

# P.L. 94-201 – A VIEW FROM THE LOBBY

By Archie Green

P.L 94-201 - American Folklife Preservation Act

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Late in the evening of January 2, 1976, President Gerald Ford signed the American Folklife Preservation Act, thereby transforming H.R. 6673 into P.L. 94-201. This latter numerical designation indicates that our bill became the two-hundred and first public law enacted during the Ninety-Fourth Congress. January 2 was the first working day of the Bicentennial year. However, if the President sensed any calendric symbolism in making a gesture to the folk on this special day, he did not reveal it in his brief statement accompanying the new law.

This report will sketch the legislative history of H.R. 6673 but not that of its various predecessor bills during four (two-year) Congresses. Also, it will mention some of the problems we can anticipate as the Folklife Center is actually established within the Library of Congress. My report of last year, "The Folklife Act in the Ninety-Third Congress" (December 31, 1974), is still available; it supplements this 1975 account.

Our legislative chronology runs from March 20, 1969, when Senator Yarborough (D. Texas) introduced the first folklife bill in the Ninety-First Congress, to the signing of H.R. 6673 at the White House on January 2, 1976. After Ralph Yarborough left Washington, Senator Fred Harris (D. Oklahoma) became our principal Senate sponsor; when he left, Senator James Abourezk (D. South Dakota) assumed this role in the Ninety-Third Congress. The two chief Representatives who successfully shepherded folklife legislation through the House were Lucien Nedzi (D. Detroit) and Frank Thompson (D. Trenton). The former is chairman of the Joint (House-Senate) Committee on the Library of Congress, and the latter is especially active in shaping federal policy for the arts.

In these five enthusiasts for folk culture, we found men coming from divergent positions: southwestern populism, Indian rights advocacy, Great Plains progressivism, blue-collar ethnicity, liberal enlightenment. In talking to Yarborough, Harris, Abourezk, and Nedzi, I heard them identify the strands which tied each to folk society. Curious about Frank Thompson's determined loyalty to our cause, I once asked him why he had worked so diligently for the bill. His reply, almost brusque, was, "Because I listen to people." This evocation of spirits from Johann Herder to Carl Sandburg is as good a statement as I heard in our long endeavor.

Men and women from both parties contributed to folklore's legislative victory. For example, Congressman John Ashbrook (R. Johnstown, Ohio), an articulate spokesman for libertarian views, was an early and consistent supporter of the bill. Unlike some of his conservative peers, he understood our potential in making heard the understated voices of isolated citizens. Essentially, Mr. Ashbrook knows that a nation is unhealthy if its microphones and amplifiers, presses and cameras belong to one set of entrepreneurs or to a single governmental bureau. He knows also that when powerful institutions threaten individuality, they also flatten cultural expression. Perhaps the highest compliment our bill

ever received in Congressional offices was that it brought together, as active cosponsors, John Ashbrook and Bella Abzug.

Highly influential in shaping our House strategy was the powerful chairman of the Appropriations Committee, George Mahon, who has served in Congress for 21 terms. During the first House hearings on our bill (May 10, 1974) he dropped in to pay his respects to Chairman Nedzi. When the folklife bill reached the floor for its first House vote (December 16, 1974), Mr. Mahon spoke extemporaneously, touching on life in rural Texas during his childhood.

In the Senate throughout 1975 we mustered support which clearly brought contrasting values together. This point is made dramatically by but a handful of names among our cosponsors: Barry Goldwater, Strom Thurmond, James Eastland, Gary Hart, Edward Kennedy, George McGovern. Balancing their positions was Mark Hatfield, a strong friend, and minority member of the Senate Rules Committee's Subcommittee on the Library. Senator Hatfield not only championed traditions of native Americans in Oregon, but also held firm whenever opposition to our bill surfaced.

Enlisting the aid of key Senators and Representatives constitutes but one aspect of a legislative campaign. A parallel is education—alerting Congressional members to the deep issues hidden within a bill. At the surface we called only for a small national center, in a library setting, to preserve and present folklife. Below this proposed structural entity, however, lies a congeries of forces, some with explosive potential. Many polarities divide the American people: native/foreign origins, melting pot/pluralistic commitments, commercial/community endeavors, cultivated/popular esthetics. We are still a restless nation, ambivalent about the past, apprehensive about the future. Although no one expects a library center, with a small staff and modest budget, to resolve long-standing stress in national life, there is no way folklorists can escape large issues. Folkloric work involves commentary on artistic and symbolic forms which, in turn, derive from and speak to identity, ethnicity, and community.

