

1918 University Avenue, Second floor, Berkeley, CA 94704

July 27, 2007

Bruce Cole, Chairman  
National Endowment for the Humanities  
1100 Pennsylvania Avenue, N.W., Room 416  
Washington, D.C. 20506

Dear Mr. Cole,

The Defend the Honor Campaign hereby files a complaint against the National Endowment for the Humanities for misuse of public funds in the underwriting of a flawed documentary, "The War," produced by Ken Burns and Florentine Films. We assert that Mr. Burns stated that, "The series will celebrate American diversity, telling...of many different ethnic and racial backgrounds...at the same time acknowledging the difficult challenges faced by ethnic minorities in a segregated society." Page 33 of the grant document. The fact is that he deals only with three racial groups, whites, African American,s and Japanese Americans—he purposefully and completely left out Latinos, the only significant "ethnic" minority among the servicemen who served in WWII.

We are providing a copy of this complaint to the Hispanic Congressional Caucus with the request that the Caucus submit an allegation of misconduct and call for hearings immediately to determine if the series is discriminatory against Latinos and should be revised and enhanced to ensure that the contribution of the Latino community to the war effort on the battlefield and at home is respectfully and significantly made an integral part of the series. Because the Public Broadcasting Service has already dictated to its affiliates that they air the series beginning September 23—during National Hispanic Heritage Month—we urge that you take prompt action to defer its broadcast until the legal and ethical concerns prompted by this controversial documentary are resolved.

We are not asking anyone to delete or change any part of the existing production; only that for the sake of inclusion, substantial improvement of the documentary be made by conveying the patriotic role that Latinos played in WWII.

Given the mountain of information available even to an Internet-savvy fifth grader about Latinos in WWII, which suggests not only historical inaccuracies but an inexplicable blind spot in Mr. Burns' awareness of American society, we are concerned that Mr. Burns' exclusion of Latinos in "The War," contrary to his assertions about how the series would portray "many different ethnic and racial backgrounds," and his relegation of Latinos to near invisibility in two of his previous mega-documentaries on Baseball and Jazz, may suggest a particular bias against Latinos. We will ask the Caucus to investigate whether the series as conceived and produced by Mr. Burns entails violations of the Civil Rights Act of 1964, and other pertinent laws.

We are further asking the Caucus to review the nature and extent of NEH's role in monitoring and ensuring that the series in fact fulfilled Burns' promise that it would "celebrate American diversity, telling ...of many different ethnic and racial backgrounds...at the same time acknowledging the difficult challenges faced by ethnic minorities in a segregated society." Written evaluations by panelists at the first stage of

review of Burns' proposal are only paraphrased (June 22, 2004 Letter from Virginia C. Field, Senior Program Officer, Division of Public Programs to David S. Thompson, of WETA Television) but seem to raise substantive issues with the series' concept and sweep; several readers, for example, found the proposed title of "The War," "misleading, given the film's distinctive content and treatment." We believe it would be important to determine if any reviewers raised the issue of inclusion of Latinos, given the ambitious nature of the series, and if not, why not?

In light of the fact that Mr. Burns had previously excluded Latinos in his publicly funded works, any credible review of the grant proposal by NEH officers and reviewers should have noted that Burns focuses only on White Americans, African Americans and Japanese Americans. In the list of printed resources, Burns cites only books which exclude the Latino presence in WWII; there is no mention of any books dealing with Latinos in WWII, let alone the ongoing work of the U.S. Latino & Latina WWII Oral History Project and other chroniclers of that period.

We fear that Mr. Burns either has misled the NEH, or that the NEH is guilty of malfeasance in overseeing the production and allowing it to continue without including Latinos. Given the unconscionable exclusion of Latinos and the gross inaccuracies of fact which this entails, it appears that Mr. Burns' failure to include Latinos arose from faulty and ethically questionable research into the history of WWII, the role of racial and ethnic minorities, and has sought to pass off his flawed work as celebratory of "American diversity." In short, Mr. Burns has misused the millions of dollars that the NEH and other public and private funds placed in his hands.

We ask for a response to our complaint within five working days after receipt of this correspondence.

Sincerely,

Armando Rendón, Esq., for

Raul Araujo, Co-Founder, National Hispanic Employee Association  
Leo Avila, American GI Forum  
Gloria Flores-Garcia, Chicana/Latina Foundation  
Felix Galavíz, American GI Forum  
Willie Galván, State Commander, American GI Forum  
John Gamboa, Executive Director, Greenlining Institute  
Roberto Haro, educator and author  
Aurora Levins Morales, California Puerto Rican Historical Society  
Carlos Muñoz, Professor Emeritus, U.C. Berkeley  
Johnny Saldavía, Chair, Western Region Puerto Rican Council  
Olga Talamante, Executive Director, Chicana/Latina Foundation

cc: Bonnie Gould, Senior Program Officer, Division of Public Programs, Room 426  
Barbara Bays, Senior Program Officer, We the People Program, Room 426