

**SO MUCH OVER SO LITTLE?  
THE LIBEL SUIT OF JAMES J. STEWART<sup>1</sup>**

ALBERT WILLIAM MARTIN, JR.

In early 1959 Judge Edwin L. Swope prepared to preside over an unusual libel suit in Bernalillo County District Court, Albuquerque. It pitted a defrocked Methodist minister, James J. Stewart, against Methodist district superintendent Joe Scrimshire. Although Stewart was asking only \$100 in damages, the trial was the climax of almost two years of litigation. Stewart's suit had been dismissed by District Court Judge John B. McManus, who took the position that state courts should stay out of internal church arguments,<sup>2</sup> but the New Mexico Supreme Court reversed his decision. It is little wonder that the judge looked at the amount of money involved and then asked the lawyers, "Why so much time, effort, and expense?"<sup>3</sup>

The Supreme Court had determined that even though statements about Stewart signed by Scrimshire in a church newspaper were libelous *per se* they were also "qualifiedly privileged." Scrimshire, it had ruled, was "at the very least, an ex officio member" of the Oklahoma investigating committee that had authorized the report. Whether he had abused his protected status and "acted from actual ill-will or from an improper purpose" should be a jury decision.<sup>4</sup>

Whatever Swope's reasons for raising the question about why so much over so little, the answer that he received from both sides was that the trial was a "matter of principle."<sup>5</sup> This was true because underlying the judge's

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<sup>2</sup>"Stewart's Libel Suit Dismissed by Court," *Oklahoma-New Mexico Methodist*, July, 1957, 3.

<sup>3</sup>"Jury Trial Set In Long Church Legal Battle," *Albuquerque Journal*, January 30, 1959, 1.

<sup>4</sup>Supreme Court of New Mexico No. 6382, July 2, 1958, 327 P. 2d 333, 64 *New Mexico Reports*, 270-75.

<sup>5</sup>"Jury Trial Set," 1.

question and the attorneys' answer were fundamental concerns about public and ecclesiastical morality. These matters were of statewide and national importance.

## I

We turn first to the trial.<sup>6</sup> A jury of seven men and five women took their seats on February 3, 1959. All the jurors had been asked about their "religious affiliation,"<sup>7</sup> and, surprisingly, the jury contained only three Roman Catholics, for, despite the influx of many Protestants from the East in the 1940s and 1950s, Albuquerque was, as it had always been, predominantly a Catholic city.<sup>8</sup> Two jurors were of no religious persuasion, one was "a follower of the Hebrew religion," and there was one from each of the following denominations: Baptist, Christian, Church of Christ, Episcopal, Presbyterian, and Lutheran.<sup>9</sup>

The opening statement by Attorney Donald Moses, speaking on behalf of Stewart, the plaintiff, put the libel charge in its unique Methodist setting. The jury quickly learned that Stewart had been a successful pastor who had founded Trinity and St. John's Methodist Churches in Albuquerque, that he had accused his bishop, W. Angie Smith, of using his high office for personal financial gain, and that an ecclesiastical investigating group in Oklahoma, where Stewart had filed his complaints, had completely exonerated the Bishop and had then published a report that included an attack on Stewart.<sup>10</sup>

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<sup>6</sup>A partial record of the trial still exists: "J.J. Stewart vs. Herman Ging, Owen Gragg, John W. Porter, Ben Sturdivant, Paul H. Tripp, Edwin W. Parker, Robert J. Smith, and Joe B. Scrimshire," Bernalillo County #68038 (hereafter *Stewart v. Ging*), Bernalillo County Courthouse, Albuquerque. Of the named defendants, only Scrimshire was a New Mexican, so the suit was actually just against him. The other seven participated as witnesses, either in person or by deposition. A deposition given by Bishop Smith in Alamogordo in August of 1958 "was not opened or referred to by either side in the case" (Dave Smoker, "Malice Toward Plaintiff in Libel Suit Is Denied," *Albuquerque Journal*, February 6, 1959, 13). In his statement, Smith answered charges that he and his wife deposited money for missions in their personal accounts by affirming that federal authorities checked his taxes and said "they couldn't understand the person who made the objection..." (Deposition of Bishop W. Angie Smith, August 4, 1958, 56, quoted in James J. Stewart to G. Sais, November 16, 1960, copy in Stewart Papers, New Mexico Conference Archives, University Heights United Methodist Church, Albuquerque). The complete deposition apparently no longer exists.

