

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Protect Our Parks, Inc.; Charlotte Adelman;	)	
Maria Valencia and Jeremiah Jurevis;	)	
	)	
Plaintiffs,	)	
	)	No. 18 CV 03424
v.	)	
	)	
Chicago Park District and City of Chicago,	)	Judge John Robert Blakey
	)	
Defendants.	)	

**MOTION OF THE ELEVEN PARK MUSEUMS  
FOR LEAVE TO FILE A BRIEF AS *AMICI CURIAE* IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS OR FOR JUDGMENT ON THE PLEADINGS**

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**CORPORATE DISCLOSURE STATEMENT AND  
NOTIFICATION OF PUBLICLY HELD AFFILIATES**

Each *amicus curiae* Park Museum certifies that it is a non-profit corporation organized under 26 U.S.C. § 501(c)(3), has no parent corporation, does not issue stock, and has no publicly held affiliates.

/s/ Craig C. Martin

The eleven museums that currently operate on Chicago Park District property—Adler Planetarium, Art Institute of Chicago, Chicago History Museum, DuSable Museum of African American History, The Field Museum of Natural History, Museum of Contemporary Art, Museum of Science and Industry, National Museum of Mexican Art, National Museum of Puerto Rican Arts and Culture, The Chicago Academy of Sciences/Peggy Notebaert Nature Museum, and John G. Shedd Aquarium (together, the “Park Museums”)—respectfully request leave to file the accompanying *amici curiae* brief attached as Exhibit A in support of the motion to dismiss or for judgment on the pleadings by Defendants City of Chicago and Chicago Park District.<sup>1</sup> Defendants do not oppose this motion and consent to *amici curiae* filing their brief. Plaintiffs do not consent to *amici curiae*’s motion for leave or to *amici curiae* filing their brief. The motion should be granted for the following reasons:

1. This Court has broad discretion to permit the filing of an *amicus curiae* brief “when the amicus has an interest ... that may be affected by the decision in the present case” or “when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1063 (7th Cir. 1997); *see also, e.g., Property Casualty Insurers Assoc. of Am. v. Donovan*, 66 F. Supp. 3d 1018, 1034 & n.5 (N.D. Ill. 2014); *Chamberlain Grp. Inc. v. Interlogix Inc.*, 2004 WL 1197258, at \*1 (N.D. Ill. May 28, 2004).

2. *Amici curiae* Park Museums satisfy both bases for filing an *amicus curiae* brief in this case. First, *amici curiae* have a strong interest in this case. In general, each one uses public land to establish and operate a museum that serves the public interest. Second, as the eleven

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<sup>1</sup> A description of each of the *amici curiae* Park Museums is appended to the proposed brief filed along with this motion.

museums that operate on Chicago Park District property, *amici curiae* are in a unique position to provide the Court with insight and perspective that is not available to the parties.

3. The Park Museums agree with Defendants that Plaintiffs' claims should be dismissed. *Amici curiae*'s proposed brief does not duplicate the arguments made by Defendants about why they are entitled to dismissal or judgment on the pleadings. Instead, the proposed *amicus curiae* brief provides the Court with historical context about the long tradition of locating museums in Chicago's public parks and about potential practical consequences that may result if Defendants' motion is denied.

4. No party or counsel for a party authored this brief in whole or in part, and no person other than *amici curiae* or its counsel contributed any money to fund its preparation or submission. None of the *amici curiae* Park Museums is a subsidiary or affiliate of any publicly owned corporation.

5. *Amici curiae*'s motion for leave and proposed brief are timely submitted. *Cf.* Fed. R. App. P. 29(a)(6) (allowing *amicus curiae* briefs to be filed "no later than 7 days after the principal brief of the party being supported is filed").

6. No party would be prejudiced by the filing of this *amici curiae* brief.

For the foregoing reasons, the Park Museums' motion for leave should be granted, and the *amicus curiae* brief attached as Exhibit A should be filed.

Dated: November 28, 2018

Respectfully submitted,

/s/ Craig C. Martin

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**CERTIFICATE OF SERVICE**

I certify that, on November 28, 2018, a true and correct copy of the foregoing was filed with the Clerk of the United States District Court for the Northern District of Illinois via the Court's CM/ECF system, which will send notice of such filing to all registered CM/ECF users.

