tribute to Bishop W. Angie Smith, Memorial Service for Members of the Oklahoma Hall of Fame, November 16, 1974, “The Hour of Remembrance,” Vertical File, Oklahoma Heritage Association, Oklahoma City, Oklahoma.

³ Testimony of Edwin W. Parker, Stewart Trial Transcript, “In the New Mexico Conference of the Methodist Church: The Methodist Church v. James J. Stewart” [hereafter cited as “Church v. Stewart”], 69, Office of the Bishop, New Mexico and Northwest Texas Conferences, United Methodist Church, Albuquerque, New Mexico. See also *Daily Oklahoman* (Oklahoma City), May 2 and 10, 1957.

⁴ W. Earl Ledden to James J. Stewart, September 18, 1956; copy in Scrapbook of the Lay Movement for Democracy in Methodism, Archives, St. John’s United Methodist Church, Albuquerque, New Mexico [hereafter cited as LMDM Scrapbook, St. John’s].

⁵ See Martin, “Love Gifts for the Bishop: James J. Stewart v. Bishop W. Angie Smith, Part I,” *The Chronicles of Oklahoma* 78 (Spring 2000): 13–15.

⁶ Reverend Clarence Stanfield (now deceased), telephone interview by A. W. Martin, Jr., May 16, 1996, notes in possession of author.

⁷ Reverend Grady McCullough, telephone interview by A. W. Martin, Jr., April 23, 1996, notes in possession of author.

⁸ “Church v. Stewart,” 13. Smith’s testimony appears on pages 7–21, 23, 35–36, 52–54, and 69–70.

⁹ The author is preparing a separate article to be titled “Defrocked and Expelled: The Church Trial of James J. Stewart.” Unfortunately, the only known official record of Stewart’s trial contains only a transcript of the oral testimony, and the counts against him are not included. Of the seventeen specifications against the minister, however, eleven can be reconstructed with a high degree of probability.

¹⁰ For Smith’s statements on legal matters, see “Church v. Stewart,” 8, 16–17, 52–54, 69–70.

¹¹ Scrimshire stated that he had a letter from Stewart to Smith, in which the minister “demanded” that the conference committee “be called to investigate him.” See “Church v. Stewart,” 50–51. See also “Minister Files Dismissal Motion In Church Court,” *Albuquerque Journal* (New Mexico) *Journal*, April 21, 1957, 4; and James J. Stewart, “I Was a Methodist Preacher,” 19, Stewart Papers, New Mexico Conference Archives, Albuquerque, New Mexico.

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¹² *Doctrines and Discipline of The Methodist Church, 1956* (Nashville: Methodist Publishing House, 1957), Par. 958 [hereafter cited as *Discipline, 1956*].

¹³ This meant that while he continued “in good standing” he had “discontinue[d] regular ministerial or evangelistic work” but maintained his ordination, now as a “local elder . . . in the Quarterly Conference where he reside[d], with the responsibility of reporting to the conference and to the pastor “all marriages performed, baptisms administered, and funerals conducted.” See *Discipline, 1956*, Par. 374. For other requirements, which applied to all local preachers, ordained or unordained, see *Discipline, 1956*, Par. 312. After eliciting testimony from Willingham that Stewart had not attended quarterly conference sessions nor submitted reports to them, Scrimshire concluded that Stewart had broken church law. “Church v. Stewart,” 45.

¹⁴ *Discipline, 1956*, Par. 374; this paragraph quotes from the digest, found in Par. 2002, of Judicial Council Decision No. 110, handed down on July 21, 1954. See also *Discipline, 1956*, Par. 646; summary of Judicial Council Decision No. 42, Par. 2002, p. 667. All Judicial Council decisions of The Methodist Church are available on the Internet at the web site <www.umc.org>.

