

ONE

A NEW PARTY

In mid-November 1960, a group of Republican Wall Street lawyers met over lunch in a Manhattan restaurant.¹ A discussion of how to respond to the recently completed presidential campaign and election topped the group's agenda. These Republicans blamed the defeat of their party's presidential candidate—Vice President Richard Nixon—on lack of support from the New York GOP and Governor Nelson Rockefeller. Additionally, they saw this act of disloyalty not as an isolated episode, but as part of the state Republican Party's long-term pattern of sabotaging alternatives to its liberal policies and candidates. Over lunch, the men debated potential ways to promote conservatism within the state. Kieran O'Doherty proposed the most radical plan—the formation of a new party, a state conservative party. O'Doherty had already discussed the idea with his brother-in-law, J. Daniel Mahoney. The two men arrived at the lunch convinced conservatives needed to create an independent party, but unsure how to proceed.

Although only Mahoney and O'Doherty supported the creation of a third party, all participants in this political discussion agreed that the liberalism of the New York GOP made life unbearable for state conservatives. While their displeasure was directed at Nelson Rockefeller, it predated the current governor. For decades, New York conservatives had bristled at the state GOP's views and methods. Prior to Rockefeller, conservatives opposed Republican Governor Thomas Dewey and his modern republicanism approach to governing. Dewey considered this approach modern because it accepted the expanded domestic role of government brought about by Franklin Roosevelt and the New Deal in the 1930s, and Republican because it stringently scrutinized government programs to protect the rights of individual citizens, a traditional goal of the GOP. Conservatives mocked Dewey for adopting so much of Democratic agenda that his modern republicanism was actually “me too republicanism.”

Paralleling this conflict over the role of government was a divergence over the proper ideological character of the major parties. In contrast with most conservatives, Dewey and other liberal Republicans defended the two national parties being composed of broad ideological coalitions. In a series of lectures at Princeton University on the American political system, the governor warned his audience of the “impractical theorists” who “want to drive all moderates and liberals out of the Republican party and then have the remainder join forces with the conservative groups of the South.”² Dewey conceded that the result would be tidier, but warned it would also doom the Republicans in every election. “It may be a perfect theory,” the governor concluded, “but it would result in a one-party system and finally totalitarian government. As you may suspect, I am against it.”³

State conservatives also objected to the way liberal Republicans achieved their political goals, believing they relied on undemocratic means. They charged that the GOP abused New York State’s system for selecting statewide candidates through party conventions to ignore the wishes of conservative Republicans. In the general election, conservative Republicans were left with the unattractive alternatives of supporting a liberal Republican candidate, defecting to a usually more liberal Democratic nominee, or sitting out the election.

The ability of liberal GOP leaders to deliver statewide nominations to the candidate of their choice sparked an earlier attempt to create a conservative party. In 1956, some New York conservatives wanted to draft General Douglas MacArthur, now a New Yorker residing at the Waldorf-Astoria Hotel, to run as the GOP nominee for the state’s open senate seat. Without the general’s consent, the Committee of Patriots, a small conservative group run by Eli Zrake in New York City, directed this effort. Zrake ran his own public relations outfit in Brooklyn and participated in numerous conservative campaigns, including Robert Taft’s 1952 race. The Committee of Patriots collected forty thousand petition signatures to nominate the still silent MacArthur, and presented its petition at the 1956 state GOP convention in Albany in early September.⁴ The state committee, ignoring the petition, voted unanimously to nominate liberal New York City congressman Jacob Javits. Eli Zrake responded with a write-in effort for MacArthur in the general election that proved no more effective than the petition campaign. New Yorkers barely noticed Zrake’s efforts for MacArthur as they elected Jacob Javits, a former Liberal Party nominee and proponent of modern republicanism, to the U.S. Senate. Zrake, denied an effective way to promote a conservative candidate within the GOP, began preparations to form a third party the following year. He soon suffered a fatal heart attack, and the effort to create a conservative party withered. The impetus for this conflict, however, the ability of GOP leaders to ignore conservatives when choosing statewide candidates, remained.

While conservatives' frustration with the state GOP predated Nelson Rockefeller, his emergence on the state's political scene intensified their dissatisfaction. In 1958, state GOP Chairman L. Judson Morhouse persuaded Rockefeller, who had served as an appointee in several presidential administrations but had never run for elective office, to enter the race for the Republican gubernatorial nomination. Morhouse considered Rockefeller a formidable candidate, in part because his support for New Deal programs, actively interventionist foreign policy positions, and exuberant personality meant he could win traditionally Democratic votes in New York City. Thomas Dewey had used this electoral strategy to win the governorship three times. More recently, Jacob Javits had adopted the same approach to win his senate seat in 1956. In 1958, however, conservative Republicans hoped to nominate one of their own, state senator Walter Mahoney. *National Review* endorsed Mahoney's candidacy, explaining that while the magazine had nothing against Nelson Rockefeller, he was simply not a Republican.⁵ Mahoney's candidacy proved resistible to the state GOP convention, however, which nominated Rockefeller with little controversy. Rockefeller then handily defeated the Democratic incumbent, Governor Averell Harriman, in the fall election.

Rockefeller quickly became the governor conservatives had feared. An advocate of activist state government, he built new housing, authorized new roads, and revamped the state university system. To pay for these initiatives, he and a compliant state legislature raised taxes and instituted a state sales tax and a payroll withholding system. Rockefeller also quickly emerged as a power within Republican circles. He took control of the state party, replacing the existing Republican state committee with new members loyal to him. Jud Morhouse retained his job as chairman of the state GOP because of his support for Rockefeller. On the national level, Rockefeller appointed George Hinman to the Republican National Committee. Hinman, a personal friend, served as Rockefeller's go-between with the national GOP through the 1970s. Finally, Rockefeller used his great wealth to enhance his political power. The governor not only financed his own campaigns, he, along with his family, bankrolled the state GOP. This financial support encouraged loyalty from all but his bitterest enemies within the party.

