

## Birch Bayh and his U.S. Senate Colleagues

The relationships Birch made in the Senate were the key to his success and provide a more complete picture of what it was like for him serving there. The Senate is made up of human beings, flawed just like everyone else, with figures both inspirational and boring. With many of the men and women with whom Birch served come stories and anecdotes that are very much a part of his story. Many fill in pertinent details about legislative issues and other important historical events.

In the interviews Birch gave during the years 2012-2015, he displayed a great deal of candor in assessing the people who were his Senate colleagues. Here is a recounting of the men and women who were his colleagues from 1963-1981 with particular attention paid to his personal relationships and those senators who played an important role in his life and career.

### 88<sup>th</sup> Congress – 1963/1964

Birch Bayh began his career as a United States Senator on January 3, 1963. The second youngest senator elected in 1962, he was number 100 in seniority. Shortly afterwards, two senators elected in November were sworn in, raising his seniority to #98. They were both Democrats, Gaylord Nelson, whose swearing in was delayed by the requirement that he complete his term of office as Governor of Wisconsin and Governor Howard Edmondson of Oklahoma, elected in a special election to fill the unexpired term of Sen. Robert Kerr, who had recently died. The only younger senator at the time was Edward M. Kennedy of Massachusetts, the President's brother. Kennedy, known as Ted, was elected in 1962 in a special election to fill his brother's unexpired term and sworn in later that year. Also sworn in at that time because of another special election was Thomas McIntyre, Democrat from New Hampshire. The other Democratic senators in the class of 1962 joining Birch included Daniel Brewster of Maryland, George

McGovern of South Dakota, Abraham Ribicoff of Connecticut and Daniel Inouye of Hawaii. It would turn out to be a very distinguished class.

Birch would represent Indiana in the Senate with another Democrat, Vance Hartke, who had been the Mayor of Evansville, Indiana and elected to the Senate in 1958. He would describe his early relationship with Hartke as “cooperative.”

Chair of the Steering Committee and close friend and mentor of President Johnson was Richard Russell (D-GA), a lifelong bachelor and senator since 1933. Birch became close to Russell, one of the only colleagues he always addressed as “Senator,” though they rarely saw eye-to-eye and Bayh would often oppose Russell’s filibusters. Birch said they got along “as well as number 100 could,” despite the variance in their views and ages. Birch’s offices were mostly in the old Senate Office Building, which would be renamed after Richard Russell.

Phil Hart (D-MI) was considered the leader of the liberal bloc in the Senate, a man Birch considered “an outstanding gentleman.” Another of the Senate Office Buildings built in later years would be named for Phil Hart.

Majority Leader in the Senate was Michael “Mike” Mansfield (D-MT). A man of few words, most often a yes or a no, he was very good to Birch Bayh. They also had been members of the same fraternity in college, fraternity brothers, in fact. Birch would describe him as someone who did not ask for many things but when he did, he generally got them. Unlike LBJ before him, he did not have “sharp elbows,” in Birch’s words. Birch felt senior people in the Senate took to him because of his willingness “to go along to get along,” an attitude Birch developed as a member of the Indiana General Assembly. Senators such as Mansfield liked Bayh because of this but so did senators like James O. Eastland (D-MS), Chairman of the Judiciary Committee, and Everett McKinley Dirksen (R-IL), Mansfield’s counterpart as Minority

Leader. Dirksen's name would be attached to what was then known as the New Senate Office Building.

Birch Bayh was elected to the Senate at the age of 34. The oldest member of the Senate when he arrived was more than 50 years older, Carl Hayden, Democrat from Arizona. Born in 1877, he had been elected to Congress when Taft was President as the first Congressman from the new state, an at-large seat, and had been a senator throughout the entirety of Birch's life, since 1927. At one point in a re-election campaign, he had to fight a rumor that he had, in fact, died. Birch served with him for a single term, with Hayden retiring in 1968. Hayden was an example of a senator who rarely spoke on the floor of the Senate. His effectiveness was demonstrated in the committees in which he served, as both Chairman of the Senate Rules and Appropriations Committees. He could be remembered waiting in line at the Senate cafeteria, just like all the staff members eating there, demanding no special privileges. The liver marks on his bald head and wrinkled face were indications of his advanced age. He lived to be 94 years old. When Hayden retired, he was replaced by Barry Goldwater, who had left the Senate in 1964 to be the Republican nominee for President, an election in which Lyndon Johnson amassed 61% of the popular vote against Goldwater, a total never matched in American history. Goldwater had become the leading voice of conservatism in the country and continued that role when he returned to the Senate. Birch always felt he had a good working relationship with Goldwater and was surprised when Goldwater took pot shots at him during his 1968 re-election campaign. Birch always felt that getting along with his Republican colleagues was important, that camaraderie was a necessary aspect of political life. Thinking back to times when his colleagues would work against him at election time, another was Senator Charles Percy (R-IL) traveling with GOP candidate William Ruckelshaus in Indiana in 1968. Birch mused that campaigning

against someone like Everett Dirksen in Illinois would have been “impossible.” If you believe in going along to get along, activities like that were not helpful.

Another major figure in the Senate at the time and a key player in the debate on the 25<sup>th</sup> Amendment was Sam Ervin (D-NC). Considered the Senate’s supreme constitutional expert, he had graduated from Harvard Law School backwards. When he was admitted to the law school, he was also betrothed to the woman he would marry and wasn’t sure how long she would wait for him to attend an institution so far from their state. As a result, he took the third year first, then the second and finished up by taking the first year last. She waited for him throughout. His support for the measure introduced by the junior Senator from Indiana would be critical.

Ervin could be both a villain and a hero. Early in his Senate career, which began in 1954, he helped bring down Sen. Joseph McCarthy but was also one of the leaders of the resistance to the Supreme Court decision *Brown versus The Board of Education*. His intransigence in opposition to the Civil Rights Act on 1964 would tar him in the minds of many. Later he was leading the opposition to the Equal Rights Amendment while gaining hero status as the Chair of the Senate Select Committee to Investigate Campaign Practices, also known as the Watergate Committee. The Harvard trained “country lawyer” would be one of the key players in forcing the resignation of Richard Nixon from the presidency.

Ervin was one of a number of southern senators who wielded great power in the Senate when Birch served there, mainly because of the seniority system. The Appropriations Committee, for instance, was chaired by Richard Russell of Georgia, followed by Allen Ellender (D-LA) and John McClellan (D-AR). Russell had first been elected to the Senate in 1932 and was second in seniority to Hayden. Ellender was elected in 1936 and numbered fourth in seniority; while McClellan was number eight, elected in 1942. Other Democratic southern chairs

included J. William Fulbright (AR) of Foreign Relations, Harry Byrd, Sr. (VA) of Finance, John Stennis (MS) of Armed Services and James O. Eastland (MS) of Judiciary. Each of these men would play important roles in the careers of younger senators like Birch Bayh. While this leadership may have appeared monolithic, Birch said that the two Arkansas Senators, Fulbright and McClellan, “were as different as night and day.” Fulbright, elected in 1944, was described as erudite, low key, probably knew more about foreign policy than anyone else in Congress. McClellan, on the other hand, was a “law and order type guy” who would often be in your face on issues of importance to him.

