

# **EXHIBIT 26**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

AMERICAN COUNCIL OF  
LEARNED SOCIETIES, et al.,

Plaintiffs, CASE NO. 1:25-cv-03657

v. CONSOLIDATED WITH

MICHAEL MCDONALD, NO. 1:25-cv-03923

in his official capacity

as Acting Chairman of the

National Endowment of the

Humanities, et al.,

Defendants.

---

VIDEOTAPED DEPOSITION OF  
ADAM WOLFSON

TAKEN ON  
THURSDAY, JANUARY 29, 2026  
9:45 A.M.

NATIONAL ENDOWMENT FOR THE HUMANITIES  
400 SEVENTH STREET SOUTHWEST  
WASHINGTON, D.C. 20506

ADAM WOLFSON  
93096

January 29, 2026

2 to 5  
Outside Counsel Only

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 Appearing on behalf of the Plaintiffs:</p> <p>4 JOHN ROBINSON, ESQUIRE</p> <p>5 NINA CAHILL, ESQUIRE</p> <p>6 KYLA M. SNOW, ESQUIRE</p> <p>7 DANIEL F. JACOBSON, ESQUIRE</p> <p>8 LYNN D. EISENBERG, ESQUIRE</p> <p>9 Jacobson Lawyers Group, PLLC</p> <p>10 5100 Wisconsin Avenue Northwest, Suite 301</p> <p>11 Washington, D.C. 20016</p> <p>12 (301) 823-1148</p> <p>13 john@jacobsonlawyersgroup.com</p> <p>14 nina@jacobsonlawyersgroup.com</p> <p>15 kyla@jacobsonlawyersgroup.com</p> <p>16 daniel@jacobsonlawyersgroup.com</p> <p>17 lynn@jacobsonlawyersgroup.com</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 Appearing on behalf of the Defendants:</p> <p>4 JONAKI SINGH, ESQUIRE</p> <p>5 MARY ELLEN BRENNAN, ESQUIRE</p> <p>6 RACHAEL DOUD, ESQUIRE</p> <p>7 U.S. Attorney's Office -</p> <p>8 Southern District of New York</p> <p>9 1 Saint Andrews Plaza</p> <p>10 New York, New York 10007</p> <p>11 (212) 637-2200</p> <p>12 jonaki.singh@usdoj.gov</p> <p>13 maryellen.brennan@usdoj.gov</p> <p>14 rachael.doud@usdoj.gov</p> <p>15</p> <p>16 Also Present:</p> <p>17 Annie Cleaver, Head of Research, Fairmark Partners</p> <p>18 Kimberly Hylan, Attorney-Advisor, NEH</p> <p>19 Elizabeth "Lisette" Voyatzis, Deputy General</p> <p>20 Counsel, NEH</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 Appearing on behalf of the Authors Guild Plaintiffs:</p> <p>4 JAMIE CROOKS, ESQUIRE</p> <p>5 AMANDA VAUGHN, ESQUIRE</p> <p>6 YINKA ONAYEMI, ESQUIRE (via Zoom)</p> <p>7 SARAH MARTIN, ESQUIRE (via Zoom)</p> <p>8 Fairmark Partners, LLP</p> <p>9 400 7th Street NW, Suite 304</p> <p>10 Washington, D.C. 20004</p> <p>11 (202) 417-7111</p> <p>12 jamie@fairmarklaw.com</p> <p>13 amanda@fairmarklaw.com</p> <p>14 yinka@fairmarklaw.com</p> <p>15 sarah@fairmarklaw.com</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 EXAMINATION INDEX</p> <p>2 PAGE</p> <p>3</p> <p>4 EXAMINATION BY MR. CROOKS 9</p> <p>5 EXAMINATION BY MR. ROBINSON 258</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 22</p> <p>1 A. That was 1994.                  2 Q. Okay. And am I right that you joined NEH                  3 sometime in the early 2000s?                  4 A. Yes, 2006.                  5 Q. Okay. And before then, between 1994 and                  6 2006, you were an academic at various schools in the                  7 D.C. area?                  8 A. I -- I've pretty much taught continuously,                  9 on and off. Again, sort of on and off. Here in                  10 Washington, it was for the -- the school Claremont                  11 in California has -- had a Washington, D.C.,                  12 program, and I taught in that program for many                  13 years. It was just a -- it was a -- it was a course                  14 on how to write a -- a research paper.                  15 And then more recently, I've been doing                  16 the same for Johns Hopkins at -- for -- in their                  17 master's program. The Claremont program was for                  18 undergraduates. The Johns Hopkins one is for                  19 graduate students getting a -- a master's.                  20 Q. Okay. The Claremont program you                  21 mentioned, is that the Claremont Institute?                  22 A. No, it is not.                  23 Q. Okay.                  24 A. It is Claremont College.                  25 Q. Claremont McKenna?