As much as New York conservatives objected to these actions, they were even more troubled by Nelson Rockefeller's presidential ambitions. In his first year as governor, Nelson Rockefeller conducted a one-million-dollar publicity campaign to raise his national visibility and begin his campaign to win the presidency in 1960.⁶ The governor also mobilized the state GOP in this campaign. Long Island Republican congressman Stuyvesant Wainright prepared to enter Rockefeller's name in the 1960 New Hampshire primary, and organized a movement to draft him. Chairman Morhouse traveled throughout the state and across the country to garner endorsements for the

governor. Senator Jacob Javits announced that the governor was a better choice for the nomination than front-runner Vice President Richard Nixon.⁷ All this effort was short-circuited, however, when, in a surprise announcement in December 1959, Rockefeller withdrew from the presidential race. The governor cited a desire to avoid an internal struggle that would harm the GOP, but observers outside the campaign speculated that he realized he could not match Nixon's support throughout the country. Despite withdrawing from the race, Rockefeller refused to endorse Nixon, the presumptive GOP nominee, and conditioned his support on the vice president's clarifying his position on various policy issues.⁸ Rockefeller also prevented New York's convention delegates from supporting Nixon, and indicated his availability for a draft.⁹ Faced with resistance from the leader of the New York GOP, Nixon scheduled a private meeting with Rockefeller. Immediately before the Republican national convention began in Chicago, Nixon traveled to New York City to meet with the governor. In Rockefeller's Fifth Avenue apartment, the two men discussed policy issues ranging from civil rights to national security. After several hours, Rockefeller and Nixon worked out an agreement popularly known as the "Treaty of Fifth Avenue" in honor of the meeting's location. The document detailed the policy issues on which the two men agreed, although critics charged that it seemed to reflect the governor's views, especially on civil rights. As part of this compact, Rockefeller announced his support for Nixon as the party's presidential nominee.

Conservative opposition to Nelson Rockefeller eventually spanned three decades and encompassed a variety of the governor's words and deeds. The "Treaty of Fifth Avenue" always remained a principal offense, however. Conservatives disliked the substance of the agreement because its policy positions seemed to represent a wholesale surrender to the Democratic Party. They also objected because the agreement rendered irrelevant the convention's platform committee, where they hoped to prevail. Mostly, however, they considered the agreement another example of GOP liberals, in the person of Rockefeller, unfairly dominating the party. For conservatives at war with the party's liberals, the agreement represented an act of appeasement. Barry Goldwater and other conservatives even referred to the agreement as the GOP's Munich Pact. Conservative outrage with Rockefeller extended beyond the agreement, however. Rockefeller enraged conservatives by tepidly endorsing Nixon in his campaign appearances throughout the state.¹⁰ Richard Nixon's narrow loss to Democratic nominee John F. Kennedy in the general election magnified the significance of Rockefeller's alleged transgression. In an election that close, every variable—especially one as emotional as betrayal of the party—seemed determinative. Conservative resentment was so intense that it forced Jud Morhouse to write state party officials after the election denying that Rockefeller provided less than his full support. The chairman, however, failed to convince conservatives in New York or across the country. For them, Rockefeller's failure to support the

ticket—his betrayal of the GOP—became an article of faith. When Barry Goldwater battled Rockefeller for the Republican presidential nomination in 1964, his New York State campaign organization sent state Republicans a list of Rockefeller's transgressions. Rockefeller's sabotage of the Nixon campaign topped the list.¹¹

Opposition to the state GOP and Nelson Rockefeller united and energized New York conservatives, including Dan Mahoney and Kieran O'Doherty. The personal history of these two men was intertwined with the political history of New York conservatives. Mahoney and O'Doherty first met in September 1952, when a group of New York supporters of Robert Taft, disheartened by their candidate's treatment by Tom Dewey and Dwight Eisenhower, debated ways to press for a conservative agenda.¹² They shared more than a conservative political viewpoint, however. Both were Irish Catholics in their twenties from the New York City area pursuing law degrees. In 1952, O'Doherty was 26 and attending Columbia Law School. Mahoney, five years younger, was preparing to enter Columbia Law. Over the next few years, the two men became close friends, and then brothers-in-law when Dan Mahoney married Kieran O'Doherty's sister, Kathleen. By the time of that lunch in November of 1960, Mahoney had joined the large Wall Street law firm of Simpson, Thatcher, and Bartlett. O'Doherty practiced anti-trust law at Royall, Keogall, and Rogers, another distinguished Wall Street firm with connections to the Republican Party. Temperamentally, however, the men were very different. O'Doherty, more intense than his brother-in-law, reveled in the give-and-take of a political fight. Years later, William Buckley characterized him as "the sword-militant of the Conservative Party."¹³ In contrast, the quieter, more low-key Mahoney adopted a more analytical approach. These differences in style paled in significance, however, to what united the two men. On a personal level, there were common background and family connection. And on the political level, there were a steadfast conservatism and a sense of frustration with the state Republican Party.

But why would these two men decide that creating a new party offered the best response to their political predicament? The answer lay in the unique structure of New York State's electoral system, which allowed a party to cross-endorse the nominee of another political party. The state's history provided numerous examples of minor parties using cross-endorsement or fusion to achieve success. Up through the 1930s, fusion operated primarily as a way to elect reform candidates in New York City by uniting Republicans and disaffected Democrats. Republicans voted for the candidate as the GOP nominee. Democrats, disaffected but unwilling to vote Republican, supported the candidate as the nominee of a temporary paper party. Fusion combined these two pools of votes and every so often elected a candidate. The technique produced a national political figure when voters elected Fiorella LaGuardia, running as the nominee of the Republican and City Fusion Parties, mayor of New York City in 1934. LaGuardia, who served

as the city's mayor for over a decade, relied on a paper party that existed only for the purpose of permitting his fusion campaign. Acknowledging the flexibility of party labels in this system, the mayor bragged that he could be elected on a laundry ticket.¹⁴

For fusion to develop into something less transitory, however, it required a stable third party with true leaders and members. The American Labor Party (ALP), created in 1936, expanded fusion's role. Led by David Dubinsky, president of the International Ladies Garment Workers' Union, the party grew out of the desire of organized labor in New York City to support Franklin Roosevelt's re-election bid free from a Democratic Party tainted by Tammany Hall. The new party secured 275,000 votes to help Roosevelt carry the state in 1936. The ALP then began to cross-endorse acceptable candidates, usually the most liberal Democratic candidates, in state and local elections. In 1944, however, the presence of communists in the party forced some of its leaders to create an alternative minor party. David Dubinsky, with the help of fellow labor leader Alex Rose and such luminaries as Roosevelt advisor Adolf Berle and theologian Reinhold Niebuhr, founded the Liberal Party. The Liberal Party agreed with the ALP on most policy issues, but distinguished itself through opposition to communism at home and abroad. The party's close ties to unions in New York City's garment industry provided the funding and manpower that ensured its vitality.

