

INTERVIEWEE: SENATOR BIRCH BAYH

INTERVIEWER: Paige E. Mulhollan

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M: Let's begin by identifying you, sir. You are Senator Birch Bayh, Democrat from Indiana, and you've been in the United States Senate since 1963 and up to date. Is that correct?

B: That's correct.

M: Did you have any association with Lyndon Johnson prior to the time you came to the United States Senate?

B: No.

M: None at all?

R: None.

M: When you got here, he was Vice President for that first full year that you were in the Senate. Was he playing a role of any importance in liaison with the Senate for the Kennedy Administration as Vice President?

B: Well, I, not being in position of Senate leadership, really am not qualified to answer that. It is my personal observation that he still was playing an extremely vital role in the Senate because of his association with men who were still in the Senate and who were responsible or had very responsible positions, men like Dick Russell. He knew what was going on, and I think still helped make many of the in-house decisions although he was Vice President.

M: As far as a new Senator coming in was concerned, he was not applying the famous "Johnson treatment" on a regular basis?

B: I didn't get the famous Johnson treatment on a regular basis even when he was President. I think this may be overplayed; it was never used on me.

M: What about the transition? How did he operate on a personal basis with the Senators at the time of the assassination and in the first period thereafter?

B: Well, I'm not too sure that--he was so involved in trying to take over the responsibilities as Chief Executive for a period of time; of course, he could find his contact with the Senate leadership, the Senate, and the rest of Congress and other national business and labor leaders during that takeover. I think he had less opportunity to associate with some of the personal friends in the Senate than he had before, but I, as I say, as a green Senator I was on the outer edges of this type of relationship.

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- M: You are probably best known for your work with the Judiciary Committee and particularly with the Constitutional Amendments Subcommittee. And particularly, in light of your current book [One Heartbeat Away (1969)], with the twenty-fifth amendment. Did the White House play a significant role in the background initiative and so on of that particular amendment?
- B: He certainly played a significant role in it. I talked to the President. In '64 I remember riding on a helicopter coming back from the UAW convention and approaching him on the subject, telling him what we were doing, of course telling him that his support would be very valuable to us. And he made the observation then which I think is accurate that in his judgment there would be no amendment until after the 1964 election, at a time in which there was a Vice President. This would make it look less like a slap at the Speaker and at the President Pro-tem of the Senate. I talked to him again after the election, informed him of our efforts, and in fact I worked closely with, I guess it was Ramsey Clark at that time who was helping put the State of the Union Message together.
- M: He was still Deputy Attorney General then, wasn't he?
- B: Yes. Or I think this may have been when he was working down at the White House. [He was] a staff member there for a while.
- M: Yes, he did work down there.
- B: Ramsey and others were able to get a direct reference to this in the State of the Union Message, which we thought very helpful--sort of like attaining a long, sought after goal because we had worked at it very hard and then he sent a--. That reference, although it had been cleared with me on a couple of occasions by Ramsey, was misinterpreted by some members of the press as if to suggest, well, maybe he had something else in mind, other than the effort which we were making, which I thought was a wild interpretation, but there were a couple of stories about that. Two weeks or so later he laid this to rest by sending up a message in which he unqualifiedly endorsed what was in Senate Joint Resolution I, which was the amendment which I had introduced, and I thought it very helpful to have the White House support on this.
- M: Had the White House staff or the President indirectly or directly contributed to the content of that Senate Resolution One?
- B: No.
- M: That was strictly initiative from here.
- B: Yes. We'd been studying that for some time and they went along with us on it. Of course we'd had a lot of people involved, the Bar Association and this type of thing, before then. So a lot of people were involved, it was not just solely my brain child by any means.