</p>	<p style="text-align: right;">Page 24</p> <p>1 review panels and doing write-ups, recommendations,                  2 and also, you know, keeping track of grants once                  3 they were made.                  4 Q. And the peer-review process and the write-                  5 ups and recommendations, those are with respect to                  6 grant applications?                  7 A. Correct. People -- people apply. As a                  8 program officer, I would select panelists, typically                  9 five on a panel. We would do, you know -- in the                  10 Research Division, it was a -- a bit of a factory                  11 when it came to panels, so I was -- I was, you know,                  12 probably doing over a dozen panels a year.                  13 Q. Of -- of peer review?                  14 A. Peer review, yes.                  15 Q. Okay.                  16 A. You -- you select -- yes.                  17 Q. Okay. What is the Research Division's                  18 purview?                  19 A. It's to -- it's to support research in the                  20 humanities, both individual scholars and teams of                  21 scholars. The main, kind of the flagship program is                  22 its fellowship program, which supports scholars who                  23 want to write a scholarly monograph or book.                  24 Q. Okay. And when you joined in 2006, how                  25 many people worked full-time in the Research</p>
<p style="text-align: right;">Page 23</p> <p>1 A. Yes. Claremont McKenna.                  2 Q. Okay.                  3 A. It has no relation to the institute.                  4 Q. Okay. And are you still teaching to this                  5 day?                  6 A. Yes. At -- at Johns Hopkins -- not -- not                  7 at this moment. Yes.                  8 Q. Okay. Did you teach last semester?                  9 A. Yes. I taught in the fall semester.                  10 Q. And what did you teach?                  11 A. It's a -- it's a course on administration                  12 and the administrative state.                  13 Q. Okay. No John Locke?                  14 A. No John Locke, no. There's not much                  15 interest.                  16 Q. Okay. And you said you joined NEH in                  17 2006; is that right?                  18 A. Yeah. Yes.                  19 Q. And what was your first job title at NEH?                  20 A. My -- I -- I started as a program officer                  21 in the Research Division.                  22 Q. Okay. And what does a program officer do?                  23 A. The program -- a program officer, I -- I                  24 think probably the -- the largest part of -- at                  25 least in the Research Division -- was running peer-</p>	<p style="text-align: right;">Page 25</p> <p>1 Division?                  2 A. It was pretty large. I -- I would -- I                  3 recall, at the time, it was maybe 19 people, 20, 18.                  4 Q. Okay. When you were -- and we'll talk                  5 more about this in detail in a few minutes, but when                  6 you were Acting Chairman of NEH, how many people                  7 worked in the Research Division?                  8 A. When I was Acting Chairman --                  9 Q. Yeah.                  10 A. -- in -- in 2021, you mean?                  11 Q. Yeah.                  12 A. I think it was still about the same.                  13 Q. 19 or 20?                  14 A. Yeah, roughly speaking.                  15 Q. How many people work there today?                  16 A. Well, today, as you know, we -- we've had                  17 a -- we had a reduction in force, and so there are                  18 just, you know, four or five people in that -- in                  19 each of the divisions.                  20 Q. And is the Research Division still able to                  21 carry out the duties that it carried out when you                  22 first joined, with only four or five people?                  23 A. Yes. We -- we had to -- we had to do a                  24 lot of rethinking about how we do things, but I                  25 think we successfully have done that.</p>

