

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: ALAN LOWE and) OEIG Case #19-00300
 MICHAEL LITTLE)

OEIG FINAL REPORT

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Executive Ethics Commission (Commission) to redact information from this report that may reveal the identity of witnesses, complainants or informants and “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes-competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut the report’s factual allegations or legal conclusions before the Commission.

The Commission received this report from the Governor’s Office of Executive Inspector General (“OEIG”) and a response from the agency in this matter. The Commission, pursuant to 5 ILCS 430/20-52, redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Executive Inspector General for the Governor, and to Alan Lowe and Michael Little at their last known addresses.

The Commission reviewed all suggestions received and makes this document available pursuant to 5 ILCS 430/20-52.

FINAL REPORT

I. ALLEGATIONS

On February 13, 2019, the Office of Executive Inspector General (OEIG) received an anonymous complaint alleging that the Abraham Lincoln Presidential Library and Museum (ALPLM) “pimp[ed] out” the Gettysburg Address and other Lincoln artifacts to Mercury One for \$50,000 in 2018, contrary to standard museum lending policies. The complaint alleged that ALPLM Executive Director Alan Lowe also received a free trip to Texas.

II. BACKGROUND

A. The Gettysburg Address And The ALPLM

On November 19, 1863, in the midst of the Civil War, Abraham Lincoln delivered a brief but extraordinary speech at the dedication of a national cemetery on the battlefield at Gettysburg, Pennsylvania, where he urged attendees to resolve that “government of the people, by the people, for the people, shall not perish from the earth.” Although he predicted in that speech that “[t]he

world will little note, nor long remember what we say here,” Lincoln’s Gettysburg Address remains one of the most renowned speeches in American history.

Five known copies of the Gettysburg Address exist in Lincoln’s handwriting. One is owned by the ALPLM, a State agency entrusted with a collection of artifacts and papers relating to Lincoln and Illinois history.¹ The ALPLM acquired its copy of the Gettysburg Address in 1944 for \$60,000, which was funded in part with pennies donated by Illinois schoolchildren.² The ALPLM publicly displays the Gettysburg Address in the museum in Springfield each year in November, to coincide with the anniversary of the speech and the Thanksgiving holiday. Although as a practical matter it is irreplaceable, the appraised value of the ALPLM’s copy of the Gettysburg Address is \$20 million.³

The following list includes ALPLM staff and their positions for the time period relevant to this investigation:

| | |
|------------------------------------|------------------------------------|
| <i>Alan Lowe</i> | Executive Director |
| <i>Carla Smith</i> | Registrar |
| <i>Samuel Wheeler</i> | State Historian |
| <i>[ALPLM Employee]</i> | [Redacted] |
| <i>Nadine O’Leary</i> ⁴ | Chief of Staff |
| <i>Michael Little</i> ⁵ | Chief Operating Officer |
| <i>Dave Kelm</i> | General Counsel and Ethics Officer |

B. Summary Of The ALPLM’s Loan Of The Gettysburg Address

Prior to the 2018 loan at issue in this investigation, the Gettysburg Address had only been loaned out two times since the ALPLM was established: first, to the Gettysburg Foundation in 2008; and second, to the Chicago History Museum in 2009. The process for effectuating these loans took nearly a year for the first and approximately eight months for the second. Subsequently, in 2013, the Historic Preservation Agency (HPA) Board of Trustees passed a Board Resolution disallowing the future loaning out of the Gettysburg Address and six other artifacts, due to their “nature, condition, and value,” unless the Board voted unanimously to allow an exception.⁶

On June 5, 2018, the ALPLM’s Executive Director, Alan Lowe, began discussions regarding loaning the Gettysburg Address and other artifacts to a Texas entity, Mercury One. Only eight days later, on June 13, 2018, the loan agreements were executed, and a certificate of insurance

¹ Two of the remaining copies are at the Library of Congress, one is at the White House, and one is at Cornell University. <https://www.loc.gov/exhibits/gettysburg-address/> (last visited Aug. 14, 2019).

² According to State Historian Samuel Wheeler, the copy the ALPLM acquired had been pasted in a scrapbook made by Edward Everett, the main speaker at Gettysburg on the day Lincoln gave his speech. The schoolchildren raised roughly \$50,000 to purchase it, and Marshall Field III donated the remaining \$10,000. At the time it acquired the Gettysburg Address, the ALPLM was known as the Illinois State Historical Library.

³ The Gettysburg Address was appraised at that amount in June 2018, as discussed further below.

⁴ Ms. O’Leary is no longer an ALPLM employee.

⁵ As discussed further below, Mr. Little is no longer a State employee.

⁶ As discussed further below, at the time the Resolution passed, the ALPLM was part of the HPA.

was emailed to the ALPLM approximately 30 to 40 minutes before the FedEx truck left the ALPLM with the Gettysburg Address. The Gettysburg Address was displayed in a Mercury One office as part of an exhibition described as a temporary “pop-up” museum from June 15th through the 17th. Mercury One paid for Mr. Lowe and then-ALPLM Chief Operating Officer Michael Little to travel to and stay in Dallas during the exhibition; however, neither was present for the transport, removal or repackaging of the Gettysburg Address.

On November 23, 2018, Mercury One issued a check to the ALPLM for \$50,869.60. In January 2019, Mr. Little began working for Mercury One after he had resigned from the ALPLM in lieu of termination for leaving an ALPLM artifact unattended and unsecured.

C. The Abraham Lincoln Presidential Library Foundation

The Abraham Lincoln Presidential Library Foundation (Foundation) is a 501(c)(3) organization whose mission is to support the ALPLM’s exhibits and programs.⁷ In 2007, the Foundation purchased a collection of artifacts known as the Taper Collection for \$25 million, which it financed through a loan; a balance of over \$9 million remained owing as of May 2018.⁸ Under a 2017 agreement, the Foundation loaned the Taper Collection to the ALPLM until December 1, 2019.

D. Mercury One And Glenn Beck

Mercury One, Inc. is a nonprofit corporation founded by conservative media personality Glenn Beck, with the stated mission to “restore the human spirit by encouraging dependence on God, providing humanitarian aid, preserving heritage, and empowering all to stand for truth.”⁹ From June 15 through 17, 2018, Mercury One presented a temporary “pop-up” museum exhibition titled “Rights and Responsibilities,” at Mr. Beck’s Mercury Radio Arts television and radio studios in Irving, Texas, a Dallas suburb.¹⁰ The exhibition included displays of historical artifacts loaned from the ALPLM and the Foundation, including the ALPLM’s copy of the Gettysburg Address.

III. INVESTIGATION

A. The Establishment Of The ALPLM, And Relevant Loan Policies

1. The ALPLM and the HPA

The ALPLM was a division of the HPA until 2017.¹¹ On March 31, 2017, then-Governor Bruce Rauner issued Executive Order 2017-01, which abolished the HPA and established the

⁷ <https://www.alplm.org/AboutUs/AbouttheFoundation.aspx>; <https://www.alplm.org/AboutUs/OurMission.aspx> (last visited Aug. 14, 2019). See also 20 ILCS 3475/15.

