Ever since Washington Post publisher Phillip Graham first coined it, "News is the first draft of history" has been a beloved tenet of journalism. In compiling the profile of a public life, that first draft bears examination to determine how complete and accurate it is and how much editing it requires. This paper details the beginning stages of such an examination. While the ultimate goal is the production of a complete biography of Dr. Glen Browder, this study focuses on one significant event in his political career: the enactment of Alabama's 1988 Fair Campaign Practices Act when he was Secretary of State.

**Objective**

The objective in this study is to assess and compare the value of press accounts of the events leading to the passage of the Fair Campaign Practices Act with the information available in Browder's collected papers and that gained from personal interviews with him and some of the people who worked with him as the events were taking place. The author hypothesized that the availability of primary sources — original documents and personal interviews — would prove the press accounts deficient and would add significantly to the accuracy and completeness of the profile. The author expected that the deficiencies in the news coverage would stem from a lack
of understanding of the political process on the part of the reporters, the necessity of brevity in reporting, and the tendency of newspapers to focus on local personalities and local impact.

**Sources and methodology**

Sources for the study are documents in The Browder Collection, amassed over the course of Browder's 14-year political career as a Member of the Alabama Legislature, Alabama Secretary of State, and a Member of the U.S. House of Representatives from Alabama's 3rd Congressional District; personal interviews with Browder and with former Alabama Rep. Jim Campbell; and articles and editorials from Alabama newspapers. The initial plan was to limit the newspaper sources to three: Browder's hometown newspaper, The Anniston Star; the largest paper in the state, The Birmingham News; and the newspaper of the state capital, The Montgomery Advertiser. While those newspapers remained the main news sources throughout the study, reports from additional newspapers and from the Associated Press occasionally supplement the chronology. Of particular interest is the Birmingham Post-Herald, which, although now defunct, was a major newspaper in the state during the period of the investigation and provided its readers extraordinary coverage of state politics.

To test the hypothesis, the author created as complete a chronology as possible from the newspaper accounts, then overlaid related and explanatory information gleaned from documents such as press releases, reports, letters and memoranda contained in The Browder Collection, and finally filled in details from the interviews and e-mail correspondence.
Alabama's Fair Campaign Practices Act

As a freshman legislator in the Alabama House of Representatives, Glen Browder had learned many ways to get election reform bills killed. By the time he was elected Alabama Secretary of State, he had also learned what it would take to get one passed. He put his plan into action even before his election was assured, lining up powerful allies, taking advantage of a unique set of political circumstances and keeping the issue in the press.

He had figured out how to make effective use of the media early in his political career, and he applied this knowledge adeptly to further the progress of election reforms. The state's newspapers became enthusiastic allies in the effort to reform the campaign finance disclosure law, keeping the issue before their readers continually for more than a year, from the first proposals through the signing of the bill into law.

Campaign finance disclosure laws require that candidates for public office file reports with the Secretary of State detailing where their campaign contributions come from and how they are spent, so that the public can better judge the candidate's responsiveness to special interest groups. As Birmingham Post-Herald political columnist Ted Bryant wrote in March, 1988, "They want to know where a gubernatorial candidate gets $3 million or $4 million to spend on an office that pays $70,222 a year for four years. Who is so terribly interested in getting a particular candidate elected to that office, and what do they expect to receive as a return on their investment?"

