



2004

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Recommended Citation

Jay Barth, *Bridge to Modernity: The Political Legacy of Sid McMath*, 26 U. ARK. LITTLE ROCK L. REV. 535 (2004).
Available at: <http://lawrepository.ualr.edu/lawreview/vol26/iss3/6>

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Cover Page Footnote

The UALR William H. Bowen School of Law and the UALR Law Review would like to bestow a special debt of gratitude on Governor Sidney S. McMath for his distinguished service to our nation and the State of Arkansas as a military officer, governor, attorney, and icon in the legal community. The essay that follows is one of six in this issue that pays tribute to Governor McMath's accomplished life and illustrates the impact of his legacy. He will be forever remembered in the hearts and minds of those whose lives he touched.

BRIDGE TO MODERNITY: THE POLITICAL LEGACY OF SID MCMATH

Jay Barth*

Many admiring remembrances on the full life of Sidney S. McMath (1912–2003) have followed his recent death; the dedication of this edition of the *Review* to his memory serves as yet another example. Despite my own respect for Governor McMath and my fondness for many of his family members, this essay attempts to take a step back to consider with less sentimentality the relevance of the political career of McMath. The evidence is indeed compelling that McMath's public career both marked a distinct break with the politics of the past in Arkansas and, just as importantly, served as an important bridge to a significantly modernized Arkansas government and politics led by an invigorated executive branch. Because much of the impact of McMath on his state's politics transcends the electoral and public policy battles during his four years as governor at midcentury, a focus only on the accomplishments of McMath's governorship provides much too narrow a scope for understanding who Sid McMath, the public servant, was and why he mattered. All told, McMath's role as a bridge from the past to the present of Arkansas electoral and governmental dynamics shows itself in at least five distinct ways.

The first break from the past represented by McMath's public life was his acceptance of the reality that events and persons outside of the state were potentially beneficial to Arkansans and that, like it or not, Arkansas and its people were connected to the rest of the nation and world. Arkansans over the age of 40 remember being "taught"—in their schools and homes—that Arkansas was the only state that could survive even if a fence were built around it to prevent anything from coming in or going out. It has been hypothesized that this proverbial bit of "wisdom" may have "given Arkansas something to brag about when they desperately needed something to be proud of," but, whatever the reason for its persistence, it reinforced the sentiment that Arkansans had no reason to look beyond their state's borders for new opportunities or for new ideas.¹ That *status quo*-focused perspective undergirded the inherent, blind traditionalism of public life in Arkansas through World War II. Senator J. William Fulbright certainly was shaped by his Oxford experiences and, as time went on, foreign affairs became undeniably central to his work. But, back home, Fulbright attempted to downplay non-Arkansas interests. McMath was the Arkansas politician who first emphasized his non-Arkansas experiences as shaping who he was as a po-

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1. Ernie Dean, Telephone Interview with Diane Blair (Dec. 6, 1985). See also Tim Bennett, *Center Puts World View in Classroom*, ARKANSAS DEMOCRAT, Feb. 3, 1986.

litical leader. McMath's experiences as a Marine fighting in the South Pacific during World War II were, as he recounts in the autobiography published just before his death, transformative. These experiences shaped him as a leader, but they also shaped the goals for which he used those leadership skills. McMath found it bizarre to risk his life "fighting for freedom" in the war, only to return to a locale where basic democratic freedoms were sharply limited.² This perspective, produced by experiences outside the state, shaped McMath's commitment to change in the famous "GI Revolt" upon his return.

Early on, McMath also came to see that the struggles created for Arkansans by limited industrial development, a shackled educational system, and an unhealthy obsession with "the race question" were not just Arkansans' problems. Instead, they were challenges faced by the entire region of which Arkansas is a part. Insight into the potential solutions to those problems could be gained through Arkansas's learning what was working in other states of the South and through Arkansas's working with its neighboring states on common endeavors. Symbolic of this McMath view is the fact that he chose that he would hold a book titled *The New South* in his official gubernatorial portrait.³

Finally, the federal government could be a force for good in assisting Arkansas in its betterment. This was perhaps most true in the case of rural electrification. Before his family moved to the more urban Hot Springs, McMath had seen the personal and economic costs of life without electricity—no refrigeration, improper lighting in schools, and lack of use of labor-saving devices on farms and in homes.⁴ Thus, McMath became a major proponent of the federal rural electrification program which inherently led him to a conflictual relationship with Arkansas Power & Light, a conflict that would result in deep political costs to be discussed later. This general faith in the federal government to do good for Arkansas was reinforced through McMath's personal ties to a president—President Harry Truman who went so far as to make his only appearance at a Washington state society function for McMath—that were unprecedented for an Arkansas governor.⁵

The interconnected notions expressed by McMath during his political life—that the world beyond Arkansas could be the source of insight and that the federal government could be a friend, rather than an enemy, of the state's people, have distinguished the modern era in Arkansas politics.

