

## Chapter 9

*I guess most of us know this process. I started out committed to the “Church” and found myself committed only to the Christ. Let those who think the two are the same, beware. The problem is to determine where the two merge and where they do not. The “safe” thing is to assume—as we’ve been taught—that there is no difference. The way of the Spirit is to struggle between the two.*

Joan Chittister, O.S.B., prioress of the Benedictine Sisters of Erie, Pa., “Today I Saw the Gospel”

### **“Is Caesar Lord of Conscience?” Church Trials and Defrocking**

Many Cincinnati Presbyterians had been irritated by the negative publicity surrounding Maurice McCrackin's 1958-59 trial and imprisonment for war-tax resistance, and the earlier public red-baiting brought on by his attendance at a Highlander conference. Many did not understand his work in the West End and his involvement with Operation Freedom. They saw his work for integration and his war-tax resistance as an affront to their own sense of Christian propriety. For many affluent church members he was an object of ridicule, a preacher carried into court and refusing to defend himself there, a stubborn man unwilling to pay his taxes. Perhaps some Presbyterians were asked by neighbors, “What kind of church do you belong to anyway? What are you going to do about McCrackin?”

In Hyde Park, where many of Cincinnati's established families live, all twelve members of the session of Knox Presbyterian Church had voted in January 1958 to ask the Presbytery of Cincinnati to look into McCrackin's case. In February 1958, the Presbytery initiating an investigation and later asking McCrackin to take steps “to conform to the lawful responded by command of civil government,” although supporting his right to differ within the limits of the U.S. Constitution.<sup>1</sup> This investigation found his competence and sincerity unquestioned “in the pastoral relationship.” Apparently the Presbyterian leadership assumed that a mild reminder would cause McCrackin to reconsider his stand on taxation. It did not. Eight months later, when McCrackin was arrested for tax resistance, Knox Church again asked the Presbytery to take action against him. Another investigation followed, as well as another request for McCrackin to conform to the law. A year later, in 1959, after McCrackin returned from Allenwood, a third investigation failed to turn up evidence that he was remiss in his pastoral duties. The investigating ministers who had visited the church in fact commended him for the “strong Christian witness” in evidence there.

Frustrated, a small group within the Presbytery sought new ways to discipline their colleague. They requested a meeting in 1960 with the person who passes judgment on matters of church law at the national level--the Stated Clerk of the General Assembly, Eugene Carson Blake. This meeting was closed, and McCrackin was not invited to attend. The apparent purpose was to establish grounds for prosecuting McCrackin under church law. It was reported that Blake compared McCrackin to the eighteenth-century Doukhobors, a Russian nonconformist religious sect that rejected the authority of the state and the Bible, believed in pacifism, rejected military conscription, and held property communally. Some Doukhobors practiced collective nudism.<sup>2</sup> Apparently Blake meant to suggest that McCrackin's witness exceeded the limits of acceptable behavior.<sup>3</sup>

Unaware of this meeting, McCrackin himself wrote to Blake asking for advice. After three weeks came the reply that the Presbytery would probably support McCrackin on integration, but not on the tax issue. At this time McCrackin thought Blake would be sympathetic; he eventually realized that Blake was in fact unwilling to challenge the status quo over matters of conscience.<sup>4</sup>

West Cincinnati-St. Barnabas Church and the Presbytery also dickered over McCrackin's salary arrangements, devised to lower his taxable income and federal income taxes--"war tax" to McCrackin. The Presbytery contended that these arrangements constituted a "change in the terms of the call" and was therefore subject to approval. West Cincinnati-St. Barnabas did not agree that the Presbytery was entitled to interfere in this way.

This dispute and other events seem to have changed the Presbytery's opinion of McCrackin's work. Between Knox Presbyterian's initial complaint in early 1958 and the Presbytery's decision to try him in 1960, McCrackin was convicted of contempt and served a six-month prison sentence. The Administrative Commission, which had found McCrackin's church exemplary, now thought that there was adequate cause for proceeding against him on other grounds.

During the two-year period that began in 1960, while judicial commissions at the local, regional, and national levels prosecuted McCrackin, the Cincinnati community was divided in its response to his plight. On the one hand, many people opposed McCrackin's stands and tactics. Once he was invited to address a men's group over breakfast at a church in Indian Hill, Cincinnati's most affluent suburb. McCrackin spoke against the late Senator Joseph McCarthy, blaming him in part for the red-baiting that characterized the times. A parishioner there accused McCrackin of being controlled by the Communists and said that listening to him was like seeing a brick thrown through a church window.<sup>5</sup>

On the other hand, those who really knew him were a wellspring of appreciation and support. FOR leader A. J. Muste, speaking at McCrackin's church, said that McCrackin, like Jesus, was a completely free man because he was not afraid of losing material things. Muste knew the power of this kind of freedom. Now a tax resister himself, he had once struggled with his own board of directors over the issue of noncooperation with the IRS in order to retain the services of

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his secretary. That secretary, who had resigned rather than pay taxes, was none other than Marion Coddington Bromley, now one of McCrackin's strongest allies in Cincinnati.