<sup>7</sup>Dave Smoker, "Former Pastor Testifies As Libel Trial Opens," *Albuquerque Journal*, February 4, 1959, 2.

<sup>8</sup>In the 1950s Albuquerque was one of "the top ten cities in terms of Catholic populations" (Ferenc Morton Szacz, *Religion in the Modern American West* [Tucson: University of Arizona Press, 2000], 99).

<sup>9</sup>Pete Giannettino, "Jury Selected To Hear Libel Litigation Here," *Albuquerque Tribune*, February 3, 1959, 1-2. Efforts to find jury members for interviews were unsuccessful.

<sup>10</sup>See A.W. Martin, Jr., "Love Gifts for the Bishop," *Chronicles of Oklahoma* 78 (2000), 4-27, 132-59; or *Methodist History* 39 (2001), 71-81, 143-53.

The attack was part of a front-page article titled, "Complaints Against Bishop W. Angie Smith Found Base and Untrue: Accuser Is Condemned," which had appeared in January, 1957, in the *Oklahoma-New Mexico Methodist*, a publication that was sent to over 30,000 Methodists. It was a two-page summary of an official ten-page report that was not widely circulated and had been signed by Scrimshire and seven Oklahoma ministers.

The eight ministers accused Stewart of inappropriate action as a minister and charged him with attempting to smear Bishop Smith's name. Not only were his accusations improper, they said, but they were also "foolish." He had "either willfully tried to deceive" or was "suffering from a greatly confused mind." If not trying to deceive, he "demonstrated "cowardice" or "ignorance." He showed "neither courage nor sincerity in this entire matter."

Moses argued that while the ministers had a right to inform their constituents as to why they rejected Stewart's charges against Bishop Smith they should have done so "with caution and within reason." They "went too far," he said, and should therefore "pay damages." He would try to show that the officials were prejudiced against Stewart and had shown malice against him. Attorney Caswell Neal for the defense stated that through both oral and written testimony he could show that publication of the article in question did not involve malice.<sup>11</sup>

Following the opening statements by Moses and Neal, Stewart took the stand and explained his long-standing belief that Smith, who had presided over Methodist work in the Oklahoma and New Mexico Conferences since 1944, had improperly secured money and other gifts for himself and his family from pastors and churches under his control. Following the publication of the report that exonerated the Bishop and defamed Stewart, an investigating committee of the New Mexico Conference had charged him with "conduct unbecoming a minister," and a church court had then defrocked and expelled him from the denomination in April, 1957.

Stewart then described how Scrimshire had contributed for a Cadillac for the Bishop in 1956 and how the Reverend Paul Tripp, a member of the Oklahoma committee, while earlier a pastor in New Mexico, had provided an oil painting for Bishop Smith. When asked, during cross-examination, why Scrimshire "would have malice toward him," Stewart replied that he did not know of any reason "unless I was getting at something he was guilty of."<sup>12</sup> It appears that much of Stewart's testimony dealt only indirectly with the question of malice on Scrimshire's part. Judge Swope thus allowed Stewart a platform to advance his crusade against love gifts, with Bishop Smith as his primary exhibit.

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<sup>11</sup>Pete Giannettino, 2.

<sup>12</sup>Smoker, 2. Unfortunately, *Stewart v. Ging* lacks oral testimony. A full transcript was made by Court Reporter John Tribble, but apparently no copy still exists. Case records in the lawyers' offices have been destroyed (Donald B. Moses to author, January 21, 1997; Charles Malone to author, May 29, 1997; J.W. Neal, grandson of Caswell Neal, telephone interview by author, January 23, 1997).

