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## State Humanities Committees (1979-1982): Report 04

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*Senator : see pages 2-5  
pages 7-8*

## REAUTHORIZATION OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES

### Comments on the State Humanities Program

#### Observations on the 1976 Federal Legislation

The legislation of 1976 clearly delineates arts and humanities activities and provides for separate agencies or organizations at the state level to administer programs in the arts and the humanities in the states. Just as there are separate agencies at the federal level, so there are separate agencies at the state level.

In the case of legislation affecting the National Endowment for the Arts, federal funds for arts programs are available to the various states when those states submit acceptable applications and plans for administering allocated federal dollars. The only essential federal requirements are that the plan, which designates a state agency to administer the funds, provide assurance that funds will be expended solely for projects that are approved by the state agency, that fulfill the objectives of the federal legislation, and that reports will be submitted to the Chairman of the NEA.

In the case of legislation affecting the National Endowment for the Humanities, any appropriate entity within the state may submit an application and a plan for utilizing federal dollars allocated to the state. Since this legislation supports the utilization of private groups in administering these funds, the federal legislation adds a number of important requirements as to how such an entity may function and requires the entity to provide assurance in the plan submitted that these requirements will be met. These requirements relate to membership policy, nominations process, public access to information, reporting requirements to the chief executive officer of the state and, particularly, the process whereby the chief executive officer or appropriate officer of the state may appoint two persons to serve on the governing board of the private entity or, should state dollars be used to match federal dollars, one-half of the membership of the private organization.

Several observations on this legislation are in order.

1) No rationale is given in the legislation as to why the separate arts and humanities programs should be administered by different types of organizations, why the arts should be administered by state agencies and the humanities by private organizations.

2) There are few legislative requirements concerning the operation of state arts agencies. There are, however, numerous requirements of a substantive nature concerning how the private humanities entities are to

operate. The intent is to help ensure a level of accountability on the part of the humanities entities that is consistent with the level of accountability that one would expect of a state agency. Presumably, since the federal government is dealing with private organizations as opposed to state agencies, it has the right to require certain actions and procedures which it deems are consistent with the idea of public accountability.

3) Although humanities programs in the states are administered by private organizations, the legislation seeks to encourage state involvement in a number of ways. Particularly, the involvement of state government is encouraged by those provisions that allow the chief executive officer to appoint two persons to the committee or one-half of the membership in the event that the state matches federal funds. Hence, although the legislation establishes the practice of utilizing private groups to carry out humanities programming in the states (but without rationale), the intent is to encourage public accountability and the involvement of state government.

As one reflects on the success of this legislation and focuses on the issues that Congress will be dealing with this coming spring, it is important to determine:

1) the rationale for having federal funds administered by private groups rather than state agencies;

2) the extent to which private humanities entities have a) fulfilled the objectives of previous federal legislation in regard to programs implemented, b) fulfilled procedural requirements which help to ensure public accountability, and whether the level and kind of accountability attained is sufficient for public humanities programs in the various states.

3) the extent to which private humanities entities have been successful in fulfilling the intent of the 1976 legislation in regard to encouraging the involvement of state government in their programs.

### The Question of Rationale

Undoubtedly, the NEH and state humanities committees have an obligation to articulate their positions concerning organizational structure used to administer federal dollars for public humanities activities within the states. However, little discussion has taken place in recent months in regard to these issues or, more particularly, in regard to the reasons behind the apparent positions taken on the issues. This has been the case in spite of the fact that a substantial portion of the 1976 legislation deals with these concerns and reauthorization will once again raise the issues.

When the state-based program of the NEH was established, this program was one that took place in the states but was not of the states. It was very private in nature, with a small group of people in each state organizing the effort and submitting initial planning grant requests to the NEH. Undoubtedly, some of the reasons for implementing the state program in this way were based on assumptions about how state government might interfere in the program, politicize the humanities, and fail to understand the real intent behind the program. Private committees composed of people knowledgeable in

the humanities would be in the best position to inaugurate a statewide humanities effort. Further, the program would remain in the control of the NEH as long as private committees administered the funds. It was, indeed, the state-based program of the NEH.

The 1976 legislation, while recognizing the need to implement humanities programs in the states and authorizing private humanities entities to do this, directed the program along very different lines. Authority in determining programming focus was granted to the state committees rather than to the NEH. Encouragement was given to state committees to move from private associations to more open, quasi-public agencies that would be accountable to the public. The involvement of state government was encouraged.