The support group called together in 1957 during the Highlander controversy reconstituted itself to meet this new challenge.<sup>6</sup> The Committee for Freedom of Conscience remained steadfast during the years of McCrackin's troubles with the Presbytery. Members sent a steady barrage of persuasive letters to the Presbytery, the Cincinnati newspapers, and the various funding agencies that were threatening to withdraw support for projects McCrackin had helped initiate. The committee saw the threat to McCrackin's ministry as much more important than the fine points of church law.

Throughout this period, the neighborhood house advisory board and the officers of West Cincinnati-St. Barnabas Church stood squarely behind McCrackin. Those who had worked closely with him never faltered in their support of his right to freedom of conscience and defended their minister even when pressured by authorities within the Presbyterian and Episcopal churches. Bishop Hobson, of the Southern Ohio Diocese, wanting to reassure the Episcopal leadership that he had not been squandering diocesan funds in support of West Cincinnati-St. Barnabas and the Findlay Street Neighborhood House, not only asked McCrackin to deny publicly that he was Communist, but asked McCrackin point blank if he was one. Feeling that the bishop knew him and his work too well to ask such a loaded question, McCrackin declined to answer. The bishop's next step was to ask the West Cincinnati-St. Barnabas congregation and lay leaders to separate the neighborhood house from church auspices. They refused. Instead, they published a statement of support for McCrackin, which said in part, "Christianity is a spiritual crusade and not an exercise in conformity."<sup>7</sup> A similar confrontation occurred at Presbyterian headquarters. The moderator of the Presbytery, Chesley Howell, said, "Somebody's got to give." McCrackin responded wearily and prophetically, "Well, it's not going to be me."

With the lines thus clearly drawn, a church trial seemed inevitable. In June 1960 the Presbytery voted to establish a judicial commission, which met for the first time at Knox Presbyterian on July 6. The Reverend John Olert, who had replaced Melvin Campbell as Knox's pastor, was elected moderator of the commission. The place and the leadership selected leave little doubt about the commission's intention. Olert's opening prayer included the plea: "Deliver us from the legalism which would destroy Christian love[and] from the pressure of popular demand which would erase the eternal principles of justice and truth and mercy." But it was as though the words of the prayer had never been uttered.

The judicial commission decided almost immediately to exclude any McCrackin supporter, after Bill Mundon, a West Cincinnati-St. Barnabas church leader, tried to accompany McCrackin to the first meeting. It also voted to hire a court stenographer to document its proceedings. The commission was charging McCrackin with opposing the civil authorities and disturbing the "external" peace of the church. Specifically, it objected to his failure to file income tax returns, honor subpoenas, walk into court, and stand erect before the judge. Finally, it objected to McCrackin's advocacy of tax resistance and his potential influence on church members. In short, the Presbytery made harsher charges against McCrackin than the civil courts had.

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Virgie Bernhardt put McCrackin's acts of civil disobedience into context in a well-reasoned article published in the *Christian Century* while McCrackin's church trial was in progress. Bernhardt saw that church leadership was missing its chance to teach lay people the Christian tradition of resisting unjust laws. She pointed out that early Christians, early Protestants (including John Knox and John Calvin), and abolitionists all committed civil disobedience. The Nuremberg trials following World War II punished law-abiding Germans precisely because they did not follow their own consciences. "Faith is action," she wrote; "if one is not always Christian, he is not Christian at all."<sup>8</sup>

Believing that Christian conscience was on trial, Maurice McCrackin felt a growing easiness. Seeing the connections between the work he was doing in the inner city, which so many approved of, and his protests against militarism, which so many disapproved of, McCrackin later said: "It came to me that if churches, settlement houses, schools--if anything is to survive in Cincinnati or anywhere else--something must be done about the armaments race, a race which has always resulted in war:

I preached about the dangers which the entire world faced. There would come a time in our own country, if it has not already arrived under our monstrous military program, when courageous religious people with well-disciplined consciences will be very much needed to point out truths still hidden to many people. The channels to the voice of conscience must never be closed.<sup>9</sup>

In this long, drawn-out ordeal with the Presbytery, McCrackin wrote periodic reports to his supporters, both inside and outside the church. However, he was forbidden by church law to make his case before the Presbytery once a judicial commission was in session. Thus, when he tried to speak at an open meeting of the Presbytery, his colleagues voted that he should not be allowed to. Many of McCrackin's supporters, who were barred from the meetings of the judicial commission, had come to this meeting to find out what was going on. They were appalled at the rudeness with which McCrackin was treated.

Non-Presbyterians had a difficult time understanding why he continued to cooperate with church authorities under these circumstances. To these supporters, McCrackin wrote, "I believe that a victory in the free exercise of my conscience will be victory for its exercise by many others within the United Presbyterian Church."<sup>10</sup> McCrackin wanted to make sure that he would not be disciplined for reasons other than his conscientious refusal to pay taxes, but he did not realize how long such a victory would take.

To him the church trial proceedings seemed unreal. Borrowing the language of the civil courts and meeting behind closed doors, the participants cloaked their strong feelings in the trappings of strained formality. McCrackin's "designated counsel" was a man he knew and trusted, Richard Moore, pastor of Greenhills Presbyterian Church, who had participated in the Coney Island protests and joined the original Committee for Freedom of Conscience. The "chairman of

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the prosecuting committee” was the Reverend William Gates, of Northminster Presbyterian Church.

