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November 28, 1979

TO: Senator

FROM: ADC

The attached letter from Senator Randolph arrived yesterday. In it he summarizes the position of those who are opposed to your stand on changing the status of the humanities organizations in the States. He has had heavy pressure from the West Virginia Humanities Committee to stick with current law and allow the 1976 legislation more time to be implemented. At the end of his letter he claims that he is ready to offer an amendment at the mark-up tomorrow to continue with current law and perhaps to hold oversight hearings midway through the extension period.

The bill before the Subcommittee tomorrow offers two options to States -- described on the attached sheet. Since we met with Subcommittee staff, the details of this proposal have leaked out to the field. Betsy McCreight from West Virginia, President of the National organization, strongly opposes this compromise. Jim Veninga, who seemed willing to support a compromise position last year, now claims that these current options give the States too much incentive to take over the committees. In fact, this compromise was partly based on his own recommendation.

Word has spread among the States that Randolph is considering going with current law and that he has the votes on the subcommittee to support this. So instead of coming up with a further compromise that is palatable to the States, Jim, Betsy, and others are quiet in the hopes that the vote goes their way.

Javits and Stafford are leaning towards Randolph's position, both having been hit hard from their State people. Al Klyberg would probably prefer to stick with the current law for the time being but says he "could live with" the compromise. He does not see the states lining up to take on these programs for \$100,000. But he is concerned about the mechanics of transferring these programs to a State House. He claims that some members of the RI Committee would resign in protest - those who, for some reason, would not want to be under the Governor's jurisdiction. Most importantly he is concerned about what might happen to the "public" aspect of these programs under a state government. He says that a governor could decide to give all the funds to a university if he chose to. I believe this can be avoided by the clause which requires the Committee - no matter whose jurisdiction it is under - to submit a plan to the NEH before funding is granted.

One persistent ^{cry} from the field to all this is "Why is Senator Pell trying to hurt us?" They claim to be complying with the 1976 legislation and the type of program you want is thriving in the states. But they cannot address the fact that private, independent organizations are spending public money without the best mechanisms for accountability.

Jim Veninga claims that the health and vitality of the programs are excellent now and that any further change should be delayed. He recommends requiring a one-to-one match

(state to federal) as part of the compromise. He too is worried that the goals of the program will be perverted under state administration and agrees with you that these programs must stress increasing the public's understanding of the humanities.

HARRISON A. WILLIAMS, JR., N.J., CHAIRMAN
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United States Senate

COMMITTEE ON LABOR AND
HUMAN RESOURCES
WASHINGTON, D.C. 20510

November 21, 1979

Honorable Claiborne Pell
Chairman
Subcommittee on Education,
Arts and Humanities
Committee on Labor and Human Resources
United States Senate

Dear Claiborne:

This letter is to express concern with regard to certain provisions of the pending reauthorization legislation (S.1386, to amend and extend the National Foundation on the Arts and Humanities Act of 1965), particularly changes to Section 7(f) (2) affecting operation of these programs by State Humanities Councils.

I am intensely aware of the debt our Nation owes to you for pioneering the enactment of legislation to offer opportunities for the public to enjoy and participate in the Arts and the Humanities. Your vision foreseeing this need is complemented by your courage and perseverance against opposition and other obstacles in order to guide this endeavor through the Congress.

I am concerned, however, over the proposal contained in S.1386 to mandate State Agency designations for implementation of Humanities programs in the States. This procedure would be followed rather than continuing to allow State Councils, or other entities, to become grant recipients for Humanities funds.

The President of the West Virginia State Humanities Foundation, who is also President of the Federation of Public Programs in the Humanities (43 States participating), has questioned our proposed Subcommittee action to impose this change despite State and National witness' testimony in firm opposition to State Agency designations. I believe this to be a fair question.

