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John Hoare Kerr

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March 9, 1984

The Honorable Claiborne Pell, USS
Ledge Road, Newport, RI

Gerrydown" RFD#1
Newport, RI 02840

My dear Senator,

I realize this run-down is long overdue but the wheels of Justice grind exceedingly fine, if slow, and so it is only now timely in both MSPB and EEOC cases. I hope after my long history of ardent support for you no matter what political party I put my faith in at the time (and it is a flowing cornucopia of values we face today, ever in flux), I may write you in strictest confidence as a constituent sharing your devotion to the Endowments you established.

Actually, because you were helpful in advising me to "be Prudent" in the matter of my restoration after illegal separation from Federal service of myself and the other National Endowment for the Arts (NEA) Program Directors in the Biddle administration of NEA in the 1978/79 periods, I thought to update you and seek any advice with appreciation for your previous sage advice which (with prayer) bolstered me to patiently, expensively, and above all, "prudently" (Your choice of words had great impact) allow the law and the courts to take their time. Now it is some (5) five years from my illegal dismissal in 1979. To date I seem to have proven my case, as a chain of substantial, favorable decisions (alas accompanied by endless NEA personal harrassment of me from the Chairman on down) has come about which are appealed regularly by NEA and which have been avoided by every legal and non-legal means by both the Biddle and Hodsoll administrations who obviously retaliate for my having successfully pursued this matter. So harshly have they treated matters that my health and well being are shot. MSPB observing facts of this recommended Biddle's agents in this, his General Counsel and Personnel Director, should be removed from having anything further to do with my case. Biddle's leaving made him beside the point they felt as he was out of office. Hodsoll has carried on as Biddle alas. The EEOC examining matters stated Biddle's testimony under oath and his statements submitted were "beyond credence". I am told the Harvard Business School or Law School would find this a classic case in abusive bad management and illegal practice. Yet in all it continues. My favorable ruling from the US Federal Court of Appeals mandates MSPB orders be carried out and not subverted by a restoration to a sham position stripped of all real duties and that MSPB not avoid enforcing its own decisions. Lawyers tell me this obvious logic is a precedent setting decision that will impact on the entire Federal workforce. Yet NEA still avoids restoring my former duties. Rhode Island's Jordan Stamzler and Washington's Matthew Myers (once Judge Pettine's law clerk in Providence)
have been my attorneys and are still trying to reach an accommodation in
the MSPB case to preserve (restore) my health and career ruined by NEA's
vendetta for having successfully pursued my case. Yet in truth to date NEA's
solutions are at my expense and to be rid of the embarrassment of my legal
success on the cheap and with maximum damage to me and minimum penalty to
temselves. There is no thought of making me whole or providing adequate
safeguards for a man 53 to start a new career as NEA has ruined him in his own
field despite outstanding performance prior to illegal dismissal. Their lawyer
once offered 4 years at Harvard law under salary and schooling fully paid to
commence negotiations after one of my victories. I was interested and they
indicated all legal fees would be paid...but as soon as I committed my lawyer
to negotiate (Jordan Stanszler at the time), they reduced the terms insultingly
so we had to await better good faith. It is similar now that I have won
not only my lawyer's victory which pertains to restoring me to my former
duties which NEA resists to date but another victory with EEOC which I handle
legally as my bills climbed in the other case alarmingly beyond my capacity
to absorb them easily. Fortunately I am a keen observer and dedicated worker,
and with some gratis legal advice from Jordan Stanszler and Matthew Meyers and
recalling their skill, without legal training, I faced down the best legal
talent the Endowment has to win a victory which stated the Biddle retroactive
5 year and out rotation policy was illegal and harshly criticized Biddle
based on his own statements and the facts. You can imagine Endowment Chairman
Hodsoll (a lawyer who warned me he'd prevail and I'd get nothing but a survey
to do under his administration) and Jeff Mandel, his new General Counsel, don'
like me any better for having won despite their best efforts...one of their
lawyers has been let go just as the former General Counsel, but that does not
alter their techniques. It is like being in reverse therapy dealing with this
attitude at the NEA. And Senator, I could have accomplished so much for the
arts if my outstanding references had not been verbally undercut, etc. This all
comes out in two transcripts of Hearings (one MSPB and the other EEOC plus
Federal Court...and makes fascinating reading. I may write a novel, yet...). My
favorable ruling from the US Federal Court of Appeals mandates MSPB orders be
carried out in good faith and not sunverted by a restoration to a sham position
stripped of all real duties and requires that MSPB not be "chicken" in enforcing
its own decisions. Lawyers tell me this will impact on the entire Federal
workforce as a major decision advancing Justice as I mentioned earlier. Well
EEOC decision may even be more telling as not only does it find Biddle's Pol
illegal but it finds he used illegal means to prevent me from being named
Director of Museum Programs (among NEA's largest) and offers as solution
naming me Director of Museums by March 14, 84 or so (one of NEA’s largest).