In considering how to challenge state Republicans in the early 1960s, Mahoney and O'Doherty drew on and went beyond this history of fusion. They understood that New York State provided third parties with a uniquely hospitable environment, but also that fusion could be used far differently. At the time, fusion operated within narrow parameters. First, it mattered only in New York City. Fusion candidates in the nineteenth and early twentieth centuries existed only in New York City politics. Later, the ALP and the Liberal Party began in New York City and continued to attract the vast majority of their support there. More specifically, only opponents of Tammany Hall used fusion. In a city overwhelmingly Democratic, fusion permitted all critics of the Democratic organization to unite on election day. Second, fusion was traditionally linked to labor unions. Union dues from the New York City garment industry funded the two existing minor parties, and union workers provided the necessary manpower. Many contemporary observers considered this support essential to the parties' survival. Finally, fusion parties existed only on the ideological left. Both the Liberal and American Labor Parties were positioned to the left of the Democratic Party. Although none of these characteristics were inherently part of fusion, they defined the practice for most New Yorkers until Mahoney and O'Doherty created a third party that was statewide in appeal, independently financed, and ideologically conservative.

Eager to begin the work of creating a party, Mahoney and O'Doherty recruited four other lawyers and bankers who shared their conservative

viewpoint and history of frustration with the state GOP.¹⁵ Like the two brothers-in-law, these men were all mid-level veterans of the 1960 Nixon campaign in New York State who also blamed Nelson Rockefeller for sabotaging their candidate's chances. They all believed that a third party offered the best opportunity to punish the governor for his disloyalty and create an alternative to the state GOP.¹⁶ Meeting twice a month, the group focused on the challenging nuts and bolts of creating a party. New York State law established two requirements to create a new party. First, the party had to gather twelve thousand signatures to place a gubernatorial candidate on the state ballot. This total needed to include fifty signatures from each of sixty-one New York counties.¹⁷ Second, that gubernatorial candidate needed to win fifty thousand votes in the general election. The group quickly recognized the need for a statewide organization capable of canvassing for signatures and raising money.

Mahoney and O'Doherty took the most sensible course of action for any New York conservative facing such a formidable challenge: they contacted William F. Buckley Jr. By 1960, Buckley was already a leader of the conservative movement. He had authored several successful books ranging from an attack on the liberalism of higher education to a defense of Senator Joseph McCarthy. In 1955, Buckley had founded *National Review* and quickly helped it become the pre-eminent publication of conservatism. In September of 1960, Buckley had hosted the gathering of over one hundred young conservatives at his Connecticut home that led to the creation of the conservative organization Young Americans for Freedom. Most important, in the world of New York conservatives, Bill Buckley knew everyone. An earlier attempt to form a third party demonstrated his centrality to conservatism in the state. In 1957, two groups of New York conservatives looked to form a third party. Each group, unaware of the other's existence, approached Buckley for assistance. Buckley persuaded them to join forces, and oversaw their combined effort until Eli Zrake's death shut the project down. Like the leaders of those previous efforts, Mahoney and O'Doherty recognized the value of approaching Buckley with their idea. There was also a personal connection. Mahoney had met Buckley in 1954, when he had invited the young writer to speak at a forum at Columbia Law School. The event never came off, but the two men remained in contact, and Mahoney eventually introduced his brother-in-law to Buckley. Through their friendship with Buckley, Mahoney and O'Doherty also met many of New York's other leading conservatives, including William Rusher, *National Review* publisher, and Marvin Liebman, a leading conservative organizer and fund-raiser.

When Mahoney and O'Doherty appealed for help in creating a party, Buckley, along with Rusher and Liebman, agreed to host the group's meetings.¹⁸ The three prominent conservatives also offered advice and identified others in the movement who could assist. Characterizing his involvement to a friend, Rusher explained that he offered the new party encouragement

by attending planning sessions, proposing ways to proceed, and introducing potential financial supporters.¹⁹ While Rusher and Liebman proved valuable, Buckley played a singular role. First, he used *National Review* to assist the new party. The magazine wrote approvingly of the Conservative Party from its inception. Buckley also provided the Conservative Party access to the magazine's mailing list, an extremely valuable resource for fundraising and membership drives.²⁰ Second, Buckley, already a public personality, generated publicity for the party. The controversial editor's appearance at an event guaranteed press coverage. Third, Buckley served as a conduit between the party and the national conservative movement. His stature in the movement allowed him to assure conservatives that the New York party was responsible and worthy of support. Buckley also introduced the party to wealthy conservative donors from around the country. Finally, Buckley and the writers and editors of *National Review* provided a model for being a conservative. Eventually, the defining characteristics of the magazine—a seriousness concerning policy issues, a willingness to denounce extremists within the conservative movement, and a special taste for battle with GOP liberals—also came to describe the party.