Page 38

1 were seven divisions. They ranged in size from the  
 2 largest being, again, 18 to 20, and the smaller ones  
 3 being just, you know, 4, 5, or 6 employees.  
 4 Q. Okay. So would it be fair to say  
 5 somewhere between 100 and 200 people with all of the  
 6 different divisions?  
 7 A. Oh, no, nothing close to 200, yeah.  
 8 Q. Okay.  
 9 A. Yeah.  
 10 Q. Around 100?  
 11 A. That -- maybe, closer to that, yeah.  
 12 Q. Okay. And you still are in the same role;  
 13 is that right?  
 14 A. I am, yes.  
 15 Q. Okay. And how many people work under you  
 16 now?  
 17 A. Well, now the Programs staff is down to, I  
 18 think, about 20.  
 19 Q. Okay. And that's because of the reduction  
 20 in force?  
 21 A. Yes.  
 22 Q. And how has that changed your ability to  
 23 do your job as Assistant Chair for Programs -- the  
 24 reduction in force?  
 25 A. How has it changed --

Page 39

1 Q. Changed your ability to do your job?  
 2 A. -- changed my ability. I -- I think we've  
 3 -- you know, we -- we've had to adapt and learn to  
 4 work in different ways, but I think we've remained  
 5 effective in doing what we're supposed to do.  
 6 Q. Which is -- how would you describe what  
 7 you're supposed to do?  
 8 A. Supporting the humanities, making grants,  
 9 so on and so forth.  
 10 Q. Okay. And you were Acting Chairman in  
 11 2021; is that right?  
 12 A. Yes.  
 13 Q. And when -- January 2021, you were first  
 14 made Acting Chair?  
 15 A. Yes. And I -- I ended up serving for, I  
 16 think, about 13 or 14 months, as I recall.  
 17 Q. Okay. And then you were replaced by Chair  
 18 Lowe?  
 19 A. Yes.  
 20 Q. Okay. Going back to 2006, why did you  
 21 join the NEH?  
 22 A. The -- the magazine that I -- the journal  
 23 that I had been working at, The Public Interest, had  
 24 closed its doors. And -- and so I was working at  
 25 different places at -- at that -- that time, wearing

Page 40

1 different -- different -- doing several things.  
 2 And I -- my parents had both worked for  
 3 the federal government, and so I thought that might  
 4 be something I would like to do. And so this  
 5 opportunity came up and I applied.  
 6 Q. Okay. And before you worked for the  
 7 agency, had you ever received an NEH grant?  
 8 A. No.  
 9 Q. Had you ever applied for one?  
 10 A. No.  
 11 Q. Did you know anybody who had applied for  
 12 or received one?  
 13 A. No. I can't think of anyone.  
 14 Q. Okay. How would you describe NEH's  
 15 mission as an agency? What would you describe its  
 16 mission to be?  
 17 A. I -- I think it's to -- it's to serve and  
 18 support the humanities, to advance humanities  
 19 learning, both in terms of research, which was my  
 20 division, but also the public humanities, education,  
 21 and so on.  
 22 Q. And -- and my -- is it fair to say that  
 23 the main way in which it provides that support is  
 24 through grants?  
 25 A. Yes.

Page 41

1 Q. Okay. Are there any other ways in which  
 2 it provides that support to the humanities?  
 3 A. I think that's the main way.  
 4 Q. Okay. It's effectively a grant-giving  
 5 agency; is that right?  
 6 A. Yes. That's how we always describe  
 7 ourselves.  
 8 Q. Okay. When you were the -- strike that.  
 9 When you were the Acting Chairman, what  
 10 was your role?  
 11 A. It was -- it was that -- I oversaw all the  
 12 operations of the agency.  
 13 Q. And in your role as Acting Chair, how  
 14 involved were you in the decisions to award  
 15 particular applicants grants?  
 16 A. Very.  
 17 Q. In individual decisions?  
 18 A. Well, the -- the way -- the -- the way it  
 19 works is the -- the -- right. So -- so as we -- we  
 20 have the -- the peer-review panels. The staff makes  
 21 recommendations. We then -- the -- the National  
 22 Council meets three times a year to give advice to  
 23 the -- whoever's -- whoever's chair of the agency.  
 24 And then it's the chair who, by law, is the only one  
 25 who -- who can make those decisions.

