Berman, Ronald: News Articles (1976): Book Chapter 01

Ronald Berman

Follow this and additional works at: https://digitalcommons.uri.edu/pell neh I_11

Recommended Citation
https://digitalcommons.uri.edu/pell neh_I_11/13

This Book Chapter is brought to you for free and open access by the Education: National Endowment for the Arts and Humanities, Subject Files I (1973-1996) at DigitalCommons@URI. It has been accepted for inclusion in Berman, Ronald: News Articles (1976) by an authorized administrator of DigitalCommons@URI. For more information, please contact digitalcommons-group@uri.edu.
CHAPTER X

The Politics of Culture

From the beginning of its legislated existence the National Endowment for the Humanities found itself in conflict with the Administration, Congress, and with its own constituency. Our grantees were grateful for our services, but most of them would have preferred a steady flow of federal subsidy. They did not like to make repeated applications, and it was their dream to become line-items on the Federal Budget: mandated recipients of funds given by entitlement. The Administration was the least of our difficulties, except that it routinely tried, and increasingly succeeded, in making appointments to the National Council on the Humanities dependent purely upon political affiliation. Congress was the greatest of our difficulties, not because it exhibited many direct improprieties or tried to influence the giving of grants to specific individuals or institutions but because it tried consciously and continuously to divert the budget of the agency away from professional and towards public benefits.

If I may for the moment briefly review the congressional situation: in the Senate, Claiborne Pell, who controlled the legislation governing the agency, had tried since its inception to convert the humanities into a form of cultural welfare. He wanted five percent of the funds given to individual citizens without college training. Such funds would be divided among "grocers" and "lumberjacks" (the terms were his own, often alluded to in hearings, statements to the press, on the floor of the Senate) in order to provide them with after-hours enjoyment of the great books. Each grocer and each lumberjack would receive five hundred dollars to do so. In addition, Senator Pell wanted another twenty percent of the agency's funds to go directly to the states each year. It did not especially matter what these funds produced; what mattered only was the audience they reached. They were to be assigned to citizen's committees on the humanities in each of the fifty states. The power of the sub-committee Chairman was such that
the agency had to comply. And, until 1976, there was a workable compromise. NEH funded a group of such citizen's committees, having first made sure that they were composed of teachers, librarians, curators, and other professionals. These groups were encouraged to apply for funds annually to the mother agency, and to spend such funds on education. By 1976 such groups were operational in all fifty states and, while I did not think of them as ideal solutions to the problem I did believe that they were moderately successful. On the negative side, the work they did was sometimes indistinguishable from general social discourse. They loved to sponsor public debates on over-population, divorce, alcoholism and other anxieties. They spent much money on their own little bureaucracies. They funded projects that did not do much for the advancement of the humanities.

On the positive side, they were all volunteer, and so took no salaries. They raised impressive amounts of local gift-and-matching money. They sent money to community colleges, libraries and civic associations. They became enthusiasts, and lobbied for the agency whenever a congressional district needed to express approval of our operations.

Senator Pell insisted on more direct political benefits. He wrote into the law the requirement that NEH, like NEA, had to give away twenty percent of its budget each year to citizen's committees in each state. He insisted that the governor of each state appoint the members of those committees. In short, he wished to make them political entities which would be adversaries of the Endowment, and he succeeded in accomplishing that.

It might be noted that there was nothing in the charter which suggested all this. At no time during the current change in legislation was it implied that, by doing this, teaching might be improved, research sustained, or libraries, universities and museums benefitted. The policy had no object of making education in the humanities better or even more available. It was simply a means to insure a flow of cash from Washington to the states.

The usual way for laws to take shape is for consultation to occur between Congress, lobbyists, and the Executive agencies involved. But only the first two took part in deliberations this time. Before I knew anything about the intentions of Senator Pell he had put draft language into our new authorization bill. It stipulated that the entire State-Based program be replaced by state humanities "councils," which is to say by state bureaucracies. These did not exist, and would have to be called into existence. I found that NEH had been lied to by the Senator and his staff. After assurances that all was going well with our bill I found that there would be hearings with hostile witnesses who would incorporate themselves into "councils" as soon as the law was passed. There is a difference between giving everyone his day in court and allowing the fox into the chicken coop.

