

# RIPON FORUM

**TENNESSEE AND  
HOWARD BAKER**

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## **EDITORIAL: GOP**

NEEDED: VACANCIES AT THE TOP

Editorial Note: The following letter was addressed to President Ford by Ripon President Glenn S. Gerstell prior to President Ford's January 5 meeting with Vice President Rockefeller, Governor Reagan, and Governor Connally:

The Ripon Society has great respect for the experience and leadership represented by yourself and the three other party leaders with whom you have met in the recent past and are expected to meet shortly. With all due respect, however, Ripon believes that the most important task faced by your group of party leaders is to turn over the leadership of the party to a new generation of elected GOP officials in the most visible possible fashion.

With the possible exception of Governor Connally, it appears unlikely that any member of your group will again seek high elected office. But your years of government service and public visibility make it inevitable that the press will turn to you and your associates to represent the views of the Republican Party in the near future. As long as the four of you are seen as the primary spokesmen for the GOP and its views on national and world affairs, the emergence of other Republican leaders as spokespersons for the party will be stifled.

To state this fact is not a criticism of you or other other members of the group; it is simply a recognition of political reality and the way that the American press covers the news. You are all articulate, experienced politicians. As long as the four of you seem representative of the major viewpoints in the Republican Party, it is unlikely that the press

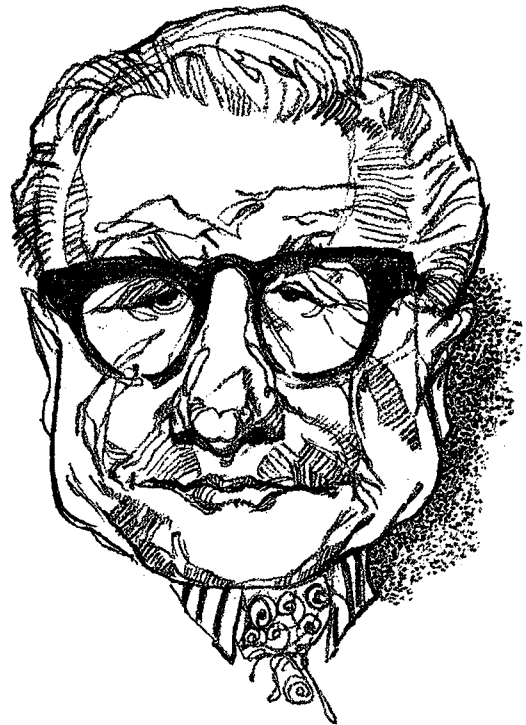
will search diligently to publicize the views of other GOP leaders. Yet, it is precisely these leaders on whom the hopes for the future electoral success of the party depend.

You personally have done a great deal to ease the burden of Watergate carried by the GOP. Yet it is inevitable that voters will continue to associate the problems of the past decade with the politicians who were prominent in that decade. If the voters



are to turn to the Republican Party as a party of innovative and practical solutions to public problems, it needs new faces with which to associate these ideas. The recent trend of the voters in both parties seems to indicate a disposition to turn to less familiar, less experienced names when voting for high elective office. Indeed, some of the GOP's surprising Senate gains this past year were indicative of that trend.

And so, Ripon hopes that you will not deprive the party of your leadership and experience, but it also hopes that you and your colleagues will step deliberately into the party's background and let a new generation of leaders emerge to capture the imagination and attention of the public. There are many such leaders for the GOP has consistently demonstrated its ability to attract capable senators and governors. Men like James Thompson, Pierre du Pont, Harrison Schmitt, Malcolm Wallop, John Heinz, and John Chafee are merely the most recent representatives of this generation to reach high elected office. When you and your colleagues organize the Republican Coordinating Council, we hope that the names of these and other members of the GOP's younger leadership will be prominently represented. Further, we hope that the primary task of this council will be the pressing need to recruit additional capable, young men and men to



seek office at all governmental levels.

