

The Campaigns of Birch Bayh

Birch Bayh was a candidate for the U.S. Senate four times after several successful elections to the Indiana General Assembly. The campaigns for the state legislature and the first Senate campaign in 1962 are fully depicted in chapters 1 and 2 of [Birch Bayh: Making a Difference](#). For the sake of brevity, many of the details originally written for this biography about the subsequent campaigns were deleted and are available here. This appendix to the Birch Bayh biography provides a fuller picture of the campaigns for re-election in 1968, 1974 and 1980 as well as the presidential campaigns seeking the Democratic nominations in 1972 and 1976. It is hoped that those who enjoyed the biography will also enjoy reading more complete accounts from those campaigns.

1968 Re-Election Campaign

1968 was no ordinary election year. The war in Vietnam and Civil Rights, dominated American life. Separately and together they created a series of cataclysmic events that made memories of that year seem dizzying, both at the time and in retrospect. It was an extraordinary year, a year of change and a year of challenge, not just in the United States but around the world. For those who lived through it, it felt as if the world were coming apart at the seams. There were fights for freedom and for equality, marches against the War and in its support. And there was a historic presidential campaign with a severely weakened incumbent.

In Europe, the stirrings of freedom manifested themselves in Czechoslovakia where, in January, 1968, Alexander Dubček was chosen as the leader of the Communist Party, an event that caused severe repercussions later that year. The Tet offensive had begun and in the waters

off North Korea, the *USS Pueblo* was seized. North Korea claimed the ship violated its territorial waters while spying and began a crisis for LBJ to resolve.

In February, a photo of a gruesome execution of a Viet Cong officer made headlines around the world. The wrenching photo fostered an increase of anti-war sentiment in the U.S. Civil rights protests created disturbances in several colleges across the country. Birch made several public statements about Vietnam, in support of General Westmoreland, who headed up the American forces there, and underscored the responsibility of the U.S. to “stop the Communist aggression.” He also called on the government to get the U.S.S. *Pueblo* back.

The New Hampshire Primary on March 12 shocked American politicians as President Johnson barely defeated the antiwar candidate, Senator Eugene McCarthy. This highlighted the deep divisions over the war in Vietnam, both in the country and the Democratic Party. Speculation grew about the possibility of Senator Robert Kennedy entering the race for the Democratic nomination. On March 16, four days after primary, he did just that, announcing his candidacy in the same Senate Caucus Room where his brother had announced his candidacy eight years before. On that same day, American troops killed scores of civilians at My Lai, Vietnam, a story which would not be made public until late in 1969.

American concerns about the war in Vietnam fueled the campaign of McCarthy for President. Actor Paul Newman and other celebrities boosted McCarthy’s national profile, marking the emergence of the entrance of celebrities in American politics. Among the first celebrities to speak out publicly against the war, ironically in Indianapolis in 1966, was the actor Robert Vaughn, star of television’s “The Man from U.N.C.L.E.,” at a dinner in support of President Johnson’s likely campaign for re-election two years hence. Vaughn switched to McCarthy and was joined by a long list of celebrities.

Tony Podesta was a college student and a McCarthy supporter who was assigned to Paul Newman's detail. Years later, Podesta would become a prominent DC power broker. Podesta suggested that, "Until that point, McCarthy was some sort of quack not too many people knew about, but as soon as Paul Newman came to speak for him, he immediately became a national figure."¹

In many respects, McCarthy was an atypical politician. An erudite, cultured man who sometimes seemed ill at ease while glad-handing with voters, he showed a quick wit and was known to write poetry. Jay Berman remembered an evening on the Senate floor when a vote was taking place for final passage of an appropriations bill. McCarthy arrived in a tuxedo having interrupted his evening plans. When he was asked sarcastically about his attire, he responded, "I always dress up for final passage."

The McCarthy candidacy provided a structure for millions of young people in the country who were energized by their opposition to the war. These were the same people Birch had tried to mobilize for Johnson-Humphrey four years earlier but for McCarthy, getting them to sign on to his campaign took little effort.

March 1968 saw demonstrations against U.S. involvement in Vietnam in London and Paris, the latter bringing France to the brink of revolution. Back at home in Washington, DC, Howard University students staged a 5-day sit-in, shutting down the university in protest over its ROTC program and the Vietnam War. This form of student activism included demands by the civil rights movement for a more Afrocentric university curriculum. While African-Americans were ratcheting up the pressure on civil rights, their elected officials were only slowly coming around in support, with leading politicians coming to understand that simple justice was at stake.

¹ Jack Doyle, "1968 Presidential race," blog called *The Pop History Dig*, August 14, 2008

At a meeting in Indianapolis, Birch remarks were interrupted by a large man hard to ignore. A 31-year-old, 6'3" albino African-American with a shock of white hair and a booming voice, his name was Gordon Alexander and he questioned Birch's commitment to civil rights. After the meeting, Birch asked to speak to him. Birch instinctively felt Alexander was the kind of man who could help him on his own journey to better understand what was happening in the black community, someone he had been looking for. Birch asked him if he was interested in coming to Washington to work for him, to which Alexander responded that he might not be re-elected. Birch then asked if he would help organize minority communities for him and to come to DC after the 1968 election once he was safely in office for another six years. Alexander was sympathetic to the idea and, years later, described his early relationship with Birch by saying he was the "first color-blind white person I ever met, the first white man I ever knew who got it." Birch felt that his heightened sensitivity to the cause of civil rights and against the scourge of racism was due to his relationship with Gordon Alexander and what he taught him. Birch was keenly aware, Alexander remembered, that he wasn't sufficiently sensitized on issues of race. Until that moment in time, the hiring practices in the Senate office had not demonstrated any race consciousness at all, which naturally changed after he joined the staff.²

On March 31 came the next major bombshell in American politics when President Johnson announced he would not seek re-election. The Democratic Party was in turmoil and Richard Nixon was establishing himself as the Republican front runner, opposed by governors George Romney of Michigan, Nelson Rockefeller of New York, John Volpe of Massachusetts and Ronald Reagan of California. Nixon entered eleven primaries and lost only to Rockefeller in Massachusetts. California was conceded to Reagan.

² Gordon Alexander's story as described in an interview with him and the author on July 1, 2015

LBJ's withdrawal was a shock, but another body blow was felt four days later with the assassination of Civil Rights leader Reverend Martin Luther King, Jr., shot dead in Memphis, Tennessee. With the death of MLK, spontaneous riots erupted in many of the largest American cities across the country, lasting for several days.

Birch's remarks on the death of King echoed the horror and sadness felt by most Americans at this tragic event. "The hearts of Americans are heavy with sorrow; our heads hang in shame. The brutal and tragic assassination of Dr. Martin Luther King will place him among the most revered martyrs in American history. That this man of non-violence should meet a violent death will remain an indelible smear on the face of our nation."

President Johnson made every effort to devote his attention to the tasks before him, signing the Civil Rights Act of 1968 in April and spending most of his waking hours seeking an end to the War. In April there were week-long, anti-war student protests at Columbia University that ended up with students taking over administration buildings and shutting down the university. Birch made statements in March and April in support of those fighting communist repression in Poland and Czechoslovakia and scheduling hearings on a proposal to lower the voting age to 18. In between Indiana trips, he attended the funeral of Martin Luther King, Jr.

There was a Democratic Primary in Indiana on May 7. Birch's nomination for another term in the Senate was never in doubt but the presidential primary attracted a great deal of national attention and a challenge to the junior senator.

The backdrop for this election year would present a challenge to any Democratic incumbent. Average Americans supported the war because that was what you did; America – right or wrong – my country. Yet increasingly, Americans grew uneasy watching the steady diet of nightly news covering the carnage of war, body bags and all. They were unsettled by student

protests and public opinion determined that American kids were spoiled. With regard to African-Americans, many believed that those uppity Negroes needed to be put in their place. As for women, the focus was on bra burnings and rebelling about being housewives. The America they had grown up in was under assault and many Americans found it difficult to endure the onslaught of events that seemed to be happening almost daily. The culture was changing and there wasn't anything you could do about it. Indiana is the heartland of America and these views were widely shared across the state.

The Indiana primary would be remembered for the battle between McCarthy and Kennedy but also because of the celebrities swarming the state in support of both candidates. McCarthy had Paul Newman's support, who said in Indiana that "I am not a public speaker. I am not a politician. I'm not here because I'm an actor. I'm here because I've got six kids. I don't want it written on my gravestone, 'He was not part of his times.'" RFK also competed in the celebrity sweepstakes, as dozens of actors, entertainers and athletes flocked to his side.³ The stakes were high. Both candidates felt that winning in Indiana was critical. McCarthy needed to demonstrate that he could beat Kennedy. RFK said that, "Indiana is the ball game. This is my West Virginia," referring to the most critical primary state for his brother's campaign eight years earlier. West Virginia had become the test of whether or not a protestant state would elect a catholic candidate. Indiana was RFK's test to show that he could win in a conservative state.⁴

Many politicians steer clear of endorsing candidates in their Party's presidential primaries. Birch considered endorsements as a "no-win" situation, a policy he maintained throughout most of his career. Endorsing a candidate usually resulted with little appreciation from the candidate getting the endorsement and lots of enmity from those candidates who didn't.

³ Jack Doyle, "1968 Presidential race," blog called *The Pop History Dig*, August 14, 2008

⁴ Ray E. Boomhower, Robert F. Kennedy and the 1968 Indiana Primary, page 6

The Indiana Democratic Primary saw two of Birch's Senate colleagues competing against each other, McCarthy and Kennedy, one of whom he had a lot of history with, plus Indiana Governor Roger Branigin as a stand-in for the President. Birch remembered Branigin as being "very smart, but not nearly as smart as he thought he was." Vice President Humphrey, who Birch also felt close to, entered the race too late to compete in the primaries, though many viewed a vote for Branigin as a vote for Humphrey, as Johnson's vice president. Bayh supporters across the state were dividing up among the various campaigns. Tilting toward one candidate or another would likely do damage to Birch's own chances for re-election. As is the case with most situations like this, all candidates are ultimately unhappy with a popular incumbent who they felt could be helpful to them. At one point, *Time* magazine printed a quotation from McCarthy saying, "Birch Bayh could find a way to hide in a field of stubble." Since he felt he had been bending over backward to avoid taking sides, even though the Bayh campaign through Bob Keefe surreptitiously passed information along to Kennedy throughout the campaign, Birch was extremely unhappy with the remark. Calling McCarthy to ask about it, the Minnesota Senator denied ever saying it and offered to issue a press release to publicly deny it. Birch wondered if that might only make matters worse so let the matter drop. Vance Hartke was openly supporting Kennedy, who ended up winning the primary. Kennedy would get 42% of the vote, with Gov. Branigin receiving 30.7% and McCarthy 27.4 %.

Kennedy's victory was, in part, fueled by an act of courage that he demonstrated upon hearing of the death of Martin Luther King. After campaigning in Muncie, Indiana, RFK was preparing to fly to Indianapolis when news of King's death reached him. He chose to speak spontaneously to a crowd of 2,000 people -- mostly African-Americans -- at an inner-city park. To the horror of those assembled that night, Kennedy somberly announced the news of the

assassination. His remarks calmed the crowd and saved Indianapolis from the racial unrest which resulted from news of MLK's death and spread quickly in major cities throughout America.

In this difficult day, in this difficult time for the United States, it is perhaps well to ask what kind of nation we are and what direction we want to move in. For those of you who are black – considering the evidence there evidently is that there were white people who were responsible – you can be filled with bitterness, with hatred, and a desire for revenge. We can move in that direction as a country, in great polarization – black people amongst black, white people amongst white, filled with hatred toward one another.

Or we can make an effort, as Martin Luther King did, to understand and to comprehend, and to replace that violence, that stain of bloodshed that has spread across our land, with an effort to understand with compassion and love.

For those of you who are black and are tempted to be filled with hatred and distrust at the injustice of such an act, against all white people, I can only say that I feel in my own heart the same kind of feeling. I had a member of my family killed, but he was killed by a white man. But we have to make an effort in the United States, we have to make an effort to understand, to go beyond these rather difficult times.

My favorite poet was Aeschylus. He wrote: “in our sleep, pain which cannot forget falls drop by drop upon the heart until, in our own despair, against our will, comes wisdom through the awful grace of God.”⁵

⁵ “Statement by Senator Robert F. Kennedy on the Death of the Reverend Martin Luther King, Rally in Indianapolis, April 4, 1968,” Transcript provided by the John Fitzgerald Kennedy Library, Boston, MA, as quoted from Raymond H. Scheele, Larry Conrad of Indiana, pages 44-45

Diane Meyer, from Nappanee, Indiana, who joined Birch's staff after the campaign, was present at that speech and mesmerized by the event. Three days after the speech, Ted Kennedy visited her campus at Butler University to meet with the small Young Democrats chapter, seven people in all. Shortly after that meeting, the twenty-two year old Meyer became a volunteer and traveled with the Kennedy campaign as an assistant to the traveling press secretary Dick Drayne until it ended. She gravitated to Birch on the recommendation of Drayne, became a key member of the Bayh staff and, during certain periods, a member of Larry Conrad's staff.⁶

As the Vietnam War continued to dominate the news at home, it also enraged other countries with 1 million people marching in the streets of Paris.

The presidential campaign remained in full swing, with a Kennedy victory in Nebraska on May 14. In a surprise turn in the election, McCarthy defeated RFK two weeks later in Oregon, the first election defeat ever suffered by a Kennedy. RFK would face McCarthy again in the California primary on June 4.

Prior to the Indiana Democratic State Convention in June, Birch was scheduled to formally announce his candidacy for re-election. All eyes were on the California primary, which Robert Kennedy won. Late that night at the Ambassador Hotel in Los Angeles, in a shock to the nation, RFK was assassinated by a Palestinian named Sirhan Sirhan.

Much of the country for the next several days was consumed by events surrounding the latest Kennedy tragedy; the funeral services in New York City, the final train trip he would take from New York to Washington, his interment at Arlington Cemetery next to his slain brother.

⁶ Diane Meyer's story about joining the Bayh campaign from in an interview with her and the author on August 6, 2015

Few paid much attention to Birch's postponed announcement of his candidacy for re-election. It was impossible to accurately express his feelings about this assassination, one that he felt on a very personal level. "Like most Hoosiers and I think like most Americans, I find it difficult to believe that something like this happened in the United States of America." His statement went on:

Another light has gone out of our lives.

I remember the overwhelming feeling of loss that my wife and I shared with the nation in 1963 when John Kennedy was taken from us.

I remember our profound relief when, after we had gone down together in a plane in Massachusetts in 1964, we learned in our own hospital beds that Edward Kennedy would recover.

I suppose we believed then that the tragedy with which the Kennedy family had lived for a generation had ended, and that only the blessings they had reaped through the unstinting public service would remain.

And now, this.

Birch won nomination to a second term on June 21 and his friend from state legislative days, Bob Rock, would be the nominee for governor. The Republicans nominated a 36-year-old state legislator, William Ruckelshaus, for the Senate.

Ruckelshaus was two years older than Birch was when he became a senator yet was described at the time as the youngest GOP contender to ever seek a U.S. Senate seat. His campaign would focus on three areas that he believed LBJ had failed the country, with the help of his ally Birch Bayh. The first he described as the "war-peace problem," something he saw as a challenge facing the country since World War II and had become a crisis with Vietnam. The

second issue was urbanization, a development causing the rise of racism, crime and pollution, another failure of the Democrats in charge. The third was seen as an economic problem, with the United States failing to protect the “stability and integrity of our dollar.”⁷

Bob Keefe took a leave of absence to run the Bayh campaign. He knew that Ruckelshaus would be formidable but felt they had organized the best possible campaign. He had the best candidate with an effective and charismatic wife, an experienced staff and a solid record to run on. Keefe remembered that the total cost of the 1968 campaign did not reach \$1 million, a small sum for a Senate race today. Birch remembered Ruckelshaus as being smart but “not a warm and cuddly type.” He felt the campaign was aggressive but it never got nasty or personal. He traveled to Indiana two or three weekends a month until kicking off his full-time campaign activity.

Jay Berman was the “issues guy” in the campaign, handling all of the position papers. The most important aspect of Berman’s job during the campaign was getting to know Birch’s donors, especially the prominent Jewish donors and fundraisers. Chief among these were Herb Simon and Morrie Katz. Simon was the youngest of three brothers who had been enormously successful developing shopping centers across the country. Katz had a company manufacturing bags. Both became close and important friends to Birch and Berman. Other key donors and supporters included Sam Smulyan and Mike and Gladys Sperling. Jay’s memory of the campaign mirrored that of Keefe in that “Birch Bayh had a personality and Ruckelshaus didn’t.”

The slogan for the campaign was “The Promising Young Senator Kept His Promise” and “Senator Bayh for Senator” with ads being produced by adman Don Nathanson. The first was meant to underscore a substantial record of accomplishment in a single term.

⁷ Ruckelshaus positions in Senate race, Brian Haycock, “Ruckelshaus Visits BSU,” *Ball State University Daily News*, October 23, 1968, page 1

The year of turmoil continued with the arrest on June 8 of James Earl Ray, accused of the murder of Martin Luther King, Jr. Also, Chief Justice Earl Warren announced his retirement. To replace him, President Johnson nominated Associate Justice Abe Fortas. Birch and Marvella pursued re-election with a vengeance, traveling across the state as aggressively as they had done in the first campaign six years earlier. The couple had earned the reputation as hard workers who never let up. Marvella was particularly effective meeting with women and participating in ladies' teas, organized by Luella Cotton, a prominent Democratic activist. The sold-out gatherings were billed as an opportunity for Hoosier women to meet Marvella Bayh and were remembered as events that showed off Marvella's poise and her abilities as a public speaker and political campaigner.

While July was consumed by campaign travel and speeches, the book Birch wrote about the passage of the 25th Amendment, One Heartbeat Away, was published. He appeared on *The Today Show* on July 18 to publicize the book. He sprinkled his Hoosier-oriented public statements with press comments on national issues as well; the farm bill, the space program, public works projects and his reiteration of support for the nomination of Justice Fortas. On the last day of the month, Sen. Thomas McIntyre, speaking on the floor of the Senate, endorsed Birch for vice president.

This had been a subject of rumor for some time and put Birch in an awkward position, since he was running for re-election to the Senate at that time. The turmoil within the Party also made it appear unlikely that the Democrats could win in November, meaning that Birch would have to buck the Republican tide, always strong in Indiana even when there wasn't an unpopular Democratic Administration in Washington. But he couldn't deny being flattered by the attention and a number of his aides and friends were silently moving among those who would be delegates

to the Convention to promote the possible candidacy. On August 12, he made a statement that he was “startled and pleased” when Vice President Humphrey mentioned him as a vice presidential prospect. Birch used the occasion of the upcoming Convention to call for a greater involvement of young people at the Convention and planned to testify in the platform committee in support of his direct election amendment. He was slated to introduce the Convention keynote speaker, his colleague from Hawaii, Sen. Daniel Inouye, on August 26.

That same month, the Republican National Convention nominated Richard Nixon for president and Maryland governor Spiro Agnew for vice president. But before turning the nation’s attention to the coming Democratic Convention, events abroad forced their way back into the headlines. The *Prague Spring* of political liberalization ended, as Russian-sponsored Warsaw Pact troops invaded Czechoslovakia in the biggest military operation in Europe since WWII.

Days before the Convention, while campaigning near North Vernon, Indiana, Birch was heading to the next campaign stop after dark and saw, in the distance, a barn on fire. He had the car drive to the scene realized that the owner of the farm was unaware of the fire. A chicken coop not far from the barn was on fire and dangerously close to a pick-up truck, not to mention also burning dangerously close to their house. Birch went to the truck, saw the key was in it and put it in gear so they could roll it away and out of danger. Then, he ran to the farmer’s door and knocked continuously; hearing a loud voice yelling out the window, “Go away!” When they kept knocking, the man of the house opened the door, clearly just out of bed, nearly naked and not happy about being awakened. “What do you want?” he asked angrily. Birch told him what was going on; the man scrambled to put on some pants and ran to grab a 20 foot hose. They used it to fill a few pails and Birch and the farmer created a bucket brigade to take the water from the

house's faucet and throw water on the fire. Birch's aide was dispatched to drive toward town hoping to find a fire department. The firefighters eventually arrived and helped extinguish the fire. The barn was mostly saved and the farmer, who recognized Birch while passing the buckets hesitated, asking, "Hey, aren't you....?" "Yes," Birch replied, "keep passing the buckets."

The Democratic National Convention met in Chicago from August 26-29. It nominated Vice President Hubert H. Humphrey for President with Maine senator Edmund Muskie as his running mate. There had been stirrings for a Bayh candidacy for VP but they were ineffective. When Birch found out that materials promoting his candidacy were being distributed in the hall, he immediately ordered that they be collected and thrown away. Promoting oneself for vice president is the best way to ensure the presidential candidate will not select you, he thought. Some former staff members describe the event differently, saying that Birch was totally behind the effort and helped decide to have materials about him delivered to every delegate's hotel room. He may have gotten cold feet as the decision date grew closer. As Birch remembered it, he didn't think there was a law in Indiana that prevented him from being on the national ticket while also on the ballot for senator. He laughed when thinking how weird it would have been to win the vice presidency and lose the Senate seat on the same day. In 1960, Lyndon Johnson had a law passed in Texas that would allow him to run on the ticket for both vice president and senator.

Birch also felt that Humphrey had assured him that he was his first choice for a running mate. As much as he admired Humphrey, he later felt that Hubert always had a problem saying no and he probably gave the same assurances to others rather than telling anyone he was not his choice for the ticket.

The real story of the tumultuous Convention was not what took place inside the convention hall but what happened on the streets of Chicago. What was later judged a “police riot,” Chicago Mayor Richard Daley’s police forces clashed violently with thousands of anti-war protestors, creating a spectacle for all the world to see. This black eye for the Democratic Party as well as for the country played out to the chant of, “The Whole World Is Watching,” which it was.

Ironically, it was in Chicago’s Grant Park only four years before that LBJ had announced his Great Society. The riots in Grant Park in August of 1968, in reaction to Vietnam War policy, effectively pronounced the end of the Great Society and the unravelling of Johnson’s domestic program.⁸

Birch was one of a number of prominent Democrats invited to the NBC studio above the convention floor to be interviewed by well-known anchors David Brinkley and Chet Huntley. The Huntley-Brinkley report was the flagship news program on NBC for 14 years. Huntley threw a fundraising event for Birch in New York that fall, something that would be unheard of today. Allan Rachles vividly remembered the remarks made by Huntley to his wealthy friends in a restaurant near Central Park. “Birch Bayh is a man whose head is in the clouds but his feet are planted firmly on the ground.” That kind of co-mingling between the media and a politician would be unthinkable in today’s political world.

The Bayh campaign emphasized his accomplishments. A summary it produced begins with the 25th Amendment and the drive for Electoral College reform. The remainder was a litany of accomplishments rare for any senator who was yet to complete his first term. But despite his

⁸ LBJ’s announcement of the Great Society from Michael Beschloss, Taking Charge, The Johnson Tapes

record of accomplishment and as much as Birch wanted the campaign to focus on his record, the major issues of 1968 were national in scope; the unrest, civil rights, gun control, the War.

Gun control has always been an emotional issue, one that stirs intense feelings on both sides but has been dominated by its most effective lobby, the pro-gun National Rifle Association (NRA). The NRA built a national mailing list and cadre of activists that made it a difficult issue for gun control supporters across the country. Indiana is one of those areas, a state with substantial hunting and gun ownership. Birch's support of a bill to prohibit the mail-order sale of handguns and for the registration and licensing of concealed weapons put him squarely in the cross-hairs of the NRA, which opposes all gun control legislation. But the assassinations of 1968 provided an opportunity for gun control advocates; and many Indiana newspapers ran full page ads during the campaign sponsored by a group called Indiana Emergency Committee for Gun Control. The ads called for stronger gun control laws and included coupons to fill out, cut-off and send to Senator Bayh. Thousands were received in the Senate office.

But the single biggest issue remained the War. On August 15, Birch went to the floor of the Senate to make a statement to clearly draw his own line in the sand on the issue of Vietnam. After brief remarks about the history of the conflict and the manner in which blame and responsibility were widely shared, he called for a number of things to happen. As before, he emphasized the importance of ending the deep-seated corruption in the leadership of South Vietnam and reiterated the need for that government to assume greater responsibility for the war. Calling for a bombing halt and accelerated negotiations, the crux of his message could be summed up by Birch's comment, "the South Vietnamese must do a great deal more, or the United States will be forced to do a great deal less." He concluded by stating that if they were

incapable of assuming control over their own future, the United States should not assume that responsibility any longer.

On September 6, the women's movement protested against the Miss America Pageant in Atlantic City, deeming the pageant as the exploitation of women. It marked one of the first large demonstrations that the country witnessed by what became known as the Women's Liberation movement. On September 24, *60 Minutes* debuted on CBS. And on September 28, Evan Bayh was elected vice president of his seventh grade class, a successful Bayh VP effort.

The fall campaign included a debate with Ruckelshaus, someone who probably had more issue agreements with Birch than disagreements. He supported, for instance, two of the constitutional amendments Birch was promoting, direct election of the President and giving 18-year-olds the right to vote. Ruckelshaus strategy was to tie Birch closely to LBJ, to the unrest in the country and to the War. The country was in turmoil and the Democrats were in charge. Running for office in 1968 was a daunting task for incumbent Democrats and even more difficult in GOP leaning states like Indiana.

In the debate, Ruckelshaus charged Birch with targeting different gun control messages to different Hoosier audiences depending on whether they stood on the issue. His charges were disputed by a number of Indiana newspapers. They pointed out that there were, in fact, different letters from the Bayh office but only the emphasis, not the substance, differed. The Bayh campaign reproduced those articles and did its best to distribute them to constituents who cared about gun control.

The debates were broadcast on the radio. Birch wasn't willing to debate him on television. It's not unusual for incumbents who are running ahead to avoid TV encounters especially when the competition is an attractive, smart and articulate opponent, as Ruckelshaus

was. But Ruckelshaus persisted publicly calling for a debate. Congressman Andy Jacobs, Jr. offered to stand in for Birch. Amazingly, Ruckelshaus assented and a televised debate was held between Ruckelshaus and Jacobs. Andy Jacobs was known for his quick wit and rapier-like humor. Ruckelshaus had his hands full. When Jacobs criticized one of Ruckelshaus' positions, he denied that he felt that way and was certain about it because "I know what I'm doing." Jacobs responded by wondering if Ruckelshaus remembered the football game when Ruckelshaus broke Jacobs' ankle. "You didn't know what you were doing then and you don't know what you are doing now," a line that would be repeated many times that fall.

Sen. Muskie campaigned in Indiana for Birch as did Vice President Humphrey. Joan Kennedy made a highly publicized campaign visit to the state. Birch's schedule throughout that hectic month included a surprise drop-in at an Indiana State University ceremony, where Birch Bayh Sr. was receiving an award. He received the endorsements of the *Evansville Press*, *Evansville Courier*, the *Louisville Courier-Journal* and other newspapers in Gary and Fort Wayne. Baseball legend Jackie Robinson travelled to Indiana to endorse him and they rode together in an open convertible in an Indianapolis parade. The campaign produced a 30-minute campaign film called *The Promise of the Land*, which aired on TV. Birch was extremely proud of this film. He and Marvella traveled relentlessly, just as they had in 1962, separately covering twice as much ground as they could together. Late in the campaign, Humphrey separated himself from the president by calling for a bombing halt in Vietnam and Birch publicly supported him in that decision. As Humphrey gained momentum and the race tightened nationally, polls in Indiana showed Bayh leading Ruckelshaus. Birch raised the volume of the campaign with attacks on Ruckelshaus' legislative career, remained on the offensive, touting his

own record, calling for passage of his constitutional proposals, claiming credit for federal programs in the state and emphasizing his opposition to the War.

On October 22, the Gun Control Act of 1968 was enacted, an unusually controversial bill to be passed in the middle of a hotly contested presidential campaign. Ruckelshaus did all he could to pound Birch on the issue of guns. On the final day of the month, citing progress in the Paris peace talks, President Johnson ordered a complete cessation of "all air, naval, and artillery bombardment of North Vietnam" effective November 1, 1968. Religion reared its ugly head with reporters speculating that Ruckelshaus' Catholicism might hurt him in certain parts of Indiana. As the campaign developed, the two candidates differed little on the War, with Bayh calling for a bombing halt and Ruckelshaus expressing a concern about possible build-up by North Vietnam during such a halt, though he didn't oppose such a halt directly. Birch charged Ruckelshaus with absenteeism in the Indiana House, singling out missed votes on benefits for widows, a pay raise for police, flood control legislation and a law that would make LSD illegal.

As Election Day grew closer, the Bayh campaign purchased television time for a 12-hour telethon. Voters could call in from anywhere in the state and Birch fielded all questions for the entire time, something that is almost impossible to imagine in the 21st century. Hosting the telethon was Sid Collins, "The Voice of the 500," the race announcer for many years. Collins asked if he would be paid. He accepted a \$1,000 fee but, after the event, asked Allan Rachles to agree that Speedway owner Tony Hulman would never know he took money for the job. Hulman would have wanted him to do it for free to help his friend Birch.

Hulman was always good to Birch and came through for him once again late in the campaign, when emergency money was needed for TV and radio. Rachles was dispatched to seek his help and when Hulman asked him how much they needed, the response was \$10-

\$15,000. “Can you take cash?” Hulman asked. “Yes,” responded Rachles, accurately in a far different era of fundraising for federal campaigns. Hulman took him to a room behind his office; there were large bookcases stacked with cash. Not bound, crisp stacks of cash but crumpled bills stained with coffee, mustard and ketchup, requiring several large bags to be filled before reaching the amount needed.⁹ Birch was fully aware of the cash room as he had worked for Hulman driving a scooter around the track on race day to collect cash from the concession stands. No surprise about how the currency looked. In fact, Birch recalled one occasion when he drove an old battered car to the bank with a quarter million dollars in cash in its trunk after a good day at the races.

Gordon Alexander fondly recalled a day just before the election when he was with Birch and they encountered a man wearing both George Wallace and Birch Bayh campaign buttons. Birch asked the man to explain how he could be for both. Pointing at the Wallace button first and then at Birch’s, he said, “This guy says what he means. This guy means what he says.”¹⁰

During the final week, copies of a two-page handwritten letter from Marvella were mailed to all precinct committeemen and women urging them to work even harder for her husband. Monday November 4 was election eve and it culminated in a gala honoring Marvella and Birch at Loughner’s South Side Cafeteria in Indianapolis.

Birch campaigned throughout Election Day, November 5, casting his vote at the New Goshen Firehouse near Shirkieville. Election night was spent in Indianapolis. Marvella, Evan, Marvella’s father Delbert Hern, Miklos Sperling and an assortment of friends and staff joined

⁹ Allan Rachle’s stories about Sid Collins and Tony Hulman from an interview with him and the author on May 27, 2015

¹⁰ Gordon Alexander’s story about the man supporting Birch Bayh and George Wallace from an interview with him and the author on July 1, 2015

Birch in his hotel suite. Once the polls closed and the television coverage began, it was soon clear that Birch had bucked the tide in Indiana, defeating Bill Ruckelshaus with 1,060,456 votes to 988,571 votes, a margin of 51.7% to 48.2%. One of the congratulatory phone calls he received was from Ted Kennedy. Nixon carried Indiana by a larger margin than any other state, making the Bayh election noteworthy. Indiana voting machines made straight-ticket voting easy, but thousands of voters split their tickets to support Birch. Bob Rock, the Democratic nominee for governor, lost to Republican Edgar Whitcomb, a margin of 53-47. The presidential election was not settled until very late that night, with Nixon beating Humphrey by a little more than 500,000 votes out of more than 70 million cast. His popular vote victory represented 43.4% to Humphrey's 42.7%. George Wallace mounted one of the most successful third party candidacies ever, accumulating almost 10 million votes and 13.5% of the electorate, almost a quarter million votes in Indiana, just less than 12% of the total.

Allan Rachles was with Birch election night when he picked up the phone and was asked to hold for the President of the United States. He thought it was a joke and when Johnson came on the phone asking to speak with Birch, Rachles hung up on him. Eventually, the congratulatory call was successfully made.

A few years after the election, Ruckelshaus told reporters how his campaign bought the rights to "Hey, Look Me Over," the song from Birch's 1962 campaign. He said, "Literally everybody was whistling or singing it. It was the most effective song I've ever heard." Larry Conrad commented that "Sixty-eight wasn't a singing year." The Bayh campaign had had no intention of rolling it out again anyway.¹¹

¹¹ Kenneth Ikenberry, "Bayh Emerges Only Victor in Bitter Court Fights," *Washington Star*, April 19, 1970, page B-3

Similar to the feelings Birch had about Homer Capehart in 1962, he never felt any animosity toward Bill Ruckelshaus in 1968. He recalled that he liked Ruckelshaus and considered him a very credible candidate.

Nationwide, Republicans enjoyed 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 controlled 56 seats. Of the new senators, Bob Dole (R-KS) deserves additional comment; his name and Birch's would be forever joined by the successful history of the Bayh-Dole Act.

It was a year that many were glad to see go. With riots in the streets and the burning of many American cities, with assassinations in America and a youth rebellion abroad, the turmoil of 1968 would never be forgotten. The Russians crushed rebellion but dissent was growing in the United States. The opposition to the Vietnam War that marked the beginning of the year was no less strong at its end.

Joe Kernan of South Bend recalled an amusing story from that time involving constituent service and Vietnam. Applying for a commission to the Navy to become a Navy flyer, he contacted the Bayh office for help in expediting his background check. Many years later, Kernan was Indiana's governor and talked about how Birch had intervened to help him get into the Navy as desired. Also, when talking about his service in the war, he added facetiously, "Birch Bayh is responsible for getting me shot down over Vietnam."

Ironically, while the public was steadily growing opposed to the Vietnam War, the only two senators to vote against LBJ's Tonkin Gulf Resolution, Wayne Morse and Ernest Gruening, were defeated. Barry Goldwater was returning to the Senate after leaving to run for president in 1964 and the Democrats had elected future presidential aspirants in Harold Hughes (IA), Mike

Gravel (AK) and Alan Cranston (CA). Two future vice presidential aspirants would emerge with the elections of Tom Eagleton (D-MO) and Richard Schweiker (R-PA). Dole would run for vice president as well as for president. And Birch's class of 1962 lost its first member with the defeat of Dan Brewster (D-MD). Lyndon Baines Johnson would return home to the LBJ Ranch in Texas.

Three weeks after election day, Birch appeared on *Meet the Press*. Amid the discussion about the tumultuous year coming to an end, his main topic on the program was to discuss his direct election amendment, a topic with recent currency due to the results of the election so recently behind them. Reform of the present system, he said, would be his "first order of business."

1970-1971 – Campaign to Seek the Democratic Presidential Nomination

There was no question that Birch raised his national profile with the Haynsworth and Carswell victories in 1969-1970 as well as respect among Washington's politicians. Few had thought it possible to turn back a Nixon Supreme Court nomination at all, much less a second time. He was clearly in charge of the strategy, coordinating the activities of staff and marshalling the resources of the allied groups. Because of his leadership in the Haynsworth effort, Carswell opponents naturally gravitated to him and he took advantage of their energies in an expert manner. This was unprecedented. When had the Senate had two successive victories against a newly elected president in this manner, both engineered by the same person?

In a period of less than 5 months, only 138 days, the Senate had twice denied the President a Supreme Court nomination, with both efforts engineered by the same member of the Senate. It was hard to exaggerate the difficulty in this, nor its rarity.

