The 1946 Gubernatorial Election in Georgia

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THE 1946 GUBERNATORIAL ELECTION IN GEORGIA

By

HAROLD PAUL HENDERSON
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Harold Paulk Henderson

A thesis submitted to the Faculty of the History Department of Georgia Southern College in partial fulfillment of the requirements for the degree of Master of Arts in History

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Approved by:

Major Professor and Chairman of Department of History

Chairman of the Graduate Division
Georgia's gubernatorial politics have been called many things but seldom has the term "dull" been applied to the quest for the state's highest elective office. The gubernatorial election of 1916 certainly proved to be of no exception. Preceding the primary election, two vigorous efforts were made to remove a constitutional provision preventing a young and popular governor from succeeding himself. The efforts, due to opposition led by hopeful gubernatorial candidates, resulted in failure. Even while these efforts were being made, the Federal courts invalidated one of the "sacred cows" of Georgia politics—the Democratic Party's white primary. Two of the major candidates in the race upheld the courts' decision while the third, vigorously waving the tattered banner of white supremacy, promised to circumvent the decision. The "white folks' candidate" won the nomination and consequently was "elected" governor in the following general election. Before assuming office, however, the Governor-Elect died. His death resulted in one of the most bizarre political controversies in Georgia's history. The son of the dead Governor-Elect and the Lieutenant Governor-Elect laid claim to the office. Ignoring the claims of the latter, the General Assembly of Georgia elected the son of the deceased Governor-Elect to the governorship. The election produced a howl of protest throughout Georgia. The Lieutenant Governor-Elect, along with many other irate citizens, refused to
recognize the election of the "Pretender." As a result, Georgians found themselves in the uniquely embarrassing situation of having two governors. After more than three months of two headed state government, the State Supreme Court finally returned Georgia to the status of a one governor state. The "Pretender" carried his case to the people of Georgia in the election of 1918 and was victorious. His election, this time by the people, ended one of the strangest chapters in Georgia's political history.

This thesis could never have been written without the aid and cooperation of several individuals. A special debt of gratitude is owed to Dr. Jack Nelson Averitt, Chairman of the Social Science Division of Georgia Southern College. Besides suggesting and allowing me to write on this most interesting subject, Dr. Averitt has provided invaluable assistance. I am also grateful to the other members of the graduate faculty, particularly Dr. John Perry Cochran, who served as my second reader. My appreciation is extended to the staffs of several libraries including those of Duke University, Emory University, Florida State University, University of Georgia, University of North Carolina, and Valdosta State College. In particular, I would like to thank Mrs. Mae Cummings Olliff, reference librarian of the Georgia Southern College Library, who cheerfully complied with my many requests for inter-library loan material. My thanks are also due to the members of the staff of the Georgia Department of Archives and History, who were most helpful, and to Mrs. Carolyn Mandes, who typed the finished copy of this thesis.
<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. A QUESTION OF SUCCESSION</td>
<td>1</td>
</tr>
<tr>
<td>II. A QUESTION OF A WHITE PRIMARY</td>
<td>29</td>
</tr>
<tr>
<td>III. A QUESTION OF SUCCESSION AGAIN</td>
<td>67</td>
</tr>
<tr>
<td>IV. A QUESTION OF A WHITE PRIMARY AGAIN</td>
<td>87</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>13⅓</td>
</tr>
</tbody>
</table>
CHAPTER I

A QUESTION OF SUCCESSION

Two candidates, Eugene Talmadge and Ellis Gibbs Arnall, campaigned for the governorship of Georgia in 1942. Talmadge, completing a two-year term as governor, sought re-election. Arnall, candidate of the anti-Talmadge faction, hoped to present the Governor with the third defeat of his political career. Prior to his election to the governorship in 1940, Talmadge had served three terms, from 1927 to 1933, as state commissioner of agriculture and two terms, from 1933 to 1937, as Georgia's chief executive. Talmadge's youthful opponent in the 1942 gubernatorial election had entered state politics in 1932 with his election to the state House of Representatives. After serving in the lower house for two terms, Arnall was appointed by Governor Eurith Dickinson Rivers to the positions of assistant attorney general in 1937 and attorney general in 1939.1

Arnall, attacking Talmadge in the 1942 campaign as a demagogue and political dictator, waged "a crusade to restore decency and democracy in Georgia."2 Arnall's crusade for "decency and democracy"

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1Mrs. J. E. Hays, compiler, Georgia's Official Register, 1939-1941-1943 (Atlanta: Georgia Department of Archives and History, n.d.), pp. 6-7. (Hereinafter cited as Georgia's Official Register.) Talmadge had been defeated in bids for the United States Senate in 1936 by Richard Brevard Russell, Jr., and in 1938 by Walter Franklin George.

2Nation, CLV (September 19, 1942), 223.
benefited from several factors. No other candidate entered the race to divide the anti-Talmadge vote. His candidacy received the support of former governor Rivers, the organizer of the anti-Talmadge faction. Roy Vincent Harris, an astute political organizer and Talmadge opponent, managed Arnall's county organizations. Furthermore, Talmadge, to the immense benefit of Arnall, found himself to be the target of rising discontent. Much of this unpopularity stemmed from Talmadge's removal of Walter D. Cocking, Dean of the College of Education of the University of Georgia, and Marvin Summers Pittman, President of Georgia Teachers College. Governor Talmadge, accusing Cocking and Pittman of advocating "race mixing," had recommended that the Board of Regents dismiss these educators. When the Board, by a close vote, refused, Talmadge replaced three of the members with more cooperative appointees. The reshuffled Board then carried out the governor's recommendation. Educational accrediting agencies, charging political interference, removed the University System from their lists. Arnall promised to restore accreditation by the creation of a constitutional Board of Regents thereby removing the University System from future political manipulation. Despite Talmadge's campaign of "white supremacy, State's rights, local self-government and oldtime religion," Arnall

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was elected by a popular vote of 174,757 to 128,391 and a county unit vote of 261 to 149. 5

The new governor, undertaking a program of reform, soon gained the reputation of being a progressive. In fact, one observer claimed that Arnall succeeded "in lifting his state from the benightedness of Tobacco Road to the position of runner-up to North Carolina for title of 'most progressive Southern state.'"6 During the Arnall administration, a constitutional Board of Regents was created and the University System was re-accredited. Georgia, under his leadership, became the first state to lower the voting age to eighteen and the fourth Southern state to repeal the poll tax. The Arnall administration initiated a teacher retirement program, established a state civil service system and liquidated the long existing state debt. The young governor advocated, with success, reforms in the state's penal system including the eliminating of whippings, providing vocational training for inmates and transferring the governor's pardoning power to a constitutional board. Under Arnall's initiative, Georgia was provided with a new constitution in 1945 replacing the Constitution of 1877 which had been amended over three hundred times. Arnall also led the fight to end the practice of discriminatory freight rates employed by the railroads against the South. Charging the practice prevented Southern industrial development and growth, Arnall filed suit against the

5"Exit Gene Talmadge," Time, XL (September 21, 1942), 20; Georgia's Official Register, 1939-1941-1943, p. 656.
railroads' rates in the United States Supreme Court. After the court agreed to hear the suit, the Interstate Commerce Commission ordered an equalization of freight rates throughout the nation.\(^7\) One Georgia historian noted another less tangible achievement of Arnall in that prior to his administration, national attention had often been directed toward Georgia for her sins and the sins of her leaders, and feature writers in their articles for national magazines had brought Georgia in shame and disrepute. Now the picture was completely reversed. It seemed none came to Georgia but... to praise the state and its governor.\(^8\)

With Arnall's record of significant accomplishments as governor, the question of his seeking re-election appeared inevitable. One obstacle prevented Arnall from seeking a consecutive term. Prior to the gubernatorial election of 1942, Governor Talmadge had used his influence to change the governor's term of office from two to four years with a prohibition against a successive term.\(^9\) As a result, a second term for Arnall was dependent upon the removal of the succession prohibition. The question of whether Arnall desired re-election and the fate of the limitation preventing such a possibility loomed as a significant prelude to the 1946 gubernatorial election.

As if that were not enough, another issue appeared which also bore important implications for that election. In April, 1946, the

\(^7\)Taylor, "Ellis Arnall," pp. 94-252.


\(^9\)Acts and Resolutions of the General Assembly of the State of Georgia (1941), pp. 86-87. (Hereinafter cited as Georgia Laws.)
United States Supreme Court invalidated the white primary in Texas.\(^\text{10}\)

The following August, Primus King filed suit in Federal District Court against the white primary of the Georgia Democratic Party.\(^\text{11}\) This institution, above all others, had been used since 1898 to prevent effective Negro participation in Georgia's political affairs.\(^\text{12}\)

While Georgians awaited the District Court's decision, state representative Benjamin Wynn Fortson, Jr., issued a proposal in September, 1941, calling for unlimited gubernatorial succession. Harris, Speaker of the state House of Representatives, endorsed the proposal. He and Frank Cleveland Gross, President of the state Senate, issued a joint statement upholding the people's right "to elect whomever they please as governor."\(^\text{13}\) Arnall, except to declare that his re-election would cause his wife to divorce him, made no comment on the proposal.\(^\text{14}\)

Fortson, in October, 1941, presented the proposal to a commission which was at that time working on a proposed revision of the state constitution. The commission considered the measure the following month. Arnall, serving as chairman of the body, explained that

\(^{10}\)Smith v. Allwright, 321 U. S. 619 (1941).

\(^{11}\)Atlanta Constitution, August 24, 1941.


\(^{13}\)Atlanta Constitution, September 23, 1941.

\(^{14}\)Tbid., October 18, 1941. Mrs. Arnall displayed no interest in politics and disapproved of her husband's further involvement. See Taylor, "Ellis Arnall," p. 309.
"any restriction that tells the people they can't elect certain people to public office . . . violates the sound principle of democratic government." Emphasizing that his remarks were addressed only to the principle involved, he declared, "I know of nothing at the moment I would rather not do than be a candidate for Governor. . . ."

The commission's first of two votes on Fortson's proposal removed the limitation from the proposed constitution. The second vote followed a request of Senate President Gross, a member of the constitutional commission, who admitted that he had previously expressed support for unlimited gubernatorial succession. Gross claimed that he had changed his mind on the issue because a limitation on gubernatorial succession prevented "the possibility of power politics and [the] possibility of anybody building a machine. . . ." The second vote on Fortson's proposal resulted in a tie. Chairman Arnall broke the deadlock by voting to remove the limitation "because he believes in letting the people elect whom they please, as much as they please, or to reject them as many times as they please. . . ." 15 As a result of Arnall's vote, the new state constitution, as proposed by the constitutional commission, provided for unlimited gubernatorial succession. This did not make the provision final because the resolution of the General Assembly creating the commission required legislative approval of the constitution prior to its submission to the people for ratification. 16


In his state of the state address in January, 1945, Arnall urged the General Assembly to approve the action of the constitution commission concerning gubernatorial succession. He qualified his plea for this "needful reform" by asking the legislature "to make it effective with the next occupant of the Governor's chair and not with me." Nevertheless, Harris feared that the inclusion of such controversial questions in the proposed constitution could "get it all killed." He, therefore, led a successful fight to restore the limitation. The Speaker proposed that the question be submitted as an amendment to be voted on separately. He indicated his opposition to any succession amendment which excluded Arnall from serving a consecutive term. Harris, Fortson, and 143 representatives, on February 14, 1945, introduced an amendment providing for gubernatorial succession. Thirty-six senators sponsored the amendment in the upper house. Neither bill, however, came to a vote because Arnall requested that consideration be postponed until the 1946 session of the legislature. Many political observers interpreted the request as a shrewd move by

17 Minutes of the Executive Department of the State of Georgia (1945). Files located at the Georgia Department of Archives and History, Atlanta, Georgia, p. 6. (Hereinafter cited as Executive Minutes.)

18 Atlanta Journal, January 24, 1945.

19 Ibid., February 5, 1945.


Arnall. Assuming his desire for re-election, he prevented himself from being engaged in a long campaign. Arnall, according to his executive secretary, Melvin Ernest Thompson, desired a second term. Thompson, in April, 1945, declared that the Governor would seek re-election if empowered to do so,

I am as certain of that as I am that the Allies will win the war. He has not authorized me to make this announcement for him, but he has not told me not to do so, and I think I am close enough to him to know how he feels on this subject.

Fortson, on May 15, called for the legislators to convene the General Assembly into a special session to remove the limitation preventing Arnall from succeeding himself. State law required the governor, upon the petition of three-fifths of the membership of both houses of the legislature, to call a special session. Harris, who was receiving mention as a possible gubernatorial candidate in 1946, and Gross objected. They claimed that such a session might jeopardize the adoption of the proposed constitution. Arnall himself publicly viewed a special session as "ill-advised." Undismayed, Fortson and twenty-four other legislators began mailing convening petitions to their fellow lawmakers. Arnall announced that he would have nothing to do with the effort. Yet when the campaign seemed to bog down, he

22 Atlanta Constitution, March 4, 1945.
23 Atlanta Journal, April 25, 1945.
26 Atlanta Constitution, May 19, 1945.
directed Thompson to make a few "well-placed" telephone calls.\textsuperscript{27} Fortson's effort also received support from the Georgia press. One observer estimated that ninety per cent of the press supported the extra session.\textsuperscript{28} The Vienna News exemplified the views of the pro-session press. After commending Arnall for his progressive accomplishments, it concluded that "we cannot permit him to retire on his laurels yet."\textsuperscript{29} The Columbus Enquirer expressed another reason for supporting Arnall's re-election. It declared "if the way is not cleared for the re-election of Ellis Arnall it is not certain that the red-gallused politician \textsuperscript{[Talmadge]} will not wangle his way back into the governorship."\textsuperscript{30}

Ironically, many political observers viewed Talmadge as a possible contender in 1946.\textsuperscript{31} Admittedly, his popularity still remained at a low ebb. As early as February, 1945, the former governor expressed his opposition to removing the ban on succession.\textsuperscript{32}

\textsuperscript{27}Taylor, "Ellis Arnall," p. 298.

\textsuperscript{28}C. F. Gregory in Atlanta Journal, May 29, 1945. For over fifty newspapers and their editorials supporting the session see Atlanta Journal, May 20-May 29, 1945. These included city dailies such as the Athens Banner-Herald, Augusta Chronicle, Columbus Enquirer, Macon News, Thomasville Times-Enterprise and county weeklies such as Brantley Enterprise, Bulloch County Times, Camilla Enterprise, Ellijay Times, Hahira Goldleaf, Sparks Eagle and Vienna News.

\textsuperscript{29}Quoted in Atlanta Journal, May 28, 1945.

\textsuperscript{30}Quoted in \textit{Ibid}.

\textsuperscript{31}Atlanta Constitution, September 23, 1944.

\textsuperscript{32}The Statesman, February 1, 1945.
accused the Atlanta Journal and the Atlanta Constitution of being the main supporters of the drive for a special session. "Arnall is their tool," Talmadge charged, "they are afraid they will not get another tool in the governor's chair." The possibility of former governor Furith Dickinson Rivers entering the 1946 gubernatorial campaign also seemed likely. Rivers had considered running in 1942, but out of fear of splitting the anti-Talmadge forces, backed Arnall instead. Reports circulated at least as early as September, 1944, of his possible candidacy in 1946. The political editor of the Atlanta Journal in May, 1945, claimed that Rivers was already actively campaigning. Nevertheless, Rivers reportedly had promised Arnall his neutrality on the succession question.

Arnall, after receiving the necessary number of petitions from legislators, called a special session of the General Assembly to convene on May 29, 1945. Harris promptly announced his opposition. He deemed it "ridiculous to hold a session . . . for the sole purpose of trying to keep Eugene Talmadge from being elected governor. . . ." Arnall ignored these remarks. In his address to the General Assembly on May 29, Arnall emphasized that he had called the special session at

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35Atlanta Constitution, September 23, 1944.


37Ibid., May 25, 1945.
the request of the legislators. Indeed, he told of his efforts to stay clear of Fortson's campaign to convene a special session. Arnall, again attacking the limitation on gubernatorial succession as undemocratic, urged the legislature to "submit to the people a provision that will give them the right to say whether they want the restriction . . . retained or removed."[^38] His supporters quickly introduced succession amendments and on the same day a Senate committee recommended passage by voice vote.^[39]

Harris, appearing before the House committee considering the amendment, expressed opposition. The Speaker claimed that until recently, Arnall had had no intention of seeking re-election. Harris accused James Middleton Cox, the presidential nominee of the Democratic Party in 1920 and the owner of the Atlanta Journal, of persuading Arnall to seek re-election. Harris denied his opposition stemmed from collusion with Talmadge. "I am not in the good graces of Eugene Talmadge. . . .," he stated, "I fought Talmadge when he was just as popular as Governor Arnall is today."[^40]

Harris also denied that he was "doublecrossing" Arnall on the gubernatorial succession issue. After Arnall had promised that the proposed constitution would be a "nonpolitical document" devoid of politics and personalities, Harris declared that he had begun campaigning throughout the state for its adoption. Despite such a promise,

[^38]: Executive Minutes (1945), pp. 96-97.
Harris accused Arnall supporters, with the Governor's knowledge, of attempting to inject the issue of Arnall's succeeding himself into the ratification campaign. Indicating he had been given a "raw deal" by the Governor, Harris told the House committee considering the succession amendment that

> at Ellis Arnall's request ... I have been out beating the bushes for the new constitution. I have wound up every speech with the assurance that no politics or issues were involved. If you pass this amendment, you'll have given the lie to every speech I've made.⁴¹

Despite Harris' appearance, the committee recommended passage of the succession amendment. On the following day, May 30, 1945, Arnall attacked opponents of the amendment. He called them a coalition of the Georgia Power Company, public utilities, railroads, and gubernatorial candidates. Harris angrily denied his association with any such coalition. He criticized pressure from the governor's office for "Little Boy Blue's campaign for re-election." The Speaker, in using a Talmadge nickname for Arnall, provoked a speedy retort. The Governor accused Harris of "singing the song of a defeated candidate for governor."⁴²

The Senate, on May 31, 1945, passed the amendment, 38-12, three votes more than the required two-thirds majority.⁴³ Attention turned to the House where Harris led the anti-amendment forces. He accused

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⁴²Ibid., May 31, 1945.
⁴³Georgia Senate Journal (May, 1945), pp. 20-23. The vote followed the defeat, 33 to 17, of a substitute amendment providing for unlimited succession with two year terms.
Arnall of, among other things, trading a Supreme Court justiceship for Senate votes. Arnall labeled the charge "an unadulterated falsehood." On the floor of the House, Harris bitterly stated,

Yesterday was the first time I was ever accused of being a tool of the corporations. I was a knight in shining armour until I disagreed with the Governor.

Ellis Arnall will never see the day he gets so great in Georgia that he can crucify me.

Because of the fight over the succession amendment, one observer predicted that Arnall and Harris would never again be political allies. After spirited debate, the House voted on the amendment. By a vote of 127-68, the amendment failed by ten votes to receive the required two-thirds majority. "My friends have always known," Arnall stated after the vote, "that I have not desired a successive term... The people's fight was dumped in my lap..." Harris declared that the way now was cleared for Georgians "to adopt the fine new constitution free of all politics." Talmadge, applauding the defeat of the amendment, deemed it the best legislative action taken since the adoption of the Constitution of 1877. The former governor ridiculed

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\(^{14}\)Atlanta Journal, June 1, 1945. Arnall did call many legislators into his office soliciting their vote, occasionally offering "favors." Taylor, "Ellis Arnall," p. 302.

\(^{15}\)Atlanta Journal, June 1, 1945.


\(^{18}\)Georgia Senate Journal (May, 1945), pp. 25-26; Atlanta Constitution, June 1, 1945.

\(^{19}\)The Statesman, June 7, 1945.
little Ellis . . . trying to get the will of the people changed and having the two Atlanta papers to publish . . . that the "people lost." I will tell you who lost: Selfish politicians who wanted to graft on the State lost. THE PEOPLE WON!50

Few believed the issue settled. Fortson served notice of a revival of the fight at the next legislative session.51 At least six newspapers urged passage of the amendment at that session.52 Talmadge warned that further efforts would be made.53 In July, Arnall declared he might seek re-election, if the legislature passed the amendment. If he were not in the race, the Governor declared that his support would be for a candidate "who can most easily beat the crowd I beat, and who will more nearly carry on the principles of the present administration."54

Following the special session, Arnall turned his attention toward securing the adoption of the proposed constitution. In June, he attended a barbecue honoring Roy Harris for his service rendered as a member of the constitutional revision commission. Both Arnall and Harris expressed regret concerning their angry exchanges during the special session. Arnall, in fact, conceded that his reform program could not have been enacted by the legislature without Harris' assistance. While Harris called Arnall "the finest and greatest Governor Georgia has ever had,"

50 The Statesman, June 21, 1915.
51 Atlanta Constitution, June 2, 1915.
52 Atlanta Journal, June 11-13, 1915. These were the Brunswick News, Gainesville News, Lowndes County News, Sylvania Telephone, Thomaston Times and Thomasville Times-Enterprise.
54 Atlanta Journal, July 15, 18, 1915.
Arnall warned opponents of good government to take no consolation from rifts among friends. "On all good teams there are times when the teammates fuss...," he stated, "but when they meet an opponent they play hard for the good of the team."