Miriam Nicholas had written a letter of support, saying that McCrackin was not the only Presbyterian who refused to pay taxes as a matter of conscience. The prosecution now planned to call her as a witness against him, to prove that he was setting a bad example for parishioners. She repeatedly declined, sensing the untenable position they were trying to put her in. Nicholas therefore received a stiff reprimand citing her for “contumacy,” a word she had to look up in the dictionary to learn that it meant “stubborn refusal to submit to authority.” Nicholas thought the term pretentious but accurate if one specified “illegitimate” authority.

The November 3 meeting of the judicial commission opened with a reminder from Moderator Olert that their purpose was to “vindicate the authority and honor of Jesus Christ, in the Spirit of Christ, by the maintenance of the truth, by the removal of scandal, by the censure for offenses, for the promotion and edification of the Church, and for the spiritual good of the offenders.”<sup>11</sup> All of this they were to do “as a father who corrects his children for their good, that every one of them may be present faultless in the day of Christ.” Pastor Olert exhorted the commissioners to remove all spirit of revenge from their deliberations. He prayed that McCrackin might be kept “from any bitterness which would shrivel his soul,” and protected from “any sense of persecution which would warp his mind.” The presumption was that McCrackin had been delinquent but might reform if properly chastised.

The Reverend Gates as prosecutor charged that McCrackin had assumed his conscience was more informed than that of his brethren. Gates objected to the “methods and manner” of McCrackin's interpretation of God's will. One proof text cited was the famous “Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's” (Matthew 22:21), a quotation Gates appears to have taken as self-explanatory. About this text McCrackin was to muse afterward that Jesus never does say what you should render unto Caesar. Certainly not one's conscience! In a letter to his supporters, McCrackin posed the question, “Is Caesar Lord of Conscience?”

Another proof text Gates cited was to take on greater significance with the passage of time as McCrackin's rallying cry for demonstrations. At this hearing, however, Gates expanded on Amos 5:24, “But let justice run down like water, and righteousness like a mighty stream,” to make the point that freedom of conscience requires discipline. If justice and righteousness are to become a mighty, rolling stream, “we would be reminded that the river of righteousness will quickly become a treacherous swamp without the restraining and controlling river banks of Christian discipline and humble, willing obedience to recognized authority to God and man.”<sup>12</sup> And, finally, Gates accused McCrackin of making a “fetish” out of individual conscience.

The Presbyterian *Book of Discipline* contains a good deal of advice about Christian obedience to magistrates. Its authors were influenced by Calvin's experiment in Geneva with setting up a government based on Christian principles where there would be no distinction between sins and crimes, church and civil authority.<sup>13</sup> Gates quoted passages from the *Book of Discipline* and

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reinforced them with many references to the New Testament. The book offered a rationale for just wars, Gates explained. He described refusal to repel Communist aggressors as a threat to life itself--a not-so-subtle allusion to the public accusations made against McCrackin. By not showing respect for the laws of this society, McCrackin brought "disrespect upon the cause of Christ." As evidence, Gates displayed a copy of a letter to the IRS in which McCrackin explained why he was refusing his tax assessment. Finally, Gates quoted extensively from the Presbyterian catechism, the *Confession of Faith*, where obedience is described at some length.

There followed a discussion of Miss Nicholas's contumacy. The Reverend Richard Moore had to point out that Nicholas was an adult, perfectly capable of making her own decisions rather than subject to McCrackin's suasion. Then, after thanking Gates for his extensive references to scripture and church law, Moore observed that occasionally civil law and moral law come into conflict, and at those times moral law must prevail. One cannot separate faith from action, and McCrackin's action was sincerely motivated.

At last McCrackin was allowed to speak, and he did so eloquently and humbly, delivering for the first time an autobiographical reflection that he later called 'The Pilgrimage of a Conscience.'<sup>14</sup> In it McCrackin told of his upbringing in a Presbyterian household and how Presbyterian values had shaped his life. In a calm manner he described the three aspects of Jesus life and teaching that had most influenced him:

One was [Jesus'] indignation against those Pharisees who claimed such piety and yet heaped so many injustices and hardships upon the poor and the disinherited. Second was his tender love for children and his compassion shown in the pouring out of his strength in healing those sick in mind and body. Third was the Sermon on the Mount and particularly the verses dealing with the love of enemies, a spirit spelled out in Jesus' own life and teaching that had most influenced him: when in the midst of his suffering on the cross he prayed for the forgiveness of those who had nailed him there.<sup>15</sup>

The practical outcome of taking Jesus seriously, McCrackin explained, was that he began as a young man to base his own actions on what he thought Jesus would do or not do, a criterion that had led him first to oppose war, then conscription, then taxation for war.

