

## LIST OF REFERENCES -- AMNH

*FA has an archive containing approximately 4,000 pages, produced in response to FA's FOIL requests. An explanatory spreadsheet is available as well. Contact [info@nyersfreedmission.org](mailto:info@nyersfreedmission.org) to request and explain your reason[s] for accessing the archive.*

### A. Laws pertaining to the structure of the PPP/PEC

1. [Chapter 119 of the Laws of the State of New York of 1869.](#)
  - a. Act to Incorporate the American Museum of Natural History, AMNH incorporated with the purpose "of encouraging and developing the study of Natural Science; of advancing the general knowledge of kindred subjects, and to that end of furnishing popular instruction."
2. [Chapter 270 of the Laws of the State of New York of 1892.](#)
  - a. [Amended by [Chapter 31 of the Laws of the State of New York of 1893](#)]
  - b. Reads: "... upon the condition that the collections in the exhibition halls of said American Museum of Natural History shall be kept open and accessible to the public hereafter free of charge, throughout the year excepting Mondays, but including Sunday afternoon and two evenings of each week; in order to enable the trustees of said museum to open said buildings on Sunday afternoon and close them for cleaning on Mondays, the said department of public parks is hereby authorized, with the consent of such trustees, to modify to that extent the contract now existing between said department and the trustees of said museum."
  - c. An AMNH Trustee "consent" to these free admission amending provisions was found in a "NOTE" at the bottom of a digitized version of its 1878 Lease produced in its [Fifty-Eighth Annual Report](#), 1926, at p. 265.
  - d. A copy of a modified 1878 Lease Agreement with the City of New York incorporating the provisions of Chapter 270 of 1892 was produced by New York City's Department of Cultural Affairs in response to FA's Freedom of Information Law [FOIL] requests.
3. [Chapter 31 of the Laws of the State of New York of 1893.](#)
  - a. Addressing concerns of the Metropolitan Museum's founding trustees that the City might rescind on needed amounts of subsidies, NYS Legislators amended The Metropolitan's [Chapter 419 of the Laws of the State of New York of 1892](#), as well as Natural History's [Chapter 270 of the Laws of the State of New York of 1892](#) by loosening up the terms of free admission to allow for two days where free admission is not mandated.
  - b. An AMNH Trustee "consent" to these free admission amending provisions was found on a digitized version of its 1878 Lease produced in its [Fifty-Eighth Annual Report](#), 1926, at p. 265.
  - c. Additionally, in response to FA's Freedom of Information Law [FOIL] request, New York City's Department of Cultural Affairs [DCA] [not the Department of Parks (DPR), which is the City agency that is party to the Agreement], produced copies of

- d. A copy of a modified 1878 Lease Agreement with the City of New York incorporating the provisions of Chapter 31 of 1893 was produced by New York City's Department of Cultural Affairs in response to FA's FOIL requests.
- e. A copy of an [April 22, 1968 jointly executed letter](#) modifying Section FOURTHLY of the 1878 Lease Agreement to include **City approval** to exclude Christmas Day and Thanksgiving Day as "public holidays" to close, Chapter 31 of 1893 does **not** include provision for closure on Christmas Day and Thanksgiving Day. The Commissioner of DPR is **not** authorized to Amend provisions of New York State law. **Either Chapter 31 should be amended, or these holiday closings should be reinstated. This type of wink-and-nod clearly demonstrates the need for transparency and continued State oversight.**

4. [Chapter 162 of the Laws of the State of New York of 1909](#)

- a. (p. 268) Amending [Chapter 119 of the Laws of the State of New York of 1869](#) restates the museum's founding purpose as follows:
- b. " ... **for the purpose of** establishing and maintaining in said city a Museum and Library of Natural History; of encouraging and developing the study of Natural Science; of advancing the general knowledge of kindred subjects, and to that end of furnishing popular instruction."\* [Footnote in original: 1. Formerly "popular instruction and recreation."