Page 42

1 Q. And so you -- by the time it would reach  
2 you as Acting Chair, it had gone through peer review  
3 and then also a separate internal staff review; is  
4 that right?  
5 A. Yes.  
6 Q. And when it came to you, it came with a  
7 recommendation, either grant or deny?  
8 A. Yes.  
9 Q. Okay. How often or how regularly did you  
10 disagree with your staff's recommendations, whether  
11 to grant or not grant, in particular?  
12 A. I -- I don't recall offhand.  
13 Q. Did you agree with your staff's  
14 recommendations most of the time?  
15 A. Yes.  
16 Q. More than 90 percent of the time?  
17 A. Yes.  
18 Q. Okay. And was that because you trusted  
19 the peer-review process?  
20 A. Yes.  
21 Q. Okay. You're not as qualified to comment  
22 on the viability of studies into Micronesia as  
23 someone who studies that issue, I assume?  
24 A. Fairly stated.  
25 Q. Okay. Is that common for folks in that

Page 43

1 position, in the leadership roles at NEH, to defer  
2 to subject-matter experts in particular academic  
3 fields when making decisions about grants?  
4 MS. SINGH: Objection.  
5 THE DEPONENT: In -- in my experience, it  
6 really depends upon who is the head of the agency.  
7 Some -- some chairs have -- some -- some chairs do  
8 tend to follow the -- the recommendations of the --  
9 of the staff. Other chairs take a more questioning  
10 mode.  
11 BY MR. CROOKS:  
12 Q. Okay. And who's an example of a chair  
13 that took a more questioning mode?  
14 A. Certainly the -- I'd -- I'd say that would  
15 be Bruce Cole when I first arrived here --  
16 Q. Okay.  
17 A. -- and also Jon Peede.  
18 Q. Okay. And so they would, more often than  
19 other chairs, disagree with the recommendations  
20 provided by career staff?  
21 A. I -- I think so. I -- I don't know what  
22 the numbers would bear out, but that's my impression  
23 of it.  
24 Q. And do you think that those two examples  
25 you listed, more often than not, nonetheless agreed

Page 44

1 with the recommendations of career staff?  
2 A. Yes. I still think, in most cases, they  
3 -- they did.  
4 Q. And do you think that was because they  
5 also deferred to the expertise of the peer-review  
6 panels?  
7 MS. SINGH: Objection.  
8 THE DEPONENT: Yeah. I -- I can't -- I  
9 can't speak for -- they were each different people  
10 with different leadership styles, and I can't speak  
11 for why they took the approach they did or what they  
12 were thinking.  
13 BY MR. CROOKS:  
14 Q. Okay. Fair enough.  
15 A. Yeah.  
16 Q. When you -- let's go back to when you were  
17 Acting Chair. You mentioned that you had the final  
18 say on whether a grant application was awarded,  
19 right?  
20 A. It was -- I'm sorry.  
21 Q. Whether a grant was awarded?  
22 A. Awarded.  
23 Q. Is that right?  
24 A. Correct.  
25 Q. Okay. How often -- when -- in that 13- to

Page 45

1 14-month period when you were Acting Chair, how  
2 often did you or the agency terminate grants that  
3 had been awarded?  
4 A. I don't think we -- I -- I don't think we  
5 ever did in that period.  
6 Q. Not once?  
7 A. Correct.  
8 Q. Okay. And why is that?  
9 A. Why? I -- it never even came up.  
10 Q. Okay. Did the agency -- strike that.  
11 Before this year, did the agency have a  
12 process for -- for assessing whether awarded grants  
13 should be terminated?  
14 A. There -- there is a process. It's in the  
15 -- it's overseen by the Office of Grant Management,  
16 OGM. That -- that's a process that I've -- that --  
17 that's not in my lane, so to speak. It's -- it's  
18 Grant Management.  
19 Q. Okay.  
20 A. But yes, there -- there is a process  
21 overseen by that office.  
22 Q. And you don't remember a single instance  
23 in the 13 or 14 months when you were Acting Chair  
24 that a grant was terminated?  
25 A. Not -- not in my -- not -- not in that