Mahoney, O'Doherty, and the four other members of the original group drafted a political prospectus to send to a small number of prominent conservatives, accompanied by a request for financial support and an invitation to join the party's organizing committee. Buckley, Rusher, Liebman, Frank Meyer, an editor at *National Review*, and conservative writers M. Stanton Evans and Brent Bozell reviewed the prospectus.²¹ Mahoney also asked Buckley and Rusher to help identify potential recipients. "Frankly, we are short of big names, and of business and financial types, especially since the purpose of this ad hoc letterhead is to impress potential financial contributors," he complained.²² To help with this shortage of big names, Buckley asked a number of nationally prominent conservatives to read the prospectus and consider lending their names to the letter publicly introducing the party.²³ The response, however, was disappointing. In a typical reply, Lemuel Boulware, the General Electric executive who directed Ronald Reagan's work with that company, provided a three-page, single-spaced letter explaining the folly of such an effort and advising conservatives to remain in the Republican Party.²⁴ Buckley relayed these disappointing replies to Mahoney, ridiculing the reasons each gave for declining, and advised him to ignore the responses. "My only position is to go ahead anyway," he wrote. "The older generation hardly qualifies, on the basis of their performance, as preceptors."²⁵ Buckley closed the letter with the rallying cry "Excelsior," Latin for *higher* and *ever upward*. The difficulty in finding prominent conservatives willing to sign a prospectus typified conservatives' resistance to the new party. Within the state, fusion's limited history as a weapon of Anti-Tammany, liberal parties in New York City discouraged many potential supporters. The potential for a political party without these characteristics to survive, much less bring

about an ideological realignment, seemed unlikely. Beyond New York, the effort seemed like an act of disloyalty to the state and national GOP. Since virtually no one outside New York understood fusion or its history in the state, a third party appeared to be a radical and unwise undertaking.

Denied support from the established leaders of the conservative movement, O'Doherty and Mahoney turned to lesser-known conservatives. Through the fall of 1961, they contacted conservative businessmen, college professors, and writers. Buckley or Rusher usually made the initial contact, with Mahoney or O'Doherty following up. Using this approach, they assembled a ten-person organizing committee by November 1961. In a confidential letter, William Rusher characterized the group's members somewhat uncharitably as "New York conservatives of the second rank."²⁶ Some of these conservatives, such as lawyers Tom Bolan and Godfrey Schmidt, were veterans of the 1958 third-party effort. Others, such as novelist Taylor Caldwell and Anthony Bouscaren, who taught political science at LeMoyne College, were new to the process but equally disturbed that the state GOP effectively neutralized its conservative members. Buckley and Rusher again used their contacts to solicit money for the new party. In order to interest conservatives outside the state, they framed the issue as an opportunity to end the New York GOP's unfair domination of the national Republican Party. These confidential solicitations from Buckley and Rusher raised seven thousand dollars, enough money for O'Doherty and Mahoney to continue.²⁷ The process, however, took longer than the brothers-in-law originally anticipated. With the November election and December holidays approaching, the group deferred the party's public unveiling until 1962.

A PUBLIC SPECTACLE

Conservative expectations of planning a new party in seclusion did not survive long. On November 15, the Long Island paper *Newsday* exposed a year of discreet political activity with the headline "Rightists Form Anti-Rocky Party."²⁸ Relying on an unnamed source, *Newsday* correctly reported that the party planned to challenge the liberalism of the state GOP, but got most of the details wrong. Most prominently, the paper ran a picture of Roy Cohn, mistakenly identifying the former aide to Joseph McCarthy as a potential candidate for the party. It also incorrectly identified the party's name and vastly overstated its fundraising capacity. In the party's first public statement, O'Doherty wrote *Newsday* to outline the article's inaccuracies and to warn the GOP of overconfidence in the coming political battle.²⁹

The *Newsday* revelation touched off a series of press accounts that highlighted the magnitude of the image problem Conservatives faced. This initial wave of attention uniformly portrayed the group as outside the political mainstream. The *Daily News*, New York City's most ideologically sympathetic paper, referred to the party's leaders as "some far-out conservatives."³⁰ More

significantly, the *New York Times* reported that “[c]ertain of the reputed sponsors of the new conservative group are said to have Birch Society associations.”³¹ The charge referred to Frederick Reinecke, a Birch supporter and member of the party’s organizing committee, who never played an active role in party operations. This and similar stories, however, revealed the new party’s vulnerability to being consigned to the extreme right. The John Birch Society, a *cause célèbre* since its existence was revealed in late 1960, combined extreme anti-communism with an unshakable belief in powerful secret conspiracies. Because the society maintained complete secrecy concerning its membership and activities, press accounts speculated about a national reach and huge membership. The *Newsday* story about local conservatives secretly planning to start their own political party triggered fears of a local branch of the Birch Society.

No official relationship existed between the Conservative Party and the John Birch Society. The two organizations differed in approach, world view, and policy positions. The fledgling party also feared being associated with the Society, given its notoriety. But some conservative New Yorkers—how many was unclear—were sympathetic to the Society. They did not belong to the Society or endorse its extreme positions, but they shared its staunch anti-communism and believed the Society suffered undue criticism. The party, at this precarious stage, did not want to alienate these potential supporters. Conservatives hoped to walk the fine line that kept the party structure free from any association with the controversial organization without alienating voters sympathetic to the Society. In public, the party denied any affiliation with the John Birch Society, but refused to denounce the organization and welcomed the support of individual Society members. In private, Conservatives worked to remove any party officials with connections to or sympathies for the Society. Dan Mahoney monitored local party activities for any sign of Birch infiltration and immediately distanced the party from any Conservative official who spoke approvingly of the Society.³²

The state Republican organization chose to ignore the new party, confident that most attempts to create third parties failed quickly and quietly.³³ A number of GOP politicians, including conservative Republican legislators and congressmen, however, condemned the new party. Conservatives expected resistance from liberal statewide Republicans, such as Rockefeller and Javits, but had hoped for acceptance from the mostly upstate and conservative members of Congress whom they supported. Party loyalty proved a more powerful force, however. Republican State Senate Majority Leader Walter Mahoney argued that a third party was unneeded, and assured his fellow conservatives their home was in the GOP.³⁴ Other conservatives argued that a “splinter party” would only siphon support from the GOP and elect liberal Democrats. Representative William Miller, an ideological conservative recently elected chairman of the Republican National Committee, denounced the new party as counterproductive. In April, he told

New Yorkers attending the Republican Women's Conference that "[t]he only thing you're going to accomplish by supporting this new party is the defeat of Republican candidates." "Let's go back to New York and forget about the whole thing," he suggested.³⁵ Given the new party's opposition to Nelson Rockefeller, some of this response was an effort to remain in the governor's good graces. Syracuse mayor Anthony Henninger immediately called Governor Rockefeller when newspaper reports implied he supported the Conservative Party. Henninger denied all the newspaper reports, insisted he was and would remain a Republican, and swore he backed the governor 100 percent.³⁶

