Chapter 1

You say the little efforts that I make
will do no good: they never will prevail
to tip the hovering scale
where Justice hangs in the balance.

I don’t think

I ever thought they would.
But I am prejudiced beyond debate
in favor of my right to choose which side
shall feel the stubborn ounces of my weight

Bonaro Overstreet, American author and lecturer,
*Hands Laid Upon the Wind*, 1955

“Lest We All Become Toothless, Blind, and Dead”
Torture in a D.C. Jail

The old man sat on the floor trying to concentrate on the idea that others around the world were hungrier than he, others suffering worse physical abuse. He kept thinking of Gandhi's people being beaten by the angry British troops, or Martin Luther King, Jr., patiently exhorting his people to return love for spite; he even thought of King lying dead at the hands of an assassin. He tried to keep his body limp so that his bones would be spared if the marshal started dragging him by the hair again.

A scowling marshal walked over and looked down at the old man with disgust. Taking a small black instrument out of his side pocket, he asked, "Do you know what this is?"!

"No, I don't," said the old man, hoping to show by his manner of response that he was willing to converse, that there was no personal desire to inconvenience jail personnel in his refusal to walk to and from the U.S. Superior Court. The marshal responded, "I'm going to use this on you, and it's going to hurt."

With an exaggerated motion, the marshal flicked on a switch, sending arcs of electricity flying back and forth across a small opening at the top of the device. This must, the old man thought, be a cattle prod of the kind used by Bull Connor in Birmingham during the civil rights marches of the early 1960s. He felt nauseous, hot, tired, but determined to take whatever was about to happen.

"I don't want to use this on you," the marshal said. "It's entirely up to you whether I use it or not. If you get up and walk, then I won't have to use it. It's entirely up to you."

"I cannot in good conscience cooperate," the old man said. "I cannot walk."

The marshal moved slowly, with set lips. He rolled the old man over onto his stomach and held the electrode against the back of his leg. Electricity coursed through the leg, penetrating to the bone, causing his whole body to twitch and writhe. Not once, but over and over, seven or eight times, the marshal applied his instrument. The pain was almost unbearable, but it was borne in silence, and it did not change the old man's mind about cooperating. Afterwards he was carried by his arms and legs from the courthouse into the police van and back to the Washington,
D.C., jail to join the other protesters who had been arrested for praying on the White House lawn. The others had no way of knowing what their colleague, seventy-nine-year-old Reverend Maurice McCrackin, had just undergone, because he had been separated from them when they were arrested the day before.

On that day, May 28, 1985, the group from Sojourners, a Washington-based community of Christian activists, had gathered for "Peace Pentecost" to protest against U.S. nuclear arms policy, the war in Central America, and the death penalty—all of which the Reverend McCrackin had passionately opposed for years. Other groups were also demonstrating against a bill before the U.S. House of Representatives to send aid to the Contra forces in Nicaragua. As planned, the Sojourners had joined a regular tour of the White House, then crossed over the barriers onto the White House lawn to kneel in prayer. Similar protests took place simultaneously at the South African and Soviet embassies and at the Supreme Court. The pray-ins resulted in the arrest of over seventy people.

Park Police had picked up McCrackin's group, depositing them first at the Park Police Investigation Center. McCrackin was the last person taken in because the others cooperated with the arresting officers, whereas he went limp and waited for them to carry him. Thus the others were processed before McCrackin arrived at the Investigation Center. A Park officer there became exasperated when he tried to fingerprint McCrackin's limp hands and finally decided that the effort was not worth it, saying, "Aw, shoot, let them worry about that upstairs." McCrackin also refused to wear the identification wristband they tried to put on him. Most of the officers tolerated his noncooperation without feeling offended. The officer in charge listened courteously when McCrackin explained that he could not cooperate with officers he saw as enforcing immoral national policies. "A lot of people agree with you," the officer acknowledged, before exhorting the others to "go easy on this old man." McCrackin, with his white hair, may have reminded the officer of his own aging parents. If so, the exchange illustrated McCrackin's contention that if he could appeal to men in uniform at the human level, he could help them see beyond their institutional allegiance.

Later that day he was transferred to the District of Columbia Central Cell Block. The officers in charge there were not so tolerant of passive resistance. A marshal ordered him to walk. McCrackin explained why he would not. But the marshal ignored McCrackin's words and took his right hand, forcefully bending back the four fingers as far as they would go. McCrackin cried out and then slumped to the floor. Another officer came over and carried him down the corridor and into a cell.

