

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. letter	Jane to Melanne re: personal (3 pages)	02/20/1997	b(6)
002. resume	re: Sheldon Hackney [Personally Identifiable Information] [partial] (1 page)	02/12/1993	b(6)
003a. memo	Chair, NEA to the President re: non-selection [partial, pages 2-3 in full] (2 pages)	03/12/1993	b(6)
003b. profile	re: Jane Alexander [Personally Identifiable Information] [partial] (1 page)	01/22/1993	b(6)
004. memo	MV to HRC re: non-selection (2 pages)	00/00/0000	b(6)
005. memo	William Gilcher et al to Bruce Lindsey re: non-selection (1 page)	01/29/1993	b(6)
006. memo	William Gilcher et al to Bruce Lindsey re: non-selection [partial, pages 2-3 in full] (2 pages)	01/28/1993	b(6)
007. list	re: non-selection (2 pages)	00/00/0000	b(6)
008. profile	re: non-selection (26 pages)	00/00/0000	b(6)
009. memo	William Gilcher et al to Bruce Lindsey re: non-selection [partial] (1 page)	03/10/1993	b(6)
010. memo	William Gilcher et al to Bruce Lindsey re: non-selection (1 page)	03/10/1993	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20045

FOLDER TITLE:

Nea [National Endowment for the Arts] - Arts [Folder 1] [1]

2013-0534-S

rc1845

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

**Files of Melanne Verveer,
Assistant to the President and Chief of Staff to the First Lady
Box 29: Files**

Archived from OEOB 100 by Eric Woodard on Dec. 22, 2000

NEA
- Arts

NEA Binder
- Arts

NEA
-Arts

NEA
- Arts

National Gallery
- Arts

NEH 1997 Annual Report

NEH

NEH

NEH

National Heritage Fellowship

National Humanities Alliance

NLS Slideshow

National Medal of Arts
- Arts

National Partnership for Women & Families
- Domestic Women's Issues

National Prayer Breakfast

National Public Radio

ENCLOSURES FILED OVERSIZE ATTACHMENTS

20045

NARA 17249

National Women's Business Council
- Domestic Women's Issues

PHOTOCOPY
PRESERVATION

NEA

Arts

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**PEOPLE FOR
THE AMERICAN WAY****Your Voice Against Intolerance***file NEA*

Dear Melanne,

I was so heartened by the story in The New York Times today (2/25) that the White House was going to make strong efforts to return funding for the Arts and to protect endangered artists. Art is dangerous, even Ronald Reagan knew that. It is crucial that we celebrate, challenge, rage and applaud all for the sake of art which as GBS said, "elucidates our social conscience, is a factory of thought, is an armoury against despair and dullness and is a temple for the ascent of man."

You and I have been together on this important American vision but you have been able to have a real impact on it progress. I thank you from the tip pf my toes on up.

Best,

Bobbie

Bobbie

Let's talk

file NEA

Adolph and Esther Gottlieb Foundation, Inc.

380 West Broadway, New York, N.Y. 10012

Tel. (212) 226-0581

Melanne Verveer
Deputy Assistant to the President and
Deputy Chief of Staff
Office of the First Lady
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

October 18, 1993

Dear Melanne;

After fighting off papers for a week, I finally get around to the pleasant task of thanking you for your important role in the wonderful change of spirit in Washington that I experienced last week, and for your role (I assume) in inviting me to participate in the National Medal ceremony and luncheon. For someone like me, who can usually count on being yelled at or lectured to by somebody down there (and Rick Jerue didn't disappoint this time either), it was a much needed and welcome change of pace.

I should share with you the reaction of artist Tim Rollins, whose work for several years has involved collaborating with kids in the ghettos of the South Bronx. I ran into Tim on the way out of the White House ceremony. He was glowing, like everyone else, feeling proud of being an artist in America (Tim's from England originally). We were exchanging reactions about the ceremony and the President's remarks, which Tim summed up perfectly: "A little sincerity really cuts through all the crap".

Jane Alexander is impressive. All of her comments and statements that I've heard have been exactly right. You made a great choice, and I hope we can now stop looking over our shoulders and start building a new and productive relationship between Americans who are involved in the arts and those who have been frightened or intimidated. I look forward to working with her, and, I hope, with you as well.

Finally, in case I haven't said it recently, thanks for all your hard work through the many tough battles these past few years. We're a fractious and frustrating bunch, and you not only put up with it all, but made a big difference. We're lucky you're around, and I hope we're smart enough to show some appreciation.

Please stay in touch as you're able to. I know you're very busy, but I value your friendship and insights. If there's anything I can do to help, please let me know.

Best wishes,



Sanford Hirsch
Executive Director

file NEA

6009 34th Place, N. W.
Washington, D. C. 20015

October 9, 1993

Ms. Melanne Verveer
Deputy Assistant to the President
Office of the First Lady
Executive Office Building
Washington, D. C.

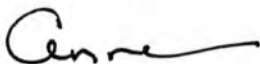
Dear Melanne,

How proud you must be. How proud you have made us feel. The President said on Thursday, we need writers to put into words that which we feel and can not express. I am no writer, but I know I want to acknowledge in writing your extraordinary efforts in making the events of this week happen. The long days and nights of the campaign, the test spots of the transition, the selection and confirmation of outstanding chairs for the endowments, the struggles and missteps of an arts community reeling from the pain of the last eight years, testy and arrogant in its insecurity -- through all this you have led us to a place from which we can all begin again.

From a deep place in my heart I thank you especially for the tangible signs of hope. Hope that we can be about change and compassion and eternal truths and hope that with visionary leadership we can open our imaginations to the possible.

Thank you for this and much more.

Sincerely,



Anne G. Murphy



NATIONAL ENDOWMENT FOR THE ARTS

file NEA
The Nancy Hanks Center
1100 Pennsylvania Avenue NW
Washington DC 20506-0001
202/682-5400

DETERMINED TO BE AN
ADMINISTRATIVE MARKING

January 4, 1999

INITIALS: *gm* DATE: *5/7/2014*

Office of the Chairman

MEMORANDUM: ~~Confidential~~

To: Melanne Verveer, Ellen McCulloch-Lovell
From: Bill Ivey *[Signature]*

When I was recruited as Chairman of the Arts Endowment, it was made clear to me that my primary task would be to rebuild an agency that had suffered from a reduction in size, intense scrutiny and criticism, and a resulting decline in morale. With the support of the Administration and the efforts of a dedicated, talented staff, we have made great strides toward the creation of a revitalized NEA. To best continue our efforts, it is very important that the President support the agency and its renewed mission in this year's State of the Union Address.

After considerable thought, I have come up with the following suggested paragraph that expresses strong support for our work within the larger context of the President's remarks:

"By securing the future of our Social Security system, we protect the well-being of all of America's citizens. But as we enjoy the blessings of a strong economy and unite in our commitment to the financial security of our retired citizens, we must insure that the American people have access to our nation's rich and varied living cultural heritage, and that citizens of all ages can study, create, and experience the art and ideas that have made America the beacon of democracy throughout the world. In FY2000, the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services will fund projects that will educate our citizens, preserve our cultural heritage, strengthen our nation's cultural organizations, and enrich the lives of communities and families all over the country. As we build an America for the new millennium, it is *crucial* that we support the work of our federal cultural agencies."

Let me know if I can provide additional information.

file
NEA

\$52 Million Boost Requested for NEA

White House Also Proposes Increases for Other Cultural Programs

By JACQUELINE TRESMOTT
Washington Post Staff Writer

Confident that they are no longer under the direct fire of conservative critics, officials at the National Endowments for the Arts and Humanities are asking for more money to support mainstream projects.

In the president's request for fiscal 2000, submitted to Congress yesterday, the arts endowment was slated to receive \$150 million, an increase of \$52 million over its current budget.

NEA Chairman Bill Ivey said the

additional money would underwrite a new initiative, "Challenge America," to encourage partnerships designed to address such community issues as arts education.

Ivey said the agency's optimism was based on improved relationships with members of Congress. "The NEA has been very responsive to Congress in making some changes in our operations that address congressional concerns," Ivey said yesterday.

In response to criticism that it was giving most of its grants to New York and California, the agen-

cy last year started Arts Reach, an effort to bring arts programs to places that are not cultural centers.

The humanities endowment also would get an increase of \$40.7 million in the proposed budget. In fiscal 1999, the NEH received \$110.7 million.

NEH officials plan to use the money to increase access to humanities materials, especially electronically.

William R. Ferris, the NEH chairman, said he wanted to revitalize the agency's support of institutes for teachers, an area crippled by the budget cuts of the early

1990s. He also wants to establish regional humanities centers and start a three-year archaeology initiative.

"This year's budget request will enable NEH to strengthen its core programs ... and add significant new programs tailored to meet the growing needs of humanities organizations," he said.

In 1998, the endowments didn't run into organized opposition on the Hill and got about the same amount they've received for the previous three years.

If the agencies get what they're asking in the proposed budget,

they would move closer to the levels they enjoyed before the Republican takeover of Congress in 1995.

The Institute of Museum and Library Services, the third federal cultural agency, is also asking for a boost for its museum projects of \$10.5 million, from \$23.4 million in the last budget.

The institute would use \$12.6 million for several new programs, one of which would help make museum collections more accessible to schools and the general public.

"Libraries are on the forefront of using new technology to get people the information they want and need. For museums, this is the first federal program specifically designed to make their collections accessible online," said Diane Frankel, the IMLS director.

The Smithsonian Institution, which gets most of its operating

budget from the federal government, also received some good news in the president's proposal. The administration asked for the release of \$19 million, the last federal installment for the design and construction of the National Museum of the American Indian. The Smithsonian is planning to start construction later in the year.

The total fiscal 2000 request for the Smithsonian was \$380 million, which included nearly \$48 million for general repairs.

Other cultural programs received slight increases, mainly due to inflation.

The National Gallery of Art was slated for \$67.7 million; the Holocaust Memorial Museum, \$33.7 million; the Kennedy Center, \$20 million; and the Woodrow Wilson International Center for Scholars, \$6 million.

file NEA

TALKING POINTS

NEA INCREASE

- NEA has not received a budget increase for 8 years -- since FY 92 -- when the budget was \$175.9 million. Indeed, the agency's budget has been nearly destroyed. Today it stands at \$97.6 million.
- The Clinton budget requested \$50 million in new funding, nearly all of which would go for new Challenge America grants.
- Nearly all of the proposed funding increase would be devoted to Challenge America, a new initiative placing 1,000 small grants in areas of the country that have not received sufficient grants in the past.
- Challenge America grants will focus on arts education, in-school and after-school arts projects for youth-at-risk, preservation of the nation's cultural heritage (including films, recordings, etc.), and building community arts partnerships.
- This is what Congress has asked the NEA to do. It addresses every Congressional complaint about getting grants out to the country for projects that are meaningful to people.
- 40 percent of NEA funds are block granted to state arts agencies, leaving only about \$40 million for discretionary grants to arts organizations in all 50 states. This is less than some state arts agencies.
- NEA has cleaned up its act. Reforms adopted over the past four years have ended problems with bad grants. NEA has not funded controversial projects in recent years.
- The Senate bill contains a \$7.4 million funding increase for a total of \$105 million. The House provided \$98 million.
- Although the House bill provided approximately level funding, the House did vote 207-204 to give NEA a \$15 million increase. The money was taken away in a subsequent vote after a number of members went home for the evening.

file NEA



THE CHRONICLE OF PHILANTHROPY

MARK LITZLER

"In retrospect, I have to say some of the indirect expenses were not related per se to the grant."

HENRY GOLDSTEIN

Clinton Makes a Grand Ole Pick to Head the Arts Endowment

THE NOMINATION of William Ivey, executive director of the Country Music Foundation, to head the National Endowment for the Arts is a shrewd—even inspired—move by President Clinton. Indeed, the possibility of country music's top artists doing a concert on Capitol Hill to save the N.E.A. from yet another budget-pounding may be an idea whose time has come.

By turning over the N.E.A. to a man with strong ties to Nashville, Mr. Clinton has forced the yahoos in Congress—whose determination to cleanse the land of publicly supported dance, music, drama, and art knows no bounds—to knock off a person who appears to be one of their own, a symbol of good ol' boyism.

But Mr. Ivey, an ethnomusicologist by trade, is hardly a good ol' Southern boy. Born in Detroit and educated at the University of Michigan and Indiana University, he taught for a time at Brooklyn College and has served as chairman of the N.E.A.'s folk-arts panel. Mr. Ivey, it appears, is more an academic than a Bubba.

Since the days of Nancy Hanks, the endowment's first chairwoman, the N.E.A. has been an object of Congressional distrust and, sometimes, pure craziness. Its past directors have labored diligently to make the arts inclusive and accessible to all Americans. Yet to its critics in Congress, "art" and "artists" are suspect. And even many friends of the N.E.A. will agree that a whiff of East Coast elitism hangs over its grants.

Mr. Ivey may do better than most of his predecessors. For one thing, he clearly understands the N.E.A., and he is an expert in a popular art form generally overlooked by scholars. Folk music has a venerable history, and it underlies much of popular music: country, blues, rock, even musical comedy.

My wife, a native Texan raised on Western swing, country blues, Willie Nelson, and Hank Williams, describes the appointment as "courageous" and "unsinkable." However, arts profession-

als have a decidedly more negative reaction. (The few I've heard range from the unpublishable to "Oh my God!")

Those who question Mr. Ivey's commitment to the classical and fine arts, however, are stuck with a subtle problem: To object too strenuously to his appointment is to risk the charge of elitism. And the nomination of a folklorist with 26 years of talk-in' Southern at the Country Music Foundation also sticks it to Congress.

President Clinton's appointment reminds effete Easterners, myself included, that the political gravity of America has shifted southward and westward. Country music is demographically correct, and only at his or her peril will even the most recalcitrant member of Congress appear to oppose a man whose full-time job has been to legitimize country music as a uniquely American art form.

One can hope that Mr. Ivey's journey to confirmation will go smoothly. But the fight to preserve the endowment will go on, and his selection as N.E.A. chairman could mean that the battle to gut the agency will have to be waged more adroitly by its opponents. In the past, the us-and-them scenario—the good, plain folks in Congress versus Eastern snobbism—made for good press in the hinterlands. This nomination undercuts that mindset.

A minority in Congress is still very much determined to eliminate the N.E.A., and the prospects for its survival remain uncertain. The selection of William Ivey may stave off the worst for a time. The President is betting that country music is attack-proof, and I do see interesting possibilities in the President's choice. An opera whose libretto runs along the lines of "guy loses truck, dog, girl, and gun in Act I and recovers them all at the final curtain" may now be a good bet for a grant.

Henry Goldstein, president of the Oram Group in New York, is a regular contributor to these pages. His e-mail address is hankus@juno.com.

le. Some scholars are such activity, which in, measurements of which rarely captures number of grant making activity precisely be- ability to see "results." more comfortable pre-

in many of the fields s. But the search for id the desire for tan- making that is overly starve innovation. d productivity with- ls. Beneficial results e grant maker must for what it is. trepreneur, so often ropists as a longed- reality. We do make ll as ideas, and we taphor has been in s, and it's no longer

for people from an rtunes almost over- complex, and less ines of code.

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and other issues is to in- not decrease, American involvement in the life l—and to widen Israelis' e to the richness of an Jewish life. A two- global initiative of Jewish Appeal (U.J.A.) Jewish Agency for Is- artnership 2000—con- ne seeds of this un- ling. Partnership 2000 Diaspora communities derdeveloped regions in oring tangible eco- enefits to Israel while the people-to-people at have been so sorely

rogram goes far beyond give-receive relation- enty-three Israeli re- nd cities have been with 90 Diaspora com- Each region com- an centers with neigh- ral peripheries and is red by joint Diaspora- Continued on Page 50

file NEA
November 17, 1997

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The Nation.

EDITORIALS

'Elitism' and the N.E.A.

Under a disturbing front-page headline, "Study Links Drop in Support To Elitist Attitude in the Arts," *The New York Times* recently summarized a report issued by the National Endowment for the Arts. The "Federal study," wrote the *Times*, "holds artists themselves partly responsible for the growing alienation it sees between the public and the arts." This, the story continued, "made recent cuts in government arts spending possible." We speak of links when we suspect a causal connection—as in "Lung Cancer Linked to Smoking." But that and the term "study" imply something a great deal more scientific than anything to which *American Canvas*, as the report is called, can possibly pretend.

