

THE ORAL HISTORY

OF

JUDGE DANIEL A. MANION

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

AS TOLD TO

COLLINS T. FITZPATRICK
CIRCUIT EXECUTIVE

Began in 2009
Completed in 2020

DANIEL A. MANION

Business and Professional

Judge, U.S. Court of Appeals for the Seventh Circuit
(appointed November, 1986; Senior Status December, 2007)

Attorney: Doran, Manion, Boynton, Kamm & Esmont
(Partner, 1978-86; Associate, 1974-77)

Board of Directors, St. Joseph Bank & Trust Company
1979-1986

Indiana State Senator, 1978-82

Deputy Attorney General, Indiana, 1973-74

Director of Industrial Development, Indiana Department of
Commerce
1969-73

Lt., U.S. Army, 1965-66 (Viet Nam 1966)

Academic

Indiana University at Indianapolis, J.D. 1973

University of Notre Dame, B.A. Political Science 1964

CTF: Today is October 21, 2009, and we are in the home of Circuit Judge Daniel A. Manion. We are doing his oral history. This is Collins T. Fitzpatrick, the Circuit Executive. Dan, why don't you tell me a little about your mom's family, the O'Briens, how they got to South Bend and how they got to this country, whatever you know.

DAM: Well, they came to this country – my uncle and my grandfather – they were identical twins. My grandfather's name was John O'Brien. His twin was Miles O'Brien. Their mother died in childbirth and their father brought them to Connecticut when they were about two years old. They worked at the Stanley Works plant in New England when they were 15. Miles worked for Thomas Edison for a while. Miles also lost three fingers, presumably due to a work accident. Ultimately, they both went to Purdue and earned engineering degrees. At one time my grandfather was employed for a year as a superintendent in a bicycle plant until the owner discovered that my Uncle Miles was filling the job, because my grandfather already had a job in Elkhart.

CTF: Do you know where they came from in Ireland?

DAM: County Cork I think.

CTF: About when would they have come? At the time of the potato famine?

DAM: No, it was after that. Let's see, my grandfather died in 1946 and I guess he was, I believe he was 76 when he died so it would have been about 1870 when they

came over. It was in the early 1900s when they ended up in South Bend. I'm not sure how they chose South Bend but at age 35, they founded this little company that made lathes, and it became very successful. They called it the South Bend Lathe Works. It became the largest exclusive manufacturing plant of metalworking precision lathes in the world with customers in over 88 countries. My Uncle Miles died in 1936 and that upset things because they were in tandem. They both had the title "President" on their business cards, but one would serve as president and one as secretary-treasurer for two years and then they would exchange jobs. Together they wrote a book entitled "How to Run a Lathe," which is still in print today. Interestingly, Uncle Miles' daughter, Marion Donovan, invented the first disposable diaper and sold the patent to it for one million dollars in 1949. She earned a degree in architecture from Yale in 1958, was one of just three women in her graduating class and went on to hold 20 patents.

CTF: What was the name of their company again?

DAM: South Bend Lathe Works. After my Uncle Miles died, my grandfather sold the company and it is still in business today operating as South Bend Lathe.

My mother was born in South Bend in July 1911. One of my former law clerks is now living with his family in the house where my mother grew up. Back then it was a nice and quiet neighborhood. The interesting thing about where she grew up, it was in the same neighborhood where Knute Rockne lived. When she

was pretty young, maybe in her late teens, Rockne came to South Bend. She used to be able to go over and walk his dog and play with his dog. She didn't pay much attention to him, but she really liked his dog. So, when she was a little girl, that was her deal.

CTF: Did she have siblings?

DAM: Yes, she had a younger sister and a younger brother. The brother was considerably younger than her. I think he was about 12 years younger. Two of his children still live here. One of his daughters, Patricia O'Brien Cotter, served as a justice on the Montana Supreme Court from 2007 until her retirement in 2016. Her husband, Michael Cotter, served as Montana's U.S. Attorney from 2009 until 2017.

CTF: What was her brother's name?

DAM: His name is John W. O'Brien. He didn't have anything to do with the lathe work. He was in real estate or something. Her sister was named Elizabeth. She moved east to Rhode Island. That was the three of them.

My mother was the oldest. As she grew up, she became pretty independent. She went to different Catholic boarding schools. I don't remember exactly where she went, but I think she spent some time at Georgetown Visitation. She was in Washington for a while and she kind of got shuffled around some at St. Mary's. She was close friends with a couple of other girls and a cousin, but they had a habit of getting into trouble or being kind of sassy. At some time, whoever was

running the school said that my mother would be welcome as long as the other girls did not come with her.

After she finished school, she stayed around here. She got into publications and doing some other things with the newspaper. There is still a guy here who was on the South Bend News Times with her.

CTF: With your mother?

DAM: Yes. He is about 95 and he recalls working with her.

CTF: Was she a writer?

DAM: Yes, she liked to write. When she was, I think, maybe 23 or 24 she rode horseback through Ireland. This would have been in the early '30s when she was able to go over there and do that. She wrote stories about that and she got some publicity. It's kind of an interesting thing. She did do some writing for the newspapers, but one of the things she did was movie reviews. That was from old movies in the '30s, so she was writing reviews about them. I know what happened because my father's best friend told me. His name was Paul Fenlon. He was a professor at Notre Dame and he and my dad were having breakfast in the Oliver Hotel on a Sunday morning. My dad saw a woman who would turn out to become my mother. He wanted to know who she was, and, of course, this professor knew everybody. "Oh yes, well that is John O'Brien's daughter." Then he observed that she did movie reviews for the South Bend News Times. So my father wrote a fan letter about one of her movie reviews. It's kind of

funny, because my dad had run for Congress and the U.S. Senate by that time, and was well known. So when they got this letter at the newspaper, they were joking about it, “Who’s this?” So, my mother took notice of it.

Finally, they arranged – I guess he had a date with her or something, and then for whatever reason, she didn’t show up. They were supposed to meet somewhere. He wasn’t happy with that, but he persisted, and they finally met after some missed dates and missed communications. Then he was – it’s characteristic I guess of our family – but, he was 15 years older than her. Miss O’Brien had a mind of her own. She had planned a trip to Mexico and my father was irritated that she was leaving to go down there for no good reason. While he was visiting her at her parents’ home, her mother came outside, wringing her hands, and said that Miles O’Brien had died suddenly. Miles O’Brien was the twin brother of John O’Brien, Miss O’Brien’s father. The trip to Mexico was cancelled and, from what I understand from people who were contemporaries, my father quickly took over the arrangements and assisted on working out the funeral details, etc. That was sometime in May of 1936.

After that event he and Miss O’Brien were seriously dating. When they got into a discussion about marriage, they both realized that she was from a reasonably prominent family, my father was a very well-known politician, and any wedding would involve many people, much planning, and would prolong any engagement. So they decided they would skip all of that and would, for lack

of a better word, elope. In other words, they would go somewhere else and get married without any celebration. So sometime on or around July 1, they drove to Boston and were married by Father Lord. On July 6th, my father turned 40 and on July 7th, my mother turned 25. So, they didn't know each other very long before they were married.

For a few months, they lived in an apartment. Then they built a small house built on the acreage that my father had purchased. The land had a small block house and many other buildings including a large barn.

I don't know if you saw it out there, but there's a big rock that said, "The wind and the river Manion Canyon founded 1936." The reason it's significant is because that rock used to sit at the top of the hill. You saw it across the valley over there at the top of the hill, and we used to play on it. But my mother told me that when she and my father met, they used to sit on that rock and have long talks. This is probably in the courting time and that's the rock. There's a story behind the engraving too.

CTF: So it was relocated up by the house.

DAM: Yes, first of all it went up to our house. Then they moved it.

CTF: Our house being your parents' house on the other side of the river, which is now in a park?

DAM: Yes, the house is no longer there. They tore that down. The log cabin is still there. And the thing about that rock is that my mother wanted to have a surprise

for—I think this would have been their 40th anniversary. They were married in 1936, so, whenever it was—she wanted to have a surprise (it was an anniversary, so I don't want to say the one for sure), but she thought it would be great to engrave this rock, but it had to be done in about three days. So, she called the monument people who make gravestones. She called them up and said, "Now look, this is what I want to do." The man said, "Well, yeah, we can do that, but you are going to have to wait about six weeks. We have a long line." She said, "What do you mean?" He said, "We've got a lot of these gravestones." She said, "Yeah, they're all dead. We need this by Thursday." The guy said, "Yeah, I guess you're right." So, they did it. It's kind of a granite stone.

CTF: What's the meaning of the saying on there?

DAM: The wind and the river? Not too much, except that the farm is on the river and it was the wind that—we've named the place twice. At one time, it was called Iris Hill and, that's because it had lots of irises on it. And then, ultimately, it was called Manion Canyon. That's what they called it. That's why it's on the rock. So, it was—that's where my mother came from. Now, as far as beyond that, I don't know. If you want to start with my father or how do you want to go?

CTF: Well, we'll get back to your mom. Why don't we go on with your mom first now? She's 25 and he's 40.

DAM: They got married when she was turning 25 and he was turning 40. At first, they lived in an apartment while they built this house. I pointed out that little bridge

over the creek—it's 14 feet long, it's a still slab kind of thing and they kind of locked together in that little house, called a bungalow or whatever they built. That was the roof. In fact, it was a red roof and when the airplanes would fly into South Bend it was one of their markers as they started to circle back to the airport.

CTF: Had the land been in one of your parents' families?

DAM: No. What happened is my father was teaching at Notre Dame Law School and was active in politics. Apparently he was a great orator. He was a Democrat all of his life. In fact, when I ran for the state Senate, he didn't vote in the primary for me. He didn't want to switch parties, which was kind of a curious thing. Through politics he met a fellow named Ernie Morris, who founded the Associates Investment First Bank, the Morris Inn, the Morris Civic Auditorium, and some other things. Ernie Morris was a Republican, but he supported my father. He told my father, "Look you're going to be in politics, so you should really own some land." A local judge, Judge Gilmer, had owned our land and had built the log cabin. He died young and the land was a part of his estate. Judge Gilmer was an enthusiast on – I guess you could say an arborist – he loved trees and plants and he had lots of different types of fruit trees and various and sundry other things. He was very meticulous about that. Apparently he also had a bunch of dogs.

So, my father drove out there with a realtor, took a look at it and said, “Well, that’s good.” There was an old block house. It was very simple. It maybe had – I don’t remember what rooms were in it, but it wasn’t very big. I suppose it wasn’t a very nice day or something because my father did not walk the entire property. He asked the realtor, “Now, does it go back to the river?” The guy said, “Oh yes.” That wasn’t true, but nevertheless, my dad pretty much bought the land sight unseen. Back then, it was probably 50 some acres. He bought the land around 1935. Many years later, he found out that it did not go all the way back to the river because Indiana and Michigan Electric owned that land in anticipation of the possibility of building a dam somewhere upstream. But that didn’t happen.

He had just started courting my mother when he bought the land. When they were married, they built a little house. In the meantime, my father was not only teaching at the law school, but he was also – I guess you’d say an arbitrator of some kind for the Penn Central/The New York Central or something railroad which was really a terrific job back then during the Depression. As I recall, I think they paid him \$1,000 per month during the Depression, so that was pretty good pay in those days when for five bucks you could buy a lot of groceries. So, while he was doing well, he had to travel fairly frequently to Indianapolis. That was a little bit strenuous on my mother when they were first married and she was pregnant with my sister, Marilyn. She was born in October of 1937. They got

married in August of 1936. So, it was that period of time when they were building the house and began acquiring horses and other farm animals. By the 1940's, it ended up being a full-fledged farm.

The initial forty acres had many buildings, but they were all empty. It was obvious these were all farm buildings, but whatever farmer used to own it had completely checked out. As best as I can phrase it, my mother decided that there's no use having all these buildings if we don't do something with them. Well, she started by acquiring two horses. Jumping ahead, we ended up with a chicken barn with 150 chickens, we had pigs, cattle, and five milk cows. One year, my sister, Carolyn, decided to help milk every morning. When I was twelve, I kind of thought it was a good idea for me to raise some pigs so I spent weekends cleaning out a pig pen. As the pigs got bigger, I got tired of them. My father thought I might make as much as \$25.00 selling the pigs, but I did not want to check the books. I just wanted to get rid of them!

My mother ran the farm. Frankly, as time went on, I never understood the so called "women's liberation movement." My mother didn't take any guff from anybody. She had to hire and fire farmers and farm workers. She had to negotiate with the various vendors for feed and hay. When the farm was in full tilt, we raised corn, oats, and hay. We sold hay by the bale. Of course, all of that needed farm machinery and the various buildings to store, not just the hay, but to house the horses. Eventually we got rid of all of the farm animals and it became just a

horse farm. My mother ran that as well. Obviously, I was very involved in riding and training the horses and I did that until I went into the Army. Even after I returned from the Army, I lived at home, so I continued to work with the horses. All the while, my mother was raising and selling the horses. She was very interested in the Arabian breeding and had a line with a famous stallion, Raffles. She was pretty good at getting the horses sold periodically, but when my father died in 1979, some of the horses were accumulating. My mother really looked at the horses as pets and hated to see them go. But my father always encouraged her to go ahead and sell them as they were in pretty high demand. So with him around, the horse population was kept down. But after he died, the horse population got bigger and bigger. After I got married in 1984, Ann and I moved into the log cabin that is still on the property. It was then that I realized just how many horses we had and what it was going to take to get rid of them. Even after I became a judge, I was busy trying to sell the horses on weekends. I remember when the last horse left Manion Canyon in 1993.

My sister, Carolyn, some years ago, wrote her own memories of our mother. Her description of my mother is terrific. I'm going to incorporate it by reference, but to sum it up, she described my mother as being extremely beautiful, very smart, and all things considered, pretty amazing. She was very capable of running the farm and putting up with all of the difficulties that go with it. For me it was a wonderful way to grow up. Had the Bricker Amendment not come up,

Eisenhower may have followed through on his statement that he was seriously considering appointing a Catholic Democrat to the Supreme Court and that my father was a good candidate. Had that happened, I likely would not have grown up on the farm where we had all of these animals, a pond stocked with trout, dogs, horses, and a wonderful life.

CTF: Your parents later acquired more land, didn't they?

DAM: Yes they did. The land we are sitting on right now they acquired in about 1948. They did it surreptitiously. Whoever owned the land, they didn't want the seller to know that my father was going to buy it because that is when you get your hands in the air. So we had some straw purchaser. That's a pejorative when you are talking about buying guns or something, but in this case, it was a quick transfer. Somebody else bought it for whatever the guy wanted. It was a fair market purchase, but then he immediately turned around and sold it to my father. He also used a straw purchaser to buy the Michigan farm that is now Madeline Bertrand Park. In the 1970s, that was a combination sale and gift to the Berrien County Park Department. Later on still more land was acquired. I think totally about 350 acres.

CTF: The land was not contiguous.

DAM: Actually, it was, pretty much.

CTF: The land in Bertrand and Michigan would have been separate?

DAM: There was the St. Patrick's farm in between them. It's now all a part of the park. Madeline Bertrand Park is contiguous because it's right on the state line with St. Patrick's Park. Our land went up against what was then St. Mary's farm. We call it St. Patrick's farm. That's why the park is called St. Patrick's Park.

CTF: Was the land where St. Joseph High School has their athletic field . . .

DAM: That was part of the St. Mary's farm. In fact, they wanted to buy some of our land, and I told them, "Why don't you talk to the nuns?" I don't think the nuns really knew they had the land out here. So that was kind of an easy sale, and that's how St. Joe actually bought that. It's surrounded by the park. Interestingly, it's our land and everything else. It's completely surrounded, and it's accessed off of Laurel Road only.

After my father died, my mother was on her own. She did some traveling and actually moved horses in different parts of the country where she would ride. In fact when I was at Fort Hood, Texas, she had two horses down near San Antonio. At that time I would go down and ride the horses on weekends. My mother was an excellent rider and actually showed and rode horses in exhibitions demonstrating her dressage performance. She rode every day, loved to ride, and was very good at it. My father also liked to ride, but, as my sister, Carolyn, pointed out, that's all he did as far as running the farm. My mother did everything else. As time went on, however, she started to suffer from rheumatoid arthritis. That gradually reduced her ability to ride and, finally, she couldn't get on a horse

anymore. Fortunately, by that time, I had acquired about twenty acres from my parents, and Ann and I were living contiguous with my mother's property. We were still living in the log cabin when I became a judge, but shortly thereafter, we built a house on the property and I was near at hand to help my mother out. Eventually, I had to hire home care and all the other things that go along with aging. My mother died in January 1996 at age 84. My father was 83 when he died, fifteen years earlier.

There's probably so much more I could say about both of my parents, but suffice it to say, they passed on to me the need to underscore all life around faith and family. That's the same philosophy we like to pass onto our own kids.

The bottom line is that I had two wonderful parents and had a wonderful life growing up in idyllic conditions. It didn't mean that things weren't tough, and winters weren't cold and all kinds of other things. But, all things considered, it is a great memory for me to be able to reflect on and pass on to my children and grandchildren.

CTF: Why don't we bring in how the Manion family came to this country and where they are from in Ireland and further on down.

DAM: I don't know exactly where they are from in Ireland. I know my sister knows all that lineage. It's easier to go up; my father was born in Henderson, Kentucky. He was born in 1896. When I tell my 11-year-old who was born in 1998 that his grandfather was born in 1896, he is sort of taken aback. But obviously, there is

a trait in our family of not getting around to getting married until one is older. I got married at age 42. My brother is younger than I am. He didn't get married until he was 48 and he has a 12-year-old.

But anyway my father was born in 1896. They lived in Henderson, Kentucky. He was the youngest of six children. His father had a construction company where he built sidewalks, among other things. There are still two or three of the sidewalks in place. We went back there a couple of years ago and saw his name engraved in the sidewalk. Apparently, he had pride of authorship and engraved his name when they made the sidewalks. So that's where he came from.

Now, my father was really kind of a superstar. Everybody knew he was exceptionally very bright. He went to the local Catholic grade school and high school and was an outstanding student. People knew this was going to be Henderson, Kentucky's guy, no matter where he went or what he did. He graduated from college when he was about 16 and went on to get a master's degree from Catholic University.

CTF: Where did he go to college?

DAM: He went to a small college named St. Mary's, which was located in a nearby town. I think he got a degree in philosophy and, maybe, history.

CTF: A master's or bachelor's degree?

DAM: He obtained a bachelor's degree and went on to get a master's degree from Catholic University. Then, he was – and it's hard to remember the sequence – but, he was drafted into the Army. He was scheduled to go overseas as World War I was ending. It's one of those stories where he's ready to get on the boat and somebody grabs him because they needed somebody to do something else.

CTF: This was World War I?

DAM: Yes, World War I. I should know the exact date, but I don't. It may have been 1919 or 1920. He was just pulled out of the ranks and did not go overseas. He stayed and did whatever he was supposed to do. But, when he got out of the military, he ended up at Notre Dame. He taught history while he went to law school. He graduated from law school in 1922 and went to practice in Evansville, Indiana for several years. Eventually, around 1926 or 1927, he ended up back in South Bend teaching law at Notre Dame. I believe he taught Constitutional Law, among other things. Very early in his career as a professor, the students that he taught included Robert Grant, who eventually became a federal district judge; Luther Swygert, who eventually became the Chief Judge for the Seventh Circuit Court of Appeals; and Roger Kiley, who became a Seventh Circuit Judge as well.

In fact, when I went through my confirmation process, Swygert had written a letter suggesting that maybe it wasn't a good idea that I get on the court. After it was all said and done, I wrote him a letter and said, "Look, I certainly don't

hold anything against you. A lot of people don't know that my father taught you in law school." Judge Swygert wasn't Catholic, but he did go to Notre Dame.

CTF: Undergraduate and law school?

DAM: Yes, he was a double-Domer. You know much more about it than I do since you clerked for him. You could probably contribute more about his history.

CTF: Did your father have any outside activities while he was teaching at the law school?

DAM: At the time, my father was an active Democrat. He ran for Congress in 1932, but he lost in the Democrat primary. In 1934, he ran for the U.S. Senate. Several people ran in the Democrat convention. The roll call went through three ballots and, as the roll call was coming to the end, when it got to St. Joseph County (they voted in alphabetical order), my father was behind in the votes, so he threw in the towel. He later found out that Vanderburgh County (Evansville) had voted to switch to him, but he had thrown in the towel before those delegates had an opportunity to vote. In hindsight, many years later, he thought that loss was a blessing. The man who beat my father was Sherman Minton from Nevada. He served in the Senate for a while and then was appointed to the United States Supreme Court.

CTF: Sherman Minton later being appointed to the U.S. Court of Appeals and then to the Supreme Court.

DAM: Right. The way that story goes –then they had the convention system, and of course, it was all smoke- filled rooms and there weren't near the communications they have these days. Everything was loud, boisterous and sweaty. Somebody wrote about Minton, and there were supposedly two other people running besides my father and Minton.

CTF: Running in the Democratic primary?

DAM: Yes. And, it wasn't even the primaries, but at the convention. That was where the nomination occurred, it wasn't the direct election. These primary things came in later on. Before that you elected at the convention. I didn't see a lot of merit to that when I thought about it based on the money and the things that happen in these elections now. It's unfortunate. Sometimes it's better to let the politicians pick their best people and then go from there. But most people want to have a vote, so they vote for whoever has the most money and can put the most ads in the paper. In my father's case, it was very close and the way my father described it (there may be some conflicting things in Minton's book) was that it was a three-way race. There was a fellow named Peters, my father and Minton. It had gone for two bouts and it was still deadlocked, and I'm not sure who was up and who was down. I heard my father say many times that the outcome was the best thing that ever happened to him. Winning those things isn't everything. There is a picture over there on the wall when the President came to town. Way over on one side is my father.