Several years ago it dawned on me that my lobbying was an extension of teaching, from the campus to Capitol Hill. But what was the subject? Folklore, of course, but folklore understood pragmatically by members of Congress, many who knew intimately the contours of vernacular speech as well as those of vernacular architecture. Within the discipline, we know that the word "folk" originally meant members of tribal societies or peasants, and more recently that this restricted usage has been enlarged so that "folklore" now encompasses ethnographic description of expressive culture and communicative behavior. Between these dual formulations, Congressmen see "the folk" as persons within enclaved groups (regional, ethnic, religious, occupational) and "folklore" as material of special quality (unofficial, overlooked, denigrated, spontaneous, indigenous, natural).

It is not my suggestion that Congressmen endlessly debate folkloric definitions. However, after spending some years explaining what actual substance or process it was that we wanted to preserve or present, I learned that most members had very clear pictures of folklife in mind, such as a cowboy ballad, a Cajun fiddle tune, a Holiness shout, or a holiday delicacy. Beyond these specifics, some Senators and Representatives were forceful spokesmen for cultural autonomy, egalitarian virtue, or rural lifestyle. It was refreshing to be told in a House corridor by one of our partisans, James Mann of South Carolina, that Jefferson had not yet lost his battle with Hamilton.

There is no present-day term available to combine diverse political beliefs in causes such as family farms, bilingual education, historic preservation, and resource conservation. In a sense, our bill did bring pluralists and ecologists together. Is this Jeffersonianism for America's third century of nationhood? Practically, will folklorists acutely touch and shape educational and cultural policy in future decades? Before turning to public problems ahead, I shall outline the movement of our bill during the First Session of the Ninety-Fourth Congress, and also treat a little of the "prehistory" of folklife legislation in the United States.

Upon the opening of the House of Representatives, January 14, 1975, Congressman Frank Thompson introduced the American Folklife Preservation Act (H.R. 41), similar in form to his bills of previous years. Openly, he sought a first-day low number to inform his colleagues that this legislation was long overdue. Privately, he expressed his concern that the National Endowment for the Arts and the National Endowment for the Humanities had not developed strong folk programs in their formative years. (These sister agencies were formed in 1965 under the National Foundation on the Arts and Humanities Act.) His basic strategy was to persuade both Endowment staffs that they could not divide culture into high and low categories, lavishing funds on the former, and starving the latter. Congressman Thompson has never posed as a backwoodsman, wearing either Natty Bumppo or Davy Crockett leathers. His deep grasp of history and literature has told him that the tension between common and privileged artistic forms has been etched into American life since Jamestown and Plymouth Rock.

Within the first three months of the Ninety-Fourth Congress, more than half the House membership became cosponsors in a series of bills parallel to Thompson's H.R. 41. This widespread support was encouraged with active endorsement of the folklife bill by the American Library Association. On May 1 the Library and Memorials Subcommittee of the Committee on House Administration took up the several folklife bills before it, then submitted a new one in the name of Library Chairman Lucien Nedzi. It was this "clean" May Day bill (H.R. 6673) which threaded its way through the House and the Senate, gathering amendments and, eventually, a Presidential signature. Folklorists can be grateful that the Library's principal "overseer" in Congress, Mr. Nedzi, knows from his childhood at Hamtramck, Michigan, the lives of immigrant workers in heavy industry.

The amendment sequence cannot be discussed in legal terms alone, for it was the actual amendments which embodied the various compromises necessary to bring the Folklife Center into being. On May 14 the full Committee on House Administration took up H.R. 6673 and responded favorably, after hearing its purpose explained by Nedzi and Thompson. Chairman Wayne Hays liked the bill but questioned the specific provision which allowed the Librarian of Congress to appoint eight of the seventeen members on the Center's Board of Trustees. Under this seemingly technical point was hidden a keg of dynamite. Mr. Hays had been critical of the former Librarian, Quincy Mumford, who had retired on December 31. Early in May, President Ford indicated that he would nominate historian Daniel Boorstin for the vacant position, a choice of concern to some Democratic Congressmen.

Not only was the matter of Mumford's previous record on Chairman Hays' mind, but he was also distressed that the House would have no voice in Boorstin's forthcoming Senate

confirmation hearing. This "tar baby" problem was simultaneously personal, political, and constitutional. In name, the Library of Congress lies within the legislative branch of government; in practice it combines extensive legislative research functions with diverse cultural/educational/economic functions (for example, the Copyright Office). In short, the LC is the American national library; as such it plays an executive-branch role.

As a folklorist I had no wish to see our proposed Center embroiled in constitutional conflict; as a lobbyist I could only pray that political innocence would protect us in the shoals and rapids ahead. Mr. Hays suggested to the Committee on House Administration that H.R. 6673 be amended to give equal appointive power for eight members on the Center's Board to the Speaker of the House of Representatives and the President pro tempore of the Senate. In effect, these eight citizens appointed by the two Congressional heads would help "execute" a law. The Hays suggestion was adopted (18 to 5), but it prompted an immediate criticism by Congressman Bill Frenzel (R. Golden Valley, Minnesota), until then a supporter of the bill, who now labeled the newly-amended folklife bill an infringement on the constitutional doctrine of separation of powers.