Harris, on July 26, 1945, perhaps revealed his major reason for opposing the succession amendment during the recent special session of the General Assembly. On that day, the Speaker announced that he "expected" to be a gubernatorial candidate in 1946. Harris, who had never run for governor before, posed as a powerful adversary. The accomplishments of his political career included twenty-three years of service in the state legislature. During this tenure, he had served as Speaker of the House of Representatives under two governors, Rivers and Arnall. Most observers recognized his ability as a political organizer; Ralph McGill had called him the best in Georgia. His success in this area appeared impressive. Harris had managed Rivers' successful gubernatorial bid in 1936 against the Talmadge supported Charles Davenport Redwine, and played a large role in Senator Walter Franklin George's 1938 victory over Eugene Talmadge and Lawrence Camp.

55Atlanta Journal, June 12, 1945.
57Georgia Official Register, 1945-1950, p. 179.
58Atlanta Constitution, May 27, 1945.
His political astuteness contributed greatly to Arnall's success in 1942. Moreover, Harris probably considered himself to be the logical "progressive" successor to Arnall. Had not the Governor praised his support of all liberal measures enacted in Georgia? 

DeLacy Allen, former state legislator, announced on July 14, 1945, his intentions of seeking the governorship. The potential candidacy of Eurith Dickinson Rivers appeared far more formidable. With Arnall ineligible to succeed himself, Rivers probably considered himself the only candidate who could provide Georgia with another four years of progressive leadership. Moreover, Rivers and Arnall had been political associates since their first days in the legislature.

After becoming governor, Rivers had appointed Arnall state attorney general, and Arnall, when he assumed the governorship, had designated Rivers a National Democratic Committeeman. Prior to the special session of the General Assembly in May, Rivers had made several visits to the governor's mansion, perhaps soliciting support for a bid in 1946. Like Harris, Rivers supported the proposed constitution. Urging its adoption in a speech at Carrollton, Rivers lauded the

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60 Bernd, "Primary Elections," p. 31.
61 Atlanta Constitution, August 1, 1945.
62 Allen won the nomination as lieutenant governor in 1936, but voters defeated an amendment creating that office in the following general election. Atlanta Journal, July 15, 1945.
64 Athens Banner-Herald, June 27, 1946.
Governor for keeping the banner of liberalism high in Georgia. He spoke of his pleasure in appointing Arnall attorney general during his former administration and aiding his campaign in 1942. Arnall likewise complimented Rivers as "a great builder and a man of progressive thought and action." Rivers possessed one advantage over Harris in soliciting Arnall's support: he had not opposed the special session. However, Rivers, in seeking Arnall's support, possessed several disadvantages. The former governor had left office amid embezzlement indictments and charges of operating a pardon racket. Rivers also was reputed to be a member of the Ku Klux Klan. Supporting such a candidate entailed risk to Arnall's nationwide progressive image.

Of the potential gubernatorial candidates, only Talmadge opposed the proposed constitution. The former governor challenged Arnall to debate the constitution with him at Macon. "A dead duck in Georgia politics," Arnall replied, in turning down the challenge, "is still trying to squawk." Arnall urged the adoption of the constitution as a repudiation of Talmadge's leadership. Both Talmadge and Arnall were

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66 Lanier County Times, August 2, 1945.


68 Miller, "Rivers' Administration," pp. 135-144.

69 President Franklin Delano Roosevelt ruled out the New Dealer Rivers in running against Senator Walter Franklin George in 1938 due to Rivers' former Klan connections. Luther Harmon Zeigler, Jr., "Senator Walter George's 1938 Campaign," Georgia Historical Quarterly, XLIII (December, 1959), 333-334.
reprimanded by Harris for "injecting personalities and politics" into the campaign for the ratification of the constitution. Rivers urged "the biggest vote possible" as an answer to the opposition of the "reactionaries" to the constitution. He called upon Georgians to give the reactionary element "another good licking, this year and next year, whether Arnall or Rivers or somebody else leads the team."^70

While voters failed to march to the polls and give "the biggest vote possible," the proposed constitution was ratified in August, 1945, by a vote of 60,065 to 31,417. The chief opponent of ratification, Talmadge, could not persuade his home county of Telfair, much less the rest of the state, to reject the proposed constitution. Of the 1,159 citizens of Telfair County voting on the constitution, 1,020 voted in favor of ratification.^71

In the aftermath of another Talmadge defeat, the Federal District Court rendered its decision on the white primary. The opinion, delivered in October, 1945, took a powerful swipe at Georgia's political structure. Following the precedent of the Texas decision, Smith v. Allwright, the court declared the Georgia white primary unconstitutional.^72 Party leaders quickly appealed the case to the circuit court of appeals. While Arnall remained silent, Talmadge warned that "for the safety and protection of this state . . . the negro [sic] should not be allowed to participate in a white primary."^73


^73 The Statesman, October 18, 1945.
As Georgians mulled over this decision, Roy Harris unveiled a legislative program for the upcoming session. This program, disclosed on November 15, constituted a multimillion dollar expansion of state services. The Atlanta Constitution deemed it a bid for Arnall's progressive following. Arnall called the program a "political platform." Harris, denying Arnall's charge on November 17, admitted that if the program "were a political platform, it would be a mighty good one." On the same day, Rivers declared:

If the situation looks right, I will certainly give proper consideration to make the race for governor next year. It is clear it will be a race between the followers ... of Talmadge ... and those opposed to that kind of government.75

For all hopeful contenders, there remained the question of a constitutional amendment permitting Arnall to succeed himself. Harris believed or hoped the matter was a "dead issue."76 Nevertheless, the "dead issue" appeared very much alive. In January, 1945, the Macon News estimated that eighty per cent of the Georgia press favored the amendment.77 "Public opinion should rule," the Brunswick News editorialized, "and if it does, Arnall most certainly would succeed

71]The program included: an $80,000,000 highway construction program; an increase of $1,000,000 in public health appropriations and $1,000,000 for old age assistance appropriations; an annual appropriation of $2,000,000 for state educational and eleemosynary institutions; $1,500,000 increased appropriations to pay teachers on a twelve-month basis. Atlanta Constitution, November 16, 1945.

75Atlanta Constitution, November 18, 1945.

76]bid., October 11, 1945.

77Atlanta Journal, January 8, 20, 1946. For some newspapers supporting the amendment see Atlanta Journal, December 16, 23, 26, 30, 1945 and January 6, 8, 10, 13, 17, 1946.
himself.78 One paper, however, expressed great concern over such a possibility. The Statesman, a weekly political newspaper published by Talmadge, warned that "laws permitting repetition of state executives bring on fascism, communism and finally anarchy."79 Talmadge censured the "dictatorial, tyrannical, one-sided press" for its support of "class" legislation for one person. Specifically he assailed the Atlanta papers for attempting to bring about "nazism" in Georgia.80

The 1946 session of the General Assembly of Georgia convened on January 14. Harris' immediate plea that any discussion of a succession amendment be shelved went unheeded.81 "If the General Assembly submits legislation to remove this restriction," Arnall told the legislators, "I will be a candidate."82 The Senate approved the amendment by a one vote margin over the required majority.83 In the House, Speaker Harris, after referring the proposal to a committee chaired by one of its opponents, predicted defeat for the amendment "when and if, it reaches the floor of the House."84 After proddings

78Quoted in Atlanta Journal, December 26, 1945.


80Ibid., December 27, 1945.

81Atlanta Constitution, January 15, 1946.

82Executive Minutes (1946), p. 15.


from Fortson, the House committee finally voted on the amendment and recommended its passage by the legislature.\textsuperscript{85}

As the fight progressed, both sides tossed charges of political pressure. Harris accused Arnall of recklessly trading roads for votes. Talmadge charged that the Governor was promising almost anything in return for support in "this attempt to destroy democracy in Georgia." The Governor, in turn, accused his opposition of threatening a county's right to select a senator unless its representative voted against the amendment.\textsuperscript{86} One observer called the vote-seeking "the greatest scramble for votes in the history of the Georgia Legislature. . . ."\textsuperscript{87}

Limited House debate on the amendment occurred on January 25, 1946. Representative Walter Harrison declared gubernatorial hopefuls acted "like this is a governor's campaign. . . . They are right. They know. . . . when the ban is lifted, the people will overwhelmingly re-elect Governor Arnall." During the debate, Harris contended that the original purpose of the amendment had been to keep Talmadge out of the governor's chair. Claiming a recent split had occurred between Rivers and Arnall, Harris declared its purpose now was to keep Rivers

\textsuperscript{85}Georgia House Journal (1946), pp. 259-260; Atlanta Journal, January 24, 1946.

\textsuperscript{86}Atlanta Constitution, January 18, 1946; The Statesman, January 17, 1946; Atlanta Constitution, February 1, 1946. At this time, the election of state senators was based on a rotation system with the right to elect a senator rotating among the counties of the senatorial district.

out as well. Following the debate, the House voted on the amendment which again failed to receive a two-thirds majority, this time by eleven votes. The vote stood 126 to 74. Arnall immediately announced his support of a "dark horse" gubernatorial candidate, eliminating Harris and Rivers from receiving his support.

The Atlanta Journal credited a Talmadge-Harris-Rivers alliance with the defeat of the amendment. The political editor of the Atlanta Journal attributed forty-eight negative votes to Talmadge's influence, twenty to Harris' and six to Rivers'. Later, during the primary, Harris claimed that only Talmadge had aided him in the fight. Nevertheless, Rivers, who had not opposed the special session, had opposed the amendment in January, 1946.

The defeat of the amendment, the editor of the Atlanta Journal noted, "caused great exuberance among the Talmadge followers in the state. And one must admit there is justification for their joy." Many observers now considered Talmadge a certain candidate in the

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88 Atlanta Constitution, January 26, 1946.
90 Atlanta Constitution, January 26, 1946.
91 Atlanta Journal, January 27, 1946.
94 Atlanta Journal, February 1, 1946.
upcoming primary. In a February edition of The Statesman, Talmadge reviewed his accomplishments as governor. He attributed his defeat in 1942 to "misrepresented" and "false" facts.

While Talmadge prepared for the primary, Harris still sought to establish himself as Arnall's progressive successor. He predicted on the day after the amendment's defeat that "the old forces that brought Georgia into disrepute will not be returned to power." The Speaker avowed that there would be a candidate pledged to honest and progressive government. In spite of this statement, Arnall remained silent.

Several individuals received mention as possible candidates likely to receive the endorsement of Governor Arnall. The Atlanta Journal recommended James Vinson Carmichael, former legislator, to lead the Administration forces against a return of Talmadge or Rivers. However, Carmichael, on February 2, 1946, withdrew his name from consideration. Attention then centered on Fortson as the candidate of the Arnall administration. Arnall did nothing to discourage this possibility. "Ben Fortson has worked harder for my political advancement than anyone I know," the Governor stated on February 24, 1946.

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95 A reporter interviewed the Georgia congressional delegation, usually a good barometer of Georgia politics, after the vote. Few believed Talmadge would have run again if the amendment had passed. Atlanta Constitution, January 27, 1946.

96 The Statesman, February 14, 1946.

97 Atlanta Constitution, January 27, 1946.

98 Atlanta Journal, January 27, 1946.

99 Atlanta Constitution, February 3, 1946.

100 Atlanta Journal, February 25, 1946.
On the same day, Arnall appointed Fortson Secretary of State to fill the unexpired term of John Bryan Wilson.\footnote{Executive Minutes (1946), p. 51.} Samuel Marvin Griffin, anti-Talmadge leader in Decatur County, also received mention as the Arnall candidate. He had served since 1944 as Arnall's adjutant general.\footnote{The Statesman, March 21, 1946.} On March 15, Griffin announced as an anti-Talmadge-Rivers candidate. He foresaw his election as a continuation of "a liberal, progressive and honest administration of state government."\footnote{The Atlanta Journal, March 17, 1946.} Talmadge, ridiculing Griffin's announcement, accused him of being involved in a pardon racket while serving as Rivers' executive secretary.\footnote{Atlanta Constitution, March 16, 1946.} The Atlanta Journal also opposed Griffin for the same reason.\footnote{Atlanta Journal, March 17, 1946.} In all, over twenty other individuals received mention as possible gubernatorial candidates. These included Senate President Frank Cleveland Gross, state Commissioner of Agriculture Thomas Mercer Linder, state Commissioner of Revenue Melvin Ernest Thompson, Congressmen John Strickland Gibson and Steven Pace, Mayor Charles Bowen of Macon and Georgia Supreme Court Justice William Yates Atkinson.\footnote{Atlanta Constitution and Atlanta Journal, June, 1945-April, 1946.} Also, Arnall, on January 31, received a telegram from the police chief and city attorney of Cuthbert declaring
Mass meeting held. Your wife unanimously endorsed as candidate for governor. Randolph County and people of Georgia are still back of Arnall administration. If your wife will take this responsibility she will be elected. 107

As political hopefuls throughout the state began to give consideration to entering the governor's race, the Federal Circuit Court of Appeals announced its decision on the white primary. The opinion, rendered on March 6, upheld the Federal District Court's invalidation of the white primary. In doing so, however, the opinion seemed to provide a way in which the white primary could be saved. The salvation of the white primary required the repealing of all state primary laws and converting the Democratic Party into a private organization with no state regulation. 108 Thus, a white primary sponsored by a "private" organization would range beyond the Smith v. Allwright decision. 109

Harris, on March 7, called for a special session to repeal the state's primary laws. Commissioner Linder declared that if no candidate ran on a platform to preserve the white primary, he would do so himself. 110 Talmadge boasted of his pride in being in "good health, still young and able to make the fight to keep Georgia a white man's

107 Atlanta Constitution, February 1, 1946.


109 The United States Supreme Court in this case based its decision on the basis that state law had made the primary an integral part of the procedure of choice. Smith v. Allwright, 321 U. S. 649 (1944).

110 Atlanta Constitution, March 16, 1946.
state." He declared that Georgians, realizing the seriousness of the issue, were calling for him as never before.111

Talmadge proposed immediate action to save the white primary. He called upon the State Democratic Executive Committee to convene and incorporate all state primary laws into the rules and regulations of the Democratic Party. Then, Talmadge urged the legislature to repeal all state primary laws including the Neill Primary Act of 1917 requiring the county unit system in primary elections. Harris advocated similar action.112

Despite such pressure, Arnall announced on April 4 that he would abide by the decision of the courts. He warned that the county unit system could be discarded if the law requiring it were repealed.113


112 Atlanta Constitution, March 19, 28, 1946. The county unit system, until its invalidation by the United States Supreme Court in 1963, played a crucial role in the nomination process of the Georgia Democratic Party. Unit votes, not popular votes, determined nomination. The Neill Primary Act of 1917, which enacted previous party practice into law, gave each county twice as many unit votes as it had representation in the malapportioned State House of Representatives. The eight most populous counties had three representatives each; the next thirty, two each; the remaining 121, one each. Thus, the first group, containing 30.1 per cent of the population in 1940, possessed a meager 11.7 per cent of the unit vote. Georgia Laws (1917), pp. 183-189. Percentages obtained from Key, Southern Politics, p. 119.

113 This had happened once before the enactment of the law requiring the county unit system in primary elections. In 1908, Governor Hoke Smith, seeking re-election, advocated a primary based on popular votes rather than the unit system. The state convention adopted the rule change and the 1908 primary was held on a popular vote basis. Nevertheless, Smith lost to Joseph M. Brown who re-instituted the unit system. Alice W. Owen, "The County Unit System As An Integral Part of the Georgia Primary Election System" (Unpublished master's thesis, Emory University, 1934), pp. 13-15.
Arnall feared the repeal of primary laws against fraud and corruption would allow the "unscrupulous" to steal elections. Furthermore, he declared that with no state regulation the courts would still prohibit white primaries.\textsuperscript{111} The Governor announced his opposition to calling a special session of the legislature to repeal the state's primary laws as requested by Talmadge and Harris. Arnall also threatened to veto any legislation repealing the state's primary laws passed by a session convened by the legislators.\textsuperscript{115} After Arnall's decision, the Georgia Democratic Party amended its regulations to permit Negro participation in the primaries.\textsuperscript{116} The Governor's action constituted, one observer noted,

a bold and politically dangerous move in refusing to try to circumvent the decision of the courts. In forty Georgia counties, the Negro population of voting age was greater than the white. Negroes composed 32.8 percent of the potential voting population of the entire state. Arnall made Georgia the only black belt state with neither poll tax nor legislation to sidestep the decision of the courts.\textsuperscript{117}

Harris, denouncing Arnall's stand, vowed to stump the state for himself or a candidate in favor of a white primary.\textsuperscript{118} Two days after

\begin{footnotesize}
\textsuperscript{111}This contention proved to be true. South Carolina led the way in repealing all state primary laws and converting state political parties into private organizations. The federal courts still stood firm in the demand that Negroes be allowed to participate in primaries. See \textit{Rice v. Elmore}, 333 U. S. 875 (1948).

\textsuperscript{115}Augusta Chronicle, April 5, 1946.

\textsuperscript{116}Lynwood M. Holland, \textit{The Direct Primary in Georgia} (Urbana: University of Illinois Press, 1949), p. 85.

\textsuperscript{117}Taylor, "Ellis Arnall," pp. 277-278.

\textsuperscript{118}Macon Telegraph, April 6, 1946.
\end{footnotesize}
Arnall's statement, a politically revived Eugene Talmadge announced his candidacy. "I shall see," he promised, "that the people of this state have a Democratic white primary. . . ."\textsuperscript{119}

\textsuperscript{119}Savannah Morning News, April 7, 1946.
CHAPTER II

A QUESTION OF A WHITE PRIMARY

Eugene Talmadge's entry into the governor's race on April 6, 1916, came as no surprise to most Georgians. With anticipation, those who supported and those who opposed the former governor waited to see who else would enter the race. One thing seemed certain. Ellis Gibbs Arnall had been prevented from being a candidate to succeed himself because of opposition led by Talmadge, Roy Vincent Harris and Eurith Dickinson Rivers. In the process, Rivers and Harris had alienated themselves from the Governor, and neither seemed likely to receive his support in the upcoming election. The anti-Talmadge faction, so strong in 1912, stood in disarray in 1916. On the other hand, Talmadge, with the invalidation of the white primary, had been handed a potent political issue.

Talmadge's hoped-for position as champion of the white primary was threatened by Harris. Even without Arnall's backing, Harris seemed intent upon running. On April 9, he denied reports that he would manage Talmadge's campaign.¹ Harris' potential candidacy and threat to Talmadge received a crushing blow on April 16. Seeking re-election to the legislature in the Richmond County primary, Harris was defeated by William Shivers Morris, candidate of a local reform movement. The

¹Atlanta Constitution, April 10, 1916.
Cracker Party, a political organization in Richmond County of which Harris was a member, had been in power for twenty years. Morris and others, charging the organization was a dictatorial political machine, had formed a local "Reform Party" to fight the "Crackers." Immediately after Harris' defeat, Talmadge solicited his support to save the white primary.² No immediate response came from Harris.

The day prior to Harris' defeat, two of Arnall's associates, considered as possible gubernatorial candidates, announced for lesser offices. State representative Benjamin Wynn Fortson, Jr., came out for the office of Secretary of State. Melvin Ernest Thompson, Arnall's former executive secretary and present revenue commissioner, announced for the lieutenant governorship. On the same day, April 15, James Vinson Carmichael, who had earlier withdrawn his name from consideration, entered the governor's race. "My conscience," he declared, "will not permit me to sit idly by and let the forces which dragged Georgia into the mud return to office. . . ."³ On the white primary question, Carmichael state, "The decision has been made. I have no power to reverse that decision--nor does any other person in Georgia." Furthermore, he announced his opposition to any scheme repealing the state's primary laws.⁴

Former governor Rivers formally announced his candidacy on April 20. On the same day, he stated, "The Negroes will vote. It is

²Augusta Chronicle, April 17, 18, 1946.

³Washington News-Reporter, April 18, 1946; Cobb County Times, April 18, 1946.

⁴Atlanta Constitution, May 12, 1946.
now the law." Harris, on May 25, responded to Talmadge's solicitation to join his campaign by endorsing the former governor for the first time since 1934. Attacking Arnall for selling the white people of Georgia "down the river" on the white primary question, Harris accused Talmadge's opponents of being opposed to the restoration of that institution. "If you want the white primary back," he told a Thomaston audience, "every loyal Georgian will vote for Gene Talmadge." Samuel Marvin Griffin, having received no encouragement from Arnall, readjusted his plans and qualified for the lieutenant governorship. Griffin's withdrawal left only three major candidates in the race. Of the three, only Talmadge promised to restore the white primary.

Talmadge had previously served three terms as Georgia's chief executive. During these administrations, he had espoused individual initiative, governmental economy, and balanced budgets. Furthermore,

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5 Lenier County Times, April 25, 1946; Augusta Chronicle, April 21, 1946.

