

# After the Scandal: Picking Up the Pieces

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by Frank Browning

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As the casualties of political scandal accumulate, many careers lie in ruins. In happier times, Jeb Magruder had planned to return to his native California and run for a seat in Congress. It is likely that John Dean's hopes were as high, as were those of Gordon Strachan and the dozen others now laid low by public censure.

These are young men. Although they had been working on the fringes of power, most of them have been touched with scandal before their careers have really begun. Twenty-five years from now they will still be supporting their families, still trying to make some sense of their accomplishments and fates. As they contemplate what those years may bring, they may do well to study the story of a man who has walked the same path, Edward Prichard, humiliated by political scandal and jailed 23 years ago.

As the New Deal was supplanted by the Fair Deal, Prichard was among the most promising of the young men who congregated in Washington. Although "Prich" was born into poli-

tics as the son of a state senator in Bourbon County, Kentucky, his rapid rise was earned rather than inherited. Pronounced a prodigy in grade school, Prichard went through Princeton and Harvard Law School with a record so sterling that he was selected to clerk for Supreme Court Justice Felix Frankfurter. For a young man, perhaps no position could have provided swifter entree into the heady world of Washington during the Roosevelt Administration. After his service with Frankfurter, high government posts followed in quick succession. Before he was 30, Prichard was an assistant U. S. Attorney General; from there he went to the Office of War Mobilization and Reconversion as general counsel; and when the war ended, he was assistant to Treasury Secretary Frederick Vinson, who later served as Chief Justice of the Supreme Court.

But a man can stay too long in Washington if he's hoping for power in state politics. Credentials from the Capitol aren't enough to win elections. Not in Kentucky, anyway. A good family goes far in Kentucky, and Prichard's was good enough, though it was never at the heart of the mint julep aristocracy. So, at the end of the

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war, Prich came home, brilliant, cocky, and still young enough to have retained his Bourbon County accent.

Coming home to Kentucky, unlike claiming electoral residency in California or New York, means passing muster with the boys. Perhaps Prich's undoing was that he tried too hard to prove that his years in Washington hadn't made him too good for the rough-and-tumble of Kentucky politics. By 1948, Prichard had established law offices in Lexington and in Frankfort, the state capital. But the law practice was just a front for his real ambition—a race for the governorship in 1951. This was far from secret, and Prich's return was hardly reassuring for older Democrats who still harbored hopes of rising to the top of Kentucky politics.

For anyone who wanted to be governor of Kentucky, the 1948 election was particularly important. The state's Democrats, certain that Truman was doomed to defeat, felt they faced a difficult race for the Senate—where Republican John Sherman Cooper was making his first bid against Virgil Chapman, a Democrat from Prichard's own Bourbon County.

Prich's motivations at this time are still unclear. Perhaps he thought he had to produce a landslide for Chapman in his home county. Or perhaps it was the outgrowth of some late-night dare to demonstrate that Washington hadn't made him too good for Bourbon County politics.

In any case, Prich's plans came to a sudden end on election day, 1948. Before the polls opened, election officials delivered the heavy metal ballot boxes to the precincts. As they were being transported, a few of the ballot boxes seemed to rustle suspiciously. A sheriff was summoned and he discovered that 254 ballots had been stuffed into the boxes—all but one marked straight Democratic.

Even in Bourbon County, this was serious business, and the incident gave rise to an exhaustive investigation by the FBI and a local grand jury. In early 1949, Prichard and his law part-

ner, A. E. "Little Al" Funk, the son of the state attorney general, were indicted for election fraud.

Both Prichard and Funk denied everything, and handwriting experts and fingerprinting analysts were called in to examine the forged ballots. However, right after the election, before there were any indictments, Prichard had sought the counsel of Phil Ardery, a former law partner and Prich's roommate at Harvard. The Arderys were old family friends, and Phil drove Prich over to see his father, Circuit Judge William B. Ardery. As the Judge recalled the visit, Prich came out onto the porch alone and his first words were, "Judge, I'm in deep trouble and I want your advice." Then Prich told the whole story about stuffing the forged ballots. Meanwhile, Phil and his mother remained inside but within easy earshot through an open window.