CTF: This is when President Roosevelt came . . .

DAM: Came to town. Yes, and the Mayor of Chicago, too. It was a big deal. So, my father was well known in the political field, as a great orator and that sort of thing. But he got to the war – my father pretty much was not for – he was, I guess what you'd call an isolationist or whatever they called them back then. And even stuff very shortly before the bombing of Pearl Harbor, he had debates about whatever it was. In fact, we have a picture somewhere when Joe Kennedy showed up and they were hosting him here in South Bend. Kennedy had switched to become an advocate for the war. My father asked him why and he pointed to a Scotch bottle. Apparently, he'd gotten a franchise or whatever it was.

CTF: I can remember it was against the law.

DAM: Yes, but he switched. That was one of those things. So, he was here, and the picture was – I was born on February 1, 1942. He was here (well, let's see December 7th was Pearl Harbor), maybe in October, when my mother was pregnant with me.

CTF: I can't remember if his son, Joe, was killed in the war.

DAM: Yes, he was.

CTF: Whether he was one of the Yank pilots for the RAF (Royal Air Force) or whether he was fighting after America went in. I can't remember that.

DAM: I wouldn't know. Walter Cummings did. He said Joe was one of his best friends.

CTF: Young Joe Kennedy?

DAM: Yes, oh yes, they were very close, but he couldn't stand the rest of them. That was his comment—the rest of them were scoundrels, but Joe was special. And, you know that is the personal relationship when you connect up. There's just an interesting observation. So, this is my father's lineage. He became Dean of a law school in 1941 and was there during the war. And, of course, Bob Miller was on the Essex...

CTF: That's Bob Miller, Sr.?

DAM: Bob Miller, Sr., who was on the Essex. And at the end of the war, my father got in touch with his commander. He was able to get him off the ship early so he could get over here into law school.

CTF: The USS Essex was one of the...

DAM: Kamikaze dive.

CTF: Was it the Battle of the Coral Sea or the Battle of Midway?

DAM: I'm not sure.

CTF: One of those two in the South Pacific.

CTF: Did your father go to Evansville because it's close to Henderson?

DAM: Yes, very likely.

CTF: What did he do in Evansville?

DAM: I don't remember the name of the firm, but there's a fellow named Louie Roberts who he was very close too. I think they may have practiced law together. Louie's

son-in-law was a lawyer who practiced in South Bend, so they had that connection too. When he returned to South Bend, my father taught there at Notre Dame Law School for 25 years. In 1941, he was named Dean of the law school. He remained Dean of the law school until he resigned in 1952. That's why 1927 seems like the starting time because he ended in 1952. He had written a book called: "The Key to Peace." It was very popular, and he was giving a lot of speeches. As a result, he had many demands on his time for speaking engagements and other things and he concluded that he could no longer remain Dean, so he resigned. Coincidentally, he resigned the same year that Father Hesburgh became President of Notre Dame University. My mother became very good friends with Father Hesburgh when he was Vice-President of the University during the later 1940s.

Although my father was a Democrat, he was supporting Bob Taft, who was a Republican. Eisenhower beat Taft for the GOP presidential nomination at the 1952 convention. Taft then asked him to support Eisenhower, so he headed up the Democrats for Eisenhower.

CTF: There was a judge known as Bob Grant who was supporting Eisenhower.

DAM: Oh yes, Bob Grant was. You may recall in 1976, I was supporting Ronald Reagan when President Ford ended up winning the nomination. So, I guess I followed that trend a little bit. My father was appointed by Eisenhower to the Commission on Intergovernmental Relations. The idea was to bring the powers

– this is often talked about – it’s sort of a federalist issue – back to the states so the states could be self-governing. Eisenhower was all for that. There was another thing going on simultaneously—the Bricker Amendment. The Bricker Amendment was the idea that the President cannot unilaterally enter into a treaty with another country without having a full consent of the Senate. Theoretically, that’s what the Constitution does, but this was an amendment that was going to mandate – no unilateral stuff. Eisenhower was all for it at first.

CTF: This was an amendment to the Constitution.

DAM: Yes. It’s a long process to get an amendment, but the first part you’ve got to get, I believe, is two-thirds of the Houses of the Senate. Ultimately, the Bricker Amendment failed by one vote. One vote short. My father was advocating for it. Eisenhower and some of his people came to my father and said, “Look, you’re backing this Bricker Amendment, but Eisenhower has gotten cool on that. He really wants you to back off of that. You’ve been Dean of Notre Dame’s Law School. Eisenhower wants to appoint a Catholic Democrat to the Supreme Court for his next appointment and you would be a very logical one for it, but you’re going to have to get off this Bricker Amendment.” My father said, “No, look I’m committed to this. I believe in this and I’m going to keep going. I’ve been making speeches at the American Legion. There are lots of supporters. I’ve been going around the country and I can’t do that.” In fact, I remember we used to have his schedule for that one year of 160 speeches. Back then, you’re

traveling by old prop planes, trains and cars. Anyway, he did that, and Eisenhower was not happy with that. Well, that was enough of that, and Eisenhower fired him from the Commission. That made big headlines. I think I was 12 at the time when it made headlines in the paper. I remember kids making fun of me on the bus, “Hey, your dad got fired.” It was true. I didn’t have enough sense to say, “Yeah, by the President of the United States. What does your dad do?” No, I didn’t do that. I was sort of intimidated when people were making fun of me.

But he did get fired and from the publicity, he determined that he was in a lot of demand to speak about this. So that’s when he decided that he would try (for just a few weeks) to have a radio show and give some talks about this. That started and never ended until he died. It was called The Manion Forum and it grew into the mid-1960s. It was quite large and was on about 140 television and about 400 radio stations. A lot of those were very small obscure stations, but back then, it was still a really big deal. Other than Paul Harvey who had national hook-up, my father was pretty well known. When I would go places, people would want to know if I was any relation to him. Sometimes they were happy to know that. Other times, they didn’t think very much of it. In fact, when I was at Notre Dame in the 1960s, one time I sat next to a guy named “Manion.” He said, “Are you any relation to Dean Manion?” I said, “Yeah, that’s my dad.” He said, “Oh, Thank God. Everywhere I go people have been asking me if I’m

any relation. I say no. I don't know who he is." So that's the way that went, and he did that for 25 years, uncompensated. It was just something he was committed to doing. He did a lot of public speaking. He had a law practice, but he really didn't practice much law after starting The Manion Forum.

Another favorite story is when I was in the Army at Fort Hood, Texas. A friend of mine, Owen, said that he knew where there was a party in Dallas and if we went up there, he had a place for us to stay. I wasn't too enthused about the trip, but I thought, well, if we have a place to stay and there's a party there, what the heck. So we drove up to Dallas. We found the location where Owen's friend lived. We politely knocked on the door and Owen said, "Hi, I'm Owen (whatever his last name was), and we met at such and such. You said anytime we are in Dallas, we should free feel to come by and we'd have a place to stay." He said all of that with a big smile on his face. I sort of told the owner who I was, but I don't think he was listening very carefully. He hemmed and hawed, said his daughter was there, and he was going to be kind of tied up. I quickly realized that we didn't have a place to stay. So after he sort of pushed us away, he looked at me and said, "Now, what did you say your name was?" And I said, "Well, I'm Daniel Manion." He squinted at me and said, "Are you any relation to Dean Clarence Manion on the radio?" I said, "Yeah, that's my father." "You're Dean Manion's son! Come on in. My gosh, I love your father. I listen to him every Sunday night, etc., etc." Owen was pretty perplexed since, suddenly, this guy

completely changed his attitude about whether or not we were welcome. But I love this story, because it's just an example of my father's following all over the country and I ran into that many times. My father had a huge impact on a lot of people around the country. Frankly, many of the things that happened to me were because I was Dean Manion's son. My father had a huge influence on many people, but the bottom line of his broadcast was preaching against godless communism. He also was very strong on faith and family. All of his broadcasts are now at Hillsdale College. I don't know if there is access to those or not, but if someone were really wanting to do research, that's where they all are. I have quite a number of them. Suffice it to say, he was a major leader in what would be called the conservative movement.

CTF: He was born in 1896 in Henderson, but what do you know of your grandparents?

DAM: Well, beyond that it's just a lot of rumors. My father's father, as I said, was a cement maker. He made sidewalks and had a construction business. His mother – her family was Carroll, and she was the youngest of several children. I don't know their lineage or when they came to America. Those are all things that other people know. But she was kind of a farm girl, and it is sort of speculated how she met my grandfather.

CTF: From Kentucky?

DAM: Yes. A little more rural Kentucky. There's a cousin who is still living – he's probably in his mid-80s now. He wrote a little story about her and about how

she may have met my grandfather. They may have met at church. She was, I believe, one of six children. Somebody died young, but I don't remember the sequence. We know her three sisters better than the others. I had three aunts that we'd go down to visit, and they all lived at the same house at 230 Green Street in Henderson, Kentucky where my father was born. One sister, who had eight children, was widowed. One of her sons was killed in World War II. The relative who is still alive is one of her kids too. He lives in northern Illinois someplace. He's getting old and not doing too well. But he did write a story – kind of a surmising, I think, filling in some blanks about my father's mother.

CTF: Do you have that?

DAM: I've got it somewhere. I don't know where it is.

CTF: Do you want to attach those, Dan, as appendices to this so that this and what your sisters have written?

DAM: Well, we've got a lot of that.

CTF: Okay, but, reference them or attach them as appendices so that they're all in one place.

DAM: I'll see what I can dig up on those things because they are scattered around. But there are people who have written some history of the family and that sort of thing.

CTF: Do you know where the Carrolls came from?

DAM: No.

CTF: But, do you know where your grandfather Manion came from or anything?

DAM: No. He didn't come from Ireland. This is where I get confused about the Manions because somebody died. I think one wife died and then he remarried. And, so he fathered two families.

CTF: Families?

DAM: Yes. And, I have a cousin who does not go back to Carroll, but I don't remember which order they came in – that sort of thing. His name is Manion. He is still living. He used to live down around Evansville. His sister visited here a couple of months ago. We had the common grandfather, but not the common grandmother. My dad was the youngest of the children in his family. And, he became – you know, I already talked about that, he was a real star and then even when he would come back to Henderson to visit, apparently it was a big event. My brother shared this with me because he was talking to some of the people who remembered our father and said he was kind of like a celebrity. I know a lot of that was because he did run for Congress and the Senate.

CTF: Let me go back to your parents. They married in 1936. Your sister, what's her name?

DAM: Marilyn, the oldest. She was born October 31st of 1937. My sister, Carolyn, was born in 1939 on Christmas Day. I was born on February 1, 1942. I was in the middle. My youngest sister was born in 1944, I believe, July 31.

CTF: What's her name?

DAM: Diana. We call her DeeDee. My brother, Chris, was born in July 1946, very close to the time when my grandfather died. It was also close to the time when my Uncle John O'Brien got married. I can remember seeing the pictures in the wedding and they were saying it was five days before Christopher was born. My mother was telling me that my tongue was sticking out as we were taking pictures. I remember this because I was at the wedding and was very distressed because everybody was kind of hugging and kissing the bride. I had no use for that. I thought, "I hope I don't have to do that." That's what I remember about the wedding. I also remember being at my grandfather's funeral, looking at the casket and my mother saying that granddaddy was dead. I was just four years old or so.

CTF: The only house you remember was your parents' house because it was where you were born.

DAM: Yes and when I came back from Vietnam, I lived at home for a while. I always worked on the farm. I trained horses. I did all that stuff. The farm was a real farm.

CTF: I think I remember you telling me about your mother either slaughtering a pig or birthing animals.

DAM: We did plenty of birthing. The pig episode occurred when the dogs apparently attacked the pig. The pig was done for, but still alive. I remember my mother was kind of dressed up, like they were going to a cocktail party or something. A

farmer came up to the door with this messy pig. I distinctly remember my mother hitting it with a hammer, trying to kill the poor thing. It was really suffering, and she was trying end its life. Obviously, it was just a mess. This was sort of in the hallway. No one else remembers this in my family, but me.

CTF: It was the hallway of your home?

DAM: That's what I remember – at the doorway. I swear the guy just showed up with the pig.

DAM: So where were we?

CTF: Well, I just want to talk about – you were raised on the farm, but where did you go to school?

DAM: Where did I go to school?

CTF: Yes, grammar school.

DAM: Well, I went to a Catholic grade school. I went to kindergarten at St. Pat's. I went to first and second grade at St. Joe. I went to third grade at St. Pat's. I went to fourth grade at St. Mary's Campus (which was actually *on* the campus of St. Mary's – and then they built a new school that was called St. Mary's campus). I went to the new school for the fifth through the eighth grades. I did go one year to high school at St. Joe, but I was a year younger than everybody. I felt kind of intimidated, and my parents decided, "you know, maybe you should look at this military school down south, Culver." So, I started over in my

freshman year at Culver and graduated from there. I was 18 when I graduated from high school and then went to Notre Dame.

CTF: Did you like the transfer to Culver?

DAM: I liked it. I'll tell you why. I was pretty small. I was kind of a little guy at St. Joe and Culver did teach me a lot of things, but I wouldn't send my kid there. First of all, it's way too expensive. Secondly, I had a Catholic teaching all through grade school, so I had at least that foundation, but there was nothing religious at Culver. That's what was missing there. That school has everything, but it doesn't have "that," and to me faith and family are the most important things. It takes a while for some to learn that. Others learn it sooner. Some later. Some never. But Culver had neither, because you are away from your family. Well, it's a secular school. I went to church. I had to walk downtown to go to the Catholic church which I did.

There's also a lot of people there who not only don't have faith, but some of them are rich kids, who are not good or maybe are sent there for discipline. However, it was really a fine school in a lot of ways. They taught me leadership. I think if there's anything I learned there, it was how to take orders and how to give orders. So, in the military aspect of it I did very well. Academically, I was just okay. It was challenging. Athletically, it had opportunities for every kind of sport. If you go down there now, as I have a couple of years ago when my girls were running cross-country and had races down there, the place is amazing

– just the facilities they have, and alumni have been giving big money, lots of money to the place. So it's very successful. But I wouldn't send my kids there for those two reasons.

CTF: What extracurricular activities or sports did you participate in?

DAM: I did a lot of intramural sports, but I wasn't really very good at any of them. I wrestled. I got a letter in wrestling. I boxed. I played a lot of intramural football and basketball, but I wasn't very good, frankly. I was kind of a late bloomer in athletics.

CTF: Did you write at all for the school paper or debating or any of the other extracurriculars?

DAM: No, not really. I was in the Black Horse Troop for one event when I was a freshman. I was a very good rider for horses since I was raised on horses and had riding experience. I was able to ride in the inaugural parade in 1956. That was Eisenhower's second inaugural. Culver had gone to two inaugural parades, but they go way back. I don't remember when the election was – 1914 to 1918, does that sound right? Whenever the Presidential elections were for those years, if that's when they were, but in that era. And, then they didn't go again until 1956.

CTF: That would be 1912 to 1916; and 1916 to 1920.

DAM: Is that right? Well, maybe okay. Well, whatever that was – it would have been '12 and '16 then. We went by train. I remember when we got on the train – we took the night train to D.C. (that was kind of neat). But there was an old porter

on that train who was a very young porter when Culver had gone the first time. I thought that was kind of neat for him to have been there for that stretch of time. He was with the railroad his whole life. He was a very charming Black man.

CTF: Did you come home on weekends?

DAM: Frequently, but just on Saturdays. I think when you were an underclassman, you only got one weekend, but then two later on. There were a lot of times when I would get out of there at about 10:00 a.m. on Saturday and had to be back at maybe 11:00 p.m. It was maybe a little over an hour or an hour and a half round trip, so my parents or somebody would come and get me. I'd go home and ride the horses and just be home for that period of time and then they'd scooch me back there. I was always thinking, "Oh man, I've got to go back." But that was – it was okay, but my kids go to St. Joe. I have a junior in St. Joe now, and there is no way I'd have my kid go down there without having him close to home and same with the girls. My wife runs the Women's Care Center and that in itself is such an education. Just being around and seeing how some people live and to see some of the hardships they go through. My daughter, Mary, was trained and was a counselor this year, this summer. And when you come into these young women with – we'll call them problem pregnancies and some of the stories they tell – it's really eye-opening. And my daughter wants to be a social worker; but boy, that's where the rubber hits the road. There is nothing hypothetical about these things.

CTF: That's interesting because Bob Miller, Jr.'s daughter works at the homeless shelter as a counselor.

DAM: I didn't know that.

CTF: I think she might be majoring in social work or maybe she got her degree. I think she got her degree in social work. But I assume that during high school and grade school your jobs were all at the farm.

DAM: Yes, that's correct. I worked in the fields. It wasn't slave labor or anything, but I had to feed the horses. And from the time I was maybe 13 or 14, I was training horses. I wasn't really good at it at first, but I got really good later on. That was one of my main things because we trained showed horses. When you talk about athletics, I was really good with the horses. That helped me at Culver, although I didn't go into – I went out for polo my first year, but that was the year they eliminated left-handers. You had to play with your right hand. I'm left-handed. When I boxed, I boxed left-handed. That goofs everybody up, because it's like you're boxing in a mirror. In polo, your mallets are on the wrong side, so they made everybody play with their right hand. I figured, "Hey, I'm not going to swing this thing with my right hand. It's hard enough with the left one." So, I didn't stay in polo. And, in jumping – I could have done that, but I just figured that's all year and I'd rather get into some of these other sports, so I did. I did enter one jumping contest and actually shocked everybody on the jumping team!

“That ain’t fair. You know, you walk out one time and do it”. Well I said,
“Yeah, I can do it, but I don’t want to do it every day.”

CTF: During your senior year I assume you were trying to decide where you wanted to go to college.

DAM: Well, I wanted to go to Notre Dame. And, that was a concern. I wasn’t sure if I would be able to get into Notre Dame because other people weren’t. But I think the legacy thing helped me. I know it did. My father had been there, and one of my sponsors was a radio commentator named Joe Boland. He announced the Notre Dame games and stuff. But I still had to work hard to get in there and did. I had a rough start, I might say, just because I was in an area I didn’t like, accounting and stuff. I really didn’t like it. Then I got into more of the liberal arts and then ultimately political science. I liked those subjects.

CTF: Did you stay at home?

DAM: Yes, I did. It was probably a mistake, really. My wife stayed at home her first year and then she boarded. We were not concurrent. She is much younger than I am. But she went to Notre Dame. I regret not staying on campus for at least one year because you get to make a lot of friends. You get to know people better. I had a lot of acquaintances. I was on the wrestling team for four years. But that isn’t the same as just sitting around, basically living with somebody, knowing them really well and making lasting friends. But that was just my choice. It worked out alright, but I think I would have been better off on campus. My

mother gave me the choice. Back then if you lived off campus, the tuition was, I think, \$900 per semester. Now the tuition is about \$40,000 or more a year, so it has gone up a bit. You don't talk about the cost of education, and the only thing I hear is that, "Well, we've to do something more with student loans, etc. Every time they ratchet up the student loans, well, great – we just raise the tuition." There's an article in the paper today exactly on that. Tuition is up in public schools by 6% and private schools by 4%. Yikes! And yet, we are in a recession of some sort.

CTF: You go to Notre Dame. You were on the wrestling team. What other activities did you participate in?

DAM: Well, I played interhall sports. They had full pad tackling and hall football.

CTF: What position did you play?

DAM: In football? I played defensive back and offensive back. I wasn't fast enough and I really wasn't very good, but I did alright. The joke is that I got better as the years went on. A funny thing is that when I was in church a couple of years ago, I turned around to shake hands and this guy grabs my hand and says, "Hey, I was your coach in interhall football, and you were my star." I looked at him and this guy was a scrub football player. He was there on scholarship so they had to do some stuff like coaching and things because they weren't playing. I don't know what the deal was. I thought, "Geez, I haven't seen him in 40 some years." I really wasn't much of a star. I mean I was alright, but I played an extra

year which was sort of a joke. Some called it a scandal because I wasn't a student anymore. They said, "Well, they should have brought that up in the confirmation hearing." They brought up everything else. But I wasn't a student. My brother was there, so I got his medical slip or something or other. So we dressed up and – at least I did graduate from Notre Dame. There was another guy on the team who never even went there. We were undefeated. I think we had one tie game, but we were undefeated, and so we were going to play for the school championship. Well it turned out that the game that we had won or tied, I don't know which, the coach complained about it. He said it was a third down and they called it a fourth down and they moved the ball here and there, etc., etc., and Dan Manion is not a student at Notre Dame. So, I can see him pitch the first two, but when you get to the third one you go, WOW. So, they had to play the game over or something or other. I just considered that kind of a joke.

CTF: But your playing was consistent with Knute Rockne and George Gipp!

DAM: Pretty much!

CTF: Because George Gipp was not a student when he was playing, at least according to the media.

DAM: Yes, there are rumors like that and mine was fortunately – the games didn't amount to anything except that one. It's okay for a day. I was also a three-time champion in the Bengal Bouts, which is a boxing thing. It was a big deal at Notre Dame actually.

CTF: It still is a big deal.

DAM: Yes, it is.

CTF: How does it work, Dan? I mean is it by year or by weight?

DAM: By weight. I boxed my freshman year, and I had to box some defending champion who beat me, but I knocked him down in the first round. I was shocked. I didn't hit him very hard. What happened? Well, I later discovered I had a lethal punch, just a natural punch. So the next year, I had to box him again and this time I did beat him. That was in the semi-finals and the way they had it set up was these two guys, two-time champions, both of them. They were supposed to meet each other in the final. That's how they set the bracket up. Well I messed that up, so I ended up boxing the other two-time champion and I beat him on a split decision.