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- E: Did the White House contribute effectively, or at all, in getting the passage of that resolution by the Congress, lobbying with doubtful votes, and so on?
- B: I think the fact that the President sent up that message and then some of us on the Hill who were very much in favor of it were able to use the Administration's good offices [helped] in our efforts. And the Attorney General testified, Nick Katzenbach, in the Senate; and I think Ramsey Clark testified, or was it Katzenbach in the House--it was Katzenbach in the House. They did a very good job and were helpful in laying to rest some of the hidden questions, the hidden concerns people legitimately would have. This was a rather difficult position for Nick Katzenbach to be in because while he was Assistant Attorney General under Bob Kennedy, he had come up and testified in support of a different type of proposal--the Dirksen approach--the more loosely drawn less specific approach; and so he had to sort of change his mind and he was grilled rather intently by people like Roman Hruska [R-Nebraska] and some others.
- M: Lawyers can do that; Katzenbach was a good one in doing that. What about then after it got to the States? Is there anything that the national Administration can or does do for a Constitutional amendment like that in seeking further action?
- B: I suppose that they could. We did not seek help from the national Administration feeling that with the Bar Association in gear--they had established a young lawyer's section and had established a speaker's bureau in each state and there was a pretty good movement afoot in each legislative area. And I felt that as many problems as the President had there wasn't any necessity in getting him involved in this type of thing. That's the way it was during the ratification process, I think if we had run into trouble that he could have been helpful. We ran into trouble in only a couple or three places. In Colorado we ran into trouble, which at that time I think had a Republican governor so it probably wouldn't have been very helpful anyhow. We finally got out of that, and Colorado ratified on the second go-round; and here again we carried this responsibility personally with ourselves and the Bar. And there were some questions in Pennsylvania and also West Virginia, but these were answered on sort of a personal basis, with the legislative leaders involved.
- M: Most of this story on the Twenty-fifth Amendment, I assume is in your book, which I've not been able to obtain, since I knew I was going to talk with you. Are there any important facts that didn't get in that book that you think are relevant regarding the Twenty-fifth Amendment?
- B: I don't think so. I'm sure the facts that are in it could have been said by a more professional writer, but I think most of the facts are there.
- M: I know it's pretty good press around town and elsewhere. What about the other amendments that have gotten quite a lot of publicity during the Johnson Administration? Most of them, ones that have never gotten too far off the ground--the Dirksen prayer amendment, and the Dirksen reapportionment amendment--you have worked to more or less neutralize. Has the White House played any part or been in touch with you in any significant way on those?

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B: I have not talked to the White House about either one of those. We did talk with the White House and work with the staff people down there on the matter of electoral college reform and on representation in the District of Columbia. I introduced amendments--Administration amendments--to accomplish both of these. The District of Columbia representation one, to provide a representative in the House, I reintroduced this year. The electoral college reform which the President would have removed the elector as an individual, would have thus taken away the Lloyd Bailey opportunity to barter and to change the elector's vote from that of the state. He would have retained the present electoral weight in the college. It would have also taken care of one of the incidents of Presidential death prior to taking office. At the time, I must say I thought I made a very eloquent plea in my opening statement for this in which I tried to shoot out of the water all the other proposals; and I thought I did a very effective job of saying why the direct popular vote wouldn't work. But after we held hearings for about a couple of months, I became convinced that I was wrong.

M: I was going to say, [this time] you were the one who had to come back later--

B: So I had to eat my crow, and I still see an occasional editorial in which these words come back to haunt me. But I never received any redress or admonition from the President; in fact I really didn't talk to him about it. I did have some lengthy conversations with various White House staff and a couple or three long detailed discussions with Ramsey Clark--

M: This is on the direct election?

B: Direct election. To try to, first of all, let the Administration know about changing my mind, and secondly, to see if we couldn't get them to change their mind. I think Ramsey has come himself personally pretty well the whole gamut from being about 99-percent against popular vote to being about 99-percent for it now. And one of the last discussions I had with the President--it wasn't the last, but after the election this year--I talked to him, and he said he thought this reform was very important and probably was coming. This fell short of an outright endorsement of popular vote in my own mind as I recall exactly what he said. I had the impression, perhaps with a little persuasion, that he might be persuaded to come and join the effort.

M: Now you get to start your persuasion over on a new bunch to get it through. Another aspect of the Judiciary Committee's business under Mr. Johnson which has received, and is going to receive, a lot of questioning is the Fortas nomination. Were you ever in touch with the White House during the time that that nomination was before the committee in the Senate?

B: No, I made my position clear that I was going to support Justice Fortas. I don't know--I know I didn't have a call from the President. I might have had a call from somebody down in Justice just counting noses to see where I was on the thing. I didn't receive any pressure on it.

