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by Andy Taggart

Governor Kirk Fordice scowled when I interrupted a meeting he was hosting in his ceremonial office on the third floor of Mississippi's historic state capitol.

Kirk Fordice, Courtesy, Wikipedia Commons, https://en.wikipedia.org/wiki/Kirk_Fordice#/media/File:Kirk_Fordice.jpg

Our offices adjoined by a door, and though Governor Fordice had given me complete discretion as his chief of staff to enter his office at any time I deemed it necessary, I was also expected to exercise the judgment to know that there were times to use the door and times not to use it. That particular meeting on January 11, 1994, consisted only of the governor and the state auditor.

The reason for my interruption was personal, not professional. Still, I walked in, apologized to both the governor and the auditor, and though Governor Fordice was not pleased with the interruption, I could also tell that he sensed that my reason would prove to justify my having barged in on his meeting. He followed me through the door to my office, and I told him in a broken voice that I had just received word that my father had suffered a heart attack and died during the previous night at the age of sixty-three. I needed to leave the office immediately to take care of my family.

During many years prior to his election as Mississippi's first post-Re-

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construction Republican governor, Kirk Fordice had earned a reputation as a hard-nosed, blustery and boisterous leader—often described by his detractors as a "bull in a china closet," or, more pointedly, a "bully." As CEO of a heavy construction company that made its mark building and installing massive bank stabilization mats along the Mississippi River; as a colonel in the United States Army Reserve; and as national president of a huge and influential trade association, the Associated General Contractors, Fordice had spent a career barking orders to work crews trying to tame the river, haranguing troops on his Army engineer's detail and arguing on behalf of his industry before Congress. As is the case in many instances, Fordice, while being a vocal critic of the federal government, benefited immensely from his firm's federal contracts.

He fought minority set-aside contracts as violative of his company's right to equal protection of the law in a case that see-sawed back and forth between trial courts and appellate courts for years. Widely read, Fordice was as comfortable discussing the campaigns of Napoleon as he was Ronald Reagan's philosophy during the Cold War.

Still, when he announced that he was running for governor in January of 1991, few in the state outside his hometown of Vicksburg and the inner circles of the organized Mississippi Republican Party had heard the name Kirk Fordice, let alone had any notion that he could be elected to statewide office on a first try. Fordice spent the months leading up to the highly contested primary set for August of 1991, in which he was pitted against a sitting statewide Republican official, yelling at leaders in the state's Republican Party establishment about their lack of support for him, despite his many years supporting Republican candidates financially and his volunteer service as secretary to the Mississippi Republican Party State Executive Committee.

Fordice's opponent in that 1991 primary was the then-sitting State Auditor Pete Johnson, nephew of a former governor and grandson of another former governor. Because Johnson had recently been recruited by many longtime Republican activists and elected officials to switch from the Democratic Party to the Republican Party, many of them said they felt an obligation to support him when he announced his intention to run for governor.

After Fordice's surprising primary win over the heavily favored Johnson, Fordice began an even more strident cycle of visits to Republican Party leaders. In some visits, he loudly demanded to know why they thought a person who had been a lifelong Democrat deserved their support over one

who had been a lifelong Republican, and why they chose to support what he called a "professional politician" over himself, a private businessman.

In November, Kirk Fordice defeated incumbent Democratic Governor Ray Mabus, who was vying to become the state's first governor since the adoption of the Constitution of 1890 to serve successive four-year terms.[1] When Mabus declined to concede defeat on the night of the 1991 election, Fordice stormed the stage at the hotel where his own supporters were gathered and shouted over the sounds of the jubilant crowd, "Tonight, I am proud to accept election to the governorship of the State of Mississippi!"

That tone, and Fordice's propensity to project loudly in any setting, came to mark the early years of his service as governor. I was often asked how I could work for a guy who yelled at me all the time. My honest response always was: "The Governor has only yelled at me once, but he yells around me a lot."

So, on the cold January morning at the beginning of his third year of office, when I broke the news to him of my father's death, people who knew him only as a public figure with a pushy persona would have been surprised at the scene in my little office.

Governor Fordice took my right hand in a handshake, then wrapped his left arm around me in a paternalistic bear hug. He said quietly, "Do whatever you need to do to take care of yourself and your family. We'll take care of business here."