6 Macon Telegraph, May 26, 1946.

7 Atlanta Journal, May 10, 1946.


9 Valdimer Orlando Key, Jr., Southern Politics in State and Nation (New York: A. A. Knopf, 1949), op. 106-107. (Hereinafter cited as Key, Southern Politics.) Talmadge ran three times for commissioner of agriculture, twice for United States Senator and four times for governor. He was defeated in one gubernatorial race and, as earlier noted, in both senatorial races.
he had displayed a "Bourbon" aversion to taxes and state services. 

His major accomplishments included balancing the budget and reducing state property taxes, utility rates and prices of automobile license tags. Vehemently opposing the New Deal, Talmadge prevented Georgia's participation in many of its programs. In one instance, he vetoed a bill allowing Georgians to take part in the national social security program. Progressive measures on the state level such as free public school books also incurred his opposition. Talmadge's anti-labor attitude was exemplified by his use of the National Guard to break up a statewide textile strike in 1934. Many of Talmadge's actions as governor provoked charges of dictatorship. His method of forcing the Board of Regents to carry out his recommendation to fire educators accused of advocating "race mixing" has previously been discussed. In other disputes, he had the state treasurer and comptroller general physically removed from office. On one occasion, Talmadge, in a disagreement with the state highway board, declared martial law and removed uncooperative members of the board. After encountering opposition from the state public service commission, an elective body, Talmadge replaced its entire membership with his own appointees.

Nevertheless, to his many loyal followers, Talmadge was hailed as the "friend of the common man" and was considered one of the outstanding governors of Georgia. To his many political enemies, however, "The

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10 Sara McCulloh Lemmon, "The Ideology of Eugene Talmadge," Georgia Historical Quarterly, XXXVII (September, 1954), 226-228, 228.

Wild Man from Sugar Creek" was denounced as a demagogue and a menace to the well being of the state.

Because Talmadge had a record of opposition to state services, his 1946 platform seemed out of character to many voters in Georgia. "We must improve our schools, health, roads, pensions, farming conditions, labor conditions," Talmadge's platform stated, "and go forward in Georgia to become the most progressive state of the union." His platform advocated an expanded old age pension system with increased benefits for recipients. Teachers were assured of a fifty per cent salary increase. Georgians were guaranteed that the white primary would be restored. The platform further promised the largest road building program in the state's history. This program included paving every road over which school buses and rural mail carriers traveled.

Furthermore, Talmadge's platform pledged an annual appropriation of $1,000,000 for hospital construction. Other planks called for adequate support of schools and eleemosynary institutions as well as expanded state farm markets. Moreover, his platform promised this expansion of state services with no increased taxation. Specifically for labor, the platform, among other things, promised equal protection of the law and affirmed labor's right to organize. For veterans, the Talmadge platform held out several promises including free business licenses, a five-year state ad valorem tax exemption and lifetime driver's licenses.12

12 For Talmadge's platform see The Statesman, April 11, 1946.
These additional planks provided for a $1,000,000 annual appropriation for vocational education, a school of veterinary medicine in south Georgia, and the placing of sheriffs on the state payroll.\textsuperscript{13}

Talmadge's 1946 platform, as one observer noted, clashed sharply with his previous platforms emphasizing retrenchment and economy.\textsuperscript{14} The Athens Banner-Herald thought it "strange at this late hour for him to be agitating about these things [governmental services] when as Governor he did so little about them."\textsuperscript{15} However, the "agitator" appeared to be not Eugene, but his son, Herman Eugene Talmadge. According to Harris, Herman wrote the platform and released it without his father's knowledge. Harris further stated that "Gene raised Hell and swore he wouldn't run on it" before doing so.\textsuperscript{16} Apparently, Herman Talmadge believed that, despite the potency of the white primary issue, the Talmadge political philosophy had to be adjusted to win the election. Nevertheless, Eugene Talmadge emphasized that his pledge to restore the white primary was more important than establishing "a broadly progressive government . . . or to improve Georgia's

\textsuperscript{13}Atlanta Constitution, May 21, 1946; The Statesman, May 9, 1946; Americus Times-Recorder, May 25, 1946.

\textsuperscript{14}Mary Glass Crooks, "The Platform Pledges of Governor Eugene Talmadge and Resulting Statues" (Unpublished master's thesis, University of Georgia, 1953), p. 45. (Hereinafter cited as Crooks, "Platform Pledges.")

\textsuperscript{15}Athens Banner-Herald, April 9, 1946.

agriculture, or to help veterans, or to continue the 50 per cent raise for teachers, or to build hospitals."

Diametrically opposed to Talmadge in political philosophy stood Rivers. "I believe ... government should constantly expand its services," his platform stated, "to meet the changing needs ... of our people." Entering state politics in 1924, Rivers served as Speaker of the state House of Representatives during Talmadge's first two administrations. He broke with Talmadge over the latter's opposition to the New Deal and, along with other disgruntled Talmadge supporters, organized the anti-Talmadge faction. In 1936, this faction first achieved success with the election of Rivers as governor. Rivers' two administrations as governor, known as the "Little New Deal," greatly expanded state services and created many new ones. The accomplishments of the "Little New Deal" included old age pensions, aid for the blind and dependent children, a seven-month school term, free public school textbooks, and expansion of the public health program. However, Rivers failed in efforts to finance his program and, as a result, left his successor a large state debt. An episode with the chairman of the state highway board reminded Georgians of the antics of the then recent Talmadge administrations. Rivers, in Talmadge-like fashion, had the chairman physically removed from office and proclaimed martial law to override a court order reinstating him. Other incidents, including charges of operating a pardoning racket as well as scandals

17Atlanta Constitution, July 6, 1946.
18Lanier County Times, April 25, 1946.
in the highway department, marred Rivers' administration. After leaving office, Rivers was indicted, but never convicted, for embezzling and defrauding the state. Thus, Rivers had made two records for himself while serving as governor. On one hand, the Rivers' administration had been praised for its record of progressive accomplishment. On the other, he had been criticized for his pardoning record, the scandals in the highway department, his removal of the chairman of the highway department, his activities leading to court indictments and the large debt left in the aftermath of his administration.

Rivers claimed that his platform would be an "expansion of the program I go so well started... as Governor." He advocated doubling old age pensions, broadening the social security system, and expanding the state social service program. Rivers promised to give greater support to eleemosynary institutions and to public health. Also, he pledged to make teaching the highest paid profession in Georgia. Besides calling for new school construction and new school busses, Rivers promised to support the entire program of the Georgia Education Association. Furthermore, the former governor vowed to pave every arterial highway and post road in Georgia. For the farmer, Rivers promised an expansion of the soil conservation program, a telephone on every farm, a state price floor under farm products, and expansion of vocational education. His platform advocated the development of Georgia resources including construction of state-owned hydro-electric

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dams. He called for a state "revolving fund" to enable veterans to become their own bosses and home owners. Rivers further promised to modernize state labor laws and to expand state employment services. Expansion of the National Guard and the State Highway Patrol were additional pledges. Finally, his platform promised equal participation and compensation for women in government positions. Later additions to his platform included establishing a kindergarten and junior college in every county and free medical care for maternity cases.

At the beginning of the campaign, Carmichael was the least known of the three candidates. When he announced his candidacy, Carmichael was serving as general manager of the Georgia Division of the Bell Aircraft Corporation. Previously, he had served in the legislature during Rivers' administration. During this tenure, Carmichael had supported many of Rivers' legislative measures. However, he had opposed Rivers' proposals to finance the "Little New Deal." In the 1942 governor's race, Carmichael had supported Arnall. More recently, he had served as a member of the constitutional commission of 1943-44.

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20For Rivers' platform see Lanier County Times, April 25, 1946.


Carmichael's platform promised a debt-free, honest, economical, and progressive administration. He pledged, within state income, to expand the state's welfare and health programs. He assured Georgians of no increased taxation without a referendum. Teachers were promised increased salaries and retirement benefits as well as a tenure law. Like his opponents, Carmichael also promised a road-building program. For farmers, he advocated the inclusion of current labor costs in determining farm parity prices and the expansion of state farm markets. Finally, his platform promised retention of state primary laws and home rule for municipalities. As the campaign progressed he, too, added planks including a presidential preference primary, a state farm advisory council, and electrification of every farm house.

The press, with the exception of nine papers, overwhelmingly opposed the Talmadge candidacy. Nevertheless, one of these nine declared that "there should be no issue here among men and women in whose veins flows the same blood of their Southern ancestors." The Atlanta Daily World noted that Talmadge had received over 128,000 votes in the 1912 election even with the education issue against him. "Now, on a strictly race issue," the World cautioned, "he may even be

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23For Carmichael's platform see Atlanta Constitution, May 12, 1916.


The Gainesville News predicted that Talmadge would "dwell on the 'nigger' issue ... to divert the minds of the people from his record of dictatorship." Denouncing Talmadge as a reactionary, the Augusta Chronicle declared that his rule had brought shame to Georgia. The Athens Banner-Herald assailed Talmadge as the "greatest menace facing Georgia today!" Warning that the state could not stand another Talmadge administration, the Milledgeville Union-Recorder added its voice to the opposition. "Georgia has made a lot of progress since Talmadge left office," the Thomaston Free-Press declared, "but if he sets [sic] in the Governor's chair ... we lose all the ground we made and then some!" The Atlanta Constitution reminded Georgians that Talmadge, as Governor, vetoed free school books. Talmadge vetoed old age pensions. Talmadge opposed homestead exemptions. Talmadge called out the troops 17 times. Talmadge put striking textile workers in barbed wire concentration camps in 1935, after promising not to do so. Talmadge had elected State Officials thrown out of office. Talmadge blasted open the State treasury, spent money as he pleased. Talmadge referred to Roosevelt as "that cripple in the white house." Talmadge organized along with Gerald L. K. Smith, the notorious Grass Roots convention which was financed by DuPonts and Raskobs. Talmadge bragged of economy, left a gross debt of $35,961,630. Talmadge caused the State University System to lose accredited ranking. Talmadge freed 3,083 convicts during his last two years in office. Talmadge is running on a platform of race hate. ...

27 Atlanta Daily World, April 9, 1946.
28 Gainesville News, April 11, 1946.
29 Augusta Chronicle, May 1, 1946.
30 Athens Banner-Herald, July 11, 1946.
31 Milledgeville Union-Recorder, April 18, 1946.
32 Thomaston Free-Press, April 9, 1946.
33 Atlanta Constitution, July 17, 1946.
Rivers' candidacy likewise failed to generate much support among the press. As the campaign closed, only twelve papers supported the former governor. Editorial comment vividly contrasted the two forementioned records of the former governors. The Pembroke Journal endorsed Rivers because of his accomplishments "that any man could point [to] with pride." The Athens Banner-Herald credited Rivers with launching the most stupendous program of public service in Georgia's history. "Yes, E. D. Rivers did things FOR GEORGIA," proclaimed the Washington News-Reporter, "and we are going to vote for him." True, the editor of the Valdosta Daily Times agreed, but he added that many of these things were "terribly shocking. Pardons were given out right and left and there were a lot of disagreeable odors in the purchase of asphalt for road construction." The Augusta Chronicle declared that Rivers' record of issuing nineteen hundred pardons in his last term alone was sufficient reason for his defeat. Many called Rivers, the Macon Telegraph noted, the Warren Harding of Georgia politics.

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35 Quoted in Baxley News Banner, April 4, 1946.

36 Athens Banner-Herald, April 17, 1946.


38 Valdosta Daily Times, July 16, 1946.

39 Augusta Chronicle, June 21, 1946.

40 Macon Telegraph, June 7, 1946.
The Atlanta Journal further pointed out that Rivers' platform said "nothing about the extravagance which ran riot during his two terms, . . . nothing about unbalanced budgets and piled up debts; nothing about his bayonet rule . . . in defiance of the courts. . . ."1

Reminding its readers of Rivers' reputed Klan connections, the Atlanta Daily World also announced its opposition.2

In contrast to his opponents, Carmichael received overwhelming support from the press. Immediately following his entry into the race, more than forty dailies and weeklies endorsed his candidacy. And by the end of the campaign the number had grown to over 115.3 Not since Reconstruction, proclaimed the Atlanta Journal, had there been such unanimity among the press.4 One observer contributed this unanimity to the fact that the average editor viewed the race as one between the Arnall "type" of government and a "retrogression to the dictatorial, corrupt, idiotic type he witnessed under Talmadge and Rivers."5 The Fitzgerald Herald declared Carmichael's election meant the continuation of the fine work started by Governor Arnall.6 The Americus Times-Recorder urged all opposed to dictatorship and gang

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1 Atlanta Journal, April 21, 1946.
3 Fitzgerald Herald, April 26, 1946; Atlanta Journal, July 7, 11, 1946.
4 Atlanta Journal, June 23, 1946.
5 Vincent Jones in the Jackson Progress-Argus, quoted in Atlanta Journal, June 10, 1946.
6 Fitzgerald Herald, April 26, 1946.
type government to vote for Carmichael. Talmadge and Ed Rivers," The Columbus Ledger-Enquirer stated, "Mr. Carmichael is a pure light of decency and integrity." Yes, with Carmichael, the Atlanta Constitution proclaimed, the people have "a good clean man they can follow with a clear conscience."

Besides receiving the support of the press, Carmichael, as expected, received the endorsement of Arnall. The Governor first endorsed Carmichael's candidacy by the medium of letters to several citizens throughout the state. On June 22, Arnall made a statewide radio broadcast in behalf of Carmichael. In another radio address on July 6, Arnall urged all Georgians to support the "young man... making the fight for decency and good government in our state."

While Carmichael made the fight for good government, Talmadge, as expected, made the fight to keep Georgia a "white man's state." Gearing his campaign to one of white supremacy, Talmadge warned that the future of the white race depended upon the restoration of the white primary. At stake, he grimly predicted, was "whether we will

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47 Americus Times-Recorder, April 30, 1916.
48 Quoted in Augusta Chronicle, May 7, 1916.
49 Atlanta Constitution, April 28, 1916.
53 Atlanta Constitution, June 16, 1916.
have a mongrel race or a pure unadulterated white race." For Georgia had been invaded, Talmadge declared, by alien and communist influences desiring "Negroes to participate in our white primary in order to destroy the traditions and heritages of our southland." Talmadge contended that these influences wanted Negro voting in order to defeat congressional and gubernatorial opponents of the Fair Employment Practices Commissions Bill. "You all know what the FEPC is. It is a national bill providing for equality of whites and blacks. . . ." Furthermore, Talmadge claimed that the FEPC was practically the same bill as the one passed by the Northern Radicals during Reconstruction "to force the white people of these [Southern] states to give absolute equality to Negroes. . . ." He accused Henry Agerd Wallace, Red Russia, Radicals, Harlem, Moscow, Quislings and others of being behind this plot to destroy Southern traditions. Talmadge spitefully assailed Arnall as the leader of the quislings. "Ellis 'Benedict' Arnall," Talmadge stated, "opened the breach in the dike that has


55*Savannah Morning News, April 7, 1946.

56*The Statesman, April 18, 1946.

57*Ibid., June 27, 1946.

protected Southern manhood, Southern womanhood and Southern childhood for three quarters of a century." He accused Arnall of going "further than any white man in America to promote racial equality in Georgia." So appalling had been his betrayal of the white people of Georgia, Talmadge predicted, that Arnall would be the most despised governor since Rufus Brown Bullock. Talmadge bitterly attacked Arnall's position that Georgians had to abide by the decision of the courts on the white primary. Using this as an excuse, Talmadge declared that Arnall had robbed the white people of their primary. Talmadge emphasized that all the people of Georgia needed to do to have a white primary was to repeal the state's primary laws. Thus, he explained, primaries regulated solely by party rules would be beyond the jurisdiction of the Federal courts. For the moment, however, Talmadge contended that Arnall's action had caused a "breakdown in our white supremacy and Jim Crow laws." To whom could white Georgians turn to repair the damage? Talmadge eagerly pointed out that both of his opponents opposed a white primary. He concluded that they were

59 Savannah Morning News, July 2, 1946.
60 The Statesman, June 27, 1946.
61 Atlanta Constitution, June 26, 1946. Bullock served as Republican Governor of Georgia from 1868 until his resignation in 1870 to avoid impeachment.
63 Athens Banner-Herald, May 19, 1946.
64 Atlanta Journal, July 10, 1946.
"condoning social, economic and political equality with Negroes." Talmadge designated Carmichael as the candidate of "Northern Radicals, local quislings and controlled newspapers seeking to mix the races." He warned that Carmichael, if elected, would use the governorship to destroy the white primary and the segregation laws of the South.

"James V. Carmichael wants racial equality," Talmadge stated. Talmadge declared that he was the only candidate trying to protect the "white people of this state from being forced on terms of equality with Negroes." "If elected Governor," Talmadge boasted, "I shall see that the traditions which were fought for by our grandparents are maintained and preserved." But unless the white people controlled Georgia, Talmadge warned,

our Jim Crow laws are gone and our pretty sweet little white children will be going to school with negroes [sic], sitting in the same desk. If the FFPC is put across, they will be taught by negro [sic] teachers as well as white teachers.

A step further, if the white people don't elect a governor this year in Georgia, in the next four years, the negroes [sic] will be riding the same coaches, sleeping in the same pullman cars with white people, stopping in the same hotel, eating at the same restaurants, and paying the bill to a negro [sic] cashier.

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68 Ibid., June 20, 1916.

69 Cartersville Daily Tribune News, June 10, 1916. On one occasion he urged all veterans to vote for him to protest against efforts of the War and Navy Departments to promote social equality. Dalton Citizen, July 11, 1916.

70 Savannah Morning News, April 7, 1916.
Fellow Georgians, Southerners, sons of men that wrenched the state from carpetbaggers, how do you stand on this important issue? ¹¹

Talmadge predicted that unless the white primary were restored, there would be 500,000 Negro voters and Negro public officials, including two Negro United States Senators and a Negro governor in the near future. ⁷² He predicted that, because of the Negro voters, white office-holders would have to retire from office or "politic with the negroes [sic], go to their homes, with hat in hand, shake hands with all of them and kiss the babies. . . ." ⁷³ Furthermore, he warned that the Negroes would use their new power to, among other things, strike down restrictive covenants in housing titles "barring purchases of homes . . . by persons of cannibal descent. . . ." ⁷⁴

Talmadge emphatically denied charges of stirring up racial tensions. If any racial trouble developed, he declared, it was due to "the Communists, the Northern Negroes, the Rosenwalds and their Southern Allies . . . working for race equality. . . ." ⁷⁵ Talmadge claimed to be the best friend the Negro had in Georgia. "I was raised among niggers and I understand them," Talmadge explained. "I want to see them treated fairly and . . . have justice in the

¹¹The Statesman, April 18, 1916.
⁷⁵Macon Telegraph, July 6, 1916. Julius Rosenwald was a wealthy Jewish philanthropist who, among other things, used his money to improve the condition of the Southern Negro by assisting in building schools for them.
But he added that the Negroes were not educated enough or civilized enough to assume the responsibilities of citizenship. In Talmadge's opinion, they loomed "too close to barbarism and Africa to match wits with the whites." On one occasion in the campaign, Talmadge went so far as to suggest sending them back to Africa. On another, he declared that anyone who thought that Negroes could be equal with whites believed in "the greatest lie in history." He told one audience, "I want to deal with the nigger this way: he must come to my back door, take off his hat, and say yes sir."

In his efforts to arouse white voters into believing that Southern traditions were under attack, Talmadge received timely aid from the United States Supreme Court. On June 3, 1946, the court struck down Virginia's segregation laws pertaining to interstate bus travel. Talmadge denounced the decision as just another step of Northern Radicals toward their goal of destroying all Southern traditions. "I warn you to save the white primary before this thing goes any further." A Carmichael victory, Talmadge insisted, meant an endorsement of the

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76 Savannah Morning News, June 21, 1946.
77 Ibid., July 23, 1946.
80 Savannah Morning News, July 12, 1946.
81 Atlanta Journal, June 6, 1946.
83 Lawrenceville News-Banner, June 20, 1946.
court's decision. To offset "mixing of the races" on interstate bus travel, Talmadge declared:

If I'm your governor, there won't be any interstate bus travel in Georgia. To ride through Georgia a passenger will have to buy a ticket 50 feet inside the state line. If he's going to Florida he'll have to get off 50 feet from the Florida line and buy another ticket.

Talmadge cautioned white voters that his opponents would try to throw smokescreens around the real issue in the campaign. However, he urged the white people to look beneath the smoke where "you will see a raging holocaust burning away at the very foundations of our Southern traditions and segregation laws." Under such circumstances, he called upon Georgians to lay aside their petty differences "and let's have a solid march of white people ... to the polls and save good old Georgia from the carpetbaggers. ..."