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- M: What do you think is the genuine reason for the Fortas defeat? Did it have something to do with Mr. Johnson and the dissatisfaction the Senate had with him at that time more than with Mr. Fortas?
- B: I think it was a calculated effort on the part of the Republicans to hold off so that if they won the election they could appoint their own man; which is what happened. I mean, it was just totally inconsistent to see some of those people just suddenly rear up and criticize Abe Fortas for things that existed all along when they didn't oppose his original nomination; and he only has one vote as Chief Justice just the same as he has now and had before; and so this puts it in a political connotation quite contrary to some of the rather pious arguments that were being used.
- M: And there were a goodly number of those. Your other major committee assignment is the committee on public works, and particularly in the field of air and water pollution. Did you work with the White House closely on legislation in that area?
- B: Well, I supported the Administration legislation, but I don't ever recall having any direct contact with the White House people on this particular subject. We pretty well confined our efforts through the Public Works Committee, with the Subcommittee there, with the Subcommittee staff, and with Senator Muskie and his staff.
- M: Did the bills come down in this case from the White House, or were they committee efforts?
- B: Well, sort of a composite really; sometimes the committee would differ with varying suggestions of the Administration, and we would try to reconcile these differences.
- M: Did the two sides in this case divide in any regular way? Was the White House generally tougher or for tougher control measures than the Senate, or vice versa?
- B: No, I think the Public Works Committee has been sort of leading the charge on this, and Senator Muskie was interested in this problem. At least he spoke out in greater detail before the Administration got as interested as they were.
- M: All these measures required considerable effort to get through. Again, does the White House lobby effectively? Do they really put a staff commitment behind these measures?
- B: Yes, I think most of the White House effort was directed at the House, because the Senate was wanting a more liberal and tougher bill than the House; and so we ended up with a compromise bill, as I recall, a couple of times, which was less than the Senate had proposed. And in light of this there wouldn't have been much reason really to have any White House pressure directed at the body over here. It really was going to give more than the other one.

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- M: No use wasting it. Right. The Public Works Committee in the popular mind is often considered the pork barrel committee, the one that's used for political purposes. And Mr. Johnson in the public view is supposed to be a highly political character. Does the national Administration try frequently to use a committee like Public Works for political value around the country, for specific political purposes around the country?
- B: I know if you're talking about the White House relationship I really know nothing about this. I know very much how it works from the standpoint of one Senator, which I suppose multiplied times one hundred would be the national view. It can't be denied that when you put a project into an area that is vitally needed, that has important benefits for the community, that this has political fallout benefits. That's sort of what this business of government is about. When you deal with problems, this is responding to the needs of the people; and thus in addition to being good government, it's good politics. The whole--well, let me not be so naive as to say the whole format--but by and large the whole criteria, a great bulk of the criteria, for establishing these projects has changed significantly in the last 10-15 years, in which there is rather strict adherence to the necessity of meeting a cost benefit ratio that's favorable; in other words, you get more than a dollar's benefit to the community, to the government, to the varying interests, whether it's in transportation on a navigable waterway or a flood control or recreation or water supply or whatever it may be. You have to get more than a dollar's worth of benefit to society from each dollar you spend or the project never gets to the point where we in the Congress consider it. The Corps of Engineers won't recommend it unless it meets this rather strict criteria. So the old traditional theory of pork barrel--you just pass out a little money here to get votes--this has pretty well gone by the board. At least our Indiana situation has been that these projects have been studied for a long period of time, and they sort of fall into a pattern where this year a project that has been studied and it's at the top of the list priority-wise, will be proposed, and it will be authorized and then hopefully the following year we can get some appropriation money to try to start primary work. And then the next year the second item in priority, the second project in priority, will be suggested.
- M: Well, there's always a lot of projects that do give adequate return that could be chosen from among--It's not a regular thing for, say, the national Administration in an off-year Congressional race to say "Well, we'd like to pick up so many seats in some particular state. Let's really move several projects to the top of the list in time to have some benefit by November of this particular year."
- B: Some of this is probably done, but it can't be done unless the project is a worthwhile and worthy project. And the amount of study, the amount of support necessary to make these projects palatable to the given community is such that it has been my experience that you just don't ever overnight, even in a two-year period of time, suddenly come up with a project that you feel you can put into a community and it's going to elect a Congressman. It takes longer to study this. And a lot of these projects cut both ways. There are some people that benefit and some people that are harmed so you have to get the citizens interested, aroused, and enthused about projects.

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M: Citizens, sometimes even object, predominately.

B: Right. The fellow whose land you're taking can't understand why you're benefiting somebody downstream when he has to lose the home place.

M: It is a little foreign.

B: And I think I might feel the same way.

M: You've answered some of the questions regarding Mr. Johnson's personal technique in the Senate; you said you had not felt the famous Johnson treatment, and so on. Did he operate in a personalized way with Senators frequently, telephone calls, for example, frequent conversations, frequent briefings, this type of thing?

B: I'm sure this happened. I've heard a lot about it. I did not ever receive one call from the President of the United States asking me to vote on an issue. In fact there was one time when I was opposing a Presidential nomination---

M: Was that [Rutherford] Poats [as Deputy Director, AID]?