While Conservatives hoped to win the support of upstate Republican politicians, they expected opposition from liberal officeholders such as Jacob Javits, and the senator did not disappoint. He did, however, take an approach different from that of his fellow Republicans in his criticism. The senator attacked the new party not because it was unneeded or counterproductive, but because it was extreme and dangerous. Javits kicked off his re-election campaign with the charge that Conservatives were "in truth the Radical Right party of New York, similar in philosophy to the Birch Society."³⁷ Throughout his campaign, he characterized the party as extremist, and, revealing a misconception about conservatism in the 1960s, as isolationist. Javits's attacks were so vehement, they alarmed other Republicans. George Hinman, one of Nelson Rockefeller's senior advisors, wrote the governor about Javits's "stupid politics." "This hurts the whole ticket because you are lumped together with him," he warned.³⁸ Nelson Rockefeller wanted the support of conservative Republicans in his 1962 gubernatorial campaign, and in his prospective 1964 presidential campaign. As a result, the governor and most of the state GOP carefully criticized the new party in a way that would not alienate conservative Republican voters.

In 1962, New York Conservatives and Republicans worried about Senator Barry Goldwater's response to developments within the state. Representing Arizona in his second Senate term, Goldwater had emerged as the leading conservative politician through his opposition to liberal policies and ideas no matter which party endorsed them. The success of his 1960 book explaining his ideological views, *The Conscience of a Conservative*, indicated the increasing strength of the movement. Goldwater's national prominence guaranteed that if he denounced the third party, it would be effectively marginalized. If, however, the senator embraced the party, he would confer needed legitimacy. A column in a national newsmagazine brought Goldwater into the state conflict. In January 1962, *Newsweek* columnist Raymond Moley predicted the Conservative Party would soon disappear, and criticized conservatives unconcerned about the impact of a "splinter party." He advised loyalty to the GOP because "[c]onservatives should not, like the boy in Lamb's essay, burn the house to roast the pig."³⁹ Barry Goldwater sent Moley a complimentary telegram expressing the hope that all Republicans

would follow the writer's advice.⁴⁰ William Buckley responded by sending the senator a telegram vouching for the legitimacy of the new party.⁴¹ This telegram, like all of Buckley's communication with out-of-state politicians, stressed how the party was a necessary response to the state GOP's liberalism. He explained that the Conservative Party opposed the state GOP for betraying true Republican principles, but remained committed to assisting the national GOP. A reassured Goldwater responded with a more favorable, if still skeptical, assessment of the party. Even this partial acceptance was threatened, however, when the senator received an anonymous letter alleging a connection between the Conservative Party and the ultraright publication *Common Sense*. This time, Buckley pledged to Goldwater that the party had no connection with the "berserk right."⁴²

Nelson Rockefeller also attempted to secure Goldwater as an ally in the state conflict. In June, the governor's speechwriter drafted a statement for the senator to denounce the "futile splinter movement."⁴³ Goldwater, however, never delivered the speech, and remained difficult to pin down on the conflict. When Goldwater told a New York congressman that he opposed the new party, a Rockefeller aide doubted that the senator was taking the same position with Conservatives.⁴⁴ In July, another Rockefeller aide anonymously attended a dinner at the Brookings Institution in Washington at which Goldwater spoke. In the question-and-answer period, the aide inquired about Goldwater's views on the new party. The senator responded that New York Conservatives should work within the GOP, but stopped short of a denunciation.⁴⁵ In September, George Hinman learned that Goldwater responded to individual inquiries about the Conservative Party with a statement that he would vote Republican if he lived in New York, but could not get Goldwater to release the letter.⁴⁶ Despite the best efforts of William Buckley and Nelson Rockefeller's staff throughout 1962, neither side in the New York battle got the help they wanted from Goldwater. The Arizona senator remained privately ambivalent and publicly silent about the new party.

Some members of the conservative movement rejected the very idea of a third party as a threat to all Republicans. In March, Douglas Caddy, national director of the newly created Young Americans for Freedom (YAF), wrote the *Wall Street Journal* warning of the dangers of conservative third parties.⁴⁷ He argued that the new state party did not promote the interests of conservatives, and called for working within the GOP. Additionally, a major conservative publication essentially imposed a news blackout. *Human Events*, a conservative Washington-based newsletter, failed to mention the party throughout 1962. When a party official traveled to the publication's Washington office to discuss this lack of coverage, the editorial staff explained that the newsletter only supported conservatives who were Republicans. The party responded with an angry letter to Frank Hanighen, the publication's editor and publisher.⁴⁸ Hanighen brushed off the complaint, explaining that

Human Events would continue to make its own evaluations.⁴⁹ The publication did not mention the new party for another two years.

Throughout this formative period, Bill Buckley's *National Review* was the party's only reliable ally in the conservative movement. The magazine consistently touted the accomplishments and significance of the party. *National Review* wrote about the party seventeen times during 1962 in articles ranging from brief status reports to a full-length piece by the party's eventual gubernatorial candidate. Addressing a national audience, the magazine always paired its support with an explanation that only the uniqueness of New York State politics made a conservative third party necessary.⁵⁰ Although Buckley, Rusher, and most of the editorial staff wanted to help the new party, one editor, James Burnham, persuaded the magazine to retain its independence.⁵¹ At an August meeting, the editorial staff decided that the magazine would refrain from formally endorsing the party's candidates, but "would continue to look favorably on the Conservative Party, treating it as an interesting and encouraging development in our state politics."⁵² Despite stopping short of formal endorsement, the level of support Buckley and his editorial staff provided New York Conservatives stood apart in a period when criticism of the party was the norm.