CTF: That was as a sophomore?

DAM: It was as a sophomore, yes. And I was reminded of it because we had a 25-year reunion at Notre Dame and that guy was there. I met his wife and she looked at me and said, "You're Dan Manion? (Huff) I've been hearing about you for 25 years. He's kept telling me that he got robbed and he's been complaining about that. I finally met you!"

CTF: The guy that you beat.

DAM: The guy that I beat who is now on the board of trustees I might add. His kids boxed there too. He was a good friend, but he was two years ahead of me. You

know, it's tough to lose. Then in my junior year, I won the championship, but I almost lost to a guy who I didn't want to hurt. I was much better than he was. I was just playing around. Well that was a mistake, and the referees, at least one of them, didn't think it was cute. It was a split decision. I learned that one in a hurry. In my senior year, I knocked everybody out. I decided I'm not going to play with that. In fact, I had a broken thumb, because I was on the wrestling team, and I was up against Marquette, probably at about the same time Terry Evans was there. It was a very close match and, somehow, I fell and broke my thumb. The irritating part was that it happened in the third round. That's when I usually won, because I was always in better shape than the other guy. The other guy was exhausted, but, unfortunately, they were taping my thumb . . . and this guy was always over there trying to catch his breath, so I lost by one point. Then I had to go box about 10 days later. I had to soak my hand so I could get my thumb down below the knuckle. It was my left hand, too. But I got through that one.

CTF: Is there anybody else that you know of who ever won three times?

DAM: There are probably four or five of them that have won four times by now. One of them is Roland Chamblee, who is now a local judge in South Bend. He did have what they call "consolation." He was a good boxer, but he lost and then they set up another bracket. They put him with another loser who was also a very good boxer. So, he had two shots at getting his fourth championship. There

was another guy the year before me who won four times. He was a Golden Glover. He had something like 97 fights. He was good.

CTF: Was there more than one champion each year?

DAM: Yes, one for each weight.

CTF: So, there must be five or six weight classifications.

DAM: Oh, there's more than that. I mean they jump up every 10 pounds or something like that.

CTF: So, you graduate from college. What do you decide to do?

DAM: Well, it wasn't much of a decision. I was in the Army ROTC and I ended up being the brigade commander in 1964. It's hard to believe that in 1964 there were 1,000 students in the Army ROTC. I was a general because there were two battalions which made a brigade. I was one of two brigade commanders, the only time in the history of Notre Dame that there were two brigade commanders was in 1965. So, since I was a top guy, I was a general. So I went into the Army and got demoted to a second lieutenant. I was in supply. I wasn't a combat guy. I didn't want to go into the infantry because all I can remember is that they got up too early in the morning! I could have done anything I wanted to, because I was what they called a DMS or distinguished military student.

CTF: When did you go over to Vietnam?

DAM: I had delayed going into the Army. That's what enabled me to play interhall football an extra year. They kept delaying me and I said, "Hey, I've got to do something," so I played interhall football the year after I graduated.

CTF: What else did you do besides play interhall?

DAM: Well, I worked the horses at home. I got mono that summer or hepatitis. I was kind of sick. But that was just about a month. But I didn't ultimately go into the Army until January 1965. And then, I went to Vietnam in 1966.

CTF: When did you serve, year to year?

DAM: In Vietnam?

CTF: Yes.

DAM: I didn't serve a full year. I went there, I think in May of 1966, and came back the end of December just before Christmas.

CTF: Where were you stationed?

DAM: Tuy Hoa, Vietnam. I think that's the way it is. I haven't spelled that in a long time.

CTF: Where is it?

DAM: It's between Nha Trang and Qui Nhan – I remember that, don't ask me where they are – it's on the coast, beautiful, beautiful place. I was in charge of petroleum and fuel and convoys where you had to lead a convoy with a fuel tanker, ammunition trucks and then trucks loaded with food. Then, we'd take that up to an area where they had a camp set up.

CTF: Did the Army know that you grew up near a petroleum place probably about two miles from the farm?

DAM: No, I don't think they did. It isn't very far from our house and it's a major one. That's where all the big tankers go and load up. It doesn't matter what brand they are. They all get it from the same place it seems. I guess it's fed by pipeline. I don't know exactly how those things get filled up.

CTF: I'm sure it's pipeline.

DAM: Yes, it probably is. It's big.

CTF: You came back to the States and still have time left to serve in the Army, right?

DAM: Well, no, my time in the Army ran out, but I did have to go into the Reserves for two years. I was in the Reserves, which was a joke because it was full of draft dodgers. One of the things in my own experience in the Army was that a lot of the draftees in the Army had bad attitudes. The training wasn't very good, whereas people in the Army now are, from everything I read, pretty tough and pretty committed. One thing I can say now, is the quality of people serving in the military is way better than it was when I was there. It's different because there is no big panic and opposition to the war. People aren't "having" to serve; and there are enough people who are willing to volunteer. That changes things. It's kind of a mercenary way of looking at it, but, nevertheless, that's the fact. Back then some wanted a draft because it forces everybody to go. Others didn't want a draft. There wasn't a consensus. All it did was tear the country apart. I

don't know if they would have gotten away with a volunteer Army back then. I was a volunteer because of ROTC. Since I was subject to the draft, I figured I might as well be an officer, so I joined ROTC. That was the attitude of a lot of people. The year after I graduated, the ROTC numbers dropped down substantially – because of Vietnam. That's when volunteerism basically was that of, "I don't think so. Maybe I can get a deferment." When I went into the Reserves after I came back from Vietnam, they were mostly people who were draft dodgers. They trained, but you wouldn't want to go anywhere with them. They couldn't do anything very well. Now the training is for real. At my wife's nephew's recent wedding, the father of the bride was a military guy. He was describing the military and the type of people and how proud he is of them, committed and well trained, and that's good.

CTF: What were you thinking about doing at that point when you were in the Reserves?

DAM: I don't know. I came back from Vietnam, and I was pretty frustrated because at that point in the war – people were aware of it, but it hadn't hit the peak of the anti-war protests. I was kind of frustrated. I wasn't sure what to do. For a while I worked for my father's radio show, The Manion Forum. My first assignment was an interview with my father for his syndicated radio and television broadcasts. During the next couple of months, I traveled to Canada and to Washington, D.C. While in D.C., I interviewed a couple dozen congressmen and

senators. I liked that, but it wasn't a profession. It was just something to do basically. My dad was just paying me a stipend.

Then I started working for, of all things, a bottled water company – Mountain Valley Water. I drove around the country trying to get people to take the franchise and sell this water. It was really high-quality water. The source of the water was a spring in Hot Springs, Arkansas

CTF: Was it bottled water meaning the big five-gallon bottle?

DAM: You could get the big five-gallon or one-gallon. They were glass bottles.

CTF: And, it wasn't like the Coke bottles that we see now? I mean it wasn't like a 24-pack of bottles.

DAM: No, it hadn't gone to that.

CTF: Where was your territory?

DAM: Hot Springs, Arkansas was theoretically the home office, but the president of the national company operated out of New York City. While doing some training in New York, I stayed at the YMCA. I then spent some time in Washington, D.C., making some calls. Then I began traveling around the country, visiting potential customers in a couple dozen different states. But my problem was that I was missing my Army Reserve meetings. I was notified that if I continued to be delinquent in those visits, I may be put back on active duty or penalized in some other way. As a result, I had to resign from the bottled water company after working with it for about six months. It was not really fair to the company,

because they thought I had a good future doing that, but it wasn't something I really wanted to do.

So then I came back here and my next job was with an insurance/investment company named Alexander Hamilton. I was attracted to the company because it professed to be a very conservative social and economic business model. I wasn't a very good salesman and I didn't particularly believe in the product or the method of marketing it. They had a lot of things that looked good on paper, but it turned out the product wasn't very good. It wasn't a competitive company. I got kind of frustrated with it.

But then I guess if you want to talk about the life changer, when did suddenly something go from one way to the other. Because I have to say I was probably kind of depressed about the work and this kind of thing, and Vietnam was heating up and getting really nasty. This gets me to the empty parking space that put my whole business and political career in a new direction.

For a temporary flashback, I'll go back to when I graduated from Notre Dame in 1964. I was scheduled to go into the Army at the end of June, but then I was notified that I would not be required to go until sometime in the fall. I didn't have a summer job, but I was interested in local politics. My sister was elected delegate to the state convention, and she was campaigning for a congressman (Donald Bruce) who was running for the Indiana Senate. Since she was traveling to the convention, I decided I would ride along with her and crash

in her room and see what was happening in state politics. I quickly discovered that state conventions were the best-kept secret for convention partying, fun, and political sparring among candidates. I met a cute young woman who was campaigning for her uncle, Richard Folz, who was running for State Treasurer. She introduced me to him and he quickly recognized my name as being the son of Dean Clarence Manion. We had a short visit and then his niece and I carried signs and paraded around, basically having fun, but at the same time campaigning for Richard Folz. He lost at the convention. I didn't see him for a long time after that, and I never did see his niece again. Actually, I heard she married a guy I went to Culver with.

Fast forward four years later, while I was working for the insurance company, my good political friend and my sister's ally in everything political, Sally Beard, called me and told me that Richard Folz was now the Republican nominee for Lt. Governor. He was going to be in town for a speech and I should attend. I told her with some disregard that I was stuck with an appointment for the insurance company over in Mishawaka and couldn't go. She told me that the meeting was at the Mishawaka headquarters and that I should try to get there. Well I drive over to Mishawaka and I drive by the Republican headquarters where he is speaking. And right in front of the door is a parking place. You know you just don't get a parking space like that. Somebody just left, obviously. So I thought, "What the heck. I have 15 minutes to spare." So I simply turned

in and parked. When I entered the door to the meeting place, probably a branch bank basement or something like that, there were several people by the entrance. Mr. Folz was reading the last few lines of his speech. When he finished, he received polite applause and started to walk away from the podium. Since no one approached him, I immediately walked up to him and told him with total sincerity, that my name was Dan Manion; that I appreciated the fact that he was running for Lt. Governor; that I thought he was the best guy on the ticket; and if there was anything I could do to help – going door to door, working factory gates, etc. – in the few days before the election, I would be willing to do so. He shook my hand and looked at me with sort of a squint and said, “I remember you. You liked my niece!” That wasn’t exactly how I thought he’d remember me, but he remembered me. We briefly reminisced that I had met him at the state convention four years earlier. And he said, “What are you doing now?” I said, “Well, I’m working for an insurance company, but geez, I don’t like it. I’d like to go to law school, but I’m kind of old now, 26. I may not have that opportunity.” He said this, “You ought to think about coming down and working for us. It looks like we’re going to win depending on how those folks with Wallace stickers on the backs of their pickup trucks in southern Indiana vote.” Down in southern Indiana that was a big deal. And Wallace was running, and he was formidable. The conversation quickly ended when someone stepped up and interrupted us. I quietly left for my appointment where, of course, I did not

make a sale. I wrote him a letter, something like it was nice to meet you and let me know if I can help out and this kind of thing. That was the end of it.

CTF: Wallace did well in Indiana.

DAM: He did. I don't remember what he got. It wasn't the majority, but it seemed to me, he got 15 or 18 percent of the vote, maybe 20. Whatever it was, it was significant. Of course Nixon won the election, but Wallace took a lot of the vote. The Republicans won handily that year. The Governor and Lt. Governor ran in tandem. Governor Whitcomb was elected, and Richard Folz was elected Lt. Governor.

Not too long after the election, I traveled to Chicago because some Young Republican friends of mine were having a welcome home party for Dan Crane – I know you'll remember Phil Crane.

CTF: Sure.

DAM: He was one of the Crane brothers. Well, my friends were having a party for Dan Crane. He was returning from Thailand. He later became a Congressman. He's the one who had an affair with an aide and got dumped when his opponent bragged about it and got re-elected. Anyway, I was invited to the party. I remember a guy named Bill Soards was there. I introduced myself to him and he said, "You're Dan Manion. I hear you're going to be working for Folz." I was totally shocked and said, "What?" He said, "Yeah, I'm trying to get in there, too." I replied that no one had told me I was going to work for Folz and other

than a brief meeting with him, I had not indicated any interest in a job. You know I was kind of mad. I didn't have a great view of government and I didn't want to be a bureaucrat.

When I returned to South Bend, I wrote a rather stern letter to Lt. Governor Elect Folz reciting the fact that someone told me I was going to be working in his office. I took the occasion to announce I did not want to work for the government and be a government bureaucrat. I said the only reason I could conceive of working for the government was if I could do something to promote free enterprise and a free-market economy. But I certainly didn't want to be some political hack just to be working for the government. I thought that would show him.

However, this was the first of several subsequent occasions in my life where reverse psychology must have had a beneficial effect, because I got a call and they wanted me to come down and interview! I set up an appointment for two or three weeks later. I was pretending I was so busy that I didn't have time to come sooner. A day or two later, I got another call and they wanted to interview me right away. So I did clear what was probably an empty calendar and traveled to Indianapolis.

When I arrived at the state house, I was greeted by Lt. Governor-Elect Folz. He treated me as if I were a prize recruit for some college football team. He shook my hand, said how glad he was to see me, and started showing me around

the state house. His comment was something like, “If you decide to come to work here, we’re going to be very busy. I’m director of the Department of Commerce and we’re going to have young people in our office, and we’re going to work hard and have fun.” He talked about being President of the Senate and all of the opportunities I would have. I didn’t really respond much. He asked me to talk to Van Barteau who was a crass and calculating politician. He was very smart, very cunning, and had plenty of enemies of his own. Nevertheless, I sat down and talked to him about the job. My first comment was that I probably wasn’t qualified. I told him I didn’t have any real experience other than having been in the Army and to Vietnam. I told him that my only other experience was with The Manion Forum, the bottled water company, and the insurance company, but that I really didn’t have any experience in government and in the Department of Commerce. He kind of squinted at me, nodded his head, and said, “It doesn’t matter.” I said, “Oh, it doesn’t?” He said, “No, it doesn’t matter. You’re from up north. You’ve got a good name up there (of course, my father), and Folz is from southern Indiana and he wants to have a good connection up north.”

CTF: Did you face him as you walked out backwards out the room?

DAM: That’s just about it. And, I could tell that too because of the way he talked about other people. You knew this was a guy whose enemy list you didn’t want to be on and he had a long enemies list! I got the job. I was made Director of Industrial

Development for the state. I was also assistant to the Lt. Governor, who was President of the State Senate. So I not only got this heady job, but I was also able to work behind the scenes and witness all of the ongoing operations of the state legislature.

I later found out that it was strictly a political appointment because Lt. Governor Folz was thinking ahead about running for Governor. Back then the governors were only allowed to serve one term. Theoretically, he would be the logical successor to Governor Whitcomb. Since I was from a prominent family in northern Indiana, I would be a good addition to his staff. I only realized that part later. It turned out that Lt. Governor Folz had the state treasurer's son and some other kind of chairman's son working for him so they had other people there who were connected and willing hacks. Then they brought me in and I was, "Well, okay." But it turned out to be just about one of the best things that ever happened to me...the job was great! In my four years there, I gave about 250 speeches at different small gatherings, rotaries, chambers of commerce, schools, clubs, all sorts of things – just people needing a speaker for their lunch. I did that a lot as the Lieutenant Governor didn't like speaking. Anytime he had to talk, he'd try to shove it off on somebody and I'd often get it.

CTF: Why was the Lt. Governor able to appoint that position as opposed to the Governor?

DAM: Because he was the head of the Department of Commerce.

CTF: Okay, so who was the Governor?

DAM: Whitcomb.

CTF: And he just deferred to Folz?

DAM: It wasn't a matter of deferring. It was a constitutional job, as I recall. The Lt. Governor –they've probably changed it by now –but the Lt. Governor was the designated head of the Department of Commerce.

CTF: His to appoint?

DAM: Yes. This was an important job, bringing in new business, that's what my job was. It was fascinating. I worked hard and got pretty good at it, even got job offers as a result of it. So I was in on all of the background stuff going on in the Senate. That was fascinating. All of this happened to me because I had fifteen minutes to spare before my sales appointment. I spotted the empty parking space in front of the Republican headquarters in Mishawaka. I stopped in to meet Richard Folz. And I might add, by getting the job with the Lt. Governor, I was able to quit the insurance job before they fired me! And here I was 26 and having this opportunity.

CTF: Now, at this time, was Hugh Dillon the Speaker of the House?

DAM: No, I think he was already a judge by then and not any favor to the Republicans. They knew where he was coming from and so did he. It wasn't any mystery.

CTF: So when did you go to law school?

DAM: I went to law school at night. One of the people working in the Lt. Governor's office, John Snyder, Jr. (his father was elected State Treasurer), wanted to go to law school. But he didn't want to go by himself so he got all of the application paperwork that was necessary for us to apply. We both were accepted. I think the night school was just developing into a strong law school and probably wasn't that difficult to get into. As I recall, there really wasn't any problem. That's where Judge Miller went too – Indiana University in Indianapolis. It turned out to be a good school.

CTF: It was new?

DAM: It's just that it wasn't IU!

CTF: Right.

DAM: They were still in the old building. They hadn't built the new one yet. Initially, I only took one course, Remedies, a two-hour course. At the same time, I took a course in graduate business school as I wanted to see which path I wanted to take. I asked other students in the graduate business school why they were there. They all said, "Well, my company made me." I thought to myself, "This isn't very good." I did okay in the business course but knew that I didn't want to go that route either. I remember that I got a C+ in the law course. So I went to the professor and said, "I haven't got time for this. I've got this important job, hmmm. You know, I'm doing this, I'm traveling, I'm bringing important business executives around trying to get them located in Indiana, and I just don't

have time for law school.” The professor said, “Oh, take another course. Everybody gets a C or C+ in this class. Don’t worry about that.” He advised that I take Contracts, so I did. That’s a four-hour course. I did well in Contracts but by the end of the academic year, I’d gotten only ten credit hours. That just wasn’t going to work. So I didn’t take any courses that summer and I was really bored. I took more courses in the fall. But I was on the GI bill and they would pay me for whatever the credit hours cost. Back then it was \$28 an hour. I don’t know what it is now, but I’m sure its way up there.

CTF: A little bit more!

DAM: Yes, but I was just getting a stipend. I thought, “Well, this is going to take a long time.” At night school, you could not take more than ten credit hours per semester. To get full time benefits under the GI bill, you have to take at least twelve credit hours. So I found this professor who allowed me to write a research paper for two credit hours. I did three research papers, which got me up to twelve credit hours per semester. The twelve credit hours gave me \$300-\$400 more than the tuition costs. This gave me an economic incentive to finish! The next summer I took seven credit hours of concentrated courses at night. By then, I was speeding through this and I accumulated 90 hours in four years. The irony is that the guy who really wanted to go to law school and who talked me into going with him, flunked out. So here I am, getting the law degree that I almost walked away from except for the professor who encouraged me to take another course.

I didn't get my law degree before Folz's four years ended as Lt. Governor. I was asked to stay on with the new Lt. Governor, but I didn't like him. He was kind of liberal. I told his people, "No, my job here ends at 2:00 when he is sworn in. That's when my commitment ends." So I took a job with Indiana's Attorney General while I was finishing law school. I became a clerk and when I graduated and passed the bar exam, I became a Deputy Attorney General.

CTF: Who was the Attorney General?

DAM: His name was Ted Sendak and he was a good friend, a good guy. But I had to take a one-day quit because I was making, we'll say \$12,000 a year as Director of Industrial Development. I had accumulated darn near all of my vacation (30 days or more of vacation). If I quit, I got paid at the higher rate. If I transferred over to the \$9,000 a year, or whatever it was at the Attorney General's office, back then, I would lose the vacation pay. So, I took a day termination and got paid the vacation pay. That was the transition. Do you remember Judge Cale Holder?

CTF: Sure.

DAM: He stopped me outside of church and said, "I want your application over there for his law clerk. I want you in my office." I thought, "Here I am. This is a pretty nice office, frankly." And it was. He knew who I was because of my father. Actually he had sworn me in after I passed the bar and my father was there. Sarah Barker happened to be there at the time I got sworn in. She was an

AUSA. He just wanted me there. I said, “My father really wants me to come back to South Bend and even though I’d really be honored to do it . . .” And then, when the Attorney General offered me the position of Assistant Attorney General, head of the division, I told him as well that my father wanted me to come home. So those were two really good opportunities to enhance my career if I had wanted. I didn’t do either one, instead, I went back to South Bend, and worked in my father’s law firm. It was rather loosely knit. They weren’t really organized, hourly and stuff. You were kind of on your own. You get this job and you do this and that, but it wasn’t the kind of structure that I needed.

Initially I was pretty fed up with politics. I had seen some good, but mostly bad activities that went on behind the scenes. There was a lot of acrimony and back-room dealing that I didn’t like. However when Sally Beard, who had persuaded me to go see Richard Folz in 1968, enticed me into campaigning, I got back into the political whirl in the South Bend area. The congressional campaign was what we could refer to as a “death wagon,” where the candidates ran against the incumbent. I was also involved nationally with Young Americans for Freedom. Around that time, I was on the national board and I had served as national treasurer and national vice chairman, so I was involved in a number of national issues. Primarily I was interested in Ronald Reagan becoming President. I had worked on his behalf when he briefly ran in 1968. I wanted him to run in 1976 and backed him as soon as he indicated he was running. I ran for delegate

to the National Convention. It was contentious, but I won. After winning delegate in Indiana, I thought it was important to work in the Michigan primary because it was a percentage nomination. That is, if Reagan got a certain proportion of the vote, he would get the same proportion of delegates even though he lost the state overall. So I decided to campaign door-to-door in Niles, Michigan to maybe put him one additional notch up for delegates. At the time I was a runner, so I chose to run door-to-door. I found that was an effective way to campaign and I thought if I ever ran for office that's the way I would do it.