The essential question then, is whether private committees should continue to be utilized in fulfilling the objectives of the legislation and, if so, whether sufficient direction has been given to help ensure accountability and sufficient encouragement to ensure a satisfactory partnership between the federal and state government? Is the 1976 legislation satisfactory?

It appears that the main arguments in favor of retaining private organizations to administer these federal funds at the state level are as follows:

1) The work of private committees at the state level has been marked by a unique sense of purpose and dedication. Throughout the nation, board members of state programs have given countless hours of work on behalf of the humanities. As the state program has matured, this sense of purpose has been complemented by other kinds of resources: management techniques, conflict of interest policies, evaluation efforts, etc. People who participate in this program do so willingly and with enthusiasm, and the kind of creative spirit that has existed in this program needs to be recognized.

2) The present program, utilizing private citizens committees, seems to be in tune with current public and Congressional sentiments concerning the need to control government growth, to avoid entrenched bureaucracies, to limit cumbersome procedures and, more positively, to operate under clear programming objectives and to use volunteers and the private sector as much as possible.

3) The present program can serve as a unique catalyst for bringing together the private sector, state agencies, and cultural groups and educational institutions in fulfilling programming objectives. That is, the private committees are in a unique position to encourage new alliances and partnerships, something that state agencies might not be able to do.

4) The extensive application and review procedures instituted by the NEH for state programs administered by private organizations may, in the end, prove to contribute to accountability in terms of spending tax-payers' dollars far more than the grants-in-aid to state governments for arts programs. That is, the fact that state programs are constantly under review may encourage a level of accountability that state arts programs could not necessarily attain. This depends, of course, on the extent to which the NEH exercises its authority as a federal grant-making agency, which is addressed more fully below.

5) The present program grants extensive freedom and flexibility to the private organizations in determining programming focus and regrant decisions and in achieving basic objectives. If state committees consult with state government and with a wide variety of interested organizations and agencies in determining this focus, then the freedom and flexibility granted can be immensely constructive and helpful in fulfilling programming goals.

6) One must acknowledge also the degree of compatibility that exists between humanistic inquiry and the private structure of state humanities programs. What unites the various disciplines of the humanities is a concern for public and private values and it is appropriate that this concern be fostered by organizations that need not fear governmental interference. Much of the work of state committees focuses on public reflection upon government and upon the relationship between government and society as a whole. Programs funded, to a great extent, deal with the fears, concerns, and aspirations of the American people. It is fair to say that private citizens groups are probably in a better position than state agencies to foster this most basic concern of the humanities.

7) Finally, the state humanities program is a lively experiment in how the federal government can utilize citizens' groups in carrying out a program that the Congress has decided is important. In an age when the citizenry has become increasingly skeptical concerning the effectiveness of government programs, it is appropriate for the federal government to launch new initiatives in terms of how government programs can be administered. There is no reason why arts and humanities programs must be administered the same way. Indeed, the results of this experiment in finding an alternative method for implementing state humanities programs may have great relevance for other programs of the federal government. Some of the state programs are still very young and additional time is needed to determine whether this experiment has been sufficiently successful to warrant its continuation.

There are, however, some important arguments in favor of changing the program to allow state agencies to administer federal funds for public humanities programs.

1) As a result of the 1976 legislation, authority for program design was transferred from the NEH to the state committees. It appears to be inconsistent, therefore, that programs of the states, as opposed to NEH's program in the states, be administered by any organization other than a state agency. The natural evolution of the program appears to be toward state agency status, and this status is probably necessary in implementing any program that is truly a program of the states.

2) The present program, utilizing private organizations, prevents the development of a true federal-state partnership. Through the development of a constructive relationship between the various states and the federal government, state government would be drawn into the furtherance of the humanities and humanities programming in a way that is simply impossible as long as private organizations are used.

3) Private committees, while becoming more accountable to the public in the last several years, are still not accountable to state government.

One consequence of this lack of accountability is that there are few cooperative efforts made by state governments in cultural affairs planning. State governments lack the authority to require state humanities programs to relate to other kinds of cultural affairs, including arts and historic preservation programs. While private committees may be in a better position to work with the private sector, including foundations, the lack of state agency status prevents them from functioning as an equal with agencies of the state and makes it more difficult to work effectively in the public sector.

4) The present organizational structure for administering state humanities programs makes these programs immune from the state political process. The involvement of state legislators can be a very healthy development, with increased accountability for grants made to organizations within the various legislative districts. The present system fails to acknowledge the merits and positive consequences that come through the political process. The present program is to be a state program, yet the private organizations are not accountable to state legislatures whose members are accountable to their individual constituencies.

