VERMONT'S OTHER ELECTED U.S. SENATORS, JIM JEFFORDS, GEORGE AIKEN AND PAT LEAHY: TWO SEATS AND THREE BOOKS

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Baruth, Philip. 2017. *Senator Leahy: A Life in Scenes*. Hanover, N.H.: University Press of New England.

Den Hartog, Chris, and Nathan W. Monroe. 2019. *The Jeffords Switch: Changing Majority Status and Causal Procedures in the U.S. Senate*. Ann Arbor: University of Michigan Press.

Terry, Stephen C. 2020. S*ay We Won and Get Out: George D. Aiken and the Vietnam War*. Burlington, Vermont: UVM Center for Research on Vermont.

Since the founding of the Republican Party, Vermont has sent more Republicans to the U.S. Senate than any other state. Twenty-two of twenty-four Senators representing Vermont were elected as Republicans with only one Democrat (Patrick J. Leahy) and one Independent (Bernie Sanders) filling out the roster. Although Sanders looms large, he is not the subject of this essay. This essay focuses on three other elected Vermont Senators—Jim Jeffords, George Aiken, and Patrick Leahy—about whom three books have been published in recent years.

Since 1913 when the 17th Amendment replaced state legislative elections to the Senate with popular votes, thirteen Vermont men (and no women) have been elected to the U.S. Senate while two were appointed. No popularly elected U.S. Senator from Vermont has ever been defeated. Only Hawaii shares this unique distinction. Vermont entered the union in 1791 as the

fourteenth state, with its Senate seats in Class I (currently Bernie Sanders) and Class III (currently Patrick Leahy). Each seat has had a unique history.

Vermont's Senate Seat I: The Senate's Longest Independent Streak

Vermont elected Jim Jeffords as Attorney General in 1968. During his four years in that post, he angered pro-business Republicans by sponsoring anti-billboard legislation and for suing the gigantic International Paper Company for polluting Lake Champlain. After Vermont's establishment Republicans mobilized their voters to defeat Jeffords' 1972 gubernatorial run, enraged Jeffords voters crossed over to support the successful candidacy of Democrat Tom Salmon, which further deepened Republican establishment hostility towards Jeffords. With open primaries and no party registration, party crossover voting is common in Vermont and so Jim Jeffords regularly benefitted from Democratic voters. Once elected to the U.S. House, Jeffords' conflicts with Vermont's Republican establishment continued when he was the only major Vermont Republican supporting the candidacy of fellow Representative John B. Anderson of Illinois in 1980's presidential primary.

Similarly, Jeffords angered Congressional Republicans by being the only House Republican to vote against President Ronald Reagan's ambitious 1981 tax cut. Consequently, the White House denied Jeffords' office requests for constituent visits and, in 1983, House Republicans blocked Jeffords' effort to replace Republican Senator Bob Stafford as ranking minority member on the Agriculture Committee. When Republicans gained a majority in 1981, Stafford chose to forego retirement and remain in the Senate until 1988. As a pariah among Republicans both in Vermont and Washington, Jeffords awaited the 1988 contest when Stafford stepped down. This time Jeffords succeeded.

As a Senator, Jeffords continued to challenge the party as one of only two Republican Senators to vote against President George H.W. Bush's 1991 nomination of Clarence Thomas to the Supreme Court. This tension continued during the Bush administration. Upon taking office, President Bush proposed a large tax cut that, along with other social programs, eliminated funding for a pet program of Jeffords directed toward special education. Jeffords protested and the Bush White House retaliated by not inviting Jeffords to a ceremony honoring a Vermonter as 2001's National Teacher of the Year.

This insult was not well timed. In 2000, Texas Governor Bush had narrowly lost the popular vote to Vice President Al Gore, but gained the presidency by the narrowest Electoral College margin in more than a century. Simultaneously, Democrats picked up five Senate seats in 2000 resulting in a 50-50 tie. Initially, the Senate created a power sharing arrangement that gave each party the same number of committee members and staffers but establishing the party controlling the vice presidency as the majority party.

