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***A Hint of Scandal: Problems In Acquiring the
Papers of U. S. Senator Herman E.
Talmadge—A Case Study***

Pam Hackbart-Dean

On May 30, 1994, *Roll Call*, a weekly newspaper for Capitol Hill, boasted an emphatic headline on its front page that read, "Congress Has Strictest Ethics Rules in World, According to a New CRS Study of 24 Nations." But the ethics of Congress proved less scandalous than the headline for the Thursday edition that same week which announced in heavy bold type, "Rosty Indicted on 17 Counts." These telling words condemned Representative Dan Rostenkowski, Democrat of Chicago and chairman of the powerful Ways and Means Committee, for his graft charges.¹

¹ Cythnia Pease Miller, "Leaving Office Under Duress: the Archival Responses to Collecting Papers of Public Officials (Opening remarks at the fifty-eighth Annual Meeting of the Society of American Archivists, Indianapolis, Indiana, September 10, 1994).

Although junior members of Congress have their allotment of ethical and legal dilemmas, it is the senior members, with the power and contacts of a committee chairman or a leadership position, and other highly placed government officials that attract the headlines. And it is the papers of senior members that repositories most vigorously endeavor to collect, because over a lengthy career in Congress or in a high level appointment, the official's papers include materials that document major issues of regional, national, and even international importance—papers that researchers are eager to use.

Hale Boggs, Democrat from Louisiana and the late Majority Leader of the House, characterized Congress as a collection of regular men and women, with extraordinary problems.² The United States Government is founded on the belief that any citizen could assume the role of public official. Political leaders are "ordinary people," agreeing to take on the enormous tasks of the government, yet not be corrupted by Washington politics nor ignore the concerns of their constituents. However, once in office, public officials are placed in the proverbial "glass house." Political leaders are judged ruthlessly for their deficiencies and shortcomings. Congressman William C. Redfield of New York said that the House of Representatives is "probably a

² Cokie Roberts, "Why the M.I.A.'s Live On," *New York Times*, 20 September 1991, A19.

fair cross-section of the people, showing us very much as we are and throwing faults and virtues into high relief."³

The hint of scandal involving a public figure, whether real or perceived, can overshadow a long and distinguished career. This may involve a person's career that deserves the preservation of his or her papers in a research library. Repository staff must transcend the sensationalism of negative publicity and reassure officials of the long-term significance of their papers, not simply in regard to the official's career but to the study of the American political system.

Lessons can be learned from the experience of soliciting the papers of a reputedly tarnished individual, from funding the processing and housing of these collections, and from donor relations prior to the receipt of the collections for research use. For example, collecting papers is difficult when a senior member of Congress leaves office in disrepute, as in the case of Herman E. Talmadge. The acquisition of his collection, now housed in the Richard B. Russell Library for Political Research and Studies at the University of Georgia, was especially problematic because the Russell Library was not initially involved with the negotiations between the senator and the university. Reaching a gift agreement proved to be a challenging experience for Senator Talmadge and the Russell Library.

³ William C. Redfield, *With Congress and Cabinet* (New York: Doubleday, Page & Company, 1924), 15.

It was once said in Georgia that if you were not a Talmadge man, you were a communist.⁴ The Talmadge dynasty began in 1926 when Eugene Talmadge, Herman's father, was first elected Commissioner of Agriculture. Gene Talmadge would later be elected governor of Georgia for an unprecedented four terms. After his father's death in 1948, Herman Talmadge began his political career—a career that would begin and end in a cloak of controversy with the “two governor conflict” in 1947 and ethics charges in 1978.⁵ The Talmadges dominated Georgia politics for over fifty years, until Herman was defeated in 1980.

⁴ Gary Pomerantz, “Herman Talmadge, the ‘Late’ Senator? He Gets Up at 3:30 in the Morning,” *Atlanta Constitution*, 27 December 1992, D11.

⁵ The “two governor conflict” began in 1946 when Eugene Talmadge was elected governor in the general election. Because he was in failing health, some of his supporters had started a write-in campaign for Herman Talmadge, his son, during the general election. Eugene died in December 1946, before being sworn in as governor. The Georgia General Assembly elected Herman as governor. Outgoing governor Ellis Arnall refused to surrender his office unless it was to the just elected lieutenant governor Melvin Thompson. After a period of uncertainty, the Georgia Supreme Court ruled that the constitutional portion under which the General Assembly had elected Herman Talmadge did not apply. The court declared M. E. Thompson acting governor until a special election could be held. In September 1947, Talmadge was elected governor. He was re-elected in 1950, serving until January 1955.

