

University of Missouri School of Law Scholarship Repository

Faculty Publications

Spring 2001

A Tribute to Governor Mel Carnahan

Kenneth D. Dean

University of Missouri School of Law, deank@missouri.edu

Follow this and additional works at: <http://scholarship.law.missouri.edu/facpubs>



Part of the [Law and Politics Commons](#)

Recommended Citation

Kenneth D. Dean, A Tribute to Governor Mel Carnahan, 66 Mo. L. Rev. 263 (2001)

This Article is brought to you for free and open access by University of Missouri School of Law Scholarship Repository. It has been accepted for inclusion in Faculty Publications by an authorized administrator of University of Missouri School of Law Scholarship Repository.

MISSOURI LAW REVIEW

VOLUME 66

SPRING 2001

NUMBER 2

In recognition of his distinguished service to the State of Missouri, and to this Law School, the editors respectfully dedicate this issue to the memory of Governor Mel Carnahan.

A Tribute to Governor Mel Carnahan

*Dean Kenneth D. Dean**

In the fall of 1956, a young Mel Carnahan entered the University of Missouri-Columbia School of Law and began a nearly half-century special relationship. The Law School would later see his sons, Randy, Russ (who was born while Mel was a law student), and Tom, graduate. In addition, Russ's wife, Debra, graduated from our Law School.

Governor Carnahan was a highly distinguished member of one of the most active and talented classes in our history—the Class of 1959. He was a member of the *Missouri Law Review* and graduated Order of the Coif, the highest honor that can be bestowed upon a law graduate.

It came as no surprise when he quickly entered public life and commenced upon a career that would include not only the successful private practice of law, but an exemplary career serving the people of Missouri. In 1961, at the age of twenty-six, he was elected municipal judge in Rolla, Missouri. Two years later, Governor Carnahan won a seat in the Missouri House of Representatives and was elected Floor Leader in his second term. Following his four years in the House, he returned to Rolla and a successful law practice.

In 1980, he was elected State Treasurer by more votes than any previous non-incumbent. He served for four years and then returned to public service in 1988 as Lieutenant Governor. He won a landslide victory to the Governor's Office in 1992 and he returned for a second term in 1996. Governor Carnahan was a devoted public servant, a fine lawyer, a true statesman, and a strong supporter of this Law School, this University, and public education in Missouri. He was a caring and compassionate leader, a man with great vision who also possessed the highest moral character and integrity.

In this issue, we memorialize a leader and a friend who was tragically and suddenly taken from us. The profound sense of loss has not diminished. You

* Interim Dean at the University of Missouri-Columbia School of Law and member of the Class of 1976.

will read several tributes to Governor Carnahan following this one. At a memorial shortly after his death, I suggested two ways that we could honor him: first, recall your most pleasant or memorable contact with him or how he affected you in some personal way. For me that personal event occurred just a few days before his death, when my wife Charlotte and I had a very enjoyable conversation with Mel and his wife Jean. As they walked away, Charlotte and I remarked to each other how gracious they had been and how vibrant and happy they looked. That graciousness, vitality, and vibrancy will be my fondest memory of Mel Carnahan.

But there is a second way that we individually and collectively can honor Governor Carnahan. He always expected the best from himself and hoped that all of us, particularly those of us in higher education, would strive to do our best. Perhaps the most fitting tribute to Governor Carnahan is that we, as individuals, as a school, as an institution, strive to live up to his expectations, hopes, and dreams for us.

*Robin Carnahan**

This week, I lost my father, my brother, and our friend. They died in pursuit of a dream. And for the next three days, the Carnahan family and the Sifford family will grieve and celebrate the lives of Dad, and Randy, and Chris.

The wonderful people of this state have come to the aid of our family this week, with a deep reservoir of compassion, goodness, and friendship. And for that we will be forever thankful. But today is Dad's day, so I speak to you as Mel's daughter. I've often been asked, especially by children: "What's it like to be the Governor's daughter?" And I'm embarrassed to say that after nearly eight years, I could never answer that question. Because he was always just Dad to me. It is true that he changed jobs a few times over the years and became Governor, but his new jobs and new titles never changed him.