Continuing this spiritual autobiography, McCrackin singled out lessons he had learned at each stage of his church ministry. Early in his ministry he had preached a sermon about Philippe Vernier, a French pacifist who was imprisoned for refusing to bear arms. He told of joining the Fellowship of Reconciliation and the beginning of his struggle to resist draft registration even though as a minister he was automatically exempted. He told of being inspired by Jane Adams's settlement house movement: "It is not enough to bind up wounds; the settlement house tries to keep the wounds from being inflicted."<sup>16</sup> All these influences contributed to his acceptance of the call to West Cincinnati-St. Barnabas in 1945, the summer of the dropping of the

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atomic bombs. It was in Cincinnati that McCrackin clearly understood the link between war, militarism, racism, poverty, and the destruction of community life.

But preaching was not enough. The rest of McCrackin's story summarized his efforts to broaden his commitment to building community, not only in the West End but in the world beyond. When he withheld the war portion of his taxes, the government confiscated the money from his personal account. Finally he decided not to file a return at all. He stated forthrightly that the nonfiling of his taxes had not become a concern of the Presbytery until after his trip to the Highlander Folk School in 1957 and the subsequent red-baiting by the governor of Georgia, the Circuit Riders, and the local American Legion post.

McCrackin was careful to explain his motivation for refusing to cooperate with the IRS and the court: "Because I was carried and did not walk to jail, although in prison I felt like a free person. I believe Mahatma Gandhi was altogether right when he said, 'It is as wrong to cooperate with evil as it is. not to cooperate with good.'"<sup>17</sup> In this case he felt that the courts were merely acting as an arm of the IRS. He exhorted his listeners on the judicial commission to see the connection between individual actions and the world situation:

One by one people are responsible for the most horrible crimes. These are not bad people, they are good people, many socially concerned, pillars of church and society. Yet, with little or no inward protest they respond to the state's demands to do all kinds of ghastly jobs--to perfect H bombs or the more terrible cobalt bombs, to work in laboratories to perfect still more deadly nerve gas or to help spawn insects which will be more deadly germ carriers. The state persuades these and others that they are not really responsible for what they are doing, that they are only a small cog in a big machine, and if they have some guilt it is so slight they shouldn't worry over it.<sup>18</sup>

Then McCrackin built a bridge between these high ideals and his own present situation before the Presbytery, which had accused him of disobedience:

I must obey the voice of humanity which cries for peace and relief from the intolerable burdens of armaments and conscription. I must obey the voice of conscience, made sensitive by the inner light of truth. I must obey the voice heard across centuries, "Love your enemies, pray for those who spitefully use you and persecute you." In obedience to these voices lies the only path to brotherhood and peace. And these are the voices I must obey.

After all the scholarly references and fine-tuned definitions, this eloquent testimonial stunned McCrackin's listeners. It may have horrified some, who considered it an evasion of the charges and further evidence that McCrackin was focused on his own experience to the exclusion of a more theological perspective. The primacy of private experience had not yet been established as a convincing political rationale, as it would be when oppressed people claimed their

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voices in the great liberation movements of the 1960s and 1970s. At any rate, the two presentations, one abstract and one concrete, had worn out the assembled group, and they decided to save cross-examinations for their next meeting.

At the subsequent meeting (held four weeks later on November 28), the witnesses assembled in McCrackin's behalf were subtly used against him--as Miriam Nicholas had feared she would be. Grant Mason, general secretary of the Columbus Presbytery, who had been a seminarian with McCrackin at McCormick, praised him for his dedication in the mission field, for his later ministries in Hammond and Chicago, and for his devotion to his mother, aunt, and sister. Mason surmised that McCrackin was probably more Christ-like and self-sacrificing than he himself was. Under cross-examination, however, he admitted that it was possible to be sincere, which McCrackin certainly was, without necessarily being right.

The other character witness was John Wilson of the Ohio Council of Churches and McCrackin's college and seminary roommate. His testimony was brief and to the point:

When any man takes a far-out position, he of course is subject to misunderstanding and misinterpretation. But as I have come to understand it through the years, there is a very real, a very deep consistency, a manifestation of the integrity of the man, the complete integrity and sincerity and the depth of his commitment which I have known intimately for many years and for which I have had complete respect as have others who have known and understood him.<sup>19</sup>

Having established his sense of McCrackin's authenticity, Wilson went on to justify McCrackin's noncooperation with the courts:

I would like to say this, too, which I think some people have missed, that his position does not grow out of any disrespect for law but out of a very deep respect for law and order. If a man evades the law because a policeman is not looking over his shoulder, if a man opposes the law with violence, it may grow out of disrespect and disloyalty. But when a man cares enough about the law, cares enough about law and order that with prayer and deep conviction he is willing to put the witness of his life on the side of what he believes to be right and to accept the full consequences of what that stand may mean, I tell you, gentlemen, it is taken out of the deepest kind of respect for law and order and the deepest kind of desire within his own heart that that law and order might conform to the will of God as it is given him to see.<sup>20</sup>

When asked to clarify what he meant by "depth of commitment," Wilson answered:

I'm thinking of depth in a developmental sense, the roots that it has in his life, in his experience, in his witness, in his prayer. I'm thinking of that depth in terms of the roots that it has, and there are few convictions that men hold that have the roots and the maturity

