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Berman, Ronald: Memoranda (1975-1984): Correspondence 01

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TO: SENATOR

FROM: LB

LB
Will discuss
together -
Included to hold off
on GAD to
Feb. 18
just play it straight.

I talked at some length this am. with Mik Edes, Sen. Williams top aide on the Labor and Pub. Welf. Comm. as you know. This was at his request -- and was about the Berman situation.

Williams has received some communications from the American Jewish Committee -- including letters from Arthur Krim and Mr. Bookbinder, similar in nature to the ones we received. Mik tells me that his private information indicates that the Amer. Jewish Committee is now in the process of organizing a major campaign in Berman's behalf -- but has not put it in motion yet. My feeling is that Berman is behind this, but that he has advised some caution. However, I believe these troops could be mobilized very rapidly -- and the prospect gives Mik considerable concern. Understandably.

I gather that the position Mik will recommend to Sen. Williams is roughly as follows: Williams will say that the nomination is now officially before his committee, that he is not making a judgment himself but that he is aware of your deep concern -- and that he will not take action now because of the deep concern of the Chairman of the Subcommittee whom he highly respects and whose experience in this field is greatest... However, this is phrased it puts omis on you... But I think we expected that this would happen as far as the main burden is concerned... Under the circumstances the Williams position would seem fair... Given the available ~~positions~~ information I don't think we could expect Sen. Williams to officially oppose the nomination... But I was assured that there would be no effort to try to get you to change your own position, or any push for a resolution, one way or the other...

The question is how long would this last? -- given a full mobilization of all Berman forces. I don't really look forward to an eventual hearing, though I think, with effort, we could mobilize a pretty strong case against Berman... But it would have disagreeable aspects. It would require a lot of work with very little that I can see in the way of a constructive end product, except that you would be fulfilling your responsibilities. I think that the closer we get to Berman, and his machinations, the less likely it would be that you would end up liking him personally... Also, in a developing controversy the old enemies of the program in its entirety would relish the criticism we would muster, and which eventually would come out in hearings, etc.

Mik Edes mentioned his concern to me last night evening briefly, so that we could talk this morning -- so I've had a night to think on this...

and I believe there may be a better solution than simply waiting for pressures to build up, while quietly preparing our own case.

I recommend this course:

1. ^{In} The GAO report, which I sent you last eve., it says on page 1 of the letter to you from Elmer Staats that we recognized that we could not, within the limited time span involved in the report's preparation, expect "a complete assessment of the overall effectiveness of the Endowment."

2. It seems to me that you now have ample justification for following up on this report by requesting such an assessment by GAO.

3. This would take a good many months -- it seems to me that it could easily last until the election.

4. Meanwhile you could say that you were disturbed by some of the preliminary conclusions reached in the report -- if the press inquired. We would have to think out a statement -- brief one -- carefully as we would not want to give the enemies of reauthorization grist for attacks. Perhaps it would be best simply to say that in all fairness to Berman you were requesting further GAO study, and that you would have no further comment on this phase of the matter until a later time. You could also add that the GAO report had in no way altered your opposition, one way or another.

5. The benefit of further GAO study would be to defuse the Berman forces. We would not release the preliminary report. There would be nothing for anyone to chew into. The Humanities would doubtless say that they believed the report from GAO was supportive of proper management. We would say that we wanted further study and "a complete assessment" as noted above. This would be difficult to argue against.

6. Also note that in the GAO report (page 8) it's stated that the Endowment is just beginning to study "the nature and extent of national needs in the humanities to which NEH should give attention, and the impact of current NEH policies and programs on these needs." You could say that you believe the national impact of the program is lacking, and that you will be interested in assessing any new evidence provided by this study -- but that it would have to be comprehensive -- like the assessment you would now expect from GAO.

7. We come next to a full sense of fairness... Should we also request a similar GAO study of the Arts Endowment?.. My hunch is that there would be similar administrative problems, though I don't think they would be on the scale indicated in the survey of the Humanities. But then I was not that close to the administrative end of things. My observation was that Nancy was an immensely detailed person, very meticulous...

8. Perhaps we can defer the Arts side of things for now. For the long range future, however, it might be a healthy procedure.

As mentioned I'm to lunch informally with Joe Hagan next Monday. I think it best to listen, and not reveal any of the above no matter how decided.

You may wish to discuss these matters with Sen. Williams...

Nik Edes said he would like to have a reaction to the position outlined above for Sen. Williams to take by the end of the week -- so that he can answer mail on the Berman case.

Thus:

Think the Williams position as outlined is fair _____

Would like to amend _____

Think we should proceed with a draft letter to GAO asking for a full-scale study