¹⁵ At the trial, Bishop Smith read Par. 374 to the jury and then was quoted by the court reporter as saying, “Anyone who can read English can read that[,] and he maintains that we have no jurisdiction because he is not a local preacher and just preachers can try him. There is a difference between a relocated local elder” [sic]. See “Church v. Stewart,” 52–53. This statement as it appears is hardly intelligible. The bishop may have been speaking carelessly or elliptically, but it seems more likely that the court reporter, who apparently was unclear about Methodist terminology, failed to get the substance of the bishop’s remarks right. For Stewart to claim that the conference court had no jurisdiction he would have to have argued that he was merely a local preacher. It is likely that Smith said something to the effect that “because he is now a local preacher and just local preachers can try him.” More than a year later Scrimshire was to use overly simple terminology in his reply to Stewart’s complaint in civil court when “he denie[d] plaintiff [was] a ‘local preacher’” and said he was “a ‘located preacher.’” “Separate Answer of the Defendant Joe B. Scrimshire,” Par. 2 in *J. J. Stewart v. Herman Ging, Owen Gragg, John W. Porter, Ben Sturdivant, Paul H. Tripp, Edwin W. Parker, Robert J. Smith, and Joe B. Scrimshire*, District Court, Bernalillo County, New Mexico, Case No. 68038, (initially filed April 1, 1957) [hereafter cited as Stewart v. Ging].

¹⁶ *Discipline, 1956*, Par. 957, 959, and 968. In 1956 there were ninety local preachers in the New Mexico Conference but the official record for the conference does not list members for district investigating committees. See *Journal of the New Mexico Annual Conference, 1956*, 3–7, 12–13. If such a committee did not exist, then the conference committee would handle the investigation phase of a case. *Discipline, 1956*, Par. 957.

¹⁷ Judicial Council Decision No. 110, July 21, 1954. It might be argued that the fact that the Council refers to “The Methodist Church,” with the *T* of the article capitalized, suggests that the Council could have meant that the located minister was a member of the denomination and not of the local church. This interpretation is virtually impossible, however, because the next sentence in the decision reads, “He continues as a Local Preacher in that Methodist Church and Quarterly Conference. . . .”

¹⁸ This point was made explicit by the Judicial Council a decade and a half after Stewart’s trial, when it stated that “in The Methodist Church a body of legislation existed continuously from 1939 according to which an elder who had been granted voluntary location became a local preacher who although ordained was by definition a

layman.” The question before the council, which it answered affirmatively, was whether “[a]n elder who has been granted voluntary location” might “serve as a lay pastor.” See Judicial Council Decision No. 366, October 28, 1972. If Scrimshire depended only on the digest of Decision 110 in the *Discipline*, cited above in note 14, when preparing to try Stewart at the conference rather than the district level, he would have missed the point that the decision referred to membership in the local church, thus implying lay status.

¹⁹ *Discipline*, 1956, Par. 646; summary of Judicial Council Decision No. 42, Par. 2002, p. 667.

²⁰ In a newspaper interview Smith was quoted as saying, “Ministerial trials are secret and are never discussed with the press, according to the laws of the Methodist Church.” See “Methodist Pastor Goes On Trial for Accusing Bishop of Taking Gifts,” *El Paso (Texas) Herald-Post*, April 29, 1957, 1. To be more accurate, Smith should have appealed to church custom rather than to actual law.

²¹ The appropriate section of church law, which Smith must have read, was Par. 1006 of the 1956 *Discipline*. It stated that counsel was to be “one traveling elder if the accused is a bishop or a traveling preacher, or one member in good standing in The Methodist Church if the accused is a lay member.” The ambiguity of Stewart’s status, discussed earlier, reappears here, since the bishop clearly applied the rule for traveling preachers to him.

²² See, for example, “Methodists Plan Oklahoma Meet To Hear Charges,” *Albuquerque (New Mexico) Journal*, December 18, 1956, 11.

²³ *Discipline*, 1956, Par. 931.