Information had been withheld, the provisions of the new law had been covered up, and the agency was to be stripped of a large part of its funds. I made the tactical error of letting Pell and his staff know that I knew this. Although lies are common enough in Congress this one was embarrassing. It had been called, and the Senator's stock in trade was morality. He had several choices, one of them being to tell the truth. Another, as is the way with Congress, was to patch things over without bothering much about right or wrong. He decided instead to demand that the White House not re-appoint me to a second term as Chairman.

I did not at first take him seriously, underestimating his power and malice, the weakness of the new Ford administration, and the privileges allowed by the Senate to its members. The grounds of the Senator's complaint to the White House Personnel Office were that I did not manage well, was power-mad, and ran a poor State-Based Program. Since he had made it his business annually to praise me in the pages of the Congressional Record for both management and character it made an odd lot of accusations.

In an effort to extract my nomination for a second term from the White House I reminded the President's staff that Pell had no claim on their affections. They told me that neither did I. They might actually stand to gain by placating a promi-
nent Democrat, and vacating an office which patronage might fill once more.

It seemed to me that planning to lose a conflict was a poor way to enter it. If the White House did give in graciously then members of the National Council on the Humanities would resign, the staff of the agency would become demoralized, and every politico in Washington would know that the Endowment could be shaken down. And in fact, a few days after I conveyed that, Sidney Hook, a prominent member of the Council said that he would indeed resign if I had to leave.

My congressional aide got to Pell's office meanwhile, and found one of the reasons for his malaise. Pell had been so embarrassed by the mail and calls coming in to his office, most of which he had solicited in favor of his new amendment, that only my blood could wash away the offense. It seems that his friends and consultants, of whom there were many, agreed with me about the State-Based Program, and disagreed with him about the management of NEH.

The malignancy took a year or so to develop. Early in October of 1976 the Senator caught up with Robert Goldwin, who was to the Ford White House in some respects what Leonard Garment had been to the Nixon Administration, and informed him that I was to be charged with certain things. First, that the agency had failed an audit by the General Accounting Office. Pell tended to blunder in these things, and unhappily found the next day that NEH had in fact passed the audit; it being recommended by the GAO that the Chairman be given even more authority than the law presently allowed. After this the Senator accused me of having lost the confidence of the Council and demanded a poll on my re-appointment. Twenty out of twenty-one insisted that I be re-appointed. He was mortified, and looked for other charges.

Frank Vandiver, Vice-Chairman of the Council, met with Robert Goldwin early on the 4th of November 1975 and then spent the afternoon with Senator Pell. The morning interview went well, it having been established that the White House, which had no real stake in my appointment, could not find any reasons not to go ahead with it. But the meeting with Senator Pell was somewhat different. Although Frank Vandiver had been able to supply a rebuttal for every accusation, the Senator kept to his assertions: that my relationships with the Council were poor, that the Endowment was badly run, and the State-Based Program ineffective. He found no difficulty in contradictions: that the Council had recently requested my re-appointment, and that the State-Based Program had won the support of his own consultants. Frank found the Senator's reaction in excess of the facts, and we both supposed that it had not much relation to them. The next day my name went up to the Personnel Office for a new term on the job.

I met with Jack Javits in his office the same day. He, too, disliked the State-Based Program but we quickly found a compromise: the committees would remain voluntary but the members would be annually re-appointed, some of them by the Governor of each state. Javits promised to back my appointment and to persuade Pell to it. I left feeling not too badly about things. But, a day or so later three of the ablest Council members went to see Pell and he put them through the wringer, now threatening to sever the two Endowments, cut our budget and punish the agency in other ways for my misdeeds.

I then went up to see Pell, answered his charges and listened while he complained that his own committee disagreed with him about my appointment. I soothed him, and said that I'd much rather win with his cooperation than over his dead body; all very appropriate for the face-saving involved. I went over everything, but succeeded only in settling the issues. He did not want the issues settled.

There was a good talk with John Brademas a few days later. Al Quie and John Brademas were to my mind never to be praised enough; as the situation developed it was only the House that kept our bill from being the kind of punishment that Pell had in mind.

Next day, the 13th of November, I went up before the Senate for the authorization hearing. Pell began with a statement of his beliefs, without referring to the evidence that had nullified them. There was the now-predictable passage on
grocers and shoemakers; and some alarming disenchantment with academics and intellectuals. He complained continuously at the waste of money on an educated elite. I managed to avoid questions intended to entrap me by ignoring them in the hope that they would sink out of sight in the closed committee hearings. My strategy was to take away the initiative whenever possible. When the Senator made personal remarks I let them go; when he carped at the agency I combined respect and contradiction. When he stumbled about I changed the subject.

