



Kansas 1972

EPISODE 6 – Decision 1972

SERIES INTRO

Tracy Quillin:

This series was made possible by the Friends of Humanities Kansas.

Kara Heitz:

Welcome to *Kansas 1972*. A lot happened during that pivotal year, including the founding of Humanities Kansas. In celebration of our 50th anniversary, we'll be telling stories from that era of Kansas history. So tune in, chill out, and get the lowdown on Kansas 1972.

EPISODE INTRODUCTION

CBS Evening News – November 7, 1972

[Include opening music]

From the election headquarters in New York. This is the CBS Evening News ...

Good evening. This was a day that comes every four years when the people of the United States choose one man to wield the greatest power given to any world leader. And it appears at this hour that they turned out in record numbers to choose today, the next president of the United States. ...

Kara Heitz:

1972 was a presidential election year pitting incumbent Republican President Richard Nixon against Democratic challenger George McGovern. In a landslide victory, Nixon won 49 states and received over 60% of the popular vote. Less than two years after his re-election, Nixon would be brought down by the Watergate scandal. But in 1972, he was a popular president, seen by many as a figure of stability and order in a time of significant social change and perceived disorder.

Also, he had a super catchy campaign commercial.

***Nixon Now* campaign commercial, 08-11-1972**

"Nixon Now, Nixon Now, More than ever Nixon Now, Nixon Now, Nixon Now, More than ever Nixon Now ..."

Kara Heitz:

Ever since I heard that song, it's gotten stuck in my head. Now it can be stuck in yours too! You're welcome.

1972 was also a pivotal year in Kansas politics. Unsurprisingly, Nixon carried all 105 counties in Kansas. Kansas senator James Pearson, a popular moderate Republican, easily won re-election. And in four of the five elections for Kansas seats in the US House of Representatives, Republican candidates were victorious.

From our modern eyes, this seems pretty normal for the state. Perhaps even familiar. But ... things were a bit more complicated at the state and local level in 1972.

In this episode, we'll look at the notable party diversity in successful statewide candidates in 1972.

We'll hear about the historical rise and decline of the Democratic Party in Hays and Ellis County.

Randy Gonzales:

"I always call Ellis County the Blue Island in a sea of red"

"The arrival of the Volga Germans changed the character of the community."

Kara Heitz:

And the Ellis County politician who was behind a series of successful statewide campaigns in the 1960s and 1970s

Hays Attorney Norbert Dreiling, who was Docking's campaign manager and displayed a style the Republicans would come to dread for a decade.

Kara Heitz:

We'll also learn about Kansas's most controversial Attorney General, Vern Miller.

Vern Miller:

"I said we're not going to have any more slot machines in Kansas, and we're going to start enforcing liquor laws tighter. Be no gambling at the track anymore."

Kara Heitz:

Why, even as a Democrat, he garnered so much voter support in the 1970s

Jonathan Hagel:

He also was someone who understood that Kansas voters wanted to see the law strictly enforced and that people violating the law that sense that they were no longer respecting authority...

Kara Heitz:

And beyond the antics, he is often remembered for, his deeper impact on Kansas.

John Frieden:

That's why people that say his legacy is just jumping out of trucks and they're missing him.

SEGMENT 1 – NORBERT DREILING

Robert Docking 1972 TV Ad #1 Kansas Governor

...Today, and every time it's for the benefit of Kansans, whether it be signing his property tax lead, wielding the veto pen to protect Kansans or researching his tax breaker law, Governor Robert Docking's desk looks like this. It's something to think about.

Docking the man who knows Kansas. Kansans knows.

Kara Heitz:

In 1972, Kansans re-elected Governor Robert Docking for an unprecedented 4th term. (Side note – Kansas gubernatorial terms used to be only 2 years. Docking would be the last governor elected under that system.) But what's even more surprising than the number of times he was elected is the fact that Docking was a Democrat. This is in a state that has only voted for a Democrat for president 5 times out of the 31 presidential elections between 1900-2020.

But while the state may reliably vote Republican in most national elections, statewide elections are a whole different story. Since Robert Docking left office in 1975, there have been 10 more governors of Kansas, and half of them have been Democrats. There's actually more political diversity here than is often recognized by those outside of the state. Perhaps Kansas voters just don't like one party to hold the top state office for too long!

Kara Heitz:

In this story, we're looking at one specific county and one specific individual in that county, who was an important player in Kansas politics in the 1950s-1970s. He was Robert Docking's gubernatorial campaign manager in 1972, as well as 1966, 68, and 70. And he was the chairman of the Democratic Party in a county that we don't really think of as dominated by Democrats today. But that was not always the case.

Randy Gonzales:

I always call Ellis County the, the Blue Island in a sea of red because I mean, everywhere is a strongly Republican state. And, and then there's Ellis County.