PETITIONS AND CANDIDATES

New York Conservatives labored to acquire the tools they needed for success: money and organization. The New York Republican Party and its candidates raised money the old-fashioned way, through major donors, especially the Rockefeller family, and large functions, such as dinners. In contrast, state conservatives used direct mail fundraising. In 1962, Marvin Liebman, one of the most prominent conservative fundraisers in the country, orchestrated a fundraising campaign using mailing lists provided free of charge from Buckley's *National Review*. In February, the party sent its first major fundraising letter, signed by three members of the organizing committee, to fifty thousand conservatives. The letter stressed the lack of opportunity ideological conservatives faced within the state Republican Party.⁵³ Emphasizing the mainstream nature of the venture, it identified the party's overall goal as persuading the state GOP to act like true Republicans and run more conservative candidates. The fifty thousand dollars raised by the mailing allowed the party to begin building in earnest. Mahoney and O'Doherty immediately hired a small staff and opened an office in midtown Manhattan, not far from *National Review's* offices. The party then began to establish a statewide organization by creating a network of political clubs. With a format mandated by state headquarters, these clubs used a series of committees to raise money, recruit members, and, most immediately, manage petition campaigns.⁵⁴

Throughout most of 1962, the fledgling party worked simultaneously to create an apparatus to gather petition signatures and to field a slate of

statewide candidates. Mahoney and O'Doherty considered the requirement that fifty signatures be gathered from each county as the most difficult challenge of the first year.⁵⁵ The requirement proved especially challenging because of resistance by upstate voters to the new party. The problem was not the party's conservative ideology or specific policy positions such as opposition to the state's expensive social programs. These were a natural fit for many, perhaps even a majority, of upstate voters. Rather, these voters were troubled by the fact that it was a third party advocating these ideas. Since successful third parties had always been based in New York City, the rest of the state had limited experience with them. Many upstate voters supported the Conservative Party's positions, but viewed the party itself as a betrayal of the GOP.

To oversee the petition campaign, the party hired James Leff, a lawyer who specialized in state election law and had launched successful petition challenges. Mahoney and O'Doherty expected the Republican Party to use New York's byzantine election law to challenge the signatures from the state's smallest counties. New York law stipulated that if the total number of valid signatures in any one county fell below fifty, the entire campaign failed. In addition, state courts had a history of invalidating petitions for the slightest deviation from legal requirements, including matters as trivial as the color of the paper. Hoping to avoid a Republican challenge, the Conservative Party went to court to challenge the requirement of fifty signatures from each county. Leff argued that the statute violated the voting guarantees of the federal and state constitutions by allowing any one county to veto a nominee chosen by the rest of the state.⁵⁶ The attempt failed, however, when a State Supreme Court judge upheld the law as a reasonable way for candidates to demonstrate support throughout the state.⁵⁷ With the county requirement upheld, the Conservative Party devised and implemented a plan to gather enough signatures to withstand Republican objections. As insurance against likely challenges, Leff wanted at least two hundred and fifty signatures from each county, a goal later reduced to two hundred. Mahoney, O'Doherty, and Leff used the newly created clubs to identify and train volunteers in every county on the proper procedure for collecting the signatures. Looking back, Leff estimated that twenty thousand volunteer hours went into the petition drive.⁵⁸

Success in a petition drive satisfied only the first requirement of New York State election law. The party also needed its gubernatorial nominee to receive fifty thousand votes. Conservatives eventually decided to run candidates for the five statewide offices: governor and lieutenant governor, which were teamed, attorney general, comptroller, and senator. Given the other demands of the year, the party decided against running congressional or legislative candidates. The candidate recruitment process was extremely informal. Mahoney and O'Doherty identified potential nominees and approached them about running for office. Despite the ease of the recruiting

process, the party struggled to recruit candidates. During the previous year, Mahoney and O'Doherty had assured backers that several prominent conservatives were considering running for office as Conservative nominees. These potential candidates, however, all found reasons to decline the party's nomination.

Mahoney and O'Doherty eventually recruited Robert Pell, a former career foreign service officer, as the Conservative Party's senate nominee. At the time, Pell taught at Fordham University and served as an editorial consultant to the magazine *America*. When several national conservative journalists praised Pell's distinguished career, state Republicans began to investigate him.⁵⁹ Their investigation confused the candidate with another Robert Pell who also taught at Fordham University and who had registered to vote in New York only in 1960. The defective investigation proved irrelevant, however, when Pell resigned the Conservative nomination, citing "differences of opinion as to the conduct of the campaign."⁶⁰ In the statement released by party headquarters, he expressed support for the Conservative Party, but offered no explanation of his decision. Kieran O'Doherty refused to elaborate, saying only that Pell and the party had agreed not to air their differences.

The situation deteriorated further when Pell became openly critical of the Conservative Party and its leaders. In a statement provided to his hometown paper, the *Ticonderoga Sentinel*, he called the Conservative Party a "shadow party" and urged conservatives to reject the new party and remain within the GOP.⁶¹ An accompanying *Sentinel* editorial linked the party to the John Birch Society and called on members to "quit this fanatical group."⁶² Over the next few weeks, Pell confirmed that his decision was due to the party's relationship with the John Birch Society. The Conservative Party denied the charge, but offered little insight into the controversy. In a bulletin to the party's club chairmen, Dan Mahoney reported that Pell admitted that other considerations prompted his withdrawal. "We had a gentleman's agreement with Mr. Pell not to discuss these considerations publicly," Mahoney explained, "which we will honor as long as it remains possible for us to do so."⁶³ Pell soon ended his criticism of the party and the controversy disappeared.

The "considerations" that ended Pell's campaign remained undisclosed, but involved the candidate's medical history. GOP Chairman Jud Morhouse attributed Pell's resignation to Birch Society involvement with the Conservative Party, but also claimed that "when Pell indicated his determination to resign from the Party he was threatened with the possibility that embarrassing details of a previous illness would be released to Walter Winchell in an effort to discredit him."⁶⁴ William Rusher's history of the conservative movement later recounted the dismay of Conservative Party leaders when they discovered that an unnamed Conservative Party senate candidate with a foreign service background had "years earlier, twice voluntarily committed himself to a mental hospital."⁶⁵ Rusher implied the candidate's condition could not

be kept secret because the lawyer who handled his hospital commitments served as Javits's campaign manager. The truth remains murky. Faced with Pell's Birch Society charge, the Conservative Party may have threatened to expose his medical record. Or, Pell may have cried "John Birch Society" to punish the party for dropping him as a result of his mental health history. Whichever side prompted the incident, it ended in a stalemate. Both sides upheld the gentlemen's agreement.