Nancy Hanks and John Brademas bucked me up on the performance.

Shortly after this I met Barry Goldwater who said that he was having a rough time convincing Pell. He told me that Bill Baroody, President of the American Enterprise Institute and a great stalwart, had been on the phone a half-hour with him over this. Goldwater was not optimistic. Don Rumsfeld, Secretary of Defense, was brought in as a friend of the court by Len Garment and Bill Buckley. Bob Goldwin called, somewhat embarrassed by having to ask my political registration. The White House was under the impression that I was not a Republican, which may have accounted for some of the difficulties. Bob was as ever very helpful, but I could not quite believe the implications. I hoped they had Brezhnev on file under the Soviet Union.

Another audit for NEH: Pell was fighting now with every weapon at his command. He insisted that the nomination be delayed—for months—while the audit was under way. I refused, and told the White House we had to go ahead with it or have it die of inertia. But Goldwin got the same story from the head of the White House Personnel Office. The good news was that Pell had now withdrawn his charges. The audit, delay and Senatorial privilege were all he had left; they were probably enough.

Until this time Livingston Biddle, Pell's assistant, had tried to mediate; now, recognizing that his principal was immovable, and that he had only two choices, he decided to humor the patient. Pell and Biddle claimed to the White House and to the media that NEH was not as successful as the Endowment for the Arts, at least as measured by coverage and approval of the media. It was true enough; but of course the same could have been said of the National Science Foundation. I couldn't do much with Pell and Biddle, but did get to see Jack Javits and explain the difference between visibility and presence. The first was the effect of a performance on the media. The second was the effect of thought in society. Thought is not really an event, and what the humanities do is not visible to the naked eye. Javits saw the distinction, and agreed that NEH should not be held accountable for having a less enthusiastic press than the Arts. We talked about the full partnership of the two agencies, and especially about parity in their budgets. Javits was pleasantly surprised to see how much we did for New York, probably a deciding factor for him.

There was more from Bob Goldwin on the tenth of the month: the nomination was pretty well stuck in the White House Personnel Office. Bill Baroody went to work on it once more. It became clear that the White House would not help out, even to the extent of getting Pell's committee on my side.

Both conservatives and liberals had recently attacked the agency's policies, especially those which tended to popularize culture. There was no reason for them not to do so. But common sense urged an equilibrium between public and professional benefits. Neither should dominate: not promoting research too narrow for public funding, nor the political distribution of money to every one who wanted it. But Pell now issued a committee report affecting the agency itself, urging that the culture of "tens of millions of Americans" become our major aim. This might be either no culture at all, or several cultures too many. If the idea was to bring humanities to as many people as possible that was well enough. But if it meant giving money to voters without asking too many questions about how it would be used that was something else.

I thought the meaning was clear. Pell was in a lather of anti-intellectualism, willing to confuse professionalism with elitism, and ultimately looking for a stick to beat a dog. Whatever we were not doing was his ground for complaint.

In early January 1976 Goldwin told me that Pell had spoken
to the Congressional Liaison Office of the White House and restated his opposition to my appointment. I was told by a friend in the White House bureaucracy that I would be kept in limbo until after the presidential election. My name would not after all be sent up to the Senate for confirmation. It was enormously depressing.

But there was a radical alteration on the seventh: the day beginning with Senator Buckley phoning me at home to ask how he could help out. I talked to him several times, and he told the White House what he expected of them. By the close of business that day the cork had popped out of the bottle. He must have been marvelously firm: I was left for dead on Monday, gave up on Tuesday, and found by Wednesday that I was scheduled for nomination within two weeks. I knew that there would be a formidable coalition of conservatives and liberals on the case; and I suspected a tremendous send-off from the media.

The disproportion between power and logic was sometimes pretty funny. Pell was free to say anything he wanted, but could make almost nothing stick. The week that he began his campaign on the invisibility of the agency both Time and Newsweek devoted more space to the Adams Family Chronicle than to the presidency. It was a mad success in Washington, drawing the sympathy of almost everyone in public life; and appreciation from those who followed the development of public television. The object now was to intensify public appreciation for NEH, and there were good responses from columnists like John Roche, Nick Thimmesch, Max Frankel and Anne Crutcher, all of whom planned to cover the case. The New York Times was sympathetic, but not to the point of running an editorial against a senator who had for so long embodied its views. The Washington Post simply maintained silence; the issue being invisible to them for the whole course of things. I thought their indignation over fair practices in government mightily selective. The issue was not after all whether they agreed with me, but only whether a hearing could be infinitely postponed, so that neither side could be stated in an accountable way.