Kara Heitz:

That's Randy Gonzales. He was a newspaper reporter for almost three decades, and after a long journalism career, received his master's degree in history from Fort Hays State University. Gonzales wrote his master's thesis on Norbert Dreiling, chair of the Ellis County Democratic Party and Kansas Democratic political mastermind for decades.

But before we talk specifically about Norbert Dreiling and the election of 1972, I want to take a step back and ask – why was the Democratic Party dominant in Ellis County for so long? It actually has to do with the history of immigration into the region.

Randy Gonzales:

So it goes back to the original settlement. Hays became a city in 1876, and Volga German immigrants from Russia started coming over in 1875 and settling in the Hays area, or small towns surrounding Hays.

Kara Heitz:

In the 1760s, Catherine the Great of Russia began inviting ethnic Germans to settle in parts of the Russian Empire around the Volga River. They were allowed to keep their language, culture, traditions, and religious practices while providing the Russian state with valuable agricultural labor. By the 1870s, the Russian government's policies had changed, and Volga Germans were increasingly subject to assimilation. So many of them migrated to the Americas, including U.S. midwestern states such as Kansas.

The story of the Kansas Volga German community was told on the radio program "The Kansas Immigrants", a series partly funded by the Kansas Committee for the Humanities in the early 1980s.

KANU, *The Kansas Immigrants series, Episode 9*

When the Catholic settlers arrived on the Kansas Pacific land in Ellis and Rush counties in 1876, there were few places worthy of man, let alone God. The homestead laws required them to live on the land so they built sod house dugouts. But soon they began constructing substantial houses of brick and plaster or stone. And they began building churches....

By the end of 1876, more than 1,200 Catholic Volga Germans had settled in Ellis and Rush counties.

The arrival of the Volga Germans changed the character of the community. They soon outnumber the British settlers.

Randy Gonzales

...they spoke little or no English, and they were in conflict with the people that are already here. They were British Englishers as they were called. And the Englishers discriminated against these immigrants who, like I said, couldn't speak English. And so there is no room for them in the Republican Party because the Englishers were there. So, they gravitated to the Democratic Party. And through the years, they became stronger and stronger. You know, had children and children, had children and they all became Democrats...

Kara Heitz:

This local story in Ellis County is one that also played out nationally. A number of Catholic immigrant groups began coming to the US in the late 19th and early 20th centuries, primarily from southern and eastern Europe.

To help understand this larger story, I spoke with Jonathan Hagel, a history professor at the University of Kansas.

Jonathan Hagel:

The thing to start with, with Catholic voters is to recognize that when Catholic voters start coming to the United States in large numbers and in the 19th century, right up through the 19 teens, they are discriminated against. Their position in the United States economically, socially, is below most Protestant Americans, and they know it. And most Protestant Americans are quite content with that hierarchy of religion operating in other areas of life. This was part of the appeal

of New Deal Democrats with the New Deal Democrats spoke to Catholic voters as if they were just Americans, that they were welcome.

Kara Heitz:

The New Deal was a series of programs and policies enacted under President Franklin Delano Roosevelt in the 1930s to fight the Great Depression. It significantly expanded the size and reach of the US federal government. And Catholics were an important faction in this New Deal coalition.

Jonathan Hagel:

In a lot of ways, that New Deal coalition is odd. I mean, all political coalitions are a little odd, but it's odd. It included New Deal liberals who wanted to use the power of the federal government to develop and redistribute the fruits of the American economy. It included the entire South, which was essentially a one-party state. But at the foundation was a collection of working-class voters, many of them union members. A lot of them first and second-generation immigrants and African Americans and a few other groups.

Maybe the most important of which, though, are what we might call of non-Protestant religious minorities, people who were Jewish and who were, of course, Catholic. This is maybe an overlooked group among sort of American, American politics. The long-term success of the New Deal Democratic Party was its ability to create a link with those Americans who felt excluded by America's mainstream religious traditions, including those groups who emigrated to Kansas, like the Volga Germans.

Kara Heitz:

The Volga German community in Ellis County were loyal Democrats through most of the 20th century. And as the chair of the Democratic Party in Ellis County, Norbert Dreiling became one of the most important Democrats in the history of Kansas politics.

So who exactly is Norbert Dreiling?

Randy Gonzales:

Norbert Dreiling was an influential figure in not only Ellis County politics, but state politics. He got his start, he came from a democratic family. His father was a mayor of Hays and was a city clerk. He went to law school at Washburn. Came back to Hays in 1949. He was a precinct man for 25 years. Worked his way up to eventually into the mid-50s. He became the chairman of the sixth congressional district. Back then, there was no Big 1st District. Kansas was divided into six districts and in the Sixth District was northwest Kansas. And so, he was a very powerful figure...

Kara Heitz:

A few years before he became Robert Docking's campaign manager, Dreiling was instrumental in bringing a notable Democrat from the national stage to Kansas, when he arranged a local visit from none other than John F. Kennedy in 1959.