<p style="text-align: right;">Page 46</p> <p>1 period.</p> <p>2 Q. Okay. But you are aware of, before this</p> <p>3 year, other instances of grants being terminated?</p> <p>4 A. I can think of only a couple.</p> <p>5 Q. Okay. So it's a rare occurrence?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And this is -- just so I'm clear,</p> <p>8 this is -- out of thousands of grants that were</p> <p>9 given over your time at the agency, you were only</p> <p>10 aware of a handful at most?</p> <p>11 A. Correct.</p> <p>12 Q. And do you remember what -- offhand what</p> <p>13 the reasons were for those terminations?</p> <p>14 A. I -- I should -- I should say -- before I</p> <p>15 mention the two that I -- that I have in mind that I</p> <p>16 can think of, I should say that there -- there could</p> <p>17 have been a current -- as I said, this isn't my lane</p> <p>18 or something I oversaw. So it could be there were</p> <p>19 instances that -- there were other instances that</p> <p>20 I'm not aware of, because, again, I'm -- I'm not --</p> <p>21 I don't oversee termination of grants.</p> <p>22 But the two that I am aware of -- one was</p> <p>23 because one of the state councils had ceased to, in</p> <p>24 any meaningful way, do humanities programming. And</p> <p>25 the other case that I -- that I can think of -- it</p>	<p style="text-align: right;">Page 48</p> <p>1 A. Those are the two I'm aware of, yeah.</p> <p>2 Q. Okay. And you're -- you're not aware of</p> <p>3 any grant being canceled because a new</p> <p>4 administration disagreed with the topic being</p> <p>5 studied or written about?</p> <p>6 A. I can only remember one of the old-timers</p> <p>7 here telling me -- and he's -- he's long since</p> <p>8 retired -- that -- that the Chair, Liz Cheney,</p> <p>9 disassociated the agency from particular grants when</p> <p>10 she -- when she was head of the agency, but that was</p> <p>11 far before my time, and I don't have any knowledge</p> <p>12 of it.</p> <p>13 Q. You said, Liz Cheney. Is it Lynne Cheney?</p> <p>14 A. Lynne Cheney. My -- my mistake.</p> <p>15 Q. No, fair. I make the mistake myself.</p> <p>16 A. Yeah.</p> <p>17 Q. Can you say more about that instance? I</p> <p>18 understand that you heard it secondhand, but when</p> <p>19 you said disassociated itself, what does that mean?</p> <p>20 A. I'm not -- again, I'm not sure. It -- it</p> <p>21 happened before I was here. I don't know if it</p> <p>22 meant a termination or whether it meant just taking</p> <p>23 our name off the grant.</p> <p>24 Q. And do you remember what the subject</p> <p>25 matter of that grant was?</p>
<p style="text-align: right;">Page 47</p> <p>1 was a project. It was a -- it was a big, kind of</p> <p>2 multimedia public project on romance novels, and it</p> <p>3 -- it kind of went off the track -- went off the</p> <p>4 track, so to speak, that caused considerable</p> <p>5 concern.</p> <p>6 Q. What -- what do you mean, went off the</p> <p>7 track?</p> <p>8 A. Well, in this -- in this particular case,</p> <p>9 as -- as I recall, I think what the -- the staff</p> <p>10 brought it to the Chair's Office attention that the</p> <p>11 project had links to various, you know, X-rated</p> <p>12 sites and things like that.</p> <p>13 Q. Oh, I see. Okay.</p> <p>14 A. Yeah.</p> <p>15 Q. And so the two instances that you know of</p> <p>16 sitting here today, in your approximately 20 years</p> <p>17 at the agency -- of grants being terminated while --</p> <p>18 while they're in process both involved the grantee</p> <p>19 failing somehow to fulfill the terms of the grant;</p> <p>20 is that fair?</p> <p>21 A. The two that I'm aware of, yes.</p> <p>22 Q. Okay. And you're not aware of any other</p> <p>23 terminations, or any terminations at all, for</p> <p>24 reasons other than a grantee's failure to comply</p> <p>25 with the grant terms?</p>	<p style="text-align: right;">Page 49</p> <p>1 A. I don't. I wasn't here.</p> <p>2 Q. Okay. But it was one grant, the -- the</p> <p>3 story your friend told you?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. And other than that one example</p> <p>6 that happened before you were here, you're not aware</p> <p>7 of any grants being canceled because a new</p> <p>8 administration came in and disagreed with the topic</p> <p>9 that was being studied or written about?</p> <p>10 A. Mm-hmm. Yes.</p> <p>11 Q. Okay. Why do you think that's the case?</p> <p>12 Why -- why has no administration before this one</p> <p>13 canceled grants?</p> <p>14 MS. SINGH: Objection.