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HEARING

BEFORE THE

COMMITTEE ON HUMAN RESOURCES

UNITED STATES SENATE

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

LIVINGSTON L. BIDDLE, JR., OF THE DISTRICT OF COLUMBIA,
TO BE CHAIRMAN OF THE NATIONAL ENDOWMENT FOR THE
ARTS

NOVEMBER 2, 1977

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(II)

NOMINATION

WEDNESDAY, NOVEMBER 2, 1977

U.S. SENATE,
COMMITTEE ON HUMAN RESOURCES,
Washington, D.C.

The committee met, pursuant to notice, at 9:45 a.m. in room 4232, Dirksen Senate Office Building, Senator Jennings Randolph presiding pro tempore.

Present: Senators Randolph, Pell, Stafford, and Chafee.

Senator RANDOLPH. A pleasant morning to our guests and those who will testify.

For the record, I wish to indicate that the ranking minority member of our committee, Senator Javits, had expected to be present but it is impossible for him to be at this hearing. There are other members of our committee who will be with us during some of the morning's deliberations and I want to have all of you know that we in this committee consider the matters before us to be of importance.

I would ask Mr. Biddle to come forward. Do you desire to have anyone with you, Mr. Biddle?

Mr. BIDDLE. No, Senator.

Senator RANDOLPH. The members of our committee are gratified that at this morning's hearing we will have the opportunity to consider the nomination of Livingston L. Biddle, Jr. to be Chairman of the National Endowment for the Arts. Those of us here on Capitol Hill know Mr. Biddle—and we have been given the opportunity to know of his capabilities as special assistant to a member of this committee, Senator Claiborne Pell, who is present this morning.

In a very real sense I think it is accurate to say that Mr. Biddle drafted the legislation which brought into being the National Council of the Arts. That was a few years ago. Sometimes we think of it as just yesterday, but it was in 1964. And also, the National Endowment for the Arts legislation following in 1965.

I think that Senator Pell is rightly called the father of the Arts Endowment legislation, but I want the record to indicate that those of us, including Senator Pell, know that you have contributed very constructively to the Endowment's beginnings and to its subsequent growth and development.

From 1976 to this morning, he has served as the staff director of our Subcommittee on Education, Arts, and Humanities and Mr. Biddle, in that capacity you have been responsible for drafting the Endowment's reauthorizing legislation for 1976, providing the oversight which our committee has had to review the functions and the activities of the Endowment.

We are delighted that Senator Stafford's schedule permits him to join us today.

From 1976 until the present you have served, as I have said, as staff director of that subcommittee. In that capacity you have been responsible for drafting the Endowment's reauthorization legislation. That was last year. You have also helped us in the oversight and review concerning, as I have indicated and I am emphasizing, the functions and review of the Endowment.

This is but the briefest of sketches. We will insert in the record at this point your complete biographical sketch.

[The biographical sketch of Mr. Biddle follows:]

BIOGRAPHICAL SKETCH OF LIVINGSTON L. BIDDLE, JR.

EXPERIENCE

1963-65, arts and government.—As Special Assistant to Senator Claiborne Pell drafted the legislation which led to the establishment of the National Council on the Arts (1964) and the National Endowment for the Arts (1965). Assisted Senator Pell in all matters relating to this new legislation—The National Foundation on the Arts and the Humanities Act of 1965—including formation of Special Subcommittee on Arts and Humanities under his chairmanship, hearings and associations with nation's leading artists and scholars, detailed subcommittee preparation and Senate floor debate.

1966-67, Deputy Chairman, National Endowment for the Arts.—Appointed to serve as deputy to the Endowment's first Chairman, Roger L. Stevens. Responsibilities included organization of the new agency, administration and congressional relations, and work in all fields of the arts.

1973-74, Reauthorization of the Arts and Humanities Act.—Assisted in Senator Pell's reelection campaign in 1972 and returned to his Washington office. Worked on reauthorizing legislation, greatly increasing the scope and dimensions of the act, and hence the funding levels for Federal and State support for the arts. Also at this time, worked on the evolution of the Museum Services Act to provide emphasis on the educational role of the nation's museums. Legislation presented and comprehensive hearings held.

1975, Congressional Liaison Director for the National Endowment for the Arts.—Appointed by Endowment Chairman to establish this office. Responsibilities included close association with State and community leaders in the arts, as well as work with business leaders.

1976 to present, Director, Subcommittee on Education, Arts and Humanities.—Senator Pell is chairman of this subcommittee which merged in 1977 the Arts and Humanities areas with Education. Responsible for drafting and preparation of legislation reauthorizing program in 1976. Again, scope and dimensions of Federal support increased—with new programs in art education and in providing through "challenge grants" (\$1 Federal to generate \$3 Federal) long-range support for the arts, with emphasis on increased corporate assistance. Features of the Museum Services Act were included in this comprehensive reauthorization.

* * * * *

1968-70 Arts in Education.—Professor and Chairman, Division of Arts, Fordham University, New York City. Three-year contract with Fordham to establish and direct a new educational program, including all major art forms, at Fordham's then evolving Liberal Arts College at Lincoln Center. Responsible for assembling and directing a new faculty, for the development of new educational concepts and a curriculum combining the arts, humanities and social sciences in new relationships.

1971-72 Chairman, Board of Directors, Pennsylvania Ballet Company, Philadelphia.—(Returned home to Philadelphia after Fordham assignment.) Company was near bankruptcy with accumulated debts close to \$500,000. Was able to secure major grant, \$3 million over a five-year span, from the Ford Foundation, to rescue the company and enable it to grow increasingly in artistic excellence. Hence—a first-hand knowledge of the many difficulties confronting arts organizations; first-hand experience with the economics of the performing arts.