KMUW837 - 10-22-1960 JFK Campaign Speech, part 1 (KPMPP)

GOV. GEORGE DOCKING

Ladies and Gentlemen, I present to you, the man who is destined to become one of our greatest presidents, Senator John Kennedy of Massachusetts.

REPORTER

Senator Kennedy has introduced it, as you can hear, the applause is thunderous.

For 24 long years, Kansas has been faithful to the Republican Party. Now we come and ask for your support, in this election, not only for Kansas, not only for the United States, but for all those who believe that the United States has a great role to fulfill as the great defender of freedom.

You cannot be a citizen of this country

You cannot read the papers, you cannot listen to the discussion of the issues on television and radio

Without knowing the truth of what I say...

Kara Heitz:

Okay I have to admit, there is some historical fudging here. That clip is actually from a second visit by JFK to Kansas, almost a year later in October 1960. Hey, at least I am honest, right?

During his November 1959 trip to Kansas, Kennedy visited five cities in two days. He began in Kansas City, where he made a stop in Independence to see President Truman. Then he moved on to Wichita, Dodge City, and Salina.

Kennedy then moved on to his final stop in Kansas – the city of Hays in Ellis County. A region full of loyal Democrats who were eager to see a fellow Catholic as President of the United States.

So, even though Kennedy did win the presidency in 1960, he did not win Kansas. Nixon carried the state. But JFK did win Ellis county, only one of two counties he won in Kansas, the other being Wyandotte.

Randy Gonzales:

And Norbert wrote a letter to the Kennedy people before the election actually wrote two letters, both letters, he said, "You guys need to campaign harder. We can win this thing in Kansas." He's ever the optimist. And but in one of the letters, he said he is going to carry Ellis County with two thirds of the vote, two to one margin. He says I predicted; we're going to do it. And the final vote tally Kennedy won in Ellis County was 65 percent of the vote.

And the Democratic voter registration increased by 1000 in that election in Ellis County. And the turnout at the polls was up 11 percent from six from 1956. So, Kennedy did have an effect locally on the enthusiasm effect. It just didn't happen throughout the state.

Kara Heitz:

But Dreiling's big successes for Democrats in Kansas came in 1960s and 1970s, when the party became viable in statewide elections, most notably with the tenure of Robert Docking as Governor from 1966 to 1974. Dreiling was both Docking's campaign chair and the head of the state Democratic party during that time. And Docking's first victory in 1966 was kind of unprecedented, since he defeated an incumbent Republican governor, which had never happened in Kansas before.

Docking: An Odyssey, 1974 documentary

... Republican Governor William H. Avery had recommended to the Kansas legislature an increase in the state sales tax, a modest increase. The legislature had given him a major increase. The state had almost more money than it knew what to do with, and people weren't happy. Neither was Robert Docking...

Kara Heitz:

Starting with the 1966 election, Dreiling helped define Docking as the candidate of lower taxes. And Docking would run in every Gubernatorial election after that as the candidate of fiscal responsibility, an image normally associated with Republican candidates.

Docking An Odyssey, 1974 documentary

... And there came upon the Kansas political scene, another name that would become synonymous with Docking. Hays Attorney Norbert Dreiling, who was Docking's campaign manager and displayed a style the Republicans would come to dread for a decade...

Kara Heitz:

By Docking's final campaign in 1972, Dreiling's reputation as a political strategist was firmly cemented.

VO: Parsons Sun, 10-17-1972, "Dreiling: Angry Cat to GOP"

"Associated Press, Topeka, Kansas, October 17th, 1972.

Norbert Dreiling usually appears to Kansas Republicans as if he should have a yellow canary feather sticking out of the corner of his mouth. The balding Hays attorney, who doubles as Kansas Democratic Party chairman and campaign manager for Governor Robert Docking, has a sly wit and an oftentimes biting sarcasm which the GOP has come to hate. Privately, some state Republicans admit respect for Dreiling because of how he's helped pull the Democratic party up from its once overwhelming minority status in Kansas. Some even go so far as to concede they wish they had somebody like him – to answer him.

Dreiling admits he'd probably be no good as a candidate for public office – because of what makes him so effective at what's he's doing, his short temper and pithy language when it comes to searing an opponent."

Randy Gonzales

And Norbert was sharp with the wit. He had a very quick mind, and the Republicans were on the receiving end of it, and there was numerous quotes of him just lambasting the Republican opponents in the press.

Kara Heitz:

Docking's opponent in 1972 was Republican Morris Kay. And one of the most effective examples of Dreiling "searing an opponent" is related to a Morris Kay political commercial.

In the spot, we see Kay, walking down a sunny street, wearing a suit, but with a loosened tie and jacket dangling casually over his shoulder. I guess he's trying to say "I'm serious but also relatable" (Maybe the 1972 version of casual Friday?)