Herman Talmadge served six years as Georgia's governor and twenty-four years as United States Senator. Talmadge achieved his greatest national prominence through his role on the Senate Select Committee on Presidential Campaign Activities, which investigated the Watergate break-in and ultimately led to the resignation of President Richard M. Nixon and the conviction of three cabinet members on felony charges. Talmadge thought that the Watergate investigation was one of the most important events in the history of the United States because it demonstrated that a republican form of government has a way of correcting the conduct of public officials and alerting others not to make the same mistake.⁶ These sentiments would prove ironic in light of charges made against him a few years later.

At the same time he was gaining national recognition, Talmadge was besieged by a series of personal and political tragedies. In 1975, his son Robert drowned in a swimming accident at Lake Lanier, Georgia. By the fall of 1977, Betty and Herman Talmadge had divorced. Then, in 1978, Talmadge confronted his serious drinking problem. Following an alcohol treatment program at the naval hospital in Long Beach, California, he returned to Washington ready to work. Instead, he was met with accusations of dishonor.

⁶ Herman E. Talmadge, *Talmadge: A Political Legacy, A Politician's Life* (Atlanta: Peachtree Publishers, 1987), 298.

Shortly after returning to Washington in December 1978, Talmadge was notified that the Senate Select Ethics Committee had "substantial credible evidence" that he had violated Senate rules and faced trial-like hearings on these charges.⁷ He was accused of misappropriating office funds and campaign donations for his own personal use.⁸

The case was the first Senate disciplinary proceedings to go to the trial stage since 1967 when the Senate censured Senator Thomas J. Dodd, Democrat from Connecticut. Thirteen years later, the careers of three senators would be shortened by their involvement in the Keating Five case.

By September 1979, the Senate Ethics Committee unanimously recommended that the Senate "denounce" Talmadge for his financial misconduct. He was charged with submitting bogus expense vouchers and diverting campaign funds for personal use through a secret account. The committee rejected a proposal to censure Talmadge. Censure was considered the strongest Senate penalty short of expulsion. The committee stated that Talmadge's conduct "was reprehensible and tended to bring the Senate into dishonor and disrepute."⁹ Yet the committee evaded

⁷ "Senate Ethics Committee Votes for Formal Action in Talmadge Investigation," *Inside Congress*, 23 December 1978, 3493.

⁸ "Talmadge Opens Own Defense in Ethics Case," *Congressional Quarterly*, 5 May 1979, 828.

⁹ "Panel Urges Senate 'Denounce' Talmadge," *Congressional Quarterly*, 15 September 1979, 2025.

the question of Talmadge's direct involvement in the financial misconduct. Instead the committee stated that "Talmadge either knew, or should have known, of these improper acts and omissions, and therefore, by the gross neglect of his duty to faithfully and carefully administer the affairs of this office, he is responsible for these acts and omissions."¹⁰

Talmadge proclaimed the committee's action "a personal victory" and said the findings "support my basic contention...that I was negligent in the oversight of my office, but that I have committed no intentional wrongdoing."¹¹ By a vote of 81 to 15, with four voting "present," the Senate "denounced" Herman E. Talmadge, and he was required to refund at least \$13,000 to the Senate. His administrative assistant, Daniel Minchew, who was a key witness in the Senate investigation, later pled guilty to making false statements to the government. Minchew served time in a federal prison.

Despite the problems surfacing in his fourth senate term, Talmadge sought re-election in 1980. Many were surprised, especially Talmadge himself, when he was rejected by Georgia voters, Talmadge's only electoral defeat. His twenty-four years of service in the United States Senate ranked him fifth in seniority among Senate Democrats and seventh overall by the time he left office. Talmadge gained national recognition during the Watergate investigation and

¹⁰ Talmadge, *Talmadge*, 334.

¹¹ *Ibid.*

emerged out of the shadows of his late, controversial father, Eugene Talmadge, and former senior senator from Georgia, Richard B. Russell.

In 1977, a year before the Ethics Committee charges, a \$3 million endowment fund was established by the University of Georgia's (UGA) School of Law to honor "the contribution of United States Senator Herman Talmadge and the Talmadge family to the state of Georgia."¹² Several prominent Georgia attorneys had major roles in the fundraising campaign. The endowment was to establish a Talmadge Foundation, encompassing the Dean Rusk Center, the Talmadge Library, a moot courtroom named after Talmadge, and an endowed Talmadge professorial chair in the law school.¹³ Another focus of the foundation fund was to increase student scholarship aid in an effort to attract many highly qualified law school applicants.