Talmadge's white supremacist campaign placed both Rivers and Carmichael on the defensive. Rivers ignored the white primary controversy. In addition to issuing his terse statement on April 20 that the Negroes would vote because "it is now the law," Rivers warned of racial violence if either of his opponents were elected. These

81 Atlanta Constitution, June 19, 1946.
82 Atlanta Journal, June 5, 1946. Some Talmadge supporters claimed the decision gained "Gene" 50,000 votes. See also Atlanta Constitution, July 10, 1946. Herman Talmadge said the decision turned his father's campaign from "a mild hurricane into a tornado." See also Augusta Chronicle, June 5, 1946.
83 Augusta Chronicle, June 27, 1946.
84 Athens Banner-Herald, May 19, 1946.
85 Americus Times-Recorder, July 9, 1946.
statements constituted his major contribution to the raging dispute over the white primary. Unlike Rivers, Carmichael entered into the white primary dispute. He fought Talmadge's white supremacist campaign by three methods. First, he emphasized that he was just as imbued with Southern traditions as Talmadge. Secondly, Carmichael questioned Talmadge's assertion that white supremacy was in danger. Thirdly, he emphasized the dangers involved in Talmadge's scheme to save the white primary.

Speaking before a Moultrie audience on May 11, Carmichael declared:

I am a native Georgian and all my ancestors on all sides of my family have been in Georgia for 150 years. I am steeped in southern tradition and background. Neither I nor my people have ever strayed from the pasture of southern tradition. We have not even "leaned against the fence."

This smokescreen candidate [Talmadge] and his henchmen are going about over the state spreading stories that the Negroes are going to be placed in white schools, that there will be intermarriage between the races, and that the segregation of the races will be broken down.

He told you the same falsehood four years ago. That such a thing should ever come to pass in Georgia is unthinkable. The white people do not want it and the Negroes do not want it --nobody in Georgia wants it!

I want it clearly understood ... that while I believe in helping the Negro advance his economic status ... and in helping him to be a good citizen ... I will never, so long as I am Governor, permit the mixing of the races in Georgia. ...\(^9\)

Carmichael pointed out that both his grandfathers had worn the "Grey" of the Confederacy. Furthermore, he claimed that while serving on the

\(^9\)Atlanta Constitution, May 12, 1946.
constitutional commission he had helped write the provision into the
1945 Constitution providing for segregated schools.\(^\text{90}\) Carmichael
called charges that he favored intermarriage and school integration
"premeditated and unadulterated lies."\(^\text{91}\) Carmichael told one audience
that the difference between himself and Talmadge is "I respect the
supreme law of the land and Mr. Talmadge doesn't respect any law and
never has."\(^\text{92}\) Furthermore, Carmichael ridiculed Talmadge's plan to
prevent "race mixing" on interstate bus travel. "Now can't you imagine
doing that every time you go outside the state." How, Carmichael asked,
was Talmadge going to stop airplanes and force passengers to buy new
tickets?\(^\text{93}\) Carmichael accused Talmadge of using a false race issue as
a smokescreen to cover up his "distasteful record."\(^\text{94}\) Nor, Carmichael
explained, was it the first time Talmadge had used the race issue.

Ever since I was 10 years old--that's 26 years ago--Eugene
Talmadge has been running for office in Georgia on the race issue.
He has posed as a modern Paul Revere crying "Wake up, Wake up,
the nigger is coming." For 26 years he's been spreading hatred
through Georgia just to get in office.\(^\text{95}\)

Continuing his counterattack, Carmichael assailed Talmadge's
plan of repealing all state primary laws. Carmichael emphasized that
he would never approve repealing laws that prevented fraud and

\(^\text{90}\) Baxley News-Banner, June 27, 1946.
\(^\text{91}\) Atlanta Journal, June 9, 1946.
\(^\text{92}\) Savannah Morning News, July 6, 1946.
\(^\text{93}\) North Georgia Tribune, June 21, 1946.
\(^\text{94}\) Savannah Morning News, May 12, 1946.
\(^\text{95}\) Atlanta Constitution, June 5, 1946.
corruption in primary elections. On the other hand, Carmichael declared, Talmadge wanted "to repeal all the laws which prohibit buying votes, stuffing ballot boxes, voting more than one time by one person and the voting of dead persons' names."

Carmichael pointed out that Talmadge, during his last administration, had sponsored laws against fraud and corruption in primary elections. "Have things changed so since 1941," he asked, "that we don't need legal protection of our elections?" Carmichael further warned that if the primary laws were repealed "you may not have a primary any more. There would be no law to guarantee that a primary be held."

Instead of having a gubernatorial primary, Carmichael declared that if Talmadge were elected, he could "call a hand-picked delegation to the State Democratic Convention and let this stooge party nominate a Governor without bothering to let the people vote on him." Moreover, Carmichael promised to oppose any effort to destroy the county unit system by removing it from the statute books. Without the county unit system, Carmichael warned, big city political machines would dominate the state. Carmichael declared that such an event was precisely what Talmadge wanted. The former governor, Carmichael insisted, desired to abolish the county unit system so that "the machines in Augusta,

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96 Atlanta Constitution, May 12, 1946.
97 Atlanta Journal, June 6, 1946.
98 Atlanta Constitution, May 23, 1946.
99 Ibid., June 23, 1946.
100 Ibid., April 28, and May 12, 1946.
Atlanta and Savannah can run the state government. . . .” Carmichael sneered at Talmadge’s promise to protect the county unit system. Once removed from state law, Carmichael explained, the county unit system stood at the mercy of the State Democratic Executive Committee.102

Thus, in the 1946 election, Carmichael found himself in the ironic position of defending the rurally-oriented electoral system against Eugene Talmadge, who prided himself in being the "champion" of the farmers.

Talmadge's plan to save the white primary also drew criticism from other sources. Robert Troutman, the President of the Georgia Bar Association, charged that the plan was a plot to set up a political dictatorship. The immediate past president of the same organization, Charles Bloch, warned that a repeal of the state primary laws "would open the door to all kinds of graft and fraud."103 The Augusta Chronicle declared that Talmadge's plan meant the "death knell" of the county unit system along with "the laws which safeguard the purity of the ballot and which protect it against political corruption, fraud and thievery."104 The Savannah Morning News, while supporting Talmadge's candidacy, cautioned that his scheme would disrupt the county unit system.105 The Gainesville News stressed that the preservation of the

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101Atlanta Journal, May 29, 1946.
102Ibid., June 11, 1946.
103Atlanta Constitution, May 18, and June 26, 1946.
104Augusta Chronicle, July 16, 1946.
105Savannah Morning News, April 1, 1946.
county unit system was of "far more importance than denial of negroes [sic] of the right to vote." 106

Talmadge belittled fears that his plan to save the white primary would result in destruction of the county unit system and wholesale thievery in primary elections. He suggested that the police powers of the state could be used to regulate fraud and corruption in primaries. 107

As for the county unit system, he explained that it had existed long before being enacted in state law by the Neill Primary Act. Therefore, Talmadge declared that repealing that act "would not . . . blot the county unit system." 108 Nevertheless, to quiet lingering fears, he advocated placing the county unit system in the constitution. 109

"Gene knows that as soon as he puts the county unit system in the constitution," Carmichael retorted, "it . . . will make the primary subject to the Supreme Court's ruling." 110

The main issue in the campaign, Carmichael emphasized, was not white supremacy but good government. 111 According to Carmichael, Georgians had to decide whether they wanted a continuation of "honesty, decency, and respectability in State government" or return to "waste, extravagance, corruption, racketeering, and dictatorship." 112 Carmichael

108 Ibid., April 11, 1916.
112 North Georgia Tribune, June 21, 1916.
warned that the election of either of his opponents "would drag our
state's good name once more in the mud and make of us the laughing-
stock of the nation." He compared his opponents to crows "waiting
hungrily about to pull up the beans and the corn and the sorghum and
to waste and steal and destroy as they have done in the past." He contended that Rivers and Talmadge were in an artful alliance against
good government "to get one of them back in office and it doesn't
matter which one." Once one of them is elected, Carmichael declared,
they both would "bury the hatchet and join together to 'share our
wealth.'"

Carmichael scolded his opponents for making billion dollar
promises on "two bit" past performances. He attacked their platforms
as grandiose dream castles which would cost over a billion dollars in
new taxes in the next four years. "We must have progress in Georgia,"
Carmichael added, "but we don't have to go in bankruptcy to secure it." He charged further that if either of his opponents were elected, the
Ku Klux Klan would run the state government. Indeed, he claimed that
the Klan already had endorsed Talmadge, and that Rivers had "long been

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113 Atlanta Constitution, April 28, 1916.
114 Atlanta Journal, June 1, 1916.
115 Ibid., May 16, 1916.
116 Ibid., June 2, 1916.
117 Ibid., May 28, 1916.
118 Macon Telegraph, May 18, 1916.
one of the powers behind its shrouded throne.\textsuperscript{119} Carmichael attacked
the Klan for its policy of spreading hate, fear and intimidation.\textsuperscript{120}
If elected, he promised to unmask the hooded society.\textsuperscript{121}

Denouncing Talmadge as a miniature Hitler, Carmichael said that
the former governor should be making apologies instead of promises.\textsuperscript{122}
He charged that Talmadge's election would guarantee another disgrace to
the University System, including the firing of the president of the
parent institution.\textsuperscript{123} Ridiculing Talmadge's platform on labor,
Carmichael reminded union members that Talmadge had used the National
Guard to break the textile strike of 1934 in Georgia.\textsuperscript{124} On another
occasion, he reminded elder Georgians that Talmadge, while governor,
had opposed old age pensions.\textsuperscript{125} Labeling Talmadge the prophet of
anarchy and revolution, Carmichael declared that Talmadge "would do
almost anything to have his demagogic dictatorial will forced upon the
people of the state."\textsuperscript{126}

\textsuperscript{119}\textit{Savannah Morning News}, May 23, 1946. Talmadge denied membership in the Klan. Nevertheless, one observer noted that whether a member or not "he is speaking the language the hooded terrors like to hear...." The Georgia Grand Dragon estimated Talmadge would receive ninety-nine per cent of the Klan vote. \textit{Savannah Morning News, July 23, 1946; Atlanta Constitution, May 26, 1946.}

\textsuperscript{120}\textit{Dalton Citizen}, May 23, 1946.

\textsuperscript{121}\textit{Ellaville Sun}, May 31, 1946.

\textsuperscript{122}\textit{Savannah Morning News}, July 6, 1946; \textit{Atlanta Journal}, July 16, 1946.

\textsuperscript{123}\textit{Atlanta Constitution}, June 30, 1946.

\textsuperscript{124}\textit{Ibid.}, May 23, 1946.

\textsuperscript{125}\textit{Atlanta Journal}, June 29, 1946.

\textsuperscript{126}\textit{Savannah Morning News}, May 29, 1946.
Carmichael also branded Rivers as an enemy of good government. Chastising Rivers for his "unpardonable pardon racket," he accused him of emulating Talmadge's bayonet rule.\(^{127}\) Carmichael, reminding Georgians of Rivers' indictments for embezzling and defrauding the state, promised that he would not disgrace the state with such a court record.\(^{128}\) The former legislator also reminded Georgians of the corruption in the highway department during Rivers' administration.\(^{129}\) He claimed credit for blocking Rivers' efforts to obtain a sales tax during the "Little New Deal." Carmichael explained that he had opposed providing additional revenue "for a wasteful administration recklessly squandering money."\(^{130}\) Attacking Rivers' claim to be a "great builder," Carmichael declared that many of the buildings and roads Rivers claimed credit for were financed by the Federal government.\(^{131}\) Admitting that Rivers was a great debt builder, Carmichael pledged that he would never follow the Rivers example of leaving office after incurring the largest debt in state history.\(^{132}\)

Like Talmadge and Carmichael, Rivers also insisted there was only one major issue in the campaign. He claimed that Georgians had only to decide "whether the program of public service my administration

\(^{127}\) Atlanta Journal, June 16, 1946.

\(^{128}\) Atlanta Constitution, May 28, 1946.

\(^{129}\) Ibid., June 2, 1946.

\(^{130}\) Ibid., June 9, 1946.

\(^{131}\) Athens Banner-Herald, June 12, 1946.

\(^{132}\) Atlanta Constitution, May 28, 1946.
established will be properly financed and expanded so as to meet the needs of the people." He called himself the only real progressive in the race. He designated the other candidates as representatives of the "same obstructionary reactionary forces" that had previously blocked efforts to finance his "Little New Deal." "Both have fought every progressive action in Georgia in their time," Rivers stated, "and neither has a plank in their platform which would aid the great masses of the people in Georgia." In fact, he explained that both were "opposed to the state serving the people who need help from the government." The rich and powerful interests have had a governor for the last six years, Rivers declared, "now it is the poor folks turn. . . ."

Specifically, Rivers denounced Talmadge as a chronic reactionary opposed to doing anything for the betterment of the people. Rivers pointed out that, among other things, Talmadge had opposed old age pensions, free school books, homestead exemption, rural electrification and a seven-month school term. "What constructive program has Talmadge launched?" Rivers asked. He branded Talmadge a demagogue,

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133 Athens Banner-Herald, June 2, 1946.
136 Atlanta Constitution, July 7, 1946.
137 Ibid., June 13, 1946.
139 Athens Banner-Herald, June 20, 1946.
lacking the vision and courage to carry out a progressive program.
Instead, Rivers declared Talmadge "must rely on prejudice for votes."
Rivers accused Carmichael of bitterly fighting the program of state services proposed during his administrations. Rivers called Carmichael "the candidate of the rich, out-of-state Big Business interests...." Such a candidate, Rivers declared, would block expansion of state services "by refusing to make the big outside interests pay their share of taxes." Adding another plank to his platform, Rivers promised to revise the tax structure to "put the tax on that crowd of rich tax-dodgers." The forces of greed and wealth opposed him, Rivers explained, because they knew that his being elected governor would cost them money.

Rivers had entered the race, some believed, as the strongest candidate. Nevertheless, by June 20, the Eastman Times Journal declared that the Rivers campaign had crumbled in the "opinion of a large majority of newspapers and people alike." The apparent collapse of Rivers' campaign probably stemmed from two factors. Voters were constantly reminded by the press and his opponents, particularly

110 Savannah Morning News, May 12, 1946.
111 Ibid., July 10, 1946.
112 Athens Banner-Herald, June 6, 1946.
113 Atlanta Constitution, July 14, 1946.
114 Atlanta Journal, May 6, 1946.
116 Eastman Times Journal, June 20, 1946.
Carmichael, of the misfortunes of his former administrations. Moreover, it seemed that most anti-Talmadge voters clustered around Carmichael as the strongest candidate to prevent another Talmadge administration.

Whatever the reason for Rivers' loss of momentum, he nevertheless refused to withdraw from the race. "Mr. Rivers' insistence on remaining in the race," the Atlanta Journal declared, "can be interpreted as only for the purpose of dividing Mr. Talmadge's opposition. . . ."\(^7\) The Atlanta Constitution hoped that Rivers would "withdraw from a situation which makes it possible for Talmadge to use him to advantage."\(^8\)

"RIVERS VOTES ARE CARMICHAEL VOTES," proclaimed the Americus Times-Recorder.\(^9\)

Despite the fact that Rivers was splitting the anti-Talmadge vote, he continued to campaign. And instead of limiting his attacks to Carmichael and Talmadge, Rivers began attacking Arnall. He denounced the Governor as "the greatest political double-crosser and the rankest ingrate Georgia has ever seen in her public life."\(^10\) Rivers claimed that as late as December, 1945, Arnall had promised to support his bid for election. However, Rivers charged that under

\(^7\)Atlanta Journal, July 10, 1945. For similar editorials see Americus Times-Recorder, July 2, 1946; Atlanta Constitution, July 1, 1946; Baxley News-Banner, July 4, 1946; Calhoun Times, June 20, 1946; Griffin Daily News, July 9, 1946; Macon Telegraph, July 4, 1946; Thomaston Free-Press, July 16, 1946; Valdosta Daily Times, July 5, 1946.

\(^8\)Atlanta Constitution, July 1, 1946.

\(^9\)Americus Times-Recorder, July 2, 1946.

\(^10\)Atlanta Journal, June 21, 1946.
pressure from James Cox, Arnall had gone back on his word. Rivers later admitted that he had entered the race not because he thought that he could win, but because of the "double cross" Arnall had handed him.

Without denying Rivers' claim of a double cross, Arnall apologized for ever having supported Rivers for public office and called him unworthy of public office. Furthermore, he declared when Ed Rivers, Roy Harris and Eugene Talmadge were afraid to trust the people on the question of who should be governor, and held their secret meetings... to plot against the rights of the people, and when Rivers joined forces with Harris and Talmadge, as he is doing in this campaign, he forfeited my claim to friendship.

While happily enjoying a split in the anti-Talmadge faction and waving the banner of white supremacy, Talmadge nevertheless found it necessary to refute charges made by his opponents. Denying that he had ruled dictatorially, Talmadge admitted he had "been forced to use strong legal measures to brush aside chronic obstructionists."

Talmadge denied Carmichael's charges that he would fire the President of the University of Georgia or dominate the Board of Regents. "I love the University," Talmadge declared, "and all of its branches." Talmadge indicated that his opponents were trying to

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151 Athens Banner-Herald, June 25, 1946. Rivers also charged that the "double cross" was motivated by a desire on Arnall's part to elect Talmadge and thereby prove a contention which Arnall made during the succession amendment fight; that only he could defeat Talmadge. Augusta Chronicle, June 21, 1946.


153 Valdosta Daily Times, June 27, 1946.


155 Athens Banner-Herald, July 11, 1946; Atlanta Journal, April 28, 1946.
show that he had vetoed the old age pension bill. Talmadge explained that what he had "vetoed was a plan to impose a per capita tax." He also ridiculed Carmichael's campaign of good government. "Who would run on a platform of bad government?" he asked. As for his other opponent, Talmadge declared, "If you don't give a damn, vote for Rivers."

Amid charges and countercharges of the candidates, voter registration continued at a rapid pace. The voter registration list had grown to over 1,072,000 by the end of the campaign and more than doubled those eligible to vote in 1942. The increased registration may be attributed, among other things, to the repealing of the poll tax, lowering the voting age, and allowing Negro participation in primary elections. Over 135,000 Negroes registered to vote in the primary.

In May, Talmadge warned that the Negroes "will vote solidly for Carmichael." Seeking to reduce this opposition bloc, Talmadge urged white citizens to challenge the qualifications of Negro voters. Under Georgia law, he explained that this could be done and that

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156 Catoosa County Record, July 11, 1946. As a rejoinder to such claims, the Augusta Chronicle reprinted his veto message, "IF WE ADOPT AN OLD AGE PENSION WE ARE TAKING ANOTHER STEP TO DESTRUCTION." Augusta Chronicle, June 30, 1946.

157 Eatonton Messenger, June 13, 1946.


159 Atlanta Constitution, July 17, 1946.

160 Athens Banner-Herald, May 19, 1946.
white citizens could "mark off the voters list three-fourths of the negro [sic] vote. . . ."\(^{161}\)

Talmadge reportedly mailed to his supporters throughout the state thousands of mimeographed forms to be used in challenging Negro voters.\(^{162}\) After Negroes were challenged in large numbers in over thirty counties, Negro leaders appealed for federal aid. They pointed out that no white voters were being challenged whereas over twenty thousand Negro voters had been.\(^{163}\) Several United States attorneys in Georgia responded by cautioning that complaints alleging racial discrimination in purging voters would be investigated.\(^{164}\) In at least one county, Federal District Judge Francis Muir Scarlett ordered a restoration to the registration list of purged Negro voters.\(^{165}\) After the purge, Valdimer Orlando Key, Jr., estimated that about 110,000 Negroes remained on the voters list.\(^{166}\) In addition to the purge effort, Talmadge also warned Negroes late in the campaign "to stay away from the white folk's ballot boxes on July 17. . . ."\(^{167}\)

Talmadge's campaign of white supremacy seemed certain to exclude the former governor from receiving many Negro votes. Furthermore, with

\(^{161}\) The Statesman, July 25, 1946.

\(^{162}\) Atlanta Daily World, July 12, 1946.

\(^{163}\) Ibid., July 11, 1946.

\(^{164}\) Macon Telegraph, July 10, 12, 14, 1946.

\(^{165}\) Atlanta Daily World, July 17, 1946.

\(^{166}\) Key, Southern Politics, p. 520.

\(^{167}\) Atlanta Constitution, July 13, 1946.
Rivers' Klan reputation, it seemed unlikely that he would receive substantial Negro backing. However, a Negro sociologist, in an article in the July 6 issue of Nation, claimed that Rivers actively sought Negro support. On at least one occasion, Rivers spoke to a statewide strategy meeting of Negro workers. Nevertheless, the Atlanta Daily World declared that most Negroes would support Carmichael because he has shown no disposition to fan the flame of hatred, prejudice and violence. He has assumed a vigorous stand against the Ku Klux Klan and he is the only candidate pledged against any scheme to circumvent the Supreme Court decision granting Negroes their voting rights.

After a long, bitter campaign, 691,881 Georgians voted for a governor on July 17, 1946. On a popular vote basis, Carmichael received 313,389 votes; Talmadge, 297,245; Rivers, 69,189 and Hoke O'Kelly, 11,758. Despite Carmichael's majority of over 16,000 popular votes, Talmadge, due to the county unit system, won the nomination. With 105 counties in his column, Talmadge received 242 unit votes or 36 more than the 206 required for nomination. Carmichael received 146 unit votes from 14 counties. Rivers trailed far behind with only twenty-two unit votes from ten counties. Broken down by county groups, Carmichael carried 7 of the 8 six-unit counties with Talmadge taking the eighth (Chatham). Of the 30 four-unit

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168 Ira De A. Reid, "Georgia's Negro Vote," Nation, CLXVII (July 6, 1946), 14.