5) It cannot be proved that board members of a state agency cannot also have a profound sense of mission about the program that they help administer. Board members of state agencies can also be concerned about the growth of bureaucracy, the need to cut red tape, the need to develop adequate public information plans, etc. There is no proof that the quality of gubernatorial appointments is any less than the quality of persons elected by governing boards.

#### The Question of How Private Committees Have Functioned

There is need for a comprehensive study on the part of the NEH and/or the Congress in regard to a) how well the objectives of the federal legislation have been met by private committees, b) the extent to which the procedural requirements designed to help ensure accountability have been fulfilled by the various state committees, c) the extent to which state committees have sought the involvement of state government in their programs.

It is, of course, impossible to answer these questions without specific information concerning the program on a national basis. However, we can reflect on our program in Texas.

The 1976 legislation has had a very positive impact on the program of the Texas Committee for the Humanities. As a result of the increased freedom granted by the legislation, the TCH was able to redesign its grant program in accordance with the results of an extensive consultation process that has helped the Committee respond to the humanities needs and interests of the state. The new program, significantly broader than the previous program, has been well received throughout the state, with the consequence that the visibility of the program has increased substantially and individual regrant projects have been more successful in obtaining the involvement of the public.

While many of the procedural items covered in the 1976 legislation were previously implemented by the Committee, these requirements as outlined in the legislation have provided an important foundation and a positive stimulus

to help ensure accountability to the public. It has provided the basis for a far more effective public information program and has led the Committee to develop some additional procedures that go beyond the basic requirements of the legislation.

It is important also to note that one intention of the legislation, to foster additional involvement on the part of state government, has also been taken seriously by the Committee, as seen particularly in the Committee's efforts to launch cooperative relationships with a number of state agencies. During the past year, the Texas Committee was able to implement a number of projects that were jointly funded by the Texas Commission on the Arts and Humanities and the Texas Historical Commission. Also, as a private organization, the Texas Committee was able to fund several projects sponsored by educational institutions and various agencies of the state, including the Office of the Attorney General, which would not have been possible had the TCH been an agency of the state.

In reflecting on the success of state committees to date, some additional observations concerning our counterpart in Texas, the Texas Commission on the Arts and Humanities, is in order. During the past several years, this agency of the state, which has continued to use the word "humanities" in its title although its efforts are exclusively directed toward the arts, has suffered from inadequate leadership, a fuzzy sense of programming mission, an inadequate public information program, and a governing board that experienced vacancies due to gubernatorial appointments that were not made. This situation certainly indicates that being a state agency does not guarantee by any means adequate accountability to the public or to the state, or a program of high quality. However, during the past six months, the Commission has received a new Chairman and appointed a new Executive Director. It is now in the process of building a new program, assuming a far more active role, streamlining operations, and seeking additional state appropriations commensurate to the size of the state. Undoubtedly, one reason for this progress lies in the fact that this year this agency will be before the Sunset Commission which is delegated responsibility for making recommendations on the continuation of all state agencies. In short, the political process is working to ensure that this agency, if it wishes to continue, must demonstrate public support, implementation of a solid program, and adequate accountability.

The Committee continues to recognize the need to relate constructively to state government. The Committee is currently exploring the possibility of relocating offices in the state's capital, Austin, in order to further cooperation with the state. Also, the Committee has decided to seek modest appropriations from the state for its program.

While these observations of the Texas program might be helpful, it is clear that a national perspective is needed in determining the extent to which procedural requirements have been met and state committees have moved from very private to quasi-public organizations. The NEH, of course, is in the best position to obtain this perspective. Further, under the present system of implementing the state program, the NEH still decides, rather than the various state governments, who gets the federal funds. This places a burden on the NEH which is not faced by the NEA. Thus, should there be weak programs in some of the states, NEH is faced with the difficult question of

what to do with these programs. Should the NEH lower funding to the legal base? Should it seek competitive applications from other organizations or from the state itself? Should it simply respond with innumerable grant conditions which seek to improve the program? Ultimate responsibility for a national program of high quality still rests with the NEH. A thorough study, in terms of the accountability that the NEH owes the public and the Congress, is needed, with evaluation results forming the basis of the NEH's response to the issues of reauthorization.

### Some Current Political Realities/Concerns

There are a number of political factors that must be taken into consideration in thinking about reauthorization.

1) With the exception of a few very influential members of the Congress, there has been little if any support for the idea that state humanities committees should be state agencies. That is, with the exception of these members of Congress, there appears to be little public pressure for change.