The Pell fiasco threatened the Conservative Party's electoral prospects. It confirmed all the negative images—disorganized, secretive, extremist—that the party struggled to overcome at this early stage. In October, Monroe County Conservative Party chairman Raymond Snider publicly resigned, citing disillusionment with the party's leaders and policies. He characterized his resignation as in keeping with Pell's withdrawal.⁶⁶ While the Snider resignation attracted little attention statewide, it led a Rochester newspaper to editorialize that the spreading disillusionment throughout the Conservative Party demonstrated the wisdom of rejecting the third party.⁶⁷

Following Pell's resignation, the party needed another senate nominee. With few options and little time, it turned to Kieran O'Doherty. He resisted, citing his inexperience, youth, and other party obligations. On July 21, however, following a meeting at former New Jersey governor Charles Edison's apartment, O'Doherty acquiesced. Conservatives respected Edison for his record in New Jersey and his brief tenure as secretary of the Navy in 1940. But because he had been out of politics for almost two decades, Edison was of little use to the party beyond conservative circles. Several weeks earlier, Syracuse businessman David Jaquith agreed to run for governor on the Conservative ticket. Also initially hesitant given his limited involvement in politics, Jaquith succumbed to the blandishments of former Governor Edison, Eddie Rickenbacker, and the rest of the party's leaders over lunch. The *New York Times* ran the story on the front page with excerpts from Jaquith's statement.⁶⁸ With Jaquith and O'Doherty, the party finally had the major candidates it needed for the fall election. The recruitment process, however, revealed the party's inexperience in practical politics and its vulnerability to charges of extremism.

A REPUBLICAN CHALLENGE

Leaders of the New York GOP realized that simply having Republican elected officials denounce the new party was proving ineffective. Despite a unanimously negative response from Republicans, Conservatives had fielded a slate of candidates and were preparing to gather petition signatures. Republican state party chairmen discussed the problem at a regional meeting in July 1962.⁶⁹ Jud Morhouse told his colleagues that he feared additional criticism of Conservatives would offend some Republicans and produce sympathy for the new party. He also advised his colleagues to learn from

New York's failure to make ballot access more difficult. The GOP also sent local Republican organizations lists of Conservative clubs with a request to "please investigate and send us data and background material on the leaders."⁷⁰ This covert operation produced less than earth-shattering information. Two Monroe County Republican officials, for example, surreptitiously attended a Conservative Party meeting in Rochester. At a meeting hosted by Kieran O'Doherty, the infiltrators were surprised to find "most of the people were articulate, earnest, well-dressed and mature."⁷¹ The group then spent the evening complaining about the state Republican Party without identifying any particular plan of action.

By the summer of 1962, GOP leaders settled on petition challenges as the best opportunity to derail the new party. Initially, Republicans hoped to prevent the Conservatives from gathering the required signatures in several counties. Morhouse sent Rockefeller aide Robert McManus a list of the counties with the smallest vote total. He explained that they "would be the hardest counties for splinter party advocates to gather petition signatures."⁷² Republican leaders soon concluded, however, that the Conservative petition campaign was aggressive enough to guarantee the fifty signatures needed from every county. As a result, Republicans planned to selectively challenge and invalidate petition signatures. To create the proper public environment for these challenges, Republicans began to attack the Conservative petition campaign. On September 13, Morhouse charged Conservatives with running a campaign corrupted by Democratic Party and John Birch Society assistance in the collection of signatures.⁷³ The chairman provided no specific examples of either the Democratic Party or Birch Society role to support his charge.

On September 19, the Conservative Party filed forty-four thousand petition signatures, over three and half times the number required. This number, while insignificant in the context of a state with over seventeen million residents, demonstrated that enough conservative Republicans were alienated from the state GOP to form a third party. There were also enough signatures to seemingly assure success. Later, James Leff estimated that 78 percent of the signatures were safe from challenge.⁷⁴ The Republicans responded immediately. Morhouse sent a memo to GOP county chairmen with the names of the petition signers from their county and instructions on how to begin challenges. He asked the chairmen for "help to keep this party from getting on the ballot."⁷⁵ The memo listed fourteen possible reasons that a signer could renounce his or her signature. The Republican plan asked county chairmen to select the most appropriate factor when drafting an affidavit. Meanwhile, GOP lawyers scrutinized the petitions for possible errors that could invalidate the petitions. Morhouse reportedly hired a team of outside experts to examine the petitions in what one newspaper account characterized as "a massive GOP drive to knock the Conservative Party slate . . . off the November 6th election ballot."⁷⁶ On September 25, Morhouse

submitted this material to the court with the request that the petitions be thrown out due to a pattern of error and misrepresentation.

Dan Mahoney asked local party officials to report all Republican efforts to challenge petitions in their county. Mahoney also directed these local officials “to keep a white light of publicity and protest playing on this spectacle.”⁷⁷ Conservatives hoped to create a public backlash by accusing Republicans of conducting a campaign of intimidation. As part of this public relations campaign, Mahoney claimed that Republicans were using state government departments to threaten petition signers with economic retaliation if they did not recant.⁷⁸ The Conservative comptroller nominee charged that Rockefeller used his banking connections in New York State to foreclose mortgages on petition signers.⁷⁹ Since most of these allegations relied on anonymous information, they were unverifiable. Still, the campaign proved effective. By casting the GOP as a bully intent on derailing the democratic process, Conservatives used their relative weakness to generate sympathy. The state Democratic Party chairman called on Republicans to answer the charges of coercion and intimidation.⁸⁰ By late September, newspaper editorials urged the GOP to end its challenge.