AUTHOR

1946-62.—Upon return from World War II became self-employed author. Novels are:

"Main Line" (Julian Messner) received "best-seller" ratings in New York Times.

"Debut" (Messner).

"The Village Beyond" (Lippincott)—a Dollar Book Club Selection (sale approx. 300,000 copies) received Philadelphia Athenaeum Best Novel Award.

"Sam Bentley's Island" (Doubleday) Reprinted in Doubleday anthology "Best in Books."

Also—numerous shorter works in fiction and non-fiction.

* * * * *

Background thus includes: detailed experience and participation in the beginning and development of the Federal arts program; experience in establishing close working relations with the Congress; experience as a working artist, author of four novels; experience as an arts administrator in the private sector; extensive experience in public speaking and in articulating the needs of the arts in all areas; and experience with leading artists and arts organizations nationwide.

* * * * *

Community Service.—Before coming to Washington served as Board member for many years and President of Children's Service, Incorporated, providing foster home care primarily for underprivileged Black children in the Philadelphia area.

World War II.—For three years (1942-45) served as volunteer ambulance driver overseas with American Field Service, attached to Allied forces in the Middle East, North Africa, and in the Mediterranean and European Theaters. Twice decorated by the British for work in frontline areas in Italy. Was Second in Command of AFS units in France (attached to French forces) at war's end.

Born, Bryn Mawr, Pennsylvania—1918 Princeton University, 1940, A.B.

Married (wife Catharina Baart Biddle) two children, three grandchildren. Listed "Who's Who".

Now a resident of Washington, D.C., 2914 P Street, N.W. (20007).

Telephone: office, 224-7666—home, 337-2914.

Senator RANDOLPH. AS acting chairman I serve this morning for the chairman of our Committee on Human Resources, Harrison Williams, who is unable to be present.

We do know that you have had a high level of dedication, understanding, and expertise in your Government service and I think in this work your careers have almost been joined together in a sense. You are an artist in your own right and from 1946 through 1962, I presume we could call you a best-selling author. I am not sure what that means but you have four novels to your credit and numerous shorter works in fiction and nonfiction.

So, you will bring to the Endowment a deep understanding of how that Endowment, and our Government operates. Also, I think you have a personal affinity for what you are doing, not to aggrandize yourself personally but to work as a person with a commitment to the arts.

You have these achievements to your credit, but I also want to add that you have been a professor and chairman of the division of arts at Fordham University in New York City and you have acted as chairman of the board of directors of the Pennsylvania Ballet Co. And so, your past record is a distinguished record. In this committee where you have served, we know of the value of your leadership and we will miss your efforts on behalf of the committee. We know that the assignment for which you have been selected will be helpful to the Arts Endowment and the Congress and that you will continue

with the type of high standard of effort with which we are familiar, and from which we have benefited.

I think the arts generally will be the beneficiary of your new post of duty and the manner in which you conduct yourself in the discharge of that work.

Is there any comment that you would wish to make, Senator Stafford?

Senator STAFFORD. Thank you, Mr. Chairman. There is a comment.

First of all, it will appear further in this statement, Mr. Biddle, I want to tell you that Senator Javits is most unhappy that prior commitments in New York prevented him from being here and he has asked me as the ranking member of the full committee if I would read a statement of his into the record at this point on your behalf and so I shall go ahead and do that.

This is Mr. Javits statement:

I am pleased to welcome a highly regarded colleague from the Senate's ranks in the new role as the committee reviews the qualifications of Livingston Biddle to serve as Chairman of the National Endowment for the Arts.

I commend the President on the selection of Mr. Biddle. He served our country and all of us as he served so well for so long as Senator Pell's aide. While this confirmation is not the subject of a great debate among our colleagues I am pleased that the committee is seeking this opportunity to examine Mr. Biddle and record its findings as to his qualifications.

For myself, I welcome this appointment of a man with sound qualifications, including extraordinary personal experience with the legislative developments of the Arts Endowment and the intent of Congress in supporting the act. Mr. Biddle also brings a lifelong dedication to the goals of the National Arts Endowment. His prior accomplishments as a senior official in the agency during its initial period and his continuing service both to this committee and the Endowment as it grew and flourished are well recorded for us and for the people.

Senator Pell, the distinguished Chairman of the Education, Arts and Humanities Subcommittee is a modest man. Yet, I feel it is right to recognize that the appointment of Mr. Biddle is, in a real sense, a confirmation of the leadership of Senator Pell in support of the Arts Endowment. I have worked for many years with both Senator Pell and Mr. Biddle and both are to be congratulated.

A set of questions has been prepared for the witness so that interested parties may consider his views in detail as a part of the public record. If the prepared statement of the witness and his response to questions of other Senators do not answer my questions, I will request additional information from Mr. Biddle at a later time.

Senator STAFFORD. I understand, Mr. Chairman, that you have asked the questions of Senator Javits, and they are a part of the hearing record.

Senator RANDOLPH. Yes, those questions have been, or will be asked of Mr. Biddle, during the course of this hearing, as requested.

[The questions submitted by Senator Javits follow:]

QUESTIONS SUBMITTED TO MR. BIDDLE BY SENATOR JAVITS*

Question 1. Would you describe for the Committee your qualifications to serve as Chairman for the National Endowment for the Arts?