/s/ Craig C. Martin

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
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Plaintiffs,	)	
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Chicago Park District and City of Chicago,	)	Judge John Robert Blakey
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IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS  
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/s/ Craig C. Martin

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### **INTEREST OF *AMICI CURIAE*<sup>1</sup>**

*Amici curiae* Park Museums are eleven world-class institutions currently located on Chicago Park District property: Adler Planetarium, Field Museum of Natural History, and John G. Shedd Aquarium (in Burnham Park); Art Institute of Chicago (in Grant Park); National Museum of Mexican Art (in Harrison Park); Institute of Puerto Rican Arts and Culture (in Humboldt Park); Museum of Science and Industry (in Jackson Park); Museum of Contemporary Art (in Lake Shore Park); The Chicago Academy of Sciences/Peggy Notebaert Nature Museum and Chicago History Museum (in Lincoln Park); and DuSable Museum of African American History (in Washington Park).<sup>2</sup> Every year, nearly eight million people—of all ages and backgrounds—visit these remarkable, historic, and diverse cultural institutions. The Park Museums enrich the fabric of Chicago as a place to live, work, and play. They also serve as a critical educational resource and drive economic growth. They truly are a treasure and Chicagoland is fortunate to have them.

Each of the Park Museums is established at least in part on public parkland in the City of Chicago and is dedicated to advancing the public interest. Each has a long-term right to use parkland without charge under various arrangements, including, for example, use agreements with the Park District, so long as the land is used for museum purposes.<sup>3</sup> And each of the Park Museums has been operating on parkland for many years—in some cases for more than a century.

In this case, Plaintiffs argue that establishing the Obama Presidential Center in Jackson Park under the terms of the proposed use agreement would violate the Public Trust Doctrine. Both

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<sup>1</sup> No party or counsel for a party authored this brief in whole or in part, and no person or entity other than *amici curiae* and their counsel made a monetary contribution to fund the preparation or submission of this brief.

<sup>2</sup> A description of each of the *amici curiae* Park Museums is attached as Appendix 1.

<sup>3</sup> Hereinafter, the various arrangements of each Park Museum with the Chicago Park District will be referred to as “use agreements.”

the basic arrangement and the specific use agreement that Plaintiffs challenge are similar to the arrangements and/or agreements that generally govern the Park Museums. *Amici* therefore have a strong interest in the outcome of this case and in ensuring that going forward, museums can continue to serve the public and operate on public parkland in Chicago. *Amici curiae* submit this brief to provide the Court with important context about the Park Museums and to urge this Court to grant Defendants' motion to dismiss or for judgment on the pleadings.

### **INTRODUCTION AND SUMMARY OF ARGUMENT**

Beginning at least as early as the World's Columbian Exposition in 1893, the City of Chicago and the Chicago Park District (including its predecessor park districts) have recognized the unique value of locating museums in publicly owned parks. Museums provide major educational and economic benefits and advance the public's interest in knowledge and understanding. The eleven current Park Museums offer benefits to the public, the City, and the Park District.

The Obama Presidential Center aims to continue this rich tradition by laying roots in Jackson Park—becoming the twelfth museum in a park in the City. The Park Museums believe the Obama Presidential Center will be a cultural and economic treasure for Chicago that will bring new amenities and positive development to the surrounding community, boost the local economy, and serve as a magnet for visitors to the City and the region. It will serve as an enduring and powerful symbol of the promise of America and the American Dream.

The Park Museums and the Obama Presidential Center have more in common than simply being located on public parkland and dedicated to serving the public interest. Each Park Museum operates with the understanding that it may use public land so long as its use serves the public interest. In general, each operates in whole or in part under similar use agreements that set forth the terms and conditions of its occupancy of park property. Those agreements generally allow the

museums to remain on public-owned land rent-free, require the museums to cover capital and operating costs, and provide that if they cease to serve the public interest then the municipal authorities may remove the museum from the public land. As a result, the public retains all of the benefits from having a museum in the park, but avoids having to operate the museum and remains protected in the unlikely event that a museum stops serving a civic purpose.