⁸ Foundation Chief Executive Officer Carla Knorowski discussed the Foundation’s debt in an opinion piece in the *Chicago Tribune* on May 16, 2018. See Carla Knorowski, “Illinois needs to keep Abraham Lincoln’s legacy from being auctioned,” *Chicago Tribune*, May 16, 2018, <https://www.chicagotribune.com/opinion/commentary/ct-perspec-abraham-lincoln-auction-foundation-presidential-library-0516-story.html> (last visited Aug. 14, 2019).

⁹ <https://mercuryone.org/> (last visited Aug. 14, 2019).

¹⁰ Mercury Radio Arts is Mr. Beck’s multimedia production company. <http://www.mercuryradioarts.com/#testimonials> (last visited Aug. 14, 2019).

¹¹ See Executive Order 2017-01 (Mar. 31, 2017); 20 ILCS 3475/10 (eff. Aug. 18, 2017).

ALPLM as a new State agency directly responsible to the Governor.¹² The Abraham Lincoln Presidential Library and Museum Act (the ALPLM Act) subsequently took effect on August 18, 2017, and statutorily established the ALPLM as an independent State agency.¹³ Executive Order 2017-01 and the ALPLM Act require an 11-member ALPLM Board of Trustees to be appointed by the Governor, with the advice and consent of the Senate.¹⁴

Executive Order 2017-01 contains a savings clause that provides that “[a]ny rules, regulations, and other agency actions affected by the reorganization shall continue in effect and be transferred together with the transfer of functions” from the HPA to the ALPLM.¹⁵ The Executive Order further provides that “[e]very person shall be subject to the same obligations and duties and to the associated penalties, if any, . . . as if exercised subject to HPA or the officers and employees of HPA.”¹⁶ The Executive Order and the ALPLM Act give the ALPLM Board the power to set policies in support of the ALPLM’s mission and goals.¹⁷ To date, no ALPLM Board has been appointed, however, and as a result the HPA rules remain in place.

2. The HPA Board’s Restrictions On Loans Of The Gettysburg Address After 2009

As noted above, the ALPLM had only loaned out the Gettysburg Address twice before the loan examined in this investigation: to the Gettysburg Foundation in 2008, and to the Chicago History Museum in 2009. When the HPA Board approved the loan to the Chicago History Museum on November 15, 2008, it also voted to recommend to the Governor that there be no further loans of the Gettysburg Address.¹⁸ The HPA Board Chair advised the Governor’s Office Chief of Staff of the Board’s decision in a November 17, 2008 email, explaining that the Board had concluded that “wear and tear and increasingly worrisome security issues associated with travel and transport make it is [sic] just too risky to send the Gettysburg Address . . . to other institutions,” and that “[r]isking the state’s treasures is simply not worth it.”¹⁹

Subsequently, in a “Board Resolution: Policy on ALPLM Items Not to Be Loaned” dated February 13, 2013, the HPA Board resolved that, “due to their nature, condition and value,” the Gettysburg Address and six other artifacts “shall not be loaned to any other entity or removed to travel to be displayed, unless the Board of Trustees votes to allow an exception by unanimous vote of those present but in no case fewer than five (5) Board members.”

¹² Executive Order 2017-01.

¹³ 20 ILCS 3475/1, *et seq.*

¹⁴ 20 ILCS 3475/15. At least 7 members of the ALPLM Board are required to have a particular qualification, such as recognized knowledge and ability in matters related to “the history of Abraham Lincoln,” “library and museum studies,” or “historic preservation.” 20 ILCS 3475/20.

¹⁵ Executive Order 2017-01 § XIII.

¹⁶ Executive Order 2017-01 § XIII.

¹⁷ Executive Order 2017-01 § IX; 20 ILCS 3475/25(a). The ALPLM’s Executive Director is to execute and discharge the ALPLM’s powers and duties, and has the authority to hire employees and fix their compensation, establish and collect admission and registration fees, operate a gift shop, and publish and sell educational and informational materials. 20 ILCS 3475/30.

¹⁸ HPA Board meeting minutes reflect that prior to the vote, then-State Historian Thomas Schwartz and then-HPA Director Jan Grimes presented information about the Gettysburg Address to the Board and answered questions, and that the Board discussed the matter.

¹⁹ Although the Board Chair asked whether the Governor agreed with this policy, the OEIG did not discover any Governor’s Office emails addressing the HPA Board’s plan to prohibit future loans of the Gettysburg Address.

3. HPA Loan Policies

The OEIG asked the ALPLM to produce policies that were in effect in 2018 governing loans of ALPLM historical artifacts, as well as any documents that reflect industry standards and best practices the ALPLM follows relating to such loans. In response, the ALPLM produced two HPA policy manuals: the Collections Manual, and the Museum Collection Loans Policy & Guidelines for Historic Sites & Museums (Collection Policy).

Among other requirements, both HPA policies require prospective borrowers to submit a loan request in writing.²⁰ The Collections Manual requires this written request to be submitted at least six months in advance, while the Collection Policy requires it to be submitted at least three months in advance.²¹ The Collection Policy requires borrowers to prove that they can adequately care for a loan, and specifically requires such proof to be “requested in writing or by the submission of an *American Association of Museums Standard Facility Report*.”²² The Standard Facility Report is a form museums use to provide detailed information about their facilities, including their accreditation; geographic profile; key staff who work with temporary exhibitions; building construction, configuration, and maintenance information; information about exhibition spaces, including the layout; environmental conditions and controls; fire protection; security; procedures for handling and packing objects, and training staff have received in packing and unpacking loan objects; insurance; and loan history.

4. Interview of ALPLM Registrar Carla Smith about Loan Policies and Practices

Investigators interviewed ALPLM Registrar Carla Smith about loan policies and standard loan practices at the ALPLM.²³ Ms. Smith stated that she has been the ALPLM’s Registrar for 12 years and that in that position, she is responsible for administering loans at the ALPLM, among other duties. Ms. Smith said that the ALPLM’s practices “pretty much” follow the HPA policies and that staff refer to the HPA policies when issues arise. Ms. Smith added that although ALPLM staff had been working on developing new policies, nothing has been approved because there is no ALPLM Board to do so.

Ms. Smith said that in her experience at the ALPLM, and industry-wide, the practice is for loan requests to be made in writing, on the borrowing entity’s letterhead. She said this letter outlines the name and subject of the exhibits, proposed dates, and the objects or theme of objects requested, and acknowledges that any costs associated with the loan, such as for insurance and

²⁰ HPA Collections Manual, Loans – 12 (2000); HPA Collection Policy, at 4 (May 2007).

²¹ HPA Collections Manual, Loans – 12 (2000); HPA Collection Policy, at 4 (May 2007). The ALPLM’s standard loan agreement form also requires requests for loans to be made in writing at least 6 months in advance of the start of the loan term.

²² HPA Collection Policy, at 4 (May 2007). The American Association of Museums, now known as the American Alliance of Museums, is an organization that accredits museums, and offers resources on ethics, standards, and professional practices. See <https://www.aam-us.org/> (last visited Aug. 14, 2019). This report will refer to both as “AAM.”

²³ Ms. Smith was interviewed on July 16, 2019.

shipping, will be paid by the borrower. Ms. Smith said that the ALPLM tries to have three to six months advance notice of a loan, and would like to extend that policy to nine months, given the amount of time it takes to arrange loans. She explained that it takes time and effort to assess artifacts and their condition to ensure that they are fit for travel, perform any necessary conservation work, and ensure that packing arrangements can be completed, among other arrangements.