Question 2. Under the authorizing statute, the National Council on the Arts has certain policy responsibilities for the work of the Endowment. Could you describe how you plan to work with the National Council on the Arts?

Question 3. The Federal Council on the Arts and Humanities is established by law as an "umbrella" organization to coordinate Federal cultural activities. Could you describe how you plan to work with the Federal Council?

*Senator Javits' questions were answered by Mr. Biddle in the course of his statement and response to additional questions put to him by other Senators during the hearing.

Question 4. Several members of this Committee have expressed particular interest in representation of organized labor in the National Council on the Arts and in NEA activities. Could you describe how you plan to work with organized labor?

Question 5. When measured by growth of appropriations, public visibility, or impact on its constituency, the NEA has been a remarkable example of growth and success since its inception in 1965. What do you think are the best parts of its present programs, and what changes would you like to make in the future to improve its work?

Question 6. In summary, how would you describe the Federal role in supporting cultural activities, and how does NEA participate in this role?

Senator STAFFORD. As I indicated earlier, Mr. Chairman, Mr. Javits goes on to say.

I regret that a previous very important official commitment in New York City made it impossible for me to be present with the committee during this hearing. I am confident that the committee will carry out promptly its responsibilities for review and report on the confirmation of Mr. Biddle so that the National Endowment may benefit from his full-time service at the earliest possible date.

And he concludes his statement with a commercial for me saying.

I express my appreciation to Senator Stafford for reading this statement for me.

[Laughter.]

I would like to say, Mr. Chairman, that I heartily join in the statement which I heard you making earlier and in the statement of Senator Javits. I also have known Mr. Biddle for some time, since I have been associated with this committee, now called the Committee on Human Resources, and its Subcommittee on Education under Senator Pell. I visited with Mr. Biddle in my office and on the basis of his prior experience with this committee and our discussions in my office I am prepared, and without questions on my part, to vote for the recommendation of his confirmation by this committee.

Senator RANDOLPH. Thank you very much, Senator Stafford. Senator Pell?

Senator PELL. I am obviously delighted, Mr. Chairman, at this nomination. Since the nominee and I are such old friends, it is hard to be objective. I thought the best thing I could do at this time is to read into the record the letter that I wrote President Carter, which actually—press please note—is the only direct request that I made of the President or of any of his staff to press this nomination.

In this letter I congratulate President Carter on this excellent appointment because I know he had several alternatives, weighed it heavily and came to the conclusion that Mr. Biddle would be the best. And here is the letter which expresses my own thoughts. It is dated August 24, 1977.

DEAR MR. PRESIDENT: I am writing to wholeheartedly recommend to you Livingston L. Biddle as the next Chairman of the Arts Endowment. I believe Liv Biddle has more experience in dealing with the relationship between the arts and the Federal Government than any other single person in the country and is most uniquely qualified for the position of Chairman of the Endowment.

I make that rather strong assertion from the vantage point of being the original Senate sponsor of the legislation which created the Endowment and Chairman of the oversight subcommittee ever since. Liv really drafted that original legislation and played the key role in securing its passage.

He served as Deputy Chairman under Roger Stevens, the Endowment's first Chairman and also served another tour of duty under Nancy Hanks. He is now Staff Director of the oversight subcommittee. His administrative responsibilities have been excellently carried out in both government and private capacities.

The fact that the Endowment works as well as it does through the State Governors and the local arts councils is in great part attributable to Liv's strong belief in the importance of a broad base in expanding the outreach for the program. Liv is possessed of exceptionally broad intelligence, enormous tact, excellent judgment and impeccable character. I can attest to these qualities having known him as a friend since school days. He is in high regard in the arts community throughout the country.

I do hope you will come to agree with me about his qualifications and will decide to nominate him. If you do so, I believe the nomination will meet with broad approval and will reflect credit on your administration.

In this regard, I think it is of interest to note that Mr. Biddle will be the first artist to be appointed to the chairmanship of the Endowment for the Arts, because as well as being an administrator, he is an artist.

In looking through his curriculum vitae, as well as I have known him all these years, I never realized he had been twice decorated by the British Government.

Senator RANDOLPH. Thank you very much, Senator Pell.

Senator Chafee?

Senator CHAFEE. Thank you, Mr. Chairman.

I can't confess to have known Mr. Biddle as well as the rest have. I have seen him, of course, in association with Senator Pell over the years, sometimes in what you might call an adversary position, but I can only say that he handled his duties with great skill, discretion, and ability.

Senator PELL. He has assured me he will limit his songmaking. [Laughter.]

Senator CHAFEE. Yes, I think that would be just as good.

But, of course, I am familiar with the activities Mr. Biddle has had in connection with both the legislation that formed the National Council and the National Endowment and also his deep interest in it since. I think the President has made a good appointment, Mr. Chairman.

I knew that Mr. Biddle was an author of skill and ability. But, I must confess that I did not know that he turned it into a profit by selling 300,000 copies. I am guilty to have read none of his works, but I will rush out and correct that error. [Laughter.]

So, Mr. Chairman, I think it looks like the National Endowment is in good hands. I have a couple of questions I would like to direct to Mr. Biddle, but do you think those would be more appropriate after the statement?

Senator RANDOLPH. I think, John, it would be better for us to ask questions after he has submitted his statement.

Senator CHAFEE. In conclusion, let me say I think it is a splendid appointment, and unless something dramatic happens between now and when it comes to the floor, I certainly will vote for it.

Thank you, Mr. Chairman.