My Dad was a man of very few words. He was shy, really. At home, just as in public, he was quiet, and kind, and gentle. He loved my brothers and me unconditionally, and we loved him too. And the forty-six years he and my mother spent together inspired anyone who saw them.

So as you can imagine during this last week, I've been thinking a lot about things I've learned from Dad. I want to lay out a couple of those. Maybe they can help you get through this like they're helping me.

The most striking thing is that Dad never preached and he never lectured to my brothers and me. In fact, he rarely ever gave us advice at all. Instead, he taught us by example. We learned the value of respecting people from every

* Daughter of the late Governor Mel Carnahan and U.S. Senator Jean Carnahan. She delivered this eulogy at the memorial service for Governor Carnahan, October 20, 2000. Ms. Carnahan is a graduate of the University of Virginia School of Law.

station or walk of life, by watching the way he interacted with people around him. We learned to stand up for what we believe in, even if it meant taking some risks. As Senator Eagleton said, one of Dad's heroes was Harry Truman and he always loved the Truman quote: "Always do right. It'll gratify some people and astonish the rest."

We learned that you should judge people by their actions, not by their words. We learned that education matters and that diversity is something to be celebrated and valued. But we also learned not to be afraid to fail. In fact, my mother has a collection of Don Quixote statues. She started collecting them a few years ago just as a reminder that Dad would sometimes go off and pursue these seemingly impossible dreams. But you know what, a lot of times he prevailed. Sometimes he actually did vanquish the windmills.

Of course, my brothers and I learned about the promise and responsibilities of democracy. And, yes, we even learned a little bit about the Democratic Party. But more importantly, we learned that government can be good and worthy . . . that government can make a difference in peoples' lives . . . and that one person can make a difference in government. But perhaps most importantly, in the whirlwind of politics, we learned to especially value family. As a matter of fact, Dad's campaigns always brought us closer together. We grew up talking about politics around the kitchen table. We planned his campaigns there. Consultants dreaded when they got the phone call from the family kitchen table. Mom always said that our intense interest in politics was a genetic flaw that came from Dad's side of the family. Though I'll tell you, I never believed that.

In the end, my father believed with all of his heart that politics really is a noble profession and that there is no higher calling than service to one's community. He lived that dream, and he died in pursuit of it. The multitude of lives that Dad touched has become much more apparent in the last couple of days. My family and I have read countless notes and letters left along the fence of the Governor's Mansion, many of those from children. They have lifted our spirits and given us strength. We will never forget them. And we thank you so much for your prayers.

In the difficult days that lie ahead, and I know that there will be many, when I think about Dad, I'll always remember that Dad didn't just talk about his dreams, he lived them. And that is the most profound lesson of all.

One of my fondest memories growing up was coming downstairs on a winter morning, and seeing the warm, glowing fire in the fireplace. Because every morning Dad would get up early and light the fire. And he would always bring in extra wood, wood that Randy had cut, and leave it next to the fireplace. And without fail, before he walked out the door in the morning to go to work he'd say: "Don't let the fire go out." So I am here today to say: "Dad, we promise, we won't let the fire go out."

*Roy Temple**

On October 16, 2000, Governor Mel Carnahan stood in the lobby of the Chase Park Hotel in St. Louis and gave what would turn out to be his last radio interview. Reporter Missy Shelton of KSMU Radio was working on a feature story and asked him if he was still glad that he had decided to run for the Senate. His answer was enormously instructive about Mel Carnahan's outlook. The Governor replied:

"I've had a very wonderful life. I've enjoyed both my private life as a lawyer and a civic citizen and a private citizen, as well as my public roles."

Despite the fact that he was engaged in one of the highest stakes campaigns in Missouri history—a mere three weeks from Election Day—Governor Carnahan had everything in perspective. Win, lose, or draw, he would have no regrets.

Mel was a proud graduate of the University of Missouri-Columbia School of Law. I don't think it is any coincidence that he made specific mention of being a lawyer. He loved his profession and the impact it could have.

I can remember sitting across from the Governor on small planes as we made our way around the state to parades, ribbon cuttings, disaster areas, and countless other events. To pass the time, we would often talk about the issues facing state government or the latest political rumors. But some of the memories I treasure most are the stories he told me about his days as a small-town lawyer in Rolla.