Ms. Smith said that a Standard Facility Report is typically required for outgoing loans. She explained that in deciding whether to loan out an artifact, you “want somebody who can care for it as well as you can yourself,” and that relevant factors to evaluate include the prospective borrower’s security, lighting, temperature, humidity, personnel, the types of exhibit cases that will be used, facility location, and lending history. Ms. Smith said that the Standard Facility Report compiles this and other information about a potential borrower’s facility. Ms. Smith said that all of these factors are considered when determining whether the ALPLM feels comfortable to send its artifacts into a borrower’s temporary care.

5. Interview of State Historian Samuel Wheeler about Loan Policies and Practices

The OEIG also interviewed State Historian Samuel Wheeler about loan policies and standards at the ALPLM.²⁴ Dr. Wheeler has been the State Historian since July 2016, and in that position he serves as the State’s authority on Illinois history, including the life and legacy of Abraham Lincoln; directs research efforts at the ALPLM; and is involved with the loan process.²⁵ Dr. Wheeler confirmed that the ALPLM has not finalized policies and procedures since it became independent from the HPA in 2017 because there is no ALPLM Board to sign off on them.

In his interview and in a document he drafted and provided to the OEIG, Dr. Wheeler described the ALPLM’s standard loan process, which he stated is based on the standard museum protocol outlined by the AAM. First, a formal letter of request from the potential borrowing institution, on institutional stationery, is submitted to the ALPLM’s Registrar. In addition, the borrowing institution submits a Standard Facility Report. The ALPLM’s loan committee²⁶ reviews the letter of request and Standard Facility Report and discusses whether or not to recommend granting the loan request. The committee’s recommendation is then presented to the ALPLM’s Executive Director, who can agree with or reject the recommendation. Dr. Wheeler said that when the ALPLM was part of the HPA, the Executive Director made a recommendation to the HPA’s Board of Trustees, which made the final decision about whether to grant the loan request. Once the loan request has been approved, the Registrar works with the borrowing institution and other ALPLM staff to make the loan arrangements. Dr. Wheeler said that the ALPLM has used a six-to nine-month time frame to complete loans following a request.

6. AAM Loan Standards

²⁴ Dr. Wheeler was interviewed on July 17, 2019.

²⁵ Dr. Wheeler told investigators that he holds a master’s degree in public history, and a doctorate in history with a United States history specialization.

²⁶ Dr. Wheeler said the loan committee includes the Registrar, the Curator responsible for the pieces being requested, the Conservator, the State Historian, and other staff who may be involved with the loan.

Because Dr. Wheeler stated that the ALPLM’s standard loan process is based on an AAM protocol, the OEIG obtained and reviewed the AAM’s *New Museum Registration Methods* regarding the approval process for loans.²⁷ Among other things, the AAM states that “[c]ustomary protocol for requesting loans calls for the director, curator, or project manager of the borrowing institution to send the prospective lender a detailed letter describing the purpose of the exhibition and the objects desired.”²⁸ In addition, the AAM states that “[t]he borrower’s current facility report must be considered when evaluating a loan request.”²⁹ The AAM states that its Standard Facility Report form is “often used” by American museums, and notes that it is “extremely thorough in the questions contained and is recommended as a standard.”³⁰

B. The ALPLM’s Prior Loans Of The Gettysburg Address

In addition to examining policies, procedures, and standard museum practices for outgoing loans, the OEIG examined the specific practices the ALPLM followed relating to its prior loans of the Gettysburg Address. As noted above, the ALPLM advised the OEIG that it loaned out the Gettysburg Address twice prior to the 2018 loan to Mercury One: to the Gettysburg Foundation in 2008, and to the Chicago History Museum in 2009.

1. 2008 Loan to the Gettysburg Foundation

On March 31, 2008, the Gettysburg Foundation made a formal written request to the ALPLM, seeking to exhibit the Gettysburg Address at the opening ceremonies for a new Gettysburg National Military Park Museum and Visitor Center nearly six months later, from September 25 through 28, 2008. It appears from emails obtained in the investigation that discussions about a potential loan had begun in October 2007, nearly a year before the exhibition. The Gettysburg Foundation is a non-profit organization that operates in partnership with the National Park Service to preserve the battlefield at Gettysburg National Military Park, and it owns and operates the museum.³¹

On May 20, 2008, the Gettysburg Foundation submitted a facility report to the ALPLM, which provided detailed information about the museum, including about the design and fabrication of exhibit cases; monitoring of environmental conditions; light and ultraviolet radiation controls; security; fire protection; and prohibitions on drinking, eating, and smoking in exhibit spaces. The HPA Board of Trustees discussed and approved the loan request on June 7, 2008, and the Governor’s Office gave its approval on July 30, 2008 to proceed with the loan.

2. 2009 Loan to the Chicago History Museum

On May 21, 2008, the Chicago History Museum made a formal written request to the ALPLM, seeking to display the Gettysburg Address in an exhibit of Lincoln materials approximately eight months later, from February 12 through April 30, 2009. The Chicago History

²⁷ See *New Museum Registration Methods* (Rebecca A. Buck and Jean Allman Gilmore, eds., AAM 1998).

²⁸ *New Museum Registration Methods* at 177.

²⁹ *New Museum Registration Methods* at 178.

³⁰ *New Museum Registration Methods* at 178.

³¹ <http://www.gettysburgfoundation.org/more/who-we-are/>;
<https://www.nps.gov/gett/planyourvisit/visitorcenters.htm> (last visited Aug. 14, 2019).

Museum is a non-profit institution founded in 1856, whose mission is to collect, interpret, and present Chicago history and selected areas of American history; its collection includes millions of artifacts, documents, and images.³²

The letter of request indicated that it was attaching the Chicago History Museum's facility report. The facility report provided detailed information about the museum, including its exhibitions staff; the construction, configuration, and maintenance of the museum building; environmental control systems; lighting; fire protection; security; and loan history. On November 15, 2008, the HPA Board of Trustees discussed and approved the loan request for a shorter period of time than requested, and the loan ultimately was from April 1 through May 3, 2009.

Investigators interviewed Chicago History Museum Registrar Julie Katz on June 5 and 19, 2019, about the 2009 loan of the Gettysburg Address from the ALPLM, and generally accepted practices for loans of museum artifacts. Ms. Katz said that she has been the Chicago History Museum's Registrar for 24 years, and that her duties in that position include oversight of incoming and outgoing loans. Ms. Katz noted that the Chicago History Museum has a longstanding relationship with the ALPLM, and said that she handled the Chicago History Museum's loan of the Gettysburg Address from the ALPLM in 2009.

Ms. Katz described the ALPLM's copy of the Gettysburg Address as "very significant," and "very much a unique piece." She said that the Chicago History Museum requested a loan of the ALPLM's Gettysburg Address for the 2009 exhibition almost a year before the intended loan date, and explained that the loan process is lengthy due to the communications that are exchanged between the institutions; she noted that the Chicago History Museum's own policies require requests for outgoing loans of Chicago History Museum artifacts to be made at least six months in advance of the loan.³³ In addition, Ms. Katz said that based on her experience with both incoming and outgoing loans, loan requests are usually made in writing.