Daniel Kirkwood Fordice Jr., was born on February 11, 1934, in Memphis, Tennessee, where he completed high school. He studied engineering at Purdue University, earning both undergraduate and graduate degrees. Upon graduation, he joined the United States Army, and then, the Army Reserve. But most of his adult life prior to his election to office in 1991 was devoted to building his business, Fordice Construction Company.

Perhaps spending thirty years trying to master the Mississippi River is good training for public office in an age that seems marked more by rancor and bitterness than by compromise and resolution. Fordice prided himself in the "CEO to CEO" approach he took to economic development while governor, making the case that as a business owner himself, he was better suited than most

[1] The state's prior constitutional one-term limit on gubernatorial service was extended to two terms during the 1980s, though then-Governor Bill Allain, the first governor eligible to run for a second consecutive term under the new provision, chose not to run for reelection in 1987. Ray Mabus was elected governor in 1987 and ran to succeed himself in the 1991 election. Kirk Fordice's election in 1991 and reelection in 1995 made him the first in the twentieth century to be elected to successive terms.

public officials to recruit other business owners into the state.

No doubt the self-confidence—and even swagger—that Fordice developed pushing men and machines in the mud on the flat banks of the Mississippi River helped him believe when few did that he could be elected governor on his first try for high office.

And, no doubt, the skills he learned during those years and his rugged commitment to ethical dealings equipped him to lead in state government.

Mike Moore, who served as the state's attorney general for the entire time that Fordice served as governor, had also built a reputation for his frank, in-your-face approach to issues of public consequence. The two found themselves at odds quite frequently, most notoriously in the context of Moore's celebrated and successful litigation against the nation's largest tobacco companies, which Fordice strongly opposed.

So, when Moore asked for a meeting with Fordice one day early in the governor's first term, the attorney general might have thought that the fact that he was bringing unwelcome news would lead to a confrontation between the two, even a shouting match. All the same, Moore calmly related to Fordice that a mid-level director who had recently been hired in a major state agency under the governor's purview had been engaged in self-dealing, trying to direct work in such a way as to benefit a business owned by that state employee.

Fordice looked at me and asked whether Attorney General Moore's allegations were true. "First I've heard of it," was my response.

"Then find out whether it's true, and if it is, that person no longer works here," Fordice replied.

We found out that the attorney general had, in fact, brought accurate information to the governor's attention, and the state employee in question was terminated that same day.

And so it was with key appointments Fordice made early in his first term, which earned him even among his adversaries a certain grudging admiration for his apparently non-political and merit-based hiring decisions.

Examples abound.

Kirk Fordice was the first governor to serve in office when it came time to appoint a permanent Gaming Commission to oversee development and regulation of the state's nascent gaming industry. Fordice had made no secret of his opposition to legalized gaming (casino gambling), but the legislature had adopted the authorizing legislation and Governor Ray Mabus had signed it into law in the year before Fordice took office.

Ironically, an opponent of gaming had to name the three com-

missioners provided for by law to oversee Mississippi's foray into casino gambling. Fordice was lobbied by a great many people who wanted a gubernatorial appointment to the Gaming Commission. But he early on established a key litmus test for appointment—anyone who wanted the job was immediately disqualified.

Consequently, when Fordice decided upon the candidates he wanted to appoint, he was turned down by a number of them. He finally resorted to a call to patriotism and prevailed upon three men, late in their careers and decidedly non-gamblers, whom he cajoled into service.

Mississippi, alone among the states that legalized casino gambling in a big way, was notably scandal free in the ramp-up of an industry rife with the prospect for scandal.

Similarly, Fordice's approach to the appointment of his key military leadership ran counter to convention. Under some previous governors, the appointment of the adjutant general, the commanding officer of the state's contingent of the National Guard, was a highly political process. The appointment often went to senior officers who had shown political loyalty to a new governor. After Fordice's election in 1991, he named a volunteer committee of military veterans and commissioned them with the task of recommending to him a candidate for adjutant general.

Fordice's committee came back to him with the name of James Garner, a highly respected officer in the Army National Guard, and Fordice accepted the recommendation and named Garner as adjutant general.