Moses next called two strong Stewart supporters as witnesses: Mrs. Russell Scott, a member of the Official Board at St. John's Methodist Church, and Dr. James D. Shreve, Jr., a nuclear physicist at the Sandia Corporation and choir director and Board member at St. John's. They were both leaders in the Lay Movement for Democracy in Methodism (LMDM), an organization made up of members from St. John's and at least three other Methodist churches in Albuquerque that had formed in 1957 to support Stewart and to advance the cause of reform in The Methodist Church.<sup>13</sup> Concerned about "dictatorial use of ministerial [i.e., episcopal] authority" in the denomination, the group pledged to study church law, "suppress the love of materialism wherever it exists in our church," and "encourage more democratic procedures within the Methodist Church."<sup>14</sup>

Mrs. Scott had worked with Stewart in gathering evidence about possible episcopal wrongdoing before he filed charges against Bishop Smith, investigating the question of double-dipping for travel expenses. She had received a letter from the national treasurer of the denomination, who administered bishops' travel funds, stating that the church leaders did not have to itemize expenses in detail. She also had a letter from Smith himself denying that he ever charged two accounts for the same trip.<sup>15</sup>

Shreve testified about Stewart's effectiveness as a pastor, and Mrs. Scott probably did also. This kind of testimony supported the claim made in Stewart's original complaint, "that his reputation and standing as a minister throughout his said career have been excellent and that the pastoral charges under his leadership have grown and prospered...."<sup>16</sup>

Mrs. Scott also testified that she had contributed to a fund to support Stewart and had borrowed a copy of the complete unpublished report of the Oklahoma investigation from the Reverend Kenneth Ford, Stewart's successor as pastor of St. John's, and taken it to Moses' office for duplication.<sup>17</sup> If Stewart and Moses had been able to use this report, they would have had even stronger evidence of possible libel. It stated that Stewart's complaints were "foolish, fanatical and deceitful statements" and that his charges represented "a low and vile attack without reason or fact ..., the work of a mind so warped by hatred and vengeance that it cannot even think straight."<sup>18</sup>

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<sup>13</sup>"New Methodist Lay Movement Is Incorporated," *Albuquerque Journal*, May 2, 1957, 1.

<sup>14</sup>"Constitution of Lay Movement for Democracy in Methodism, Adopted February 13, 1957" (Papers of Judy Nickell, one of the group founders, Albuquerque).

<sup>15</sup>Thomas B. Lugg to Mrs. Russell C. Scott, December 20, 1956; Bishop W. Angie Smith to Mrs. Russell C. Scott, January 8, 1957 (copies, LMDM Scrapbook, St. John's United Methodist Church, Albuquerque).

<sup>16</sup>"Complaint," Stewart v. Ging.

<sup>17</sup>Smoker, 2.

<sup>18</sup>"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" (Papers of Rev. Kenneth Ford, Library of Mrs. Janie Ford, Glen Rose, Texas).

The next two persons to appear for the plaintiff were unfriendly witnesses. Rev. Ford, the last witness on the first day, apparently was called to prove the existence and nature of the official report referred to by Mrs. Scott. In a difficult situation as Stewart's successor, he had to relate to different factions in St. John's, but was definitely not supportive of Stewart's cause, as he and some lay persons at the church who opposed Stewart's efforts had earlier referred to his "unwarranted and malicious attacks."<sup>19</sup>

Even more unfriendly than Ford was the first witness on the second day, Edwin Parker, who as the District Superintendent of the Oklahoma City District had presided over the hearing that affirmed Smith's complete innocence and attacked Stewart. Following the reading of the newspaper article on which Stewart's suit was based,<sup>20</sup> he stated that he had contributed toward the gift of a Cadillac for Bishop Smith in 1956 and volunteered, "I have participated each time I knew the Smiths were to be honored..." Such gifts, he said, were "a long standing practice in the church," and he knew "of no instance where Bishop Smith encouraged such gifts and knew of occasions when he discouraged them." Regarding the "events surrounding investigation of Stewart's accusations," he responded to Neal on cross-examination by affirming that the ministers published the article "because we felt the church had been greatly injured ..." and that he knew of "no one motivated by malice" in its publication.<sup>21</sup>