Ms. Katz said that the Chicago History Museum had a Standard Facility Report, which she said is important to ensure that artifacts are being loaned to a strong institution. Ms. Katz opined that loaning out an artifact like the Gettysburg Address without receiving a Standard Facility Report would not be doing due diligence, unless perhaps the borrowing institution was a "known quantity" and the lender knew the institution.³⁴ Ms. Katz said that during the lengthy process to make arrangements for the 2009 loan of the Gettysburg Address, she also had conversations with ALPLM staff about security, lighting, climate, and display requirements. Ms. Katz said that "you have to do due diligence" when evaluating a loan request, to ensure that the borrowing institution has an appropriately controlled, secured environment, and appropriately trained staff to handle the artifacts.

³²<https://www.chicagohistory.org/about-the-organization/>; <http://digitalcollection.chicagohistory.org/> (last visited Aug. 14, 2019). At the time it was founded, the institution was called the Chicago Historical Society.

³³ Investigators also reviewed the Smithsonian's National Museum of American History's outgoing loan procedures. They state that a formal loan request and accompanying documents, including a facility report, should be submitted electronically no later than 8 months before the requested date of the loan. The procedures state that an "inquiry," defined as an "intentional, targeted request for a loan that includes a minimum of information to allow us to proceed," ideally should be received 4 months before the 8-month lead-time.

³⁴ The Smithsonian's National Museum of American History's outgoing loan procedures also list facility reports as "Required Documents."

C. The ALPLM’s Loan Of The Gettysburg Address And Other Artifacts To Mercury One In 2018

As discussed in further detail below, the ALPLM’s loan of the Gettysburg Address and other ALPLM and Foundation artifacts for Mercury One’s pop-up museum in 2018 was initiated based on informal verbal communications with ALPLM Executive Director Alan Lowe, and the Gettysburg Address left the ALPLM for Mercury One’s location in Texas only eight days after it was requested. The documents gathered and interviews conducted in the investigation revealed the following timeline of events relevant to the ALPLM’s loan to Mercury One:

| Timeline of Events Relevant to ALPLM Loan of Artifacts to Mercury One | | |
|--|--|---|
| Date | Event | # of Days until Loan Began (June 13, 2018) |
| June 1, 2018 | Mr. Lowe agreed to loan artifacts to Mercury One, and offered the Emancipation Proclamation. | 12 days |
| June 5, 2018 | Mr. Lowe discussed loaning the Gettysburg Address to Mercury One, rather than the Emancipation Proclamation. | 8 days |
| June 7, 2018 | Foundation Board approved the loan of four Foundation (Taper) artifacts to Mercury One. | 6 days |
| June 12, 2018 | Appraisal reports completed for the artifacts to be loaned. | 1 day |
| June 13, 2018 | Loan agreements signed; certificate of insurance emailed to ALPLM; artifacts left ALPLM. | 0 days |
| June 15 – 17, 2018 | Mercury One exhibited the Gettysburg Address and other ALPLM and Foundation artifacts. | |
| November 23, 2018 | \$50,869 check from Mercury One to the ALPLM/Foundation. | |

1. Initial Loan Discussions (June 1 to 5, 2018)

Documentation Regarding Initial Discussions

State emails exchanged among staff at the ALPLM and with individuals at Mercury One reflect that Mercury One Executive Director Suzanne Grishman visited the ALPLM on Friday, June 1, 2018. In an email that afternoon, Ms. Grishman thanked Mr. Lowe for the tour and stated: “We are excited to welcome you and some of your collection to Dallas on June 15th – 18th. Please coordinate with Courtney Mayden on the items and shipping.” The records did not contain a written request by Mercury One for the loan of ALPLM artifacts.

Less than three hours later, Mr. Lowe responded to Ms. Grishman that he had met with Ms. Smith and [ALPLM Employee] to review artifacts that could be sent for the June exhibition. He listed six artifacts that “we believe we could offer,” including the ALPLM’s copy of the Emancipation Proclamation signed by Lincoln. Mr. Lowe stated that “[a]ny of these could be available, dependent of course on the conversations that Courtney and Carla have regarding security, shipping, and environmental conditions.” The records reflect that two days later, on Sunday, June 3, 2018, Mercury One booked Mr. Lowe’s flight to travel to Texas from June 15 to June 18, 2018.³⁵

Also on Sunday, June 3, 2018, Dr. Wheeler, who was on vacation, emailed Ms. Smith, stating that he had read about a loan in his emails and asking what it was. Ms. Smith responded that she had been contacted around 12:45 p.m. on June 1, 2018 to talk about “what items might be able to be sent to Texas for a brief display and Alan to show on a television show,” and wrote that she was asked to “weigh in on certain items being shipped or couriered to Texas for this purpose with strong indication for help on the Taper debt.” Ms. Smith wrote that [ALPLM Employee] came for a “quick review,” and that other than one item that was “taken off the table,”³⁶ the other proposed items “were deemed with that quick examination to be able to travel should they be approved.” She further stated that “[t]he time frame is very short but from an initial contact, do-able.” Ms. Smith did not express any concerns about the loan in this email, or indicate that she had expressed concerns to Mr. Lowe.

In an email sent on the morning of Monday, June 4, 2018, Ms. Smith advised Mr. Lowe, Dr. Wheeler, and then-ALPLM Chief Operating Officer Michael Little of a telephone conversation she had with Ms. Grishman, Courtney Mayden, and the President of Mercury One’s Board, whom Ms. Smith referred to as “David.”³⁷ In addition, on June 5, 2018, Ms. Smith emailed Mr. Lowe and Dr. Wheeler a synopsis of information she had gathered for the loan. In these communications, Ms. Smith reported general information about the Mercury Radio Arts building, security, display cases, lighting, and shipping. Ms. Smith indicated that Ms. Mayden, whom she said “has training from the AIC [American Institute for Conservation] as well as a university in New York,” would be the Mercury One staff member in charge of the artifacts, and would be providing humidity readings. Ms. Smith wrote that Mr. Beck, Ms. Grishman, and security personnel also would have access to the artifacts, in addition to Ms. Mayden. Ms. Smith indicated in the synopsis: “Waiting on SFR [Standard Facility Report].” There was no record of a Standard Facility Report having been provided by Mercury One.

Although the emails indicate that the initial plan was to loan Mercury One the ALPLM’s copy of the Emancipation Proclamation, in a June 5, 2018 email Mr. Lowe wrote Ms. Smith, Dr. Wheeler, [ALPLM Employee], and other ALPLM personnel that Mr. Beck had requested the Gettysburg Address, and he (Mr. Lowe) had said that he “was open to discussing it and would do what [he] could to make it happen.” Mr. Lowe then proposed sending the Gettysburg Address to

³⁵ Mr. Lowe had emailed his assistant on May 29, 2018, three days before Ms. Grishman’s visit to the ALPLM, discussing the plans for Ms. Grishman’s visit and noting that Ms. Grishman had said “they would be glad to buy my ticket to Dallas and would work with us today on those logistics.” Mr. Lowe’s assistant emailed Ms. Grishman on May 30, 2018 with questions about Mr. Lowe’s trip to Dallas on June 15.

³⁶ That item was the fan Mary Todd Lincoln was carrying at the time of Lincoln’s assassination.

³⁷ Mercury One’s 2016 public tax filings list a David Barton as Mercury One’s president.