Prich and the Arderys both deny telling anyone about that conversation, but by the time the case came to trial in July, 1949, the federal prosecutor had heard a rumor of it and he called Judge Ardery to the stand. Prich fought the introduction of the Judge's testimony, claiming attorney-client privilege, and the court recessed for two days to hear the defense motion. Ardery's testimony was the prosecution's only real chance for a conviction. But when the court reconvened, the old judge was directed to reveal what Prich had told him. (Asked to recount what advice he had offered, Judge Ardery said, "I suggested. . . that he go to see his pastor. He didn't seem inclined to receive that suggestion favorably.")

Only Prich was convicted, because any testimony the Judge could give against Funk was not admissible because it was hearsay. Prichard fought his conviction on the grounds that the lawyer-client privilege had been violated, and nearly a year was spent on appeals. Finally, the Supreme Court refused to consider the case because four Justices—Felix Frankfurter, Frederick Vinson,

Stanley Reed, and Tom Clark, all Prichard's friends or associates—disqualified themselves. More than 100 prominent lawyers petitioned President Truman requesting executive clemency for Prichard. At the same time, Prichard's attorneys appealed to the federal court to reduce his sentence to probation and a fine, arguing that the almost-certain destruction of his political career was punishment enough. But presiding Judge H. Church Ford felt otherwise:

There is no trouble. . . to determine the sentence in cases where there has been a deliberate and flagrant violation of the laws by a man of education, mature years, mature experience. The defendant here has sat silent—but I remember that 254 ballots were forged, after being stolen or surreptitiously extracted from a government office—and surreptitiously deposited in 11 precincts. It would be a perversion and abuse of the laws of probation when the offense was deliberate.”

So, in the summer of 1950, Edward F. Prichard, Jr., the man who used to sit up with FDR telling him about the horrors of Appalachia, the man who had planned to run for governor of Kentucky in 1951, entered the Federal Correctional Institution at Ashland, Kentucky. He served only five months of a two-year sentence, released when President Truman granted a Christmas clemency.

When Prich left prison at the end of 1950, he was a young man caught in a vacuum. While Governor Earle Clements had offered character testimony at Prich's trial, it was hopeless to think of offering Prich any kind of political position afterwards. Prichard had managed to avoid permanent disbarment only by voluntarily relinquishing his license. For two years he couldn't practice law at all. Although Prichard never was a social or political untouchable, consorting with a “known felon,” as one opponent called him, was certainly not advisable for any aspiring politician. Mostly, Prich just waited. His extraordinary talents as a storyteller and his obvious

mental agility gave him entree into the homes and taverns where politics are made. In 1952 he was allowed to rejoin the bar and built a small clientele handling wills, contracts, and civil cases—the normal diet of any attorney's office.

But Prich explains that period best himself:

Well, hell, I'd just been in very serious trouble, and you don't step right out of that into a bed of roses. My problem was not reorganizing myself in some political activity. My problem was using that [political work] to some degree as a refuge from facing the problem of working harder to make a living—you know, just sorta go off and get tied up three or four months in a political campaign.

I can recall during the war. . . when a former senator from Michigan named Prentice Brown was administrator of the Office of Price Administration, and of course he was totally unfitted for it. One day I was working in the White House with Judge Vinson [then Treasury Secretary] and we had to have a meeting about stabilization policies and we couldn't find Prentice Brown anywhere. Brown's assistant finally broke down and told us, “The pressure has become so great over here that every afternoon Prentice goes to the picture show from 2 to 5.” It was only years later that I finally understood how one might do something like that. Instead of going to a picture show I would get involved in a political campaign.

