

7-7-1981

## Kerr, John Hoare (1978-1984): Memorandum 02

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MEMORANDUM

AC  
we  
discussed

July 7, 1981

TO: Senator ✓  
FROM: ADC  
RE: John Kerr ✓  
WY ✓

The John Hoare Kerr saga never seems to end. I would prefer to ignore this recent letter from him but figure that you must decide on his latest request - considering my recommendation as you do so.

In my thinking, he has pushed his job discrimination suit beyond all reasonable limits and insisting that you be involved in the sorry process every step of the way - something I consider to be most inappropriate. I have an inch-thick file of Kerr correspondance.

I would feel a great deal more sympathy for the man if I agreed that he was wronged by the Arts Endowment in the first place. As you recall, he was one of the NEA program directors "rotated out" by Livy in 1978 because they had been in their positions too long and had grown stale. Kerr, in addition, was widely considered to be incompetent. I believe Livy decided on the 5-year rotation plan largely because of Kerr. The other program directors were able to find lucrative jobs in the private sector. You wrote at least 14 letters on Kerr's behalf at his insistence. He was offered 3 or 4 positions and actually turned them down - one being the Presidency of the University of Alaska. He then decided to begin his long suit taking his complaint before the Merit Systems Protection Board that he was fired illegally.

The MSPB ruled in Kerr's favor on some ridiculous technicality that was not at all germane to the real reasons for his dismissal - something to do with his status as a veteran that the Endowment had overlooked somehow in his records. The Endowment then appealed the ruling and lost.

Among other things, Kerr now feels entitled to 1) full back pay with interest at 15% plus all step increases in his grade 18; 2) a permanent civil service postand 3) a payment to him of somewhere between \$125,000 and \$152,000 to cover all moving charges, furniture storage and relocation expenses, legal fees, etc.

The Endowment has told him that they do not have this amount of cash on hand - their admin funds being stretched to the limit. He asks you in this letter to introduce a bill for a special appropriation to pay him what he considers owed to him - "explaining the irreparable harm, etc and the financial plight of the Endowment for a special supplement of funds, to enable the Endowment to settle this matter with a check to me. By this letter I do request

that you introduce such a bill to ensure my payment..... " This is quoted from his letter. His writing is very hard to decipher.

A personal bill of this sort would seem to have no chance of passing in the current mood of the Senate. My recommendation is to turn him off firmly using this tight-budget reasoning.