The Bush administration's insult to Jeffords was not the final straw. But after thirty years of tense relations with the Republican Party, Jeffords decided in May 2001 to leave the GOP, declare his independence, and caucus with Senate Democrats without calling himself a Democrat, thereby becoming only the fifth U.S. Senator to have served a least one term as an Independent in the U.S. Senate since 1789. His announcement broke the tie in the Senate and the power-sharing arrangement ended. As the new majority party, the Democrats gained control over all of the Senate committees. With Republicans in control of the White House and the House, the narrow Senate Democratic majority returned divided government to Washington, imperiling the policies of the new Bush presidency. Jeffords remained seated as an Independent for the remaining five years of his final Senate term.

In *The Jeffords Switch: Changing Majority Status and Causal Processes in the U.S. Senate*, Professors Den Hartog and Monroe describe how a shift in Senate majority party control by one member who changed affiliations impacted Senate floor and committee procedures in the 107th Congress, 2001-2003. However, early in the book, the authors make it clear that Jim Jeffords is incidental to their topic: "Perhaps oddly for a book that uses his name so often, this book is not about Jim Jeffords or his change in party; it is about the majority party's role in Senate decision-making" (2019, 2).

This statement begs the questions of why they gave this title to the book and why they focused only on the early events of 2001 to explain Jeffords' defection from the GOP. Readers unaware of Jeffords' career might have benefited from learning that he had been blocked by Vermont establishment Republicans in two gubernatorial bids and by Minority Leader Bob Michel's House Republicans, who kept him in the same committee assignments for 14 years unlike the others in his 1974 cohort. They also would have benefited from learning that he had aggravated two previous Republican presidents with his vote against President Reagan's 1981 signature tax cut and his opposition President Bush's 1991 nomination of Clarence Thomas. Jeffords' departure from the Republican Party was not an impulsive move based on one minor legislative slight as they imply; it was the latest indignity in a long thirty-year collection of them. The book would have benefited from several works discussing Jeffords' tenure in office. The book opened with an extensive list of 80 acknowledgments but I recognized no Vermont name on the list. A phone call to any Vermont reporter or a Google search would have made it clear that Jim's departure was a long time coming and no surprise to Vermonters familiar with his tenuous relationship with fellow Republicans.

Regarding the principal thrust of the Den Hartog-Monroe book, it is a quantitatively studied and highly detailed case history of how a single unpredicted (and unprecedented) event can reverse a party majority and upend the elaborate time-honored (and arcane) procedures of the U.S. Senate. This would appear to be why Vanderbilt's pre-eminent Senate scholar Bruce Oppenheimer sang its praises.

However, the book paid minimal (two-page) attention to the September 11, 2001, attack by Islamic extremists on the World Trade Center in New York City, the Pentagon and the failed attack on the Capitol. This horrendous event with its 3000 American casualties rescued the Bush presidency by elevating his Gallup presidential approval score from 51% in early September to 90% approval two weeks later. With Americans "rallying around the flag," Bush's agenda benefited from his 73% CQ Support Score among Senate Democrats during the second session of the 107th Congress—the highest ever recorded for a Republican president. It also gave Republicans momentum to regain control of the Senate in 2002 and totally washed away the effect of "the Jeffords switch." The authors' narrow vision of the impact of shifting majority control on internal Senate procedures led them to overlook an even more dramatic external event that had a far more lasting impact. In retrospect, the "Jeffords switch" was a minor blip but not much more than that.

Now that the 117th Congress has similarly opened with a 50-50 split, it will be fascinating to see if the GOP that lost its previous majority can convince either moderate Democrats Joe Manchin of West Virginia or Krysten Sinema of Arizona to "pull a Jeffords." Conversely, might any of the five remaining Republican Senators who voted to convict Donald Trump—Bill Cassidy, Susan Collins, Lisa Murkowski, Mitt Romney, or Ben Sasse—switch and enhance this Congress' razor-thin Democratic majority in moving the Biden agenda? Another

"Jeffords switch" from a Democrat or a Republican would illuminate whether party composition and philosophy are as dominant as believed or whether these events just simply situational with no theoretical implications.

Vermont's Senate Seat II: The Aiken-Leahy Duopoly

Since 1914 when Republican William Dillingham, an ardent foe of immigration, became Vermont's first popularly elected U.S. Senator, only seven men have held the Class III seat. Two were appointed, not elected. First, Frank C. Partridge served a three month term, December, 1930-March, 1931, that ended in a primary defeat by fellow Republican Ernest W. Gibson, Sr. Then, following Gibson's 1940 death, Governor George D. Aiken appointed Ernest W. Gibson, Jr., to finish his father's term. In 1941, because Gibson wanted to be governor, Governor Aiken was elected to the Senate seat.