The commentary across the nation speculated about Birch's future and the chances that he would end up on the presidential ticket in 1972. Chet Huntley, one of NBC television's anchors, editorialized about him, saying "It was obvious this week that the Democratic Party and the Carswell struggle in the Senate has produced another potential and serious candidate for national office. If there were individual winners and losers in the Carswell affair, the junior Senator from Indiana, Birch Bayh, was the former. Senator Bayh's opposition to the Carswell nomination to the Supreme Court was observed to grow and develop over the weeks. He was as prepared as the others on the Judiciary Committee, in view of the earlier rejection of Judge Haynsworth, to accept the word of the White House that it had found an impedable nominee. But Senator Bayh says there were the first nagging doubts developed out of testimony, the matter of statements by Judge Carswell that seemed to be in conflict, and finally the opposition voiced by a chorus of distinguished law professors around the country. Other doubts arose. Ultimately, the Indiana senator says he had the choice to make....look the other way and let the confirmation take its course or pursue his conscience, even though it might be unpopular in sometimes conservative Indiana. As the controversy developed, the Senator reminded us of one of the heroic lines of our childhood: 'The boy stood on the burning deck, whence all but he had fled, etc.' Early in the contest, Senator Bayh was by no means on a crowded deck. This farmer-lawyer from Indiana, by the strange and unpredictable workings of political argument, could one day muse that he was nominated to higher office by a little-known federal Circuit Judge from Florida. The list of Democratic possibilities....Kennedy, Muskie, Hughes, and Humphreynow includes the singular name Birch Bayh. But he has been hit by lightning before: coming out of the total obscurity of the Indiana Legislature in 1962 to defeat the unbeatable Homer Capehart by a margin of two votes per precinct."

Eric Severeid, noted national commentator on CBS news, editorialized about the Carswell matter and referred to Birch as a “Midwest John Kennedy.” He wrote that Nixon had intentionally “lifted up from the disorganized ranks of the Democrats a man who may very well turn out to be running against him in ’72, either as a Presidential or Vice Presidential candidate. The 42-year-old Senator Birch Bayh of Indiana has now become an undisputed national figure. A broad path has opened up before him by that unarrangeable combination of personal quality and good fortune that seems to attend the fate of the chosen very few in our political history. He looks more and more like a Midwest John Kennedy, but with a personal background oriented much more closely not only to the country’s heartland, but to the life of most ordinary citizens. His record of accomplishment as a Senator already outshines the Kennedy record in the Senate.” He discussed some of the legislative accomplishments and goes on to add, “His origins are straight out of Horatio Alger and the mythology of the All American Boy. Farmer, Lawyer, class president, star athlete, Army Veteran, leading State Legislator and, in ’62 the boyish David who felled the local Goliath – Senator Capehart. Handsome, strong, married to a natural born political wife with a record as a formidable campaigner, the image is almost too good to be true. If it holds a serious flaw, that hasn’t shown up yet.” Indeed, that evening in Washington, DC, Evan Bayh, age 14, answered the phone at home and was told, “You tell your father that if he is going to be the next John F. Kennedy, I’m going to be the next Lee Harvey Oswald.”

There were also troubling letters from home, reminding Birch that opposing Nixon in a state where he was very popular would have its political costs. He began to realize that taking a stand would always make enemies as well as friends and that he had to be willing to accept the criticism along with the praise. But Evan’s experience with the phone call made it hard on a very personal level.

A slew of mostly positive articles profiling Birch continued to be published. The *Christian Science Monitor* editorial, “Birch Bayh, candidate?”; *Women’s Wear Daily*, “Bayh – Could be Household Word in White House Race”; *The Washington Star*, “Bayh Emerges Only Victor in Bitter Court Fights.”¹² In a magazine piece, investigative reporter Robert Sherrill characterized Birch as “cautious, cagey, constantly sliding around questions – a tough but modest professional who spent his formative political years learning how to maneuver a few progressive statutes through a moss-backed legislature by cozying up to all sides and saying nothing for the record until he had strained it through several layers of friendly ears.” He was also invited to appear on *The Dick Cavett Show*, a popular nightly television interview program. Birch’s life seemed to proceed on two tracks, one with the normal routines of Senate legislative life and the other looking ahead toward a possible presidential race.

The national celebrity generated by Haynsworth and Carswell caused early speculation about the next presidential race. While the mid-terms were still months away, questions circulated about which Democrat would dominate discussion in early 1971. Ed Muskie, vice presidential candidate two years before, was the early leader in polls, though still second to his running mate Humphrey. A Harris poll showed a surprising new entry to the speculation, Republican Mayor of New York John Lindsay. His intention to switch parties was a poorly kept secret and he seemed to be filling the vacuum left by Ted Kennedy, when his potential candidacy also drowned at Chappaquiddick. Humphrey, Muskie and Lindsay were all registering in double digits, followed in single digits by Bayh, George McGovern and Fred Harris.

¹² Kenneth Ikenberry, “Bayh Emerges Only Victor in Bitter Court Fights,” *Washington Star*, April 19, 1970, page B-3

On April 22, America celebrated the first Earth Day, with events around the country scheduled to focus Americans on the environment. Birch was invited to address students on the Georgetown University campus and I drove him there from Capitol Hill. As we left the office, the car began spewing thick white smoke from the tailpipe, hardly an example of clean auto emissions that one should be touting on Earth Day. We were both appalled and unhappy about the smoke, though in retrospect it seemed oddly funny. I dropped him off a few blocks from campus so he would not be seen climbing out of an environmentally-unfriendly car.

The desire for the federal government to concentrate on issues like improving the environment had to compete, however, with the continuing war in Vietnam. Unrest in the country over that conflict continued to grow. On April 29, the United States invaded Cambodia to try and clean out sanctuaries being used by the North Vietnamese and Viet Cong. Immediately, widespread, large antiwar protests occurred across the country, as people saw a widening of the conflict, this time into another country. Birch joined those calling on the President to stop the escalation of the war.

On May 4, a day that saw demonstrations across the country, particularly on many American college campuses, Ohio National Guardsmen opened fire on student protestors at Kent State University. Four students were killed and nine wounded. Outrage in the country, especially among those already opposed to the war, was intense and loud. Five days later, 100,000 people demonstrated against the Vietnam War in Washington, DC.

On Capitol Hill, there were swarms of protestors in the halls and offices. Many, but not all, were college students. The Bayh staff determined that there needed to be a place and time designated for those in town to be able to hear from Senators who shared their concerns. A

session was scheduled in the New Senate Office Building at which Birch, Gene McCarthy and others addressed the throng of people crowding into the hearing room. It received wide coverage on television and in the newspapers and magazines, like *Time* and *Newsweek*. Birch addressed the crowd by saying, “I understand your frustrations. I understand your rage. When year after year this nation seems incapable of arresting the deterioration of its cities, incapable of cleaning up its streets and its streams, incapable of stopping racial discrimination, incapable of halting a war that has cost us 40,000 American lives – the urge to explode in violent rage as a result of persistent and apparently hopeless frustration is understandable. But I urge and implore you who have come to Washington to express your dissent – and others throughout the country – to refrain from violence, to resist the temptation to become radicalized by recent events. America has and America will again respond to moral pressure.”

The protests continued, particularly on campuses. Many of them turned ugly and, after two days of violent demonstrations at Jackson State University in Jackson, Mississippi, law enforcement officers fired into the demonstrators on May 14, killing two and injuring twelve. The national reaction to these killings didn’t compare with those at Kent State, causing many to question whether or not the black faces of the dead in Jackson were the reasons why. Aaron Henry, a leader of Mississippi’s NAACP, called Gordon Alexander and told him they needed a federal presence there. Gordon made the case to Birch, who invited Walter Mondale to go with him. Fritz Mondale, whom Birch got to know very well, was someone he genuinely liked. The only two senators traveling to Jackson in the aftermath of the shooting were Mondale and Bayh, along with future Secretary of the Army, Clifford Alexander. They toured the scene and jointly wrote to Attorney General Mitchell, asking that a Federal Grand Jury be convened to investigate the incident. Back in Washington, they conducted their own probe and it revealed that

ambulances for the wounded students weren't summoned until after the police finished picking up their spent shells. Jackson authorities argued that the police had not been involved.¹³

Gordon Alexander traveled with Birch to Mississippi. He later said, "Birch Bayh was a white man who would listen." He felt that once you made your argument, he decided what he would do based on the merits, not on race or politics. Gordon added that Birch went to places and challenged customs more than other liberals. At Jackson State, "he could have been assassinated."

While all of this activity was swirling about the life of Birch Bayh as well as the life of the country, he reconvened hearings on his proposed Equal Rights Amendment. The hearings began on May 5 and the opening testimony was by Rep. Shirley Chisholm of New York. Chisholm had been the first African-American female elected to Congress. She would serve seven terms in the House and be remembered as the first African-American female and the first woman to ever have her name put in nomination by a major American political party, at the Democratic National Convention in 1972. Her testimony was memorable because she pointed out that she had surely suffered discrimination as a black person but it didn't compare to the amount of discrimination she experienced as a woman.

During those months, Birch's life was consumed by activity. The press and news media continued to speculate about his future. On April 21, the *Washington Daily News* reported from Atlantic City, "Almost Everywhere you go these days, it seems, Sen. Birch Bayh D-Ind. Is around, shaking hands, giving speeches, brushing up old friendships – and making new ones." While in Indiana, there were articles like the one in the *Terre Haute Tribune*, "Sen. Birch Bayh

¹³ "Killings at Jackson State University", *African American Registry*, May 14, 1970

Looks Like Top Party Candidate”, and the *Richmond Times-Dispatch*, “Bayh in a ‘Jogging’ Program for ’72.” Bloomington’s *Indiana Daily Student* went so far as to editorialize, “Bayh For President.” An article in Fort Wayne was titled “Presidential Feelers Just Talk, Says Bayh” while the *Indianapolis Star* printed, “Bayh Shoots For Presidency in ‘72”. Just south of the state, the Frankfort, Kentucky newspaper, *The State Journal*, ran an article called, “Sen. Birch Bayh: At 42 ‘Junior’ From Indiana is Sort of running for President in 1972.” It chronicled an almost minute-by-minute trip to St. Louis, Chicago and Detroit.

At the end of May, Birch rode in the pace car around the track at the Indianapolis 500 and was roundly booed. Even though he heard cheers of “Give it to ‘em, Birch” as he passed the less expensive seats, those in the higher priced seats were clearly incensed with him. He heard the crescendo of boos as his name was announced and the volume only increased as he passed by the center of the grandstand. It was a reminder that Nixon was extremely popular in the state and that his actions in the Senate had struck a chord at home that was not always positive. I remember him arriving in DC after the race, telling me that “you haven’t lived until you’ve been booed for a third of a mile.”

As Nixon’s presidency moved well into its second year, his secret plan to end the war was still a secret, in fact the war was widening. With that expansion came tremendous growth in the anti-war movement as well. Congress was not immune to this sentiment and in June repealed the Gulf of Tonkin Resolution of 1964, which provided LBJ the blank check he needed to prosecute the war in Vietnam. The Senate also introduced the Cooper-Church Amendment, for John Sherman Cooper and Frank Church, barring the President from involving the military in Cambodia after July 1. Birch announced his support for the Amendment.

National political reporters Rowland Evans and Bob Novak published their Evans-Novak Political report questioning whether Democrats had what it takes to capitalize on Nixon's troubles. "The vacuum at the Presidential level remains. Although more active, Sen. Ed Muskie is not convincing the skeptics he has what it takes. Even Hubert Humphrey's diehard supporters are now writing him off for 1972. A few Party pros feel that eventually the Democrats will coalesce behind Teddy Kennedy, but our soundings indicate that Judge Boyle's Chappaquiddick report really damaged Kennedy nationally and all but finished him off for '72. Some skeptics who weeks ago derided the notion of New York Mayor John Lindsay switching Party allegiance now say, 'Maybe.' But Lindsay has obvious weaknesses with the blue collar voters. In this claiming race, the dark horse of the season is Indiana senator Birch Bayh, who gained an instant reputation with his accidental leadership against senatorial confirmation of Clement Haynsworth and G. Harrold Carswell. Bayh has good looks, high ambition, and most important, substantial financial support. In his private newsletter, Eliot Janeway, who is a prodigious fund raiser and a frequent trumpeter for Presidential hopefuls, is boosting Bayh for President. Behind the scenes, the outstanding Democratic fund raiser in the country, Eugene Wyman of California, is pushing Bayh hard. Bayh is building strong roots in California, and will make a trip there right after the June primary to raise money for candidates (and win friends)."

His travels around the country in June took him to San Diego and Los Angeles to talk about Electoral Reform; in Miami and Cocoa Beach to talk about economic decline under Nixon and his failed policies in Vietnam and Cambodia; in Macon, Georgia to talk about the political participation of African Americans, where he also received the endorsement for president of civil rights leader Hosea Williams; in Mt. Hood, Oregon to discuss the economy; and to Harrisburg, Pennsylvania to address the need for national Democratic leadership. He was presented with the

Eleanor Roosevelt Citizenship Award by the American Veterans Committee. He was also speaking out on the need to override the Nixon veto of the Hill-Burton Hospital Construction Program, on a possible requirement by the Department of Transportation that air bags be required in all automobiles; and on the need for broader minority participation in the construction industry. And he was actively working on a proposal to reform the military justice system. All the while, he was raising money and gathering support for a possible presidential run.

On June 22, *The Wall Street Journal* ran an extensive profile about Birch on the front page. The piece was entitled, “Hustling Hoosier, Indiana’s Bayh Travels Speechmaking Circuit, Stirs Presidential Talk,” followed by a subtitle, “Senator Joins a Long List Of Democratic Prospects; Court Fight Brings Gains,” and before the text was added, “Right Out of Horatio Alger.” The article begins with, “Sen. Birch Bayh of Indiana is running for President. But then, so are a lot of other people, all more or less observing the traditional code of conduct for an election more than two years away. Like the other Democratic hopefuls, Sen. Bayh is obeying the code: Keeping a grueling schedule of speechmaking around the country, honing his already considerable television skills and giving an aw-shucks noncommittal answer to each local newsmen who asks if he’s running for President.” It went on to describe his travels and coy responses to the constant questions about his candidacy. The list of hopefuls was also expanded beyond the description in many previous articles. It included Muskie, Humphrey and McGovern but also Harold Hughes of Iowa, Walter Mondale, Fred Harris and added Adlai Stevenson III, who was running for the Senate in Illinois. Birch’s visit to Macon was described in detail. “Outside in the audience was a cluster of signs saying ‘Bayh For President – 1972’, and ‘We’re Still Bayh-Partisan’.” His recent and future travel schedule was outlined by noting that he had accepted invitations to Los Angeles for an AFL-CIO dinner, to Connecticut for the

state Democratic convention, to Illinois for a Stevenson fundraiser and to Florida for a Young Democrats state convention.

Frank Mankiewicz and Tom Braden had become syndicated columnists and wrote a piece about Birch, describing him as, “the Indiana senator whose floor leadership in the Clement Haynsworth and G. Harrold Carswell Supreme Court battles has made him a star performer from Miami to Portland.” But it also pointed out that his themes were different than other Democratic presidential aspirants. He was not concentrating on the war alone but its connection to the economy and disunity in the country. He was saying that the recession, inflation and unemployment were all issues on which people would oppose the President while they may support him on the war. The disunity in the country, fostered by the incendiary speeches of Vice President Agnew, was pulling people apart. Birch felt that the American people wanted something better from their leaders.

Speaking at the Connecticut State Democratic Convention, Birch was described by one article in this manner. “He is from Indiana and if New Englanders can’t think ‘Mid-West’ without yawning, this country-boy with Madison Avenue style has the national references to make them take notice. Another article described him as blasting the Nixon Administration for polarizing the country, for using “shrill and divisive rhetoric” exemplified by Agnew’s call for “positive polarization,” urging Americans to “divide on authentic lines,” despite Nixon’s promise in the campaign to “bring us together.” He spoke also about the Nixon’s broken promises, listing them as: “We were promised an end to an odious war, but we receive an expansion of the conflict. We were promised an end to domestic turmoil, but we receive an

escalation of violence that leaves University campuses littered with bodies of dead and dying students. We were promised a solution to our economic ills, but we receive increasing inflation coupled with economic downturn and growing unemployment.”

A July article on the front page of the Providence, Rhode Island *Journal-Bulletin* said he was giving at least three speeches a week around the country and that his office had subscribed to a news service that fed the staff all the press coverage on other Democratic aspirants. Muskie was described as the only potential candidate generating more news than Birch.¹⁴ Columnist Les Carpenter wrote on July 18, “Attracting the most current interest is Sen. Birch Bayh D-Ind., 42, handsome, able, a crowd-rouser and a skilled TV performer. Bayh is interested and busy. This weekend, he is speaking before statewide gatherings of Democrats in Illinois, Minnesota and South Dakota. Bayh has, in fact, been all over the country in the last few months and has a filled schedule for making himself visible everywhere possible the rest of the year.”

Articles throughout the summer described a nascent Bayh campaign in which he seemed to be traveling more aggressively than the others and doing a better job preparing for trips to politically-important events as well as doing the necessary follow-up once back home.

The Bayh operation was spending an increasing amount of time planning for a possible presidential campaign. It was obvious to all just how difficult that effort was while he was performing so aggressively as a legislator as well as an Indiana politician. National politics created a constant tug of war with the rest of his normal agenda. Birch was unwilling to relax efforts to enact constitutional amendments and even while traveling around the country he still tried to return to Indiana as much as possible. In August he introduced legislation to reform the

¹⁴ Hamilton E. Davis, “Birch Bayh ‘a Midwest JFK’,” *Providence, Rhode Island Journal-Bulletin*, July 1, 1970, pages 1, 18

codes of military justice. His Military Justice Act of 1970 provided a detailed menu of changes to the current set of codes. A day after introducing that bill, he introduced another, the Judicial Disqualification Act of 1970 and Omnibus Disclosure Act for Public Officials, the two representing prodigious efforts to address needed reforms in our systems of civilian and military legal affairs. He was later awarded the 1970 Legislative Award of Merit by the American Trial Lawyers Association.

In mid-October, Birch condemned Nixon's veto of a campaign spending bill. He also showed his support for the president when he spoke out against the stoning of a Nixon motorcade in California at the end of the month.

The *New York Times* reported on a dispute in the Senate referencing those senators who felt Birch was grandstanding and only seeking publicity for his possible presidential race. It also addressed the views of Birch's allies in the effort and printed a complimentary assessment of his role in the Senate and his career. One quote in the article was by former Postmaster General and JFK Campaign Manager Lawrence O'Brien, that Birch was "a political realist with a full understanding of the art of the possible."¹⁵

Birch stepped up his activities around the country as the 1970 elections loomed ahead. By election day, he had visited 40 states in a flurry of speaking, traveling, meeting people and trying to determine whether or not a presidential contest made sense. The *Washington Post* printed a major article about him during this period that began by pointing out the nature of the task ahead. "The stewardess had been alerted that a VIP would be boarding at National Airport, and she approached the group of three men to ask breathlessly "Which one of you is Senator

¹⁵ John D. Morris, "Articulate Popular-Vote Advocate", *The New York Times*, September 25, 1970

Blight?”¹⁶ He was certainly not yet a household word. It outlined some of the things he was doing in addition to the aggressive travel schedule. There had been a number of hires to take on the tasks of a potential candidate. John Reuther, UAW President Walter Reuther’s nephew, joined the staff to serve as advance man on college campuses. Verlin Nelson, formerly with Americans for Democratic Action (ADA) and an active player in the Haynsworth and Carswell efforts joined up as did Travis Stewart, a former Humphrey advance man. Another addition was former Hartke Administrative Assistant, Mace Broide. The overall effort was headed by a friend of Birch’s, Jim Nicholson. Birch was already booked solid for travel in the first four months of 1971 and even for some appearances later in the fall. An article in the Portland *Oregonian* in September mentioned that he had been in Oregon three times in the previous eight months.

Following the election, *U.S. News and World Report* ran a three-page article speculating on the state of the race to replace Nixon in 1972. Still listed among the Democratic front-runners were Muskie, Humphrey and Kennedy. The “Outsiders and Dark Horses” it listed were McGovern, Bayh, Hughes and Scoop Jackson of Washington, with special recognition of Mayor Lindsay, should he decide to formally switch parties. While Birch was not willing to say he was actually running, his interest was obvious; he had visited more states than any of the others during October.¹⁷ In December, he opened an office for the exploratory committee, preparatory to a presidential run. Muskie and McGovern had already set up theirs.

In November and December, in addition to extensive travel, Birch was pre-occupied with many issues: suggesting modifications to the Equal Rights Amendment to facilitate its movement through Congress; urging Congress to adopt anti-inflationary measures; urging the Senate to

¹⁶ Ken W. Clawson, “Bayh Is Busy Running ‘Availability’ Campaign”, *The Washington Post*

¹⁷ “Who vs. Nixon in ’72”, *U.S. News and World Report*, November 16, 1970, pages 37-39

override the presidential veto on campaign spending; and challenging the president to clarify his position on anti-poverty programs. He also called for prompt Senate approval of the Consumer Protection Act, urging the president to intercede with Soviet officials to secure the release of a Lithuanian sailor who had tried to defect to the United States; opposed the supersonic transport plane (SST), proposed child care legislation, urged the President and Senate to demonstrate concern for the poor treatment of Jews in the Soviet Union and proposed an amendment to the Family Assistance Act. On December 18, the Senate approved the Bayh Disaster Relief Act of 1970.

Birch was clearly affected by the buzz being generated about him around the country. He surveyed the likely Democratic field and considered himself as good if not better than the others and was motivated by an urgent desire to remove Richard Nixon from the presidency. He also harbored self-doubts. Birch's natural humility coupled with a dislike for the typical puffed-up politician who thought he was better than everyone else gave him pause. His motivation came largely from the conclusion that Nixon was beatable at that point in time and that if someone could beat him; he would rather it be Birch Bayh than anyone else. A commitment to make a difference for the country and world was a driving force, while he constantly fought off the temptations brought on by the intoxicating levels of support sprouting up around the country. He realized he had to keep his ego in check and reminded those around him that he still put on his pants one leg at a time.

The first candidate to formally declare his presidential candidacy that year was Sen. George McGovern of South Dakota. On announcement day, January 18, he delivered letters to his Democratic colleagues in the Senate with his speech enclosed. McGovern's Senate office, previously occupied by Sen. John Kennedy, was directly across the hall from the Bayh office,

which had previously been occupied by Nixon. In McGovern's reception room was a plaque noting the office history; no such plaque was in the Bayh office. McGovern was a friend of Birch's but not the candidate who most concerned him. That would be Muskie, who had distinguished himself as Humphrey's running mate in 1968, and was often described as "Lincoln-esque." Muskie was also a close, personal Bayh friend. Even though McGovern announced first, Muskie's campaign was more seriously organized. McGovern's campaign was being managed by Denver Attorney Gary Hart.

Birch's chairmanship on the Subcommittee to Investigate Juvenile Delinquency melded with his desire to become a prominent national politician. Marvella urged Birch to speak out about the challenges of finding adequate child care so women could work outside the home. In February, 1971 at an event in Philadelphia, she spoke about day care for children and the specific problem she encountered seeking good child care for her son, Evan, so she could attend college on a part-time basis. For Marvella, the issue of child care was inseparable from women's rights. If women were to work along-side men on an equal basis, our society needed to provide excellent day care for children.¹⁸

Birch took it up a notch in an article in the *Houston Post* on February 22, stating that most of the problems in the country are the result of "inadequate attention to children." "We have too many kids being crippled mentally and emotionally because of too little attention at an early age," Birch stated at a Texas A&M Student Conference on National Affairs.¹⁹ He introduced the Universal Child Care and Development Act, an effort to provide day care

¹⁸ Linda Citro, "How Mrs. Bayh Sees Her Job", *Philadelphia Bulletin*, February 10, 1971

¹⁹ Elizabeth Bennett, "Protect a Tot, Save a Teen, Bayh Says," *Houston Post*, February 22, 1971

facilities for all children. He spoke about estimates of 12 million working mothers in America, half of whom had children under six. For most, it was a question left to figure out for themselves and the legislation would establish a path each could follow toward the same end. The facilities would be operated by the Department of Health, Education and Welfare for children up to 14 years old. Each state would submit its plan for the creation of central districts which would, in turn, choose boards of directors to manage each state's plan. The child care centers would be funded by the government and run by parents. Child care was only one of the issues the new chairman would try to advance. The challenges faced by the problem of juvenile delinquency were a larger focus of the Subcommittee's agenda. Birch used this new platform to urge the nation to turn its attention to statistics such as these: "more than 25 percent of all arrests are of persons under 18...more than 50 percent of all those arrested and 75 percent of those arrested for serious crimes are under 25." He went on to talk about how 70 percent of individuals released from prison end up being re-arrested but that number was less than for juveniles who end up being repeat offenders after spending time in juvenile correctional institutions. "Can you imagine how deplorable a correctional institution must be if our expert criminologists are suggesting that young offenders would be better off on the streets?" he asked. His intention was to focus on two areas of the problem; how to keep that first brush with the law from ballooning into a future of continued law-breaking and how to correct the problems within the correctional institutions.²⁰

As a presidential aspirant, he traveled to New York City to urge local Democrats to work for unity within the Party and took part in the Democratic Party's efforts to change its rules on

²⁰ Juvenile delinquency statistics from "Bayh at Panel Helm, Vows Aid for Youths," *The Miami Herald*, January 2, 1971

apportionment. This latter effort was consistent with his actions at the DNC more than a year earlier. In his book, The Making of the President 1972, author Theodore H. White reported on a hearing of the Democratic National Committee Reform Commission on November 18, 1969, in which Birch played a part. University of Wisconsin professor Austin Ranney proposed convention quotas for minorities, a view that had been previously discarded by the DNC. Birch encouraged guidelines to satisfy the concerns expressed by Ranney, even though quotas had been previously rejected. He said, "...there should be some reasonable relationship between the representation of delegates and the representation of the minority group in the population of the state in question." This was put to a vote and passed 10-9. Soon after, others sought the same protections for women and youth. After a vote supported the position that the convention should reflect a state's share of minorities, women and youth, the Reform Commission set in motion a process for the 1972 convention that made state parties seat a delegation that reflected the state's percentages of these groups, opening up challenges on the Credentials Committee to delegations that did not.²¹ While the idea of quotas did not end up affecting the process to win the nomination in 1972, it became one of those images that seriously damaged the Democratic campaign against Richard Nixon in the fall.

There was no mistaking the fact Birch was spending the lion's share of his time and effort devoted to the presidential campaign. In the fall of 1970, a presidential headquarters had been established at 1225 19th Street NW in Washington and the staff rapidly grew, with many people shifting from their Senate responsibilities to devote full-time to the campaign. Materials disseminated from The Bayh Committee included reprints of the Eric Severeid commentary after

²¹ Theodore H. White, The Making of the President 1972

the Carswell vote and included a list of Birch's positions on key issues. On the issue of peace, they listed his desire to prohibit funds for involvement in Cambodia by supporting the Cooper-Church Amendment, his support to terminate the Tonkin Gulf Resolution, to limit the deployment of the Anti-Ballistic Missile System (ABM), to support troop withdrawals from Vietnam by the end of 1971 (McGovern-Hatfield Amendment), and to oppose military aid to Greece, where a military junta was in charge. Flyers described his votes on civil rights; his opposition to a measure that allowed Governors to veto legal services to the poor, his support of a measure to add \$400 million to the War on Poverty, his vote to extend the Voting Rights Act and to deny states the "freedom of choice" plans for their schools, seen as a disguise for the right to segregate schools. Also distributed were his views on fighting crime, inflation and unemployment, supporting efforts to clean up the environment, supporting funding for education and opposing unlimited aid to Laos and Thailand. One flyer listed his opposition to Haynsworth and Carswell as well as his support for the Equal Rights Amendment and the 18 Year Old Vote Amendment. He was characterized as "Birch Bayh – The Man Who Defeated Nixon Twice!"

One of the first campaign trips in 1971 was to the critical state of California. Birch was one of three aspirants, along with Muskie and McGovern, to speak at the State Democratic Convention, with Birch earning the highest marks. He talked again about the President who promised to "bring us together" but was sending Spiro Agnew around the country to cause divisions instead, "a sort of sinister Johnny Appleseed sowing hatred, prejudice and fear wherever he passed. This was the same President who orchestrated the Southern strategy, a carefully calculated effort to reopen old wounds and to pit one region of America against

another.”²² He also declared his support for the McGovern-Hatfield amendment to force the administration to withdraw troops from Vietnam by the end of the year. One article described the three in this manner; Muskie was cool, McGovern tepid and Bayh hot. Birch was able to speak last and received the biggest ovation, impressing many. But some reporters speculated that he was really after a vice presidential nomination. He was clearly on the road to making himself viable; and no one really runs for the vice presidency anyway.

In February, Birch renewed his efforts to pass the 26th Amendment, lowering the voting age to 18. Having already steered to passage the 25th Amendment, he could become the first person since James Madison to have the principal responsibility for passing more than one Amendment. It was an issue Birch had sponsored in the Indiana legislature years earlier that failed by a single vote. Sen. Jennings Randolph of West Virginia had introduced the Amendment 11 times in previous Congresses, the first in 1942. Birch co-sponsored the bill with Randolph early in 1971. It had wide support in the country largely because of the number of young people fighting in Vietnam. The time had come that they be able to vote for those who sent them there. On March 2, Birch achieved the first milestone, passing the Amendment in his Subcommittee. Two days later, he guided its passage in the Judiciary Committee and became the floor manager for the legislation in the Senate. It passed unanimously in the Senate on March 10 and the House on March 23.

Birch combined his presidential campaign travels with visits to states where ratification was under consideration. On July 1 the 18 year old vote amendment was ratified, taking the process only three months, making it the quickest ratification process in history. It was estimated that over 11 million 18-21 year olds would be able to vote for president in 1972.

²² Richard Rodda, “Sen. Bayh Puts Last Touches on California Democrats’ Plans To Defeat Nixon,” *The Sacramento Bee*, January 25, page A4

Ironically, it is likely that Richard Nixon would not have been elected president had the Amendment been in place four years earlier. Passed when it was, Nixon's 1972 campaign would be the first vote for those under 21.

The matter of Lt. William Calley burst onto the front pages again on March 31, when a 6-member military officer jury convicted Calley of the premeditated murder of 22 Vietnamese civilians, sentencing him to life imprisonment and hard labor at Ft. Leavenworth, Kansas. The next day, President Nixon ordered him released from prison, remaining at house arrest, while he declared that he would personally review the case. This was inconsistent with normal military procedure and seen by many as obvious pandering to those supporting Calley. Standard military justice procedure allowed for review by two military courts, followed by the Secretary of the Army and finally the President. Birch was among the first to forcefully speak up in opposition to the President's actions. He was the first of the potential Democratic presidential candidates to speak out and received substantial coverage in the nation's press as a result.

In an article in the *Washington Post* on April 8, Birch pointed out that there were 80 other servicemen facing convictions for serious crimes while serving in the armed forces and none of them received this presidential intervention. All of those crimes were less severe than the twenty two murders of which Calley was convicted. "By his premature actions, the President has made a truly impartial, equitable review of the Lt. Calley case impossible...Reluctantly, I have concluded that the President is determined to play politics with the Calley decision and the entire My Lai tragedy." Birch held a press conference on the matter in which he read from a five page

statement, also pointing out the political risks he was facing. The Bayh office had received 1,029 letters on the matter, only 3 of which supported Birch's position.²³ A United Press International (UPI) story out of Washington highlighted the role Birch assumed in the Calley debate and added, "If the first impulse of the American public suggests that the murder of captive women, children and the aged by Americans should not be punished, I hope we will reach a more thoughtful conclusion in the course of careful reflections." It went on to say that "Bayh is wagering the public will reach that 'more thoughtful conclusion.' When public opinion shifts, as many predict it will, Bayh's forthright stand will be taken correctly as an act of political courage, rather than a gamble."²⁴

Newsweek ran a full-page article about the Bayh campaign in April, describing its attention to detail as well as its aggressiveness. The campaign staff had risen to 70 people with organizational efforts being mounted in 23 states. He was said to have visited 18 states thus far in 1971. Mentioned in the piece was that Miami Mayor David Kennedy was throwing his political support to Birch Bayh, a blow to the Muskie campaign which had assertively sought Mayor Kennedy's endorsement.

Bayh organizations, headed up by prominent citizens, were being created in a number of states. In Louisiana, the Bayh campaign signed up Bill Arceneaux, a well-known New Orleans Democrat to run its effort there. Birch remembered staying at the Arceneaux home during Mardi Gras and seeing Louis Armstrong as king of the Zulus and leading the Zulu parade.

²³ William Chapman, "Bayh: Nixon Plays Politics on Calley," *The Washington Post*, April 8, 1971, page A1

²⁴ United Press International, "Bayh Gambles Anew In Blasting Nixon Calley case Action," *Fort Wayne Journal Gazette*, April 12, 1971

Amid the flattering descriptions of Birch's effort were less favorable descriptions of him by a California legislator and a leading Texas Democrat. The former was quoted as saying, "Nominating Birch would be like nominating one of us. We like him but we don't see much chance for him." The latter said, "No matter what he's doing, he always comes off like a college cheerleader." The article continued with speculation that Birch was really after the vice presidential nod in 1972, putting himself in a good position to seek the top slot in 1976. "Other Democratic chieftains, however, find themselves yielding gracefully to Bayh's charm and to his broadly liberal, anti-Vietnam, pro-labor record. Again and again, the senator's name comes up as a good possible second choice by Democrats who now prefer Muskie, Humphrey, George McGovern, Harold Hughes or Edward Kennedy. This leads to discussion of Bayh as the ideal Vice Presidential candidate, but Bayh resists it. 'There's a distinction between being everyone's No. 2 choice and everyone's choice to *be* No. 2,' he told *Newsweek's* Richard Stout. 'One does not do what I'm doing if all he has in mind is the Vice Presidency'." ²⁵

In April, the *New York Times* ran an article about the "Dump Nixon" movement headed up by Allard Lowenstein, made famous for organizing the "Dump Johnson" movement in 1968. That movement spawned the candidacy of Gene McCarthy. R. W. Apple wrote about a rally in Rhode Island attended by a possible primary challenger to the president, Republican Congressman Pete McCloskey of California. For the Democrats, the rally was attended by Muskie and Bayh. Ten thousand people attended the rally and Apple reported that only Peter Yarrow, one of the folksingers Peter, Paul and Mary, generated more enthusiasm than Birch. He was quoted as ratcheting up the volume in opposing Nixon's Vietnam War policies. "If the new

²⁵ Richard Stout, "Birch Bayh's Bid," *Newsweek*, April 19, 1971

isolationism refers to one who believes that the shortest distance between war and peace is a straight line out of Vietnam, count me in. If it refers to one who doesn't think you need to bomb four countries and invade two to get out of one, you count me in on that, too."

On that same swing around New England, *The Christian Science Monitor* interviewed Birch and reported on his view to end the American role in the Vietnam War. Birch asserted that we had to assume a continued obligation to the South Vietnamese people, whose lives had been so greatly affected by our participation in the conflict. He added that he had hoped Nixon would have told the leaders of Vietnam that we would be getting out and to help them prepare. Instead, as he noted, after Nixon "has been in office three years, we still have 184,000 men over there."

In May, *Washington Post* political reporter David Broder wrote a front-page piece about Birch entitled, "Hustle, Detail, Money: Bayh Picking Up Steam." It described the excellent organization and how detail-oriented the Bayh staff was. One incident described California Speaker Robert Moretti picking up the phone while shaving, on the day he was to be honored by the state Chamber of Commerce, to hear a voice saying, "Bob, this is Birch Bayh. I just heard about your honor and wanted to tell you how delighted..." It was the first of several descriptions of the way the Bayh staff tended to important political details in wooing prominent politicians and potential convention delegates in key states across the country. The article described "the Hoosier's lavish attention to prospective delegates." One former Kennedy campaign operative described the effort by saying, "Birch is running for president like he was running for mayor in a town of 6,000. The only difference is that his 6,000 constituents happen to be the people who are likeliest to end up as delegates at the 1972 convention." His campaign was further described as "the smartest and most agile organization in the race – a campaign unit that, like the senator himself, is most distinguished by its aggressive hustle." Bob Moretti became the most prominent

Bayh supporter in California. Another was a future Speaker, Willie Brown. Broder concluded the article mentioned above with a quote from Birch that, “if we do as well in the next six months as we have in the last, I’ll be well pleased.”²⁶

By the time the Broder article appeared, Birch had been in 20 states during 1971, many more than once. In addition to the constant flow of hand-written notes he mailed, there were regular radio-beamed statements sent daily to hundreds of broadcast outlets in most of the country. The radio operation began in August and was second in size only to Muskie’s operation in May. It was well-financed, the money-raising headed up by Milton Gilbert, national finance chair. Gilbert was the chairman of Gilbert Flexi-Van Corporation in New York and had been a major fundraiser for Humphrey in 1968. Sen. Phil Hart’s legislative assistant Tom Williams left the Senate staff to join the Bayh campaign’s fundraising.