It seemed scarcely credible, save in terms of the psychopathology of victimhood, that the N.E.A. would appropriate the hurtful predicate "elitist" from the rhetoric of its persecutors, and further go on to confess guilt for its own brutalization: The falling away of public support is something for which the artists have only themselves to rebuke! So it was little surprise to find, in reading the 193-page *American Canvas* itself, that the term "elitist" is not used in self-castigation at all, nor are artists and art organizations stigmatized in the way the *Times* implied. Rather, "elitist" refers to how the communities the N.E.A. hopes to reach may sometimes perceive art. And the task was to dispel that perception by explaining what art does, rather than to change artistic practice itself. The *Times* got the entire thrust of *American Canvas* backwards.

The N.E.A. document does not refer to obscure and alienating paintings by arrogant and condescending artists. Rather, it canvasses the views of six privately funded forums, like focus groups, each charged to explore a different aspect of "the successful integration of the arts into communities." Outgoing N.E.A. chair Jane Alexander notes in her preface that in city after city nationwide, "the desire for a strong arts presence was manifested in new facilities or burgeoning ideas." But a theme that resonated throughout the forums held by the endowment was whether, "in enshrining art within the temples of culture—the museum, the concert hall, the proscenium stage—we may have lost touch with the spirit of art, its direct relevance to our lives." This relevance, some of the forums felt, can best be conveyed to the larger community by demonstrating how relevant art already is

in their lives. One panelist states that art "is not something that exists 'out there' in a world alien to many families but is rather an essential part of the lives of most families. The problem is that they just don't know it." And, "If we will look, we will find art all around us—in the things that we make with our words (songs, stories, rhymes, proverbs), with our hands (quilts, knitting, raw-hide braiding, pie-crust designs, dinner-table arrangements, garden layouts)."

All of this is certainly true. Artistic expression is as much a part of human nature as our ability to learn languages. But we would never think of art in this broadly democratic sense as something that merits funding by a national endowment. It is possible to argue that there is a continuity between the household arts and the arts that do require funding, but *American Canvas* claims only that "when Americans finally acknowledge the art that affects their own lives, the art in which they take an active part—fashion and foodways, in song and celebration and stories—they be better prepared to commit to a public culture—the art of artists and art organizations that labor in the nonprofit sector with that same spirit of shared investment." (My emphasis.) I am exceedingly doubtful of pointing out the everydayness of art in garden and kitchen as a strategy. The problem is to explain the relevance in people's lives of the "enshrined" arts, which have little in common with table arrangements and pie crusts.

There is no implication in the discussions recorded by the N.E.A. that artists are elitists or art institutions exclusionary. It is a society of glass ceilings, of prejudice, segregation and keeping people in their places. American art institutions are among the most zealous in reaching out. The present generation of curators and museum directors are driven, after all, by values they acquired in the sixties and seventies; their belief is that the arts they administer are of vital concern to everybody, and that as many people as possible should benefit from experiencing them. How else explain the preoccupation with multiculturalism, the debate over quality of the effort, with whatever success, to dismantle the barriers of race and gender? (The contradictory fallback position of those who can't get the label "elitist" to stick is that arts institutions are too "politically correct"! It is precisely because the advocates of the arts aim at enriching the lives of ordinary people that it will not greatly help to say that their lives are already enriched with art. For the art in question is more distant and difficult.

In some ways the hardest task is not to work with those ignorant of art but with those, like many in Congress, who are hostile to it. *American Canvas* has little to say about this. I hope is that aesthetically awakened communities will rise in protest when their government representatives seek to slash funding for the arts. But that can be done only when the difference between the arts that need funding and the arts of everyday life is recognized. And *American Canvas* acknowledges this when it defends such works as Charles Ives's *Concord Sonata* or Tony Kushner's *Angels in America*.

"Actually," *American Canvas* says, "many more Americans attend arts activities than professional sporting events every year. The *Times* has a very vivid understanding of those in whose lives the fine arts play a central role—it now devotes one of its sections in its daily edition to art. But it has rendered a sad di-



November 17, 1997

The Nation.

7

EDITORIALS

service to the N.E.A. and to the cause of American art by misrepresenting the tenor of *American Canvas*. It put a weapon in the hands of art's enemies by making it appear that the N.E.A. itself has studied and now agrees with their charges. The well-meaning report was intended to help lead an awakened public into the museum, the concert hall, the theater, in increasing numbers, and to agree to, if not insist upon, continued funding for them. That is the "link" it seeks. Despised and punished by Congress, with a private sector that "has not exactly leapt to the rescue of the arts," an embattled N.E.A. is seeking ways to enlist support for American art in populations heretofore believed indifferent to its existence.

ARTHUR C. DANTO

The Hill's Ethics Lockout

The House of Representatives may have finally found a way to rid itself of the pox of ethics violations that has plagued it ever since the G.O.P. took charge: It simply passed new rules that prohibit citizens from bringing ethics charges. Under the old rules, any citizen could bring charges before the House Committee of Standards of Official Conduct (the Ethics Committee) once three members of Congress had refused to do so. The job of collecting three written denials was difficult, but it was possible. Of numerous attempts since 1994, the Nader-affiliated Congressional Accountability Project has succeeded in filing six House ethics complaints, including three against Newt Gingrich.

It was previous charges against Gingrich that led the House to overhaul its rules. Following the Speaker's January reprimand and \$300,000 fine, the Ethics Committee fractured along partisan lines. The committee suspended action in February and appointed a bipartisan task force to overhaul its rules. The task

force returned with recommendations to ban citizen complaints and make it easier for lawmakers to dismiss complaints brought by one another. The new rules were adopted in September by a heavily Republican vote of 258 to 154.

Citizens who fear that their Representative is involved in corruption, influence-peddling or abuse of power must now find a member to file a complaint for them. "It's a lockout," said Congressional Accountability Project director Gary Ruskin. "Ordinary citizens can't bring charges anymore. And members are not exactly eager to bring charges against their fellow members."

One such powerful member is Transportation and Infrastructure Committee chairman Bud Shuster. He faces ethics charges stemming from his close relationship with former aide and current campaign fundraiser Ann Eppard, a leading transportation lobbyist who represents trucking companies, railroads and airlines with business before Shuster's committee. In addition to accepting campaign cash and lawmaking advice from Eppard, Shuster has often bunked at her Virginia home. "What member is going to bring a complaint against a guy like Shuster?" Ruskin asked. "No one who wants a highway, railroad or airport built in his district."

The newly reconstituted Ethics Committee could, within the next few weeks, consider a complaint Ruskin made in 1996 under the old rules. But it has refused his request to introduce new evidence. What sort of new evidence might Ruskin have introduced? Well, for starters there's the fact that the task force that rewrote the House ethics rules retained as its "special counsel" the same Washington attorney Eppard employs to defend her interests in the probes into her relationship with her former boss.

It's exactly the kind of insider influence that concerned citizens might complain about—if they had the chance. MONTE PAULSEN

Monte Paulsen is Washington bureau chief for *Alternative Media Inc.*, which publishes the *Detroit Metro Times* and the *Orlando Weekly*.

In Fact...

DEFORESTATION'S NEW BUZZWORD

Up to now, the World Bank's rules have prevented it from financing logging projects in tropical rainforests. But in January, bank president James Wolfensohn will host a dinner and meeting for global timber companies and representatives of five of the more conservative environmental groups. Wolfensohn's goal appears to be to encourage the companies to engage in a dubious practice known as "sustainable logging." (There's no data showing that sustainable logging works.) If the firms agree, that could lead the bank to relax its prohibition on financing rainforest logging. Some of the invited enviro groups, like the World Wildlife Fund and The Nature Conservancy, have expressed interest in sustainable logging projects of their own. But when the Rain Forest Action Network, which does not support sustainable logging, and a consortium that represents forest peoples asked to attend the session, they were rebuffed. In an October 6

memo to Wolfensohn, a bank official noted that "the [timber] CEOs would not find the presence of these groups conducive to a frank and focused dialogue on their own concerns." Unable to break this logjam, those shut out expect to be protesting at bank headquarters on meeting day.

ENERGY SHORTFALL AT D.O.E.

With global warming ever more a concern, and U.S. proposals to address the issue lacking, uh, oxygen, one contribution could be in strengthening energy efficiency standards for home appliances. Yet, as a report put out by Representative Henry Waxman notes, the Energy Department has "missed every statutory deadline for revising out-of-date energy efficiency standards" for these appliances. The D.O.E., perhaps too busy not protecting us from its nuclear wastes, has failed to issue new standards for residential central air condi-

tioners and has missed deadlines for determining whether efficiency standards are feasible and justified for products used in the industrial sector. One study found that if standards upgrades already legally required were in place, U.S. energy consumption would decline by roughly the amount needed to run every car in the United States for four months.

NEWS OF THE WEAK IN REVIEW

President Clinton announced October 27 that the federal deficit, at \$22.6 billion, is at its lowest point since 1974. Rather than the budget-balancing measures (and miscalculations) taken by Congress, economists credit a surge in tax revenues for this turn of events. In particular, these revenues appear to be coming from capital gains. Too bad Congress shredded that tax this summer, lowering the top rate for individuals from 28 percent to 20 percent.

DETERMINED TO BE AN
ADMINISTRATIVE MARKING
INITIALS: GM DATE: 5/7/2014

File
NEA

MEMORANDUM FOR THE PRESIDENT

PRIVILEGED AND ~~CONFIDENTIAL~~

THROUGH: Bruce Lindsey
FROM: William Gilcher, Personnel Manager
Susan Reichman, Personnel Manager
Mary Tydings, Personnel Manager
VIA: Jan Piercy
SUBJECT: Chair, National Endowment for the Humanities (NEH)
DATE: March 10, 1993

The purpose of this memorandum is to make a recommendation to you on the nomination of a candidate for Chair of the National Endowment for the Humanities.

Background

The National Endowment for the Humanities is an independent federal agency headed by a chair appointed by the President. The founding of the agency as an independent body with term appointments, its authorizing legislation, its strong traditions and practice of peer review, and its standing in the scholarly community all require a reasoned and apolitical agency. Under its previous chair, Lynne V. Cheney, the Endowment became highly politicized with a conservative, even reactionary ideological mission. As a result, the Endowment has become increasingly isolated from the communities it is mandated to serve.

To reverse the current situation, the position of Chair of the Endowment requires a person of distinguished stature, passionately devoted to the work of the humanities, and proven leadership abilities. Particularly at this time, the agency requires a person of great wisdom, with a strong ethical sense--a leader characterized by an ability to engage in continuing meaningful dialogue with the diverse constituencies that the agency is mandated to serve. The Chair should also possess substantial skills as an administrator, ready to lead and inspire the excellent staff of the Endowment, yet open to innovation and change.

Because of the political volatility of humanities issues, the Chair should also be a person with strong personal loyalty to the President and the Administration, ever mindful of the ways in which decisions made by the Chair of the Humanities Endowment can help or hurt the President's ability to lead the nation successfully.

Recommendation

We recommend Sheldon Hackney, President of the University of Pennsylvania for nomination.

Dr. Sheldon Hackney has been President of the University of Pennsylvania since 1981. Before taking this position, Dr. Hackney was President and Professor of History at Tulane

University. A native of Birmingham, Alabama, Dr. Hackney has published extensively on American history, particularly the history of the South. Dr. Hackney's book *Populism to Progressivism in Alabama*, published in 1969 by Princeton University Press, won the Southern Historical Association's Sydnor Prize and the American Historical Association's Bevrige Prize. In addition to serving on numerous scholarly boards, Dr. Hackney has also served on the boards of significant community organizations including the Afro-American Historical and Cultural Museum, WHYI, the public television station in Philadelphia, and the Philadelphia Orchestra Association. (Male Caucasian, Pennsylvania).

Significant Recommenders:

Senator Harris Wofford, National Humanities Alliance

Action

AGREE DISAGREE FURTHER DISCUSSION

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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002. resume	re: Sheldon Hackney [Personally Identifiable Information] [partial] (1 page)	02/12/1993	b(6)
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COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20045

FOLDER TITLE:

Nea [National Endowment for the Arts] - Arts [Folder 1] [1]

2013-0534-S

rc1845

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
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P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
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b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

SHELDON HACKNEY

Born: December 5, 1933 at Birmingham, Alabama

Married: Lucy Judkins Durr, June 15, 1957

Children: Virginia Foster Hackney, [REDACTED]
Sheldon Fain Hackney, [REDACTED] (b)(6) [002]
Elizabeth Hackney McBride, [REDACTED]

Military Service: United States Navy (Ensign - Lieutenant); U.S.S. James C. Owens (DD - 776), 1956-59; U.S. Naval Academy, 1959-61

Degrees: Yale University, Ph.D. 1966
Yale University, M.A. 1963
Vanderbilt University, B.A. 1955

Positions: University of Pennsylvania - President and Professor of History, 1981--

Tulane University - President and Professor of History, 1975-81

Princeton University - Provost and Professor, 1972-75;
Associate Professor, 1968-72; Assistant Professor, 1965-68

Honorary Degrees: Doctor *honoris causa*, Université de Technologie de Compiègne, 1991
Doctor *honoris causa*, University of Edinburgh, 1989
Doctor of Philosophy, Hebrew University of Jerusalem, 1984
Doctor of Laws, Haverford College, 1983
Doctor of Humane Letters, Philadelphia College of Textiles, 1981

Honors and Awards: Maimonides Award from the Anti-Defamation League of B'nai B'rith, Philadelphia, 1988
West Philadelphia Chamber of Commerce Award of Merit for service to the community, 1987
Appointed Honorary Professor, Shanghai Jiao Tong University, 1984

Southern Historical Association's Charles S. Sydnor Prize for best work in Southern History published during 1968-69
 Albert J. Beviridge Prize in American History awarded by the American Historical Association for the best book in American History published in 1969

Publications:

POPULISM TO PROGRESSIVISM IN ALABAMA, Princeton University Press, 1969.

"Southern Violence," *American Historical Review* Vol. LXXIV, pp. 906-925, February 1969.

"Power to the Computers: A Revolution in History?," AFIPS, *Proceedings of the 1970 Spring Joint Computer Conference*.

POPULISM: THE CRITICAL ISSUES, Little, Brown and Co., 1971.

"Origins of the New South in Retrospect," *Journal of Southern History*, May 1972.

"The South as a Counterculture," *The American Scholar*, Spring 1973.

UNDERSTANDING THE AMERICAN EXPERIENCE: RECENT INTERPRETATIONS, 2 vols., ed. with James M. Banner, Jr., and Barton J. Bernstein, Harcourt Brace Jovanovich, Inc., 1973.

BLACKS AND THE POPULIST REVOLT, Gerald H. Gaither. Introduction by Sheldon Hackney. University of Alabama Press, 1977.

PARTNERS IN THE RESEARCH ENTERPRISE: UNIVERSITY-CORPORATE RELATIONS IN SCIENCE AND TECHNOLOGY, prologue and co-editor. University of Pennsylvania Press, 1983.

"Supply, Demand and the University," *The Annals of the American Academy of Political and Social Science*, January 1984.

"The Clay County Origins of Mr. Justice Black: The Populist as Insider," *Alabama Law Review*, Vol. 36, No. 3, Spring 1985.

"The University and Its Community: Past and Present," *The Annals of the American Academy of Political and Social Science*, Nov. 1986.

"The NEA Under Attack: Resisting the Big Chill," *Academe*, July-August, 1990

Articles:

"Policing is Not for Colleges," *The Philadelphia Inquirer*, Op-ed page, August 9, 1984

"Student Financial Aid for Public Service," *The Philadelphia Inquirer*, Op-ed page, November 14, 1985

"Angling for red herrings in academe," *The Christian Science Monitor*, December 9, 1985

"College shouldn't be just for the rich," *The Philadelphia Inquirer*, February 9, 1986

Is My Armor Straight? A Year in the Life of a University President, Richard Berendzen, Adler & Adler, 1986 - review in *The Philadelphia Inquirer*, June 15, 1986

"Skyrocketing Tuition: Why College Is So Expensive," *Educational Record*, American Council on Education, Spring/Summer 1986

"Colleges must not cut quality to curb costs," *USA Today*, guest editorial, March 3, 1987

"Cutting Student Aid Would Be Unfair," *The Washington Post*, guest editorial, May 17, 1987

"Idealism is alive on campus, and it can be lifelong," *The Philadelphia Inquirer*, Op-ed page, April 8, 1989

"The Helms Amendment Imperils the Basis of Intellectual Freedom," *The Chronicle of Higher Education*, September 6, 1989

"Perspectives on Literacy," *YMCA Souvenir Journal*, October 1990

DETERMINED TO BE AN
ADMINISTRATIVE MARKING
INITIALS: JM DATE: 5/7/2014

MEMORANDUM FOR THE PRESIDENT

PRIVILEGED AND ~~CONFIDENTIAL~~

THROUGH: Bruce Lindsey
SUBJECT: Chair, National Endowment for the Arts (NEA)
DATE: March 12, 1993

The purpose of this memorandum is to make a recommendation to you on the nomination of a candidate for Chair of the National Endowment for the Arts.