169 Atlanta Daily World, June 27, 1946.

170 Ibid., June 30, 1946.

171 In 1942, only 303,151 Georgians voted for a governor. Mrs. J. F. Hays, compiler, Georgia's Official Register, 1939-1941-1943 (Atlanta: Georgia Department of Archives and History, n.d.), p. 656. (Hereinafter cited as Georgia's Official Register.)
counties, Carmichael carried fifteen; Talmadge, fourteen; and Rivers, one. Of the 121 small rural two-unit counties, Talmadge carried 90; Carmichael, 22; and Rivers, 9.\textsuperscript{172}

Observers credited two significant factors, the race issue and the presence of Rivers in the campaign, with the county unit election of Talmadge. Ralph McGill attributed ninety-eight per cent of Talmadge's victory to the race issue.\textsuperscript{173} The Augusta Chronicle declared Talmadge had conjured up a fear in the minds of Georgians "that unless he were elected, the Negroes would run rampant in the state. . . ."\textsuperscript{174} "The victory of Eugene Talmadge," the Rome News-Tribune explained, "was based entirely on one issue—that of white supremacy."\textsuperscript{175}

It may be noted that the county unit system gave disproportioned weight to voters most likely to support Talmadge's white supremacy appeal. Furthermore, the rurally oriented electoral system minimized the Negro voters, centered mainly in larger urban areas, who voted

\begin{itemize}
  \item \textsuperscript{172}Georgia's Official Register, 1945-1950, pp. 486, 490-493.
  \item \textsuperscript{173}Atlanta Constitution, July 19, 1946.
  \item \textsuperscript{174}Augusta Chronicle, July 19, 1946.
  \item \textsuperscript{175}Quoted in Savannah Morning News, July 20, 1946.
\end{itemize}
overwhelmingly against Talmadge. In the 1946 primary, Joseph Bernd estimated 85,000 to 100,000 Negroes voted. Eliminating several thousand ballots due to improper marking, Bernd estimated that about ninety-nine per cent of the remainder voted for Carmichael.

The Nation and the New Republic attributed Talmadge's victory primarily to the Rivers' candidacy. The Atlanta Journal declared that ninety per cent of Rivers' support would have backed Carmichael in a two man race with Talmadge. Assuming the validity of this assumption, Rivers' candidacy played a crucial role in Talmadge's election. In nineteen counties the combined Carmichael-Rivers vote

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176 For areas of Negro voter concentration see Atlanta Constitution, July 17, 1946. Negro voting records are incomplete in many urban as well as rural areas. Nevertheless, the following examples illustrate Talmadge's popularity with the Negro.

<table>
<thead>
<tr>
<th></th>
<th>Carmichael</th>
<th>Talmadge</th>
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<tbody>
<tr>
<td>Athens</td>
<td>1198</td>
<td>3</td>
</tr>
<tr>
<td>Dublin</td>
<td>903</td>
<td>3</td>
</tr>
<tr>
<td>Columbus</td>
<td>2232</td>
<td>3</td>
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<tr>
<td>Waycross</td>
<td>1111</td>
<td>0</td>
</tr>
<tr>
<td>Thomasville</td>
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exceeded Talmadge's. Nevertheless, Talmadge carried the counties on a plurality basis and received their forty-two unit votes. Adding to Carmichael's column those 42 unit votes and the 22 from counties Rivers carried, Carmichael would have received 210 unit votes and the nomination. Apparently, Rivers gained his revenge for the "double cross."

As a result of the outcome of the election, the Nation expressed its "CONDOLENCES TO THE STATE OF GEORGIA" and the New York Times offered its sympathy for "GEORGIA'S MISFORTUNE." The New Republic even expressed the hope that Arnall's followers might induce a liberal candidate to run against Talmadge in the general election. Talmadge, claiming he was "prouder of this victory than of any race I ever won," admitted that the 272 speeches made during the campaign, "had cost me 10 years of my life." The strenuous campaign, conducted by the sixty-two year old Talmadge against his physician's orders, may have cost him much more than ten years.

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CHAPTER III

A QUESTION OF SUCCESSION AGAIN

Eugene Talmadge, receiving 42.9 per cent of the total popular vote, won the gubernatorial nomination in 1946 due to Georgia's unique county unit system.1 Talmadge's election under the county unit system came under rigorous attack. Glen Hearst Taylor, United States Senator from Idaho, called Talmadge's nomination "a travesty on democracy."2 Concurring in this opinion, two disgruntled Georgia citizens, Mrs. Robert Lee Turman and Cullen Bryant Gosnell, sought to nullify Talmadge's recent victory. Their attorneys, on August 2, 1946, filed suit in Federal District Court challenging the results of the primary election. The suit charged that Talmadge had been nominated under an electoral system which was in conflict with, among other things, the equal protection clause of the Fourteenth Amendment of the United States Constitution. As a result, the suit called upon the District Court to invalidate Talmadge's nomination and the electoral system under which he had been nominated. Talmadge's major opponent in the 1946 primary, James Vinson Carmichael, denied any part in the suit.

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1Mrs. J. E. Hays, compiler, Georgia's Official Register, 1945-1950 (Atlanta: Georgia Department of Archives and History, n.d.), p. 486. (Hereinafter cited as Georgia's Official Register.)

Governor Ellis Gibbs Arnall responded to the suit by ordering Attorney General Julian Eugene Cook to defend the county unit system in the case. A three-man federal court, on August 26, upheld the county unit system and declined to prevent Talmadge's name from being placed on the general election ballot. The decision was appealed to the United States Supreme Court which, on October 28, 1946, upheld the lower court's decision. The Supreme Court's action removed all legal barriers to Talmadge's nomination and to another Talmadge administration.

In October, however, Talmadge had been hospitalized due to attacks of stomach hemorrhages. Although friends expected a rapid recovery, Talmadge, confined in a hospital, did not attend the state Democratic convention. Instead, Herman Eugene Talmadge represented the nominee and read his father's acceptance speech. Congressman Edward Eugene Cox, delivering the keynote address, bitterly attacked Ellis Arnall. Cox told the convention that the principal opponent of Talmadge in the last primary had not been Carmichael but Arnall. Talmadge had won a great victory, Cox declared, while "'humpty dumpty' Ellis Arnall had suffered a great fall ... and all the radical

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3 Atlanta Constitution, August 3, 1946.
6 Atlanta Constitution, October 5, 8, 1946.
7 The Statesman, October 17, 1946.
jackasses and all of Wallace's men can never put Ellis together again. . . ." Other speakers included Purith Dickinson Rivers, who pledged his support to the next Talmadge administration. "While we have been political enemies," Rivers stated, "Eugene Talmadge and I have long been personal friends." As expected, the convention unanimously endorsed Talmadge's platform and the plan with which he promised to save the white primary.

In the general election in November, 1916, Eugene Talmadge was officially elected to his fourth gubernatorial term by 143,279 voters. Thirty other individuals received scattered write-in votes for governor in the general election. The majority of these votes went to three persons; Herman Talmadge received 675, Carmichael 669, and D. Talmadge Bowers 637. Voters elected Melvin Ernest Thompson, the victor of a six-man primary race, to the lieutenant governorship, a position recently created by the Constitution of 1915. Thompson, during the primary, had not identified himself with any of the gubernatorial candidates but had promised to cooperate with whomever

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8 Atlanta Constitution, October 10, 1916. C. F. Gregory told of reports of a statewide meeting in Atlanta on August 7 for a division of spoils of victory between Talmadge and Rivers supporters. State officials and employees who supported Rivers said that they had been assured that they would hold their jobs during the Talmadge administration. Atlanta Journal, August 9, 1916.

9 Valdosta Daily Times, October 9, 1916.


11 Georgia's Official Register, 1915-1950, pp. 486, 543. Thompson had received 190,332 popular votes and 192 unit votes. His nearest competitor, Griffin, had received 160,082 popular votes and 155 unit votes.
the people elected governor. Furthermore, Thompson had apparently avoided taking a position on the white primary question. Of his five opponents, Spence Monroe Grayson and Samuel Marvin Griffin had supported a white primary while Belmont Dennis, Frank Cleveland Gross and L. N. Huff had expressed opposition. According to the Atlanta Daily World, Thompson had received a "great majority" of the Negro vote.

Although Thompson served as a member of Governor Arnall's official family, first as executive secretary and later as revenue commissioner, Arnall had endorsed Frank Gross for the lieutenant governorship.

In fact, the Covington News claimed that Arnall offered Thompson "practically anything" not to make the race.

Although Talmadge was twice pronounced better and released from the hospital, he suffered a relapse on November 29 and was hospitalized again. His condition steadily declined, and on the night of December 20, the report was that Talmadge had gone into a coma. On the following day, the sixty-two-year-old Governor-Elect died. Physicians attributed his death to acute hepatitis and continued hemorrhaging of the stomach and intestinal tract.

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12 Hartwell Sun, July 5, 1946; Augusta Chronicle, April 16, 1946.
15 Atlanta Constitution, January 9, 1947.
17 Atlanta Journal, December 21, 1946; Atlanta Constitution, December 22, 1946.
In commenting on the death of Talmadge, the Cairo Messenger declared Georgia had probably lost one of her "most outstanding politicians since the death of the late Tom Watson." Lieutenant Governor-Elect Thompson also mourned the loss of one of Georgia's "most illustrious sons." Nevertheless, the Nation expressed relief at the intervention of death preventing Talmadge from becoming governor again. Perhaps the Savannah Morning News best summed up the feelings of Georgians toward Eugene Talmadge in an editorial stating that while "considered a demagogue by his enemies, [Talmadge] was nevertheless looked upon as a real 'champion of the people' by his admirers."

Whatever Eugene Talmadge's place in Georgia history, his death denied him the honor of serving a fourth term as his state's chief executive. But more important, the death of Eugene Talmadge raised one of the most crucial questions in Georgia's recent political history. Who would assume the executive power of the state in January, 1947? The Constitution of 1945 failed to specify what action was to be taken when a Governor-Elect died. Carmichael, a member of the 1943-1944 constitutional commission, admitted that the question had not even been discussed by that body. He insisted that the commission had not planned for the lieutenant governor-elect to automatically be given

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18 Cairo Messenger, December 27, 1946.
19 Augusta Chronicle, December 22, 1946.
the post unless the governor's death occurred after the inauguration.22

A conflicting view came from Judge David Scarlett Atkinson, who also served on the commission. He thought a majority of the commission members had intended for the lieutenant governor-elect to succeed to the governorship even though the governor-elect had not been inaugurated.23

The Constitution of 1945 in Article V, Section I furnished three possible interpretations as to who Arnall's successor should be. Paragraph I provided that the incumbent governor should hold office for four years "and until his successor shall be chosen and qualified."

Paragraph VII stipulated that "in case of the death, resignation or disability of the Governor, the Lieutenant Governor shall exercise the executive power. . . ." Paragraph IV provided that the person receiving the majority vote in the general election shall be governor but, if no person shall have such majority, then from the two persons having the highest number of votes, who shall be in life, and shall not decline an election at the time appointed for the General Assembly to elect, the General Assembly shall immediately elect a Governor. . . .

Shortly after Talmadge's funeral on December 23, Thompson declared that the people had elected him lieutenant governor for the purpose of succeeding to the governorship in the event of death, disability, or resignation of the governor. "Unfortunately for all concerned," Thompson stated, "the people's choice for Governor has died. They [the people], therefore expect me to take his place. I

22Cobb County Times, December 23, 1946.
shall not shirk this responsibility." Thompson expressed hope "that no one will dare resort to trickery or legal technicalities in order to thwart the expressed will of the people."\(^{24}\) The following day, December 24, Arnall made his position known. Because of the death of the governor-elect, Arnall contended he could stay in office for another four years. However, the Governor explained he had no desire to do so under such a method. Like Thompson, he pointed to the fact that the people had chosen a lieutenant governor to succeed to the governorship if the governor elected were unable to serve. Arnall declared that it was his constitutional duty to remain in office until "the lieutenant governor had been installed in office and he can succeed under the constitutional provision..."\(^{25}\)

Roy Vincent Harris and six other prominent Talmadge leaders issued a statement concerning succession on December 26. They contended that Eugene Talmadge had been elected because of his platform to restore the white primary, retain the county unit system and expand state services. The Talmadge leaders accused Arnall of trying to dictate his successor in the present situation as he had in the recent primary in order to destroy the white primary. Fortunately, they declared, the constitution provided a way for the election of a governor who would carry out Eugene Talmadge's platform. As a result of the death of the Governor-Elect, the Talmadge leaders claimed the General Assembly had the duty of electing the next governor from the

\(^{24}\)Savannah Morning News, December 24, 1946.

\(^{25}\)Americus Times-Recorder, December 24, 1946.
two candidates receiving the highest number of write-in votes in the
general election. The statement asserted that Herman Talmadge, who
was in this category, could best implement his father's program
because he had written his father's platform and managed his father's
campaign. The Talmadge leaders called upon all Georgians interested
in expanding state services, maintaining the county unit system and
restoring the white primary to join them "in a campaign for the
election of Herman Talmadge as Governor of this State by the
Legislature. . . ." 26

Herman Talmadge issued his first statement on the question the
following day. "My father gave his life," Talmadge declared, "fighting
for those principles which he believed best for the people of Georgia."
Talmadge considered it his duty to carry on his father's fight for
these principles. Unfortunately, he explained, the state constitution
did not provide for a special election in the present situation.
Therefore, Talmadge contended that it was mandatory for the General
Assembly to elect a governor from the two candidates receiving the
highest number of write-in votes. He urged all Georgians to inform
their representatives in the General Assembly whom they desired for
their governor. 27

26Atlanta Journal, December 27, 1946. The other Talmadge
leaders were Lindley Wayland Camp, Zachariah Daniel Cravey, James
Lester Gibbs, Sr., William Mann, James Peters and Charles Davenport
Redwine.

27Atlanta Constitution, December 28, 1946.
To counter the Talmadge claim that only he could carry out the Democratic Party's platform, Thompson sent telegrams to all lawmakers emphasizing his commitment to implement the platform. He insisted the platform "can best and more quickly be adopted by the Legislature permitting the law of succession to operate without hindrance. . . ." Furthermore, Thompson explained all the General Assembly could do concerning the succession question was to declare the results of the general election.\(^2^8\)

Talmadge attacked Thompson's claim to the governorship. "The opposition has no more claim on the governor's office," he stated, "than any other man or woman in Georgia."\(^2^9\) Talmadge charged that the forces which had opposed his father in the primary were using Thompson as a "stalking horse" to destroy the county unit system and the white primary.\(^3^0\) He claimed the issue in the present "race" was the same as in the recent primary. "All the forces who destroyed the white primary in Georgia and fought its return last summer," Talmadge stated, "are now supporting Mr. Thompson." Among these supporters, Talmadge listed "the Negro press and Henry A. Wallace and his crowd of pinks. . . ."\(^3^1\) Furthermore, he accused Rivers, who supported Thompson's claim, Arnall and the Atlanta Journal of joining together "to foist M. E. Thompson on the people of Georgia and destroy forever in this

\(^{2^8}\) *Savannah Morning News*, December 29, 1946.


\(^{3^0}\) *Ibid.*, January 11, 1946.

\(^{3^1}\) *Atlanta Constitution*, January 12, 1947.
state the white primary." Talmadge warned that if Arnall succeeded in dictating his successor in the present crisis, every attempt to restore the white primary would be blocked. He also stated that

"This is a white man's state. It always has been a white man's state and the fight I am making is a white man's fight to keep Georgia a white man's state."

The question is, will the white people of Georgia turn this state over to Ellis Arnall, the PAC, the reds and pinks of the East and the Negroes? Talmadge assailed Thompson as a foe of the white primary who had been elected by the Negroes. He accused his rival claimant of paying lip service to the white primary while at the same time "assuring Ellis Arnall, the Atlanta Journal and the Negroes of this state that he is with them...

Talmadge predicted sabotaging of the Talmadge platform if Thompson's claim were upheld. Thompson, in turn, predicted the legislature would uphold his claim and defeat Talmadge's "attempt to destroy the Democratic party and the white primary."

He felt confident the legislature would refuse to support the claim of a write-in candidate against the Democratic Party's candidate. Moreover, Thompson warned that constitutional government was at stake "because a certain small clique of

33Atlanta Constitution, January 5, 1947.
politicians and office seekers, with obviously selfish motives, have made the Democratic Party's program secondary to their own lust for the spoils of office." He charged his opposition with attempting to fool the people into believing the platform was in danger so they could "grab off the governorship for four years without the people ever voting on the question directly."^37

Refuting charges that he would sabotage the Democratic Party's platform, Thompson promised to carry it out "without changing the simple dotting of an 'i' or the crossing of a 't'. . . ." He even claimed to have assisted in drafting the white primary bill. In defending his loyalty to the platform, Thompson went so far as to pledge to appoint only persons "who sincerely believe in preserving the white primary and the county unit system and expanding state services."^38 After assuming the executive power, Thompson expressed hope that the legislature would immediately enact into law every plank of the Democratic platform. "I hope that the first bill I have the privilege of signing as acting governor," Thompson added, "will be the one guaranteeing a Democratic white primary."^39

While Thompson and Talmadge argued over who could best carry out the Democratic Party's platform, Arnall sought aid from the state attorney general over the succession question. Attorney General Cook responded with a ruling on January 3 upholding Arnall's right to remain

^38Ibid., January 7, 1947.
in office until his successor qualified. Designating the Lieutenant Governor-Elect as Arnall's successor, Cook held that Thompson would assume the executive power of the state upon his qualification and Arnall's resignation. As for the Talmadge argument, Cook contended that the only duty of the legislature upon convening consisted of counting and publishing the results of the general election and declaring who had received a majority of the votes cast. After declaring that Eugene Talmadge had received such a majority, Cook held that the legislature's duty was "exhausted" as far as the election of a governor was concerned. The Attorney General declared that the constitutional provision authorizing the legislature to elect a governor applicable only when no person received a majority of the votes cast. However, in the general election of 1946, Cook held that a person, Eugene Talmadge, had received a majority of the votes cast for governor. Furthermore, he ruled that state law did not authorize the disregarding of a majority of votes "simply because the person receiving same was at that time or subsequently became incapacitated to fill said office."\textsuperscript{40} Herman Talmadge immediately denounced Cook's ruling as a "political" decision not binding on the Legislature. The Legislature is a sovereign body. In this instance it sits as a court and will determine this question. The Legislative acts in this instance are not reviewable by the courts.\textsuperscript{41}

\textsuperscript{40}Opinions of the Attorney General, August 1945 - December 1947, Eugene Cook Attorney General (Hapeville, Georgia: Tyler and Company, n.d.), pp. 303-305.

\textsuperscript{41}Atlanta Constitution, January 5, 1947.
As early as December 21, Frederick Barrow Hand, who was Eugene Talmadge's choice for speaker of the House, called for a special election to determine Arnall's successor. However, Arnall pointed out that there was no provision for such an election in the 1915 Constitution. He contended the quickest way for the people to decide the governorship was to allow Thompson to become acting governor. According to the constitution, such a situation enabled the people to elect a governor at the next general election which would be in 1918.

However, six freshman solons, on January 6, announced that they had found a way to legally hold a special election. They cited Paragraph VIII of Section I, Article V of the Constitution of 1915 that provided the legislature "shall have power to fill unexpired terms by special elections." The lawmakers called upon both claimants to state whether they would abide by the results of such an election.

Talmadge responded by declaring he would participate in a special election provided that the General Assembly elected him governor first. If defeated in the special election, Talmadge promised to resign. He explained such a procedure was "the only plan that will insure the people . . . an opportunity to name their own governor for the next four years." The Augusta Chronicle, however, called a

\[^{1}\text{Valdosta Daily Times, December 21, 1916.}\]
\[^{2}\text{Atlanta Journal, January 3, 1917.}\]
\[^{3}\text{Savannah Morning News, January 7, 1917. These were representatives Robert Addleton, John James Flynt, Jr., Benjamin Byrd Garland, Pierre Howard, Country Johnson and Hilliard Rhodes Jordan.}\]
\[^{4}\text{Atlanta Constitution, January 8, 1917.}\]
Thompson also voiced opposition to a special election. He explained that such an election would be illegal. Furthermore, he asked what would keep Talmadge supporters, if the legislature elected Talmadge, from filing suit against an illegal special election. He maintained that such a suit would have to be sustained. As a result, Thompson argued, Herman Talmadge, elected by the legislature, would be governor for four years. Thompson also expressed opposition to a special election because "Negroes would vote in such a special election and it would be based on the popular vote and not on the county unit vote. . . ." Thompson maintained those who "sincerely believed" in the county unit system and the white primary could not subscribe to such a procedure. The Lieutenant Governor-Elect charged that Talmadge, by seeking legislative election to a full four year term, was seeking to prevent the people from electing a governor as early as possible. He noted, as had Arnall, that under the constitution his succession to the governorship would guarantee a legal election by the people at the next general election. Thompson promised, as acting governor, to work for an election earlier than in 1948. In any case, he emphasized his succession meant the re-establishing of the white primary before any election.47 The chairman of the pro-Talmadge State Democratic

46 Augusta Chronicle, January 9, 1947.
Executive Committee, James Peters, quickly responded to this assertion. Peters promised to call a white primary prior to any special election provided for by the legislature.\(^8\) Thompson failed to respond to this promise.