Although the Bayh campaign and Senate offices were separate operations, they were not nearly as distinctly separate as they would or should be, particularly after the Watergate campaign revelations a few years later. One of Birch’s oldest friends from Purdue days and the best man at his wedding, P.A. Mack, left his bank job in Chicago to join the campaign. Bob Keefe, the Administrative Assistant, moved out of the Senate office to work full-time in the campaign office. The campaign manager was former Indianapolis lawyer and member of the FTC, Jim Nicholson. Jay Berman and P.J. Mode headed up legislative activities and campaign policy; Bill Wise, former Time Magazine correspondent and bureau chief of Life Magazine in the Middle East, ran the press operation. In Wise’s press department was a former DNC staffer, Carl Olexa, who sent out radio feeds with Bayh comments on every issue coming before the Senate. Broder described Olexa’s process as so efficient that after one press conference in

²⁶ David Broder, “Hustle, Detail, Money: Bayh Picking Up Steam”, *Washington Post* May 10, 1971, pages A1, A8

Sacramento, the stations had a feed with the Bayh comments before the reporters, who had been at the press conference, returned to their offices. Howard Paster, who had been on the staff of Rep. Lester Wolff (D-NY), was one of the new hires to bolster the press department. Paster went on to become Bayh's legislative director and later the chief congressional liaison for the United Auto Workers (UAW). Then he would become the chief congressional liaison in the Clinton White House and would leave that to run a worldwide public relations firm, Hill & Knowlton, before passing away at the young age of 66.

The Presidential campaign was divided into five regions, each headed by a regional coordinator. Verlin Nelson, former lobbyist for the Americans for Democratic Action (ADA), was the Western Bayh coordinator assisted by Bill Riggs, former press secretary for Democratic Nebraska Governor James Exon. Bob Burke, a California lawyer who had been a Kennedy operative, ran the Northeast while Jerry Udell ran the Midwest. Udell had been the first intern in the Bayh Senate office years earlier and continued as a Senate staffer. Humphrey's former Southern coordinator, Clarence Martin, reprised the role for the Bayh campaign. John Reuther managed the DC area, including Maryland and Virginia, plus youth groups across the country.

Jay Berman also remained involved with fundraising. He recalled the 1971 effort with fond memories of working with Milton Gilbert and Nat Kalikow, two beloved Bayh fundraisers among many others. He said that they never wanted anything from Birch; they simply had a personal affinity for him. Because of Jay's involvement with them, he came to know others in the Democratic fundraising world that would be important to Birch and to Jay for years to come. Among those were Arthur Krim of United Artists (UA), Steve Ross of Warner Communications and Lew Wasserman of both Universal Studios and MCA. He recalled a trip to California where they appeared at a Democratic dinner with Speaker Bob Moretti, whom Jay called a "great guy,"

and had become a very close friend of Birch. At the dinner, the two of them competed for the attentions of the actress Candice Bergen, whom Jay said was “beyond beautiful.”

Although the Bayh effort was generating little support in national polls, he understood that the more he picked up steam and national exposure, particularly through the free press, the more he would garner support. The Bayh staff concentrated as much on likely and potential delegates as on former delegates, anticipating the changes due to happen as younger activists got increasingly involved in the process. As the organization continued to grow and the fundraising was proving successful, the press notices were increasingly notable.

Knight Newspapers – January 26, 1971 – By Loye Miller – His spirited speech, vigorously criticizing Nixon’s State of the Union Message and touching all the bases of liberal ideology, was interrupted more than a dozen times by enthusiastic applause and followed by a prolonged standing ovation.

The Washington Post – January 28, 1971 – By Joseph Kraft – He was young and forceful and a fresh face. Women jumped up and down at a champagne breakfast he gave. Youngsters had stars in their eyes when he spoke at the convention.

Scripps Howard Newspaper Alliance – February 8, 1970 – By Arlo Wagner – Democrats across the board speak admiringly of him.

St. Louis Globe-Democrat – February 14, 1971 – By Ernest Cuneo – Senator Birch Bayh (is) acceptable to labor, bright, sound and extremely attractive. Bayh has shown more than strength and speed; he is the possessor of that intangible called “class”.

Carl Rowan – February 15, 1970 – I think he says something important to his Democratic colleagues: going out to titillate the kids at Skidless U. isn’t nearly as important as doing your

job in Washington, which means taking on the current “establishment”, whether it is on the Supreme Court, hurricane victims, or Vietnam.

The New York Times – March 10, 1971 – By Tom Wicker – *Indefatigable, attractive and Midwestern, the senator from Indiana could...with a little bit of luck and a string of primary victories surprise everyone in a contested convention.*

The Miami News – March 10, 1971 – By Larry King – *Mayor David Kennedy’s decision to support and set up a Florida campaign for the presidential candidacy of senator Birch Bayh of Indiana is one of the greatest breaks the young lawmaker could have. Kennedy... has never supported a loser.*

The Philadelphia Enquirer – March 22, 1971 – By Dan Lynch – *Good-looking, well-spoken Birch Bayh could perhaps steal his party’s nomination away from Muskie.*

Chicago Sun-Times – March 26, 1971 – By Tom Littlewood – *Gary Hart, the Denver attorney who is directing McGovern’s campaign preparations, said that Bayh is moving faster, touching more bases, and extracting more commitments than McGovern or Senator Edmund Muskie.*

The Washington Star – March 29, 1971 – By Mary McGrory – *Muskie, who two months ago was considered too far ahead to be overtaken, has come upon the shallows recently. He has discovered that his backing lacks fervor...and everywhere he goes he meets evidence that Senator Birch Bayh’s political operation is more wide awake than his.*

Women’s Wear Daily – April 10, 1970 – *His humor...masks the skill of a politician who knows how to tackle the nuts and bolts of work as well as sound those clarion calls in public speeches.*

Newsweek – April 19, 1971 – *In tones of quiet surprise and envy, campaign strategists for one after another of the major Democratic Presidential hopefuls have come to acknowledge in recent*

weeks that the Democratic aspirant with the best countrywide organization, most vigor, second largest spending budget (after Muskie) and most professional campaign of them all right now is the largely unheralded 43-year-old junior senator from Indiana....Bayh's state-by-state operation, backed by his willingness to travel, is classically thorough...The candidate himself is laying on the sort of exhaustive, minutely detailed campaign that was perfected by John F. Kennedy and his Irish Mafia.

The Washington Star – April 19, 1971 – By James Doyle – The purpose of yesterday's rally was to give impetus to a nationwide registration...Those who came, offered large cheers for senator Birch Bayh, whose anti-war speech got one of the strongest reactions from the crowd.

The Baltimore News American – April 20, 1971 – By Richard Stout – When Senator Edmund Muskie looks over his shoulder these days, he sees a new contender for the Democratic Presidential nomination – and the vision cannot be comforting. Senator Birch Bayh of Indiana...would place high on any politician's list of The Man I Would Least Like to Run Against. Indeed, Bayh has almost too many things going for him. He is a farmer with Big Labor support. He is a Midwesterner with east and West Coast support. He has a liberal record and a conservative constituency. He is also young, handsome, athletic...Very quietly, Bayh has assembled the largest and smoothest operation of any of the Democratic possibilities.

The Boston Herald – April 25, 1971 – By George Minot – ... there has been a lot of publicity hereabouts and elsewhere for personable, articulate, youthful Senator Birch Bayh of Indiana, and it would not be at all surprising to find him labelled the "front runner" in the Democratic sweepstakes long before convention time comes around.

The Christian Science Monitor – May, 1970 – He's youthful, good-looking, hard working. This dynamic Indianan has some genuine accomplishments to his credit.

The St. Petersburg Times – June 21, 1970 – By Michael Richardson – *Throughout his career he has demonstrated considerable skill in exploiting the common to achieve the uncommon. So it is that many see him emerging from the virtual vacuum of Democratic political leadership.*

The energy and momentum seemed to be on target. By mid-March, the Bayh Committee reported that Birch had visited 44 states in the previous year, as well as going on a Middle East fact-finding trip in February, when he met with a number of Israeli leaders, including Prime Minister Golda Meir and Foreign minister Abba Eban. He even made a pilgrimage to Johnson City, Texas to discuss his campaign prospects with former President Johnson. While the Committee trumpeted his campaign activities, it also highlighted his legislative actions, such as the recently introduced Universal Child Care and Child Development Act of 1971. During these first months of 1971, Birch had criticized President Nixon on a variety of fronts. He attacked Nixon's move to reduce business taxes, criticized his budget and fight against inflation as well as his analysis of the unemployment problems, opposed the suspension of the Davis-Bacon Act on federally assisted construction projects, pointed out inconsistencies in the Administration's policies in Laos, urged the Senate not to approve the President's request for a two-year extension of the draft, opposed the Supersonic Transport Plane (SST) that the President supported, charged Nixon with encouraging the Army to spy on those citizens who opposed his policies, said the President's request for educational funding was inadequate, condemned the disbanding of Youth Opportunity Councils and opposed the Administration's plan for liberalized depreciation allowances for businesses. The stand against Nixon's intervention in the Calley matter was among the most prominent of positions enunciated, drawing the line between how a Bayh Administration would operate if it were to replace the Nixon Administration. Each of these

positions of the Nixon Administration seemed to strengthen his resolve to become the Democratic nominee in 1972.

The opposition to Nixon was deeply felt and fueled Birch's ambition to run just as it did the others in the race. Nixon's policy positions were bad enough, but his assault on civil liberties made his presidency appear particularly dangerous. It was during this period of time when Birch began using a quotation he discovered and often repeated in the ensuing decade. It was a quote from Pastor Martin Niemoeller, a German anti-Nazi theologian during the rise of Hitler.

“In Germany they came for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up.”²⁷

By mid-year, Birch's frenetic lifestyle was taking its toll. There was no let-up in the Senate schedule nor the untold demands of shepherding legislation through the Senate that he both sponsored and wanted passed. He was aggressively traveling the country to raise money and secure support for the presidential campaign. The price he was paying was not noticeable to the Senate staff. While it was clear he was away from the Capitol more often, when in town he would always walk through the office, stopping at most desks to chat with the staffers present, treating each staff person or volunteer like he was deeply interested in what he or she had to say. It was one of those things that bound staffers to him while working there. The bigger price was being exacted on the home front.

²⁷ Martin Niemoeller, John Bartlett, Bartlett's Familiar Quotations, Page 824

Birch described his political success as the result of his partnership with Marvella. They ran as a team, whether it was for the General Assembly or the U.S. Senate. But in his ninth year in Washington, the strains on that partnership were becoming apparent. When Birch first arrived in the Senate, Marvella hired a social secretary to help handle the volume of mail she received, to help manage her travels to Indiana for Birch and to assist in maintaining order in their social lives in the Capitol. They agreed on the importance of getting to know Senate colleagues and their wives and to that end they hosted regular dinners at their home to foster relationships and support Birch's career. They also attended dinners at the homes of other senators as well. Martha Swanson was Marvella Bayh's first social secretary. She was an elderly, proper, and elegant woman, remembered as a dowager-type who often wore white gloves in the office. Known to all as "Aunt Mar", she also served Marvella by being her stalwart defender within the staff, some of whom seemed to resent the boss's wife.

Marvella and her husband were opposites in many ways. Far more intense and less likely to see the humor in a situation, Marvella was a perfectionist. She cared about money and Birch did not. He encouraged dissent from those around him, she spurned it. The trappings of office also seemed to mean more to her than to him. Lee Hamilton recalled a day when he, Andy Jacobs and Marvella were all flying from DC to Indiana, she in the middle seat between them. As she talked on about how "the senator wants to do this and the senator wants to do that," Jacobs joked with her, "Marvella, senator who?" She did not see the humor in it.²⁸

Their differences were underscored in the ways each approached commercial air travel. Birch had a habit of arriving at the gate just before the doors to the plane were closed. Marvella

²⁸ Story about flying with Marvella by Lee Hamilton in an interview with the author on May 28, 2015

required an arrival at the airport two hours before the flight. On one occasion, Birch and Marvella were flying to Europe and because of the additional time required by the airlines security, Bob Keefe rode along to Dulles Airport so they could talk. While waiting near the gate, Keefe disappeared. Using dials at a desk near a gate, Keefe figured out how to program announcements of impending flights. Keefe had noticed a gate desk without attendants, went to it and programmed an announcement of the imminent departure of the Bayhs' flight. Though their flight was not due to leave for more than an hour he announced its imminent departure. Marvella exploded out of her seat as if shot from a gun. When the prank was revealed she failed to see the humor in it.

As the years went by, the push and pull on Birch's time intensified. What developed as a competition between the Senate staff and Marvella grew into a high pitched feud. Given the level of perfectionism that Marvella required, hard feelings and enmity among staffers often resulted. As she increasingly saw herself in competition with the staff, the lines began to be drawn more distinctly. If Birch defended an accused staffer, the tempers grew hot and the words became harsh. She had persistently locked horns with Administrative Assistant Keefe and the Senator's personal secretary, Fran Voorde. Both had moved over to the campaign, making it even more untrustworthy to her.

Exacerbating all of this was her life as a mother of an adolescent son, one who was pushing the boundaries against a woman very set in her ways and, like many mothers of a teenage boy, perhaps not as tolerant as she might be.

Additionally, Marvella worried about her health. She was a worrier about many things but in this instance, it began when she felt a pain in her right breast in February. She consulted with doctors who found nothing to be concerned about. In the same month, the health of Colonel

Bayh, Birch's father, was noticeably deteriorating, adding to the many anxieties already pre-occupying both Birch and Marvella.

Birch's desire to protect the partnership began to waiver. He did not discuss many of the details of the presidential planning and cast aside her concerns about incurring debt that they couldn't afford if he wasn't successful. She became obsessed with possible debt and, in the process, pushed Birch farther away. He no longer wanted to share any details of the planning for his presidential race, in which she would have normally been involved. Each of them behaved in a way that intensified her feuds with the staff and turned many of those few evenings when they were home together into misery. Her autobiography reveals that by June, 1971 she believed their marriage was in trouble for the very first time. Birch recalled reading this in her book and feeling ashamed that she felt that way but also ashamed that he was unaware of how deeply she was feeling.

On May 18, liberal Democrats in the Senate scored another victory against the Nixon Administration when Congress voted to end funding of the Supersonic Transport aircraft (SST). The SST was a recent invention which captured the fascination of the public as the first commercial aircraft to break the sound barrier. It created sonic booms that could be heard for miles. But its exhaust was reputed to threaten the ozone layer, creating great controversy at the time. While Nixon and much of the business community supported its development, public concern about its environmental effects was widespread. Environmentalists applauded the action by Congress, led by Sen. William Proxmire and supported by most Democrats. Birch's opposition had been made very clear to anyone watching the early presidential nomination contest.

The first week of June, Birch voted for the Hatfield Amendment to end the draft and several days later spoke to the National Convocation of Lawyers to End the War, telling them the way for the War to end was for Congress to set a date for it to end. No date would ever be set by the Nixon White House. His call to compel Congress to terminate the War was overshadowed by another event which sent ominous reverberations throughout the country. On June 13, *The New York Times* began to publish the Pentagon Papers. Derived from classified documents, the Pentagon had put together a report on the history of the Vietnam conflict and revealed the deception and outright lies committed by the Johnson Administration, communicated not only to the public but to Congress as well. Some within the Nixon White House argued that the publication of the papers should be allowed because they embarrassed the previous two Administrations, not the current one. However, National Security Advisor Henry Kissinger's view was that the leaks of that nature were dangerous and it would be a terrible precedent to allow them to be published without a fight. It was revealed that the report had been leaked by Daniel Ellsberg. Ellsberg was later prosecuted for his role in leaking the documents but the initial dispute was centered on Nixon's attempt to halt publication by *The New York Times*. The prior restraint sought by the Administration was fought before the Supreme Court which decided, only a week after the first publication, in favor of the newspaper. History tells us that the efforts to investigate Daniel Ellsberg were illegal and among the activities perpetrated by the Nixon Administration that became known as the Watergate scandal. But as of the end of June and into July 1971, there were few news items more prominent than the Pentagon Papers matter.

That same month, Birch traveled to California to hold hearings on disaster relief. He was chairing a special subcommittee of the Public Works Committee and California had just

experienced earthquake related destruction. Allan Rachles, who traveled with him on that trip, retained an indelible memory from the experience that served to reinforce his feelings about Birch as a tough leader. Senator Bob Dole of Kansas was part of the entourage as was freshman Senator John Tunney of California, who was invited as a senatorial courtesy. Dole was also serving as chair of the Republican National Committee at the time. Every time Tunney opened his mouth, Dole interjected a nasty comment or simply put him down. After tolerating more than he probably should have, Birch put a stop to it, telling Dole in no uncertain terms that his discourtesy and lack of grace to a fellow colleague would either stop right then or the matter would be referred to the Senate for review once they returned. Dole remained quiet.²⁹

During the summer, the Bayh presidential campaign opened offices in Nebraska, New York and Wisconsin. Birch's travels throughout the country continued at a fast pace. On August 11, he ventured into territory that would exact a heavy price on his political future when he announced the introduction of an amendment to the Gun Control Act of 1968 to prohibit the sale of "Saturday Night Specials." While it was an easy argument to make that this type of weapon was not used in hunting and was the weapon most often used in the commission of crimes, promoting gun control was and is a hot button issue to those on the other side. Members of the National Rifle Association (NRA) were noted for generating heat against any legislator who supported gun restrictions of any kind and their membership in Indiana was not something any politician could ignore. But Birch felt strongly about the issue and took the heat for the enmity it caused among Hoosiers who vehemently opposed it. He compared the issue to being "partially pregnant." You were either for gun control or not, there were no half-way reasonable matters in

²⁹ Allan Rachle's story about Bob Dole from an interview with him and the author on May 27, 2015

between. As much as he might consider people who thought that way to be “gun nuts,” they represented a force to be reckoned with.

John Rector majored in criminology and political science at the University of California Berkeley. He wanted to be involved in juvenile justice reform and bail reform. In 1968, while a law student at U.C. Hastings in San Francisco, he worked in the Robert Kennedy presidential campaign and also became an admirer of Birch Bayh because of his role in civil rights issues. After the Kennedy assassination, he was hired by the Department of Justice, becoming a prosecutor of civil rights cases, particularly those involving police brutality. That work brought him into contact with a number of senators, particular Hart, Kennedy and Bayh. When involved in the investigation of the Kent State and Jackson State killings, John met Gordon Alexander when Gordon was traveling with Birch to Mississippi. Sometime later, he interviewed with both Birch and Marvella, joining the staff on April 1, 1971. He went to work for chief counsel Larry Speiser on the Senate Subcommittee to Investigate Juvenile Delinquency.

John remembers traveling with Birch to his hometown of Bakersfield, California, during the campaign in August, 1971. On very short notice, he had to deliver Birch’s speech for him when a vote on the B-1 Bomber required Birch to leave for Washington. John would go on to play a major role in Birch Bayh’s career.

On August 26, Birch Evans Bayh, Sr. died at age 77. It was the culmination of months of tragedy in the Bayh family, made less tolerable given the strains in Birch and Marvella’s marriage. They both adored Col. Bayh and took his passing hard. Colonel Bayh’s body was flown to Terre Haute, where his funeral service and burial took place.

Two days after Colonel Bayh’s funeral, Birch and Marvella went to Paris together. As a Member of the Interparliamentary Union, Birch had been invited to attend its meetings and was

encouraged to bring his spouse. Each trip was a good experience and this one was no different, becoming a welcome elixir for their marriage. Marvella wrote about how the trip to Paris did a “world of good” for both of them. This particular trip was deemed important because of a meeting scheduled with the North Vietnamese delegation to the peace talks. Birch made sure that Marvella was included in the meeting but back at their hotel, tempers flared once again. They argued about the staff and about the campaign debt, which then stood at \$200,000, of which \$60,000 was considered theirs personally. She told him she would refuse to campaign at all until the debt was paid adding, “I wish so much that you’d be satisfied with being a great senator.”

But Paris can be magical and it worked its magic on this occasion. They sat at sidewalk cafes unique to Paris holding hands and talking together. She relented and assured him she would travel for the campaign to Wisconsin and Oregon as he wanted her to, while he would be traveling in California, Wisconsin and New Hampshire. They discussed the planned announcement schedule, which would begin in Washington and proceed to Tallahassee, Milwaukee, Lincoln and Los Angeles the same day. Each was in a key primary state.³⁰

Back home, Birch resumed his travels for the presidential campaign and remained aggressive in his efforts to enact legislation. On September 10, he opened two days of hearings on his “Saturday Night Special” bill. Three days later, in a statement at his hearing on the misuse of handguns and the need to prohibit the sale of “Saturday Night Specials,” he lambasted the Nixon Administration for its inaction on the issue of violent street crime. The next day, he

³⁰ Bayh trip to Paris and Marvella’s involvement with a presidential campaign, Description of her cancer check-up, diagnosis and surgery, Marvella Bayh & Mary Lynn Kotz, Marvella, Pages 217-220

called again for withdrawal from Vietnam and a few days after that called for the immediate resumption of deliveries of Phantom Jets to Israel. He introduced the Omnibus Correctional Reform Act of 1971 to change the direction of the nation's correctional system and announced hearings scheduled for October on a Constitutional Amendment to limit future presidents to a single six-year term.

The matter of Supreme Court nominations raised its head again with the two resignations occurring almost simultaneously. Justice Hugo Black admitted himself to the hospital in ill health on August 28 and his retirement was announced on September 17. He suffered a stroke shortly thereafter and died 10 days after his retirement. Also suffering from deteriorating health, Justice John M. Harlan retired on September 23. Birch desperately wanted the next Nixon nominees to be acceptable and had no stomach for another battle. He had other priorities and it would be interpreted as presidential politics for him to oppose another nominee, given his recent activities. He publicly called for the President to appoint a woman to the Court. The frenetic travel continued in key states across the country, while the Bayh campaign staff was preparing an announcement of his presidential candidacy in November.

On September 23, Marvella once again felt discomfort in her right breast which was swollen and periodically caused a "zip of pain, like a small electric shock." She made an appointment with her physician, Dr. Sanford Hawken, to discuss it and have a mammogram after she returned from a campaign trip to New Jersey. A week later she had her follow-up appointment. Dr. Hawken said the X-Rays were clear but he wanted to schedule a biopsy. That morning, Birch called Marvella from New York, excitedly telling her that he had the pledges he needed to erase the campaign debt. When he called back later that afternoon from Ohio, she told him her news. That was a sobering conclusion to a rather humorous day, as Gov. Jack Gilligan

of Ohio hosted Birch and Allan Rachles in the Governor's Mansion, serving them baloney sandwiches.³¹ Birch interrupted his plans and returned home to spend the night with Marvella, leaving again the next morning. The doctor had told her there was an 80-85% chance she would be fine.

The night before her hospital appointment, Marvella performed in a show at the Women's National Democratic Club with Birch in the audience. She wore a strapless flapper dress, low-cut with spaghetti straps and no bra, finding herself worrying that night whether she would ever be able to dress like that again. Birch left for New York and Florida the next morning and I was asked to drive Marvella to Columbia Hospital for Women, the same place where Birch's mother had died almost exactly 31 years earlier. I remember how she was focused on the doctor's 80-85% chance that everything would be okay. She spent that afternoon preparing herself for the biopsy the next morning. Birch returned from Florida that evening and they ate steaks together in her hospital room. She assured him that if everything went as they hoped, she would do whatever she could to help the campaign.

As scary as life was for Marvella at that moment in time, they were exciting for Birch politically. The New York trip concluded with Nat Kalikow and Milton Gilbert, his principle fundraisers, handing him checks totally \$500,000. Flying to Florida, they arrived in Gilbert's jet on the tarmac in Miami where Mayor Kennedy and the mayor from Tampa, Dick Greco, met them. Birch handed over the checks to them to be used for the Florida campaign, got back on the jet and returned to Washington.

³¹ Allan Rachle's story Gov. Gilligan meeting from an interview with him and the author on May 27, 2015

The next day, awakening from the biopsy, she found Dr. Hawken and Birch at her side and was told that she had breast cancer and that they needed to remove her breast. She sobbed at the news; was terrified of the word cancer, found herself reflecting about dying and worrying about Evan's future. On October 8, she had a modified radical mastectomy, in which Dr. Hawken removed the right breast, portions of her chest muscle and the lymph glands in the armpit.

Birch's travel schedule was cancelled for the next 4 days. Keefe, Nicholson and others from the campaign convened a meeting in one of the sun rooms at the end of a hospital corridor to discuss the meaning of her surgery and how it would impact their plans. Deep down, everyone knew what was going to happen next.

The announcement speech ending the campaign took place in the ornate Senate Caucus Room, the site where other presidential campaigns began, including those of John and Robert Kennedy. It was a room that would become well-known to most of the country when the Watergate hearings took place there.

There was an outpouring of concern for Marvella, expressed both to her and Birch. Immediately after the news broke, Senator John Stennis of Mississippi was the first of Birch's colleagues to stop in at the office to express concern about Marvella. It served as a reminder of how the relationships between colleagues were important, even with those with whom you have differing political positions.

That afternoon, Birch held a press conference, one jammed with reporters from every major news organization. His remarks were as follows:

During the last several months, I have seriously considered becoming a candidate for the presidency...I have made this effort because of my concern for the problems that confront our country and each of us as individuals.

He went on to talk about Vietnam, about the economy and added:

We had been encouraged by citizens all over the country declaring their support...Whenever I have had an important decision to make during the seventeen years I have had the good fortune to serve in public life, my wife, Marvella, has always been there. But Marvella is not here today. She is not here because she underwent critical surgery for a malignancy. We have every reason to believe the operation was a success. However, her complete recovery may require a lengthy period of recuperation. During this time, I want to be at her side – not in Miami, Milwaukee or Los Angeles....Therefore, I am not a candidate for the presidency.

Birch recalled that this was one of the only times he had done something of importance in his career without consulting Marvella. When he told her that he had scheduled a press conference to end his campaign, she replied, “Birch, are you sure you want to do this?”

“The rightest decision I ever made,” he told her. He knew how important it was, to him and to her, for him to be there when she checked out of the hospital. Remaining a candidate was an obstacle to be removed.

1974 Re-Election Campaign

As 1974 dawned, among the highest priorities of the Bayh staff was the upcoming re-election campaign. Watergate had dominated the country’s attention and one could imagine that the growing Nixon scandals would be good for Democrats like Birch Bayh.

Staffer Louis “Louie” Mahern left the DC office to run the Indianapolis office and began laying the ground work for a campaign. Previously he had worked on the staff of Rep. Andy

Jacobs but he wanted to pursue his own political career, so returning to the state was the right move for him. When Birch ran for the Senate in 1962, Mahern was a marine stationed in the south pacific and voted for Birch from there using an absentee ballot. The 1974 campaign would be run by Jay Berman with David Bochnowski as Political Director and Bill Wise handling press.

Marvella Bayh, along with actor Peter Graves, became co-chair of the American Cancer Society's public awareness campaign. This effort pretty much curtailed her involvement with Birch's 1974 campaign save for a few speaking engagements in Indiana. A video called "The Marvella Bayh Story" preceded her remarks to audiences around the country, urging people to recognize the seven warning signs of cancer. She also often spoke about the Equal Rights Amendment (ERA) and urged its passage but her public appearances were more about preventing cancer than anything else. Later in the fall of 1974, she took a job at the NBC-TV affiliate in Washington, WRC-TV, as a reporter talking about events leading up to the country's bicentennial celebration in two years. Later, Birch described this period when he "reveled in his wife's success and admitted he had never seen her more fulfilled and happy in her professional life. Working for the Cancer Society, she received hundreds of letters from people all around the country. One of her favorites was from a woman who thanked her for alerting her to the seven signs of cancer, adding that Marvella's information compelled her to see her doctor and a malignant tumor was found. The warning may have saved her life and, she added, "Mrs. Bayh, you were my shining example." Bochnowski remembered her appearance on the Lawrence Welk show during this time, dancing on national TV with the famous band leader. It was an appearance generated by her work fighting cancer, not because she was a senator's wife. As a result of her working life, the strain on the family was less than in other campaigns. Since her

job made it problematic for her to be active in the campaign, she kept in daily touch with Birch by phone.

Early in the year, Bochnowski was in Indianapolis setting up the campaign infrastructure when he was called to the office of Democratic state chairman Gordon St. Angelo. St. Angelo proceeded to tell Bochnowski that he was expecting a cash payment of \$500 each month, beginning right away, a form of graft that was entirely new to Bochnowski. Bochnowski went back to Birch to discuss the matter and was told, in no uncertain terms, that there was no way that was going to happen.

As planning for the 1974 campaign was taking place, I very much wanted to be part of the campaign staff, specifically in the role of “road show manager,” traveling with the senator and managing his life on the road. I remember telling that to Jay Berman who said I had been doing a great job as office manager and that he was reluctant to upset an office that had been running so well. I persevered and told him it seemed I was, in effect, being penalized for doing a good job, that I wanted this role in the campaign and thought our boss would be supportive as well. Jay agreed to talk with Birch and, shortly afterward, I was offered the job. The person with that job is often referred to as the ‘body guy,’ always seen with the candidate and at his beck and call.

The road show began when Birch arrived in Indianapolis from Washington on June 6. It would last the next 153 days with only three days off, covering 90,000 miles without leaving the state, except for events in Chicago, Louisville and Cincinnati, all Indiana media hubs. Only a few times did Birch return to DC. Also traveling with Birch much of the time was a press assistant, Mike Trapp. Most of the miles were in a twin engine airplane from Brown’s Flying School in Terre Haute. Jerry Jeter was the road show driver, driving the road show group to

events when flying didn't make sense or to and from an airport when it did. Usually, the road show was met by local officials or coordinators. In all, the road show included 25 county fairs in a state with 92 counties.

Birch's opponent would be Indianapolis Mayor Richard Lugar. The fact that he was widely advertised as "Nixon's Favorite Mayor" couldn't be a good thing for him.

The Harvard Crimson, described Birch's opponent: "Though Lugar is admittedly an underdog, Indiana Republicans believe their chances are a great deal more auspicious this year. Lugar's marks the first Republican administration in two...A former Rhodes Scholar and valedictorian of his Denison College class, Lugar has amassed an impressive record as two-term mayor. In January 1974, a *U.S. News and World Report* analysis revealed that, among cities its size, citizens of Indianapolis suffered fewest homicides and robberies and second fewest rapes, achievements many attribute to Lugar's metropolitan improvements. Lugar's innovative Uni-Gov program also merged metropolitan Indianapolis with the suburbs, thereby advancing Indianapolis from 26th to 11th largest U.S. city. One possible Lugar liability this fall could be the *Indianapolis Star's* revelations last February of police corruption, though Lugar was never personally implicated."³²

Critics of Uni-Gov argued that the principle reason for consolidating the city and suburbs under the mayor's jurisdiction did not mean that the city would deliver services to the suburbs, which it did not, but meant the Republican suburbs could vote for the mayor to balance out the urban Democrats. Many focused on the belief that both candidates had presidential aspirations. The 1974 campaign would determine which candidate might be able to pursue the larger ambition.

³² Anne D. Neal, "Hot and heavy Hoosiers," *The Harvard Crimson*, October 5, 1974

The Harvard Crimson went on to discuss Lugar's timing. "Many Republicans are also skeptical of the timeliness of the Lugar campaign. Bayh is a youthful, handsome, down-home operator with a good number of accomplishments and a polished campaigning style. In his 12 years, the folksy junior senator has made numerous contacts, garnered seniority and made his activities known in his home state. Lugar, considered by many to be the best senatorial challenger, risks national obscurity if he doesn't run this year. He could also lose the Indianapolis mayoralty race in 1975, a defeat that would end his presidential aspirations. Though he cannot expect to match his opponent's recognition, Lugar can hope voters will reject incumbents this fall as a purging concomitant of Watergate. A win could put him in the vanguard of Republican presidential prospectives.

That hope, however, could be counterbalanced by the white albatross of the Nixon administration. The Washington Post tagged Lugar 'President Nixon's favorite mayor,' an epithet which has stubbornly stuck. Lugar was the only big city mayor to serve as a surrogate speaker for the president in 1972 and his expertise in urban affairs as president of the National League of Cities made him a logical presidential consultant on urban issues."

The article listed Bayh's accomplishments and added, "Aspects of his record, however, could work against Bayh this fall. Republicans are zeroing in on his support of forced school busing and his opposition to the Alaska pipeline – two positions which many of the Indiana constituency do not share. In the past, Bayh has also been an advocate of gun control and a major opponent of a proposed new Indianapolis area reservoir for water supply – actions which have stirred up some voter opposition. Lugar, a moderate Republican with views congruent with many in his conservative state, sees Bayh's voting record as his most exposed flank. Lugar has

scored Bayh time and again on his liberal and inflationary record – coining the shibboleth of ‘the old politics of promise and spend, promise and spend.’”³³

Years later, Lugar discussed that nickname, “Nixon’s favorite mayor” and asserted that it was not true. Veteran *Washington Post* political reporter David Broder had written an article saying that Lugar was in and out of the White House so often, he must be Nixon’s favorite mayor. The label stuck and hung around his neck with considerable weight in 1974. Long after the end of Nixon’s presidency and shortly before he died, Nixon was at an event sitting next to Lugar. At one point he leaned over to him and whispered, “You really were my favorite mayor.”³⁴

The 1968 slogan had been the simple “Senator Bayh for Senator,” reminding voters that he was the incumbent and to take advantage of the popularity that his service had created. This time, the slogan would be “One Man Who Makes a Difference,” a phrase hoping to evoke pride in his accomplishments. A general brochure was produced for the campaign with that slogan, with sections highlighting a myriad of issues and related Bayh accomplishments; more for Indiana, fighting inflation, tax reform, education, older Americans, gun control, integrity and government, social security, waste in government, and more jobs.

Earlier in the year, Birch travelled to South Bend for Dyngus Day, a Polish-American celebration at the end of Lent. It occurred on the Monday after Easter and was an important political event. Terry Crone, regional coordinator for the Bayh campaign, accompanied Birch to Dyngus Day in Mishawaka. Terry recalled the on-going challenge and chronic problem of

³³ Anne D. Neal, “Hot and heavy Hoosiers,” *The Harvard Crimson*, October 5, 1974

³⁴ The Nixon’s favorite mayor story provided by Richard Lugar in an interview with the author on June 3, 2015

keeping Birch on time. On that particular day, Birch was heading over to talk with Mishawaka Democratic Vice Chair, Frannie Evans, while Terry was imploring him not to. Frannie was fine, he assured Birch; they were running late. But Frannie was remembered as the woman who had ridden a donkey into the 1962 Democratic State Convention emblazoned with a Bayh for Senate sign. “You don’t ever forget someone who rode on a donkey for you,” Terry was admonished.³⁵

The memories of 1974 proliferate; all kinds of events in all shapes and sizes dominated by reminders of deep fatigue. Having to be “on” every day and operating on far less sleep per night than ever before, I remember endless hours riding in cars or on airplanes trying desperately to sleep while wearing hard contact lenses. Those are indelible images.

As good as Birch was in remembering faces and names, he hated it when people came up to him and put him on the spot by saying something like, “you don’t remember me, do you?” There were many times when he knew a given person’s name but others when he did not. We developed a routine in which I would read a memo describing who was meeting us at a given location. Arriving by plane, for instance, I would ask him which people on the list he would recognize and which he would not. Leaving the plane first, I’d introduce myself to those who were greeting us, loudly enough so he could hear it. He’d then emerge from the plane and address the person by name. It worked pretty well.