B: Mr. Poats. This went on for about eighteen months, and I got it delayed, and kept it off the Senate calendar at the tail end of one session. I've never talked to the President about this because our relationship was such that we could agree to disagree and not have it affect our personal relationship. But I'm confident from everything I've learned that the President asked Mr. [William] Gaud, "What about Bayh's objection to Poats," and Mr. Gaud told him that this was something personal and there really wasn't much support there; and it's my understanding that the President said, "You go back up and you take a poll of some of those members up there and find out how much opposition there is." And at that time Gaud did come back up and did ask a lot of Senators if they would support Poats' nomination.

Well, in asking that question of course--without putting it in proper context, without explaining that I was going to fight it right down to the last amount of my ability--he didn't get a true barometer up here of opposition; and thus when he reported back to the President, the President went ahead and sent up the name again. I think if the President felt convinced--and I suppose maybe I erred in not calling the President and personally expressing my opposition to it--but here again, I didn't want to put this on a personal basis, so I didn't; and the name came back up and we had a real donnybrook on it and came within two votes of beating it; and I think if some of the fellows had thought that it was going to be that close they would have been with us. They just thought this was sort of a--that I was off on a lark of my own, and they didn't want to look foolish.

M: It's interesting that they never did contact you, with as much publicity as it was getting.

B: I remember one day I went down to the White House, I don't remember exactly--I was going down to talk to Marvin Watson. Marvin asked me if I'd like to see the President.

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Well, I said, "He's busy." He said, I guess I was talking to Marvin, and he said, "Wait a minute." Then he came back and said, "The President wants to see you." And I went on in, and he was talking to Russ Wiggins; and it was just Russ, myself and his press secretary sitting there. And in the conversation, they were talking about Viet Nam and every other thing and I just sat there. And along at the tail end of the conversation the President turned to Wiggins and said, "What do you think about a young Senator that came down here from Indiana and just was so brutal against a fellow by the name of Rutherford Poats, who had a wife and four or five children, and just picking on this poor fellow." It just obviously was very joking and needling me.

M: Kind of a soft sell.

B: Yes, and that same morning [interruption]--

We were talking about Poats, and the Wiggins conversation. He kind of needled me a little bit there; and that particular morning there had been the nastiest editorial, maybe it was the morning before that, the nastiest editorial I had ever had written about me. It was written by the Post [Russell Wiggins was editor of the Washington Post].

M: And Wiggins was sitting there.

B: Yes. Wiggins was sitting there, and I said, "Well, Mr. President, I'm a little bit surprised to see that you form your impressions by reading certain editorials that appear in the local press, in the Washington Post," I think I said, because I--oh, brother, I was hot about that.

M: I have seen that editorial, it was a pretty low one.

B: It was nasty. I'm trying to figure what--Wiggins laughed, and he asked me to stay and I forget what it was--it didn't have anything at all to do with Poats. I'll be doggone, I can't remember what it was he wanted to talk about.

M: I've seen it written that because of the opposition of some of the older Senators, whom Mr. Johnson knew well, to his Viet Nam policy, he developed what they call a young network with people who generally supported him, yourself and Senator [Gale] McGee, and others. But I take it from what you say about the personal contact that this would not be an accurate statement, by and large, or exaggerated at least.

B: Well, all I can do is just speak from my own personal contact and you'll have to get this answered by others who may have had this type of experience. Our experience with the Johnsons was a very personal one which started the first time I was in Washington. My wife and I were hunting for a house and we were here trying to get ready to set up an office; and we stopped by to pay a courtesy call and ended up out at the Elms eating dinner that evening. Just half an hour later after we walked in, he said, "Well, have you had dinner," and we hadn't; and he said, "Well, come on, let's go home and eat."

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Bird, as he called Mrs. Johnson, was shopping in New York, so we sat there and ate and heard him reminisce, and we ended up about 11 o'clock at night with him in the back seat of that big chauffeured limousine driving through Spring Valley looking at houses that were for sale. He'd point out one and say, "Now, that's one for sale. It ought to cost so-much," you know, and I thought, "Boy, pinch me--is it real! The Vice President of the United States is trying to be our real estate agent."

It's typical of the kindness of the man. He had my wife out, had us both out to a little party, and it turned out to be the 14th of February in 1963, which I think unbeknownst to everybody was her birthday. But in the process everybody sang "Happy Birthday" to her, and that was her 30th birthday--she was leaving her 20's.

M: That's a good way to go over the hill.

B: Just to emphasize the personal relationship, I was the National Chairman of the Young Citizens for Johnson-Humphrey in 1964, and in this capacity I traveled extensively over the country with the two Johnson girls. And I think this tended to solidify the personal basis, because most fathers appreciate people who do things with their youngsters; and as these gals are great gals, we enjoyed that experience.

