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### A Tale of Two Governors: The 1996 Gubernatorial Succession Crisis

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# SENIOR THESIS APPROVAL

This Honors thesis entitled

**A Tale of Two Governors:  
The 1996 Gubernatorial Succession Crisis**

written by

**Melissa Miller**

and submitted in partial fulfillment of the  
requirements for completion of the  
Carl Goodson Honors Program  
meets the criteria for acceptance  
and has been approved by the undersigned readers.

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December 2, 2004

A Tale of Two Governors:  
The 1996 Gubernatorial Succession Crisis

by  
Melissa Miller

Honors Thesis  
November 15, 2004

## A Tale of Two Governors

The state of Arkansas is no stranger to succession crises. As early as the Reconstruction era, struggles for power emerged, and controversies surrounding the appropriate use of power among acting governors have kept the issue unsettled. One such instance, the Arkansas gubernatorial succession crisis of 1996 became yet another episode in this saga. While never fully examined, the succession crisis did influence modern politics in the state. There are two sides to every story: "Well, I wanted to let you know I've decided not to resign," Jim Guy Tucker said to Mike Huckabee only five minutes before the inauguration of the new governor, and Huckabee responded, "I'm supposed to take the oath of office in five minutes. I respectfully ask that you reconsider this action, not only to keep your word, but for the welfare of the state of Arkansas."<sup>1</sup>

The story from both sides, the Governor at the time, Jim Guy Tucker, and succeeding Governor, Mike Huckabee, will be presented in a synthesis approach; this paper is meant to present an objective and balanced view of the time leading to the crisis event itself on July 15, 1996. Arkansas's succession crisis involved Governor Tucker deciding not to resign at the last minute, as he had previously promised, following an indictment linked to Whitewater investigations. This decision left Huckabee and other members of the government in a difficult position where there were times in which it was unclear as to who was legally governor.

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<sup>1</sup> Mike Huckabee, *Character IS the Issue: How people with Integrity can Revolutionize America* (Nashville: Broadman & Holman Publishers, 1997), 11-12.

Although the 1996 succession crisis was resolved in a few hours, other episodes of seizing power and unclear succession are found in Arkansas's history. The Brooks-Baxter War of 1872 clearly follows many of the same patterns as the Huckabee-Tucker crisis. Elisha Baxter served as mayor of Batesville and then in the lower house of the state legislature in 1854. In 1868, he took a seat as a judge on the Third Judicial Circuit.<sup>2</sup> Joseph Brooks first became active in the Republican Party of eastern Arkansas in 1867. As Brooks began to criticize Reconstruction Governor Powell Clayton, he became associated with the state's Liberal Republican Party. In 1871, Brooks announced that he would run for governor, and when he did not win, he remained in Little Rock.<sup>3</sup>

The Brooks-Baxter War began when Powell Clayton<sup>4</sup> resigned his office of governor to become a U.S. Senator. The President Pro Tempore, Ozro Hadley, took office, but a special election had to be held for a new governor. Joseph Books campaigned for the office as a Republican under the slogan, "universal suffrage, universal amnesty and honest men in office." Through his campaigning, he gained support from the Democratic Party.<sup>5</sup> The incumbent, Hadley, was dropped in support of Elisha Baxter. These two men were from the same party, but supported by different

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<sup>2</sup> Nancy A. Williams, ed., *Arkansas Biography: A Collection of Notable Lives* (Fayetteville: The University of Arkansas Press, 2000), 22.

<sup>3</sup> Williams, 41-42.

<sup>4</sup> Clayton was governor of Arkansas from 1868 to 1871, when he accepted the office of U.S. Senator on March 17, 1871.

<sup>5</sup> Michael B. Dougan, *Arkansas Odyssey: The Saga of Arkansas from Prehistoric Times to Present* (Little Rock: Rose Publishing Company, 1994), 258.

factions. Baxter supporters were carpetbaggers and Brooks had Democrat and scalawag supporters.