2. SIDNEY S. MCMATH, *PROMISES KEPT: A MEMOIR* 179 (Univ. of Ark. Press, 2003).

3. JIM LESTER, *A MAN FOR ARKANSAS: SID MCMATH AND THE SOUTHERN REFORM TRADITION* 63 (Univ. of Ark. Press, 1976).

4. *See id.* at 168–72.

5. *Id.* at 110; *see also id.* ch.4 (discussing the McMath/Truman political and personal relationship).

While some of the state's successful politicians still speak of the federal government in negative terms, those that make opposition to the federal government a centerpiece of their campaigns have been rejected since the Faubus era. The more successful Arkansas politicians are those who occasionally and sometimes vehemently protest particular actions by the federal government but do not operate from a generalized grievance against it. Indeed, Arkansas's most successful politicians tacitly acknowledge both the importance and the political acceptability of strong intergovernmental and interstate relations by committing significant energy to their respective national and regional associations. And, of course, Bill Clinton's historic decision to seek the presidency in 1991, announced on the grounds of the Old State House in Little Rock, attached Clinton—and, by extension, his fellow Arkansans—to the rest of the nation in an unprecedented manner for the following nine years. While these Clinton-era connections had undeniable costs for individual Arkansans and for the state's image, there was no possibility that Arkansas could ever separate itself into an island again.

A second tenet of the "old" Arkansas politics was that only an elite few should be interested in and involved in government. McMath, as the leader of the famous "GI Revolt" in Garland County, personified a new reform spirit that grew into a greater openness in rank-and-file Arkansans' knowledge of the operations of their government. The politics of the Garland County that McMath left to go to War was remarkably similar to that present when he returned: Hot Springs Mayor Leo T. McLaughlin's machine hummed along unchanged. In a hard-fought battle—as McMath later said, "in a way, it was much more treacherous than the war against the Japanese"—the McLaughlin machine was defeated by the band of returning soldiers.⁶ The Garland County "Revolt" became a model for similar actions against other county-level fiefdoms in the state in the years after World War II.

More important, the "Revolt" was the first in a whole series of cracks in the hidden elite rule. Government reforms—helped along by the presence of a modern media—has created a relative openness in Arkansas politics and government in dramatic contrast to the policy-making process of the past that was deeply antidemocratic. This trend towards openness was continued with the enactment of the state's Freedom of Information Act of 1967 that gives citizens access to most public records and opens most all state and local government meetings to the public. While Arkansas lagged behind much of the rest of the nation in the establishment of ethics laws governing the relationships between government officials and those who lobby them as well as the disclosure of the financial interests of those governmental officials, two initiated acts (in 1988 and 1990) and subsequent

6. MCMATH, *supra* note 2, at 163.

statutory measures established a Code of Ethics, an Ethics Commission, and disclosure requirements. Finally, while persistent problems with the mechanics of voting continue to show themselves each election cycle in parts of the state (most noticeably in the state's largest county of Pulaski) and disputes arose about the interpretation of state election laws, these clearly are not the purposeful shenanigans of the not-so-distant past. These are all hallmarks of a modernized—and more democratic—Arkansas politics, and they all have their roots in McMath's "GI Revolt."⁷

While McMath's role in enhancing cosmopolitanism and openness in Arkansas government are important to recognize, it is the third way in which McMath represents a transitional and transformative figure in Arkansas politics that is the most crucial aspect of his role as a bridge to modernity. It is McMath who showed that politics could be an effective and positive change agent in the lives of Arkansans, that is that politics should have a purpose. Hints of what McMath biographer Jim Lester terms "the southern reform tradition" had momentarily popped into Arkansas politics since the Populist era, most importantly in the Progressive governorships of Brough and McRae. But such purposeful politics had always been overwhelmed by a dominant view that politics was really meaningless entertainment with the resulting protection of the *status quo*. In a four-year governorship (and, importantly, in his runs for office thereafter) McMath continually expressed his belief that state politics should have a purpose, specifically a progressive purpose.