At the same time, the third week in January 1976, the second GAO audit came to a close. I met with the five auditors and my Deputy, Robert Kingston, and was a witness to one of the great performances of the bureaucracy fighting back. Kingston had mastered the entire procedure, and knew more about the report than those who had made it. He uncovered every flaw mercilessly, and got the auditors to admit their humiliation over the covert intention of the investigation and the way it had been carried out. They agreed to conclude that there was nothing unfavorable to me or NEH, and one more of the obstacles had disappeared. For intelligence and rarely-appropriate moral indignation Kingston couldn't be topped; a nice moment in our finale.

Irving Kristol and many others converged on the AFL-CIO to get the endorsement of Lane Kirkland and George Meany. There was an hilarious afterthought: the unions wrote Pell that since our State-Based Program did so much for labor organizations, and had so many contacts with their members, it should be left exactly as it was. Arthur Hertzberg, former President of the American Jewish Congress, saw one of the key men in the mess, Harrison Williams, chairman of Pell's full committee. Williams would ultimately decide whether to judge the case on its merits or by the rules of senatorial courtesy.

The Adams show continued to attract the media, Times, Post and Star giving it enormous praise for the rest of the month. A long piece on the politics of the appointment came out in the Star, in which I was accused of reluctance to support nonsense, of being unwilling to politicize the Endowment or to chase publicity; not impeachable offenses. The article also mentioned that NEH had passed its audit with flying colors. I was clearly ahead in every respect except that of dealing with the powers and privileges of the Senate.

I had the first of many long talks with Arthur Krim, who supported me from his vantage point in Democratic politics. The American Jewish Committee weighed in, sending its chief lobbyist, Hy Bookbinder, to the Hill to argue the case. Although the usual thing in Washington is for a man to twist slowly in the wind, this matter became an honorable exception.
Wherever I looked, people spoke up to disregard the custom of the place.

There were good talks with John Brademas, who undertook to carry things to Pell; with a former Council member, Bob Ward of Stanford, who knew that it would be important to see Alan Cranston; and even with people from the Arts Endowment. And there was a not especially good talk with Pell on the 29th of January, which really did bring some things out in the open.

I spent about a half-hour with him, going over the Adams Family Chronicle, and drawing the admission that this grant had served those “tens of millions of Americans” he had in mind. He added that he liked me personally, but was going to block my appointment. He would do that by tabling the nomination in his sub-committee and preventing a vote on it, or passage to the Senate floor. More or less at his wit’s end to find a reason for this, he said that his standard of reappointment was now “exceptionally outstanding” performance—and whereas I had only been outstanding, I could not hope for another term. I was tempted to ask him for his opinions on service in the Senate. At any rate, it seemed pretty dear that he was determined to find or invent some criterion that I could not exceed.

He left briefly for a roll-call, and Livingston Biddle then tried to blackmail me into submission. Biddle suggested that I would be vulnerable to public charges about my administration of the agency, that a confrontation with so virtuous a Senator would ruin my character, and that it would be safest for me to depart and head some fortunate university. I suggested that if it came to being defeated in committee the Senator might change his mind. Biddle said that the GAO report would give Pell whatever he needed to damage me—and with some incredulity I asked if he knew what was in it. He did not. When I told him that the auditors had agreed not to criticize me, and suggested only a few cosmetic improvements in office procedures, he was visibly shocked. As I left the office my congressional liaison aide was somewhat upset, and told me that the Senator had offered him a job in his own office if he would get off the case.

Andrew Biemiller, sent over by the AFL-CIO to help me, was offered a compromise by Pell: I could stay on the job until the election. Since that was no compromise at all I asked the unions to press somewhat harder for a hearing. Senator Cranston gave a flat assurance to Caroline Ahmanson, our Council member from Los Angeles, that he would support me; had he kept his word I might now be making grants instead of writing about them. I was worried about Javits because he had close personal and political ties with Pell. But his constituents were hot and heavy after him to support me.

I was invited over to the Rayburn Building to talk to Frank Thompson, one of the founders of NEH legislation. I hadn’t realized that his interest began as early as 1955, a decade before anything actually happened. Thompson went over Pell’s opposition to my appointment, and we talked about the reasons first raised to oppose me and their abandonment. Thompson said, much to his credit, that he and John Brademas would actively campaign for me. It was a fine gesture—much more than a gesture—from a man not actively involved on any of the Endowment’s committees, and on the other side of the political fence. He gave me good advice if I should ever get out of this, to spend more time on the Hill mending that fence.