²⁴ “Church v. Stewart,” 16. On questionable procedure at the hearing, see Martin, “Love Gifts for the Bishop: James J. Stewart v. Bishop W. Angie Smith, Part II,” *The Chronicles of Oklahoma* 78 (Summer 2000): 134–37. As an illustration of careful procedure, Smith said that he “would not even go to the same café with those who sat with the Investigating Committee.” The bishop and Scrimshire disagreed as to how long Smith was at the Oklahoma hearing. The bishop testified that he went before it at 10:00 a.m. and left at 5:00 p.m. Later, in a deposition prior to the trial of a libel suit that Stewart filed against him and others present at the Oklahoma investigating committee hearing, Scrimshire stated his view, which the present author accepted in “Love Gifts for the Bishop,” that Smith was not present in the afternoon. See “Deposition of a Witness, JOE BERRY SCRIMSHIRE,” 12, in *Stewart v. Ging*. Parker’s testimony in the Stewart trial is ambiguous: The bishop left after appearing “as a witness” and “was notified of the verdict by phone.” “Church v. Stewart,” 31.

²⁵ Nor was Stewart correct when he claimed, “According to the laws of the Methodist Church, I’m entitled to an open trial.” James J. Stewart to Leslie M. Rowe, January 12, 1958, copy in Stewart Papers, New Mexico Conference Archives.

²⁶ The contradiction between church law and Smith’s insistence on waiving the statute of limitations is clearly illustrated by this statement in an official report of the Committee of Investigation of the Oklahoma Conference, which along with three district superintendents reviewed Stewart’s complaints against Bishop Smith: “Several of [Stewart’s] complaints are outlawed by the law of the Church, but Bishop Smith required that the Committee consider all of them.” “Complaints of the Local Preacher, James J. Stewart, Against Bishop W. Angie Smith, Resident Bishop of the Oklahoma—New Mexico Area of The Methodist Church,” 1, in Personal Papers of the Rev. Kenneth Ford, Personal Library of Janie Ford, Glen Rose, Texas [hereafter cited as Ford Papers].

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²⁷ It should be noted, however, that when the New Mexico Supreme Court remanded Stewart's libel suit to district court for trial, it stated regarding Scrimshire, "It seems clear that he was, at the very least, an *ex officio* member of the committee on investigation." See *Stewart v. Ging, et al.*, Case No. 6362, *64 New Mexico Reports*, July 2, 1958, 274. It is not clear how the Court arrived at this conclusion.

²⁸ When a juror asked if Stewart had "accepted any fees or gifts," Reid stated, "Gentlemen, I think we are getting away from the question in issue." See "Church v. Stewart," 44. Later, however, he permitted a question as to whether Stewart "receive[d] love gifts from his congregation. . . ." "Church v. Stewart, 67. In Methodist church trials jurors were allowed to raise questions.

²⁹ One of the reports from the Committee of Investigation of the Oklahoma Conference claimed that Willshire "objected" but Bishop Smith "insisted" that the move be made. "Complaints of the Local Preacher . . .," 5, Ford Papers..

³⁰ Stewart published an article on Cole in a national Methodist magazine: "Young' Man from Albuquerque," *Christian Advocate* (Chicago), September 4, 1952, 8–10. One charter member of Trinity Church claimed a half-century after the Stewart trial that he was a Communist. Pauline Shaffer, quoted in letter to the author from Harold Lenfestey, November 11, 1996. Stewart was on public record, however, as saying that "Christianity is the only effective weapon against Communism." See "Receiving of Gifts by Bishops, Families Is Rapped by Methodist Minister Here," *Albuquerque Journal*, April 15, 1956, 42. In an undated, apparently unpublished article he referred to "inhumane, atheistic communism." "Moths in Methodism," 5, Stewart Papers.

³¹ Willingham apparently was unaware of the circumstances surrounding the founding of St. John's; he testified that it "was established in an area where it was surrounded completely by a rapidly growing residential area on all sides, not just one." "Church v. Stewart," 41.