5. [New York City Administrative Code](#) Chapter 4 – EXPENSE BUDGET: Section 5-509, 2.d.

- a. Joining The Metropolitan Museum of Art [MMA] as one of the PPP/PEC's two launching projects, New York City politicians budget **TENS OF MILLIONS of New York taxpayer dollars to AMNH and the MMA annually.** However, **the MMA is prohibited from receiving a maintenance payment in excess of \$95,000.**

B. **New York City documents the PPP/PEC structure**

6. [Board of the Department of Public Parks of 1877.](#)

- a. Includes 1878 Lease with the City of New York between AMNH and the Department of Parks and Recreation.

7. [Proceedings of the Board of Estimate and Apportionment 1892.](#)

- b. pp. 294. For New York City funding for the new and old buildings, the founding trustees of the AMNH state why they should receive these funds:
- c. "The Trustees feel positive that the opening of the new building, and of the old and well, as provided for in the act referred to, will be a source of profit, pleasure and instruction to our citizens. We have every reason to feel that the public appreciates the efforts made by the Trustees to enlarge the collections, and by the city authorities in providing for the maintenance of the institution."

8. Department of Public Parks. Monday, July 25, 1892 – Adjourned Meeting, 11 A.M. Lease Amendment.

- a. Section 1. *The Board of Estimate and Apportionment, upon the requisition of the Department of Public Parks,* is hereby authorized to include annually in its final estimate of the amounts required to pay the expense of conducting the public business of the City of New York, in addition to the sum or sums now provided by law for the maintenance of the American Museum of Natural History, a further sum not exceeding fifty thousand dollars, **upon the condition that the collections in the exhibition halls of said American Museum of Natural History shall be kept open and accessible to the public hereafter free of charge, throughout the year, except Mondays, but including Sunday afternoons and two evenings of each week, in order to enable the Trustees of said Museum to open**

**said buildings on Sunday afternoon and close them for cleansing on Mondays;** the said Department of Public Parks is hereby authorized, with the consent of such Trustees, to modify to that extent the contract now existing between said Department and the Trustees of said Museum.

And whereas, The Department of Public Parks desires, with the consent of the Trustees of the American Museum of Natural History, to modify the said contract in accordance with the terms of said Act; therefore.

Resolved, that in order to enable the part of the second part to open said buildings on Sunday afternoon and close them on Mondays, the fourth section of the contract made and concluded on the 22<sup>nd</sup> day of December, in the year 1877, between the Department of Public Parks of the City of New York, party of the first part, and the American Museum of Natural History, party of the second part, be, with the consent of the party of the second part, modified to the extent; and **the President is hereby authorized and directed to prepare and execute an Agreement with the American Museum of Natural History modifying the aforesaid contract in accordance with this resolution.**

9. [Minutes and Documents of The Board of Commissioners of The Department of Public Parks for the Year Ending April 30, 1893.](#) New York.
  - a. pp. 162-163 [Agreement/Lease Amendment], Section 1:
    - i. “The Board of Estimate and Apportionment, upon the requisition of the Department of Public Parks, is hereby authorized to include annually in its final estimate of the amounts required to pay the expense of conducting the public business of the City of New York, in addition to the sum or sums now provided by law for the maintenance of the American Museum of Natural History, a further sum not exceeding fifty thousand dollars, **upon the condition that the collections in the exhibition halls of said American Museum of Natural History shall be kept open and accessible to the public hereafter free of charge, throughout the year, except Mondays, but including Sunday afternoons and two evenings of each week, in order to enable the Trustees of said Museum to open said buildings on Sunday afternoon and close them for cleansing on Mondays;** the said Department of Public Parks is hereby authorized, with the consent of such Trustees, to modify to that extent the contract now existing between said Department and the Trustees of said Museum. And whereas, The Department of Public Parks desires, with the consent of the Trustees of the American Museum of Natural History, to modify the said contract in accordance with the terms of said Act; therefore Resolved, That in order to enable the part of the second part to open said buildings on Sunday afternoon and close them on Mondays, the fourth section of the contract made and concluded on the 22<sup>nd</sup> day of December, in the year eighteen hundred and seventy-seven, between the Department of Public Parks of the City of New York, party of the first part, and the American Museum of Natural History, party of the second part, be, with the consent of the party of the second part, modified to the extent; and the President is hereby authorized and directed to prepare and execute an Agreement with the American Museum of Natural History modifying the aforesaid contract in accordance with this resolution.”
10. [“Procedures Manual.”](#) Department of Cultural Affairs. 2005.
  - a. Describes the prerequisites PPP/PEC institutions and other New York City institutions must meet to qualify for City funding [see C.10 and C.11 of [LIST OF REFERENCES -- PPP](#)].

