Duffey, Joseph: Humanities Chairman Nomination Hearing (September 9, 1977): Correspondence 02

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The Honorable Jacob Javits
321 Senate Office Building
Washington, D.C. 20510

Attention Mr. Greg Fusco

Dear Senator Javits:

Your interest in the concerns of the Washington Commission for the Humanities is most helpful. I am happy to be able to provide the information you have requested. We will be glad to offer additional details you may wish to have.

As you know, our concern is with the differences between House and Senate versions of proposed amendments to the reauthorization legislation for the National Endowment for the Humanities. Specifically, we believe that the Senate amendment to Section 104(a) Section 7 of the National Foundation on the Arts and Humanities Act of 1965 will adversely alter the essential character of the present state humanities program and that it will cause the grantmaking and policy setting aspects of this program to be more vulnerable to inappropriate political influence by the various branches and agencies of state government.

We deeply appreciate your energetic efforts to preserve opportunities for the existing state humanities committees to operate. I am grateful for your courageous initiation of an amendment to Senate Bill S3440 that allows for the support of existing state humanities committees. I believe the introduction of this new option provides a good basis for the conference committee to adopt the House language regarding the state humanities councils.

I believe the House language to be preferable to even the amended Senate version because our concern relates to only one issue -- the preservation of volunteer state humanities councils. Our Commission is a volunteer council composed of twenty members serving four-year nonrenewable terms. We are independent of the governor, of the legislature, and of state agencies. This independence is critically important if we are to discuss public policy issues. Since those issues belong to all the people, the discussion should not be unduly influenced by any person or agency.

The House version is very acceptable as it stands and, if Senator Pell's concern relates to the independence of the council from state government, this bill mandates two acceptable steps that should help to relieve his
concerns: 1) it provides for a reporting procedure designed to inform state government of the activities, including grants made, of the state council; and 2) provides that two members of the council be appointed by state government.

By contrast, each of the options described by the Senate amendment for structuring the state humanities programs share two very important weaknesses: 1) the application for NEH support would be submitted by the "State" and would include an annual plan for program activities which meets with the "approval" of the "State;" and 2) the policy and grantmaking decisions would be made by an agency of the "State," or an agency whose membership consists of a majority appointed by the State, or a state humanities committee whose every action is subject to review by the "State."

Since the state humanities program exists to promote balanced and thoughtful dialogue on issues of public policy, and since the "State" has a vested interest in nearly every issue of public policy that might be the subject of dialogue, it is apparent that if the "State" exercises direct control over what issues are publicly discussed through the support of these funds, there will be either the appearance of conflict of interest or actual conflict of interest in many funding and policy decisions.

The Washington Commission for the Humanities enjoys a reputation for open, responsive, objective and reasonably fair administration of the state humanities program in Washington State. It has achieved this reputation by careful implementation of the unique and challenging idea that there could be a direct partnership between the Congress of the United States, a federal agency, and independent citizen groups in the several states. Voluntary citizen action has a lengthy and honorable history in the United States and the Washington Commission for the Humanities, together with the other state humanities committees, is an exciting example of the way in which citizen volunteers can effectively respond to the challenge of developing programs responsive to the public interest.

A list of the 97 projects supported by the Washington Commission for the Humanities in the past four years is attached. A quick review of that list will indicate that many controversial issues have been publicly and thoroughly aired in public humanities programs administered by the WCH, a voluntary board of twenty citizens which is incorporated as a private, non-profit corporation. If the "State," rather than the present representative group of citizens, had been making the decisions on these grants it is probable that either the programs would have been markedly different or not supported at all. Other programs, more in line with the interests of the state, might have been supported. At the very least, many citizens would suspect that the "State" was serving its own, rather than the public interest.

The Bylaws and Standing Rules of the WCH are attached. They demonstrate the thoughtful attention the WCH has given to governance and public responsibility. In brief, the Commission is managed by twenty volunteers who serve staggered four-year nonrenewable terms. Each year, the Commission loses at least five members by expiration of term, and the Commission
nominating committee, accepting recommendations for members from the public, from state and local government, and from other sources, nominates new members for election by the Commission.

Commission members are selected according to criteria that are clearly established by WCH Bylaws. Broad public representation is required with special attention to distribution with regard to sex, ethnic background, geography, and occupation. Two attached lists show present Commission members and indicate some aspects of distribution. It is important to note that the WCH members represent a broad spectrum of socio-economic backgrounds, ages and political persuasions. The Commission devotes special attention to the problem of conflict of interest. Grant application review meetings are open to the public, and members must make full disclosure regarding potential conflicts of interest.

The Commission reports its activities regularly to its Congressional delegation, the executive, legislative, and judicial branches of state government, local government and the public at large through news releases, news letters, and an annual report. Yearly evaluation conferences, and a continuous flow of project evaluations provide for public assessment of WCH effectiveness and allow for needed procedural changes.

We have developed a close and cordial working relationship with both elected government officials and state and local government agencies. More than ninety percent of WCH projects are co-sponsored, usually by a state supported agency and a community organization. Elected officials, at all levels of government, including our Congressmen and our Governor have participated actively in WCH supported projects and have indicated their satisfaction with the operation and structure of the Washington Commission for the Humanities. We do not believe that there is a constituency in Washington State that supports a restructuring of the state humanities councils that would provide the sort of state involvement suggested by the Senate Bill S3440.

Grievances regarding Commission action are routinely handled by referral to the Commission Chairman or the full Commission as the situation requires. The Commission has been able to resolve such grievances without resorting to legal processes except for one instance where a legal settlement which was accepted as fair to all sides was eventually achieved.

In all, the Washington Commission for the Humanities believes that it has successfully anticipated the concerns expressed by the specific requirements of the "state plan" suggested by the Senate amendment and that it is not necessary to require "state" sign-off on such a plan to ensure accountability or responsiveness. We are concerned that the mechanism suggested by the Senate bill for deciding, and probably re-deciding with each change of administration, how the state humanities program is to be administered is not workable and will place an unnecessary burden on the legislatures and executives of the states. In all likelihood, the significant momentum developed by the four years of
For these reasons, the Washington Commission for the Humanities, with the support of the Washington State delegation to the Congress of the United States, has a strong preference for the House version of the reauthorization Bill (HR 12838 - amendment to Section Sec. 101 (a) Section 7). While option "C" of the Senate amendment is more desirable than "A" or "B", the House version provides for ample representation and input by the "State" to an existing state committee and for uniform membership policies for state committees, while it preserves an essential "distance" and independence from "State" involvement in decisions regarding the support of public policy discussion.

We hope that the conference committee will agree that the structure mandated by the House amendment will ensure continuation of a public humanities program that is effectively managed by volunteer citizens on behalf of their fellow citizens.

In closing, I wish to thank you for your long standing leadership in support of the work of the National Endowment for the Humanities, and in particular, for your pioneering efforts in the development of the unique state humanities program.

Sincerely,

[Signature]

John N. Terrey
Chairman

enc.

cc: The Honorable Warren G. Magnuson