The similarities between the Park Museums and the Obama Presidential Center mean that denying Defendants' motion could negatively impact some or all of *amici curiae* and the museum-going public by potentially diverting resources away from the museums' mission to serve the public interest. This potential harm—combined with the time-honored tradition of establishing museums in public parks—provides a powerful reason to grant Defendants' motion and to reject Plaintiffs' claims. This Court should find that the Obama Presidential Center may be created in Jackson Park and may operate under the proposed use agreement that the City Council has unanimously approved.

## **ARGUMENT**

The Park Museums support the creation of the Obama Presidential Center in Jackson Park, operating under the proposed use agreement that the City Council unanimously approved. The Park Museums write separately to highlight Chicago's long history of establishing museums in its parks, and to alert the Court to potential consequences that may arise if Defendants' motion is denied.

### **I. FOR MORE THAN A CENTURY, CHICAGO'S PARKS HAVE FEATURED MUSEUMS THAT BENEFIT THE PUBLIC.**

#### **A. Chicago Has A Rich Tradition Of Including World-Class Museums In Public Parkland.**

Chicago's parks and museums have long been joined together in service of the public interest. Since 1893—when more than thirty percent of the population of the United States came

to Chicago for the World's Fair—Chicago has been proud to feature museums in its parks. As part of that fair, civic leaders invited the Art Institute to move to Grant Park and what is now The Chicago Academy of Sciences/Peggy Notebaert Nature Museum to move to Lincoln Park. *See* Remarks of Gary T. Johnson before the Chicago Plan Commission (May 17, 2018). Jackson Park featured an entire “White City” of public buildings, and its Palace of Fine Arts—which was designed specifically to house the Field Museum of Natural History—later became the home of the Museum of Science and Industry. *Museum Facts*, Museum of Science and Industry, <https://www.msichicago.org/explore/about-us/museum-facts/> (last visited Nov. 28, 2018); *Field Museum History*, Field Museum of Natural History, <http://www.fieldmuseum.org/about/history> (last visited Nov. 28, 2018). In each case, the museums were located in parks precisely because it would benefit the City, the people, and the institutions alike.

Chicago continued its tradition of hosting important cultural institutions in publicly owned parks long after the Columbian Exposition. In 1921, the Field Museum moved from Jackson Park to its current site on Chicago Park District property on the lakefront south of Grant Park, as part of Daniel Burnham's 1909 Plan of Chicago. *Field Museum History, supra*; *see also* Journal of the Proceedings of the City Council of the City of Chicago, 85875, 85878 (Oct. 31, 2018) (“Ordinance”) (noting the Plan of Chicago “advocated building great public institutions” in parks). The Shedd Aquarium and Adler Planetarium opened nearby shortly thereafter, creating a “museum campus” that offered first-rate institutions geared to every part of the natural world—the land, the water, and the sky. *See Field Museum History, supra*. The City continued recognizing the value of marrying museums with public land when it “endorse[d] the placement of cultural facilities ‘within the lakeshore parks’ and ‘other large park locations’ in the City” as part of the 1972 Lakefront Plan of Chicago. Ordinance at 85878. Within a year, the DuSable Museum of African-

American history relocated to its current location in Washington Park. Kat Eschner, *America's Oldest Museum of Black Culture Started in a Living Room*, Smithsonian Magazine (Nov. 1, 2017), <https://www.smithsonianmag.com/smart-news/americas-oldest-museum-black-culture-started-living-room>. The City reaffirmed its commitment to supporting museums in its parks in the twenty-first century, when the National Museum of Mexican Art and the National Museum of Puerto Rican Arts and Culture took root in public parks. See *About Us*, National Museum of Mexican Art, <http://nationalmuseumofmexicanart.org/content/about-us-0> (last visited Nov. 28, 2018); *About The National Museum of Puerto Rican Arts And Culture*, The National Museum of Puerto Rican Arts and Culture, <http://nmprac.org/about/> (last visited Nov. 28, 2018).