**C. AMNH documents pertaining to the PPP/PEC structure**

11. [“Annual Report of the President.”](#) American Museum of Natural History. 1892.
  - a. pp. 7-8. “The Legislature passed a measure authorizing the Board of Estimate and Apportionment to grant ... provided that the Museum should be **open free to the public every day in the week except Monday and including Sunday afternoon**. In conformity with this law, the Park Board was empowered with the consent of the Trustees to modify the contract regarding the days of opening ....”
  
12. [Growth of the Building of the American Museum of Natural History: Plans for Future Building and Arrangement of Collections.](#) [1870-1911] American Museum of Natural History. 1911.
  - a. Submitted by the President and Buildings and Plans Committee to the Trustees of the Museum and to the Members of the Board of Estimate.
  - b. Offers pictures and financial information on the progress and financial investment by New Yorkers.
  
13. [Guide to the Nature Treasures of New York City.](#) American Museum of Natural History. 1917.
  - a. AMNH is the integral character in this institutional accounting though it includes descriptions of the New York Aquarium, Zoological Park and Botanical Garden, as well as the Brooklyn Museum, Botanic Garden and Children’s Museum.
  - b. **While focused on these institutions in 1917, FA identifies this tome as a representative model for New York City’s oversight agency, the Department of Cultural Affairs [DCA], to use to provide evidence to City leaders and New Yorkers that all 17 of the PPP/PEC institutions are meeting** the terms of controlling laws, complying contracts and DCA prerequisites to qualify for City funding.
  - c. Illustrating this possibility, **FA annotated this Guide to show how the publication of a document like this tome would translate well for annual publication on the DCA’s and each PPP/PEC institution’s website.**
  
14. [Fifty-Eighth Annual Report of the American Museum of Natural History.](#) 1926.
  - a. pp. 260 #321: Publishes the original February 12, 1878, lease. [Contract With The Department Of Parks For The Occupation Of The New Building.]
  - b. Free access statement. – “... **exhibition halls of said building shall on Wednesday, Thursday, Friday, and Saturday of each week, and on all legal or public holidays, except Sundays, be kept open and accessible to the public, free of charge, from nine o’clock A.M. until half an hour before sunset, ...** but on the remaining days of the week the same shall be only open for exhibition to such persons, upon such terms as the said part of the second part shall from time to time direct . . . But **all professors and teachers of the public schools of the City of New York or other institutions of learning in said City in which instruction is given free of charge, shall be admitted to all the advantages afforded by the said party of the second part, through its museum, library apparatus and collections, or otherwise, for study, research, and investigation, free of any charge.**”
  - c. Sec. 2. [Quoting [Chapter 162 of the Laws of the State of New York of 1909](#) (p. 268) amending [Chapter 119 of Laws of the State of New York of 1869](#)]: “ ... **for the purpose of** establishing and maintaining in said city a Museum and Library of Natural History; of encouraging and developing the study of Natural Science; of advancing the general knowledge of kindred subjects, and to that end of furnishing popular instruction.”\* [footnote in original: 1. Formerly “popular instruction and recreation.”]
  