At the news conference announcing the appointment of General Garner soon thereafter, a reporter asked Fordice whether Garner had contributed financially to his campaign. Bewildered, Fordice turned to Garner and asked, "Did you?"

Garner sheepishly responded, "Well, I voted for you, Governor."

It was the first Fordice knew of it.

On the other hand, Fordice's dogged sense that every policy issue had only a right and a wrong position made it difficult for him to be successful in the legislative arena, where issue after issue has a wide range of possible resolutions.

On one such occasion, a delegation of senior legislators came to call upon Fordice in his office to explain their concern about geographic restrictions in the state's new gaming laws. The authorizing legislation provided that casinos would be allowed in Mississippi only on waterfront properties, and that, while the gaming barges (often referred to as "boats") did not have to be capable of navigation, casinos did actually have to be situ-

ated on barges and actually on the water in counties bounded by the Gulf of Mexico (technically, the Mississippi Sound) or the Mississippi River.[2]

Legislators understood that the language of the new law would prevent the development of any casinos on the protected, or eastern, side of the Mississippi River levee system, an intricate and extensive set of earthwork levees, the Mississippi portion of which runs from DeSoto County in extreme northwest Mississippi (suburban Memphis) to Warren County (Vicksburg).

They approached Fordice with maps and charts that they rolled out on a large table in his office, explaining that in order to avoid flooding events, and to foster stability in the gaming industry, the law should be tweaked to allow casinos to locate on the protected side of the main Mississippi River levee in the river counties.

Fordice had already, and on many previous occasions, made it clear that he would have vetoed the original gaming legislation had he been governor when it was adopted, and that he adamantly opposed any encroachment of the gaming industry beyond the waterfront geography dictated by the original legislation.

On the day that the legislative delegation approached him with their pitch that he should agree to amended legislation, the late Bill Minor[3] of Marshall County was chairman of the Senate Finance Committee and primary spokesman for the delegation that called on the governor. Minor was only a few minutes into his spiel for amended legislation when Fordice exploded.

"Dammit, I told you I was not going to support any expansion of the territory where we allow gambling, and now that is exactly what you are asking me to do," Fordice thundered. "You are wasting all of our time here, because I told you not to come here if you're coming to ask me to do that."

Minor, no shrinking violet himself, and a longtime veteran of many difficult legislative battles, burst through the door leaving the governor's office, shouting with equal vehemence, "That man's crazy! I'm never coming back up in this office again!"

No bill purporting to expand the geographic reach

[2] For a review of the legislative process that led to the odd result that casino gaming in Mississippi had to be conducted on barges, but that the boats were not required to be navigable, see Jere Nash and Andy Taggart, *Mississippi Politics: The Struggle for Power: 1976-2008* (University Press of Mississippi, 2009), 218-219.

[3] Not the same person as the late journalist and columnist Bill Minor, also of Mississippi, and a persistent critic of Kirk Fordice.

of casino gaming ever made it to Fordice's desk.[4] And Senator Bill Minor never returned to Fordice's office.

Fordice's legacy of fiscal responsibility may best be summed up in two key policy successes. He pushed for and ultimately signed into law legislation limiting any year's budget writers from appropriating more than 98 percent of the coming year's projected total revenues. His interest in that legislation arose out of the hard lessons learned during the immediate years leading up to his first year in office, when legislative officials had projected too-rosy revenue collections, then budgeted to spend 100 percent of the overly optimistic projections. When revenues proved short of what had been hoped, Fordice's predecessor, Governor Ray Mabus, was forced by law to cut agency spending during the middle of existing budget years.

Under the new 98 percent rule, the likelihood of mid-year budget cuts was reduced, though there remained little to do about legislators adopting overly optimistic revenue projections.

Fordice's second fiscal success arose partly as a consequence of his conservative leadership on state spending, partly because of a sales tax hike that became law over his veto, and partly a consequence of the growth of the gaming industry during his eight years in office. Within weeks of taking the oath of office, Fordice had been forced to order cuts in state spending necessary to account for a looming $75 million shortfall. But by the time he left office, Fordice presided over a budget surplus of $300 million, a swing during his eight years as governor of $375 million to the good in the state's General Fund.

Success in the fiscal arena notwithstanding, any fair review of his time in office must also acknowledge that Fordice's tenure in office was marred by a number of missteps, personality issues, and personal choices.