Under the old law, The Corrupt Practices Act of 1915, the reports did not have to be filed until after the election, and under many circumstances did not have to be filed at all. The law had no enforcement provisions, and Anniston Star political correspondent Fred Burger wrote that of

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1 Glen Browder, personal interview, Jan. 15, 2005.
the 21 members of the Legislature who failed to file the reports for the last election, none would be prosecuted.³

"What makes [the 1988] Act so important was what we had before it," Browder recalled in an interview in March, 2005. "The campaign law had not been changed since 1915. It was worthless. It was useless. It was not legal. But it was not just minor things like that — nobody abided by it. And nobody was prosecuted for not abiding by it."⁴

The need for change was widely acknowledged, although many earlier attempts to enact reform legislation had failed. Browder recognized that a unique set of circumstances⁵ in 1987 presented an opportunity to get reform legislation passed. A scandal involving "crossover voting"⁶ during the 1986 state primaries had aroused public awareness of the need for reform in the election laws and created momentum that could carry over to finance disclosure. Democrats controlled both houses of the Legislature, as was usual at that time, but the state had a Republican governor who had campaigned as an outsider, criticizing corruption in state government,⁷ and whose fundraising practices raised eyebrows in the press.⁸ As an avowed reformer, Gov. Guy Hunt had to publicly support election law reforms, and Democrats saw it as a way to force Hunt to disclose his own campaign contributions, although it was likely that both Hunt and most of the legislators privately preferred to keep the old system in place.⁹

Soon after taking office in 1987, Browder announced that he would appoint a 25-member commission to study the deficiencies in the laws and recommend changes. When he proposed the commission the previous summer, the state's press embraced the idea and editorialized about it

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³ Frederick Burger, "Lawmakers silent on contributions," Anniston Star, Nov. 15, 1987
⁴ Glen Browder, personal interview, March 12, 2005.
⁵ Ibid.
⁶ The resolution of the crossover voting question invites future study but will not be addressed in detail here.
⁷ Browder, March 12, 2005.
⁹ Browder, March 12, 2005.
frequently over the next several months. In March, when Browder announced the appointments
to the newly created Alabama Elections Commission, nearly every newspaper in the state
published the story, thanks in no small part to Browder's four press conferences in four different
cities to name the commissioners.10

In Burger's report in The Anniston Star, Browder used phrases that would be repeated
many times in subsequent news reports as he pushed for election law reforms over the next two
years: "The people of Alabama deserve open, honest and efficient elections. Therefore I am
commissioning this team of political leaders, election officials and private citizens to come up
with specific recommendations to improve our election system. Some of our current laws are
outdated, contradictory and full of loopholes. Many voters, especially after this past year's
campaigns, are simply disgusted."11

The commission's priorities were to be crossover voting and campaign finance
disclosure,12 according to The Anniston Star and other reports. Browder and the commission
addressed the crossover issue first,13 and campaign finance disclosure became less evident in
press reports until August, when Burger revived it in his weekly column with several examples
of political candidates who accepted and did not report large campaign contributions even
though they were running unopposed, candidates who collected many thousands of campaign
dollars and could not account for how the money was spent, and politicians who held fundraisers

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10 How Browder determined the makeup of the Alabama Elections Commission and chose its members has not yet
been examined, but could be addressed in further study. His original proposal called for 27 members, including two
representatives of the press that were excluded from the final appointments. A Montgomery Advertiser editorial of
Sept. 18, 1986, suggested that including members of the press would be inappropriate.

12 Ibid.
13 The Browder Collection, Secretary of State Files, Box 1, Crossover Voting and Alabama Election Commission
folders, various documents.
before announcing their candidacy and so were not required to account for the monies collected.\textsuperscript{14}

In early October, the Birmingham News reported that the Elections Commission was expected to address campaign finance disclosure in public hearings starting within the month. In the article, reporter Tom Gordon quoted Browder saying, "There are not a lot of new ideas in terms of financial disclosure. It's just a question of doing the groundwork…. I'd say it's a question of whether we could put together a legislative team that's willing to tackle it."\textsuperscript{15} Shortly thereafter, Browder's office issued a press release announcing that hearings would begin Nov. 3 in Montgomery.\textsuperscript{16}