The City's history reflects its deep-rooted belief that locating museums in public parks would both enhance the parks and serve the community. The same principle remains strong today. When the City Council approved making the Obama Presidential Center the twelfth museum in a park, it noted the museum "will not only benefit Chicago residents and attract visitors from around the world, but will also enhance both accessibility and usability of Jackson Park." Ordinance at 85881.

**B. Chicago's Park Museums Advance Public Education, Enhance Knowledge And Understanding, And Boost The Economy.**

Chicago's museums have proudly dedicated themselves to the public interest by serving as an unparalleled educational resource. The Park Museums are an extension of the educational system, inspiring children to explore and offering them new worlds to discover. Each year, more than 1.5 million school children visit the Park Museums through organized field trips. American Alliance of Museums, Chicago Economic Impact Statement (2017) ("*Economic Impact*"), <https://www.aam-us.org/wp-content/uploads/2017/12/chicago-economic.pdf>. Many of these visits are free through various programs, *id.*, which helps ensure that the museums' wonders are

available to all. Students also experience the museums' offerings through traveling exhibits, after school programs, research assistance, and other programs.<sup>4</sup> In addition, students and recent graduates can gain real, practical experience through the many internship programs sponsored by the museums.<sup>5</sup> Each connection enlivens the educational experience.

Chicago's venerable Park Museums reach more than just students. They educate the educators as well, serving 120,000 teachers per year through professional development programs and school visits, as well as research and content support. *Economic Impact*. For example, the museums assist educators by helping them plan successful field trips, providing customized

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<sup>4</sup> See, e.g., *Teen Opportunities*, Adler Planetarium, <https://www.adlerplanetarium.org/teen-opportunities/> (last visited Nov. 28, 2018) (sponsoring after school club addressing light pollution in city); *Services*, Field Museum of Natural History, <https://www.fieldmuseum.org/science/research/area/library/services> (last visited Nov. 28, 2018) (offering tutorials and research assistance for research associates, students, and visitors); *Underwater Robotics Program*, Shedd Aquarium, <https://www.sheddaquarium.org/Learning-Experiences/Educators--Classrooms/Classroom-Clubs-and-Competitions/Underwater-Robotics/> (last visited Nov. 28, 2018) (providing resources and \$1,000 undersea robotics kit for afterschool robotics clubs); *Museum in the Classroom*, National Museum of Mexican Art, <http://nationalmuseumofmexicanart.org/content/museum-classroom> (last visited Nov. 28, 2018) (sending teaching artists to schools); *SPACE*, MCA Chicago, <https://mcachicago.org/Learn/Schools/SPACE> (last visited Nov. 28, 2018) (embedding artists in three Chicago schools); *TEENS*, The Chicago Academy of Sciences/Peggy Notebaert Nature Museum, <http://www.naturemuseum.org/schools-and-teachers/teens> (last visited Nov. 28, 2018) (hosting expenses-paid after-school program to explore nature in the city); *Research Center*, Chicago History Museum, <http://libguides.chicagohistory.org/research> (last visited Nov. 28, 2018) (providing archival material to researchers and research assistance to 6th-12th grade students participating in History Fair); *Educational Programs*, The DuSable Museum of African American History, <https://www.dusablemuseum.org/educational-programs/> (operating "mobile museum" truck, bringing African American history and accompanying educational programming "to your doorstep").

<sup>5</sup> See, e.g., *Internships*, Adler Planetarium, <https://www.adlerplanetarium.org/internships/> (last visited Nov. 28, 2018); *Internships*, Field Museum of Natural History, <https://www.fieldmuseum.org/about/careers/internships> (last visited Nov. 28, 2018); *Internships*, Shedd Aquarium, <https://www.shedd-aquarium.org/About-Us/Jobs-Internships-and-Volunteering/Internships/> (last visited Nov. 28, 2018); *Internships*, Art Institute of Chicago, <https://www.artic.edu/internship-opportunities> (last visited Nov. 28, 2018); *Volunteer*, National Museum of Mexican Art, <http://nationalmuseumofmexicanart.org/content/volunteer> (last visited Nov. 28, 2018); *Farrell Fellows Summer Internship*, Museum of Science and Industry, <https://www.msichicago.org/education/out-of-school-time/summer-interns/> (last visited Nov. 28, 2018); *Internships*, MCA Chicago, <https://mcachicago.org/About/Internships> (last visited Nov. 28, 2018); *Internship Opportunities*, The Chicago Academy of Sciences/Peggy Notebaert Nature Museum, <http://www.naturemuseum.org/get-involved/jobs-and-internships/internship-opportunities> (last visited Nov. 28, 2018); *Careers*, The DuSable Museum of African American History, <https://www.dusablemuseum.org/jobs/> (last visited Nov. 28, 2018).