Clearly, a decision to foresake the preeminent leadership of the party is one that only you gentlemen can take. But Ripon earnestly believes that abdication of exclusive party leadership would constitute responsible party leadership in the truest sense at this point in the Republican Party's history. ■

## **EDITORIAL: Carter Cabinet**

MEMO TO THE SENATE JUDICIARY COMMITTEE

Editorial Note: The Ripon Society addressed the following memorandum to the Senate Judiciary Committee prior to the commencement of confirmation hearings January 11.

The Ripon Society wishes to express its grave reservations concerning the qualifications of Griffin B. Bell for the office of Attorney General of the United States:

While as a Republican organization strongly committed to our party's tradition of upholding civil rights and liberties, we are concerned by what we view as Mr. Bell's uninspiring record in these areas as a federal

judge and as a private citizen, we are not entering here into a detailed discussion of that record. Rather, we wish to draw your attention to the symbolic importance of his nomination as Attorney General. The nomination marks a return to the pattern of political cronyism and partisanship in the Justice Department that has all too often compromised and corrupted our Constitutional system.

While we do not question the right of a President to nominate a close friend as Attorney General, we are disturbed in that this particular one fails to meet the nation's needs and expectations. Having made the

quality of Cabinet officers a major campaign issue, Governor Carter had the obligation to nominate, in his own words, "the best qualified candidate." This traditional obligation has now acquired a special significance with respect to the office of Attorney General in light of the need to continue the restoration of legitimacy to the Justice Department after the disgrace of Watergate.

It is critical that the Attorney General avoid even the appearance of a conflict of interest in the discharge of his duties as the nation's highest legal officer. As a long-time political confidant of the President-elect, Mr. Bell's discharge of those duties might have the appearance of being tailored to political exigencies rather than to the independent authority of the law. This potential becomes the more troublesome when it is coupled with Mr. Bell's stated predisposition toward broad presidential powers. In United States v. Brown, 484 F.2d 418 (5th Cir.1973) then Circuit Judge Bell asserted without significant qualification that the President could authorize wiretaps on the grounds of gathering foreign intelligence without obtaining prior judicial approval. Judge Bell's broad assertion evidently led another judge on the court, Irving Goldberg, to file a separate concurring opinion in the same case which cautioned against such warrantless wiretaps and urged judicial limitation on any exercise of such unqualified presidential power.

President-elect Carter has attributed criticism of Mr. Bell to the fact that Mr. Bell is a southerner. Such a claim is an insult to the many exceptionally qualified lawyers and jurists throughout the South. President-elect Carter and Mr. Bell have tried to mollify opponents of this nom-

ination by promising to appoint blacks to high positions in the Justice Department. In so doing, they appear to view the matter as merely a dispute over patronage.

We therefore urge the Republican members of the Judiciary Committee to appraise Mr. Bell in the light of what we feel are the nation's needs and expectations. If, after your considered evaluation of his record and the testimony presented at the Committee's hearings, it appears that the nomination fails to meet those needs and expectations, we trust you will vote against his confirmation.

To the Democrats of the Committee, we respectfully offer the same advice and ask that you not adopt a double standard. Most of you applauded Ripon's criticism of the politicization of the Justice Department during the Nixon years. We trust you will not tolerate a similar potential in a new Administration of your own party.

Our nation is entitled to an Attorney General whose first responsibility is to the principled enforcement of the law, rather than the political advancement of the President. This country had reason to expect the nomination of an Attorney General of the stature of an Elliot Richardson or an Edward Levi. It deserves better than Griffin Bell. ■

Correction: Maine was omitted from the delegate apportionment chart in the December 1, 1976 FORUM. The state was included in the regional totals for the North; it will have 20 delegates in 1980---the same number as in 1976. Under Ripon's proposed plan, the state would have 16 delegates.

**THE RIPON SOCIETY, INC.** is a Republican research and policy organization whose members are young business, academic and professional men and women. It has national headquarters in District of Columbia, chapters in fifteen cities, National Associate members throughout the fifty states, and several affiliated groups of subchapter status. The Society is supported by chapter dues, individual contributions and revenues from its publications and contract work.