On Election Day, November 5, 1872, officials did not count ballots from four counties, and many instances of fraud, violence, intimidation and multiple voting emerged.<sup>6</sup> The "official" results showed that Baxter won with 41,681 votes to Brooks' 38,415 votes.<sup>7</sup> The only recourse offered to Brooks was to appeal to the legislature, but that did not help his cause because those in the legislature were of a different faction of the Republican Party. He was not granted a hearing.<sup>8</sup> Baxter was sworn into office on January 6, 1873.<sup>9</sup>

In June of 1873, the state attorney general issued a quo waranto against Baxter to force him to prove the validity of his claim to office; however, the court denied the writ, even though supported by Chief Justice John McClure. Brooks also filed a claim that Baxter had usurped his authority as governor, but no further action was taken on his matter.<sup>10</sup> Baxter remained secure in his governorship until March 16, 1874 when he refused funding for a railroad project, heavily supported by a prominent Arkansas politician, Senator Stephen F. Dorsey. Dorsey involved former Governor Clayton, and

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<sup>6</sup> Ibid.

<sup>7</sup> Jeannie M. Whayne, et al., Arkansas: A Narrative History (Fayetteville: The University of Arkansas Press, 2002), 230.

<sup>8</sup> Ibid.

<sup>9</sup> Dougan, 259.

<sup>10</sup> Whayne, 230.

the two of them decided that they would return to Arkansas to replace Baxter with Brooks.<sup>11</sup>

Through the influence of Clayton and Dorsey, a Pulaski County Circuit Judge, John Whytock, changed the previous ruling that Baxter was governor to say that Brooks should really be the governor. Justice McClure swore Brooks into office as the Governor of Arkansas. Baxter was informed that he must vacate voluntarily or he would be forced out of office. Baxter left voluntarily, but the crisis had only begun.<sup>12</sup>

Little Rock became the center of the "war." Brooks' camp stationed themselves at the capitol while Baxter and his supporters were at a house, located down the street from the State House. Each side had armed militia men, many of whom were former members of the Confederate Army.<sup>13</sup> Skirmishes broke out between supporters of both sides throughout the state, and over 3,000 volunteers came from all over the state to Little Rock, but both sides lacked proper supplies.<sup>14</sup>

Many people died in this struggle for power. When two hundred people were killed, Lee County Sheriff, W. H. Forbush, telegraphed President Ulysses S. Grant for help. In this telegraph, Forbush said, "We do not care – and I speak the sentiments of the people of Arkansas without egotism – who is governor: all we want is peace. The people will obey. Answer."<sup>15</sup> Grant did not answer until May 15, 1874, and put his

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<sup>11</sup> Dougan, 259.

<sup>12</sup> Ibid.

<sup>13</sup> Dougan, 260.

<sup>14</sup> Whyne, 232

<sup>15</sup> Dougan, 262.

support behind Baxter, and he was then reinstated as governor. In an effort to reconcile with Brooks, Grant appointed him postmaster of Little Rock.<sup>16</sup>

While the Brooks-Baxter War may have been the most serious constitutional crisis in this states' history, the power that the acting governors hold is unclear. William Kavanaugh Oldham found himself amidst a question of succession, in which Oldham and Junius Marion Futrell both claimed to be legitimate successors to the resigning governor in 1913. Each served as acting governor until the state supreme court ultimately ruled in Futrell's favor. One acting governor, Michael Pleasant Huddleston, rigidly enforced the Wilson anti-gambling law in July 1901, and his proclamation closed down all "gambling dens" in Little Rock for a short period.<sup>17</sup>

Other acting governors have made questionable decisions, in some instances perhaps abusing their powers. Nick Wilson made appointments to different positions in the state during 1987-88. Some of these appointments included: members of the Arkansas Health Services Commission, a member to the board of trustees of Arkansas Tech, and a member to the Arkansas State University board of trustees. However, his most controversial appointment was moving Governor Bill Clinton's chief of staff, Betsy Wright, to the Arkansas Transportation Commission.<sup>18</sup> Lastly, current Governor Mike

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<sup>16</sup> Whyne, 233.

<sup>17</sup> Timothy P. Donovan, Willard B. Gatewood, Jr., and Jeannie M. Whyne, ed., The Governors of Arkansas: Essays in Political Biography, 2<sup>nd</sup> ed. (Fayetteville: The University of Arkansas Press, 1981), 298.