His assigned cellmate, crazed from overuse of drugs, took offense when McCrackin introduced himself with a handshake. Later this man was irritated by the fact that McCrackin was fasting and yelled at him: "Get up on that top bunk if you know what's good for you!" McCrackin did this as speedily as he could and lay there quietly, waiting to hear sounds of sleep from the bunk below. By morning the cellmate had calmed down and was even friendly, but the two were separated when marshals came to take them to their hearings.

Mccrackin again refused to walk. He was dragged by the armpits from his cell, down the steps, to the parking lot, where he sat, bruised and dirty but calm and determined. Sitting on the ground McCrackin attempted to explain why he was not cooperating: "I cannot go against my own conscience and voluntarily cooperate with the jails and prisons who are aiding and abetting in the suppression of free speech." These officers cut him short. One marshal muttered something about "nuisance agitators" while he grabbed and twisted the old man's hands, bruising them against the handcuffs that bound them together.
"Now will you get in the van?" the marshal snarled. McCrackin prayed silently: "Give me the courage to stay strong. Help me to respond with love as you have always done. Keep me mindful of others who are suffering even more than I am. Be with me." And he lay there in agony, yet unafraid.

McCrackin was then dragged by his handcuffs to the van and literally thrown inside. During the fifteen-minute ride along Washington's streets, he lay on the floor trying to concentrate on the task ahead, and not on his throbbing right hand.

Once they arrived at the U.S. Superior Courthouse, the marshals opened the van door. One looked at McCrackin. "I hope they send you back to the D.C. Jail so we can take real good care of you again." McCrackin said nothing.

"Are you going to walk, Pop, or are we going to have to rough you up a little bit first?" asked another. McCrackin was silent. One marshal grabbed him by the hair, others by the arms and clothes, and they lifted him from the van and up the steps into the courthouse, his lower body and legs bouncing from step to step. Never in all his years of protesting had he endured such pain. Miraculously little of his hair was torn out.

At the hearing, U.S. Magistrate Jean F. Dwyer adjourned the McCrackin case until the next day. He was dumped in a hallway until it was time for the van to take him back to the holding center. It was there that the marshal used the stun gun on him.

He was glad that he had thought to issue a statement for his Cincinnati congregation and the press about what he would do in Washington if arrested. It said in part:

The reason for my noncooperation with the police, the marshals, the jail and the courts, is because they are so often an integral part of a legal system which aids and abets in the suppression of free speech and action and which collaborates in the oppression of the poor and the poverty-stricken of the earth. If arrested, I will begin a fast of indefinite duration. One purpose of my fast will be to identify in this small way with hungry people around the world, with the hungry in our country.

In that statement McCrackin noted the $630 billion spent each year, the $1.3 million spent each minute on armaments, an amount of money that could house, clothe, and feed the two-thirds of the earth's population now deprived of their basic right to food, clothing, and shelter. And he quoted Gandhi, "If we follow the practice of an 'eye for an eye and a tooth for a tooth,' we end up blind, toothless, and dead." He concluded with a thought that had come to mean more and more to him with the passing of years: he would rather be considered a criminal by his government than a traitor to his conscience.

As he was lying in holding cells and being dragged about, he tried to imagine the presence of his friend Ernest Bromley and the words of encouragement he would have to offer. Ernie would probably be singing in his bold baritone "Faith of Our Fathers" as he had in the Hamilton County Jail so many years before, communicating the bedrock strength that had grounded their work in the civil rights and peace movements all these years. He also wondered whether everyone in his church congregation was okay. These dear friends always understood when some kind of action took him away from them, and they were proud of him, he knew, doing what his conscience called him to do. Nevertheless, his parishioners counted on his pastoral work, and he knew they would miss him. He wondered if he would be back in time to lead the church services on Sunday. It was difficult to concentrate on such things amid the uncertainty now surrounding him in the District jails. Thank God, he thought, for people like Bill Mundon,
Tim Kraus, Vivian Kinebrew, and all the others who would keep the church going in his absence and who would be among the first to come to him if they knew of his suffering here. Of all his incarcerations, this one was the worst.6

The trip back from the courthouse after being shocked with the stun gun had been equally rough, McCrackin again going limp and allowing himself to be dragged and pushed into the van. Some of the other prisoners shouted insults because he was blocking their way out: "Hey, old man, get out of the way!" Above the general din he tried to explain to those closest to him the idea of passive resistance--that he would never hurt another person even in self-defense, but by the same token he would not assist a person who was trying to hurt him. Thus he would not voluntarily make it easier for prison officials to incarcerate him, since in that capacity they were endorsing governmental policies that he felt were wrong. These were complicated ideas to explain under such circumstances. Later, in the holding area, the other prisoners began to get a sense of what he was all about.