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## POLITICS: Tennessee

HOWARD BAKER'S LUCK CHANGES

by Dick Behn

The health and prospects of the Tennessee Republican Party have declined precipitously since the GOP achieved its high water mark in the elections of 1970 and 1972. The fortunes of the GOP had risen steadily during the 1960s. The party was a model for spectacular GOP growth in the South as the following statistics attest:

\* In 1960, Democrats controlled the State Senate by a 27-6 margin. By 1972, the Democrats had only a 17-15 edge.

\* In 1960, the Democrats had an 80-19 lead in the House of Representatives. Even that was a three vote-gain over the GOP's representation in the previous legislature. The GOP continued to gain in all but one of the next six elections until in 1972, the Democrats had only a 51-48 margin.

\* In 1960, the GOP had only two of the nine-member congressional delegation and won only 32 percent of the congressional vote. By 1972, the GOP had a 5-3 edge in the delegation and 54 percent of the congressional vote.

\* In 1958, the GOP gubernatorial candidate against Buford Ellington won a piddling 8.3 percent of the vote and the 1962 candidate against Gov. Frank G. Clement did scarcely better with 16 percent. By 1966, the GOP didn't even bother to contest the reelection of Ellington. But in 1970 Winfield Dunn won the governorship for the GOP with 52 percent of the vote.

\* Similarly, the GOP barely cracked 30 percent in the Senate elections between 1952 and 1960, but never dropped below 46 percent in the 1960s, electing Howard Baker with 56 percent in 1966 and William Brock with 51 percent in 1970. By 1972, Baker won reelection with a whopping 62 percent of the vote.

\* In the presidential contests, Republicans were fairly consistent throughout the 1950s and 1960s, hovering in the 45-55 percent range until it dropped to 38 percent with Richard Nixon in 1968. Nixon rebounded to capture 68 percent in 1972.

The situation faced today by the Tennessee GOP is much less cheery. The Republicans lost the governorship in 1974, lost Brock's Senate seat in 1976, are outnumbered 5-3 in the congression-

al delegation, control only about one-third of both houses of the state legislature, and provided only 43 percent of the vote for Gerald Ford in the 1976 presidential race. The situation contrasts dramatically with the post-1972 days when both Baker and Brock were mentioned as presidential candidates and Dunn was talked about as vice presidential material.

The GOP's ill luck has grown in the presence of a Democratic Party which is unified only in comparison with the fragmented days of the 1960s when Republicans approached their heyday. It is true that state Democrats have learned that it is better to win than to lose and that if the party is to have a shot at winning, member Democrats must refrain from overtly sticking knives in each others' backs. This has been a hard lesson for the Democrats to grasp and the strains are still obvious. The Tennessee Democratic Party is not so much unified as it is in a state of peaceful coexistence with itself. As the Memphis Commercial Appeal's Robert Kellett pointed out in a recent article, Tennessee politics seems to encourage the formation of a large number of rival Democratic powers:

\* Sen. James Sasser, a Middle Tennessee resident who was state party chairman before resigning to run against Brock in 1976. Sasser owes a lot of IOUs to various factions of the Democratic Party, but as an early Carter supporter from a state which gave the new President a winning percentage exceeded only by Georgia and Arkansas, he should have a friend on Pennsylvania Avenue.

\* Gov. Ray Blanton, a West Tennessee congressman before he unsuccessfully challenged Baker for the Senate in 1972. Blanton's administration has been plagued by controversy; Brock tried to salvage his Senate campaign in 1976 by tying Sasser to Blanton. Blanton has not helped his own cause by periodically attacking fellow Democrats and adopting a Nixonesque siege mentality. As one Democratic legislator has observed, "The whole problem with this administration, from the top man on down is arrogance." One of the latest problems Blanton has created for