The two senators from Connecticut were Abraham Ribicoff and Thomas Dodd, both Democrats. Ribicoff had entered the Senate on the same day as Birch and had previously been a Cabinet Member as well as governor of his state. He was remembered as “much more learned than I was.” Tom Dodd, first elected in 1958, would play a larger role in Birch’s career. As a former chief counsel for the prosecution in the Nuremberg Nazi trials after World War II, he would end up being disgraced by scandal and the first senator after Joe McCarthy to be censured by the Senate. He was brought down by allegations that he had misused campaign funds for his private purposes. Birch always had a hard time believing the charges since Dodd didn’t need to do what he was charged with. As a senator, Dodd chaired the Senate Subcommittee on Juvenile Delinquency and Birch was a member. He once asked Birch to his office and showed him a cardboard display of handguns, explaining why he was introducing a bill to outlaw the manufacture of inexpensive handguns known as “Saturday Night Specials.” They were not good for target practice and were the kinds of weapons most used in the commission of crime. Birch agreed to co-sponsor the bill. It would be the opening salvo of a long battle with the National Rifle Association, NRA, which opposed all manner of firearms regulation.

Representing Florida in the Senate was George Smathers (D-FL). He had gotten to the Senate by running a famous but scurrilous campaign against his boss, Senator Claude Pepper in 1950. Accusing Pepper of “fraternizing” with members of the Senate and having a daughter who was a “thespian,” he took advantage of the less educated Floridians to unseat his employer. Smathers would become a close friend of John F. Kennedy, with whom there are tons of stories about their common womanizing. Kennedy would joke about the Smathers’ form of advice. Telling Congressman Kennedy not to run for the Senate in 1952, Kennedy ran and won. Advising Senator Kennedy to go after the vice presidential nomination at the 1956 Democratic Convention, Kennedy ran and lost. So when Smathers suggested 1960 was not the time for Kennedy to seek the presidency, JFK knew it was his to win. Birch once traveled to Florida to give a speech for Smathers and remembered what a ladies man the Florida senator was. His memories are consistent with the Smathers’ reputation.

Elected the same day as Birch from Hawaii was Dan Inouye, a Democrat, “the most impressive member of our class.” He had lost an arm in World War II as a member of the Nisei regiment of soldiers of Japanese heritage; he had also earned the Congressional Medal of Honor for heroism while fighting in Italy. Birch admired Inouye because of the price he paid for his wartime service. Inouye had a quiet, aloof nature and always showed a reserve that may have been due to his injury. He and his wife Maggie became close friends of Birch and Marvella.

Birch’s “favorite senator” was Frank Church (D-ID). Described as nice, smart, articulate and totally without airs, Church and his wife Bethine got on famously with the Bayhs. Church had been elected to the Senate six years before Birch and they ran at the same time in 1962, 1968, 1974 and 1980 with all of the same results. While not a favorite of LBJ as Birch was, Church became a prominent member of the Senate, best known for the Cooper-Church

Amendment, restricting government spending to fight the Vietnam War, and his chairmanship of the committee investigating abuses of the CIA.

Indiana's neighboring state, Illinois, was represented by Republican Everett Dirksen and Democrat Paul Douglas. First elected in 1948, the white-haired Douglas looked like a senator and was greatly respected by Birch. Douglas had been a prominent economist and advisor to President Franklin D. Roosevelt. He was good to Birch, served on committees with him, but they never grew close. Douglas would be defeated in 1966 by Charles Percy. Percy and Birch never were close either. Even though Percy made a trip to Indiana to campaign against Birch's re-election, they also were never antagonistic. A very handsome man who had been president of Bell and Howell before taking on Douglas, Birch remembered him as a "smart guy" who also lived through one of the worst tragedies imaginable when his daughter was brutally murdered. The crime has never been solved.

Another state bordering Indiana is Kentucky, where John Sherman Cooper (D-KY) was one of the senators since 1956. Described as a "principled guy" who Birch got to know better when he and his wife dined at the Bayh home, Cooper had a habit of responding, "What's that?" whenever he was asked a difficult question. Birch needed his vote during the Carswell debate and one of his Republican colleagues suggested he talk with John. Birch said he knew exactly what John would say; "What's that?" That was exactly what he said when Birch approached him. The two battles to defeat Nixon Supreme Court nominees Haynsworth and Carswell had the opposite results from Cooper than from most other senators. Several Republicans who supported Haynsworth ended up opposing Carswell. Cooper was just the opposite. Having been one of several Republican senators who went to the Nixon White House to explain to the President why they had to oppose Haynsworth, he was one who promised to support the next

nominee. And, as Birch said, “Here came Carswell, not worthy of carrying Haynsworth’s briefcase.” Nonetheless, John Sherman Cooper was good to his word and, while he may have held his nose, he cast his vote for the unsuccessful nominee, G. Harrold Carswell. Not a “hail-fellow-well-met type of person,” according to Birch, Cooper was dignified and had integrity.

One of the most powerful members of the Senate and the absolute lord over tax policy was Russell Long, Democrat of Louisiana. Elected in 1948, the son of former governor and senator Huey Long, he held absolute sway over all legislation dealing with taxes, probably caring more about the issue than any of his colleagues. Once again, the relationship with Birch was established over dinner with spouses at the Bayh home. When Sen. Allen Ellender died, the Bayhs flew to Louisiana for the funeral. Marvella told a story about riding in a taxi and telling the cabbie that they were attending the funeral of their senator. He replied, “We only have one senator here; Huey’s boy.”

The only female members of the Senate were Maureen Neuberger (D-OR) and Margaret Chase Smith (R-ME). Smith, a senator since 1949, had been one of the few women to be elected to the Senate without running as a replacement of a deceased spouse who had held the office. She was known for her sense of dignity and the red rose she wore on her lapel every day. She was also the first woman to serve in both the House of Representatives and the Senate. Her early opposition to the activities of Sen. Joe McCarthy went a long way to establish her credentials as a principled and honorable member of the body. Neuberger had only been in the Senate since 1960 and was never close to Birch.

Also from Maine was Edmund Muskie, elected in 1958, the Democratic candidate for vice president in the election between Hubert Humphrey and Richard Nixon in 1968. A tall and pleasant man, Lincoln-esque in appearance, he became the Democratic front runner for the



nomination in 1972 and Birch supported his candidacy after he dropped out of that race himself. In a conversation about the campaign, Muskie gave Birch the distinct impression that if he were to win the nomination, Birch might very well be asked to be his running mate. The Muskie campaign became unraveled when, among the Nixon dirty tricks in 1972 exposed in the Watergate revelations, wife Jane Muskie was accused of alcoholism and using foul language during the campaign. Muskie was also accused of labeling French Canadians as “Canucks,” an oft-used slur at the time. Muskie defended himself on the stump and when defending his wife, broke into tears. That was the beginning of the end of the campaign, which Birch always thought amazing. He himself had often gotten emotional when addressing an audience and saw it as a measure of “how strongly I feel about something.” Yet for Muskie, it was judged a sign of weakness by an electorate looking for a strong candidate to unseat the President. The Nixon campaign felt Muskie was the strongest candidate and had a hand in destroying his candidacy.

Birch always liked Muskie a lot, describing him as a “nice man who could also be stern. He could also be stubborn.”

The two senators from Massachusetts were Leverett Saltonstall (R-MA) and Ted Kennedy (D-MA). Birch would describe Kennedy as, “We were elected the same day and almost killed on the same day,” referring to the plane crash. Kennedy had been elected to fill the remaining two years of his brother’s term, actually a few days before Birch’s election, and would stand for election again in 1964. Birch and Marvella would often get together with Ted and Joan Kennedy. Marvella and Ted would celebrate their birthdays together with their spouses on Valentine’s Day. She had been born on February 14 and Kennedy on the 22<sup>nd</sup>. Saltonstall, first elected to the Senate in 1944, would be succeeded in 1966 by Edward Brooke (R-MA), the first African American popularly elected to the United States Senate. Brooke would become a valued

ally and friend of Birch's, a "decent guy" who he liked very much. Brooke's role in the Haynsworth and Carswell debates would become very important to Birch, who was the leader of the opposition to both nominations. Brooke would be the last Republican elected to the Senate from Massachusetts until 2010.

