

Preparing the Birch Bayh Senatorial Papers for Researchers

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ABSTRACT: In 1981, Indiana University's Lilly Library acquired 1,200 cartons of papers from the office of outgoing Indiana senator Birch Bayh. Kate Cruikshank, Political Papers Specialist at Indiana University Libraries, describes the long and complicated process whereby library staff organized the files into the Birch Bayh Senatorial Papers, now part of the Modern Political Papers collection at Indiana University, Bloomington.

KEYWORDS: Birch Bayh, U. S. Senate, Indiana University, political papers, university libraries, congressional papers

When three-term senator Birch Bayh was unexpectedly defeated by Dan Quayle in 1980, his staff was given three weeks to pack up and vacate their offices, a task left to the very few who weren't frantically hunting for other employment. With no time to weed or organize, files were stuffed into cartons and sent to Indiana University, Bloomington. Thus began the story of the Birch Bayh Senatorial Papers, now a premier collection in the Indiana University Libraries' Modern Political Papers.¹

By 1980, the generously endowed Lilly Library had already grown into one of the nation's outstanding rare book and manuscript repositories. Bayh's chief of staff, Tom Connaughton, apparently offered the papers to its director, William Cagle, who persuaded President John Ryan to accept

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¹ Online at <https://libraries.indiana.edu/modern-political-papers/>

the collection, citing the stature of comparable repositories in the country that had acquired congressional papers. It is almost certain that Cagle did not realize the implications of accepting a 1,200-carton collection. Arriving without any indication of what was in them, the cartons presented challenges not only in terms of storage, work space, preservation, and human resources but also as to how best to prepare the papers for use by researchers. How does one take the files of a large staff of people, working largely independently on a wide range of topics for varying purposes, and turn them into an easily accessible research collection? Where does one even start? Or, to put it in terms that a first-time congressional papers archivist might use, “What IS all this stuff?!?”

The archivist’s drive to figure out what constitutes all that “stuff” can lead to diving into boxes in the hope that an order will magically emerge—which it may—but that was not the case with the Birch Bayh papers. With limited resources and virtually no workspace, the best intentions of those originally tackling the job sputtered out. Well-honed principles of curation suitable for small manuscript collections, such as cataloging individual letters by date and then by letter writer, were clearly not suitable for such a large collection that included nearly 250 cartons of correspondence from constituents relating to various pieces of legislation. Similarly, the categories into which small manuscript collections could be arranged did not seem to apply. Finally, having only enough space to work with a few cartons at a time without having an overview of the contents of the collection as a whole made progress almost impossible.

Despite these frustrations, three peculiarities of congressional collections were recognized in the first effort to arrange and describe the collection: namely, that there can be classified documents, official committee records, and documents containing private information of individuals, all of which need special treatment. Thus all the records of Bayh’s service on and chairmanship of the Senate Select Committee on Intelligence were returned to the National Archives and Records Administration (NARA) as very probably being official committee records and possibly containing classified documents. “Case work,” or documentation of individual requests for help with government agencies, frequently includes medical or financial information and thus, if kept, must be restricted until the death of the individual. Repositories with limited storage space often choose to destroy these files, which was the fate of the casework within the Bayh papers when they were received.

When a second effort to tackle the Bayh collection was launched in 2004, one response to the apparent chaos of the collection was to create a complete list of the file folders in all of the remaining 792 cartons, in the hope that the lists would link one box to another. Thus began to emerge a sense of the organization of the Bayh Senate office: a legislative department, a press department, an Indiana department in D. C. as well as offices in Indiana, and a political department during campaigns. We found boxes of files documenting the work of particular committees, and boxes of topical files clearly created by particular staff members. Our second response was to create a complete list of the press releases of his very active press department, in order to build the narrative thread for Bayh's career.

The beginning of this second effort to arrange and describe the Bayh collection occurred in the context of preparing a major exhibit in the main gallery of the Lilly Library celebrating Bayh's legislative career. While the challenge of creating an exhibit from a collection that has not been prepared for research access could justifiably be considered an archivist's nightmare, it had the effect of drawing Bayh himself into the process, which was invaluable, and, from that, led to contact with his former staff members as well.

A review of the collection revealed that, while it contained abundant photos documenting the first decade of the senator's service, there was almost nothing for the later years. Contact with Bayh and his wife Kitty revealed that the couple had stored potentially helpful photos in their attic. As the Bayhs were in the process of preparing to sell their home in Washington, D. C., preparatory to retiring to Maryland, the archivist's search for photos became part of cleaning out the attic—an activity that revealed not only the photos but boxes of materials on Bayh's pre-Senate life and over seventy scrapbooks documenting his career from 1956 through 1980, all of which would eventually become part of the Bayh Senatorial Papers collection.