Of course, Reagan lost the nomination by about 100 votes at the national convention. I was kind of the renegade since most of the Party establishment was for Ford. Nevertheless, some folks saw me as a potential candidate and there was some mention that I should run for Congress. Frankly, I didn't want to run for Congress, but I thought if I'm going to run for something, maybe I would consider the state legislature. In that event I could continue to practice law and also be a part-time legislator. As a lawyer I was involved in challenging the efforts of South Bend to annex property north of the city. It was a pretty big issue in Clay Township where I lived. One thing that was currently at issue was the possible annexation of property very near where our family farm was. They were trying to annex an area that was not adjacent to the city. The method they used was to take a ten-foot strip down the middle of a road (in that case, Laurel Road) and go about a mile and then annex a square of land owned by one person who

wanted his land annexed so he could get water and sewer. I opposed that vehemently and I argued before the city council that it was illegal. I cited the cases and said you can't do that. I remember the city councilman waving his hand at me and saying, "Our lawyers say we can, and we are going to do it." And they did. That really motivated me to consider running and changing the law. There were other issues that I considered, but that was one of the motivating factors. I decided to seriously consider running and I knew my annexation fight would at least give me a base of operation. So I got into that and started rattling around in politics, and ultimately, of course, I ran for State Senate.

CTF: The annexation was north of the city?

DAM: Yes, it was an unincorporated area. They were building subdivisions and they were charging the sub-divider, the person who was doing the lots was charging the homeowner for the first part of the cost because he had to put in the water and sewer. Then when Clay Utilities came along, they tried to collect a second time. That's what the fight was over. They assessed all the homeowners if they had been given water and sewer. I don't remember the details of it, but I fought it. We basically went to the Court of Appeals, but I won at the Public Service Commission, and I don't remember where it went beyond that. I thought it went on up but perhaps not. Whatever it was, the decision came down about five days before the election. I remember some political guy calling me up and saying, "It looks like you won. Do you want this to come out before or after the election?"

I said, "Wait a minute. If it's over, then it should be issued. Whatever you do, don't be holding it or not putting it out."

CTF: When did you run for the State Senate? I'd like to talk about that.

DAM: 1978. I was up against the incumbent who happened to be the majority caucus leader. I had never met him and didn't much care who he was. He was the incumbent, so it was kind of a tough fight. He was quite sure, given the fact that my father, even though a Democrat, was conservative and pretty outspoken with his radio show. So that was supposed to hurt me pretty badly. He was confident that many would not support me because of my father's outspoken conservatism.

CTF: And nobody wanted to run against the incumbent?

DAM: That's right.

CTF: Did they have to push you away?

DAM: It was not a coveted seat, so I was unopposed in the primary because there had never been a Republican in the state Senate in our area. There was one Republican who was elected state Rep. His father was the district chairman, so he had a well-known name as well. I set out going door to door and it was pretty intense, but as you know, I was a runner. I set it up, "Manion Running for State Senate." I ran in a green running suit. I ran door to door and got a lot of attention. I actually went to about 5700 homes. Once in a while, out in Clay Township, someone would come to the door and say, "Well, I'm a Democrat," and start to close the door. I would say, "You know, I'm the attorney fighting the

annexation.” Suddenly, the door would open again, and they would say, “oh, really?” and I would definitely win a vote. I was going door to door, passing out literature, and about one out of every six or seven houses, somebody would want to know, “Are you any relation to Dr. Manion from Notre Dame,” or “Dean Manion of The Manion Forum,” or “The Manion Canyon Christmas Trees” or something. About every sixth or seventh house – and they were all positive. The campaign was extremely effective. It attracted lots of volunteers and we had fun campaigning. I learned a lot going door to door, mostly about people, but also realizing that people were much more interested in the fact that I cared enough to come by their house rather than where I stood on the issues.

CTF: Where were the Manion Canyon Christmas Trees?

DAM: We had lots of fields of them and for a number of years, we sold Christmas trees. That was another one of our farm projects after we quit planting corn and baling hay.

CTF: You sold Christmas trees?

DAM: Yes, it was mostly Christmas trees, which was an interesting adventure. It was never very profitable, but fun, and it attracted a lot of attention. Lots of people remembered it. I remember encountering only one homeowner who really didn’t like my father. And he got after me, “Your father, that kook, oh geez.” Then he looks at me, “Maybe you’re not as bad as he is.” That was the only time.

Otherwise, it was really positive. Meanwhile, my opponent was confident that many were not going to vote for me because I was...

CTF: your father's son.

DAM: Yes. Hard-core liberals labeled him a "right-wing nut," but that didn't hurt me. Jack Colwell was the local political writer. He was liberal but also an astute observer. He assumed I was going to be in trouble with regular voters. I said, "Well, Jack I've been to at least 1,500 homes at this point. About every sixth or seventh home I go to, I get very positive reactions. I've only had one person really get after me." So, whatever he thinks is happening isn't happening. That apparently caused him to think I may have had a chance to win. He wrote an article that was kind of favorable of me, that the race was a serious challenge. Then my opponent, Bob Kovach, got pretty cranky and complained that all I wanted to do was go around shaking hands and was avoiding any debate. Colwell got wind of that and called me saying, "Do you want to debate him?" I said, "I don't know what he's talking about." It just so happened there were five occasions lined up for us to jointly appear. I said, "We're going over to the Rotary in Mishawaka; we're going to be on channel 34, etc. I don't know what he's talking about." Now Colwell thought he was getting lied to. He didn't like that, so he then writes a pretty favorable article and actually put my name first, Manion-Kovach. He called it the key race in the election. Of course, I was still running door to door and it was working very well. One time, I knocked on a

door and a woman came to the door with the phone in her hand. She says, “Well, what do you want?” I said, “Hi, I’m Dan Manion and I’m running for state senator.” She said, “I’m talking to Karen Kovach!” I could hear her Mrs. Kovach over the phone say, “That S.O.B. is everywhere!”

Kovach was a nice guy. He wasn’t vindictive. He just thought he had a safe district and wasn’t about to be running door to door and doing all the things I was doing. Somebody held a coffee event for me, and I asked them where they were going afterwards. They were kind of sheepish about it and said, “we’re going over to a Barnes rally.” Barnes was the Democratic candidate for prosecutor. You probably remember *Barnes v. Glen Theatre, Inc.* That was the nude dancing case.

CTF: Oh, Kitty Kat Lounge?

DAM: Yes. He was elected prosecutor. He held that position for a long time and then he was appointed to the Indiana Court of Appeals. Anyway, Barnes was running and was pretty popular. I said, “Well you know what, somebody gave me a ticket. I’ll go with you.” So, I show up at the Barnes rally. I knew a lot of people there and had several friends standing in the back of the room. At that time, the Democrats had a majority in the Senate. Some guy running for the House said, “We’ve got to win the House and keep the Senate.” That was their theme. They were introducing all of the Democratic candidates. He said, “Now Bob Kovach isn’t here, you know he’s running for re-election. He’s got a tough fight. Wait

a minute! Here's Bob now!" Here he comes charging in. He didn't know I was there. He walked up to the front of the room, shaking hands as he went. He takes the microphone, turns around and sees me standing in the back. He scowls, "I see my opponent is here," then starts verbally attacking me. "All he does is walk around shaking hands, running around neighborhoods, but he won't discuss the issues." Even though he had a friendly audience, he made a fool of himself. I was standing there, and several friends were gathering around me, Democrats and others. They let me know, "This is a Barnes rally, we work for Barnes, not Kovach," and it was just one of those occasions where everything worked in my favor. Even Barnes came up, apologized, and said, "You are welcome here." Everything was just falling the wrong way for Kovach. When the election came, I was about the only Republican who won locally.

CTF: But that was in 1978.

DAM: Yes. Dr. Otis Bowen was serving as Governor, so my campaign theme was that I would be joining the Bowen team. He was popular and it was a helpful slogan. There were a lot of other interesting and fun things that went on in the campaign. One thing I realized was that most of the people working on campaigns are women. They do the tedious and necessary work. Again, my friend, Sally Beard, was a centerpiece of the organization. I had a pretty good system set up, so much so, that the Republican Party people visited and were sufficiently impressed that

they raised money for me. I went on to have kind of an upset win since I was about the only Republican who won in St. Joe county.

CTF: At this point Carter was not very popular.

DAM: Yes, well Carter was hurt obviously because of inflation. Things were going bad and I don't know whether Iran had hit at that point. What was happening, and I saw it happening, was the fundamental Christians. The Evangelicals decided they weren't going to sit out anymore. They were going to get involved. I ran into a lot of them. When I won, I was suddenly on a pedestal. Everyone thought, "Oh, you beat the majority caucus leader. You're a great campaigner," and this and that. Everybody was saying all kinds of nice things and the logical thing was, "He's got to run for Congress."

I didn't even finish my first session and I knew that this was not what I wanted to do for the long haul. I thought, it's okay, it's interesting, but it's also boring. You have to do a lot of things you don't care about. You're expected to go to things you don't want to go to. It was a three-hour drive going back and forth to Indianapolis and, it was hurting my law practice. So while I had a lot of negative vibes, but the tide was rising and saying, "He's the guy who's got to run against John Brademas," who was, of course, the incumbent Democrat. I'd been door to door enough that I knew whoever ran was going to beat him, especially if I were in the race. But I did not want to go to Congress. I genuinely did not and I was not sure how to tell people that.

Well it wasn't too long afterwards that I was visiting with a guy who was going to run for local office, he was consulting with me. He wanted my advice because of my successful campaign. I remember that when I left his house, I felt kind of dizzy. I didn't know what was wrong, but I thought I'd shake it off. I told myself that I would run the next day and I'd be okay." But I didn't get better. By the end of the week, I was a mess. I had a radio interview with a young female reporter who was pretty solicitous, and I told her, "You know, I can hardly see right now." She said, "You can't go anywhere or do anything. You need to go to the doctor." So I went to the eye doctor. This was a Saturday and he was open. I go in and the technician gave me all of the preliminary exams. He said, "It's really good you came in here today. Remember, the Lord doesn't give anybody a problem they can't deal with." I'm thinking, "Really?"

CTF: You don't want to hear the next line?

DAM: No. Then I saw the doctor and he was really concerned. He said, "I've got a line of people out there. You've got to wait here so I want to see you again afterwards. It could be one of three things. It could be a brain tumor. It could be a virus. Or, it could be a demyelinating disease, and, that's MS." I didn't know what that was then. So I went through that scenario and things just didn't look good at all. He immediately put me in the hospital. They did a lot of tests, drew blood and took a spinal tap. Then they got me up and sent me to have test done somewhere else. You're supposed to stay prone for 24 hours after a spinal

tap. The resulting headache was severe. So I was a mess and I left the hospital worse than when I went in.

CTF: What did that do to you, Dan?

DAM: Well I could hardly walk. I couldn't drive and even riding in the car – if I just turned sideways—it was like everything was tumbling. I was a mess and my equilibrium was very poor. I lost my sense of taste. My face was numb. But it was mainly in my eyes. I am legally blind in one eye—have been all my life. But now I was seeing double. My eyes were not coordinating. If I looked at – like the line right there—it jumped up and down. So it was bad. I remember lying down at home in my parents' house because it really hurt when I got up. The phone rang and it was a guy calling from Elkhart. He said, "If you run for Congress, I'll raise \$350,000 in Elkhart for you." I didn't even take his name. I said, "I can't, I've got this serious disease." I kept getting these kinds of calls. As time went on, an interesting thing happened – and the good Lord looks out for these kinds of things. I had to stay at my parents' house for at least three, maybe four, weeks. But I spent a lot of time with them and it was only five weeks later that my father died of a stroke. So I had time with him that I wouldn't have otherwise had. So I look in hindsight and say, "You know, that's cool. That was good." Then I started to just gradually get better. By the time the summer had ended, I was doing pretty well. There was a race scheduled and I was a runner. Before I got sick, I was running every day and now, I was told

that if you work up a sweat, you'll exacerbate this MS thing and you'll go into a relapse. There was every rumor you can think of for MS and I was very concerned about them. But I decided, "You know what. I'm just going to run in this race." I knew some people who were running, and I knew they'd just lolly-gag in the back so I thought I'll just run with them and see what happens. The race started. We took off and I'm wobbling along here and there. I thought, "Boy – you know, these people are really dragging. I've got to go faster than this." So I took off. Of course I passed all of my friends and I felt pretty good. I hadn't collapsed or anything else. I ran on and ultimately finished the race. I averaged about 7 minutes a mile. Before the MS I had been doing maybe 6.15 or 6.20 a mile in a 10K. But the fact that I did that and felt pretty darn good, made me say, "Hey, I think I can handle this!" So, I started getting back into it. Of course, everybody noticed and said, "Well, you're okay."

Then came the petitions and pressure to run for Congress, it was intense. I had preachers. One time there were 20 preachers in one room. They lined me up and quizzed me about my beliefs. These were people who had congregations and they wanted me to go through 20 questions about what I stood for. I came out 19 ½, and the ½ was, "Would you draft women in the military?" I said, "Well, I'm certainly against women in combat, but if we got into serious combat and had to free up men to fight, then I might go along with having women do the clerical stuff." Ummm, o-k-a-y. Well, that was just okay. Otherwise, I was a

clean sweep. They thought I was fully qualified. Paul Weyrich and Jeff Bell, both conservative leaders nationally, came out from Washington and their message was, “You owe it to the country. This is a family obligation,” etc. I politely resisted.

Finally, by Christmas time, after all that pressure, they knew I wasn’t going to run. Then Jack Hiler ran when I didn’t and he won. That decision foretold the end of my political career. I had two more years in the Senate, but I didn’t run for re-election. (I was the only Senator who did not run for re-election or for some other office.) Then, of course, I got married.

CTF: When did you meet Ann?

DAM: I met her in 1976. We got married in 1984. She was still in college. I might as well tell you that one because it’s pretty significant. I mentioned earlier that I was a delegate. I got elected delegate to the 1976 Republican National Convention and I did that by running against the party establishment. Reagan barely won the primary in Indiana against President Ford, so he got all of the at-large delegates. I ran for one of the “at large” delegates chosen at the state convention. I wasn’t slated, but they figured out I was formidable, because I was passing out literature and shaking hands. So it was looking like they couldn’t stop me. They finally said, “Okay,” because I think there were a couple of people, they really wanted not to get beat. I think they were minorities, and I think they didn’t want them to get bumped off so they stepped aside for me. The

winner—the person who came in with the most votes (there were 46 running) was former Senator Bill Jenner. The one who came in second was Earl Butz, who, at that time, was Secretary of Agriculture. The third was Mayor Hudnut.

CTF: From Indianapolis.

DAM: The mayor of Indianapolis. The fourth was a guy named Paul Green, who was a powerful district chairman. I came in fifth. You know, I was a nobody, but I campaigned and picked up a lot of votes. The state chairman, who was not friendly with me, came in about nineteenth. It gives you a perspective on what it means to win. Because I was not for Ford, I was labeled a renegade.

CTF: This was the vote of the convention delegates?

DAM: Yes, after the primary that Reagan won. But now, who's going to the national convention? Me! But I did not stop there. The Michigan primary was then under way so, I decided to make phone calls into Michigan on Reagan's behalf. I could just go to my office and dial up names on a voter list. In fact that's when I learned about running door-to-door two years later, because I decided I'd run door-to-door up in Niles, Michigan. I was a runner anyway, and it was kind of fun. I'd go door-to-door, joke with people, and pass out Reagan literature. I thought, "You know, this is pretty good. It works, if I were to decide to run for something." For the phone contacts, I needed some people to help make calls and there was a fellow from the law school at that time — from a prominent family in Michigan — named Clark Durant. He later ran for the US Senate (and

lost). He was a student at ND law school. I asked if he could line up some callers. He said, "Well, I'll talk to Professor Murphy. He has kids, maybe he can line them up and they'll make the calls." So Professor Murphy sent his two daughters, Ann and Mary, over. They came to my office and made calls. That's when I first met her. She was 20 years old and a junior in college. Of course, I was all business. It turns out her father thought it would be a good idea for her to meet me. I was an old guy, but he'd seen me around. Fathers do things like that. Anyway, Mary did okay, but Ann was terrible at making calls. They were goofing off and laughing. So I said, "Now, here's how you do it." I got on the phone and demonstrated. It was pretty hopeless! But that's the first time I met Ann Murphy. Then I kept in touch with her trying to drag her to political events, because I was very active with Notre Dame students and the Reagan campaign. I married her eight years later.

CTF: She was at Notre Dame?

DAM: Yes. I was going out to the national convention as a delegate. I had been working with some students from Notre Dame. We had a meeting/party at the farm, at the log cabin (then my mother's guest house for visiting horse customers). I invited Ann to attend. It was a nice turnout and she came, but she was pretty dismissive about the whole thing. I remember getting after her and saying that she had a family responsibility to get involved in the Reagan campaign. I was not happy about her half-hearted attitude about it.

So the next plan was to get out to Kansas City. I found out that Young Americans for Freedom were going to rent Clark College and get as many young people as possible to attend the Republican National Convention and work on Reagan's behalf. I decided to see if Ann and Mary could make the trip out with me. Remarkably, her parents encouraged them to do that. They thought it would be a good experience, etc.

So we went out to Kansas City. Clark College was the Young Americans for Freedom headquarters for the campaign. Since I was a delegate, I was staying at a hotel with the delegation. I drove. I remember I had at least 25 bumper stickers plastered all over my car. On one door, it said "RR" with Reagan stickers. What I didn't know about Ann, was that on the way to Kansas City, we would make periodic stops, ostensibly to go to the bathroom. In fact, it was to enable her to smoke a cigarette. I didn't know she was smoking!

The next day we went out to the convention center. It was very hot, and I remember seeing Roger Stone (who later became an aide to Donald Trump and then fell from grace). He was having problems with a project that had something to do with a Reagan demonstration. I took over the project so he didn't have to worry about it.

The main thing I did was to dress up in all kinds of Reagan garb. I guess I was pretty obnoxious. I have pictures of me wearing blue jeans with bumper stickers all over them and a hat with bumper stickers hanging off of it and flags

and whatever else was there. I wore weird hats and got on TV all the time. On the convention floor, I had photographers taking pictures of me. I even have a picture of them taking pictures of me. I was just having fun. Reagan lost by 100 votes. He won the primary too late. He started out in North Carolina, went into Indiana, did some other things, and then swept Texas. So he was charging but...

CTF: He started too late.

DAM: Well, his campaign manager, Sears, was pulling the plug on him and wouldn't let him be Reagan. But he came right up to the end. I was sad.

There are lots of political books written about the way things happened at the convention. I had a call from someone at Young Americans for Freedom before I arrived in Kansas City, saying that Reagan was going to announce his candidate for VP, a Senator Schweiker from Pennsylvania who was a moderate Republican. Supposedly this was going to put him over the top and get the Pennsylvania delegation. But that didn't work. Reagan was still about a hundred votes short going into the roll call. There was a preliminary vote whereby the resolution was to require that both Ford and Reagan announce their vice-presidential nominees. It was kind of a test to see who had any power on the floor. That vote lost by a rather narrow margin. The interesting thing for our delegation, though, was to show what the split was. Nelson Rockefeller actually went around and solicited votes and the county chairman was carefully pointing out the ones he could solicit. He didn't even bother trying to solicit me. In any

event, they did ultimately take the roll call. Indiana cast 47 votes for Reagan and 9 votes for Ford.

The next day, the vote came for vice-president. I told the state chairman that I wanted to vote for Jesse Helms. He looked at me and said, "You're not going to vote for Jesse Helms. We're going to have party unity and cast all votes for Bob Dole." I said, "No, you're not. I want to vote for Helms and that's that." Then, amazingly, Mayor Hudnut popped up and said, "I'm going to vote for Helms, too." The state chairman turned to him, practically put his finger in his chest, and said, "You're not voting for Helms." Then he turned to me and said, "Okay, Manion, I'll cast 55 votes for Bob Dole, one vote for Helms, and you're a lousy Republican." That didn't bother me much so I went and sat down. Unfortunately, when the roll call came up, just before it got to our delegation, somebody yelled at me, "Hey, Manion, if Governor Bowen announces the vote, is it okay if he casts 56 votes for Dole?" I said, "I'm for Helms, you know how I want you to vote." Governor Bowen cast 56 votes for Dole and did not honor my vote. I was interviewed later and the headline in the paper was, "Some votes are more unanimous than others."

Obviously, I was very disappointed. As we all know, Ford somewhat magnanimously insisted that Reagan come down and say a few words after Ford had won the nomination. Reagan reluctantly did come down. He then stepped up to the microphone and for seven or eight minutes gave the most magnificent

speech of the convention. You could look around and see that people thinking, “Wow, maybe I made a mistake.” In any event, Reagan refused to run for vice-president and went home without much fanfare.

It was a long trip home with Ann and Mary. Ann was writing a letter to Governor Reagan to sympathize. But that’s how we met and that’s how I got to know her pretty well. I just talked to her. She was still in college, so I said, “Well you know, I’ll call you and maybe we’ll get together sometime.” She said, “Yeah, you keep saying that!”

CTF: Oh, she said that?

DAM: Yeah, so I said, “Oh well, hey look.”

CTF: That was a hint.

DAM: I said, “Look Bob Dueholm (he was a state Representative) is having an open house. He invited me. We’ll go to that.” So that was the first time we went out. Eight years later we got married.

CTF: Well, in the meantime . . . you’re still the Director of Development at this point?

DAM: No, that was long gone.

CTF: Okay, but for part of it, you’re down in Indianapolis for four years, going to law school and . . .

DAM: That was in 1968 to ‘73.

