

When Mission and Personal Philosophy Diverge

02.21.18 | Linda J. Rosenthal, JD



An intriguing story bubbled up in the third week of January 2018 to grab some space in the New York Times and other important news outlets. “Trouble [had] been brewing for over a year at New York’s venerable American Museum of Natural History (AMNH) and [finally erupted] in a bizarre dilemma that perhaps could only arise in today’s contentious political atmosphere.”

AMNH “is one of the world’s preeminent scientific and cultural institutions. Since 1869,

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the Museum has advanced its global mission to discover, interpret, and disseminate information about human cultures, the natural world, and the universe through a wide-ranging program of scientific research, education, and exhibition....[I]t has long been on the front lines of the climate change discussion, as its scientists study the potential damage and its educators try to alert new generations to the dangers of global warming.

Its “41 board seats are among the city gentry’s most coveted social prizes”; the trustee roster includes Tom Brokaw, Theodore Roosevelt IV, Jeff Bezos’s mother, and other familiar names. But the reason there’s a news story here is that one particular name on that list seems conspicuously out of place among these environmentally friendly, climate-change-believing folks. That person is Rebekah Mercer, a billionaire many times over (along with her father, Robert) who loves fossil fuels and who bankrolls many conservative, climate-change-denying organizations. Her family also are key donors to the Republican Party as well as the latter stages of the candidacy of

Donald Trump, who often characterizes climate change as a “hoax” and “fake news.”

A Director in Conflict

Rebekah Mercer was elected to the Museum board in 2013, the year that her family made an enormous donation. The Mercers have kept a low public profile until recently, considering their vast wealth and active positions in GOP politics and conservative causes. The “secretive family rose to prominence in 2016 after funding and organizing Trump’s presidential campaign.”

“What was either unknown at the time – (that is, in 2013 when Rebekah Mercer was invited to join the Museum board) – or more likely just not discussed much was Ms. Mercer’s business ties and political activities that are diametrically opposed to everything that the museum stands for.”

In a story published in January 2017, the New York Times reported that “[t]he connection of Ms. Mercer, the museum and the Mercer Family Foundation’s donation history came to light during an analysis by [the Times] –

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of activities by cultural leaders who donated to Mr. Trump’s presidential campaign. Several of them are board members at New York City arts organizations, including John Paulson at the Metropolitan Museum of Art and Mercedes T. Bass at the Metropolitan Opera. But none are as unusual a fit as Ms. Mercer and the American Museum of Natural History.

As a result of this information, a group of 20 museum employees began discussing their dismay that Ms. Mercer was on the AMNH board; reportedly, some 10 employees filed complaints with the Museum’s human resources department.

While this effort did not succeed, it’s interesting to note that a few years earlier, in 2015, some climate scientists and environmental groups successfully pushed to oust another famous climate-change-denying oil billionaire, David H. Koch, from the Museum board. “He stepped down, though the museum said the reasons were unrelated to the protest.”

This unease by AMNH scientists about the continued service of Rebekah Mercer on the board of trustees went on under the surface for a year.

In early January 2018, Jonah Busch, an environmental economist at the nonpartisan Center for Global Development, noticed something odd at one of the Museum’s exhibits in the David H. Koch Dinosaur Wing. On Twitter, he posted photos of a museum plaque “that minimized human influence on global warming. While the exhibit said greenhouse gas pollution ‘may also have an effect on the Earth’s climatic cycles,’ it said ‘there is no reason to think another ice age won’t come.’”

The Twitter post went viral. The Museum released a statement promising “a speedy review.” Nevertheless, it “ignited a larger debate about the museum’s cozy relationship with those working to discredit the overwhelming scientific consensus on climate change.” The Dinosaur Wing plaque had been “installed in the early 1990s, the so-called Exxon era of the museum, during which time the fossil fuel giant — whose “duplicitous efforts” to deny climate change were well-known by then —

funded several permanent exhibitions.”

Of course, the controversy about Rebekah Mercer’s position on the Museum board also flared up.

Director Removal Urged

Shortly after the Twitter incident, a group of more than 200 prominent scientists and academics published an open letter to the Museum, urging the board to remove Ms. Mercer from her trusteeship. These people, including “climate science luminaries” criticized the Museum for accepting “donations from the Mercer family, which has funded several groups involved in climate denialism and opposition to government action on climate change.”

The open letter is part of a larger effort organized by a group that was key to the earlier ouster of David Koch.