<sup>18</sup> Ibid, 307-308.



Huckabee, while serving as acting governor through his position as Lieutenant Governor, he proclaimed a "Christian Heritage Week" in Arkansas.<sup>19</sup>

In 1996, yet another important chapter in Arkansas gubernatorial politics unfolded. The transition of power from Governor Jim Guy Tucker and Lieutenant Governor Mike Huckabee began because of the Whitewater investigations, which Independent Counsel, Kenneth Starr, conducted. The investigation, which began in 1992, initially centered on fraudulent real estate deals in Arkansas with President Bill Clinton as the main target; however, when there was not enough evidence to convict him, the focus of the investigation shifted to Jim Guy Tucker.<sup>20</sup> If there had not been an investigation, a jury would not have indicted Tucker in May 1996. He never would have been forced to leave office, and there never would have been a succession crisis on July 15, 1996.

One particular real estate venture that involved Tucker, was the Castle Grande Deal. It became the centerpiece of his conviction. The dealings of Castle Grande involved Jim McDougal, a friend of Tucker's, wanted to expand his land holdings in the area of Little Rock; he looked into an area of land that had failed as an industrial development. Because of some loans made by McDougal to a friend to cover up his

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<sup>19</sup> Ibid, 309.

<sup>20</sup> "Timeline," Arkansas Democrat Gazette, 29 February 1996. sec. A.

misuse of government money, the Federal Home Loan Bank Board (FHLBB) began to investigate McDougal's Madison Guaranty Bank.<sup>21</sup>

Because of some of these loans, McDougal had to make more loans to cover up the initial ones. One of these loans was to Dean Paul. The loan, made in 1986, consisted of Madison Guaranty Bank giving money to Paul to buy some property from David Hale. At the time, Hale operated a Small Business Investment Corporation (SBIC), Capital Management Services, Inc, which would provide matching funds through the Small Business Association under certain guidelines. However, Paul did not receive any of the money; instead, the funds went directly to Hale to capitalize his SBIC. Then, Hale loaned a large sum of money to Tucker, who with a business partner, bought out part of the Castle Grande landholdings with money borrowed originally from Madison Guaranty. The objective of moving this money around to different people was so that no one could trace the money back to one particular person. There were so many people involved in the transfer of money that they all thought it virtually impossible to trace it back to the originator, but the examiners from the FHLBB were not confused.<sup>22</sup>

In the mean time, David Hale used the services of the Rose Law Firm to handle his legal dealings. His lawyer, Hillary Rodham Clinton, played a major role in the land dealings; however, the extent of her involvement remains unclear. Independent

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<sup>21</sup> Rick Young. "The Castle Grande Deal," *Once Upon a Time in Arkansas*, n.d., <<http://www.pbs.org/wgbh/pages/frontline/shows/arkansas/castle>> (8 March 2003).

<sup>22</sup> Ibid.

Counsel Starr subpoenaed these various billing records, but they did not appear until nearly two years later in the White House. This led to allegations that Mrs. Clinton obstructed justice by not providing the subpoenaed records in a timely manner, but Starr did not charge her for her involvement.<sup>23</sup>

The Hale saga included large sums of money loaned to the McDougals, the Clintons, and Tucker from his SBIC. Because Hale lost much of his money in these loans, he asked the Small Business Association (SBA) to increase his capital, but once an investigation began surrounding his financial standing, and as more entities became involved in the investigation, he tried to withdraw his request because he feared that the investigators would find out about his fraudulent loans. The examination of his records led to the SBA's inspector general to refer the case to the Federal Bureau of Investigation (FBI) because of questions regarding loans made. The FBI issued a warrant to search the contents of Hale's office and seized incriminating evidence.<sup>24</sup>

Hale contacted David Bossie, a political activist, who worked relentlessly to discover untruths in the Clinton White House. Hale informed Bossie that Tucker, Clinton and McDougal had all pressured him into making a final loan to Susan McDougal, which would eventually lead to the conviction of the McDougals and Tucker. The problem was

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<sup>23</sup> James B. Stewart. *Blood Sport: the President and His Adversaries* (New York: Simon & Schuster, 1996), 136, 144-146.