Texas instead of the Emancipation Proclamation. Ultimately, it was decided that the loan would include three artifacts from the ALPLM’s collection, including the Gettysburg Address, and four artifacts from the Foundation’s Taper Collection:

ALPLM Artifacts, with Appraised Values

| | |
|-------------------------------|---------------------|
| Gettysburg Address | \$20,000,000 |
| Doorplate from Lincoln’s home | 37,500 |
| Key to Lincoln’s home | <u>10,000</u> |
| TOTAL VALUE | \$20,047,500 |

Foundation Artifacts, with Appraised Values

| | |
|---|-------------------|
| Lincoln’s Presidential Seal | \$ 500,000 |
| 1860 letter from Lincoln to J.R. Giddings | 250,000 |
| Lock of Lincoln’s hair, with photograph | 60,000 |
| Lincoln effigy doll | <u>47,500</u> |
| TOTAL VALUE | \$ 857,500 |

Interview of Ms. Smith

In her OEIG interview, Ms. Smith said that on June 1, 2018, Mr. Lowe told her that the ALPLM would be loaning items from its collection, as well as Foundation Taper Collection items, to a pop-up museum at Glenn Beck’s studio in Texas. She said that Mr. Lowe told her that Mr. Beck was a “very ardent” history person and wanted to help the ALPLM raise a lot of money to pay off the Taper debt. In a timeline she prepared shortly before her interview, Ms. Smith indicated that one of the ALPLM’s “big three” documents had been requested, with a preference for a loan of the ALPLM’s copy of the Emancipation Proclamation.³⁸

Ms. Smith said she told Mr. Lowe “no,” and asked, “why are we doing this?” She said she informed Mr. Lowe that she believed the HPA loan policies were still in effect, and that she noted that there was no ALPLM Board to approve the loan. She said she also told Mr. Lowe that she thought the HPA Board had implemented a ban on some artifacts traveling, but that she did not know which artifacts those were.³⁹ Ms. Smith said that Mr. Lowe told her that the ALPLM was not bound by the HPA’s policies or decisions, and that without an ALPLM Board, he had the authority to approve all outgoing loans without seeking approval from anyone else.

³⁸ In addition to the Gettysburg Address and Emancipation Proclamation, the ALPLM owns a copy of the Thirteenth Amendment signed by Lincoln; collectively, these documents are referred to at the ALPLM as “the big three.”

³⁹ Ms. Smith said she was not aware that in 2013 the HPA Board had passed a resolution to not loan out the Gettysburg Address without a unanimous Board vote, but that she vaguely remembered the HPA Board’s 2008 decision to not loan out the Gettysburg Address again after the loan to the Chicago History Museum.

Ms. Smith said she told Mr. Lowe that the time frame to process the loan was short, and that loan arrangements take time to complete. Ms. Smith explained to investigators that it is “ridiculous” to do any kind of loan in two weeks, because staff do not feel that they can do their due diligence in such a short time frame. Ms. Smith said she also told Mr. Lowe that the documents were fragile and that she questioned what type of museum Mercury One was. Ms. Smith said she told Mr. Lowe that a letter of request was required, and that he responded that Mercury One had made its request through telephone conversations with him, and that there was no written request. Ms. Smith said she also told Mr. Lowe that a Standard Facility Report was required, and that he responded that he wanted her to contact Mercury One to discuss it and the details of the loan. She said Mr. Lowe gave her a “very hard look,” and told her that the ALPLM was “doing this, and that’s the way it is, and I need you to get it done.” She also said, “I was just told to make it happen.”

Ms. Smith said that there was some negotiation with Mr. Lowe about what artifacts would be sent. She said that Mr. Lowe had ideas about some of the artifacts he wanted to send, and that he was “fishing” for ideas as well. She said that Mr. Lowe asked her and [ALPLM Employee] to look at some of the Taper Collection artifacts he was considering, and that they told him that one of those items (Mary Todd Lincoln’s fan) could not travel. Ms. Smith said that Mr. Lowe accepted their determination about the fan, as long as he could send something that was significant. However, Ms. Smith said that there was not the same level of negotiation related to sending one of the “big three” documents. Ms. Smith said that she did not feel she was able to do enough research about the items because she was told to “get this done,” and that in hindsight she felt that Lincoln’s doorplate was not in a condition to travel.

Ms. Smith said that after this conversation with Mr. Lowe, she discussed the loan with then-ALPLM Chief of Staff Nadine O’Leary. She said that Ms. O’Leary informed her that one of the “big three” documents would be going to Texas and asked her if any of the three “just can’t go.” Ms. Smith said she told Ms. O’Leary that the Thirteenth Amendment could not go.⁴⁰

Ms. Smith said that at some point between June 1 and 4, 2018, she learned that the “big three” item had switched from the Emancipation Proclamation to the Gettysburg Address, but said she did not know the reason for the change. Ms. Smith described the ALPLM’s copy of the Gettysburg Address as “very significant.” She said that when it is not being displayed, it is kept in a box in the ALPLM’s vault, which is kept dark and is maintained at particular temperature and humidity levels. Ms. Smith said that to prevent the Gettysburg Address from fading, and to preserve it for our “great great grandkids,” it is only taken out of the vault for its annual ALPLM exhibition to the public in the museum over approximately ten days each November, as well as for private “vault tours.”⁴¹

⁴⁰ Ms. Smith said that she informed Ms. O’Leary that the Thirteenth Amendment could not go because the document is on vellum. Ms. Smith explained that though the document has been conserved, the ink will flake off. Ms. Smith said that the ALPLM’s copies of the Gettysburg Address and the Emancipation Proclamation are more stable than its copy of the Thirteenth Amendment.

⁴¹ Ms. Smith explained that during vault tours, individuals or groups are given special viewings of the Gettysburg Address and other ALPLM artifacts that are usually kept in the vault. Ms. Smith said that vault tours used to be “very rare,” but that they currently occur several times per month, and sometimes several times per week. In his interview, Dr. Wheeler estimated that there had been “half a dozen” vault tours during the month prior to his interview, which he said was probably slower than usual. Ms. Smith said that Mr. Lowe was the ALPLM staff member driving the

Ms. Smith said that she asked Mercury One for a Standard Facility Report, and was told that they did not have one and that they did not feel like they could get one completed in time for the loan. Ms. Smith said that she had previously asked Mr. Lowe how to proceed if Mercury One did not have a Standard Facility Report, and he told her to find out what she could from Mercury One by telephone. Ms. Smith said that Mr. Lowe was communicating two different messages to her: to make sure she checked Mercury One out, but also that he “really wanted this to go.” Ms. Smith said that Ms. Mayden, at Mercury One, provided her with temperature and humidity readings, as well as information about lighting conditions and security, and that this information “seemed fine.”⁴² However, Ms. Smith said that she did not ask Mercury One staff all the questions that are contained in a Standard Facility Report, and did not go into the level of detail that a Standard Facility Report does.

Ms. Smith said that she was told that Ms. Mayden had a degree in art or anthropology and had taken courses through a certificate program that enabled her to have artifact handling expertise. Ms. Smith said she also looked at Ms. Mayden’s LinkedIn profile, but did not vet her further due to the short time frame. Ms. Smith said that she did not know exactly what Ms. Mayden’s training was, other than that she believed it would have been related to handling and packing artifacts.