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that I have seen develop in this conviction on which he is willing to place his life. Then also depth in terms of integrity and depth in terms of willingness to pay the cost of the conviction, which is the ultimate test of the sincerity of a man's conviction.<sup>21</sup>

Although the prosecutor led Wilson toward the admission that sincerity might coexist with error, Wilson was cagey enough to evade it. When he was asked if the kamikaze pilots of World War II had not also been sincere, Wilson answered:

There is a fanatic sincerity which may be based upon indoctrination, which may be based on mass emotion, as I think was true of the Japanese people, and for which many of them afterwards repented. There is another kind of sincerity that is born out of a man's own experience, that is born out of his own personal individual prayer life, which is not dependent on mass emotion, which is not fanatical, which is not determined by these factors which I think were the basis of Kamikaze pilots so-called sincerity. This kind of sincerity is altogether different--the difference between the convictions of a Christian man formed in the intimacy of his own life and a fanaticism born of the waves of emotion that sweep over people in wartime, in times of great emotion.<sup>22</sup>

Wilson considered McCrackin's stand to be "far out" because "it is a more absolute stand against the evil of war, a more absolute stand for freedom of conscience than most of us, I fear, would have the courage to take, and most of us if we are thinking in that direction have not thought as far, as long or as deeply as I know he has."<sup>23</sup> Acknowledging that a person could be sincere and yet be wrong, Wilson put the shoe on the other foot:

That's the risk a man must take. But until before God he is convinced he is wrong, he must be true to his own conscience. I realize that many people do not live completely by their convictions, but if he is to maintain the integrity of a Christian man, I feel he must. But granted--we must grant that, of course, it is possible--it is just as possible for the majority, it is just as possible for a group to be wrong as an individual person, and that's the reason we in the Protestant Church from the days of Martin Luther believe and must believe in the rights of private judgment, the rights of the individual conscience before God.<sup>24</sup>

Wilson defended civil disobedience, citing Martin Luther, John Calvin, and John Knox as co-conspirators in this sense. Their stands against civil law were not taken lightly, perhaps only once or twice in a lifetime, "accepting the consequences." The Ohio Council of Churches suffered financially for Wilson's part in defending McCrackin. McCrackin later learned that the Episcopal Diocese of Southern Ohio withheld thousands of dollars from the organization.<sup>25</sup>

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Toward the end of this meeting the prosecutors tried to get McCrackin to admit that he was violating the *Confession of Faith* by proclaiming that there was no such thing as a just war. In response McCrackin tried to cite a resolution allowing conscientious objector status that was passed at the national level of the Presbyterian Church. The prosecutor would not accept that as an answer. Ultimately, McCrackin said that he would look to Christ for guidance above and beyond that guidance offered by either the Bible or the *Confession of Faith*:

In the decision that I have made, particularly in the last few years, more and more I have felt that our norm and standard of judgment, after a person has looked to other sources for guidance, from his friends, from the Bible, from the church, from whatever source you may look for guidance, that then a person should decide in this instance what would Jesus do. I recognize that, of course, we see this through different eyes and through different experiences and background, but when I believe that Jesus would not do something or would want me to do something, I try with human frailty to follow what I believe he would want me to do. And I can't conceive of Jesus having part now in the development of nerve gases, biological warfare, [or] nuclear warfare, all of the things that have to do with modern war, that he would participate in this and have any part in bringing this to people; I just don't believe he would. And so I have to do to the best of my ability what I believe he wants me to do in this. <sup>26</sup>

After delivering this passionate and logical defense, McCrackin, with typical openness, accepted one commissioner's suggestion that if he did not agree with a certain aspect of faith, he should have been working to amend it.

McCrackin tried to explain that he did not object to the courts or to the power of subpoena per se, but to their use in forcing taxation for war. He considered the war policy of the United States to be evil primarily because of the development of weapons of mass annihilation and the diversion of money from humanitarian projects that would promote peace: "I believe deeply that [war] is wrong and that I must some way do what I can to change the course of history and to bring it up to what may be to me a more consistent practice of the spirit of Christ."<sup>27</sup>

The whole commission drew McCrackin out on this topic at great length. Moore had to keep pulling the group back to the issue at hand, which was not the philosophy of pacifism, but whether McCrackin had a right to his opinions or not. Yet instead of addressing the issues, the judicial commission haggled over the wording of the first charge. By the ninth meeting on April 10, 1961, commission members needed only a simple majority to pass judgment on all charges, but they were still having difficulty defining "Christian liberty." And that term was at the heart of the case. McCrackin was accused of resisting "the ordinances of God, in that upon pretense of Christian liberty [he had] opposed the civil lawful powers." Was "pretense" used in the modern sense of "insincere advocacy," or was there a carryover from the seventeenth-century meaning, "a claim"? One interpretation questioned McCrackin's sincerity; the other, his judgment. The commission came down hard for the latter interpretation, admitting that McCrackin had been

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sincere, but contending that he should have exhausted all legal appeals in his tax case rather than defy the courts.