<sup>24</sup> Stewart, 314-315.

that Paula Casey, the U.S. attorney appointed by Clinton, would not listen to Hale's information. It seemed to him that he was being set up as "the fall guy."<sup>25</sup>

A jury eventually indicted Hale on charges of conspiracy and three counts of false statements related to fraudulent loans he made through the SBA. This fraud conviction led to much suspicion by those with whom he sought counsel because they were unsure of his credibility. Also, his indictment made the first of many claims that Hale had information that might lead to Jim Guy Tucker and Bill Clinton. Eventually, there was not a Hale connection to Clinton, but Hale did lead to the indictment and later conviction of Tucker because he had specific information about money loaned to Tucker.<sup>26</sup>

The Castle Grande deal actually came from Starr's investigations and led to many allegations against Clinton including fraudulent financial dealings in real estate connected to the McDougals.<sup>27</sup> According to Ouachita Baptist University's President, Dr. Andrew Westmoreland, "The irony is that Bill Clinton essentially brought [Tucker] down."<sup>28</sup> Westmoreland was referring to the fact that because Tucker and Clinton had essentially come up through the ranks of Arkansas politics along the same routes, their rivalry intensified when Clinton became Governor and then President, and while Clinton escaped indictment, Tucker's conviction was in connection to these fraudulent land

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<sup>25</sup> Ibid, 315-17.

<sup>26</sup> Ibid, 328-329.

<sup>27</sup> Ben F. Johnson, III. *Arkansas in Modern America: 1930-1999* (Fayetteville: The University of Arkansas Press, 2000), 239.

<sup>28</sup> Dr. Andrew Westmoreland, B.A. Political Science, interviewed by author, President's office at Ouachita Baptist University, 4 February 2003.

deals.<sup>29</sup> Also, according to Jim Guy Tucker's former chief of staff, Neal Turner, "Kenneth Starr through...Jim McDougal saw Tucker as a way to get to Clinton. When Starr got so far along in this [the Whitewater Investigations] that he had to have someone in a position of power take a fall, Tucker was the one."<sup>30</sup>

An investigative reporter from the *Arkansas Democrat Gazette*, Mary Hargrove, did much of the reporting on the case of Jim Guy Tucker. She theorized that, "The national media has done everything to tie everything bad that happens in Arkansas back to the Clintons, but the Tucker conviction has nothing to do with the Clintons."<sup>31</sup> This statement came after her thorough look at the Madison Guaranty Bank landholdings. She agreed with Neal Turner that Clinton and Tucker were not involved together. However, she believed that Tucker was justly convicted and Starr was initially chasing the wrong person.

With Tucker's pending indictment, came a question of constitutionality. Could Tucker, a convicted felon, serve as Governor? Who was legally the Governor? The Arkansas Constitution states, "No person hereafter convicted of embezzlement of public money, bribery, forgery or other infamous crime shall be eligible to the General Assembly or capable of holding any office or trust or profit in this State."<sup>32</sup> The problem is that this clause is found in the legislative portion of the Arkansas Constitution, and may only apply to the legislature. On the other hand, it is arguable that because this

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<sup>29</sup> Huckabee, 62-63.

<sup>30</sup> Neal Turner, e-mail to author, 26 February 2003.

<sup>31</sup> Alicia Shepard, "A Resurrection in Arkansas," *American Journalism Review*, Oct96, 11.

<sup>32</sup> Arkansas Constitution, art. 13, sec. 1.

clause lies within the part that deals with the legislative branch, it is a definition for what qualifies an official for impeachment.