Things began to change for Prichard in 1955 when the state Democratic Party went through one of its perennial divisive primaries. This was the year that ex-Senator and former Baseball Commissioner “Happy” Chandler decided to run again for governor—a position he had held 20 years earlier. Campaigning against him in the primary was Bert Combs, a liberal who described himself as a “hillbilly lawyer.” Although he eventually lost, Combs had run well, and his following continued to grow throughout Chandler's four-year term. Prich became one of Comb's closest advisors.

Four years later, in 1959, Kentucky Democrats went through another public blood-letting with

almost the same cast. The only difference was that the state's law prohibiting a governor from serving successive terms forced Chandler to run for lieutenant governor. Combs won, and during the next four years he relied heavily on Prichard as an unpaid but invaluable daily advisor. During that time Prichard spent as much as 90 per cent of his time on politics, letting his legal practice dwindle to almost nothing. From trouble-shooting around the state to writing legislation and maneuvering it through the statehouse, Prichard won a reputation as Frankfort's cleverest, most knowledgeable, and—if need be—most vicious rhetorician.

By this time Prichard had developed the knack of predicting election returns from almost all of Kentucky's 120 counties. To some extent this was merely grandstanding for the statehouse reporters, most of whom still regard him as one of their friendliest and most reliable sources. But Prichard's ability to carry these predictions off accurately derived from a passionate attention to county elections, from personal associations with local leaders around the state, and from an almost-perfect memory. Such scholarship—which stems from years of trading old stories with state legislators and their assistants—constituted the core of what might be called Prichard's rehabilitation. He made it a point to know where all the bodies were buried and which ones could be quickly exhumed to serve a political purpose.

It's hard to gauge how this work may have affected Prichard. Those who know him best say he loves nothing so much as the stuff of politics: the talking, the deals, and the maneuvering between boundaries of personal constraint and ideological commitment. Yet however absorbing this great, extended dance may have been, nearly all his partners were men whom he had surpassed a decade before, figures who even in late middle-age wouldn't possess the potential Prichard had had and lost in

his twenties and thirties.

But none of these considerations prevented a primed and partially refurbished Prich from openly hitting the campaign trail in 1963 for Combs' designated successor, a boyish-looking Kennedy disciple named Ned Breathitt. Squared off against Breathitt was, once again, Happy Chandler. For Chandler, his opponent was not Breathitt but that "felon Prichard" whom Breathitt had as an advisor. Prich had not spoken in public for 15 years, but he responded to the charge with glorious fervor, launching into a series of speeches which gained a kind of immortality throughout the state, and a tape of one particular speech is still circulated with the same sort of devotion that some hold for rare Lenny Bruce recordings.

The speech was at Hindman, deep in the eastern mountains, and was delivered from the back of an iron-rimmed truck bed just before the May primary. As some 300 people stood around in a light mist, Prich lost no time in starting in on Chandler:

The time's past, when some demagogue, some politician, some fellow that comes up here and sheds tears as big as soup beans and duck eggs every four years, the time's past when a fellow like that can turn East Kentucky against West Kentucky, and Louisville against the rest of the state. . . .

This man that says Eastern Kentucky's nowhere and that says good four-lane roads are too *good* for Eastern Kentucky, that good parks are too *good* for the people of Eastern Kentucky, that good salaries are too *good* for the school teachers of Eastern Kentucky—this man is not your friend. He's just coming up here to gull you out of a few votes and then you won't see him again for four years.

He says he's gonna build some country roads.

Well, all right, I'll tell you how he built country roads during the last time he was governor. He took \$869,000 out of the rural road fund and gave it in contracts to his son-in-law, *Jimmy Jack Lewis*. And 40 per cent of it was for designing roads that were never built. Now that's what he did with your rural road money.

You've heard about paying a farmer not

to grow tobacco, not to grow corn, but this is the first time in history that they ever paid an engineer *not* to build roads.