Although Browder did not chair the hearings, he clearly led the proceedings.\textsuperscript{17} Many newspapers carried a report from the hearing by Associated Press political writer Bill Poovey, who wrote that Democratic Party Chairman John Baker told the Elections Commission that campaign finance reform was needed immediately, but he did not expect the Legislature to act on it.\textsuperscript{18} Baker said he hoped the party would impose its own tough rules.\textsuperscript{19} Gov. Hunt said later in the day that "any law they get through the Legislature that discloses campaign funds or whatever will get no opposition from me."\textsuperscript{20}

\textsuperscript{16} The Browder Collection, Alabama Election Commission, press release, undated.
\textsuperscript{17} The Browder Collection, Alabama Election Commission, Agenda, Nov. 3, 1987.
\textsuperscript{19} The Alabama Democratic Party did adopt tough new standards, and not long afterward, the state Republican Party also re-instituted disclosure rules, although not as stringent as those the Democrats had adopted. Many in the press saw this move by the Republicans as a motive for the Democrats to accept disclosure law reform, to make the Republicans abide by the same reporting standard. Browder later confirmed that he and Campbell had conferred with Baker about pushing the Democrats to adopt the rigorous standards for that very reason.
\textsuperscript{20} Poovey, Nov. 4, 1987.
The day after the commission hearing, Sen. Jim Bennett of Homewood pre-filed a two-page bill\textsuperscript{21} in the Alabama Senate that sought to amend the existing campaign finance disclosure law. Bennett's bill would require reporting of contributions and expenditures no later than five days before primaries, runoffs and general elections and would raise the threshold for reporting to $100. (The old threshold was $10 for contributions and $5 for expenditures.) The filing went all but unnoticed in the press, which was still writing about the commission hearing.

The Montgomery Advertiser, in an editorial six days after the hearing, compared Browder's strategy for disclosure reform to that of his predecessor Don Siegelman, who had become the state's Attorney General. The editorial concluded that Browder's effort might succeed because, unlike Siegelman, he was willing to share the spotlight and the credit,\textsuperscript{22} an opinion expressed more modestly by Browder himself years later.\textsuperscript{23} The editorial had picked up on the strategy that Browder had subtly promoted since he first suggested forming the Elections Commission more than a year earlier: a team approach.

Many of the articles that quote Browder include references to gathering his team, but none as pointedly as a profile in the now-defunct Alabama Magazine in its January-February issue of 1987, just as Browder was taking office. The article characterizes Browder as a tireless crusader for election reform, noting his disappointment with unsuccessful attempts as a freshman in the Alabama Legislature.

"Undaunted … Browder says the office of Secretary of State will make a better launching pad for his ideas on election reform than did his seat in the Legislature. Browder says the importance of his team approach is its inclusion of the viewpoint of 'the people who have to live

\footnotesize{\textsuperscript{21} The Browder Collection, Campaign Finance Disclosure, "S.17 By Senators Bennett, Corbett, and Bedford," Nov. 4, 1987.  
\textsuperscript{22} "Time To Get Mad," Montgomery Advertiser editorial, Nov. 9, 1987  
\textsuperscript{23} Browder, March 12, 2005.}
with the election laws.' Also, a team is the only way to bring enough influence to bear to make an impact, he says.  

Browder said that a strong team was an absolute necessity for effecting meaningful campaign finance reform. "I knew that what we had done in the past, that process would never work without a couple of things: You had to have somebody statewide — the leader, the champion, the Secretary of State — who was committed to not only introducing the idea, but fighting for it in the trenches, fighting publicly, in the media and speaking at the chambers of commerce, but also inside the corridors of power. And the other thing you needed was someone on the inside, somebody with power, not just a freshman legislator like me. Jim Campbell was that person."

Campbell was the Speaker Pro Tempore and one of the three most powerful Members of the state House of Representatives. His sponsorship of the bill was a key factor in getting it passed. "I'm not going to be falsely modest," Campbell said in an interview in March, 2005, "but once word got out that I was going to be the primary sponsor of the bill, everybody understood that this was going to be a serious proposition. It was going to be a serious effort that was going to set some new rules for campaign finance disclosure."