</p> <p>15 THE DEPONENT: Yeah. It's just -- I -- I</p> <p>16 don't know. I -- I don't know the -- it's so far</p> <p>17 above my pay grade, what -- what an administration</p> <p>18 wants and why they do something or don't do</p> <p>19 something.</p> <p>20 BY MR. CROOKS:</p> <p>21 Q. Okay. Well, when you were Acting Chair,</p> <p>22 it wasn't above your pay grade, right?</p> <p>23 A. No.</p> <p>24 Q. That was your pay grade?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 62</p> <p>1 One might give it an excellent. One might give it 2 just a good. They have very different opinions. 3 BY MR. CROOKS: 4 Q. It's safe to say that at least the vast 5 majority of these 225 projects that this press 6 release is about were recommended by a peer-reviewed 7 panel, right? 8 A. Yes. 9 Q. Okay. And so they, at least, determined 10 that this is something that was worth spending 11 taxpayer money on this research, right? 12 A. Yes. We -- we don't -- we don't ask them 13 to formulate it that way. We just ask them to judge 14 the merits of the -- of the project -- 15 Q. Okay. And would you -- 16 A. -- peer -- the peer reviewers. 17 Q. And would you trust a panel of experts 18 that study the particular topics that an application 19 covers more than you would trust someone who's been 20 in government for 20 years to make that assessment? 21 MS. SINGH: Objection. 22 THE DEPONENT: Could you repeat the 23 question? 24 BY MR. CROOKS: 25 Q. I can restate the question.</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. Okay. Were you troubled when that 2 happened? 3 MS. SINGH: Objection. 4 THE DEPONENT: Yeah. You're -- you're 5 asking, again, questions about how I felt or -- or 6 didn't feel. I try to -- you know, I -- I've been at 7 the -- I've been in the government for a while. I 8 try to separate what my personal feelings might be, 9 and -- and I -- I do the job in front of me. 10 BY MR. CROOKS: 11 Q. Okay. I appreciate that, but -- 12 A. Yeah. 13 Q. -- I am asking about your personal 14 feelings, and this is a deposition. 15 A. Okay. So you are asking about my personal 16 feelings? 17 Q. Yeah. 18 A. Yeah. I -- I -- it seemed unfortunate to 19 me. 20 Q. And why was that? 21 A. I -- I didn't -- my personal feelings, I 22 didn't see any, you know, particular reason for 23 doing it, right? A new administration comes in. 24 They have four years ahead of them, maybe more, 25 depending. My view is sort of focus on the present,</p>
<p style="text-align: right;">Page 63</p> <p>1 A. Okay. 2 Q. Whether a study of the presence and 3 influence of Mayan residents on an ancient Mexican 4 city is well-done, well-researched, likely to lead 5 to interesting or meaningful results -- that's a 6 question best answered by someone who knows that 7 particular field of study, right? 8 A. Yeah. The -- the peer reviewers judge the 9 merits of the application -- 10 Q. Okay. 11 A. -- right? To the best of their knowledge 12 and experience, and so on and so forth. The -- the 13 chair and the political leadership will have 14 different ideas about where they want to spend the 15 money. Do they -- do they want to focus on projects 16 of this sort, or do they want to focus on projects 17 of a different sort? 18 Q. Okay. And so it's not uncommon for a new 19 administration to come in and have a change of 20 priorities in that sense, right? 21 A. Correct. 22 Q. Right. But never before in your tenure 23 has an administration come in and canceled the vast 24 majority of grants that were already awarded, right? 25 A. That has not happened in my tenure.</p>	<p style="text-align: right;">Page 65</p> <p>1 not the past. 2 Q. Okay. 3 A. But that's not my decision to make. 4 Q. Okay. Whose decision is it to make? 5 A. It's the head of the agency. 6 Q. Okay. In consultation with who? 7 A. Whoever they choose. 8 Q. Okay. Can you turn the page to Page 3 of 9 the exhibit? 10 A. Yes. 11 Q. It says, "Closer to home, new grants are 12 helping preserve and make accessible important 13 historical and cultural collections, such as audio- 14 visual archives on the coal-mining industry in 15 Appalachia at Kentucky's Appalshop. Another grant 16 is supporting a cooperative effort of Northern 17 Arizona University, the Hopi Tribe, Hualapai Tribe, 18 and Dine College on the Navajo Nation to digitize 19 400 rare films documenting the Colorado Plateau and 20 the American Southwest from the 1930s to the 1960s." 21 Did I read that correctly? 22 A. Mm-hmm. 23 Q. Is it -- am I right that these two grants, 24 at least, are about preservation and access to 25 already existing repositories of documents?</p>

