



November 28, 2006

The Honorable Robert C. Byrd  
U.S. Senate  
311 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Jerry Lewis  
U.S. House of Representatives  
2112 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Thad Cochran  
U.S. Senate  
113 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Juanita Millender-  
McDonald  
U.S. House of Representatives  
2445 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Norman D. Dicks  
U.S. House of Representatives  
2467 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable David R. Obey  
U.S. House of Representatives  
2314 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Vernon J. Ehlers  
U.S. House of Representatives  
1714 Longworth HOB  
Washington, D.C. 20515

The Honorable Charles H. Taylor  
U.S. House of Representatives  
231 Cannon House Office Building  
Washington, D.C. 20515

The Honorable Charles E. Grassley  
U.S. Senate  
135 Hart Senate Office Building  
Washington, D.C. 20510

Dear Sirs and Madam:

We are writing to you today regarding your ongoing efforts to shed light on the secret contract between the Smithsonian Institution and Showtime to create a joint venture with some exclusive rights over use of the Smithsonian archives and staff. We understand that the Smithsonian has taken the position that the Showtime contract “has to date created no problems” and “there is no further opposition.” The 4,700 members of the Society of American Archivists (SAA) remain deeply concerned about the agreement between the Smithsonian Institution and Showtime/CBS.

Archivists have long recognized the fundamental principle that patrons be given equal access to collections. Given that the “nation's attic” is supported by more than \$660 million in tax dollars annually – and that much of its vast collections have been given by

donors for public use – we are disturbed by the Smithsonian’s new requirements to use its materials based on preferential treatment of Showtime. We emphatically concur with the American Historical Association, which has concluded that the Smithsonian’s relationship with Showtime constitutes a “violation of the trust of generations of - Americans who have donated materials to which they believed the public would have free, open, equal, and non-discriminatory access forever.”

Among our continuing concerns:

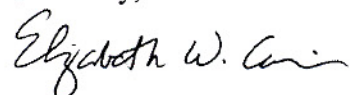
- The contract is still secret, and indeed was even initially withheld from members of Congress. What we know about the contract is disturbing, including an unprecedented 30-year term, a non-competitive procurement, the declaration that organizations such as PBS are “commercial,” and the limitations that this arrangement places on Smithsonian public Web sites.
- Congress has requested a study of the contract by the Government Accountability Office. This study has only recently been delivered in draft form to Congress and is as yet unavailable to the public.
- Questions sent by the Senate Finance Committee, the House Appropriations Committee, and the House Committee on Administration have not been adequately addressed by the Smithsonian. Further, answers to Questions for the Record posed by the House Committee on Administration have yet to be formally released to the public, but the version briefly posted online gives evidence of confusion (even among Smithsonian administrators) about the full impact of the contract.

Using archival material held by a public institution to generate revenue for the institution through non-exclusive commercial alliances is an accepted practice among public archival institutions. But the Smithsonian’s attempt to control use and distribution of information found in its archives through an exclusive agreement is virtually unprecedented among public archives. In our opinion, it is a violation of the public trust invested by donors and tax payers in public archives. We urge the Smithsonian to revisit the agreement and to abandon those portions that limit either access to the archives or distribution of a researcher’s final results.

Having expressed our continuing concerns about the contract, we must also clearly state our opposition to efforts by members of the House to slash the Smithsonian’s budget. Although there may be serious management issues at the Institution that trouble lawmakers, the appropriate response to these matters is not to cripple the work of the Smithsonian’s curators and other staff through budget cuts, but rather to hold the administration accountable for its actions to Congress and the American people.

We thank you for your consideration of our views on this matter and for your continuing leadership in preserving and expanding public access to the Smithsonian Institution.

Sincerely,



Elizabeth W. Adkins, CA  
SAA President, 2006-2007