With Campbell and Rep. Jack Venable, himself a former newspaperman, pushing the bill through the House and Bennett sponsoring it in the Senate, with his Elections Commission holding public hearings on campaign finance disclosure and the press eagerly reporting each incremental development, Browder had a team that he felt could get his bill passed.

24 State Government profile, Alabama Magazine, author unknown, January-February 1987. The profile does not include the writer's name, but the magazine at that time was edited by Wayne Greenhaw, who would endorse campaign finance reform later that year at the first hearing of the Elections Commission.
26 Ted Bryant, Feb. 15, 1988
27 Jim Campbell, personal interview, March 25, 2005
28 Glen Browder, e-mail correspondence, March 30, 2005
When the Legislative session opened in February, Campbell introduced a 17-page bill,\textsuperscript{29} which was to repeal and replace the Corrupt Practices Act of 1915. Bennett introduced an identical bill in the Senate, replacing the amendment to the old law that he had pre-filed in November. The next day, Browder issued a press release\textsuperscript{30} praising the bill as having "biting teeth" in its enforcement provisions. The introduction of the bill and Browder's comments set off another round of reporting and editorializing, and before it was over, the House Judiciary Committee had passed the bill, ensuring that the issue would remain in the press for several more days.

On March 22, Campbell's bill cleared the House. Burger's analysis explained that, assuming the bill became law, implementation would be delayed until the first of the year, and the first reports would be due January 31, 1990. The delay would give the new rules "time to sink in,"\textsuperscript{31} Campbell said in the article. More recently, Campbell said the delay in implementation was one of the concessions that he, Browder and Bennett offered to enable their colleagues to vote for the bill. "Fortunately Glen, Jim and I all were practical men. Glen had been in the Legislature and knew the unwritten rules, which are just as important as the written rules. Bennett had been there the same length of time that I had, so we had a good idea about what would and would not fly and how we could craft the legislation to get it passed."\textsuperscript{32}

Ted Bryant's analysis in the Birmingham Post-Herald advised the reform team not to ice down the champagne just yet, because the quick passage in the House happened, he said, only because Campbell had used his considerable clout to push it through. Bennett did not wield the same power in the Senate, Bryant said, and he might not be able to get the bill to the floor for a

\textsuperscript{29} The Browder Collection, Campaign Finance Disclosure, "H.493 By Campbell, White (L), Brooks and Butler," Feb. 11, 1988
\textsuperscript{32} Campbell, March 25, 2005.
vote. Over the next few days, several newspapers published editorials with sentiments similar to one in the Montgomery Advertiser, which said, "We'll be watching closely to see if any lawmakers stand in the way of elections reform, and we urge the public to watch closely too." Bennett's bill was passed out of committee with four days left in the regular session, but it had not passed the full Senate when the session ended. Campbell, unfazed, said he would ask Gov. Hunt to make it a priority in the special session that would be necessary since the general fund budget, the annual enabling legislation for spending in the state, also was among the bills in the end-of-session backlog that did not get passed.

The Senate passed Bennett's bill in the September special session, but with a number of amendments which were unacceptable to House members, and one in particular that the press considered outrageous. Sen. Lowell Barron, of Fyffe, had amended the bill to prohibit the use of the information in the disclosure reports without the written consent of the person or organization filing the report, effectively making it illegal for the press to report the disclosures. Commentators and cartoonists blasted Barron, who said his intent had been to “prevent political opponents from using names and addresses from the reports to solicit campaign funds for themselves.”