He steadily refused to do the hard, person-to-person work required to build strong relationships with legislators, particularly Democrats who were still in the majority in both chambers during Fordice's terms. The lack of those personal relationships cost him in policy fights that might have gone differently if he could have prevailed upon members to support his initiatives out of personal affinity and trust, rather than

[4] On the heels of the massive destruction caused by Hurricane Katrina on the Mississippi Gulf Coast in August of 2005, the Mississippi Legislature only two months later sent legislation to the desk of then-Governor Haley Barbour allowing for the location of casinos on dry land so long as within eight hundred feet of the water in the Gulf Coast counties and on properties that otherwise would have been legal gaming sites for a "boat" under the original legislation. See *http://billstatus.ls.state.ms.us/documents/20055E/pdf/HB/0001-0099/HB0046SG.pdf.*

simply because he had determined they were "right" for the state.

Then, because he had spent his adult life up to the time he took office running a highly successful business enterprise, Fordice arrived in office with the expectation that as leader he would make decisions, and the structure of the government, of which he had been elected chief executive, would simply fall in line. His personality was such that he believed that, as boss, he had the authority to give orders that would be followed.

Of course, that's rarely the way government works. As one senior legislator put it wryly, "Governors come and governors go, but the legislature is always here."

Finally, midway through his first term, Fordice announced that he and his wife, highly popular and widely admired First Lady Pat Fordice, were having irreconcilable marital differences. Though it might seem odd by the standards of today that the public would be fazed by the marital status of elected officials, in the Mississippi of the early 1990s, the governor's announcement sent shockwaves through the state's political nerve centers.

When Mrs. Fordice announced a few days later that she did not know what the governor had meant by his announcement, and that she had no intention of granting him a divorce or of leaving the Governor's Mansion as First Lady, shockwaves turned to amazement.

Fordice himself later followed with a statement requesting privacy and respect for his family while he and Mrs. Fordice worked through their personal issues.

Rumors abounded at the time that Fordice might not run for reelection in 1995 in view of the revelations about marital difficulties, and a number of high-profile political officials, including Republicans, began testing the waters to see how they might fare if they chose to run for governor, either against Fordice or in the event that he chose not to run.

But, cutting against the grain, Fordice did run for reelection in 1995. At an early campaign appearance against popular Democratic Secretary of State Dick Molpus, who was challenging him, Fordice brought Mrs. Fordice to the stage with him at Provine Chapel on the campus of Baptist-owned Mississippi College, introduced her to the assembled crowd, and to audible gasps from around the chapel, kissed her firmly on the lips.

The campaign was over before it started.

Fordice was reelected with just shy of 56 percent of the vote against Molpus that November. The vote totals represented a historic high voter turnout for state office elections to that point in Mississippi history.

Late in Fordice's second term, he was photographed at an air-

port with a woman other than Mrs. Fordice. He and Mrs. Fordice did later divorce, Fordice married the woman described as his high school sweetheart, and the two of them also later divorced.

Though Kirk and Pat Fordice were not married at the time of his death in 2004, she cared for him during the months of the rapid deterioration of his health due to leukemia. She then served in the role of family matriarch at his very public memorial and funeral services. Upon her death in 2007, Pat Fordice was buried beside her former husband as he had requested before his death.

Kirk Fordice's political legacy is difficult to assess, but objective evidences of his influence on twenty-first century Mississippi may be found.

Most notably, Phil Bryant, a two-term Republican governor himself, likely owes his political career to Kirk Fordice. While serving as a young member of the Mississippi House of Representatives, Bryant was tapped by Fordice in 1996 to fill the unfinished term of disgraced State Auditor Steve Patterson. After being elected twice to that office, including a time when he served as the only Republican official holding statewide office in Mississippi, Bryant was elected in 2007 as lieutenant governor, then in 2011 to the first of two terms as governor. In each of those elections, Bryant's personal appeal and record of service led to significant margins of victory. Yet none would have been likely, or at least have come as early in his career but for the Fordice appointment in 1996.