According to James Dunlap, endowment chairman, the fund was established in Talmadge's name "in recognition of his contributions to his state and nation as senator and governor, and the prominent role the Talmadge family has played in the advancement of Georgia, especially in

¹² "Multi-Million Dollar Fund to Honor Talmadge," *Columns/University of Georgia Faculty-Staff News*, 31 October 1977, 1.

¹³ Rogers Wade, Administrative Assistant to Herman Talmadge, Wade telephone interview by author, 1 June 1994.

education and economic development."¹⁴ During Talmadge's six years as governor, \$275 million worth of new schools and college buildings were constructed. More state money was spent on public schools and colleges than during all previous administrations combined. He continued to support education as a U. S. Senator on the Finance Committee by encouraging industrial development in Georgia which provided additional revenues for public education both at the secondary level and college level.

Talmadge was approached for the fundraising campaign because of his popularity in the state. The UGA Law School believed he was a sure way to raise money for them. Although he did not actively solicit money for the law school, he gave his support to the project. Then, during the height of the ethics controversy, it appeared to Talmadge and his supporters that a conscious decision was made by the law school not to proceed with the Talmadge Foundation.¹⁵

In spite of this apparent decision, Fred Davison, president of UGA, solicited Talmadge's papers in early 1981. The papers, 1,650 boxes or 25 tons of material, arrived at the university later that year and were temporarily stored in the Richard B. Russell Memorial Library. The ultimate disposition of the papers had not been decided; they would either stay at the Russell Library or be placed in a special facility inside the Law School. Talmadge had also

¹⁴ "Multi-Million Dollar Fund to Honor Talmadge," 1.

¹⁵ Wade, 1 June 1994.

been approached for his papers by the agriculture school at the University. They, like the law school previously, promised the Senator his own library.¹⁶ Neither the law school nor the agriculture school had an archives, nor were they considering developing an archival program for just these papers. The University of Georgia Libraries already had three established special collection departments, which included the Russell Library.

The papers came to the Russell Library initially because Talmadge was very familiar with this particular institution. He was the first chair of the Richard B. Russell Foundation which established the library in 1974. Senator Russell personally selected Talmadge to be the first chair. Talmadge, according to a former Russell aide, raised over 80% of the funds to establish the Russell Foundation.¹⁷ Talmadge attended the dedication of the Russell Library with several of Russell's contemporaries and he knew of its solid reputation.

Yet it would not be until 1988 that a final decision was made as to where the Talmadge papers would to be housed permanently. According to Talmadge's administrative assistant, Rogers Wade, there was no question in Talmadge's mind that if there were no Talmadge Library established in the Law School then the papers were to go to the Russell Library. Although some \$2.5 million

¹⁶ *Ibid.*

¹⁷ Charles Campbell, 1980 Campaign Manager for Herman Talmadge, interview by author, 26 May 1994.

was raised by the Law School project by 1979, the proposed Talmadge Foundation, separate Talmadge Library, and moot courtroom never materialized. Only the Talmadge Chair of Law, established in 1978, exists. It should be noted of the approximate \$2.5 million raised by the law school, none was given to the Russell Library to assist in the expense of processing or housing this collection. There is no apparent animosity between Talmadge and the law school, although to this day there is a distinct chill. Talmadge felt used and discarded by the law school, according to his former administrative assistant Wade.¹⁸

Despite the earlier uncertainty of where the Talmadge papers would ultimately be housed, the Russell Library gladly accepted the official donation of the Talmadge Collection in 1988. The Talmadge Collection fits the mission of the Russell Library, which is to collect the papers of twentieth-century Georgia politicians, elected officials, federal appointees, and political parties and groups. It also complements the Richard B. Russell Collection, the cornerstone collection of the library, in subject matter, date span and events. Furthermore, these two collections are important because members of the Russell and Talmadge families dominated Georgia politics during the first three-quarters of the twentieth century.

Processing of the Talmadge papers was completed in 1992. In accordance with the Privacy Act of 1974, the only

¹⁸ Wade, 1 June 1994.

section of the collection that is not available for research use is the case mail. Case mail consists of correspondence from constituents and federal departments or agencies and casework reports. This documents the public official's assistance with constituents and their difficulties related to the federal government. Talmadge has not restricted any section of his papers for research purposes and no part of his collection has been destroyed. Even sensitive topic files like those on civil rights, Vietnam, Watergate, and transcripts from his ethics trial remain open to the public. The Talmadge Collection consists mainly of official files reflecting the career of the former Georgia governor and United States Senator. Talmadge himself has been accessible to students and other researchers for interviews on a variety of topics.