The two Bayh colleagues from Minnesota were Democrats Hubert Humphrey and Eugene McCarthy. Humphrey was elected senator in 1948 and was a hero to liberals across the country because of his prominent pro-civil rights speech at the Democratic Convention that year. He was the senator that Birch would always find the most impressive. As Majority Whip, it would be his role to close the Senate each day and often, as a freshman, Birch would be assigned the role of presiding officer. Invariably, he'd watch Humphrey calmly listen to the debate going on and regardless of the subject being discussed, he would join the colloquy with an unbelievable level of knowledge and expertise. "He knew more about the issues than any other senator." Birch had a good relationship with McCarthy, also from the class of Democratic senators elected in 1958, going back to the days when they would play together in the Congressional baseball games. He considered McCarthy one of the smartest members of the Senate. In the baseball games, McCarthy played first base while Birch was usually at third base. The Republican first baseman was Congressman Gerald Ford. McCarthy told him, "Not many people could throw over my head, but you are one of them." Birch said that McCarthy was tall enough to be able to catch his throws.

When McCarthy was running for President in 1968, Birch was also running for re-election. He made it clear to McCarthy, Robert Kennedy and Governor Roger Branigin, who was running as an LBJ stand-in candidate, that he needed to stay out of the race. Birch also

knew that to publicly oppose McCarthy would engender the anger of McCarthy Democrats in Indiana, who saw that campaign as a nearly religious endeavor.

While Minnesota was the home of two liberal Democratic Senators, another state starting with an M, Mississippi, was the home of two staunchly conservative Democratic senators and major powers in the institution. Its senior senator, James O. Eastland, had first come to the Senate in 1941, when Birch was just 13 years old. A committed segregationist, he had been Chairman of the Judiciary Committee since 1956 and held that post until the end of his career in 1978. He was almost never seen without a cigar (smoking was not permitted on the Senate floor but, as Eastland so often demonstrated, was clearly allowed in Committee sessions) and, in image and philosophy, was about as different from Birch as could be imagined. Yet he became enormously helpful to the Indiana senator.

The other senator from Mississippi was John Stennis, a straight-laced gentleman, who voted the same way Eastland did but on a personal level, was harder to get to know than the Chairman. He had been in the Senate since 1947. Stennis had differed from Eastland on the matter of Joe McCarthy, becoming the first Democratic senator to speak out against him, while Eastland was a strong McCarthy supporter. In 1973, Stennis was nearly killed when shot by a mugger in Washington, DC. Birch visited him in the hospital, noting that they probably never voted alike but there was mutual respect and affection that made him glad that the visit took place.

Missouri's senators were Democrats Stuart Symington and Edward Long. Symington, elected in 1952, was another who looked like a senator; tall, handsome, shining white hair and dark eyebrows. Birch had met him while still in the legislature. Frank McKinney, Sr., a Democratic leader in Indiana who had been chair of the Democratic National Committee, had

Symington to dinner at his home in Indianapolis and Birch had first met him there. Symington's son James, who would serve for many years in the House of Representatives, would become a close Bayh friend. One of Birch's Congressional colleagues from Indiana, Andy Jacobs, had a series of Great Danes as pets. Jacobs often had the dogs with him in his Congressional office, first his dog Faux Pas and later on his dog C-4, named after an Air Force transport plane that experienced severe cost overruns. C-4 only bit a person twice and both times it was Jim Symington. Weird and funny but true.

Majority Leader Mansfield was from Montana but the state's other Senator, Lee Metcalf (D-MT), became the source of some memorable stories. Metcalf, a large man who was elected in 1960 after eight years in the House, was also a legendary drinker. During the Senate hearings on influence peddling by a man who had probably been closer to LBJ than anyone, Bobby Baker, there were legions of press camped outside the hearing room, as well as a large number of television cameras. The elevator near the hearing room was being run by a patronage elevator operator, a job that has since disappeared because of automated elevators but was, at the time, a job at which senators could bring home-state young people to Washington to work. That particular elevator was being operated by a Bayh patronage employee. When the inebriated Senator Metcalf tried to enter the elevator, the operator decided to protect the tourists already on board from the drunken, loud man. It never occurred to him that Metcalf was a member of that august body. When Metcalf tried to step inside, the operator pushed him out, starting a pushing match that was soon observed by the press nearby and memorialized by their cameras. The Bayh elevator operator soon found himself back in Indiana.

Years later, when Birch Bayh was a presidential candidate, a volunteer from the presidential campaign was at the Senate office helping out. He was assigned to one of the

basement offices where he would operate a Gestefax stencil maker, a machine that probably hasn't existed for decades now. The Bayh office in the basement was shared by the Metcalf office and not long after the volunteer was given a place to work, he was accused of exposing himself to a young woman in the same room. She was the daughter of Sen. Metcalf's administrative assistant and was nearly hysterical and distraught by the alleged event. Turned out the Bayh volunteer was an out-patient from St. Elizabeth's Hospital, a DC institution for the mentally ill. He was soon back at St. Elizabeth's.

The two senators from Nebraska were Roman Hruska and Carl Curtis, two died-in-the-wool conservative Republicans. Hruska came to the Senate in 1954 and Curtis in 1955. Birch said the only time he felt close to Curtis was when they both traveled to China as part of a delegation. Otherwise, he remembered him as a man appearing to always have his mouth full of persimmons. Hruska was remembered as someone who spoke like a senator, acted like a senator, but had views that were very hard to accept. He would play a key role in the Carswell nomination to the Supreme Court, hurting the nominee in the way in which he spoke in favor of the nomination.

Once the Bayhs moved from McLean to Washington, DC, a Bayh neighbor was one of the senators from New Hampshire, Tom McIntyre (D-NH). McIntyre and Birch had been elected the same day. He and his wife Myrtle grew very close to Birch and Marvella. McIntyre was a man Birch would describe as "an exceptional guy." The other senator from New Hampshire was Republican Norris Cotton, considerably less memorable in Birch's life.

New York's two senators were Republicans Jacob Javits and Kenneth Keating. Birch considered Javits the smartest member of the Senate, "only a tad less smart than he thought he was." Senators listened when Javits spoke, though Birch once commented that "no one

pontificated more than Javits.” He was first elected in 1956. Keating, elected two years later, was another who looked like a senator. The most interesting interaction between Bayh and Keating was during the 25<sup>th</sup> Amendment debate when Keating introduced a measure on disability giving Congress the authority to act on it when it occurred, something Birch felt already existed. He considered Keating smart and knew how strongly he felt about his version of the Amendment, something that Birch helped defeat. Keating would be defeated for re-election in 1964 by Attorney General Robert F. Kennedy, a year after President Kennedy was assassinated. Keating was a moderate Republican and had refused to endorse his Party’s Presidential nominee Barry Goldwater.

The senators from Ohio, once sarcastically described as “a real pair” by Birch, were Stephen Young and Frank Lausche, both Democrats. Lausche, elected to the Senate in 1956, was a popular, old-school style politician who had turned down a professional baseball career to run for political office. Young, on the other hand, was a curmudgeon, a small, nasty man who walked with pigeon toes and was the first senator new staff people heard about when they came to the Senate side of Capitol Hill. His temper tantrums were legendary, he was reputed to have thrown a telephone at a staff person and, more famously, had responded to constituent letters he didn’t like with phrases such as: “you remind me of the south end of a horse heading north,” and “some crazy person is writing me letters using your name.” Others were, "Dear Sir: It appears to me that you have been grossly misinformed, or are exceedingly stupid. Which is it?" On another, he received a hostile letter that ended with the constituent's phone number and the message, "I would welcome the opportunity to have intercourse with you." Young wrote back, "you sir, can have intercourse with yourself." Young had been a perennial candidate since 1912, when he was first elected to the state house. Running for the Senate in 1958, a race that was

considered hopeless, he was elected. Because of a right-to-work measure on the ballot, he was swept into office. Failing to become popular, he was nevertheless re-elected in the 1964 LBJ landslide.