Senator RANDOLPH. Thank you, John. John, I might in this aside—say that in the reading of the New York Times last night—that is yesterday's newspaper—there was an advertisement that caught my eyes. It was a new book called "Success" and it costs \$8.95. So if you are interested in knowing just how to reach success in any field other than the success you obtained as a Senator, I would recommend that—

Senator CHAFEE. I think that is an outstanding buy. As a matter of fact, I would even pay more than that. [Laughter.]

Senator RANDOLPH. Mr. Biddle, we banter about a bit but we are here for some serious business and we feel very gratified to have your statement as you wish to present it, perhaps not reading it in full—and it will be made a part of the printed record at the conclusion of your testimony—but say to us what you believe you would want to have us know.

STATEMENT OF LIVINGSTON L. BIDDLE, JR., OF THE DISTRICT OF COLUMBIA, TO BE CHAIRMAN OF THE NATIONAL ENDOWMENT FOR THE ARTS

Mr. BIDDLE. Thank you so very much, Mr. Chairman. I am deeply moved by the generous words that have been spoken about me here this morning. I am very grateful to you, Mr. Chairman, for what you have said. I am very grateful to Senator Stafford for his remarks and for the remarks of Senator Javits. Of course, I am delighted to have the wonderful friendship of Senator Pell, and the very fine and welcome remarks from Senator Chafee. So it does give me special pleasure to be with you this morning.

I feel deeply honored to come before you and the committee as President Carter's nominee for the chairmanship of the National Endowment for the Arts.

I feel honored to be in this committee chamber, on this side of the table, among those with whom I have worked for many years and for whom I have both admiration and great regard. It has always been a delight for me to work with Senator Pell. I feel a special joy to be in his company today under these circumstances.

And it is an honor to be considered as a candidate for a position to which two previous chairmen, Roger Stevens and Nancy Hanks, have given such dedicated service. They have provided the foundations, the leadership, the imagination, and wisdom on which we can continue to build.

I would like to give the committee today some observations on the past and on my hopes for the future very briefly, Mr. Chairman.

In coming before you, I would like to emphasize the fundamentals of the legislation which created the National Endowment for the Arts in 1965. I think it is important to stress the founding principles of this legislation and the role the Congress deemed appropriate for our Federal Government in these cultural areas. I want to stress the concept of partnership as the legislation enunciates. Partnership between Government and the private community is basic to the law.

There are three significant provisions which serve to enhance this partnership role—and to extrapolate just a bit, Mr. Chairman, I want to point out that the partnership role is very clearly described as one in which the private community has a major concern. There is a comprehensive stricture against Federal interference in the policy determination of Endowment grantees, a provision basic to freedom of expression and the creative spirit of the arts.

And, third, the law insures that the Endowment is guided by a council of private citizens, who, together with the private citizen panelists, form the basis of the decisionmaking process on applications for support.

As the chairman has so generously pointed out, no one knows the importance of these provisions better than I who helped prepare the legislation for Senator Pell and the committee.

At a time when there has been suggestion that the arts may be subject to politicizing, which I take to mean in this instance, subject to inappropriate governmental pressures, I think it is well to stress that these matters were of deep concern years ago, that they were carefully considered within the context of a precedent-setting law, and that essential safeguards were written into that law.

It is for this reason that the partnership concept is so important and why I so firmly believe in it. As the committee knows, the law prescribes a catalyst role for the Government. The Federal role is to encourage, not dominate, to assist without domineering; and there is thus the basis for a lasting and developing partnership between the Federal Government and private community, and between the Federal Government and State and local governments, in keeping with the best principles of our democracy.

I find the arts today, Mr. Chairman, in some respects subject to their own internal pressures.

We find words like "elitism" and "populism" being used to suggest a polarization of the arts. Some suggest that elitism applies to the quality of our major arts institutions—our orchestras, our opera companies, our dance and theater organizations, our museums. And some suggest that "populism" applies to an opposite and perhaps equally separate domain—the State and local organizations which represent the arts at the grassroots. And some even suggest that battle lines should be drawn and alternatives chosen.

I am convinced a very different approach is needed, a different means of defining our cultural goals. It seems to me that "elitism" can indeed mean quality, can indeed mean "the best"—that is a proper dictionary meaning for the word. And "populism" I would suggest can mean "access"—access to the arts all across the land.

Why not bridge these two words? Why not join them in harmony rather than in discord—and simply say that together they can mean "access to the best"?

I believe that's what the arts and humanities legislation intended to convey from the very beginning: the encouragement of the best, the development of quality, and the availability of that quality to the greatest possible numbers of our people.

To me, that is basic to the purpose of the Endowment, and in accord with its congressional mandate.

To carry forward that purpose, Mr. Chairman, to build on the foundations and the strengths and wise leadership of the past, I would like to help foster a new spirit of unity among arts groups large and small in all parts of our country, and among the individuals most concerned, the artists themselves, who are key to it all.

We need to strengthen our fine, nationally renowned arts institutions—they have both a national and international value; and we need equally strong, equally vigorous State programs, in full partnership with the Endowment, which in turn, will enhance important local and community arts activities.

The distinguished wife of our Vice President, Mrs. Joan Mondale, who does so much to advance the cause of the arts, has likened them to the architectural symmetry of a pyramid—with the best, the highest

in quality, at the top. If the peak of the pyramid is to grow, is to become more resplendent, more outstanding as a vital symbol of our Nation's cultural achievement, the base must be broadened.

The arts should reach out to all of us so that the whole edifice of our cultural life can grow.