According to Ms. Smith’s timeline, she attended a meeting with Mr. Lowe and [ALPLM Employee] on Tuesday, June 5, 2018, with Dr. Wheeler participating by telephone. In her interview, Ms. Smith said that Mr. Lowe told Dr. Wheeler that the purpose of the meeting was not to discuss the loan, but rather to get logistics arranged to accomplish it. Ms. Smith said that “it had been made very clear to me and to Sam [Wheeler] that . . . it was not up for discussion.”

Ms. Smith said that when she realized that there was no way she was going to “win this,” she shifted her focus to trying to mitigate any damage to the artifacts, and work with Mercury One, ALPLM staff, the appraisers, and the shippers. Ms. Smith said that she was the one who ultimately decided that she thought Mercury One was equipped to handle and protect the artifacts, from the information she received. Ms. Smith said that no one gave her any guidance about how to execute the loan, other than to “do everything like you need to do, but we’re going to do this.”

Ms. Smith said that she “was not satisfied” with the loan, and added that “none of us were.” She described the time frame in which the loan had to be completed as “highly accelerated,” and “bad.” She said that based on her professional experience, it was concerning to her that the ALPLM was loaning such high-value artifacts on “the spur of the moment,” to an entity that had little to no exhibition history. Ms. Smith said she also was not comfortable with proceeding without a Standard Facility Report. She said that a facility report form can be shared among the collection managers, and that by getting information verbally it is possible to hear things and not write them down, or to not catch everything.

vault tours, and Dr. Wheeler said that Mr. Lowe and then-Chief of Staff Nadine O’Leary were the only individuals who were able to authorize a vault tour.

⁴² Ms. Smith said that [ALPLM Employee] also reviewed the readings. In her OEIG interview, [ALPLM Employee] said the information Mercury One provided was what they “had to go on,” and that she could have told Ms. Smith that based on the information Mercury One provided, they could meet the required parameters for the ALPLM artifacts.

Interview of Dr. Wheeler

Dr. Wheeler described the ALPLM's copy of the Gettysburg Address as "our crown jewel," and said that it is the "most significant piece that the State of Illinois owns" in terms of the Lincoln legacy. In addition to noting its rarity and its significance to Lincoln's legacy, Dr. Wheeler said it is "powerful," and recalled that he has seen people stand before it and cry.

In his interview and a timeline he prepared before the interview, Dr. Wheeler told investigators that he learned of the loan to Mercury One on Sunday, June 3, 2018, when he checked his emails while he was on vacation. He said that he recalled subsequently receiving an email in which Mr. Lowe proposed loaning Mercury One the Gettysburg Address, and that he participated in a meeting with Mr. Lowe, Ms. Smith, and [ALPLM Employee] by telephone from Florida that day. Dr. Wheeler said that during the call, he informed Mr. Lowe that the Gettysburg Address should not travel, and that the loan was inappropriate and unadvisable on every level; Dr. Wheeler said that his concerns also related to the other artifacts that were being proposed for the loan, which he said were not "low-level items." Dr. Wheeler said that Mr. Lowe responded that the purpose of the call was not to discuss whether or not to do the loan, or what items were to be loaned, but rather simply to discuss how to facilitate the loan. Dr. Wheeler said that Mr. Lowe then began to discuss shipping and insurance details.

Dr. Wheeler said that Ms. Smith was upset that Mercury One did not provide a Standard Facility Report. He said that Ms. Smith told him that Mr. Lowe told her there was not time to get one done and that Mr. Lowe directed her to call Mercury One's Registrar and make sure Mercury One could "check off as many boxes as necessary." Dr. Wheeler said that during the rest of the week of June 4, 2018, while he was on vacation, he took numerous calls from various ALPLM staff, including Ms. Smith, [ALPLM Employee], and the ALPLM historians, and recalled staff crying on the phone because they felt powerless and knew that the loan should not happen. Dr. Wheeler said that although he told Mr. Lowe that the loan was not advisable, the decision had already been made, and it "wasn't open for discussion"; therefore, he said, staff transitioned into "mitigation mode" to try to make the loan as safe as possible.

Dr. Wheeler said that his concerns about the loan included that the Gettysburg Address was a fragile document that should not be subjected to travel, that he did not know what Mercury One was and he lacked information about the exhibit, and that he believed it was unwise for the ALPLM to connect its brand to Glenn Beck, whom he described as a "lightning rod." In addition, Dr. Wheeler said that having less than two weeks to make the loan arrangements concerned him "tremendously," because with such a condensed time line mistakes will happen; he further stated that the 2018 time frame was one that "no museum . . . would green light." Dr. Wheeler added that it was "appalling" that Mr. Lowe was communicating with Mercury One about a loan of the Foundation's artifacts prior to the Foundation Board providing approval for the Taper Collection items to be loaned to Mercury One. Dr. Wheeler said that he also was concerned "to the highest level" that no written request or Standard Facility Report had been provided, which was not in accordance with industry standards or past practice. Dr. Wheeler said that the ALPLM holds its pieces in public trust for the people of the State of Illinois, and that haphazardly sending them to Texas under those circumstances and without following loan practices was irresponsible and a betrayal of that public trust.

Interview of [ALPLM Employee]

On July 31, 2019, investigators interviewed [ALPLM Employee]. [ALPLM Employee] said she [identifying information redacted] is the ALPLM staff member tasked with assessing whether paper artifacts are stable enough to be displayed. She said she also is one of the staff members tasked with reviewing Standard Facility Reports.

[ALPLM Employee] said that on June 1, 2018, Mr. Lowe called her and asked her to examine specific items being proposed for a loan. She said her impression from Mr. Lowe was that the loan was going to happen, and that he was asking how to do it in the safest way possible. [ALPLM Employee] said that the initial plan was to loan the Emancipation Proclamation, but that she told Mr. Lowe it was not safe to travel. [ALPLM Employee] explained to the investigators that the Emancipation Proclamation is made of a type of parchment that is more sensitive to humidity changes than other types of paper, and that it is less stable and protected than the Gettysburg Address, which is housed in a frame.⁴³

[ALPLM Employee] said that the ALPLM's copy of the Gettysburg Address is "extremely significant," and that it is in "good shape." However, she said that it was concerning to her that a loan of such high value items was being executed in such a short time frame. In addition, [ALPLM Employee] said that the ALPLM did not receive a Standard Facility Report from Mercury One, and that it made her uncomfortable not knowing the display plans. [ALPLM Employee] said that she uses a Standard Facility Report to review the physical aspects of the prospective borrower's facility, including environmental conditions, temperature, light, humidity, pest management, handling, and who has access to the materials at the borrower's institution.

[ALPLM Employee] said she communicated her concerns about the Standard Facility Report to Ms. Smith, who agreed with her. However, [ALPLM Employee] said she did not express her concerns to Mr. Lowe, aside from providing her opinion that the Emancipation Proclamation was not stable enough to travel. She said she did not feel it was appropriate for her to express her concerns to Mr. Lowe that the loan was being rushed because Mr. Lowe is the Executive Director and she did not believe her position was at the level where she could question him.

2. Arrangements Made for the Loan (June 6 to 13, 2018)

The documents and interviews reflect that the arrangements for the loan of the ALPLM and Foundation artifacts continued to be discussed over eight days between June 6 and June 13, 2018.⁴⁴ In addition, Mr. Lowe appeared on Mr. Beck's radio program during that period.

Additional Communication about Mercury One's Facility (June 6, 2018)

⁴³ [ALPLM Employee] said that the Emancipation Proclamation also is less stable than the ALPLM's copy of the Thirteenth Amendment.