Hopefully, the ultimate duality built into the Library of Congress's very charter will be resolved in the distant future, but not at the expense of a national commitment to folk culture. Time may or may not tell this particular tale's end. At this juncture, however, it is necessary to report that when President Ford signed H.R. 6673, he found two weaknesses in the bill. The President stated that he had "serious reservations concerning the constitutional propriety of placing the functions to be performed by the Center outside the executive branch and the assignment of executive duties to officers appointed by Congress" (*Weekly Compilation of Presidential Documents*, January 12, 1976, p. 19.)

For half a century, folklorists have been more conscious of the Library of Congress' ambivalence towards folklore than of the LC's ambiguous constitutional status. During 1927 the Library's musicologist, Carl Engel, approached ballad scholar Robert Winslow Gordon to begin the Archive of American Folk-Song within the Library's Music Division. Initially, Engel drew on "outside" (philanthropic) funds to finance this embryonic folk center. Not until John and Alan Lomax arrived in Washington to work at the Archive through the New Deal years did Congress make a direct appropriation, in 1937, for folk-song activity. To recount in detail at this point all the administrative constraints externally imposed on the Archive, as well as those accepted by its various heads, would represent a major digression from my report's chronology.

Regardless of the Archive's past record, folklorists and their friends in Congress must know that it will demand strong commitment and much energy to build a dynamic folklife center within the Library. As far back as 1937 the president of the American Folklore Society, Stith Thompson, called for an enlarged Archive: "It should embrace folklore in the larger sense, so that all our traditional material may find a home in the Library, where it can be adequately preserved and made available to students." We applaud Professor Thompson's foresight and, in 1976, we do want the Library to preserve *all* traditional material and to make it available to *all* citizens, not to students alone.

I wonder whether *any* legislative history can be outlined without awkward digressions which distort chronology. It is impossible to describe sequentially how our folklife legislation fared without dealing with anomie and anomaly—the long months of dreary waiting and the last-minute surfacing of quixotic intrusions. During May and June, I attempted to

assimilate, in structural terms the impact of Wayne Hays' assessment of the separate Mumford and Boorstin roles. My concerns were abstract, of course, for the amended folklife bill was at that time on the move towards floor debate and a vote. On July 14, Mr. Nedzi appeared before the Rules Committee to request "that a rule be granted for H.R. 6673 to be considered by the House." This procedural step insured that the bill could be passed by a majority vote. (We had failed in the previous Congress, December 16, 1974, to receive a two-thirds margin under a suspension motion.)

Our new day in the House, September 8, 1975, came after the summer recess. On behalf of the Rules Committee, Congressman Andrew Young of Atlanta moved to call up our bill under an open rule which permitted germane amendments. In addition, he lauded the bill for its recognition of cultural diversity, equated in his mind with a belief in democracy. Mr. Young's procedural motion was accepted, setting the stage for floor debate. Lucien Nedzi stated the case for folklife legislation, ably assisted by Frank Thompson, Millicent Fenwick, Henry Gonzales, Thomas Downey, Paul Simon, Charles Whalen, Alphonzo Bell, John Anderson, Herman Badillo, Bill Alexander, Joseph Fisher, Jake Pickle, and James Oberstar. The main burden of opposition was carried by Henson Moore, Robert Bauman, Steve Symms, Henry Hyde, and Bill Frenzel. The full transcript of all their remarks, found in the *Congressional Record* (September 8, 1976), comprises a fascinating commentary on national understanding of folkloric substance as well as needs.

The basic arguments against the bill were made by members committed to limited government, by fiscal conservatives, and by others who felt that the Library of Congress was an inappropriate site for the proposed Folklife Center. Mr. Moore from Baton Rouge, Louisiana, summarized: "It is the wrong agency to set up at the wrong time and for the wrong amount of money." To the great credit of all the opponents, none raised the chauvinistic issue of the previous year's debate that belief in cultural pluralism by "hyphenated citizens" was un-American. Here, I shall select only three fragments to illustrate the color and style of the floor action.

Mr. Hyde, from Park Ridge, a Chicago suburb, had objected to the proposed cost of the bill (administrative costs and potential grants together totaling \$2.5 million for a three-year period). Mr. Simon from downstate Carbondale responded: "I came on the floor and heard my distinguished colleague from Illinois take out after the bill. It so happens that in his county, Cook County, one mile of expressway costs about \$50 million to construct. We are talking about a bill that will take roughly one-twentieth of that amount for three years. . . . I think we have to recognize that we as a civilization ought to be remembered for something other than the ribbons of concrete with which we mar the landscape."