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You will recall that all the testimony in our Hearing Record was in direct opposition to a mandatory State Agency designation. Our staffs have discussed a tentative compromise under which States that choose to designate a State Agency are offered, as an incentive, a Federal \$2-for-\$1 matching share. This assumes that the States are in a position to assure an annual appropriation of \$100,000 to match current block (basic) grants of \$200,000 per State. Our State, and the other 42 represented in the Federal coalition of State Humanities Programs, as I understand it, cannot assure action by State Legislatures to provide that high level of matching funds for Humanities. Further, Governor John D. Rockefeller of West Virginia has written to you concerning his "no growth in government" stance until such time as the economy of our State has stabilized and becomes stronger. It should be pointed out that the option for States to appropriate monies to match Federal dollars is present in current law. Yet only two States actually appropriate line item funding for the Humanities (Alaska and Minnesota), and neither of those two appropriate sufficient amounts to match their Federal share on a dollar-for-dollar basis.

Even assuming a State matches its Federal share, bringing its total funding to \$300,000 per year, the administrative and other overhead costs of operating a State Agency would reduce the dollars available for active support of State Humanities projects. Currently, State Humanities Councils use a bare minimum of their total grant for administrative purposes. A comparison between State Arts Agencies expenditures for administrative costs, and those of State Humanities Councils or entities, will show that spending by Arts Agencies is nearly triple that of the Humanities.

Another real concern is that corporate and other private donations to the Humanities would cease once State Agencies were designated, since most private donors are unwilling to contribute to State government projects.

Claiborne, I recommend that we do a simple extension of Section 7(f)(2) pertaining to State Humanities Councils, or other entities, in the pending reauthorization bill. Once the reauthorization is achieved, we could proceed with oversight hearings for the purpose of reviewing the administration of these programs and the possibility of future changes in law. If oversight hearings were scheduled at some point midway in the

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extended authorization period, States will have reached a stage in their program development under which a fair, equitable and unbiased evaluation could be made. Our Hearing Record will show that States are only now beginning to operate fully under the 1976 amendments to the Act. We should not penalize the Humanities by eliminating State Councils before they have had a chance to function under existing law.

West Virginia has a Humanities Program nationally recognized as a strong and viable one. All of the State Councils have, in my view, made efforts to bring the Humanities to the public for their participation in and understanding of public policy issues. We should give them the chance to succeed by continuing their funding under existing law.

If it is demonstrated later through oversight hearings that the Humanities Programs can only progress and serve the public need through State Agency designations, then we can move forward with your proposal.

A simple extension of existing law will provide a period also for our National economy to recover. At such time, Governors of States will be more receptive to increased State responsibilities and legislatures will be more inclined to appropriate funds for the Humanities. Given our current recession and the increased demand in most States for social and welfare needs, State legislatures are not encouraged to impose additional funding obligations for financing the Arts or the Humanities to the extent that is needed.

It is my understanding that you intend to mark up S.1386 on November 29th. I am prepared to offer an amendment at that time to strike Section 9 of the bill, thus allowing the State Humanities Councils, or other entities, to continue under current law. It is my belief that this is a necessary action in view of the testimony in opposition to State Agency designations contained in the official Hearing Record on S.1386.

It would be deeply appreciated if you would provide me with your current thoughts on this matter prior to Subcommittee markup.

With appreciation and warm personal regards, I am

Truly,

Jennings Randolph

Proposal for State Humanities Committees

OPTION 1

A State humanities agency would be established if the Governor certifies to the Chairman of the Endowment prior to the beginning of the fiscal year that he intends to match the minimum state grant (\$200,000) on a one-for-two basis, i.e. with \$100,000. This amount must come from state funds.

The state must submit an application and a plan to the Endowment in order to qualify for federal funds.

OPTION 2

If a Governor fails to certify to the NEH Chairman that he intends to establish a State humanities committee by the beginning of the fiscal year, the committee will continue to exist as a private agency - as it does under current law. The Governor will be allowed to make four appointments to the committee instead of the current two. The NEH funds must be matched one-for-one with funds from any sources.

(The two options outlined above are part of a single proposal)