

MINUTES OF THE NOVEMBER 21, 2016, EXECUTIVE COMMITTEE TELECONFERENCE MEETING

The Executive Committee (“Committee”) of the Board of Regents (“Board”) of the Smithsonian Institution (“Smithsonian”) held a teleconference meeting on November 21, 2016. Participating were Executive Committee and Board Chair John W. McCarter, Jr; Vice Chair Dr. Shirley Ann Jackson; and Member David Rubenstein.

Also present by invitation of the Committee were Secretary David Skorton; Counselor to the Chief Justice Jeffrey P. Minear; Chief of Staff to the Secretary Greg Bettwy; Office of the Regents Senior Researcher & Writer Jennifer Ehlinger (recorder); General Counsel Judith Leonard; Deputy Chief of Staff to the Regents Rachel Parker; Director of the Office of Government Relations Nell Payne; and Chief of Staff to the Regents Porter Wilkinson.

CALL TO ORDER

Mr. McCarter called the meeting to order at 11:06 a.m.

MINUTES OF THE EXECUTIVE COMMITTEE

Upon motion duly made and seconded, the Committee approved the draft minutes of the October 6, 2016, morning and afternoon meetings without modification.

OPEN AND TRANSPARENT SMITHSONIAN ACT OF 2015 (H.R. 3387)

Director of the Office of Government Relations Nell Payne provided the Committee with an update on the *Open and Transparent Smithsonian Act of 2015* (H.R. 3387), a bill introduced by Delegate Eleanor Holmes Norton (D-DC) on July 29, 2015. As introduced, the bill would have subjected the Smithsonian to the requirements of the Freedom of Information Act (“FOIA”), the Sunshine Act, the Privacy Act, and the Federal Advisory Committee Act (“FACA”). The bill was referred to the House Oversight and Government Reform Committee, which considered and marked up the bill on November 16, 2016. The Committee deleted the reference to FACA but left intact the references to FOIA, the Sunshine Act, and the Privacy Act.

Smithsonian staff met with the staff of the House Oversight & Government Reform Committee prior to the mark-up, to provide an overview of the Smithsonian and explain the comprehensive set of governance reforms adopted in 2008 to increase transparency in information and decision-making. The Smithsonian has adopted policies and practices consistent with the principles animating these laws, while recognizing the Smithsonian’s unique status. For example, the Smithsonian’s records disclosure policy explicitly embraces FOIA’s principles of disclosure, while making allowances for the Smithsonian’s activities that do not have analogs in the Federal sphere—such as fundraising and endowment management—and, thus, are not contemplated by FOIA. Smithsonian policies enable the Institution to operate in an ethos of openness and accountability that is both informed by, and reflective of, its mission and status as a leading museum, educational, and research organization.

The Secretary will keep the Committee informed of any further developments.

NMAAHC'S COVERAGE OF JUSTICE THOMAS

Secretary Skorton briefed the Committee on matters regarding the coverage of Supreme Court Justice Clarence Thomas in the Smithsonian's National Museum of African American History and Culture ("NMAAHC"). Several members of Congress have written the Smithsonian to express disappointment that Justice Thomas's background and accomplishments are not part of NMAAHC's telling of African American history and culture.

The Secretary explained that NMAAHC is organized by themes rather than biographies and that individuals are included to exemplify the exhibitions' themes. While the museum could not tell every story in the inaugural exhibits, the Secretary explained that the museum will host new exhibits as it continues to interpret the African American experience. It expects that Justice Thomas will be excellent illustration of one of the themes that exemplify that experience.

Consistent with the thematic approach, Anita Hill appears in an exhibited entitled, "A Changing America: 1968 and Beyond." In a section entitled "Decades of Progress and Paradox," the exhibit focuses on pivotal moments that captured the public imagination. The Museum included Hill on the view that a black woman's voice and testimony became the catalyst for national discussions about workplace sexual harassment and the experiences of women in politics. The accompanying text stated that Hill's "testimony before the Senate Judiciary Committee provoked serious debates on sexual harassment, race, loyalty, and gender roles." After conducting an internal examination, the museum revised the label to include "Thomas denied the allegations and went on to be confirmed by the Senate, becoming the second African American to serve on the Supreme Court."

UPDATE ON NATIONAL WOMEN'S HISTORY MUSEUM

Ms. Payne updated the Committee on the continued effort to create an American Museum of Women's History. On December 19, 2014, a Congressional Commission on the American Museum of Women's History ("Commission") was established to study the feasibility of the museum and report its findings to Congress no later than November 18, 2016. The Commission was not provided with any federal funding for its work and was instructed by Congress to evaluate the feasibility of creating the museum without federal support.

On November 16, 2016, the Commission presented its official report to Congress, recommending that a museum be created as a formal member of the Smithsonian and that admission be free, as it is for all other Smithsonian museums. The report outlines a ten-year strategic plan to highlight the diverse experiences of women throughout the country and tackle controversial issues with varying points of view. The report's recommended next steps include the formation of a women's history initiative at the Smithsonian that will create programs and exhibitions featured in the Smithsonian's existing museums, and to begin drafting legislation, which would designate the location and construction of the museum building itself.

The report recommends that Congress approve \$2 million in new federal funding to put toward the women's history initiative, and estimates that it will need an additional \$150 to \$180

million in privately raised funds to build a the new museum. The Commission suggests that 75% of the funds should be raised prior to beginning any construction, citing three possible locations for the museum building: the South Monument site, mirroring NMAAHC; the Northwest U.S. Capitol site, mirroring the U.S. Botanic Gardens; or the Smithsonian’s Arts and Industries Building.

Ms. Payne summarized the Smithsonian’s involvement with the Commission to date. Secretary Skorton and other Smithsonian officials have met with the Commission Chair and many of the Commissioners. Smithsonian officials have stressed the importance of federal support in order for the project to be successful. The Secretary noted his appreciation for the Commission’s acknowledgment of the Smithsonian’s current priorities, including an estimated \$675 million renovation of the National Air and Space Museum (“NASM”). The Commission’s report recommends that Congress provide additional funding for the Smithsonian to support programming work, while more specifics regarding long-term logistics and creation of a permanent site to house the new museum are further considered.

Secretary Skorton will continue to engage with all stakeholders to discuss funding and the Smithsonian’s potential role in the initiative. The Secretary explained that with the recent opening of NMAAHC, revitalization of NASM, and a number of other initiatives, including facilities maintenance priorities, the construction and opening of an entirely new museum run by the Smithsonian is not be a practical undertaking in the near-term. He also noted that the Smithsonian remains committed to celebrating American women’s history and achievements, and will continue to work with the Commission and Congress to ensure that women’s many contributions and important role in the history of America are aptly represented across the Institution’s already established museums.

EXECUTIVE SESSION

The Committee entered into an executive session at approximately 11:40 a.m. to receive an update on personnel matters related to the staffing of several senior positions at the Smithsonian.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at approximately 11:55 a.m.

Respectfully submitted,

John W. McCarter, Jr.
Chair