We had, I thought, an extremely effective organization. In fact, the President told me one time in the company of our Governor and my senior colleague when he was in Indiana in the campaign there were only two groups he could really count on to really produce wherever he went: one was Labor and the other was our Young Citizens group. I think this tended to put our relationship on a personal rather than a business or legislative basis. You know, as a freshman Senator you don't have much "wham" up there as far as legislative muscle.

M: This is a very subjective question, and of course you were not perhaps around long enough to form a very clear impression of your own, but when Mr. Johnson became President and got the mass of legislative business enacted by the 89th Congress and for a short time thereafter, in your judgment do you think that President Kennedy could have done the same thing in the same time period? Or was it Mr. Johnson's legislative experience that made it possible to break the log jams?

B: Well, I think if President Kennedy had remained President, the legislation, much of it, would not have passed. I think passage of much of this legislation was a result of two things: one was Lyndon Johnson's great knowledge of legislative process and his ability to talk with and know how to approach certain people. Second, I think you just have to realize that President Kennedy's assassination had a traumatic effect on the country; it had a traumatic and rather sobering effect on many people in the Congress.

M: The fact of the assassination--

B: Yes. So I think the fact of the assassination made President Johnson's efforts more effective. But you know, if Mr. X had been in the President's chair at that time and had

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been faced with this burden, he probably would have been much, much less effective than Lyndon Johnson, who really knew how to make the Senate and the Congress work. I think both factors have to be taken into consideration.

M: What happened then? Why does what they called then the consensus break down in Congress a year or two later? Is it partly the wearing off of the effect of the assassination, this type of thing, or are there other important reasons?

B: Well, part of it is a wearing off of the effect, but I don't think enough really has been said about the tremendous amount of progress that had been made there in a relatively short period of time, in which there had been many long over-due, problems that had not been solved. We had not paid any attention to them, there had been a few voices in the wilderness, but in a relatively short period of time--either with programs that had been initiated by President Kennedy or by programs that had been initiated by President Johnson after President Kennedy's assassination--we dealt with many of these most critical problems so that the sting of the conscience had salved a bit and some of the most long over-due business had been dealt with. And thus the urgency of the situation was not quite so great. This made some of the problems a little less pressing; it was more difficult to get some people to support them.

M: Was the Viet Nam war an important source of falling out with the President's programs as far as the Senate was concerned?

B: The Viet Nam war really didn't reach the critical nature until somewhat later, if we're talking about when the consensus started to break down. I don't think that the Viet Nam war had much of a part to play with that, frankly, because at that time it was generally recognized that Viet Nam was a problem but it was our problem as a country; and it was not until somewhat later that the finger of accusation was pointed to President Johnson.

M: So its role would be more in preventing the re-establishment of the consensus than it would in destroying the first one?

B: Yes, I think that's probably right. That's probably right.

M: Your colleague in Indiana was one of those who criticized rather publicly the Viet Nam involvement and the President's part in it and allegedly, at least, to the considerable anger of Mr. Johnson. Did that affect the State of Indiana's position? Did Mr. Johnson punish Indiana for Senator [Vance] Hartke's views on Viet Nam?

B: Not to my knowledge.

M: He didn't, in cases where people opposed him, make personally vindictive efforts against them?

B: Well, I'm sure that President Johnson felt very hurt by Senator Hartke's onslaught there. Lyndon Johnson had made it possible for Vance Hartke to have two choice committee

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assignments, and there had been a rather close relationship there at one time; and I'm not sure it was the criticism or the disagreement so much as the extent to which this criticism was directed, almost to a personal vein at the President. I could sympathize with the President quite frankly; I could also understand why Senator Hartke felt that way. It's his right, his responsibility to do what he thinks right. I am sure this relationship completely disintegrated. I'm also equally sure President Johnson did not punish Indiana because of Vance Hartke.

M: Your own criticism of Viet Nam was not ever as to our involvement, as I understand it, but only in the instance of the Poats' nomination, where it was a matter of the use of aid funds for buying Korean steel?

B: Well, Poats as a man was a very personable fellow. He just was total flop as an administrator.

M: You were not so interested in the policy there as the man that was represented.

B: That's right. And the way the policy was implemented was woefully ineffective because of his inability to really minimize the difficulties. Now any man would have a tough job in administering 750 million dollars of aid in a situation like existed in Viet Nam, but Poats' philosophy was just totally foreign to what I thought needed to be followed down there. He just wanted to shovel in the money without any cost accounting, without any auditing, figuring the only way to hold down inflation was to soak up the piasters with American dollars without requiring something in substance which was visible as a result of this expenditure of funds. In other words some of those people down there would argue, "Well, it really doesn't make much difference if you spend those dollars and the produce that's purchased ends up on the black market."

