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Advisory Panels: Confidentiality Clause (1975): Correspondence 02

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TO: GREG

FROM: LIV

These new sections for the report have a rationale.

Advisory Panels -- the Endowment (Arts) asked me to put in something about confidentiality of panels and the need for it, within the law. I concur that the panels are doing a good job, and that it's necessary to keep panel meetings private when actual applications are being discussed. I agree that there's now a good balance in this regard... The House has a section on panels stressing the need for broad representation -- I think this is healthy, too.

In sum this is a combination of Endowment and House request for noting in our report.

International Activities -- requested, informally, by the State Dept. I think it's in line with our own discussions.

Historic Preservation -- C. Pell recently met with some representatives of national trusts from the U. K. The British types impressed him with their dedication, and he asked me to research the need for new language in our Act to permit a focus on this area... My memo back is attached.

In ~~sum~~ sum -- no new language in bill, but suitable report language... Senator has approved this approach.

(It's a long way from "c" to "h" -- or maybe this is another Freudian gap...!)

Non-Intervention -- We mentioned once together a case in New Hampshire where the Gov. censored one of the State arts programs in advance. Advocates for the Arts -- the activist wing of Assoc. Councils of the Arts, the Lou Harris-Michael Newton group in NYC, tried to win a court case vs. the gov. -- and lost, I think... But I've been asked by several, including Labor people, to do something about this... I don't think we can legislate on this one, it would run counter to States rights and huge hassle.

So -- here's something, not of any real consequence. But it does affirm a conviction in non-intervention... I remember this was one of the major points in the first bill, when it was feared that Govt. support would lead to a federal czar...

Program Reinforcement -- self-explanatory...

*Addit. Research -- we keep asking for this -
There has been a slim start.*

Advisory Panels

As in the past, the Committee underscores the importance of advisory panels to the work of the Endowments. Such panels significantly serve to broaden the scope of expert knowledge and counsel which the Endowments receive from the private community in keeping with one of the guiding principles of the legislation. Because of the importance of these panels, the Committee urges the broadest possible representation of viewpoint on each panel, ~~so~~ that all styles and forms of expression which involve quality in the arts and humanities may be equably treated.

The Committee recognizes the sensitivity of the work of these panels and the need for confidentiality, to the extent allowed by law, ~~for confidentiality~~ in order to protect the rights of applicants and the proper functioning of the panels themselves. The Committee also recognizes that the public has the right within the law for all appropriate information on the work of the Endowments. In this regard, the Committee notes favorably the balance the Endowments have struck between, on the one hand, the interest of the agencies in obtaining candid expert advice and, on the other, the interest of the general public in being properly informed as to Endowment activities. The Committee believes that this balance is needed to maintain the professionalism and dedication to service so essential to the work of the panels.

International Activities

In pursuing any international activities, the Endowments are expected by the Committee to consult and cooperate closely with the Department of State, so that such activities may be conducted in a manner consistent with the foreign policy objectives of the United States. If negotiation with foreign countries or agencies thereof becomes necessary, the Committee believes that such negotiation should be conducted by the Department of State in close consultation with the Chairman of the Endowment concerned.

Historic Preservation

The Committee commends the Arts Endowment for the initiatives it has taken in projects which are of abiding value to our nation, and recalls in its report on the last previous reauthorization legislation recommending that the ~~end~~ Endowment only support projects of such value and quality, in particular reference to the Bicentennial. In this regard, the Committee encourages the Endowment to place an ~~increasingly~~ an important emphasis on projects related to the preservation and enhancement of our country's historic houses and landmarks, so that, in accord with the Declaration of Purpose of the initial enabling legislation we may achieve "a better understanding of the past."

Non-Intervention

In this tenth anniversary report on the activities and needs of the Endowments, the Committee wishes to reemphasize Section 4 (c) of the enabling legislation enacted in 1965.

That subsection states: "In the administration of this Act no department, agency, officer or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, or curriculum, or the administration or operation of any school or other non-federal agency, institution, organization, or association."

The Committee believes that the concepts inherent in this subsection are of fundamental value to the growth and development of the arts and humanities in a free society.

Program Reinforcement

The Committee wishes to note that percentage funding procedures, with the exception of State arts and humanities programs where such procedures were earlier initiated and cover the broad range of arts and humanities activities, are not included in this legislation.

Many witnesses and supporters of the Arts and Humanities Endowments have cautioned against "line items" in funding these cultural areas. The Committee has taken cognizance of these arguments. It places great importance on the ability of the two national advisory Councils to determine priorities for both the arts and the humanities. However, the Committee wishes to distinguish clearly between so-called line items and the principle of program reinforcement through which the Congress may set certain broad goals and establish, within the general framework of the Act, specific opportunity for new initiatives.

By adhering to this principle, the Committee believes it has strengthened the potentials of the two Endowments to fulfill their missions.

Additional Research

The Committee notes favorably that the Arts Endowment has increased its capability to research needs in the arts. In this regard, the Committee wishes especially to emphasize that its requested study of theater needs, including the commercial theater as it relates to non-profit theater activities and as general needs relate to the entire development of this important art form, is long overdue. The Committee expects a thorough report on this matter within the next year.