Aiken was easily re-elected in 1944, 1950, 1956, 1962, and 1968. After the 1968 election, Aiken made national news by reporting $17.09 total expenditures to the Office of the Secretary of the Senate in a campaign finance report. In a conversation I had with ex-Senator Stafford at Marlboro College, he told me that he asked Aiken about the amount. "'George, we went to the same places, spoke to the same people and we were both unopposed. Yet I filed an expense report to the Clerk of the House for $1000.00 and you filed a report under $20.00 to the Senate Secretary.' Aiken's succinct reply: 'Bob, you were campaigning. I was visiting.'"

In keeping with his Yankee reticence, not many Aiken remarks are memorable, but the one most associated with him is one he did not make. As the Vietnam War dragged on, Aiken, then ranking member of the Senate Foreign Relations Committee went to the Senate floor on October 19, 1966. He stated simply, "… the United States could well decide unilaterally that this stage of the Vietnam War is over [and] that we have 'won' in the sense that our Armed Forces

are in control of most of the field and no potential enemy is in a position to establish its authority over South Vietnam." The statement quickly took on a life of its own, not as a direct quote, but in a bowdlerized version as "Say we won and get out." With the Senate divided between pro-war hawks and anti-war doves, Aiken became "the wise old owl of the Senate." He was lionized for the remark and made little effort to correct the bowdlerized version.

Watching all of this unfold was Steve Terry who would join Aiken's staff as his last legislative director. A Middlebury native and 1964 UVM graduate, Terry served in that capacity for the last six years of Aiken's Senate career. Terry watched as Aiken's misquoted remark increased the senator's stature in Washington and the national press. In his book, *Say We Won and Get Out: George D. Aiken and the Vietnam War*, Terry traces the origin of the remark and its relevance to the heated debate on the war. As a person on the scene for the closing years of Aiken's Senate career, Terry's clear-eyed and perceptive assessment of Aiken and his profound influence in the Senate is a welcome reminder of how the U.S. Senate used to function in the days before disruptive polarization turned "the world's greatest deliberative body" into a hostile dysfunctional minefield.

The book provides a valuable recap of Aiken's forty-four year political career from his 1930 election to the state legislature to his 34 years in the Senate where he was chair of two Senate standing committees: Expenditures in the Executive Departments (later Government Operations) in the 80th Congress, 1947-49; and Agriculture and Forestry in the 83rd Congress, 1953-55. Most of Aiken's Senate service occurred during thirty years of Democratic-controlled Congresses so his opportunity to chair standing committees was limited. However, his role as ranking member of the powerful Senate Foreign Relations Committee gave him a national platform.

Aiken's committee service and relations with Presidents Kennedy, Johnson, and Nixon are the focus of Terry's book. By the 1960s, Aiken was the senior Republican in the Senate. The most detailed and important parts of this book address Aiken's negotiations, first with President Johnson during the war's escalation and second with President Nixon during his Watergate troubles. How a man from a small town in the second smallest state in the Union was able to stand his ground in the face of these two presidential powerhouses engulfed in national tragedies of their own making is an important portrait of political courage.

Aiken's best friend in the Senate, long-time Majority Floor Leader Mike Mansfield, a Democrat from Montana and Lyndon B. Johnson's Senate protégé, met regularly with Aiken for breakfast in the Senate Dining Room. Only Lola Aiken, the Senator's wife and office manager was permitted to join them as they ate and read the Washington Post. Their mutual respect and willingness to work "across the aisle" is a lesson in civility and non-partisan patriotism that today's Senate should emulate.

I fervently hope that UVM's Center for the Study of Vermont prints up enough copies of this mini-classic for every U.S. Senator and senior staff member now occupying those seats of prominence and power. They could learn how to govern effectively and nobly from the Aiken-Mansfield experience.

The third book in this trilogy of assessments of Vermont's U.S. senators is Philip Baruth's *Senator Leahy: A Life in Scenes*. Baruth is a long-time professor of English at the University of Vermont where he and I have been employed for decades. Baruth has ventured into writing novels, provided commentary on Vermont Public Radio, and been elected to Vermont's 30-member State Senate where he served as Majority Leader for four years. His steeping in both politics and media enabled him to produce this unique assessment of Senator Patrick J. Leahy.