Now if you want to *Fill the Sack for Jimmy Jack*, if you want to pay \$17,000 for a road grader that only cost \$11,000 today, if you want to take rural road money to build a four-lane, concrete road from Versailles to Frankfort—cause that’s where he got the money to build that road from his home to his golf course, *nine million dollars* out of the rural road fund . . .

That highway from Versailles to Frankfort, that money they used to:

Fill the Sack  
For Jimmy Jack

That money that they used to pay \$6,000 a piece in fat, excess profits for kickbacks and payoffs for those road graders—why that’d have paved, that’d have blacktopped *alotta miles* of road in Knott County, wouldn’t it my friends? . . .

Now this man Chandler. He says he’s a great friend of the one-gallis man, he talks a lot about the one-gallis man. You remember what the Bible says: not every man that says *Lord! Lord!* will enter the Kingdom of Heaven. Well, not every man that cries about the one-gallis man and the gingham-apron gal gives much of a hoot about her.

He lives in a \$91,000 house in Versailles that somebody built for him the last time he was governor.

He lives by the side of a swimming pool that was given to him by a war contractor when he was a member of the United States Senate and was on the Military Affairs Committee that had jurisdiction over war contractors.

And that swimming pool used up the steel and the concrete and the metal that was needed for our war effort.

Three days after Pearl Harbor he resigned his commission in the United States Army and spent the war floating around on top of that swimming pool. Say a man that accepts that kind of gift isn’t fit to be governor of Kentucky!

Chandler, who lost that election, has now drifted into Kentucky obscurity, a *passee* character at governors’ brunches, hunting for someone to listen to him, while Prichard has earned a kind of respectability. “I don’t think any individual in the state has had more influence on two and maybe three of the last four governors,” Lexington *Herald* editor Don Mills says of Prichard. “Most Ken-

tuckians look on Prichard as merely a shrewd dealer, a political strategist, and they fail to recognize the tremendous influence he’s had on things considered right and good government—especially higher education and teacher salaries. Prichard was the same way in human rights during the struggles in the early sixties. He was always standing there advocating the right thing in that area. And whenever we got into trouble, Breathitt would say first thing, ‘Get Prich here.’”

In 1966 Breathitt named Prichard to his first public post since the scandal, the newly created Public Council on Higher Education, the coordinating body for state colleges and universities. He is not as close to Wendell Ford, the current Democratic governor, as he was to Combs and Breathitt, partly because Prichard supported Combs in the 1971 primary against Ford.

Friends and close observers say it is honor that kept Prich from accepting paid public appointments from either Combs or Breathitt while they were governor. Honor not so much founded on his own pride, but a political honor and loyalty which would not allow slander directed at him to embarrass the man who appointed him. He claims not to have nurtured any personal political ambitions in the years since he left prison. “In the early phases of this period there were obvious reasons why it would have been improbable or impractical, and then in the later phases I felt the time had passed—too old if I had been interested.”

Nevertheless, Prich was unable, or perhaps he never really desired, to leave electoral politics. “Maybe a fellow just wants to have the dog that bit him. I don’t know. I might have got out. But I didn’t. But this is more,” he says in a kind of defiant self-discovery, “because it chose me, in a sense. At one time or another somebody would ask me to help him, and I’d be interested. In none of these occasions, really, did I have to inject myself, it was always somebody seek-

ing my assistance.”

Now in his late fifties, Prichard practices law vigorously. “After half a century of totally undisciplined life in which my law practice came after everything else, I’ve proved an old dog can learn new tricks and I’ve become a pretty active lawyer.” His most successful recent case, he notes with modest irony, was a suit against former Republican Governor Nunn for firing several score of Democratic employees in violation of the Kentucky merit code. The fees Prichard earned for winning more than \$1 million in back salary payments amounted to far more than he had ever received for all his years of service to Kentucky Democrats.

