

## MINUTES OF THE OCTOBER 18, 2011, MEETING OF THE SMITHSONIAN BOARD OF REGENTS

### ATTENDANCE

The Smithsonian Board of Regents conducted a teleconference meeting on Tuesday, October 18, 2011, to discuss its response to draft legislation to establish a national museum of the American Latino within the Smithsonian and to house the new museum in the Arts and Industries Building. The Chancellor, Chief Justice John G. Roberts Jr., welcomed the Regents and called the meeting to order at 10:05 a.m. Also participating were:

Xavier Becerra	Sam Johnson	John W. McCarter Jr.
Stephen M. Case	Robert P. Kogod	Jack Reed
Thad Cochran	Steven LaTourette	David M. Rubenstein
France Córdova	Patrick J. Leahy	Alan G. Spoon
Shirley Ann Jackson		Patricia Q. Stonesifer

Paul Neely, Smithsonian National Board Chair

Vice President Joseph R. Biden Jr. and Roger W. Sant were unable to participate in the meeting.

Participating staff included:

G. Wayne Clough, Secretary	Nell Payne, Director of Government Relations
Patricia L. Bartlett, Chief of Staff to the Secretary	Jeffrey P. Minear, Counselor to the Chief Justice
Albert G. Horvath, Under Secretary for Finance and Administration and Chief Financial Officer	T.A. Hawks, Assistant to Senator Cochran
Richard Kurin, Under Secretary for History, Art, and Culture	Kevin McDonald, Assistant to Senator Leahy
John K. Lapiana, Chief of Staff to the Regents	Melody Gonzales, Assistant to Congressman Becerra
Judith Leonard, General Counsel	Sarah Cannon, Assistant to Congressman LaTourette
	Barbara Feininger, Office of the Regents Senior Writer-Editor (recorder)

### AGENDA OVERVIEW

On September 21, 2011, the Executive Committee, Representative Xavier Becerra, and Secretary Clough met with U.S. Department of the Interior Secretary Ken Salazar and Senator Robert Menendez (D-NJ) to discuss draft legislation for a Smithsonian American Latino Museum (SALM). Secretary Salazar and Senator Menendez solicited the support of the Board on the draft legislation, and Board Chair Patty Stonesifer asked that the Board provide feedback to guide her response. The Chancellor noted the importance of the initiative and said three issues should be considered during the Board's discussion:

- Does the Board support the establishment of a museum of the American Latino within the Smithsonian?
- Is the Arts and Industries Building, including a proposed underground extension, an appropriate and feasible facility for the museum?
- How should the Regents best balance the fiscal needs of the whole Smithsonian with the likely obligation to identify and secure the resources necessary to establish a new world-class museum?

## BACKGROUND

Ms. Stonesifer reminded the Board that the President's Commission on the National Museum of the American Latino was established by statute in May 2008. Since that time, Smithsonian staff have consulted closely with the Commission, and the Regents have discussed the major opportunities and challenges such a project would present to the Smithsonian. In May 2011, the Commission released its report on the proposed museum and noted its belief that no Federal funding was necessary for the first years of the museum's operations. The Board of Regents discussed the report during its June 2011 meeting and concluded that ensuring the museum's success would necessitate a partnership similar to the one the Smithsonian currently has with the Federal government for the National Museum of African American History and Culture (NMAAHC). Ms. Stonesifer subsequently conveyed that position to key members of Congress.

During the September 21 meeting, the Executive Committee, Representative Becerra, Secretary Clough, Secretary Salazar, and Senator Menendez discussed the draft legislation, which designates the Arts and Industries Building (AIB) as the museum's site. The draft legislation does not address how the new museum's operational and capital costs would be funded. Ms. Stonesifer reminded the Board that the Smithsonian did not participate in the drafting of the proposed legislation but was invited to submit comment.

The Executive Committee next reviewed the draft legislation with the Secretary and his team. With the Executive Committee's input, the Secretary and his team developed guiding principles in response to the draft legislation. The Executive Committee met on October 4, 2011, to review the proposed strategy and next steps. Upon the advice of the Chancellor, the Executive Committee determined the full Board should review and discuss the strategy and plans for responding to the draft legislation.

## PROPOSED GUIDING PRINCIPLES

Ms. Stonesifer outlined the three elements of the Secretary's proposed response to the draft legislation:

- *Embrace the establishment of the museum within the Smithsonian*
- *Accept the designation of the Arts and Industries Building*
- *Ensure that a roadmap for success is in place*

She explained that each part of the proposed response is supported by the following guiding principles:

### ***Embrace the Establishment of the Museum within the Smithsonian***

*The Smithsonian is committed to representing the American Experience in all its dimensions and broadening its stories and collections in ways that are meaningful to every American. Latino history, art, culture, and science are a rich piece of the American Experience and this museum will fulfill an important component of the Smithsonian's own strategic aspirations.*

### ***Accept the Designation of the Arts and Industries Building***

*This important museum and the stories it will tell deserve a place that will attract a wide variety of visitors. With limited space left on the Mall, the beautiful Arts and Industries Building provides a highly visible and accessible venue for the new museum.*

Ms. Stonesifer said the Regents' response should note that AIB was to be the keystone site for Smithsonian education. She reported that Secretary Salazar pledged that, to the best of his abilities, he would support the Smithsonian's efforts to find a substitute site for Smithsonian education.

***Ensure that a Roadmap for Success is in Place***

*The Smithsonian is committed to telling the Latino story in a first-class manner, but success depends on a viable funding model. The statute establishing the National Museum of African American History and Culture contains a roadmap for success and the Smithsonian needs a promise for at least a similar approach to Federal support.*

Ms. Stonesifer outlined two alternative modifications to the draft legislation, each of which is designed to support the Smithsonian's ability to ensure the museum's success.