This was a time before cell phones but car phones existed and one was installed in the campaign car. Often a sound truck playing “Hey Look Him Over” met the road show when Birch was scheduled to walk door-to-door, announcing his presence in the community. He had 90%+ name recognition and most Hoosiers seemed to know how they felt about him, mostly positive it seemed. One of the most difficult tasks was to change his reputation for tardiness,

³⁵ Terry Crone story from an interview with the author on May 26, 2015

though he improved on that during the 1974 campaign. The biggest obstacle facing the road show was Birch's ice cream addiction. He seemed to know where every Dairy Queen in the state existed and each time the car approached one, the schedule was threatened.

Indiana has multiple media markets, large and small plus two time zones, Eastern and Central. The markets were Chicago, Indianapolis, South Bend, Fort Wayne, Evansville, Louisville, Terre Haute and Cincinnati with smaller markets being cities that included Lafayette, Richmond, Anderson, Columbus, Bloomington and Marion. The campaign would rotate in and out of each market to take advantage of as much free media as possible. Overlaying that was the regular requirement to visit those cities and counties with the largest number of votes.

Memories that stick out from those months include lots of celebrity sightings. From my notes written during the campaign:

One of the fun benefits of those first few days was meeting a few movie stars who were in the state for a golf tournament, Glenn Ford and Claude Akins (from Bedford, Indiana). Later we'd meet Cloris Leachman. Celebrities joining us for events during the campaign included comedian Alan King, the real Colonel Sanders of Kentucky fried Chicken fame, senators Ed Muskie and Scoop Jackson. We also met Bill and Birch Monroe, famous bluegrass singers, and Birch sang a song with them at the Bean Blossom Bluegrass Festival. Later he sang a duet at a different event with country singer Linn Anderson.

For the first time, Birch and Larry Conrad were both on the Democratic ticket, campaigning together. Continually nagged by the Master Plan story, Conrad enjoyed seeing it overshadowed by Watergate. Few in Indiana seemed to be paying attention to his troubles when the larger national scandal was dominant. The two campaigns coordinated campaign schedules, guaranteeing joint appearances at the most critical Democratic events. Conrad later recalled,

“...we were campaigning together....It was our last stop of the night, and after the dinner the owner of the restaurant grabs us and takes us through the kitchen and out the back door. He reaches over and grabs a jug of homemade brew and says: “Want you two to have a little of this special after-dinner drink.” Birch, you grabbed and hoisted the jug and took a big swig. Your face turned red and your eyes started watering. You handed that thing to me, pointing to it and nodding, like it was French champagne. I grabbed it and took a pull. It felt like a hot poker was jammed down my throat. I fell to my knees on the ground, gasping for air. As I was on all fours, shaking my head, trying to breathe, I heard the guy say to you, ‘pretty good, huh?’”³⁶

While Birch was crisscrossing the state, the Watergate scandal continued with the increasing impression that the President could not last much longer. On July 24, the Supreme Court ruled unanimously that Nixon must turn over the tape recordings of sixty-four White House conversations, rejecting the President’s claims of executive privilege.

A group opposed to Birch was formed in Vigo County called “Bi-partisans Against Bayh.” Running a series of ads, they attacked him for being both too liberal and not living in Indiana. The fact that the group was from his home county angered him but he was more incensed by the claim of non-residency. Mostly, when wild charges were made, Birch operated with the attitude that the more you stirred manure, the worse it smelled. But he wanted to respond to the issue of residency. Since the independent expenditure committee had not properly filed with the secretary of state, Birch wanted to charge them with breaking the law. This may have been the first time an independent group was formed to make expenditures against him but it would not be the last.

³⁶ Raymond H. Scheele, Larry Conrad of Indiana, page 171

A press conference was scheduled in Terre Haute but that same morning but it was discovered that the group had filed the necessary papers the previous day. Press secretary Bill Wise was frantically trying to reach Birch or the staff people with him to prevent him from making a statement that was not true or issuing an inaccurate press release. While Bill was yelling into his phone at the Bayh campaign headquarters, P.A. Mack was showing the headquarters to a group of nuns and students. The group entered Bill's office and unfortunately Bill did not hear the group enter his office. As he turned around, he screamed, "What the fuck are these kids doing here?" They disappeared in a flash.

On July 26, Birch had an opportunity to face a hot button issue regarding the proposed Highland Lake reservoir, championed by the Indianapolis Water Company. The Bayh staff took the issue seriously and studied it hard, concluding that Birch should oppose it. To build it meant taking away privately-owned land through eminent domain and building an expensive reservoir. Expensive homes around the reservoir would have a resort-like waterfront, all paid for by taxpayer money. Louis Mahern uncovered extensive evidence of underground wells that would allow any water shortages to be fulfilled by drilling, without taking privately-owned land or funding major construction. Indianapolis water rates were already too high and would rise more if the expensive version of the project was approved. Mahern became an expert on the matter, also discovering that the only private water company in a similar sized city charging higher rates was the Philadelphia Suburban Water Company. Turns out they had overlapping boards of directors with the Indianapolis Water Company.³⁷ From my notes of the event:

July 26 – noon - Indianapolis – Had a great session at Downtown Kiwanis Club. That morning B2 had a press conference to explain his opposition to the Highland Lake Reservoir.

³⁷ Louis Mahern's work on Highland Lake from an interview with the author on May 26, 2015

Tom Moses, President of the Indianapolis Water Company, was considered unkindly throughout B2's remarks. At luncheon (Kiwanis), Moses introduced B2 and sat down to have the hide ripped off him. One man told B2 he had "the balls of King Kong." The audience response was excellent.

One piece of fall-out from Birch's effective opposition of Highland Lake was the defection of a prominent Democrat. Frank McKinney, a banker whose father had once been the Chair of the DNC, had a stake in the reservoir and became Birch's vociferous opponent for the remainder of his career. This was not the first time Birch opposed a federal project that cost him a friendship. Early in 1974, staffer Darry Sragow had been assigned the task of overseeing a proposal by the Army Corps of Engineers to build Wildcat Reservoir at Lafayette Lake, which was close to Purdue University. It had been supported by the business community, organized labor and a Bayh mentor, Dean David Pfendler of Purdue. After considerable study, Darry laid out the case to Birch including the political risks. Birch interrupted him saying he didn't want to hear about the politics; he wanted to know what Darry thought was right. Sragow had become convinced the citizens opposed to it had a good case and, while it was unheard of to question anything from the Army Corps of Engineers, he came down on the side of the opposition, as did Birch and it was killed.³⁸

From July 27-30, the House Judiciary Committee voted on the articles of impeachment adopting three articles, charging the President with obstruction of the investigation of the break-in, misuse of powers and violation of his oath of office, and a failure to comply with the House subpoenas. A few weeks before the votes, Congressman John Brademas was traveling with Birch and accurately predicted the House action. It was becoming clear from the bi-partisan vote

³⁸ Darry Sragow's work on Lafayette Lake from an interview with the author on August 7, 2015

that Nixon would be impeached by the House of Representatives. Conviction by the Senate was only a matter of time and a delegation of Republican senators went to the White House to tell him that. Once again, it is easy to speculate that if Nixon's successor were to be Speaker Albert instead of Vice President Ford, that delegation would never have made the trip to the White House. The impact of the 25th Amendment in providing a process to fill a vice presidential vacancy for the first time, was felt again.

At an Indianapolis appearance with Lugar, Birch was more impressive with his remarks than Lugar. Lugar had spoken about international economics and the crowd appeared restless and bored. Later we joked that on the Nixon tapes, the president once said to Haldeman, "I don't give a shit about the fucking lira." We imagined a radio spot with Lugar's comments on the lira, followed by Nixon's, then our campaign disclaimer.

On August 8, Birch was walking in a parade when news reached him that President Nixon was going to resign the presidency that evening and the schedule was being adjusted as a result. Birch was to go to a hotel in Indianapolis where the press would be watching the televised resignation speech. Awaiting Birch at the hotel would be a prepared text for him to give to the press following the televised resignation.

That evening, Richard M. Nixon resigned the presidency before a national audience, indeed a sobering national event. Birch wrote changes, additions and deletions on the typed statement, let the assembled masses in and the Bayh reaction to the Nixon resignation was given.

Elizabeth Drew wrote a book about Watergate that provided a day-to-day chronicle of events. "Last fall, they had to invent a way of approving a Vice-President selected under the Twenty-fifth Amendment. This winter, spring, and summer, they had to invent a way of arranging for the resignation of a President and the transfer of power. So Ford...is about to

become President. Ford was chosen...because he was loyal, uncontroversial, a regular Republican, and perhaps precisely because he did not seem especially well qualified to be President. But then the parties themselves do not exactly set out to nominate the best-qualified people. And things could be worse now. Agnew could be the Vice-President. And though the processes by which a new Vice-President was chosen under the Twenty-fifth Amendment are troubling, one must consider how much more complicated this would be if there had been no provision for selecting a new Vice-President and, with the Democrats in control of the Congress, Nixon's leaving office would have involved the accession of the Speaker of the House and a change of parties in power. Now people are speculating on who the *next* Vice-President will be."³⁹

Watergate would have a long-lasting impact on American life. Nixon had broken the public trust and Americans would no longer believe in their leaders as they once did. The public had been rocked by the revelations of lies surrounding the Vietnam War and, following right on its heels, Watergate, the scandal to beat all scandals. The Bayh office had reason to suspect that it had been bugged and its copying machines subject to unauthorized users. It's impossible to know why a bigger deal wasn't made about this infraction at the time but a sweep was made of Birch's suite and he was told that, indeed, listening devices had been detected there. It was also discovered that hundreds of unauthorized copies were made on his office Xerox copier.

We later learned about other Watergate-related events directed at us by the Nixon operatives. The FBI interviewed Larry Cummings and he, in turn, directed the FBI questions to me. He said they had reason to believe that early in the campaign a voluptuous red-headed woman was hired to get Birch into bed for the benefit of hidden cameras. I was asked if I had

³⁹ Elizabeth Drew, Washington Journal: The Events of 1973-1974, page 406-408

any memory of a woman fitting that description making advances to Birch during that timeframe. I did.

It was during the Indiana Democratic State Convention in June. I remembered the event because this stunning woman, a redhead with a fabulous figure, was sidling up to Birch during a reception and leaning in to him, whispering in his ear. Birch motioned to me and indicated to her that he needed a moment, ostensibly to confer with me. What he told me was a lesson that stuck with me and is largely why the incident was so memorable. He said that I should never let an attractive woman get a leg-lock on him as she was doing. The reasons were obvious but it became another teachable moment and I learned that protecting him from rumors was one of my tasks.

A humorous footnote to the FBI revelations was that this woman was hired to go after Congressman Andy Jacobs if she was unsuccessful with Birch. Andy, among the funniest of men, learned about it and responded, “Where was I?” expressing feigned shock that he missed out on a great opportunity. He was unmarried at the time so being photographed in a compromising position wouldn’t have been nearly as scandalous as it would have been for Birch. Another famous Andy Jacobs story also focused on his romantic life. His first marriage, to former Indiana Governor Matthew Welsh’s daughter, occurred before he was elected to Congress and was short-lived. A long-time unmarried Member of Congress, he was subject to rumors that he was gay, which he was not. When in a reception line, a constituent said to him, “Andy, I hear you’re sleeping with everything in skirts in Washington,” Andy’s response was, “At least the rumors are improving.”

The night after the Nixon resignation, Birch was in Indianapolis at a Marvin Gaye concert. Gaye introduced Birch, brought him up to the stage and the crowd went wild as they

exchanged soul handshakes. As good as the experience was with Marvin Gaye, he had the opposite kind of experience with another African-American celebrity in Indianapolis. The leaders in the minority community held a “Black Expo” every year and it was usually headlined by famous black entertainers. It was at one of those events that Miles Davis, the legendary jazz trumpeter, performed. Birch stood behind the stage in order to thank Davis after his performance. As Davis emerged from the stage, Birch thrust his hand forward, saying, “Miles, I just wanted to thank you for coming.” Davis hardly hesitated, did not return the handshake and responded, “I did it for the money.”

On August 20, President Ford nominated former New York governor Nelson Rockefeller to be vice president. The grandson of the founder of Standard Oil, John D. Rockefeller, Nelson Rockefeller had been repeatedly elected governor, was a presidential candidate several times between 1960-1968, and defeated in the 1960 and 1968 primaries by Richard Nixon. When running in 1964, his candidacy collapsed because of his divorce and the very public remarriage to a divorced mother of four. He represented a liberal wing of the Republican Party, which seemed to shrink with each succeeding election.

Ford had considered selecting Donald Rumsfeld, U.S. Ambassador to NATO, who eventually became his chief of staff, and Republican Party Chairman George H.W. Bush, but settled on Rockefeller because of his executive expertise and because he represented a wing of the Party that Ford did not. Rockefeller had stronger support from organized labor and minorities than most Republicans and Ford assured him a role as full partner in his administration. This was the second nomination for vice president under the 25th Amendment. Rockefeller underwent contentious confirmation hearings in which Birch played no role; his time was being spent in Indiana. Regardless, the country was tired from the interminable troubles of

the Nixon Administration and it was likely from the outset that Ford could choose almost anyone he wanted.

Much of that summer, the staff was joined by Birch's son, recent high school graduate Evan Bayh. Evan learned a lot about campaigning during those weeks. He and I shared an apartment in Indianapolis and the time he spent with his father was invaluable to them both. We were under Marvella's strict orders that her two family members were never to fly in a single engine plane and that she preferred they not fly together at all. For the most part, we observed the twin engine restriction but they often flew together and we protected those secrets like our lives depended on it. The most difficult task for Evan to master was to stay silent when we approached a Dairy Queen. Those abrupt stops for ice cream were wreaking havoc with the schedule. At one point, Birch was sleeping in the front seat and Mike Trapp, Evan and I were chatting in the back. When we saw a Dairy Queen coming up ahead, we all got quiet, which woke Birch up. He looked ahead, saying, "There's a Dairy Queen; let's stop."

On August 22, Evan began his college career at Indiana University and his time on the road show came to an end.

The following day we went north to Lake County for the county fair. Once again, we were told there would be no introductions, especially in front of the huge crowd gathered to watch a number of entertainment acts. I went back stage and looked around, stumbling onto a ventriloquist putting on his make-up; the dummies sitting on the counter near him. I introduced myself, told him I was with Birch and asked if he would point him out to the crowd during his performance. The ventriloquist was astounded; "A United States Senator? Here? Can I meet him?" I assured him he could and he asked for facts on the Bayh career and jotted down the highlights I gave him.

When I returned to the grandstands, Birch was making his way through the crowd, stopping to shake hands with almost everyone he could. There were 5,000 people there. I gave him the thumbs-up assuring him that I had taken care of the assignment and when the ventriloquist was introduced, we were presented with one of the great memories of the entire campaign. The dummy told the ventriloquist that he spotted Senator Birch Bayh in the crowd. When his master asked him who Senator Bayh was, the dummy went on to treat him like the dummy, talking about the 25th Amendment, defeating Nixon's Supreme Court nominations, 18 year old vote and so on, to the delight of the crowd. In fact, we couldn't have been more pleased with his act or the way the crowd responded. A spotlight was directed to where Birch was standing and the crowd roared.

Later, we went backstage to meet the ventriloquist. Also at the fair, we visited the Republican booth and saw a band playing music with Lugar signs all around. Trapp asked them to play "Hey Look Me Over," which they did. It was hilarious. Later, a Lugar newsletter had a blurb about the fair, mentioning only that the band played "Hey Big Spender" in honor of Birch Bayh, also in attendance.

One unusual aspect of the relationship between the press and politicians in Indiana is the existence of two organizations, the Indiana Democratic Editorial Association (IDEA) and the Indiana Republican Editorial Association (IREA). Its membership was composed of the editors from smaller daily and weekly newspapers around the state that didn't seem to care about their partisan pedigrees. Indiana law at the time required that all legal notices be publicized in both the Democratic and Republican papers in any locale where both news organizations existed. The revenue generated helped many of those small daily and weekly papers survive. Every election year, the weekend before Labor Day weekend, the IDEA convened a major Democratic

gathering at its convention in French Lick. It was a bacchanalian event in the small town, that later became known as the home of Larry Bird, a burb dominated by the French Lick Sheraton Hotel. Lots of legends swirled around the IDEA, probably apocryphal, especially that FDR had declared his candidacy at the hotel during one of their conventions. Democratic officials would convene there with their staffs and activists from across the state. Generally, the Saturday night dinner included a major national speaker and many receptions throughout the weekend were hosted by a variety of prominent Indiana Democrats. This was the last weekend in August and there was an extra dose of excitement because of the re-election campaign. The fact that the Republican President of the United States had just resigned didn't hurt either.

There were humorous occasions when in Indianapolis and Birch would be walking along the sidewalks shaking hands with people. More than once, a person asked him if he was running against Lugar. After hearing that he was, the response was that it was important to get him out of the mayor's office, which was a matter of some concern.

Tom Connaughton had left the Bayh staff in January 1970 to fulfill his military obligation, and ultimately was sent to Vietnam. He returned to the Bayh office in 1974. There he found a senator who had been fully engaged in major national issues, with Carswell following on the heels of Haynsworth, then the ERA, Title IX and the eighteen year old vote. But 1974 was also a re-election year and Watergate had dominated the nation's attention for several months prior to Tom's arrival back in DC. He joined the campaign as the issues director.

Following Watergate, the issues of over-riding importance in the campaign were integrity in politics and the price of gasoline, which had gone way up because of the OPEC reductions in the oil supply. It was also important to claim credit for federal funds Birch was able to bring to Indiana. But one of Connaughton's tasks was to research the Lugar record. Lugar had blasted

Birch with the classic Republican big-spender, tax-and-spend Democrat type of charge. But it was also known that Lugar had been one of the progressive mayors who had taken advantage of many federal programs. A simple assessment was that the Mayor's budget had grown tremendously, but that charge was complicated because of Unigov. Connaughton's research revealed details on the bonded indebtedness of the two jurisdictions before and after Lugar along with the spending pre and post Lugar. The rise in both was dramatic. Under Lugar, the bonded indebtedness went up over 200 percent and spending went up over 250 percent.

Connaughton asked several political science professors if this assessment was accurate. The campaign decided to use it, pointing out the hypocrisy inherent when calling Birch a big spender. And that's how Birch started the debate against Lugar. Talking about what he had accomplished in government he said, "Now, here's what's happening in Indianapolis, where your budget has increased 250 percent and the bonded indebtedness has gone up..." Lugar never recovered from that. He was unprepared for the charge and unarmed with facts to dispute the Bayh claim. Connaughton remembers thinking that Lugar's heart went out of the debate, which was a relief to him. His greatest fear was that they would be able to dispute the figures and challenge Birch's credibility. Eventually, Lugar and his campaign manager, Mitch Daniels, argued that Birch was incorrect but the numbers they came up with were not dramatically different than those Birch cited. It's hard to mount an effective response when the facts say, "Oh no, it was only 220 percent" or something close to that.⁴⁰

The Lugar staff had formed an anti-inflation task force, producing a lengthy document itemizing every Bayh vote and its related cost, arguing that he voted to outspend Congress' final

⁴⁰ Tom Connaughton's role in the campaign discussed in an interview with him and the author on August 27, 2015

appropriations in fiscal year 1973 by a whopping \$25.1 billion. It further stated that he sponsored and co-sponsored legislation in his second term in office that would have amounted to almost \$236 billion. Unfortunately, claims like this generally made a typical voter's eyes glaze over and never seemed to hit home, whether accurate or not.

September 1 was a big day because that evening was the statewide televised debate between Birch and Lugar. It was apparent to all that the debate could be a critical factor in the eventual outcome of the election. Staffers went to dinner early that evening and Jay Berman spent most of the evening in the bathroom vomiting. The stakes and attendant anxiety were that high.

As hard as it may have been to be objective, the Bayh campaign staff was convinced that Birch prevailed in the debate. He was personable and knowledgeable. Lugar was the latter but not the former; he was stiff and often boring. Birch remembered arriving just before the debate was to begin. Lugar had been sitting at his podium with the hot klieg lights making him perspire. Walking in, saying hello to everyone and shaking hands, Birch took the seat at his podium looking fresh and ready to go in contrast to Lugar appearing hot and sweaty. There were several charges from Lugar that Bayh was a big spender and Indiana had not been receiving its fair share of federal money. Birch's response about Lugar's own spending sufficiently muddied that issue. Lugar also claimed that contributions to Birch's presidential campaign went unrecorded and that the senator obviously had something to hide. Birch took the populist stance at one point, jabbing Lugar for sitting in his office atop the city-county building but caring not at all about the postal employee in his basement. As the "big spending" figures were bandied about, Birch responded with the old saying, "figures don't lie but liars can figure." Back at headquarters we were

greeted by cheering campaign staff; Larry Conrad spoke to the group and said, “He smoked him.”

The Harvard Crimson article summarized the race at this point by saying, “Regardless of the record, recent events have made Lugar’s defeat even more likely. In a well-publicized television debate, Lugar emerged with a bad make-up job, reminiscent of Nixon’s debate debacle in 1960. The mayor, who generally speaks without notes, failed to win the victory for which he hoped and the debate (the only one to which Bayh has agreed). Bayh is also coming on strong with his country boy image. Once every six years, the liberal Indiana senator (ranked five points to the left of McGovern by the ADA) comes home with a hard-sell conservative act. In August, the senator called for a well-publicized cut in an administration welfare bill, hardly consistent with any of his prior welfare votes. Bayh also loved to emphasize his rural origins (farm boy from Shirkieville, IN) and he has even scored Lugar, a Hoosier native, on his Oxford-Denison education, insisting that a senator with a Purdue education is best for Indiana.”⁴¹

Ford’s ascension to the presidency gave Birch an uneasy feeling about his own prospects. Watergate had been a political plus for Democrats running in 1974 but, Birch wondered, would the era of good feelings created by Gerry Ford remove that advantage in the remaining months of the campaign? He kept his concern private, though it created fears he couldn’t shake. Would his opposition to Nixon over the years become a liability with Hoosiers who yearned to support the new president? Those fears disappeared when President Ford decided to pardon the former president.

On September 8, President Ford pardoned former President Nixon. History now shows us that this was an honorable and courageous thing for Ford to do. He knew that a Nixon trial

⁴¹ Anne D. Neal, “Hot and Heavy Hoosiers,” *The Harvard Crimson*, October 5, 1974

would completely consume the nation and overshadow Ford's presidency. He became convinced it was not in the country's interest to endure a trial of a former president. It was obvious to him that there would be a huge political price to pay for this and his act probably doomed the Lugar campaign, if it wasn't already lost. But it was time to turn the page on Watergate and the Nixon scandals. The matter would be debated forever but there has never been evidence to conclude any untoward or sinister reason for the pardon. Ford did the honorable thing, what he thought was right and was determined to face the music. His was an act of statesmanship. The public may have wanted its pound of flesh from Nixon, but it wasn't to be.

When the Ford pardon of Nixon was announced, one of the most colorful reactions came from Sen. Bob Dole, running for re-election in Kansas. "I needed that like I needed a case of the clap."⁴²

Lugar recalled that their internal polls showed the race growing extremely close, a virtual tie by the time of the resignation. When the pardon happened, the bottom dropped out for many Republican candidates, including Lugar, whose recovery was impossible.

Sometime during this period, we had an experience that was not discussed by any of us until decades had passed. We were near Evansville, either heading for the airport or a hotel rather late at night, when we decided to stop at a Denny's to pick up some food. While I stood near the cash register ordering food, Birch circulated throughout the restaurant shaking hands and chatting with the patrons. A rather flamboyant-looking man in a blue blazer, bald-headed with the top few buttons of his shirt undone, a gold chain and medallion around his neck, a rather large and ostentatious gold watch on his wrist, came to me and asked if I was with Senator Bayh.

⁴² Bob Dole comment provided by Tom Connaughton in an interview with him and the author on August 27, 2015

I told him I was. He said that if the Senator would sit and chat with him, his wife and his mother, he would donate \$1,000 to the campaign. I immediately walked over to the Senator and whispered what I had learned, and he agreed that I should guide them to his table. He sat down with them and I returned to the counter to await our food and pay for it.

Soon an Evansville policeman walked up to me and asked if I was with the Senator. Acknowledging that I was, he told me that we ought to know that the man the Senator was sitting with was Kenny Campbell, believed to be a member of organized crime in the area. I thanked him, quickly paid for and grabbed the food, then went to the Senator to tell him we had to leave. Our routine was that I would urge him to leave and he would dismiss me, choosing the constituents over the lowly staffer. I cooperated with that; it was part of the “road show.” But when he really had to leave, I would say so in a tone that he understood and would cooperate with, which he did on this occasion. As we said our farewells and walked out of the Denny’s, Campbell followed us out and stopped me, as Birch returned to the waiting car. Campbell reminded me that he wanted to give us some money, was totally pleased that his wife and mother got to spend time with Birch and pulled out a wad of cash. After counting out the first ten \$100 bills, he kept slapping them into my hand. If memory serves me well, it was four or five thousand dollars by the time he was done. I shoved it in my pocket and got into the car.

As we drove away, Birch turned from the front seat and asked if he really gave us \$1,000. I fanned the bills widely, saying he sure did and lots more. Birch laughed and held up Campbell’s medallion. “And he gave me this as well.” With that we laughed a great deal and the matter didn’t come up again until we made our way back to the headquarters in Indianapolis, a day or so later.

I handed Jay Berman the cash and, with eyes wide, he said, “You dumb shit. You can’t accept that much cash. Don’t you know the law?,” which I did not. He was furious and blurted out that the legal cash limit was \$250, I think, plus the individual contribution limit in 1974 was \$1,000 so even if Campbell, his wife and his mother each gave the maximum, I had still violated campaign finance laws in two ways. Birch shared my lack of knowledge about the limits, which were part of the post-Watergate reforms, so they were new, though that was no excuse. I turned over Campbell’s name and address to Jay, who promised to contact them and return the cash, requesting a check for the legal limit as replacement.

When returning to Evansville in mid-October we were to be picked up by the Democratic County Chairman, who was also the County Sheriff, Jerry Riney. He was not there when our plane arrived, which was extremely rare. While we waited, eventually his squad car came screaming into sight, lights on and siren blaring. He emerged from the car with many apologies, telling us he had to answer a call about a killing in Evansville. This guy Kenny Campbell, a noted member of organized crime, was executed gangland style. Birch and I remained silent while showing our interest in his story. We later resolved to keep that story between us and never tell anyone about it.

The familiar Campbell Soup jingle was, “ooh, ooh, good; ooh, ooh, good; that’s what Campbell Soup is; ooh, ooh good.” Every time we saw a Denny’s Restaurant for the remainder of the campaign, one of us would hum that tune, laughing all the while.

The coda to the story was a few weeks later but still before the election. We arrived at the headquarters and Jay took Birch and me into a room to ask if either of us had Kenny Campbell’s medallion. Campbell’s wife had called to ask that it be returned. Birch looked at me, I looked at him, and he scurried to where his briefcase was sitting. Rummaging through it,

he pulled out the medallion and gave it to Jay. Jay also agreed that none of us should tell that story to anyone.

On September 17, Birch and Lugar had a joint appearance at the Convention of Indiana Association of Cities and Towns in Indianapolis. Lugar took the hide off Birch in his speech, making points on the “Big Spender” charge, which convinced Birch of the necessity of going last in his engagements with Lugar. It was clear to him that Lugar was a formidable opponent.

Senator Ted Kennedy’s visit for Birch in Lake County was the next day. The appearance was in Merrillville for a rally and cocktail party and a large crowd was in attendance. Later that evening was a Bayh fundraiser with Kennedy at St. Savas Hall in Hobart. It was a small dollar event with 3,000 people in attendance. A few demonstrators, with signs referring to Chappaquiddick, got a disproportionate amount of the press coverage but the crowds were fantastic. Soon afterward, Kennedy announced that he would not run for president in 1976.

During a parade in late September, a note was handed to Birch telling him that First Lady Betty Ford had been operated on for breast cancer. When it was convenient to leave the parade, he made his way back to the car. An Associated Press (AP) reporter was traveling with the road show at the time. Birch asked the mobile operator to connect him with the White House switchboard and asked for the President’s secretary, identifying himself at the outset. Instead of the secretary, President Ford got on the line asking, “Birch, how in the world are you?” Birch expressed his concern for Mrs. Ford and the President responded with appreciation. Their old relationship nurtured in the locker room before Congressional baseball games was still there. Birch looked back on that greeting and mused that “some things transcend politics.”

The campaign was in full swing in September and October. Watergate was now in the past and the election loomed ahead. College campuses were great venues for Birch and he experienced lots of support from students, particularly at his alma mater, Purdue, on September 25. In a large, packed auditorium, he gave a rousing speech that generated an enthusiastic response. Later, we met with the editorial board of the *Exponent*, the Purdue University newspaper. One of those with the paper was its editor, Bill Moreau, who would come to DC to join the Bayh staff after volunteering in the 1976 presidential campaign and work in the House of Representatives. As an Army brat he had not been raised in Indiana and had never met the senator. Moreau was a campus radical—by Purdue standards—and deeply admired Birch’s progressive record. When he directed his editorial board that the paper would endorse Bayh for re-election, he encountered significant pushback from those colleagues who were from Indianapolis and admired its mayor, Richard Lugar. A compromise was struck: both candidates would be invited to be interviewed by the editorial board, and an endorsement vote would be taken after the interviews. Remarkably, both candidates accepted the invitation.

Lugar was interviewed first, arrived at the office in the basement of the Purdue Memorial Union exactly on time, and sat upright in his chair—every hair in place and his three-piece suit unruffled—while he fielded questions from the five young editors. He articulately answered every question. Precisely sixty minutes later, he excused himself and departed. Moreau was worried.

A few days later, Birch arrived after his energetic speech to the students at Purdue University and then headed over to the editorial offices of the school newspaper. He was thirty minutes late, his shirt ruffled and sweat-stained, his coat over his shoulder and his tie loosened. When invited into the small office to be interviewed by the editorial board, he noted

there were dozens of other staffers in the large, open newsroom. “How about we include everyone in our conversation?” he asked Moreau. Immediately, desks were shoved to the walls and a large open area was created. Then, Birch said, “How about we all sit down on the floor and get acquainted?” For almost ninety minutes, Birch sat on the floor and got to know each student and fielded every question.

At one point, Birch asked for a Tab, his favorite soft drink at the time. It was brought from the vending machine and handed to him. The Tab cans in those days opened by snapping off a pop-top, and his habit was to drop it into the can before taking his first drink. This went unnoticed by one of the *Exponent* staffers, who politely reached out to take the pop-top and dispose of it for the Senator. Thinking the young man was thirsty, the senator reflexively said, “Here you go.” Everyone was immediately struck that a United States Senator would offer a drink of his soda to a perfect stranger.

Upon Birch’s departure, Moreau immediately called for an endorsement vote for Senator Bayh and Bayh was endorsed unanimously. Later that evening, the young staffers were regaling each other with what had transpired that day. Someone wondered what would have happened if, God forbid, the Senator had accidentally ingested the pop-top. Another staffer quickly mocked up a story announcing the untimely death of the Senator—in the offices of the *Exponent*, no less—and Moreau mocked up the headline: “Tab tab swallowed by Bayh: Bye-Bye, Bayh!”⁴³

That phrase also showed up in a campaign song in the possession of the Lugar campaign. Beginning with the line, “Tonight we have a brand new hit—Listen to the name of it—Bye-Bye Birch Bayh,” the song never gained traction.

⁴³ Bill Moreau story about the Purdue endorsement as told in an interview with the author on May 26, 2015

At a parade the following week, Birch received yet another great response from the crowd. Birch was walking the parade and as he passed the reviewing stand, there sat Lugar. They shook hands, Birch walked on and everyone laughed and applauded.

Another parade was memorable, with Birch walking and those of us on staff walking behind the crowd, but keeping pace with him. At one point, we got ahead and waited for him to catch up. I heard two men in front of us talking when one of them asked, "Has Bayh come by yet?" He was cradling something in a paper bag against his chest, trying to conceal it. It occurred to me that it could be a weapon and I was in a position to try and foil an assassination attempt. I walked up quietly behind the man with the bag which also allowed me to see Birch approaching. As he came near, the man reached in the bag and pulled out a bottle of beer. At the same moment, he waved aggressively, calling, "Hi, Birch", then screwed off the lid and took a drink.

Throughout the campaign, instead of Watergate, Lugar was the focus with the Bayh record to be promoted. But Birch also spoke regularly about the nation's lack of energy independence and our dependence on oil from foreign countries. He delighted in making it clear to people that we were talking about more than gasoline for our cars and shortening the lines at the pump. We were talking about how oil had seeped into many aspects of our lives, from the synthetics used to make our clothes, to the plastic frames on our glasses, to the milk containers, wrappers on our bread and on and on. Plastics, a major petroleum product, were everywhere in our daily lives and we all depended on a steady diet of oil to continue our standards of living. The Republican administration had done little about it and electing another Republican wouldn't make the problem better. Lugar was also vulnerable on labor issues. The agricultural company his family owned had actually broken a strike which was anathema to union members. For

everyone else, we just kept referring to him as “Nixon’s Favorite Mayor,” a difficult designation for Lugar.

On the subject of energy, Birch promoted alcohol fuels that could be generated from corn, known as gasohol. He was an early proponent of renewable energy, especially the alcohol fuels generated in Indiana, providing a continuous source of revenue for farmers and other Hoosiers. The concept of renewable energy and ending our addiction to fossil fuels became a common theme during the 1974 campaign and for the rest of Birch’s career.

There was a gridiron dinner in Evansville on October. Birch worked out a routine poking fun at his own image as a “limousine liberal,” one who talks like a farm boy at home and mixes with the celebrities in Washington. He gave a hilarious “aw shucks” talk, making fun of himself with pointed jabs at his own “down-home” reputation, a masterful display of self-deprecating humor. The crowd loved it and Lugar, also in attendance, was compelled to watch his opponent on a roll.

That evening, we left with Jules Witcover, a well-known national reporter and author. Witcover wrote an article for the *Washington Post* highlighting the event and provided an interesting assessment of the two men running against each other.

“Republican Mayor Richard Lugar of Indianapolis sat rather stiffly at the head table at the annual Evansville press gridiron dinner, listening to what he is up against as the underdog candidate in Indiana’s U.S. Senate Race. Democratic Sen. Birch Bayh had just been ridiculed as a farm boy who had spent his childhood spreading manure on his family farm and since then broadened his scope. Bayh, at the microphone, turned his back to the audience, mussed his hair like some comic impersonator, swung around and began in his best barefoot manner: ‘Aw shucks, it sure is good to be back in Indiana. We were sitting in front of the stove the other day.

I was reading the Constitution, Marvella was sewing a star on the flag and Evan was studying his Eagle Scout book, then Marvella looked up at me. ‘Blue Eyes’, she said – she always calls me Blue Eyes – ‘I yearn for the farm.’ All right honey, I said, and we piled into our pickup truck, the one with the rifle rack up over the seat, and we headed out there...’

The large audience of press skeptics and politicians roared, and Birch Bayh had them...But it took no insider to pick up the political vibes out of the fun poking: Dick Lugar, not long ago regarded a hot GOP presidential or vice presidential prospect, was facing the distinct prospect of being engulfed by an irrepressible force – the personality of Birch Bayh.”⁴⁴

Because of the continuous, thorny gun issue, Birch took part in an event the next day that worked to his advantage. Knowing that the pro-gun people felt that Birch was part of the Eastern elites who knew nothing about the glories of shooting and gun ownership, he was scheduled to shoot firearms in public. Some might forget that he was raised on a farm, had been in the Army, and was comfortable around guns. Just because he felt that “Saturday Night Specials” shouldn’t be manufactured and sold didn’t mean he lacked empathy with gun owners. On October 27, in Jeffersonville, with an NBC film crew in attendance, Birch participated in the “Turkey Shoot at Utica Pike.” He won the contest, which was covered extensively on TV news programs. Something similar took place years later when Birch visited a skeet shooting venue with Bob Novak, the syndicated columnist, in tow. Novak was as cynical as they come and his sarcasm as we arrived at the facility was easy to detect. His amazement was just as serious when Birch hit every clay pigeon sent into the air.