I had another long session with the GAO auditors, who proved to be decent men. They had corrected everything called to their attention by Bob Kingston, and wanted me to know that the report in its final form had nothing damaging to me. They thought, however, that it might be used out of context. They regretted that; so did I.

I visited John Brademas on the 6th of February; he had seen Pell but been rebuffed. We both foresaw a conflict now, to be won by me with as little show of force as possible. A good strategy for keeping the support of the Senate while fighting the privilege of a Senator; but it didn’t work in Korea or Vietnam. Then to Jack Javits; and at that point I took some relief in what he could say. He undertook to handle my confirmation in committee, even though he too had been rebuffed by Pell. He felt sure of Harrison Williams, the great unknown. Javits...
advised me not to let up on contact with committee members, and to have the nomination delivered to the Senate as soon as possible. He agreed that Pell's opposition was irrational, but felt that it had to be handled tenderly. Javits was very intelligent, with an eye for my media support and the cowardice of the White House.

The media response that had developed and was to come still strikes me as remarkable. Senator Pell began by literally charging that the Endowment, when judged by its press chippings, failed the test of publicity. He dropped this charge with some anguish as the issue generated skyrockets and barrages of coverage, almost all in favor of his opposition. He later replaced this charge with the complaint that the press had become captive to the agency.

Some of the press coverage came from newspapers and journals unknown to me and was simply based on the issues. Some came from writers who were both friends and associates: John Roche had been a Council member before my term and understood the issues. Anne Crutcher of The Washington Star had been a panelist, and wrote with superb intelligence about the agency's purpose and situation. Jeffrey Hart was appointed to the Council by President Nixon, and was deeply motivated by shared ideas and very close friendship. Their coverage was in itself a political spectrum: John Roche was on Lyndon Johnson's White House staff and a former President of ADA; Jeffrey Hart is an editor of National Review. There was in addition a third force, a kind of one-man gang: Roger Rosenblatt, who had left the Education Division of NEH to become Literary Editor of the New Republic. Because of him the New Republic joined National Review, at least on this issue, and quite frankly drove Senator Pell crazy with its anger and wit.

The conflict with Pell awakened all kinds of sleeping dogs. The agency was now perceived to be weak, and ready for plundering. One Congressman took me to task because NEH grants were being given only to those qualified to use them. This was felt to be undemocratic. A group of state-college presidents informed me that they wanted one of their own on the Council, and many of their own on our panels. They also wanted revised standards in their own special case, and annual quotas of our money. They were pretty much perfect examples of constituency politics: men of little mind, some character and much familiarity with legislatures. And they represented the alternative to my confirmation.

A Washington Star editorial appeared on the 18th of February, all fire and brimstone. It enraged Pell, who played the buffoon of the piece. His office called mine to break off diplomatic relations. One the other hand, Sid Yates called to say that it was just the right thing. The President sent my name up to the Senate just after this; it was clear that the battle would go public in a fairly noticeable way.

I began the week of the 23rd of February by calling on Senator Schweiker who was an Adams Chronicle fan and we spent some time talking over the confirmation. Then there was a call from the Majority Leader's office, telling me to show up right away. Mike Mansfield had never heard of the Adams grant, and knew nothing of NEH: in fact he asked me why I was in his office. I stumbled around for a moment or two, then described the Pell business. Mansfield said simply that there were other members of the committee, and that I better get around to seeing them all: the subtext evidently being that I was all-right with him. But it was an unnervering interview; Mansfield was famously vague and silent and I had to ask myself questions and then answer them.

On the 5th of February there was an authentic Great Moment in Government: John Barcroft, Director of the Endowment's Public Division, won the Arthur Fleming award for, among other things, the design of our State-Based program. Pell was at the moment trying to corrupt our legislation, divert our budget and deny my confirmation because of this program; and could not have been made to look more foolish intentionally.

The dance of courtesy began. Senator Williams was approached by more intermediaries. I got word from Jay Hall, a Council Member and lobbyist for General Motors that he had spoken to Jennings Randolph on my behalf. Randolph mattered a good deal—he was the senior Senator in office, and of
course right at the top of the sub-committee. Randolph gave his word to support me, from which he never deviated.