2) On the other hand, there have been few attempts to ask appropriate bodies, agencies, and officials of state government concerning their positions on the issues. If state governments and chief executive officers were fully briefed on the issues, what would the majority viewpoint be? Whose job is it to ask these questions of state government? State Committees? The NEH? How many governors would like to see the program continue as it is? Does the influence of Proposition 13 mean that most state governments would decline the program if state funds were mandatory for implementation of the program? If state funds were not required, would state governments prefer to be more directly involved? How does one go about developing a substantial federal/state relationship in regard to administering this program?

3) One must acknowledge that, although there has been little public debate on these issues, there does exist an increasing number of state and federal legislators and officials who are familiar with the state humanities program. This fact reflects the growing maturity of the program and the increased visibility that has come to state committees in recent years. State committees have developed important constituencies within the various states. In short, it would be a grave mistake to undercut this interest and support.

4) At the same time, one must acknowledge that, in spite of the growing visibility of state committees, there still exists considerable political insensitivity among some state committees concerning the political realities underlying the program. It seems as though some committees have yet to realize fully that their programs are based on the legislation of 1976. Some state committees are unaccustomed to thinking in political terms and fail to see opportunities provided by reauthorization. These committees need to be brought into this discussion and need more comprehensive briefings by NEH personnel. Perhaps the Federation of Public Programs in the Humanities could play an increasingly important role in this regard as well.

5) It is also true, however, that should the NEH continue to use the legislative floor of 20% of NEH funds for the state program as a ceiling, some state programs will need to seek state appropriations in order to



maintain quality programming within their states. It seems possible that over the next several years a number of states will move in this direction.

6) Finally, it would be helpful for the NEH to determine how effective gubernatorial appointees to state committees have been in furthering constructive relationships with state government, particularly with the executive branch. Such information would be helpful in providing additional insight into consideration of the issues of reauthorization.

### Some Conclusions

1) The present state program, utilizing private citizens committees, has, overall, worked well. There are a number of major reasons for this success: a) the high quality of leadership exercised by people who have been involved in state programs, b) the sense of purpose that has characterized the state program, c) the positive consequences of the legislation of 1976, and d) the ability of private committees to serve as catalysts of the public interest. It is clear that there are soft spots in the program, particularly in regard to the issue of private committees being accountable to state government, with state committees insufficiently acknowledging the important resources that state government could bring to the state program.

2) The requirements of the 1976 legislation have been immensely positive in encouraging the development of state programs that meet the needs and interests of the states and that are accountable to the public.

3) While the state program is no longer NEH's program in the states, the NEH is nevertheless still ultimately responsible for the success or failure of the state program in a way that the NEA is not with the state arts program. It is, therefore, under pressure to ensure accountability to the public, to engage in evaluation as a way of improving the program through policy formation and through interaction with the Congress.

4) With the apparent exception of several influential members of the Congress, there has been little interest expressed in moving state committees toward state agency status. Particularly, there has been little interest expressed in this by state governments, although little consultation has taken place to determine how state governments feel about the issue.

5) While it is doubtful that many states would be willing to match federal dollars with state dollars at this time to support the state humanities program, the trend established in 1976 toward state involvement should be encouraged, with additional stimulus given to states by the federal government to share in this important undertaking. If this program is worthy of federal dollars, then it is also worthy of state dollars. If state dollars are impossible at this time due to political and economic factors, then states should be encouraged to participate in other ways.

6) As state committees become more and more visible, and should some state committees seek state funding, the issue of public vs. private organizational structure will become increasingly important over the next several years.

## Suggestions

While it is important to recognize the legal limits placed on any government agency vis a vis its relationship to the Congress, it is clear that the NEH is accountable to the public and to the Congress and in this process of accountability must document both the strengths and challenges of its programs. The Chairman, with the advice of the National Council on the Humanities, is authorized to "foster, through grants or other arrangements with groups, education in, and public understanding and appreciation of the humanities." Since the state humanities program is one of the major vehicles for accomplishing this goal, reauthorization of the state program is a time of opportunity for the NEH. It is a time for reflection and analysis of past programming efforts and the effectiveness of organizational structures used to implement those programming efforts. It is also a time for determining how such efforts and organizational structures might be improved over the next several years. Naturally, such analysis and planning take place within a political context. The objective, however, is to defend that which has been successful and to improve that which has been less than successful. In this regard, the accountability of the NEH to the public and to the Congress means utilizing to the fullest the opportunities that accompany reauthorization.