Moses then asked Parker about a letter that Scrimshire wrote to Bishop Smith on December 21, 1956, some three weeks before participating in the Oklahoma committee meeting on January 10, 1957. The superintendent effectively answered Stewart's charge that the Bishop drew about \$500 a year for a non-existent residence in New Mexico by showing that the term "residence" referred merely to temporary stays by Bishop Smith and his wife. But Scrimshire had also written that Stewart was "unscrupulous" and had a "distorted mind," "deliberately mis-representing [*sic*] the facts in a charge that infers [*sic*] fraudulent use of this fund."<sup>22</sup> Moses asked Parker if a person who had written such statements could be "impartial and fair" when he participated in the Oklahoma hearing. Parker replied, obviously without answering the question, "I think that committee would have done what was right no matter who was in the room."<sup>23</sup>

Attempts on the second day by Moses and his assistant Fred Trechel to get additional testimony about love gifts for the Bishop into the record failed, as Judge Swope accepted the argument of Neal's associate, Ross Malone, with the jury excused, that "the issue at stake in the trial [was] sole-

<sup>19</sup>Night letter, December 19, 1956, to Bishop Smith, copy, Ford Papers.

<sup>20</sup>"Church Report Read to Jury In Libel Suit," *Albuquerque Tribune*, February 4, 1959, 2.

<sup>21</sup>Dave Smoker, "Pastor Admits Donating Toward Gifts for Bishop," *Albuquerque Journal*, February 5, 1959, 1, 4.

<sup>22</sup>The letter is a part of *Stewart v. Ging*, which also contains Scrimshire's deposition before Moses and Neal in Albuquerque on December 19, 1958.

<sup>23</sup>Dave Smoker, "Pastor Admits," 4.

ly whether malice was involved in the church newspaper article." Stewart's lawyers completed their case by having another member of St. John's Official Board, Richard A. Richards, testify as to Rev. Stewart's effectiveness as a pastor.<sup>24</sup>

## II

On the third day much of the morning was given over to the reading of the 110 pages of depositions taken the preceding September in Oklahoma City from the five official members of the Oklahoma investigating committee and Robert Smith, a district superintendent in the Oklahoma Conference who had been present and had also signed the article that condemned Stewart. They "testified that they felt no malice toward Stewart and that they thought it necessary for the good of the church to publish the article in question," the content of which they believed to be made up of "true statements."<sup>25</sup>

Defense testimony followed from the Superintendent of the Albuquerque District, R. L. Willingham, who said that it was his recommendation to move Stewart from St. John's in 1956 because he thought that the church was "not measuring up to its potential' in the fast-growing Northeast Heights," because "Stewart's services were unsatisfactory 'in some ways',"<sup>26</sup> and because he showed "a 'strong negative attitude'." As for himself, he had contributed "on a purely voluntary basis" to love offerings; he did not think the Bishop knew "who made the contributions."<sup>27</sup>

In cross-examination Moses read a letter from the Official Board of St. John's Church unanimously requesting Stewart's return and praising his "great inspirational leadership through his pulpit, ... his unchallengeable personal integrity and [his] ... tireless personal evangelism which has contributed to our *steady* growth."<sup>28</sup> Unfortunately the newspaper reports do not indicate how Willingham explained the discrepancy between his evaluation of Stewart's work and the church's.

The other witness for the defense was Superintendent Scrimshire himself. Like the Oklahoma ministers, he claimed that the published article that attacked Stewart was "for the good of the church" and "that no malice or ill will toward Stewart was involved." But he slightly separated himself from the others when he stated that he signed the article "as the true findings" of the investigating committee whose meeting he "sat in on" representing the New Mexico superintendents "as an invited observer."

<sup>24</sup>Smoker, "Pastor Admits," 4.

<sup>25</sup>Smoker, "Malice," 1, 13.

<sup>26</sup>Smoker, "Malice," 13.

<sup>27</sup>Pete Giannettino, "Ex-Minister's Suit Nearing Jury Here," *Albuquerque Tribune*, February 5, 1959, 2.

<sup>28</sup>Minutes of the Official Board, St. John's United Methodist Church, Albuquerque, March, 28, 1956, 129.