There was a half-hour interview on the first of March with Senator Eagleton, interested but non-committal. Then a talk with Cranston, who again lied that he would support me. Senator Hathaway likewise; so that I had what appeared to be all the Republican votes and most of the Democratic ones. At this point, if everyone kept his word, Pell seemed outnum-

bered.

I had a very good talk with Senator Stevens of Alaska, who had taken over from Alan Bible on the appropriations committee. Our hearing came up on the 3rd of March, and Stevens ended it with the unnecessary but welcome remark that my work had been “outstanding.” The Star emphasized that the next day; “outstanding” by now having come to be a kind of code phrase in Washington which indicated that all who used it lined up on my side. I wondered if Pell was going to ransack the dictionaries for another standard.

Then came the fateful talk with Harrison Williams on the fourth of March. He had evidently had his ears filled by Pell and could make nothing of the issues. He said that Pell told him we had “philosophical” differences, a new entrant in the vocabulary of this issue. By the end of the hour he was wearily shaking his head over what seemed to be pretty familiar behavior. He said that he would put his staff on the case and let me know. For all the assurances that he was sympathetic he didn't seem enthusiastic; or much interested. And at his level of seniority in the Senate the matter of NEH must have seemed like a buzzing mosquito.

The new legislation proposed by Pell appeared on the 10th of March; it was clearly designed to take out on the agency the resentment that I had raised. NEH was to be cut ten million dollars below NEA; and there were a variety of other provisions which seemed vindictive: cuts in our gift and matching allowance as well as in the total amount of money available and restrictions of other kinds. When Bob Kingston went up to see Biddle on the 12th of March he was told that the bill was “punitive,” an attack on the agency because it was more vul-
nerable than its Chairman. It was an astonishing admission.

From now on authorization and confirmation would be tied in a Gordian knot, and most of Pell's energies would go towards crippling the agency.

The first of two meetings with Jack Javits took place on the 15th of March, prompted by the more incendiary provisions of Pell's bill. I went over the probable reaction of some of the most powerful and vocal cultural institutions in this country to a law that would cut their resources because its author could not get at me. Javits would be perceived as a willing co-author, and get more headaches over authorization than over the confirmation itself. He was quite furious, and determined to get the bill back to normal: among the things that aggravated him was the realization that the wreckage of our State-Based program would now make it possible for Nevada and Utah to get as much money as New York.

At that point all was hopeful, Pell having created his own opposition even among those connected to him. But by the end of the month Javits slipped away. We met again, and he said that Pell had refused to yield. In the light of that—and of his own close personal relationship to Pell—he could only advise me to wait until after the election. I pointed out that he had promised to help; and that he was after all the ranking Minority Member.

He sighed like a man familiar with moral dilemmas, and said that I should canvass the committee to see if one Democrat and one Republican would crash its agenda for me. Good advice, but the case had in effect been closed. The Senate runs by procedure, and there is no other way to get it to act. I would have to break that procedure now while Pell would be protected by it. There were a dozen members of the committee ready to vote for me, and perhaps one or two against: but they would never come to that vote unless the ranking minority Member forced it. I knew enough about Javits not to be surprised, and left in good order. But it was clear not that I had lost, although I would spend the next six months fighting as hard as possible.

A few days later Javits' aide said that there would be a new
strategy, with the Senator pulling for me on the sidelines, but not officially in the fight. The scenario was to approach Schweiker and Jennings Randolph, and have them introduce my name before the committee. They would, if possible, break into the agenda of other business and request the committee to act.

The American Jewish Committee got into high gear, and made me the keynote speaker at its annual meeting in Washington. President Ford was the other main speaker, so that their feelings lost no emphasis. Hy Bookbinder hoped by this to draw Javits’ attention to what his constituents thought.

April saw dozens of little things that may or may not have added up: Jay Hall and Bill Baroody went once more to Senator Randolph, and once more got his assurance that I had at least one Democratic vote on the committee. There was a phone call from O’Hare airport from Len Garment, who had just escaped from a forty-five minute interview with Pell in New York. Pell was determined not to have me as Chairman, but was still without a reason; he did say that the would write into the authorizing bill that no Chairman could be reappointed without having done an “extraordinary” job. He still threatened revelations that would ruin me, if the matter ever came to a hearing. I still invited him to state them. He still declined the opportunity.

In early May I had lunch with Don Rumsfeld at the Pentagon, on a mission very different from most of its business. He thought that Senator Hathaway, who aspired to naval installations in Maine, might be the right man to break the procedural knot.