When he talked about the practice of law, he did not talk about cases; he talked about people. In comparison to his work as Governor, sometimes the stakes of a particular dispute seemed quite low to me. But Mel Carnahan knew that to the people involved these were very important matters.

Mel understood that this might be the only time a client would ever deal with the legal process. He believed that the lawyers involved had an obligation to conduct themselves in a way that inspired confidence in the entire system.

When he talked about his clients, you could tell he had always done his best to use the law to help them achieve their goals. He had enjoyed the work, and as he told those stories, his enthusiasm showed more fully than for almost any other topic.

During Mel's political career, he watched as many public officials attempted to score political points by criticizing the legal profession—even some

* Chief of Staff to U.S. Senator Jean Carnahan. Temple served in a number of capacities for Governor Mel Carnahan over a period of ten years, including Chief of Staff to the Governor. Temple is a graduate of the University of Missouri-Columbia School of Law and a member of the Missouri Bar.

who were lawyer-politicians. At the height of the Second Injury Fund Scandal, when lawyer bashing in Missouri was at its zenith, Governor Carnahan never yielded to this temptation despite advice from those who thought it would have been to his political advantage.

Of course, he did not approve of those who brought discredit to the profession. He maintained a high standard of personal and professional ethics, and expected others to do so, as well. But he felt it was irresponsible to paint the entire profession with a broad brush because of the actions of a few people.

Mel's experience as a practicing lawyer also shaped his decisions in selecting judges as Governor. He knew from his nearly thirty years as a lawyer that day-to-day decisions made in courtrooms around the state have a profound impact on the lives of average citizens. Governor Carnahan spent literally hundreds of hours interviewing judicial candidates because he knew it mattered. He believed that picking judges was one of the most important powers he had as Governor.

I once commented about the amount of time he personally invested in judicial interviews. His response was straightforward. "Most of these judges will still be making decisions long after I'm retired in Rolla." Serious matters required serious attention.

In the final analysis, he appointed judges who he thought would be fair and who would use the power of the bench responsibly. Those judges are now a part of his legacy.

Mel believed that the biggest difference people made in the world was through what sometimes appeared to be unremarkable daily efforts, not from single dramatic acts. You took on the challenges before you. Whether as a lawyer, as a private citizen, or as Governor, he squarely faced the problem at hand, and dealt with the part he could do something about today, knowing that, over the long haul, the cumulative impact of those daily efforts could be enormous.

As a member of the school board, he worked to build a new school. As deacon in the First Baptist Church, he helped build a new church. And as Governor, he was deeply committed to using highly targeted efforts of state government to empower people to pursue their individual dreams.

One of the key ways to do that was to give everyone a chance for a quality education. He believed education was the single most important thing you could give another person. Governor Carnahan pursued this at the policy level, but he also lived it, personally encouraging staff members to further their education to increase their opportunities.

By the end of his term, class sizes in Missouri were down, test scores were up, and the statewide drop-out rate had gone from 6.36% to 5.07%.

Governor Carnahan's daily efforts showed in a number of other ways. Nearly 400,000 jobs were created during Mel's terms. Unemployment fell from seven percent to less than three percent, and the poverty rate fell from sixteen percent to less than ten percent. Meanwhile, disposable personal income increased by more than \$4,000. Welfare rolls were cut almost in half.

During his tenure as Governor, violent crime dropped by twenty-five percent. The number of children living in poverty dropped nearly three full percentage points, and the rate of child abuse cases was down by a third.

During his two terms, the number of people in Missouri with health insurance rose by six percent, infant mortality rates were down, and the immunization rates for children under two had risen from forty-nine percent to eighty-three percent.

Mel cut taxes five times for a net total of \$311 million, giving the average working family a net tax cut of more than \$340 per year.

During preparations for the debate in Kansas City the day before he died, staff outlined many of these statistics for the first time with the Governor. You could see a smile spread across his face as he recognized the cumulative effect of many of his efforts. Mel Carnahan would have been the last person to try to take personal credit for all of these favorable outcomes, but I think he was pleased that his efforts had played a part.