programs to help them take advantage of the museums' rich offerings, and deepening their knowledge through courses dedicated to teachers.<sup>6</sup> The museums reach the general public, too. They serve as a "reliable source of historical information." *Economic Impact*. As the Secretary of the Smithsonian Institution has explained, "[s]ince our founding, this nation has consistently placed [its] trust in museums," which "are considered honest purveyors of information and places for conversation on issues of local and national significance." Dr. David Skorton, *Trusted Sources: Why Museums and Libraries Are More Relevant Than Ever*, Smithsonian Insider (Feb. 27, 2017). Museums, thus, not only serve the public interest, they also actively advance it by expanding knowledge and understanding.

Thriving museums in public parks have also been a key driver of economic growth. As Daniel Burnham recognized in developing his Plan of Chicago, which included siting the Field Museum in parkland, if a city lost major museums "the commercial loss to those cities would be very considerable." Daniel H. Burnham and Edward H. Bennett, Plan of Chicago 112 (1909). The

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<sup>6</sup> See, e.g., *Resources for your classroom*, Adler Planetarium, <https://www.adlerplanetarium.org/for-educators/> (last visited Nov. 28, 2018) ("The Adler has many resources for teachers to use in the classroom and during their Adler field trips"); *Teacher Professional Development*, Field Museum of Natural History, <https://www.fieldmuseum.org/teacher-professional-development> (last visited Nov. 28, 2018) (maintaining "Field Ambassador" professional learning community and hosting paid summer residency where educators conduct genetics research); *Professional Development*, Shedd Aquarium, <https://www.sheddaquarium.org/Learning-Experiences/Educators--Classrooms/Professional-Development> (last visited Nov. 28, 2018) (organizing annual science educator conference); *Educator Resources*, Art Institute Chicago, <https://www.artic.edu/learn-with-us/educators/tools-for-my-classroom/resource-finder> (last visited Nov. 28, 2018) (publishing resource packets on diverse topics); *Educator Resources*, National Museum of Mexican Art, <http://nationalmuseumofmexicanart.org/content/educator-resources> (last visited Nov. 28, 2018) (publishing downloadable educator guides); *Educator Resources*, Museum of Science and Industry, <https://www.msichicago.org/explore/whats-here/exhibits/brick-by-brick/educators/educator-resources/> (last visited Nov. 28, 2018) (offering downloadable lesson plans); *Teacher Institute*, MCA Chicago, <https://mcachicago.org/Learn/Teachers/Teacher-Institute> (last visited Nov. 28, 2018) (hosting year-long immersive professional development program with emphasis on "socially engaged" art); *Teacher Resources & Workshops*, The Chicago Academy of Sciences/Peggy Notebaert Nature Museum, <http://www.naturemuseum.org/schools-and-teachers/teacher-professional-development> (last visited Nov. 28, 2018) (creating customized professional development workshops); *Education Council*, The DuSable Museum of African American History, <http://www.dusablemuseum.org/educational-council/> (last visited Nov. 28, 2018) (providing monthly meetings to encourage partnerships between educators and museum).

American Alliance of Museums recently quantified that impact, estimating that in 2017 the Park Museums and four other museums generated \$850 million in annual economic impact—hiring 3,700 employees, supporting 23,000 others, and contributing nearly \$80 million in city and state tax revenue. *Economic Impact*. The museums also served as the primary attraction for more than 5 million out-of-state visitors, who each spent an average of \$82 and infused the city and state with additional revenue. *See Economic Impact* (“Museums are the number one reason tourists visit Illinois.”). In short, “Chicago-area museums have a major regional economic impact, leading to jobs, tourism, and improved quality of life.” *Economic Impact*.