Morris Kay 1972 KS Governor GOP Primary TV Ad 1

Morris Kay, Republican for governor. Morris Kay. A strong leader to bring us together. Energetic, able. Morris Kay, trustworthy, honest and persuasive ...

[Lower ad audio]

Kara Heitz:

And about halfway through the spot, Kay looks up into the bright Kansas sky, a contemplative look on his face.

Kay 1972 Audio: ... Now there's excitement in the Republican race for governor because we have a winner. Vote Morris Kay for governor. Tuesday, August 1st.

Kara Heitz:

At a press conference, Dreiling commented about the ad: "I don't know about anybody else, but as a Kansan, I know the last thing you want to do walking across a pasture is look at the sky." The reporters all laughed and repeated the comment. So whenever Kay's ad would run, and he'd look up at the sky, people ... voters ... would start chuckling. Dreiling thought it was probably one of the reasons Kay lost.

But Dreiling's success wasn't just based on verbal quips. 1972 is really one of the highpoints for the Democratic Party in KS, and part of that was Dreiling's ability to sell more conservative Democratic candidates like Docking to both Republicans and Democrats in Kansas. But this was also at a time when both parties just had bigger tents.

Again, Jonathan Hagel.

Jonathan Hagel

The political parties in the middle of the 20th century, right up to the 1970s, are ideologically diverse. Both parties have conservatives and then more liberal factions. And part of the trick of being a good politician in this era is getting enough of both the liberals and conservatives into your camp. So, a party Democrat, Republican, oftentimes mattered a bit less than whether or not you could appeal to conservative values or, on the flip side, liberal values.

Kara Heitz:

For example, Docking's campaign handed out Nixon/Docking bumper stickers in 1972. Could you imagine seeing something like that today?

But there's a lot of turmoil going on in American society by the 1970s, that will play a part in the weakening of this ideological diversity in political parties. And that also means the decline of the Democratic Party in previous strongholds like Ellis County.

Jonathan Hagel

And I think we have to start here with the Vietnam War. By the early 1970s, the Democrats were both the party responsible for the war and the party of anti-war protesters. This is a pretty tough spot to be in. The only thing Americans liked less than the Vietnam War, by the early 1970s, were antiwar protesters, and the Democratic Party was somehow responsible for both those sides.

Beyond the war, the great social transformations the 1960s were really coming home to Americans in the 1970s. To many Americans who strongly identified with traditional religious values and traditional gender roles... These changes often seemed very disconcerting.

Add to these social transformations, a growing awareness of rising crime and the coming economic turbulence. And you can see why many Americans came to think and feel that the political system was failing.

As a result of all these changes, as a result of the sense that the American political system was in trouble, American voters really became up for grabs in the 1970s, open to considering political options that they wouldn't have really considered strongly before.

Kara Heitz:

So, these changes are making local Democrat candidates less appealing in more conservative states like Kansas, especially to many Catholic voters, who were in a very different position than they had been earlier in the 20th century.

Jonathan Hagel

By the 1970s, American Catholics were about as American as apple pie, right? They had been in the country now for decades longer. They were more affluent. They were more secure. That connection with the Democratic Party as the party that accepted them just didn't mean so much. They were in a much more stable, secure position. That, in some sense, gave Catholic voters more freedom to vote for other kinds of concerns that they had moral concerns, social concerns.

Kara Heitz:

And it's exactly the politics of these social and moral issues that begin to shift Catholics into the Republican party in the 1970s.

By the 1980s, this New Deal coalition that supported the Democratic Party for much of the middle of the 20th century has broken down. And a good chunk of that is the loss of Catholic voters. And this national story plays out in Ellis County.

By the 1990s, Ellis County is solidly Republican, as is most of the state. But Kansas has continued to elect both Democratic and Republican governors, still showing that streak for political independence in statewide elections. However, never again has the Kansas Democratic Party had a political strategist quite like Norbert Dreiling.

Dreiling retired officially from politics after Docking left office in 1975 and returned to practicing law. But he was still quite influential, with individuals running for local and state elections seeking him out for advice.

Norbert Dreiling passed away in 2005, but a year before his death, US Representative (now Senator) Jerry Moran, Republican from Kansas, and specifically from Dreiling's home district, honored him on the floor of the US House, calling Dreiling "the father of Democratic politics in the State of Kansas." And how "through years of dedicated service" ... he "breathed life into a struggling Democratic party and established a lasting two-party system in our State."

That's quite a tribute.

Kara Heitz:

In our next story, we look at another Kansan who won re-election in 1972, but who was a bit more controversial.

SEGMENT 2 – VERN MILLER**Vern Miller 1972 KS Attorney General TV Ad #1****Vern Miller:**

When I campaigned in 1970, I pledged that if elected, I would be the attorney general in the courts and on the streets. I promised to do something about narcotics pushers and other criminal activities. I believe we have. And if re-elected, we will continue to work hard to equally enforce all our laws.