One unusually mordant role for our bill was tendered by Mr. Bauman, from Maryland's Eastern Shore. Noting that a dead civilization left records of its true nature in tombs, he stated: "Some day when the archaeologists, if there are still any left, come back and dust off the 60 feet of earth over this building, and get to the House document room and find this particular [folklife] legislation, they will say to themselves that this kind of activity was . . . symptomatic . . . of the malaise that pervades this floor and the minds of those members [folklife proponents]. . . ." Presumably, our bill itself (a "symbol of Congressional irresponsibility" according to Mr. Symms from Caldwell, Idaho) was destined to bring down the seat of government under great mounds of dust.

It fell to Mr. Gonzales of San Antonio, Texas, to respond to the fiscal litany of Mr. Symms, who feared that our bill was "destroying the integrity of the American dollar" and dooming us to the condition of Revolutionary War "continental currency." Behind this anxiety was the unmentioned reality that federal funds in cultural areas were already heavily committed to proponents of elite art and formal learning. Mr. Gonzales, dipping into memory for a folk rhyme, concluded his remarks:

Higgledy, piggedy, my little white hen  
 She lays eggs only for gentlemen.  
 I cannot persuade her with pistol or lariat  
 To come across for the proletariat.

The actual House vote on the folklife bill (272-117) not only gained the needed majority, but exceeded the two-thirds margin as well, thus assuaging some of the pain of the previous year's failure. With this House vote of confidence in hand and more than two-thirds of the Senate membership signed up as cosponsors of the American Folklife Preservation Act, it seemed only a matter of time before the Abourezk bill would reach the Senate floor. S. 1618 had been introduced on May 1, 1975, and referred to the Committee on Rules and Administration, Subcommittee on the Library. From our perspective, the key Rules member who needed to be persuaded of the bill's worth was Claiborne Pell (D. Rhode Island), an effective spokesman for high culture and author of the 1965 legislation which created the National Endowment for the Arts and the National Endowment for the Humanities. In my lobbying I was made aware that Senator Pell perceived our efforts as "competitive" to the jurisdiction of the twin Endowments.

Not all the nuances of a Senator's position are detailed in print. Whether Mr. Pell genuinely was distressed by our lobby-in-a-hat-box, whether he judged folk art to be shabby, or whether he merely reflected the anxiety of both Endowment staffs, I do not know. Nevertheless, I sensed that our bill would not pass if he found it personally objectionable. Hence, I spent considerable time during 1975 educating myself in the legislative history of the National Endowment for the Arts and in asking its staff people to articulate their response to folk art. Fortunately, I could talk directly to Nancy Hanks, the Arts chief administrator, and Michael Straight, her deputy, although I had no similar association with heads of the National Endowment for the Humanities.

Officials in both Endowments cited two possible areas of conflict holding them away from folkloric support: (A) if money is diverted to "low" folk expression, the "high" subsidized forms (for example, humanities lectures, opera, ballet) will suffer; (B) the egalitarian partisans of folklife (rurality, ethnicity, artisanship) are more numerous in Congress than their elite peers; hence, a folk center will dilute the political support needed by other cultural institutions. As these two positions, esthetic and political, are linked rhetorically in debate, dissimilar values are compressed into a single argument. For example, does "bad" music deserve as much support as "good" music? I shall not use my report to explicate this argumentative query; but I hope that other folklorists will address themselves to it elsewhere.

After the positive House vote on the folklife bill (September 8, 1975), our problems in the Senate became two-fold: persuading Mr. Pell that folk and high culture hold parallel value; indicating to him that the scale of support to the NEA-NEH (about \$150,000,000 in 1975) precluded any genuine rivalry on the part of a tiny, modestly-funded Library of

Congress Folklife Center. Characteristic of much of the Senate's traditional process, there was no single encounter at any time between a folklorist and Mr. Pell. He talked once or twice with Congressman Thompson about folklore. I talked a few times with three of the Senator's aides. Our messages were conveyed by indirection—they seemed to be carried by the breeze rather than the voice. Coincidentally, during 1975 Senator Pell himself became interested in altering several of the standards and procedures within the two Endowments. These complex matters can be cited here briefly for reference purposes.

In the first decade of Endowments' existence, each held to a sharp and principled distinction between granting and operating functions, eschewing the latter. Simply put, with one example, the NEA could award a monetary grant to a film maker but could not produce or distribute a film directly. In 1975 Senator Pell and Congressman John Brademas joined to blur this dichotomy by guiding the Arts and Artifacts Indemnity Act through Congress. This new legislation gave the Federal Council on the Arts and Humanities (established under the National Foundation on the Arts and Humanities Act of 1965) a day-to-day operating role of insuring against loss or damage works coming to the United States from other countries. In effect, the Federal Council, an "uncle" to the twin Endowments, will assume operating functions such as appraising, writing policies, providing indemnity payments, and improving museum service.