Regarding the second charge, disturbing the external peace of the church, they found McCrackin guilty of causing dissension not so much in his own church as in the Presbytery as a whole, their own proceedings being the proof. If McCrackin had not defied the courts, they reasoned, there would have been no controversy over the funding of the Findlay Street Neighborhood House. This was circular reasoning at its worst, since the prosecuting group had passed up the opportunity to be supportive in the fight over funding. Instead, the commission argued that not going through ecclesiastical and civil appeals was proof that McCrackin's opinions were "erroneous." The third charge, a repetition of the first, stated flatly that McCrackin had not obeyed civil magistrates as the *Confession of Faith* said he should.

Since all of these charges were rather abstract, the commission members also spelled out their specific complaints. McCrackin had not heeded their advice and paid his taxes; he had not registered his pacifism with the Clerk of the General Assembly; he had not sought the "counsel, advice or consent" of the Presbytery; he had not appealed his civil case; and he had opposed ecclesiastical and civil powers. They concluded, therefore, that his exercise of Christian liberty was outside the bounds of church governance.

As if this were not enough, the commission gave McCrackin some advice. He should answer any future summons that might be delivered to him, defend himself "in a manner befitting a responsible citizen," and use "the provisions of the Constitution of this country to exercise his liberty and appeal his case. They gave him the option of paying or not paying his taxes, but he should report whatever he did directly to them.

Why were these representatives of mainstream American responsibility so dismayed and frightened by McCrackin's actions? The words in the record are at times arid and abstract, but the atmosphere of the proceedings was emotional, even frightening. Perhaps something in McCrackin's uncompromising stand provoked guilt in his accusers, whose commitment to Christ was much more comfortable. Perhaps they feared "ridicule by association" because of McCrackin's highly publicized stands. They were, moreover, correct in assuming that more was being challenged than the civil courts. The status quo was indeed in jeopardy, as the great battles of the 1960s would prove.

As the church trial dragged on into 1961, McCrackin's state of mind remained remarkably steady. Buoyed by the support of those who understood his position and energized by his work in Operation Freedom, he was filled with a sense of purpose. And he had many things on his mind besides this trial. For example, he wondered whether he would find time to load the station wagon with clothes and get an early start for the trip to Haywood County. He thought about John McFerren, Odell Sanders, and all the black tenant farmers who had lost their homes for registering to vote and marveled at their ability to stand up to the boycott and keep their families together. McCrackin knew that Operation Freedom was capturing people's imaginations. He wished that some of the people pursuing his expulsion from the Presbyterian Church could meet and talk with the blacks in Fayette and Haywood counties. Church rules and doctrines don't mean a thing if they keep us from the Lord's work, he thought.

In May the commission members were still discussing the degree of censure they wished to impose. They finally decided to impose indefinite suspension, figuring that McCrackin would

take it as a warning and heed their advice about obeying the laws of the land. On Friday, May 12, the commission was ready to pass judgment.

John Olert, the moderator, is said to have shed tears when he handed down this judgment.<sup>28</sup> It had been his church that initiated the accusations, and he must have felt like the proverbial parent who says to the erring child he must punish, "This hurts me more than it hurts you."

As a result of these hearings, McCrackin was suspended from preaching and administering communion. The practical result was that substitute ministers replaced him in the pulpit, while he stayed on in the church, joining his strong baritone voice with those in the choir and making what amounted to "long announcements" each Sunday from the choir section of the sanctuary.

During the summer of 1961 McCrackin and Moore appealed the Presbytery's decision to the Judicial commission of the Synod of Ohio. The Synod, removed from the emotional content of the investigation, found Cincinnati wrong on three technicalities and on September 19 seemingly overturned Cincinnati's decision. However, what they found wanting in the decision were matters of procedure rather than of substance: the commission had failed to take votes on the separate specifications of the charges; moreover, given that three earlier investigations had found no grounds for censure, the outcome seemed unduly severe. The Synod suggested that the Presbytery of Cincinnati retry the case. But the Presbytery had no intention of doing so; instead, it appealed to the General Assembly's permanent judicial commission for a ruling.

In May 1962, one year after McCrackin's indefinite suspension, the Presbyterian General Assembly met in Denver, Colorado. Although the Presbyterian Peace Fellowship had mailed a packet of materials about the case to each person attending the General Assembly, no official information about McCrackin's case had been made available. Presbyterian Life, then the church organ, refused to publish anything about it. McCrackin supporters from Cincinnati therefore came to Denver hoping to distribute literature about the case before delegates had to vote on it. They had copies of Virgie Bernhardt's articles in the Christian Century and other persuasive background materials. The first time they left the display area, however, they were told that it violated church policy to distribute information while a case was pending. The materials were confiscated. It is therefore doubtful that many who would be voting at the General Assembly knew the import of the matter they were about to pass judgment on. Among the national leaders, only Maggie Kuhn, then in charge of Christian Education, voiced any objections to the proceedings against McCrackin.<sup>29</sup>

The General Assembly works like this: each presbytery sends lay and clerical delegates, the number based on its size, and each delegate (or commissioner) is assigned to some commission for the first few days of the national meeting. It is in these commissions that the real work of the assembly is done. Each commission then reports to the larger group, the General Assembly, in the final days of the meeting, at which time votes are taken on various matters, usually following commission recommendations.