³² Stewart was quoted as saying that he did not "stay around long enough to find out where the churches were" but he thought "one of them was in Texas." See Abercrombie Holmes, "Pastor Here Becomes Man Without a Church In 'Love Offering' Row," *Albuquerque Journal*, May 18, 1956, 1. Smith referred in his testimony to his desire that a place in New Mexico be found where Mrs. Stewart could teach. The Oklahoma Committee of Investigation and three district superintendents excoriated Stewart by claiming "that as long as he could repose in his own home in Albuquerque and serve a Methodist Church he would not say anything, but if the Bishop and the Conference dared to [move] him from his selfish and satisfied position he would launch an attack on the Bishop to try to smear his reputation and hurt his influence." "Complaints of the Local Preacher . . .," 3, Ford Papers.

³³ The photograph originally appeared on the first page of the *Oklahoma-New Mexico Methodist* (Oklahoma City), September 1955. A ship appears in the picture because the gift was also to help with travel expenses to Europe.

³⁴ Willshire's statement appears in "Church v. Stewart," 48, 50.

³⁵ It is not clear whether he also read Stewart's supporting annotations for each charge. For an analysis of the charges and their merits, see Martin, "Love Gifts for the Bishop," 138–49. Although Stewart erroneously failed to connect his ten specifications with appropriate chargeable offenses, it appears likely, judging from Scrimshire's phrasing of a question to Edwin Parker, that Stewart charged the bishop with "unministerial conduct." "Church v. Stewart," 31.

³⁶ Of these ten specifications, Superintendent Edwin Parker stated that the "charge growing out of the letter signed by Sahmaunt and the matter of insurance were the only two . . . that could reasonably have been made against . . . Bishop Smith, and we

disposed of those two complaints.” But Parker also implied that he viewed Stewart’s complaints as “laughable.” “Church v. Stewart,” 31, 32.

³⁷ Parker’s testimony appears in “Church v. Stewart,” 27–35 and 68–69. A “church unit” could be consecrated “on acquisition or completion” but had to be free of debt before it could be dedicated. *Discipline*, 1956, Par. 181.

³⁸ A. F. Flint to Blair Marshall, October 14, 1953, copy in LMDM Scrapbook, St. John’s.

³⁹ An official report of the Oklahoma Conference Committee of Investigation affirmed that in the San Jon matter Bishop Smith did not “ask for or receive anything for himself or any member of his family.” “Complaints of the Local Preacher . . . ,” 7, Ford Papers.

⁴⁰ The court reporter was completely at sea regarding Mrs. Clewsoway’s name, referring to her variously as “Mrs. Clique” (on page 33) and “Mrs. Q” (on page 47). “Church v. Stewart,” 33, 47.

⁴¹ “Church v. Stewart,” 39–40. Willingham’s complete testimony is found at 36–46.

⁴² Copy of statement by Ruth Clewsoway in LMDM Scrapbook. In her correspondence with Superintendent Parker she underlined that she had not said that the bishop asked for money but insisted that his accepting it was a violation of the *Discipline*. She referred to Par. 773 of the 1956 *Discipline*, which explicitly stated that “[n]o part of the expense and no honoraria” for “visitations to local churches within his area . . . in the performance of his official duties” were to be accepted by bishops. Gifts to missions, she wrote, should be channeled through the official “Advance Special” program. Ruth Clewsoway to Edwin W. Parker, September 24, 1956, copy in LMDM Scrapbook, St. John’s.

⁴³ “Church v. Stewart,” 46–48.

⁴⁴ Stewart specifically claimed that the bishop used “district fund money for expenses in addition to his monthly expense check from the treasurer of World Service and Finance in Chicago, and for taking his wife on junkets in foreign countries.” See James J. Stewart to Edwin J. Parker, December 14, 1956, copy in Stewart Papers. Scrimshire did not deal directly with the question of district fund money. Stewart had a copy of the treasurer’s report for the Albuquerque District Fund for June 1, 1953, that showed one hundred dollars going to Mrs. Smith for a Denmark trip and one hundred dollars to Mrs. Willshire for a Philadelphia trip. See LMDM Scrapbook, St. John’s. The Oklahoma investigating committee report claimed, however, that the bishop “never had the slightest part in knowingly receiving any money from any [d]istrict [f]und.” In regard to the money laid on a communion table, neither he nor Mrs. Smith “had any knowledge of any offering being taken for him or her at Clovis.” “Complaints of the Local Preacher . . . ,” 7–8.