himself was the reinstatement of Transportation Commissioner Eddie Shaw, a Blanton political ally, despite Shaw's indictment last October for alleged conspiracy to defraud the state. A recent UPI survey of state legislators, with whom the governor has frequently quarreled, indicated Blanton was given negative ratings by over half the legislature. As UPI noted, "In the two years [of its existence] more members of Blanton's administration have been indicted by grand juries than during the previous 20 years..." Setting the stage for this year's legislative battles, Republican Sen. Victor Ashe said: "I consider the corruption of the Blanton Administration to be a major issue which the legislature must face in the coming session...It is obvious that Governor Blanton prefers to cover up his scandals instead of uncovering them. In an editorial, the Memphis Commercial Appeal observed: "Blanton's politicizing of the machinery of state government has pushed steadily ahead despite storms over patronage, family favors, cronyism, extension of civil service to freeze lower level employees into the jobs filled since Blanton took office two years ago, and the vehicle abuses that forced Blanton to also suspend G.B.'Sonny' McCarter, his director of surplus property. Blanton's compassion and concern should be for the taxpayers of Tennessee, not for friends he's found places for in state government." Although Blanton has many enemies within the Democratic Party, he also has made a lot of patronage friends.

\* Nashville businessman John Jay Hooker, who lost both the gubernatorial nomination in 1970 and the Senate nomination in 1974, has acquired something of the political reputation of the now-defunct Minnie Pearl Chicken franchise operation that he once headed, but he still maintains enough statewide strength to affect the party's future.

\*Public Service Commissioner Bob Clement, elected to his post against a GOP tide in 1972. He is heir to the name and loyalties attached to the late Gov. Frank Clement. His interests may lie in the governorship or in the Senate seat that his father lost to Baker in 1966.

\* Nashville Mayor Richard Fulton, who resigned from Congress to run for mayor of that Middle Tennessee city in 1975 and who seems headed for a gubernatorial campaign in 1978.

\* Jake Butcher, an East Tennessee banker who lost the gubernatorial nomination to Blanton in 1974 by 17,000 votes. Butcher, who controls a spectacularly expansive string of 13 banks in Kentucky and Tennessee, was a key supporter and financial backer of Sasser in 1976. He is considered a prime 1978 gubernatorial prospect.

\* House Speaker Ned Ray McWhorter, who has often been mentioned as a potential candidate for statewide office but never run. He has helped consolidate the Democrats' legislative majorities as the foundation for the party's resurgence while avoiding any more intraparty legislative friction than Gov. Blanton provoked.

\* State Senate Speaker John Wilder, who has worked closely with McWhorter to help stabilize the party's strength in the legislature.

\* Former gubernatorial aspirant Bill Farris (1962), now chairman of the state Democratic committee and a longtime West Tennessee political organizer.

Farris contends that despite the proliferation of Democratic powers, his party is not likely to become complacent with its recent success: "It is a party that reminds itself of five years ago when our guard was totally down. We cannot afford divisiveness beyond the primary and know that." Multi-candidate primaries are a Democratic tradition in Tennessee; it is not uncommon to have five or six serious contenders for statewide office and a host of also-rans.

The focus of political attention is the 1978 elections for governor and senator. Blanton is not eligible for reelection, but appears to be looking forward to a rerun against Sen. Baker. Although running against Blanton, who received only 38 percent of the vote in 1972, is probably the most fortuitous circumstance Baker can imagine, he nevertheless started cutting up the governor in the 1976 Senate campaign. At a point when Baker himself was being mentioned as a possible GOP candidate for governor in 1978, the state's senior senator picked up Brock's line on Blanton Administration corruption and said that Watergate "doesn't amount to a thing compared to what's going on now in Nashville."

Despite his overwhelming popularity, Baker's electoral ambitions have been given some pause by Brock's defeat. Undoubtedly, shifting voter attitudes on issues and Brock's reluctance to reveal unfavorable tax and financial dealings played a key role in the election's outcome but so did shifting voter allegiances. Writing shortly after the election, the Memphis Commercial Appeal's William Bennett wrote:

Since his ripping victory over the late Frank Clement in the 1966 race for the U.S. Senate, Republican Howard Baker has seemed as American and as Tennessean as apple pie, ramps, and Southern fried chicken.