When Mel Carnahan told a reporter: "I've had a very wonderful life," it happened to be the day he died. But I take great comfort knowing that Mel would have given the same answer any day of his life. Mel understood that a wonderful life is pretty simple to achieve; it is merely the logical outcome of a series of well-lived days.

I last spoke to Governor Carnahan late on the night before the crash. He was in high spirits after the debate, and he was very confident about the ultimate outcome of the election. He and I stood in a misty fog on the tarmac at Kansas City Downtown Airport talking for a few moments. It was a simple thought, I am not even sure why I decided to say it, but I am enormously grateful that I did. As he boarded his plane I turned toward him and said: "Great job Governor."

For a man like Mel Carnahan, what more really needs to be said.

*Rebecca McDowell Cook**

Mel Carnahan loved to fly. So much so, it seemed like he knew Missouri as well from the air as from the ground. He was a willing tour guide, teaching his fellow passengers on every flight I took with him. I never asked but always believed that I was with him the day he decided to renew his effort to get a pilot's license. We were flying over Vichy, remarking about the beauty of the limestone bluffs, fields, and woods beneath us, and he began telling of his first flight lessons at Vichy many years earlier. He said the efforts involved at that time did not coincide with the needs of his young family, so he quit. He said: "I'd love to get that license."

* J.D. 1975 University of Missouri-Columbia. Cook was appointed by Governor Mel Carnahan to the Office of Secretary of State in 1994. Subsequently, she was elected Secretary of State in 1996 and served until January of 2001.

A few weeks later, I saw him at the airport. He just had completed a flying lesson, and was returning to the care of his security detail and the cares of state. He was happy and relaxed, and no innocent bystander would ever have dreamed he was the Governor of the State of Missouri. During the next months as he obtained both his private pilot's license and his instrument rating, he exhibited not just a love of flying but, more obviously, a love of learning.

The Governor was a product of two unusually dedicated people. Both teachers, they instilled in Mel Carnahan the belief that education was as much a building block for mankind as any stone. In fact, education was far more flexible, portable, and pleasurable. The Carnahan family believed education was an economic asset, and, with education, one could never have an embarrassment of riches.

Those of us who have been loved so well by our parents are driven to see their dreams realized. I think his love and respect for his parents helped him formulate his overriding rationale for public service. He wanted to ensure that all of the children of Missouri would have the opportunity to learn. That would give them the best chance to reach their full potential.

The first time I heard him speak, he spoke of that and of the need to support public education as the way to reach the goal. I was impressed—more by his conviction than any belief that the goal could really be accomplished. So in 1990, I decided he should be our next Governor; but I did not believe it would happen.

From the time we began watching him, he confounded our expectations. In the race for Governor, he faced very long odds, locked in a primary against a much better-funded candidate who enjoyed the loyal support of the public teaching establishment. How could he make education the cornerstone of his race when the professional educators were not even paying attention?

We believe he did it by sheer determination, both in that race for Governor and in his amazing accomplishments thereafter. He spent grueling hours raising money to support his message. He spent untold hours in correspondences and by telephone to be in touch, to communicate his plans, and hear from many, many others. He read, planned, and strategized with staggering dedication. He did this in such a low-key way that very few people realized the intensity or the magnitude of his effort.

Immediately after that election in 1992, Governor Carnahan began to work with the Missouri State Board of Education. Along with the rest of the board, I had been appointed by his predecessor. Imagine our pleasant surprise when we found a Governor who really meant to improve the educational opportunities for all Missouri children. Mel Carnahan was a Governor who met with the board, had detailed plans for A+ schools, for making the funding formula more fair, and for requiring improved performance by schools and teachers. His plans and his active involvement energized public education in Missouri from top to bottom.

Even though education was the focal point of the Governor's public policy, he believed that this was only one effort government could apply toward the goal of healthy, happy children who could grow up to be healthy, happy, productive

adults. Therefore, his other major initiatives supplemented the education centerpiece and built the concept of the "whole child." One of my dear friends grew up near the Carnahan farm of Mel's parents. She said that Mel's parents came every week to buy bushels and bushels of produce from her own parents' truck farm. Her brothers and sisters wondered aloud how those people could eat all that food. For years they did not know what the Carnahans did with so much produce. My friend figured it out during the Governor's second inaugural address when he spoke of his parents feeding children at the school who otherwise would have gone hungry. His parents had started the first school lunch program in Missouri!