Announcer:

Drug pushers, the gamblers, the criminals in Kansas, they know the laws are being enforced. Re-Elect Vern Miller. You know where he stands because he does what he says.

Kara Heitz:

When you say the name Vern Miller to Kansans, you get a lot of interesting and varied reactions. Some think of him as a super cop, the ultimate law enforcement officer, and a legendary Kansas lawman (which is the title of his biography). For others, Miller was an overzealous enforcer, a media attention-getter, and even an embarrassment to the state.

As the *Great Bend Tribune* put it in November of 1972: “He has been praised and cursed. He has been loved and hated. But he hasn’t been ignored.”

What almost everyone seems to remember about Vern Miller are his perceived “stunts” – hauling liquor off Amtrak trains, confiscating slot machines from clubs, jumping out of car trunks during drug busts, shutting down bingo nights at churches. It doesn’t matter how much of this is true, exaggerated, or even false. (I should note that there is only one documented case of Miller jumping out of a car trunk during a police operation. And he claims to have never actually raided a single church bingo game.) But there seems to be a kind of Vern Miller folklore in Kansas. He’s like a larger-than-life marshal from the Old West, transported to the 1970s.

Of course, some of you, especially listeners not alive in the 1970s, may be asking “who the heck is Vern Miller?”

The short answer is that Vern Miller was the attorney general of Kansas from 1971-1975. And as attorney general, he aggressively and equally enforced the law of the state, especially ones that had to do with alcohol, drugs, and gambling.

And he was actually quite popular at the time with voters. He won his first attorney general election in 1970, the first Democrat to do so in Kansas in 80 years. And in 1972, he was re-elected as Attorney General, winning all 105 counties in Kansas, as a Democrat. So, what was

so appealing about him? And what does a focus on Vern Miller's antics ... the folklore ... make us miss about his larger legacy?

Vern Miller

I just say, hey, hey, guys, it's the law and we will enforce it. And it don't make any difference whether you like it or agree with it or not. That was my kind of my philosophy there. And that's the way we operated the Attorney General's Office.

Kara Heitz:

That's Vern Miller, being interviewed in 2019 by journalist Matt Long-Middleton. A big shoutout to Matt and also Suzanne Hogan of the KCUR podcast "A People's History of Kansas City." They did an episode on Vern Miller a couple of years ago, and generously let us use audio from their interview with Miller. I'll put a link to the "A People History of Kansas City" episode on Vern Miller on the Humanities Kansas website. It's a great episode and they cover some different territory than we do here, do definitely give it a listen.

But back to our story.

Vern Miller grew up in on a farm in Sedgwick County. After high school, he served in the US military then attended Friends University. In 1949 he was hired by the Sedgwick County Sherriff's office as a Deputy, a job he claims he got mostly because of his ability to ride a motorcycle. In 1958, he became the Sedgwick County Marshall, and in then 1964 he was elected to the first of two terms as Sedgwick County Sherriff.

And during his law enforcement career in Sedgwick County, he developed quite a reputation, for not being afraid to throw some punches (figurately and literally). Especially as Sherriff, he was seen as vigorously enforcing the laws, and also being right on the frontlines with his officers.

I also want to point out in the 1960s, while working fulltime in law enforcement, he also attended law school in the evenings at Oklahoma City University, making an over 300-mile round trip commute to attend class. That is dedication. And probably a lot of sleep deprivation.

So, after working for two decades in law enforcement at the county level, in 1970, Miller was tapped by Kansas Democrat's to run for attorney general. And at first, he was a little reluctant.

Vern Miller:

They come down to my station and asked me to run for attorney general. I go, you know, I don't know nothing about being attorney general and I don't want to be I. I just wanna go ahead and live, so. They talked me into running

Well, at first, I didn't have any hope of winning it because Kansas is a Republican State. The attorney General of Kansas, in Wichita had always been a Republican and they never elected a Democrat, and it wasn't much chance. We did have a Democratic governor, but it didn't look like there was any chance to be elected. I had an awfully good sheriffs term...So I ran for attorney

general then. And they just kind of get back, you know, our politics and darn if I didn't win it, the first time.

Kara Heitz:

Even 50 years later, Vern Miller still seems kind of surprised that he won his first statewide race. Remember, no Democrat had held that office in 80 years. But at that time, Kansas had a popular Democratic governor, Robert Docking.

So, what was so appealing about Vern Miller, to not just Democrats but all kinds of voters? To help me better understand Miller and his law enforcement philosophy, I spoke with John Frieden. Frieden is a Topeka-based attorney who became a lifelong friend of Miller's when he helped him raise money for his statewide campaigns in the 1970s.