Of great importance to the future of the NEH and the state humanities program is the absolute necessity of ensuring the continuation of separate programs at the state level in the arts and the humanities. This separation is critical to the further development of creative public programs in the humanities. There is still some tendency to lump together "arts and humanities" and when this phrase is used it is the arts that tend to receive priority, with the humanities providing a secondary and shadowy role. We have worked hard in Texas to differentiate between the arts and the humanities and this differentiation is necessary in providing a climate where the humanities can grow and mature. The legislation of 1976 recognized the necessity for separate programs at the state level and this recognition must be retained in the new legislation.

Beyond these preliminary points, we believe it is appropriate for the NEH, as it interacts with the Congress, to stress the accomplishments of the state program to date while recognizing that there are additional ways that the new legislation could prove to be helpful to the state program. Particularly, it is appropriate to find additional ways whereby cooperative relationships between the state committees and state government could be fostered. It also seems appropriate that, should states be willing to support the state program financially, the legislation be written in such a way so as to grant increasing authority to those states for public humanities programs. Certainly one of the long-range objectives of the NEH should be to encourage the development of a continually widening constituency for the humanities, and state government undoubtedly is a critical resource in accomplishing this objective.

It seems appropriate, therefore, that additional incentives be given to state governments to become involved in the state program. However, incentives granted must be balanced by recognition of the vitality and

success demonstrated by state humanities committees to date. The legislation should, therefore, provide the means whereby those states that wish to become involved in the program may do so, while preserving the present structure where such involvement is not desired.

Beyond this, should there be considerable pressure on the part of the Congress to move state committees to state agency status, an acceptable compromise, involving the two emphases mentioned above, would have to be sought. The legislation would need to provide several options that would, on the one hand, protect the citizens committees as they are now constituted in those states where state government does not wish to be involved while, on the other hand, grant an increasingly important role to state government where such governments are willing to undertake substantial financial support of the program.

In the event that the Congress moves strongly in the direction of state agency status, one kind of compromise that would undoubtedly be acceptable would be as follows:

- 1) That the chief executive officer of a state be granted authority to appoint four members of the governing body of the humanities entity in the state, should the state not wish to contribute financially to the program.
- 2) That the chief executive officer of a state be granted authority to appoint one-half of the membership of the governing body of the humanities entity in the state, should the state wish to match the minimum annual federal allocation granted to the state (currently \$200,000).
- 3) In the event that a state is willing to match dollar for dollar federal allocations to the state, the state be given the authority to designate or create an agency of the state to administer these funds, in accordance with the application and plan submitted.

Compromise legislation as outlined above would 1) encourage additional conversations between state committees and state governments on the nature and structure of the program, 2) meet the challenge of those members of Congress favoring state agency status, 3) ensure the continuation of private humanities entities in those states that do not wish to match dollar for dollar state funds with federal funds, 4) provide a means whereby state involvement in the majority of state programs would be increased without changing the private organizational nature of those state committees.

It is our feeling that few states would be willing over the next several years to match on an even basis federal dollars with state dollars. In the event that a few states would move in this direction, the strengths of most of the state programs are such that these states would probably designate the existing humanities entity as the state agency and that, in the interests of good government and good humanities programs, the transition from private entity to state agency would be orderly.

Finally, it might be helpful to offer several additional suggestions concerning NEH policy, as opposed to the development of federal legislation.

1) As previously indicated, additional efforts need to be made by the NEH (and, I should add, each state committee as well) in terms of evaluating the effectiveness of the present state program. Such evaluation is important in terms of public accountability and is essential in terms of Congressional legislation.

Since ultimate responsibility for the state program still lies with the NEH rather than the various state governments, the NEH cannot relate to the state humanities entities as if they were state agencies. Quality and merit have to receive considerable priority in determining allocations to the state committees. Good programs need to be rewarded appropriately. As long as there are private committees, the growth and development of these programs will depend in part on adequate evaluation of the programs, careful review of applications and plans submitted, and allocations commensurate with the quality of the programs.

2) The NEH and state committees need to engage in more extensive conversations with state governments, particularly with the chief executive officers, seeking their advice on the program and their ideas on state involvement in the program. In the furtherance of a genuine federal-state partnership, such dialogue is needed.

3) Finally, more extensive conversation is needed between the NEH and state committees, as indicated previously. The Texas Committee is pleased that the Chairman of the NEH will be inviting chairpersons and executive directors to Washington, D.C. later this spring. Successful planning and, ultimately, implementation of plans, depends upon soliciting the involvement and support of interested groups at the earliest stage possible, thereby avoiding difficulties and confrontation at a later time.

Alan Y. Taniguchi,  
Chairman  
James F. Veninga,  
Executive Director

Texas Committee for the Humanities