The policy areas where this purposive politics was seen most clearly during the McMath governorship were education and roads. McMath's work on behalf of improved education in Arkansas began before his taking office, but after he had obtained the governorship by winning the Democratic primary in 1948. He campaigned hard for two proposals that were brainchilds of the Arkansas Education Association: an initiative to abolish school districts with fewer than 350 students and a constitutional amendment giving surviving school districts greater flexibility in raising property taxes for schools. Both were passed. During McMath's governorship, the state funding for public education also increased dramatically so that a

7. See PEG ANDERSON, LEAGUE OF WOMEN VOTERS OF ARK., *GOVERNMENT IN ARKANSAS* (1993) (discussing Arkansas's ethics legislation); Brenda Blagg, *Unlocking the Public's Business*, MORNING NEWS OF NW. ARK., Oct. 10, 1999 (discussing the Freedom of Information Act); Dennis A. Byrd, *Attorney General: Acceptable Compliance Rate is 100 Percent*, MORNING NEWS OF NW. ARK., Oct. 10, 1999 (discussing the Freedom of Information Act); Austin Gelder, *Mismatched Vote Tallies Linked to Tech Error*, ARK. DEMOCRAT-GAZETTE, June 11, 2002 (reviewing election process snafus in Pulaski County); Austin Gelder, *Foul-Ups Produce "a Mess" at Polls*, ARK. DEMOCRAT-GAZETTE, May 22, 2002 (reviewing election process snafus in Pulaski County); Michael Rowett, *Huckabee: State Like a "Banana Republic"*, ARK. DEMOCRAT-GAZETTE, Nov. 7, 2000 (providing commentary on the 2000 election).

healthy majority of the monies for education came from the state rather than from local property taxes.⁸ Perhaps McMath's greatest political achievement came in the area of road construction. The year that McMath took over the governorship, the Chrysler automobile company touted its cars by celebrating that they had passed the "Arkansas Mud Test."⁹ McMath convinced the legislature that year to send his \$28 million bond proposal to fund roads to the voters and those voters supported it by a four to one margin. By the time that he left office, 2300 miles of highways had been built in the state.

McMath's moderation on the "race question" was also crucial in allowing the state government's attention to move towards action in other areas. During his gubernatorial years, McMath was by no means a racial liberal, but he was assertive in resisting those who espoused militant segregationist views. For instance, he played a key role in keeping the state's Democratic party organization from tilting towards the Dixiecrat revolt in 1948. In addition, during his administration a number of actions—mostly small and symbolic, but some larger and quite tangible—on McMath's part sent the clear message that he knew racial change was inevitable in the region and that such change was desirable if it allowed progress on economic development and rural poverty.

In using the governorship to promote this politics with a purpose on these matters and others (such as a cigarette tax increase to fund the development of the University of Arkansas for Medical Sciences), McMath showed the potential power of the executive branch as the key agent for change in state government even in a setting where the state constitution limited that position in key ways. In the modern era, while governors have not consistently used their powers to transform the state, most dramatic changes in public policy have emanated out of the governor's office. While all branches of government in Arkansas are significantly more modernized than in the first half of the Twentieth century (although the draconian term limits provisions placed upon the state legislature in 1992 have shackled the continued development of that branch), the executive branch is the most thoroughly modern. In retrospect, McMath's governorship marks a defining period in the development of the executive branch.

Just as important as the examples of politics bettering Arkansans' lives created during McMath's time in office was McMath's role in sustaining progressivism in the state after he left the governorship. During the era of Faubus dominance, especially after the former McMath compatriot became sharply more conservative, any progressive tradition in the state could well

8. BEN F. JOHNSON III, *ARKANSAS IN THE MODERN ERA, 1930–1999*, at 94–104 (Univ. of Ark. Press, 2000) (discussing McMath's important modernizing role in education, roads, and in other areas).

9. Robert S. McCord, *Highway Bond Memories*, *ARKANSAS TIMES* (Jan. 27, 1995).

have died away. But, the two unsuccessful campaigns by McMath during the Faubus era—that for U.S. Senate in 1954 and that for Faubus's seat in 1962—allowed progressives to stay in the arena. Moreover, McMath's own shifts during the era prodded progressivism in the state in a more liberal direction. While a moderate segregationist in his first three campaigns, in 1962, McMath ran the first nonsegregationist campaign in Arkansas according to the most thorough analysis of race in modern Southern gubernatorial politics.¹⁰ Four years later, in the victory of Winthrop Rockefeller, McMath's position would be the winning view. And, once Faubus left the scene, a series of progressives controlled the governorship with three of them—Bumpers, Pryor, and Clinton—moving on to national office. This leadership made Arkansas an outlier in the South as the region became increasingly more Republican. Moreover, as shown on his commitments to education reform and the expansion of health care, the longest serving Republican of the modern era, Mike Huckabee, is a believer that government has a responsibility to improve citizens' lives. While generally quite conservative on social issues, Huckabee serves as a sharp contrast to the Republicans governing in neighboring states on the role of government. It is McMath that served as the bridge from an era when government was seen primarily as entertainment to an era when government in Arkansas is seen as a potential force for good.