Background

The National Endowment for the Arts is an independent Federal agency headed by a Chair appointed by the President and confirmed by the Senate. The mission of the agency is to promote excellence in the arts, to increase access to the arts throughout the country, and to encourage appreciation of and education in the arts. With a budget of approximately \$174 million annually, the NEA provides support to state, regional, local and educational arts-funding institutions in addition to artists in all disciplines.

Over the last three years, the NEA has endured public controversy and internal turmoil. It has been under increasing attack by those ideologically opposed to government arts funding and, in particular, to the NEA's support for certain works of art. The result is a seriously troubled agency unable to provide effective leadership to the diverse world of American arts. Serious internal issues are also causing significant tensions within the arts communities, fracturing and demoralizing them.

Qualities Needed in the Chair

Twelve years of active neglect and erosion of the role of the arts have left the NEA in a fragile state. The next NEA Chair should be someone of strong intellectual stature, whose accomplishments are highly and widely regarded, and who is known as a serious advocate for the arts. Ideally, the position will be held by a person whose outstanding reputation and human qualities will win the trust and confidence of multiple constituencies--arts groups and institutions, educators, the public at large, and the Congress.

Laying out a clear national vision for the arts should be a priority for the next Chair, who must provide the persuasive and visionary leadership essential to inspire and motivate a strong professional staff within the agency and to encourage the highest levels of creativity throughout the nation.

The Chair should reflect the populist spirit of the Presidency. The celebration of diversity and the avoidance of elitism must be hallmarks for the NEA during this Administration.

Because of the political volatility of arts issues, the Chair should also be a person with strong personal loyalty to the President and to the Administration, ever mindful of the ways in which decisions made by the Chair of the Arts Endowment can help or hurt the President's ability to lead the nation successfully.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003a. memo	Chair, NEA to the President re: non-selection [partial, pages 2-3 in full] (2 pages)	03/12/1993	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Melanne Verveer
OA/Box Number: 20045

FOLDER TITLE:

Nea [National Endowment for the Arts] - Arts [Folder 1] [1]

2013-0534-S

rc1845

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Acts
NEA

JANE ALEXANDER

FEATURE FILMS:

GLORY (1989)
SQUARE DANCE (1988)
SWEET COUNTRY (1988)
CITY HEAT (1984)
TESTAMENT (1984)
NIGHT CROSSING (1981)
BRUBAKER (1980)
KRAMER VS. KRAMER (1979)
THE BETSY (1977)
ALL THE PRESIDENT'S MEN (1975)
THE NEW CENTURIONS (1972)
A GUNFIGHT (1970)
THE GREAT WHITE HOPE (1970)

TELEVISION FILMS:

STAY THE NIGHT (1992)
A MARRIAGE: GEORGIA O'KEEFFE AND ALFRED
STIEGLITZ (1991)
DAUGHTER OF THE STREETS (1990)
MOUNTAIN VIEW (1989)
A FRIENDSHIP IN VIENNA (1988)
OPEN ADMISSIONS (1988)
IN LOVE AND WAR (1986)
BLOOD AND ORCHIDS (1986)
MALICE IN WONDERLAND (1985)
CALAMITY JANE (1984 - CBS special)
WHEN SHE SAYS NO (1984)
IN THE CUSTODY OF STRANGERS (1983)
KENNEDY'S CHILDREN (1981)
DEAR LIAR (1981)
CALAMITY JANE: THE DIARY OF A FRONTIER WOMAN
(CBS Cable 1981)
PLAYING FOR TIME (1980)
A QUESTION OF LOVE (1978)
LOVEY (1977)
ELEANOR AND FRANKLIN: The White House Years (1977)
CIRCLE OF CHILDREN (1976)
ELEANOR AND FRANKLIN (1976)
THIS WAS THE WEST THAT WAS (1975)
DEATH BE NOT PROUD (1974)
MIRACLE ON 34TH STREET (1973)
WELCOME BACK JOHNNY BRISTOL (1970)

JANE ALEXANDER

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THEATER:

BROADWAY:

THE VISIT (1992)
SHADOWLANDS (1990)
NIGHT OF THE IGUANA (1988)
MONDAY AFTER THE MIRACLE (1982)
GOODBYE FIDEL (1980)
FIRST MONDAY IN OCTOBER (1978)
THE HEIRESS (1976)
HAMLET (1975)
FIND YOUR WAY HOME (1974)
6 RMS RIV VU (1972 - 73)
THE GREAT WHITE HOPE (1968 - 69)
A THOUSAND CLOWNS (stand-by 1963)

OFF - BROADWAY:

THE SISTERS ROSENWEIG (1992)
APPROACHING ZANZIBAR (1989)
OLD TIMES (1983 - 84)
LOSING TIME (1980)
MISALLIANCE (1962)

OTHER:

SHADOWLANDS, Queens Theatre, London (1990)
MYSTERY OF THE ROSE BOUQUET, Mark Taper Forum,
Los Angeles (1989)
HEDDA GABLER, Hartman Theatre, Stamford, CT
(1981 - also played Boston, Mass.)
ANTONY AND CLEOPATRA, Alliance Theatre,
Atlanta, GA (1981)

Kennedy Center, Wash. D.C.:

MONDAY AFTER THE MIRACLE (1982 - also played on
Broadway and The Spoleto Festival, Charleston, SC)
FIRST MONDAY IN OCTOBER (1977 - also played on
Broadway)
THE MASTER BUILDER (1977 - also played at the
Westport Country Playhouse)
THE HEIRESS (1976 - also played on Broadway)
PRESENT LAUGHTER (1975)
THE TIME OF YOUR LIFE (1972 - also played Chicago,
Philadelphia and Los Angeles)

American Shakespeare Theatre, Stratford, CT.:

MAJOR BARBARA (1971)
MERRY WIVES OF WINDSOR (1970)
MOURNING BECOMES ELECTRA (1970)

Arena Stage, Wash. D.C.:

(fifteen plays, 1965 - 68)

Charles Playhouse, Boston, Mass.:

(seven plays, 1964 - 65)

Lyceum Theatre, Cambridge, Mass.:

(five plays, 1961)

JANE ALEXANDER

Page 3

AWARDS:

ACADEMY AWARD NOMINATIONS:

THE GREAT WHITE HOPE
ALL THE PRESIDENTS MEN
KRAMER VS KRAMER
TESTAMENT

EMMY AWARD:

PLAYING FOR TIME

EMMY AWARD NOMINATIONS:

ELEANOR AND FRANKLIN
THE WHITE HOUSE YEARS
CALAMITY JANE
MALICE IN WONDERLAND

TONY AWARD:

THE GREAT WHITE HOPE

TONY NOMINATIONS:

6 RMS RIV VU
FIND YOUR WAY HOME
FIRST MONDAY IN OCTOBER
THE VISIT

OTHER AWARDS:

Outer Critics Circle Award nomination: THE VISIT
Drama Desk Award nomination: THE VISIT
Drama Desk Award: THE GREAT WHITE HOPE
Theatre World Award: THE GREAT WHITE HOPE
Television Critics Circle Award: ELEANOR AND
FRANKLIN: THE WHITE HOUSE YEARS (1977)
St. Botolph Club Award: Achievement In Dramatic Arts
(1979)
Israel Cultural Award (1982)
Helen Caldicott Leadership Award (1984)
Western Heritage Award: CALAMITY JANE (1985)
The Living Legacy Award: Jehan Sadat Peace Award (1988)

BOOKS:

THE BLUEFISH COOKBOOK (1979 - 1990, five editions,
Co-authored with Greta Jacobs, Globe - Pequot Press)
THE MASTER BUILDER (1978 - translated with Sam
Engelstad from Henrik Ibsen's original play, Dramatic
Publishing Co.)

JANE ALEXANDER

Page 4

**PRODUCTIONS IN
DEVELOPMENT:**

HEROES FOR OUR TIME: (a six-part documentary series about zoologists working in the field)
JAGUAR: (an action/adventure/romance feature film about a young zoologist's fight to save the rain forest)

FILMS PRODUCED:

A MARRIAGE: GEORGIA O'KEEFFE AND ALFRED STIEGLITZ (for PBS's American Playhouse 1991)
SQUARE DANCE (Independent feature 1988)
CALAMITY JANE (CBS Special, aired 1984)

NARRATIONS:**ON CAMERA:**

Massachusetts Blue Cross/Blue Shield (television Commercial, Spokesperson 1986 -1988)
Drug Free Kids: A Parent's Guide; Legacy Entertainment;
New York State Jury Film
Sierra Club—Global Warming Campaign Spots
Cone Birding (a video game)

VOICE OVER:

They're Doing My Time (documentary film)
Building Bombs (documentary film; academy award nominee 1990)
All About Babies: A Six-Part Video Guide to the First Two Years of Life
Sea Turtles: The World of Audubon (TV documentary and video)
The World at his Fingertips: Helen Keller National Center
Rainforests: Proving Their Worth (documentary film)
Wildlife Conservation International (promotional radio spots)
Dallas and Los Angeles Museums of Art: Georgia O'Keeffe Retrospective, (audio tape)
House of Mirth: Masterpiece Radio Theatre
The Lady and the Dog: Symphony Space's Selected Short Stories—National Public Radio
The Boe: Symphony Space's Selected Short Stories—National Public Radio
The Yellow Wallpaper: National Public Radio

BOOK NARRATIONS

A Treasury of Christmas Stories and Poems: Bantam/Audio Publishing
Wuthering Heights: Random House .AudioBooks Readers Digest
Rebecca: Warner Audio Publishing

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003b. profile	re: Jane Alexander [Personally Identifiable Information] [partial] (1 page)	01/22/1993	b(6)

COLLECTION:

Clinton Presidential Records
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OA/Box Number: 20045

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Nea [National Endowment for the Arts] - Arts [Folder 1] [1]

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JANE ALEXANDER

Page 5

Jane Alexander grew up in Brookline Massachusetts, the daughter of orthopedic surgeon, Thomas B. Quigley, who was one of the founders of sports medicine, and Ruth Pearson Quigley, a nurse. Her grandfather, Daniel Quigley, was a pioneer in the use of radium for cancer and had the distinction of being Buffalo Bill's physician in Northplatte, Nebraska. Ms. Alexander is active on the boards of Wildlife Conservation International, The National Stroke Association, and the advisory board of WAND (Women's Action for Nuclear Disarmament). Her hobbies are bird watching and photography. She is married to the director, Ed Sherin, and is step-mother to Tony, Geoffrey, and Jonathan. Her son, Jace Alexander, is also an actor and co-founder of the company, Naked Angels.

age: 53

Telephone -

(b)(6)

[0036]

address

(b)(6)

ESS Agent—Cricket Company, 13455 Ventura Blvd.,
Berman Oaks CA 91423.

...

ALEXANDER, Jane (ne Quigley), actress

PERSONAL: Born October 28, 1939, in Boston, MA; daughter of Thomas B. (an M.D.) and Ruth Elizabeth (marson) Quigley; married Robert Alexander, July 23, 1962 (divorced 1969); Edwin Shenn (a director) March 29, 1975; children: (first marriage) Jason, EDUCATION Sarah Lawrence College; University of Edinburgh, 1959-60.

CAREER: STAGE DEBUT—Child actress, Long John Silver, *Island*, Boston, MA. NEW YORK DEBUT—Eleanor Bachman, *The Great White Hope*, 1968. PRINCIPAL STAGE APPEARANCES—Member, Arena Stage acting company, Washington, DC, 1966, playing for three seasons and in seven productions; Katrina, *Mother Courage*, Arena Stage, 70; *Mistress Page*, *The Merry Wives of Windsor*, American Shakespeare Festival (ASF), Stratford, CT, 1971; La-



JANE ALEXANDER

vinia, *Mourning Becomes Electra*, Stratford, CT, 1971; Kitty Duval, *The Time of Your Life*, Eisenhower, Washington, DC. Huntington Hartford, Los Angeles, CA, 1972; bit role, *Major Barbara*, ASF, 1972; Anne Miller, *Six Rms Ru Yu*, Helen Hayes, NY, 1972; Jacqueline Harrison, *Find Your Way Home*, Brooks Atkinson, NY, 1974; Liz Essendine, *Present Laughter*, Eisenhower, Washington, DC, 1974; Gertrude, *Hamlet*, Vivian Beaumont, NY, 1975; Catherine Sloper, *The Heiress*, Broadhurst, NY, 1976; Judge Rud Loomis, *First Monday in October*, Majestic, NY, 1978; Joanne, *Losing Time*, Manhattan Theatre Club, NY, 1979; *Goodbye Fidel*, NY, 1980; *Antony and Cleopatra*, Alliance Atlanta, GA, 1981; *Hedda Gabler*, Hartman, Stamford, CT, Boston, 1981; *Monday After the Miracle*, Kennedy Center, Washington, DC, Spoleto Festival, Charleston, SC, NY, 1982; *Old Times*, NY, 1983-84.

FILM DEBUT—Eleanor Bachman, *The Great White Hope*, 1969. PRINCIPAL FILM APPEARANCES—*A Gunfight*, 1971; *The New Centurions*, 1972; *All the President's Men*, 1976; *The Betsy*, 1978; *Losing Time*, 1979; *Kramer vs. Kramer*, 1979; *Brubaker*, 1980; *Night Crossing*, 1982; *Testaments*, 1983; *City Heat*, 1984.

PRINCIPAL TELEVISION APPEARANCES—Movies for television: *Welcome Home Johnny Bristol*, 1971; *Miracle on 34th Street*, 1973; *Death Be Not Proud*, 1974; *Eleanor and Franklin*, 1976; *Eleanor and Franklin: The White House Years*, 1977; *A Question of Love*, 1978; *The Time of Your Life*; *Find Your Way Home*; *Playing For Time*; *Calamity June*; *The Diary of a Frontier Woman*, 1981; *Dear Liar*, 1981; *Kennedy's Children*, 1981; *In the Custody of Strangers*, 1983; *When She Says No*, 1984; *Calamity Jane*, 1984 special—*A Circle of Children*, 1977.

WRITINGS: PLAYS TRANSLATED—*The Master Builder* (w/ Sam Engelstad). BOOKS—*The Bluefish Cookbook* (w/ Greta Jacobs).

AWARDS: Academy Award Nominations, 1983; *Testaments*, 1979; *Kramer vs. Kramer*, 1976; *All the President's Men*, 1969; *The Great White Hope*; Emmy Award: *Playing Time*; Emmy Award Nomination: *Eleanor and Franklin*; *White House Years*; Antoinette Perry Award Nomination: *First Monday in October*, *Find Your Way Home*, *6 Rms Yu*; Television Critics Circle Award, *Eleanor and Franklin*, 1977; Drama Desk Award, Theatre World Award, Antoinette Perry Award, Eleanor Bachman, *The Great White Hope*, 1969; St. Botolph Club Achievement in Dramatic Art, 1979; Israel Cultural Award, 1982.

SIDELIGHTS: PRODUCTIONS IN DEVELOPMENT—All working titles: *Selected Out*; *The Artist's Story*; *Paradise*; *Common Scents*.

ADDRESS: Agent—c/o ICM, 40 W. 57th Street, New York, NY 10019.

...

ALEXANDER, Jason (ne Jay Scott Greenspan), actor

file NED

TO: HRC

April 21, 1993

FROM: Anne Bartley

Regarding Personnel Numbers As of 4/15

3,306 Total Presidential Job Appointments	814 Filled
526 Presidential Appointments with Senate Confirmation	213 Filled PAS
300 Presidential Appointments No Senate Confirmation	70 Filled PA
880 Non-career Senior Executive Service	149 Filled Non-Career SES
1,600 Schedule C	384 Filled Schedule C

Presidential Announcements by 100 Days, April 30
for PAS Only

Clinton Admin.

Bush Admin.

Reagan Admin.

150 goal

96

148

Discussion:

The 150 goal for the Clinton Administration are nominations that are projected to have finished all the White House vetting and FBI checks and have actually gone to the Hill by April 30. There are 109 that are already on the Hill. White House Personnel is optimistic that it can meet its goal of 150 by April 30 and thereby be ahead of the Reagan Administration, the standard by which we are most often judged.

