

10-28-1980

Kerr, John Hoare (1978-1984): Memorandum 05

Alexander D. Crary

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M E M O R A N D U M

October 28, 1980

TO: Senator ✓
FROM: ADC
RE: John Kerr

As you will recall John Kerr was one of the program directors at the Arts Endowment who had to "rotate out" when Livy imposed the five year rule at the beginning of his tenure - i.e. directors should serve no longer than five years in their jobs. Kerr had been director of the Education Program for at least ten years and was certainly one of the reasons that Livy instituted the rule.

Kerr left the Endowment and applied for numerous positions. You supported him - at his urgent request each time - for at least 15 jobs. Nothing was offered to him at the salary he required which was in the \$45,000 range - a level he reached simply by staying put at the Endowment. In a sense he priced himself right out of the job market.

After striking out everywhere he decided to sue the Endowment for unfair practices and his case was brought before the Merit System Protection Board. The Board ruled in Kerr's favor and recommended that he be re-instated at NEA. The ruling was based on a technicality: that he had not received 30 day's notice before being dismissed. The Endowment immediately appealed the MSPB ruling and a decision by the Board on the appeal is still pending. When this decision is announced, it will be final and if it is in Kerr's favor again, he will be reinstated at NEA. I can't imagine why he would want to go back there after all this.

I believe it is very inappropriate of him to try to involve you in this matter especially while it is going through the proper channels of review and appeal. Your answer to Kerr, therefore, offers no specific intervention at this time and plays down his request for a Congressional hearing on the matter.

Pross
/ *agreed*