The history of Ohio senators often looked like musical chairs. In 1956, Young was defeated for Attorney General by Republican William Saxbe. He ran for the Senate in 1958 and was elected. Knowing that Lausche had not supported him, he refused to allow his senior colleague to be present at his swearing-in, an unusual break in Senate tradition. Lausche ended up losing the 1968 Democratic primary to Governor John Gilligan, who would end up losing in the fall to William Saxbe. In 1964, Young defeated Republican Robert Taft, Jr., the scion of one of Ohio's most famous political families. Young had been fortunate to be the Democratic nominee because he had been challenged by former astronaut John Glenn. Glenn's candidacy had been recommended by Attorney General Robert Kennedy, who felt the same way about Young that many other Democratic senators felt. A slip in a bathtub at home resulted in an injury to Glenn that forced him out of the race. Six years later, Young would decline to run for re-election and the Democrats nominated Howard Metzenbaum, who narrowly defeated John Glenn in the primary. Metzenbaum lost in November 1970 to Taft. In 1974, Metzenbaum was actually the incumbent. He had arrived in the Senate as Governor Gilligan's appointment to replace Saxbe, who resigned to accept President Nixon's appointment as Attorney General. This time, Glenn defeated him in the primary. Two years later, Metzenbaum would defeat Taft in a re-match and hold onto the seat until his retirement. As a result of these latter events, Glenn and Metzenbaum would end up serving together to represent Ohio. They were not terribly friendly to each other.

Birch felt a kinship to Oklahoma because of Marvella's heritage. When Birch arrived in the Senate, Oklahoma was represented by Mike Monroney, a Democrat elected in 1950. Birch and Marvella would walk to the office of Oklahoma's other senator, Robert Kerr, on swearing-in day, to make sure both of them could meet the legendary legislator and make sure he knew that Marvella was an Oklahoman. But when they got there, they saw a wreath on his door, which was locked. Robert Kerr had died on January 1, 1963 and would be replaced by Howard Edmonson four days after Birch was sworn in. Edmonson had to run for the remainder of the term in 1964. He was defeated by Democrat Fred Harris, who Birch got along with well. He was one of the few senators younger than Birch during that first Bayh term in the Senate. Harris' wife, LaDonna, was a Native American and became one of the best known Senate wives during their years in Washington.

Oregon was represented by Maureen Neuberger and Wayne Morse, both described by Birch as people of principle. He felt he never knew either of them well. Morse had first been elected in 1944 as a Republican and would later be revered by those Americans opposing the Vietnam War, as one of two votes against President Johnson's Tonkin Gulf Resolution. Morse would later serve as an Independent before switching to the Democratic Party. Neuberger retired from the Senate in 1967 and was replaced by Republican Mark Hatfield, who would become one of Birch's closest Senate friends. Birch would have a similar relationship with Oregon's other senator, Bob Packwood. A liberal Republican like Hatfield, he had defeated Wayne Morse in 1968 and became the Senate's youngest member.

The Pennsylvania senators were a distinguished pair. Democrat Joseph Clark was among the most respected of Democratic senators. A former Philadelphia mayor elected to the Senate in 1956, he was an outspoken civil rights advocate who suffered defeat in 1968 to Richard



Schweicker, largely because of his prominent role supporting gun control and opposing the Vietnam War. Hugh Scott (R-PA), elected two years after Clark, became the Senate Minority Leader upon the death of Everett Dirksen in 1969 and was considered a moderate who also championed civil rights, leading the effort to shut down the southern filibuster against the Civil Rights Act. During the period leading up to the resignation of President Richard Nixon, his voice was seen as one of respectability and honor, allowing him to be one of those successfully convincing the President he had to go.

Rhode Island's two Democratic senators were as different as day and night. The aristocratic, lanky, extremely smart and soft-spoken Claiborne Pell had come to the Senate two years before Birch, replacing the legendary Theodore Green. A story about Green that was often told revolved around his habit of making multiple stops at parties and receptions several times a week while in office. At one point, taking his schedule from his coat pocket and adjusting the pince-nez glasses on his nose, the life-long, elderly bachelor was interrupted by one of the guests at the party who thought he would have some fun with the senator. "Are you trying to figure out where you are going next, senator?" was the question. Green's reply was, "No, I'm trying to figure out where I am now." John Pastore was re-elected to his third term the same day Birch was first elected. A black-slapping, voluble little Italian firebrand, he represented quite a contrast to his colleague Pell. Pastore's speech, Birch recalled, was like a "machine gun, rat-a-tat-tat." Birch considered both to be nice guys.

Moving south, South Carolina was represented by Olin Johnston and Strom Thurmond. Johnston had been a Democratic senator since 1945, would die in 1965 and be replaced by Donald Russell, who would lose the 1966 Democratic primary to former Governor Ernest "Fritz" Hollings. Thurmond lived a fascinating and controversial life. A former Democratic governor,

he led the walk-out at the 1948 Democratic Convention over the Civil Rights plank offered by Mayor Hubert Humphrey of Minneapolis and ran for president on the ticket of the Democratic States Rights Party, better known as the Dixiecrats. In 1954 he would be elected as a Democrat to the U.S. Senate, would be a leader of the filibusters designed to defeat the Civil Rights legislation of the 60's, and would switch Parties to become a Republican in 1964. When he left the Senate in 2003, he was the longest serving senator in American history and would live to be 100. Birch recalled that he and Thurmond rarely worked together on anything until they served on the Senate Intelligence Committee late in the Bayh career. He never respected Thurmond but couldn't put his finger on a specific reason why, though there was at least one nasty encounter on the floor of the Senate. Birch had approached him during a debate and Thurmond turned on him, saying, "Birch Bayh, you would do anything, you would stoop low as necessary....," or words to that effect. Birch felt he came as close to punching him in the nose than he'd ever come to with a colleague. Later, he was astonished by the warmth he was shown by Thurmond when he visited the Senate after his career was over.

Thurmond was also a physical fitness enthusiast who often jogged at lunch and could be seen in the Senate subway with brown sweat running down his face after a jog, the result of drawing brown hairs onto his head and darkening his eyebrows with eyebrow pencil. He got a hair transplant late in life, married a young beauty queen at age 65 and was known by the number of push-ups he would do for the cameras when celebrating another birthday as a senior citizen. Marvella remembered traveling with him on airplanes and that he would brush his teeth on the planes, not a usual sight by fellow travelers. The most unusual story about him came in his last years when it was discovered that he had fathered a black daughter as a result of a liaison with a maid in his home.

Fritz Hollings, on the other hand, was a garrulous, handsome southern gentleman who Birch got along with quite well. They worked together on major issues, though their relationship started off badly. Having been elected in 1966, he was a strong supporter of Nixon's second nomination to the Supreme Court, Clement F. Haynsworth, Jr., a South Carolinian serving on the U.S. Court of Appeals. Birch led the opposition to that nomination and it put a strain on their relationship. He and Hollings had gotten to know one another on an airplane flying to a funeral and Birch considered him a great personality, outgoing with a great sense of humor. There was a time during the Haynsworth nomination debate when Hollings had a telegram delivered to Birch accusing him of McCarthy tactics in his leadership of the anti-Haynsworth forces. Birch decided to have the telegram hand delivered back to Hollings with a note suggesting that tempers had gotten the best of them and he was sure Hollings didn't mean what he said. The telegram never made the light of day, was not mentioned again but their relationship was never fully patched up. Birch mused at one point that former governors often had a hard adjustment getting used to going from number one to one of a hundred.