McMath was a bridge between the past and modern eras not just in the governmental worldviews and priorities that he expressed, but also in the manner that politics was done by—and to—him. While to this day politics remains more personalistic in Arkansas than in nearly every other state, even here campaigning takes place primarily through television and other media. Such campaigns require the effective development of a memorable, positive image of the candidate that allows voters to feel that they “know” the candidate even if they have never met him or her. There is little doubt that McMath was the first Arkansas candidate to burnish his image into the minds of Arkansans using a modern means of visual communication, in this case the famous “comic book.” Huge numbers of the multipage “The Story of Sid McMath,” with drawings of the strikingly handsome McMath by famed Arkansas political cartoonist George Fisher that easily could be turned into the images in one of today's thirty second television advertisements and text accompanying the pictures that reads like a script from those same ads (e.g. “As a combat soldier in the Marines, McMath won Silver Star for bravery . . . Led assault on Bougainville . . .”), were published and spread throughout the state. Before voters ever interacted with

10. EARL BLACK, *SOUTHERN GOVERNORS AND CIVIL RIGHTS: RACIAL SEGREGATION AS A CAMPAIGN ISSUE IN THE SECOND RECONSTRUCTION* 347–48 (Cambridge, MA: Harvard University Press 1976).

McMath—if they ever did—they had an image of him that bordered on the superhuman (“Newsboy, Soldier, Fighting Prosecutor, Governor!”).¹¹ Because McMath, although a strong orator, lacked some of the crucial interpersonal skills that Arkansans assumed that their politicians should have—most famously, McMath had absolutely no memory for names—the triumph of McMath’s image politics is even more striking.¹² Just as in other ways, as the first modern candidate McMath broke with the past and exemplified a bridge to a future in which a charismatic candidate—like Dale Bumpers in 1970—could use the news media to gain nearly instantaneous political success.

Finally, McMath’s political career was unhinged by a scandal, another reality of modern political life in Arkansas. It is the manner in which politicians, particularly governors who remain under nearly constant surveillance by the press and public, handle those inevitable scandals that determines much about their durability. The “McMath highway scandal” of 1951-52 was the first modern, media-driven political scandal in the state. Opinions differ about the origins of the scandal. McMath’s autobiography is clear that its roots were in retributive actions by AP&L officials angry about McMath’s good will towards the electric cooperatives who were serving the rural areas about which McMath cared so deeply; other analysts argue that some administrative shenanigans in McMath’s administration were fundamentally to blame.¹³ All agree that the scandals—that resulted in zero convictions following three different grand jury examinations of the subject—were minor by any standard. No matter the size of the scandal, it is the handling of such professional and personal crises that has become a most important test for recent Arkansas governors. Various forces have merged in a manner that governors (and other state officials) of the modern era have consistently had to deal with questions related to personal integrity that have been pointedly asked by some combination of the press, federal and state prosecutors, the state Ethics Commission, and the state legislature. Most serious, of course, were federal convictions of Governor Tucker derived from the Whitewater investigation into Bill and Hillary Clinton’s Arkansas financial dealings, that perversely, considering Tucker and Clinton’s political competition, hit Tucker more directly. Governor Huckabee has dealt

11. See Louis Menand, *Masters of the Matrix*, THE NEW YORKER (Jan. 5, 2004) (showing a particularly good analysis of the rise of the “culture of the image” in American politics).

12. See Austin Gelder, *Panelists: McMath Left Mark on History*, ARKANSAS DEMOCRAT-GAZETTE (Dec. 16, 2003) (discussing McMath’s lack of memory for names (including those with whom he interacted daily)).

13. See MCMATH, *supra* note 2; LESTER, *supra* note 3 (showing that on this issue, McMath and Lester provide the most expansive comparative analyses; various other analysts also take sides in this debate).

with a series of questions related to his integrity on a variety of topics. It is clear that any future Arkansas governor will deal with similar challenges to his or her personal character. Successful Arkansas governmental officials of the future will need both integrity and, just as importantly, an ability to maintain his or her composure when that integrity is questioned. Sid McMath, this transitional figure, was the first to face such a test, and the results haunted him for the remainder of his political life and, in the opinion of some, possibly prevented a politician perfect for the media age from holding a place on a national political ticket.¹⁴

A 1998 survey of Arkansas's historians and political scientists ranked Dale Bumpers as the "greatest" Arkansas governor of the century with McMath in a second category labeled "good."¹⁵ There is a strong argument that Bumpers' amazing substantive accomplishments and his fundamental reshaping of the Democratic party make him deserving of such respect. But, the five major ways that Sidney S. McMath served as a transitional figure in Arkansas politics outlined here clearly suggest that McMath's contributions to the state's politics were crucial in shaping the environment in which Bumpers, and all other modern figures, sought office and governed.

14. See Ernie Dumas, *Building a Scandal*, ARKANSAS TIMES (Nov. 14, 2003) (displaying an outstanding overview of the scandal and its implications for McMath).

15. Bob Lancaster, *The Great One*, ARKANSAS TIMES (Aug. 28, 1998) (reporting the research of Cal Ledbetter and C. Fred Williams).