In a sense, he has been the buddy of everybody. Democrats liked him, Republicans loved him, and independents found him pleasant. He has been, above all, electable...

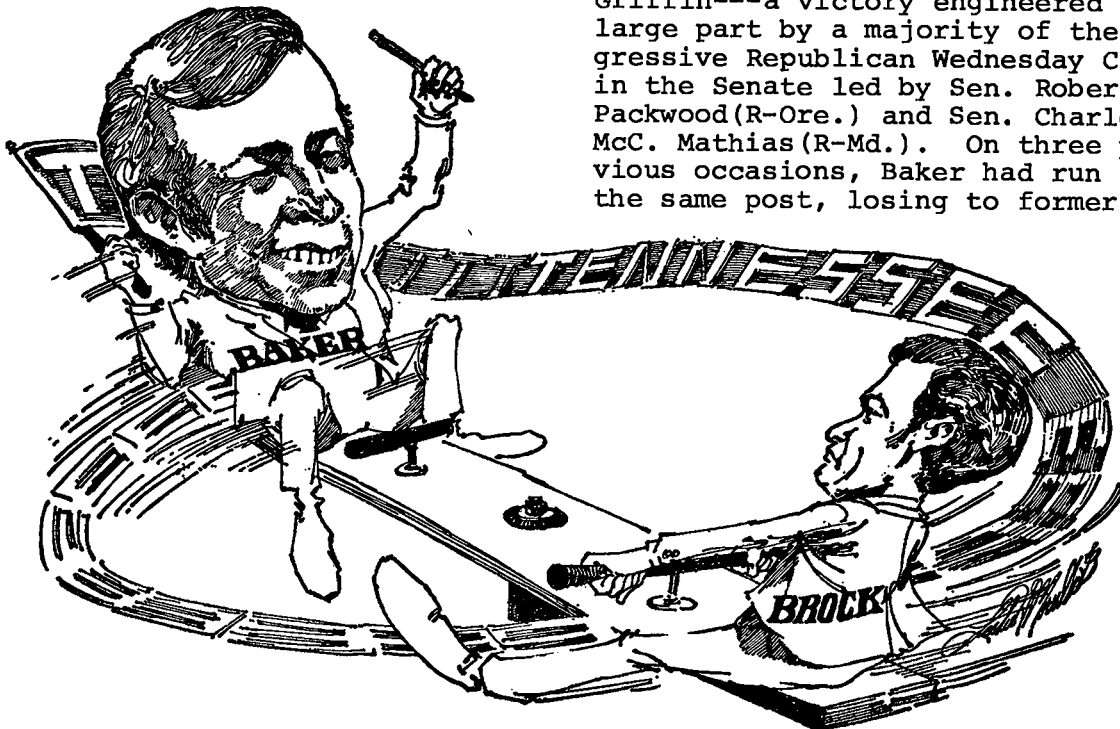
Baker went to the Senate without an intervening experience in the legislature or the U.S. House. And the thought is that he---coming from a prominent East Tennessee Republican family, looking like a college boy despite his 50-plus years, speaking with eloquence and flashing a beguiling smile that would bowl anybody over---could stay there as long as he chooses.

But hold on a second. Unless a good many people miss their guess, things are changing in Tennessee. As seemingly was proven in the election just passed, residents of the eastern part of the state aren't quite so Republican as they once were.

If the 1976 election represents a trend, the GOP can no longer depend on massive pluralities in East Tennessee (where Baker's father and mother were both congresspersons) to offset losses in Middle and West Tennessee. However, as the Memphis Commercial Appeal's Morris Cunningham writes, "Baker enters the prospective contest with the reputation of being Tennessee's strongest and most able public figure. Polls consistently reflect his popularity not only in East Tennessee but in all of the state." Nevertheless, Sasser's election has demonstrated that a relatively unknown Democrat can be a strong, well-financed Republican incumbent. Indeed the Democrats' best bet against Baker may be a relatively fresh face like that of Public Service Commissioner Bob Clement.