Former state representative Curt Hebert of Jackson County, similarly, was named to high office by Fordice on the heels of a predecessor's scandal in office. In Hebert's remarkable case, Fordice appointed him to the Mississippi Public Service Commission in 1992 when a slot on the commission was vacated due to its holder having violated election laws before he ever took office. Hebert, until his appointment by Fordice, not well-known outside his own legislative district in Pascagoula, parlayed his Public Service Commission tenure into an appointment at the patronage of then-United States Senator Trent Lott to the Federal Energy Regulatory Commission. There Hebert later rose to the position of chairman, chief overseer of the nation's energy policies and regulations. Again, it seems very unlikely that such an extraordinary stream of events could have been possible if not set in motion by Fordice's original appointment of Hebert.

On the other hand, Fordice's legacy also bends the other direction. In 1994, the Mississippi legislature was debating whether to create an intermediate court of appeals to help alleviate the egre-

gious backlog of work at the Mississippi Supreme Court. Prior to that time, all appeals from Mississippi's trial level courts went directly to the Mississippi Supreme Court, with no intermediate level of review such as has long been a part of the federal court system.

As legislation progressed in 1994, it seemed likely that the legislature would, in fact, be sending a bill to Fordice's desk creating an intermediate court of appeals. As that likelihood increased, Fordice mobilized his staff to work toward an effort to amend the bill to provide that the court of appeals would be filled by judges appointed by the governor, subject to the advice and consent of the state senate, rather than being comprised of elected judges.

All other judges in Mississippi, from justice court judges to justices of the Mississippi Supreme Court, are elected. Fordice believed that an appointed judiciary, at least at this new appellate level, would result in the highest quality judges, reasoning that many attorneys who would serve honorably and well as judges would never submit themselves to a political campaign but would be willing to serve if appointed.

Those of us serving on Governor Fordice's staff at the time went to work, and it seemed as though we were gaining traction in our efforts to build sentiment—and count votes—in support of an amendment providing that judges on the new court of appeals would be appointed rather than elected.

The day arrived for the floor vote in the state senate on the bill, and the plan was in place to have the floor amendment offered. After considerable debate, during which many argued that the effort was just a power grab by the governor, and not in the legitimate interest of a high-quality judiciary, the outcome of the amendment was still in doubt.

When the vote finally came, the amendment failed by a single vote. The bill then passed the senate, with the provision for elected judges intact.

I was dismayed by the defeat and said so in our offices in the presence of former State Senator Ollie Mohamed, who was part of Governor Fordice's legislative team, and former State Senator Ellis Bodron, who often visited in the office due to his friendship with Mohamed.

Bodron, who, like Mohamed, is now deceased, leaned back and blinked his eyes and said, "Don't let it bother you, Mr. Taggart. The people of Mississippi would rather have another election than a new BMW plant."

I am confident that Bodron was correct in his assessment. Indeed, that proposition might still be true today. But I am equally confident that a few more personal relationships between Governor Fordice and members of the state senate might have

made the difference in that one vote that one day, and today, we might have at least one court composed of appointed judges.

After Governor Fordice left office, he and I were part owners of hunting property just north of Greenville in the heart of the Mississippi Delta. The governor owned a well-trained and well-behaved Labrador Retriever named Lance, and while the governor did not really care much whether he actually shot a duck on a duck hunt, he did love to watch Lance retrieve.

Along with my three sons, who were quite young at the time, Governor Fordice, Lance, and myself loaded up one winter morning and headed out for a duck hunt. At first light, when the first duck appeared within shooting range, all three of the boys shot, some more than once. Still, the duck continued on its way unharmed.

Lance was straining to go on the retrieve but so well trained that he did not leave the governor's side, awaiting the command, which was the sharp calling of his name, "Lance!" before he was allowed to strike out on a retrieve.

Since no duck was down, the governor never gave that command, and Lance acted like a six-year-old boy in a doughnut shop, wanting everything he sees but trying hard not to misbehave. So, as though he was talking to a little boy, Governor Fordice patiently explained to Lance what had happened, that yes, the boys had shot but they had missed, so the duck was still flying, and as good a dog as he was, Lance simply could not fly. "Directly, here, we'll get another one," the governor promised his retriever. I still laugh about that moment when our sons and I think of it together. Kirk Fordice cut against the grain, sometimes uncomfortably so.

But there was a great deal more to the man than was commonly known, and I am better person for having been his friend.