⁴⁵ Willshire testified that Smith never advised him that he was coming to his district and “wanted money.” See “Church v. Stewart,” 48. The LMDM, however, preserved a copy of a check sent to Willshire, it alleged, in response to his request for money for the bishop. See LMDM Scrapbook, St. John’s. For a favorable, even romantic, view of Bishop Smith’s travels, see Mrs. Richard F. Lapine, *The Bishop and His Lady: A Tribute to Bishop and Mrs. W. Angie Smith* (N.p.: Privately printed, 1968). Morgan was one of the ministers who officiated at Stewart’s funeral. See “Expelled Minister James Stewart Dies,” *Albuquerque Journal*, November 30, 1974, A-2.

⁴⁶ Etchieson’s testimony appears in “Church v. Stewart,” 21–27.

⁴⁷ The key letter was from the Reverend Leland Clegg, identified by Parker as the “President of the Cabinet” (the superintendents of the Oklahoma Conference). Efforts to find files of Clegg’s correspondence have been unsuccessful.

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⁴⁸ "Church v. Stewart," 37–38.

⁴⁹ For reasons that are unclear Scrimshire did not deal with all of Stewart's accusations. One complaint that was completely ignored, strangely enough, was one where Stewart appears to have been completely off base. He charged Smith with taking money for "a New Mexico Episcopal Residence that does not exist." With the help of poor wording in a report or two in the conference journal, Stewart interpreted money set aside for the bishop to reside in New Mexico at the Sacramento Assembly for a few weeks in the summer as referring to a building. Scrimshire had full knowledge of this matter, yet he did not discuss it at all when he took the stand. Ironically, if Stewart had read the meaning of "residence" correctly, he could have made a case against the bishop's taking expense money that should have been provided from the Episcopal Fund rather than by the conference. Scrimshire also almost ignored another accusation by Stewart, except for a passing reference by one witness, the claim that he took "excessive fees for a preaching mission" in a local church. Stewart had solid evidence that the bishop received one thousand dollars for preaching during Holy Week of 1956 at Central Church in Albuquerque. Bishops were explicitly permitted by church law to accept remuneration for such events, however, so the only question was whether this amount was "excessive." Scrimshire may have passed over this accusation because he knew that it had a basis in fact and preferred not to show the bishop as receiving a large, albeit legal, amount.

⁵⁰ James J. Stewart, untitled manuscript beginning, "There is a proverb," LMDM Scrapbook, St. John's.

⁵¹ "Church v. Stewart," 31, 32.

⁵² One of the official reports from the Oklahoma Committee of Investigation and the three district superintendents argues that the local church took care of the bishop's expenses because there "was not only a service for First Church, but a District Missionary Rally held that night in First Church." The hundred-dollar honorarium, the report said, Smith accepted "to be used in the work of the Church," and the national treasurer's office of the denomination said that such a procedure was "not out of line in the least with the policy of The Methodist Church." This report, however, also referred to a letter from Brawn, in which the pastor indicated that the church "wanted to relieve the Episcopal Fund of the extra expense for the long trip out to Albuquerque. . . ." See "Complaints of the Local Preacher . . . , 6–7, Ford Papers. Brawn's testimony made it even clearer that the covering of expenses and the honorarium were both directly related to the ceremony for First Church, which was to be "a red-letter day for the church," and for which "the Bishop had put aside other things to come here." A "little gift" was therefore appropriate. The church law in question stated that "all visitation to local churches" by a bishop on official business were to be paid by the "treasurer of the Council on World Service and Finance," who administered the Episcopal Fund. *Discipline*, 1956, Par. 773.