Neither Ms. Mercer nor her spokespeople responded to any requests for comment. The Museum president issued a statement, affirming it “...deeply respects the works and views of scientists ... at the museum and those from the broader community....[But] the museum ... does not make appointment decisions confirming staff or trustees based on political views. The museum has long maintained that its funders do not shape its curatorial decisions.” It “cites past exhibitions on climate change, as well as the research work being conducted in-house, as evidence of a firewall between donors and decisions.”

Others, though, are skeptical about this so-called firewall. People “...with experience in the museum sector say that ultra-wealthy patrons have always had a say in institutional decisions, and warn that it’s especially naive to pretend otherwise when the donors have a vested interest in shaping the thing they’re helping to fund.” According to James Powell, former director of the Los Angeles County Museum of Natural History, “A museum board member who has the potential to give millions or tens of millions exerts influence merely by being in the room.” Other trustees are afraid to speak up “else the wealthy member may take his donations elsewhere.”

Just after the open letter from the outside scientists had circulated, 28 of the Museum’s tenured curators took a stand, too, issuing a letter to the Museum’s senior vice president and provost of science. They “expressed their profound concern” concerning “Ms. Mercer’s alliances with and donations to organizations that they say challenge and politicize climate change science.”

A Museum spokeswoman said that the Museum’s president would have no further comment beyond the response already issued after the outside scientists’ open letter.

Many Questions

The numerous news articles and analyses reporting and commenting on this story point out that there are many unanswered, but important, questions for follow-up.

First, how did Rebekah Mercer manage to snag a coveted spot on the board of one of the most prestigious charitable organizations in Manhattan? Yes, she is fabulously wealthy, but New York is not short of multi-millionaires and billionaires. While before the 2016 election cycle, she kept a relatively low profile, even a cursory examination of her interests and activities would have revealed a profound mismatch with the mission of the American Museum of Natural History.

Is there any kind of a vetting process other than the ability to write an enormous check? “About a dozen other trustees at the American Museum of Natural History contacted for comment declined or

did not respond.”

Second, why – when “...more often than not, trustees champion the missions and philosophical underpinnings of their museums,” did Ms. Mercer choose to serve on this particular board?

Questions like these are “anything but academic at a moment when” the Museum leaders “are being asked to remove a wealthy, climate-change-denying, board member.”

Perhaps the key issue here is whether, under principles of good governance and in consideration of the fiduciary duties that a trustee owes to the charitable organization, there any way that Rebekah Mercer should remain in her board position?

Director Fiduciary Duties

“Is being a big donor sufficient,” asks Martin Levine in his analysis of this case in The Nonprofit Quarterly, “to serve on a nonprofit board? Does it trump sharing a common vision with the organization?”

When, as in this case, the board member is a financial asset but rejects core beliefs of the organization, who is to do the vetting, and how?

According to BoardSource, the board as a whole, in order “[t]o satisfy its fiduciary duties, ... is responsible for ...determining the mission and purposes of the organization, ... strategic and organizational planning, ensuring strong fiduciary oversight and financial management, ... approving and monitoring the organization’s programs and services, [and] enhancing the organization’s public image.” A board’s responsibilities are much more than just fundraising.

As to the duties of the individual board members, each one is responsible for knowing “the organization’s mission, policies, programs, and needs and...serving as active advocates and ambassadors for the organization and fully engaging in identifying and securing the financial resources and partnerships necessary for the organization to advance its mission.”

In the Museum case, not only does Rebekah Mercer lack an ideological commitment to the Museum’s understanding of climate science, she actively promotes – indeed, bankrolls – several anti-climate-science groups that work hard at shutting down efforts to protect against and prevent the ravages of climate change.

BoardSource makes a point of adding some additional duties of each board member that raise provocative issues in this case. Specifically, board members are expected to:

- “sign an annual conflict-of-interest disclosure and update it during the year if necessary, as well as disclose potential conflicts before meetings and actual conflicts during meetings, and
- maintain confidentiality about all internal matters of the organization”

While “conflicts of interest” generally arise in connection with personal or family private benefit or enrichment, isn’t an ideological conflict of the type present here a disqualifier for service on the board of American Museum of Natural History?

Conclusion

Perhaps “[t]his is a time for all boards to think about how they will respond when an important board member and donor is challenged,” according to NPG’s Martin Levine. He paraphrases Steve Dubb, a fellow NPG contributor commenting on another difficult philanthropy situation last year: “The

answers are not easy, but the questions are hard to avoid.”