1. *Legislation that establishes the new museum within the Smithsonian and designates the Arts and Industries Building as the museum's main facility should include a federal/private partnership funding model.*

OR

2. *Lacking endorsement of a viable financial model, the legislation should direct the Board to identify the factors necessary to ensure the museum's success, including the most viable funding path and the feasibility (both from an engineering and financial perspective) of expanding the Arts and Industries site, and to report back to the Congress with recommendations within the next 18 to 24 months. In the interim, the Regents should also be directed to immediately identify actions to significantly increase the Latino programming at the Smithsonian as contemplated by the report of the President's Commission.*

Ms. Stonesifer said the second option could be guided by an ad hoc Regents' committee that would include Facilities Committee Chair Bob Kogod and representatives of the Finance and Strategic Planning and Programs committees.

Ms. Stonesifer asked the Board to consider whether the proposed response to the draft legislation supports the Smithsonian's best interests. She added that, although no formal action was required by the Board, Secretary Salazar awaited the Board's response to the proposed legislation.

## DISCUSSION

Dr. Jackson and Representative Johnson made two comments before the Board discussed whether or not the new museum should be established within the Smithsonian. Dr. Jackson expressed concern about juxtaposing NMAAHC in language, legislative or otherwise, about the new museum and suggested also using other examples when describing the new museum's "roadmap for success." Representative Johnson emphasized that Federal funding is not available for the museum; he also noted that some members of the Latino community believe that sufficient private funds could be raised to support the museum's launch.

### **Embracing the Establishment of a Smithsonian American Latino Museum**

The Chancellor asked if the Board supported the establishment of a national museum of the American Latino within the Smithsonian. The general consensus of the Board was that it supported the proposed

museum's establishment within the Smithsonian. Dr. Córdova said the American Latino experience is an important part of the nation's history and is deserving of acknowledgment. She said the Smithsonian would be the best home for the museum but agreed with Representative Johnson that the museum could not go forward without a financial plan. Senator Leahy expressed his support for the SALM concept but noted that Federal funding requests for a new Smithsonian museum might not be well-received by members of the House and Senate appropriations committees.

### **Accepting the Designation of the Arts and Industries Building**

The Chancellor then asked if the Board accepted the designation of AIB as the home for the new museum. Facilities Committee Chair Kogod said that, subject to ensuring the physical and financial viability of SALM, the AIB site would be appropriate for the new museum. He acknowledged the decision would require identifying a new site for Smithsonian education but expressed confidence that a suitable solution could be found.

Representative Becerra said he had expressed concern to both Secretary Salazar and Senator Menendez about existing strains on the Smithsonian's ability to both address its facilities maintenance issues and sustain the momentum necessary for NMAAHC. He said that Senator Menendez and Secretary Salazar are trying to develop a strategy that could accommodate the Smithsonian's commitment to current projects, such as NMAAHC, without undermining the ability of SALM to take root.

Dr. Córdova asked Representative Becerra if, in a perfect situation wherein funding were not an issue, AIB would be the ideal site to commemorate the history and culture of American Latinos, or if the interest in the site is because of its relative availability. He explained that AIB and a site adjacent to the Senate were the Commission's top two choices, and that it had considered the historic status of AIB.

The Chancellor noted his sense that the Board believes that AIB is a suitable site for SALM but that the new museum's viability is directly linked to financing, especially if an underground expansion is constructed.

Representative LaTourette asked that the minutes reflect his opposition to the creation of the new museum at this time. He said that his conversations with House leaders indicate that funding for SALM will not be supported this fiscal year. He said the Smithsonian and the Congress should consider how to better focus on the American experience of immigration and migration, rather than establishing more individual museums dedicated to specific groups.

Ms. Stonesifer said this is an opportunity for a strategic review of how the Smithsonian is and will be representing different American voices and experiences in its collections and exhibitions. The Secretary noted that the immigration and migration experience is a major focus of the American Experience consortium.

### **Ensuring a Roadmap for Success**

The Chancellor asked the Regents to discuss the third element of the proposed strategy: ensuring the success of SALM through a viable funding model. He noted the suggestion that the Smithsonian respond to the proposed legislation by suggesting a focused and substantive study of the museum's feasibility.

Dr. Jackson said, and Representative Johnson agreed, that the Board's response must clearly articulate the Federal-private funding responsibilities for the successful creation of SALM. She proposed inserting

a funding partnership statement in the first element (“embrace the establishment of the museum”) of the Board’s response. She added that the Board must state for the record the importance of a Federal-private funding partnership for the success of SALM, and that such language should preface comments about AIB as a possible site. Mr. Spoon agreed, saying the Board should broadly endorse the creation of a Latino museum, reaffirm the Federal-private funding partnership as an important principle, and support an objective feasibility study of AIB. Representative Becerra said the Smithsonian could emphasize the importance of a Federal-private funding partnership in its reports to Congress. He also said it is reasonable to assert the Smithsonian’s right to determine the viability of AIB as a site for SALM.

Mr. Kogod suggested reordering the three statements to first embrace the idea for the new museum, then ensure the museum’s financial and physical viability, and finally to concur with the designation of AIB as its home. He also suggested inserting language about the viability of constructing a facility under the National Mall. The board agreed with Mr. Kogod’s proposal.

## ADJOURNMENT

The Chancellor thanked the Regents for their participation and adjourned the meeting at 11:00 a.m.

Respectfully submitted,

G. Wayne Clough  
Secretary