As deadlines for the exhibit preparation began to loom ominously close, Bayh suggested the Political Papers Specialist talk with three of his former staff members: Gordon Alexander, whom Bayh recruited in 1968 because of his copious knowledge of the history of African American contributions to American culture and his wide contacts throughout the country with African American leaders and community organizers; Tom Connaughton, his last chief of staff and law partner after he left Congress; and John Rector, former chief counsel under Bayh's chairmanship of the Judiciary Committee's Subcommittee to Investigate Juvenile Delinquency from 1971 to 1977. The hours of conversation with them, captured on tape, began to

delineate the outline of a far broader range of activity and accomplishment than the stellar achievements of the 25th and 26th Amendments to the Constitution and Title IX that are most immediately associated with Birch Bayh. In the context of that outline, a possible arrangement of the documents of the collection began to come into focus.

The work of a member of Congress is structured by committee and subcommittee membership, as those assignments provide the arenas in which he or she can have the most immediate effect. Party leaders determine memberships within Congress, but members can request membership and can choose to develop expertise that makes them important to a particular committee's work. Although Bayh would have liked to immediately join the Appropriations Committee—which determines government spending and thus provides a potential direct line to serving one's constituents—he was instead assigned to the Public Works Committee and its subcommittees on Flood Control, Rivers and Harbors; Public Roads; and Public Buildings and Grounds; and to the Judiciary Committee and its subcommittees on Administrative Practice and Procedure; Constitutional Amendments; Constitutional Rights; and the Special Subcommittee to Investigate Juvenile Delinquency.

Bayh's Public Works Committee assignments put him in a position to influence funding authorizations (the first step before appropriation) for flood control, harbor projects, and highways in Indiana, and he did so. In 1964, his second year in the Senate, he joined the Subcommittee on Air and Water Pollution, which enabled him to tackle water resource protection and industrial pollution in Indiana. Following the April 1965 Palm Sunday tornadoes that devastated northern Indiana, he embarked on a six-year effort to pass disaster relief legislation that would be in place before disasters occurred. In August 1972, when he finally received appointment to the Appropriations Committee and left the Public Works Committee, he moved from authorizing programs to actually appropriating the funds to support them and thus continued his prior work, which had also included funding of Burns Harbor and the Indiana Dunes.

Bayh's Judiciary Committee assignments proved to be even more consequential. When the chairman of the Subcommittee on Constitutional Amendments died unexpectedly in August 1963, Bayh (an avid student of constitutional law) persuaded Judiciary Committee chairman James Eastland not to disband the subcommittee as he had planned, but to give the chairmanship to Bayh, who promised to lead it that year without funding. Following the assassination of President John F. Kennedy in November, Bayh

found himself heading up the drafting of the 25th Amendment to articulate clearly what is to be done in the case of presidential inability or death and vacancy in the vice presidency. The collaboration with the American Bar Association, the copious revisions, and the national correspondence in preparation for ratification are all documented in the collection.

The collection also documents Bayh's efforts first to reform and then to abolish the electoral college in favor of direct election of the president, amendments he introduced in every Congress, nearly succeeding in 1979; and to achieve passage of the Equal Rights Amendment, which finally passed, only to fail of ratification by the requisite number of state legislatures. In his role as chair of the Subcommittee on Constitutional Amendments, he also held hearings on proposed amendments to the Constitution that he did not necessarily support but that some of his colleagues did—namely, requiring a balanced budget, outlawing abortion, and permitting school prayer. The collection highlights the degree to which these issues became intertwined. Bayh's chances of achieving sufficient support to get an amendment he favored voted out of the subcommittee to the full Judiciary Committee and then to the floor of the Senate depended, in some cases, on his willingness to schedule hearings and even particular witnesses on amendments with which he did not agree.

The completeness of the files for the Subcommittee on Constitutional Amendments was exciting, but the occasional emergence of a document marked "For Official Committee Use" raised a red flag: the possibility that within all the staff files were the official records of the subcommittee that had somehow not been sent to NARA. A check with the Center for Legislative Archives at NARA revealed that they had no documentation of records for the subcommittee for the incredibly important period of Bayh's chairmanship. This meant that very possibly the Bayh collection contained official records that would have to be identified and returned to NARA. This challenge resulted in several months of working through the 37 cartons of files, document by document, and making photocopies of those that seemed essential to the official record so that the originals could be sent to NARA without decimating the Bayh collection.

While awareness of Bayh's committee memberships made it possible to reconstruct a great deal of his and his staff's work, it was only through conversations with John Rector, his chief counsel for the Subcommittee to Investigate Juvenile Delinquency, that an enormously important part of Bayh's work became evident. Rector had served as chief counsel from 1973 to 1977, when he was appointed to head up the Office of Juvenile

Justice of the Law Enforcement Assistance Administration, a position created through Rector and Bayh's hard-fought battle to establish a separate juvenile justice system. Because of a simultaneous reorganization of the Judiciary Committee that essentially abolished the Subcommittee to Investigate Juvenile Delinquency, a shift in Bayh's focus to chairmanship of the Select Committee on Intelligence, and the obvious continuity between Rector's past work and his new appointment, virtually all of the files of the subcommittee's work went with him. Thus, the Bayh collection contained no evidence of the marathon of hearings on drugs and drug abuse, the need for better practices in the pharmaceutical industry to track its products, and control of the international drug trade; on gun control; on minors running away to escape abuse being prosecuted as criminals; on the deplorable conditions of juvenile detention; on the use of drugs on institutionalized persons; on school violence; and on the failure of the Law Enforcement Assistance Administration to adhere to the requirements of the subcommittee's greatest achievement, the Juvenile Justice and Delinquency Prevention Act. John Rector's gift of his papers in 2015 to join the Bayh collection greatly expanded the picture of Bayh's work, many dimensions of which have been obscured by the emphasis on his more well-known achievements.