The success of the Park Museums reverberates through the economy as well. Cultural institutions like museums “attract the ‘creative class’ and reverse ‘brain drain,’” and serve as “high-impact components of economic development programs.” *Arts & the Economy*, Nat’l. Gov.’s Assn., <https://www.nga.org/center/issues/arts-the-economy/> (last visited Nov. 28, 2018). That in turn attracts businesses, which relocate in search of high-skilled labor, and creates a positive feedback loop that benefits the economy. *See Wharton School of Business, The Headquarters Checklist: How Do Companies Pick a Location?* (Oct. 24, 2017), <http://knowledge.wharton.upenn.edu/article/headquarters-checklist-companies-pick-location/>. Indeed, museums are known for “making communities more attractive to highly desirable, knowledge-based employees,” “serving as a centerpiece for downtown redevelopment and cultural renewal,” and “creating vibrant public spaces, enhancing urban quality of life, expanding the tax base, and improving regional and community image.” *Arts & the Economy, supra*. One recent study found that “for every \$100 of value-added output created by museums, an additional \$220 of value added is created in other sectors of the US economy as a result of supply chain and employee expenditure impacts.” American Alliance of Museums, *Museums As Economic*

Engines: A National Report 11 (2017). Simply put, the “advantages of developing [a city park] as the intellectual center of Chicago cannot be overestimated for art everywhere has been a source of wealth and moral influence.” Burnham, *supra* at 112.

**II. PLAINTIFFS’ POSITION MAY CREATE UNCERTAINTY FOR MUSEUMS AND MAY HARM THEIR ABILITY TO SERVE THE PUBLIC INTEREST.**

Each Park Museum has its own unique origin and history, and each Park Museum’s right to operate on public land flows from its own particular individual circumstances. As a result, the Public Trust Doctrine applies differently and to varying degrees (if at all) to each of the Park Museums based on each institution’s distinct history.

**A. The Proposed Agreement Governing The Obama Presidential Center Is Similar To Use Agreements Governing Park Museums.**

Since at least 1891, and as recently as 2007, the Park Museums have entered into use agreements that identify the terms of their use of public parkland. Those use agreements and the use agreement governing the Obama Presidential Center are similar in three ways.

*First*, although their specific focus varies, the Obama Presidential Center and the Park Museums are all dedicated to serving the public interest and advancing knowledge. “The central mission of the Presidential Center is to house and operate a presidential museum that will present President and Mrs. Obama’s story within the broader story of American history, the history of civil rights, and the powerful place of Chicago in American history.” Ordinance at Ex. D, Use Agreement with the Barack Obama Foundation, at Recital G (“OPC Use Agreement”). The Obama Presidential Center is authorized to further that mission by operating a “[m]useum containing artifacts and exhibits,” “maintaining ... educational, cultural and exhibit spaces,” “hosting performances, special exhibits and events, and otherwise offering recreational, instructional and cultural programming.” OPC Use Agreement § 6.1 & Ex. E. The Park Museums were founded for similar reasons—to increase knowledge and understanding about the various

subjects they address. *See, e.g.*, Amended Agreement between Mexican Fine Arts Center and Chicago Park District (Sept. 30, 1987) (“NMMA Agreement”) p. 1; Revised Agreement between the Institute of Puerto Rican Arts and Culture and the Chicago Park District (July 31, 2007) p. 1 (“NMPRAC Agreement”). And the Park Museums further those missions by, among other things, collecting and displaying objects, displaying works of art and culture, and teaching and exhibiting information. *See, e.g.*, NMPRAC Agreement p. 1; Third Amendment to Existing Permit Agreement between Chicago Park District and the DuSable Museum of African American History (July 11, 2003) (“DuSable Agreement”) p. 1.