The possibility was great that the session would end before the House-Senate Conference Committee could resolve the differences in the two versions. However with less than one day to

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33 Bryant, March 24, 1988.
work on it, the Conference Committee passed the bill, minus Barron’s amendment and several others.\textsuperscript{40}

The only remaining question was whether Hunt would sign it.\textsuperscript{41} Campbell pointed out that although the press made much of the suspense as the state waited for Hunt's signature, the question was moot. The bill had passed both houses of the Legislature with nearly unanimous votes, and a veto override, if necessary, was guaranteed.\textsuperscript{42} The override turned out not to be necessary, as Hunt signed the bill by the Oct. 2 deadline.\textsuperscript{43}

From the beginning, Browder and Campbell recognized that there would be no great incentive for the Legislature to pass the bill, but they each felt it was important for the public interest — even if, as the editorial writers chided their readers throughout the process,\textsuperscript{44} the public was not particularly interested. Browder gave much of the credit to Campbell, recalling that although he and Bennett had worked to pass a similar bill when Browder was in the House, it was not until Campbell believed in it that reform had a real chance of success. "Jim Bennett was a longtime champion of it, but the key was when we got Jim Campbell on our side," he said.\textsuperscript{45}

Browder said he and Campbell had hatched the plan that eventually would result in the Fair Campaign Practices Act in a parking lot at Jacksonville State University during the summer of 1986. "When Jim Campbell and I sat down out there in the Pete Mathews Coliseum parking lot and we discussed it and we struck that deal, it was a deal struck on commitment to cleaning

\begin{itemize}
\item[42] Campbell, March 25, 2005.
\item[43] Glen Browder, personal interview, March 31, 2005.
\item[45] Browder, March 12, 2005
\end{itemize}
up elections. He believed it enough. It was his civic duty. It was not going to win him any friends. And there's no special interest benefit to him. He was just committed to doing it."\(^{46}\)

Campbell's take was pragmatic: I always felt like it was one of the things that needed to be done, a general legislative prerogative. There were some public interest issues that we should address — God knows, we addressed enough private interest issues. This was one area where I think everybody agreed that the existing law wasn't worth a damn and needed to be changed. The question was how we were going to do it in such a way that in the real world of politics, we could get it passed."\(^{47}\)

The Alabama Fair Campaign Practices Act remains virtually unchanged since it was passed out of the House-Senate Conference Committee on Sept. 20, 1988. Browder and Campbell acknowledge that it is not perfect law, and they knew it when they wrote it. Some of its inadequacies are the result of the inevitable compromises required to craft legislation that incumbent politicians could support. The most frequent criticism, that the law allows untraceable money transfers from one political action committee to another, arose from what Campbell called Campbell's Law of Unintended Consequences. "We never even considered that," he said.\(^{48}\)

Browder, too, said they agreed to compromises to make the legislation palatable to the politicians who would have to vote for it and then live with it. "There are a lot of problems with it and a lot of complaints about it right now," he said. "[But] the complaints are about a system that incorporates the limiting aspects that I had to accept to get it passed — for example, PAC-to-PAC transfers. You're now talking about specific problems within a broader system that works

\(^{46}\) Ibid.
\(^{47}\) Campbell, March 25, 2005.
\(^{48}\) Campbell, March 25, 2005.
like other states' work. We had none; we just had none. Now we have a broad system that works like politics ought to work, and we're focusing on things that need to be corrected.

"Complaints today are about specific aspects of it that don't work very well. It's easy to criticize the campaign law that we have now, but it's a cheap shot. I think the media could do more than complain. For example, PAC-to-PAC transfers, money gets lost — the media can figure out where that money comes from, they just can't prove it. They ought to go ahead and say where the money comes from and, frankly, let the politicians dispute what the media say. Let the politicians say, 'We laundered it.' The media won't go out there and call a spade a spade about where the money comes from."49

Campbell used almost the same words in ascribing the PAC-to-PAC transfer problem to the media: "That's more of an editorial page issue than a real one. Otherwise, the Legislature would have done something with it. The information is there. There's a thread that can be followed, it just takes a little work. …A lot of the griping I hear about campaign finance reform is that a lot of people in the media are just too damn lazy to do the spadework."50

Despite whatever complaints now are leveled against it, The Fair Campaign Practices Act filled a 75-year void. "The law changed the environment completely," Browder said. "It didn't perfect the environment. For the first time now, people play by rules whereby they tell where they get their money and how they spend it. You can be kicked out of office — and people have been kicked out of office — for violating this.