The general outlines of at least the legislative portions of the collection thus emerged in the course of preparing the 2006 exhibit, but securing the human resources necessary to bring those outlines into focus from the chaos of the collection as received required seeking outside funding. The Bayh papers, along with those of Lee Hamilton, J. Edward Roush, and Frank McCloskey, were moved in September 2008 from the Lilly Library to form the Modern Political Papers Collection, housed in IU Bloomington's Wells Library. A successful grant application brought two years of funding for nine student assistants from the National Historical Publications and Records Commission (NHPRC) of the National Archives in 2010. Although the grant term proved too short to complete the collection, the funds provided a major leap forward and solidified the arrangement and processing plan that would be carried through over the next several years, which continued to be a learning experience.

It is perhaps natural when processing a congressional papers collection to focus first on the files that relate to legislation, as these are what researchers will presumably seek. Having done that, it became clear belatedly that the place to start would have been in the office management files, since those reveal the organization of the staff and thus the priorities of the senator.

Repositories often discard large portions of office management files, perhaps through lack of storage space, perhaps through a tendency to focus solely on the legislative portion of a member's work. But members themselves will challenge whether constituent correspondence should be disposed of, since their electoral success can be directly linked to the services they provide to constituents, be it requests for autographed photos, copies of the *Agricultural Yearbook*, or information on an esoteric topic. Similarly, the events at which members show up, as well as the invitations they decline, can be significant for researchers. In order to document both the representation aspect of a senator's work and his service to constituents, the Bayh office management records have been largely retained.

The Bayh collection is particularly rich in political files, in part because it was only toward the end of his tenure that rules requiring strict separation of congressional and political activities were put in place. His appointment as official chair of the Young Citizens for Johnson campaign in 1964 led to extensive national travel and speaking, which in turn laid the groundwork for his own fundraising as he began a bid for the 1972 presidential nomination. That campaign, cancelled in October 1971 when his wife Marvella was diagnosed with breast cancer, was resumed in 1975 but abandoned after a poor showing in the Massachusetts primary in February. Staff members shifted from office to campaign, and back again in some cases, resulting in files remaining in the office and thus in the collection, which can be a boon for researchers. For example, the issues books and files prepared for his 1974 and 1980 campaigns provide excellent summaries of his legislative work.

Beyond the papers, the collection contained cartons of films, videos, and audiotapes. The NHPRC grant had included funds for digitization of 50 hours of Subcommittee to Investigate Juvenile Delinquency hearings, which became a pilot for development of the IU Libraries digital audio delivery project, but the remainder of media would have remained largely inaccessible but for the digital preservation project (Media Digitization and Preservation Initiative) launched by President Michael McRobbie in 2013. While still in process, that project is making possible online delivery of all video and audio files through the online "finding aids," or guides to the collection, found in Archives Online at Indiana University.

While the value of Bayh's collection has been continually attested to by researchers and their publications even as the collection was being processed, its riches have only begun to be explored. Aside from the myriad legislative issues in which Bayh was engaged, the collection offers insights

into how a congressional member and his staff understand and focus on the very complex array of pressures and responsibilities that make our representative government possible. At a time of great public disillusionment with Congress, the Bayh collection and others like it offer the potential for a much richer understanding of how that government should and can work, and how the public can make it do so.



Online finding aids to the Birch Bayh Senatorial Collection:

<https://webapp1.dlib.indiana.edu/findingaids/search?repository=politicalpapers&sort=title>

Other portions of the collection available digitally include over 3,500 photos that are in the process of being cataloged for online access through IU's Image Collections Online:

<http://webapp1.dlib.indiana.edu/images/splash.htm?scope=politicalpapers/VAC9474>

There are documents accessible online through the finding aids for the Legislative Working Files:

<https://webapp1.dlib.indiana.edu/findingaids/view?docId=VAC9447.xml&brand=general&startDoc=1>

The Subcommittee on Constitutional Amendments:

<https://webapp1.dlib.indiana.edu/findingaids/view?docId=VAC9321.xml&brand=general&startDoc=1>

The Subcommittee to Investigate Juvenile Delinquency:

<https://webapp1.dlib.indiana.edu/findingaids/view?docId=VAD0438.xml&brand=general&startDoc=1>

The scrapbooks, which provide a complete narrative of Bayh's career, are completely accessible online:

<https://webapp1.dlib.indiana.edu/findingaids/view?docId=VAC9897.xml&brand=general&startDoc=1>

The documents related to the Bayh-Dole Act of 1980 on technology transfer are accessible as a separate digital collection:

<https://webapp1.dlib.indiana.edu/findingaids/view?docId=VAA9675.xml&brand=general&startDoc=1>