The 213 PAS that are already filled represent all the candidates that have been announced as "an intent to nominate" and are somewhere in the process of White House and FBI checking.

The 70 PA positions are those in the White House. The 149 Non-career SES are Deputy Assistant Secretaries, Chief of Staffs, assistants to the Secretaries, etc. The 384 Schedule C positions that are filled are the lower level assistant positions that are in most agencies of the departments. These are the jobs that Michael Whouley has been helping to fill.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. memo	MV to HRC re: non-selection (2 pages)	00/00/0000	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
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FOLDER TITLE:

Nea [National Endowment for the Arts] - Arts [Folder 1] [1]

2013-0534-S
rc1845

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. memo	William Gilcher et al to Bruce Lindsey re: non-selection (1 page)	01/29/1993	b(6)

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. memo	William Gilcher et al to Bruce Lindsey re: non-selection [partial, pages 2-3 in full] (2 pages)	01/28/1993	b(6)

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Private & Confidential

TO: Bruce Lindsey for consideration of the President
FROM: NEA/NEH Search Team
Mark Lloyd
Mary Tydings
Susan Reichman
William Gilcher
VIA: Jan Piercy
RE: NEA/NEH Chairs
DATE: January 28, 1993

DETERMINED TO BE AN
ADMINISTRATIVE MARK
INITIALS: JM DATE: 5/7/2014

I. NATIONAL ENDOWMENT FOR THE ARTS

The National Endowment for the Arts is an independent federal agency headed by a chair appointed by the President. The mission of the agency is to promote excellence in the arts, increase access to the arts throughout the country, and encourage appreciation of and education in the arts. Through its grant-making activities, the NEA provides supports to state, regional, local and educational arts-funding institutions in addition to artists in all disciplines.

Over the last three years, the NEA has endured public controversy and internal turmoil. It has been under increasing attack by those ideologically opposed to government arts funding in general and the NEA's support for certain works of art. The result is a seriously troubled agency unable to provide effective leadership to the diverse world of American arts.

Beyond the voices from the "right" are the serious internal issues causing significant tensions within the arts communities: diversity in hiring; New York City vs. the rest of the country; federal vs. state; state vs. local; and individual arts and scholars vs. cultural institutions. The dissension and conflict within the arts community can be as brutal as the attacks from the right.

Twelve years of active neglect and erosion of the role of the arts have left NEA in a fragile state. The next NEA chair should be someone of strong intellectual stature, whose accomplishments are highly and widely regarded, and who is known as a serious advocate for the arts. Ideally, the position will be held by a person whose outstanding reputation and human qualities will win the trust and confidence of multiple constituencies--arts groups, institutions, Congress.

Laying out a clear national vision for the arts must be a priority for the next Chair. He/she must provide the persuasive and visionary leadership essential to inspire and motivate a strong professional staff within the agency and to encourage the highest levels of creativity throughout the nation.

The Chair should reflect the populist spirit of the Presidency. The celebration of diversity and the avoidance of elitism must be hallmarks for the NEA during this administration.

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CULTURAL APPOINTMENTS LIST

White House

Special Asst to the President for Cultural Affairs

Advisory Council on Historic Preservation

total membership: 10

(Chairman, Vice Chair and 2 members terms expiring 6/93)

Commission on Fine Arts

Chairman, plus 6 members

(3 members terms expire 12/18/93)

National Commission on Libraries and Information Science

10 public members, 4 appointed librarians

(8 public members vacant)

National Foundation on the Arts and Humanities

National Endowment for the Arts

26 Members of National Council

(10 members National Council currently vacant)

Chairman

Senior Deputy Chairman

Deputy Chairman for Programs

Special Projects Director

Director of Public Affairs

Special Assistant

General Counsel

Director of Policy and Planning

Congressional Liaison Officer

National Endowment for the Humanities

26 members of National Council

(1 Council member currently vacant)

Chairman

Deputy Chairman

Special Asst to the Chairman

Special Assistant, Chairman's office

General Counsel

Communications Policy Director

Special Assistant to Director of Communications

Institute of Museum Services
15 members of National Museums Services Board
(8 positions NMSB vacant)
Director

U.S. Information Agency
Assoc Director for Education and Cultural Affairs

Cultural Property Advisory Committee
11 members (1 vacancy)

J. William Fulbright Foreign Scholarship board
12 members

The Kennedy Center
15 ex officio members by statute
30 private members by presidential appointment
(no current vacancies until Sep 1994)

President's Committee on Arts and Humanities
Executive Director

Corporation for Public Broadcasting
Members of the Board, 2 current vacancies

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. profile	re: non-selection (26 pages)	00/00/0000	b(6)

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DETERMINED TO BE AN
ADMINISTRATIVE MARKING

INITIALS: WM DATE: 5/7/2014

MEMORANDUM FOR THE PRESIDENT

PRIVILEGED AND CONFIDENTIAL

THROUGH: Bruce Lindsey
FROM: William Gilcher, Personnel Manager
Susan Reichman, Personnel Manager
Mary Tydings, Personnel Manager
VIA: Jan Piercy
SUBJECT: Chair, National Endowment for the Humanities (NEH)
DATE: March 10, 1993

The purpose of this memorandum is to make a recommendation to you on the nomination of a candidate for Chair of the National Endowment for the Humanities.

Background

The National Endowment for the Humanities is an independent federal agency headed by a chair appointed by the President. The founding of the agency as an independent body with term appointments, its authorizing legislation, its strong traditions and practice of peer review, and its standing in the scholarly community all require a reasoned and apolitical agency. Under its previous chair, Lynne V. Cheney, the Endowment became highly politicized with a conservative, even reactionary ideological mission. As a result, the Endowment has become increasingly isolated from the communities it is mandated to serve.

To reverse the current situation, the position of Chair of the Endowment requires a person of distinguished stature, passionately devoted to the work of the humanities, and proven leadership abilities. Particularly at this time, the agency requires a person of great wisdom, with a strong ethical sense--a leader characterized by an ability to engage in continuing meaningful dialogue with the diverse constituencies that the agency is mandated to serve. The Chair should also possess substantial skills as an administrator, ready to lead and inspire the excellent staff of the Endowment, yet open to innovation and change.

Because of the political volatility of humanities issues, the Chair should also be a person with strong personal loyalty to the President and the Administration, ever mindful of the ways in which decisions made by the Chair of the Humanities Endowment can help or hurt the President's ability to lead the nation successfully.

Recommendation

We recommend Sheldon Hackney, President of the University of Pennsylvania for nomination.

Dr. Sheldon Hackney has been President of the University of Pennsylvania since 1981. Before taking this position, Dr. Hackney was President and Professor of History at Tulane

University. A native of Birmingham, Alabama, Dr. Hackney has published extensively on American history, particularly the history of the South. Dr. Hackney's book *Populism to Progressivism in Alabama*, published in 1969 by Princeton University Press, won the Southern Historical Association's Sydnor Prize and the American Historical Association's Bevrige Prize. In addition to serving on numerous scholarly boards, Dr. Hackney has also served on the boards of significant community organizations including the Afro-American Historical and Cultural Museum, WHYY, the public television station in Philadelphia, and the Philadelphia Orchestra Association. (Male Caucasian, Pennsylvania).

Action

AGREE

DISAGREE

FURTHER DISCUSSION

MEMORANDUM FOR THE PRESIDENT**PRIVILEGED AND ~~CONFIDENTIAL~~**

THROUGH: Bruce Lindsey
FROM: William Gilcher, Personnel Manager
Susan Reichman, Personnel Manager
Mary Tydings, Personnel Manager
VIA: Jan Piercy
SUBJECT: Chair, National Endowment for the Arts (NEA)
DATE: March 10, 1993

The purpose of this memorandum is to make a recommendation to you on the nomination of a candidate for Chair of the National Endowment for the Arts.

Background

The National Endowment for the Arts is an independent federal agency headed by a chair appointed by the President. The mission of the agency is to promote excellence in the arts, increase access to the arts throughout the country, and encourage appreciation of and education in the arts. Through its grant-making activities, the NEA provides supports to state, regional, local and educational arts-funding institutions in addition to artists in all disciplines.

Over the last three years, the NEA has endured public controversy and internal turmoil. It has been under increasing attack by those ideologically opposed to government arts funding in general and the NEA's support for certain works of art. The result is a seriously troubled agency unable to provide effective leadership to the diverse world of American arts.

Beyond the voices from the "right" are the serious internal issues causing significant tensions within the arts communities: diversity in hiring; large metropolitan areas vs. the rest of the country; federal vs. state; state vs. local; and individual arts and scholars vs. cultural institutions.

Twelve years of active neglect and erosion of the role of the arts have left NEA in a fragile state. The next NEA chair should be someone of strong intellectual stature, whose accomplishments are highly and widely regarded, and who is known as a serious advocate for the arts. Ideally, the position will be held by a person whose outstanding reputation and human qualities will win the trust and confidence of multiple constituencies--arts groups, institutions, and the Congress.

Laying out a clear national vision for the arts must be a priority for the next Chair. He/she must provide the persuasive and visionary leadership essential to inspire and motivate a strong professional staff within the agency and to encourage the highest levels of creativity throughout the nation.

The Chair should reflect the populist spirit of the Presidency. The celebration of diversity and the avoidance of elitism must be hallmarks for the NEA during this administration.

Because of the political volatility of arts issues, the Chair should also be a person with strong personal loyalty to the President and the Administration, ever mindful of the ways in which decisions made by the Chair of the Arts Endowment can help or hurt the President's ability to lead the nation successfully.

Recommendation

We recommend Jane Alexander for nomination.

Jane Alexander has won a national and international reputation for her outstanding work as a stage, screen, and television actress, for which she has been widely honored (a Tony Award for *The Great White Hope*, an Emmy for *Playing for Time*, and Academy Award nominations for *The Great White Hope*, *All the President's Men*, *Kramer vs. Kramer*, and *Testament*). In addition to numerous other professional awards, Ms. Alexander is also the recipient of the Israel Cultural Award (1982), the Helen Caldicott Leadership Award (1984), and the Jehan Sadat Peace Award (Living Legacy Award, 1988). She is also the author of *The Bluefish Cookbook*, which has gone through five editions since 1979, and co-translated Henrik Ibsen's *The Master Builder* for a 1978 edition of the classic play. Ms. Alexander is active on the boards of Wildlife Conservation International, The National Stroke Association, and on the advisory board of WAND (Women's Action for Nuclear Disarmament).

Ms. Alexander was an early public supporter of the President and is personally committed to the President's policies and to the success of this Administration. (*Female Caucasian, New York*)

Action

AGREE

DISAGREE

FURTHER DISCUSSION

MEMORANDUM FOR THE PRESIDENT**PRIVILEGED AND ~~CONFIDENTIAL~~**

THROUGH: Bruce Lindsey
FROM: William Gilcher, Personnel Manager
Susan Reichman, Personnel Manager
Mary Tydings, Personnel Manager
VIA: Jan Piercy
SUBJECT: Director, Institute of Museum Services (IMS)
DATE: March 10, 1993

The purpose of this memorandum is to make a recommendation to you on the nomination of a candidate for Director of the Institute of Museum Services.

Background

The Institute of Museum Services (IMS) is a federal agency established "to encourage and assist museums in their educational role ...; to assist museums in modernizing their methods and facilities ...; and to ease the financial burden borne by museums as a result of their increasing use by the public." The agency's five grant-making programs (General Operating Support, Conservation Project Support, Museum Assessment, Conservation Assessment, and Professional Services) provide support for museums of all types, including art, science, and history museums, zoos, arboretums, historic sites, and nature centers. Applicants range from museums with only one staff member to those with more than two thousand employees. IMS is the only federal agency that provides unrestricted general operating support to museums.

Over the last twelve years, the Institute of Museum Services has done its job in a diligent fashion, largely avoiding controversy. The cultural wars have not seriously injured the agency in the divisive and debilitating ways that have imperiled the health and effectiveness of the arts and humanities endowments.

One of the Institute's more interesting endeavors has been in its aid to smaller emerging museums, which are drawing non-traditional audiences to visit. One of the challenges facing the new director will be to build on this endeavor and help lead these museums to a more mature and professional status as effective agents for public education. An additional challenge will be to clarify and improve the competition for general operating support, a process that now leaves some applicants puzzled and occasionally embittered.

The new director of IMS should be a seasoned professional from the museum, educational, or foundation communities and demonstrably able to rise above the parochial interests of any particular sector. We believe that the new director should reflect the populist spirit of the Presidency, take to heart the diverse needs of the American people, and provide credible leadership and vision to the vast array of institutions, large and small, across the country. Given the reality of tight

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009. memo	William Gilcher et al to Bruce Lindsey re: non-selection [partial] (1 page)	03/10/1993	b(6)

COLLECTION:

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Melanne Verveer
OA/Box Number: 20045

FOLDER TITLE:

Nea [National Endowment for the Arts] - Arts [Folder 1] [1]

2013-0534-S
rc1845

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budgets and increased demand on scarce federal resources, we believe the director should be especially mindful of the challenges and opportunities facing the smaller emerging institutions.

Recommendation

(b)(6)

[009]

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file

DRAFT

DRAFT

DRAFT

President Clinton today announced his intention to nominate William Ivey to be Chairman of the National Endowment for the Arts.

Bill Ivey currently serves as a presidential appointee to the President's Committee on the Arts and the Humanities. He was one of the main contributors to the President's Committee's report to President Clinton, Creative America, an analysis of American cultural life. Ivey, currently Director of the Country Music Foundation, has had extensive experience with the National Endowment for the Arts since 1976. He is the first nominee for Chairman who is an arts organization professional and who has developed and run a cultural nonprofit.

Over a twenty-five year career, Ivey has been a passionate advocate for the full range of American art forms. He has stated his position succinctly: "America's creativity is democracy's calling card; it is of the utmost importance that every citizen engage and support our nation's living cultural heritage." Ivey has been in the forefront of national efforts to preserve historic recordings of both popular and classical music.

Since 1971, Ivey has been Director of the Country Music Foundation in Nashville, Tennessee. Called a "Mecca with a mission" by the *Wall Street Journal*, the Foundation is accredited by the American Association of Museums as a not-for-profit education and research organization which operates the Country Music Hall of Fame and Museum.

Ivey is also a teacher and a writer. He was Senior Research Fellow at the Institute for Studies in American Music of Brooklyn College, and has taught at Vanderbilt University's Blair School of Music. Ivey is the author of numerous essays on America's unique musical traditions.

Bill Ivey has served in leadership roles with numerous cultural organizations, both nonprofit and commercial. He is a national trustee of the National Academy of Recording Arts & Sciences (NARAS), and is the only individual elected to two separate terms as National Chairman of that organization. Ivey has served as panelist, panel chair, and consultant to the Music, Folk Arts, Challenge, and Advancement programs of the National Endowment for the Arts.

Bill Ivey was born in Detroit in 1944, and was reared in the Northern Peninsula of Michigan. He was educated at the University of Michigan and at Indiana University, and holds degrees in history, folklore and ethnomusicology.

NEA

ENDOWMENT
FOR THE
ARTS

OFFICES OF THE CHAIRMAN
NATIONAL ENDOWMENT FOR THE ARTS

DATE OF TRANSMISSION: 10-8-96

The Federal agency
that supports the
visual, literary and
performing arts to
benefit all Americans

Office of the
Chairman

TO: Katy Button
Name

Affiliation 456-6244

Fax Number

FROM: Sandy

list - per your
request.

8 pages

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October, 1996

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Shreveport Journal February 21, 1997

EDITORIALS**ARTS AFIRE***Congress should reject move to cut NEA*

The Shreveport Symphony has money troubles, as we all know. No small part of the trouble is that what once was more than \$20,000 a year in funds from the National Endowment for the Arts dropped to \$13,300 last year, and went to zip — nada — this year. That may not seem so much in the symphony's \$1.2 million annual budget, but a symphony spokesman put it this way: How many local donors can or will write a \$13,300 check to make up that loss? That's what NEA funding means to local communities, and it's a clear example of what has already been damaged — and could be made worse — by the continuing assault on the NEA.

Yes, it's that time again. A new Congress has just convened and already a band of conservative Republicans is sharpening its knives in the hopes it will finally carve the life out of the National Endowment for the Arts. After heavy cuts in the past few years, the upcoming debate on the endowment's funding could represent the most critical vote yet.