<p style="text-align: right;">Page 86</p> <p>1 when you first interacted with Mr. Fox and Mr. 2 Cavanaugh, it was about DEI and not wasteful 3 spending; is that right? 4 A. Yes. I think that's a fair statement. It 5 was sort of two stages. 6 Q. Okay. And they came in and asked -- well, 7 how did they convey that they were interested in 8 cutting grants related to DEI? 9 A. How did they convey that? We -- we were 10 -- so that process had, in a way, already begun 11 because there was the executive order at the end of 12 January asking for a historical review of all 13 projects in these various categories dating to the - 14 - January 2021, right? And so -- so we already had 15 that -- under Chair Lowe, we were already working on 16 that list. 17 How did they convey it? I -- I don't 18 remember exactly what they -- what they said or 19 didn't say. Yeah. 20 Q. So before the -- 21 A. But -- I'm sorry. 22 Q. No, no. Before the two individuals from 23 DOGE came over to the agency, you said that NEH was 24 already in the process of doing a review to ensure 25 compliance with the executive order, correct?</p>	<p style="text-align: right;">Page 88</p> <p>1 administration, January of 2021 -- for whether or 2 not they were implicated in respect to these various 3 areas. There were kind of a flurry. There -- there 4 was more than just one executive order, as I recall. 5 Under the -- you know, under Chair Lowe 6 and the Chief of Staff, we -- a -- a spreadsheet was 7 created. Brett Bobley, who was the Chief 8 Information Officer, actually created the -- the 9 spreadsheet, and the directors were asked to -- to 10 do that review using the spreadsheet. And then, not 11 long after, at the suggestion of -- of Brett Bobley 12 and, I believe, Richard Brundage, who's the head of 13 the Office of Grant Management, the idea of -- of 14 doing a -- a tiered process was added -- of low, 15 medium, high, not applicable. 16 Q. Okay. A -- a tiered process for low, 17 medium, high, not applicable, as it relates to DEI? 18 A. Yes, or -- or the other categories that 19 they count. 20 Q. Okay. And so, other than Mr. Bobley and 21 Mr. Brundage, who at NEH was involved in that review 22 process? 23 A. So the -- the review was done by the -- we 24 -- we asked the -- the directors to do the review, 25 the directors of each of the seven grant-making</p>
<p style="text-align: right;">Page 87</p> <p>1 A. Correct. Yes. 2 Q. Okay. And this is the executive order 3 about DEI? 4 A. Yes. It was -- it was an executive -- 5 yes. 6 Q. Okay. And so did Chair Lowe instruct the 7 staff to conduct that review? 8 A. Yes. It was -- it was under -- under 9 Chair Lowe and the Chief of Staff -- 10 Q. Okay. 11 A. -- who kind of oversaw all operations at 12 the agency. 13 Q. Okay. And do you know whether someone 14 instructed Chair Lowe to give that instruction? 15 A. I -- I don't know. 16 Q. Okay. 17 A. Yeah. 18 Q. And what was the instruction that Chair 19 Lowe and her Chief of Staff gave to folks working on 20 this project? 21 A. We -- the -- the -- there were -- there 22 were meetings with the directors and the Chief of 23 Staff, and they were asked to -- as the executive 24 order made clear, to do a historical review of all 25 grants starting in -- at the start of the Biden</p>	<p style="text-align: right;">Page 89</p> <p>1 divisions. 2 Q. Okay. 3 A. And they were -- they were allowed to 4 include their staff, but we -- we thought -- we -- 5 we didn't want to put staff in that position, so it 6 was left up to the director. 7 Q. I see. So some -- some directors opted to 8 use staff for this review and some did not? 9 A. Yes. 10 Q. Okay. What did you do? 11 A. I -- what did I do? I -- that -- so they 12 -- they did their -- they did their -- their work, 13 they did their review, and they submitted it. I 14 remember looking at the -- at the graph -- the -- 15 the spreadsheet and making some suggestions to Brett 16 about the presentation of it. That was mainly my -- 17 my role at that point. 18 Q. So you didn't review individual grants to 19 determine whether they were DEI? 20 A. I did not. 21 Q. Okay. So when you wrote here that DOGE 22 cut grants having nothing to do with DEI, at what 23 point did you review the grants that were cut and 24 make a determination that many did not relate to 25 DEI?</p>