Before his recent election as Senate minority leader, it was no means certain that Baker would in fact even seek reelection. Assessing Baker's ambitions last summer, one progressive Republican Senate colleague said, "Howard's chances are very high for 1980 if he wants to run. But he's a very balanced man with other interests. I can picture him in 1978 saying, 'My 12 years are up. I think I'll just go back to Huntsville to practice law and do my photography.'"

Possible retirement was effectively ruled out by Baker's surprise victory over Michigan Sen. Robert Griffin---a victory engineered in large part by a majority of the progressive Republican Wednesday Club in the Senate led by Sen. Robert Packwood (R-Ore.) and Sen. Charles McC. Mathias (R-Md.). On three previous occasions, Baker had run for the same post, losing to former Sen.



Hugh Scott each time. On three previous occasions, Baker had been prominently considered as a Republican vice presidential nominee. His reputation for integrity, for articulate and forceful public presentations, and for a principled but pragmatic approach to public problems have created a wide following for him in the GOP. Although a moderate-conservative, he has frequently been more popular with progressives than ideological purist conservatives who have been less than happy with his record on issues like civil rights and broadening the party's base. As Baker said after his election as minority leader: "The center of gravity of the party will shift from conservative to liberal from time to time, but it is the individuals who make up that balance, rather than the party itself being conservative or liberal."

Baker credited his victory in part to his ability to transcend ideological lines: "I think a part of it had to do with my colleagues' perception of me as being moderate-to-liberal on some issues and conservative on others. Maybe that gave substance to my claim that a fundamental tenet of my political philosophy was that we have a broad-based party, an accommodative spirit, and that people have a decent respect for differing points of view."

[Baker's non-ideological victory in the Senate paralleled some relatively non-ideological results in House Republican leadership races where House Minority Leader John Rhodes, House Whip Robert Michel, and House Conference Chairman John Anderson were all reelected without opposition. In the only clear ideological contest, U.S. Rep. Bill Frenzel (R-Minn.) defeated U.S. Rep. Majorie Holt for the chairmanship of the House Republican Research Committee. Frenzel's victory was also somewhat non-ideological, however. He was nominated by Michel who said Frenzel's election would help balance the GOP leadership. Frenzel's personal popularity among his colleagues as well as his hard work on House reform issues as well as on the Research Committee also swayed votes in his 77-53 victory. In a contrasting vote for chairman of the House GOP Policy committee between two conservatives, U.S. Rep. Del Clawson (R-Cal.) defeated

U.S. Rep. Louis Frey, Jr. (R-Fla.), 71-63.]

Baker's new post recharges a career which seemed becalmed. It gives him new prestige within his own state in preparation for his 1978 reelection campaign and a ready platform for public visibility. By strengthening Baker's own popularity, it also strengthens the possibility that the GOP might be able to recapture the governorship behind a candidate like former Baker aide Lamar Alexander (who received 44 percent of the vote in his 1974 gubernatorial race) or former State Personnel Commissioner Jane Hardaway (who ran a close race for Public Service Commissioner in 1974). By strengthening his own state GOP organization, Baker would solidify his base for a 1980 presidential campaign.

Although Baker has frequently been jilted in his quest for a national leadership post, he has managed to overcome the trap of public overexposure. He seems to emerge periodically in the national limelight, test its warmth and then retreat with dignity and amiability into the shadows. He did that once in 1975 when he launched a trial presidential campaign before quietly scrapping the effort. He did that again in 1976 when speculation swirled around his possible selection as the Republican vice presidential nominee. Each time, however, Baker seems to retreat with an increased measure of public respect and sympathy. Certainly, his handling of the controversy over his wife's drinking last summer contrasted positively with the imbroglio over Sen. Thomas Eagleton's mental health in 1972.