Years ago, Mel's parents understood the concept of the "whole child" and led the way. Mel moved us toward that reality with health care for all of Missouri's children, with the school breakfast program, the welfare reform bill, and school safety. His purpose was to support children's needs on all fronts in order to improve their chances for success.

As Secretary of State, I began working with the Governor's office on many issues. Because he had worked with me on the State Board of Education, I had the opportunity to talk with him and work with him on these plans for educational improvement. In state government, all plans require a determination of what is politically possible. Of course, the political path was never easy. His opponents fondly recalled the days of educational talk that did not involve money. They longed for the days when one could deplore the deterioration of buildings and teacher salaries without the unseemingly effort of doing something about it. Even when the political attacks became hot and heavy, Governor Carnahan never left his course. On the contrary, the rough and tumble of politics was Carnahan's home ground. He coupled such political acumen in finding solutions with such solid convictions that he achieved his entire program. Never in our lifetimes have we seen a Missouri politician like him.

Mel's love of flying is symbolic of the love he brought to politics and to public service. He was not content to just travel. He wanted to soar. Up high, he could see so much more, planning for new solutions for all the people in all of our cities and counties. He could get above a cloudy day, be renewed by sunlight, and come back to provide leadership and hope to those still under the weather.

When he parked the plane, he put in the wheel-chocks himself and tied the plane down. He never asked the airport linemen to do it for him. When you saw him, you saw a simple man who never expected others to do his job for him.

And what a job he did. In the last decade of the past millennium Missouri needed a Governor who would raise the elementary and secondary education of her children to a new level. Missouri needed a Governor who would give our colleges and universities the resources to achieve greatness. Missouri needed a man who was not afraid to lead. Missouri needed a man who would give his life in her service. In Mel Carnahan, Missouri found such a man.

*Judge Nanette K. Laughrey**

The University of Missouri-Columbia School of Law has a long tradition of producing lawyers who go on to become leaders and legends. Governor Carnahan exemplifies that tradition. He was grounded in the simplicity of Birch Tree, Missouri, but was educated to see the world in all its complexity. That rich background gave him extraordinary insight and conviction and, as a good lawyer should, he used his talents to do good things for his community.

He valued history, and was committed to the preservation of historic buildings and artifacts, yet Governor Carnahan believed that our future could be better than our past. It was his commitment to a better future that led him to champion the rights of children even when there were few lobbyists to speak on their behalf. He took to heart the obligation a lawyer has to protect the rights of our most vulnerable citizens who cannot advocate for themselves. Duty, however, did not appear to be his only motivation. When he dressed up for Halloween and hosted the Mansion Easter Egg Hunt or sat in little chairs in schools across the state reading stories, it was apparent that he enjoyed being with our kids as he so obviously loved being with his own. He always will be remembered as the children's Governor.

Lawyers are frequently called on to advocate unpopular positions. The courage of Atticus Finch in *To Kill a Mockingbird* has inspired generations, and Governor Carnahan embodied that kind of courage. When the Governor concluded that concealed weapons were dangerous, he opposed them at great political risk. When Pope John Paul II asked that a condemned man be spared, the Governor acquiesced. He had to have known that the commutation of a death sentence would be unpopular and perhaps fatal to his Senatorial campaign, but he was a man of faith and was moved by the Holy Father's presence. Family, faith, and service inspired his choices, not polls.

For all his public accolades, Governor Carnahan never forgot his roots as a country lawyer. When he spoke to me about becoming a judge, he told a story of a farmer he had represented early in his legal career. His client had a dispute with a large feed producer. They tried to work it out, but their opponent was intractable. The client, however, was afraid to file suit because he didn't know whether he would get a fair shake, given the power and influence of the feed producer. Lawyer Carnahan told the farmer that in America there is one place where everyone is equal—the courts. When you walk in, your ethnicity, status, and wealth don't count, just the power of your argument before the law.