While this technical bill was before Congress, Senator Pell also took up the matter of establishing state humanities councils parallel to existing arts councils. Here, he parted with Ronald Berman, Chairman of the National Endowment for the Humanities, over the latter's opposition to state units. Their essential conflict centered on Washington-directed as against community-centered activity. As Senator Pell placed a little distance between himself and the dual Endowments, both administratively and politically, he also positioned himself to accept a folkloric toe-in-the-door within the arts and humanities establishment.

Perhaps the major problem faced by each Endowment in 1975 was the question of its funding level. President Ford (and his Office of Management and Budget) proved to be less generous to the NEA-NEH than his predecessor had been. When staff people from each Endowment talked to Senators and Representatives in 1975, they heard considerable complaint from the "boondocks," in that the Ninety-Fourth Congress was dominated by a recession mentality. Against this grim backdrop it became difficult to justify grants for esoteric projects. Conversely, folkloric consciousness seemed to make sense in hard times—folk artifacts and projects carried modest price tags. More importantly, every Representative or Senator could identify quilt makers and ballad singers or wood carvers and yarn swappers back home, but not every district or region supported an opera company.

I do not assert that our sun ascended while night cloaked the fine offices of the two Endowments. Rather, members of Congress and their aides knew not only that our bill made a symbolic statement about the intrinsic value in folklife, but also that it might make a positive contribution to internal reforms needed within the NEA-NEH. In effect, we came to life in the Senate well before our bill reached the floor for a formal vote.

This new status was defined succinctly within Senator Robert Byrd's (D. West Virginia) report of November 19, 1976, "Department of the Interior and Related Agencies Appropriation Bill." It is customary for Congressmen to utilize appropriation reporting to shape policy—one can give much money or withhold it, one can also attach strings or



homilies to the purse. When the Senate Committee on Appropriations took up the 1976 budget for the National Foundation on the Arts and Humanities, Senator Mark Hatfield (R. Oregon) inserted into the Committee report a strong, admonitory statement on the responsibility of the twin agencies to folklife. The Byrd-Hatfield passage can help all of us as we articulate concern about our lives and land, communities and culture.

In passing the National Foundation on the Arts and Humanities Act of 1965, the Congress intended that the two granting Endowments provided by the Act support the study and presentation of folk culture. The National Endowment for the Arts established its formal Folk Arts program only as recently as 1975. The National Endowment for the Humanities, although granting some funds over the years to folkloric study, has not yet seen fit to add trained folklorists to its staff or to initiate a formal folklore program. In short, the Committee finds the Endowments' support for American folklife has been woefully inadequate.

The Committee believes the Endowments should see the Bicentennial year as an opportunity to expand dramatically their commitment to the simple beauty and natural expression of tens of millions of citizens to whom the avenues of high culture are not open. The mandate which stands behind the National Foundation for the Arts and Humanities is a charge that the culture of *all* Americans is intrinsically worthy of support.

Congress expects the administrators of arts and humanities policy to act responsibly and imaginatively in the area of folk culture. The two Endowments, in particular, should expand and improve their programs in support of American folk culture. (Senate Report No. 94-462, page 47.)

On December 19, the Senate Rules Committee finally took H.R. 6673 under consideration, substituting it for Mr. Abourezk's S. 1618. The staff aide who handled the bill was Ray Nelson, representing Mr. Pell. Technically, this markup session combined language from the Nedzi and Abourezk bills, with other suggested amendments also coming from the Librarian of Congress. At this meeting Senator Pell wished principally to protect the jurisdiction of the Endowments in regard to their grant-making power. No one took issue with this position, and the amended bill (which retained contractual power on the part of the proposed Center) cleared the Rules Committee easily. Two days later it passed the full Senate by a voice vote without opposition. Warm statements on behalf of the bill were inserted in the *Congressional Record* by Republican minority leader Hugh Scott and by its principal sponsor, James Abourezk.

On December 19, the very last day of the First Session, the amended H.R. 6673 was returned from the Senate to the House for concurrence. There it was passed for a final time under a unanimous consent motion. I enjoyed the symmetry established by our progression during 1975. H.R. 41 was introduced on the first day and passed in amended form on the last. The Christmas vacation period, for me, was a time of waiting for President Ford's return from Vail, Colorado, to the folklife bill on his desk at the White House.