In May Pell was defeated in committee over the State-Based amendment. Javits tried five or six forms of compromise, and came up with something pretty much like what he and I had thought would do. The House promised to sustain my position, so that Pell failed in his first great aim, which was to punish the agency because of me. Those present at the hearing said that it was pretty much a dead loss for him, and something of a humiliation; which was a great satisfaction to the small-minded, myself among them.

By early June the media had become much involved. There were articles and editorials, before all this was over, in The New Republic, The Washington Post, The Washington Star, The New York Post, The New York Daily News, National Review, The Wall Street Journal and many in between. George Will noted that the differences were both political and idiosyncratic:

NEH offends some political sensitivities because it bestows benefits in a non-political way on the basis of merit.

... Pell wants the money to go in block grants as a matter of right, not merit, to paid state agencies, appointed by governors. ... Pell has wistfully but not wisely hoped that NEH would wind up supporting “lumberjacks” and “grocers” and “shoemakers.” The arts endowment can do that: Anyone can dabble at watercolors, or weld car bumpers into something the arts endowment considers art. But NEH can hardly give a lumberjack $500 to dabble at, say, historical research.

Anne Crutcher’s editorial in the Star was formidable, concentrating on the perversion of due process and the fact that everyone on the committee except Pell was ready to vote; and to approve the nomination. It hit Pell pretty hard, and for a while made me think force was counter-productive; but other members of the committee thought it accomplished its purpose.

The editorial did in fact prove to be the right medicine. A good friend of mine was called by Harrison Williams, now uncomfortable enough to be provoked into action. He was angry and frustrated by Pell, and had nothing particular against me. Williams was something of an old-time politician, and like everyone else except Pell wanted an arranged solution. But Pell insisted now that I was guilty of “elitism”—which had Senator Williams scratching his head and looking for a dictionary. At any rate he said the committee would meet to talk about a hearing. What a way to get the democratic process started.

Getting the committee to talk about the matter was like
milking a bull. I spent the next month in correspondence with Williams, trying to get him to eat his words. A basic pattern did seem to emerge: when Javits, Hathaway, Williams and others were first contacted they expressed doubt about Pell’s seriousness, and surprise at his position. There was a high ratio of initial support for me, corroborated by contact with the press or local constituencies. But trade-offs and senatorial courtesy then silenced the other Democrats on the committee. They expressed private sympathy and said that if it ever came to a vote on the appointment, no matter what Pell wanted they would vote for me. But if it came to a vote on whether or not to hold a hearing, they would have to vote against me. It was literally a Catch-22: they would not allow a meeting to take place; but if it did, I could have their votes.

The legislation went well because of supernatural activity on the agency’s part, and because the opposition could find so little to justify. The House continued to fight the Senate version of the bill; and Blanchette Rockefeller, a Council Member, successfully argued parity of the two agencies to Javits. Somewhat to my surprise, it looked as if none of the provisions in Pell’s bill would ever become law; that all he had accomplished was to defeat himself in this matter while looking pretty bad at the same time.

Meanwhile, the stakhanovites never stopped work. Jay Hall kept on top of the business with Jennings Randolph, Arthur Krim phoned tirelessly on my behalf, Hy Bookbinder did everything but take the state of New Jersey apart in the effort to find something that would be an irresistible argument to Williams. There were even angry articles on my behalf in Pell’s hometown paper, The Providence Journal, and Williams’, The Trenton Times. It turned out that NEH was not invisible to the media.

A Wall Street Journal editorial appeared on the first of July, containing among other things an analogy between Pell and the inept Wayne Hays. Williams saw it, and was exercised. He gave a counter-statement to The Trenton Times saying that there would definitely be a hearing. A new administrative assistant took over Pell’s office, and told my congressional man that Pell’s opposition was fathomless and not to be explained; and that he thought it about the silliest thing the Senator had ever done. The best thing, he thought, was for us to apply the same kind of pressure in Rhode Island that we had done nationally. It appears that Pell was encouraged by the relative quiet in his home state, although he was taking his lumps elsewhere. It was an excellent thought, and we heated up newspapers, constituents and contributors wherever they could be found.