⁴⁴ In addition to the arrangements outlined in this section, ALPLM staff took various other steps to prepare for the loan, including completing condition reports on the artifacts, constructing boxes and other special packaging, engaging a shipper, drafting text for the exhibit labels, and preparing instructions for unpacking and handling of the artifacts at Mercury One.

On June 6, 2018, Ms. Mayden emailed Ms. Smith regarding light, temperature, and humidity conditions at the Mercury Radio Arts building, where the artifacts would be exhibited. Ms. Mayden wrote that she was providing data for two different areas of the building where the artifacts could be displayed, but that she was “leaning towards Glenn’s [Mr. Beck’s] office as the display location.” According to Ms. Mayden, the “humidity in his office is lower, the temperature is more stable, and there is the added benefit of increased security.” Ms. Smith said in her interview that it seemed odd to have the Gettysburg Address displayed in Mr. Beck’s office; [ALPLM Employee] also said that displaying artifacts in an office, rather than a gallery, was atypical and unusual.

Ms. Smith said that Mercury One did not provide any maps of the exhibition space prior to the 2018 loan.⁴⁵ However, she said that she later saw maps of the Mercury One exhibition space in 2019,⁴⁶ and learned that it had exits to the outside directly off the display area. Ms. Smith said that that would have been a security concern had she known about it prior to the 2018 loan.

Mr. Lowe’s Appearances on Mr. Beck’s Radio Program (June 6 and 11, 2018)

Meanwhile, on June 6 and 11, 2018, Mr. Lowe appeared by telephone on Mr. Beck’s radio program, and discussed Lincoln, the Gettysburg Address, and the ALPLM; Mr. Beck urged listeners to buy tickets and come to his pop-up museum. In emails prior to these appearances, ALPLM staff discussed internally and with Mercury Radio Arts staff how Mr. Beck’s listeners could be invited to make donations for the Foundation. Ultimately, it was agreed that they should be directed to Mercury One’s website, where there would be information about making donations directly to Mercury One, with a cumulative check sent back to the Foundation.

Initial Insurance Information (June 8, 2018)

Ms. Smith told investigators that the ALPLM requires a borrower to have an insurance policy with “wall-to-wall” coverage for artifacts on loan, which she explained means that the artifact is covered from the time it leaves the ALPLM until it returns. She said the ALPLM must be listed on the policy as an “other” insured, so that the ALPLM is covered under the policy if something happens to the artifact.⁴⁷

On June 8, 2018, Mercury One sent the ALPLM a copy of its fine arts insurance policy. The policy listed Mercury One as the named insured, and provided coverage up to \$4 million. The policy did not specifically indicate that there was “wall-to-wall” coverage, although it listed coverage for property in transit. The policy described various excluded types of loss or damage

⁴⁵ By contrast, Chicago History Museum Registrar Julie Katz told investigators that she provided blueprints of the Chicago History Museum layout to the ALPLM prior to the loan of the Gettysburg Address in 2009, to demonstrate where the artifacts would be displayed, and where the routes from storage to the gallery were.

⁴⁶ The ALPLM received the Mercury One maps in connection with a subsequent 2019 loan request, which is discussed further below.

⁴⁷ Ms. Smith’s description of the ALPLM’s insurance requirements is consistent with AAM standards, and with the insurance policy the Chicago History Museum took out for the 2009 loan of the Gettysburg Address. Regarding insurance for outgoing loans, the AAM states that insurance coverage should be “all risk,” and “wall-to-wall” or “nail-to-nail,” and states that the certificate of insurance should name the lender as an “additional insured.” *New Museum Registration Methods* at 181. For the 2009 loan of the Gettysburg Address, the Chicago History Museum took out a separate fine art insurance policy that provided wall-to-wall coverage, and named the ALPLM as an additional insured.

for which it would not pay, including loss or damage caused by changes in or extremes of dampness or dryness of atmosphere or temperature. Unlike the Chicago History Museum’s exhibition insurance policy for its 2009 loan of the Gettysburg Address, the Mercury One policy did not list the ALPLM as an additional insured.

During her interview, Ms. Smith said that she may have looked briefly at the insurance policy, but that she depended on ALPLM General Counsel Dave Kelm to review it, given the time frame. The records obtained in the investigation reflect that Ms. Smith emailed the insurance policy to Mr. Kelm on the afternoon of Friday, June 8, 2018. Mr. Kelm responded in the morning of the following Monday, June 11, 2018: “This looks great. It has a policy limit of \$4M. Is that enough for what we are sending down?” Mr. Kelm’s email did not raise any issue with the lack of specific “wall-to-wall” coverage, the exclusions, or the fact that the ALPLM was not named as an additional insured.

Appraisal (June 12, 2018)

The ALPLM elected to get appraisals of the Gettysburg Address, its two other artifacts to be loaned, and two of the Foundation artifacts to be loaned.⁴⁸ An appraisal report dated June 12, 2018 assessed the total replacement cost of the three items owned by the ALPLM to be \$20,047,500, with the Gettysburg Address alone valued at \$20 million. The total appraised value of the four items owned by the Foundation was \$857,500. On June 12, 2018, following the appraisal, Ms. Smith emailed the values to Mercury One and asked for an updated certificate of insurance with the appropriate amount of coverage.

Loan Agreements Completed (June 13, 2018, 2:29 p.m.)

Ms. Smith told investigators that she drafted the loan agreements for the loan to Mercury One.⁴⁹ Although Ms. Smith had identified the borrower’s name as “Mercury Radio Arts” in a June 4, 2018 email to [Foundation Employee] and in her June 5, 2018 synopsis emailed to Mr. Lowe and Dr. Wheeler, the loan agreements identified the borrower as “Mercury Studios Arts.” Ms. Smith said that if she had had a formal letter of request, she would have referred to it for the borrower’s name, but that in this case Ms. Mayden would have clarified the name of the borrower; Ms. Smith said she did not recall if Ms. Mayden did so by telephone or in an email.⁵⁰ In her interview, Ms. Smith said she thought Mercury One was the “overarching” company that covers Mercury Studios Arts. The Texas Secretary of State website does not have a listing for an entity registered under the name Mercury Studios Arts, and the OEIG was unable to identify a website for a Mercury Studios Arts.⁵¹

⁴⁸ The remaining two Foundation items had been appraised in April 2018, and were not re-appraised for the June 2018 loan.

⁴⁹ Separate loan agreements were executed for the loan of the ALPLM-owned items, including the Gettysburg Address, and the loan of the Foundation-owned items.

⁵⁰ In a June 4, 2018 email, Ms. Smith asked Ms. Mayden: “Who will be the legal borrower of the items?” The OEIG did not identify an emailed response to Ms. Smith’s question.

⁵¹ Mercury Radio Arts is housed at the Mercury Studios building in Irving, Texas. See <https://www.loc.gov/item/2015630717/> (last visited Aug. 14, 2019).

The loan agreements were standard forms that required requests for loans to be made in writing at least six months in advance of the start of the loan term. The loan agreements further required the borrower to “prove that they can adequately care for a loaned object,” and specified that “[t]his proof will be requested in writing or by the submission of an American Association of Museums Standard Facility Report.” The loan agreements also specifically required the borrower to provide “adequate continuous insurance for the borrowed items,” and required the insurance coverage to be an “all-risk, wall-to-wall, fine arts policy, covering the materials from the moment they leave ALPLM custody, during transit, and until they have been examined and returned to their proper location in their home institution.”