The two senators from South Dakota were even more different than the two from Rhode Island. Karl Mundt was a dour Republican, in the Senate since 1948, described as a "persimmon" by Birch. They had no relationship at all, was probably the only colleague Birch could remember having that feeling about. Mundt told Birch a story while they were appearing together on a television news show, about selling encyclopedias in Avilla, Indiana. That may be the only story he can remember Mundt ever telling. The junior Democratic senator, George McGovern, had a career that began the same day as Birch's and ended the same day as well. Bayh and McGovern had a very good relationship. Birch considered him very smart and a very good senator. While Birch may have struggled to moderate his liberal image, to remain

reasonable always to those with whom he disagreed, he felt McGovern was comfortable being portrayed as a “way out there liberal.” For most of their careers, the Bayh and McGovern offices were across the hall from each other in the Russell Senate Office Building. The McGovern office had been the Senate office of John F. Kennedy, a fact duly noted on a plaque in the reception room. The Bayh office had been Richard Nixon’s, about which there was no plaque. When McGovern was the Democratic nominee for President in 1972, the Bayh staff loved seeing all the celebrities that would come to see McGovern and hang out in the hallway or sit down in an available chair in the Bayh reception room.

Tennessee was the home of two distinguished Democratic senators, Estes Kefauver, elected in 1948, and Albert Gore, Sr., elected in 1952. Kefauver, who won the nomination for vice president in the 1956 Democratic Convention against a challenge from Senator John F. Kennedy, was known for the coonskin cap he wore at political events in Tennessee and was the first Senator to invite Birch to travel to his state for a speaking event, this one to the Democratic Women’s Convention. Birch remembered getting a call from the Tennessee Senator, “Birch, I want to come see you.”

The junior senator from Indiana responded, “You sit right there, Senator; I’ll come to you.”

Kefauver answered, “No, I have a woman with me here, Mrs. Dempster, president of the Tennessee Democratic Women’s Club, and she wants to meet you.” With that, he brought the very wealthy Mrs. Dempster to the Bayh office. Her husband had become prosperous as the founder of Dempster Dumpsters. The speaking invitation was discussed and agreed to.

Kefauver had been one of Birch’s heroes for his willingness to stand up to President Truman and for courageous stands he took, like his refusal to sign the Southern Manifesto, a

document by southern congressmen and senators to oppose the Supreme Court's ruling on civil rights and support the continuation of segregation in American life. On that first trip, the two of them flew to Tennessee together. Once on the plane, Kefauver put on a pair of slippers, requested a plastic cup from a flight attendant, opened his briefcase and took out a bottle of bourbon. Since Birch was not a drinker at the time, the Tennessee senator drank alone. While he was nationally known because of the televised hearings he held on organized crime, he was also the subject of constant rumors about womanizing. Birch remembered a lady friend meeting him after the event.

He collapsed on the floor of the Senate in August 1963 and died a few days later. Birch heard the news of his death while a patient at Sibley Hospital, after cutting off a toe while mowing the lawn at the Bayh home in McLean. Birch had slipped on a grassy hill and ended up slicing off the big toe on his left foot and breaking the toe next to it. Kefauver's death would have a major impact on the Bayh career when his Subcommittee on Constitutional Amendments, which Kefauver chaired, became the first subcommittee Birch would ever chair and would become the source of most of his work during his Senate career.

Al Gore was a 3-term Senator and far more liberal than would be expected from Tennessee. Birch remembers a Gore ad for his re-election in which he rode on a horse, his curly white hair blowing in the breeze. He would likely be remembered longer because of his son, Al Gore, Jr., who would become a congressman, senator, vice president and, in 2000, Democratic nominee for president who lost to George W. Bush in an election largely decided by the Supreme Court. Al Gore, Sr. was a target of the Nixon Administration in 1970 because of his opposition to the Vietnam War, his vote against Everett Dirksen's amendment on prayer in public schools and his opposition to appointing Clement Haynsworth and G. Harrold Carswell to the U.S.

Supreme Court, the same issues that would become Bayh liabilities. Vice President Spiro T. Agnew traveled to Tennessee in 1970 to mock Gore as the “Southern regional chairman of the Eastern Liberal Establishment.” He was defeated that year by Republican Congressman Bill Brock.

The Texas senators were Ralph Yarborough (D-TX) and John Tower (R-TX). Birch didn't have much of a relationship with either, though considered Yarborough “pleasant enough, a good guy.” He didn't like Tower and never realized how anyone could be close to him, once saying that of all the senators he had served with, Tower may be the one he liked least. Texas politics was dominated by the large presence of the vice president, Lyndon Johnson, when Birch was elected to the Senate. The year LBJ was elected vice president, he was also on the ballot in Texas for re-election to the Senate, under a special law passed at Johnson's behest. His opponent in that Senate election was John Tower. Tower's slogan was "double your pleasure, double your fun — vote against Johnson two times, not one." LBJ was re-elected and William Blakley was appointed to replace him until a special election took place in 1961. It was in that election that Tower became the first Republican senator elected in Texas since Reconstruction. Yarborough was senior to Tower and had been in the Senate since 1957.

From Vermont were Republican Senators George Aiken and Winston Prouty. Aiken was one of the most senior members of the Senate, sixth in seniority and a Senator since 1941. Prouty had been there since 1959. Aiken was described by Birch as “A prince of a guy, a statesman, friendly, no airs. He was a saint.” No such memories pertained to Prouty.

Virginia's senators were A. Willis Robertson and Harry Byrd, Sr. Both were conservative Democrats. Robertson's son would become the evangelical preacher Pat Robertson. Byrd had been Virginia governor before he came to the Senate in 1933 and was a

stalwart defender of segregationist laws, blocking virtually every piece of civil rights legislation to come along until Lyndon Johnson became president. Johnson found ways to win him over when he really needed to. He was also the brother of famed aviator Richard Byrd.

Washington state sent two distinguished Democrats to the Senate who served there throughout Birch's tenure, Henry "Scoop" Jackson and Warren "Maggie" Magnuson. Scoop Jackson had been in the Senate since 1953 and Maggie since 1944. Birch felt close to both men. He remembered visiting Scoop's wife in the hospital. When Jackson and Bayh were both seeking the presidential nomination in 1976, Birch never took Jackson's candidacy serious but remarked, "Jackson probably felt the same about mine." Magnuson, who was the Appropriations Committee chair when Birch served on that committee, was very good to him the entire time.

The West Virginia Senate delegation was another pair of distinguished members, Democrats Robert Byrd and Jennings Randolph. Birch had a good relationship with both. Byrd served as majority whip, when Mike Mansfield was leader, and later as majority leader, a senator since 1959. Birch remembered how, when Byrd was in the leadership, he held up a vote for the traveling Birch Bayh and had the F.A.A. get the airplane Birch was riding in to land ahead of others in order to rush the Hoosier senator to the floor. Birch felt close to Byrd, though Vance Hartke and Byrd were probably closer. Birch described Jennings Randolph as "quite a guy." He had been in Congress since FDR, elected to the House when Roosevelt won the Presidency and to the Senate in 1958, and was known for his affability and stories.