I am deeply cognizant of the commitment of the President and the administration toward these goals. And I would welcome with all my heart the opportunity to assist in their realization—the opportunity to help advance the partnership between our Federal Government and the private, State, and local arts constituencies, and to help give this whole endeavor a spirit of unity, so that the arts in all their variety can truly flourish.

Thank you very much, Mr. Chairman.

Senator RANDOLPH. Thank you very much, Mr. Biddle.

I will ask you for the record to add to what you have said regarding your feelings about how in the future, when you have the responsibility of this continuing leadership, you will actually work with the National Council on the Arts?

Mr. BIDDLE. I think the National Council on the Arts, Mr. Chairman, is a wonderful body. It was created by the Congress in 1964, as you mentioned, and in 1965 its membership was brought over to the National Endowment for the Arts and two members added. These are all private citizens. They really guide the program and they give it the private citizen partnership that I mentioned, Mr. Chairman, so I look forward to working very much with them as my predecessors have in the chairmanship role.

Senator RANDOLPH. There is the role of the States in promoting the arts. Congress hoped for and anticipated with legislation that that would be done. Would you comment?

Mr. BIDDLE. I think, Mr. Chairman, that the State role is very key to the whole program. As you know here in the committee, 20 percent of the moneys that are appropriated go to help the State programs and to develop a responsible State program in each of our States. In the State of West Virginia we have wonderful leadership there under Norman Fagan; in Rhode Island under Robin Berry. These are people that are dedicated to the arts just as they are dedicated to them at the National Endowment.

So I see a vigorous, strong, developing role for the States, a recognition of their responsibility, a recognition of their ability to determine quality in their own areas and I look forward to working with the States in the best possible fashion for the entire welfare of the program.

Senator RANDOLPH. You will recall, of course, in 1965 we provided in the legislation the two options for the obtaining of the Federal funds from the State level. A State could request \$25,000 in a grant and that would be matched, of course, by the State itself and that would be for the purpose of study, or a determination as to whether there should be a State arts council and how it should be structured.

There were some States, at least a few at the time of enactment of the law, that had already established and had functioning these States arts and humanities councils. They did not need to study or to plan and they took the second option; that was to request \$50,000 as a matching grant to establish such a council within their State to expand and improve the already existing established council.

I do not want to be provincial, but you mentioned Mr. Fagan in West Virginia. What you have said is true. The new Governor of our State is intensely interested in this effort. We were prepared and, frankly, in West Virginia had long desired from the leadership—not of one party or another, but our elected officials—to establish an arts council. I recall very well that we were one of the first States, or one of the very few States at the beginning with an established council, so we didn't ask for the \$25,000 matching for the study purposes but we asked for the \$50,000 grant so that we could establish the arts and humanities council. Then we were immediately able to match the grant with State and also some local funding I recall.

West Virginia has recently expended—I think almost \$18 million—I checked this this morning—to build its science and culture center. We located that in the Capitol complex along the Kanawha River. There the center houses the arts and humanities council division, the State museum, State library commission, State archives and library, arts and crafts administrative office and shops, and a series of changing exhibits which are constantly attracting not only the people of our own State but from other States as well.

I think this is important for me to mention this morning because certainly it is understandable that sometimes States are a little more rural—and we are the second most rural State of the Nation by some figures that are said to be accurate, Vermont being the first—and yet, we have a very real desire to move forward. We now have a new Department of Culture and History in West Virginia, and gives to the arts, I think, a greater influence at a cabinet level, and certainly a genuine prestige to the State on matters of appropriations and bringing the arts to more and more people who have a right, a desire, and a need to know more about the arts and cultures of many people, as well as the arts, cultures, and heritages that are at our own front doors.

All of this I think is art in its many forms. In our State we are trying very sincerely to be objective and constructive and to enhance the quality of life for the people—1,850,000 living in West Virginia.

Several Members have spoken to me and Senator Williams on the question: "What can be the role of organized labor in the program of the arts?" Would you have some comment on that?

MR. BIDDLE. I think organized labor, among other great groups that support the arts, is of vital consequence to the development of the Endowment's programs. I think it might be well to recall that when the National Council on the Arts was transferred to the National Endowment for the Arts in 1965, two additional members were added so that the Council is now 26 members, and with the understanding that those two additional members would be representative of labor leadership.

We are getting only recently to the point where that particular goal is being realized. We have on the Council today the president of the American Federation of Musicians and consideration is being given which may come before the Committee very soon, of an additional labor leader, Mr. Theo Bikel, who is the president of Actors' Equity. I think these leadership positions that such gentlemen or ladies may enhance by bringing their perspectives to the arts is a great consequence to the evolution of the whole program and to the spirit of unity and purpose that I mentioned in my statement.

Senator RANDOLPH. Thank you.

The Chair wants to be very cooperative with members and there are some questions I will move back to.

John?

Senator CHAFEE. Thank you, Mr. Chairman.

I had a couple of questions I would like to ask Mr. Biddle. First, there seems to be a custom here that the Chairman of the National Endowment serve for a maximum of 10 years. Do you subscribe to that? I notice you will be 70 in 10 years.

Mr. BIDDLE. I would say, Mr. Chairman, that under the law the Chairman serves for 4 years and is eligible for reappointment at the end of those 4 years. I would certainly say for the record that if I should do a good and excellent job, as I hope I may be able to do in a first term, that I might serve a second term with the committee's concurrence and approval, but after that, I think, Mr. Chairman, it would not be wise to continue any chairman.