Governor Carnahan never asked anything of me, but I knew by his example that he expected a judge to guarantee that all litigants be treated with respect, their cases handled with diligence, and that fairness within the confines of the

* U.S. District Court Judge for the Eastern and Western Districts of Missouri. Judge Laughrey served as a faculty member at the University of Missouri-Columbia School of Law from 1983-1996 and is a member of the Class of 1975.

law should inspire the many decisions a trial judge makes each day. Having been a lawyer himself, he knew that the judicial process was an important part of our democracy, and, without it, the very structure of our society was at risk. While our beloved Governor is sorely missed, his expectations for excellence and his unyielding commitment to the integrity of the legal process continue to inspire us to follow in his tradition.

So both young and old students, be motivated by this man who never quit, who fought fair, and who believed in what he did. He had a life that made a difference, and he did it with grace and compassion. Good guys don't finish last.

*Judge Christopher S. Kelly**

Shortly before she went to the Senate, Jean Carnahan said that some people had spent their entire careers underestimating her husband. That is true. It is also illustrative of my understanding of Mel Carnahan as a man and a politician. Mel Carnahan was so self-effacing that you really had to look to see his genius.

When I was a brand new, know-it-all, state representative and first met Mel, I mentally dismissed him. Over the course of time, while he was State Treasurer and Lieutenant Governor, and I was increasingly involved in the budget process, we had more opportunities to visit; with each encounter I saw a progressively finer intellect. Perhaps, as maturity came to me, I was able to perceive his depth. It took people, at least it took me a while to recognize how much he knew about state government, especially about the finances. Mel was always able to close in on an issue. Mel Carnahan knew more about almost everything in Jefferson City than just about anybody.

I am grateful that he was so patient with me. What a mark of character that he was able to show no condescension, even to one so brash, and to help me learn my job. He was a truly kind man.

Mel was more than kind and smart. He was practical. He was not a rich man, yet he was able to win six statewide elections and also win several tough primaries in the process. Some of those who underestimated him were left along the trail.

In the first summer that he was Governor, Missouri faced one of her greatest natural disasters—the flood of 1993. Mel Carnahan was able to unite members of both parties and both houses of the legislature and craft an effective response to the physical and economic devastation caused by the flood. This was the work of a knowledgeable and practical politician.

* Boone County Associate Circuit Judge. Judge Kelly was a member of the Missouri House of Representatives from 1982-1994. He served as Chair of the Missouri Labor and Industrial Relations Commission from 1994-2000 and as Chairman of the Budget Committee for two terms. He is a member of the Class of 1988.

Mel Carnahan was more than smart, kind, and practical. He was courageous. In the first year that he was Governor, he went to work on one of Missouri's most intractable and politically explosive problems, the plight of our failing schools. For years, the teachers had told us, parents had complained, and test scores had lagged. Finally, the courts held that our schools were so weak that they were below our state's constitutional standard.

Mel Carnahan developed a solution: a large progressive income tax increase with every penny going to the elementary and secondary schools. He understood the political problem and he knew that without leadership the legislature would talk the problem to death. He went out in front and took the political heat upon himself. I remember one short quote of his. We were in the side gallery of the House during the Senate Bill 380 debate. It was time for the vote on this big tax increase. Mel Carnahan said to a couple of wavering state representatives: "This is why we run for office: to meet the big challenges of our times. It is our time." Because Mel Carnahan had the courage to put his own political future at risk, our schools will be better for a generation.

Finally, Mel Carnahan was a true son of Old Mizzou. For years before Mel Carnahan became Governor, Roger Wilson and I had battled for each dime of University funding, and Ken Jacob scraped for scholarships one by one. When Governor Carnahan moved into the mansion, all of the sudden we had to run to keep up. We had a Governor who was asking us to do even more for the University—more of the salaries Roger fought for; more of the hospital funding I sought; more of the scholarships that Ken held so dear. He wanted all that and more! I can remember him telling me that I was not thinking big enough. He had a profound understanding of the role of the public land grant institution. Whether because of the legacy from his schoolteacher parents or because his children attended and graduated from the University, or because of his own degree from Tate Hall, Mel Carnahan continuously demonstrated his gratitude to the University of Missouri. I was happy to be pulled in his wake.

Mel Carnahan was a delight to know and a role model for the ages. Missouri is a better place because he loved and served her.