His attorneys asked him about the gift of the Cadillac for the Bishop, and Scrimshire described it as a surprise to honor the Bishop after his reappointment to preside over the Oklahoma-New Mexico Area "for the fourth straight quadrennium" and his election as President of the Methodist Council of Bishops, the "highest office in the Methodist Church." No one was coerced to give for the car, he claimed, and love gifts were "in accordance with long [-] standing custom in the church."<sup>29</sup>

By claiming to have attended the Oklahoma committee meeting as only an invited guest, Scrimshire surely opened the door for Stewart's attorneys to raise doubts once again as to whether he really had official or protected status. In his earlier deposition, Scrimshire said that he did not remember participating in the discussion of the committee except to explain the question about the episcopal residence.<sup>30</sup> In the various stages leading to the jury trial his attorneys, however, had claimed that he was in fact a co-president with Parker at the hearing.<sup>31</sup> Moses may well have gone over this ground again.

Turning to the question of malice, Moses specifically asked Scrimshire "if he felt any animosity toward Stewart because of the 'love gifts' attacks," thus giving the Superintendent a clear opportunity to deny malice and to add that Stewart "had the right" to make his criticism.<sup>32</sup> Surely Moses would not have given this opening, however, without also asking Scrimshire about his attack on Stewart in the letter to Bishop Smith regarding the residence fund. He may also have asked Scrimshire if it was appropriate for him to participate in the official investigation when he had previously signed off on a public letter from all the superintendents in Oklahoma and New Mexico. This letter stated that it was "beneath the dignity of competent men to consider" Stewart's charges, accused the pastor of only being after publicity, and "refuse[d] to recognize him or any statements he may make in the future."<sup>33</sup>

On February 6, the last day of the trial, the attorneys gave their final arguments, with Neal and Malone advising the jury that Stewart "had 'launched an absolutely unprecedented attack against the leader of the Methodist Church of the world...in the public press.'" Moses reemphasized that Stewart had taken a church concern "to district court seeking nominal damages 'as a matter of principle.'"<sup>34</sup>

Judge Swope then instructed the jurors, advising them that they were "the sole judges of all questions of fact ..." and that they could bring a verdict if

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<sup>29</sup>Smoker, "Malice," 13.

<sup>30</sup>Scrimshire Deposition, 13, 17-19, 27, 39, 41. But Scrimshire also comes close to claiming official status (8, 26).

<sup>31</sup>See New Mexico Supreme Court, Case No. 6362, Brief of Appellees, 2-6, 10, 11, 22; *Stewart v. Ging*, Motion for Summary Judgment, 3a.

<sup>32</sup>Smoker, "Malice," 13.

<sup>33</sup>Quoted in Scrimshire Deposition, 21-22.

<sup>34</sup>Frankie McCarty, "Stewart Is Loser In Suit Against Church Heads," *Albuquerque Journal*, February 7, 1959, 1.

ten or more agreed. If they found that the statements about Stewart in the church publication were true, they were to "return a verdict for the defendant." But if they saw them as false, they had to determine if those who signed them acted "in bad faith and malice," in which case they were to decide for the plaintiff. If they saw them as acting "in good faith and without malice," then their decision should be for the defendant. The term "malice" was to be understood as meaning "personal hatred or ill will toward the plaintiff or a wanton disregard of the rights of the plaintiff" and had to be "shown by evidence aside from the published article ...." Since Scrimshire's "position ... was one of qualified privilege," even if the statements in the article were "false or defamatory," malice on his part had to be shown for a judgment to be given in Stewart's favor. The burden of proof was on the plaintiff to support his claims "by a preponderance of the evidence," understood as indicating "the greater probability of truth."