Hope you are doing well. Our family (practically half the is land when you realize in New York City (where most of Manhattan fell to
the clutches of ancestors in the Morris, Shrady, Nevius, Gould, etc branches
and in R.I., Mass, N.J. and PA hoardes of Almy, Cornell and others) spread out leaving floods of descendants in R.I. from Hazards to Kerrs........

I’d guess my sons are the 13 or 14th generation there in the Newport area
and we will probably be here to vote for you in every election you chose to
run in.......as you know I still hope to venture an argument that will make you
anti-abortion. Our President knows well the value politically of waving the
flag over the right to life and prayer in the school even if he has not been
able to produce as promised on these issues or the Federal Deficit. People
as conservative as I am in religion as a Roman Catholic with a branch of our
family, headed by Bishop Kerr in Vermont as Episcopalians, tend to feel our Las
most horrid crime is the millions slaughtered by their own parent in abortic

More in the past two years than Hitler’s ovens for Jews and Christians, more
than many, many wars and ½ almost if not more than ⅓ Stalin massacred in his
put-down of the Kulaks in collectivisation in the 30’s. Who will invent, fight, govern points?

If you hear from our mutual friend Hugh Lathram (in France?) give him our
best. My son Angus tells me many speak well of you at the Brook Club in NYC
where he has many friends and when the strains of being an undergraduate
(hopes for a diplomatic career) get too much for him he is dined there now and
again by kind freinds. His uncle in Paris, Van Kirk Reewes, is a member,
but the relationship is tenuous at best since Mrs Kerr and I separated in ’72
go our separate ways. She is in Texas where my great grandfather’s ranches
were before the civil war in the days of the Republic of Texas. He lived
New Orleans and NYC mostly though and was trained in law at University
of Edinburgh....a canny Scot. My mother’s people were pre-Culloden Chiefs
of MacDonald from around Moidart, but my Texas Kerr was a Border Scot. I
still serve with Lord Lothian (Kerr Chief) as Director of the Kerr Family.
When he comes next, could we dine with you or lunch in the Senate at my expen
as he had me to the lunch table at the House of Lords and it would be a fitting return. Clan and family ties endure over the borders of countries still. Cornwallis was defeated instead of a Kerr as the numerous Kerrs here prevailed on the Kerr General to refuse Command in America offered by the King as Kerrs did not want to fight each other. They were the most fierce, tenacious, ruthless enemies of the Border Wars in Scotland. I asked Lord Lothian why he was so powerful and lauded everywhere I went. He said, "The Kerrs were entrusted by the King to take care of the Borders, instead we took care of ourselves". Very modest if too modest. President Roosevelt appointed my father, General Kerr, to head all exports during Lend Lease Days. The Ambassador negotiating Lend Lease here for Britain was the Marquess of Lothian...head of the Kerrs. My parents were at the British Embassy a lot in those days. Well I ramble as it is snowing and I amSnowed in until the plows come to plow us out to the road. The ocean view is lovely I am sure today if the snow would clear so one could see. This is still in spots a lovely island as I recall it in the 30's.

Best, John Hoare Kerr

* Drew Pearson xrefed
  Is he now as the President
  of Export Credit and perhaps
  in a bow to him R.J. as in his
  New York among victors twice,
  "The beggar in a clean"
  about what was going on in those days.