The furor over the petition challenges threatened to impact Republican candidates in the coming election. With his own re-election campaign potentially affected, Rockefeller decided to end the controversy by dropping the challenge. On October 1, Chairman Morhouse withdrew the Republican challenge to Conservative Party petitions. He blamed time constraints, arguing the schedule did not permit a sufficient number of signatures to be invalidated.⁸¹ In reality, Rockefeller and the Republican Party decided to cut their losses. With over forty-four thousand signatures on the petitions, only a full-scale challenge that relied on extremely technical violations could invalidate the petitions. This type of challenge would only increase the negative publicity being heaped on the GOP. Perhaps such a challenge could have been waged against a group seen as politically extreme. But the GOP had not managed to define the new party in this way. As result, Rockefeller dropped the challenge in order to put the party’s candidates, himself included, in the best position for the election. By outmaneuvering the Republicans in their first battle, Conservatives guaranteed themselves a place on the November ballot.

THE FIRST ELECTION

For most of 1962, Dan Mahoney and Kieran O’Doherty focused the party’s resources on the petition campaign. As a consequence, Conservatives neglected the campaigns of statewide candidates. Kieran O’Doherty, the party’s senate candidate, did not begin campaigning in earnest until the petition challenge failed in mid-October. When O’Doherty did become a full-time candidate, he attacked Jacob Javits for a less than vigorous prosecution of the

Cold War, for supporting John Kennedy's New Frontier legislation, but most of all for a political career of "un-Republican activity."⁸² When the Cuban missile crisis erupted during the closing weeks of the campaign, O'Doherty also criticized Kennedy's blockade of the island as too little too late.⁸³ But the candidate struggled to keep the focus of his abbreviated campaign on these issues. In the week prior to the election, press attention focused on the fact that he had drawn a salary as a party official for most of the year.⁸⁴

David Jaquith's gubernatorial campaign fared little better. The president of a steel-fabricating company, Jaquith devoted only one-third of his time to campaigning until the final month, and only two-thirds during that month. As a candidate, he charged that the state's high taxes put Nelson Rockefeller in conflict with the ideals of the GOP and created a hostile business environment. Jaquith's and O'Doherty's campaigns reflected the party's policy agenda by stressing opposition to centralized government and deficit spending while advocating lower taxes and the devolution of political power to the local level. Both candidates also struggled to keep the focus of their campaigns on public policy. Jaquith's political inexperience showed in his inability to steer clear of the John Birch issue. When asked about the Society at a rally, Jaquith replied that he hoped his campaign would merit the support of some of its members.⁸⁵ Jaquith's failure to distance himself from the Society ensured that the limited press coverage he received concerned his relationship with the Society. The controversy forced the party to continually explain that while it refused to ban Society members from joining the party, it had no relationship with the John Birch Society.⁸⁶ Jaquith soon added this explanation to his campaign literature.⁸⁷ Still, accounts of his candidacy often ignored this distinction, simply stating that Jaquith welcomed John Birch Society support.

In 1962, the Conservative Party struggled with candidates who were unknown and inexperienced, with little money or time for campaigning, and policies that failed to capture the public's attention. The petition campaign sapped time and effort from the party's ability to raise money or promote its candidates. In the weeks before the election, money grew so tight that the party fired half of its headquarters staff.⁸⁸ In addition, press coverage seldom presented the candidates in a flattering light. The big New York City daily papers and most smaller upstate papers were hostile to the Conservative Party. One exception was the *Syracuse Post-Standard*, which prominently featured its hometown candidate, David Jaquith. *National Review* also remained a vocal advocate, but the magazine reached only ideological conservatives. Without money for print, radio, or television advertisements, the campaigns were limited to appearances in front of the party faithful or on public affairs programs. Running against these restricted campaigns, Rockefeller and Javits never responded directly to the attacks launched by Jaquith and O'Doherty.

One bright spot for Conservatives occurred at their only large rally of the campaign, held in New York City's Madison Square Garden in late

October. The rally initially seemed ill-fated. Conservatives began selling tickets for the event only after the petition campaign was resolved in early October. In addition, the rally was held on the night President Kennedy addressed the country on the Cuban missile crisis. Even though organizers delayed the event until after the president's speech, a sizable crowd—estimated at nine thousand by the *New York Times* and at twelve thousand by Mahoney—attended the event to hear a series of speeches attacking New York Republicans.⁸⁹ Addressing the events of that October, Kieran O'Doherty charged that liberal Republicans' failure to present a meaningful alternative to Democrats by vigorously prosecuting the Cold War had led to the problems in Cuba.⁹⁰ Several newspapers covered the event and expressed surprise at the party's being able to pull off a full-scale political rally under the circumstances.⁹¹

Another high point for the party resulted from a Republican misstep. In mid-August, Jud Morhouse wrote GOP county chairmen with a plan to appeal to potentially disaffected Republicans. Morhouse sent the chairmen a list of twenty-eight items "for your use in talking to people who feel the Governor is strictly a Liberal."⁹² Along with this catalogue of ways Rockefeller saved taxpayer money, the state chairman advised that the information "must be used cautiously and should not be published because we do not want to emphasize the conservative side so much that we lose other votes." The plan fell apart when a GOP official leaked the memo to David Jaquith.⁹³ On September 19, Jaquith revealed the secret memo at a Queens rally, taunting the governor before a partisan crowd.⁹⁴

Morhouse's memo reflected Rockefeller's strategy to keep conservative Republicans loyal to the GOP. Rockefeller adopted this strategy partly because he wanted a significant statewide re-election victory. Looking ahead to running for president in 1964, he also hoped to neutralize the charge that a portion of his own party would not support him. Consequently, Rockefeller increased the visibility of conservative Republicans during the campaign. He chose his chief antagonist within the state party, Walter Mahoney, as the keynote speaker at the GOP convention. The state GOP also sent out a letter, signed by Mahoney, to every person who signed the Conservative Party petition. Mahoney's letter urged these voters not to splinter the Republican Party since it was the only means of achieving conservative goals. It concluded with the emotional exhortation, "So, come, your place is with me and our Governor. Take your place with self-esteem and honor!"⁹⁵ Finally, in the week prior to the election, Rockefeller brought in the country's number one Republican to counter the Conservative appeal. On October 29, former President Dwight Eisenhower addressed a Republican dinner of over seven thousand five hundred party faithful in Syracuse. Press reports speculated that the GOP chose the city to diminish Conservative gubernatorial nominee Jaquith's appeal in his hometown. Eisenhower urged the audience to defend the two-party system and not waste votes on "splinter groups that weaken