CTF: So, it’s when you were state Senator?

DAM: I had not yet been a state Senator.

CTF: '76 is when the convention was. '78 is when . . .

DAM: '78 is when I ran for state Senator.

CTF: Did she work for you in '78?

DAM: No, not much. But eighty percent of the people working on my campaign were women. I tried to tell all my guy friends that this is a gold mine. I didn't date any of them, but I'm telling you this was quality! We had a party at the end of the campaign to celebrate and there was one of the mothers there who came up to me and said, "I've never seen so many beautiful women in one place at one time in South Bend." Frankly, it was a good idea for gals. They could have a lot of fun while doing something important. That's what Obama did. He had rock bands and all that stuff. Even over in Europe, when he made that fabulous speech, they had one of the top rock bands in France there for a free concert. Now, who do you think is going to show up? Huge numbers, I could see how his campaign was evolving, because in a very small way, I did a lot of the same things. We didn't do that much, but it was fun. Of course, we didn't have nearly the money he had, but you don't attract crowds by making a speech. You attract crowds with making it fun, making it the thing to do, and provide interaction where people can meet, do things and have fun. Then, you get around to whatever you are going to do politically. But if you are all serious, this and that, forget it. Nobody is going to show up. You've got to work to make it fun. And, Obama did.

CTF: When did you call Ann the first time to take her out?

DAM: Well, we went to that open house. That was the first time. She was at Notre Dame.

CTF: No, no, that's not what I meant. When did you ever start dating?

DAM: Hmmm. You know, that's a hard question to answer because I can't pinpoint it. She was in college . . .

CTF: What's the spectrum?

DAM: Well, you've got to put it into perspective. She was in college.

CTF: Right.

DAM: And that wasn't convenient. We did date maybe two, three or four times – just doing something or other. But for the most part, it was just pretty casual. She was easily embarrassed. One time, I embarrassed her on purpose by wearing my letter jacket. Here was a 34-year-old guy wearing a letter jacket and she was trying to hide. So that wasn't conducive. Then after she graduated, she had to go to Indianapolis to take her CPA exam. I took her down there, just being a nice guy. I had a friend down there and stayed with him. She stayed with one of her friends. Then she went to work for Price Waterhouse.

CTF: Here in South Bend.

DAM: Yes, and she asked me to be her date for a company dinner. I remember it was pretty important because I was so compatible with her bosses, who were not much older than I was. I was a runner and one of her bosses was also a runner,

so we had a lot of things to talk about. She was young and kind of awkward and I think it was kind of an attractive feature to her that I was an older guy who could handle all this stuff and still have fun. Of course, we had a lot of compatibility with religion and her family, and that kind of thing. So that's how that developed. Let's put it this way. It took a while, and you might say it was one of these deals where we were up and down, and life goes on. But I was dating her on and off. Eventually, things fell into place.

I was in the state Senate, so I was going down to Indianapolis. I knew other people, so I wasn't dating her exclusively by any means. But I wasn't dating anybody else seriously either. Everything was pretty casual. But I think that once I got into the state Senate and realized it was not what I wanted to do for the long haul, it started dawning on me that maybe it was time to start thinking about something other than saving the world! That's when I got more serious. I'm sure my mother said at least two or three times, "I wish you'd marry Annie." Finally, my mother came down to the point and said, "You decide to get married, and you can give her my ring." I thought that was pretty good. So, I took her up on her offer. Ann and I decided to get married and went out looking for a ring. We sat down at one of those little coffee booths, and that's when I pulled my mother's ring out and said, "But, I've already got this ring." We had to have it re-sized, but it was the ring.

CTF: So you got married.

DAM: I left the Senate in 1982. I didn't run for re-election. We got married in 1984 and lived in the log cabin from 1984 to 1988. Even when I became a judge, we were living in the log cabin.

CTF: Now, I can't remember any articles about you living in a cabin when the contest was your home.

DAM: I don't know why. That's where we were, in the old log cabin. It was kind of unique.

CTF: Good. So you get married. You come back here.

DAM: I was always here. I never left. I was practicing law here. And of course she was from here. One of the best things in marrying Ann was marrying into her family. Ed and Mary Ann Murphy are two of the finest people you are ever going to meet. Her parents were just great role models. It was a cookie cutter – if you want to be as good as you can be as a parent, then you just do what they did. They were very strong in their faith. They were an example to their children. The kids were all doing everything just right – they were pretty squared away. So that was a big deal to me and I felt really compatible with them. That's pretty important. Most of the time, when you hear about people getting married, all you hear about are the mother-in-law jokes. Most of the time, it's just a myth. But nevertheless it is an important factor.

Then we evolved into the judge thing at some point.

CTF: When did you get the call that somebody wanted to nominate you?

DAM: You want to start on that?

CTF: Yes.

DAM: I've told the story a lot of times to my clerks. I've only spoken publicly about it one time when I spoke at Ave Maria law school. I never gave any particular thought about the possibility of becoming a judge. In fact at one point, it was quite the opposite. Sometime in the spring of 1985, Senator Dan Quayle appointed me to a selection committee for a district court opening in the Northern District of Indiana. That required a review of several dozen applications, and a couple of meetings in Indianapolis to interview the finalists. After reviewing all of the personal information that had to be disclosed, and the tedious process of the interviews, I concluded that becoming a judge was not one of my career objectives.

Sometime around September 20th, a Saturday, when Notre Dane was scheduled to play its first night game against the University of Michigan, I was planning to meet my father-in-law and go to the game with him. At about 1:00 p.m., I was in my secretary's office looking for something when the phone rang. I answered it and it was a guy named Grover (Rocky) Reese. He was a deputy or some sort of assistant to Attorney General Edwin Meese. Reese said, "you know, I'm calling in regard to the 7th Circuit. We're trying to locate, trying to find a good candidate for the 7th Circuit." I was perplexed at that, because I knew that William Harvey, a very prominent professor of Civil Procedure and

the acting Dean of Indiana University's law school at Indianapolis, had been designated as the person the President wanted to appoint. Professor Harvey had to pull out because he had to commit to teach. They had been dragging the process on. The ABA was trying to stop him and just kept trashing him for whatever he did while he was on the Legal Services team. Allegedly, he had used his position as Chairman of the Legal Services Commission to challenge some local legal service organization's use of lawsuits to undermine various federal laws. He was getting nailed for that because he was being prickly.

So Rocky was asking if I had any possible recommendations for that position. I said, "Well, you know Dan Quayle appointed me to a selection committee and we recommended Judge Miller for the district court. We interviewed a number of potentials and I think there were a couple of people you might want to take a look at. There's a judge from Indianapolis who I was impressed with. He is a trial judge and he seemed pretty good." Then I mentioned someone else from another place, a couple of guys who were really good. I explained that it was very important for him to be looking for the right people. I emphasized how important it was to appoint conservative judges to the court and how much I appreciated the President's willingness to do that.

Then he said, "Okay, those are interesting, and we will look into them, but would you consider it?" My immediate reaction was, "NO!" I really didn't want to be a judge. Then I thought about the platitudes I had just cited and realized

that this was a pretty important call, so I simply asked, “Why would anyone want me to be a judge?”

Then he said, “Well you know, you’ve done this and that.” He talked about my background and it was obvious that he had gotten whatever resume I had. I’d been a state Senator. I’ve done this and that. He thought my experiences would be beneficial on the court. I questioned that and explained that I’d only been a lawyer for about twelve years and four of those years, I was a state Senator.

He went on to say that it was a problem selecting people. There are always those who claim to be conservative and will say darn near anything to get the job. I jokingly said that that certainly wasn’t the case with me, since I wasn’t particularly interested in the job. Then it dawned on me that this was kind of an insulting reaction, so I said, “Yeah, well, that’s true.”

I said, “Well look Rocky, I know this is really a big honor, but I have to give it some thought. Let me think about it on the weekend and I’ll get back with you. I know this is important. I know you have a lot of people you’re looking at.” I told him I would give him a call on Monday after I discussed the situation with my wife and probably my father-in-law, who was a law professor at Notre Dame. Then I hung up and thought, “Geez.”

So I didn’t think too much of it until I got to the football game and met up with my father-in-law. I’m joking about it, “Hey, I got a call from the Justice

Department. They wanted to know if I wanted to be on the Seventh Circuit! I can't believe it!" He looked at me very seriously and said, "That's very important. This is a situation that could change in the U.S. Senate and while the Republicans have the majority, it is important to fill this position. An opportunity like this doesn't come along but once, and it might be your only window of opportunity for something like that. You've got to give it some serious consideration." So, I'm now going, "Hmmm." So, I said, "Well, okay." And I'm thinking, "Now, what am I going to do?"

I got home and started writing down the pros and the cons. I discussed it at length with my wife. One of the negatives was my law firm. The people whom I admired the most (my father had died) were the senior people getting to the end of their careers. I knew that in five years from now it was going to be me, and these other younger guys. I wasn't enthused about it. Nice people and all, but it was going to be a tough transition. I thought, "That's intriguing, but I don't have the total devotion, even though that was one of the excuses I gave for not running for Congress." I had said I owed it to my father because he had just died, and that for family reasons, I had to stay with the firm. Well, this was not holding water now. I could see there was going to be a split in the law firm and I'd probably be trailing off with one guy. So that was one strong factor. Another was the importance of it—Ronald Reagan. I began to see it as an opportunity.

On Sunday, I called Judge Ripple and he invited me over to his house to discuss it. My main concern was whether or not one had to move to Chicago in order to accept the position. Since I knew Judge Ripple had not moved, he would at least be able to give me some advice in that regard. He had only been on the court a short time, but he assured me that it was going to work out.

So I thought, “You know, there’s no way I’m going to get this, but I’ve got to at least be positive with Rocky. So I’ll give him a call tomorrow morning, throw my hat into the ring, and see what happens. If nothing else, I’ll get some publicity and hopefully some new business. You know it probably won’t work out. I know there are people probably lined up around the block who really want this job.”

I called Rocky on Monday morning said, “Rocky, I thought it out over the weekend, talked to my father-in-law and my wife, both of them think this is probably something I should really take a look at. You go ahead and throw my hat in the ring. I know you’ve got a number of other people you are considering, and I think it’s an honor just to be considered. If things work out, that’s great. Otherwise, I appreciate the offer.” He said, “Now, you’ll have to come out for an interview.” My immediate reaction was, “Do you pay my way?” I get this long pause. Finally, he said, “I could call five people and tell them to meet me in Nome, Alaska tomorrow morning and they’d all be there.” Jokingly, I said, “Maybe you ought to call one of them,” but he didn’t laugh. Then I realized this

is not funny. I said, “Okay look, I made a commitment, so I’ll come,” but I was thinking, “What did I just do?” I knew I was trapped. I looked at the calendar. I had commitments, so I said, “Friday is the only day I can come.” He said, “That’s the last day. We’ve got to have a decision by then.” I said, “Well, okay, I guess I’ll be there Friday. I’ve got to line up a flight and everything else.” He said, “Okay.” By then, I was just despondent and thought again, “What did I just do?” I called the airlines, and, of course, it cost about \$600 to fly out there at the last minute. I thought, “I’m going to get out there and this is a joke, I’m not going to get this. There are bound to be people more qualified than I am and I’m going to be bounced around in interviews and very likely not get the job.” I just thought this was an effort of futility that was going to cost me money. I knew there were several other people being considered and my limited background was not going to help me.

I did make the reservation, but come Thursday, Hurricane Gloria hit the east coast. It caused havoc as hurricanes have a habit of doing. I knew what was going to happen. Hurricane Gloria was going to stir everything up. Washington would be inaccessible. I’d be stuck in Dayton. I’d fly out of here at 6:00 a.m., land in Dayton. They would tell me the storms were too bad in D.C. and I’d be stuck there. I told myself, “I’m not going.”

But the next morning I showed up at the airport, probably at about 5:30 a.m., in anticipation of the 6:00 a.m. flight. I walked up to the agent, didn’t have bags

with me or anything and said, “Hi, I’m Dan Manion. I’m supposed to be flying to Dayton and on into Washington.” “No, you’re not, you’re fogged in. The plane can’t get out of here. The soonest we’re going to get out of here is 10:00 a.m.” My face lit up in a big smile contrary to everyone who was stomping around because they were going to miss their flights. I looked pleased and said, “Really, and I’ll get my money back?” She said, “Oh, certainly.” Here I am all excited. I thought, “Now, I’m not copping out on them and I have a very legitimate reason to not go. I can’t go and it wasn’t my fault.” So even though I might not have wanted to go, now I couldn’t go.” I went back to the office and it was still early in the morning. I was delighted with the fact that I was not going to have to make this futile effort.

Around 9:00 a.m., I called Rocky’s office and explained to his secretary that I was sorry about it, but the plane was fogged in. I asked her to tell Rocky that I appreciated the honor, I knew that he had several good people to choose from, and I wished him the best of luck. An hour later Rocky called and said, “It would be a shame for you to miss this opportunity because the plane is fogged in. Can you come tomorrow?” I said, “Tomorrow I’m committed to go to Indianapolis because Notre Dame is playing Purdue in the new stadium. I’m supposed to meet my brother-in-law down there. My wife is meeting a friend of hers. I’m committed, so I can’t come tomorrow.” I get this long pause. “What about Sunday?” I said, “Rocky, on Saturday night we’re going to Chicago because my

brother-in-law's baby is being baptized. In this family you don't miss baptisms. So I can't go Sunday." Another long pause. "Well, I can see where your priorities are." I then reiterated, "Rocky, it was an honor to be considered. I appreciate it, but I know you've got some other good people. There's just nothing I can do about it. I know you have to make a decision right away and I can appreciate that. So, thanks again." That was the end of the call. So, I joked about it, "Hey, if it hadn't been for the baptism, I could have been a judge."

On Monday I went to my office. Rocky called and said, "We're going to interview you over the telephone." I thought, "Yeah, okay." That wouldn't cost a thing and I could just sit back in my chair, listen to the interviewer and answer questions. He said there would be three or four people calling me that afternoon at my office.

CTF: That saves you 600 bucks.

DAM: Yes. And I have to say when each of them called—the only name I remember for sure was Carolyn Kuhl who was nominated for the Ninth Circuit and got stomped. But we talked for about three hours and it was pretty intense. I was very forthcoming and didn't hedge anything. I told them where I stood on the issues, what I believed in, what I didn't believe in, and said if they didn't like it, that was fine with me. I wasn't sugar-coating anything. I even talked about maybe a lack of experience and some other stuff. Then they asked me questions about different things, law and this and that. If I knew something, I said it. If I

didn't, I said so. I was very blunt and went on with that. Then it ended and I thought that WAS the end.

The next day, I got a call from Rocky. He informed me that my interview was the best, and the interviewers thought I was the most qualified. They even said the "smartest" person. He was going to submit my name to the Attorney General. I was practically speechless, "Okay, what next?" "We'll let you know."

I remember going to a political event on Thursday night and Judge Bob Grant was there. He went to all of those things. Congressman Jack Hiler was there too. We were all sitting around talking and I never said a thing, but I was thinking, "Well, I don't know what the Attorney General had said."

On Wednesday afternoon, Rocky called and said the Attorney General approved my name and they were sending it to the White House. On Friday, I received a call from Senator Dan Quayle. His first comment was, "What is this? I just got a note from the White House that they're presenting your name for the Seventh Circuit Court of Appeals. I haven't heard a thing about this. Nobody contacted me." I told him nobody told me where this came from either. I got a call out of the blue and that was less than a week ago. He was pretty amazed. About a half an hour later, my brother called. Since he was working for Senator Helms on the Senate Foreign Relations Committee and Senator Lugar is the other senator from Indiana, he also got a notice of this appointment. He, too, called in amazement. He had been looking around for some Commission or

something else that I might be appointed to, just so I'd have an excuse to go to Washington once in a while to make some contacts. This was certainly well beyond any wild dreams anyone had about an appointment. Now, as it turned out, Quayle, of course, and Lugar were very supportive.

CTF: Do you know who the other names that were being considered?

DAM: No, none at all. The President's submission of my name to the Senate got some local publicity. The local political reporter, Jack Colwell, interviewed me over the telephone. I basically told him that this designation came out of the blue. The strange fact is that the submission occurred only thirteen days after that first call on Saturday afternoon. No doubt the people most surprised would have been the district judges from Indiana, who might have assumed one of them would have been picked. There was probably the same assumption among the legal community. I found out later than there was an immediate recognition of the designation in the local community in Chicago. In the then-recent pass, I had been working closely with former district judge, John Crowley and his young associate, Matt Kennelly (now a district judge himself) on a difficult RICO case. Judge Crowley called me immediately and was very supportive, but I could tell that he was surprised, to say the least.

I was extremely curious about who suggested my name to Rocky, that caused him to call me in the first place. I heard a rumor that, at some point, when Rocky first presented my name to Attorney General Ed Meese, his comment was, "Son

of Dean Clarence Manion, I presume?” Somebody said that, and that’s probably right, because he’s got the connection and that’s what they’re trying to ascertain—what do we know about this guy?

It was sometime in 2004 or 2005, when I had a call from Andy Braniff, a former law clerk who had moved to Washington, D.C. He told me that his wife, Mimi, was interviewing at a law firm and encountered a lawyer named Rick Valentine. Rick told Mimi that he was the person who suggested my name to Rocky Reese. I briefly met Rick Valentine, probably in 1979, when I was serving my first session in the state Senate and a good political friend of mine brought him over to the Senate chambers to meet me. The friend worked with Rick somewhere in the Indiana Department of Revenue when he was in law school. He graduated and went on to work for a firm in Washington, D.C. Rocky obviously knew Rick and contacted him, describing the dilemma of needing someone from Indiana to replace Professor Harvey as a nominee for the Seventh Circuit seat. He knew Rick was from Indiana and he asked him if he knew any conservative lawyers who might be good prospects. As I believe Rick put it, he told Rocky that when he was in law school, he met this conservative state Senator named Dan Manion, who was a lawyer from South Bend. That prompted Rocky to call me. As Rick Valentine put it, “The rest is history.”

Once my name had been sent up, I got some publicity. There were several articles in the Wall Street Journal and in other publications about a heightened

concern by liberal groups that President Reagan, now in his second term, was going to have the opportunity to appoint at least half of the federal judiciary. These groups were demanding that the process slow down and a much closer scrutiny be given to the names that were being presented to the Senate. One of the leading groups promoting this heightened scrutiny was People for the American Way. As will be discussed later, that organization came at me full force. And the challenge to my nomination was just a warm-up for the tactics they used against Bork the following year. So I'm coming into the rapids at a bad time and was going to be really scrutinized. They were also after Alex Kozinski and a guy named Fitzwater who was up for a district court position.

CTF: Successions?

DAM: Well, that's why we were both in the same ad. But it was just at the top of the wave and it was about to crash. That was where I was riding it.

Things quieted down shortly after the shock of the nomination wore off. Next, I had the tedious task of filling out the application forms. They didn't seem too complicated when I first looked, but once I got into it I realized that the most difficult part was a need for discussing the ten most important cases that I had worked on. That took some time. It reminded me that when I reviewed Judge Miller's application, one of his ten most important cases was an appeal from a small claims decision where he ruled against my client. He awarded \$2,500 for injuries incurred in a slip-and-fall in a rented duplex. The case was identical to

one that was decided in the late 1900s. Judge Miller reversed that precedent and I lost the appeal.

After preparing the draft for all the forms, Ann and my father-in-law reviewed it. Ann took it to Price Waterhouse and had a couple of young associates proofread it word for word. After some prodding from Rocky, I turned it in. They sent it to the ABA and then there was another two-month delay. Finally, in January, Joan Hall, a partner at Jenner & Block and the Seventh Circuit representative for the ABA, scheduled an interview with me. It turned out that during the two-and-a-half-hour interview, the space shuttle Challenger crashed.

Prior to the interview, I did some research on her and learned she was very accomplished. She had written some articles and was labeled a prominent partner at the Jenner law firm. But I also knew that she was a part of the Chicago Council of Lawyers and she was pretty liberal. So I figured she's going to be pretty tough. However, the interview actually went pretty well. I remember having things set up so that we could have a conversation. One of the things I learned is that you don't put a table between you for conversation, if you want to put it on some kind of an even keel. So I made sure we both sat on the same side of the table. We were talking and trying to get comfortable. She was impressed with the fact that I knew a fair amount about her and complimented her on one of her articles. The only concerns she expressed were the fact that I

was not particularly interested in being a public defender, that I was in the wrong party to be a prosecutor, and I had never tried a criminal case. My only exposure to criminal law was my time in the Attorney General's office when I worked in the criminal appellate section.

After our interview, she interviewed other people around town. She talked to the judges and to Judge Montgomery, who was a crusty old Democrat who hated Reagan. And, I guess he lit into Reagan with her. Apparently, he said, "I'm against everything Reagan. I don't like who he's appointing..." But then he said, "This kid ain't one of them." In other words, he didn't think I was a right-wing zealot. I had tried several cases before him and he really liked me. He didn't go to law school at Notre Dame, but he knew of my father. That didn't hurt either. When the going got tough, Judge Montgomery wrote a very favorable article about me. Unfortunately, buried in the middle of the article was one sentence where, without mentioning him by name, Judge Montgomery implied negative criticism against Judge Ripple who had recently been appointed to the Seventh Circuit. (Judge Montgomery later told me he hadn't remembered Judge Ripple's name, so he hadn't mention it). Nevertheless, Judge Ripple had certainly been irritated. He called me and was very upset. He complained about what his six-year-old would think when he read that part of the article. Well, of course, no six-year-old was going to read that part of the article or any other part of it, but Judge Ripple did. He filed a complaint with the state judicial

commission. Judge Montgomery chuckled about that and said it would end up in the wastebasket in a hurry. He was right.