On the day of Tucker's indictment, he promised to resign as Governor by July 15, in which case, the Lieutenant Governor Mike Huckabee would take the oath of office. Although the transition from May 28 to July 15 of 1996 went rather well, the communication between the offices of the Governor and the Lieutenant Governor became more and more limited as the weeks progressed toward the day of transition. According to Neal Turner, this was partly because the Huckabee office wished to distance itself from Tucker as much as possible, so that as little a connection as possible would be made between the two.<sup>33</sup>

The morning of Monday, July 15, 1996 began as scheduled, with Huckabee attending a breakfast and dedication service at Little Rock First Baptist Church.<sup>34</sup> Everything went as planned until 1:55 p.m. Just after Huckabee finished going over the speech he intended to give at 5:15 that afternoon, his personal secretary, Dawn Cook, informed him that Governor Tucker was on the phone. This call came only five minutes before Huckabee's scheduled swearing-in ceremony and while his legislative escort waited for him outside his office. To Huckabee's surprise, the call was not in reference to a wish of good luck or encouragement, but instead to inform impending Governor Huckabee that Tucker would not completely resign.<sup>35</sup>

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<sup>33</sup> Neal Turner, e-mail to author, 26 February 2003.

<sup>34</sup> Mike Huckabee appointments for week of July 14-20, 1996.

<sup>35</sup> Huckabee, 10.

This first telephone conversation lasted about fifteen minutes in which Tucker told Huckabee that his refusal to resign was not a good idea for several reasons. He had already promised the people of Arkansas that he would resign the office of the Governor due to his indictment and pending sentencing. He did not give any qualifications of his resignation when he initially announced it on May 28. Many people in the office had already made plans for new jobs, either quitting old ones to work for Huckabee or finding new ones to replace those jobs that they held under Tucker. Huckabee argued that Tucker's decision was not in the best interest of the state and the people of Arkansas.<sup>36</sup>

Huckabee described in his book, *Character is the Issue*, that Tucker not resigning, "...were the most unbelievable words I'd ever heard.", and gave every indication that no one in his office or the legislature knew of this possibility.<sup>37</sup> Rex Nelson, Huckabee's Communications Director, told reporters during a press conference immediately after Huckabee was off the phone with Tucker that they had not received any advance notice of this possibility.<sup>38</sup>

As the date of his resignation came closer, it appears that Tucker convinced himself he was innocent of all the charges against him.<sup>39</sup> His supporting evidence came from the possibility that one member of the jury in his trial was biased. During his trial, one of the jurors married a man who Tucker had once denied commutation of sentence

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<sup>36</sup> Republican National Convention video of Governor Huckabee, 15 July 1996.

<sup>37</sup> Huckabee, 11-12.

<sup>38</sup> Rex Nelson, press conference, 15 July 1996.

<sup>39</sup> Neal Turner, e-mail to author, 26 February 2003.

on possession of drugs. Tucker would wait on the court's decision of either a new trial, or a withdrawal of charges, which he thought should come back by August 19, 1996, at which time he would either completely resign or take back the office of Governor. In Tucker's resignation letter to Huckabee, he said, "If the verdict is set aside, it eliminates the reason for my decision to resign. If the verdict is sustained on or prior to that date [August 19], then my resignation is hereby effective at that time."<sup>40</sup> This first of three letters relinquished all powers of the Governor to Huckabee. It stated that he could not perform the duties of the Governor, but might take office again once the court made its decision.

Nearly one hour after his scheduled inauguration time, Huckabee decided to address the Legislature himself because Tucker had refused to do so. In his speech, he informed the legislature that he would meet with the President Pro Tempore, Stanley Russ, and Speaker, Bobby Hogue, to discuss their options and the next steps to take. In the meeting with Russ and Hogue, they decided that their only options were for Tucker to step down or a call for impeachment would be necessary. If Tucker would resign by 5:00 p.m., Huckabee would not use the word "impeachment" in his televised speech to the people of Arkansas.<sup>41</sup> Rex Nelson, who became Huckabee's Communications Director, believed that Huckabee's only real option was to gain the

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<sup>40</sup> Jim Guy Tucker, letter one to Mike Huckabee, 15 July 1996, Communications Office of the Governor, Little Rock, AR. Refer to Appendix one.