What were the members of the jury to do with all they had heard about Stewart's charges against Bishop Smith? They could not determine, Swope told them, "whether or not the practice of giving and receiving such gifts is proper or desirable [*sic*]"; such a question was "to be decided solely by the members and officials of the church ...." But the jury could "consider any testimony concerning the opposition of the plaintiff to this practice and the approval of the defendant..., along with the other evidence, in determining whether or not the defendant acted with or without malice in making the statements concerning the plaintiff ... in the article in question."<sup>35</sup>

After deliberating for over two hours, the jury returned a verdict, reportedly by a 10-2 vote, in favor of Scrimshire. Stewart soon indicated that he did not plan to appeal and registered satisfaction that "the defense witnesses 'admitted that they had frequently given valuable gifts to the resident bishop and his family [and had] put their testimony on the court record.'"<sup>36</sup> He "ha[d] no criticism of judge or jury" and felt that Swope's instructions "drew a line between church and state jurisdiction as narrow and straight as humanly possible." He further agreed that the appropriateness of love gifts was not a question for a civil court. "[T]he incident never would have started in the first place," he stated, "had there been more charity on both sides."<sup>37</sup> He admitted, "I was a bit rough and imprudent at times in my attack on gifts to my superiors—a practice that I deeply resented."<sup>38</sup>

### III

From the standpoint of Stewart and his supporters, even if they won only two votes on the jury, so much effort and expense to bring about "a public

<sup>35</sup>"Instructions," Stewart v. Ging.

<sup>36</sup>Associated Press, "Minister Gives Up On Lawsuit," *Oklahoma City Times*, February 9, 1959, 23.

<sup>37</sup>"Ex-Pastor Plans No Appeal of Decision" *Albuquerque Tribune*, February 9, 1959, 17.

<sup>38</sup>"Legal Battle With Church Officials Is Over---Stewart," *Albuquerque Journal*, February 9, 1959, 1.

hearing of his accusations,"<sup>39</sup> was justified as part of a broader campaign to raise ethical standards in the church. Scrimshire's attorneys, Neal and Malone, were both active Methodist laymen and undoubtedly saw themselves as defending the honor of the church and its leaders.

Although some of Stewart's charges lacked merit, he and his followers saw themselves as trying to reform the church by calling it to accept moral standards that at least matched those of the surrounding society. They had collected stories nationwide about big gifts for other bishops and about influence peddling in politics and business.<sup>40</sup> While still pastor at St. John's, Stewart had published an article in a national church paper in which he compared love gifts "to the pre-Reformation sale of church benefices," reminding his readers that, "civil service employees are not permitted to give gifts to their superiors," and calling on the next General Conference to make acceptance of love gifts "grounds for expulsion" from the Church.<sup>41</sup>

Stewart undoubtedly knew that Mrs. Scott's husband worked for the United States Corps of Engineers and that "[i]t was the policy of that organization to not accept gifts from contractors or businesses that might influence contracts."<sup>42</sup> Many Albuquerque residents in the courtroom would have remembered that in 1955 the Albuquerque City Commission had adopted a policy "that no gifts, favors or emoluments, regardless of value, shall be accepted by any city employe[e] from vendors, contractors, individuals or firms who have any business relationship with the city of Albuquerque." It was also general knowledge in the city that Atomic Energy Commission employees could "not present or solicit contributions for gifts to superiors" and could "not accept gifts from subordinates." Certainly the *Journal* reporters would not have forgotten the explicit policy of their paper that they were allowed "no free tickets."<sup>43</sup>

A financial supporter of Stewart from Houston placed in a national framework the concern that morality within the church should at least match that required in the public sector. His primary motive in going after a Methodist bishop was quite different from Stewart's, as he was a leader among a group of laymen who feared perceived Communist influence in the highest levels of the church, but he also shared the minister's moral concern, "There simply should not be a double standard of ethics for the professionals in the field of religion. It is no more right for a Bishop in the Methodist Church to take a bull, a quarter horse, or a love gift for his wife to travel

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<sup>39</sup>Jack Jones, "Seven Pastors Give Evidence In Libel Action," *Daily Oklahoman*, September 12, 1958, 3.

<sup>40</sup>LMDM Scrapbook.

<sup>41</sup>*Christian Advocate*, January 20, 1955, 2.

<sup>42</sup>Lila Roger, the widow of an associate of Russell Scott, to author, November 5, 2000.