John Frieden:

I met Vern Miller back in 1969 when he was just starting to run for attorney general. Not many people back then other than Sedgwick County knew him. And he came to Topeka, and he was having a fundraiser. I was right out of law school – 28 – and they recruited me to go and there was hardly anybody there because nobody thought he had a chance. And I don't know what I thought. Probably thought the same thing, but that's where I met him. And since it was only about two or three people showed up at the fundraiser, I had an opportunity to talk to him and liked him.

He was candid. He came across honest. He came across that he cared about you. That type of a thing. And I'd been around a few politicians, not much. But that seemed to me to be a little unusual. And.. I liked it.

Kara Heitz:

Enough other Kansans liked Miller's candid personality and also his law-and-order reputation to elect him to the office of Attorney General in 1970.

One of Miller's main campaign promises was to "land in Lawrence with both feet" to "root out the drug pushers". And he most certainly held to this promise, which would lead to one of his more controversial acts.

1971-02-26 NBC_456190 Vanderbilt (Miller KU drug raid)

... At 3:00 this morning, the attorney general of Kansas, Vern Miller, and 150 law officers rolled off a series of raids in Lawrence where the University of Kansas is located, In 3 hours, they arrested 28 young people, five of them women, all between 16 and 24.

They were charged with selling or possessing LSD, cocaine, hashish, and marijuana.

... 11 of the young people were students, some of them arrested in a university dormitory, but most were non-students who lived near the school. Miller said this raid was not the last and his men will be going into other Kansas towns as well. ...

Kara Heitz:

And it was definitely not the last. Cracking down on illegal narcotics would be a cornerstone of Miller's tenure as attorney general of Kansas.

But his methods were not without controversy.

Garden City Telegram, 03-03-1971, "Miller's Leap into Lawrence Ignites Controversy"

"Associated Press, Topeka Kansas, March 3rd, 1971.

Miller has been criticized by some for alleged 'Gestapo' tactics in conducting the raid.

E. Laurence Chalmers, university chancellor, suggested Miller had violated protocol in coming onto the KU campus unannounced.

Nearly a week after the raids, Miller stands rigidly behind his guns, pointing out there have been no complaints of brutality, the raids netted 30 persons charged with drug violations, and indications are public opinion is overwhelmingly behind him."

1971-02-26 CBS_215138 Vanderbilt (Miller KU drug raid)**Vern Miller**

To be honest with you, I owe an obligation, I think, to the people that elected me on the law and on the law and order standing, that this is part of the obligation to work and to, to do my job. You know, I continue to do so.

Reporter Pappas

The Kansas campus, long the center of turmoil, remained calm through it all. It was felt, however, that for the time being, drugs would be taboo.

Kara Heitz:

While KU Chancellor Chalmers and many university students were certainly not happy with the raid, one prominent Kansan pushed against Chalmer's criticism.

Here's John Freiden.

John Frieden

Alf Landon. One of the biggest and best Republicans in states ever had endorsed him. And. It was right after he had been criticized by the chancellor of Kansas University. And Landon said, I don't understand that. The man was elected to do his job and he's doing it. I haven't voted for a Democrat for attorney general in my lifetime, but I'm going to vote for Vern Miller.

Kara Heitz:

What brought Vern Miller and Kansas national media attention, though, was his thorough enforcement of Kansas' strict liquor laws.

Kansas had statewide prohibition longer than any other state, from 1881 to 1948. Beginning in 1948, complete prohibition was lifted, and essentially you could consume alcohol at home but

not buy and consume alcohol on public premises like a restaurant or bar. In the 1960s, a law was passed that allowed liquor by the drink to be sold in private clubs, which led many places charging a "membership fee" to consume alcohol in their establishment. And, of course, individual counties could impose stricter laws. In fact, Kansas still has three dry counties today.

But back in 1972, Vern Miller targeted one public place where liquor by the drink was openly being sold on Kansas soil.

1972-07-19 NBC_465160 Vanderbilt (Alcohol on Amtrak)

... There'll be no more liquor sales for now anyway on Amtrak trains running through Kansas and Oklahoma. It's against the law in those states. And yesterday, local law man stopped two trains, arrested five people and confiscated liquor. ...

Vern Miller:

Well, the Amtrak train ran through Kansas, of course, and it carried ah there was always liquor. You can buy a drink. So, I was asked one day at a meeting, you know, what about you shut down liquor in a lot of these places. What about Amtrak? Is that too big for you? And I said, I don't think so. So I wrote the people in charge of Amtrak. ...and a lawyer wrote me back said, you're wrong, we're going to go ahead and sell. We think we've got the right to sell a whiskey in Kansas.

So, I decided well there's only one way to test it and that's getting into court. ...

Kara Heitz:

Not being able to turn down a challenge, one evening in July of 1972, Miller assigned undercover agents from the Kansas Bureau of Investigation to board an Amtrak train in Kansas City. On its ways through Kansas, the train would make an evening pit stop in Newton.

Vern Miller tells the story of what happened next.