The Wisconsin senators were Democrats William Proxmire and Gaylord Nelson. Proxmire had the distinction of being the senator who replaced Joseph McCarthy in 1957 but was a man Birch felt it was hard to be close to. Proxmire was a physical fitness enthusiast, jogging to work, standing rather than sitting at his elevated desk. On one Saturday morning,

driving to the Capitol for a weekend session, Birch's car was stopped on the Connecticut Avenue Bridge for speeding. When the policeman was told that Senator Bayh was the passenger and that he was rushing to the Capitol, the officer replied, "If you speed up, you can catch Senator Proxmire, who just ran by." He and Birch always had a cordial relationship but Proxmire was recalled as someone who "danced (or walked or jogged) to his own drummer." Once when jogging, he was confronted by a mugger, demanding money. Proxmire told the man to go ahead and kill him, claiming he was dying of cancer anyway, which he was not. Gaylord Nelson, on the other hand, was a good friend to Birch. They often worked together and arrived in the Senate together. A former Wisconsin Governor, he would gain a reputation as the Senate's leading environmentalist.

Other senators would play a role in Birch's life and career. John Sparkman (D-AL), elected in 1946, had been the vice presidential candidate in the 1952 campaign with Gov. Adlai Stevenson. His daughter Jan would become a close friend of the Bayhs, with her husband, former Admiral Tazewell Shepherd. Sparkman would also play a role in one of the Bayh stories that is among its most tragic and sad, the one who informed Marvella that her father had killed his wife and himself. Clinton Anderson, Democrat from New Mexico had been a senator since 1949 and was frail and in bad physical condition when Birch would have to depend on him many years later. There was Herman Talmadge of Georgia, a Democratic senator since 1957 who would achieve national prominence in the Watergate hearings in 1973. In later years, he would be Birch's seat-mate, their chairs sitting next to each other on the Senate floor. Birch would remember the spittoon on the floor near Talmadge's desk. Also achieving prominence, though of a different kind, was Harrison "Pete" Williams (D-NJ). He would become embroiled in a scandal in 1980 known as Abscam. He was convicted of bribery and conspiracy, resigned his



seat rather than face expulsion and ended up serving time in prison. It was the first time in 80 years that a senator had gone to prison. Birch would also serve with Alaska's first two senators, both Democrats elected in 1958, Edward Bartlett and Ernest Gruening.

Other senators in office when Birch arrived were Lister Hill (D-AL), Thomas Kuchel (R-CA) and Clair Engle (D-CA), Gordon Allott and Peter Dominick (both R-CO), John J. Williams and James Boggs (both R-DE), Spessard Holland (D-FL), Hiram Fong (R-HI), Len Jordan (R-ID), Bourke B. Hickenlooper and Jack Miller (both R-IA), Frank Carlson and James Pearson (both R-KS), Thruston Morton (R-KY), James Glenn Beale (R-MD), Patrick McNamara (D-MI), Alan Bible and Howard Cannon (both D-NV), Clifford Case (R-NJ), Edwin Mechem (R-NM), B. Everett Jordan (D-NC), Quentin Burdick (D-ND), Milton Young (R-ND), Wallace Bennett (R-UT), Frank Moss (D-UT), Gale McGee (D-WY) and Milward Simpson (R-WY).

During Birch's first two years in the Senate, 1963-1964, Herbert Walters (D-TN), replaced the late Estes Kefauver, a caretaker appointment by Governor Frank Clements, who was determined to run for the seat in 1964. However, he was defeated in the Democratic primary by Ross Bass, who was elected senator in the fall. Pierre Salinger (D-CA), who had been President Kennedy's press secretary and later worked for RFK, was appointed to replace the deceased Sen. Clair Engle and, running for a full term in 1964, Salinger was defeated by actor George Murphy (R-CA), who took office on January 1, 1965.

A new senator who took office in late 1964 after winning in the 1964 election was Joseph Montoya (D-NM), replacing Edwin Mechem, a former governor who had appointed himself to fill the seat vacated by the death of Dennis Chavez. Appointed to fill the unexpired term of newly elected vice president Hubert Humphrey was Walter "Fritz" Mondale, who would become a close Bayh friend and ally.

### 89<sup>th</sup> Congress – 1965/1966

The 1964 election brought Joseph Tydings (D-MD) to the Senate after defeating James Glenn Beall and Robert F. Kennedy (D-NY), who defeated Kenneth Keating. Paul Fannin (R-AZ) replaced the retired Barry Goldwater, who had run for president instead of re-election. Donald Russell (D-SC) resigned as governor upon the death of Olin Johnston and was appointed to his seat, only to be defeated in the Democratic primary two years later by Fritz Hollings, who would take his seat immediately after the 1966 election on November 9. Harry F. Byrd, Jr. would be appointed to replace his ailing father, who resigned from the Senate in late 1965. In May 1966, Robert Griffin (R-MI), who would go on to become Senate minority whip, was appointed to replace the deceased Patrick McNamara. William Spong (D-VA) was recruited by LBJ to take on Willis Robertson in the Democratic primary because of the latter's opposition to Johnson's civil rights legislation. He won the primary and took his seat on the last day of 1966 after Robertson resigned.

### 90<sup>th</sup> Congress – 1967/1968

The Senate took on additional new members with the 1966 election, men who would play important roles in the life and career of Birch Bayh. Charles Percy defeated Sen. Paul Douglas in Illinois, while Mark Hatfield was being elected in Oregon and Howard Baker (R-TN) defeated Gov. Frank Clements, who had ousted Ross Bass in the primary. In Wyoming, Republican Clifford Hansen was elected to replace the retired Milward Simpson. Ed Brooke in Massachusetts became the only African American senator, a Republican but a key Bayh ally. A few senators who took office before the end of 1968 were Charles Goodell (R-NY), appointed by Gov. Nelson Rockefeller to fill the seat vacated by the assassination of Robert Kennedy, Marlow Cook (R-KY), and Thomas Eagleton (D-MO). Cook and Eagleton acceded to the

Senate early because of the resignation of retiring senators Thruston Morton and Edward Long, the latter having lost the primary to Eagleton. Also arriving early was Ted Stevens (R-AK), appointed to fill the seat of the deceased Bob Bartlett.

91<sup>st</sup> Congress – 1969/1970

The 1968 election brought many changes to the Senate. Republicans would enjoy a net gain of five seats in the Senate with a sixth added in December when Democratic Senator Bob Bartlett of Alaska died and was replaced by Republican Ted Stevens. At that point, the Democrats would control 56 of the seats in the Senate. New Democrats would be James Allen in Alabama replacing Lister Hill, Howard Hughes in Iowa replacing Bourke Hickenlooper, Mike Gravel in Alaska replacing Ernest Gruening, Thomas Eagleton in Missouri replacing Edward Long and Alan Cranston in California replacing Thomas Kuchel. New Republicans would be Bob Dole in Kansas replacing Frank Carlson, Marlow Cook in Kentucky replacing Thruston Morton, Barry Goldwater in Arizona replacing Carl Hayden, Edward Gurney in Florida replacing George Smathers, Charles Mathias in Maryland replacing Daniel Brewster, William Saxbe in Ohio replacing Frank Lausche, Henry Bellmon in Oklahoma replacing Mike Monroney, Bob Packwood in Oregon replacing Wayne Morse and Richard Schweiker in Pennsylvania replacing Joseph Clark.

Also of note were new senators Allen, Gravel and Bellmon. Allen, a conservative from Alabama, would end up on the Judiciary Committee and become a thorn in Birch's side. The Senate could not convene until all committees are organized and they cannot be organized until their subcommittees are organized. Allen's interest in promoting prayer and anti-abortion amendments in Birch's Subcommittee would be off-set by the presence of Maryland Republican Charles "Mac" Mathias, a confirmed liberal. But the Republicans tried to keep Mathias from

filling a GOP seat on the panel, which would give Allen an edge. Appealing to Strom Thurmond for help on the Mathias issue, Thurmond replied, “Birch Bayh, you’d do any criminal thing in the world”, or words to that affect, referred to above. Incredulous, Birch asked him to repeat himself, which he did, leading the Indiana senator to do all he could to restrain his anger at the South Carolina demagogue.