15. [Fifty-Eighth Annual Report of the Trustees for the Year 1926 – The American Museum of Natural History.](#) 1926.
  - a. pp. 260: Presents Lease Agreement.

- b. pp. 261: Presents Terms of free admission.
- c. pp. 265: Reports Amendment in 1892 to new free admission terms in the form of a “NOTE” and as a “consent” by the Trustees. But no Lease Amendment was produced.
  - i. Despite no Lease Amendment, find affirmation of the AMNH codifying the new admission terms in the [Annual Report of the President of AMNH for the Year 1892](#), which stated:
 

“During the early part of the year the Legislature passed a measure authorizing the Board of Estimate and Apportionment to grant annually \$50,000 in addition to the \$25,000 then authorized by law. The terms of the bill provided that the Museum should be **open free to the public every day in the week except Monday, and including Sunday afternoon. In conformity with this law, the Park Board was empowered with the consent of the Trustees to modify the contract** in regard to the days of opening; this has been done ....” [p. 7] [see B.7. above]
- d. pp. 265: Reports Amendment in 1893 to new free admission terms in the form of a “NOTE” and as a “consent” by the Trustees. But no Lease Amendment was produced [see B.8. above].

16. [Sixty-Second Annual Report to the Trustees of the American Museum of Natural History for the Year 1930, and entitled, “The American Museum And The University”](#)
- a. Reported in 1931.
  - b. See “THE AMERICAN MUSEUM AND THE UNIVERSITY ... INTRODUCTION” [pp. 1-2] including “Report of the President” and “ORIGINAL EDUCATIONAL PLANS AND PURPOSES OF CENTRAL PARK, 1857-1869” [pp. 1-9 (SUMMARY)]. Description of the vision of the Park Education Campus [PEC] and the PPP/PEC institutions services as aids to education system of New York City.

17. [Sixty-Third Annual Report of the Trustees for the Year. 1931.](#)
- a. p. 202: Identifies the institutions Natural History cooperated with “to promote the theory and practice of free education.”

**D. City demonstrates that New Yorkers are on our own if we want to challenge the City’s and PEC institutions’ compliance with New York State and local laws or terms of superseded contracts.**

18. [“Brief Amicus Curiae for the City of New York.” 2014.](#) Supreme Court of New York. Appellate Division: First Department. *Saska et al vs. The Metropolitan Museum of Art* consolidated with *Grunewald/Nicholson vs. The Metropolitan Museum of Art*. Corporation Counsel of the City of New York.
- a. An Amicus Brief is filed when one is not a party to the litigation but wants to support one of the parties, known as a “friend of the court” filing. **Corporation Counsel wrote in favor of The Metropolitan Museum of Art.**
  - b. FA’s founder was a party to the non-class portion of this consolidated action.
  - c. **Corporation Counsel in effect demonstrates that if a New Yorker attempts to bring legal action against a PPP/PEC institution, the City will advocate on behalf of the institution and not the residents and taxpayers of New York City.**

**E. Examples of New York City’s failure to comply with the PPP.**

19. **Despite unrepealed New York State laws, the DCA and other City agencies entered Amended Lease and/or new or Amended License Agreements with each of the PEC institutions, in contravention of New York State law in some instances and/or the DCA prerequisite to price**

tickets to “encourage attendance by a broad segment of the population of the City of New York” [see [PUBLIC-PRIVATE PARTNERSHIP](#) including F. 21. a-m in [LIST OF REFERENCES -- PPP, PARK INSTITUTIONS](#) and DCA’s “[Procedures Manual](#).”] These Agreements were produced in response to FA’s FOIL requests. New Yorkers subsidize PPP/PEC institutions with more than **\$1 BILLION annually** in direct and indirect subsidies [see [FINANCIAL ANALYSIS](#)].