Vern Miller:

I said you guys ride this train to Kansas. If you buy liquor in Kansas, keep track of where the train is, where the liquor car is and who sells the liquor. Fine. They do that. So, they come in Newton, Kansas, and they come out of the train I saw and they said, "General, they're drinking and their drinking and half-drunk all through the train," he says.

So, I took my 10 men and went to the car and we started carrying whiskey off of it. You know, by a case.

So, while we're carrying the whiskey off the conductor comes back and he's really mad, and in a few minutes, he says, Get off this train right now. He says what are you doing? And I said, We're taking your whiskey.

Kara Heitz:

The conductor was charged with operating an open saloon and a bartender and waiter on the train were charged with selling alcohol. The train had to wait in Newton all night until a new conductor could be flown in.

Vern Miller:

I think eventually they just fined him a little bit, you know, 10 bucks or so, but it was all a part of the thing. You know, it was against the law. They had no right to sell whiskey there when they couldn't sell it in clubs.

Kara Heitz:

The incident made national news and garnered a lot of media attention. Some people in Kansas thought it made the state look a bit backwards, and others criticized Miller for being interested in the media attention and not actually doing his job.

Robert Hoffman 1972 KS Attorney General TV Ad #1 Hoffman

It's difficult when the attorney general has spent so much time acting state policeman before the cameras, the past two years, for me to convince you that many of the primary responsibilities of the Attorney General's office have been ignored. They have. Consumer fraud. Legal services for state and local government. These areas affect you directly. Yet for two years, grandstanding has blocked your view of this neglect. Two years is two too many.

Announcer

Vote for Robert Hoffman, for attorney general.

Kara Heitz:

Robert Hoffman was the Republican candidate for Attorney General in 1972 running against Vern Miller. Of course, Miller ended up winning that re-election by a landslide. So, lots of voters obviously didn't mind his methods.

Wichita Eagle, 03-05-1973, "Kansas Law Enforcer," Letter to the Editor

"The Wichita Eagle, March 5th, 1973, Letter to the editor from K.R., Liberal, Kansas.

... The people of Kansas ought to get down on their knees and thank God for Vern Miller and the things he has done for Kansas and the many things he will do in the future.

Who cares in Kansas is a laughingstock? We might be leading the way for other states to get going and to get some guts."

Kara Heitz:

In 1973, Miller extended this idea that no one, or no entity, is above the law to airlines flying through Kansas airspace.

Vern Miller:

Now, after that, after our first raid there, I got a call from the lawyers in the airlines and they said, ah general what are you going to do about the airplanes? I said, Well, fellows, I believe you're under the same law and maybe you're subject to it. So, if you stop, I won't be raiding a plane. Should they said, well we'll stop to they stopped serving liquor or Kansas over a couple of years.

1973-02-20 NBC_468801 Vanderbilt (Alcohol over Kansas Skies)

...Then the state turned its attention to airliners flying through the clear, cool skies of Kansas and said the airlines couldn't serve drinks. And today, we can report that all the airlines serving Kansas have agreed no booze over Kansas. The decision has been taken by Frontier, Continental, TWA and Braniff. Kansas skies are cool, clear and dry.

Kara Heitz:

It was not until 1986 that Kansans would approve a state Constitutional amendment allowing the sale of liquor by the drink in public establishments. And some claim it was Vern Miller's actions that helped convince many Kansans eventually to support changing that law. But this is not the only lasting legacy of Miller's tenure as Attorney General.

John Frieden describes the highly qualified and professional legal team Miller put together in the Attorney General office.

John Frieden

But we hired outstanding lawyers. Some of the best lawyers in the state of Kansas. And when we finished, he had a great, great office. Because law enforcement he is the chief law enforcement officer of Kansas. But as you know, his responsibilities of writing opinions, representing the state in court ... his job is far more than arresting people and drugs and criminals and that.

Kara Heitz:

What didn't get the kind of media attention as Amtrak raids and college drug busts were just the regular parts of the job of being the top law enforcement official in the state. During Miller's four-year tenure as Attorney General, his office weighed in on all kinds of legal issues - anti-trust cases, the use of the death penalty, campaign spending violations. He declared it unconstitutional for counties to purge poll lists after an election (which is removing the names of people who don't vote from voter rolls). That's actually a pretty progressive stance. But none of this is part of the Vern Miller folklore.

And something else that certainly should be a part of Vern Miller's legacy was his strident position against corruption.

John Frieden

One day I had I was raising money for him as at that second run. And I knew that in Kansas, kickbacks were pretty much the name of the game for vendors.

Kara Heitz:

This was something not real uncommon at the time. If you were a company wanting to negotiate a contract with a state government, you would sometimes pay a kickback of typically around 10% that would benefit state government officials.

John Frieden recounts how Vern Miller learned of this custom in a meeting with some potential vendors. And as you can imagine, his reaction was not very favorable.

