

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

AMERICAN COUNCIL OF LEARNED
SOCIETIES, et al.,

Plaintiffs,
v.

MICHAEL MCDONALD, in his official
capacity as Acting Chairman of the National
Endowment for the Humanities, et al.,

Defendants.

Case No. 1:25-cv-03657

DECLARATION OF ERIC HOYT

I, Eric Hoyt, declare as follows:

1. I am a resident of the State of Wisconsin. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am currently employed by the University of Wisconsin-Madison (UW-Madison) as the Kahl Family Professor of Media Production in the UW-Madison College of Letters and Science, Communication Arts Department. Additionally, I serve as the Director of the Wisconsin Center for Film and Theater Research and Media History Digital Library. I joined the UW-Madison faculty in 2012, after having earned a bachelor's degree from Northwestern University in 2005 and master of fine arts and Ph.D. degrees from the University of Southern California in 2008 and 2012, respectively. As an educator, I teach a wide range of courses within my department, spanning hands-on digital media production classes, to courses emphasizing the

histories of film, television, and other media. In recognition of my teaching, I received this year's Chancellor's Distinguished Teaching Award—one of the great honors of my career. As a scholar of film and media, I have written two books, co-edited four anthologies, and written or co-written dozens of journal articles and book chapters. I am best known within my field, however, for the collaborative digital humanities projects that I have led. These projects have won numerous awards, employed dozens of people, and expanded access and knowledge to film and media history through the use of digital technology. The longest-running and most widely used of these projects, the Media History Digital Library (<https://mediahist.org>), has digitized over 3 million pages of historic books and magazines for broad public access and been integrated within classrooms and research projects across the nation.

3. UW-Madison is both an associate member and a research university consortium member of the American Council of Learned Societies. It has been an associate member since 1992, with its current associate membership running through Fall 2025, and it has been a research university consortium member since assessment year 2019-2020, with its current research consortium membership running through assessment year 2030-2031. UW-Madison is also a member of the American Historical Association.

4. Over the past decade, the National Endowment for the Humanities (NEH) has been the single most important sponsor for the collaborative digital humanities projects that I direct or co-direct. I have served as the Principal Investigator (PI) or Co-PI for five NEH-funded projects. These NEH-funded projects have utilized digital technology to innovate new methods for exploration and to legally expand access to thousands of historic films, videos, audio recordings, books, and magazines that would otherwise be unavailable to teachers, researchers, and the general public. My first NEH-funded project was “PodcastRE Analytics: Investigating

the Golden Age of Podcasting through Metadata and Sound.” This project spanned from 2017 to 2019. I served as the Co-PI, with Jeremy Morris as the PI. I then worked on two projects as the Co-PI from 2018 to 2023 with PI Stephanie Sapienza from the Maryland Institute of Technology: “Unlocking the Airwaves: Revitalizing an Early Public and Educational Radio Collection” and “Broadcasting Audiovisual Data: Using Linked Data and Local Authority Aggregators to Enhance Discoverability for Broadcasting.” My last two NEH-funded projects are detailed in paragraph 5, below.

5. I am the PI on two NEH-funded project that were active and ongoing entering April 2025:

- a. **“Love, Links, Archives: Saving and Sharing the Wendy Clarke Tape Collection” (Federal Award ID Number PW-290470-23) (“Love, Links, Archives”)**

This NEH Humanities Collections and Reference Resources Grant was awarded to UW-Madison with an approved funding total of \$272,004 and a period of performance of July 1, 2023, to June 30, 2025. The purpose of this project was to digitize, preserve, and make widely accessible the work of video artist Wendy Clarke. Clarke’s collection was at risk of loss, with 863 undigitized original tapes, recorded on 14 different formats, with no captions and little description.

- b. **“Project Ballyhoo: Analyzing Publicity Text and Promotional Image Reuse across 20th Century Digitized Periodical Collections” (Federal Award ID Number HAA-303912-25) (“Project Ballyhoo”)**

This NEH Digital Humanities Advancement Grant was awarded to UW-Madison with an approved funding amount of \$148,428 and a period of performance of February 1, 2025, to January 31, 2027. The purpose of this project was to enhance computational methods for analyzing text and image reuse while exploring the question of how early 20th century

promotional material impacted readers’ reception of information and engagement with culture.

This project advanced two NEH priorities: the refinement of innovative methods and enhancement of digital infrastructure. Leveraging unparalleled resources at UW–Madison, including the Media History Digital Library (MHDL) and the Center for High Throughput Computing (which receives funding from the National Science Foundation), this project was designed to benefit communities in film, media, journalism, mass communication, history, digital humanities, and beyond. The deliverables were to include journal articles, conference workshops, open-source code, and a new section of the MHDL website, which, with its search engine Lantern, serves more than 50,000 unique visitors every year.