A reception honoring Talmadge for the donation of his papers to the Russell Library was held in the spring of 1988. Senator Talmadge was touched by the outpouring of support of old friends and colleagues on that day. Many people from around the state and region attended the reception, much to his delight and surprise. "It was a day that meant more to him [Talmadge] than any other since his defeat in 1980," declared Rogers Wade. "Talmadge is an historian by nature, although he has no understanding of his place in history."¹⁹

There are numerous other public figures who have left office touched by scandal, and undoubtedly there will be

¹⁹ *Ibid.*

more in the future. Many of these individuals are resentful of their forced retirement from office, whether it is precipitated by the Congress or the electorate. That resentment or resulting distrust of the media and the public can easily impact the acquisition of such collections as well as their subsequent research access.

Acquiring the Talmadge papers was a valuable experience for the staff of the Russell Library. The primary difficulties included not being part of the initial discussions on soliciting these papers and lack of available funding to care for the collection once it was decided where it was to be permanently housed. Being outside the loop hindered the library staff members from making contact with the donor directly. The politics involving three different university areas impeded decisions concerning what was ultimately best for the collection.

An important lesson to follow is to try to participate in the preliminary discussions concerning the acceptance of collections before they are given to one's repository. Today, the Russell Library staff has more leverage to participate in these initial discussions than they did during the period of the Talmadge gift. With over twenty years of successful development, the Russell Library now enjoys a position of strength within the university libraries' administration, and the staff has gained considerable support for the Library's programs and services. The Russell Library, a department within the University of Georgia Libraries, is administratively under the Director of Libraries.

Equally important is the need for repositories to approach high-ranking public officials at the moment they enter office. By starting a relationship with a public official early in his/her career, a repository ensures a better chance of obtaining that individual's papers. Subsequently, if any problems occur, at least the public official will have given thought to the disposition of his/her papers. In times of crisis an official's staff may take it upon themselves to make major decisions about the disposition of papers. Fearing damage to a reputation after a lifetime of service, staff aides tend to adopt the attitude: "when in doubt, throw it out."²⁰ This is a disastrous move for repositories interested in a public official's papers.

Another advantage to working with a public official early on in his/her career is the establishment of a trusting relationship with the individual and the staff as someone who is acting in their interest. Organizing their noncurrent records for the reference needs of the office and preserving the history of the accomplishments of the entire staff will validate the importance of these records. In addition, by working with the staff at the beginning, the archivist will be able to document the work flow of the office. This is an important step in understanding the work of an office and will assist in future appraisal and processing decisions. The archivist will also be able to assist with implementing records management, weeding and storage guidelines. Being able to offer advice on archival and records

²⁰ Richard B. Baker, "Managing Congressional Papers: A View of the Senate," *American Archivist* 41 (1978): 295.

management should improve the quality of materials saved.²¹ This will help prevent hasty decisions from being made in a time of crisis.

A repository should be ready to respond quickly if unfortunate circumstances do arise. When Harrison Williams, the senator from New Jersey who was convicted in the ABSCAM scandal, left office, he contacted the archivist at Rutgers University to pick up his papers. The archivist was given only 24 hours notice to collect Williams's papers. Williams has not restricted any of this collection from research, although use has been hindered by lack of funding to process the collection.²²

The archivist must be prepared for hurt feelings on the part of the donor and for difficulty in raising funds for processing and housing the collection. Although the initial response by researchers may be to study the scandal itself, later they will begin to utilize the entire collection. It is important to obtain these collections and make them available for future use.

While it may be true that bad news tends to get more attention than good, controversy only holds public attention for a very short period of time. It is crucial to emphasize to

²¹ Susan Goldstein, "Appraising a Retiring Senator's Papers: A View from the Staff of Senator Alan Cranston," *Provenance* 10 (1992): 30-31.

²² Ron Becker, "Beyond ABSCAM: The Harrison Williams Senatorial Papers" (Paper delivered at the fifty-eighth Annual Meeting of the Society of American Archivists, Indianapolis, Indiana, September 10, 1994).

those public officials affected by disgrace that they should not forget how significant their work has been overall. Since they were elected to hold office by the electorate, every citizen has the right to have access to these papers. It is crucial for the public official to make sure this occurs. "The archivist has a major role to play in guaranteeing that these collections will be as rich and available as possible," asserts Richard Baker, U. S. Senate Historian. "The quality of research in the late twentieth-century political history will be determined in large measure by the foresight and initiative of today's archivist."²³ When controversy has touched a public official, archivists must rise above the sensationalism of negative publicity and inform officials of the long-term importance of their papers, not simply in regard to the official's career but to the study of the entire American political system.

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²³ Baker, 296.