There McCrackin was again the last one processed. The other men had walked from the room where they were first held to the desk, and then over to another room from which they were to be escorted to their cells. The officer in charge of this procedure was a pleasant man, and he coaxed McCrackin to walk. McCrackin's fellow prisoners could hear him say, "Come on, now, you'll walk for me, won't you?" By this time the men had realized that his noncooperation was a form of rebellion against the system. Of this they approved, so they began to chant encouragement: "Don't walk! Don't walk!"

The officer tried to negotiate with McCrackin: "If you'll walk over here, I'll pray for you in church this Sunday!"

McCrackin replied, "I appreciate that very much, but I don't think I can do it."

"Then I can't pray for you," the officer said. "I'll have to pray for somebody else."

This set McCrackin to thinking. Here's a man who means well, who is trying to do the right thing. What difference does it make if I cooperate in this one instance? I'd like to show them that I appreciate openness as much as the next person. Staggering a bit as he got up, McCrackin stepped gingerly toward the desk and said, "I'd really like to have you pray for me this Sunday." The officer, on the telephone by this time, winked good-naturedly and formed his thumb and first finger into a circle, an acknowledgment of good communication and of thanks.

The news story about excessive violence used against an old man in Washington's prisons was carried in the Cincinnati as well as the national papers. The Cincinnati Post published an editorial chastising District of Columbia authorities: "Mere inconvenience is no excuse for using goon tactics in dealing with peaceful demonstrators," the editor wrote. "McCrackin, an old hand at passive resistance, can be a nuisance when he goes into his 'noncooperative slump,' lying on the floor and refusing to give any information other than his name. But he does it quietly, as a matter of conviction"--and, they noted, he does not tell untruths. If he claimed to have been mistreated, he most certainly was.7 The Cincinnati Enquirer echoed these thoughts: "The minister is, admittedly, a perennial protester. Some find that an annoyance; most Cincinnatians have accepted his protests as part of the scene. They know, moreover, that he is a man who lives according to his convictions."8

The Washington Post also carried an editorial: "Rev. McCrackin's experience calls to mind the use of cattle prods by some southern sheriffs during the great civil rights demonstrations of the '60's and produces the same feelings of revulsion. This kind of assault is a sadistic response to passive resistance and is especially repugnant when the victim is elderly and frail."9
This incident actually involved little jail time. McCrackin demonstrated and was arrested on Tuesday, May 28, 1985, was shocked with the stun gun on Wednesday, and was released on Thursday after his second hearing. At that hearing, when asked how he would plead, he said, "My plea is for all of humankind that the earth not be reduced to a radioactive cinder, and for the poor and hungry of the world." This plea, which he had made before in other contexts, sometimes amused and frequently angered the court. In this instance Magistrate Jean F. Dwyer seemed already to have made up her mind. She released McCrackin on his own recognizance, pending another court appearance on July 15 (an appearance McCrackin had no intention of honoring).

After McCrackin returned to Cincinnati on Friday, medical examinations revealed that the marshal had indeed broken his right-hand ring finger. The electrical burns on his legs, though stiff and painful, left no permanent damage.

Later that summer McCrackin returned to Washington twice to follow up on the complaints he had lodged concerning these incidents. If these officers would treat him that way, what would they do to a younger man or a black youth who might, under the influence of drugs or alcohol, really pose a threat? He did not want retribution or even punishment for the offending officers. He simply requested that they be removed from direct contact with prisoners and offered some psychological help. Others who read of the case in the papers had written to the authorities requesting an investigation.

Because a review board cannot issue subpoenas, accused officers are not required to attend their own hearings. Oswald Petite, the officer who had used the stun gun on McCrackin, did not choose to show up at his hearing. Ernest Bromley, McCrackin's partner through so many earlier actions, accompanied him to Washington, and they attempted to make their case even though the offending officer was not present. Bromley carried a copy of the guidelines adopted by the Cincinnati Police Department for handling passive resistance, a document largely inspired by their dealings with Bromley and other Peacemaker activists over the years. He hoped to introduce the idea that regular use of wheelchairs and gurneys might have prevented the incidents now being investigated.