I think that 8 years, therefore is a time limit. I think that for the purposes of the versatility of the program, its flexibility, its response to the needs of the arts all across the country, that two terms is a good stopping point.

Senator CHAFEE. I would like to correct the record on that. I said "10"; it should have been 8. Excuse me.

Senator RANDOLPH. John, I wouldn't want to break the continuity of your questions but when you were talking about his age—70, is that correct?

Senator CHAFEE. He would be 70 at the end of 10 years.

Senator RANDOLPH. Only 68.

Senator CHAFEE. Only 68 and we can't touch him under the new law. [Laughter.]

Mr. BIDDLE. I have to subtract 1 year, Senator Chafee, and say 69.

Senator RANDOLPH. At my age, past 75, I don't want it to touch me. [Laughter.]

Will you proceed?

Senator CHAFEE. The next question: I think you were here the other day when we sat around the table and discussed Senate confirmation of the members of the Council. If they have to come up for Senate confirmation, then they have to have financial disclosure and all those things. What is your view on Senate confirmation of members of the Council?

Mr. BIDDLE. Could I offer, Senator Chafee, a personal view here because I would prefer to put it in that regard. I think that those members of advisory or quasi-advisory councils, committees, or boards who come before the Senate should be considered in a different way than those who are Federal employees, such as myself. I was very happy to give to the committee all the financial records that I have given to the White House that pertain to me. I was gratified when a couple of the documents that I had given to the committee were carefully returned as not necessary.

But I think I have made as full a disclosure as possible of my background and I think that is appropriate for people who are full-time employees and who come before the Senate for confirmation as Presidential appointees. But for those who serve in an advisory position.

whose day-to-day activities are not involved with the particular enterprise—the National Council on the Arts meets, generally, four to five times a year—I think those should be looked at a little differently. Therefore, I would recommend a different policy for those particular advisers.

Senator CHAFEE. I agree with you. I think it is ridiculous to ask them to go through full financial disclosure for 26 members on the National Council. I would hope that we could move forward with your support to removing those people from Senate confirmation if the price they have to pay is this disclosure business.

Finally, I thought you gave an excellent statement. Having been on the other side as a Governor, I fully subscribe to what you say on page 3, where you say the Federal role is to encourage, not dominate, and to assist without domineering, that it is a partnership and, furthermore, as part of that partnership I would hope you would always—and maybe this is in the legislation—require the States to do matching. The Federal Government should certainly do no more than 50 percent.

The real thrust, in my judgment, has got to come from an interest on the State. Do you subscribe to that view?

Mr. BIDDLE. Yes, indeed, I do.

Senator CHAFEE. What is the formula now, or does it vary depending upon circumstances?

Mr. BIDDLE. The State formula, you are referring to?

Senator CHAFEE. Yes.

Mr. BIDDLE. It is on a one-for-one matching basis. The block grants now to the individual States are a bit in excess of \$210,000. But, of course, that does not apply solely to what goes to different States and different programs.

Senator CHAFEE. Suppose you did something for, say, Trinity Square Theater, would the Federal Government go no more than 50 percent?

Mr. BIDDLE. That's correct.

Senator CHAFEE. Good.

Mr. BIDDLE. Then your State Government would do the same thing.

Senator CHAFEE. How about private in there?

Mr. BIDDLE. Private is included. The Federal dollar must be matched by non-Federal dollars.

Senator CHAFEE. I certainly hope we will stick to that and not back away because I just think we have to have the local effort.

Mr. BIDDLE. I might further point out to the Senator that there are some other provisions in the act that were approved last year which provide for challenge grants for arts institutions, and I believe Trinity Square has received one of these where they must put up \$3 non-Federal to capture \$1. Really, the Federal role is as a catalyst.

Senator CHAFEE. Fine. Thank you very much, Mr. Biddle.

Thank you, Mr. Chairman.

Senator RANDOLPH. Mr. Biddle, as we measure the increase in appropriations not only for this effort but across the board, but especially now on this effort, we see that there is a visibility of this program that the public, I think begins to understand and appreciate. There is an impact of this work which I want the public to understand. Therefore, the National Endowment for the Arts will have, I think, an increasing responsibility to justify what we are doing in the increased appropriation and exposure.

There has been remarkable growth and very substantial success in what we began in 1965 and what has been done since. What do you think are the best parts of the present program and what changes, if there are changes, would you like to suggest even to the committee today that would improve the program?

Mr. BIDDLE. I would prefer not to get into too many specifics, Mr. Chairman, until I get a little bit more settled in my new position, if I am confirmed. But, basically, I think the program has succeeded in many ways because it has responded to the needs of both the large institutions, the great institutions, the treasures of our country, and smaller groups. I would like to continue that kind of a concept in all areas of the arts—there are some 20 different categories of the arts in the legislation—but I would like to see over the next years the concept, as I mentioned in my statement, access to the best brought forward with an emphasis on both the “access” and the “best”.

I think that if we keep that in mind, we are going to have such a flourishing of the arts in this country that we will have a truly remarkable development of our cultural life.

Senator RANDOLPH. Mr. Biddle, apart from the fact that our country was 200 years old—as I went across our State, the Bicentennial had the emphasis on the arts in so many communities. Did you find that?

Mr. BIDDLE. I think that's certainly true; and I want to particularly say, as you have pointed out, certainly West Virginia has taken a leadership role in the arts. As I might say the distinguished Senator sitting in front of me has taken the leadership role for that State in the Congress.