Joan Hall also talked to Judge Sharp, who told me to give him a list of all the cases I'd had before him. I think there were about twenty. Joan Hall was impressed with that, because she heard I hadn't been near the federal courthouse. She didn't think I had done anything. So she had at least something to go on. But I admitted all along that I didn't have the kind of experience most everybody else had.

So I got by and what I came out with was a "substantial majority qualified, minority unqualified" rating by the ABA. There were two or three people out of the twelve who didn't vote for me. When the vote came out, Joan Hall submitted the report on her interview with me and with the others she had interviewed on my behalf. Frankly, the rating was about as good as I could expect. After all, I had been a lawyer for only twelve years and, for four years of that time, I was a part-time member of the Indiana Senate. It wasn't helpful that I was from a small firm, handling relatively insignificant cases, and graduated from what they would probably label a third-tier law school.

I later found out that Miller, of course, got the majority for, and a very substantial minority against who felt he was too young. They went after Posner and Easterbrook more, I understand, because they were professors and not litigators. Apparently, the ABA had no use for academics and practitioners who

had not dealt with constitutional cases and had not done a lot of litigation experience. So the ABA was not friendly to Reagan's appointments no matter who they were. They thought I was an easy target, I guess, which was true.

After the submission and rating by the ABA, I was contacted by the Chicago Council of Lawyers. I don't remember the contact people, but they wanted to interview me. I wrote them a letter advising that I would be happy to meet with them at any time they chose to visit me in South Bend. (I had no intention of going to Chicago to submit to an interrogation). I may have even sent a second letter, but they never followed up with me. That proved to be a trip-wire when I had my first hearing before the Judiciary Committee.

At some point, there was another inquiry from Joan Hall asking if it would be okay to release my submissions to the Judiciary Committee including whatever I had submitted regarding my ten most important cases. After about a 10-second reflection, I told her I preferred they not be released. I knew that if I released it to one group any number of others would want the same opportunity. There's no doubt there were plenty of people and some organizations (like the People for the American Way) who were very interested in stopping the Reagan appointments whenever possible.

Finally, my hearing came up. The only people who showed up for the hearing were Mitch McConnell, who was the junior Republican senator on the judiciary panel (Strom Thurmond was the Chairman), and Senator Simon from Illinois.

He was a relative newcomer, but was very interested in the judicial appointments. McConnell was designated to chair what was expected to be a rather benign hearing. That was it, other than Senators Lugar and Quayle who sat on each side of me. So this should have been as smooth as silk. As indicated earlier, Senator Quayle had no idea that I was being nominated until he got the notice from the White House of that fait accompli. Senator Lugar had obviously not been involved either. But he did send a note that said, "Excellent choice." Each of them spoke at that hearing and said I was a good guy and various other things. Senator McConnell went through a list of questions that were relative softballs that I could easily answer and promise that I would be a good judge and not put my own prejudices ahead of the law, etc.

Senator Simon, however, was more concerned that I had not met with the Chicago Council of Lawyers. He's got that low voice—"You had an interview with the Chicago Council of Lawyers?" I said, "Well three months ago I wrote to them and said whenever they want to meet. I might have even sent a follow-up letter to them, but I've never been contacted." That was the fatal gap in the hearing. Senator Simon said something like, "Well, would it be alright if we hold this up until the interview?" I said, "Well, obviously that's up to you. I don't have any control over it." Although I was very suspicious about what was going on, in hindsight there's no question that this was the opportunity to tee me up as a real target. No doubt the members of the Chicago Council of Lawyers had been

in touch with Senator Simon, offering strong suspicions about my nomination and anticipation of my being a very conservative judge.

After returning to South Bend, I got in touch with the Chicago Council of Lawyers and suggested a telephone interview. Of course, I did not want to go to Chicago and sit in some sort of verbal firing squad from a bunch of liberal lawyers. So they grudgingly set up a telephone interview. That may have been worse. When they called me, there was a room full of seven or eight members who were shooting questions at me out of the dark. They were snapping at me back and forth. I could just see eight of them sitting in a room taking shots at me. Every one of them were hostile except the one guy who initiated the call. He was trying to be neutral about it. At first, I was trying to talk on Chuck Boynton's speaker phone, but it was archaic even then, and was not working very well. Finally, I just picked up the receiver and continued to answer their questions. I tried to be as blunt as possible. I finally said, "Look, I know you guys don't support me. I understand that, but you don't need to yell at each other." Whoever was the spokesman tried to say that this was just a routine thing and they were very interested in getting things right, etc. In addition to the interview, they also did some exploration on their own. I know they had contacted a number of lawyers and came up with different people giving positive and, a couple of times, very positive, recommendations. They may have even called a couple of the judges and done some other inquiries following up on what

Joan Hall had done previously. (She was also a member of the Chicago Council of Lawyers, but supposedly, kept them at arms' length regarding my personal interview with her). The bottom line, however, was that they were not favorably inclined for my nomination. Their main concern was that I was from a small firm, went to a lower-tier law school, did not engage in constitutional litigation, and had only been a lawyer for twelve years. Compared to other judges, those were probably legitimate complaints. But they were mainly just excuses, for their not wanting a judge with my judicial and political philosophy.

Then, of course, once we got to the next step, that's when the coordinated columnists came out. A series of national columnists wrote strongly critical columns against me. I don't remember all of their names, but they were all liberal, obviously hostile to Reagan's conservative appointments, and particularly hostile to me and my conservative background (not just my father and The Manion Forum, but also my participation in conservative politics and Young Americans for Freedom). By this time, I was becoming a national sub-headline. There was a lot of anticipation of my hearing being scheduled. People for the American Way came up with a huge packet, a whole portfolio. They were engaged in a thorough search of all of my background. They were making calls to South Bend, talking to former U.S. Attorney Dave Ready, the local judges and lawyers, and political operatives. Several people responded with letters, interviews or articles in the South Bend Tribune. Former President Carter-

appointed U.S. Attorney David Ready (with whom I'd practiced law for a short time) wrote a favorable article about me. Apparently, he was contacted by People for the American Way and when they requested his opinion and he started speaking very favorably, they basically hung up on him, which he wrote about. Jack Colwell, the local political writer, penned an article titled, "People Disappointed in Finding Nothing Bad About Dan Manion." The local newspaper editor lamented that the press people who were contacting him were obviously very prejudiced against me and he was very disappointed in the mainstream press having that kind of attitude. These are all little anecdotal incidents that occurred before and after the main hearing. All of this led up to my next hearing – the big one!

Things had really started to heat up after the first hearing before the Judiciary Committee (where I was flanked by Senators Lugar and Quayle), and with only Senators McConnell and Simon present). I don't remember the sequence, but there was a meeting of the Judiciary Committee (I was not there) where Senator DiConcini announced to Chairman Thurmond that he was ready to vote for Mr. Manion "today." Whether the chairman didn't understand, or whether the Committee staff was asleep at the switch, what Senator DiConcini was trying to say was that after "today," the opposition will have built up enough attention to where he would be pressured not to vote for me. At some point, at least five liberal columnists (Tom Wicker was one of them) came out with what had to be

a coordinated attack against my nomination. Each criticized me for not being qualified, being too conservative, and whatever else they could come up with. I assume the letter of disapproval from the Chicago Council of Lawyers had also been submitted.

Perhaps the most positive thing that occurred during this time, was an endorsement letter from Father Hesburgh. My mother had been a friend of his for many years. She called him asking for his support and he indicated that he had written a letter on my behalf. I think he told her, and he definitely told me later, that he had just received a call from Senator Ted Kennedy requesting Father Hesburgh's help in stopping my nomination. Father Hesburgh responded by telling Senator Kennedy that he had just written a letter on my behalf. As he expressed to my mother and later to me, I was part of the Notre Dame family and deserved his support. This letter had a huge impact on those people who may have been on the fence.

But the main hearing before the Judiciary Committee was a major event in itself! It was clear there was going to be strong opposition and a lot of difficult questions and challenges. The portfolio put together by the People for the American Way was a substantial hit piece among other active challenges from a number of organizations. When I went to Washington, I stayed with my brother and he invited some friends over to help me prepare for the hearing. Among

them were Doug Kmiec, Steve Calabrese, and Steve Markman (later appointed to the Supreme Court of Michigan).

When I went into the hearing the next morning, everybody was there. Biden, Kennedy, Metzenbaum, Simon, East, and Thurmond, to name a few. There was a big crowd. I remember specifically that Senator East was sitting over on the Democrats' side, as he was confined to a wheelchair. Senator Thurmond joked about it, that he was going to sit over there, but was going to vote over here, referring to the Republican side of the dais. The room was stuffed to capacity with observers. My wife was in the audience. C-SPAN actually made a recording of the first non-eventful hearing, but apparently, much to my chagrin, they were not present and filming at this one.

One by one the Democrat senators entered the room and took their seats. Senator Biden was the ranking minority member who led the charge and conducted my inquiry. At one point, Senator Quayle entered the room and sat to the side of the panel. He gave me a big smile and indicated to the other senators that he was obviously there on my behalf. Behind me was John Bolton, who was with the Justice Department at the time and was their point man on my behalf. Behind Biden was then-counsel for the Judiciary Committee, Professor Richard Blakey from Notre Dame.

The hearing lasted for three hours. There were lots of questions. Although Senator Thurmond was the Committee Chairman and participated initially, the

main adversary was Senator Biden. He was the ranking minority member of the committee. He wasn't there with the most seniority, but he was the designated Democrat on the committee. After Senator Thurmond's introduction, the first person to speak was Senator DeConcini. He spoke favorably. He was one of the Democrats who wanted to support me, but he knew that clouds were gathering and, if this process were prolonged, it would be a very difficult situation for me. He basically made a nice statement and threw a couple of softball questions and then he left. Senator Denton briefly intervened and made a nice statement on my behalf and also about my father. Then he left.

The most memorable challenge from Senator Biden was an examination of a book by Congressman Larry McDonald. This was certainly a strong conservative viewpoint of the Constitution. A year or so before the hearing, I was at a meeting, probably for Young Americans for Freedom, where Congressman McDonald was in attendance. I conducted an interview with him, mainly just reading questions my father had written down for me to ask him. I had very little to say in the interview, other than just flipping out more questions. I dutifully followed my father's suggestion that I be highly complimentary about the book as a very fine historical study of the Constitution. For the most part, my father's voice was dubbed in over mine to make it look like he was doing the actual interview. All of this was premeditated. But because I did the preliminary interview, to Biden, I was the person on the record. The important

thing is, I had not read the book and I was merely giving Congressman McDonald an opportunity to be on The Manion Forum to promote his book. But Senator Biden took it verbatim.

He had waded through the book (or someone had for him) and underscored a number of controversial paragraphs. He then went line by line from several parts of the book to see if I agreed with them. On occasion he read long passages and asked if I agreed with them. I tried to distance myself from the book, and I think at some point, I even admitted I hadn't read it. Nevertheless, he pounded me on the fact that I was doing this for The Manion Forum, that Congressman McDonald was a member of the John Birch Society (he was also a Democratic member of Congress), and he tried to associate me with the John Birch Society. My father was on, what I think, was the founding Board of Directors, but he certainly wasn't a founder or a director of any consequence. However, he never resigned, because he believed in the John Birch Society's strong anti-communist beliefs and he didn't want to run away from the organization just because it was being trashed by the liberals. After trying to decipher the continued questions, at one point, I simply said, "No."

Another memorable moment was when Senator Metzenbaum had blown-up a copy of a bill that had passed in the Indiana Senate. The bill advocated publication of the Ten Commandments in Indiana classrooms. There had been a recent Kentucky case before the Supreme Court. By a 5-4 vote, the Supreme

Court ruled that states could not mandate placing the Ten Commandments in public classrooms. Senator Metzenbaum implied that I had chosen to spit in the face of the Constitution. Obviously I wasn't prepared for this question and, although it hit me from the blind side, I tried to explain that there were several differences between the bill we passed in the Indiana Senate (by, I believe something like 37-13) and the one that was overturned by the Supreme Court, but he would hear none of that. Senator Kennedy then took over the questioning and harped on that pretty heavily. It was an interesting back and forth with Senator Thurmond occasionally interrupting and arguing with Senator Kennedy.

Later, I determined that there were three significant differences between the Kentucky bill and the proposed Indiana bill. First, it was not a mandate, but was voluntary. Second, it could not be placed there with public money. The third issue was something relating to an effort by the Senate Committee to recognize the Supreme Court decision and to distinguish Indiana's bill from the Supreme Court decision in hopes of gaining one or more votes of that 5-4 per curiam decision.

Senator Kennedy then went into the "court-stripping" issue, involving the power of Congress under Article III, Section 2. I claimed that under Article III, Section 2, there was at least an argument that Congress could remove jurisdiction on certain issues. I then read from Article III, Section 2, which indicated that the Supreme Court would have appellate jurisdiction both as to law and fact with

such exceptions and under such regulations as Congress shall make. That was the bone of contention. I emphasized that this issue would never come up unless a majority of the Senate members decided they had the power to remove jurisdiction. Obviously with Senator Kennedy, I emphasized that it would never happen unless there was a big change in the Senate. Senators Simon and Metzenbaum also pressed further on the Article III removal of jurisdiction issue.

Senator Simon got back into the act and brought up a letter that I had written to some people in Elkhart who were part of my constituency. They had written me a letter of sympathy about my father's death. This letter must have been in the Chicago Historical Society's files in order for the People for the American Way to pick it up. Apparently the folks in Elkhart were members of the John Birch Society. Senator Simon said that's who it was from. I think it was actually from some people from the American Opinion Library which might have been a branch of the John Birch Society. But even if they were members, they were people who were constituents of mine and they were saying nice things about my father. The Democratic Senators were mad about the quote in my letter that said, "Your members are certainly the people who are on the front line of the fight for our constitutional freedom."

At another point, I remember Biden asking me a perplexing question and, in a low voice from behind me, John Bolton recited a one-sentence answer, which

I quickly repeated. I have no recollection of what it was, but I appreciated the support.

After about an hour and a half, the Committee took a break. At that point, a reporter from the Washington Post came over and started flipping through this very thick document to ask me a question about what someone had said or written. I held the stack momentarily and quickly noticed that the documents consisted of the issues that were on Senator Biden's agenda. Obviously Senator Biden had this very stack before him. The reporter is flipping through this material and he says, "What about this letter here from Phyllis Schlafly?" I asked the Post reporter where it came from and he pointed to the rear of the room and said he got it from the People for the American Way. I remember looking at him and saying, "My gosh, that's the whole agenda. That's the real story, isn't it?" He looked at me with a smirk, indicating that he wasn't about to disclose to the public that Biden's entire agenda for his inquisition was put together by People for the American Way. Professor Blakey must have known that. From time to time he would lean forward and give a note to Biden as he questioned me about various constitutional issues. I said, "Well, okay." But that's pretty fascinating that they have all this stuff and People for the American Way put it together. I said, "If that's the game, then that's the way it is."

The trend for the entire hearing was hostile. Senators Kennedy, Metzenbaum, Biden and Simon were especially vigorous. They were all setting

me up to justify their “no” votes. I understood that and recognized that this would be a close vote. Even though there was a fairly significant majority of Republicans on the committee, two of them were Senator Specter from Pennsylvania and Senator Mathias from Maryland. They were both very liberal Republicans and it was pretty certain I was not going to get their votes.

There’s no question that the objective of the Democrats was to discredit me and generate enough publicity to cause a negative reaction from the general public. Shortly before the end of the hearing, Senators Biden and Thurmond got into a discussion about whether they would vote for a Communist or a John Bircher if one was nominated to be a judge. It was kind of a ridiculous sidetrack, but Senator Biden was trying to associate me with the John Birch Society. This would have been enough to have the general public take a negative point of view. But again, the last sentence in the recorded hearing was from Senator Biden—“I think you are a decent and honorable man, but I do not think I can vote for you because of your political views. But that is another question.”

So that’s how that ended up. It was pretty hostile. It lasted three hours. So, it ended. I know my brother wanted to make sure the recorder got Biden’s last statement as he closed the hearing. He said something like, “Mr. Manion, you are a decent and honorable man, but I cannot support you because of your political views.”

Needless to say, that sentence pretty well sums up the problem. My political views were known because I served in the State Senate and, going back even further, I was very active for Ronald Reagan. I was a delegate at the national convention in 1976 and an alternate delegate in 1980. I suppose it's safe to say that, based on the opposition, the reason I was even put up for this job was another label for affirmative action. President Reagan was interested in getting conservative judges on the appellate courts. I came along at the time Attorney General Meese was in charge. Grover (Rocky) Reese was an assistant attorney general who was looking for people who fit that bill. Based on the opposition from the Democratic senators and from the outside press looking in, they definitely got what they wanted.

As I recall, after the hearing the Committee sent me what must have been a word-for-word copy of the hearing. I think I was supposed to review it for accuracy. I remember Ann got ahold of it and decided to clean up any awkward language. When we returned it with those edits, I was accused of trying to alter my testimony.

The hearing got tons of publicity. From that point forward and for the next month or so, I was in the national headlines. The Wall Street Journal wrote eight editorials in support of me. They even published a letter from my secretary who confessed that she actually typed the briefs and the other documents I had submitted. The Committee had some professors go over them and find

misspellings. Amazingly, the main accusations against me were my inability to spell correctly! That's when my secretary acknowledged that she had committed the errors. It actually got published in the Wall Street Journal.

I don't know the date, but two or three weeks after the hearing before the Judiciary Committee, the committee took a vote. My brother was present during that vote. The report I got from him about the vote was that Senator DeConcini told Thurmond, "I'm prepared to vote for Mr. Manion today." He looks at Thurmond and he looks at his aide, meaning tomorrow is going to be a different story, because I know what's coming. And it was coming. This was going to be inundated with all kinds of pressure. So then they vote in the committee. All 18 members of the committee voted. The vote ended in a tie of 9-9 on whether or not to send my nomination to the full Senate. I believe Heflin voted for me. I think Specter and Mathias voted against me. They were Republicans. And that may have been the majority. Sessions lost – he came up a vote short. Heflin or somebody didn't vote for him. And then they broke even. A tie vote is not good enough. However, the committee then voted to send my nomination to the full Senate "without recommendation." That vote was 11-7. Senator DeConcini and Senator Specter, who voted no on the first vote, did change their votes to give me the majority to send the nomination to the Senate without recommendation. So, I got out of the committee, but without recommendation, which isn't a very good way to go.

Also present at that vote was Notre Dame Professor Richard Blakey. At the time he was serving in some sort of legal capacity as an advisor to the minority Democrats. My brother did note that Professor Blakey was not happy about the vote to send my name to the full Senate even without recommendation. Ironically, I had some years earlier met with him because he was an expert on RICO legislation. He, at one point, said he wrote the bill. Since I was involved in a RICO case, I consulted with him about the status of the law. Since becoming a judge, I've had occasion to meet with Professor Blakey a few times. Interestingly, he has become more conservative, primarily influenced by the Democrat's uninhibited defense of abortion rights.

CTF: You should know because people won't know later on, but Senator Arlen Specter was a Republican at the time of this vote; later on he became a Democrat.

DAM: Yes, he did. He became a Democrat in 2009. Back then he was what they call a liberal Republican. He was from Pennsylvania. He was always difficult, even later on when he was Chairman. He was not very helpful when it came to judicial nominees. He was always kind of dragging his feet.

While People for the American Way and other liberal groups led the charge against me, Paul Weyrich's group and other conservative groups led a counterpunch. Articles from conservative columnists started popping up in the conservative press, what there was of it at that time. They came out strongly in my favor. There were other religious groups, too. Suddenly this became the

liberal-conservative cause for both sides. It reminded me of a game that firefighters play by putting some sort of a ball in the air on a wire and spraying the fire hose at it to see which side they can push the ball over to. That's what I felt like. I was the ball being pushed one way or the other. I was really a minor player but became a major object of both the conservative and liberal cause-oriented groups.

When things were looking pretty gloomy, a couple of interesting things happened. I'll have to find the quote, but, in one of Pat Buchanan's books, he described an incident in the White House. While he was sitting with Chief-of-Staff Regan and other members of the White House inside circle, President Reagan poked his head in the door and said something like, "Hey, Don (Regan), you know that judge candidate Manion? Don, they're after me. Get him confirmed." At that point, the Justice Department and White House operatives got busy. They started counting votes. Nightline had a feature on me. Jeff Greenfield actually came to South Bend. I declined an interview because I did not want it segmented where they would only put on highlights. Nevertheless, he came in and interviewed me, possibly to see if I would talk. He then interviewed several people including the local political writer Jack Colwell, the head of the local bar association, and possibly some others. I don't remember the actual date of the Nightline interview, but it featured Dan Quayle arguing on my behalf and a Harvard professor, Arthur Miller, arguing against me. Ted

Koppel presided. Koppel was actually pretty aggressive against Professor Miller. Dan Quayle, of course, had known me for a long time and he made his case. But Koppel said this was simply a political agenda and that's how judges are appointed, so what's the big deal? Of course, the professor tried to say how important the process was and how the candidates had to be first-class people, etc. That rhetoric kind of fell flat, too. Greenfield showed snippets of the interview with Jack Colwell. He was interviewed for half an hour and they aired about 20 seconds of his interview. That was kind of a big deal that helped focus the national spotlight.

President Reagan also featured me on a Saturday morning broadcast to the nation on June 21, 1986. At that point he was promoting Justice Rehnquist for Chief Justice, Judge Scalia for the Supreme Court, and me as being appointed judge to the Seventh Circuit Court of Appeals. So he put me on kind of an equal par of importance, saying how important it was that we each were approved by the Senate.