<sup>43</sup>"AEC Policy Against Gifts Is Restated," *Albuquerque Journal*, December 2, 1956, 45; "City Commission Policy on Gifts, Favors Stated," *Albuquerque Journal*, May 25, 1955, 2. Sally Brown, the widow of the managing editor of the *Journal* in the 1950s, provided the city and newspaper policies (Sally Brown to author, November 2, 2000).

abroad, than it is for a Sherman Adams to take a vicuna coat and a rug from a Goldfine!"<sup>44</sup> Adams, the chief assistant to President Eisenhower, whose first presidential campaign stressed returning morality to government,<sup>45</sup> had accepted gifts from an industrialist and had resigned in the fall of 1958.<sup>46</sup>

Many who attended the Albuquerque trial undoubtedly also remembered the investigations by a U.S. Senate committee of Teamsters Presidents David Beck and Jimmy Hoffa, who were accused of having misappropriated funds.<sup>47</sup> Some might remember efforts to require "all congressmen, senators and member of the executive branch receiving salaries of \$12,500 or more to report to a commission, and through it to the public, their total income and their expenses on all trips ...."<sup>48</sup>

Their comparison of ecclesiastical and public ethics was part of the preparation by Stewart and his friends for the General Conference of The Methodist Church that met in 1960. As they had done four years before, they petitioned this supreme legislative body of the denomination to eliminate love gifts. Stewart himself, even though defrocked and expelled, made a quixotic effort to address the 1960 conference. Although his attempt and the petitions were rejected, the efforts of Stewart and his supporters helped to bring about a decisive change in denominational polity, as the Conference voted to restrict the length of time a bishop could preside over one area to a maximum of "twelve consecutive years."<sup>49</sup> This was exactly half the time that Bishop Smith supervised Methodist work in Oklahoma and New Mexico. In 1976 episcopal terms were reduced to no more than eight years, except when "strategic missional reasons" called for four more years.<sup>50</sup>

#### IV

If James J. Stewart's suit against Joe Scrimshire and the other ministers who condemned him had been about nothing more than \$100, then Judge

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<sup>44</sup>Paul E. Wise to James J. Stewart, February 3, 1959, Stewart Papers. Stewart's original charges did not include gifts of animals for Bishop Smith's Oklahoma ranch; in the fall of 1957, however, he received evidence of a gift of "a white Arabian saddle animal" (H.G. Ryan to James Stewart, September 5, 1957, Stewart Papers). On the Committee for the Preservation of Methodism, organized at the end of 1950, see Walter N. Vernon, et al, *The Methodist Excitement in Texas: A History* (Dallas: Texas United Methodist Historical Society, 1984), 323-25.

<sup>45</sup>William Lee Miller, *Piety along the Potomac: Notes on Politics and Morals in the '50s* (Boston: Houghton Mifflin, 1964), 21, 35.

<sup>46</sup>Stephen E. Ambrose, *Eisenhower: Soldier and President* (New York: Simon & Schuster, 1990), 464-65.

<sup>47</sup>Richard N. Current, T. Harry Williams, and Frank Freidel, *American History: A Survey*, 2d ed. (New York: Alfred A. Knopf, 1966), 882.

<sup>48</sup>"Full Disclosure Urged on Officials and Congress," *Christian Century*, August 13, 1958, 918.

<sup>49</sup>*Doctrines and Discipline of the Methodist Church* (Nashville: Methodist Publishing House, 1960), 526.

<sup>50</sup>*The Book of Discipline of the United Methodist Church* (Nashville: United Methodist Publishing House, 1976), ¶507.1. In 1996 this exception was modified to permit the additional four-year term if "in the best interest of the jurisdiction" (*Discipline*, 1996, ¶407.1).

Swope's apparent opinion that it represented a great deal of effort over a very small matter would of course be correct. If a financial settlement were all that was involved, one might even want to take the Judge a step farther and borrow Shakespeare's words to say that it was "much ado about nothing." But, when the suit and subsequent trial are viewed as part of a larger picture involving concerns about public morality and efforts at church reform, it becomes possible to answer Judge Swope's question more fully. From this perspective the libel suit of James J. Stewart was much ado about a great deal indeed.