M: It still soaks up the--

B: "It still soaks up the piasters." But let's soak up the piasters and have a school house or a dispensary or an agricultural economist working as a result of the expenditure of these dollars. That's basically where Poats and I fell out.

M: You weren't really criticizing what you considered to be a policy of the Administration, so much as the way it was being administered by the people who were involved in the episode.

B: That's right.

M: So you didn't come into conflict with the White House--

B: I went to Viet Nam a year ago, came back, and there were two or three things that I thought should be done. I talked about them, I never tried to escalate this to the personal scale that some people have escalated it. In fact, many of the criticisms I had ultimately were dealt with--whether it was the aid problems or the effort that [Gen. Creighton]

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Abrams has been making to build up the South Vietnamese forces, or ultimately the bombing halt I thought was imperative to try to see if there was common ground there.

M: Did you make that view clear to the President at any time, that you favored a halt to the bombing?

B: Yes. I made these pronouncements, suggestions. But I think Lyndon Johnson inherited the situation there. It would be interesting if we could just really know what President Kennedy or someone else would have done in a situation like that.

M: It's easy for the people to say he would have done one thing or the other now, but that's speculation of a pretty far-out sort, I think.

B: Every action of Jack Kennedy while he was President indicated that he would not have turned tail and run on something like that. I remember the President [Johnson] telling me one time when I was down there that the alternatives available to him were rather narrow and weren't very numerous: he could either pull the boys out and turn the whole country over to the Communists, go back on all the commitments; he could keep the advisers, the 50 thousand advisers, in there and have them killed--

M: And thrown out.

B: Well, that was going to happen. Or he could send enough force in to try and protect the ones that were there. And he followed the latter alternative.

M: Indiana was an important primary state this year. Of course it turned out to be held after the President had withdrawn his name from consideration. What was the condition of the Johnson forces in Indiana for this year prior to his announcement? Did you have any contact with them at all?

B: When Bob Kennedy came out as I recall the chronological sequence of events, the President was still in the ball game, he hadn't withdrawn himself, as I recall. I told Bobby and I also told Teddy, whom I was closer to, that that was going to make it very difficult for some of their friends, because I for one was going to have to stay hitched with the President and thought it was wrong for him to oppose an incumbent President, which is what the effort looked like then.

M: Right.

B: And I think if the President had stayed in the game he would have carried Indiana.

M: Did he ever talk to you about the prospects of Indiana during the period before he announced his withdrawal?

B: No.

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M: So you don't know that he had any personal hand in--was it Governor [Roger] Brannigan that was standing in for him?

B: Yes. I think Governor Brannigan's position was probably motivated, or action was motivated, as much by feelings against the Kennedys as it was--why he did that I don't know. He sure didn't consult with me. I thought it was a very foolish thing for him to do.

Let me--on this Indiana situation. You see, when Brannigan first got involved I urged him to get involved. In fact, I made a personal trip out there and sat down in his office to suggest that he was the only one that could really give us a chance to protect the President's flank. Oh, I suppose I could have, but I was running for reelection and preferred not to. I would have if it had been necessary, but the Governor was the head of the party and he was the one to whom the party machinery owed its primary allegiance, and he ultimately did get into this race after some personal discussions with Vice President Humphrey and with the President.

M: He did talk to the President about this?

B: Yes, I'm sure he did because I think probably there was a quid pro quo involved as far as a couple of important things the Governor thought needed to be done in Indiana, and I thought needed to be done. But then when the President made this announcement, Branigan, instead of saying, "All right, the President is no longer a candidate, thus my obligation is fulfilled," he stayed in the picture, which had to be interpreted as an effort anti-someone else who was there.

M: At that time Humphrey hadn't even announced.

B: No, Humphrey hadn't announced. In fact there was a definite plan I think on the part of Humphrey forces that, you know, "Why get involved in a personality contest? So if we get in and make this announcement prior to some of these primaries, we might have to." And I think it was a wise decision on their part. But it was a foolish one on Brannigan's part, and it's just unfortunate. It cost him a great deal of embarrassment to get defeated, and if you looked at it very closely you could just sort of see it coming. You had a three-way race. You had a brother of a late President--a martyred President--who had a lot of appeal among young people and could spend a lot of money; and all he needed was 40 percent to win--and he got 42.

M: Predictable, almost--

B: Yes. I mean it's not like he'd gotten 51, 52, 56 percent; he didn't have to get that to win in a three-way race.