Were this report to end here, it would suggest mechanically that folklore came to life in Congress on the day Senator Yarborough dropped his folklife bill into the hopper, March 20, 1969. Such an impression would be unfair not only to all the members of both chambers who took up the bill, but also to many scholars and collectors who, for more than a century, labored to make a discipline professional, as well as to alert a citizenry to its heritage. Figuratively, at Senator Yarborough's elbow stood J. Frank Dobie, John Avery Lomax, John Wesley Powell, and Lucy McKim Garrison.

To perceive folklore, the academic discipline, as one mainly focused upon the study of “popular traditions” is accurate, but limiting. Despite its appeal, the “ivory tower” has never been fenced off completely from society at large. To consider the “prehistory” of our bill is but to seek perspective. When did folklorists in the United States step across the line separating collection from interpretation? Within the academy this duality is debated endlessly. On Capitol Hill a few Congressmen, intrigued by precedent, asked me *when* folklorists actually undertook to save and salvage threatened material. More than one member, in highly complimentary terms, likened folkloric workers to John Muir, Gifford Pinchot, or Rachel Carson.

In my attempts to place our discipline on a historical plane meaningful in Congressional offices, I generally referred either to a specific book inspired during the Civil War, or to the achievement of a Civil War veteran. During 1867 three collectors—William Francis Allen, Charles Pickard Ware, Lucy McKim Garrison—published a collection of sacred and secular music, *Slave Songs of the United States*. These authors did not perceive themselves to be ethnographers or folklorists; rather, they were abolitionists fired with conviction that spirituals and work chants could display usefully the accomplishments of recently freed slaves. Allen, a Harvard-trained Latinist, was employed during the war in new schools for freedmen established in the Sea Islands between Charleston and Savannah. Ware, also from Harvard, similarly taught at Coffin’s Point, St. Helena Island, South Carolina. The trio’s best musician was Mrs. Garrison, sister of architect Charles McKim and daughter-in-law of the noted reformer William Lloyd Garrison. After the Carolina Sea Islands fell to Union forces, Lucy, then nineteen, accompanied her father to Port Royal, where she heard and transcribed “contraband” (Negro) songs, conscious of their difference from conservatory music.

In the year after *Slave Songs* appeared, Major John Wesley Powell, a one-armed Civil War veteran, led a group of explorers and adventurers on a spectacular descent of the Colorado River. Powell, a self-educated geologist and anthropologist, was an early enthusiast of native Indian culture as well as an effective lobbyist. In 1879 he convinced Congress to appropriate \$20,000 for the study of Indian languages. Single-handedly, he established, as an “office” within the Smithsonian Institution, the Bureau of Ethnology (renamed Bureau of American Ethnology in 1894). Until his death (1902) he dedicated the BAE to the scientific study of America’s native inhabitants. By any contemporary standards, Powell was a superb folklorist; indeed, he joined the American Folklore Society as a charter member upon its organization during 1888.

Lucy McKim Garrison and her compatriots in the Port Royal Experiment knew at first hand the complexity of integrating private and public zeal in the journey from bondage to freedom. Also, she was not immune to the national political controversies which swirled around any notion of Negro worth. Major Powell was as much a Washington-based Indian advocate as he was a scholarly linguist and pioneering folklorist. I believe that in spirit Miss Lucy and the one-armed Major were both at President Ford’s side in the Oval Office when he signed the folklife bill. I cite a pioneering collection of Afro-American songs, as well as the work of the BAE’s founder, not to assert an antique “prehistory” for our bill, but rather to demonstrate that some individuals who took up folkloric collection and study were engaged in the political process a century ago.

To move from 1867-79 to 1967-76 is to offer formal thanks in this report to two folklorists, Ralph Rinzler and Alan Jabbour, for their recent contributions to the enactment of

P.L. 94-201. In time, Ralph will tell his own story of the Smithsonian Institution's innovative annual Festival of American Folklife. Here, I need only mention that his boundless energy and sensitivity to traditional expression have been strong enough to overcome either jungle heat or gumbo mud on the National Mall during each Festival since 1967. It was this specific happening every summer in Washington for the past decade which gave members of Congress an immediate and tactile sense of folklife. An imaginative Texan aide to Senator Yarborough, Jim Hightower, translated this Smithsonian event into a legislative proposal for the Ninety-First Congress.

Within this report I have already touched upon Congressional perception during 1975 that a folklife center might complement rather than compete with the dual Endowments. Credit for this rapprochement goes partly to Alan Jabbour, old-time fiddler, musicologist, and Director of the Folk Arts Program within the National Endowment for the Arts. Alan, like Ralph, will tell his own story at his own time. It is my desire here to note only that Alan is wisely protective of folk performers' rights to their creative contributions, and that he is a persuasive spokesman for applicants who submit out-of-the-way or colloquial requests to the Arts Endowment.