20. For years, New York Botanical Garden [NYBG] has been **actively campaigning to repeal** the admission provisions of [Chapter 285 of the Laws of 1891 as amended by Chapter 465 of the Laws of 1994](#) by removing **State authority** over NYBG’s admission provisions. Former Governor Andrew Cuomo’s June 2, 2020 [VETO MESSAGE - No. 148](#) **quashed NYBG’s efforts** as spelled out in [NY State Senate Bill S4449](#). **In the wake of Cuomo’s VETO**, State Senator Alessandra Biaggi and Assemblywoman Nathalia Fernandez introduced [Senate Bill S8038](#) and [Assembly Bill A8562](#), respectively, **in an effort to contravene Cuomo’s VETO**.

**Knowing the justification behind Cuomo’s VETO cries out for dissemination to** New Yorkers, the Adams’ Administration, members of the City Council and State Legislators, **because it makes even more appalling NYBG’s end-run to evade Cuomo’s VETO by proposing new legislation.**

Former Governor **Cuomo’s VETO asserted as follows:**

“Given the unique conditions on which the [NYBG] was established, **particularly the premise that the park should be free and open to the public** and a more than 100 year track record of limiting the [NYBG’s] authority to charge a fee, it is **prudent to veto this bill until the Legislature can provide** a finding that the authority to charge a fee in perpetuity is necessary to make the [NYBG] fiscally sound. **The current bill lacks any meaningful analysis and therefore provides insufficient grounds to overturn** the long-standing preference to keep this public park free and open to the public. **Also, concerning is the lack of analysis to whether the [NYBG] has made the grounds free for primary and secondary schools, as is required by the law. Until it can be demonstrated that the NYBG has met its current obligation, it would be unsound to remove the free policy from state oversight.**”  
[emphasis added]

In July 2022, Governor Hochul signed [Senate Bill S8038](#) and [Assembly Bill A8562](#). Read the JUSTIFICATION section in the Bill to learn the reasoning for Hochul’s approval while recognizing that **the Bill is devoid of the facts** of the history of “free access” and instruction as being “consideration” NYBG and the other PPP/PEC institutions is to provide to New Yorkers in exchange for New Yorkers providing NYBG and the other PPP/PEC institutions **\$1 BILLION** in annual “consideration” in the form of free rent, and capital and operating costs. In 2017 and 2018, New Yorkers’ consideration to NYBG amounted to **\$73.3 MILLION** and **\$87.3 MILLION**, respectively. In addition, **because of free rent, NYBG amassed** an investment and endowment portfolio **\$640.4 MILLION** in 2017 to and **\$678.8 MILLION** in 2018. S8303 takes effect in 2025. It should be repealed and free admission provisions for **all** New Yorkers should revert back to [Chapter 285 of the Laws of 1891](#).

- **New Yorkers must act now to STOP elected politicians from parlaying our free rights for votes.**  
[see [SIGN FA’S PETITION NOW!](#)]

21. New York City’s Department of Parks [DPR] owns New York City’s four zoos; namely, the Bronx Zoo [BZ], Central Park Zoo [CPZ], Prospect Park Zoo [PPZ] and Queens [Flushing Meadows Park] Zoo [QZ] and the New York Aquarium [NYA]. However, the BZ and NYA are overseen by New York City’s Department of Cultural Affairs [DCA]. DPR contracts with the New York Zoological Society [NYZS], doing business as the

Wildlife Conservation Society [WCS] to manage and operate PPZ, CPZ and QZ [see HISTORY OF NYZS-WCS.] **New York State law provides for New Yorkers' free admission to each of the NYZS-WCS venues three days in a week.** Yet **the Commissioner of the DPR, an appointed official by an elected official, authorizes the charging of admission fees in each venue in violation of New York State law and to the economic and cultural harm of New Yorkers.** [see [PARK INSTITUTIONS](#)]