Louis Mahern recalled how Birch would prepare for events like this. While he was as physically fit and as athletic as any senator, he worked hard to get himself ready for all of the

⁴⁴ Jules Witcover, “Sen. Bayh’s Style Frustrates Underdog Challenger,” *The Washington Post*, October 23, 1974

various competitions. He would practice for weeks prior to the Congressional baseball games. Prior to attending a shooting contest sponsored by the NRA in Greencastle, Indiana, Birch went with Louie to the Capitol Police shooting range to practice. Birch probably took a few hundred shots that day. When the NRA event was over, Louie asked him how he did. “It went great,” was the reply. “They couldn’t believe I hadn’t shot a gun since I was in the Army.”⁴⁵

In the days before the election, the campaign implemented a voter protection strategy, designed by staff member Gordon Alexander. Teams of young attorneys volunteered to man the polls for the Bayh campaign, to make sure voters were neither intimidated nor prevented from voting. The strategy was a reaction to stories from previous Indianapolis elections. Whether factual or not, the stories were that police sat in their squad cars, parked near the polling places in black neighborhoods. Any voters concerned about being seen by the police might be intimidated from voting at those times. The assumption was that African-Americans were far more likely to be voting Democratic and keeping them away could only help the Republicans. Bayh campaign volunteer lawyers would be present to make sure any police hanging around were asked for their badge numbers, often enough to send them on their way. No one wants to lose an election because their voters can’t cast their votes on election day. Having friendly attorneys nearby to help resolve any disputes on-site provides valuable insurance.

The campaign produced a short documentary called, “Marvella’s Last Minute Appeal,” in which she asked voters to support her husband. Reminding them that she had shared him with

⁴⁵ Louis Mahern story from an interview with the author on May 26, 2015

them for 12 years and over 4,000 roll call votes, she articulately evoked memories of the two previous campaigns in which she had played such a major role.⁴⁶

For the next two days Birch took part in a helicopter tour of the state, making multiple stops in each of the major and minor media markets in Indiana. On the day before the election there was a flurry of activities in several cities across Indiana, finishing in Terre Haute at an election eve rally, a fabulous and exciting event. Election day was no less packed and hectic than the days before. It started even earlier after a very short sleep. Birch stood at the Chrysler Foundry Plant Gate at 4:30 AM, an event that proved worth getting up so early, then a second plant gate followed at 6:15, this one of the best we visited in the campaign, Chrysler Motors. Flying next to Lake County for a rally and a plant tour, we returned to Terre Haute so Birch could cast his vote at the Goshen Fire House near Shirkieville. He had to confront a local opponent who challenged his voting residency. We won the challenge, the confrontation and the election. That night was celebrated in Indianapolis at the headquarters.

Marvella spoke to Jay Berman that night and asked him if there was a campaign debt. When he replied in the negative, she expressed her gratitude.

Everyone in the campaign world knows that there is nothing like winning. The adrenalin that gets you to the end of the ordeal virtually explodes when victory results. Needless to say, election night 1974 was exciting for all involved. Birch, Marvella and Evan stood on the stage together during the victory speech. While there are lots of factors that go into every election decision, when you win, it's hard not to conclude that you have done something right. For whatever reason, Indiana voters spoke and decided to return Birch Bayh to the Senate for another six years. The final result was 889,269 for Birch and 814,114 for Lugar, a margin of over 75,000

⁴⁶ Marvella Bayh's "Last Minute Appeal" from Geoff Paddock, "A Shining Example; The Journey of Marvella Hern Bayh," *Traces*, Fall 2013, page 52

votes. Because there was also a third party candidate, Don Lee, the percentages ended up 50.7% for Bayh, 46.4% for Lugar and the balance, 2.9%, for Lee. Birch's friend and ally, Larry Conrad, was re-elected secretary of state. One additional and satisfying result was that Marion County, Lugar's home county, was won by all of the Democrats on the statewide ticket.

This year of Watergate was the best time for Birch to have run for re-election, given the quality of Lugar as a candidate. Long after the campaign, Lugar described Birch as a "first class campaigner." If he were looking for a tutorial, running against Birch was the thing to do. "I learned a lot."⁴⁷

The election was also a great one for other Indiana Democrats. The eleven-member Congressional delegation had been 7-4 for the Republicans. Now it was 9-2 for the Democrats with new Democratic Congressmen in the 2nd (Floyd Fithian), 6th (Dave Evans), 8th (Phil Hayes) and 10th (Phil Sharp) congressional districts. Andy Jacobs won his seat back in the 11th and Ray Madden (1st), John Brademas (3rd), Ed Roush (4th) and Lee Hamilton (9th) were re-elected. We had campaigned with each of those candidates during the previous five months and developed strong relationships with the new Members and stronger relationships with those who were re-elected.

The election was a good one for Democrats nationally as well, unsurprising in the midst of a scandal involving the Republican incumbent. The Democratic net gain in the Senate was three seats, which would add another when a special election in New Hampshire resulted in Democrat John Durkin being elected later. The Democrats held a 23 seat majority, 61-38 with the future Durkin seat vacant, and had a 291-144 majority in the House. New Democrats included Dale Bumpers of Arkansas, Gary Hart of Colorado, John Culver of Iowa, John Glenn of

⁴⁷ Lessons from the 1974 campaign provided by Richard Lugar in an interview with the author on June 3, 2015

Ohio and Patrick Leahy of Vermont. One Republican defeated was Marlow Cook of Kentucky, who had played an important role during Haynsworth and Carswell. Thirty years later, in an op-ed, he announced his support for Democrat John Kerry in the 2004 presidential election, saying "I have been, and will continue to be, a Republican. But when we as a party send the wrong person to the White House, then it is our responsibility to send him home if our nation suffers as a result of his actions."⁴⁸ This was a measure of how things changed over the next few decades but, ironically, part of his legacy would be defined by two former staff members who would serve in Congress: John Yarmuth would serve in the House of Representatives and Mitch McConnell would be elected to the Senate and serve as both minority and majority leader.

1974 will always be remembered as the year of Nixon's resignation. For those of us in the Bayh campaign, it was a year of success.

1976 – Bayh for President

In late 1974, Birch Bayh was 46 years old and had been through an intense and grueling five month campaign, an ordeal from which he found it hard to rebound. The work and responsibilities continued unabated, his role now broader within the Senate than ever before. He would be 41st in seniority when Congress convened in January 1975 and was increasingly urged by political leaders across the country to seek the presidency once again. The Nixon pardon made President Ford vulnerable in a way that appeared impossible to overcome. There was no heir apparent in the Democratic Party and, while a campaign didn't need to get started right away, it wasn't too early to begin thinking seriously about it. Birch clearly understood that not

⁴⁸ Marlow Cook, "A former Republican senator for Kerry," *Louisville Courier-Journal*, October 20, 2004

taking certain steps towards a candidacy was tantamount to taking steps away from one. Some decisions would have to be made, if nothing simpler than a decision to consider running. But pulling the trigger so soon after the end of the last campaign was hard to do.

From one vantage point, a campaign made more sense in 1976 than in 1972. Marvella was now fully engaged in her work for the American Cancer Society and Evan was safely ensconced in college. The tug and pull from the home front was greatly diminished in contrast to the family needs in 1972. Professionally and politically, his stature had grown. The way he departed from the race in late 1971 had brought him admirers. Having defeated a serious contender in 1974 and with his re-election behind him, he had additional legislative achievements to his credit. He needed to ponder how deeply he wanted the job of president. Few people realized or understood how dog-tired he was from the campaign he waged against Lugar and how much that would impact his ability to think carefully about the future.

There were politicians with their sights on 1976 well before 1975 arrived. While Birch was busily pursuing re-election, others had the luxury of time for planning and taking steps to organize for a possible candidacy. Nixon's demise strongly affected the atmosphere surrounding the next presidential campaign. President Ford was crippled by the statesmanlike act he took to pardon Nixon, but dearly wanted to redeem himself by being elected in his own right. The long odds were clear to him, at least as seen through the lens of early 1975, but optimism in politicians is not in short supply. Gerald Ford, the first person to hold the office without being chosen in a national election, wanted his chance at being elected President of the United States. With the exception of Gov. Ronald Reagan of California, who would be leaving office in January after two terms as governor, few Republicans appeared to be considering a presidential run. Reagan was known to be a formidable campaigner with broad national recognition resulting

from his celebrity as an actor prior to becoming a politician. Since he no longer held elective office, he could be a full-time candidate.

Before 1974 ended, two potential candidates had bowed out of the presidential race. Ted Kennedy had announced that he was not running shortly after he campaigned with Birch in Indiana. Kennedy would have been the front runner had he remained in the race. Also bowing out was Sen. Fritz Mondale, who had publicly questioned his own ambitions, admitting he lacked the overwhelming desire to be president. To run for President of the United States you need “fire in your belly” to fuel such an arduous campaign and have a chance at being successful.

Birch felt that he was as capable as any other Democrat who might seek the office but, given the circumstances, also knew it would be a large field in which to compete. Jules Witcover, a *Washington Post* political reporter who had travelled briefly with the 1974 Bayh campaign, wrote a book about the 1976 campaign called Marathon: The Pursuit of the Presidency 1972-1976, and provided a list of the names who were speculated to be candidates for the Democrats. He wrote, “Senator Birch E. Bayh, Jr., of Indiana, forty-six, a shrewd and ambitious politician with strong labor support and a deceptive veneer of country-boyish looks and backslapping cordiality.” There were several other potential candidates, including senators Fred Harris (OK), Frank Church (ID), Scoop Jackson (WA) and Lloyd Bentsen (TX). Harris was the youngest of the senators and considered a populist. Both Church and Jackson had distinguished records in the Senate, with the latter considered one of the more conservative Democrats running. The least experienced politician was Bentsen, who had been elected senator only two years before. Arizona’s Morris Udall (AZ), a witty former professional basketball player, was the only House member throwing his hat in the ring. Former governors among the

hopefuls included Terry Sanford (NC), Jimmy Carter (GA) and George Wallace (AL). As a southerner, Sanford hoped to siphon off Wallace votes while Carter was harder to pigeon-hole. A bit of an evangelist, Carter was portrayed as an efficient governor representing the “new south.” Wallace could still claim a significant level of support in and out of the Party. Sitting governors were Milton Shapp (PA) and Edmund “Jerry” Brown (CA). Shapp was liberal, Jewish and though representing a large Democratic state, was probably taken less seriously than the other candidates. Only in his thirties, Brown was considered a comer, an attractive candidate who could represent the future of the Party. Finally, there was Sargent Shriver, a Kennedy in-law, former ambassador and head of the Peace Corps, who was also the vice presidential replacement candidate in 1972.⁴⁹

That was a list of 12 candidates and the longer Birch waited, the greater the chance that he would begin too far behind, that someone might grab the nation’s attention and leap from the pack.

The beginning of a new term normally signals staff changes. Jay Berman had been in discussions with Warner Communications about a job at the company. His friendship with Steve Ross, a high level Warner executive, was growing. The Senate had recently limited staff salaries to a maximum of \$36,900 and Berman felt that with a wife, two children and a mortgage, it would be hard for him to afford remaining on the Senate staff. He was also concerned about a comment made by lobbyist Tommy Boggs; “If you keep saying no, there will come a time when people stop asking.” He didn’t want Ross to stop asking. Yet when Birch asked him to stay on for the likely presidential campaign, Berman agreed.

⁴⁹ Jules Witcover, Marathon: The Pursuit of the Presidency 1972-1976, pages 127-128

For Birch, the year 1975 began with efforts to extend the Voting Rights Act, promote the Direct Election Amendment, pass the Family Farm Inheritance Act, obtain increases for social security recipients, pass tax reform, promote the public financing of Congressional campaigns and achieve Medicare coverage of uterine cancer tests. Also in January, OPEC raised crude oil prices by 10%, continuing the energy crisis so prominent in the 1974 campaign plus adding economic pressures on an already struggling economy. He traveled to Los Angeles to give a speech on economic policy, thereby keeping his name before those paying attention to national presidential politics.

He was also aware of apartheid in South Africa, mainly because of concerns raised by the Indiana's minority community, and understood how little he knew about it. The matter was symbolized by the imprisonment of Nelson Mandela, leader of the African National Congress but a prisoner under a life sentence since 1962. Birch traveled to South Africa during this period, visited Mandela at Robben Island and spent an entire evening at Mandela's home in Soweto with Mandela's wife, Winnie. He remembered how people came and went all evening long and that Winnie was truly the symbolic if not the actual leader of Soweto. He also remembered her as someone who couldn't be nicer.

On March 1, Birch addressed the Democratic Conference of Mayors on juvenile justice and later that day brought attention to his growing presidential aspirations by traveling to Keene, New Hampshire to give a political speech. A few days later, in recognition of his unique role in the fight for women's rights, he was appointed to the Commission on the Observance of International Women's Year. Also in March, he chaired hearings in the Juvenile Delinquency subcommittee on opium use, held Transportation hearings on highway funding, proposed tax cuts and spoke out in opposition to increases in Medicare costs. He delivered a speech on strip

mining and introduced emergency farm legislation, spoke at the National Farm Academy in Indianapolis and traveled to California and Louisiana to give political speeches.

In April, Birch announced hearings on abortion, transportation, gun control, school violence and the Juvenile Justice and Delinquency Prevention Act. He gave a political speech in New Jersey and spoke to the Americans for Democratic Action, this on a new internationalism. Other speeches during this period were on railroad rehabilitation, the Voting Rights Act and the Foreign Service Grievance Act.

Birch was clearly leaning toward another run for president, though nothing formal had been announced. While growing increasingly critical of President Ford's leadership and the direction in which the country was heading, he also vacillated about whether or not he should run. Vietnam disappearing as an issue was important but it did not change his opinion of the administration. His areas of concern would be better served if he were in the White House but, by May, he was still unready to pull the trigger. It was clear that Marvella preferred he not run, that he not threaten the family with possible new campaign debt and she did not want another major campaign to endanger her role with the American Cancer Society or the local television show she was regularly a part of. Not having her supporting the effort he was preparing to make was a burden to Birch.

In May he announced new hearings on full voting rights for the District of Columbia and, in the Juvenile Delinquency subcommittee, on the problem of marijuana. He travelled to Ft. Wayne for a law day speech and gave other speeches that month concerning tax deductions for the handicapped and retarded children, sex discrimination in the social security system, Title IX, Direct Election of the President, support for Israel and the admission of women to the service academies.

Birch was the last of the liberal candidates to make his intentions known about a presidential run. Witcover described him as, “the left-of-center Democrat with the best combination of political credentials – organizational ability and support and personal campaign magnetism.” He said, “Bayh, blue-eyed, boyishly handsome with a Tom Sawyer style to go with his physical attributes, parlayed his gee-whiz, aw-gosh politicking into a position in the Senate from which he built a record of achievement that often was obscured by the very barefoot-boy image he projected.” He goes on to list Birch’s accomplishments and talks about the first presidential effort that ended with Marvella’s cancer surgery, noting that Bob Keefe was a prominent political force in that campaign but was running Scoop Jackson’s campaign in 1975.

For a variety of reasons, Birch remained reluctant to decide the presidential question for most of 1975. Press secretary Wise wrote him a memo in December 1974 saying that “if he wanted to be President, 1976 was the year.” With Marvella’s reluctance to see him try again, with Keefe running Jackson’s campaign and because of the sheer exhaustion he still felt from the re-election effort, he hardly responded to Wise’s memo. It wasn’t until he was persuaded that “nobody really was putting it together,” that he agreed to begin organizing. A Bayh Committee registered with the Federal Election Committee in August.⁵⁰

He continued speaking publicly on a wide variety of subjects in August; oil price controls, Amtrak, support of coal gasification and liquefaction plants to help fight the country’s energy crisis. In the meantime, planning for the presidential campaign, with the necessary hiring and fundraising, was beginning. Everyone involved was painfully aware that, while there was no recognized frontrunner by August, Birch was still running woefully behind, if not in the polls at

⁵⁰ Jules Witcover, Marathon: The Pursuit of the Presidency 1972-1976, pages 152-154

least on the schedule. He continued the drumbeat of speeches into September, addressing the increase in university sports revenue because of Title IX, calling for the break-up of vertical integration of oil companies and announcing new hearings on the problems of violence in our schools.

The Bayh campaign got a shot in the arm on October 12 when Robert Abrams of New York endorsed Birch. Abrams, a former state legislator and future New York attorney general, was then borough president of the Bronx and a major figure in New York's reform movement. He called for "early unity" around a Democratic candidate and described Birch as a "strong liberal candidate with broad-based appeal." Also joining the New York campaign was Harold Ickes, son of an FDR cabinet secretary and an active reform Democrat in the state. Ickes could remember a time when FDR came to his family home for dinner. He had been among the early leaders in the Gene McCarthy campaign in 1968 and before that had been critically injured during a civil rights march in the deep South. An unusual family connection helped interest him in the Bayh candidacy. Harold's father-in-law ran a theater in New York and taught acting classes. One of his former students was Mary Alice Bayh, Birch's sister.

In early October, there was a reception and dinner thrown by the New Hampshire Democratic Committee at which 6 candidates were given 10 minutes each to speak. It was an early opportunity for Birch to be on the same stage as others who had been running at that time. Joining him were Udall, Carter, Shriver, Harris and Shapp.⁵¹ On October 15, Birch gave a political speech in Claremont, New Hampshire and, three days later, speeches in Davenport and Vinton, Iowa.

⁵¹ Jules Witcover, Marathon: The Pursuit of the Presidency 1972-1976, page 177

The announcement of a candidacy, a ritual that all candidates go through and is never a surprise to anyone, is almost never the actual start of a campaign. For the Bayh campaign, the announcement was closer to the actual commencement of the campaign than most people realized, which made his friends, staff and associates very nervous. With Marvella and Evan by his side, Birch announced his candidacy at his farm in Shirkieville, Indiana. After the speech, he repeated the announcement in cities around Indiana. Witcover described the event with a level of cynicism that only a Washington political reporter would write.

On October 21, “on his farm in Shirkieville, Indiana, Bayh officially took the plunge. For sheer corn, the scene rivaled anything Bayh had ever done in the past, and it was a perfect beginning for his heavy-on-the-trappings, light-on-the-substance campaign.” When Birch’s remarks included, “Those of you who know me longest here know I’ve never had a burning desire to be President of the United States...I felt closer to my God and I felt more fulfilled out in these fields than anything else I’ve done,” it caused Witcover to write that “The prime polyester candidate was now in the race and the campaign could go forward, assured that not a cliché would be left unspoken or an opportunity for the banal left untapped.” He added that later on, after Birch had been needled by political reporters for those remarks, he “insisted it had been genuine, but said on reflection it probably had been a mistake to say it and he wouldn’t say it again – at least to guys like you.”⁵²

For those of us who knew Birch well, we could admit that he was sappy at times and often corny to an extreme but it was genuine. However, being corny with national political reporters was just not shrewd politics. Many years later, those qualities remained.

⁵² Jules Witcover, Marathon: The Pursuit of the Presidency 1972-1976, pages 152-154

Announcement day was a long ordeal and included short speeches and huge crowds. As a baseball fan, it was a tough day for Birch to be away from television. It was the 6th game of the World Series between the Boston Red Sox and the Cincinnati Reds. At each stop, Birch gave his speech and then was told the score of the game. Each time it was checked, it seemed the teams alternated taking the lead. Save for many replays over the decades, Birch never saw Carlton Fisk's 12th-inning home run, capping off what many considered to be the best World Series game ever played. Normally, he would never have missed it. The next day, the Reds defeated the Red Sox 4 games to 3 in a broadcast that broke records for a televised sporting event.

Soon, Birch was back in New York City for a press conference, then in the Senate to announce hearings on gun control legislation. There couldn't be too many more commitments for hearings or other Senate business if he was to make up for lost time in the presidential sweepstakes. Nonetheless, the list of subjects he had spent time and effort on in 1975 was daunting. It included extension of the Voting Rights Act, the Family Farm Inheritance Act, the Direct Election Amendment, bailing out Penn Central Railroad, juvenile justice and delinquency prevention. He also dedicated time to the Canadian pipeline issue, Vietnam, abortion, school violence, Title IX, gun control, women's rights, DC voting representation, marijuana, support of Israel, the SST, and breaking up of the oil companies, Ford's vetoes, energy prices, Indiana disaster relief, Amtrak rail funding and Angola, which was experiencing a civil war shortly after becoming independent from Portugal.

The campaign was off and running in November, with Birch giving speeches on crime, revenue sharing, the SST and food stamp reform. On November 11, a Claremont, New Hampshire senior citizen's group endorsed him and a group of New York elected officials did the same on the 15th. Two days later, a Nebraska Committee for Birch Bayh was formed. Over

the last two weeks of the month he received the endorsement of Massachusetts political leader Tom O'Neill, son of Rep. Tip O'Neill. In 1977, Tip O'Neill would become Speaker of the House of Representatives. Birch won the straw poll in Waterloo, Iowa, a state that for the first time figured prominently in the early presidential primary and caucus season. Finally, the campaign announced the hiring of Jim Friedman, a Cleveland attorney, to be its campaign manager with Jay Berman as campaign director. The campaign chairman would be former governor Matt Welsh and Myer Feldman, a former counsel to Presidents Kennedy and Johnson, was named finance chairman. Ann Lewis, a former aide to Boston Mayor Kevin White and sister of future Massachusetts Congressman Barney Frank, was named deputy campaign manager.

However, the reality was that the campaign was unprepared for an effort of such magnitude. When Jim Friedman arrived on the scene, Ann Lewis, was the lone staff person, without a headquarters, finance plan, no field organization, little to no fundraising, no system for financial reporting. His first order of business was to find a headquarters but he was woefully afraid that a lengthy lease might be a mistake. Birch had neglected to call Friedman and ask that he serve as campaign manager until after his announcement to run. At the time, Friedman was a 34-year-old former chief of staff to Gov. Jack Gilligan in Ohio. Birch had visited Ohio often, especially while exploring his candidacy, and had met Friedman several times. Friedman didn't even begin his full-time job in Washington until mid-December. He and Lewis found an office at 1801 K Street in northwest Washington, a few floors down from the Reagan campaign, which was also trying to unseat President Ford but in this case during the nomination process.

Friedman felt the experience was "a great challenge, a great honor," but was overwhelmed with the tasks before him that should have been implemented long before. He had to turn his attention

to hiring staff and creating the necessary campaign functions, particularly involving fundraising and managing the campaign's financial resources.⁵³

Campaigning in 1976 was different for one principle reason. The post-Watergate reforms created new contribution limits and a system of matching funds. Money had to be raised in certain denominations in a requisite number of states with extremely detailed reporting before the government would match the funds raised. This required a detailed financial operation, which hadn't yet begun. People didn't seem to understand the changes in politics or the increased cost of campaigning. Campaign infrastructure had taken on an importance that wasn't yet fully grasped by politicians and their staffs. For Democrats, this new reality was even more important because of the sheer number of candidates entering the race.

Jay Berman would be in the forefront of fundraising efforts once again. The reliance on money from the entertainment industry, which he and Birch assiduously courted over the years, was major. Jay recalled different roles that different people played during that time with a special shout out to Steve Ross. Jay had attended a fundraiser during the first presidential campaign, standing in the back of a room in a very large mansion, when an extremely tall, good looking man with white hair spoke to him, asking him why he was there. Jay told him he was with Birch and the man remarked that he didn't sound like he was from Indiana. "From Brooklyn," Jay responded, and the other man replied that he was as well and introduced himself as Steve Ross from Warner Communications. Telling Jay that he liked Birch, he suggested Jay call him and he would raise some money for the campaign.

When Jay called a few weeks later, Ross remembered the meeting and said he would help. Jay asked when and to where he needed to have Birch travel and the reply was that it

⁵³ Jim Friedman's role in the 1976 campaign as described in an interview with the author on July 5, 2015

wasn't necessary. He didn't need the candidate to go anywhere; "just stay in touch with me." This was highly unusual and shortly thereafter, Jay was called by Ross' office and asked to come to the Warner headquarters in New York. When they met, Ross gave him \$100,000 in checks and took him to lunch in the Warner dining room. There he saw Arthur Krim dining with Woody Allen and wondered what he was doing there. Had he died and gone to heaven? The relationship with Steve Ross, as good as it was for Birch Bayh, would have long-term impact on Jay's future.⁵⁴

Barbara Dixon specialized on women's issues in the Senate office and it made her an important player in the women's movement. During the 1976 presidential campaign, Dixon was able to get the support of and written endorsement from women activists. Gloria Steinem signed a fundraising letter for Birch, emphasizing his leadership on women's issues. Cathy Douglas, wife of the recently retired Supreme Court Justice William O. Douglas, wrote a letter supporting Birch on the environment. Given Birch's achievements on behalf of women, it was overdue for leaders of the women's rights movement to support his career.⁵⁵

Congressional Quarterly (CQ) produced a book on the coming campaign and emphasized the relationship Birch had with organized labor. He was the only contender to attend the regional labor conferences in the fall of 1975 and be invited to an AFL-CIO meeting in San Francisco in October. It added that he had always managed the sometimes conflicting positions of labor and blacks. The Philadelphia Plan, a proposal to set black employment quotas in federal construction projects, was opposed by labor but supported by Birch. He also parted ways with

⁵⁴ Jay Berman role in the campaign from an interview with the author on March 12, 2015

⁵⁵ Barbara Dixon's role in the Senate as described in a telephone conversation with the author on September 28, 2015

unions when he supported Richard Gordon Hatcher to be mayor of Gary, Indiana. “Bayh’s support of black causes has been consistent. He has supported the major civil rights bills throughout his Senate tenure, including voting rights, public accommodations and fair housing laws. He has been an advocate of federal funding of community and urban development programs and other efforts to relieve inner-city distress.” The section on Birch also outlined his support for Hispanics, the poor and especially women’s rights.

CQ also pointed out his potential weaknesses; his down-home style before sophisticated audiences, particularly pointing out his “closer to God” comment plus his late entrance into the race. The book listed each candidate’s rating by organizations that reflected differing philosophical views on politics. The liberal Americans for Democratic Action (ADA) ranked Birch at 62%, a much lower score than in previous years, largely due to missed votes while campaigning. The AFL-CIO’s Committee on Political Education (COPE) gave him a 100, as did the National Farmers Union (NFU). The conservative Americans for Constitutional Action gave him a 6.⁵⁶

Birch made an appearance at the National Press Club in Washington, DC and was asked about a famous quote from Thomas Marshall, a Hoosier, who had been Woodrow Wilson’s vice president. Marshall was famous for the quip, “What this country needs is a good five cent cigar.” But for that quote, it may have been the only reason he was remembered. While still standing at the rostrum, Birch reacted with his own quip, suggesting, “What this country needs is a good five dollar bag of groceries.”

The Iowa caucuses were the first opportunities for voters to state their preferences for a candidate and, indeed, the caucuses were shaping up to be more important than they had ever

⁵⁶ Barry Hager, “Appealing To The Old Democratic Coalition,” *Congressional Quarterly*, November, 1975, pages 17-21

been. Different from primaries, the caucuses resembled conventions where delegates were chosen. The first round of caucuses in January elected delegates to the county conventions in March, which met to elect delegates for the regional conventions in April. Those conventions chose delegates to the state convention in May which would, in turn, selected delegates to the national convention in July. Birch was encouraged by winning some early straw polls in the state. A week before the caucuses, he shared the stage on “Meet The Press” with candidates Carter, Harris and Shapp.

In retrospect, it can be argued that the genius of the Carter campaign was in the manner it made the Iowa caucuses important. They had been largely ignored previously but by luring top tier candidates to compete with him, Carter created the perfect scenario in which he was best positioned to prevail. He had been virtually living in Iowa since he left the Georgia governorship in early 1975, though he began laying the groundwork prior to that.

The Bayh campaign would compete in the Iowa caucuses on January 19, followed by the New Hampshire primary on February 24 and the primary in Massachusetts a week later, March 2. Assuming he was still viable at that point, he could hope for a knock-out punch in the big states of Florida on March 9 and New York on April 6. If anything made him feel confident, it was his organization in New York and if he could remain in the race until then, it just might end there with him as the presumptive nominee of the Democratic Party.

The Carter campaign plan was to enter and win everywhere, expecting a snowball effect from the first win onward, with each win following on the heels of the publicity and notoriety from the previous victory. Other campaigns seemed prepared to sit out Iowa, giving it either little attention or none at all, waiting for New Hampshire primary or, in the case of Jackson and Wallace, for the Massachusetts primary. For the Republicans, the principle news was the

November 20 entrance into the race by former California governor Ronald Reagan to oppose a sitting president of his own Party.

On December 6, New York's New Democratic Coalition, "a collection of 112 liberal reform Democratic clubs all across the state," held a convention to determine who the NDC would endorse in the April primary. The NDC nod would result in substantial Democratic manpower in the primary campaign and Birch made it a priority. Because of the role of Bob Abrams, Birch was able to move quickly to the front of the pack seeking the endorsement. He made several visits to the state, arguing that he was the most electable of the Democratic aspirants, using the slogan, "Birch Bayh: The One Candidate for President Who Can Put It All Together." As things evolved, his main competition for the endorsement came from Fred Harris. The two candidates packed the galleries with their rowdy supporters at the NDC convention. When the votes were tallied, Birch had 59.974% to Harris' 30.21 with the rest voting "no endorsement," just shy of the 60% requirement for an endorsement. In fact, one delegate asked to switch to Bayh after the final vote was announced and was refused. Although Bayh trounced Harris almost two to one, being denied the endorsement was a painful defeat.⁵⁷

On December 14, Bayh endorsements were announced from New Hampshire labor leaders and the following day from Iowa teachers and Harvard Young Democrats. The Bayh Campaign announced Jack Walsh to be Campaign Director in Massachusetts. *Newsweek*, in an article summarizing the campaigns of eleven contenders for the Democratic nod, described the Bayh campaign.

⁵⁷ Jules Witcover, Marathon: The Pursuit of the Presidency 1972-1976, pages 187-188

In the little more than a month since he declared, Bayh has propelled himself into serious contention; he has won an impressive labor endorsement in New Hampshire and proven his liberal appeal by coming within less than one percentage point of claiming the New Democratic Coalition's endorsement in New York – a power play that deprived Udall and Harris of a boost they had hoped to earn. The Hoosier's aim is to knock fellow liberal Udall out of the early races, then beat Jackson – or whoever is the surviving opponent on the party's conservative side – for the nomination. To do that, the Bayh game plan now is to scrape up what he can in the Iowa precinct caucuses, then run ahead of Udall in New Hampshire and Massachusetts and concentrate on cutting down Jackson in New York and Pennsylvania. To stay in the running, Bayh must also soundly defeat Wallace back home in Indiana on May 4. Holding off on issues, Bayh's main pitch is his appeal to the old Democratic coalition: as a result of his fight against the Carswell and Haynsworth Supreme Court nominations and for the Equal Rights Amendment and the 18-year-old vote, Bayh appeals to big labor, blacks, women and young liberals. "He could be the strongest candidate of all because of his wide acceptability," says one hopeful staffer.⁵⁸

Early in 1976, Birch took part in an event that the *Wall Street Journal* characterized as, "the first serious contender for a major party's nomination to campaign in a gay bar." The Gay Political Union in New York City was an early organization to promote homosexual rights in American politics and the organization arranged a reception for Birch. At the time, being identified with gay activists was at the very least unusual, if not altogether politically suicidal.

⁵⁸ David Alpern and Hal Bruno, "Free-For-All," *Newsweek*, January 12, 1976, pages 20-21

The article said: “Accompanied by an entourage of Secret Service men (who didn’t appear to be enjoying themselves), Sen. Bayh spoke and shook hands for about an hour.”⁵⁹

One tactic of the Bayh campaign was to take advantage of the large number of enthusiastic supporters he had in Indiana, many of whom had surfaced during the previous campaign year. The Hoosier Travelers Program was managed in Indiana by Mary Scifres and by me in Washington. We were looking for people to work for us in Iowa and New Hampshire and to travel at their own expense. Of the various forms of voter contact in political campaigns, the greatest impact is person-to-person, face-to-face. If the face-to-face contact is between persons who know one another, that method is preferred, and using Bayh volunteers from his home state to talk with Iowa caucus delegates and New Hampshire primary voters was the next best method. Campaign coordinators in each state would find lodging for the travelers, most often in the homes of supporters. Evan Bayh and his college roommate left school to join the travelers in Iowa.

There are two particular incidents from the Hoosier Travelers effort that stand out. One night in December, Birch called from Iowa wanting to know how many people were coming to Iowa from Indiana. When he was given the update, he said, “No matter where I go in this state, that goddamned Jimmy Carter has been there four times before me.” Despite his concern about Carter’s coverage of Iowa, he didn’t take Carter seriously up to that point. The Iowa caucuses presented a great unknown, given the structure of the meetings that would take place and the effort required for caucus members to win in their respective meetings. It was never simple to poll for caucus results because it wasn’t just a question of candidate preference. If you wanted to be a Bayh delegate to the national convention, you needed to win the votes of your

⁵⁹ Roger Ricklefs, “A New Constituency: Political Candidates Seek Out Gay Votes,” *The Wall Street Journal*, October 20, 1976, page 35

compatriots in the caucus meeting you were attending. It was important to understand that being for a certain candidate and getting elected as a delegate were two very different things.

Now, after decades of presidential contests that have been influenced by the Iowa caucuses, the results have become easier to predict. Knowing who had previously been elected to caucuses helps. Caucus watchers in the media have earned their stripes by covering multiple caucuses for both parties. But that was not true in 1976.

The other salient memory concerned travelers going to New Hampshire. One night, a Hoosier Traveler was arrested in Ohio for a traffic violation. I was able to reach the police chief or sheriff who was in charge of the small Ohio town where this occurred and persuade him to release our volunteer. In the aftermath of that event we started imagining worse-case scenarios. How awful would it be for a Traveler to be killed on the road? My wise-guy response was that that person would become a posthumous member of the “Die for Bayh” club. Later, Birch made known his unhappiness with that remark.

The Carter campaign was the first to recognize the potential importance of the Iowa caucuses. Birch had visited many of Iowa’s 99 counties while campaigning in 1971 and felt that he had laid the groundwork for a successful 1976 campaign. Iowa’s effort to cast the first votes before the fabled New Hampshire primary was successful and has remained a prominent fact of presidential campaigning since. Even the press took a while to catch on to the importance of the Iowa caucuses and by then, Carter had been blanketing the state. When Birch started campaigning there, he was worried that his late start created a huge disadvantage but felt he needed to block Udall from becoming the leading liberal candidate. The Bayh campaign was run by Dick Sykes, a young operative whose presidential campaign experiences belied his age. Jimmy Carter was not yet taken seriously by the national press or by those opposing him but his

activities were largely responsible for attracting the interests of the other candidates. No one wanted an unknown candidate like former Governor Jimmy Carter, a peanut farmer, to win simply because Bayh, Udall and the other competitors were not paying attention.

When votes were tallied from the caucus sites around the state, the winner was “uncommitted,” with 37%. Carter was first among the candidates with 27.6% and Birch was next with 13.1%, followed by Harris, Udall and Shriver in that order. Carter’s success made everyone take notice.

Iowa was “really a blow to me,” Birch recounted many years later. He had thought his 1971 efforts had created a good base of support and a reason to feel optimistic. Plus, no one was yet taking Carter seriously. However, Birch’s campaign was only three months old and coming in second among the five men running seemed to be a substantial accomplishment. Carter, on the other hand, had been spending much of the previous two years in the state.

For the Republicans, the Reagan candidacy presented a serious threat to Ford’s re-nomination. In Iowa, the President won the caucuses barely, by a margin of less than 3%.