It has been my assumption in this report that its readers will have examined one of the drafts of the American Folklife Preservation Act. A copy of P.L. 94-201 is appended, obviating the necessity for a summary at this juncture. Also appended is a partial bibliography of Congressional hearings, reports, and statements on the bill. As we all look forward to the physical establishment of the Center, a few problems already mentioned in this commentary and its previous reports can be reformulated: (A) Is the Library of Congress an appropriate place for the Center?; (B) How will the ongoing folkloric work of the twin Endowments, the Smithsonian, and the Library be coordinated?; (C) Can these four large Washington agencies delve into all the nooks and crannies of America—across the tracks, up the hollows, and deep within urban enclaves?; (D) Finally, will a corps of public-spirited folklorists rise to fulfill our bill's promise?

These are not rhetorical queries. They involve specifically the Librarian of Congress, the Secretary of the Smithsonian Institution, the Chairman of the National Endowment for the Arts, and the Chairman of the National Endowment for the Humanities. These four persons, by virtue of their offices, are already members of the Board of Trustees which will advise and govern the American Folklife Center. We can expect that in the next few months this full seventeen-member Board will be constituted and begin addressing itself to our concerns.

The formal charge in P.L. 94-201 is "to preserve and present American folklife." However, I do not feel that a single law or agency absolves Americans of responsibility constantly to define and refine their expressive symbols—those which set us apart as well as those which bond us together. Whether or not an academic or professional folklorist recognizes the political dimensions of his work, the world of power, of class, and of moral choice continues to spin. Folkloric items alone do not constitute a magic elixir to remedy all of society's wrongs. Nevertheless, every item—blues or doll, proverb or moccasin—holds exceedingly complicated layers of meaning and utility. There will never be enough folklorists, either within the Library of Congress' Folklife Center or the American Folklore Society, to complete the large tasks enumerated in our bill.

I close by inverting a lobbying tradition. It is normal in reports on the legislative process to name Senators and Congressmen, but hardly their tireless aides. Defying this convention, I have already indicated the pioneering work of Jim Hightower (Yarborough) and the wind-up work by Ray Nelson (Pell). Let me thank publicly and deeply all of the many aides who brought P.L. 94-201 into being. A few who became folklorists-without-portfolio are: Jack Bose and Bill Canfield (Nedzi), George Gaberlavage and Robert Reveles (Thompson), Phil Straw (C. Miller), Bill Nelson (Annunzio), Alma Alkire (Rhodes), Tina Johnson (Mahon), Bruce Collins (Downey), John Childress (Percy), Polly Dement (Ervin), Janet Anderson and Keith Kennedy (Hatfield), David Voight (Abourezk).

Hopefully, by the time this report is in the mail, the seven-year-old Citizens Committee for an American Folklife Center will have been dissolved. Whatever enthusiasm its amateur lobbyists generated should now flow to the Library of Congress' Center. The CCAFC has only figurative doors to close. For the crucial years we used a corner of Ted Schuchat's National Press Building office in Washington. It will be a long time before folklorists measure fully his contribution. Finally, we shall balance financial books, repay a few loans, and terminate our Washington account. Holding CCAFC funds in a Capitol Hill bank was one of the most daring—even fantastic—gestures marking our existence. In a personal vein, it was pleasant to walk past "our bank" to the five Congressional buildings (Cannon, Longworth, Rayburn, Dirksen, Russell). I am happy that within their marble corridors I could speak for many folklorists and teach on the Hill. For a moment, I could be involved closely in our nation's political life.

January 18, 1976  
Austin, Texas

## BIBLIOGRAPHIC APPENDIX

### I. Congressional Hearings and Reports in Chronological Order

- United States Congress. Senate. Committee on Labor and Public Welfare. *American Folklife Foundation Act*. Hearings on S. 1591 before the Subcommittee on Education. Ninety-First Congress, Second Session. May 18, 1970.
- United States Congress. Senate. Committee on Labor and Public Welfare. *American Folklife Foundation*. Report No. 91-1274 to accompany S. 1591. Ninety-First Congress, Second Session, October 6, 1970.
- "American Folklife Foundation Act." Insertion by Senator Fred Harris of transcript of "Folk Hearing" on S. 1930 held during Festival of American Folklife on National Mall, July 2. *Congressional Record*, Volume 117, Part 2 (July 28, 1971), pp. S. 27641-6.
- "American Folklife Foundation Act." Insertion by Senator Fred Harris of transcript of hearing on S. 1930 held at the Grand Ole Opry, December 4. *Congressional Record*, Volume 118, Part 2 (February 1, 1972), pp. S 1947-54.
- United States Congress. Senate. Committee on Rules and Administration. *American Folklife Center*. Hearing on S. 1844 before the Subcommittee on the Library. Ninety-Third Congress, Second Session. May 8, 1974.
- United States Congress. House. Committee on House Administration. *To Establish an American Folklife Foundation in the Library of Congress*. Hearings on H.R. 8770 before the Subcommittee on Library and Memorials. Ninety-Third Congress, Second Session. May 9 and 10, 1974.