"The issue is in doubt," said Rep. Sidney Yates, D-Ill., an architect of the 1965 legislation that created the endowment. "As of now, the leadership of the Republicans is opposed to (continuing the NEA). Those who worked out the so-called deal to kill it are still here."

And, as usual, the opponents are ignoring all the local symphonies, arts-in-education programs, theater productions, painting exhibits, folk music festivals and countless other community programs supported by public arts grants. Instead, they're focused on a small, controversial project that they feel justifies killing

the entire NEA. This Year's Model is a short film made in New York called *The Watermelon Woman*, which reportedly contains scenes of lesbian sex and use of illegal drugs. Rep. Pete Hoekstra, a Michigan Republican, has targeted the film, even though the producers said no NEA money went into its making.

Of course, Rep. Hoekstra will probably not mention that, nor will he mention that since the NEA's creation, the number of nonprofit theaters, orchestras, opera and dance companies nationwide increased dramatically. That growth has stalled with the fall of NEA grant money from \$150.6 million in 1989 to \$80.7 million this year.

The forecast is not entirely pessimistic, however. A group of two dozen moderate Republicans in the House known as the "Lunch Bunch" has vowed to protect federal arts funding. Residents of Shreveport-Bossier should similarly recognize the value of public arts funding, especially if we are serious about forging a new identity through our arts community and history.

The NEA still has a strong supporter in the White House, as well. President Clinton reiterated his appreciation in his State of the Union address, when he reminded Americans that such funding "has enabled tens of thousands of ... children to see their first play, their first ballet, their first Monet."

Rep. Hoekstra's isolated and dubious example is, far overshadowed by those. The majority of Americans who value their public arts programs know that, and we hope when the critical vote happens, a majority legislators know that, too.

The **NHA** National Humanities Alliance

15 April 1993

MEMORANDUM

TO: NHA Members and Friends
FR: John Hammer

RE: Washington News Report: 1) Changing Endowment Scene
o Hackney to be Nominated
o Gibson succeeds Martin as Acting Chair
o Greist returns to Research
2) Budget Proposals for NEH Flat
3) Reauthorization Outlook and Justice Appeal of Decency Ruling

1) **Many Changes at the National Endowment for the Humanities** - On April 12, the Clinton administration brought together a number of strands to begin more sharply placing its stamp on the NEH. The changes included formally announcing the selection of a new chair, replacing acting chair Jerry Martin (departing chair Lynne V. Cheney's choice) with Donald Gibson, appointment of Michael S. Shapiro as general counsel, and the temporary return from retirement of Guin Greist to direct the research division (replacing Rufus Fears).

o White House Indicates Intent to Nominate Sheldon Hackney to Chair NEH - In February, Office of Presidential Personnel staff indicated that the White House intended to arrive at final selections for the four major leadership posts in the National Foundation on the Arts and the Humanities -- the heads of the National Endowment for the Arts, National Endowment for the Humanities, Institute of Museum Services, and the Federal Council on the Arts and the Humanities -- and to announce all four at the same time. The rationale for this approach was to emphasize the closer cooperation and coordination the new administration wants among the parts of the NFAH. About the same time, there were indications from White House staff that the likely choice for the NEH would be Sheldon Hackney, the president of the University of Pennsylvania. Mr. Hackney, an historian whose work on Southern Progressivism won awards from the American Historical Association and the Southern Historical Association, holds a PhD from Yale (1966) and has served as president and professor of history at Penn since 1981. Previously, Mr. Hackney served as president of Tulane University (1975-81), and provost and assistant/associate/[full] professor of history at Princeton University (1965-75). Mr. Hackney's name apparently initially was suggested to President Clinton's transition team by Vartan Gregorian, the president of Brown University, who at the same time declined to be considered for the NEH post.

While the NEH selection moved rapidly, the process for filling the other leadership posts, particularly the arts endowment, has

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by all accounts been rocky and difficult. As weeks passed, and the apparent selection of Mr. Hackney appeared in a number of newspapers, pressure increased for the White House to abandon the single announcement strategy and to send the NEH recommendation forward. After the Penn provost, Michael Aiken, was selected to become chancellor of the University of Illinois at Urbana, the pressure became greater to acknowledge the selection of Mr. Hackney. The announcement was made on April 12. White House staff estimate that the formal nomination will come in two to three weeks. Senate staff indicate that a confirmation hearing would be unlikely to be scheduled sooner than two to three weeks after formal nomination to permit Mr. Hackney to make courtesy calls on members of the Labor and Human Resources Committee and other necessary preparatory steps.

o Donald Gibson replaces Jerry Martin as acting chair - In January, the incoming administration had planned to install Donald Gibson as acting chair rather than accept Mrs. Cheney's appointment of Celeste Colgan (then NEH deputy chair) to the acting position. While Ms. Colgan, a political appointee, could be and was removed, the Clinton group found that Mrs. Cheney was prepared with a "Standing Order of Delegation" -- a 1989 document reading in part "In the absence of the Chairman, the Deputy Chairman shall assume the duties of the Chairman" with the general counsel third in line and the assistant chairman for programs and policy fourth, and assistant chairman for operations fifth. Mrs. Cheney effectively argued that with the top three gone (all of them political appointees), Mr. Martin, as Assistant Chairman for Programs and Policy (and highest ranking career employee), had to assume the duties of the chair. The new administration concluded, if perhaps reluctantly, that the standing order of delegation was legitimate and therefore appointed Mr. Martin. At the same time Martha Chowning, who had worked on the Arts & Humanities Task Force in the transition, was installed as White House liaison. Many NEH employees and others perceived that a transition outcome with Mr. Martin at the helm, effectively left the agency in the hands of an advocate for Mrs. Cheney's agenda.

Early on, the Federal Council on the Arts and the Humanities which handles federal indemnification of foreign art works for qualifying U.S. museum exhibits, approved indemnity for an exhibition of pieces from the Barnes Foundation (of Merion, Pennsylvania) at the National Gallery in Washington. The rationale for the move was that a single object in the exhibit would be coming from France. Supporters indicated that the decision to approve the indemnification of U.S. works was intended as a test case and that the legislation does not prohibit indemnification of domestic exhibitions, only the rules promulgated by the federal council. By right of office, the chair of NEH serves on the federal council. Mr. Martin, who voted against the National Gallery's proposal and publicly

pursued the issue in the Washington Post -- as did the acting general counsel David Fisher. The federal council's action set off a brouhaha in Congress and in the administration. The White House was especially unhappy to find the NEH "actings" airing their views in the press. Consequently, there was little surprise when the White House moved to appoint a new general counsel (which does not require Senate confirmation) even before finalizing the selection of a new chair.

Michael Shapiro, a lawyer and historian with a PhD from Brown University in American Studies who at one point in his career ran a graduate program in museum studies at George Washington University, was appointed NEH general counsel with an understanding that he could shift to another position if the incoming NEH chair preferred another. On April 12, Mr. Shapiro and a White House official went to NEH and produced the "Standing Order of Delegation" used so effectively by Mrs. Cheney in January. Having established his hierarchical role -- and thereby relieving Mr. Martin of his responsibilities as acting chair -- Mr. Shapiro delegated to Donald Gibson the role of acting chair. (Mr. Martin reverted to his position of recent years as assistant chairman for programs and policy.)

Donald Gibson, who has been at NEH since 1977 and who has headed the Division of Public Programs for nine years, is an historian whose work has focused on 20th Century European -- especially Northern Germany. A canny administrator with a record of attracting and keeping good staff, Mr. Gibson knows the full range of the endowment's public humanities efforts having headed the endowments Division of State Programs before moving to the Division of Public Programs. (NEH staff indicate that a decision on an acting director for the Division of Public Programs will be announced early next week.)

o Guinevere L. Griest returns from retirement to direct the Division of Research - With the abrupt resignation and departure of Rufus Fears as director of NEH's research division, Guin Griest agreed to temporarily abandon her recently begun retirement and resume direction of the division. Ms. Griest, retired last year after many years of service at NEH during which she directed the fellowship programs from 1986-91 and served as director of the Division of Research from June 1991 to August 1992. The latter assignment was undertaken when long-time research director Richard Ekman left NEH to become Secretary of the Andrew W. Mellon Foundation. NEH staff indicate that a search for a new director will await the arrival of Mr. Hackney.

2) Administration's Budget Proposals for NEH are for Level Funding - The new administration's budget proposals for NEH were finally released on April 8. (Please see pages 4 and 5 for a comparative budget summary.) As had been apparent since the

(continued on page 6)

NATIONAL ENDOWMENT FOR THE HUMANITIES BUDGET SUMMARY
(in thousands)

	FY-1992 Final	FY-1993 Approved 10/4/92	FY-94 Pres Req 4/8/93
Education Programs	\$18,241	\$18,217	\$18,217
o Elementary/Secondary	(7,370)	(7,100)	(6,800)
o Higher Education	(6,739)	(7,100)	(6,800)
o Science and Humanities	--	(600)	(600)
o Foreign Language Educ	(3,064)	(3,417)	(3,217)
o Teacher-Scholars	(291)	--/a	(800)
o History Projects	(779)	--	--
Fellowships & Seminars	17,378	17,753 ^b	17,753
o NEH Fellowships			
- University Teachers	(3,273)	(3,173)	(3,128)
- College Teach/Ind Scholars	(3,206)	(3,173)	(3,128)
o Dissertation Grants	--	--/b	(350)
o Summer Stipends	(793)	(892)	(879)
o Study Grants	(291)	(297)	(293)
o Travel to Collections	(279)	(99)	--
o Younger Scholars	(342)	(372)	(367)
o Summer Seminars			
- College Teachers	(4,328)	(4,575)	(4,510)
- School Teachers	(4,866)	(5,172)	(5,098)
Public Programs	25,698	25,358	25,358
o Media	(11,393)	(11,084)	(10,358)
o Museums & Historic Orgs	(9,345)	(9,217)	(10,000)
o Libraries & Archives	(2,694)	(2,727)	(2,500)
o Public	(2,265)	(2,330)	(2,500)
Research Programs	19,254	17,886 ^c	17,886
o Interpretive Research	(4,203)	(4,100)	(4,100)
o Scholarly Publications ^d	(5,368)	(5,750)	(5,750)
o Reference Materials	(7,615)	(5,000)	(5,000)
o Centers for Advanced Study	(1,311)	(1,150)	(1,150)
o International Research	(755)	(1,886)	(1,886)
Preservation & Access	24,433 ^e	23,102 ^b	23,102
State Programs	27,548	28,258	28,258
<u>TOTAL DEFINITE FUNDS</u>	<u>\$132,553^e</u>	<u>\$130,573^b</u>	<u>\$130,573</u>

	FY-1992 Final	FY-1993 Approved 10/4/92	FY-94 Pres Req 4/8/93
Challenge	12,392	14,228	14,228
Treasury	12,579	11,963 ^b	11,963
<u>TOTAL INDEFINITE FUNDS</u>	<u>24,971</u>	<u>26,191</u>	<u>26,191</u>
Administration	19,501	20,649	20,727
<u>TOTAL NEH FUNDS</u>	<u>\$177,025^e</u>	<u>\$177,413^b</u>	<u>\$177,491</u>

NOTE: Detail may not add to total due to rounding.

OTHER SELECTED HUMANITIES-RELATED BUDGETS IN THE INTERIOR APPROPRIATION
(in thousands)

	FY-1992 Final	FY-1993 Approved 10/4/92	FY-1994 Pres Req 4/8/93
National Endowment for the Arts	175,955	174,460	174,593
Institute of Museum Services	26,999	28,754	28,777
Smithsonian Institution	331,837	344,837	364,700
Wilson Center	5,744	6,252	6,252
National Capital Arts and Cultural Affairs Program	7,000	7,000	7,189

a/The Teacher Scholar program, which began in 1988 with a substantial grant from the Reader's Digest Foundation, was funded with a combination of endowment and funds from the foundation for several years. The program is to be supported in FY-93 entirely out of gifts and matching funds.

b/FY-1993 figures exclude carryover funds from FY-92 of \$1,656 thousand: \$987 thousand for Dissertation Grants (which includes funds for administering the program), \$412 for the National Heritage Preservation program, and \$257 thousand in Treasury funds.

c/In connection with the upgrading to division status of the Office of Preservation and Access in 1991, a large portion of the Access program was shifted from the Division of Research Programs to the newly created division. The shift in the funds is first shown in the FY-93 budget.

d/In 1992, three small research budget categories were combined to create a single budget line called Scholarly Publications. The three former budget lines were: Editions, Translations, and Publication Subventions.

e/Includes FY-91 carryover funds of \$2,727.

(continuation from page 3)

Office of Management and Budget released broad-stroke documents projecting budget "functions" (budget planning categories), it has been apparent that the new administration did not have expansive plans for agencies in cultural areas (i.e., NEH, NEA, Smithsonian). Plans for the Function 500 category (covering education, training, employment, and social services) over the in the 5-year budget resolution passed by Congress show future NEH/NEA etc. budgets frozen and then gently declining. While there is relief among supporters of the cultural agencies that they were not cut as happened to many other programs of agencies in the discretionary budget, it will be incumbent upon NHA and other advocates to make the case that federal support for humanities programs is an important investment for the positive future the administration and others are seeking.

The actual budget proposal for NEH is exactly at the FY-93 levels for all programmatic budgets. The administrative budget in increased by \$78,000, a sum apparently derived by formula, that is intended to cover cost increases for rent and the like.

As can be seen in the budget summary above, the divisions were allowed some flexibility within their overall allocation. The basic features are:

- o **Education Programs** shifted \$800,000 into the Teacher-Scholar program by relatively small reductions in elementary and secondary education, higher education, and foreign language education programs.

- o **Fellowships and Seminars** has tried to address a funding problem for the Dissertation Fellowship program by shifting sums from the other programs. The dissertation program was first funded in FY-92 as follow-up to Senate recommendations in the 1990 reauthorization of the agency and over the objections of then-chair Lynne Cheney. Because the program was new and guidelines and other details needed to be worked out, the agency was permitted to carry-over the funds and expend them in FY-93. The downside of the carry-over was that no additional funds were appropriated in FY-93. When the first dissertation grant competition was run in late 1992, NEH received 1,475 applications for the 50 awards -- 29 applications for each of the \$17,500 awards. An NEH request for a \$1 million increase for FY-94 for the program was denied by the Office of Management and Budget. As a measure to keep the program alive, the division slivered \$350,000 from its other programs which would support 25 awards of \$14,000 each in FY-94.

- o **Public Programs** moved funds out of the libraries and archives and the media programs primarily to support "self-study grants for small museums to improve long-range planning of their

educational programs." -- a program emphasizing rural and inner-city institutions.

o **Research** made no changes from the FY-93 distribution among its programs.

o **Preservation and Access** is not broken in program lines in the request to Congress but traditionally the appropriations committees offer report language indicating preferences on funding for some programs. The informal division is as follows:

(in thousands)	FY-1993	FY-1994
- Libraries & Archives (including brittle books and the newspaper programs)	17.6	18.1
- National Heritage Preservation program	5.5	5.0

o **State Programs** is not changed from FY-1993

o **Challenge** is not changed. The future of the Challenge Grant Program will be on the incoming chair's agenda for early action. In 1991, Mrs. Cheney reorganized the activity by dispersing the staff to the divisions of education, public programs, and research. Harold Cannon, director of the Office of Challenge Grants, continued to coordinate challenge grants activities but was not replaced when he retired at the end of 1992. The decision to request continuation at recent levels allows a careful consideration of the future of the program.

o **Treasury** is not changed.

o **Administration** is increased by \$78,000 to cover cost increases such as rent. Although the sum is small, it was a welcome gesture thereby avoiding nickel/dime-ing the increases out of the program budgets.

3) **Reauthorization Outlook and the Department of Justice Appeal of Finley v. NEA Ruling on the Decency Requirement for Grants** - The National Foundation on the Arts and the Humanities Act of 1965 -- the legislation authorizing and governing the NEH, NEA, and Institute of Museum Services -- expires at the end of September 1993. Since the election and the change in administrations as well as more than one quarter of the Congress, there has been a growing consensus among Congress, the administration, and the arts and humanities communities that a two-year extension with no substantive changes in the legislation would be desirable because there is not time to complete a thorough review in the time remaining. Key legislators as well as White House officials would like to delay substantive review of the agencies until a) new leaders at the endowments have been in place long enough to be on top of the issues, and b) the next non-election year due to the potentially polarizing set of central issues (i.e., 1995).

