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

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FIRST CLASS

Jean Frolicher NEWS Items
Senate Subcomm. on Educa.
4228, Dirksen Senate Ofce Bg.
Wash., D.C. 20510
(STOP 301)

E.T.S.

Washington D.C. Office

To Jean Frohlicher

DAVID M. NOLAN

Dear Jean:

I put together the attached draft with the idea that the plan indicated might have a reasonable chance of acceptance and might even do some good. IF you wish to talk about it, please give me a call.

Dave

Confidential

TO: SENATOR

FROM: LB

Dec. 8, '75

Robt. Goldwin at the White House and I met for lunch and before and discussed the Berman situation for the better part of an hour and a half.

Like Hagan and Kingston last week, he was probing for areas of future accommodation. I gave him none -- though I said that you would always be willing and interested in hearing of any approaches ~~the~~ the Humanities wished to present. During the discussion I think the case against Berman was tightened up a couple of notches by me, though I did not foreclose any options.

I gave Goldwin quite a lengthy background on your involvement with the original legislation, going into detail on the origins of the State Arts councils and your interest in a Humanities counterpart from early days -- your respect for the leadership of Barnaby, and agreement with him not to press the issue of State Humanities councils at the outset of the program. I said that in each of the two previous reauthorizations, you had questioned the Humanities on their State programs and plans -- that you had a very deep interest in this Endowment and all its works, since in large measure you had created it. I pointed out that you had defended the inclusion of the Humanities in the beginning (against the scepticism of Sen. Javits), and that you had been a past champion of parity between the two Endowments, when others sought to change this position. (For example, you'll recall letters we wrote to Sen. Bible, Byrd's predecessor on the approps subcom. involved, urging parity in funding.) Thus, I said, you had been very active and *and getting it!*

I think much of this history was new to Goldwin.

and influential in the Arts and Humanities from the word go, and in helping the programs develop over a ten-year span -- and that it had been of concern to you when your amendment for the State-based Humanities, intended to throw light on how the overall program could be improved, was suddenly attacked on a wide orchestrated front, even before hearings had been announced.

I stressed that this critique had only a very indirect bearing on your basic concerns with Berman, but that the confrontations which had arisen as a result of the orchestrated attack on your amendment had focused your attention sharply on the State committees -- and that, as a result, you had become increasingly convinced that your concepts were right. These concepts, I said, when explained to my colleagues on the Hill met with a favorable reaction. I had yet to find a staffer who did not agree with my explanation of the Pell amendment as meritorious.

I further said that in questioning Berman's performance you were also now questioning the possibility that parity should not be espoused per se, and that perhaps the question of more funding for the Arts than for the Humanities should be recommended. Goldwin ~~surprised~~ surprised me here: he said in an unguarded manner (I felt ~~except~~ for the most part that we were both fencing) that he would agree with you -- that the Arts merited more. He added quickly, "Ron Berman would kill me if he ever heard me say that."

Goldwin launched into a defense of Berman. He had not initiated the criticism of your amendment (this is a very misleading statement -- if he didn't actually initiate it, he certainly abetted it.) I did not comment on this, as it is a tangent to the problem. Berman had a wonderful staff, highly praised by all, even by his two critics on the Council of the Humanities. One identified as Hannah Gray, the other as Ms. Rockefeller. Berman's work had been highly praised throughout the country. Out of the 26 Council members,

only two were opposed. Even they admitted that the staffing was excellent...

I said that I wondered if Council members would speak in opposition to this type of White House inquiry, knowing that to oppose would in all likelihood be reported to Berman, and that opposition would mean or could mean that Berman could lose his job... I said that if I were in such a situation ever, even if I felt reservations, I would be reluctant to express them. I therefore questioned the objectivity of the opinions he had received under the circumstances. I said that I had done some checking of my own -- not of the Humanities Council -- but of others in the field; and that I had received a general back-up and endorsement of your view: Berman has behaved passably, but not exceptionally. I said I had received not one "enthusiastic" endorsement of Berman as "outstanding." Goldwin looked rather thoughtful and didn't comment. I assumed that he was searching his mind to see if he had received from the Council any such ringing accolade. In any event he didn't comment.

Instead, he said that a Chairman of an Endowment was subject to all kinds of pressures, that sometimes he had to be a politician, sometimes an academician, sometimes an administrator, etc. Goldwin made a plea for tolerance of small vagaries, and tolerance in general from the Senate -- and here I had the feeling that again there was an unguarded moment and that it was obvious that Goldwin was not an objective analyst, but a Berman cohort.

A third unguarded moment came a bit after this when he said that he had hoped that as an old friend of Senator Pell's and as an old friend of Ren Berman's I might be able to provide the basis for a modus vivendi. Couldn't I foresee that all this would eventually be settled, and that there would be a bright new outlook for the future???

4.

I said, frankly no, that I could not foresee this at the present time.

He then asked me what I would do if I were in his shoes.

I said that I would try to do his job with all possible responsibility -- that I would report the views of the Council on the Humanities, and others he has interviewed at a staff level -- and that I would report that Senator Pell was not in favor of the reappointment, and state your basic view.

I said it would also seem to me the part of responsibility to mention that your lack of favor and lack of confidence in the leadership of the program would have to add some concern regarding future relationships if ~~providing~~ Berman did remain in office.

This was obviously not what Goldwin had hoped to hear, and I think it somewhat confused him. He had no counter to this.

I said this mainly because I did not want to leave any impression that if the nomination is sent up to us, it might somehow receive a tacit approval, or a grudging acceptance. I thought he should know that the nomination, if transmitted, is going to cause a problem.

He asked if the other members of the Subcommittee and Committee would go along with the Chairman of the Subcom. I simply said this is often the case.

Goldwin said initially that he had signed off on the nomination and sent it along for further review (mostly routine I gathered) before it officially comes to the Hill. At the end he said, he would be taking another look at it before transmittal. Finally he asked, what if the Audit is favorable?

I said that this would enter into your considerations, but it would not be determining by any means.

We parted on a very friendly basis -- I said I would keep him in touch with developments here -- he promised the same on his side.

5.

My hunch is that the nomination will probably be sent up to us, but that the decision to do this will now be further discussed. I think without this meeting today it would have been sent forward this week. Maybe it will still be. But there will be thought given.

It will be interesting to see what feedback I may get from the Humanities on this meeting.

At the moment I recommend that we wait and see -- if we were to try to stimulate a call to Goldwin from anyone but the most prestigious humanist (and none of them are talking to my knowledge) we could be accused of trying to block freedom of choice and action. But I think things are somewhat in the balance now, regarding transmittal. Goldwin hinted that perhaps I might be contacted by others at a White House level, to whom his report would be sent.

One final thing worth noting: Goldwin used the argument at one point that a successor to Berman "could be worse." I said you had heard that before and that ~~as~~ as an argument it held absolutely no water... He said that "with this White House" you never knew how conservative it would become. Which gave me momentarily a feeling that his position is not all that influential, though he is the only one about who has the Len Garment assignment.