*Second*, the terms of the use agreement governing the Obama Presidential Center envision that it will operate in a similar fashion as the Park Museums. These “institutions are all operated by private, not-for-profit organizations, and all depend on private donations and private management and curatorial expertise.” Ordinance at 85877; *see* OPC Use Agreement § 2.1. As not-for-profit organizations, each institution is required to use its revenues either for operating the institution or for endowment. In addition, the Obama Presidential Center’s public access, admission fee policies for Chicago residents and low-income individuals and families, and parking rates must be “substantially consistent” with “other Museums in the Park.” OPC Use Agreement §§ 6.1, 6.2(a), 6.10.<sup>7</sup> The Obama Presidential Center similarly may only engage in ancillary activities that are “present in other Museums in the Park,” *id.* § 6.1(f), and host events to support the museum “that are customary for the support of the other Museums in the Park,” *id.* § 6.2(c)(iii); *see also id.* § 6.3(d).

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<sup>7</sup> The OPC Use Agreement defines “Museums in the Park” as “the museums located on the Park District’s land that are supported by the Aquarium and Museum Operating Fund,” and includes *amici curiae* Park Museums. *See* OPC Use Agreement art. I at 7.

*Third*, the Obama Presidential Center and the Park Museums have each entered into a use agreement that generally embodies the same basic arrangement and conditions of termination if they fail to live up to that arrangement. The capital and operating costs of the Park Museums are largely borne by the museums—whether for construction, insurance, maintenance and upkeep, or improvements to the land. *Compare, e.g.*, OPC Use Agreement §§ 4.2, 7.1, 7.2, 9.2, with NMMA Agreement Art. 2, 4; Journal of Proceedings of the Board of The Commissioners of Lincoln Park 1486-87 (July 10, 1928); Agreement between Shedd Aquarium Society and South Park Commissioners (Sept. 18, 1925) §§ 1.1-1.3, 2.3. In exchange, each museum “uses park land free of charge and each has a long-term right to occupy its buildings rent-free, so long as the buildings are used for museum purposes in compliance with the Museum Act.” Ordinance at 85877. If one of the Park Museums fails to comply with the Museum Act, or to abide by the relevant use agreement, then the government may seek to make the museum leave the public land it occupies and any improvements built on that land. *See, e.g.*, NMMA Agreement Art. 12; Agreement between the Chicago Academy of Sciences and the Chicago Park District (March 31, 1995) § 8(b); DuSable Agreement § 1(m); NMPRAC Agreement § 6. So too with the Obama Presidential Center: “any and all Project Improvements placed or constructed” in the park “become the property of the City and shall remain the property of the City during the Term” and “title to such Project Improvements shall remain vested in the City” if the Term ends. OPC Use Agreement § 4.4; *see also id.* § 18.2 (requiring that the Obama Foundation “at its sole cost and expense, immediately vacate the Subject Property and the Project Improvements” if the Term ends); Ordinance at 85886 (“[T]he OPC Site will revert to the Park District if the land is not used for the OPC.”).

At bottom, under the guiding principles of the use agreements governing the Park Museums and the proposed use agreement governing the Obama Presidential Center, the public gets all of the upside and none of the downside: the public benefits from having a museum, without needing to operate it, and may make the museum leave public land (along with improvements to it) if the museum stops serving the public.

**B. Denying Defendants' Motion May Harm The Park Museums And May Divert Precious Museum Resources From Their Missions.**

Chicago's parks and museums have long been joined together in service of the public interest. The Park Museums have proudly dedicated themselves to the public interest by serving as an unparalleled education resource. The Obama Presidential Center seeks to do the same. If the Court finds that the Obama Presidential Center cannot be established in Jackson Park under the proposed use agreement, that ruling may have an unintended consequence of undermining the very public interest that the Plaintiffs seek to vindicate.

This is not an abstract concern. The Museums are non-profit institutions that depend on every dollar of revenue to fulfill their public-interest mission. Plaintiffs' position of challenging the definition of public interest risks diverting those precious resources away from serving the public. Maintaining and developing the museums and their offerings is an evolving civic project that is furthered by the understanding that the museums will have a home in the parks.

**CONCLUSION**

For the foregoing reasons, the *amici curiae* Park Museums respectfully urge that the Court grant Defendants' motion to dismiss or for judgment on the pleadings.

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Respectfully submitted,

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## **APPENDIX 1 – DESCRIPTION OF *AMICI CURIAE* PARK MUSEUMS**

**Adler Planetarium:** The mission of the Adler Planetarium is to inspire exploration and understanding of our Universe. As America’s first planetarium, it is more than a museum; it is a laboratory, a classroom, and a community exploring the Universe together. Each year, over 570,000 visitors experience the museum’s interactive exhibitions, live planetarium shows, hands-on, minds-on STEM programs, and world-class collections.