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The judicial commission, made up mainly of ordained ministers, was led by C. Marshall Muir. The vice-moderator, who actually had the burden of determining the church's stake in McCrackin's case, was Louis Aladar Komjathy, a Hungarian refugee who was not himself an ordained minister, but a lawyer with a new Ph.D. from Princeton.<sup>30</sup> Komjathy's newborn patriotism left him with little patience for McCrackin's reservations about American due process. He based his accusations on the fact that McCrackin had not consulted with the Ministerial Relations Committee of the Presbytery before he committed civil disobedience, nor had he tried in every way to get tax laws changed before he took action. Further, Komjathy objected to the Presbyterian Peace Fellowship's sending out a packet of information to commissioners in violation of a constitutional provision.

At one point Komjathy asked McCrackin if he realized that Communists were atheists, and that he would never have received so many hearings in a Communist country as he had in the United States. McCrackin may have been less enthusiastic than his interlocutor about the benefits of those hearings, but he chose to answer Komjathy's question respectfully. He acknowledged that the government of the Soviet Union proclaimed atheism, yet he was unsure about the beliefs of the people of that country. Furthermore, he contended that there were many possible definitions of communism." Finally, he pointed out that he had been willing to pay the cost of his civil disobedience and had indeed done so.

Komjathy wanted to know why McCrackin, when on trial, had not used the opportunity to make his pacifist positions known, rather than simply remaining mute in court. Perhaps Komjathy did not realize that most American judges do not allow defendants in civil disobedience cases to make such statements. Certainly he did not realize that defending his position to the court was not McCrackin's goal, whereas dramatizing the court's role in legitimizing war was. McCrackin tried to explain that he felt it was not possible to change the tax laws or to influence the court, which was in this case merely acting as an arm of the IRS.

Komjathy's most urgent question concerned McCrackin's belief that his own conscience was more correct than the law of the land or the advice of the Presbyterian Church: "Would you obey the directives that come from ecclesiastical authority?" he asked. McCrackin answered:

I would not, if it were in violation of my conscience; I think a group that is constituted by the church, its decision may certainly be conscience and the directive might be made with the utmost sincerity, but I still feel that ultimately the individual must do what he believes to be right in the light of the directive and in light of the other convictions that he has.<sup>31</sup>

Here McCrackin's ideas seem to have been influenced by various books in which the Quaker notion of appealing to the light within is held up as a way of understanding conscience: *Friends for 300 Years* by Howard Brinton; *The Inner Life* by Rufus Jones; and *Doorways to Life* by Douglass Steere.

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Komjathy, dissatisfied, asked again: "Do you base this supremacy of your conscience on just inner conviction or do you base it on any portion of the Constitution of the Presbyterian Church?"

McCrackin explained that the church and the Bible served a formative function in the development of conscience, but they were not the only touchstones:

I believe the Constitution of the Presbyterian Church, the Bible, prayer, and reading and consultation and discussion, that all these help a person to reach a conclusion of some belief or some action that he must take, and certainly conscience is not an infallible instrument but I think when we have searched and tried to find an answer for our lives, that we have to follow the light that we have, recognizing that we haven't seen the light fully.

Richard Moore, who still served as McCrackin's defense counsel, recognized early in the Denver proceedings that things were not going well. First of all, Murray Drysdale, the representative of the Synod of Ohio, was unwilling to defend the synod's decision to overturn the Cincinnati Presbytery's ruling. Secondly, Eugene Carson Blake, the Clerk of the General Assembly, also refused to testify. Blake had advised the Presbytery of Cincinnati at an early stage of its deliberations and was in an ideal position to influence the judicial commission because of the authority of his office. The commission, however, was hampered by being unable to call in any new witnesses and having to rely instead on written documents, including the records of the previous trials--a significant amount of reading material for men already obligated to carry on the other business of the General Assembly. The trial itself had to be scheduled at odd intervals around the other business.

At one point Moore and Komjathy had an altercation. Moore contended that no fair trial was possible in Cincinnati, and that Stanley Boughton, Stated Clerk of the Presbytery of Cincinnati, had communicated to him privately that this was so. Komjathy righteously contended that ministers of the church should have more faith in the church than that. Moore retorted that faith in the church was one thing, and faith in the Cincinnati Presbytery another.<sup>32</sup>

As it turned out, Moore's faith in the national church was tested as well, for the judicial commission upheld the Presbytery of Cincinnati. It ruled that McCrackin had "resisted the ordinance of God," "published erroneous opinions and maintained practices which [were] destructive to the external peace and order" of the church, and failed to "obey the lawful commands. . . of the civil magistrates." Furthermore, its written statement described his salary arrangements as "unscrupulous" and the efforts to publicize his case as indicative of "less than the best judgment and the highest ethics."

The General Assembly may not have realized the full significance of their decision to accept the recommendation of their judicial commission. They ruled that Cincinnati could not suspend McCrackin indefinitely; rather, he should be given a certain amount of time to meet the Presbytery's conditions. His indefinite suspension should be lifted within six months of the hearing. The intention here was probably to reinstate the errant minister within that time period--or at least to end the long period of indecisiveness. An early reaction to the ruling, published in

Christian Century, called this a “reconciling decision,” an acceptable compromise.<sup>33</sup> But that is not how it turned out. Since McCrackin had no intention of submitting to the demands of the Cincinnati Presbytery, the General Assembly had in effect defrocked him.