An overarching issue that dominated the last reauthorization was the intersection of the First Amendment's guarantee of freedom of expression and inquiry with the Congress's responsibility for the appropriating and overseeing the expenditure of public funds. One outcome of that hard fought reauthorization which was completed in October 1990 was a requirement that the chair of the arts endowment in making grants ensure that: "artistic excellence and artistic merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public" (emphasis added). The inclusion of the provision (which does not apply to NEH) was an irritant for many including Religious Right critics who had sought more explicit language as well as the more mainstream opponents of any content restrictions on grants for artistic (or scholarly). Suits were filed to test the constitutionality of the language.

In May of 1991 in a case known as Rust v. Sullivan, the Supreme Court in a 5-4 decision upheld regulations prohibiting Public Health Service Act, Title X family planning funds from counselling patients regarding abortion. The bare majority of the court held constitutional regulations which conditioned a clinic's receipt of federal planning funds upon its doctors' silence about an abortion option, essentially no matter what the medical circumstances. Broadly, the court found that the contested regulations violated neither freedom of speech nor the woman's right to choose abortion. In the majority opinion, Chief Justice William H. Rehnquist wrote that "The Government can, without violating the Constitution, selectively fund a program to encourage certain activities it believes to be in the public interest, without at the same time funding an alternative program...There is a basic difference between direct state interference with a protected activity and state encouragement of an alternative activity consonant with legislative policy...This is not a case of the Government 'suppressing a dangerous idea' but of a prohibition on a project grantee or its employees from engaging in activities outside its scope."

Mr. Rehnquist went to some lengths to narrow the ruling "This is not to suggest that funding by the Government, even when coupled with the freedom of the fund recipients to speak outside the scope of the Government-funded project, is invariably sufficient to justify government control over the content of expression...we have recognized that the university is a traditional sphere of free expression so fundamental to the functioning of our society that the Government's ability to control speech within that sphere by means of conditions attached to the expenditure of Government funds is restricted by vagueness and overbreadth doctrines of the First Amendment."

Despite Mr. Rehnquist's citation of the university, the Bush administration Department of Justice took a very aggressive and

expansive view of the meaning of Rust. In a hearing before Paul Simon's Judiciary Committee Subcommittee on the Constitution, Leslie Southwick, a deputy assistant attorney general testified "In a sense, when the government funds a certain view, the government itself is speaking. It therefore may constitutionally determine what is to be said."

The specter of Rust instantly spread across the continuing litigation in connection with NEA grants thought to have been denied due to the decency language and/or political consideration in the grant award process. Implementation of Rust in the family planning clinics was quickly dubbed the "Gag Rule". The Justice Department used Rust in its argumentation defending the arts endowment in various suits.

In June of 1992, U.S. District Judge A. Wallace Tashima ruled, in a case brought by Karen Finley and three other performance artists against the NEA, that the decency language violated the First and Fifth Amendments as being too vague and broadly worded. He also specifically rejected the Justice Department's contention that Rust applies to arts funding.

Because President Clinton -- through his campaign statements opposing content restrictions, and his prompt abolition of the "gag rule" condoned by Rust just two days after taking office -- appears to be so far from the Bush administration on this issue, there was widespread astonishment as well as dismay when his Justice Department elected to appeal Finley. (An analysis of the Justice Department arguments in Finley prepared by People for the American Way is attached below). Press reports, conversations with White House staff and others suggest that the appeal, which was launched only days after Janet Reno was sworn in as Attorney General, was written by Bush holdovers and probably presented to the AG in terms of government prerogatives and protecting the powers of the president. In any event, it is hoped that a resolution can be crafted that will not have the effect of strengthening and/or broadening Rust v. Sullivan.

The impact of the Justice Department appeal is likely to be considerable in terms of reauthorization and probably this year's NEA appropriation as well. Few have thought that a two-year, no substantive change reauthorization would be very easy to carry off, especially in the Senate where the "rules" make is very easy to rake the NEA problem over the coals. Even if the Justice Department were to withdraw the appeal -- not very likely -- the arguments in the appeal are on the table and ready for those who believe that if the government pays, the government can and should controls speech.



PEOPLE FOR THE AMERICAN WAY

Defending Constitutional Liberties

ANALYSIS OF JUSTICE DEPARTMENT ARGUMENT DEFENDING NEA "DECENCY" LANGUAGE IN FINLEY V. NEA

In the 1992 federal district court decision in Finley v. NEA, Judge Tashima declared unconstitutional the so-called "decency" provision in the NEA authorization statute. That provision states that in establishing regulations and procedures, the NEA chair is to ensure that artistic excellence and merit are the criteria by which grant applications are judged, "taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public." The Justice Department has appealed Judge Tashima's ruling and, in a brief filed on March 29, 1993, specifically defends the "decency" provision on three grounds. **Although there are serious constitutional problems with the brief's arguments, the following paragraphs summarize the arguments in the brief on the "decency" issue.**

First, the brief argues that the provision should be interpreted, in accord with what it claims was the NEA's prior interpretation, in order to avoid any constitutional issue. According to the brief, the NEA has interpreted the statute to mean simply that the NEA chair should be "concerned" about the subject of decency and has the "power to deal with problems identified within that area of concern," subject to the discretion of the chair. Brief at 17-18. According to the brief, the NEA chair used that broad discretion to determine that "decency" would not be taken into account in making actual grant decisions, but that the provision would be implemented simply by ensuring diversity on the membership of the NEA advisory panels and Council. Based on that interpretation, the brief argues, there is no First Amendment problem with the "decency" language.

Second, the brief argues that even if the "decency" language does require that decency actually be taken into account in making grant decisions, the statute should still be interpreted to avoid constitutional problems. For example, the brief maintains, the provision could be interpreted by the chair to require only that "grant applications for projects whose intended audience is children under twelve" be subjected to a "decency" standard, or could be interpreted to mean that only grants which are legally obscene would be considered indecent. Brief at 32-33. The brief claims that these and other possible interpretations would be constitutional, and since the provision could conceivably be interpreted in a way that is constitutional, it should be upheld.

Finally, the brief maintains that even if the lower court's broad interpretation of the "decency" provision is correct, the court was still wrong because Rust v. Sullivan gives the government the authority to "limit its subsidies to art projects that are not indecent." Brief at 36. Judge Tashima had distinguished the Rust case, which ruled that the government could impose an abortion "gag rule" on federally funded family planning clinics and which the Justice Department claimed permitted content restrictions on NEA grants. He explained that funding for the arts is a fundamental sphere of free expression analogous to colleges and universities, in which the Supreme Court itself conceded that the restrictive rule in Rust should not apply. The brief maintains that the court need not reach the Rust issue at all, but that if it does, it should reject Judge Tashima's decision and decide that the restrictive rule in Rust is applicable to funding of the arts.

2/28/93

Draft White House Statement

To ensure that the activities of the National Endowment for the Arts proceed with the appropriate legal authority, based on requirements set forth in the United States Vacancy Act, President Clinton has directed Deputy Secretary of Education Madeleine Kunin to temporarily perform the duties of the office of the Chairperson of the Arts Endowment.

This is a procedural step that needed to be taken. Deputy Secretary Kunin has assumed the title of Acting Chairperson and has asked Ana M. Steele to serve as Acting Senior Deputy Chairperson and to manage the agency.

Over the last five weeks, the Administration has worked hand in glove with the Endowment and we are extremely grateful for the wise leadership and counsel Ana Steele will continue to provide.

[The President plans to announce his nominee as Chair of the National Endowment for the Arts in the near future.]

Possible Questions and Answers

FOR WHITE
HOUSE PRESS
OFFICE USE --
ONLY IF THEY'RE
ASKED

Question. Did the President take this action because he was concerned about the leadership or direction of the Endowment.

- No. Since the President's inauguration, the agency has been acting under the able leadership of Ana M. Steele (who has served the agency for 27 years) at the Administration's request. Her integrity and guidance will continue to be invaluable.

Question. Why Madeleine Kunin?

- For practical reasons. The vacancy act, as it applies to the Arts Endowment currently, requires that a cabinet-level, Senate-confirmed person perform the duties of the office of the Chair until the President's appointee takes office. Madeleine Kunin fulfills this requirement. Moreover, she also has a personal commitment to and interest in excellence in the arts. She seemed a particularly appropriate choice for this temporary assignment.

Question. Is naming Deputy Secretary Kunin as acting chair of the Endowment a signal that the President wants to merge the agency?

- No. This action is merely a procedural step that the Administration felt needed to be taken based on requirements stated in the Vacancy Act.

Question. When will a permanent chairperson be named?

- Since his election, the President has been primarily concerned, as you know, with decisions and responsibilities directly related to the economy and national security. He will nominate a Chairperson of the Arts Endowment as soon as it is appropriate to do so.

Question. Why has the vacancy act gone into effect for the Arts Endowment and how was this determined?

- In the course of its normal procedural review and look at the staffing of all government agencies, the administration decided that the Vacancy Act applies to the Endowment and therefore promptly took these appropriate steps.
- The Vacancy Act has a long history, in July 1979, Secretary of the Navy Graham Claytor also served as acting Secretary of Transportation under the vacancy act.
- In 1869, President Andrew Johnson asked the Secretary of the Interior to serve as attorney general under the vacancy act.

Q&A Arts Endowment, page 2

Question. Aren't these actions just another sign the White House is behind the curve on naming appointments?

- o No. Refer to White House.

Question. Has the president been slow to name a chair of the Arts Endowment because he is thinking about zeroing-out the agency?

- o No. President Clinton is firmly committed to the advancement of excellence in the arts, art projects and arts education. Furthermore, he is committed to promoting broad access to the finest of the arts for the American people.

Question. The NEA has been a controversial government agency because of previous funding decisions. Does this concern the President and is he re-thinking the function and policy of the agency before he names a new chair?

- o The White House is anxious to build on the already growing relationship with the Endowment as we work toward fostering quality arts projects and education and toward providing access to the best of the arts for the enrichment of our lives as Americans.

Question. With such incredible budget problems, is it not more responsible to reduce or get rid of an agency like the NEA?

- o No. I agree with Education Secretary Riley's recent remarks that the arts must be recognized as a vital part of our effort to improve the quality of education for all children.
- o The National Arts Endowment costs each American just 68 cents. The Endowment provides education and training programs that stimulate urban renewal. Every federal dollar the Endowment invests in communities results in a 20-fold return in jobs, services and contracts.

Question. Does the vacancy act pertain to other government agencies?

- o Refer to White House.

Question. Did the Arts Endowment have a vacancy act problem after John Frohnmayer resigned?

- o We can't speak for the Bush Administration. However, in the course of its normal procedural review of all government agencies, the Administration decided that the Vacancy Act applies to the Endowment at this time and therefore took these appropriate steps.

Question. What exactly is Kunin responsible for?

- o She must authorize any contract, obligation, or grant that exceeds \$500,000. This was a determination mutually agreed to by the Endowment, White House and the Department of Education.

Question. Were Ana Steele's actions legal from the period of January 20, 1993 to present?

- o Yes because Madeleine Kunin ratified all the actions taken by Ana Steele during this period.

February 28, 1993

The Federal agency
that supports the
visual, literary and
performing arts to
benefit all Americans

Office of the
Chairman

Arts in Education

Challenge &
Advancement

Dance

Design Arts

Expansion Arts

Folk Arts

International

Literature

Locals

Media Arts

Museum

Music

Opera/Musical
Theater

Presenting &
Commissioning

State & Regional

Theater

Visual Arts

SECRET

CONFIDENTIAL

February 24, 1993

TO: MELANNE VERVEER

FROM: Ana Steele

RE: UPDATE #3

DETERMINED TO BE AN
ADMINISTRATIVE MARKING
INITIALS: JS DATE: 5/7/2014

1. As soon as possible, we need to discuss the attached article and another area as well.
2. Regarding my own status: I called today because I want to release rejection letters to all unsuccessful applicants: by law, the Council, not the Chairman, has determinant authority on rejections. The delay in acting on applications rejected as well as those recommended for funding is creating real problems.

I have to talk with you as soon as possible. I don't mean to be a pest but the situation is urgent.

3. Our FY '94 OMB budget mark is \$174,593,000 compared to FY '93's \$174,339,000. That basically holds total money for grants at last year's level; the administrative budget was factored against annual inflation and then cut in certain areas. We need briefly to discuss both program/grants and administration.

Per OMB instructions, how we intend to distribute the money ("detailed budget accounts information") goes to the Hill by March 25.

Our full budget, narrative and all, has to be written, cleared through OMB, and sent to the Congress by April 5.

I want to be sure the internal (between Programs, etcetera) distribution of funds accords at least generally with Administration wishes.

4. Our '94 appropriations hearing before Yates' subcommittee has been postponed -- from April 29 to May 12 -- a killer date as it is followed immediately by 3 days of National Council activity on May 13, 14, and 15. Committee staff understands that but says they can't help it. Public witness date is now set for May 5; NEH hearing date for May 13. We'll keep you posted if these dates change again. As soon as we get the budget up to the Hill, we'll start drafting the Chairman's written testimony/statement -- for delivery by me or the new Chairman, if we have one by then.

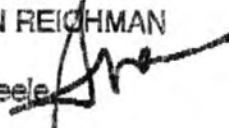
For this statement -- and the full budget document -- we should touch base about themes.

Attachment

VIA FAX

April 20, 1993

TO: BRUCE LINDSEY
JAN PIERCY
BILL GILCHER
SUSAN REICHMAN

FROM: Ana Steele **BACKGROUND**

Since its birth in 1965, the Arts Endowment has made close to 100,000 grants.

Of those, possibly 100 -- over the entire 27 year history of the agency -- have proved "controversial."

THE GOOD WORK

The Arts Endowment arguably reaps more benefit per dollar than any Federal agency. The effects of its grants touch just about every citizen of our country:

- for every dollar the Endowment invests in communities, a 20-fold return in jobs, services, and contracts is created
- jobs are stimulated everywhere: in cities and towns all over the country -- as artists and cultural groups attract corporations to locate, employ builders and advertisers and parking attendants, fill restaurants and snack bars and crafts shops
- artists work with children and teachers in our schools in every State in the nation -- over 19 million children receive some form of arts education each year
- Hispanic, Asian, African, Native-American, rural and inner-city groups and projects often get their first leg up with small Endowment dollars
- young writers, painters, craftsmen, jazz artists receive basic assistance to develop their work

- 2 -

- our young people gain confidence through the skills, disciplines, and freedom of imagination that characterize the making of art at all levels
- the Vietnam Memorial here in D.C. started with a small grant for a design competition that picked then 21-year-old student Maya Lin; The Great White Hope, Driving Miss Daisy, A Chorus Line, Pulitzer Prize winning composers and writers – all were Endowment beneficiaries
- theaters, dance companies, orchestras, jazz and chamber ensembles, all kinds of groups strive to make their work better and bring it to more Americans
- our nation's competitiveness internationally is enhanced through better design and more ingenious products
- the United States is seen by many all over the world as the seedbed of art and creativity: our artists, choreographers, jazz musicians, writers, orchestras, are honored and revered in all corners of the globe
- public television and radio arts programs, touring performances and exhibitions, reach into the lives of millions that would otherwise never experience art in their lives; on public television alone, in 1990, the Arts Endowment reached a cumulative audience of 310 million
- hundreds of millions of non-Federal dollars are generated – State and Local Arts Agencies use Arts Endowment and state and local dollars; and private foundations and corporations use the Endowment's "stamp of approval" as clear sign that their dollars will be well spent in cultural endeavor.

THE "HOW" BEHIND IT

The Arts Endowment has painstakingly over time built a process whose goal is to use public dollars to support the best artists and work and to bring that work to the people.

- A professional staff of people who know their field, be it dance or arts education, design or music.
- More than 1,000 private citizen experts, who serve on Endowment advisory panels make recommendations on all applications, citizens chosen to reflect America's singular aesthetic, cultural, geographic, ethnic, and racial diversity, and chosen to make tough choices and to do it carefully and well.
- A real winnowing process: more than 18,000 applications are received each year; fewer than 4,500 grants are made. Eligibility requirements are tough but fair; selections are the same.

- 3 -

- After the staff has processed applications, and panelists have recommended them for funding, or rejection, the panels' recommendations four times a year are brought before the 26 Presidentially-appointed members of the National Council on the Arts (there are 11 vacancies at present, though incumbents continue to serve until they're replaced) review all the panels' recommendations; the Council decides which applications it rejects, and advises the Chairman on those it feels should be funded.
- the Chairman may not overturn a Council rejection; but the Chairman may decide to reject applications recommended favorably by panels and Council.