Gravel was another story entirely. When asked about Gravel’s reputation as a ladies’ man, Birch replied that he was and recounted a story about a trip he had made to Alaska to give a speech for Gravel. After the speech, a reception was held at the home of a very attractive woman. When Birch went upstairs to look for a bathroom, he walked in a bedroom by accident and interrupted a love making session between the hostess and a Gravel supporter. While he said he wasn’t sharing a revealing story about Gravel himself, his instant connection between what he saw on that day and what the Gravel rumors were makes one think he may have been holding his tongue about the real identity of the man in the bedroom.

Bellmon, one of several Republicans with whom Birch became very friendly, was the first Republican senator to co-sponsor Birch’s Direct Election Amendment.

#### 92nd Congress – 1971/1972

The election of 1970 saw the Democrats lose 3 seats in the Senate. There was a pick-up of one seat by the Republicans but also elected was Harry Byrd, Jr., formerly a Democrat but re-elected as an Independent, plus a member of New York’s Conservative Party, James Buckley, who defeated Charles Goodell. New Senate Democrats would be a number of interesting characters. John Tunney in California, son of former heavyweight champion Gene Tunney, defeated George Murphy, a former actor. In Illinois there was the election of Adlai Stevenson III, son of the former two-time Democratic nominee for president, defeating the man who had

been appointed to replace Everett Dirksen, Ralph Smith. In Florida was the election of Lawton Chiles, known as “Walkin’ Lawton,” a man who walked from one end of the state to the other, a novel, but successful, approach to campaigning. He replaced the retired Spessard Holland. Eugene McCarthy had also retired from the Senate at the end of his term and was replaced by former senator and vice president Hubert H. Humphrey. These musical chairs among Democratic senators in Minnesota had Humphrey serving with the man who succeeded him in the Senate, Fritz Mondale. In Texas, Ralph Yarborough had been defeated in the primary by Lloyd Bentsen, who was elected in the fall.

Those Democrats re-elected included Indiana’s Vance Hartke, who squeaked by with a margin of two-tenths of a percent, only 4,383 votes. His opponent, Rep. Richard Roudebush, would contest the election and it would not be finally resolved by the federal courts until 1972. Since the Senate has the right to seat whomever it wants, Hartke was assumed the winner and took the seat he already held. Others re-elected for the Democrats were Ed Muskie in Maine, Ted Kennedy in Massachusetts, Phil Hart in Michigan, John Stennis in Mississippi, Stuart Symington in Missouri, Mike Mansfield in Montana, Howard Cannon in Nevada, Harrison “Pete” Williams in New Jersey, Joe Montoya in New Mexico, Quentin Burdick in North Dakota, John Pastore in Rhode Island, Frank Moss in Utah, Scoop Jackson in Washington, Robert Byrd in West Virginia, Bill Proxmire in Wisconsin and Gale McGee in Wyoming.

Newly elected Republican senators would be Lowell Weicker in Connecticut, who defeated the troubled Tom Dodd, Bill Roth in Delaware, who replaced the retiring John Williams, J. Glenn Beall in Maryland, who defeated Joe Tydings (Beall was the son of the man Tydings had defeated), Bob Taft in Ohio, son of a senator and grandson of a president, replacing the retired Stephen Young, and Bill Brock in Tennessee, who defeated Al Gore, Sr. Re-elected

Republicans included Ted Stevens in Alaska, Paul Fannin in Arizona, Hiram Fong in Hawaii, Roman Hruska in Nebraska, Hugh Scott in Pennsylvania and Winston Prouty in Vermont. Prouty, however, would die in 1971 and be replaced by the appointment of Robert Stafford, a Republican.

93rd Congress – 1973/1974

Nixon was overwhelmingly re-elected in 1972, winning 60.7% of the popular vote to McGovern's 37.5%, with McGovern winning only the electoral votes of Massachusetts and Washington, DC. Nixon's coattails were non-existent, however, with Democrats picking up two seats in the Senate. The Senate elections had 19 of the incumbents re-elected, seven Democrats and 12 Republicans. The new Senate would be 56 Democrats, 42 Republicans, a Conservative and an Independent. Newly-elected Democrats replacing incumbent Democrats were Sam Nunn of Georgia, who defeated David Gambrell in the primary, and J. Bennett Johnston in Louisiana, who won an open seat which had been vacated with the death of Allen Ellender. Gambrell had been appointed by Gov. Jimmy Carter to fill the seat of Richard Russell upon his death. The newly-elected Republican who replaced an incumbent Republican was James McClure in Idaho, replacing the retired Len Jordan. Democrats picked up six Republican seats with the election of Floyd Haskell in Colorado over Gordon Allott, Joseph Biden in Delaware over Caleb Boggs, Dick Clark in Iowa over Jack Miller, Walter "Dee" Huddleston replacing the retired John Sherman Cooper, Bill Hathaway in Maine defeating Margaret Chase Smith and James Abourezk in South Dakota replacing the retired Karl Mundt. Republicans taking Democratic seats were Pete Domenici in New Mexico replacing the retired Clinton Anderson, Jesse Helms in North Carolina replacing B. Everett Jordan, who lost his Party's primary, Dewey Bartlett in Oklahoma

replacing the retired Fred Harris and William Scott in Virginia over William Spong. Several of these new senators would play important roles in the remaining years of Birch's career.

94th Congress – 1975/1976

The 1974 election was a good one for Democrats nationally, as should be expected in the midst of a scandal, Watergate, involving the Republican incumbent. Their net gain in the Senate was three seats, which would add another one when a special election in New Hampshire resulted in Democrat John Durkin being elected later in 1975. The Democrats would hold a 13 seat majority, 61-38 with the future Durkin seat vacant and have a 291-144 majority in the House.

Re-elected for the Democrats were James Allen of Alabama, Mike Gravel of Alaska, Alan Cranston of California, Abe Ribicoff of Connecticut, Herman Talmadge of Georgia, Daniel Inouye of Hawaii, Frank Church of Idaho, Adlai Stevenson III of Illinois, Russell Long of Louisiana, Tom Eagleton of Missouri, Fritz Hollings of South Carolina, George McGovern of South Dakota, Warren Magnuson of Washington and Gaylord Nelson of Wisconsin. From Birch's class of Democratic senators who began their terms in 1963, six of the eight still remained. Dan Brewster of Maryland had been defeated in 1968. Tom McIntyre was elected to an unexpired term in 1962 from New Hampshire and was elected for a full term in 1966, so he no longer ran at the same time as Birch. Howard Edmonson had been appointed to fill an unexpired term from Oklahoma and was defeated in a primary two years later.

Re-elected for the Republicans were Barry Goldwater of Arizona, Bob Dole of Kansas, Charles Mathias of Maryland, Jacob Javits of New York, Milton Young of North Dakota, Henry Bellmon of Oklahoma, Bob Packwood of Oregon and Richard Schweiker of Pennsylvania.

New Democrats were Dale Bumpers in Arkansas, who defeated J. William Fulbright in the primary, Gary Hart in Colorado, who defeated the Republican incumbent Pete Dominick, Richard Stone in Florida, replacing the retired Republican Ed Gurney, John Culver in Iowa, replacing the retired Democrat Harold Hughes, Wendell Ford in Kentucky, who defeated the Republican incumbent Marlow Cook, Robert Morgan in North Carolina, replacing the retired Democrat Sam Ervin, John Glenn in Ohio, who had defeated Democratic incumbent Howard Metzenbaum in the primary and Patrick Leahy in Vermont, who replaced the retired Republican George Aiken. New Republicans would be Paul Laxalt in Nevada, replacing the retired Democrat Alan Bible and Jake Garn in Utah, replacing the retired Republican Wallace Bennett. At Dale Bumpers' reception celebrating his swearing in, in January, he told Birch about an occasion at the White House the previous year when Nixon was hosting state and local elected leaders. Bumpers stood in the receiving line behind Mayor Richard Lugar and heard Nixon ask him, "Are you going to run against the son-of-a-bitch?" Lugar responded that it was likely and Nixon said, "Do it. You can beat him." Of the other new senators, Hart, Culver, Glenn and Leahy would all play prominent roles in the remaining years of Birch's career and afterward.