6. All five of the above-mentioned NEH grants represent the culmination of many years of hard work and financial investment, by many people. For example, my team and I first applied to the NEH with the “Love, Links, Archives” project in July 2020. We did not receive the grant that year, and we took the valuable peer review feedback to strengthen the proposal and reapply in July 2021. Again, we were not awarded the grant. So, in July 2022, we invested in a pilot project, improved our proposal once again, and applied for the third time—this time receiving the award, which became active in July 2023. Additionally, the funded projects were only competitive because of major infrastructure investments made by UW-Madison with the understanding that NEH support was a possibility. “Project Ballyhoo,” for example, depends upon the dual foundations of UW-Madison’s cutting-edge Center for High Throughput Computing and the high-resolution scanning capabilities of UW-Madison’s AV Data Core. Moreover, “Project Ballyhoo” was only possible because of many years magazine and pressbook digitization work carried out by UW-Madison’s Media History Digital Library at the cost of well over \$100,000.

7. My team and I achieved several important deliverables for the “Love, Links, Archives” project, including digitizing 827 tapes, across 14 different tape formats, and building a searchable website for the digitized videos (accessible at <https://wendyclarke.weftr.commarts.wisc.edu/>). Additionally, my team and I made great strides forward on “Project Ballyhoo” during the first quarter of 2025. Our progress included refining our algorithmic methods for segmenting the corpus of texts and developing a workflow for machine learning that we could apply toward our project, which seeks to locate republications of press releases within historic American newspapers. We gave multiple presentations on the UW-Madison campus about “Project Ballyhoo” that were well received.

8. On April 2, 2025, the UW-Madison Research and Sponsored Programs office received emails from Grant_Notifications@NEHemail.onmicrosoft.com informing UW-Madison that both of my active NEH grants were being terminated.

9. The notifications were addressed to the grant administrators and included the relevant Federal Award ID Numbers, although they were erroneously referenced as grant application numbers. It appeared to be a form letter.

10. The notifications included the following:

Your grant no longer effectuates the agency’s needs and priorities and conditions of the Grant Agreement and is subject to termination due to several reasonable causes, as outlined in *2CFR§200.340*. NEH has reasonable cause to terminate your grant in light of the fact that the NEH is repurposing its funding allocations in a new direction in furtherance of the President’s agenda. The President’s February 19, 2025 executive order mandates that the NEH eliminate all non-statutorily required activities and functions. *See Commencing the Reduction of the Federal Bureaucracy*, E.O. 14217 (Feb. 19, 2025). Your grant’s immediate termination is necessary to safeguard the interests of the federal government, including its fiscal priorities. The termination of your grant represents an urgent priority for the administration, and due to exceptional circumstances, adherence to the traditional notification process is not possible. Therefore, the NEH hereby terminates your grant in its entirety effective April 2, 2025.

11. At the time UW-Madison received the termination notices, I was approximately 21 months into the period of performance of the “Love, Links, Archives” project. The remaining balance of funds committed by NEH to UW-Madison, minus expenses incurred through the date of award termination, were completely spent down. However, UW-Madison had yet to invoice NEH for \$23,485.87. UW-Madison will seek recovery of these expenses from NEH but would be financially harmed if it does not receive payment. I was also approximately 2 months into the period of performance of the “Project Ballyhoo” project. The remaining balance of funds committed by NEH to UW-Madison, minus expenses incurred through the date of award termination, is approximately \$92,724.93. Although UW-Madison has yet to receive any payment from NEH on this grant to date.

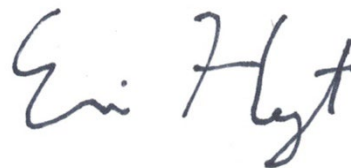
12. The termination of my “Project Ballyhoo” grant has been devastating for my team and me at the Wisconsin Center for Film and Theater Research. When my colleagues and I first learned that we had received the “Project Ballyhoo” grant in December 2024, we requested and obtained permission from our university human resources office to offer a fixed-term member of our team a 6-month extension to his employment contract. The request and permission was based on the financial certainty of our NEH grants. When the grant was terminated, however, we were faced with a \$35,000 budget shortfall. I have been put in the position of constantly trying to locate sources of funding to pay my staff member before each two-week new payroll cycle restarts. As of this moment in time, the staff member is being paid through a small fund controlled by my department chair, and it is unclear how much longer this approach will be sustainable. Similarly, I planned to hire four graduate students in my department this summer to work on “Project Ballyhoo” in what promised to be a highly mutually beneficial arrangement—providing cutting-edge professional training and summer compensation

to the graduate students, while allowing us to make important progress on the project. I am now trying to figure out whether I can locate sufficient funding to compensate them for their work this summer. I will likely be unsuccessful, resulting in unanticipated financial hardships for the four graduate students. Additionally, “Project Ballyhoo” included budgeted honorariums for a total of five project advisors. If the NEH funding is not restored, they will not receive payment for their months of service on the project.

13. As a result of the terminations, my family and I are experiencing additional harm and financial hardship. The approved “Project Ballyhoo” budget included \$19,040 in salary, plus \$6,950 in fringes, for the summer of 2025 (and the same allocations for the summer of 2026). I have a 9-month base contract with the university, so salary for the summer months is crucial for making ends meet. As the primary income earner for my family, I had counted on the stability of the NEH funding to support my three children.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 9, 2025 in Madison, Wisconsin.

A handwritten signature in dark ink, appearing to read "Eric Hoyt". The signature is written in a cursive, flowing style. The first name "Eric" is written with a large, looped 'E', and the last name "Hoyt" follows with a large 'H' and a trailing 't'.

Eric Hoyt