To strengthen Thompson's position, Arnall, on January 11, announced his resignation, effective as soon as the Lieutenant Governor-Elect took his oath of office.\(^9\) Talmadge denounced the action as "just another effort by Governor Arnall to dictate his successor as governor, in order that he might control him." Nevertheless, Talmadge predicted that when the legislature elected him governor "Arnall will comply with the law."\(^{50}\)

While the press tended to favor Thompson's position over that of Talmadge, the latter received some press support. The Greensboro Herald-Journal thought the only "sensible" way out of the controversy was for the legislature to elect Herman Talmadge governor.\(^{51}\) The Douglas Enterprise declared those who elected Eugene Talmadge "would love to see the mantle of the father fall upon a deserving son."\(^{52}\) The Washington News-Reporter contended the only legal course was for the legislature to elect a governor from the two candidates receiving

\(^{48}\) Valdosta Daily Times, January 10, 1947.

\(^{49}\) Atlanta Journal, January 12, 1947.

\(^{50}\) Savannah Morning News, January 12, 1947.


\(^{52}\) Douglas Enterprise, January 2, 1947.
the highest number of write-in votes. The Talmadge paper unsurpris-ingly proclaimed "SOLON'S ONLY CAN DECIDE." The Atlanta Journal retorted that the legislature had "no right under the law to elect anybody." The legislature's only authority in this matter, according to the Journal, was "to canvass the returns and report the results of the general election..." The Lanier County Times argued a legis-lative election of a governor was "not at all in keeping with our form of government..." The Atlanta Daily World maintained that the legislature should never elect a governor. Ralph McGill, editor of the Atlanta Constitution, believed "the average voter assumed that in the event the Governor-Elect died before or after taking office the Lieutenant Governor would succeed him." The Augusta Chronicle further pointed out that Herman Talmadge had never gone before the electorate in seeking the governorship. "Why should Herman Talmadge become Governor," the Chronicle asked, "merely because his father was chosen by the people to govern them?"

The Savannah Morning News, a supporter of Eugene Talmadge in the primary, also endorsed Thompson's position. Simply because Eugene Talmadge died before his inauguration,

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56 Lanier County Times, January 9, 1947.
57 Atlanta Daily World, December 27, 1946.
58 Atlanta Constitution, January 5, 1947.
59 Augusta Chronicle, December 29, 1946.
the News contended, "does not change the status of the duly elected lieutenant governor whom the people expected to succeed to the governorship if Mr. Talmadge had died after being inaugurated." The Macon Telegraph charged "bolters" from the Democratic Party had "nominated" Herman Talmadge for a legislative election. The Telegraph condemned the effort to secure Talmadge's legislative election as nothing more than the frantic attempt of a group of politicians who looked forward to four years of power and political influence under Eugene Talmadge to protect themselves and win power and prestige despite the death of the governor-elect. These politicians are using Herman Talmadge as a front... 61

Since Talmadge based his claim to the governorship on write-in votes received in the general election, speculation naturally arose concerning those votes. Kenmore Burns, chairman of the Bibb County Democratic Executive Committee, charged a write-in campaign for Herman had been planned by Talmadge leaders because they "knew that Eugene Talmadge was in a precarious state of health... and probably would not live to be inaugurated..." 62 One of these leaders, Roy Harris, denied reports that he had engineered the write-in campaign "as a pre-arranged plot. I wish I'd been smart enough to think of it." Harris credited Gibson Greer Ezell, manager of a five and ten cent store in Monticello, Georgia, with the idea of a write-in campaign for Herman Talmadge. 63 Ezell claimed that, prior to the general election,

60 Savannah Morning News, December 25, 1946.
61 Macon Telegraph, January 2, 1947.
62 Ibid.
he had been bothered by the question of what would happen if the ailing Governor-Elect died before his inauguration. Checking the state constitution, Ezell explained that he found no provision to deal with such a situation. However, Ezell noted the constitution provided that the General Assembly could elect a governor if no "person" received a majority of the vote in the general election. According to Ezell, he telephoned Herman Talmadge on the day of the general election and told him of his discovery. Herman Talmadge then, as the Ezell story goes, issued orders to some friends to write in his name. However, Harris claimed on January 18 that the write-in campaign for Herman Talmadge was the result of an attempt by Arnall to have the name of Carmichael written in. After becoming aware of this effort, Harris declared:

We got on the telephone and asked friends to write in the name of Herman Talmadge as a precautionary measure to keep Governor Arnall from being in a position to destroy the white primary.65

Although Talmadge and Thompson claimed to be the main contenders for the governorship, other individuals also laid claim to the office. Talmadge Bowers, denying that he was a Republican, claimed the legislature should elect him governor. He claimed, incorrectly, to have run second to Eugene Talmadge in the general election as a write-in

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Frank Lawson, another write-in candidate, also laid claim to the office on the basis of being the only candidate that had complied with state law by filing a statement of campaign expenses within the required number of days after the general election. Hoke O'Kelly, recipient of four write-in votes, believed the legislature should elect him governor. Carmichael, one of the three highest recipients of write-in votes in the general election, removed himself from consideration of a legislative election. "I will not seek the office," he stated on December 21, 1946, "and I would not accept it even if I were elected." With the elimination of Carmichael, the General Assembly, according to the much publicized Talmadge succession interpretation, had to choose between Bowers or the son of Eugene Talmadge. However, in a little publicized dinner speech before a group of 250 guests on January 13, Herman Talmadge modified his position by claiming the legislature was not even restricted to write-in candidates but could elect anybody governor. Previously on the same day, both Talmadge and Thompson contended they had the necessary support from lawmakers to sustain their respective positions. Of the 257 legislators, Talmadge claimed 182 pledges of support while Thompson claimed 164. The

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67 Atlanta Constitution, January 12, 1947.
68 Americus Times-Recorder, December 23, 1946.
69 Atlanta Constitution, January 14, 1947.
combined pledges of support by the claimants totaled 346 or 89 more than the entire membership of the General Assembly.\textsuperscript{70}

Seldom in the state's long and illustrious history had Georgians waited with such anticipation the opening of a legislative session. But never before had the General Assembly of Georgia been confronted with such an issue as it was in January, 1947.

\textsuperscript{70}Valdosta Daily Times, January 13, 1947. The legislature normally consisted of 259 members; 205 representatives and 54 senators. However, the death of two members had temporarily reduced the membership to 257. Atlanta Constitution, December 24, 1946.
CHAPTER IV

A QUESTION OF A WHITE PRIMARY AGAIN

The General Assembly of Georgia convened on January 13, 1917, and spent the first day dealing with organizational matters. The working agenda included the selection of presiding officers for the respective houses. The House unanimously elected Frederick Barrow Hand speaker after Charles Latimer Gowen withdrew from consideration. Hand had the endorsement of Herman Eugene Talmadge while Gowen had been backed by Melvin Ernest Thompson. In the Senate, William Thomas Dean, considered a Thompson supporter, was unanimously elected President pro tempore. His election came after the withdrawal of the Talmadge-supported Charles Adams Pannell. Resolutions were also adopted providing for a joint legislative session on January 14, for the purpose of opening and publishing the election returns.¹

Prior to the joint session on January 14, a resolution was introduced in the House inviting Talmadge and Thompson to appear and state whether they favored a special election. The resolution further called upon each of the claimants to state whether he would call a

special election upon the assumption of the governorship. The House
defeated this resolution by a vote of 86 to 17. After this action,
the representatives awaited the arrival of the senators to begin the
joint session. At the designated hour of 10:30 A.M., the senators
filed into the House chambers. Turmoil and confusion resulted, due
to the presence of many unauthorized persons on the House floor.

When a senator shouted a motion for an executive session, an angry
storm of boos shook the hall. No one seconded the motion. The
presiding officer, failing to gain order, adjourned the session until
two o'clock in the afternoon. Talmadge's plea for his friends to come
to Atlanta and "remain until we elect a governor" added to the con-
fusion. Hundreds of Talmadge supporters responded to the call and
converged upon the capitol. Governor Ellis Gibbs Arnall estimated
the number ranged from two to three thousand. One observer described
the activity of the "Talmadgites,"

They milled around the capitol and whooped it up in the galleries
and overflowed onto the floor of the General Assembly. They lived
on soda pop and crackers and stale sandwiches, littering the aisles
with peanut shells and apple cores, and clogging the toilets with
broken whiskey bottles. They shucked their coats to flaunt bright
red galluses, their dead hero's political trade mark.

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2Georgia House Journal (1917), p. 27.
3Atlanta Constitution, January 15, 1917.
5Atlanta Constitution, January 11, 1917.
6Ellis Gibbs Arnall, What the People Want (Philadelphia: J. B.
   Lippincott Company, 1917), p. 111. (Hereinafter cited as Arnall, What
   the People Want.)
   (Hereinafter cited as "Wool Hat Rebellion.")
As soon as the joint session had reconvened, the special election resolution, which had been defeated earlier in the day in the House, was introduced. The presiding officer ruled the resolution out of order. Thereafter, Representative John Robert Elliott, the Talmadge floor leader, introduced a resolution providing for a committee to tabulate the returns of the general election. The resolution, providing for separate reports to be made for each of the nine state house offices, stipulated that the report on the governor's office be considered first and that no action be taken on other returns "until final action has been taken on the election of a Governor. . . ." Representatives Gowen and Adie Norman Durden, Thompson supporters, sought to amend Elliott's resolution.

The Durden-Gowen amendment provided for the publication of all general election returns "before any other business is transacted." If the Durden-Gowen amendment were adopted, Thompson's status changed from lieutenant governor-elect to lieutenant governor with an indisputable constitutional claim to the governorship. Elliott's resolution, on the other hand, sought to keep Thompson in the position of lieutenant governor-elect until after the governorship issue had been settled.

The lawmakers voted on the Durden-Gowen amendment first and defeated it by a vote of 128 to 126, a narrow Talmadge victory. The legislators then passed unanimously Elliott's resolution. The presiding officer appointed a committee to tabulate the results of the
governor's election. The tabulating, commencing around four o'clock in the afternoon, took about five hours. The results, to the amazement of many Talmadge supporters, showed that James Vinson Carmichael had received 669 write-in votes, D. Talmadge Bowers 637, and Herman Talmadge 619. With the report of the tabulating committee, Talmadge's hopes of assuming the executive power of the state appeared doomed.

According to the much publicized Talmadge interpretation, the General Assembly had to elect a governor from the two recipients of the highest number of write-in votes in the general election. Thus, the lawmakers, with Herman Talmadge in third place in this category, had to choose between Bowers or Carmichael, providing either would not turn down such an election. Bowers, as previously noted, had expressed his willingness to being elected governor by the legislature.

Carmichael, in his statement on December 21, 1946, had expressed his opposition to assuming the governorship by such an election. However, Representative Pierre Howard claimed that as soon as the tabulating committee made its report "rumors flew thick and fast that Jimmie Carmichael was on the way to the Capitol to state that he would accept the Governorship. . . ." Howard, who had supported Carmichael in the primary, rushed to Arnall's office and questioned the Governor about the rumors. Howard stated that Arnall confirmed the reports and

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8Georgia House Journal (1947), pp. 29-34.

declared, "We are reversing our position and we are going to elect him [Carmichael] and I will surrender the office to him."\(^10\)

With Bowers and Carmichael apparently willing to accept a legislative election, Talmadge was eliminated from consideration by the General Assembly according to the much publicized Talmadge argument. However, Talmadge, as noted earlier, had claimed on January 13 that the legislature could elect anyone governor whether a recipient of write-in votes or not. Whether Talmadge would have attempted to carry out this claim could have proven highly interesting. In any case, subsequent events moved Herman Talmadge from third place in write-in votes to first. The Telfair County delegation immediately challenged as incorrect nineteen write-in votes for Herman Talmadge from Telfair County. Upon checking the returns, the committee found fifty-eight additional Telfair County write-in votes for Herman Talmadge in an envelope marked "lieutenant governor." This discovery gave Talmadge first place in write-in votes with 675.\(^11\) Now, according to the much publicized Talmadge interpretation, he was eligible to be elected governor by the legislature. Talmadge's position was made stronger when Carmichael, according to Ralph McGill, reiterated his opposition to being elected by the legislature.\(^12\)


\(^{12}\) *Atlanta Constitution*, January 16, 1947.
Resuming efforts for an immediate Talmadge election, Elliott introduced a resolution declaring that due to the death of Eugene Talmadge, no person had received a majority of the votes cast for governor. Therefore, since there had been no election, the resolution concluded that the legislature had the duty of electing the next governor. Representative Durden offered a substitute resolution contending Eugene Talmadge had been elected governor and, therefore, the legislature did not have authority to elect a governor. The lawmakers defeated Durden's resolution, 132 to 118, and adopted Elliott's resolution, 137 to 114. Elliott then nominated Herman Talmadge for a four-year term as governor. At 1:50 A.M., January 15, 1947, 161 legislators elected Talmadge governor. Eighty-seven members of the General Assembly voted against his election by voting "present."

Immediately after the vote, Talmadge, accompanied by his mother, wife, sister and a committee of legislators, marched to the speaker's stand. "All the while," one observer noted, "the galleries were cheering wildly. Assembly members stood on chairs and shouted and for a few minutes there was bedlam." After order was finally restored, Talmadge took the oath of office and gave an inaugural address. He expressed regret that he could not have been elected by the people. "Unfortunately there was no precedent in Georgia's history for this situation," Talmadge told his electors, "so you had this unpleasant duty thrust upon you." If the legislature passed a special election bill, Talmadge promised to sign it and be a candidate in the ensuing campaign. He
emphasized the restoration of the white primary was to be the chief objective of his administration.13

Following his inaugural address, Talmadge, escorted by a committee of twenty-five legislators, proceeded to the governor's office, which was occupied by Ellis Arnall. Roy Vincent Harris, Eugene Talmadge's widow, and a host of Talmadge supporters also accompanied the newly elected governor. Upon reaching the executive offices, they found the outer doors locked. Two Talmadge supporters quickly eliminated this obstacle by battering down the doors.14

The resulting scene was described by Arnall:

The lock splintered with a crash and the mob poured into the outer office. My own door stood ajar, and I could see the montage of angry faces. A pathway opened in the crowd, and the young son of the dead Governor-elect of Georgia was led through the office on the arm of his chief advisor [Harris].

I remember that his face was ghastly pale, except for a scarlet spot at each cheekbone, and that his companion [Harris] wore a smile of immeasurable elation.15

A brief exchange of words ensued. Talmadge, with Harris occasionally whispering in his ear, asked Arnall whether he was aware of the legislature's recent action. Replying affirmatively, Arnall told the delegation that "the governorship belongs to the people and cannot be decided by the Legislature." Arnall further dubbed Talmadge a "pretender" and refused to yield the office of governor to him.


15Arnall, What the People Want, p. 11.
Talmadge, declaring his purpose was not to create disorder, turned and walked out of the governor's office. Before leaving the Capitol, Talmadge made appeals to his supporters to avoid violence and go home to bed. Nevertheless, several zealous Talmadgites threatened to throw Arnall out of the governor's office. John Nahara, a former bodyguard of Eugene Talmadge, engaged in a brief scuffle with Arnall's chauffeur. Before the fight was stopped, Nahara had broken his opponent's jaw. This was but one of several such skirmishes.

Talmadge returned to the Capitol on January 15 and set up his office in the reception room of the executive offices. He appointed Samuel Marvin Griffin, who had resigned as Arnall's adjutant general, to the same position in his administration. Talmadge expressed hope that he could exercise the power of governor without using any force. Nevertheless, he warned that the National Guard was ready for any "emergency." Arnall countered Talmadge's appointment by placing R. W. Collins in full command of the National Guard and the State Guard. Collins immediately ordered his troops to disregard any "orders from a citizen who pretends to be governor. . . ." Rumors circulated that the National Guard was lining up behind Talmadge.

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17 "Wool Hat Rebellion," p. 23.
20 Minutes of the Executive Department of the State of Georgia (1947). File located at the Georgia Department of Archives and History, p. 1. (Hereinafter cited as Executive Minutes.)
and the State Guard behind Arnall. Other rumors warned of an impending show of force between the opposing military forces at the State Capitol. However, Arnall declared he would not use military force.

Besides appointing an adjutant general on his first day as governor of the state of Georgia, Talmadge also appointed a highway patrol commander, a revenue commissioner, a highway director and a parks commissioner. Officials that had been appointed to these same positions by Arnall refused to recognize the new appointments. In one case, the rival highway patrol commanders, claiming to be the best of friends, sat behind the same desk.

On January 16, Thompson supporters in the legislature sought to adjourn the General Assembly until the courts had ruled on the dispute. Adjournment resolutions were introduced in both houses. Speaker Hand, however, asserted that the legislature would not adjourn since "we know who is governor because we elected him." The House defeated the adjournment resolution by a vote of 114 to 65. The Senate failed to consider the adjournment resolution. Instead, the upper house confirmed Talmadge nominees for commissioner of revenue, adjutant general and highway director.

\[21\text{ Savannah Morning News, January 16, 1947.} \]
\[22\text{ Atlanta Journal, January 16, 1947.} \]
\[23\text{ Augusta Chronicle, January 16, 1947.} \]
\[24\text{ Atlanta Constitution, January 16, 1947.} \]
\[25\text{ Georgia House Journal (1947), pp. 51-53.} \]
\[26\text{ Georgia Senate Journal (1947), pp. 45-46.} \]
Earlier in the day, Talmadge had taken over possession of the executive offices by having the locks changed before Arnall had arrived. After taking possession of the offices, Talmadge proclaimed, "I am now in full control of the State of Georgia. Georgia now has but one governor." A large crowd of spectators and newspapermen, hearing reports that Arnall would be forcibly ejected from the Capitol upon entry, anxiously awaited his arrival. At 10:30 A.M., Arnall strode into the Capitol and proceeded to the executive offices. Upon reaching the governor's private office, Arnall demanded admission to "my office." Talmadge's executive secretary replied, "This is the office of Governor Talmadge." He was told to wait his turn in the reception room "like any other private citizen." Arnall turned to the crowd and charged the "military forces of the Pretender" with having removed the executive office locks in "an expert pincer movement." He announced his intentions to remain governor until the Lieutenant Governor-Elect assumed the executive powers. Furthermore, he told his listeners,

the issues involved here transcend personalities. The issues are whether the people are to be robbed of their right to elect a governor, whether democracy will continue or give place to dictatorship, illegality, and farce, whether the constitution must yield to threats, force and violence.

Arnall announced he would set up his office at the information booth in the Capitol rotunda. Admitting what he was doing was "unpleasant and distasteful," he nevertheless claimed it was his "duty to preserve the office for the Lieutenant Governor." After further conversation, Arnall invited newspaper reporters to join him at the executive mansion for lunch. At the mansion, Arnall and the invited
guests found a welcoming committee of four state highway patrolmen. The patrolmen informed Arnall of their orders to prevent his entry, by force if necessary. The action of these "storm troopers," Arnall asserted, completed the capture of the physical properties of the state government by "military and armed forces."  

On January 17, Arnall again returned to the Capitol. This time, he found Representative James Marion Dykes, a Talmadge follower, sitting at the information booth in the rotunda. After shaking hands, Dykes asked if Arnall desired an appointment with the Governor. "Jimmy, I am the Governor!" Arnall retorted to the approval of a partisan crowd. Dykes, in turn, replied, "Ellis, you remind me of a big hog in the slops. You've got your head in the trough and you just can't stop." The crowd booed. Dykes insisted Arnall had "no more right to be Governor than I have. It's my day to play Governor." Leaving the Capitol "in order not to create a disturbance," Arnall announced he would move the governor's office to his Atlanta law office.  

At noon on the same day Arnall spoke over a statewide radio network. Declaring he had no personal interest in the Lieutenant Governor-Elect, Arnall admitted he had not even voted for him in the 1946 primary. Arnall even claimed to possess no animosity toward Herman Talmadge, whom he called "a puppet in the hands of those who would steal the rights of the people." Arnall explained that his


fight had "been and will continue to be for the people and the rights of the people, for democracy as opposed to dictatorship, for law and order as opposed to mob rule, storm troop tactics, thugism and hoodlumism." He urged the people to discuss with their legislators the indignity of being robbed of their rights "by a military coup d'etat." 29

Talmadge emphatically denied executing a military coup d'etat or using force to secure his election. "The Legislature according to the mandate of the constitution . . .," Talmadge stated, "elected me Governor of this state." Furthermore, he claimed there had been "no disorder in the whole matter." He justified his physical taking over of the governor's office to the necessity of insuring that "the functions of our State Government might proceed in a lawful and regular democratic manner." 30

Arnall scoffed at Talmadge's claim of "no disorder." He thought the broken jaw of his chauffeur looks like violence to me; the slugging done by John Nahara was force. Armed storm troopers barring me from my home, the executive mansion, was force. And had you been with me alone at 2 o'clock in the morning [January 15, 1917] and had looked at that mob, one-half of whom seemed to be under the influence—I won't say of what— you would know what violence can be.