M: You also had a pretty hard reelection campaign, and Nixon carried Indiana. Can you make an assessment of Mr. Johnson's--his Administration's--effect on the Democratic party in Indiana? Has it been a negative effect?

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- B: Well, I don't think the Johnson Administration, as such, in its political effect was either good or bad in Indiana. We had a very demoralizing situation in which our Governor had always been a very popular Governor with the people. But he's just anathema to the political types. He didn't recognize the necessity of, at the same time you're a good Governor, maintaining contacts with the county organizations and precinct organizations. And Brannigan was very popular with the average guy on the street, [but] he was not very progressive in the areas like mental health and education that had been pretty strong Democratic issues. He was a very popular Governor, very popular, till he tangled in this primary which was unfortunate. But as far as the Democratic party is concerned, it was the Brannigan administration, not the Johnson Administration, which had an erosive effect. In fact when Hubert Humphrey came down he was in French Lick at a meeting of all of our county chairmen and vice chairmen and their wives--must have been about 400 people--the evening that Bob Kennedy made the announcement that morning that he was going to run. And he came out with a strong pitch for what the Johnson Administration had done; and those party people, some of them, were actually standing on the tables, and some of them had had too much to drink, and I was afraid they were going to fall off. But it was one of the most enthusiastic political responses I have ever seen, with Hubert Humphrey at his best, an hour and fifteen minutes extolling the virtues of the Johnson Administration, and it was readily accepted by the Democratic party in Indiana.
- M: You didn't feel like you had to run with the President around your neck this fall, as a real burden to your own reelection?
- B: No, I didn't. President Johnson's popularity was down, he had a lot of people kicking him in the shins. I did not cut and run from the President--there were two or three areas that I differed with him on, and didn't hesitate to say so, but I never made apologies for him; I thought he was a great President, and a devil of a lot better than we have now. Although I hope history proves me wrong, because if Nixon does a better job than Johnson we're going to solve a lot of problems the next four years.
- M: That's right. That's a pretty good summary; are there any other comments you would like to add or make? I was at the mercy of what's printed in preparing to talk to you and if there are some areas you think are important by all means mention them.
- B: Well, I'd just as soon that we didn't make public these remarks I had about our Governor for awhile. Talking about the President, you know, nothing I've said, of course, is of any great consequence. Inasmuch as my relationship--our relationship, my wife and mine, with Lyndon Johnson was personal, it's difficult for us to sit still and buy the total degradation that some people direct at him as a hard, harsh, ruthless, vulgar man, which is not the Lyndon Johnson we knew. He was a man that had certain personal traits, as we all do. He had the unfortunate fact of life that television did not treat him kindly in an era in which everybody watches television. But as far as the warmth and his willingness to go that extra mile to help a person, we were the beneficiaries of this on many occasions. One I recall was one Sunday afternoon, evening, about 6 o'clock there was a call; my wife answered the telephone as she usually does to tell the constituent that the Senator isn't there, "You can call him at 9 o'clock in the morning at the office," and she said, "It's

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the President. He wants to speak to you." And he wanted to know if we wanted to come over and have dinner with him there, just having a few friends. Well, it turned out to be maybe six people altogether, and I told him we'd love to, but we didn't have a baby sitter for our son, who was about ten then, I think. And he said, "Well, you see if you can find a baby sitter; and if you can't, why, bring him along." So we looked around, we couldn't find a baby sitter, so I called him back and told him that we were really sorry, and the President said, "Bring him along." So there our youngster was in the dining room at the White House, Mrs. Johnson showed him the Lincoln bed and sat him in there to watch television while the rest of us talked and this kind of thing; taking my wife down the river on her birthday as sort of a surprise, with fifteen or twenty of our friends, going along himself. This kind of thing is a man who likes people and wants to help people and has had the opportunity to either personally or because of his legislative efforts make life happier and better for hundreds of thousands of Americans.

GENERAL SERVICES ADMINISTRATION
NATIONAL ARCHIVES AND RECORDS SERVICE

Gift of Personal Statement

By Birch Bayh

to the

Lyndon Baines Johnson Library

In accordance with Sec. 507 of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. 397) and regulations issued thereunder (41 CFR 101-10), I, Birch Bayh, hereinafter referred to as the donor, hereby give, donate, and convey to the United States of America for eventual deposit in the proposed Lyndon Baines Johnson Library, and for administration therein by the authorities thereof, a tape and transcript of a personal statement approved by me and prepared for the purpose of deposit in the Lyndon Baines Johnson Library. The gift of this material is made subject to the following terms and conditions:

1. Title to the material transferred hereunder, and all literary property rights, will pass to the United States as of the date of the delivery of this material into the physical custody of the Archivist of the United States.