⁵³ What a superintendent saw as voluntary some of the pastors responsible to him might have seen in a different light. A graphic illustration of the common practice of raising money for bishops' wives to travel overseas with their husbands can be found in the case of Bishop Dana Dawson, whose wife received two thousand dollars so that she could go with him to Latin America, yet he stated that love gifts did not exist "in our area." Refer to a photograph of the Dawsons as she receives a check, *Christian Advocate*, October 28, 1954, 14. See also "Bishop's Record Clean," *Wichita (Kansas) Eagle*, May 17, 1957, 6A.

⁵⁴ Etchieson apparently referred to the Oklahoma Indian Mission as a conference. See "Church v. Stewart," 22. Actually, it did not become a missionary conference until

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1972. United Methodist Church, General Conference, 1972, *Daily Christian Advocate*, April 26, 1972, 23.

⁵⁵ Several years after the trial, in 1962, Bishop Smith received a buckskin suit and Mrs. Smith received a doeskin dress at the annual meeting of the Indian Mission. See the photograph on page 63, from the *Daily Oklahoman* for June 17, 1962. Shortly after the publication of that article, the suit and dress were stolen from their display case in the W. Angie Smith Chapel at Oklahoma City University.

⁵⁶ "Deposition of a Witness," JOE BERRY SCRIMSHIRE," 43, in *Stewart v. Ging*, 43.

⁵⁷ Stewart, "I Was a Methodist Preacher," 19.

⁵⁸ The trial record was apparently not preserved by the annual conference secretaries, as church law required. See *Discipline*, 1956, Par. 1024. It is possible, however, that it was destroyed by a fire at the Sacramento Assembly. The partial record, "Church v. Stewart," appeared in an envelope dated July 3, 1979, with no source indicated, in the office of the Bishop of the New Mexico Conference. It had only the notation, "Confidential. May be opened after Jan. 1, 2000 A.D." Following that date Bishop D. Max Whitfield consulted with church attorneys and then permitted access to the author once permission had been attained from Shelby Smith, the surviving son of Bishop Smith. (No immediate family of Rev. Stewart was still alive when access was allowed, Mrs. Stewart having died in 2002). Practically speaking, anyone desiring to view this record today must still petition the resident bishop of the New Mexico Conference. Legally, however, church law still names the secretary of the annual conference as the custodian of trial records. *The Book of Discipline of The United Methodist Church, 2008* (Nashville, Tenn.: United Methodist Publishing House, 2008), Par. 2713.5.

⁵⁹ Almost four decades after the Stewart trial and about a year before his death at age ninety, Scrimshire had little recollection of the trial but, interestingly enough, was willing to refer to the minister as a "fine man" and an "effective pastor." Joe B. Scrimshire, interview by A. W. Martin, Jr., August 2, 1996, El Paso, Texas, notes in possession of author.

⁶⁰ The report already referenced, "Complaints of the Local Preacher . . .," did not widely circulate; a second, much briefer, report, however, was widely publicized: "Complaints Against Bishop W. Angie Smith Found Base and Untrue: Accuser Is Condemned," *Oklahoma-New Mexico Methodist*, January, 1957, 1. It provided the basis for Stewart's libel suit, *Stewart v. Ging*, which was directed primarily against Joe Scrimshire. See Martin, "So Much Over So Little? The Libel Suit of James J. Stewart."

⁶¹ See Dave Smoker, "Pastor Admits Donating Toward Gifts for Bishop," *Albuquerque Journal*, February 5, 1959, 1, 4.

⁶² Reverend Wayne Coffin recalled that in 1960 he was called by his district superintendent and informed of the amount he was expected to provide to help Mrs. Smith accompany her husband on a trip to Europe. Wayne Coffin, telephone interview by A. W. Martin, Jr., January 22, 1997, notes in possession of author.

⁶³ See *Discipline*, 2008, Par. 2708.12.