The press had done an enormously effective job up to now; and I was grateful for its training-diet on Watergate. I would have been nowhere if it were not for the newspapers. Television ignored the matter; it was complex and not on their scale of public interest. Editorials and columns worked where nothing else would; and it was necessary to go outside of government in order to get government to function. In a way, my opposition had brought it on their own heads. Because Pell had so little to prove he fell in love with the idea of stating his reservations in a way that promised real disclosures, if not some scandal. By biting the ankles of the agency, however, he invited the opposition of the press. After his first argument was undone, that I was incapable and unsatisfactory, he went on to develop some favorite themes for them. The extent to which this backfired can be judged from The Providence Journal’s lead, “Pell Seeking To Bring Humanities To Mom and Pop Stores.”

Nearly all the coverage was based on disgust with congressional procedures and Pell; but one piece, in the not very widely distributed Washington International Arts Letter, had some shrewd things to say about the side-effects of legislation. It began with the observation that Pell would attempt to have all nominations for the NEA and NEH councils subject to confirmation by the Senate. It sounded harmless, but would in fact involve even more politics than those forced on us by the White House Personnel Office. Not only would there be the normal attractions of patronage: Pell wanted labor to be “represented” on both Councils, which was simply to give the unions a chance actively to lobby for grants within the agencies. And Javits wanted someone from the fashion industry on the
Arts Council because he thought that fashion was part of the Arts, if not part of his constituency. Given the thrust of politics, there would be walloping benefits for an enterprise clearly commercial. Fashion in New York City and hobbies for the retired in Iowa were part of a new social definition: art, at least, was what people wanted to do when it was paid for by politics. As Agnes De Mille put it in the Times, "they're spreading it around geographically, like Kiwanis." The contours of a new definition for humanities were fairly plain.

On the 15th of June I met with Javits' aide, Greg Fusco, who was throughout honest and helpful. Fusco pointed out that it would be to my advantage to have action on the bill delayed until after confirmation. Pell would then not have the excuse that the appointment should be made only after the new bill had been passed, while, of course, doing everything possible to make passage of the bill impossible. Right then he was contentedly sending out two different messages to House and Senate: the latter understanding that he would be pleased to have a hearing after authorization; the former that he would never agree to anything on the conference agenda that was likely to let the bill go through. If his colleagues were to play ball with him, the nomination would lapse with the end of the congressional session.

But by the end of July both Javits and Williams had evidently had enough from friends, constituents, lobbyists, media, and everyone else on the case. They agreed to a hearing before the end of the session. Williams even made a little speech on the floor of the Senate guaranteeing a hearing—after the conference. Since the conference would by every indication take place at the very end of the congressional session there would be no time left to hold a hearing; and the nomination would lapse. Williams' speech had the effect of assuring everyone that the Senate would act while allowing it not to, which was a rather clever way of neutralizing my supporters.

The time-wasting began again. The American Jewish Committee sent off a rattling telegram to Williams stating what they thought of his maneuver. Once again the telephones were started, and all over the country academics put pen to hand again. *The New Republic* and the *Wall Street Journal* came out for me again, so that a little more light was on the matter than the committee wanted.

It was a pretty good week for the media; *Newsweek* spent a lot of time preparing coverage (never printed) which had the effect of galvanizing the committee. *The New York Daily News* pitched in with an editorial, and Pat Buchanan did a column. The conference committee actually met, and to most people's surprise, including my own, made progress on the bill. Activity became frantic, with friends on left and right drumming up the case, raging against the Senate in *New Republic* and *National Review* at the same time. The *Star* did a piece on the conference which sounded fine until one got to Pell's plan for picking up beer cans as part of the ideal humanities program.

As a result of the renewed press activity, a hearing materialized on the 15th of September, in the last days of the congressional session. Javits came out for re-appointment; but Pell, who chaired the proceedings, filibustered his way through the agenda for the last days of that session. Eventually the hearing ended with none of the issues resolved; with some passing allusions to grocers and lumberjacks; and with the expected victory of mind over matter. Although it was too late, the main purpose of a year's work had been served, to force a vote from the committee.

The count went along party lines, with only Jennings Randolph holding firm. Walter Mondale and Gaylord Nelson abstained. The committee was spared having to break ranks on their privilege: they only voted, 7 to 6, on whether or not to vote. All the Republicans and a majority of the Democrats informed Pell that if a vote on nomination itself were to take place it would go against him. Procedure allowed Pell to prevent that vote. In the opinion of the committee staff, this case had come as close as any in modern times to upsetting the practice of senatorial courtesy.

I met with Pell after the hearings, and he agreed that he would withdraw his opposition to me if Gerald Ford won the election.