Duffey, Joseph: Humanities Chairman Nomination Hearing (September 9, 1977): Correspondence 06

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To Senator

From LB

Greg Fusco has just informed me that Senator Javits may talk to you shortly about hearings on the Berman matter.

Javits wants hearings guaranteed before the Aug recess, regardless of whether or not we have finished the Conference by that time. According to Greg, Javits will ask that this time sequence be put to a Committee vote, if you should not agree, or Sen. Williams should not agree.

My latest negotiations with the Williams people had been to the effect that we would finish the bill and conference first — then go to hearings.

The Javits move is precipitated by the attached letter, which Greg gave me. The Williams people told me of it, and of its contents, but did not offer a copy, nor did I ask for one, feeling that the matter re timing had been — at least for the time being — settled.

Greg Fusco gave me this copy of the letter when he presented the Javits position a few minutes ago.

I find the tone of this latest Berman letter cavalier, to say the least, and offensive in very much downplaying your opposition and the seriousness of it.

There's an apparent effort to suggest "pro forma" hearings, taking up little Committee time, and the whole matter settled in Berman's favor rapidly — before the 29th, he suggests. Of course!

The letter also completely discounts really very valid reasons for completing the Conference first:

1. The most controversial areas involve the Humanities
   a. the state committees
   b. the funding levels

2. To open up a real criticism of the Humanities Endowment (as we will and must) including the GSA report we had done which poses some real questions about Berman's administration, would simply make much more difficult any resolution of the Conference problem areas.
The first duty and the first priority is to get the future of the program settled. Not the Berman situation.

I would suggest making these points to Sen. Javits. I would commit to as speedy a conference as possible, but you are under pressure with the Education bill coming up, and you can't guarantee a time certain for any conclusion.

I would also stress how seriously you take this matter — and that you have become increasingly disturbed by Berman's tone, and by the interpretation he is giving to your opposition.

If it is to come to a vote as to whether to hold hearings before the Aug. recess — very possibly before the Conference is ended — then I must help mobilize all the forces. Rapidly!

I'm attaching Berman's letter to Williams. The copy Fusso gave me. Among other misstatements, it avers that you feel Berman has done a "satisfactory" job... You have never used this word. We decided long ago, it was too strong... Berman knows full well that the words you have used are less complimentary... Distortion seems his middle name.

Also attached is a letter that was leaked to me. It's from Berman to Al Quie about our bill. I'm quite sure Javits has not seen this one. Greg has never referred to it.

It distorts our Senate bill considerably — especially Javits' own amendment re the State programs... It has some untruths, saying that the Humanities Endowment "invented" the challenge concept; this is not true at all... And it denigrates the Javits proposal for a special Humanities challenge program a la Rockefeller.

I am telling no one I have this letter — for I think questions taken from its contents would be interesting for any hearings.

But I think you could indicate to Sen. Javits that you're informed that Berman has little regard for his State compromise, or for his Bicentennial proposal for the Humanities challenge program.

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On another front: I finally reached Sam Halperin in Aspen, Colo., where he is at a meeting until the end of the month. He's on the Carter Educ. task force, the DC representative... He had received the message that I had called his Washington office and called me... He was very sympathetic to your position on Berman, and suggested I call Wm. Friday, Pres. of Univ. of North Carolina, who heads up the task force... Friday was very receptive. He said he had been receiving rumblings of Berman's poor performance... We talked at length... He said he felt it was important to save this position for a Carter appointment... I said we couldn't get adverse witnesses, they were all fearful of testifying... He said he would see what could be done, and sounded very much as if he meant it — he said he would be further in touch with me next week. I will certainly follow through. I know that Berman is turning the Univ. of N. Carolina, of has offered to... I may be wrong... but I don't feel this would influence Friday.