Had Howard Baker been chosen as Richard Nixon's running mate in 1968 or 1972, the history of both Baker and the Republican Party might have been more fortunate. Baker might now be President had Nixon acted otherwise. But Baker might also have been irreversibly tarnished by a mandatory defense of Nixon's deeds, thus abruptly crippling a flourishing political career. It can be argued that some of Baker's past disappointments were Pyrrhic defeats from which he was fortunate not to emerge the victor. Whether fate has another favorable turn in store for Everett Dirksen's son-in-law remains to be seen. ■

● Ripon's analysis of delegate apportionment for the 1980 Republican National Convention prompted several articles. Writing in the Washington Post, Lou Cannon said: "To many Republican officeholders, the Ripon Society is about as welcome as the swine flu. This tiny research organization, with its penchant for criticizing prominent Republicans, is seen by the orthodox GOP as elitist, ultra-liberal or worse. The Riponites damaged their sensible case for delegate re-apportionment by unsensibly insisting that the courts should require the party to revise its bonus rule. The courts, wisely deciding not to meddle in the way a political party's delegates are selected, threw out the Ripon lawsuit. Nevertheless, leaving the South aside, Republican voters would also be well served if the party decided to adopt the Ripon formula as its own...The Ripon argument in 1972 was that delegate apportionment was a question of justice rather than ideology. The Dixie Republicans didn't believe it, but Ripon was right."

● Writing in the Chicago Tribune, columnist Neil Mehler, "For several years the Ripon Society, a small liberal segment of the Republican Party, has been trying to get more national convention delegates for the industrial states. In general, GOP conservatives wanted the system kept whereby Southern states especially benefited at the convention if the GOP presidential candidate carried their state."

● Writing in the New York Times, Warren Weaver said: "Southern Republican leaders, who successfully blocked reformers' attempts to make state representation at the party's national convention more evenhanded, now find that the formula they defended will reduce their delegate strength at the 1980 convention by nearly 25 percent."

● The New York Times printed a post-election article by Ripon president Glenn S. Gerstell on the prospects for progressive Republicans. Writing on the Times' op ed page, Gerstell said: "The Carter victory may well be a blessing in disguise for the Republican Party's progressive wing, for it marks the end of eight frustrating years during which party loyalty forced progressives to support a President with whom they were ideologically uncomfortable. Freed from

the burden of answering for the perceived sins of all Republicans, progressives will have the opportunity over the next four years to offer to the nation their own alternative programs in the areas of federal aid to cities, bureaucratic over-regulation, government reorganization, tax reform, and federal assumption of local welfare costs. Progressive Republicans bring to these issues a unique perspective, combining traditional economic conservatism and reliance on private enterprise with a liberal's recognition that government must ameliorate those societal problems beyond the private sector's capabilities." Gerstell also appeared with U.S.Reps. John Anderson and Phil Crane on the MacNeill-Lehrer Report on PBS-TV December 10.

● Commenting on Hubert Humphrey on the January 5 CBS Evening News, Eric Severeid touched on Ripon's letter to President Ford (see page one): "So the Democrat who almost became, and should've become President eight years ago has found his last official niche to be useful in. Gerald Ford, the Republican who did make it and then lost it, has not, because this system never knows what to do with ex-Presidents, even the vigorous ones like Ford. Unless he should go back to Congress, it's hard to see what he can do to be useful. There is something unconvincing about his ambition to help guide and reshape his political party. Something unconvincing about the ambitions of Reagan, Rockefeller, and Connally to do the same, in spite of their Republican summit conference today. The problem of what to do with politicians past their prime is nothing compared to the problems of political parties past their prime. The Republican Party is not dead, but it is doddering, and maybe those new gadfly Republicans in the Ripon Society are right. They sent Ford a message today urging that he and the other three just step aside. They ask that their party turn not to the right or to the left, but to the young. And it does look very much as if that's the only direction open to it." In connection with the letter, Ripon president Gerstell also taped interviews for the National Black Radio Network and radio station KRNT in Des Moines, Iowa.

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