Birch recalled a story about John Culver, a man he considered a good friend and valued colleague. Culver had a reputation for a terrible temper and was known to take a drink now and then. The story concerned both, when Culver got into a cab and proceeded to fall asleep before telling the taxi driver where he was to go. The driver asked a policeman to help him get Culver out of the cab and as the policemen was doing so, Culver awoke and started swinging. A large, thickset man, he could have seriously hurt the cop before he restrained himself. After all, he didn't know who it was pulling him out of the car.



Looking back on his own career and discussing relationships with his colleagues, Birch described Leahy as “one of the best senators we have ever had” and someone he liked a lot. “He and I were very close friends. He was probably the most decent human being of any I ever served with in the Senate.”

95th Congress – 1977/1978

Jimmy Carter’s election as president was totally without coattails, not changing the partisan make-up of the Senate at all, though a number of new senators were elected. New Democratic senators would be Dennis DeConcini in Arizona replacing the retired Paul Fannin, Spark Matsunaga in Hawaii replacing the retired Hiram Fong, Paul Sarbanes defeated J. Glenn Beall in Maryland, Donald Riegle in Michigan replacing the retired Phil Hart, John Melcher in Montana replaced the retired Mike Mansfield, Ed Zorinsky in Nebraska replaced the retired Roman Hruska, Daniel Patrick Moynihan defeated James Buckley in New York, Howard Metzenbaum defeated Robert Taft in Ohio and Jim Sasser in Tennessee defeated Bill Brock. Birch would remember Sarbanes, who was a Rhodes Scholar like Lugar, by saying that he was “a good man, one of the smartest members of the Senate I ever served with.”

New Republican senators would be S.I. Hayakawa, who defeated John Tunney in California, John Danforth replaced the retired Stuart Symington in Missouri, Harrison Schmitt, a former astronaut, defeated Joseph Montoya in New Mexico, John Heinz III, heir to the ketchup fortune, replaced the retired Hugh Scott in Pennsylvania, John Chafee replaced the retired John Pastore in Rhode Island, Orrin Hatch defeated Frank Moss in Utah and Malcolm Wallop defeated Gale McGee in Wyoming. Birch would remember Hugh Scott, the minority leader, saying “I liked Hugh Scott. He was a progressive figure heading the Republicans.” Orrin Hatch and Birch would develop a close relationship while appearing on different sides of most issues, a

relationship that continued after Birch left the Senate. They teamed up on a bill to protect the rights of the institutionalized. Co-sponsoring the Bayh legislation, Hatch complained to him, “Bayh, this thing is killing me (at home). It’s terrible!” When Birch reacted by saying, “But it’s the right thing to do, wasn’t it Orrin?” Hatch responded, “Yes, it was.”

Re-elected for the Democrats were Lawton Chiles (FL), Ed Muskie (ME), Ted Kennedy (MA), Hubert Humphrey (MN), John Stennis (MS), Howard Cannon (NV), Harrison Williams (NJ), Quentin Burdick (ND), Lloyd Bentsen (TX), Scoop Jackson (WA), Robert Byrd (WV) and William Proxmire (WI). For the Republicans, those re-elected were Lowell Weicker (CT), William Roth (DE) and Robert Stafford (VT). Harry Byrd, the Independent in Virginia was also returned to the Senate.

When Sen. Mondale became vice president in 1977, Minnesota Gov. Wendell Anderson resigned so he could be appointed to that seat, effectively appointing himself. This would not prove to be wise; he was defeated two years later. Also in 1977, Sen. John McClellan (AR) died and was replaced by Kaneaster Hodges.

#### 96th Congress – 1979/1980

The 1978 election was a harbinger of things to come. Republicans took three open Senate seats, including one in Minnesota, a special election called after the death of Hubert Humphrey, as well as in Mississippi because of James Eastland’s retirement and South Dakota because of James Abourezk’s retirement. New to the Senate would be David Durenberger (R-MN), Thad Cochran (R-MS) and Larry Pressler (R-SD). Republicans also defeated five Democratic incumbents: Floyd Haskell of Colorado, Dick Clark of Iowa, William Hathaway of Maine, Wendell Anderson of Minnesota, and Thomas McIntyre of New Hampshire. The two Republican victories in Minnesota saw the state's Senate delegation change from two Democrats

to two Republicans in the same election. Replacing the Democratic incumbents who lost were William Armstrong (CO), Roger Jepsen (IA), William Cohen (ME), Rudy Boschwitz (MN) and Gordon Humphrey (NH).

The Republican gains were offset by Democratic defeats of Edward Brooke in Massachusetts and Robert Griffin in Michigan and captures of Republican open seats in Nebraska, New Jersey, and Oklahoma. New senators were Paul Tsongas (MA), Carl Levin (MI), James Exon (NE), Bill Bradley (NJ) and David Boren (OK). Clifford Case had lost his primary in New Jersey, leading to former NBA star Bradley winning the seat. Carl Curtis of Nebraska and Dewey Bartlett of Oklahoma had retired.

Other retirements without Party changes were John Sparkman in Alabama, replaced by Howell Heflin, Kaneaster Hodges in Arkansas, replaced by David Pryor, James Pearson in Kansas, replaced by Nancy Landon Kassebaum, William Scott in Virginia, replaced by John Warner and Clifford Hansen of Wyoming, replaced by Alan Simpson.

Another replacement included Donald Stewart in a special election, replacing the late Sen. James Allen's wife Maryon Allen, who had been appointed to his seat after his death. Paul Hatfield, a Democrat from Montana, lost his primary to Max Baucus, who was elected in the fall. Hatfield had been appointed in 1978 after the death of Lee Metcalf.

Re-elected for the Republicans were Ted Stevens of Alaska, James McClure of Idaho, Chuck Percy of Illinois, Pete Domenici of New Mexico, Jesse Helms of North Carolina, Mark Hatfield of Oregon, Strom Thurmond of South Carolina, Howard Baker of Tennessee and John Tower of Texas.

Democrats re-elected were Joe Biden of Delaware, Sam Nunn of Georgia, Walter Huddleston of Kentucky, J. Bennett Johnston of Louisiana, Claiborne Pell of Rhode Island and Jennings Randolph of West Virginia.

Birch talked about the 1978 election and his memories of new and former colleagues whose fate was changed that day. With Sam Nunn he had a “proper relationship; not a warm and fuzzy guy.” Bill Cohen was “a very decent guy” and Paul Tsongas was “an intellectual type guy, didn’t have his feet on the ground much of the time.” About Max Baucus he remembered their first meeting and that he was unimpressed with the new senator, though later his opinion would change as they became friends. Clifford Case was remembered as a “decent guy, a Republican you could always count on,” good on the issues and good to his word. James Exon had been governor when Birch sought the presidency and remembered a time in Nebraska when Exon, who supported him, urged him to get in his car with him as they left the event for which Birch had gone there. The Secret Service agents argued against it and were visibly unhappy when Birch got into the Governor’s car. “Birch, you hungry?” he asked, to which Birch said he was. “Do you like McDonalds’ burgers?” to which Birch replied he did. In a very few minutes the Governor and Senator were in line at McDonald’s, to the amazement of the diners inside.