Prichard lectures regularly, too. His political acquaintances (a friend of LBJ’s to the end, he recently spent several days at Lady Bird’s ranch in Texas) and his rhetorical reputation are enough for him to command handsome speaking fees. Last May, before a group of Washington lawyers, Prichard allowed that John Connally’s brief return to the Nixon Administration had nothing to do with political expedience. “In the last judgment,” Prichard said, “the Lord isn’t going to send anybody anywhere. He’s just going to take away their inhibitions and everybody’s going to go where he belongs. That’s all happened to John Connally. He looked ’em over and said, ‘That’s the crowd that bugged the Watergate, that’s the crowd that tried to frame Ellsberg, that’s the crowd that tried to falsify the record about Vietnam after President Kennedy’s death. That’s where I belong.’”

When Prichard knows he’s turned a good line, he saves it, relishes it, and maybe improves on it a little for visitors. Leaning back in his big leather swivel chair, scraping the paint off the wall behind, he’ll shut his eyes, breathe as though he’s dozed off, and then tell you, “You know, I’m not the bravest person in the world. I’m still not out in the open politically as far left as I feel. Probably, I’ve given a lot

of hostages to fortune. And of course, too, I’m not sure I want to see myself described in print. I think I might rather be just talked about as some kind of folk villain.”

His years of penance have not made Prichard into a saint. “Loyalty,” he said in explaining a recent political maneuver, “I guess it’s the only virtue I’d place above honor.” Having paid for 25 years precisely because he chose loyalty above honor and the law, Prichard seems tragically blind to the source of his mistake. Although the trial and incarceration no longer play a part in his conversation, he obviously bears an abiding grudge against the Arderys, who helped send him to jail. “Now, I’m not going to take up for them,” he said this year about one of the family. “Everybody knows I don’t like them.” And what has Judge Ardery done to wrong him? Not running to the police, nor secretly revealing a confidence, but only telling the truth when compelled in a courtroom.

Prichard’s blindness to the flaw in values which brought about the sudden reversal in his fortunes, and the residue of bitterness which he evidently still nurses, are signs that he has not wholly redeemed himself, has not completely transcended his experience and grown beyond it. But there is much to admire in this imperfect Lord Jim. He did not disintegrate into self-pity or self-flagellation as a weaker man might have. More important, he did not let the grand visions of what he might have been and done prevent him from making the best contribution he could under the circumstances and having a lot of fun while doing it. He not only overcame the humiliating reduction from potential Olympian to servant of far lesser heroes than he might have been, but he did not succumb to being publicly branded, righteously pointed to as a sinner who had gotten his just deserts. One can only hope that Nixon’s fallen young men will come to terms with their personal tragedy as well as Prichard did. ■

# Running for Office: All You Need Is an Issue

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by Stephen Schlesinger

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Until recently, the politician who was seriously weighing a race for the presidency, or for a lesser office like governor or senator, always faced the question of how to finance his fantasy. The question very quickly boiled down to this: Which special interests must I court? To which industries or unions or lobbies must I sell myself for the money to run my campaign?

Unless he decided to drop the race altogether, or unless he had inherited wealth, the candidate had no choice but to honor the system and plunk down his soul at the nearest financing institution he could find.

But developments in presidential campaign fund-raising over the past decade have dramatically altered the conventional ways of campaign financing. In the last three presidential elections, candidates with controversial, anti-institutional views on the

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right and on the left have won nominations and run national campaigns while raising most of their money from small contributors, thus avoiding dependence on special-interest funding. They have, however, paid for their acts of heterodoxy by losing their elections.

The insurgency campaign is still a very complicated and uncertain course for a candidate to follow: all recent insurgencies represented high-risk, high-octane politics where a single misstep could (and did) result in self-immolation. While insurgent politics has not passed the ultimate test—actually winning elections—something is stirring American voters.

Perhaps their attraction to insurgents is symptomatic of a disorderly time. The insurgent acts as a receptacle for the highly charged electrical currents loose in the society. The man or woman who lays out dimes and dollar bills for an insurgent candidate