**Art Institute of Chicago:** Founded in 1879, the Art Institute is one of the world’s major museums, housing an extraordinary collection of objects from across places, cultures, and time. It is also a place of active learning for all—dedicated to investigation, innovation, education, and dialogue—continually aspiring to greater public service and civic engagement.

**The Chicago Academy of Sciences/Peggy Notebaert Nature Museum:** The Chicago Academy of Sciences, which operates as the Peggy Notebaert Nature Museum, was founded in 1857, so that enthusiasts and experts alike could study and share plant and animal specimens they collected. Today, the museum continues to build on its legacy of natural history education and strives to create a positive relationship between people and nature through collaborations, education, research and collections, exhibitions, and public forums to grow our region’s urban connection to the world of nature and science.

**Chicago History Museum:** Founded in 1856 as the Chicago Historical Society and incorporated in 1857 by an act of the state legislature, the Chicago History Museum is dedicated to sharing Chicago’s stories, serving as a hub of scholarship and learning, inspiration, and civic engagement. The Museum’s programs and events, exhibitions, educational initiatives, publications, and collecting activities touch the lives of all Chicagoans and help them make meaningful and personal connections to history.

**DuSable Museum of African American History:** The DuSable Museum is dedicated to the collection, documentation, preservation, study and dissemination of the history and culture of Africans and Americans of African Descent. It carries out its mission through exhibitions, archives and a diverse array of educational and public programs designed to interpret and illuminate the lives and experiences of people of the African Diaspora for audiences of all ages.

**The Field Museum of Natural History:** The Field Museum of Natural History fuels a journey of discovery across time to enable solutions for a brighter future rich in nature and culture. Since opening in 1894, its collection has grown to nearly 40 million artifacts and specimens. It continues to research the objects in its collections, document previously unknown species, conserve ecosystems in our backyard and across the globe, educate budding scientists, invite cross-cultural conversation, and more—all to ensure that our planet thrives for generations to come.

**Museum of Contemporary Art:** The MCA is an artist-activated and audience-engaged contemporary art museum. It is one of the world's largest museums dedicated to art since 1945. Since its inception, the MCA has served as an innovative and compelling center of contemporary art where the public can experience the work and ideas of living artists, and understand the historical, social, and cultural context of the art of our time.

**Museum of Science and Industry:** MSI—one of the largest science museums in the world—is home to more than 400,000 square feet of hands-on exhibits designed to spark scientific inquiry and creativity. It has welcomed more than 190 million guests since it opened in 1933, in a building from 1893's Columbian Exposition, and offers facilitated exhibits, special access tours, hands-on laboratory experiences, lectures, and special overnight events.

**National Museum of Mexican Art:** The NMMA is home to one of the country's largest Mexican art collections and stands out as one of the most prominent first-voice institutions for Mexican art and culture in the United States. Its mission is to showcase the beauty and richness of Mexican culture by sponsoring events and presenting exhibitions; to develop, conserve and preserve a significant permanent collection of Mexican art; to encourage the professional development of Mexican artists; and, to offer arts-education programs.

**National Museum of Puerto Rican Arts and Culture:** NMPRAC is devoted to the promotion, integration and advancement of Puerto Rican arts and culture through exhibitions and programming that enhance the visibility and importance of the rich Puerto Rican arts tradition. Located in Humboldt Park, in the heart of Chicago's Puerto Rican community, NMPRAC is the only self-standing museum in the nation devoted to showcasing Puerto Rican arts and cultural exhibitions year-round.

**John G. Shedd Aquarium:** Founded in 1924 and opened in 1930, Shedd Aquarium welcomes 2 million guests each year for unforgettable encounters with animals from aquatic environments around the world. Its scientists are saving endangered species and their habitats; its animal care experts rescue and rehabilitate wildlife in need, across the country and around the world; its conservationists are restoring the health of the Great Lakes; and its educators spark compassion, curiosity and conservation for the aquatic animal world.