John Frieden

... and toward the end of the meeting, one person popped up and said, "Hey, Vern, if, if you will do this, you won't have to worry about your 10%." And I looked at Vern and thought, oh, my goodness, what's going to happen?

And he got up and he said, "You know, I'm not exactly sure I understand what you just said, but let me make it clear. You will bid like everybody else. And whoever is turns in the best bid, and maybe the lowest price, is going to get it." And he left.

Now, I was sitting at a table with a bunch of vendors that were about ready to kill me. And but I, I could never have been prouder of anybody. Because that set the stage for that office. I had telephone calls for days after that. The word just spread like wildfire. Is that really true? I mean, it is. Did he mean that? Yeah. Yeah, he really did mean it.

But no longer were there any kickbacks that stopped at that meeting at the Topeka Club at the top of Merchants Bank. The practice of kickbacks stopped. That's the Vern Miller I knew.

Vern Miller:

First, I hope that there's no one that thinks I wasn't honest. There was no, there was no payoffs there, ah nobody ran. It was a cut and dried thing. The law was there, and the law was to be enforced.

Kara Heitz:

This anti-corruption stance really fits together with all of his supposed "stunts". Enforce the laws (whether they are about drugs, liquor, gambling, accepting bribes, really all laws), as they are written on the books, impartially and equally.

John Frieden

It wasn't that he was against liquor. It was against he was against people violating the law. And whether it be liquor or whether it be kickbacks or whatever it was. You don't get by with that because in his opinion, that was the foundation of a democracy. If you can't trust your elected officials to abide by the law and if, if violating the law is rampant, it's a direct threat to democracy. And that's what he believed. And he was right.

Kara Heitz:

Although I do kind of think Miller also enjoyed the dramatics a bit. But that's okay.

Vern Miller ran for governor in 1974. He lost to Republican Bob Bennett by less than 4,000 votes. People liked him as Attorney General with his positions on law and order, but he was not as good at talking about broader issues beyond that, like taxes or education. Still, he was really close to winning governor. Those that knew him, though, say it really didn't bother him too much that he lost. Perhaps his heart just was not into being governor. He returned to Wichita, serving as the Sedgwick County prosecuting attorney from 1976-1980, and then for years afterward had a private law practice.

Vern Miller died in 2021 and in honor of the former attorney general, Kansas Governor Laura Kelly ordered flags be flown at half-staff and issued the following statement: “As Attorney General, District Attorney, Sheriff, or Marshal, Vern Miller was one of Kansas’ great law enforcement officers. His commitment to enforcing the law fairly and standing up for all Kansans defined law enforcement like few before or after. I know that Vern’s legacy will live on through his impact and service to our state.”

John Frieden:

People that say his legacy is just jumping out of trucks and they're missing. They're missing him. If and that's why I say if he were back now, I mean, his philosophy of force kind going to change a little bit, but his honesty and his integrity would be there. And people understand that.

Kara Heitz:

So, while I really do love Vern Miller folklore, the larger-than-life character, I also don't want the stories to make us lose sight of the person. While some aspects of his methods would probably not stand up to modern scrutiny, parts of his legacy may be even more important today - fairness, equality, and truly believing the rule of law was foundational to a democracy.

EPISODE CONCLUSION

The First Civil Right, Nixon political ad, 1968

[Dissonant music]

...It is time for an honest look at law and order in the United States. Let us recognize that the first civil right of every American is to be free from domestic violence. So, I pledge to you, we shall have order in the United States.”

Kara Heitz:

The 1970s are uncertain times for many Americans. The social changes of the 1960s created a sense of unease, and even of things coming apart at the seams for some. So, you can understand why many people sought out political candidates who promised stability and order. And in the 1970's these candidates could be republicans or democrats, as we saw in the 1972 election in Kansas.

Also, throughout this tumultuous period, the Kansas Committee for the Humanities (now Humanities Kansas) supported programming that fostered discussions across divides and tried to help Kansans grapple with the difficult issues of the day.

As the 1970s moved on though, new political divides emerged, old ones sharpened, and these continue to define Kansas and American politics in the present. So, at another pretty crazy time in our history, today's stories remind me of that founding ideal of the National Endowment for the Humanities and state humanities organizations, like Humanities Kansas that we talked about in episode one – “democracy demands wisdom and vision from its citizens”.

SERIES OUTRO

Kara Heitz:

Catch you on the flip side!

Tracy Quillin:

Humanities Kansas is an independent nonprofit leading a movement of ideas to strengthen Kansas communities and our democracy. Since 1972, HK's pioneering programs, grants, and partnerships have documented and shared stories to spark conversations and generate insights. Together with statewide partners and supporters, HK inspires all Kansans to draw on history, literature, and culture to enrich their lives and to serve the communities and state we all proudly call home. Join the movement of ideas at humanitieskansas.org.