I see the arts growing all over the country. I see the development of great new resources. For example, in the last 10 years, the number of opera companies has doubled, the number of orchestras has doubled, the number of resident professional dance companies has increased from 10 to 70, and resident professional theaters have almost quadrupled in number. States are now spending almost \$60 million on behalf of the arts in State appropriated moneys; whereas, 10 years ago, they were spending \$4 million.

In addition to that, 10 years ago there were some 150 community arts councils at the grassroots of our society. Now, from 150, those have grown to more than 1,800. We are seeing the growth of the arts that you are suggesting, Mr. Chairman. I think, as these institutions grow, so do their needs grow, and so does the importance of the National Endowment.

Senator RANDOLPH. I thank you for that further comment. I know I have been very encouraged that in our two State universities, West Virginia and Marshall; and in many of our private colleges, new courses have been added to the curricula in connection with the arts, and are well received by the students. It is a very gratifying development that we have, and I would not want the record to be closed. I will have a question from the chairman of the committee, then just a couple of other questions we have to ask of the nominee. But we want to express the appreciation from our Subcommittee On the Handicapped—and the ranking member of that subcommittee is Mr. Stafford—in recognition of the great support you have given to our activities.

We think oftentimes the handicapped are perhaps not in the mainstream of the arts, but you, Mr. Biddle, had an understanding that that there are gifted and talented handicapped persons, and you haven't passed them by. We want the record to indicate that.

Mr. BIDDLE. I think we can do more than we have in the past, Senator, for that concept and that cause.

Senator RANDOLPH. The question of Senator Williams, our chairman: Would you indicate the form of the collaboration that you foresee under your leadership between the National Endowment for the Arts and this Committee on Human Resources?

Mr. BIDDLE. I hope, Mr. Chairman, that I could be always responsive to your request for any kind of information you might wish to have, that our records, the full scope of our activities would be available to you in any kind of detail that you might request at any time. As we progress into areas of oversight, I would hope that, if given the opportunity to serve as chairman, I would be always responsive to those needs that you might have of the Endowment as a committee.

I would welcome the opportunity of cooperating in any way that seems appropriate for the committee.

Senator RANDOLPH. We will not want to interfere. That will not be our function. But there is a very real need for a committee. The members having passed legislation, to see not so much the letter of the law carried out, but between the lines, the acknowledged intent of the Congress in bringing something into being. It will never be subverted by you in reference to this legislation. We know that that would be true.

Senator Pell?

Senator PELL. Thank you, Mr. Chairman.

I would like to touch for a moment on the Federal Council on the Arts. As you know, both in connection with questions concerning the arts and also in support of your nomination, I talked with Vice President Mondale and Mrs. Mondale. Mrs. Mondale is now a member of the Federal Council on the Arts; is that correct?

Mr. BIDDLE. I don't think that's correct, Senator. She's a nominee for the Museum Services Institute, but Joseph Duffey, who is the Chairman of the National Endowment for the Humanities, has been appointed Chairman of the Federal Council on the Arts and the Humanities.

Senator PELL. My recollection of the legislation setting that up provides that somebody could be appointed to the Federal Council on the Arts who is not ex officio. Is that correct?

Mr. BIDDLE. The President may appoint whomever he desires to the Federal Council.

Senator PELL. He must appoint certain people: the Chairman of the Endowment for the Arts, the Secretary of the Smithsonian, and so forth.

Mr. BIDDLE. Yes, agency heads.

Senator PELL. But he could appoint somebody further in that regard.

Mr. BIDDLE. Exactly.

Senator PELL. My own hope has always been that he would appoint Mrs. Mondale to that job. I think she would bring to it the knowledge and viewpoint that would be very valuable.

In connection with the panels, would it be your custom to continue the practice of releasing the names of those who are appointed to the panels, as they are appointed?

Mr. BIDDLE. I think that's very important, Senator.

Senator PELL. I would agree with you on that.

I have no further questions. I am delighted at this appointment and look forward to working closely with you, in this case sometimes as a mendicant. Good luck.

Senator RANDOLPH. Thank you, Senator Pell.

And now the final questions, Mr. Biddle, that are part of the record always in a nomination hearing.

Will you, Mr. Biddle, commit yourself to what we call disqualification if there would be a conflict that might or could arise between personal situations or personal matters and your leadership as Chairman of the Endowment? These would be financial presumably—they might be remote; they might be something you have been thinking about. Sometimes there is nothing wrong, but you set your house in order simply because of the scrutiny. Would you comment about any matters of financial disclosure or otherwise that you think indicates a conflict of interest does not exist in reference to your being nominated through a confirmation hearing and then approved by the Senate?

Mr. BIDDLE. Senator, I have given deep thought to the question you have raised. I believe within my heart that there is no possible area where a conflict of interest might arise. Should that possibility develop, I certainly would wholeheartedly commit myself to the disqualification you have suggested and I would be more than glad to follow the procedures that the committee might suggest in this regard.

I hope that, as you suggested, Mr. Chairman, this is a remote possibility. I don't foresee it but certainly I would commit myself to exactly what you have indicated in your question.

Senator RANDOLPH. Thank you very much.

John?

Senator CHAFEE. No, thank you, Mr. Chairman.

Senator RANDOLPH. We thank you very much. We will anticipate action within this committee. I presume the Senate will be around for some time yet and your nomination presumably will be brought to the Senate. Not only within this committee but in the Senate itself, you will have my support. Thank you very much.