That radio address went as follows:

“My fellow Americans:

This week Chief Justice Warren Burger stepped down from the Supreme Court to devote his time fully to the upcoming bicentennial celebrations of our Constitution. It is fitting that Justice Burger's distinguished career of service to country and the law will be capped by honoring the legal document that's the very foundation of our Republic. Today all America salutes Justice Burger and thanks him for his devotion to this country.

I have nominated Justice Rehnquist, whose distinguished service on the Court is also widely recognized, as the next Chief Justice. He's been a consistent

model of fairness and an articulate spokesman for straightforward interpretations of the Constitution. And I've selected Judge Anton Scalia, one of our most gifted legal minds, to fill the vacancy. Two men better qualified for their positions would be hard to find and I hope the Senate will move quickly to confirm their nominations. Justice Rehnquist and Judge Scalia are representative of the high caliber of our Federal court appointments. I have considered it a primary duty to appoint men and women such as Sandra Day O'Connor, of proven abilities and the finest character to the Federal courts. And I think we have a proud record to show for it.

In fact, during the campaigns of 1980 and '84, I spoke often of the distressing loss of faith by the American people in their criminal justice system. It seemed to many of us that the scales of justice had become seriously unbalanced, making it difficult to arrest criminals and harder and harder to convict them. Let me give you an example: Two narcotic agents in California had a warrant to search the home of a couple they suspected were pushing heroin. They didn't find anything at first, and were just about to give up, when one of the agents, on a hunch, went back to the baby's crib. There, stashed inside the baby's diapers, was the heroin. But in a hearing for possession, the judge threw the case out of court on the grounds that the baby's constitution rights had been violated. So, on the crime issue and a whole host of other issues, we've sought to appoint judges who look at the law as something to be honored, respected, and interpreted according to legislative intent, not whim or ideology. One other basic principle guides us: We nominate only those with high qualifications.

Our selection for the Court of Appeals, Daniel A. Manion, is such a nominee. He has substantial litigation experience and a reputation for integrity; even opponents from his days in the Indiana Senate attest to his character and ability. And the American Bar Association has declared him fully qualified to be a Federal judge. Nevertheless, partisanship in the Senate has pushed fair play by the boards, which is why I've sent a letter to the Senate expressing my strong opinion about the prerogative of the President to make qualified appointments to the Federal judiciary and what I feel has been the partisan use of the confirmation process. Some are doing just about everything they can think of to prevent Daniel Manion's confirmation. Believe it or not, they've even tried to make a major issue of a few typographical errors in several of his briefs and the fact that he practices law in a small town.

Dan Manion is a fine lawyer. Father Theodore Hesburgh, the President of Notre Dame, where Dan Manion was an undergraduate, has strongly endorsed his nomination. I know him to be a person who has the ability and determination to become the kind of judge the American people want in the Federal courts; one who believes in the rule of law, who reveres the Constitution, and whose sense of fairness and justice is above reproach. Let's be honest. The real objection to Dan Manion is that he doesn't conform to the liberal ideology of some Senators.

In fact, one Senator blurted out as much in the confirmation hearing. “I think you’re a decent and honorable man,” he said to Dan Manion, “but I do not think I can vote for you because of your political views.” Well, I believe the Senate should consider only a nominee’s qualifications and character, not his political views.

Now, I would welcome a national debate on those political views and how we’re going to keep up the attack on this nation’s crime problem. In the meantime, however, I intend to keep right on appointing tough, responsible judges to the courts. And I would hope that the Senate would get to work and confirm Daniel Manion to the U.S. Court of Appeals. It’s the right thing to do. He’s the kind of judge American people want, and I think they know it.

Until next week, thanks for listening. God bless you.”

I actually heard the radio broadcast, but I don’t remember so much focus on me!

CTF: Did you hear from Reagan personally during this time?

DAM: No. Occasionally, however, and especially in the time period after I was appointed to the Court of Appeals, people wondered if I had any prior connection with Ronald Reagan. The answer is no, at least no connection that he would remember. I first heard of Ronald Reagan when my parents were traveling and my father’s long-time assistant at the Notre Dame Law School was children-sitting for us. Her name was Laura Lashbrook. She wanted to watch a TV show featuring Ronald Reagan. It was either “Death Valley Days” or “GE Theater,” but Reagan introduced the show and I think he occasionally acted in it. I probably watched at least one of the episodes. That occurred sometime in the mid-fifties. Around that time I probably asked my mother about him and she was very familiar with his acting in the thirties and forties, because she was a movie reviewer for the South Bend News Times.

Before his election, Reagan gave a speech and held a short press conference at St. Mary's College. At that time, I was a state Senator and the county or perhaps district chairman for Reagan for President. I had a short visit with Reagan and his national security advisor, someone who was very familiar with The Manion Forum and my own involvement in the conservative movement. I don't remember why the occasion was at St. Mary's, possibly to reach out to students or some other audience. But I was kind of the person in charge, mostly because I was a state Senator and part of the rather loosely knit local establishment for Reagan.

Somewhere I have a picture of Reagan making the speech. A friend of mine took it. It is in black and white. Sitting closest to Reagan on his left was a woman who was a senior law student. She was active in the campus conservative movement at Notre Dame. I was sitting to her left. The picture shows Reagan making a gesture where he is inadvertently pointing right at me. I wanted to find that picture so I could jokingly put together an enlargement with a caption, "And in five years, I'm going to appoint Daniel Manion to the Seventh Circuit Court of Appeals." Of course, I put the picture in a very safe place, and now I can't find it. That was the last time I had a personal contact, albeit very brief, with Ronald Reagan. But to answer the original question, did I have a personal connection with Reagan that contributed to his appointing me to the Seventh Circuit? The answer is obviously no. The only other time I talked to him was

when he made the traditional phone call that lasted about one or two minutes when he acknowledged that he was going to appoint me and was happy that I was willing to serve. At that point I explained to him that he originally introduced me to my wife eight years before we ended up getting married. I indicated that we were both involved in the '76 Reagan campaign, and he said something like, well he was happy to have been a matchmaker. And that was the end of that last conversation.

There was one other earlier encounter with Ronald Reagan on June 13, 1968. This was at a \$100-a-plate statewide Republican dinner and dance. I got Reagan's autograph twice. One on the ticket to the dinner and another on the brochure where both Ronald Reagan and Nancy Reagan signed it. I have both of those autographs and I remember specifically when I introduced myself, Nancy Reagan said, "Are you any relation to Dean Manion?" Of course, I told her that he was my father. But I was most impressed with the fact that she knew who he was. Later on September 30, 1968, I received what was probably a form letter, but it was addressed to Mr. Dan Manion at my home address. The first sentence of the short, two-paragraph letter was, "Just a brief note to let you know how much I appreciate your efforts on my behalf during the convention." Obviously you don't get letters like this unless the California governor (the letter was from the Office of the Governor, with a note "not printed at government expense") has intentions of running again.

CTF: What happened next in the confirmation process?

DAM: Well there were articles in many newspapers anticipating a close vote in the Senate. In anticipation of the vote, I met with several Senators. Early on, I met with Senator Heflin, the conservative Democrat who stayed strongly in my corner. I met with Senator Mathias but I could tell by his staff that I was going to get nowhere with him. There were a few Republicans who indicated they would vote for me. The Senator from California was skeptical. Larry Pressler was kind of weird, but he voted for me.

Then, at some point in mid-June, a filibuster began and lasted three days. I wasn't in Washington during the filibuster, but I was in touch with Senator Quayle's office and with my brother. The question was whether there was even going to BE a vote. I got a call from Pat McGuigan, who was orchestrating the conservative groups through Paul Weyrich's office. When the vote was approaching, he wanted me to be prepared to give a losing speech. In other words, they did not have the votes.

CTF: Was there a vote on cloture from the filibuster?

DAM: No, they didn't get that far. Here's what happened. They were going into recess. This was the last day and people wanted to get out of there. But they were dragging on my vote. I remember one senator standing up there who I thought was a Democrat who would vote for me, but he wasn't. He said, "Let's get this over with." Senator Dole was the majority leader. He was standing there with

Biden and said, “We ought to have an up or down vote. We should be able to do this. It’s a shame we can’t because the Democrats are holding it up.” Then Biden says to him, “Let’s vote.” Dole was taken aback. It’s actually on film. Dole said, “Well, all of our people aren’t here. We are missing two people.” Biden said, “I’ll pair with one of them and I’ll find a pair for the other.” Ooooh! All of a sudden, cards are face up, somebody’s counted the votes and I ain’t winning! So, they go into caucus and I get calls from Quayle and my brother. I said, “Vote. I don’t care. Get this over with, just get the vote and let’s be done with it.” So, they went back and forth and then they started the roll call. As they were going through the roll call, Senator Laxalt walks in. Then Biden looks at Dole and says, “What’s he doing here?” Dole says, “What do you mean.” Biden responds, “Well I thought Laxalt was absent.” Dole said, “No, no it’s Hawkins and Packwood.” Then Biden said, “Packwood’s with us.” Dole said, “No, he’s with us.” But he wasn’t with us. So the roll call went on. Senator Gorton from Washington state was not going to vote for me because he wanted a certain district judge appointed and the Justice Department had refused to appoint him. I think the guy’s name might have been . . .

CTF: Dwyer?

DAM: Dwyer. Thank you, who, incidentally has since died. So, Ed Dwyer was later appointed.

Yes. That was the deal. The Justice Department called up and said, "If you get your guy, will you vote for Manion?" He said, "Yes." Okay, there were two votes. The roll call went on. It was getting towards the end and they couldn't find Goldwater. Everyone was saying, "Where is Goldwater? Where is Goldwater?" The votes that were tallied up were 48 to 47 and I was losing, because these other two were paired. They still couldn't find Goldwater. So, it's 48 to 47 and I'm losing and they're about to hit the hammer. In the meantime, Dan Quayle was talking to Senator Nancy Kassebaum, a Republican who voted against me. Quayle was telling her that they couldn't find Goldwater. You can just see it kind of blurry on this old tape that I have. He said, "We can't find Goldwater, but he wrote a letter to Manion's mother saying he's all for him and it's a shame what they're doing and this kind of thing. And now we can't find him." He said, "Will you pair with him?" So really it was seconds to go and she stood up and said, "Mr. President, I withdraw my no vote and pair with Senator Goldwater." Now, it's 47 to 47. Vice President Bush was there ready to break the tie. Biden went nuts, "I withdraw my pair. Why can't I? No, I can't do that?" Byrd, the minority leader at the time, sat him down so he didn't wet his pants and said, "Calm down." Byrd then stood up, "Mr. President, I change my no vote to aye." Now I'm leading 48 to 46. They hit the hammer. Immediately, Byrd then stood up again and said, "Mr. President, I move to reconsider. I'm on the winning side and I can do that." Yes, he could. And

that's what happened. So after going through that crescendo, he pulls the thing out of the fire. So now there is a vote to reconsider and the motion to reconsider, well, that's got to be another vote. Then Goldwater showed up about 20 minutes later. According to my brother, he was just hiding. We're not really sure why and he would never have said so, but in 1960 my father published his book, "The Conscience of a Conservative," when no one else would. My father lined it up, got it ghost-written for Goldwater, and published. I've got an autographed copy of the book in my office. I think, at some point, Goldwater thought he didn't get enough royalties, because he sold a lot of books. Whatever his problem was, I think a lot of books went free or something. But it got to number three on the Times best seller list. So it was a pretty popular book and put him on the map, thanks to my dad. Well, whatever it is, 20 some years later, I guess he's thinking that maybe he'll get a little retribution here. I can't verify that. But Quayle sort of acknowledged it. My brother also thought that was the case. Whatever it was, that's why he didn't show up and Biden knew he wasn't going to show up. So that was the vote. Now we've got the hiatus.

In the meantime, Senator East committed suicide and they appointed Broyhill, who was the chair of the furniture company by the same name. Broyhill supported me. When they came up with the next vote, everybody was there except Goldwater. Goldwater had checked into the hospital that morning, obviously knowing that the vote was going to happen. Without Goldwater's

vote, the count indicated that I would lose by one vote, 50-49. As I understand it, someone from Reagan's Chief of Staff's office, perhaps Jim Baker, contacted Senator DeConcini, who like Goldwater, was from Arizona. Baker told DeConcini that, if possible, they would need DeConcini to agree to pair with Goldwater. Earlier in one of the Senate Committee Hearings, DeConcini indicated that he was willing to vote for me "today," but, as noted above, Strom Thurmond didn't call for the vote. So, when Baker contacted DeConcini, DeConcini said he would pair with Goldwater, but Goldwater had to call him. Apparently, then Jim Baker went to the hospital, met with Goldwater and asked him to call DeConcini and ask him to pair with him in his absence. Goldwater was kind of cornered, so he did contact DeConcini by phone and DeConcini, at Goldwater's request, agreed to pair with him. As I recall, a few weeks earlier, I had met with Senator DeConcini and he spoke favorably of my father and his staff was friendly, but there was no commitment. The Democrats pressured him not to vote for me, so he didn't. But now he had an opportunity to offset that vote by pairing with Goldwater and, as a result, cancelling both of their votes.

Senator Evans from Washington State voted against me the first time, but he joined and came over on my side for the second. Packwood did vote to reconsider, so he was not on my side. So then that was the vote, 49 to 49. Bush broke the tie. They didn't have to, because a tied motion to reconsider loses.

So that's how I ended up being a judge. I joke, I said, "Well, I got 97 votes in the Senate, but it took two roll calls to get that many."

CTF: Land Slide Manion!

DAM: Yes! So people say, "What are you doing here? How did you get this job?" If you look at that recitation, you'd say, "Yeah, how did you get that job?" Nobody should be able to survive that onslaught in those votes and everything else. I've said, "Well, I guess the good Lord really wants me to have this job." I kind of looked at it that way, just like I've looked at the MS. The good Lord really didn't want me to be in Congress. And then when somebody else got elected, the MS went away. I look back over my shoulder, I have a strong faith, and I say, "You know, God's in charge." People joke about it and say that's nuts, but they can say what they want. But if you look at those two events and probably a lot of other minor things in life, then you know that my plan isn't always God's plan. So, I accept whatever plan he's doing and try to do the best I can with it.

CTF: That and then you started having kids.

DAM: Yes, Mary was born at the same time our house was finished. It's interesting. We actually built two houses that are connected. We call the smaller one the guest house. When my mother died, that's when I really decided to do this because it entices family to come back and stay together, just like my brother-in-law is here. He'll be here this weekend. My sister will be coming in. My brother was here weekend before last. That's my side of the family and, of

course, when we have other stuff with Ann's side of the family, we've got this place packed. It's very busy. So, it's a very accommodating thing. Of course, it's a white elephant. You know, who's going to want this house? It's basically two houses, but I guess it'll be Ann's white elephant. We were married four years before Mary was born in 1988. She is now a junior in college. She's at Franciscan which is an orthodox catholic school over in Steubenville, Ohio. My other daughter, Katherine, who last year was homecoming queen at St. Joe, is in her freshman year at Franciscan. They are both running on the cross-country team and are doing quite well. Katherine is the number four runner. Mary is the number six runner on the team. The three best runners are seniors. We're very lucky. Patrick is a junior at St. Joe High School. He's playing football. One of the best players on the team plays in his position so Patrick sits on the bench most of the time.

CTF: But, that's true in varsity. In junior varsity he played.

DAM: Yes, except this past Monday he missed classes because he had pink eye and didn't realize that by missing three classes, you don't get to play. That was disappointing for him, and really disappointing for me because, frankly, I'd rather watch him play than Notre Dame. If you think about it, in fact, I'd rather do a lot of things than watch Notre Dame football with the TV time outs and the people standing up in front of you. You can't see. So, it's okay, but Patrick likes Notre Dame football so we go and put up with it. Now of course, Mikey,

the youngest, he's eleven and in the fifth grade. We were going over his Spanish words on the way to school this morning, trying to get that done. He'll probably be home pretty soon. Ann picks him up at aftercare so she'll be driving in. I hope he passed his test. But it's been great. One of the things about being a judge – even though I look around and see everybody on the court has better qualifications than I do, they've been judges or US Attorneys or professors and all these things, things that I didn't do. It's been a wonderful experience and some people are really great people to work with. As you know you've committed your career to the judiciary. I know this is a special place to be and I am very, very lucky.

CTF: I feel very lucky to be associated with both the judges and the staff that I am.

DAM: When I think of the option of having gone to Congress, I'm very, very disgusted how our whole political system has evolved. I'm scared about it because of the media, the money, the lobbyists, the vicious attacks, and the character associations that go with campaigns. It's so debilitating and so bad for the country, but this is what's going on. I can just think that if I were in Congress, I probably would have been beaten by now. But that would have been a very bad thing for me in a lot of ways. For one I probably wouldn't have gotten married. At least not to Ann. Maybe I would have still been a single guy in Congress and whatever goes on in Washington and stuff. Jack Hiler did meet his wife in D.C. He met a wonderful woman and he's got a very lovely marriage.

But he got out of there. He got beat. I could tell he wasn't going to last because he didn't like it. He was missing his family and his family had a very successful business that he is now President of. He had a reason to come back.

I had a reason to stay here. Living here and going to Congress, going back and forth. I can go out in the morning and cross-country ski in the winter, run through the park, and this is part of the land where I grew up. That is a great privilege to be able to live here and come back here. I just hope they don't raise the property taxes so much that they take it away from me, which is scary because you well know that the government has a lien on your property. You basically rent it. If you don't pay, they take it. So it is scary. My wife's friends at the Women's Care Center – I didn't talk much about that, but it's probably one of the best in the country, fourteen centers around here. She's a full-time volunteer Director. It's a \$2,000,000 annual budget, all private money, raised from very generous donors. But the whole issue is communicating with women with unexpected pregnancies and encouraging them to choose life for their unborn baby. This doesn't get into litigation. This doesn't get into politics, where you're trying to change the law. It's dealing with one woman, one baby at a time. And that's really the saving grace of it. It's a remarkable achievement that she's done.

CTF: What are the cases that you are most proud of working on?

DAM: The names of them?

CTF: With the Court of Appeals, yes.

DAM: Well, we'll just start with the issue we just discussed. Last year, we had an issue on the "choose life" license plate. I wrote a concurrence in that case. (Choose Life Illinois, Inc. v. White, 547 F.3d 853 (7th Cir. 2008)). The message was the one I just recited. It was, why are we fighting over this, "Choose life," that's two words. Choose is one of them and that's choice and life is the other. It seems to me that people who are pro-life would certainly want to advocate choosing life. People who are pro-choice and personally opposed to abortion, which many people say they are, they should be willing to encourage a woman to exercise this constitutional right that the Supreme Court created to choose life. Why can't we join hands and everybody say that, including the President? Why couldn't they at Notre Dame? When the President was at the University of Notre Dame, Father Jenkins turned to him and said, "Mr. President, you have advocated adoption, and that's important, but remember, adoption isn't even a factor until you have a woman with an unwanted pregnancy. Can't we join together and encourage her and others in that position to choose life for her unborn baby?" Now, that's a pretty neutral statement. I don't know how Obama responded. But I wrote that concurrence with that message in mind, trying to give people an opportunity to quit screaming at each other on this issue. The pro-choice people and the pro-life people. Why can't they both say, "Let's encourage the woman to choose life?" That's what my wife has dedicated her career to and I

vicariously engage in. It's not really a conflict. Some people might say, "Well, you shouldn't do that." Well look, I'm not litigating and I'm not going through the judicial. I'm just saying, "Can't we avoid this?" So, that's one.

I think as time goes back, I sort of lose track of them, but I think early on there was a case called "Hoffman Homes." (Hoffman Homes, Inc. v. Administrator, U.S. E.P.A., 999 F.2d 256 (7th Cir. 1993)). It got a lot of controversy in the Wall Street Journal. It was a matter of the EPA having jurisdiction over isolated wetlands. The issue was whether it was a commerce clause issue, but it was also a statutory issue. I concluded that there was no standing. Just because a bird lands there, nobody's trying to watch the bird, see the bird, or shoot the bird. That should not be enough to allow interstate commerce – just because birds fly interstate doesn't mean they should have jurisdiction. Nobody has any standing to sue and I argued that. Well, that went so far until, I think it was Judge Easterbrook who said, "Hip hip, but no hurrays." He found a reason why not to worry about the commerce clause. It was an interesting case back then. There have been a lot of others, issues about schools and different issues, that really do involve constitutional claims. There's always one or two a year that come up. If I really thought about it and tried to make a list, I'd probably come up with one, but offhand I can't remember.

There are some year to year that come up, but it's not a lot of them. I think a lot of things are fairly routine. I know that you look at it, because I do, with

Frank Easterbrook and Dick Posner, they are superstars and they do take cases and they make something out of them. They are pretty formidable. I'm totally respectful. I don't pretend to be in their league. I think they are very special. I think they are both geniuses. And there are other really strong judges. You have Diane Wood who was a step away from the Supreme Court this year. And there's some very – I don't want to recite all of them, because then you'll leave somebody out, but there are people who are really special and have special things. Currently you know Ilana Rovner's husband is very ill. We disagree on a lot of things when it comes to the judiciary, but the thing we do agree on is that prayer works. She calls and asks me to pray for her husband. That's special because she's a devout Jew and I'm a devout Catholic. We don't share the same religion, but we worship the same God and recognize that He is in charge. Praying for somebody is an important thing to do.