Writing in *Rolling Stone Magazine*, Joe Klein’s piece about the caucuses was entitled “Indecision 76,” underscoring the observation that no one was running away with a win in Iowa and why none-of-the-above prevailed over all of the candidates. One activist was quoted as saying about his decision, “I did it by subtraction. I wanted to go with the guy who offended the least people. Birch Bayh offended the least people.”⁶⁰ Nonetheless, the real story coming out of Iowa was the emergence of Carter.

James Earl “Jimmy” Carter had been running as the non-politician during a period when, thanks to Richard Nixon, politics had been scandal-ridden. Coming out of Iowa as the newly

⁶⁰ Joe Klein, “Indecision 76”, *Rolling Stone*, March 11, 1976, page 7

crowned frontrunner, the other candidates took aim at him. From Birch's standpoint, he saw Carter as a hypocrite, stating, "How can a man who is a former governor and has been going around the country running for President say he isn't a politician?" To deal with that issue, the Bayh radio ads contrasted Birch's own political background with the candidate who confessed to being outside of the profession. The ads stated, "It takes a good politician to be a good President." There were various versions of the television spots promoting the same theme, with different ads listing different accomplishments. The media campaign was managed by press secretary Bill Wise, who played a major role in communications strategy and hired media consultants Don Madden and Tony Isadore. However, Marvella saw the ad and urged Birch not to run it.

To win the primary in New Hampshire, you needed "boots on the ground," a highly organized effort of people going door to door. The lateness of Birch's start made that difficult. While Birch's strategists felt New Hampshire was the kind of state he performed well in, the development of an effective organization is time-consuming and Birch was short on time. Nonetheless, the Hoosier Travelers program delivered several hundred people into the Granite state to join with hundreds of others going door-to-door for other candidates, probably more than a thousand canvassers in all. When Jim Friedman took over as campaign manager, he realized Birch had no organized campaign in New Hampshire and he dispatched Mike Ford, an Ohio operative and friend, to create a campaign from scratch. Chairing the Bayh effort in New Hampshire was Chris Spiro, minority leader in the New Hampshire House of Representatives. Getting Spiro aboard had been a real coup and a shot in the arm to Birch and the rest of the campaign staff. Some polling was done but not as much as would be preferred because the

budget was so tight. Two pollsters in their twenties, Dick Dresner and Dick Morris, the latter who would gain considerable notoriety in politics, conducted periodic polls.

The Bayh campaign handed an instruction sheet to each of its canvassers that said, “This is it, folks. Effectively, this weekend represents our last large-scale contact with the New Hampshire electorate...It is most important to understand that in New Hampshire, more so than in most states, personal contact is by far the most effective campaign device. Media is far less important. There is only one television station in the state; the bulk of the television comes out of Boston. Additionally, New Hampshire is an organizer’s dream – there are only 116,000 registered Democrats in the entire state, with 85% of those Democrats living in the population centers in which you will be canvassing. The people in this state are political pros in terms of campaign techniques, as most every technique known to the world of politics has been tried on these people at one time or another. The voters know precisely what we are doing. So does everyone else. We must tell you that the techniques we are using are also being used by every other campaign as well. This is natural, as many of us had the same training ground – the McGovern campaign.”

While the reporter Jules Witcover wrote cynically on the political activities leading up to the New Hampshire primary, he did provide a useful description of Birch’s campaign in New Hampshire campaign.

Of all the others, Bayh seemed to be doing the best. Trying to make up for lost time, he grimly set about cleaning up his own act. That is, he tried to put his aw-shucks style on the back burner and come on as the Experienced Legislator, which his record substantiated but his cornball manner and boyish looks always blurred. To achieve this reformation, his campaign cooked up a special routine: a documentary film emphasizing Bayh’s record in the Senate, which

was shown at evening gatherings in high-school cafeterias and the like. When it was over and the lights were turned on, a local supporter holding a hand microphone with a long portable cord would stand in front of the screen and, like some Yankee Ed McMahon, proclaim: “Ladies and gentlemen, the next President of the United States, United States Senator Birch Bayh!” From the rear, wearing his dark-blue sincerity suit and a serious look, would stride the senator from Indiana. He would take the mike, let some of the cord out behind him, and then start roaming around the room, a political Johnnie Carson on “The Tonight Show,” talking up his experience. “Why Birch Bayh?” he would ask, in that maddening habit of calling himself by his full name, in the third person, and then proceed to tick off the “tough battles” he had fought in the Senate: opposition to the Haynsworth and Carswell Supreme Court nominations; extension of the voting-rights act; passage of constitutional amendments lowering the voting age to eighteen and revamping presidential succession. (One problem with this whole approach was that it reinforced Bayh’s image as a Washington political creature, in a year when Jimmy Carter was making hay running against Washington. But he had no choice; if his experience was vulnerability, it was also his underutilized strength.)⁶¹

As primary day approached, Marvella told Birch she wanted to come up to New Hampshire and campaign with him. He reminded her that they had an agreement, that she shouldn’t jeopardize her job with the American Cancer Society and therefore should not spend time campaigning. On the other hand, even though she had been largely absent during the 1974 re-election campaign, it was still strange that their long-standing partnership was not in action as it had been.

⁶¹ Jules Witcover, Marathon: The Pursuit of the Presidency 1972-1976, pages 228-231, 234-235

While the focus was clearly on New Hampshire, efforts were needed to get on the ballot and have slates of delegates in other states. Harold Ickes was dispatched to manage

Pennsylvania. At one point, he remembered sitting in a phone booth in Harrisburg's train station holding a cup full of dimes, so he could make a series of phone calls to Pennsylvania supporters in order to fill the delegate slate. Ickes was more successful in getting delegates onto the ballot than was the sitting governor, another Democratic contender, Milton Shapp. It was an unusually daunting task. Pennsylvania requires delegates to circulate petitions to get themselves on the ballot and a second set of petitions to get their candidate on the ballot. Only forms produced by the office of secretary of state could be used and after completion, they had to be notarized by two notaries. In Connecticut, there was a Bayh effort as well, with state senator and future US Senator and vice presidential nominee Joe Lieberman among his supporters. The Pennsylvania experience included a humorous anecdote from Harold Ickes, once again involved in that state but this time for Ted Kennedy running against President Carter in 1980. Because the delegate and candidate petitions had to be notarized, each campaign sequestered notaries to virtually live in their headquarters to sign and stamp the myriad of forms. Unknown to the Kennedy people at the time, the Carter campaign notary disappeared. Notary stamps made an imprint on the forms that could be felt by one's fingers. In lieu of notary stamps the campaign decided to place a silver dollar on each form, bang it with a hammer and hope that its imprint would suffice, which it did.⁶²

The New Hampshire primary was February 24 and Carter was the frontrunner. The outcome would determine which candidate would wear the liberal mantle in opposition to Carter, something that never made Birch totally comfortable. He had entered Iowa to combat Udall but

⁶² Harold Ickes story as told to the author in an interview with him on November 20, 2015

found that it became a contest against Carter and, in the first primary, found himself having to lower expectations. In this instance his instincts were right and when the votes came in, he ran third, with Udall becoming the “liberal leader.” Carter had won 30% in the crowded field with Udall second at 24%, Birch at 16%. Fred Harris’ campaign had often seemed to be the most fervent and emotional. His fourth place finish found him sending strong signals that he was about finished, as was Shriver.

Not long after the primary, post-election polls showed that despite the expectation that the second choice of Bayh’s supporters would be Udall, they were largely for Carter instead. This raises the question about whether Birch should have competed in New Hampshire at all, given his late start. If it can be assumed that the lion’s share of the Bayh votes would have gone to Carter, the Georgian may have beaten Udall so badly that it might have ended the Arizonan’s race. In that scenario, Birch could have picked up the liberal mantle from then on. At the same time, it can be argued that if he had avoided the contest with Carter in Iowa and begun in New Hampshire, Carter might have knocked out Udall in the caucuses, changing everything later on. Instead, he moved on to the Massachusetts primary the following week after a disappointing showing in New Hampshire.

For the Republicans, New Hampshire was almost a carbon copy of Iowa, with Ford defeating Reagan by a margin of less than two percent. However, Ford then went on to win by considerably larger margins in Massachusetts, Vermont, Florida and Illinois.

A Bayh brochure produced for the March 2 primary focused on the senator’s accomplishments and succinctly summarized his career up to that point. One page was headlined: “This year, when the Presidential candidates tell you what they’re going to do, ask them what they’ve done.” Each page highlighted key parts of Birch’s Senate career. Another

said, “When no one else would take on Nixon, Birch Bayh beat him...twice,” going on to describe the Haynsworth and Carswell nominations. Also, “Birch Bayh wants to create jobs by throwing two guys out of work,” specifically referring to Treasury Secretary William Simon and Chairman of the Federal Reserve Board Arthur Burns, two architects of the Nixon/Ford economic policies that were a major campaign issue. Another matter impacting the economy was oil prices and the lack of competition in the oil industry with the Bayh quote, “Let’s give the oil companies a dose of free enterprise.” On the subject of women’s rights was a page labelled, “Susan B. Anthony would probably vote for Birch Bayh”, describing his efforts on the ERA, Title IX and as the first senator to ever introduce major child care legislation in the Senate. Columnist Marianne Means was quoted as saying, “Birch Bayh has done more to advance the cause of women’s rights than any other single Senator.” Another key issue was crime with a page stating “Birch Bayh wants to stop giving out advanced degrees in crime. That’s why he wrote and passed the Juvenile Justice and Delinquency Prevention Act of 1974.” And finally a page saying, “Birch Bayh has written more words in the Constitution than anyone since James Madison.”

Carter’s strategy to win early meant he would also compete in Massachusetts. Witcover noted that Carter had long felt he would be the nominee – not that he had just had a decent chance to win – and was not one of those who would be intimidated by a Ted Kennedy candidacy. In fact, his attitude was to bring him on. Hamilton Jordan, Carter’s campaign manager, wrote a memo to Carter in August 1974 laying out the plan for obtaining the nomination. Witcover says, “Of all the 1976 Democratic hopefuls, only one – Jimmy Carter – could be said to have been somewhat let down by Kennedy’s decision not to be a candidate. He alone had predicated a 1976 campaign not on the possibility that Kennedy would stay out, but –

brazen as it seemed at the time – in the hope that he would get in, keeping all the other ambitious Democrats on the side lines.”⁶³

In Udall’s case, he felt that he needed to wound or defeat Birch by the time Massachusetts was over as next up was New York, where Birch was particularly strong. For the Bayh strategists, there were unrealistic beliefs that the plane crash with Ted Kennedy would translate into support. But that had been 12 years earlier, an eternity in politics. The weakness of Massachusetts for Birch was that it followed so closely on the heels of New Hampshire and without a win there, the unraveling would begin. The “I’m a politician” ads, suggested by Democratic gadfly Alan Baron, were being replaced but trouble loomed large on the horizon, partly because there were insufficient funds to run ads at all. Harold Ickes recalled objecting to an ad that showed Birch on a tractor looking over his shoulder. Ickes objected because he knew that anyone plowing a field would look straight ahead so as to not run over his crops.

Labor leaders were looking for their best bet to defeat the more conservative challengers who were running for the first time, Scoop Jackson and George Wallace, and many had concluded that Birch was not the candidate to fill that bill. Carter began to look like an acceptable alternative to Jackson and Wallace for many; others were looking more closely at Udall.

Carter appeared vulnerable after making a statement that he would do away with the home interest deduction, something several candidates jumped on at once. Birch’s reaction was to suggest that, Carter’s “move would undercut the chances for millions of Americans to buy better homes.” His criticisms were joined by those of Jackson and Udall, causing Carter to lash

⁶³ Jules Witcover, Marathon: The Pursuit of the Presidency 1972-1976, page 132

out at them as being unfair. Their criticisms were issue-based but he treated them as if they were coming from Joe McCarthy or were similar to Nixon's dirty tricks. Birch responded by criticizing the former governor on issues of importance to labor. Whether the series of attacks and responses by Carter, Bayh, Jackson and Udall had an impact is hard to say but the major effort mounted by the Jackson campaign was probably the bigger story. As the frontrunner, it was not at all surprising that Carter should be attacked by most or all of his opponents nor that those attacks would have an effect. Nonetheless, Carter's finish in Massachusetts was a disappointment, but not as disappointing as Birch's. Jackson with 23% of the vote was the big winner in Massachusetts which placed him 5% ahead of the second place finisher, Udall. Wallace was a close third and Carter finished fourth, with only 14%. Birch received only 5% of the vote and knew his wounds were fatal.⁶⁴

The Bayh campaign had won only a single delegate for the convention, sarcastically referred to as the "million dollar delegate." It was Tom O'Neill, son of the future speaker Tip O'Neill. Mark Shields, then a campaign operative and later a national political pundit, referred to Tom as "Tiplet." The day after Massachusetts, Birch withdrew from the presidential campaign.

In Indiana, preparations were on for the May primary. It was likely that most candidates would not oppose Birch on his home ground but that George Wallace, who had run so strongly there in the past, just might. If that ended up happening, we might be able to stage a Bayh-Wallace debate that could end up with Birch being the Wallace-killer. The prospect may have been more far-fetched than we hoped. Nonetheless, Jay Berman called me the night of the

⁶⁴ Jules Witcover, Marathon: The Pursuit of the Presidency 1972-1976, pages 249-250

Massachusetts primary to let me know the campaign was over and to come back to Washington. The next day, just as I entered the headquarters, Birch was standing there. He gave me a bear hug and told me it felt unusual giving his withdrawal speech and I was nowhere to be seen.

The campaign was crippled from the start. It started too late and was made more difficult because of the competition for Birch's time, from the campaign, Senate duties and Marvella. For instance, Marvella made it clear that she and Birch had agreed he would be home every Monday night. David Rubenstein looked back on the Bayh effort in later years and concluded that to run for president meant doing only that including missing all the Senate votes, something Birch did not do. "Carter was not qualified to be president in the traditional sense," commented Rubenstein. He hadn't worked himself up the ladder of politics but concluded that an early effort in Iowa was the key to success. It was clear that with an earlier start and a greater effort in Iowa, Birch could have won there and then it would have been, in Rubenstein's words, "off to the races." It was also clear that everyone underestimated Carter.

Carter had, according to Rubenstein, devoted six days a week to campaigning for more than a year. But he always returned to Plains, Georgia on the weekend to teach Sunday school.⁶⁵

Elizabeth Drew described the Bayh strategy this way; "seemed so sound on the drawing boards...to build a candidacy on a collection of blocs, including labor (traditional and liberal), farmers, blacks, women, and Jews. The strategy so impressed Party professionals that in January some were predicting Bayh's nomination. But it collapsed utterly at the hands of the voters."⁶⁶

⁶⁵ David Rubenstein discussion of the Carter campaign from an interview with the author on July 24, 2015

⁶⁶ Elizabeth Drew, American Journal, The Events of 1976, page 67

Following Birch's withdrawal, the Democratic activists who had supported him were largely gravitating to Udall, particularly in New York, which was upcoming. But Udall shifted his efforts to Wisconsin, not New York. Carter, however, won Wisconsin. In New York, Jackson won but hurt himself by predicting a landslide victory, which didn't materialize. The expectations game often dominates presidential primary politics and Jackson set a trap for himself. His victory was characterized as disappointing.

Three weeks later, Carter won a resounding victory in Pennsylvania. Jackson tried to mobilize organized labor behind his candidacy but its enthusiasm was lacking due to rumors and growing expectations that labor's real champion, Hubert Humphrey, would soon be joining the race. Other news included a misstep by Carter when he was trying to discuss his support for people to live in any neighborhoods they want. While trying to support natural desegregation, he also offered support for communities that wished to preserve their "ethnic purity," a poor choice of words that evoked images of Nazi Germany as well as the Jim Crow South. The gaffe could have been fatal to his campaign except for the rallying of support by African American leaders, particularly in Georgia and especially by Rev. Martin Luther King, Sr. By the end of April, Carter had beaten back every challenger and his road to the nomination would only be challenged by a few potential candidates not yet in the race; Sen. Frank Church, Gov. Jerry Brown of California and, possibly, Humphrey. Democrats wondered whether an Anybody-But-Carter campaign had any chance at all.⁶⁷

In late April, I ran into Peter Emerson, who had travelled with Birch throughout the presidential campaign as I had done in 1974 and was disappointed not to be doing in 1976.

⁶⁷ Jules Witcover, Marathon: The Pursuit of the Presidency 1972-1976, pages 286-309

When Birch dropped out, Emerson joined the Carter campaign. He told me that Bayh was the candidate that most concerned Carter before Birch ended his effort.

Carter was amassing so many delegates it appeared impossible to stop him, despite new candidates getting into the race and the unwillingness of Mo Udall to get out. The Georgian won the next three states and Indiana on May 4. Birch endorsed Carter the day before the Indiana primary, acknowledging that he was “philosophically closer” to Udall, but added that “one thing I learned long ago is how to count.” No one expected a Bayh endorsement to change the results of the primary but it seemed sensible to get on the good side of the candidate who would most likely be the nominee. A side issue was created, however, that raised questions about Carter’s truthfulness. At the endorsement, Birch said that Carter phoned him the week before and asked for his help. The following day, Carter stated that he had “never gone to anyone yet and asked them to endorse me.”⁶⁸ In response to a reporter who pointed out the contradiction, Carter said, “My point was that I have never depended on endorsements to put me in office,” and said that he had asked for Bayh’s help, not specifically for an endorsement.⁶⁹

The Indiana Democratic primary was dramatic for other reasons entirely. Congressman Phil Hayes, first elected in 1974, challenged Vance Hartke for the U.S. Senate nomination. Hartke narrowly won and was heading into a difficult general election against Richard Lugar, the man Birch had defeated. Larry Conrad won the Democratic nomination for governor to face the incumbent, Otis Bowen, in the fall. Congressional nominations that May included State Senator Adam Benjamin, defeating long-time incumbent Ray J. Madden in the 1st District. Madden was

⁶⁸ Jules Witcover, Marathon: The Pursuit of the Presidency 1972-1976, page 327

⁶⁹ Elizabeth Drew, American Journal, The Events of 1976, page 174

first elected in 1942 during the Roosevelt Administration and was someone who always referred to that era when discussing a current event. In the 4th district in northeastern part of the state, the Republican nominee for Congress was a young, attractive candidate named J. Danforth Quayle. Dan Quayle was the scion of the Pulliam family, publishers of newspapers in Indianapolis and Huntington, among other cities. He presented a solid challenge to Ed Roush, the incumbent. Because of his challenge to Senator Hartke, Phil Hayes could not seek re-election to Congress from the 8th district in the southwest corner of the state. The new nominee for his Congressional seat was David Cornwell.

Shortly after the Indiana primary, Hartke's wife Martha confronted Birch, saying, "Well, you didn't get us, did you?" Birch told her he wasn't involved in that race at all, which should have seemed obvious to anyone observing him during that period. He said not only did he not want to get involved in that race to oppose Vance but even if he did, he "would have been a fool to do so." After all, they shared many of the same supporters in Indiana, particularly among Democrats. It was clear to Birch that the Hartkes perceived his real feelings about Vance but there was no way he would take any steps to hurt him politically.

The presidential primary season continued with Brown and Church getting into the race. Humphrey eventually announced he was not running. The result was that it took Carter longer to secure the delegates he needed to get the Democratic nomination but it was still resolved well in advance of the convention.

While the Democrats were fighting it out in Pennsylvania, a Republican primary was held in North Carolina, where Reagan secured his first victory, an incredibly unique event with an incumbent president losing a primary challenge in his own Party. Ford, however, rebounded by winning the next two states. Both men won and lost primaries and caucuses over the next two

months and ended up at the convention with the President slightly ahead but without the nomination wrapped up.

In his book, The Last Great Senate: Courage and Leadership in Times of Crisis, Ira Shapiro wrote about the Democratic senators who had thrown their hats into the presidential campaign ring. “Bayh, Church, Jackson and Harris quickly discovered what many senators had found out before them: you could be a very good senator and still be an awful presidential candidate. Bayh’s liberal supporters split in too many directions, and he never won a primary. Church started much too late. Jackson, extraordinarily effective on Capitol Hill, was simply unable to communicate on television or in speeches. As one humorist noted, ‘If Scoop Jackson gave a fireside chat, the fire would go out.’ After Harris was crushed in the crucial New Hampshire primary, receiving less than 1 percent of the vote, he explained: ‘The little people couldn’t reach the levers.’”⁷⁰

As Carter began considering possible candidates to be his vice president, his head of congressional relations, Frank Moore, began talking with Birch and his close friend and aide, P.A. Mack, about the process. Moore was strongly intimating that Birch was on Carter’s short list but many on the Bayh staff argued that he shouldn’t be believed. While it made sense for Carter to have a senator on the ticket because of his lack of Washington experience, there was no evidence that he would feel charitable toward any of those who had run against him in the primaries and criticized him so roundly in the process. Additionally, Birch could not guarantee any additional electoral votes for Carter, especially from Indiana, which had only voted for a Democratic presidential nominee four times in the 20th century. Even with Birch Bayh on the

⁷⁰ Ira Shapiro, The Last Great Senate, page 40

Democratic ticket, there was no reason to expect that to be different in 1976. There was only an outside chance that Indiana would vote for a Democrat if Birch was the presidential nominee but not as the vice president nominee. History has since shown, that with the possible exception of Frank Church, none of Carter's primary competitors was on the short list for vice president.

Carter was initially opposed to using other Democrats as surrogates in his presidential campaign but he ultimately relented. Campaign Manager Hamilton Jordan came up with a list of 14 names of people who would be asked to devote time to the campaign. Birch was recruited to campaign four days. Others who were asked for a similar four days of campaigning were Udall, Church, Humphrey, Kennedy, Congressman Peter Rodino, John Glenn, Governors Rafael Hernandez Colon of Puerto Rico and Jerry Apodaca of New Mexico. Wallace was asked for two days, Jackson and Rep. Barbara Jordan for five, Brown and Sen. Joe Biden for six.⁷¹

Birch inadvertently made a contribution to the Carter campaign when his Constitutional Amendments Subcommittee chief counsel, David Rubenstein, left the Senate to join the Carter campaign. There had been no hearings of the subcommittee while David was there and he was eager to work in a presidential campaign. He later said that his goal was "to play tennis on the White House tennis courts." When Rubenstein joined the Carter campaign, he found no paid staff people concentrating on issues and policy; everything was focused on politics. He was "amazed how thin the Carter staff was." That was the area where he devoted himself and he filled that void admirably. He also admired a Carter technique for writing thank you notes. Rather than worry about how to address people, with titles or first names or nicknames, Carter

⁷¹ Jules Witcover, Marathon: The Pursuit of the Presidency 1972-1976, page 521

addressed all notes “To first name, last name:” in handwriting that was not only legible but almost a style a calligrapher would admire.⁷²

The Democratic National Convention convened at Madison Square Garden in New York on July 12. Like most Conventions since 1960, the Democratic choice for Vice President was announced well before the delegates arrived. Sen. Walter “Fritz” Mondale was nominated as Carter’s running mate. He was neither a surprising nor controversial choice. Few issues needed to be resolved and the Party seemed united in its desire to end eight years of Republican rule. The keynote speech would be given by Congresswoman Barbara Jordan of Texas, the first African-American to ever keynote a Party Convention.

Birch was elected chair of the Indiana delegation. The only controversy facing the delegates had nothing to do with the nomination but was created by a shortage of guest passes for family and friends also in New York. It took an enormous amount of wheeling and dealing to acquire the necessary credentials and more people were taken care of than anticipated.

The memories from that week involved an issue with my hometown mayor, Hammond Mayor Ed Raskowski. He announced in front of the delegation that if his wife wasn’t allowed in, he wouldn’t attend either. Had he asked for an extra ticket privately, we would have taken care of him discretely. But given his performance, taking care of his wife was an unpleasant chore, making it harder to help others who didn’t complain out loud. Both she and the mayor attended every night of the 1976 convention. Another memory involved Birch and Paul Newman. Birch was chairing a platform session on energy and actor Paul Newman was on his panel. As Birch spoke, he leaned forward dramatically and looked into Newman’s eyes,

⁷² David Rubenstein discussion of the Carter campaign from an interview with the author on July 24, 2015

exclaiming, “they really are that blue.” Birch’s blue eyes were pretty striking but couldn’t compare with Newman’s.

Once the Convention was over, the campaign began in earnest. We knew Indiana would not be in play but Birch was given the names of the people who would run the Indiana effort. In charge would be Doug Coulter of New Hampshire and two women from Arkansas, Ruth Hargraves and Hillary Rodham. I soon learned from David Bochnowski that Bill Clinton, Hillary’s husband, who had been Bochnowski’s classmate at Georgetown University, was running for attorney general in Arkansas. David had been impressed by Clinton when they were in law school together. My job was to spend the last three months in the state representing Birch and doing everything I could to be helpful to the Carter people.

During those final months, I spent a good deal of time with the Carter staff, sharing my knowledge of Indiana politics, particularly which political people could and could not be counted on. I’d meet them for drinks weekly at the Indiana bank building in the center of Indianapolis and, when Birch came to the state, I’d travel with him. Larry Conrad’s campaign was our highest priority that year, even though we recognized what an uphill battle he faced. For Conrad and others on the ticket, we tried to do as much as we could for them and Birch spent a good deal of time on the road around the state.

The unofficial kick-off of the fall campaign was the weekend before Labor Day. It was held at the IDEA convention in French Lick, Indiana. . The guest speaker at the 1976 event was California Governor Edmund “Jerry” Brown. Brown had been a contender for the nomination and was an enormously attractive and charismatic candidate. Should Carter lose, Brown would be among the immediate front-runners for 1980. We were dismayed when told that he was to be picked up at the French Lick airport in an old blue Plymouth, I don’t remember what vintage the

car needed to be. After considerable effort we located one and the car was driven to the small airport in the countryside, several miles from the French Lick Sheraton where the event was held. The assembled Democrats would see Gov. Brown arrive in this common auto rather than a shiny limo and the image he was attempting to portray would be maintained. But for those of us seeing him land at the airport in a Lear jet, the entire affair appeared pretty artificial and phony.

The GOP Convention was held in Kansas City in late August. Reagan's effort faltered after he announced his choice for running mate, Sen. Richard Schweiker of Pennsylvania, a senator considered too liberal for Reagan supporters. As a result, Ford narrowly edged out the former California governor 1,187 to 1,070. The Republican ticket would be Ford and Senator Bob Dole of Kansas. Rockefeller announced his decision to leave the ticket the year before, something no one thought was voluntary. As has become customary, both the presidential and vice presidential candidates debated each other on national television. Dole's dark visage and sarcastic nature didn't do him any good in his debate with Mondale and when President Ford characterized countries in the Soviet bloc as nations that didn't believe they were under the thumb of the Soviet Union, Democrats across the country rejoiced.

While we may have felt that there was no way Gerald Ford could be elected in his own right after pardoning Nixon and debating as he did, the race tightened in the final weeks. Carter made a few missteps, one of which was an interview he gave to *Playboy* magazine a few weeks before the election. As an evangelical Christian, it shocked many Americans that he would stoop to be interviewed by *Playboy* magazine. As strange as that seemed, the interview itself was worse. Carter liked to project a holier-than-thou image and the negative optics of a *Playboy* interview could be politically fatal.

In an effort to quiet the uproar, Carter said that his comments were "just part of being a human being," and that *Playboy* was "just another forum." But voters across the country were aghast. Negative reactions seemed to be everywhere. Carter's comments would be remembered as singularly un-presidential: "I've looked on a lot of women with lust. I've committed adultery in my heart many times." Christ said, "I tell you that anyone who looks on a woman with lust has in his heart already committed adultery." He continued; "I've looked on a lot of women with lust. I've committed adultery in my heart many times. This is something that God recognizes I will do—and I have done it—and God forgives me for it. But that doesn't mean that I condemn someone who not only looks on a woman with lust but who leaves his wife and shacks up with somebody out of wedlock. Christ says, don't consider yourself better than someone else because one guy screws a whole bunch of women while the other guy is loyal to his wife. The guy who's loyal to his wife ought not to be condescending or proud because of the relative degree of sinfulness."⁷³

There was serious concern, so late in the game, that he might just lose the race after all. One memory sticks out for us when Birch and I traveled to LaPorte, Indiana. Joe Farina, the county chair, who looked like he stepped out of central casting for *The Godfather*, was running for county office. To associate himself with the Democratic standard-bearer, he borrowed the green and white colors of the Carter campaign, printing his bumper stickers with white lettering on the Carter green background, saying "Carter-Farina." When the *Playboy* interview came out, Farina collected every bumper sticker that hadn't been distributed and cut off Carter's name.

⁷³ Robert Scheer. "The Playboy Interview: Jimmy Carter." *Playboy*, November 1976, Vol. 23, Iss. 11, pp. 63–86

When we learned this, every time we saw a car with a green and white “Farina” bumper sticker, it just cracked us up.

Indiana is rarely a priority state in presidential politics and 1976 was not expected to be any different. However, the Hartke race, along with a few contested Congressional races, made it more important. As a result, Hubert Humphrey came to Indiana to stump for the ticket and gave a barn burner of a speech. Reacting to the perception of Gerry Ford as such a nice guy, Humphrey agreed that he was, “but so is my uncle Fred, and he shouldn’t be president either.”

Election night 1976 was the first time I remember television using the colors red and blue to indicate Republican or Democratic results in a given state. This is now customary in American politics. Indiana was the first state to be shown in red that night. Ford defeated Carter in Indiana by a margin of about 169,000 votes out of 2.15 million cast. Carter won only 26 of Indiana’s 92 counties. Nationally, however, he squeaked by Ford with 50.08 of the popular vote. Lugar defeated Hartke setting a record margin of 384,000 votes or roughly 59%-41%. Hartke won only 10 counties. The composition of the Indiana delegation changed with Adam Benjamin winning in the 1st District, Dave Cornwell in the 8th and Dan Quayle in the 4th.

Carter may have never won the presidency if either Birch or Udall had stayed out of the early battle for the nomination. It can be argued that the liberal activist vote was split between the two of them and Carter was the beneficiary. It is conceivable that if both stayed out of Iowa others might have as well, giving Carter a caucus victory that would hardly be news. And he needed the media bounce that would help him win New Hampshire. Without winning both Iowa and New Hampshire, he may have not been able to mount a successful campaign later on. But we’ll never know.

“If you’re going to run for president of the United States,” Birch later said, “It ought to be the most important thing in the world to you. It wasn’t.” This may be a rationalization but the late entry into the race seems to substantiate that recollection. Also, he seemed reluctant to ignore his Senate responsibilities, showing far more involvement in legislation than would be expected from someone who should be consumed by campaigning with a “fire in his belly.”

David Rubenstein discussed how Carter made claims during the campaign that were hard to support but he escaped serious damage because of them. Rubenstein met with the Georgia Budget Director, Jim McIntyre, to discuss the Carter claim that he used “zero-based budgeting” as governor. McIntyre said he told Carter to stop saying that; it doesn’t work. When asked about the Carter claim that he had taken 1,200 agencies and “squished” them into fifteen, he was told that didn’t happen either. But he said Carter was a “very focused guy, very disciplined.”⁷⁴ Those qualities served him well.

Carter’s election was without coattails, not changing the partisan make-up of the Senate, though a number of new senators were elected. One new Democratic senator was Paul Sarbanes in Maryland. Birch described 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 included John Heinz III, who replaced the retired Hugh Scott in Pennsylvania and Orrin Hatch, who defeated Frank Moss in Utah. Birch remembered 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

⁷⁴ David Rubenstein discussion of the Carter campaign from an interview with the author on July 24, 2015

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.”

This was also the first presidential election to take place within the new finance law passed in reaction to Watergate. President Ford had signed the Federal Election Campaign Act in May.

While 1976 may have been the year when Birch Bayh’s presidential hopes ended, America would have its 200th birthday and elect the first president from the Deep South since the Civil War, not counting LBJ, who ascended to the presidency following an assassination. It clearly signified the end of an era when Richard J. Daley, Mayor of Chicago for 21 years, died on December 20. For those of us in the official Bayh family, we were looking forward to the inauguration in January and the arrival in town of a Democratic administration. It had been a long eight years under Republican rule and we could anticipate an enhanced ability to get things done for the state as well as the nation. With the loss of Hartke, Birch was Indiana’s only statewide-elected Democrat and the unquestioned leader of the Indiana Congressional Delegation. This new status was both exciting and sobering.

1980 – Campaign for Re-Election

At the end of January 1980 would be another Bayh birthday gala. Jimmy Durante, who had appeared at the 1968 gala, passed away the same week as the 1980 gala. This one, however, would be headlined by Sen. Edward M. Kennedy, now a declared candidate for president. Bob Shrum, a media consultant who wrote about Kennedy’s participation at the birthday dinner recalled that they flew through an ice storm to get there. Then, he said, “Kennedy had to sit patiently and apparently unperturbed at the head table as Bayh delivered a speech that all but

endorsed Carter. It was so graceless that some of the more boisterous members of the press corps, who couldn't believe we'd knocked around the sky for this, retreated to a corner and popped balloons while Bayh was droning on. Back on the plane, in the front compartment with Kennedy, I said, 'What a son of a bitch.' No one on the staff disagreed. But Kennedy couldn't get mad at Bayh. Sixteen years before, when the small plane carrying him, Bayh, and Bayh's wife to the Massachusetts State Convention had crashed, Bayh had climbed back into the burning fuselage, pulled out a paralyzed Kennedy, and saved his life. Kennedy was constantly reminded of the crash by the continuing back pain that plagued him every campaign day... Kennedy was disappointed in Bayh but he didn't want to hear anyone bitching about him. Bayh, he said, had a pass and always would."⁷⁵

Shrum, as a Kennedy staffer protecting his boss, is allowed his recollections, to be sure, but they don't square with the memories of others who were there. Nor would pro-Carter remarks have been consistent with Birch's personal feelings about the two candidates nor the actions he had already taken to help Kennedy. If Shrum perceived the slant of his remarks as pro-Carter, it may have been because Birch was concerned that Kennedy's presence at the event constituted a Bayh endorsement. He wanted to appear neutral and clearly did not endorse his Massachusetts colleague. A policy of neutrality still made sense; many former Bayh staff worked for the Carter White House and so much of Birch's Senate work could be adversely affected by endorsing Kennedy. Paul Kirk, for many years one of Kennedy's top lieutenants, met with Birch and me in the Senate office. He understood a policy of neutrality but asked if we could be a resource for information about Indiana; who they could count on for support, who was trustworthy, what made sense, what did not, etc.? We agreed and I became the sole contact for

⁷⁵ Bob Shrum, No Excuses: Confessions of a Serial Campaigner, Page 89

Kirk whenever he needed Birch's counsel or point of view or to discuss anything about Indiana or its politics. At the time, I felt it was a weird limbo to be in. The Kennedy people, not knowing about the back channel communications, thought we should be helping them and the Carter people assumed we were.

Fred Nation, Birch's press secretary, remembered writing Birch's speech for the event with Kennedy. It was written longhand on the plane to Indiana and handed to a staffer to type up just before the dinner began. He said that he was handing pages of the speech to Kennedy on the stage to hand to Birch after he had already begun speaking. The challenge for Fred was to write a speech appropriate to the occasion as this would be the first time Birch would be addressing statewide Democrats since Marvella's death. What was written as a short speech ultimately was largely ignored. The speech was too long and rambling but was in no way endorsing Carter.⁷⁶

The Soviet Union seemed impervious to the views of the West. The Soviet invasion of Afghanistan in late 1979 was one way of thumbing its nose at the United States; that attitude seemed to be reinforced in January when Andrei Sakharov, noted Soviet scientist and human rights activist, was arrested in Moscow. The fact that many American political leaders were keeping up a drumbeat to free Soviet dissidents seemed somehow irrelevant. For a number of years, Birch had been engaged in the effort to free dissidents in the Soviet Union. His exposure to the issue was personal and went back to 1969, when he had first spent time in the USSR with Moscow students. The issue grew in importance again after Woodford McClellan, a professor at the University of Virginia and married to a Soviet citizen, Irina, visited the Senate office. McClellan had not seen his wife since 1974, when they were married in the Soviet Union. His

⁷⁶ Fred Nation story about the speech with Kennedy in attendance from an interview with the author, May 26, 2015

cause was kept alive with an aggressive petition campaign coordinated by Rabbi Gedallyah Engel from Lafayette, Indiana. Birch joined Congressman Floyd Fithian in forwarding the petitions to the Soviet embassy and requesting an exit visa for Irina McClellan.⁷⁷ This effort, coupled with the invasion of Afghanistan, led Birch to support Carter's decision to delay consideration of the SALT II Treaty. Americans rejoiced in February when the United States Olympic Hockey Team defeated the Soviet Union in the semifinals of the Winter Olympics, known as the *Miracle on Ice*. Sports Illustrated later described the event as the greatest moment in sports history.⁷⁸ In March, President Carter announced that the United States would boycott the 1980 Summer Olympics in Moscow, another unpopular decision by the President. Later in the year, gymnast Kurt Thomas, an Olympic hopeful from Indiana State University, was taken to the White House by Birch to meet President Carter as partial compensation for missing the games.