<sup>41</sup> Mike Huckabee, address to Arkansas Legislature at 2:55 p.m., 15 July 2003. Huckabee, 22-23.



support of the legislature, which he planned to do by speaking to its most influential members.<sup>42</sup>

Stanley Russ described the events of that day as a "most surreal experience."<sup>43</sup> As President Pro Tempore of the Senate, Russ was next in line to become acting governor behind Huckabee. A member of the Democrat Party, he had not heard of Tucker contemplating a change of mind regarding the resignation.<sup>44</sup>

Between 4:40 p.m. and 5:15 p.m., Tucker issued his second letter, this one addressed to President Pro Tempore Russ concerning the retraction of his resignation.<sup>45</sup> It stated that as of 4:40 p.m., July 15, 1996, he resumed the powers of the Governor because his inability to serve had ended.<sup>46</sup> The justification that he gave went against his initial letter that stated his inability to serve was contingent only upon the ruling of the courts.

Governor Huckabee gave a speech on television at 5:15 p.m. as previously scheduled, but the speech this time consisted of the demand that Tucker resign by 9:00 the next morning or the impeachment process would begin. By this time, Arkansas Attorney General Winston Bryant was already working on the necessary paper work to file a lawsuit against Tucker to force him from office, which would begin the

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<sup>42</sup> Rex Nelson, personal interview with author, in Arkansas State Capitol Building, 13 February 2003.

<sup>43</sup> Stanley Russ, telephone interview by author, 4 October 2003.

<sup>44</sup> Russ.

<sup>45</sup> Refer to Appendix two.

<sup>46</sup> Jim Guy Tucker, letter two to Stanley Russ, 15 July 1996.

impeachment process.<sup>47</sup> Until such a time as a court could rule otherwise, Huckabee claimed the office of Governor and would not return it to Tucker.<sup>48</sup>

It is unclear as to what grounds Tucker thought he had to maintain office. Those around him believe that he had so convinced himself that he had committed no wrong, and if the court ruled in his favor, his resignation would not be necessary. The office of Governor had been a life-long dream for Tucker and for him to lose it in such a manner must have been difficult for him to accept. Rex Nelson said in an interview that he felt at the time that most people thought Tucker had had a mental breakdown because he was in such a state of denial that he could lose the office so easily.<sup>49</sup> According to Sharon Priest, former Secretary of State of Arkansas, some people around him were telling him that he should not resign, while others advised him to resign.<sup>50</sup> This conflicting advice may have contributed to Tucker's confused state of mind.

Until approximately 6:00 p.m., everyone around the capitol waited and discussed what may happen next. During a press conference, a reporter who had just received word that Tucker had officially resigned interrupted Huckabee. At that point, Nelson led Governor Huckabee into the Lieutenant Governor's office to find out what was really happening.<sup>51</sup> A Democratic Party staff member gave Sharon Priest the final resignation letter.<sup>52</sup> A news reporter read it on the air before Huckabee and his people even knew

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<sup>47</sup> "Chronology," *Arkansas Democrat Gazette*, 16 July 1996, sec. A.

<sup>48</sup> Huckabee, 31.

<sup>49</sup> Nelson.

<sup>50</sup> Sharon Priest, telephone interview by author, 22 September 2003.

<sup>51</sup> Huckabee, 32.

<sup>52</sup> Priest.

the letter existed.<sup>53</sup> The handwritten statement by Tucker, said, "Dear Mr. Speaker: This is to inform you that I hereby resign the office of the Governor effective at 6:00 pm July 15, 1996."<sup>54</sup> Huckabee officially became the Governor of Arkansas after four hours of uncertainty.

Even if Tucker had decided not to resign, based on his first letter, which rested on his pending sentencing, he would probably have eventually had to relinquish the office to Huckabee. On Monday, August 19, 1996, a jury sentenced him on two counts, mail fraud and conspiracy. The initial judgment was a four-year suspended sentence and over \$300,000 in fines and restitutions. However, due to medical health problems, the defense argued that Tucker needed a liver transplant, and federal prison officials do not typically allow for such medical procedures. Doctor Wallis Marsh testified that a prison sentence in Tucker's case was also a sentence of death, and the judge agreed. The judge agreed to change the sentence, which ultimately consisted of eighteen months of in home detention, still over \$300,000 in fines, and community service in the form of speeches to public schools.<sup>55</sup>

It is still not evident why Tucker made the decisions he did that day. He has spoken to very few people about what happened, and has granted no interviews. However, upon examination of the three letters from Tucker and interviews with his former staff, a definite digression in his demeanor is apparent. He sent the first letter

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<sup>53</sup> Ibid, 33.