Everyone knows who knows right from wrong that force and violence brought about the seizure of the governorship by a military coup d'etat. 31

29 Atlanta Journal, January 17, 1917.
30 Savannah Morning News, January 20, 1917.
31 Atlanta Journal, January 22, 1917.
Talmadge's election provoked a vociferous protest throughout Georgia. The Atlanta Constitution contended that public opinion had never been so incensed in all Georgia's modern history. A critical editorial in the Augusta Chronicle stated:

Georgians have just witnessed one of the most amazing and cynically executed political coup d'états in the history of the state—indeed in the history of the nation.

Except for the absence of the gunplay, the bloodshed and the other violent accompaniments, the hectic drama enacted in the state capitol resembled nothing so much as a revolutionary coup in one of the Latin American or Balkan countries.

The Fitzgerald Herald believed the legislature's action had established dictatorship in Georgia. The editor of the Valdosta Daily Times warned that Georgians had just witnessed "the first step away from the democratic way of government." Another paper, the Daily Tifton Gazette, assailed the legislature for usurping the prerogative of the people by choosing a governor. The Atlanta Daily World thought Talmadge's election suggestive "of the era of the Divine Right of Kings in countries foreign to our own." The Cedartown Standard called upon all Georgians to "rise up" or submit to the rule of a clique who "will stop at nothing to perpetuate themselves in

32Atlanta Constitution, January 23, 1917.
33Augusta Chronicle, January 16, 1917.
34Fitzgerald Herald, January 15, 1917.
35Valdosta Daily Times, January 17, 1917.
36Daily Tifton Gazette, January 15, 1917.
power. ..." The Eastman Times Journal described Talmadge's election as

Violence! Force! Dictatorship! Disgracefulness! Disregard for law and order! Election by the legislature, members of which are elected by the people! Runners! Ignoring the mandate of the people! 697 votes! [sic] Confusion! Turmoil! THE LITTLE KING! THE LITTLE PRETENDER.39

Thirty-six Methodist ministers in the Atlanta area denounced the "seizure" of the governor's office and mansion as "dictatorship of the worst order."40 The Gainesville Ministerial Association expressed its condemnation of Talmadge's election. Admitting its reluctance to do so, the association, nevertheless, reminded Georgians "that the whole world still condemns the clergy of Germany for its unwillingness to challenge in its infancy the dictatorship which later ruined the nation."41 Clark Foreman, President of the Southern Conference for Human Welfare, compared Talmadge's election to Hitler's Munich beer hall putsch.42 The State Commander of the American Legion denounced the "scandalous display of dictatorship now being reflected all over the world from the Georgia capitol."43 Over 150 Georgia Tech students, in a letter to the editor of the Atlanta Journal, accused Talmadge of

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38 Quoted in A. G. Mezerik, "Georgians Have Had Enough," Nation, CLXIV (February 15, 1947), 174-175.
41 Macon Telegraph, January 21, 1947.
"applying himself in true 'Heil Hitler' fashion." In another letter to the editor, one writer threatened to leave the state if "Von Herman" remained governor.\textsuperscript{44} Furthermore, Arnall's executive secretary claimed that Arnall had received more than five hundred telegrams and more than fifteen hundred letters commending him on his stand.\textsuperscript{45}

Mass meetings protesting Talmadge's election were held all over the state. Four hundred citizens assembled in Lowndes County and passed a resolution censuring the legislature for usurping "the prerogative of the electorate of this state." Prior to the meeting, a petition had been circulated calling upon the legislature to adjourn until the gubernatorial question had been settled by the courts. More than one thousand persons signed the petition.\textsuperscript{46} In Bartow County, a mass meeting, broadcast over twenty-six radio stations, passed resolutions urging the legislature to adjourn until the courts ruled, condemned the election of a "bolter," and censured "mob rule in running the affairs of our state government."\textsuperscript{47} Over three hundred citizens in Washington County gathered to denounce the "seizure of the State Government" and to urge the legislature to adjourn until the Georgia Supreme Court had ruled on the controversy.\textsuperscript{48} More than four hundred disgruntled residents of Meriwether County held a mass meeting and passed resolutions condemning "this revolution against law and

\textsuperscript{44}Atlanta Journal, January 21, 1917.
\textsuperscript{45}Ibid., January 19, 1917.
\textsuperscript{46}Valdosta Daily Times, January 20, 1917.
\textsuperscript{47}Cartersville Daily Tribune News, January 24, 1917.
\textsuperscript{48}Sandersville Progress, January 30, 1917.
order and usurpation of power...."49 An estimated two thousand persons assembled in DeKalb County to pass a resolution censuring Talmadge for "seizing and holding by force Georgia's state capitol...."50 A Jasper County mass rally assailed the legislature for "trying to set up a dictatorship in Georgia."51 In Cook County, participants in a mass rally passed resolutions protesting "methods employed by the Legislature of Georgia to thwart the will of the citizens of our State...."52 Representative Walter Harrison, addressing a Jenkins County rally, declared that "Georgians will rise up from the mountains to the sea to make sure that our democratic ways are preserved."53 Students of West Georgia College marched into Carrollton protesting Talmadge's election. One carried a placard asking, "HOW MANY REPRESENTATIVES WERE DRUNK WHEN THE CROWN PRINCE WAS CROWNED?..."54 More than two hundred students at Wesleyan College signed a petition condemning the way in which Talmadge "seized" office.55 And on January 21, more than one thousand college and high school students marched on the State Capitol protesting the election.

49Meriwether Vindicator, January 24, 1917.
50DeKalb New Era, January 23, 1917.
51Atlanta Journal, January 20, 1917.
52Valdosta Daily News, January 24, 1917.
53Atlanta Journal, January 22, 1917.
54Carroll County Georgian, January 23, 1917.
55Macon Telegraph, January 21, 1917.
Several students hanged a red suspended effigy of "King Herman the First" from a statue on the Capitol grounds.56

Talmadge supporters in turn held mass meetings over the state in favor of the new governor. In Bulloch County, a large gathering of Talmadgites held a rally and passed a resolution endorsing the legislature's election of Talmadge.57 Talmadge supporters in Meriwether County commended the lawmakers for "their staunch and loyal adherence to the Constitution of the State in exercising the prerogatives conferred upon them to elect and declare Herman Talmadge Governor..."58

Some 125 Talmadge supporters in Dodge County urged the General Assembly to stay in session.59 More than seven hundred persons gathered in DeKalb County and passed a resolution congratulating the legislature "on doing its duty in electing Herman Talmadge..."60 In Washington County, 350 citizens assembled and urged the legislature to stay in session and pass a white primary bill.61 Talmadge supporters gathered in Savannah to pass resolutions declaring the constitution had to be upheld "even if it does not suit some of the people." The assemblage also attacked the "intimidation" being placed on the legislature for the "purpose of defeating the mandate of the people

56 Atlanta Constitution, January 22, 1917.
57 Bulloch Times, February 6, 1917.
58 Meriwether Vindicator, January 31, 1917.
60 DeKalb New Era, January 30, 1917.
61 Sandersville Progress, January 30, 1917.
as expressed in our primary in July. This is to kill the white primary and county unit system." \(^6\)

Talmadge charged that the mass meetings protesting his election were being sponsored by "the same little group who destroyed the white primary in Georgia and seeks to destroy the county unit system." \(^6\)

He accused the Atlanta Journal of planning these protest meetings all over the state. \(^6\)

He reminded Georgians that "we whipped this crowd" when Arnall tried to remove the succession prohibition, dictate his successor in the primary, and "when the general assembly elected me governor... ." \(^6\)

Now he charged his opposition with calling upon the people of Georgia to stage an uprising. They are advocating anarchy. They hope to create such a state of confusion in Georgia that it will be impossible for the Legislature to perform its duties. In their effort they will fail because the majority of the WHITE PEOPLE in Georgia are behind us in this fight. If they persist in their effort, I shall call for this majority of the WHITE PEOPLE of Georgia to come to Atlanta and show them a real demonstration. \(^6\)

Talmadge claimed his office had been deluged with messages from supporters desiring to stage a march on the Capitol in support of his election. He admitted, "We can have 25,000 people on the Capitol lawn on 24 hours notice." Nevertheless he announced his disapproval of

\(^6\) Savannah Morning News, January 26, 1917.

\(^6\) Atlanta Constitution, January 21, 1917.

\(^6\) Atlanta Journal, January 23, 1917.

\(^6\) Augusta Chronicle, January 25, 1917.

\(^6\) Georgia Senate Journal (1917), p. 63.
such an endeavor "that could be construed as a threat to intimidate the Legislature or the courts." 67

Many of the mass meetings over the state protesting Herman Talmadge's election called for the controversy to be settled by the courts. An organization founded as a result of such a meeting, the Aroused Citizens of Georgia, called upon Talmadge and Thompson to go on record "as recognizing the power and authority of our courts to decide the issue." 68 As early as January 15, Ellis Arnall had ordered the Attorney General to bring legal action against Talmadge's claim to the governorship. 69 Talmadge, when asked what he would do if the suit went against him, replied, "Nothing. The governorship is exclusively the province of the General Assembly." 70 On another occasion, he declared that the legislature's "action in this matter is not subject to review by the courts, since it would be an encroachment by the judicial branch of the government upon the legislative branch. . . ." 71 Roy Harris also boasted that Talmadge would be governor for four years and opponents would be unable to unseat him through court proceedings. 72 Arnall accused the Talmadge forces of fearing court adjudication because "they know the courts will determine

67 Atlanta Constitution, January 21, 1917.
68 Atlanta Journal, January 18, 1917.
70 Atlanta Journal, January 17, 1917.
71 Ibid., January 16, 1917.
72 Savannah Morning News, January 18, 1917.
the issue against those who have usurped the office of governor." 73
Arnall charged the Talmadge effort to keep himself above the courts
was "anarchy" and would not be tolerated. 74 Talmadge's position, the
Atlanta Journal declared, meant the judiciary "shall have no voice in
deciding the most critical question that has faced Georgia in the last
eighty years." 75 Talmadge, on January 18, denied having claimed that
he would not abide by a court's decision. While doing so, he reiterated
his claim that the courts had no jurisdiction in the matter. "But
should I be wrong," he admitted, "I will, of course, abide by the
courts' decision..." 76 Talmadge accused his opposition of boast-
ing or having "stacked the Supreme Court of Georgia against us."
Nevertheless, he declared, the Supreme Court would uphold his claim
because "our legal position is correct and members of the Supreme Court
are honorable men." 77

Thompson, temporarily relegated to a secondary position, took
the oath as lieutenant governor on January 18. 78 After doing so, he
announced his intentions of assuming the executive powers in the
capacity of acting governor until the people could elect themselves a
governor. Thompson also announced his intentions to call upon "Talmadge

73 Atlanta Journal, January 22, 1947.
74 Atlanta Constitution, January 19, 1947.
75 Atlanta Journal, January 19, 1947.
76 Atlanta Constitution, January 19, 1947.
78 Executive Minutes (1947), p. 2.
to evacuate the executive office and mansion at a very early date. Asked what he would do if Talmadge refused, Thompson replied he was not in a position to answer because "just yet I don't have a strong military force at my back." Despite such a statement, he ordered the Attorney General to continue the suit against Talmadge. The Attorney General immediately recognized Thompson as acting governor. Thompson also appointed an executive secretary, an adjutant general, a revenue commissioner, a highway director and members of the highway board.

Upon hearing of Thompson's qualification, Arnall announced his resignation. Talmadge, learning that Thompson had taken the oath of office as lieutenant governor, accused him of threatening to recruit an army and take the governor's office by force. Warning Thompson that he would not yield to force, Talmadge declared, "we are amply able to defend the governor's office and will do so if necessary." However, Thompson believed violence could be avoided when he made his demands upon Talmadge. Thompson declared the controversy should be settled by the courts and expressed his willingness to abide by the courts' decision.

81 Executive Minutes (1947), pp. 3-4, 12.
82 Atlanta Constitution, January 19, 1947.
84 Ibid., January 19, 1947.
Thompson confronted Talmadge in the governor's office on January 20, but Talmadge refused to yield to Thompson's demands. Talmadge told his rival, "You have no right to claim the office. There is no vacancy. The General Assembly of Georgia elected me governor." Thompson, leaving the executive offices, proceeded to the Senate chambers where he again took the oath of lieutenant governor. In a surprise move, Thompson also took an oath to "faithfully exercise the executive power of the State..." Talmadge supporters in the Senate objected to the action. Senator Iris Faircloth Blitch thought it "ridiculous in the eyes of the nation for the Senate to join in electing Talmadge governor and then hear another man take the oath of executive office." She promised to lead an effort to remove the executive oath from the Senate Journal.

Although Arnall had stepped down from the governorship, he nevertheless kept up a barrage of attacks upon Talmadge's election. Speaking to over two thousand citizens at the Atlanta Woman's Club Auditorium, he called the governorship fight a test of whether "nazi methods can be used to seize our government by force." Arnall assailed "King Herman," who had "arranged for his to be the only name submitted to the Legislature so that each member of the assembly had to stand up and goosestep and vote 'ja' in a manner that would have

85 Atlanta Journal, January 20, 1917.
86 Georgia Senate Journal (1917), p. 47.
87 Savannah Morning News, January 21, 1917.
shamed the Third German Reich." After leaving the state on a nationwide speaking tour, Arnall predicted the Georgia Supreme Court would rule against Talmadge.89

The contest thus settled down to two opponents, Herman Eugene Talmadge and Melvin Ernest Thompson. On January 20, over the opposition of the Thompson legislative forces, Talmadge was invited to address a joint session of the General Assembly. The Senate voted 29 to 20 to invite Talmadge and the House voted 86 to 64 to do so.90 Representative Durden had unsuccessfully sought to include Thompson's name in the invitation. However Representative Elliott objected to hearing Thompson because "he is not the Governor." Therefore, Durden expressed his unwillingness to invite a man "who has only squatters rights to the governorship."91

Prior to Talmadge's address to the legislature on January 21, Thompson urged that body to adjourn until the courts had ruled in the dispute. Thompson warned that if such a decision went against Talmadge, all legislative measures he had signed would be invalid. Thompson also challenged Talmadge to an electoral battle as soon as an election could be held under the constitution.

When the time came for Talmadge to address the joint session, many representatives walked out of the House chambers. Senatorial objectors instead of walking over to the House chambers left the Capitol. Observers estimated that no more than one half of the lawmakers heard the speech.  

In his address, Talmadge again denied using force or executing a military coup d'etat to gain the governorship. He urged the legislature to enact the white primary bill and to provide additional revenue for the promised expansion of state services. Talmadge noted the constitution provided for a special election within sixty days if both the governor and lieutenant governor resigned. He promised to resign as soon as the legislature enacted the Democratic Party's platform if Thompson did likewise, and go before the people in a white primary. Thompson declared, however, that for him to agree to Talmadge's proposal would be "an insult to the People." He explained that the governorship and the lieutenant governorship belonged "to the people and are not private property to be traded or trafficked in. . . ." Moreover, Thompson insisted that the purpose behind the proposal was to avoid court adjudication. Talmadge replied, "He is afraid of the white people of Georgia."  

The day following his address, Talmadge suffered his first setback in the legislature. His supporters in the Senate had sought

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94 Atlanta Constitution, January 22, 1947.
to remove Thompson's executive oath from the Senate Journal. Their efforts failed because of a 27-27 tie vote. Furthermore, the Senate postponed consideration of a list of appointments from Talmadge. Seeking to take advantage of this Talmadge reversal, Thompson, on January 25 and 27, again urged the legislature to adjourn. The House, however, on the latter date, defeated, 115-82, an adjournment resolution and confirmed eighteen Talmadge nominations. Thompson refused to send any nominations to the Senate "to spare my friends the embarrassment of not being paid."

Despite Talmadge's strong support in the General Assembly, he encountered difficulty in enacting his legislative program. He considered the white primary bill, the appropriation bill and a sales tax bill, to finance the expanded state services, the most important measures before the legislature. The white primary bill was introduced in the House on January 20. The bill, prepared by Harris, came under bitter attack. "Such legislation," Representative

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95 Georgia Senate Journal (1947), pp. 68-69.
100 Atlanta Constitution, February 16, 1947.
102 Atlanta Constitution, January 21, 1947.
John Bell Towill warned, "is the road by which Hitler, Mussolini and other dictators began the march to absolute power."\(^{103}\) The Gainesville News claimed the real purpose of the bill was to "set up a dictatorial machine in Georgia..."\(^{104}\) Another paper, the Augusta Chronicle, predicted if the bill became law, "Georgians may soon be the closest thing to dictatorship that this state has ever experienced."\(^{105}\) The Cobb County Times warned that Talmadge and Harris were using the Negro vote as a "tool" to establish a statewide political machine.\(^{106}\) Despite such attacks, the House passed the white primary bill on January 29 by a vote of 133-62.\(^{107}\) On the previous day, an amendment providing for both gubernatorial rivals to sign the bill had been ruled out of order.\(^{108}\)

On January 30, the House overwhelmingly, by a vote of 133-6, approved the Talmadge administration's appropriations bill. The bill, as passed, provided $77,658,538 for existing state services and $38,422,026 for the promised expanded state services. The latter sum,
however, was made contingent upon whether new taxes were raised to finance the new services. On March 5, the House passed the sales tax measure by a vote of 121 to 71. The three measures had much more difficulty in the Senate, however. Despite the objection of Talmadge, the Senate Special Judiciary Committee to which the white primary bill had been referred, held public hearings on the bill. After four days of public hearings, senatorial objectors to the bill began to filibuster against the measure. Talmadge denounced the "filibuster and dilatory tactics used by a willful minority" to stall action on the white primary bill. On the same day, Thompson, noting no major bill had been passed although the legislative session was half over, repeated his plea for the legislature to adjourn. Ignoring Thompson's appeal, the Senate passed the white primary bill on February 18 by a vote of 36 to 15. After ironing out differences over a Senate amendment, the General Assembly presented Talmadge the first major bill of the 1947 session. Talmadge, on February 20,
with Harris at his side, signed the white primary bill.\textsuperscript{116} The Atlanta Daily World reacted to the occasion by proclaiming "it is the end of democratic government. . . ."\textsuperscript{117}

With one of Talmadge's three important bills enacted into law, the other two moved toward the same goal. On March 5, the Senate Finance Committee recommended passage of the Talmadge administration's appropriation bill. Another Senate committee on March 13 approved the House-passed sales tax bill. Immediate Senate passage of both was expected.\textsuperscript{118}

Thompson, in the meantime, had signed his first bill into law. The law, amending the charter of the city of Dalton, was signed on February 26. Thompson claimed "it may be that this is the first act of the legislative session to become a law."\textsuperscript{119} Talmadge legislative supporters demanded an investigation of the action.\textsuperscript{120} A House investigating committee found that Representative Stafford Brooke, who had carried Thompson the bill, had erred. Nevertheless, the committee recommended that since the bill was local in nature, the House should take no action unless petitioned to do so by residents of Whitfield County.\textsuperscript{121}

\textsuperscript{116}Atlanta Journal, February 20, 1947.
\textsuperscript{117}Atlanta Daily World, February 21, 1947.
\textsuperscript{118}Atlanta Constitution, March 6, 1947.
\textsuperscript{119}Americus Times-Recorder, February 27, 1947.
\textsuperscript{120}Savannah Morning News, February 28, 1947.
\textsuperscript{121}Dalton Citizen, March 8, 1947.
Adding to the problems besieging the Talmadge administration, the Aroused Citizens of Georgia on February 26 announced its intention to purge the Talmadge faction from the state Democratic Party. 122

A meeting of the Aroused Citizens passed resolutions denouncing the Talmadge-Harris faction as bolters from the Democratic Party seeking "to perpetuate their rule by a series of unlawful, unconstitutional and undemocratic actions..." Another resolution charged the white primary bill had even passed so the Talmadge-Harris faction could "exercise a tyrannical control over the party and through it over the people..." 123 The anti-Talmadge group announced its intentions of fighting to win recognition from the National Democratic Party as well as to send delegates to the 1948 National Democratic Convention. 124 Talmadge denied he had bolted the Democratic Party. He added that if those making the bolting charges wanted "to leave the house of their fathers, it's all right with me." 125 In response, William Shivers Morris, temporary chairman of the executive committee of the "Anti-Talmadge Democratic Party," denied his group was creating another political party. He claimed their efforts were directed toward preserving the state Democratic Party opposed by "the new party formed by Herman Talmadge and Roy Harris..." 126

123 Savannah Morning News, February 27, 1947.
125 Ibid., February 27, 1947.
Besides incurring opposition from a group intent upon purging him from the state Democratic Party, Talmadge encountered difficulty in another area. Attorney General Cook refused to recognize Talmadge's appointment of Charles Davenport Redwine as revenue commissioner, and declined to approve the required bond for Redwine.\footnote{Savannah Morning News, January 25, 1917.} As a result of Cook's action, the state treasurer, George Bright Hamilton, announced his refusal to accept state revenue collected by Redwine, who was the chief tax collector of the state government. Hamilton soon changed his position to non-recognition of all appointments of either claimant until a Georgia Supreme Court decision had been rendered.\footnote{Atlanta Constitution, January 27, 1917.} Without incoming revenue, the state auditor warned funds for all state government function would be depleted within a month.\footnote{Savannah Morning News, January 25, 1917.}

On January 27, Talmadge's attorneys filed two superior court suits seeking to prevent the threatened shutdown of state functions. The first suit sought to force the state treasurer to accept tax collections from Redwine while the second sought to force the Attorney General to approve the bond covering Talmadge's revenue commissioner.\footnote{Augusta Chronicle, January 28, 1917.} Before a decision had been rendered in the suit involving the attorney general, Cook agreed to approve the bond for Redwine. This action came after Talmadge's name had been removed from the bond. Cook emphasized that his approval of the bond did not mean he recognized

\footnote{Savannah Morning News, January 25, 1917.}
Talmadge as governor or Redwine as revenue commissioner. He based his action on the fact that Redwine was handling tax money and should be bonded. Talmadge's attorneys subsequently withdrew the suit against Cook. The state treasurer, however, declared Cook's action did not affect his own position.\(^{131}\) On February 6, Fulton County Superior Court Judge Bond Almand handed down a decision in the suit filed against Hamilton. Ordering Hamilton to accept state revenue collected by Redwine, Judge Almand emphasized his decision did not involve who held the legal title to the office of either revenue commissioner or governor. Instead, he ruled that regardless of who paid state revenue into the treasury, Hamilton was obligated to receive the state money.\(^{132}\) Hamilton announced his willingness to abide by the decision and made no appeal.\(^{133}\)

Thompson, in addition to taking over the Arnall-initiated suit against Talmadge, filed suit against the State Pardon and Parole Board. The suit sought to force the Board to recognize him as acting governor and comply with a request for budgetary information.\(^{134}\) Court hearings, originally set for February 12, were moved up at the request of one of the Board's attorneys who had to enter the hospital on February 10. Floyd County Superior Court Judge Claude Holmes Porter handed down the

\(^{131}\)Atlanta Constitution, February 1, 1947; Savannah Morning News, February 5, 1947.