As dismal as American-Soviet relations were, a bright spot in American foreign policy seemed to be in the Middle East. By the end of January, Israel and Egypt had established diplomatic relations. But the Middle East was also the site of the oil cartel which was controlling the price of crude oil, and gas prices in the U.S. were going up. The price of oil, along with the dependence on foreign leaders provided much of the incentive to keep up the pressure to create alternative fuels. Birch supported several White House gasohol proposals and joined the Northern Indiana Public Service Company (NIPSCO) to announce a coal gasification project in Lake County. He followed that up by proposing legislation to create a grain reserve earmarked

⁷⁷ Irina McClellan case described to the author in an email from Chris Aldridge

⁷⁸ James S. Hirsch, Willie Mays: The Life, The Legend, page 134

for alcohol fuel production, supporting gasohol while also creating a renewed alternative demand for embargoed grain. Also, Birch chaired the National Alcohol Fuels Commission, established by Congress in 1978 under the Surface Transportation Act. It gave him a public forum to continue his efforts to promote gasohol and put him in a position to throw the support of the Commission behind a proposal to exempt gasohol from excise taxes. The proposed exemption passed in a House-Senate conference before the end of February.

The Senate activities remained busy but had to compete with the coming campaign for re-election. Travel to Indiana had increased; with Evan away in law school, Birch could afford to be away more often. He and the staff fully understood that the Bayh relationship with Indiana voters was his greatest asset. However, the state of affairs in the country wasn't helpful to his Senate campaign in Indiana and he hoped the dismal outlook of national politics would not prove fatal to him. There was little he could do about that beyond his role as a senator but he could do whatever was necessary to shore up his political base and his standing with his constituents.

The rumor mill is always an uncomfortable part of campaigning in Indiana. The Bayh staff needed to protect Birch from rumors. People in politics love gossip and many thrive on passing along stories regardless of the truth of the story. Marvella was a revered figure in the state and any rumors connecting Birch with another woman were to be avoided at all costs. The upcoming election would be the first time that he was campaigning as an unmarried man. Given Birch's new status, I told the staff that under no circumstances should a female ever drop him off or pick him up from a hotel or be seen in public alone with him. This proved to be an effective strategy.

The campaign team was set. David Bochnowski, who had been the political director in 1974, moved into the role of campaign manager. I became the political director with

responsibility for directing the field operation. The Senate press secretary, Fred Nation, became the director of communications; and at age 36, was among the oldest on the staff. From the Indianapolis office, Ann Latscha assumed the role of fundraiser-in-chief. Lynne Mann would leave the DC Senate office and join the campaign to help manage the finance operation. Tom Connaughton, along with Eve Lubalin, made up the issues team.

An interesting addition to the campaign leadership team was the former Indiana Democratic Chair Manfred Core. I remember being very unhappy with the hiring, feeling that Birch didn't have faith enough in those in charge that he felt compelled to bring in an old hand. But my attitude quickly changed as I got to know Manfred. In the 1980 campaign, he was a fount of wisdom and cool-headed advice, always ready to reach back into the past to make a cogent point about a matter before us. He became universally loved by all of us.

Rev. Gary Kornell also joined the team. He was a young Presbyterian minister who would help the campaign deal effectively with the abortion issue and the right-wing attacks. Herb Simon became the principal fundraiser for the Bayh campaign, a job he had held in Larry Conrad's 1976 campaign as well. When asked about his memories of Birch, Herb described a meeting in Israel with Menachem Begin just after Carter was elected President. He said that Begin hated Carter and loved Birch Bayh, an opinion that had a marked impact on Herb at that time. Of course, Begin may have felt differently following the Camp David Accords, which Carter managed expertly and for which he was given much credit. Born in Brooklyn, Herb Simon emigrated to Indiana to work for his brother Mel, who had been drafted into the Army and stationed at Indianapolis' Fort Benjamin Harrison. Mel had gone to work for Albert Frankel, a principal creator of Eastgate, the first shopping center in Indiana and perhaps the first one anywhere in the U.S. When Mel left Frankel to pursue his own development ideas, he asked his

brothers Fred and Herb to move to Indiana to help him. Beginning in June, 1960, Herb began a six month commitment to his brother, being paid \$100 per week. The Simon brothers' business thrived and became enormously successful. The firm Melvin Simon and Associates, later Simon Properties, developed shopping malls across the U.S. including the Mall of America in Minneapolis and Pentagon City, outside of Washington, DC. Herb helped Larry Conrad run for Governor, became friendly with Diane Meyer during that time and, because of her, began raising money for Birch. He described Birch as incredibly kind and open. Herb would eventually buy the Indiana Pacers NBA team, the Reno Aces, a minor league baseball team, and The Kirkus Reviews, among other holdings. Herb and Diane Meyer were later married.⁷⁹

Traditionally, both media and political consultants were hired before the start of a campaign and this was true for the 1980 campaign. But as Marvella's illness became more serious, Birch was focused on her and not involved in the search for the top campaign consultants. Diane Meyer and I handled the majority of consultant interviews. We hired Bob Squier as our media consultant, Bill Hamilton as our pollster and Matt Reese for the voter contact campaign. Squier, a smooth, handsome professional had an accomplished resume, having produced TV ads for a number of prominent Democratic campaigns, including Humphrey in 1968 and Carter in 1976. He limited himself to five statewide campaigns a year with the Bayh campaign being one of the five. Later, when Sen. Gary Hart's campaign lost its media consultant and wanted to hire Squier, Hart called Birch, who asked Squier to take on Hart's race as his sixth client, which he did. Squier went on to produce award winning documentaries and become a key media advisor to Bill Clinton and Al Gore in the 1990s. Sadly, in 2000, Bob

⁷⁹ Herb Simon's stories from an interview he had with the author on August 6, 2015

Squier died of cancer at the age of 65. Bill Hamilton also had a sterling record and his partner was Paul Lutzker, who was married to Barbara Dixon, a Bayh Senate staffer. Hamilton had polled for major Democratic presidential campaigns, including Humphrey in 1968 and Muskie in 1972, along with other Bayh Senate colleagues. He also passed away of cancer in 2000, at the young age of 61. Matt Reese had a long history in Democratic politics and was a pioneer in the area of voter contact, specifically mail, phone and person-to-person efforts. He earned his spurs with the 1960 JFK campaign in the West Virginia primary and, when he later put up his shingle as a consultant, was one of the very few anywhere. He was considered the godfather and founder of the professional political consulting business and, for two decades, shared his talents with a long list of prominent Democratic campaigns. He died in 1998 at the age of 71.

Matt Reese had a flare for the dramatic and his sales pitches were memorable. Well over six feet tall and often weighing close to 500 pounds, Matt was a massive man. He would lose and gain so much weight over the years that his family calculated that he had lost 4,000 pounds. He was demonstrative and voluble. During a presentation in the Bayh office, he was remembered as walking back and forth in front of his audience, his arms flailing about as he described his magic system when suddenly his pants burst open at the zipper. Without skipping a beat, he grabbed the opening below his belt and squeezed it shut with one hand while continuing his presentation. When done, he paused and winked to the group, at which everyone laughed hysterically. Matt could also come up with hare-brained schemes, which he did mid-way through the campaign. One brainstorm was an all-night campaign, where candidates would visit those campaign venues such as plant shifts, diners, and bowling allies. The campaign agreed to his idea and asked Darry Sragow to spend two weeks away from law school to run it. The project was known as "Wake up Indiana." It was a flop, generating almost no press and

creating a number of very tired candidates across the state. The 1980 campaign was very much a coordinated effort, including all of the contested statewide and Congressional candidates to the greatest extent possible. “Wake up Indiana” may have been one of those moments when they would rather have not been part of the team.

Reese had, in fact, worked in Birch’s first presidential campaign. Taking what he learned from the Kennedy campaign, he created massive books detailing the demographics of the country as well as itemized data on the likely convention delegates. When the campaign folded in 1971, Birch saw no way Matt could be paid the \$35-\$40,000 he was owed and asked Allan Rachles to meet with the consultant to get out of the obligation. Allan and Matt met for lunch with Rachles giving him back the books that had been so laboriously prepared. Matt took the bad news like a champ and the debt went away.

The three consultants collaborated on a unique form of targeting that had been tried only once and never in a candidate campaign. I had read about the successful Missouri Right-to-Work campaign in 1978 and contacted Matt to learn more. The AFL-CIO had hired Reese to run the voter contact effort in the hope of defeating the anti-labor referendum on the ballot that year. Reese understood that he started out far behind but Hamilton was able to show him that the more attention the referendum got, the farther behind they became. Voters didn’t understand that the term “Right-to-Work” really meant the right not to be represented by a union. The polling demonstrated that when it was understood, the referendum suffered. Therefore, it made sense to run a stealth campaign, mail and phones only, with little on television or radio.

Jonathan Robbins was a social scientist who had developed a form of targeting known as Claritas, which took decades of census data to create 40 clusters that everyone in the country fell in to. A cluster was defined by a number of socio-demographic characteristics and Robbins’

studies showed that these groupings could be defined geographically. Using the phrase, “birds of a feather flock together,” he described how every zip code in the country was dominated by people that fell into a unique cluster. Americans tend to reside in neighborhoods with people very much like themselves and once a campaign decided which clusters it needed to target, all adults within the cluster-defined zip codes would be contacted. He cleverly labeled these clusters with names such as “Pools and Patios,” “Hard Scrabble” or “Shotguns and Pick-ups.” One example he gave involved the latter, when he told *Field and Stream* magazine that they could improve their subscription solicitations if they confined their efforts to the cluster known as Shotguns and Pick-ups. A test of the theory proved successful and he was hired. Hamilton polled by cluster in Missouri, identifying the clusters that were most “fair minded” about Right-to-Work. Reese went to work sending persuasive messages to the appropriate households. The messages varied by cluster and, in the end, proved effective. A campaign that seemed hopeless in the beginning was successful and Reese became an evangelist for Claritas targeting. Diane and I met with Robbins. We became convinced it made sense for us to hire Claritas and persuaded Birch to include the Claritas approach in our campaign.

During late 1979 and early 1980, Birch made quiet efforts toward neutralizing the increasingly powerful National Rifle Association (NRA). While there was no way to erase Birch’s past, his support of gun control legislation and the perception that he was “anti-gun,” but if there was a way to keep them from being active in the campaign, it might help. Based on information provided by the NRA, he wrote a letter to the director of the Bureau of Alcohol, Tobacco and Firearms. It pointed out serious problems involving accuracy in the record-keeping of the firearms registration system, raising questions about the efficacy of the Federal Gun Control Act and its implementation. The NRA distributed the letter on letterhead provided by its

Gun Owners Foundation.⁸⁰ Birch held hearings to help define who was allowed to be a gun dealer and who would be required to have a license under the Federal Gun Control Act. At the time, NRA spokesman Wayne LaPierre testified before the subcommittee and expressed support for the National Instant Check System on dealers. Birch agreed to hold hearings concerning “alleged government abuses of power against gun owners and dealers.”⁸¹ The hoped for result was accomplished; the NRA remained neutral in Birch’s race.

Early in the year, I learned a disappointing lesson about interest group politics. A representative of the pro-choice organization, NARAL, met with us to discuss a contribution of PAC money to the Bayh campaign. She insisted that in 1980 Birch was their highest priority for support. Knowing the sensitivities of the abortion issue in Indiana, I suggested that the best way they could help us would be to give the designated funds to the Indiana Democratic Party, rather than directly to the Bayh campaign. The NARAL staffer told me she thought it a bad precedent; they didn’t want to give contributions to state parties. I reiterated that if they wanted to help Birch, it was the politically best way to do that. She declined and the Indiana Democratic Party never received a penny from NARAL.

Throughout the year, abortion continued to be a troublesome issue. One unique approach was to have Birch photographed with the Pope in the hope of muting antagonism generated by Catholics in Indiana. Although we rarely interrupted the normal campaign schedule, we did fly Birch to Rome to appear with the Pope for a “photo opportunity.” The picture was taken and he flew back to Indianapolis on the next plane.

⁸⁰ Letter to Hon. G.R. Dickerson from Sen. Bayh, October 15, 1979

⁸¹ Howard Kohn, “Inside the gun Lobby”, *Rolling Stone*, May 14, 1981, page 9

Politics received another black eye on February 2 with revelations about an FBI sting operation later known as ABSCAM. Several Members of Congress were targeted with 30 under some level of investigation. Eventually, six Congressmen and one Senator, Harrison "Pete" Williams of New Jersey, were convicted of taking bribes from fictitious Arab businessmen. It was a scandal that dominated the U.S. news cycles for months. The guilt by association could not improve the image of incumbents seeking re-election that year.

Birch continued to talk non-stop about gasohol but also did what he could to tout his leadership of the Senate Intelligence Committee. CIA Director Stansfield Turner traveled to Indianapolis in February to address a public meeting with Chairman Bayh at his side. That same month, Sen. Bill Bradley of New Jersey, former star of the New York Knicks NBA team, was the special guest at a Bayh fundraising dinner in South Bend.

As much as Birch would have preferred to see the country paying attention to the activities he was concentrating on, international news again dominated the country's attention. On February 4, Iran's Ayatollah Khomeini named Abolhassan Banisadr as the new Iranian president. A few weeks later, he stated that Iran's parliament would decide the fate of the American embassy hostages; then the number was 52. On April 7, the United States severed diplomatic relations with Iran and imposed economic sanctions against the country in an effort to apply pressure for the release of the American hostages. On April 24, Americans awoke to the news of Operation Eagle Claw, later known as Desert One. Desert One was an attempt by American soldiers to rescue the hostages, which failed. A combination of a sand storm and mechanical problems caused the helicopters to crash in the desert, killing eight Americans in a mid-air collision. When the helicopters crashed in Desert One, an event that might have altered the electoral results in 1980 had it turned out differently, CIA Director Stansfield Turner called

Birch at 1 AM to tell him the bad news. Birch had no advance notice of the event, something the Intelligence Committee Chair might have expected. Secretary of State Cyrus Vance resigned because of his opposition to the rescue attempt. Carter would have been hailed as a hero had it succeeded. Instead, he appeared snake-bitten and inept.

In 2015, former President Carter responded to a question about anything he might have done differently in his presidency by saying that he should have had an additional helicopter taking part in the rescue attempt. It could have meant his re-election. In fact, the failure to rescue the hostages would not only make his re-election unlikely, it would have the same effect on several others and a huge impact on the future direction of the country.

While the U.S. Census announced on April 1 that the United States had swelled to more than 226 million residents, those numbers would increase because of the actions of Fidel Castro in Cuba. Due to an economic downturn in Cuba, Castro announced that people who wanted to leave the island could do so and the exodus to Florida began. By the time Castro had emptied the prisons of Cuba, thousands of Cubans would end up in Florida. This fiasco was known as the Mariel boatlift. The American government appeared inept and helpless. It could not prevent an onslaught of needy immigrants to our shores, another blow to the President's image.

That image was also under assault by the campaign primaries, Kennedy's entrance into the race along with that of California Governor Jerry Brown as an additional competitor. First were the Iowa caucuses on January 21, made famous only four years before in the campaign of which Birch was a part. Carter defeated Kennedy in those caucuses and in the Maine caucuses three weeks later. New Hampshire was Carter's first primary victory on February 26. In Kennedy's home state of Massachusetts, he defeated Carter for this first time on March 4, while the President was winning a beauty contest vote in Vermont the same day. Carter then ran off a

string of victories over the next two weeks with Kennedy bouncing back on March 25 with two wins. After a dozen contests, Jerry Brown withdrew, having won none.

Carter beat Kennedy in the first three contests in April before Kennedy responded with victories in the Pennsylvania primary and the caucuses in Vermont and Michigan. Sensing the President's vulnerability, several candidates entered the race for the Republican nomination. Former California Governor Ronald Reagan was running for the third time. A candidate who once said that trees cause pollution, he was also generally considered too right wing to be viable. He had been an actor in a string of B movies and, if elected, almost 70 years old on Inauguration Day, he would be the oldest president in the country's history. Many Democrats wanted Reagan to be the nominee, figuring there was no way he would be elected. George H.W. Bush, a man with a distinguished resume, also joined the race. The son of a Connecticut U.S. Senator, Bush had served in the House of Representatives, as Director of the CIA, Chair of the Republican National Committee and Ambassador twice, once to China and once to the United Nations. Other candidates included Senators Bob Dole (KS) and Howard Baker (TN), Illinois Congressmen John Anderson and Phil Crane and former Texas Governor John Connally, formerly a Democrat and best known for being wounded in the Kennedy assassination in Dallas. There were also four lesser known candidates but by the time the primary season was over, only Reagan and Bush would be victorious in any of the contests. John Anderson eventually left the race and ran in the fall as an Independent.

One of those pivotal events that transform the dynamics in a political campaign happened in February in New Hampshire. Bush had won the straw poll vote in Iowa in January, declaring that his campaign had what he called "the Big Mo," or momentum. He followed it with a victory in Puerto Rico. The *Nashua Telegraph* newspaper in New Hampshire offered to televise a

Reagan-Bush debate but due to concerns about possible difficulties with federal election regulations, Reagan offered to pay for the debate. He then invited the other candidates to attend, which Bush objected to and declined to take part in. When Jon Breen, the editor of the newspaper and moderator of the debate, turned off Reagan's microphone while the former Governor was explaining the changes in format and participation, Reagan loudly and forcibly objected, saying "I am paying for this microphone, Mr. Green (sic)." It became one of the memorable moments of the campaign and Reagan went on to win easily in New Hampshire.

Bush rebounded in March by winning in Massachusetts but Reagan won in six other states. Bush eked out a victory in the state of his birth, Connecticut, followed by Reagan wins in three more states. Bush won Pennsylvania, the last primary, in April.

The Bayh campaign was warming up. Evan Bayh was named the chair of the Birch Bayh for Senate Committee, largely honorary because he had never run a campaign. The first test of the organization was to implement a petition project to get the Birch Bayh name on the ballot. State law required a thousand signatures per Congressional District. There were 11 Congressional Districts in Indiana and we set a requirement that each CD have at least two thousand signatures. That would make it highly unlikely that any challenge to the validity of particular signatures could end up disqualifying him. The plan was for Birch to deliver the boxes of signed petitions on the final day of filing and it was my job to manage the project and to collect the completed petitions.

A strange event occurred to me that no one else knew about at the time. The night before filing, I had a very vivid dream that I walked into the Senate office in Indianapolis and found the credenza where the petitions were stored wide open with everything gone. Waking up with a

start, I was afraid that I had had an ESP experience and there was no way I could go back to sleep without knowing they were safe and sound. So I got up, 3 or 4 in the morning, showered, dressed and drove downtown. Of course, they were undisturbed where I left them but then I couldn't let myself leave the premises for breakfast or any other reason. I hung out in the office, catnapping in the large chair right in front of the credenza, until the staff started arriving. Later, Birch arrived and held his press conference in the State Capitol, where he presented his petitions to the Secretary of State and signed the papers for his candidacy in the Democratic Primary on May 6.

Winning the primary was not a concern because there was no opposition, but the campaign engaged with other potential candidates for other slots on the ballot. The greatest drama took place a year before the primary. John Hillenbrand, the millionaire businessman from Batesville who had opposed us during the state chairman's race in 1978, was the odds-on favorite to win the primary for governor. Many Democratic political activists favored him because of his deep pockets. It appeared that the Democratic nominee candidate would not be outspent, as was the norm. But a challenge by State Senator Wayne Townsend of Hartford City, a close friend and former Bayh classmate, was the choice of the more progressive wing of the party, particularly labor. As Birch was up for re-election, he needed to maintain his policy of neutrality in Indiana primaries. No matter who he supported, he would make enemies from among his own supporters so it seemed best to stay out of it. After a spirited campaign, Hillenbrand barely prevailed.

Earlier that year, Birch had a conversation with Katie Wolf, his White County coordinator, about her interest in running on the ballot for superintendent of public instruction. He told her he would like nothing more but had already told Mayor Hatcher in Gary that if he

had a candidate for that slot, the Bayh campaign would be supportive of her or him. No word from Hatcher at that point but it was made clear to Katie that Birch couldn't support her if a candidate from Gary materialized. Just before the end of filing, I sat with Katie in the State Committee, having learned that Mayor Bob Pastrick of East Chicago, the Lake County Democratic Chair, was bringing down the paperwork for Phyllis Senegal, an African American woman, to file her candidacy for that race. I told Katie that she simply couldn't file. She was nearly in tears, resigned her role as county coordinator and left the building. I never saw her again for at least a few years, not sure Birch did either. Happily, the friendship was eventually renewed and Katie remained a Bayh stalwart.

The relationship with Hatcher was important. Not only did he have a national image as a prominent black leader and civil rights stalwart, he was an important political leader in Gary who had shown his ability to produce votes. Normally that meant "street money," otherwise known as walking around money, large amounts of cash handed to a political leader to be doled out to precinct workers. In 1980, it had to be handled differently. Federal election law prohibited that kind of cash transfer and we told Hatcher that we would be putting all of his precinct workers on the payroll for one day and compensation would be based on results. No automatic payments would be made to anyone. Because of federal appointments yet to be made and Birch's prominence in the Senate, Hatcher reluctantly agreed with this arrangement.

After the primary, staff people began arriving from DC to be full-time campaigners for the remaining five to six months of the Indiana campaign. A highlight of that period was a rock concert/fundraiser by the group Fleetwood Mac on May 16. It was set up consistent with federal finance laws, resulting in a process requiring each ticket to be considered a contribution with the appropriate information collected from the ticket buyer. Almost 16,000 donors were listed

afterwards. This was the second concert by Fleetwood Mac with the first organized by us to pay debts incurred in the 1976 presidential campaign.

In May, Birch denounced the huge profits of the oil companies at a time when the price of gas was rising sharply amid shortages everywhere. At the same time, he took the first steps toward killing the development of the Marble Hill Nuclear Plant in Southeastern Indiana, something many observers found hard to understand, seeing nuclear power as an alternative to fossil fuels. Yet concerns about nuclear waste were paramount and no safe or reasonable plan to dispose of them appeared on the horizon. Marble Hill Nuclear Power Station had begun construction near Hanover in southeastern Indiana in 1977 and almost immediately ran into difficulties. Environmentalists raised questions about the safety of nuclear power plants and many in the scientific community were sounding alarms about nuclear waste and the inadequacy of handling it while also keeping it out of the hands of terrorists. President Carter had worked on nuclear submarines while in the military and was an advocate of nuclear power as part answer to America's energy crisis. The Public Service Company of Indiana (PSI) was spending millions of dollars building the plant and many people living in the area wanted the jobs that would result from a completed plant. Both Birch and Lee Hamilton found themselves conflicted, noting the need for new energy sources coupled with the desire to create more jobs versus the concerns of the environmental and scientific communities. The controversy continued throughout 1977 and 1978 and seemed unwinnable.

In March 1979, a partial meltdown at the Three Mile Island nuclear plant near Harrisburg, Pennsylvania changed everything. Support for Marble Hill began to evaporate quickly but PSI struggled to move forward rather than lose the huge financial investment already made. As a political issue, what seemed to be a potential and significant liability in 1980 fizzled

substantially by the time the campaign began. It ended up being a non-issue. By 1984, after spending \$2.5 billion, PSI abandoned the project and began trying to sell as much of the hardware as possible.

Birch continued to call for alternatives to oil and gas, suggesting that renewable energy and grain-based alcohol fuels were the answer. In his judgment, coal was also an alternative to oil and Indiana could be, in his words, the “Saudi Arabia of coal.” But it seemed sensible to look to the gasification of coal rather than its traditional burning as environmental concerns competed with energy needs. At the time, the environment was very much in the news with the eruption of Mount St. Helen in Oregon, which killed 57 people and was spewing out enormous amounts of gas, dust and lava for all the world to see.

As Chairman of the Transportation Appropriations Subcommittee, he called for federal money for Ft. Wayne to improve its transportation system in May. Later, he announced loans from the FmHA that would create 200 new jobs in the town of Salem. While crisscrossing the state speaking out on energy issues, Birch was stunned to learn that in Ft. Wayne, his friend and civil rights leader Vernon Jordan was shot in an attempted assassination. He traveled to Ft. Wayne to pay him a visit in the hospital. Jordan would survive. His shooting was the first major news story for CNN, the new 24-hour news network that launched on June 1. Jordan was president of the National Urban League and a prominent African-American spokesman for many years. He had visited Indiana during the 1974 campaign to speak at the Children’s Museum, quoting Martin Luther King in his remarks: “We may have all come on different ships but we’re in the same boat now.”

On the national political landscape the Bayh campaign was a blip on the radar screen. Carter had defeated Kennedy in the Texas primary held on May 3 but lost in Oregon three days

later. Then Carter ran off a string of victories that left no doubt who the nominee would be. Winning in Indiana was first, followed by nine other states in the three weeks since his previous defeat. Super Tuesday, a date when eight states held their primaries, the result was split, with Kennedy winning five while Carter prevailed in three. Despite the fact that Kennedy had won several of the largest states, Carter had won 36 states plus Puerto Rico, finishing the primaries with 60% of the delegates pledged to him.

The GOP campaign continued as a two-man race in May with Reagan winning six states to Bush's one plus Washington, DC. After that, Bush did not win another state as Reagan ran off 13 straight victories, including everything on June 3, Super Tuesday. It was all over but the counting and Bush formally dropped out of the race.

The Bayh campaign would become a race against the Republican Congressman from the 4th CD, J. Danforth Quayle. Earlier speculation was that the incumbent Republican Governor, Otis Bowen, would be the nominee but he had declined to run. Birch hoped that it would be Bowen. He had seen polling that had them neck and neck, which told him that if Bowen wasn't considerably ahead and was in the state every day, he was unlikely to improve his numbers by campaigning, which Birch was confident he could do. Quayle was more of an unknown, a matter of some concern. It was clear that the biggest challenge for Birch was as an 18-year incumbent Democrat on the ticket with an extremely unpopular Democratic president and an economy facing double-digit inflation, double-digit interest rates and double-digit unemployment, along with gas lines at the pump and hostages in Iran. The poor economic indicators were described by Reagan as the "misery index." The term was coined by University of Chicago economist Robert Barro "to measure the combined effect of inflation and unemployment." It simply added the two percentage figures together and they rose to an

“unbearable 19” in 1979 and to 20 in the election year.⁸² The Homebuilders Association was generating mail from its Members to Senate offices across Capitol Hill. To protest the country’s high interest rates and their impact on the homebuilding industry, letters written on wooden two-by-fours were arriving in great quantities. Was it possible to escape responsibility for that state of affairs as a Democratic senator? At one point, the race was described as a tidal wave with Birch on a surfboard. How good was he? The Bayh argument was; yes, he was an incumbent Democrat for the last 18 years; no, he was not responsible for our troubles; and things would get worse if he lost. A pretty hard argument to make.

The Bayh campaign polled early in 1980 in a way that would adequately sample all of the Claritas clusters. The results of this poll became the lynchpin for our targeting throughout the campaign. A question was asked that was described as the “Jesus Christ question.” When asking the head-to-head question of Bayh versus Quayle, Birch ran ahead 72-10, which he understood was largely because no one knew who Dan Quayle was. But when asking voters who they would vote for with Birch Bayh as the Democrat and describing the Republican as a young, attractive conservative who agreed with you on the major issues of 1980, Birch trailed that result by a margin of 46-40. In other words, running against the perfect candidate, aka Jesus Christ, Birch would likely lose. There were 40% of the voters with him in the direst of circumstances. The campaign’s task was to keep Quayle from becoming the Jesus Christ candidate and to target those undecided and persuadable voters who could make the difference for Birch.

It soon became clear that the two-term, 33-year old Quayle from Huntington was far from perfect. His assets included his youth and good looks plus the fact that he was the grandson of

⁸² Harold Holzer and Norton Garfinkle, A Just And Generous Nation, page 250

Eugene Pulliam, owner and publisher of the *Indianapolis Star*, as well as other papers. The conservative *Indianapolis Star* had always treated Birch like he was the devil incarnate and would now have a greater incentive to defeat him. But shortly after it became clear that Quayle would be the candidate, Birch got a call from a friend in the Indiana National Guard. He was told that years earlier Quayle had slipped into the Guard when it was virtually impossible to do so because of the number of young people who might be drafted who were seeking an alternative to fighting in Vietnam. There were a number of people, including officials in the Governor's office, who had taken steps to ensure Quayle would be accepted into the Guard rather than be drafted. Major General Alfred Ahner said that he was directed to hold a place open for Quayle by Wendell Phillippi, a retired Guard Commander and then a high-ranking official at one of the Pulliam newspapers. Quayle went into the Guard a mere six days before he became draft-eligible. Later, it was reported he did poorly on the required tests, scoring a 56 on the written test or 19 points below the average score of 75.⁸³ The Republican mantra against liberal Democratic senators included a charge that they were soft on defense so the situation was the perfect example of hypocrisy, which wouldn't go down well with Hoosier voters.

Tom Buis, the Bayh staffer responsible for agricultural affairs, was also the former Democratic county chairman in Putnam County. Quayle was a graduate of DePauw University in Greencastle, the Putnam county seat. Buis was contacted by Bob Sedlack, a precinct committeeman who was also a professor at DePauw. Sedlack knew from an official at DePauw that Quayle committed plagiarism while in college. The facts were that he had failed a course for plagiarism and the professor who failed him, Bill Morrow, was then teaching at William and Mary College in Williamsburg, Virginia. The official at DePauw who had seen the transcripts,

⁸³ "Quayle And Paula Parkinson," *Orlando Sentinel*, August 24, 1988

which are considered private, would lose her job if the plagiarism was revealed. It was far better to hear it from the professor involved. David Bochnowski traveled to DePauw and then Williamsburg, where he met with Professor Morrow who confirmed the story. However, Morrow would not agree to an on-the-record statement on his knowledge of Quayle's performance.

Despite what were felt to be were two explosive stories, Birch would not use either, insisting that wasn't the way he campaigned and Hoosier voters expected better than that from him. Nonetheless, the staff was determined to find a way to bring these stories to the light of day, even if it could only be done surreptitiously. A third story came our way later in the year when we learned of a story involving Quayle that was making its way around DC. The rumor was that Quayle was one of a few Congressmen who had gone away for a weekend of sex with a beautiful blonde female lobbyist. If the story were true and became public, Quayle would be done. However, it was only a rumor and the hope was that the rumor be published with his name included. The *Washington Evening Star* published a piece about three Congressmen and a "love nest" retreat they shared with a female lobbyist but no names were given. And, like the other stories, Birch would not allow them to be used.

The latter "love nest" story exploded into public view after the election, when it was too late to do us any good. Dan Quayle, Congressmen Tom Railsback of Illinois and Tom Evans of Delaware were named as those participating in the love nest weekend with Paula Parkinson, the lobbyist. Parkinson, a voluptuous blonde, would later pose for *Playboy*. She confirmed the "vacation" and that she was a guest of Evans, who she slept with there. She also said that Quayle "flirted" with her and that he "wanted to make love." She recounted that the two of them had danced closely and suggestively but didn't make love because she was there as Tom Evans'

date. She later confirmed that she had similar flings with “fewer than a dozen” Republican members of the House. As far as Quayle’s involvement with her was concerned, Marilyn Quayle, his wife, remarked that, “Anybody who knows Dan Quayle, knows he’d rather play golf than have sex any day.”⁸⁴

The Bayh campaign continued to emphasize Birch’s accomplishments for his home state, downplaying the national issues with which he was identified. The “Birch Bayh – Fighting for Indiana” or “Birch Bayh – Fighting for You,” slogan was displayed everywhere. Also prominent in the campaign materials was a play on his name; bumper stickers were printed saying “Bayh American” or “Bayh Coal,” “Bayh Gasohol” or “Bayh Steel,” identifying him with these issues to the greatest extent possible. Photos showing him shooting rifles were produced on literature aimed at people adamantly against gun control. Proud of his record and his long list of accomplishments, Birch insisted the staff produce a general brochure that summarized all of his achievements. Despite the arguments of modern campaigning that dictated single issues should be communicated to people who care about those issues, that no one would ever read such a detailed and lengthy brochure, they were produced nonetheless. The word “Fighting” was used throughout the brochure; “Fighting to Keep Your Job,” “Fighting The Regulators,” “Fighting for National Security,” “Fighting Inflation” and so on. Birch insisted they be delivered in bulk wherever large crowds would be assembled, especially county fairs. An unforgettable moment was when he admitted his chagrin while leaving a county fair and saw trash cans near the exit, filled with his brochures.

In June, while traveling throughout the state in full campaign mode, he had to return to Washington to cast a vote to override Carter’s veto of an anti-oil import bill. This was another

⁸⁴ “Quayle And Paula Parkinson,” *Orlando Sentinel*, August 24, 1988

blow to the President; the first successful override vote of a Democratic president since Truman in 1952. Congress had passed legislation to negate a Carter executive order that assessed an import fee on foreign oil. Arguing that the fee would do little to conserve energy but would add to the inflationary pressures already existing in the economy, Carter nonetheless vetoed the bill. The override vote in both Houses far exceeded the two-thirds vote required. It was clearly a rebuke to Carter that almost appeared like piling on, in retrospect. But it is also easy to understand why Congress acted as it did.⁸⁵

During the primary campaign, Carter insisted that the hostage crisis was his first priority, leaving him little time to campaign or to debate Kennedy. Being presidential was clearly the right strategy for him but by late spring he gave in and went on the road. While campaigning, policies would continue to be announced by the White House, such as a June proclamation in response to the Soviet invasion of Afghanistan; 18 to 25 year-old American males were required to register for a peacetime military draft.

As Birch traveled across the state, his Senate office continued to release statements on federal grants and legislation in which Birch was involved. All official Senate announcements would garner free press, demonstrating effectively to Indiana voters that he was still their elected senator. Whether it was the continued promotion of gasohol, his role as Chair of the National Alcohol Fuels Commission, transportation issues affecting Amtrak in Indiana or a Clark County airport, issues relating to coal and a focus on natural disasters caused by severe winter weather and spring flooding, his campaign activities were continuously sprinkled with “official” appearances.

⁸⁵ “Congress Overrides Veto on Oil Import Fee,” Congressional Quarterly Almanac, 1980

In July, an unwelcome development interrupted the aggressive campaign plans; a new task fell to Birch. Again, from author Ira Shapiro:

The Chairmanship of the Intelligence Committee enabled Bayh to broaden his responsibilities in the foreign policy and defense areas. He contributed to the Foreign Intelligence Surveillance Act, operating at the intersection of his old interests in civil liberties and his newer expertise in national security. He shaped the Intelligence Committee in a bipartisan way, sharing the most sensitive secrets with a small group of senators including Walter 'Dee' Huddleston of Kentucky and his former opponent, Richard Lugar, who he now trusted completely. He devoted many hours to shaping an agreement on a new charter for the intelligence agencies. He had continued his effort to convince the Congress of the need to amend the Constitution in order to require the direct election of the president.