McCrackin and Bromley were required to travel to Washington at their own expense a second time to testify concerning Levy Blackwell, the officer who had broken McCrackin's finger. At the second hearing Bromley acted as a kind of prosecuting attorney on McCrackin's behalf. He asked Blackwell how old he thought McCrackin was. The officer responded that he took him to be sixty or seventy years old. 'Well," continued Bromley, "would you use this 'come on' hold on a five-year-old?' Blackwell responded with a straight face that five-year-olds do not come through the system, suggesting the question was irrelevant. Neither the officer nor his colleagues would admit that using a "come-on" hold on an elderly, nonviolent man was inappropriate.

The U.S. Marshal's Office eventually excused the incidents as "overreactions." Yet the two hearings did accomplish something. Oswald Petite, the marshal who used the stun gun on McCrackin, was immediately terminated--apparently forced to take early retirement. And the authorities adopted limits on the use of stun guns against nonviolent prisoners.

As a result of the publicity surrounding this incident, McCrackin was asked to appear on a Phil Donahue television show organized around the topic of police brutality. McCrackin's story was fully aired on this show, broadcast on January 14, 1986. He was upstaged by the more belligerent rhetoric and theatrics of reporter Jimmy Breslin, who told of a teenage youngster he had seen brutalized by the New York City Police. Donahue preferred Breslin's fast-paced repar-
tee to McCrackin's calm retelling of the incident, and it seemed that Donahue's goal was to gen-
erate controversy by inflaming the off-duty policemen and their families who made up that day's
audience.

This appearance, though, seemed to represent a turning point in McCrackin's acceptabil-
ity as an interpreter of social problems. Perhaps the stun-gun affair convinced a few people that
some of the things McCrackin had been saying about this country might indeed be true, that eve-
rything was not as open and orderly as patriotic rhetoric would have us believe. People had to
admire this old warrior, who even yet cared so much about the state of the world that he would
"go with his body" over and over again to risk suffering such humiliation.11 Perhaps deep down
even his detractors recognized in McCrackin's actions some sort of archetypal drama, for his vi-
sion of what could be and his determination to make people aware both of the wrongs in the
world and of their responsibility to do something about them--with love--are part of an old, old
story that must be renewed in every age. For McCrackin, Jesus of Nazareth was the inspiration,
the measuring rod, and the role model for living out that story.

Notes for Chapter 1

1. This dialogue was reconstructed by McCrackin. This chapter is based on the authors' numerous interviews with
McCrackin and others arrested that day in Washington, as well as on the many published accounts and the Phil
Donahue television program that dealt with this incident (January 14, 1986). See also “Minister, 79, Says Mar-
shal Used ‘Stun Gun,’” St. Louis Post—Dispatch, June 1, 1985.
3. This protest was organized by the Sojourners Fellowship, a Washington-based evangelical religious community
that publishes the magazine Sojourner. Other sponsors included the National Council of Churches and the Fel-
lowship of Reconciliation (FOR).
4. “Minister, 79, Says Marshal Used ‘Stun Gun.’”
5. Typed statement of McCrackin to his congregation and to the press, late May 1985. These and all of McCrackin's
papers are now available at the Cincinnati Historical Society.
6. McCrackin had been arrested and incarcerated many times previously, once spending almost six months in fed-
eral prison for war-tax resistance.
8. “Law/Order: A Cincinnati Protester Suffered Cruel Treatment from U.S. Agents,” Cincinnati Enquirer, June 1,
1985.
9. “Shades of Bull Connor.”
10. Ernest Bromley was arrested in March 1975 as a result of a campaign by the Internal Revenue Service against
Peacemakers, the peace group to which he belonged. During his imprisonment, he was brutally handled and
dragged twenty-four times through the prison and court building. After the head wounds caused by this rough
handling were described in the Cincinnati Post, changes were made in the treatment of noncooperators, including
Bromley himself. On April 6, 1976, the Cincinnati safety director issued a directive that, henceforth, noncoop-
erative prisoners should not be dragged, but wheeled either in chairs or on hospital gurneys.
11. McCrackin attributes the phrase “going with the body” to the World War II—era pacifist Corbett Bishop.
McCrackin uses the expression to signify the importance of committing one's whole self to a cause rather than
just lending moral support or making statements or financial contributions.