## F. Popular press

22. Dena Kleiman. **"Behind Inflated Attendance Figures."** *The New York Times*. 2/21/1987.
  - a. **Reveals that** four of the 17 PPP/PEC institutions, namely, the Bronx Zoo, the New York Botanical Garden, the **American Museum of Natural History** and The Metropolitan Museum of Art, with the last **overestimating attendance** by 42%, counted visitors "[t]wice." In the case of The Metropolitan Museum and **Museum of Natural History**, their figures **would plummet from 7,000,000 and 5,000,000 to 3,500,000 and 2,500,000**, respectively and their cost per visitor would double. Similarly, the Bronx Zoo and the New York Botanical Garden would fall from 1,820,766 to 910, 383 and from 1,300,000 to 650,000, respectively.
23. Grace Glueck. **"Metropolitan Museum to Institute Admission Charge."** *The New York Times*. 10/09/1970.
  - a. Covers the initiation of a pay-what-you-wish-but-you-must-pay-something admission fee for all visitors, including New Yorkers, which opened the floodgates for the other PPP/PEC institutions to do similarly.
24. **American Museum Asking Admission, But Visitor Sets It.** *The New York Times*. April 25, 1971.
25. **"The Metropolitan Museum of Art's statement on new 2013 lease."** Website. Metropolitan Museum of Art. 10/24/2013.
  - a. MMA's official statement on the amendment to its 1878 lease with the City of New York, authorizing the museum to consider a range of admission modifications in future years, subject as in the past to review and approval by the City.
  - b. Article reveals that The Metropolitan Museum had been untruthful in reporting to the New York City courts that a 1970 agreement with the City authorized The Met to operate using a pay-what-you-wish-but-you-must-pay-something admissions policy yet the 1878 Lease was not amended.
26. Randy Kennedy. **"New York City Amends Fee Policy for a Visit to the Met."** *The New York Times*, 10/24/2013.
  - a. Article reports on an Amendment to The Metropolitan Museum's, the American Museum of Natural History's and the Museum of the City of New York's Leases, during the Bloomberg administration, where the Mayor, in effect provided these institutions the right to "make an admission fee mandatory," despite no evidence that the Office of Corporation Counsel had read, interpreted, and opined on the provisions of state and local laws, among other things or codified them for enforcement by oversight agencies.
  - b. Article reveals that The Metropolitan Museum had been untruthful in reporting to the New York City courts that a 1970 agreement with the City authorized The Met to operate using a pay-what-you-wish-but-you-must-pay-something admissions policy yet the 1878 Lease was not amended.
27. Regarding the Kennedy article above,
  - a. Consider a **Settlement** reached in a consolidated court case against The Metropolitan Museum of Art regarding its admission policy. [see Justice Kornreich's 6/6/17 Decision and Order]

- b. Then, consider [Why We Are Opposing The Proposed Metropolitan Museum Settlement](#), by Michael Hiller, principal, Hiller PC. A negation of the Settlement reported by counsel for FA Founder Pat Nicholson, party to the non-class action portion of this consolidated action.
- c. In addition, consider a New York City Corporation Counsel [Amicus Brief](#) filed in 2014 as part of this litigation and in support of The Metropolitan Museum of Art. [see fuller description above]

**G. Financial documents**

**28. 2017-2018. [2018 IRS Form 990](#)**

Details AMNH's finances for the fiscal years ending June 30, 2017 and 2018.

**29. 2018-2019. [Consolidated financials for 2018-2019](#).**

Details AMNH's finances for the fiscal years ending June 30, 2018 and 2019.

**30. 2018-2019. [Consolidated financials for 2018-2019](#)**

AMNH Planetarium Authority for the years ended June 30, 2018 and 2019.

**31. 2018-2019. [Consolidated financials for 2018-2019](#)**

AMNH Planetarium Authority for the years ended June 30, 2018 and 2019.