A native of Montpelier, Leahy was the son of an Italian-descended mother and an Irish-descended father who ran a successful printing firm. He was a graduate of Vermont's St. Michaels College and Georgetown Law. At the age of 26, Democratic Governor Phil Hoff named Pat Leahy as States Attorney of Chittenden County. Although he was the youngest States Attorney in Vermont, his height of 6'4", deep baritone voice and his already thinning hair made him appear to be much older than he was—a clear embodiment of what a "Top Cop" should look like.

Chittenden is not only the largest county in Vermont; it also is the state's media capital with its largest circulation newspaper, the *Burlington Free Press*, and all four network affiliated television stations located in the county. In this context, Leahy received extensive newspaper and television coverage that gave him statewide visibility in spite of the media's Republican leanings. The coverage may have been begrudging; but Leahy knew how to frame a narrative and provide visuals suitable for television. He was the state's first master of television news.

While Vermont is not as crime-ridden as other states, it is not immune from serious crimes such as murder and drug trafficking. Baruth discusses a few of Leahy's best-known cases during his eight years on the job. One is a grisly recounting of a two year-old child molested and murdered by a woman's live-in boyfriend, a sexual predator that preyed heavily on Leahy, a father of three. The case that gave Leahy national exposure was a sting operation and prosecution of Paul Lawrence, an ambitious rogue undercover "narc" who planted drugs on suspects and wrote lengthy fictitious accounts of his encounters to advance his career. The Leahy office's exposure of Lawrence's machinations and his service with the National District Attorneys Association increased fund-raising for Leahy's 1974 Senate campaign.

Leahy's life-long blindness in his left eye sensitized him to the role of visualization in creating narratives. To compensate for his near-blindness, he became a skilled and published photographer. This same awareness of the power of visuals led him to a fascination with the movies and his cameo appearances in five Hollywood films starring his childhood hero Batman, the Caped Crusader. Unlike his occasional rival Superman who was endowed with extraterrestrial super powers, Batman (a.k.a. Bruce Wayne) was a mortal whose crime-fighting skills depended on his intellectual brilliance, courage and his mastery of unique electronic gadgets. No surprise that this would be Leahy's hero and he outfitted his personal vehicle with two Dictaphones and a police radio with a telephone handset. It may not have been the Batmobile, but it was close.

It was Leahy's decision to announce his candidacy before Senator Aiken formalized his retirement that disturbed Aiken and unsettled first year Democratic Governor Tom Salmon who had designs on the Senate seat as well. Leahy's decision enabled him to avoid the path of most prior Vermont politicians who worked their way up the Montpelier executive and legislative ladders: Leahy's U.S. Senate seat was only his second public office.

While Leahy was a novice in statewide politics at the time of his run for the Senate in 1974, he quickly gained confidence and proved to be a far more formidable candidate than expected. Aiding Leahy's cause was fortuitous timing in running during the year of the "Watergate Babies," when a slew of Democrats won congressional offices in the wake of President Nixon's August 9 resignation (49 seats in the House and four in the Senate). Leahy's election was a shocker. Republicans had controlled the Class III seat since 1855 and the Class I seat since 1854. As an alumnus of Georgetown Law, Leahy saw his return to Washington as a homecoming.

The 1975 transfer of power from the 84-year-old Republican George Aiken to the 34 year-old Democrat Pat Leahy lowered the average age of the US Senate by a full half year. It was not a smooth transfer. Leahy's early announcement aggravated Aiken and bothered Senate Majority Leader Mike Mansfield of Montana, Aiken's closest Senate friend and leader of the Senate Democrats. While eight of Aiken's colleagues chose to give their successors a head start on seniority by stepping down early, Aiken chose not to extend that privilege to Leahy. Consequently, when Leahy began his service on January 3, 1975, he was 99th in seniority—only outranking the open seat in New Hampshire, which was still mired in a contentious set of recounts.