After the trial McCrackin saw Marshall Scott, who was Moderator of the General Assembly and in a position to exert influence on the vote concerning McCrackin. He was, moreover, then president of McCormick Seminary, and thus had an additional reason to back McCrackin. He did not do so. Years later Scott told McCrackin, “I wept inside when that motion was passed.” McCrackin wondered if he was missing a moment of truth by accepting Scott's sympathy rather than responding, “You didn't have to pass that motion, you know.”<sup>34</sup>

The leadership of the Cincinnati Presbytery was not long in implementing the action of the General Assembly, and they did so in a particularly unkind way. Reading the fine print of Chapter 9, Section 13 of the *Book of Discipline*, they saw that “if a pastor is suspended from office, the Presbytery shall, if no appeal is pending, declare his pulpit vacant.” Once the General Assembly had met, there was no appeal pending. McCrackin's pulpit could legally be declared vacant at once.

On June 12, 1962, McCrackin was informed by phone that his pulpit would be declared vacant as of July 1. He would have to leave the manse by August 1. The following February he was informed by letter that he was no longer a minister of the Presbyterian Church. Stanley Boughton, Stated Clerk of the Presbytery of Cincinnati, put the final touches on McCrackin's ouster in a letter informing him that his ordination had been “set aside.” The man who had decided earlier in his ministry to imitate Jesus in all that he did was now told: “Maurice F. McCrackin had been convicted by sufficient proof of the sin of obstinate impenitence, and by his sin and unfaithfulness had brought reproach on the cause of his master.”<sup>35</sup>

## Notes for Chapter 9

1. This and the following exchanges are documented in letters to and from Presbyterian officials and statements from McCrackin's personal files, now available at the Cincinnati Historical Society.
2. Tolstoy was sympathetic to the Doukhobors, and with his assistance many of them were resettled in a more congenial country—Canada— where they are still thriving today. See Richard Moore, “Shirt of Flame,” manuscript, p. 106.
3. Stephen A. H. Wright, “Maurice McCrackin: A Case of Non-Conformity in the Presbyterian Church” (M.A. thesis, Louisville Presbyterian Seminary, 1983), pp. 15, 25.
4. Interview with Maurice McCrackin, July 1986. Years later, Blake was arrested in an act of civil disobedience as part of an effort to integrate a New Jersey beach. McCrackin wrote to him at that time commending the action, but Blake never mentioned their earlier exchange when he answered McCrackin's letter. See also Moore, “Shirt of Flame,” p.106.
5. McCrackin interview.
6. Originally called together by Robert O'Brien, minister of First Unitarian Church, this group also included Clarke Wells, minister of St. John's Unitarian Church, and James Paradise, president of the Cincinnati chapter of the

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American Civil Liberties Union. Twenty-five students from Hebrew Union Seminary were among the active participants. Executive members of the committee included the Reverend U. S. Fowler, worship leader of West Cincinnati-St. Barnabas; the Reverend Robert Gillespie, Presbyterian minister; and the Reverend Richard Moore, McCrackin's defender in the church trial.

7. Statement of support from the lay leadership of West Cincinnati-St. Barnabas Church, October 28, 1957, Cincinnati Historical Society.
8. Virgie Bernhardt, "The McCrackin Verdict," *Christian Century*, July 5, 1961, pp. 826-28.
9. Maurice McCrackin, "Pilgrimage of a Conscience," autobiographical manuscript. A version of this can be found in the official transcript of the November 3, 1960, proceedings before the Judicial Commission of the Presbytery of Cincinnati, beginning on p. 56, Cincinnati Historical Society.
10. Letter to supporters, September 12, 1957, Cincinnati Historical Society.
11. Official transcript of the proceedings of the Judicial Commission of the Presbytery of Cincinnati vs. Maurice McCrackin, p. 3. Henceforth called "official transcript."
12. Official transcript, p. 12.
13. Robert E. Thompson, *History of the Presbyterian Church* (New York: Scribner's, 1907), p. 10.
14. McCrackin, "Pilgrimage."
15. Official transcript, pp. 59-60.
16. Ibid., p. 65.
17. Ibid., p. 77.
18. Ibid., pp. 78-9.
19. Ibid., pp. 108-9.
20. Ibid.
21. Ibid., p. 110.
22. Ibid., pp. 110-11.
23. Ibid., p. 111.
24. Ibid., pp. 111-12.
25. Interview with John Wilson, June 1987.
26. Official transcript, pp. 128-29.
27. Ibid., p. 137.
28. Moore, "Shirt of Flame," p. 107.
29. McCrackin interview.
30. Although he was not ordained, he was addressed by the other commissioners as "Reverend Komjathy" and listed as such in the official trial proceedings.
31. Official transcript, p. 145.
32. Ibid., p. 122.
33. "A Reconciling Decision," *Christian Century*, June 6, 1962, pp. 703-4.
34. McCrackin interview.
35. Letter, Stanley Boughton to Maurice McCrackin, February 19, 1963.