Throughout 1979 and 1980, Bayh continued throwing himself into his Senate work, in an effort to overcome grief following his wife's death. He prepared for a tough reelection campaign, expecting to run against popular Governor Otis Bowen. Surprisingly, however, Bowen decided not to run, leaving the Republican nomination to a young, handsome Indiana Congressman, Dan Quayle, regarded as a far less formidable challenger. Bayh's race would soon be interrupted by unexpected breaking news about the president's family.

On July 15, the news exploded in front-page headlines across the country that Billy Carter, the president's brother, had accepted \$220,000 from Libyan friends and agreed to register as a foreign agent. This wasn't the first time Billy Carter's connection to the Libyan government had come to light. The year before, he had taken a trip to Libya and returned to help set up a Libya-Arab-Georgia Friendship Society. When criticized for his pro-Libyan

activities, the president's brother had responded: "There's a helluva lot more Arabians than there is Jews," and referring to his Jewish critics: "They can kiss my ass."

Birch Bayh sat in his office in August 1980, ruefully contemplating his prospects. Bayh had intensely enjoyed chairing the new Senate Intelligence Committee, but no one could have predicted this assignment. With only a few months left before the election... it looked as though he would have to take on Jimmy Carter in a most awkward and embarrassing way: by investigating the activities of the president's brother... Bayh understood that great senators did not always get to pick and choose their defining issues.

Bayh had no illusions about the job: "It's going to be like walking through a minefield." He said that his aides had urged him to turn it down and concentrate on his campaign. He deserved praise for stepping up to a tough assignment like the distinguished senator he was. Nevertheless, events would prove that his staff was probably right.⁸⁶

Early on, Birch suggested that what became known as Billy-gate, "may not amount to a hill of peanuts." For Birch, the Billy-gate hearings required an inordinate amount of time away from his campaign. When the hearings ended, the sound was more a whimper than a bang. No connection between Billy Carter's activities and the President was found.

Birch believed that the hearings had been underwhelming because there was nothing there. He told reporters: 'I'll wager that 90 percent of everything we will hear, you have already written about.' But, 'until you stir the pot, you can't say whether you have a mouse or a dinosaur.'

The Republican National Convention convened in Detroit in July and formally nominated former California governor and actor Ronald Reagan with George H. W. Bush as his running

⁸⁶ Ira Shapiro, The Last Great Senate, pages 327-337

mate. To the dismay of moderate Republicans, the influence of the religious right was felt when the convention dropped its long-standing support for the Equal Rights Amendment. Naturally the Republican convention focused on all the reasons why Americans should not support President Carter for re-election. With the opening of the 1980 Summer Olympics in Moscow, Americans were reminded why they didn't like the president who had taken us out of the Olympic games.

In Poland, was another indication of change taking place. Beginning on August 7, labor leader Lech Walesa led the first of several strikes at the Gdańsk Shipyard. Over the next several weeks, the Gdańsk Agreement was signed, creating Solidarity, the first labor organization not controlled by the regime. It was hard to imagine at the time that this was the beginning of the end of communist rule in Poland. In September, news from Iran took a different turn, as Iraq initiated a war between the two countries.

In August, one story provided an illustration of Birch's relationship with Hoosiers. He was attending the Marion County Fair in Indianapolis with staffer Bill Moreau alongside. As they were making their way toward the main arena where Bayh was to be introduced, they took a short cut between several carny shacks on the periphery of the fairgrounds. "Hi Birch," comes a call from an elderly woman near one of the shacks. She was wearing a t-shirt with a computer-generated photo of a man's face on her chest. "Hi Thelma," responded Birch. "How's Frank?" Thelma responded that he was well and, "Thanks for answering my letter, Birch." He answered, "Sorry we couldn't agree on that one," to which she replied, "That's all right, Birch. We still love you."

Moreau was astounded, asking Birch how he could know all of that. He told Bill he recognized an old friend, Frank from Terre Haute, whose picture was on her shirt. He

remembered that Frank was married to Thelma. “But,” Moreau interjected, “you don’t read your mail; I live with the woman (wife and fellow staff member Ann Moreau) who handles your mail and you couldn’t have read her letter.” Birch assured him that he knew Frank and Thelma for thirty years and they never agreed on anything. He could only assume that her letter would be no different.⁸⁷

At the Democratic Convention in New York’s Madison Square Garden on August 14, President Carter was formally nominated as the Democratic presidential candidate, defeating Sen. Ted Kennedy for the nomination. Birch did not attend the Convention as he felt that identifying himself with the national ticket would not be helpful for him politically in 1980. The campaign was on and if you were a Democratic candidate there was much to be concerned about.

Ira Shapiro described the 1980 campaign in the following manner. “*Perhaps busy with Billygate, perhaps caught up in the insulated environment of the Senate, Bayh had failed to get ahead of the country’s changing politics. Republican staffers on the Appropriations Committee had begun keeping track of his absences from committee meetings, using them as campaign fodder. Moreover, the single-issue groups, which had not existed six years earlier, had become forcefully and stridently involved in the Indiana Senate race. ‘It’s been vitriolic,’ Bayh observed in October. ‘The outsiders have come here in force.’*”⁸⁸

In his pitch to voters, Bayh stressed his seniority and what he had done for the steel and coal industries and for agriculture. His campaign literature touted his accomplishments on national security and inflation and showed him target shooting and talking with National Guard

⁸⁷ Bill Moreau story about as told in an interview with the author on May 26, 2015

⁸⁸ Ira Shapiro, The Last Great Senate, pages 327-337

troops. In response, Quayle's consultants came up with a clever line: 'Bayh suffers from the two George's syndrome. He sounds like McGovern in Washington and like Wallace in Indiana.'"⁸⁹

At one point late in the campaign, David Bochnowski and I met with Birch to discuss ways he might fine-tune his message to voters. As Bochnowski recalled, Birch listened patiently to our thoughts and firmly told us that he had come to the Senate with certain ideals and wasn't about to change them simply because the winds were blowing in a different direction. He knew who he was and was comfortable in his own skin. Although we remained concerned, we both felt proud of him at that moment.

The right-wing, single issue groups had a potent effect on the 1980 campaign, just as they did in 1978. Conservative organizations like the Moral Majority, National Conservative Political Action Committee (NCPAC), the Conservative Caucus and a number of pro-life groups spent large amounts of money targeting liberal senators on a few hot-button issues including abortion, guns and the Panama Canal Treaties. The targeting by outside groups working against a candidate was a relatively new development in American politics and the way to counter the attacks of the groups was unclear for most of the people affected. Could they be kept off the air? How should a targeted senator respond?

NCPAC was among the most notorious of the right-wing groups. It raised \$1.2 million in 1980 to spend against six Democratic senators and was one of the first organizations to take advantage of the independent expenditure concept. Terry Dolan, head of NCPAC, was quoted as saying: "A group like ours can lie through its teeth and the candidate it helps stays clean."⁹⁰ He also called the Civil Rights Act "irrelevant" and the Voting Rights Act "absolutely silly." In

⁸⁹ Ira Shapiro, The Last Great Senate, pages 339

⁹⁰ Michael Verneti, Senator Howard Cannon of Nevada: A Biography, page 202

addition to the scurrilous things he said about the Democratic senators he was targeting, he also once suggested that Ronald Reagan's daughter Maureen be muzzled for her liberal views.

"Maureen Reagan is the type of person who, in the middle of a war, would go out and shoot our wounded." NCPAC joined Jerry Falwell's Moral Majority in their "Declaration of War Against Homosexuality," writing in a fundraising letter that, "Our nation's moral fiber is being weakened by the growing homosexual movement and the fanatical E.R.A. pushers (many of whom publicly brag they are lesbians)."⁹¹ Ironically, Dolan was a closet homosexual who would die of AIDS in 1986.⁹²

The American Enterprise Institute authored a book on the 1980 election edited by Austin Ranney, former president of the American Political Science Association, which aptly characterized the issue facing the Bayh campaign. "The NCPAC attacks, combined with those of antiabortion groups and of Bayh's opponent, Republican Congressman Dan Quayle, shrank Bayh's lead in polls from a 58 to 34 percent margin in fall 1979 to a mere ten percentage points by June 1980. Bayh, too, began to fight back, attacking the 'outside' interests and their ties to Quayle."⁹³

Birch was a hard worker and ran all-out in the 1980 campaign. He bristled at the suggestion that he was getting older and shouldn't begin as many days with plant gate visits at 5:00 AM as he had in 1974. Having done those plant gates with him when I was 25 and he was 46, I was convinced he would be a better candidate if he scaled back t on those kinds of energy-

⁹¹ "Terry Dolan, 36, Chairman of Conservative Lobby, Dies," *The New York Times*, December 31, 1986

⁹² Frank Rich, "Just How Gay Is the Right?," *The New York Times*, May 15, 2005

⁹³ American Enterprise Institute, The American Elections of 1980, edited by Austin Ranney, page 271

draining events. Birch had to face the fact that he was 52 and, though physically fit, couldn't pretend that he was as young as he once was.

The 1980 road show was managed by Tim Minor, who experienced the same type of grueling experience that I had six years earlier. He had a number of recollections of being on the road with Birch Bayh in 1980:

For a good portion of 1980 we lived in a Cessna 210, flown by young men who didn't seem old enough or seasoned enough... Early in the campaign it was after midnight... As the Senator slept, I looked at the pilot and noticed that his eye lids were heavy and he was struggling to keep them open. I asked if I could climb into the copilot's seat where I planned to make conversation to be sure he stayed awake and alert. We were very tired and had been on the road campaigning for nineteen hours that day. As we neared the Gary airport the pilot was again showing signs of fatigue and I watched as he began to go through some of the routines for landing. The runway came into view and, in my mind, everything was set for the landing.... except the landing gear was not down. I thought it should have been lowered but waited for a time to see if the pilot would lower it. As we neared the runway, I asked the pilot, "is it now time to put down the landing gear?" He quickly looked down, recognized his error and got the wheels lowered in time to land. He was embarrassed but thanked me. I was pleased we were safe. Of course, the Senator was asleep and never heard the story.

The Senator relished going to remote towns and areas of Indiana whose residents had never, or very rarely, seen a United States Senator. Some of those areas we were able to fly into because of his plum appointment to the Senate Appropriations Committee; Indiana benefited from his role and many rural counties had small improved airports which, without his work, they would have gone without.

As we flew one early evening, we heard a flutter out the port side of the airplane. I was sitting on that side, looked out and a wing storage compartment ajar, not fully closed. I notified the pilot but seconds after that it flew open and with one rapid “swoosh” we saw the Senator’s garment bag, containing his suits, fly out at 10,000 feet. After realizing we were safe, it was hilarious for everyone in the aircraft, although the Senator was not pleased with the pilot who had loaded our luggage. It was a fun story to share with the staff, except for Tom Buis, who said in his strong Midwestern twang, “Just my luck. It’ll probably get caught in some farmer’s combine, he’ll see the name tag, and I’ll have to go fix the thing.” The garment bag was never found.

One Sunday in October, we boarded a helicopter to travel to Kokomo where the Senator was to participate in a groundbreaking ceremony for a new ethanol plant. While we were at the ceremony, the pilot repositioned the helicopter and when we returned I noticed that he had parked it underneath high tension wires. When we got in the helicopter I mentioned it to him somewhat lightheartedly, hoping to make a point and offer up a reminder. Several minutes later, the pilot started the engine, began take off preparations and, without regard for the wires, took off going straight up into the high tension wire. The wire snapped and on either side of us they whipped around and wound themselves around their respective poles as sparks flew. The pilot landed safely, checked the copter and we returned to Indianapolis.

Upon landing in Indianapolis, I was met by Bob Blaemire and David Bochnowski, neither pleased with me for allowing the pilot to “leave the scene of an accident.” I replied that I only wanted to keep the road show on time as they had stressed and the pilot said it was safe to fly. Bob, replied, “That’s fine but the County Sheriff and the Federal Aviation Administration

are looking for you.” At that point I fully appreciated that we had avoided a potentially catastrophic situation, and understood my serious error of judgment.

Another helicopter story involves Kenny Snyder, also a candidate, who owned a small helicopter and asked the Senator to campaign with him for a day. There was much debate among the staff as to whether or not this was a good, safe idea. The Senator wanted to do the trip and Kenny said that he had room for Senator, but adding a staff person would make it a tight fit. We agreed that the Senator and I would do the trip.

We crammed into Kenny’s helicopter and toured the district for most of the day. We finished at night and flew back to Evansville, the Senator slept sitting up between Kenny and me. After we were in the air for a time I looked down and saw that the needle on the fuel gage was on “E”. I mentioned it to and he responded, “I think we’re okay,” which was not reassuring. I remember trying to figure out what I should do or say next and, after several minutes, I decided that I’d mention it again. “Kenny, I am sure you know this helicopter very well, but if you have any doubt whatsoever about our fuel level, I think we should put down and find some. He responded, “I think we’re okay.” The Senator slept throughout the conversation. Several minutes later, as we flew over a remote two lane road, we looked down and saw a gas station with its lights on. Kenny said, “I think we’ll just drop down and get a splash.” I felt relieved but surprised that Kenny was able to put something other than aviation fuel into the helicopter. The fact that we were simply dropping our helicopter into a gas station on a remote road did not go unnoticed. When we landed in the parking lot of the gas station the Senator awoke and a few cars in the area began to pull into the station to satisfy their curiosity. As people assembled around the helicopter, the Senator climbed out and immediately went into a campaign mode,

talking and joking with the folks and gas station employees as if it were a scheduled stop. Kenny put some gas in the helicopter and we flew away. After that, I fully appreciated the wisdom of insisting that staff accompany the Senator while on the campaign trail and encouraged him to never ride in Kenny's helicopter again.

The Quayle campaign plane was larger and fancier than ours. We learned the model and tail number early. As the campaign wore on, we knew the Congressman was in the same town when we landed at the airport and saw his plane. The Senator would take a moment out and have me stick a note on the Quayle plane. At one stop in Evansville, the Senator wrote a simple note that said "Hi Danny!" and signed it "Birch." It was good natured ribbing and a reminder to Dan Quayle and his campaign that we're in town as well. To my knowledge, Birch's notes were never acknowledged by Quayle or his staff.

Dairy Queen and Kentucky Fried Chicken (his standard order: 2 chicken breasts and a large coleslaw): he knew every location in every town. In addition, we stopped at nearly every farm stand on the road to buy cantaloupe. He loved homegrown Hoosier cantaloupe and the rural farm stands, but our stops always turned into unscheduled campaign events where he would get out of the car and talk with the people for a far longer amount of time than we could afford. He loved meeting people spontaneously while on the road and they loved him. Sometimes they would talk about Washington issues but usually he asked them about their crops, livestock, implement costs, seed genetics or other farm related matters.

Long before it was popular and encouraged, the Senator was an early advocate of fitness and jogging to keep one's mind and body sharp. The campaign staff recognized the value to him, both personally and as a candidate, and began adding in a stop during the day for him to

run and shower. Sometimes we would stop at hotel, other times it was at a farm house of someone he or others knew, but it was built into the schedule nearly every day and he was happier and a better candidate because of it.

At a Gary Union Hall bar, someone approached him to buy some "pull tabs." Pull tabs are instant lottery tickets sold in some Indiana bars, Union Halls, Moose lodges and other spots. While few who buy them win money, the majority of the money sometimes goes to charity but certainly not always. When the Senator was asked to buy some pull tabs in Gary, we bought a few. I gave the guy \$10 and soon discovered that we had won \$100. Before leaving the Hall I told the Senator that one of our pull tabs was worth \$100. He said, "Cash it in then donate the money back to the Union Hall." It was just what I expected him to say.

Birch Bayh loved parades. On Memorial Day, 4th of July and Labor Day, we did as many as we could all over the state. He walked every parade, never rode, and often held up an entire parade by shaking too many hands and not keeping pace. He knew the good parades in the different corners of the state, those that would attract tens of thousands of people from many surrounding communities. He asked that his preferred parades be added to the schedule but also knew that he could not make them all.

The schedulers would put him into the key parades and also tried to schedule as many parades as possible. Often, the campaign staff would agree to have him participate in the parade but insist he be put at the very front. That way, at the parade's end, we could quickly climb into a car or plane, travel to another city and jump into the rear of another parade that we would have otherwise missed.

Early on, I was given magnetic "Senator Birch Bayh" signs for the front doors of our car. The signs were not permanently fixed to the car but stayed in the trunk. If we were in a

town and stumbled upon a parade, he'd jump out of the car, I'd grab the signs, put them on the car assigned to him and we'd butt into the parade at some point. All of a sudden, the parade organizers would realize they had a United States Senator who wasn't expected and may not have been invited. At the end of the parade, we'd pull the signs off the car, he'd jump in and away we would go. Then we'd immediately call the campaign office so he could brag about squeezing in another parade they hadn't scheduled him or know about. On one occasion the campaign staff caught hell from a local official whose parade we had crashed. Apparently, there was a policy prohibiting politicians or elected officials from appearing in their parade. We did the parade unannounced, the local Republicans cried foul and the Quayle campaign complained because they had been refused admission only to learn afterwards that Bayh was there.

Oil prices and supply were big issues. Birch discussed it at every stop. In his opening comments one of his lines that fully resonated with voters was: "I don't know about you, but I am sick and tired of the Sheiks, Shahs and Ayatollahs of this world leading us around by our nose." It normally brought strong applause, if not a standing ovation.⁹⁴

The *New York Times* ran an article in September about the Billy Carter investigation and how it was hurting the Bayh campaign. Birch was described as frustrated by the responsibility. "Believe me, folks, I'd rather be out here campaigning...But somehow or other...somebody hung a thing called Billy Carter around my neck. Now we've got to finish this crazy investigation and we're going to do it right – impartially, judiciously." The Quayle campaign manager, Mark Miles, commented that, "Bayh's political strength in Indiana is his personality rather than his record...To the extent that the hearings have kept him out of Indiana, it helped

⁹⁴ Tim Minor memories provided in writing to the author

us.”⁹⁵ Columnist Mary McGrory wrote about the same subject, characterizing Birch’s feeling. “‘Someone had to do it,’ he sighs with a martyr’s air that is totally believable.”⁹⁶

The two candidates locked horns in a televised debate at the Indianapolis Children’s Museum on September 14. Quayle focused in the debate on Birch’s 18 years in office as a “very long time,” stressing that “Leaders of the 1960s and 1970s won’t get us through the 1980s.” He pressed the issue of Birch being too liberal for the state while Birch criticized Quayle for his support of the Kemp-Roth tax cut plan and for being too cozy with the oil companies.⁹⁷ Finding out that Quayle was attending a fundraiser sponsored by oil company executives at their headquarters in Dallas, the campaign dispatched Squier to Texas to produce an ad showing the young Congressman at the event.

During debate prep, Squier had been asked how we would know who won the debate. His comment was that the losing side candidate and staff usually made a quick exit from the venue. Quayle and his staff departed first.

The nastiness of the independent campaign against Birch mirrored that in other states where liberal Democratic incumbents were fighting for their political lives. The Moral Majority targeted Birch on the abortion issue with its Indianapolis leader, Rev. Greg Dixon, going on TV to call him a “baby killer.” NCPAC had organized large quantities of mail going into the state and half page ads in newspapers around the state were arranged by “The Ship Out Bayh Committee.” The ads read, “We’ve looked him over and here is what we’ve found.” What followed were critical reviews of his positions on the Equal Rights Amendment, abortion, gun

⁹⁵ Judith Miller, “Billy Carter Investigation Hobbles Bayh Re-election Drive in Indiana”, *The New York Times*, September 17, 1980, page B14

⁹⁶ Mary McGrory, “Damage Control Officer”, *The Boston Globe*, August 3, 1980, page A7

⁹⁷ Edward Wills Jr., “Bayh, Quayle Lock Horns in Debate,” *The Indianapolis Star*, September 15, 1980, page 1

control, defense and an accusation that he was “Feathering the Nest,” based on his support for legislation that increased Congressional salaries. It went on to talk about his support for measures that “build up our Marxist enemies while at the same time voting to undermine our anti-Communist allies.”

The Quayle for Senate Committee paid to reprint literature produced by an organization called FaithAmerica, summarizing the positions of Bayh and Quayle on “major issues of concern to the Christian community.” Eleven “Key Moral And Religious Liberty Issues” were listed with Birch voting no on “voluntary prayer in the public schools, right to life, the Family Protection Act, support of Christian education and new tax deductions for church and charitable giving.” He was shown as voting yes on “support for the religion of secular humanism, forced school busing and a constitutional amendment to eliminate all legal differences between men and women,” a characterization of the E.R.A. His views were listed as unknown on “parental approval of sex education for elementary students,” the “promotion of homosexuality” and “federal control of all church youth camps and conference grounds.” The flyers were placed under the windshield wipers of cars in church parking lots the Sunday before the election throughout the state.

The Quayle campaign produced a flyer on the abortion issue. The language read, “Mr. Bayh continues to insist he is ‘personally opposed to abortion on moral and religious grounds.’ Millions of unborn children would disagree, but then their voices will never be heard,” going on to say that “Not only has Mr. Bayh voted pro-abortion, he has also become a *leading* spokesman for those who believe in *abortion on demand*.”

The *Indianapolis Star* had kept up an anti-Bayh drumbeat all year, even removing its own political reporter, Joe Gelarden, from the beat because he was rumored to be close to the Bayh

staff. On October 14, the *Star* printed a huge headline, “Poll Gives Quayle Commanding Lead,” saying “Victory Over Bayh ‘Almost Certain’.”⁹⁸ While this differed substantially from the Bayh campaign polling, it was troubling nonetheless. Brian Vargus, an Indiana University-Purdue University Indianapolis (IUPUI) professor managed the poll and as a pollster he had a reputation for accurate predictions. He cited a volatile electorate that perceived Birch as a “big spender with an undesirable voting record.” Some evidence of the impact of the NCPAC direct mail campaign was also noted, wounding the campaign with its theme of “If Bayh Wins, You Lose.” The poll had Quayle at 50.1 and Birch at only 34.8 with the rest undecided or refused.

In late October, the Bayh campaign sponsored a fun and fascinating fundraising event. The special guests for the Indianapolis event were actors Angie Dickenson, Marlo Thomas, Hal Holbrook, Ed Asner, Martin Sheen and Robert Walden, author Kurt Vonnegut and sports stars Oscar Robinson, Rosie Grier and Tim Richmond. It was a memorable and highly successful night. In an earlier fundraiser taking advantage of the celebrities supporting Birch, actor Kirk Douglas was the featured guest.

On the national front, all attention was on the Carter/Reagan debate scheduled one week before the election. Years later, David Rubenstein, a staffer in the Carter White House and also former Bayh staffer, said that, “Carter didn’t take Reagan seriously.” He took part in a single debate preparation session at which a university professor who had studied Reagan for years portrayed him on the stage against Carter. A president can usually talk as long as he wants about any subject but a debate requires short, concise statements and responses. Carter did poorly in

⁹⁸ James G. Newland Jr., “Poll Gives Quayle Commanding Lead”, *The Indianapolis Star*, October 14, 1980, page 1

the debate prep and stormed off the stage, angry at the experience.⁹⁹ Reagan's task was fairly straightforward; to show the American people he was not as flaky as some of his comments implied. Showing substance and his ability to go toe-to-toe with and going toe-to-toe with an incumbent president was in and of itself more important than whatever policy pronouncements might come out of his mouth. But Reagan did far better than that, turning aside some of Carter's comments by saying, "There you go again," and famously asking a question to the audience in his closing remarks: "Are you better off now than you were four years ago?" Carter needed to put the former actor away if he were to re-gain the momentum. Instead, his debate will be remembered for the moment when told the audience he had asked his 12 year old daughter to name the most important policy issue in the campaign. The fact that she replied "nuclear proliferation" was not nearly as important as the image of a president consulting a child.

The Indianapolis Star endorsed Quayle on October 26, following with two editorials against Birch in the ensuing three days, not at all surprising to anyone associated with the Bayh campaign. One of the editorials was called "Bye-Bye Bayh" but it and the others were filled with factual inaccuracies about his record, outraging Birch. An apology was demanded and the newspaper admitted its mistakes in an article on November 1, printed on page 27 near the sports and comics section. On November 2, despite the earlier poll it had printed, the *Star* called the race "too close to call."¹⁰⁰

Election day arrived and things were looking bleak. A race that had been neck-and-neck for so long began to slip away over the final ten days. It appeared that Carter would be

⁹⁹ David Rubenstein discussion of the 1980 election from an interview with him and the author on July 24, 2015

¹⁰⁰ Patrick T. Morrison and Patrick J. Traub, "Senate campaign strategies leave Bayh-Quayle race too close to call," *The Indianapolis Star*, November 2, 1980, section 5, page 1

demolished by Reagan. The Bayh campaign remained nervously optimistic. Early afternoon on election day, AFL-CIO Political Director John Perkins, also a Hoosier, reported that he had been told about exit polls predicting a Bayh defeat. In the ensuing hours, nothing happened to change that prediction. Again, from Tim Minor on the road with Birch and Evan:

Most of Indiana was on Eastern Time but small portions in the Northwest and Southwest were in Central Time. This created both scheduling challenges and opportunities. On Election Day, it was decided that the Senator and Evan would do one final plant gate stop at a factory in Evansville (or Boonville, according to Birch's memory) before the polls closed in that part of the state. After shaking hands and talking with the factory employees as they got off their shift that evening, we flew to Indianapolis.

On our way, the polls closed and the networks predicted that Quayle would win. Campaign staff decided to give the Senator and Evan a heads-up while in the air. They were sitting in the rear of the aircraft; I was up front near the pilot. Someone radioed the pilot, who turned to me and whispered: "All three networks have predicted a Quayle victory." We were nearing the airport and I turned to the Senator and Evan and said, "Senator, we just heard from the staff and, unfortunately, all three TV networks are predicting that Quayle will win." Evan looked at his Dad; the Senator just turned and looked out the window. We landed at the Indianapolis airport in a very quiet plane.

After landing, as we began to taxi at the end of the runway, I saw a large number of bright TV lights at the airport. I felt sad and miserable but was most disappointed that the Senator would not be able to continue the successful work he so loved and thrived on. I felt horrible for him and did not want to see him rushed into a media frenzy so soon after receiving

the news of his defeat. I said, "Senator, there appears to be a ton of media on the tarmac; would you prefer that we go to another area of the airport to deplane?" He looked at me, smiled and in that positive, upbeat tone that he was so well known for said, "No, let's go talk to them and see what's on their minds." The Senator's resilience and dedication was only trumped by his compassion for others, in both victory and defeat.¹⁰¹

Fred Nation had been given a heads-up about the election outcome from one of the networks and he made the call to the airplane. When Birch arrived at the headquarters, a number of us met him outside to make sure he knew what we knew before he entered the building filled with press, staff and a large gathering of voters.

On November 4, 1980, American voters went to the polls and Reagan defeated Carter badly. Attracting a large number of Democratic voters to his side, Reagan swept into the presidency and defeated Carter in a landslide, 50.75% to 41.1% with a margin of over 8-1/2 million votes. Carter won only six states and the District of Columbia, making the electoral vote margin even more lopsided, 489-49. In Indiana, Reagan walloped Carter by over 411,000 votes out of 2.2 million votes cast, a 56.1%-37.7% victory.

For the Senate race, the final margin in Indiana was Quayle beating Bayh, 54-46, with Quayle winning by 166,492. Hillenbrand was defeated by Bob Orr by almost 350,000 votes. Election night was also the one-year anniversary of the hostage-taking in Iran. Birch took comfort that he ran far ahead of the rest of the ticket; his margin in defeat was much smaller than Hillenbrand's and Carter's. Throughout the year, those of us in the campaign were guessing Birch could have afforded a quarter million vote drag by the top of the ticket. His margin of defeat was about 245,000 votes less than Carter's, thus proving that prediction to be on the mark.

¹⁰¹ Tim Minor memories provided in writing to the author

The results in Indiana left so few Democrats in the General Assembly that they could not prevent a quorum from meeting. In the Congressional delegation, John Brademas was also defeated, ending his dream of becoming Speaker of the House of Representatives. After a friendship of over forty years, Brademas would say that “I cannot think of a single matter, political or policy, on which Birch and I ever disagreed.”¹⁰²

Tom Connaughton looked back on 1980 in this way. “With all of the national issues impacting the election season, Birch was trying to present an image that he needed to be returned to the Senate. For years it was the Birch Bayh personality, much more than issues, which allowed him to prevail. The personality was still there but when the country has 18 percent unemployment, that's a tough time to be seeking re-election. While Quayle may have been a lightweight, he didn't make any major mistakes. Birch may have won in the debate, but Quayle didn't make a fool of himself.”¹⁰³

Late in 1980, Birch felt, while he was shaking hands at the plant gates, that the workers seemed reticent. “There were an awful lot of those guys who weren't looking him in the eye,” recalled Tom, and Birch said, “If I've lost those votes, I'm in big trouble.” Evan had been traveling the state independently and showed that he had inherited his father's political instincts with his own capacity to read the political tea leaves well. ‘Davis-Bacon’ was a popular piece of labor law but after being briefed on labor issues and having recently experienced labor picnics

¹⁰² Congressman Brademas comment from Frank Sullivan, remarks on the occasion of the Ball State University 2002 Stephen J. Senior and Beatrice Brademas Memorial Lecture, November 13, 2002, page 3

¹⁰³ Tom Connaughton's discussion of the 1980 election from an interview with the author on August 27, 2015

and plant gate visits, his comment was, “Working men and women weren’t worried about Davis-Bacon; they were worried about eggs and bacon.”

Former Bayh staffer Jerry Udell was in DC on Election Day, called the Bayh campaign and spoke to Tom, saying that he had talked to some guys at the White House and was told they had been polling over the weekend and “the Senate is going to change hands. Everybody's gone. You're gone. Church is gone. Culver is gone. Leahy is gone.” It turned out Leahy survived. Tom said, “I don't believe it.” Jerry replied, “No; they said the President’s going to lose by 20 points and this is going to be a catastrophe.”¹⁰⁴

Knowing what we know now, it seems that the 1980 Senate re-election of Birch Bayh was not winnable. One factor that may or may not have had an impact was Indiana’s election technology. Most counties still used machines in which pulling a single lever could vote the entire party ticket. The Bayh campaign was required to educate people on ticket splitting in those areas where he could run significantly ahead but might suffer because of the voting machine process. Bayh voters intending to vote a mostly straight Republican ticket would need to complete a complicated task which meant pulling the party lever down, flipping Quayle’s lever up and pulling Birch’s lever down. Birch looked back at that election and concluded that another \$1 million on television would not have made a difference. “People had stopped listening.” He remembered something he felt the last day, shaking hands at a plant gate. “There was not the fervent positive response I was used to...something I sensed was missing.” Nonetheless, many years later he would still describe the effort, “The best campaign we ever ran.”

¹⁰⁴ Tom Connaughton’s discussion of the 1980 election from an interview with the author on August 27, 2015

Democratic pollster Peter Hart recalled a call he received on election night from Doug Bailey, a prominent Republican consultant. Bailey described Birch as “the best retail politician he had ever seen.”¹⁰⁵

The Republicans gained a net of 12 seats from the Democrats, the largest swing since 1958, and gained control of the Senate, 53-46. Majority and minority leaders Robert Byrd and Howard Baker exchanged places. This marked the first time since 1954 that the Republican Party controlled one of the Houses of Congress. There had been 22 Democratic senators up for re-election at the beginning of 1980. Three lost their primaries. Each of those seats went to the GOP in the fall. Of the 19 competing against Republicans in the fall, 9 lost, meaning 12 of the 22 would no longer be senators. The Republicans, on the other hand, had 6 incumbents running in the fall, all of whom were re-elected. Their only casualty had been Jacob Javits, perhaps the smartest senator then in office, who lost the primary in New York to another Republican, Al D’Amato, who went on to win in November. None of the 5 open seats of retiring senators changed parties. The eight Democratic incumbents who were unseated other than Birch included Herman Talmadge (GA), Frank Church (ID), John Culver (IA), John Durkin (NH), Robert Morgan (NC), George McGovern (SD), Warren Magnuson (WA) and Gaylord Nelson (WI).

The fact that the voters in Washington would turn away the chairman of the Senate Appropriations Committee always struck Birch as “unbelievable.” Bayh, Church, Culver, McGovern and Nelson had all been targeted for defeat by NCPAC and the Moral Majority, among other right-wing groups. Democratic senators Gary Hart in Colorado and Tom Eagleton in Missouri were the two survivors of the election.

¹⁰⁵ Peter Hart conversation with the author shortly after the 1980 election

One humorous memory came to mind from a meeting a year earlier, when those Democratic senators up in 1980 were being briefed by those who had lost in 1978. There were many warnings about the threat from the New Right based on its role in the 1978 election cycle and one senator remarked that he wouldn't expect anyone to defend himself by denying what he really believed. Sen. Eagleton interjected, "Not so fast!" to the amusement of all participants.

Months after the election, Birch got the news that a poll of Hoosiers on their views about political figures ranked Birch Bayh as the most popular political figure in the state. Former staffer Louis Mahern's view was that the voters wanted to send a Birch a message about the problems in the country and, ironically, they had no intention of firing him. Birch's reaction was that his presidential campaign made him a national figure, which made it much harder for him to separate himself from national problems.

Quayle would go on to greater fame and some ignominy, being chosen by George H.W. Bush to be his running mate in 1988. He would be elected vice president but experienced a campaign in which he was constantly under assault for some of the same issues that the Bayh campaign was aware of but never developed. The National Guard issue was huge in the immediate aftermath of the Republican Convention in 1988 but the plagiarism issue died away when the professor who had acknowledged the facts to us changed his story in 1988. He was also plagued, right before the election, by allegations of drug usage. As vice president, he earned a reputation for gaffes that often made him the butt of late night comedy. When speaking to a United Negro College Fund event, whose motto is "a mind is a terrible thing to waste," he mangled the motto to say "What a terrible thing it is to lose one's mind." Other memorable quotes included:

Republicans have been accused of abandoning the poor. It's the other way around. They never for vote for us.

Bank failures are caused by depositors who don't deposit enough money to cover losses due to mismanagement.

The best thing about rain forests is they never suffer from drought.

A low voter turnout is an indication of fewer people going to the polls.

It isn't pollution that's harming the environment. It's the impurities in our air and water that are doing it.

Republicans understand the importance of bondage between a mother and child.

Votes are like trees, if you are trying to build a forest. If you have more trees than you have forests, then at that point the pollsters will probably say you win.

If we do not succeed, then we run the risk of failure.

We have a firm commitment to NATO, we are a part of NATO. We have a firm commitment to Europe. We are a part of Europe.

There were many others. While vice president, Quayle was asked by reporter Diane Sawyer about some of the quotations and he responded, "I stand by my misstatements."

For those who pay attention to politics, 1980 was a watershed year, one that saw so many prominent politicians defeated, the beginning of the "Reagan Revolution," the impact of the New Right in American politics. Many would argue that the comity and civility that typified our politics was lost, perhaps for a long time, perhaps forever.

The United States was a very different country in 1980 than it was when Birch first came to the Senate. The role of women and of African-Americans in American life looked very different in 1980. An innocence that seemed to exist in 1962 was lost after the failure of

Vietnam and the scandal of Watergate. And the role of the Senate in public life seemed different as well. Maybe that was due to the growing impact of television in American society but it may have been partially caused by the presence of certain men and women in the Senate during those years. When Birch first arrived in the Senate, his salary was \$22,500 per year. This small salary presented a challenge to many senators who wanted to have residences in their home states as well as in the Capitol. That salary would tick upward during Birch's tenure, reaching \$42,500 by the beginning of his second term, to \$60,662.50 at the end of his last term. Also, few senators would have been recognized on the streets in 1962 while by 1980 many had obtained celebrity status.

For Birch Bayh, it was the end of his Senate career. When he spoke to the campaign staff, press and supporters on election night, he was upbeat. How, he asked, could he feel too badly about losing? Instead, he was grateful to the people of Indiana for giving him eighteen years to do precisely what he wanted to do in his life. He also thanked the people of Indiana for giving him an opportunity to practice law, which he would soon begin to do.