The Books case involved the Ten Commandments over in Elkhart. (*Books v. City of Elkhart, Indiana*, 235 F.3d 292 (7th Cir. 2000)). I dissented on that, a long dissent explaining why I thought it wasn't hostile to the Constitution to have the Ten Commandments sitting there next to the city hall door. I realize others are much more enthused in the other direction. If one wants to balance it all out, you can look at Supreme Court decisions and find a place that can go one way or the other and that seems to be what they do. I think it was the Texas case where Justice Breyer went one way on one and one way on the other in

discernment, but this is what you do. It just depends on how long something has been there and this kind of thing, historic issues and concerns like that. But I worry about the judiciary taking more leeway than it should. I wish more were left up to the legislatures. When I went through my confirmation process, Senator Metzenbaum was irritated about the time when I was in the Indiana Senate and co-sponsored a bill to put a copy of the Ten Commandments in public school classrooms. At the time there was a 5 to 4 decision where the United States Supreme Court rejected a Kentucky statute permitting displays commemorating the Ten Commandments in public school classrooms. What the Indiana Senate bill was attempting to do was to have legislation that would create some differences from the rejected Kentucky law so that it would be voluntary and not mandatory, privately funded, and with some other measures that would distinguish it from the Kentucky case. But the bill didn't pass the Senate and was rejected by a 3-2 majority. There were also discussions about abortion cases, but that issue is always controversial and I'm sure will continue to be as time goes on.

CTF: It's very interesting, Dan, to compare the critics before your confirmation with what's been said by lawyers and the Almanac of the Federal Judiciary about you since then.

DAM: I haven't seen that.

CTF: Well, it's favorable and it should be. You know, in fact, some of them are what I call begrudging compliments from people that say, "In spite of his political philosophy, he's a good judge."

DAM: Well, that's nice.

CTF: But your courteousness, your hard work, come out in there that you want to get the right decision. You ought to read it.

DAM: Well, I should. I just don't. I guess I never got into the habit of reading anything in the Chicago papers because when I first started it wasn't very good anyway. I don't see the Chicago papers so I just don't pay any attention to it. I never worry about what they say anyway. But I should add though, what I have concluded is my legacy here is not what I've written and what my cases are. The legacy I have, and I focus on, this is my law clerks. I am very careful about the type of law clerk I hire. I do look at someone's personal background. It's not common with everyone, but I look for people who, first of all, are very bright, but who also have a strong family and faith foundation. I only hire people who are experienced. I won't hire anybody out of law school. I never have. So, I have at least a preview of what kind of work they do in different places. This is the kind of person I want to work with. I want to give them that credential. I want to see them go on and do other things in life with that foundation. I've told many people. I've recited. It's like a broken record, "If you put your faith and family first, everything else will fall into place." And I talk to staff attorneys

about this, even though I didn't hire them. They don't have to listen to me and we get along. I like to visit with them and find out what their goals are and encourage them to take these kinds of priorities. Being rich and famous some day is not important, but it is important that you have, in my view, your faith and your family intact in order to achieve a lot of things. Now everybody doesn't look at it that way and a lot of times people might resent the fact that one would think that's important.

CTF: I tell people that in a much shorter version, probably more flippant, "What good is it if you save the whole world and screw up your family?"

DAM: Well that's for sure and, of course, in many of the sentencing cases, this is one of the things I've never done. I've never sentenced someone, but we have to review a lot of sentences. And so often in that transcript, you see somebody, "Oh but I, my kids, my family, I'm not going to be able to do this and that." And, of course, every judge could be somewhat sympathetic with it. The only question I have is, "Why didn't you think of this before you engaged in these activities?" That's one of the problems when we look at these transcripts. And you talk about important cases – it is so common to see these young people, and I know you are very involved in this kind of thing. They grow up in these neighborhoods where there aren't any fathers. There are pregnant teenagers. There are gangs. There are drugs. And those kids absolutely have no chance unless somebody rescues them. Once in a while, you'll find a remarkable mother

who has somehow or other got her kid through it. Or you'll find an athlete who either rose above it or somebody, like a coach, protected him or her.

CTF: Let's go back and talk about your relationship with Father Hesburgh.

DAM: There's no question that Father Hesburgh's letter on my behalf had a deciding impact on the confirmation process. Obviously I survived two tie votes and every little bit counted. But his letter was more than a little bit and I'm sure it made the difference. Father Hesburgh told my mother and, briefly, me that he wanted to write that letter because I was "family." I'm not sure whether "family" meant that I was a Notre Dame graduate or whether I was closer than that. I hope it was the latter. I'm sure when Father Hesburgh was Vice President of Notre Dame in the 1940s, he had some peripheral contact with my father who was Dean of the Law School for most of that time. But my mother was running an active farm and, among other things, with about 150 chickens, we sold eggs to Notre Dame. I'm not sure what university vice presidents do, but that could have been one of the tasks that he had, and he may have come into contact with my mother during the '40s. He was probably intrigued with the fact that she was running a farm and selling eggs and what have you. He may have even come out to visit the farm at some point, but I don't know that. There would also have been some contact with my mother's parents. Her father, John J. O'Brien, along with his twin brother, Miles, were somewhat benefactors of Notre Dame. I know they

bought the first two season football tickets on the 50-yard “stadium that Rockne built” in 1931. In any event, my mother and Father Hesburgh had a friendship.

Father Hesburgh put our family in touch with Adolfo Cordon. Adolfo came to Notre Dame in the mid- to late ‘40s. He was from Guatemala. His father was a businessman who owned property there until much of that property was confiscated by the Communists in the late ‘40s. Adolfo was a freshman at Notre Dame when his father contacted him and said he would have to leave school because the Communists had taken their property. He could no longer afford to pay the tuition at Notre Dame. So, Adolfo, having nowhere to go, packed up and put all of his belongings in a trunk. He proceeded to drag it across campus in order to, I suppose, catch a cab, take a bus or a train to get transported back to Guatemala with whatever money he had left. As he was dragging the trunk across campus, he encountered Father Hesburgh. Obviously Father Hesburgh questioned what Adolfo was doing. Adolfo explained his difficulty and said he was returning to Guatemala because his father could no longer afford to keep him at Notre Dame. Father Hesburgh then interceded. He told Adolfo that perhaps they could work something out and, sure enough, they did. Without going into details that I really don’t know, Adolfo stayed at Notre Dame and ultimately graduated. But Adolfo was not just another Notre Dame student and, perhaps because of my father’s strong anti-communist beliefs, Father Hesburgh put Adolfo in touch with the Manion family.

I don't remember the first contact, but whatever it was, my parents then invited Adolfo out to meet us at our home. The Manion kids, especially me, became very good friends with Adolfo. I was probably seven or eight years old and he was ten or eleven years older than me. He became sort of like a big brother to me. We went hunting, played ball, and did various things whenever he came out to the house. His visits were frequent, and he was definitely a close friend of our family. When he graduated from Notre Dame, he went to work for a local company, and I went away to Culver and lost track of him. When I was about 17, our whole family went to Guatemala to visit with him where he had returned to work with his father. Later on, my brother Chris served as Senator Helms' representative on the Senate Foreign Relations Committee. Chris stayed in touch with Adolfo and went to Guatemala and other parts of Central America several times. Adolfo set up a Catholic school and did a lot of other beneficial things in Guatemala. He later came back to Notre Dame and reconnected with Father Hesburgh. They worked together on some Central America things and some other projects. Adolfo ultimately died of prostate cancer sometime around 2000.

In my office, I have a picture of the third annual luncheon of the Notre Dame Law Association, which was held at the Hotel Biltmore on September 20, 1951. My father is seated to the right of Father Hesburgh and to Father Hesburgh's left is Cardinal Spellman. There are other dignitaries at the head table. This was the

year before my father resigned as Dean of the Law School and one year before Father Hesburgh became the President of Notre Dame.

I mentioned that my grandfather and his twin brother “bought” the first two boxes at the Notre Dame football stadium. At first those seats were right down next to the sidelines, which really weren’t very good seats. Sometime, probably around 1940 or 1941, some other people preferred to have the seats in the front and traded with our family, so we ended up with the box right behind the University President’s box. Of course, that was periodically occupied by Father Hesburgh. We saw him there frequently and had short conversations with him. After my father left the law school, we were pretty much disconnected from Notre Dame other than the football game. I remember in 1967 or 1968 after I had returned from Vietnam, we took two friends to a football game with us. They were from Wheaton College. One of them was a black man who had served with me in the basic quartermaster course and we were nearby each other in Vietnam. I remember Father Hesburgh seeing him, coming over, and introducing himself. As is well known, Father Hesburgh was very active in the civil rights movement, especially around 1960 and the Selma march. He also spent a lot of time on the National Civil Rights Commission.

I attended Notre Dame from 1960 to 1964, when I graduated. Towards the end of my senior year and around graduation time, I had two official encounters with Father Hesburgh. The first was at the academic awards ceremony, where I

was presented with the John J. Cavanaugh award. I think that award traditionally went to the brigade commander of the Army ROTC. I was the brigade commander that year. The second time was at the final parade. Back then, in 1964, the ROTC units had a full-dress parade. That year was the Army's turn to lead the parade, so that was me as the brigade commander. I have a picture of Father Hesburgh and the head of the Military Science Department, I think his name was Col. Mullen, when I was presented with the award again. Actually, the award was a piece of paper because ultimately I was given a watch. I wish I'd just gotten a plaque because the watch didn't last long and eventually I lost it. But that is the only picture that I have of Father Hesburgh and myself. There were probably other times that I saw him casually. But after I became a judge, I remember seeing him at a gathering. He had General Westmoreland in tow. He introduced me to the General and then we had the discussion about the letter he had written on my behalf. I'd only been a judge for a year or less, so he basically told us that around the time he had written the letter he had received a telephone call from Ted Kennedy. Ted Kennedy was connected with Father Hesburgh, as was the Kennedy family. Ted's call was to inquire whether and how Father Hesburgh could help defeat my nomination. Father Hesburgh told Ted Kennedy that I was part of the "family" and he had just written a letter on my behalf. I saw the letter and it was a strong letter that had a lot of impact. As I said before, every little bit helped but I think that one helped a lot. It turns out that regarding

that letter, my mother had called Father Hesburgh. All she needed to do was to dial the phone and she could get him to answer. She asked him to write the letter and he said he had already written one on my behalf.

Father John J. Cavanaugh was also a friend of our family. I remember him from the time I was a small child. Father Cavanaugh was President of Notre Dame from 1946 to 1952. He was a frequent visitor to our home. Of course, I was very young and wasn't in on any of the conversations, but I do remember that he had a very delightful laugh. He enjoyed being with my parents very much. In fact he made frequent visits on weekends to come out to the farm and "relax." His relaxation included chopping wood. It seemed my father and he both took an interest in splitting firewood for the fireplace. We always had a fire burning in the fireplace during the winter, and we always had plenty of wood. Of course, we had farmers who cut the initial logs and piled them up, but the splitting was done on a more casual basis by my father and occasionally Father Cavanaugh.

There are two ironies in this connection with Father Cavanaugh. As I mentioned above, I was the recipient of the John J. Cavanaugh award my senior year at Notre Dame in 1964. Father Cavanaugh was alive at that time and was delighted with the fact that I had received the award. Our family had pretty much lost contact with Father Cavanaugh by that time and I'm not sure why. It may have been his involvement in the civil rights movement and he may have gotten

shy of my father's very conservative radio program that was focused mostly on godless communism.

The other part of the irony gets back to Father Hesburgh. In 1979 shortly after I was elected to the State Senate, my mother got a call from Father Hesburgh. Father Cavanaugh had died and Father Hesburgh asked my mother if it would be okay for me to be a pallbearer for Father Cavanaugh's funeral. Again, he didn't call me. He called my mother. And of course she called me immediately and I scrambled around and arranged to participate at the funeral. At some point I did have his holy card which was distributed at his funeral on December 31, 1979. It was very much an honor for me to participate. The only thing I remember specifically about his funeral was that one of the pallbearers, Joseph Gargan, was one of the participants in the Ted Kennedy party when Mary Jo Kopechne drowned after Kennedy drove off a bridge. The funeral was very nice and there were lots of priests there, but the pallbearers were really not the main attraction.

I know there are probably other events where I met with Father Hesburgh or at least was present in some other larger group. I think my last encounter with him was at Puddy Crowley's wake. At that point Father Hesburgh was practically blind. He had a priest along with him; I think it was Father McBrien. I believe he took Father McBrien under his wing because Father McBrien was a controversial theologian and Father Hesburgh wanted to keep an eye on him.

Father Hesburgh also referred Father Jim Smyth to our family. At Puddy Crowley's wake, Father Hesburgh expressed to me how grateful he was that my mother had helped Father Smyth, who was from England. He had apparently gotten into some sort of a snag over there and ended up at Notre Dame. With him came some sort of a report. All Father Hesburgh told my family was that he had read the report, understood it, and accepted Father Smyth as part of the faculty. I don't remember what subject he taught at Notre Dame, but he also had a connection with riding horses. This made my mother an obvious contact.

Father Smyth arrived at Notre Dame sometime in the early or mid-fifties. Our family was going to lots of horse shows and I was beginning to ride. At the time he arrived, I may have been twelve or so. Father Smyth was kind of a prickly guy and he was a decent rider, but no superstar. He did, however, hit it off with my mother. They loved to argue about philosophy and theology. My sister later suspected that he had a crush on my mother, but she was iron fisted and dismissive of anything of that nature. I don't think he was any kind of an aggressor but he just liked being around her. He, too, became a fixture at our home. He was riding horses and even riding in shows. He went to the horse shows and was a frequent visitor where he pretty much had a free hand to come out and ride the horses.

We had one horse in particular that was one of my favorites, Replica. In fact when I spent a summer in Bethesda, Maryland, at the Al-Marah Arabian horse

farm, my mother sent Replica and another horse to be trained for cutting cattle. When I arrived, I was a natural to ride Replica. I rode him in a horse show or two and actually won one of the classes. Replica was a pretty important horse for me from the time I was 13 or 14 and maybe even earlier. But he was also ridden by others. However, when I went to Culver in the fall of 1955, I got a call from my sister who was in hysterics because Father Smyth had ridden Replica on Laurel Road (a dirt road that lots of people would speed up and down). Apparently, a car was driving by and Replica either panicked or backed into the road. In any event, the car hit Replica and shattered his rear leg. They called the vet, who arrived sometime later, and had to put Replica down. Father Smyth was shaken up, but unhurt. I don't know whether we really blamed him for Replica's death or not, but it was kind of a blow. For me it was probably just as well, because I started riding many of the other horses and did a lot of training from the time I was 15. So it wasn't as shattering for me as it was for my sisters. Since I spent a lot of time at Culver, I wasn't home as much in the winter and I really don't know whatever happened to Father Smyth. In any event, he was another connection to Father Hesburgh.

I might add that there were a number of contacts with other priests at Notre Dame. In addition to Father Smyth, there was Father Norton. He was at some point banned to Portland, an inside joke of what happened to priests who weren't going anywhere at Notre Dame. There was also Father DiBaggis. He was not a

very good rider but he did ride the horses from time to time. He also liked to go fishing. I remember he was going to take me fishing at the place where the Holy Cross Brothers lived, but I fell asleep and missed the trip. I was very sorry about that, because that was also a place where Father Hesburgh would go fishing fairly often. Of course, I was more interested in fishing than seeing anyone, but that was an opportunity I missed. The other underscore for Father DiBaggis was that he was teaching a class in which Paul Hornung was enrolled. When my sisters heard that, they begged Father DiBaggis to bring him out to meet them. Well, no doubt Paul Hornung was perhaps struggling with Father DiBaggis' class and it probably behooved him to, at the professor's request, go out to the farm and meet the Manion girls. I remember it as an opportunity to briefly play catch with Paul Hornung. Many years later I encountered him at a Notre Dame tailgate where he was working with the local radio. I asked him if he recalled that event. He did not. Or at least that day, he didn't. I don't think he remembered Father DiBaggis either. He probably would have remembered if he hadn't gotten a decent grade, but obviously he got through that course. My sisters had a big crush on him and I know that at some point he wrote one of the girls a letter, which my brother decided, in revenge for something or other, to destroy. Such is life!

One other priest was Father Ed Keller. He was a guy who really liked to walk. He would frequently walk from Notre Dame out to our house. He was an

outstanding photographer and he's the one who took the picture of my mother riding Ruffles with her blonde ponytail trailing behind her.

Of course, when Father Hesburgh died, there were headlines everywhere. It was then that I realized how many people had little stories about their own encounters with him. No doubt, he was a national celebrity. But as people got to know him, they saw that he was genuinely a humble man and very loyal to his faith. I think he said that he only missed saying mass one day in his priestly life, no matter where he was or where he went. He was a celebrity and known everywhere he went, but he was always humble and kind. I use that phrase because there's a song by Tim McGraw with that as a refrain. It's a pretty neat song and a pretty neat thing for anyone to be remembered by. The few paragraphs that I have included here are just the ones where he touched my life. And, of course, the famous letter that he wrote on my behalf that was probably indispensable in my tie-vote confirmation.

EPILOGUE

This should be my last "update" in my long overdue oral history for which Collins Fitzpatrick interviewed me in 2009. We are now in the middle of the coronavirus pandemic. A headline in the September 8, 2020 Wall Street Journal states that the "Diabolical Virus Outsmarts Science." It adds that the SARS-CoV-2 is "wily with mysterious origins and powerful ability to infect and spread." Unfortunately, this coronavirus has affected almost

everyone's life to some extent. Fortunately, my family and my court staff are currently doing well.

At this point, in 2020, I am in my 33rd year on the bench, now at senior status, and my 63rd law clerk just began her term with me. Westlaw has been kind enough to give me about 30 hardbound volumes of all of the opinions I have authored. But my legacy is not in those volumes. Rather, it is with the law clerks who have served over my 33 years on the Court. In addition to the excellent work that these volumes of opinions contain, many of my law clerks have gone on to participate in many important endeavors in their own law practices and other missions. Among them is Michael Brennan (1993-1995), who is now a fellow circuit court judge on the Seventh Circuit.

For various reasons, many people are saying that the upcoming Presidential election is the most important election in history. As far as I am concerned, the most important election in my history was in 1980 when Ronald Reagan was elected President. As the above history states, in 1976, I was a Reagan delegate at the Republican Convention in Kansas City, Missouri. With the encouragement of their father, then twenty-year-old, Ann Murphy, and her sixteen-year-old sister, Mary, rode with me when I drove to Kansas City. As a delegate, I received two tickets to every event, which the girls used. At that convention, Reagan lost by sixty-three votes.

In 1978, I was elected to the Indiana State Senate. In 1980, I was an alternate delegate to the Republican Convention in Detroit, Michigan. In 1982, I did not run for re-

election to the Indiana State Senate. In 1984, Ann Murphy and I were married. We now have four adult children and two grandchildren.

In 1986, President Ronald Reagan nominated me to fill a vacancy on the federal Seventh Circuit Court of Appeals. As discussed in some detail above, I survived two tie votes in the Senate to be confirmed.

At this point, I want to re-emphasize how important Senator Dan Quayle was in my eventual approval by the Senate. As one Senator told me after my confirmation, the only reason he voted for me was because of the persuasive appeal from Dan Quayle. That Senator told me that two or three other Senators voted for me because of Senator Quayle's persistence. But for Dan Quayle, there would be no Judge Manion.

While my oral history is long and detailed, I also want to emphasize (for anyone who gets around to reading it) the contributions of a couple of other people. From the day I started on the bench, Collins Fitzpatrick was Circuit Executive and he has served in that position ever since. If there is ever a person who I would describe as indispensable, Collins Fitzpatrick meets that description! Of course, it has been an honor for me to serve with so many other judges. When I consider all of the talented people who have served and are serving on this Court, I sometimes think of the quote that the long-serving Supreme Court Justice Blackmun made: "What am I doing here?" Without being humble, I can honestly say that I occasionally have the same question, but I'm not apologizing for being here.

There are two other people who, from my point of view, deserve separate recognition. Judge Bill Bauer just celebrated his ninety-fourth birthday. He is the model

who represents with very high standards, both the present and the past on this Court. Another Judge who stands out in a class by himself is Joel Flaum. He personifies what every judge on the court would want to emulate. Judge Flaum is the confidante for many people who have a complaint or a problem or are simply seeking advice. He is humble and deferential and yet he commands the respect and admiration of almost anyone who is familiar with our Court.

As a final note about my oral history, I will never understand why Barry Goldwater was so elusive when it came time for my confirmation vote. As noted above, three weeks prior to the vote, Goldwater wrote a letter to my mother where he was very critical about the people who were opposing me and stated how strong he was in my favor. He went so far to say how much he respected my family and the fact that he had known me since I was a “boy.” However, on the day of the vote, he was nowhere to be found. He later wrote to a constituent (who probably complained about his absence) and said he did not know the vote was going to be that day and he had prior travel plans to resolve a problem that needed immediate resolution. Nevertheless, he showed up about fifteen minutes after the conclusion of the vote to reconsider, but that is beside the point. As explained above, Dan Quayle persuaded Senator Nancy Kassebaum to pair with Goldwater in his absence, which caused the tie vote, which shocked Senator Biden, who probably knew that Goldwater was in “hiding.” This resulted in Senator Byrd jumping in and switching his vote to avoid Vice President Bush voting for me to break the tie in the first vote. Then a month later, Goldwater checked himself into the hospital with some sort of a digestive problem, causing Chief of

Staff Jim Baker to travel to the hospital and persuade Goldwater to contact Senator DiConcini, who was willing to pair if Goldwater personally called him. Thus, Senators Goldwater and DiConcini were the only two Senators absent, resulting in the 49-49 tie that Vice President Bush broke in my favor. Actually, his vote wasn't needed because on a Motion to Reconsider, the tie goes to the dealer, so to speak.

Not too long ago, one of the newer judges on our Court told me that he would rather have this job than any other and so would 90% of anyone else with a law degree! Frankly, that wasn't the way I looked at it when I was first contacted, but now I realize this is the best job an attorney can have, and that is why so many of us have continued to serve even after reaching senior status. The future is now. We will see what happens!