2. It is the donor's wish to make the material donated to the United States of America by terms of this instrument available for research as soon as it has been deposited in the Lyndon Baines Johnson Library.

3. A revision of this stipulation governing access to the material for research may be entered into between the donor and the Archivist of the United States, or his designee, if it appears desirable.

4. The material donated to the United States pursuant to the foregoing shall be kept intact permanently in the Lyndon Baines Johnson Library.

Signed by Birch Bayh on December 19, 1970

Accepted by Harry J. Middleton for Archivist of the United States on March 11, 1975

Original Deed of Gift on File at the Lyndon B. Johnson Library, 2313 Red River, Austin, TX
78705

ACCESSION NUMBER 74-169

Preparation of "Gift of Personal Statement"

- A. If you do not wish to impose restrictions on the use of your tape and transcript and if you do not feel the need to retain literary property rights upon the material, please sign the enclosed statement and return it to the Oral History Project.
- B. If you wish to restrict the use of your transcript for a period of time beyond the date of the opening of the Johnson Library, a new statement will be prepared (either by you or by us) deleting paragraph 2 and substituting the following, with one of the alternatives:

It is the donor's wish to make the material donated to the United States of America by the terms of the instrument available for research in the Lyndon Baines Johnson Library. At the same time, it is his wish to guard against the possibility of its contents being used to embarrass, damage, injure, or harass anyone. Therefore, in pursuance of this objective, and in accordance with the provisions of Sec. 507 (f) (3) of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. 397) this material shall not,

for a period of 20 years
or
during the donor's lifetime
or
for a period of ____ years or until the donor's prior-death
or
for a period of ____ years or until ____
years after the death of the donor, whichever occurs earlier
or
for a period of ____ years or until ____
years after the death of the donor, whichever occurs later

be available for examination by anyone except persons who have received my express written authorization to examine it.

- C. If you wish to have the restriction imposed above apply to employees of the National Archives and Records Service engaged in performing normal archival work processes, the following sentence will be added to paragraph 2:

This restriction shall apply to and include employees and officers of the General Services Administration (including the National Archives and Records Service and the Lyndon Baines Johnson Library) engaged in performing normal archival work processes.

- D. If you do not wish to have the restriction imposed above apply to employees of the National Archives and Records Service, the following sentence will be added to paragraph 2:

This restriction shall not apply to employees and officers of the General Services Administration (including the National Archives and Records Service and the Lyndon Baines Johnson Library) engaged in performing normal archival work processes.

- E. If a restriction that extends beyond your lifetime is to be imposed in paragraph 2, the following paragraph (appropriately numbered) will be completed and added to the end of the "Gift of Personal Statement":

I hereby designate _____ to have, after my death, the same authority with respect to authorizing access to the aforesaid material as I have reserved to myself in paragraph 2 and paragraph 3 above.

- F. If you wish to retain the literary property rights to the material for a period of time, the phrase in paragraph 1 "and all literary property rights" will be deleted and either of the following paragraphs (appropriately numbered) added to the end of the statement:

The donor retains to himself for a period of 25 years all literary property rights in the material donated to the United States of America by the terms of the instrument. After the expiration of this 25 year period, the aforesaid literary property rights will pass to the United States of America.

or

The donor retains to himself during his lifetime all literary property rights in the material donated to the United States of America by the terms of this instrument. After the death of the donor, the aforesaid literary property rights will pass to the United States of America.

LYNDON BAINES JOHNSON LIBRARY
ORAL HISTORY COLLECTION

Narrator: Birch Evans Bayh, Jr.

Biographical information: Senator. b. Terre Haute, Ind., Jan. 22, 1928. B.S., Purdue U, 1951; student Ind. State U., 1953-60; J.D., Ind.U., 1960. Farmer, Terre Haute, 1952-57; admitted to Ind. bar, 1961, mem. Ind. House of Reps., 1954-62, minority leader, 1957-58, 61-62, speaker, 1959-60; U.S. Senator from Ind. 1963-81; mem. Judiciary Com., chrm. Constl. Amendments Subcom., member Administrv. Practice and Procedure Subcom., Constl. Rights Subcom., Intl. Security Subcom., Juvenile Delinquency Subcom.; member Pub.Works Com., mem. Air and Water Pollution Subcom., Flood Controls, Rivers and Harbors Subcom., Pub. Roads Subcom.; one of 10 Outstanding Young Men, U.S. Jr. C. of C., 1963.

Interviewer: Paige E. Mulhollan

Position or relationship to narrator: U. T. Oral History Project

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