<sup>54</sup> Jim Guy Tucker, letter three to Bobby Hogue, 15 July 2003. Refer to Appendix three.

<sup>55</sup> Max Brantley, "Opinion: Tucker's 'life' sentence," 23 August 1996, <<http://www.arktimes.com/white56.htm>> (10 March 2003).

on official Governor's stationary, which includes the seal of Arkansas. The organization of this letter is very clear. The greeting to Huckabee is in a non-threatening manner, and seems to delegate rationally the powers of the office of Governor to Huckabee.<sup>56</sup> The second letter, addressed to the President Pro Tempore, refers to Huckabee as "The Republican Lieutenant Governor." The reason it appears to be harsh may relate to the fact that this letter came after Huckabee announced that he would call a special session of the General Assembly, which would have begun the impeachment process. In that letter, Tucker reclaimed the office of the Governor.<sup>57</sup> The third and final letter, written on a notepad, completely relinquished the office of the Governor to Huckabee in a succinct manner, very different from the previous two letters.<sup>58</sup>

Due to the necessary adjustments that should take place during the exchange of power, it would seem highly unlikely that an out-going Governor would suddenly decide only five minutes prior to the new Governor taking the oath of office to renege on an agreement to vacate the office. However, two pieces of evidence suggest that Huckabee may have had prior knowledge of Tucker's possible withdraw of his resignation. First, there is a video that the Republican National Convention produced, intended for nostalgic purposes, but it has turned out to be historical in nature as well. On the tape, a section of it catches Huckabee on the phone with Tucker, which is the initial conversation between Huckabee and Tucker when he first announced that he

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<sup>56</sup> Jim Guy Tucker, letter one to Mike Huckabee, 15 July 2003.

<sup>57</sup> Jim Guy Tucker, letter two to Stanley Russ, 15 July 2003.

<sup>58</sup> Jim Guy Tucker, letter three to Bobby Hogue, 15 July 2003.

may not resign. The look on Huckabee's face when he heard the news was not of surprise, but really did not change from his initial expression. Neither his tone of voice, actions nor conversations indicated any kind of surprise. Typically, when a person hears something that is "unbelievable," as Huckabee described it in his book, that person shows some kind of expression on their face that would indicate their feelings, but this evidence was not present in Huckabee's demeanor.<sup>59</sup>

Another piece of evidence comes from Tucker's Chief of Staff, Neal Turner, in which he says that he met with Huckabee privately during the transition time, only two or three weeks before the day Huckabee took office. Turner asked Brenda Turner, Huckabee's chief of staff, to leave the room because he did not want anyone else to know what he was going to say to Huckabee. Turner informed Huckabee that Tucker had thought about withdrawing his resignation, but that Huckabee should not worry because it was likely that Tucker would not change his mind due to some of those around him trying to convince him that it was not a good idea to go back on his word.<sup>60</sup> Stanley Russ slightly refuted Turner's story by stating in an interview that it would have been difficult to keep something like this a secret, as it would have been leaked to the press.<sup>61</sup>

This leads to the question: which is the most accurate account of the events surrounding July 15, 1996? Prior to the correspondence with Neal Turner and viewing

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<sup>59</sup> Republican National Convention video of Governor Huckabee, 15 July 1996.

<sup>60</sup> Neal Turner, e-mail to author, 11 February 2003.

<sup>61</sup> Russ.

of the video tape, there was not any reason to believe that Huckabee had any previous knowledge that Tucker might not resign. However, upon review of the evidence, it seems that Huckabee could have known something. It is possible that no one else on his staff knew, but the evidence suggests that he may have known that Tucker might have been contemplating a change of mind.