Baruth makes it clear that his book is not a conventional political biography. As he states in his introduction "…. if any reader comes to this biography in search of a comprehensive history of [Leahy's] important committee work or votes cast, he or she will be bitterly disappointed. On that score, a much better book than mine remains to be written" (xxxi). Instead, Baruth chose dramatic episodes in the Leahy career that illuminated key events in American political life over the past four-plus decades.

Since it is not a formal biography, Baruth's book bypasses much of Leahy's early Senate years between 1976-93 during the Ford, Carter, Reagan and G.H.W. Bush administrations. However, there is a fascinating account of a 1975 Armed Services battle over further funding for the Vietnam War where Leahy's oppositional view prevailed in the face of pressure from its chair, John Stennis of Mississippi. Baruth's book resumes the narrative in 1992 illuminating Leahy's deep involvement in banning the use of landmines in war zones through the drafting of the Landmine Use Moratorium Act in 1995. Britain's Princess Diana joined the fight and a

statement in support of it gained signatures from 89 countries. There was even talk of a Nobel Peace Prize for Leahy and Canadian Foreign Minister Lloyd Axworthy.

Bypassing the 1998 House impeachment of President Bill Clinton and the 1999 failed Senate vote to remove him, the narrative moves to the George W. Bush presidency. This segment of the book discusses "the Jeffords Switch," with Leahy escorting Jeffords into his first meeting with the Senate Democrats. The switch slowed the Bush agenda and it made Leahy chair of the Judiciary Committee for the first time, 2001-03. The September 11, 2001, attack on the nation led the Bush Administration to submit the Patriot Act that Leahy saw as an overreaction that led one observer to say, "it changed Americans from citizens to suspects." Later that year, Leahy's office, along with that of Majority Leader Tom Daschle (D-SD), was targeted by mailed poisonous anthrax. Baruth's depiction of that event is well covered in both the Introduction and Chapter Seven with the identity of the perpetrator revealed.

Leahy's initial committee assignments were Agriculture and Forestry (later Agriculture, Nutrition and Forestry) and Armed Services and later Post Office and Civil Service, a committee that the Senate would abolish. He left that minor committee and Armed Service for Appropriations in 1977. Along with Foreign Relations and Finance, Appropriations is one of "the Big Three" Senate committees. Two years later, his hopes of being named to the Judiciary Committee were fulfilled. His service on the committee exceeds forty years, including two stints as chair, 2001-03 and 2007-2015. It has been his most important assignment in that he became a gatekeeper to the Supreme Court.

Baruth recounts Leahy's battles with G.W. Bush's Attorney General Alberto Gonzalez over efforts to replace federal attorneys with ultra-conservative members of the Federalist Society but unfortunately overlooks Leahy's role in the two most controversial Supreme Court

nominations of the late 20th century—Reagan's 1987 failed appointment of Robert Bork and George H.W. Bush's successful appointment of Clarence Thomas in 1991. Leahy's senior seatmates on Judiciary, liberals Ted Kennedy of Massachusetts and Joe Biden of Delaware both failed to defend Ms. Anita Hill, a young African-American woman who credibly charged Thomas with sexual harassment. Only Leahy, the third ranking Democrat, defended her from a brutal sexist onslaught by the committee's Republicans. Biden feared a renewal of plagiarism charges launched during the Bork hearing while Kennedy's nephew William Kennedy Smith had been arrested in a date rape case. No profile in courage for either of them. Thomas was confirmed 52 to 48 and Pat Leahy remains irate to this day about that vote. In 2004 when I taught part-time at Brandeis University, I spoke to Ms. Hill and she extolled Pat Leahy's courage and his willingness to champion her efforts to thwart Thomas. Too bad this was not in the book.

Because this book is not a conventional biography, it can be forgiven for omitting chunks of the Leahy legacy. However, since this is the only Leahy book, a Senate career exceeding four-plus decades deserves more. Phil Baruth's book is provocative and relatively short while Leahy's career is complex and long. He is presently the fifth longest serving senator in history. Later in 2021, he will move into third place bypassing two senators on polar opposites of American politics—liberal icon Ted Kennedy and raging segregationist J. Strom Thurmond of South Carolina, both of whom he served with on Judiciary.

These three books indicate that Vermont, the nation's second smallest state continues to send unique and influential members to the US Senate. It is clear that the state's citizens are well aware of the disproportionate power that the Constitution grants to small states like Vermont and it is a responsibility that they share nobly with the nation.