THE ISSUE OF "CONTROVERSIAL GRANTS"

As noted, virtually everything the Arts Endowment does is applauded, embraced, and valued. Roughly one percent of what it does is questioned, attacked, or ridiculed.

In the "early days," artists writing or dancing or painting to express "anti-Vietnam" views on occasion made the Endowment's days seem precarious. So did an Endowment-funded theater company whose youthful audience yelled out "bullshit" at something they felt was false.

Later, a film exhibition program in Washington, D.C. showing a mocking work on then-President Nixon nearly threatened the agency.

Novelist Erica Jong wrote "Fear of Flying" (which many considered highly offensive -- on the subject of heterosexual sex) and credited the Arts Endowment for helping her -- triggering, in turn, a spate of letters between Senator Helms and then-Chairman Nancy Hanks.

In the early-to-mid 80s, attacks on grants began to revolve basically around three areas:

- so-called "sexually-explicit" work (almost always gay or lesbian);
- work characterized as "blasphemous," "anti-religious," "satanic," etcetera;
- work that seemed on the face of it easy to characterize as "trivial," "worthless," "laughable."

Concurrent with these developments was the sorry and growing national trend toward fractionalization, divisiveness, hostility, and diminishing tolerance, diminishing respect, of humans toward humans.

In 1985, for example, the Arts Endowment, in the midst of re-authorization, was hauled up on the carpet for "funding homosexual poems" and for

- 4 -

In 1985, for example, the Arts Endowment, in the midst of re-authorization, was hauled up on the carpet for "funding homosexual poems" and for supporting two versions of the opera Rigoletto that were seen as "deeply offensive to the Italian-American community."

Some of those earlier critics of the Arts Endowment remain vocal and hostile today.

Another major development of the late 80s and early-to-today 90s was the emergence of an extremely vocal, sophisticated, and well-funded largely "far-right" (for lack of better words!) leadership and following in this country.

Simultaneously, as is one of their inherent roles (as "holding a mirror up to society"), artists increasingly articulated many of today's most pressing and difficult issues: multiculturalism, AIDS, homelessness, violence, homosexuality, ecological destruction, child-abuse, etcetera.

These factors, combined, can make for reasonably disputatious situations -- not uniquely for the Arts Endowment, clearly, but on occasion more easily targeted here.

SOME PERSONAL THOUGHTS

John Frohnmayer's book makes the central point: without a clear, articulated, fair, and principled stance -- and process -- and a fierce adherence to same, the Arts Endowment was flogged and beaten, twisted and warped, demoralized and disrespected. Politicians wavered, artists self-censored or "acted out," panels protested (some walked out), some highly-respected "name" artists refused the National Medal of Arts (to be given by President Bush), staff turnover increased, paranoia reigned.

Perhaps most damaging, though, an agency seen for years as a shining star began to be colored entirely by a negative coating that threatened to wipe out its history and muddy its sheen. All the good seemed to go un-noticed, all the values ignored, all the benefits seemed nearly to vanish. All this from a tiny number of "controversial grants," an apparent loss of principle and of nerve, and an overwhelming aura of political pressure.

The "controversial grants" issue is not an easy one, nor will it ever completely go away. Attempts to prevent controversial grants were among the hallmarks of the past four years, and surely many of those actions were taken in good faith, in an effort to "save the Endowment." The problem, finally, is that it doesn't work, that determining what is -- or might be -- offensive in a nation this large and diverse is -- or so it seems to me -- a flawed effort at best and one doomed to fail. However, we need to look to the future, and quality has to be the key, artistic merit the lode-star, and only first rate leadership, well-grounded principles, and closely-watched process can launch a new day.

You've got an awful lot of people willing to help!

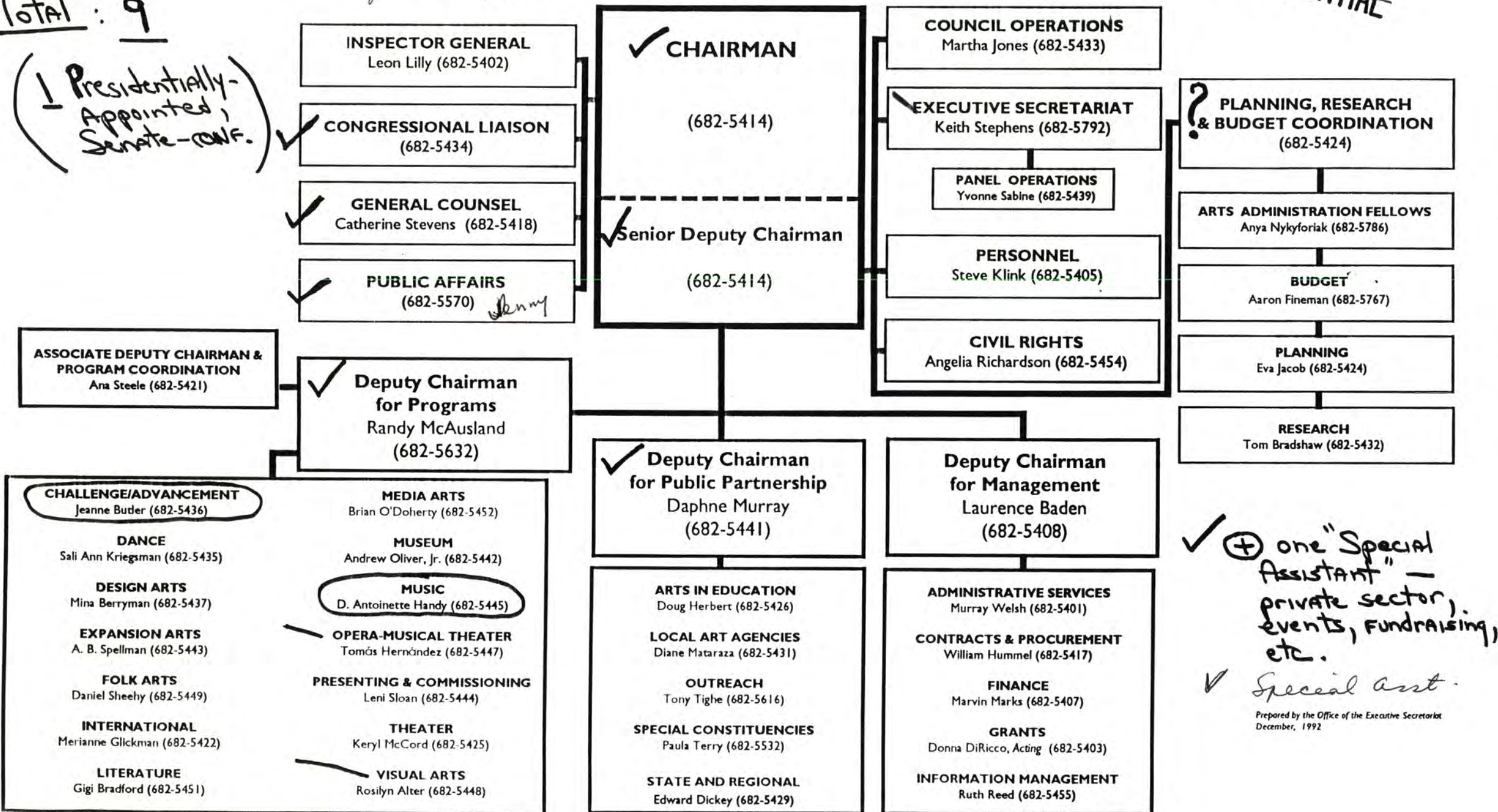
DETERMINED TO BE AN
ADMINISTRATIVE MARKING
INITIALS: *YH* DATE: *5/7/2014*

National Endowment for the Arts Organization Chart

~~CONFIDENTIAL~~

Total : 9

(1 Presidentially-
Appointed,
Senate-conf.)



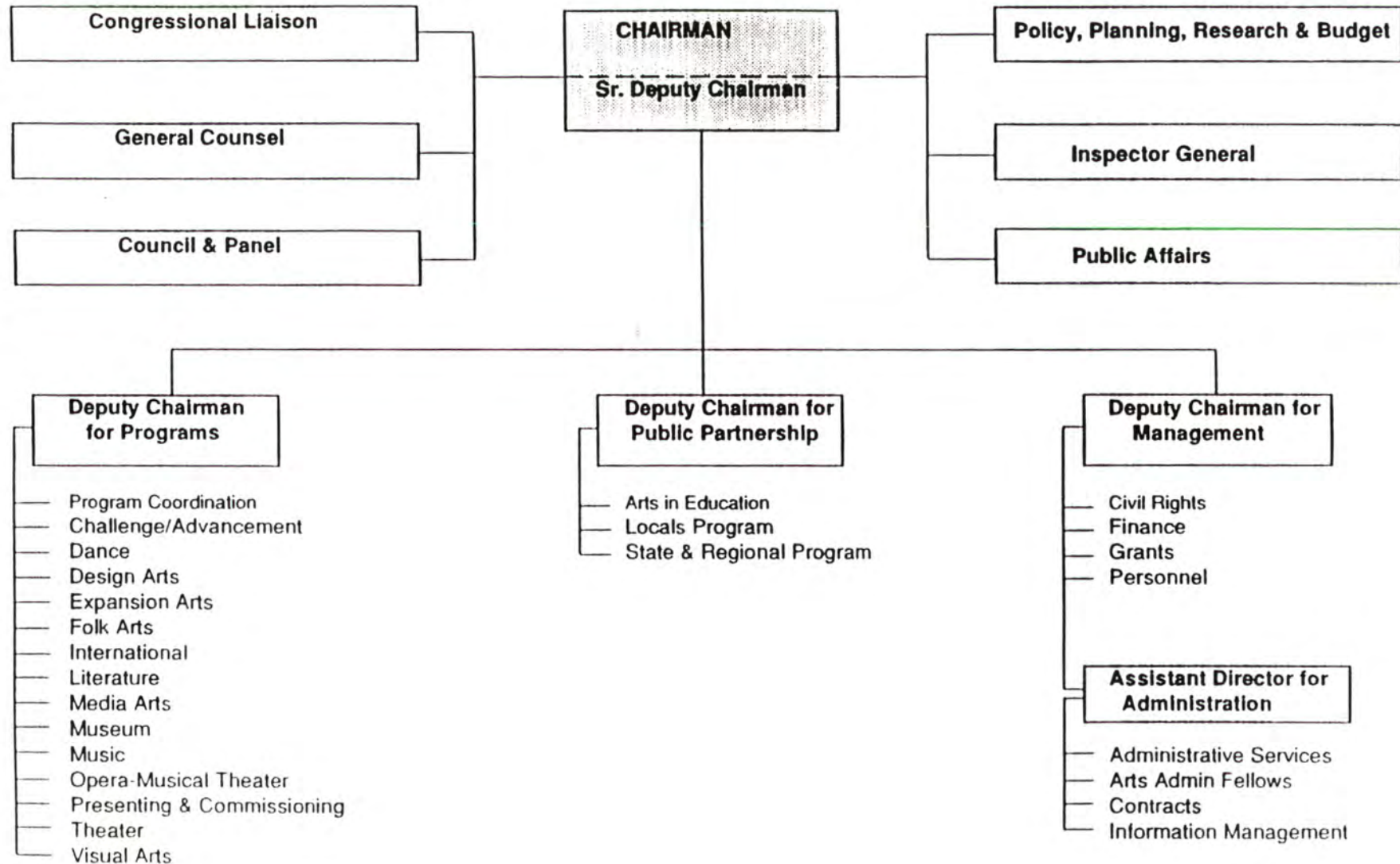
✓ ⊕ one "Special Assistant" — private sector, events, fundraising, etc.

✓ Special Asst.

Prepared by the Office of the Executive Secretariat
December, 1992

270 people,
175 million

National Endowment for the Arts



Artists rocked by plea against NEA ruling

By Joyce Price
THE WASHINGTON TIMES

Artists and free-speech advocates are upset that the Clinton administration is appealing a federal court ruling striking down a "decency" content requirement for projects funded by the National Endowment for the Arts.

"I am deeply disappointed that on yet another issue President Bill Clinton has essentially reversed himself," said David Cole, an attorney with the Center for Constitutional Rights who is representing the plaintiffs in the 1990 lawsuit against the NEA.

"He argued during the campaign the NEA should not be subject to content restrictions," said Mr. Cole, who is also a professor at the Georgetown University Law Center.

Nevertheless, a Justice Department brief filed in the case on March 30 argues that "where the government is footing the bill, it can control speech," Mr. Cole said.

Leaders of the National Association of Artists Organizations, a plaintiff in the suit, and the National Campaign for Freedom of Expression called the administration's position "completely inconsistent."

The appeal is based on a 1991 Supreme Court ruling, *Rust vs. Sullivan*, that upheld government regulations that prohibited abortion counseling and referrals at federally funded family planning clinics.

Mr. Clinton abolished the regulations barring abortion counseling — which came to be known as the "gag rule" — in an executive order on Jan. 22.

"We're very disappointed," said Helen Brunner, interim executive director of the NAAO. "It [the court appeal] is inconsistent with President Clinton's position during the campaign and inconsistent with his executive order overturning the gag rule."

At a town meeting in Louisville in July, Mr. Clinton was asked what he thought of censorship of artists funded by the NEA. "I'm against it," he said.

Artists were encouraged by such statements, and the day after the election, Ms. Brunner expressed hope the new Justice Department would drop its appeal of the June 9, 1992 decision by a federal judge in Los Angeles.

At issue is the decency clause, passed by Congress in the fall of 1990 as part of the NEA's reauthorization legislation. It directed the NEA chairman to follow "general

standards of decency and respect for the diverse beliefs and values of the American public" in considering grant awards.

Four performance artists were denied grants in the summer of 1990 — Karen Finley and Holly Hughes, both of New York, and Tim Miller and John Fleck, both of Los Angeles. Homosexuality and urination were themes in their art.

The artists sued the NEA for alleged discrimination.

In June, U.S. District Judge A. Wallace Tashima ruled that the decency clause violated the First and Fifth amendments because it was too vague and broadly worded.

Judge Tashima said that the Supreme Court's ruling in *Rust vs. Sullivan* did not apply to federal funding of the arts. The Bush administration had insisted it did.

Mr. Cole said the brief filed by Mr. Clinton's Justice Department continues the Bush administration's position. "But we feel Judge Tashima's position was absolutely correct," he said.

Mark Sakaley, Justice Department spokesman, said yesterday: "We're charged to uphold constitutional law. Congress passed the law [the decency clause], and it's our job to uphold it."

But Mr. Cole said the Justice Department is not required to appeal laws it believes are unconstitutional. "So clearly, they feel this is constitutional," he said.

Mr. Cole noted that the Justice Department had requested and received several stays of the appeals schedule "to give the new appointees an opportunity to review the matter to decide if they should pursue an appeal," but "they ended up making the same arguments" as the Bush administration.

Ms. Brunner said the arts community believes it may be a "casualty" of the two-month delay in naming an attorney general. "I'm sure Janet Reno has a huge docket of cases to go through," she said.

"I can't imagine the Clinton administration understood the relationship between this case and the gag rule" since its positions with regard to the gag rule as applied to funding for abortion counseling and the arts are "completely inconsistent."

Mr. Sakaley said that while Attorney General Reno "did not play an active role" in the appeal of the case, *Finley vs. NEA*, "she was made aware of it." He said this appeal is an appeal of the "Clinton Justice Department."

Reno vows to do what's right, scorns the politically popular

By Jerry Seper
THE WASHINGTON TIMES

Attorney General Janet Reno, describing herself as "the new kid on the block," promised Justice Department employees yesterday that, under her leadership, the department will do what is right even if it is not politically popular.

"What is the right thing to do? Let us leave here today resolved to ask that of ourselves and others as we seek justice, remembering that sometimes doing the right thing is very politically unpopular; sometimes it will be painful for it will, of necessity, hurt someone," she said during brief ceremonies in the department's courtyard.

"But with strength and courage, let us face that question unafraid and together seek justice for all," she told several hundred employees gathered, including embattled FBI Director William S. Sessions.

It was Miss Reno's first formal address at the department since her confirmation last month. The former Dade County, Fla., state attorney filled the last chair in the Clinton Cabinet.

Miss Reno's 15-minute speech touched on a number of topics and outlined her opinions on several criminal justice areas, including:

- A view that, despite concerns about rising violence nationwide, "We cannot respond with demagogic promises to build more jails and put all the criminals away."

She said the department must use available resources to "put the real

criminals away while providing alternative sanctions for those people who are going to be coming back to the community anyway in a fairly short time."