Studying this tale of a Governor leaving office with felony charges and his successor, shining in the moment, produced many problems. Former Governor Jim Guy Tucker has had very little to say since that day, other than his apology letter. Presently though, he is doing work for an international business company, traveling back and forth from Asia to the United States.<sup>62</sup> Also, almost all news coverage centered on Huckabee *or* Tucker and his involvement in the Whitewater trial, very little of the coverage combined the situations of the two men, which stems from the belief in the media that the two had nothing to do with each other. However, the two men obviously did have a connection because without the Whitewater investigation, the succession crisis would not have taken place. It could also be because at the time of the crisis, Huckabee became the third Republican Governor since Reconstruction in the history of Arkansas, and Tucker, a Democrat, was leaving because of illegal activity. The crisis raised Huckabee's status in the state of Arkansas. His approval ratings immediately after were extremely high. This status allowed Huckabee to strengthen his position as Governor and the Republican Party in Arkansas.

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<sup>62</sup> Neal Turner, e-mail to author, 12 February 2003.

As the second succession crisis in the history of Arkansas, it is evident that changes need to be made to the Arkansas Constitution to ensure that there is a definite and more detailed line of succession when in a crisis such as that between Governor Tucker and Huckabee and the first one between Brooks and Baxter. The manner in which power exchanged hands in these two instances, while not of the same magnitude, shows that a struggle between two people can send a state into confusion.

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## Appendix I


 STATE OF ARKANSAS  
 OFFICE OF THE GOVERNOR

 State Capitol  
 Little Rock 72201

 Jim Guy Tucker  
 Governor

July 15, 1996

 The Honorable Mike Huckabee  
 Lieutenant Governor of Arkansas  
 270 State Capitol  
 Little Rock, AR 72201

Dear Governor Huckabee:

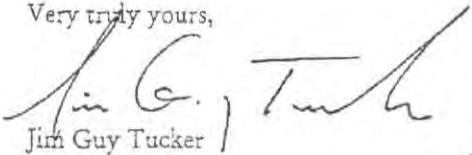
Pursuant to the Constitution of the State of Arkansas as amended by Amendment 6, Section 5, I hereby notify you that as of two o'clock p.m., Monday, July 15, 1996, I will be unable to discharge the duties of the Office of Governor. The powers and duties of the office should devolve upon the Lieutenant Governor at that time until my disability shall cease.

I have moved from the Governor's Mansion, and relinquish the salary and security staff of the office during my inability to serve.

This decision to declare an inability to serve arises from the discovery just last week of matters that go to the heart of any citizen's right to receive a fair trial from an impartial jury. It has now been learned that a juror became a member of the family of Robert "Ray" McIntosh during the trial. The husband of that juror is a man to whom I denied commutation. I expect the court to grant a hearing on this issue and decide this matter prior to August 19, 1996. If the verdict is set aside, it eliminates the reason for my decision to resign. If the verdict is sustained on or prior to that date, then my resignation is hereby effective at that time.

I expect the Acting Governor to fully exercise all powers and duties of the Governor's office in the interim.

Very truly yours,


 Jim Guy Tucker

JGT:cbk

Appendix II

**OFFICE OF GOVERNOR  
Jim Guy Tucker**

July 15, 1996  
4:40 p.m.

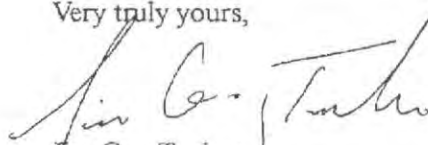
Senator Stanley Russ  
President Pro Tempore  
Arkansas State Senate  
Arkansas State Capitol  
Little Rock, Arkansas 72201

Dear Senator Russ:

The Republican Lieutenant Governor has informed me that he intends to call a special session of the General Assembly. I hereby notify you that my inability to serve as Governor has ended and I have resumed the powers of the Office of Governor as of 4:40 p.m., July 15, 1996.

My resignation will become effective immediately upon a ruling of the District Court sustaining the verdict and denying our motion of July 12, 1996.

Very truly yours,

A handwritten signature in cursive script that reads "Jim Guy Tucker". The signature is written in dark ink and is positioned above the printed name and title.

Jim Guy Tucker  
Governor

JGT/lw

## Appendix III



GOVERNOR'S MANSION

7/15/96

Dear Mr Speaker:

This is to inform  
you that I hereby  
resign the office of Governor  
effective at 6:00PM July 15, 1996.

Eric G. Tucker  
Governor