

TRIBUTE TO SENATOR TOM EAGLETON

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When I was first introduced to Tom Eagleton in 1964, he had recently been elected as Lieutenant Governor of the State of Missouri. We met to discuss the possibility of my joining him, Al Stephan,¹ and his father, Mark D. Eagleton, a distinguished senior member of the trial bar, in the practice of law at the Paul Brown Building in downtown St. Louis. At that time, the office of Lieutenant Governor was a part-time position with commensurate compensation, so Tom, as other Lieutenant Governors before him, found it necessary to secure other work not in conflict with the duties of Lieutenant Governor. I had the pleasure of practicing law with these three wonderful gentlemen, who were skilled and dedicated attorneys, during Tom's tenure as Lieutenant Governor until he was sworn in as a United States Senator in 1968. I learned over that four-year period that Tom not only had a keen legal mind, but also was a person of integrity.

As he commenced his primary campaign for the Senate seat then held by Democratic incumbent Senator Edward Long, his campaign needed a treasurer. Tom asked me to serve. I was apprehensive. I knew nothing of politics, but was aware from media reports that when there was a complaint concerning the conduct of a political campaign, it usually involved money. The treasurer was therefore often involved. I expressed this concern. Tom assured me that no matter who served as treasurer, his Senate campaign would be committed to observing not only the letter but also the spirit of applicable campaign fundraising, spending, and reporting regulations. With this assurance, I agreed to serve. During the three Eagleton senatorial campaigns for which I served as treasurer, Tom never wavered from his commitment to play by the rules.

I learned that he despised fundraising. He considered it as an unseemly, although necessary, aspect of running for public office. I recall that Tom made only one request regarding the fundraising efforts for his campaign. He asked

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1. Albert J. Stephan, Jr. was appointed by Governor Joseph Teasdale to the Missouri Court of Appeals, Eastern Division and served on the court from November 15, 1977 until his death in Feb., 1994. Obituaries, *Albert Stephan Jr; State Appeals Court Judge*, ST. LOUIS POST-DISPATCH, Feb. 27, 1994, at D11.

that the campaign neither solicit nor accept any contributions from executives or political action committee of major defense contractors. A disproportionately large share of the appropriations included in the budget approved annually by Congress was, and is today, for defense purposes. Since he would be voting on the budget, he was concerned that contributions from this source may have the appearance of impropriety, particularly when he served as a member of the Senate Appropriations Committee. The campaign was faithful to this restriction.

Tom believed that politics was a noble profession. He was politically astute. He recognized the need for compromise, but he was loyal to his ideals. I suspect that his congenial personality and his sense of humor were important reasons for his effectiveness as a legislator and in finding common ground to fashion legislation which could muster sufficient votes for passage. He was comfortable before any audience, whether a ward meeting in the City of St. Louis, a meeting with corporate executives, or speaking on the floor of the United States Senate. He was a model public servant with a gift for the common touch.

Tom relished a lively debate and an exchange of ideas, whether on the floor of the Senate, in the classroom, or among friends in a social setting. His mind was open to explore new ideas and he enjoyed the scrutiny and analysis of those ideas. He had the energy and the intellect to defend his position and welcomed challenges. He was a good listener. He was particularly skilled at framing his position on an issue and then articulating that position in a clear and persuasive fashion, but with respect for those who held opposing views.

Tom revered his father, Mark D. Eagleton, and his family. In 1953, while Tom was attending Harvard Law School, his father ran for the Democratic nomination for Mayor of the City of St. Louis.² Even then a Democratic nomination to an office in the City of St. Louis was tantamount to election. Tom was spending that summer at Harvard working on the *Harvard Law Review*. He decided that his father's election campaign needed him. He decided to resign from the *Law Review* to return to St. Louis to campaign for his father. Tom later related that then Harvard Law School Dean Erwin Griswold was shocked, and strongly discouraged him. Apparently, no student had previously resigned such a prestigious appointment. Tom persisted and returned to St. Louis. His father lost the primary election to Raymond R. Tucker, who was elected mayor in the general election later that year.³ I have no doubt that Tom was comfortable with his decision to return out of loyalty to

2. See John M. McGuire, *Dear Old Dads*, ST. LOUIS POST-DISPATCH, June 19, 1988, at C1.

3. Bill McClellan, *The Passing of Elliot Stein: Reflections on the Life of Resident Wise Man Reveal Simple Principles*, ST. LOUIS POST-DISPATCH, Jan. 21, 2001, at C1; *Influential St. Louisans of the 1950s*, ST. LOUIS POST-DISPATCH, Nov. 25, 1999, at A2.

his father. He perceived that his father needed him, and that was more important to him than the prestige of serving on the *Harvard Law Review*.

His loyalty also extended to his many friends, including former staff members. He communicated with them regularly, in later years mostly in writing because of a profound loss of hearing. His trademark outrageously funny handwritten notes could lighten the day of anyone lucky enough to receive one. He was always there to help his friends on a personal level. If he learned of a need, he was there, whether the need was monetary, medical references, or comfort and support.

Tom took the responsibilities of his office very seriously. He served not only effectively and with distinction, but also with integrity. Soon after Tom's death, Ronald S. Reed, Jr., U.S. Attorney for the Western District of Missouri from 1977–1981,⁴ disclosed in a letter to the editor of the *Kansas City Star* an experience that is timely and reflects Tom's sensitivity to the need to preserve the appearance of impartiality in that office. Mr. Reed's letter states:

I was not surprised at the recent dismissal of several United States attorneys. They are, after all, presidential appointees. However, I find it appalling that members of Congress and U.S. senators unabashedly contacted U.S. attorneys about ongoing investigations.

I served as U.S. attorney on the recommendation of Sen. Tom Eagleton. Neither he nor his office ever contacted me about any matter. On the contrary, I once told him there were young lawyers in my office who would like to meet him. His local office was in the federal courthouse and, if he came by, I would introduce him. He answered that he thought it would be totally improper for him to appear in the U.S. attorney's office for any reason.

I also recall that he delayed naming a successor to the U.S. attorney in St. Louis so as to avoid the appearance of intruding in the ongoing prosecution of a former speaker of the Missouri House of Representatives, a Democrat. Times change. Ethics erode.⁵

For those of us who knew Tom, this is the only response we would have expected from him.

In this tribute, those who worked with Tom in his public offices will undoubtedly relate many more examples of the quality of the man I came to know and appreciate first as a colleague in the practice of law for a few years, but more importantly as a friend of more than four decades who enjoyed his company, his sense of humor and his loyalty, and who admired and respected

4. Brief for Greenberg Traurig, LLP et al. as Amici Curiae Supporting Appellant at 11, *U.S. v. Angelos*, 433 F.3d 738 (10th Cir. 2006) (No. 04-4282).

5. Ronald S. Reed Jr., *Pressure on U.S. Attorneys*, KANSAS CITY STAR, Mar. 18, 2007, at B9.

his integrity and his public service. Tom's spirit will live within us. He was an unforgettable friend.