- A belief that while the department was looking to prosecute criminals, "We must never forget the victims; they have rights, too."

She said federal lawyers would work with local law enforcement officials to try to develop prevention and early intervention programs

"Too often lawyers have made the law a mystery. We must make it a lamp that shines the way."

that can prevent crime before it occurs.

- A view that, while dealing with the issues of violence and crime, "We must never forget the awesome power of the federal government, and we must harness that power to make sure that innocent people are not charged or even tainted by our actions."

- A desire to work with the department's Environment and Natural Resources Division and the EPA "to protect this fragile continent; first, by sending clear signals of

what needs to be done, by showing America that it's the right thing to do, and by developing sensible procedures for easily understood compliance."

- A goal to make sure the department is "as open as possible under the law." She said the department represents the American people and "we must be accountable to the people."

Miss Reno told employees the department was responsible for explaining its actions in investigations, when it does not compromise ongoing probes, "not in obscure legalese, but in the small, old words we all understand."

"Too often lawyers have made the law a mystery," she said. "We must make it a lamp that shines the way."

Miss Reno also encouraged the employees to use the department's limited resources to "build real partnerships with state and local government — a partnership which is built on mutual regard and respect."

"I've been at the other end of the line when somebody from the Department of Justice told me 'No,' like they knew better," she said. "They might have. But what I'd like to do is, by tone and manner, acknowledge them all as equals on this team as we ask together."

"I want to do everything I can in this department to put the family first and to develop new attitudes and programs that will enable people to achieve their professional goals while having the opportunity to spend quality time with their family," she said.

The Washington Times

Despite party affiliation, Shelby isn't a yes man for the president

By Chuck Alston
CONGRESSIONAL QUARTERLY

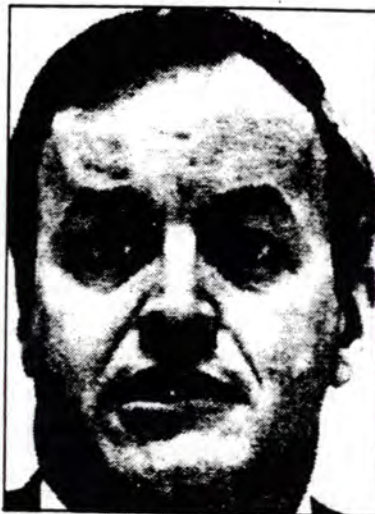
Sen. Richard Shelby of Alabama is on odd ground for a Democrat: He may have been more welcome in George Bush's White House than in Bill Clinton's.

Mr. Shelby and Howell Heflin, Alabama's senior senator, have for years been the two Senate Democrats most frequently accused of impersonating Republicans.

But where Mr. Heflin found a way to back the Clinton budget and its higher taxes, Mr. Shelby did not. And when a key Republican amendment was offered to Mr. Clinton's economic stimulus package, Mr. Shelby — but not Mr. Heflin — voted to keep it alive.

Alone among Democrats, Mr. Shelby voted for the Republican budget alternative — and not quietly, either. He co-sponsored and spoke for it, calling it the "credible alternative for deficit reduction and spending restraint without new taxes." He views Mr. Clinton's plan as "light on spending cuts and heavy on taxes."

Mr. Shelby's feud with the White House began in late February. After lobbying to keep the costly space station in the Clinton budget, Mr. Shelby turned up on network televi-



Sen. Richard Shelby is persona non grata in the Clinton White House.

sion criticizing the president's budget — embarrassing Vice President Al Gore, who was standing at his side.

Firing back, the administration announced Feb. 26 that it was shifting 90 space-shuttle jobs from the Marshall Space Flight Center in Huntsville, Ala., to Texas.

"In Shelby's case, there is a belief that there is not much we can do,"

says one Democratic senator, who describes the Alabamian as "alienated" from the caucus.

Mr. Shelby's independent streak may not win friends in the cloakroom, but Alabama is another matter. Mr. Bush carried the state easily in November. A recent editorial in the Decatur Daily urged Mr. Shelby to "hang in there."

Mr. Shelby, 58, was elected to the Senate in 1986 after serving four terms in the House. Re-elected last Nov. 3 with 66 percent of the vote, he gets the highest marks in Alabama of any major politician, according to Birmingham Southern College political scientist and pollster Natalie Davis.

Huntsville Mayor Steve Hettinger says he first learned that Mr. Shelby had become a White House headache in a meeting with Mr. Gore. Mr. Hettinger frets that even more NASA jobs will be lost and wishes Mr. Shelby had backed the budget. But he adds, "We don't have big political differences, and on this we respectfully disagree."

Given such attitudes, Auburn University political scientist Gerald Johnson says, Mr. Shelby's vulnerability lies only in a shift in thinking about what is acceptable political behavior for Democrats.

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WEDNESDAY, APRIL 7, 1993 *



NATIONAL ENDOWMENT FOR THE HUMANITIES

WASHINGTON, D.C. 20506

THE CHAIRMAN

April 12, 1993

M E M O R A N D U M

To: Members of the National Council

President Clinton has announced his intention of nominating Sheldon Hackney, president of the University of Pennsylvania, as chairman of the National Endowment for the Humanities.

Today, Donald Gibson assumed the duties of Acting Chairman and Michael Shapiro was named General Counsel.

Sheldon Hackney has been president of Penn since 1981 and teaches a course in American history there. He was president of Tulane University from 1975-81 and before that, provost of Princeton University.

An award-winning scholar of Southern history, Hackney earned his B.A. from Vanderbilt University in 1955, and his M.A. (1963) and Ph.D. (1966) from Yale University. His book, Populism to Progressivism in Alabama, won both the Charles Wydnor Award of the Southern Historical Association and the Albert J. Beveridge Prize in American History of the American Historical Association for the best book in American history published in 1969. He has written and edited other books and writes frequently for general publication.

Donald Gibson, who has been with the Endowment since 1977, has assumed the duties and responsibilities of Chairman until such time as Sheldon Hackney is confirmed. Jerry L. Martin, who has been serving as Acting Chairman, will continue in his role as Assistant Chairman for Programs and Policy.

Gibson has been director of the Division of Public Programs for the past nine years. He previously served as director of

the Division of State Programs. He received his B.A. from Simpson College in Iowa and his graduate training in 19th and 20th Century European History at the University of Iowa. Gibson studied at the University of Mannheim and the Free University of Berlin, where he conducted research on the educational system of Germany during the Weimar Republic and on the elections in the city of Bremen from 1912 through 1933.

The new General Counsel of the Endowment, Michael S. Shapiro, is an attorney and historian. He earned his Ph.D. in American civilization from Brown University and his law degree from The National Law Center, The George Washington University. Before entering the practice of law, Shapiro directed the nationally recognized Graduate Program in Museum Studies at The George Washington University.

Shapiro has been associated with the Washington, D.C., office of Weil, Gotshal & Manges, specializing in the areas of technology transfer and the international protection of intellectual property. As part of his responsibilities as General Counsel, Shapiro will be handling congressional affairs and National Council liaison.

BOB EDWARDS: This is "Morning Edition." I'm Bob Edwards. Three months after Bill Clinton's inauguration, artists and their supporters are confused over where the Administration stand on federal funding for the arts. The Clinton Justice Department has decided to appeal a judge's ruling that had been viewed as a victory for freedom of expression. In addition, the Administration has yet to appoint a Chairman of the National Endowment for the Arts. Yesterday, representatives from several arts organizations met with Administration officials to express their concerns about where the Clinton policy is headed. NPR's Tom Cole reports.

TOM COLE: Our story begins in 1990 when John Frohnmayer, then Chairman of the National Endowment for the Arts, rejected grants to four performance artists whose work dealt primarily with homosexual themes and the degradation of women. The "NEA Four," as the artists came to be called, sued the Endowment, claiming that their grants were rejected for political reasons. The four also claimed that an NEA requirement that the NEA Chairman "take into consideration general standards of decency" when awarding grants, was unconstitutional. Last summer, a federal judge in Los Angeles ruled that the decency language is unconstitutional. Late last month, the Justice Department appealed that ruling. Bob Lynch, president and CEO of the National Assembly of Local Arts Agencies, was at yesterday's meeting with Clinton Administration officials.

BOB LYNCH: Our hope had been that the Justice Department and the Administration would concur with that lower court decision. What we're concerned about is that in challenging such a decision, that there is confusion about what the National Endowment for the Arts' message might be out to the public, that there's confusion about what state arts agencies and local arts agencies might do related to their own interpretations of local laws and their own challenges of the kinds of grant decisions that might be made at that level.

COLE: Lynch described yesterday's meeting as simply an opportunity to voice concern over the Justice Department appeal. He said Administration officials seemed receptive but offered no answers. The Justice Department declined to comment on the appeal. A spokeswoman said only that it is the Justice Department's job to defend challenges to federal law. That's one way of looking at it, according to constitutional lawyer Floyd Abrams.

FLOYD ABRAMS: That would be the norm: Congress has passed a law; it's generally viewed as the role of the Department to defend the law that the Congress has passed.

COLE: Abrams represented a New York school in an earlier suit challenging an NEA requirement that grant recipients sign what came to be called a "clean art loyalty oath."

ABRAMS: On the other hand, there are some laws that run such constitutional risks of being unconstitutional, that a Department of Justice might well decide -- and is certainly in power to decide -- we can't defend this, or we shouldn't defend this.

COLE: Abrams agrees with the Los Angeles judge's ruling that the phrase "general standards of decency" is so vague that it violates both the First and Fifth Amendments. So, why would the Clinton Administration pursue an appeal? David Cole, a professor at Georgetown University and a lawyer with the Center for Constitutional Rights who represented the "NEA Four," may have an answer.

DAVID COLE: It certainly strikes me as possible that the Administration felt that, if it declined to defend the decency language, that it would face a tough battle on confirmation of the next NEA Chair, that it would face a tough battle on the reauthorization of the NEA, which is coming up. If that's the decision, however, I think it's an extremely short-sighted decision, because essentially it's saying, "Well, we want to get through the next two battles easily, and therefore we're willing to sacrifice the broader principal." The broader principal here is that it's not permissible to legislate politically correct art.

JOHN FROHNMAYER: If the Clinton Administration is trying to find a middle ground where they can appease the critics of the Endowment, I think that's a strategy that doomed to failure.

TOM COLE: John Frohnmayer should know. It's a strategy that he tried to pursue before he was forced to resign as Chairman of the National Endowment for the Arts last year. And he's quick to admit that it did not work for him. Frohnmayer says this summer's NEA reauthorization, the process through which Congress reaffirms the Endowment's mandate to continue funding the arts, makes it all the more important that President Clinton make a decisive statement in support of the NEA, and that Clinton name a new Chairman quickly.

FROHNMAYER: The longer that waits, the more uncomfortable the art world becomes, both because it appears that it's very low on the priority list and because events are going forward: the Endowment needs to be reauthorized again this year, and if there's not a Chair in place to lead that process, then I think the Arts Endowment's at a tremendous disadvantage.

COLE: Frohnmayer may be right. It appears that at least some of the Endowment's critics have not forgotten past controversies. Ralph Reed, executive director of the Christian Coalition, is pleased that the Justice Department decided to appeal the ruling that the NEA's decency requirement is unconstitutional.

RALPH REED: At the very least, we would like to see the current language retained, but we would prefer to go back to the previous -- that is, the Helms language -- that simply does not allow for any kind of portrayal of bodily functions, especially sexual or excretory activity in a "patently offensive way." I think that if we could simply get that standard, and we'll be working for that in both the committee process and on the floor with amendments. If we're unable to succeed in the legislative process, recognizing of course that we do not have an Administration that is friendly to our position, that we will continue to work through the courts.

COLE: The Justice Department appeal likely will be argued this summer in the 9th Circuit of California. I'm Tom Cole reporting.

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Finally, the brief maintains that even if the lower court's broad interpretation of the "decency" provision is correct, the court was still wrong because Rust v. Sullivan gives the government the authority to "limit its subsidies to art projects that are not indecent." Brief at 36. Judge Tashima had distinguished the Rust case, which ruled that the government could impose an abortion "gag rule" on federally funded family planning clinics and which the Justice Department claimed permitted content restrictions on NEA grants. He explained that funding for the arts is a fundamental sphere of free expression analogous to colleges and universities, in which the Supreme Court itself conceded that the restrictive rule in Rust should not apply. The brief maintains that the court need not reach the Rust issue at all, but that if it does, it should reject Judge Tashima's decision and decide that the restrictive rule in Rust is applicable to funding of the arts.

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NEA Talking Points

NOTE: It has been the long-standing policy of the Department of Justice not to discuss pending litigation and briefs. The following information is for background purposes and is not for release.

1. This case is about a challenge to a congressional statute that required the head of the National Endowment for the Arts (NEA) to "tak[e] into consideration general standards of decency" in promulgating regulations governing the grant application process.

Under the Bush Administration, the NEA concluded that no standards relating to decency were necessary for determining whether to approve grant applications. We agree with that.

The statute provided for increased diversity on the panels that made grant recommendations to the NEA Chairperson, and the NEA concluded that if these panels made judgments on the basis of artistic merit and excellence, then all reasonable statutory concerns about decency would be satisfied. We agree with that too.

Plaintiffs, however, have argued that this was not a legitimate way of construing the statute. If we prevail before the court of appeals on this point, there is no need to reach any constitutional issues.

2. If the court disagrees, then it would need to consider plaintiffs' constitutional challenge. The plaintiffs here have brought a facial challenge on constitutional grounds, arguing that this statute violates the First Amendment. The Department of Justice is under a duty to defend the constitutionality of any federal statute (assuming there is a reasonable defense). We have defended this statute by arguing two points.

First, we argue that because this is a facial challenge, plaintiffs can only prevail if there are absolutely no ways in which the statute can be constitutionally applied. Here, the statute would clearly be constitutional if, for example, decency considerations were limited to grants whose intended audience were children under 12 years of age and the proposed project would have met judicially recognized standards for obscene material.

Second, we also criticize the district court's reasoning concerning Rust v. Sullivan, which discussed the circumstances under which the government can condition its grant of funds. The district court held that certain subject matters (like the

arts) were exempt from the general principle in Rust. Although we disagree with the district court's reasoning, we have not asked the court of appeals to determine whether Rust controls the outcome of this case because it is premature to consider that constitutional question prior to the implementation of the statute by NEA.

3. The thrust of this brief is on statutory grounds, arguing that the regulations are consistent with the statute. The focus of this brief is not on constitutional arguments.
4. There is a presumption that every statute passed by Congress is constitutional.
5. The brief filed in this case is very narrow. We do not suggest that the principle announced in Rust v. Sullivan -- that the government can place conditions on the grant of funds -- is without limits. That very delicate issue is left for another day.

The brief filed in this case preserves many options for the new Administration to consider in developing its policies regarding funding for the arts and other related government programs. This brief does not tie the hands of the new Solicitor General. Rather, it will provide him with maximum flexibility in making recommendations to the Attorney General and President in how to proceed in the Federal Courts of Appeals and Supreme Court of the United States on this and related issues.

6. This brief was considered by Clinton Department of Justice officials, who worked closely with career attorneys from the Department.
7. We believe that this brief does not conflict with any Clinton Campaign pledge. [Explanation to come.]

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GRANTMAKERS IN THE ARTS

Volume 3, Number 2

Summer 1992

Special Issue

Freedom of Expression and Public Funding of the Arts

With this special summer edition, Grantmakers in the Arts (GIA) begins to consider more broadly how the national debate over the future role of federal arts support and the artist's right to freedom of expression is affecting the arts field and our own work. The GIA Board's recent meetings have focused on how our organization can best contribute to the national dialogue on these issues. Should we develop activities aimed to influence future directions in public policy? Or, should our activities examine the roles and relationships of private sector grantmakers with the arts field, and determine how the changing federal role affects our practices?

This newsletter is not intended, therefore, as a definitive statement of causes and effects or possible solutions, but rather serves as an initial exploration of issues and commentary on them. We have included several essays on artistic freedom, government policy, and foundation giving patterns from different perspectives. In addition, we asked a group of artists and administrators to address private sector grantmakers and to tell us how their thinking and their work is being affected by changing public policy.

"Who will fund the arts?" While at one time, many looked to the National Endowment for the Arts for leadership, the leadership appears now to be shifting to private sources. Are we, as a field, prepared to respond? What actions are the appropriate ones? These are questions that demand the greatest attention from individual grantmakers as well as from Grantmakers in the Arts.

*Sarah Lutman
Program Associate, The Bush Foundation
Chair, GIA newsletter committee.*

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