- United States Congress. House. Committee on House Administration. *Providing for the Establishment of an American Folklife Center in the Library of Congress, and for Other Purposes*. Report No. 93-1527 to accompany H.R. 17382. Ninety-Third Congress, Second Session. December 9, 1974.
- United States Congress. House. Committee on House Administration. *Providing for the Establishment of an American Folklife Center in the Library of Congress, and for Other Purposes*. Report No. 94-273 to accompany H.R. 6673. Ninety-Fourth Congress, First Session, June 10, 1975.
- United States Congress. Senate. Committee on Rules and Administration. *Providing for the Establishment of an American Folklife Center in the Library of Congress, and for Other Purposes*. Report No. 94-527 to accompany H.R. 6673. Ninety-Fourth Congress, First Session, December 10, 1975.

## II. Statements, Insertions, and Debate in the Congressional Record

- (March 20, 1969) "S. 1591—Introduction of a Bill Relating to the American Folklife Foundation." Statement by Senator Ralph Yarborough, pp. S 2928-30.
- (May 24, 1971) "S. 1930—A Bill entitled . . ." Statement by Senator Fred Harris, pp. S 16584-7.
- (May 24, 1971) "H.R. 8672—A bill to establish . . ." (list of initial cosponsors only), p. H. 16574
- May 17, 1973) "S. 1844—A bill to provide . . ." Statement by Senator James Abourezk, pp. S 16064-6.
- (June 18, 1973) "H.R. 8770—A bill to provide . . ." (list of initial cosponsors only), p. H. 20140.
- (July 19, 1973) "Preservation of Indian Lore in Oregon." Statement of Senator Mark Hatfield and insertion of letter from Dell Hymes, pp. S 24883-3.
- (August 3, 1973) "In Support of Establishing An American Folklife Center." Statement by Representative Frank Annunzio, p. H. 28158.
- (September 13, 1973) "American Folklife Preservation Act." Statement by Senator James Abourezk and insertion of letters from Francis Lee Utley and others, pp. S 29571-3.
- (December 13, 1973) "Additional Support for the American Folklife Preservation Act." Statement by Senator James Abourezk and insertion of letter from the American Library Association, p. S. 41450.

NOTE: Pagination above is from *CR* bound volumes; below from unbound daily issues.

- (March 14, 1974) "American Folklife Preservation Act." Statement by Representative John Conyers and insertion of letter from William Wiggins, p. E 1404.
- (December 16, 1974) "Providing for Establishment of an American Folklife Center in the Library of Congress." (Debate and House vote), pp. H 11952-8, 11986.
- (January 14, 1975) "H.R. 41—a bill to provide . . ." (list of initial cosponsors), p. H 131.
- (May 1, 1975) "S. 1618—a bill to provide . . ." Statements by Senators James Abourezk and Hugh Scott, pp. S 7303-5.
- (September 8, 1975) "Providing for the Establishment of an American Folklife Center in the Library of Congress, and for Other Purposes." (Debate and House vote), pp. H. 8410-11, 8427-38.
- (December 11, 1975) "American Folklife Preservation Act." (Senate vote), pp. S 21733-4.
- (December 19, 1975) "Providing for Establishment of American Folklife Center in Library of Congress." (House vote), pp. H 13066-7.

## III. Reports to the American Folklore Society

- (December 31, 1973) "Report on the American Folklife Preservation Act," by Archie Green.
- (December 31, 1974) "The Folklife Act in the Ninety-Third Congress," by Archie Green.
- (December 1, 1975) "An Institute for Folk Culture: A Feasibility Study," by Janet Anderson.

Hobby Lobby did not immediately respond to NPR's request for comment and it is unclear whether the company knew the antiquities were smuggled. But in July 2017 after the Justice Department filed a complaint, Hobby Lobby agreed to pay a \$3 million fine and surrender the artifacts. Hobby Lobby did not receive all of the 5,500 pieces that it bought. Some of the Iraqi tablets come from the ancient Sumerian city of Irisagrig, according to ICE's statement. They are "mostly legal and administrative documents, but also include an important collection of Early Dynastic incantations and a bilingual religious text from the Neo-Babylonian period." Lobbying in the United States describes paid activity in which special interests hire well-connected professional advocates, often lawyers, to argue for specific legislation in decision-making bodies such as the United States Congress. It is a highly controversial phenomenon, often seen in a negative light by journalists and the American public, with some critics describing it as a legal form of bribery or extortion. While lobbying is subject to extensive and often complex rules which, if not followed