Mr. BIDDLE. I just want to say myself in conclusion, Mr. Chairman, that this has been really a very moving experience for me and I am grateful to the committee for the generosity of spirit it has shown to me today. I hope with my best efforts I can do a good job as Chairman, if given that task.

Thank you.

Senator RANDOLPH. Thank you.

[The prepared statement of Mr. Biddle follows:]

STATEMENT OF
LIVINGSTON L. BIDDLE, JR.
AT A NOMINATION
HEARING
BEFORE THE COMMITTEE
ON HUMAN RESOURCES
OF
THE UNITED STATES SENATE

NOVEMBER 2, 1977

Mr. Chairman and Members of the Committee:

It gives me such special pleasure to be with you this morning.

I feel deeply honored to come before you and the Committee as President Carter's nominee for the chairmanship of the National Endowment for the Arts.

I feel honored to be in this Committee chamber, on this side of the table, among those with whom I have worked for many years and for whom I have both admiration and great regard. It has always been a delight for me to work with Senator Pell. I feel a special joy to be in his company today under these circumstances.

And it is an honor to be considered as a candidate for a position to which the two previous chairmen, Roger Stevens and Nancy Hanks, have given such dedicated service. They have provided the foundations, the leadership, the imagination and wisdom on which we can continue to build.

I would like to give the Committee today some observations on the past and on my hopes for the future.

In coming before you, I would like to emphasize the fundamentals of the legislation which created the National Endowment for the Arts in 1965. I think it is important to stress the founding principles of this legislation and the role the Congress deemed appropriate for our Federal government in these cultural areas. I want to stress the concept of partnership as the legislation enunciates. Partnership between government and the private community is basic to the law.

There are three significant provisions which serve to enhance this partnership role.

At the very beginning of the act, the Declaration of Purpose clearly recognizes that support for our nation's cultural progress should remain "primarily a matter of private and local initiative."

There follows a comprehensive stricture against Federal interference in the policy determination of Endowment grantees, a provision basic to freedom of expression and the creative spirit of the arts.

And, thirdly, the law ensures that the Endowment is guided by a council of private citizens, who, together with the private citizen panelists, form the basis of the decision-making process on applications for support.

No one knows the importance of these provisions better than I who helped prepare the legislation for Senator Pell and the Committee.

At a time when there has been suggestion that the arts may be subject to politicalization, which I take to mean in this instance, subject to inappropriate governmental pressures, I think it is well to stress that these matters were of deep concern years ago, that they were carefully considered within the context of a precedent-setting law, and that essential safeguards were written into that law.

It is for this reason that the partnership concept is so important and why I so firmly believe in it. As the Committee knows, the law prescribes a catalyst role for the government. The Federal role is to encourage, not dominate, to assist without domineering; and there is thus the basis for a lasting and developing partnership between the Federal government and private community, and between the Federal government and state and local governments, in keeping with the best principles of our democracy.

I find the arts today, Mr. Chairman, in some respects subject to their own internal pressures.

We find words like "elitism" and "populism" being used to suggest a polarization of the arts. Some suggest that elitism applies to the quality of our major arts institutions, our orchestras, our opera companies, our dance and theatre organizations, our museums. And some suggest that "populism" applies to an opposite and perhaps equally separate domain -- the State and local organizations which represent the arts at the grassroots. And some even suggest that battle lines should be drawn and alternatives chosen.

I am convinced a very different approach is needed, a different means of defining our cultural goals. It seems to me that "elitism" can indeed mean quality, can indeed mean "the best" -- that is a proper dictionary meaning for the word. And "populism" I would suggest can mean "access." Access to the arts all across the land.

Why not bridge these two words -- why not join them in harmony, rather than in discord? -- and simply say that together they can mean "access to the best."

I believe that's what the Arts and Humanities legislation intended to convey from the very beginning -- the encouragement of the best, the development of quality, and the availability of that quality to the greatest possible numbers of our people.

To me that is basic to the purpose of the Endowment, and in accord with its Congressional mandate.

To carry forward that purpose, Mr. Chairman, to build on the foundations and the strengths and wise leadership of the past, I would like to help foster a new spirit of unity among arts groups large and small in all parts of our country, and among the individuals most concerned, the artists themselves, who are key to it all.

We need to strengthen our fine, nationally reknowned arts institutions -- they have both a national and international value; and we need equally strong, equally vigorous State programs, in full partnership with the Endowment, which in turn will enhance important local and community arts activities.

The distinguished wife of our Vice President, Mrs. Joan Mondale, who does so much to advance the cause of the arts, has likened them to the architectural symmetry of a pyramid -- with the best, the highest in quality at the top. If the peak of the pyramid is to grow, is to become more resplendent, more outstanding as a vital symbol of our nation's cultural achievement, the base must be broadened.

The arts should reach out to all of us, so that the whole edifice of our cultural life can grow. In tangible terms, through the arts blighted areas in our national landscape can be eliminated or revitalized. The arts serve as focal points to enliven economic growth. Their affect on our economy is beginning to be measured and clearly perceived. But their greatest value lies in the less tangible. They enrich our lives. They uniquely increase our awareness of the creative values of the human spirit.

I am deeply cognizant of the commitment of the President and the Administration toward these goals. And I would welcome with all my heart the opportunity to assist in their realization -- the opportunity to help advance the partnership between our Federal government and the private, State and local arts constituencies, and to help to give this whole endeavor a spirit of unity, so that the arts in all their variety can truly flourish.

Senator RANDOLPH. The hearing is now adjourned.
[Whereupon, at 11:30 a.m., the committee adjourned.]

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