"We have a system that works…. It's the difference between night and day."51
Conclusions

Our initial hypothesis that the newspaper accounts would be deficient turned out to be true, especially if we limited the number of newspapers we consulted. However, when all reports from all the newspapers in the state were considered, they produced a wealth of information that was richer in detail than we expected and was highly accurate. Although the expected local bias in reporting did appear in some accounts, particularly in the smaller papers, the issue of campaign finance disclosure was of statewide importance and most reports reflected that. Most surprising was the degree to which the newspapers explained the mechanics of the legislative process to a readership that both the media and the legislators assumed cared little about the outcome. The assumptions that the reporters did not know enough about the legislative process to report adequately and that the newspapers’ space limitations would preclude satisfactory explanations turned out to be wrong.

The addition of information from primary sources, as expected, enhanced both the substance and the detail of the profile. Of particular interest in The Browder Collection are the original bills introduced in the House and Senate, records on the formation of the Alabama Elections Commission, a poll Browder commissioned to assess voter concern about election reform, collected news reports, editorials and editorial cartoons from Browder's term as Secretary of State, and Browder's own campaign contribution reports.

Of inestimable value were personal interviews with Browder, totaling more than three hours in January and March, 2005, and a 90-minute interview with Jim Campbell in March, 2005. Their memories of the tumultuous events of 1986-88 were just different enough to provide a stereoscopic picture, bringing a third dimension to a colorful but previously flat image. Interviews with both men provided a sense of the interplay of personalities as they described
each other, their comrade at arms Jim Bennett, former Gov. Guy Hunt, former Secretary of State (and former Gov.) Don Siegelman, their mutual friend and colleague Sen. Lowell Barron, and members of the press who covered the campaign for election reform. Interviews with both men also dispelled any impression that Browder the Reformer equates to Browder the Idealist. Based on this study, Browder emerges as a practical reformer who is willing to fight for his cause "in the trenches, in the media, at the chambers of commerce, and inside the corridors of power."
Further inquiry

The research in this study was the beginning of an extensive investigation whose ultimate goals are to organize and inventory the entire Browder Collection in preparation for turning it over to the Houston Cole Library at Jacksonville State University and to publish a book-length biography of Browder.

A number of specific questions that arose during this part of the investigation that invite further inquiry:

- The Alabama Elections Commission — The commission was created at Browder's request in 1986 and he appointed its first members in March 1987. What criteria were used for selecting its members? How much freedom did it have in addressing election law reforms? How much impact did its recommendations have? What other election reforms has it addressed over the last 18 years? What is its current status?

- Crossover voting — This issue arose in 1986 when gubernatorial Charlie Graddick encouraged voters who had already participated voted in the Republican primary to cross over and vote against Bill Baxley in the Democratic runoff. It was this issue that provided public impetus for election law reforms, and it was the first issue addressed by the Alabama Elections Commission. How was it resolved, and has the resolution survived 17 years of Alabama politics?

- Party standards for campaign finance disclosure — At the time the Fair Campaign Practices Act was being legislated, the Alabama Democratic and Republican Parties were involved in what Browder has called "a dance" around disclosure rules, with each party attempting to take the high ground while forcing the other to adopt more stringent rules. Although the adoption of the rules and the impact of the changes were reported at length, conversations with Browder suggest that "the dance" was more important than the newspapers
reported, and that the parties were being purposely manipulated to create circumstances in which both parties would find it in their best interest to pass the new law.

The Browder Collection contains hundreds of boxes of documents, photographs, video and audio media and memorabilia. The authors and Dr. Browder encourage other scholars to explore The Browder Collection for their own research.
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