\(^{132}\)Atlanta Constitution, February 7, 1947.

\(^{133}\)Savannah Morning News, February 9, 1947.

\(^{134}\)Atlanta Constitution, February 2, 1947.
decision on February 7. Judge Porter held that the sole right of the legislature in the governorship dispute was confined to declaring Eugene Talmadge the recipient of the majority of the votes cast in the general election. The decision upheld Arnall's argument that he could remain in office until his successor qualified. Upon the qualification of the Lieutenant Governor and the resignation of Arnall, Judge Porter declared that Thompson assumed the executive power of the state as acting governor.\(^{135}\) Attorneys for the Board appealed the case to the State Supreme Court.\(^{136}\) Denouncing Porter's decision as a "star chamber trial," Talmadge charged the suit had been "patiently collusive" because all parties involved were friends of Thompson. Talmadge further contended that he was not a party to the suit, had received no notice of the hearing and had not been represented by counsel. Talmadge also accused Judge Porter of writing his decision in advance of the trial. The purpose of the decision, Talmadge claimed, was to confuse the issues of the original suit filed by Arnall.\(^{137}\)

In the House, Representative Mack Hicks, rising to the defense of Judge Porter, called Talmadge's charge against Judge Porter an "infamous lie."\(^{138}\) Judge Porter, learning of Talmadge's attack, told


\(^{136}\)Atlanta Journal, February 19, 1947.

\(^{137}\)Ibid., February 8, 1947.

\(^{138}\)Ibid., February 10, 1947.
reporters the story of how an Irishman had been "kicked by a jackass and someone asked him what he was going to do about it. 'Nothing,' the Irishman replied, 'I just consider the source.'"

Henry County Superior Court Judge Walter Hendrix, on February 12, rendered a decision on the suit that had been initiated by Arnall. Judge Hendrix held the General Assembly had the constitutional authority to decide when an election had occurred. Declaring that a governor had not been elected in the recent general election due to the death of Eugene Talmadge, Judge Hendrix held the legislature had the duty and responsibility to elect a governor. The decision was immediately appealed to the Georgia Supreme Court. Arnall, in Salt Lake City, Utah, remarked that Judge Hendrix's opinion "really doesn't matter since it is an intermediary decision." Despite the decision, he believed the Georgia Supreme Court would uphold Thompson's claim to the governorship. Thompson responded to this adverse opinion by reiterating his comment made prior to the election praising Judges Hendrix and Porter as "honorable men and highly respected. . . ."

Three days later, on February 15, a third superior court decision was rendered concerning the gubernatorial dispute. The suit had been brought by the Fulton National Bank, depository of the state

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139"Fly Time," *Time*, LXIX (February 17, 1947), 25.
141*Atlanta Constitution*, February 13, 1947.
executive fund, to determine the legal governor.\textsuperscript{143} The decision was rendered by Judge Almand, who had previously handed down an earlier decision in the dispute. Judge Almand, concurring with Judge Hendrix's decision, held that under the circumstances the legislature had the authority to elect a governor.\textsuperscript{144} This decision, like those of Judges Porter and Hendrix, was appealed to the Georgia Supreme Court.\textsuperscript{145}

Oral argument before that court had originally been set for March 10 for the Porter decision and March 12 for the Almand and Hendrix decisions. However, all parties involved joined together in a petition urging acceleration of a ruling in the dispute by the consolidation of the three cases and the rendering of a single decision. Upon receipt of the petition, Chief Justice William Franklin Jenkins announced immediate approval and set March 6 as the date of oral arguments.\textsuperscript{146}

Four days before the oral arguments were scheduled to begin, the Atlanta \textit{Journal}, in a front page story under the headline "TELFAIR DEAD WERE VOTED," revealed the results of an investigation concerning the write-in votes in Telfair County. According to the \textit{Journal}'s story, Herman Talmadge had received write-in votes from only three Telfair County precincts. Of the three, Talmadge had received twenty-nine write-in votes from two precincts while the third, the

\begin{itemize}
  \item \textsuperscript{143}\textit{Atlanta Constitution}, January 26, 1947.
  \item \textsuperscript{144}Fulton National Bank of Atlanta v. Philip Landrum, Herman Talmadge and M. E. Thompson. Decision reprinted in \textit{Atlanta Journal}, February 16, 1947.
  \item \textsuperscript{145}\textit{Atlanta Constitution}, February 16, 1947.
  \item \textsuperscript{146}\textit{Savannah Morning News}, February 19, 1947.
\end{itemize}
Helena precinct, had given him forty-eight. The Journal noted, however, that the local newspaper credited Herman Talmadge with receiving only twenty-nine write-in votes. The Helena precinct tally sheet revealed 103 persons had voted, 55 for Eugene and 48 for Herman. The Journal reprinted the tally sheet, which showed the voters names, supposedly in the order which they voted. After the first fifty-five names, the remainder bore a checkmark or a cross mark, while the last thirty-four names had been arranged in alphabetical order from A to Z. Upon investigation, the Journal claimed that seven of the thirty-four admitted that they had not voted, five had moved before the election or were not in the county on election day, seven could not be "reached" and thirteen could not be located. The Journal called for an investigation of this "prima facie case of conspiracy and fraud." Over thirty other papers also joined the Journal in calling for an investigation. If the charges are true," a former state assistant attorney general remarked, "we have the biggest fraud perpetrated upon the state since the black days of the Yazoo frauds." Time magazine praised the Journal's story as "one of the year's notable journalistic exploits." Talmadge denounced the story as "yellow journalism of the extreme form." Why, he asked, had the Journal waited until the very week of oral arguments concerning his election

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118 Ibid., March 3, 9, 1947.
119 Ibid., March 6, 1947.
120"Southern Exposure," Time, XLIX (March 17, 1947), 45.
before the Supreme Court to print the story? He charged this had been done to coerce and influence the court against his election. However, Talmadge felt confident the "honorable and courageous" justices would not be coerced by "yellow journalism tactics."\(^{151}\)

Four days later, on March 6, attorneys for both sides argued the case before the Georgia Supreme Court.\(^{152}\) On March 19, the high court, in a 5-2 decision, upheld Thompson's claim to the governorship. The majority opinion, written by Presiding Justice William Henry Duckworth, dealt with two questions: did the courts have jurisdiction in the dispute and did the General Assembly exceed its authority in electing Talmadge? Counsel for Talmadge argued the courts lacked jurisdiction for two reasons. First, the legislature's election of Talmadge was a "purely political question" over which the courts had no right of review. Second, counsel for Talmadge argued that the legislature, in electing Talmadge, was exercising powers conferred upon it by the constitution which subsequently removed the action from court jurisdiction.

Despite such argument, Duckworth held the court had jurisdiction because the dispute involved construction of the constitution as to the authority of the legislature to elect a governor. Duckworth then dealt with the central question of whether the legislature had exceeded its authority in electing Talmadge governor. With one exception, Duckworth noted, the power to elect a governor had been

\(^{151}\)Atlanta Constitution, March 3, 1947.

\(^{152}\)Atlanta Journal, March 6, 1947.
reserved to the people. This exception occurred only when the voters failed to cast a majority of their votes for a gubernatorial candidate. Under such circumstance, and only then, Duckworth held the constitution conferred upon the legislature the power to elect a governor. Therefore, Duckworth held the legislature had erred in assuming this elective power on January 15, 1947, because Eugene Talmadge had received a majority of the votes cast in the 1946 election. Furthermore, Duckworth ruled that the death of the Governor-Elect did not change the constitutional duty of the legislature in declaring his election. Duckworth held that any action taken by the legislature in place of this duty was null and void. Upon the resignation of Arnall, Duckworth declared, Thompson automatically assumed the executive power of the state until the next general election.

Chief Justice Jenkins and Justice Thomas Slaughter Candler dissented in the decision. Jenkins' dissent dealt principally with one question. Should the legislature have declared Eugene Talmadge the recipient of the majority of the votes cast in the general election? After discussing the term "person" as related to the election of a governor in the constitution, Jenkins concluded the term applicable only to a person in life at the time of the canvassing of the election returns. Therefore, Jenkins held that the legislature was justified in declaring no candidate had received a majority of the votes cast and consequently no election had occurred. After so declaring, Jenkins further held, the legislature was entirely within its power when it proceeded to elect a governor. Justice Candler, in a
very brief dissenting opinion, held the courts had no jurisdiction in the dispute.  

The Macon Telegraph hailed the decision as "a great victory for constitutional government."  

The Augusta Chronicle called the decision a victory for democracy over a "scheme to seize control of Georgia's electoral machinery--through the medium of the so-called 'White Primary Law'--and set up a political dictatorship...."  

The decision, the Eatonton Messenger editorialized, spared Georgia the destiny that befell Louisiana under Huey Pierce Long and Tennessee under Edward Hull Crump.  

Alabama Governor James Elisha Folsom congratulated Thompson on the great victory for democracy.  

Arnall, upon learning of the decision, remarked, "Stealing is still unlawful in Georgia."  

Thompson expressed great elation over the decision and promised to begin his administration "with malice toward none and charity toward all...."

Herman Talmadge, upon hearing of the decision, asked which judges had ruled against him. Someone in the crowded governor's office

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shouted that Duckworth had written the majority opinion. "He runs
that court!" snapped Talmadge. Representative Dykes shouted, "We
gonna get us some new judges!" Insisting the decision was contrary to
the law, Talmadge claimed that all the justices concurring in the
majority opinion had, at one time, been appointed to some office either
by Arnall or Rivers. Nevertheless, despite his objections to the
decision, Talmadge immediately evacuated the governor's office. As
he left the Capitol, he told reporters, "The court of last resort is
the people of Georgia. This case will be taken to the court of last
resort." Harris, immediately announcing Talmadge's candidacy for
1948, predicted he would receive the support of three-fourths of the
white people.

The news of the decision incited shouts of joy from Thompson
supporters in the General Assembly. During the confusion, Representative
John Lewis, a Talmadge supporter, shouted, "Always there were two
statesmen on the Supreme Court and five politicians." Four Talmadge
supporters in the House proposed a constitutional amendment "to pro-
vide that all legislative power of the State be vested exclusively
in the Supreme Court..." The Senate responded to the decision

160 "Georgia: 'Honey, Pack Up,'" Newsweek, XXIX (March 31, 1947),
23.


by rescinding confirmation of all Talmadge appointments. Attorney General Eugene Cook ruled invalid all legislative measures signed by Talmadge. He suggested that all these measures be returned to the legislature and submitted to Thompson for his approval or veto.

Acting Governor Melvin Ernest Thompson, speaking to a joint session of the General Assembly on March 20, proclaimed, "Today, again, law and order prevails in Georgia." He declared the effort of a small group to usurp the people's right to elect a governor had failed. While indicating his desire for a white primary, Thompson attacked the Talmadge white primary law, which would "allow fraud and stolen elections to run rampant in Georgia." Instead of that legislation, he urged the legislature to enact two bills recently introduced by his supporters. Thompson contended that these bills, if enacted into law, would result in a "fair" white primary. He also called upon the legislature to restore the county unit system to the state statute books to protect it from "unscrupulous politicians" who might discard it to "suit their selfish aims." Finally, he reminded the legislators of the Democratic Party's platform promising expanded state services, and of the necessity to pass adequate revenue measures to carry out this promise.

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166 Executive Minutes (1947), pp. 19-20.
Representative Robert Elliott reacted to the speech by proclaiming, "The issue is the same as it was when Eugene Talmadge was elected. It is white supremacy. Thompson is against a white primary." Speaker Hand thought the speech was "vindictive" and cost Thompson any chance of support from Talmadge supporters in the legislature. On the same day of the speech, Senator Grady Coker, a Talmadge supporter, moved that the Senate postpone indefinitely consideration of the sales tax bill. By a vote of 31-16, the Senate agreed to the motion. Senator George Everitt Millican accused Talmadge supporters, who previously had supported the sales tax bill, of now voting to kill the measure. The Senate also defeated on March 20, the two measures advocated by Thompson in place of the Talmadge white primary law. The first, requiring segregation of the races at the polls, was defeated 25 to 21. The second, restoring the primary to state regulation and providing for educational requirements for voters, fell five votes short of the required majority for passage. The following day, the Senate again refused to consider the sales tax bill. Thompson accused the Talmadge supporters, originally in favor of the bill, of

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172 Ibid., 663-664.
turning against it "so that I cannot carry out all the pledges of the Democratic Party...".\textsuperscript{173}

Speaker Hand called for a special session to enact revenue measures to finance the promised expansion of state services.\textsuperscript{174} Thompson, however, expressed opposition to a special session.\textsuperscript{175} According to the Atlanta Constitution, Thompson leaders opposed a special session because they did not think the two factions could cooperate in such session any more than they had in a regular session. Furthermore, the Thompson leaders suspected Talmadge desired a special session as a "sounding board" for his 1948 gubernatorial campaign.\textsuperscript{176}

As a result of the defeat of the sales tax bill, Senate President Dean announced the appropriation bill would not be called up for further consideration by the Senate.\textsuperscript{177} Paragraph II, Section VI, Article VII of the 1945 Constitution provided that if the legislature failed to pass an appropriations bill, the bill for the preceding year should be used. In this case, however, the old appropriations did not provide for the promised expanded state services.

The General Assembly of Georgia, after a historic seventy-day session, adjourned on March 22, 1947. The Atlanta Journal called the

\textsuperscript{173}Atlanta Journal, March 22, 1947.
\textsuperscript{175}Atlanta Journal, March 20, 1947.
\textsuperscript{176}Atlanta Constitution, March 20, 1947.
\textsuperscript{177}Ibid., March 22, 1947.
session, which had cost an estimated $360,000 and passed only five major bills, "fruitless and farcical." Chief among the major legislation passed was the Talmadge-sponsored white primary bill. Thompson admitted that some of his close friends had urged him to sign the bill to prevent Talmadge from using the white primary issue in the 1948 election. The Atlanta Daily World claimed Rivers was foremost among those advocating this action. However, on March 27, Thompson vetoed the white primary bill. He justified his veto for two reasons. First, the bill abolished all legal protection of elections. Second, he claimed the white primary bill was the second step in a "conspiracy" to destroy the one-party system in Georgia. Thompson asserted the first step of this plot had been taken when Harris and "his cohorts bolted the [Democratic] party by conducting a write-in campaign against the party's nominee for governor." While the Atlanta Journal praised Thompson for his "act of statesmanly courage," Harris denounced Thompson for his "double dealing" on the white primary bill. Harris claimed Thompson was on the very committee which had drafted the bill. "Governor Thompson knew what was in it," Harris declared, "and while on the committee approved it in whole." Claiming he knew Thompson would veto a white primary bill, Talmadge declared

I knew it was my duty to become a candidate for Governor before the General Assembly. In this campaign Mr. Thompson stated he favored the White Primary Bill. Now he has vetoed it.

I was elected by the General Assembly in accordance with the Constitution of this state. The Supreme Court elected Mr. Thompson.

The overwhelming majority of the people of Georgia want a White Primary. The issue in 1948 will be the same as the issue last summer. The people of Georgia will get a White Primary.\(^{183}\)

Seldom had a governor of Georgia begun an administration under such trying conditions as Melvin Ernest Thompson did in March, 1947. Two days before its adjournment, Thompson had addressed the General Assembly of Georgia for the first time as chief executive. The legislature, divided by bitter factionalism, had failed to pass an appropriations bill or provide an additional revenue measure to implement the Democratic Party's platform of expanded state services. With Thompson's announced opposition to a special session, the legislature would not convene again until after the primary election 1948. In the meantime, Thompson was left with the Democratic Party's platform of expanded state services and no revenue measure to carry out the platform.

The Georgia Supreme Court, ironically, added to the problems confronting the Thompson administration. After assuming the governorship, Thompson called for a state convention to convene in Macon in April, 1947, and purge the Talmadge faction from the state Democratic Party. The convention, charging the members of the Talmadge State Democratic Executive Committee had forfeited the right to hold a

\(^{183}\)Atlanta Constitution, March 28, 1947.
position in the party because of support of the gubernatorial claims of Herman Talmadge, chose a new state committee.184

James Peters, chairman of the Talmadge state executive committee, filed suit in Richmond County Superior Court against the convention's action. After this court rendered a decision favorable to Peters, William Shivers Morris, Chairman of the Thompson state executive committee, appealed the case to the Georgia Supreme Court. The high court, in a unanimous decision in February, 1918, declared that the allegations of party disloyalty were "too vague, general and indefinite" to justify calling the state convention in April, 1917. Subsequently, Justice Candler, who wrote the decision, held that the April convention was not a duly constituted assembly of the state Democratic Party and had no authority to attempt to remove Peters from his position in the party.185 As a result of the decision, the same court which invalidated Talmadge's claim to the governorship had left control of the machinery of the state Democratic Party in the hands of his supporters.

Despite such setbacks, Thompson contended in July, 1918, that his administration had carried out the Democratic Party's platform. Instead of the $77,000,000 in revenue that Talmadge estimated the state would receive for the fiscal year ending June 30, 1918, Thompson asserted that the state had received over $108,000,000. As a result of this increased revenue, Thompson boasted that "without any additional taxes this Administration has done substantially all those things for

184Atlanta Constitution, May 1, 1917.
the people that the opposition said couldn't be done without these additional levies." The Acting Governor claimed that his administration had built more roads and bridges, over a comparable period of time, than any other administration in the history of the state. For teachers, Thompson contended that the pledge providing for a fifty percent salary increase in the Democratic Party's platform had been fulfilled. Furthermore, he claimed that his administration, without new taxes, had provided more money for the schools than the General Assembly had proposed with new taxes. As for recipients of welfare benefits, the Acting Governor asserted that his administration had increased benefits more than $1,500,000 above the amount Talmadge said could be provided without additional taxes. For the farmers, Thompson claimed that more than $1,000,000 had been made available for expansion of farm markets.186 For all Georgians, Thompson pointed with pride to his acquisition of Jekyll Island as a state park.187

As expected, Thompson sought election to the governorship in 1948 and, as predicted, Talmadge entered the primary against the Acting Governor. Arnall and Rivers, prior to the primary, announced they would join forces in opposition to Talmadge. Both expressed regret that their differences had damaged anti-Talmadge unity in the 1946 primary.188 Subsequently, the Thompson candidacy received their

186 Atlanta Constitution, July 11, 18, 1948.
187 Ibid., October 7, 8, 1947.
188 Ibid., May 26, 1948.
endorsement. Despite such unity among his opposition, Talmadge received 357,865 popular votes, carried 130 counties and won 312 county unit votes. Thompson, while receiving 312,035 popular votes, carried only 29 counties for 98 unit votes. The 1946 election, commencing as early as 1945 with efforts to allow an incumbent governor to succeed himself, was finally over. Georgia was again governed by a Talmadge.

189 Atlanta Constitution, July 11, 1948.

190 Mrs. J. E. Hays, compiler, Georgia's Official Register, 1945-1950 (Atlanta: Georgia Department of Archives and History, n.d.), p. 577. Three other candidates received a combined popular vote of 21,339 and no county unit votes.
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