On June 12, 2018, Ms. Smith emailed the ALPLM loan agreement to Mr. Lowe and Dr. Wheeler, and emailed the Foundation loan agreement to two individuals at the Foundation.⁵² The executed agreements bear signatures on behalf of the ALPLM in the name of then-ALPLM Chief Operating Officer Michael Little, dated June 13, 2018, the date the loans began. In her interview, Ms. Smith said Mr. Lowe was not in the office to sign the loan agreements, so she left them with Mr. Little to sign; she confirmed that the signatures on the loan agreements were Mr. Little’s. Ms. Smith emailed the executed loan agreements to Mercury One on June 13, 2018 at 2:29 p.m., stating: “Still working to get everything ready but getting there.”

Certificate of Insurance and Departure of the Artifacts (June 13, 2018, 4:04 p.m.)

In a June 13, 2018 email at 3:23 p.m., Ms. Smith advised Mercury One personnel that the artifacts were packed and would be picked up in less than an hour, but that she still had not received an updated certificate of insurance, “which really needs to be received before the case can leave the premises.” Ms. Mayden responded at 3:49 p.m.: “We are in the process of getting the insurance certificate to you. You should have it in the next 5-10 minutes!”

In her interview, Ms. Smith recalled that the insurance coverage came through “in the nick of time.” A certificate of insurance was emailed to Ms. Smith at 4:04 p.m., which indicated coverage up to \$24,905,000, and listed the name of the insured as “Mercury One, Inc.” The certificate of insurance did not list the ALPLM or Foundation as additional insureds; rather, it indicated that “Additional Insured status” was provided “to the certificate holder only when there is a written contract between the Named Insured and the Certificate Holder that requires it subject to policy terms and conditions.” Ms. Smith told investigators that the truck left the ALPLM about 30 to 40 minutes after she received the certificate of insurance.⁵³

3. Mr. Beck’s Announcement of the Arrival of the Gettysburg Address

⁵² The Foundation’s Board had approved the loan of the Taper Collection artifacts on June 7, 2018. As noted above, no Board has been appointed for the ALPLM, and accordingly no Board approved the loan of the Gettysburg Address and other ALPLM artifacts.

⁵³ FedEx Custom Critical was the shipper used to transport the artifacts to and from Texas. FedEx Custom Critical describes its “White Glove Services” as providing “safe transport of your most sensitive shipments,” including using temperature-controlled vehicles. <https://customcritical.fedex.com/us/services/white-glove/default.shtml> (last visited Aug. 14, 2019). Ms. Smith advised investigators that the artifacts were shipped in a climate-controlled “exclusive use” truck, which means that the artifacts are transported directly to their destination without making additional pickups or deliveries, and two drivers are used to further minimize the need for stops.

A video of Glenn Beck's radio program broadcast on June 14, 2018 was posted to YouTube. The video shows Mr. Beck stating, "The big case arrives today. . . It's the Gettysburg Address . . . It has to be in my office because we had to take temperature and humidity readings all around the building for two days. . . It's going to be delivered today by two armed security guys. . . ." FedEx documents indicate that the artifacts were delivered to Mercury One on June 14, 2018. Mr. Beck's Twitter feed on June 14, 2018 stated: "The handwritten Gettysburg Address has just arrived!" and showed a photograph of a crate in an office.

In her OEIG interview, Chicago History Museum Registrar Julie Katz said that to mitigate risk, it is a best practice for the transportation and arrival of a loaned item (especially a high-value artifact) to be done "under the radar." In her interview, Ms. Smith agreed that "generally people don't want to announce that because it sets them up for a security issue"; she said she was unaware that Mr. Beck had announced the impending arrival of the Gettysburg Address on his radio program.

4. Mr. Lowe and Mr. Little's Travel to Texas

Ms. Smith said that Mr. Lowe and Mr. Little travelled to Texas for the Mercury One exhibition. She said that because Mr. Lowe was going to be present, she and other trained ALPLM staff, such as Dr. Wheeler and [ALPLM Employee], did not go to oversee Mercury One or the exhibit installations.⁵⁴ Ms. Smith said that she did not know why Mr. Little went on the trip, and that she was not aware of him having any experience or training related to handling artifacts. Investigators reviewed Mr. Little's ALPLM employment application, which indicated that he has a B.A. in Public Administration, and listed prior employment in banking, financial services, insurance, and audits; it does not list any prior experience in handling historical artifacts.

Airline confirmation records reflect that on the morning of June 15, 2018, the day after the Gettysburg Address and other artifacts arrived in Texas by truck, Mr. Lowe and Mr. Little were scheduled to travel to Texas by air. The airline records indicate that Mr. Lowe and Mr. Little were scheduled to fly back to Illinois on the evening of June 18, 2018. In response to an OEIG request to produce travel vouchers and expense documents relating to Mr. Lowe and Mr. Little's trip to Texas, the ALPLM advised the OEIG that Mercury One paid for the travel costs. Emails confirm that Mercury One booked Mr. Lowe and Mr. Little's flights, and made arrangements to reimburse them directly for their hotel stays.⁵⁵

A person or entity seeking official action by a State agency is permitted to pay the costs of travel and lodging a State employee incurs in connection with his or her State employment, if the

⁵⁴ By contrast, records reflect that for the ALPLM's 2008 loan of the Gettysburg Address to the Gettysburg Foundation, the ALPLM's then-Curator and then-State Historian travelled to Gettysburg to oversee the installation of the Gettysburg Address in the exhibit case. In addition, shipping records indicate that a "follow car" accompanied the truck with the Gettysburg Address to the Chicago History Museum for the 2009 loan, and Ms. Katz recalled that Ms. Smith and ALPLM's then-Curator followed the shipment and observed the artifacts arrive at the Chicago History Museum. In her interview, Ms. Smith said that she did not recall having much involvement in the loan of the Gettysburg Address to the Chicago History Museum, other than that the Curator told her it was happening.

⁵⁵ Following the trip, Mr. Little emailed Ms. Grishman that he and Mr. Lowe had been charged for their hotel stays. Ms. Grishman apologized and asked Mr. Little to send Mercury One the invoice so that he and Mr. Lowe could be reimbursed. Mr. Little did so, and made arrangements for Mercury One to reimburse him through an electronic payment, and to reimburse Mr. Lowe by check.

trip is approved in writing in advance by the Executive Director of the Executive Ethics Commission and the employee's agency's Ethics Officer, and payment or reimbursement is made or arranged directly with the employee's agency.⁵⁶ Investigators asked the Executive Ethics Commission and the ALPLM to produce documents related to any approval of Mr. Lowe and Mr. Little's travel to Texas paid by Mercury One. Each responded that they had no responsive documents.

5. Uncrating of the Gettysburg Address in Mr. Beck's Office

On June 15, 2018, a live video feed was posted on the Facebook page of Mr. Beck's television and radio station, *The Blaze*, that showed the Gettysburg Address and other ALPLM and Foundation artifacts being unpacked from an open crate on the floor of an office. Specifically, the video showed Mr. Beck and a woman referred to in the video as a curator⁵⁷ together lifting the Gettysburg Address out of the crate with gloved hands and carrying it to a table. The woman then removed the other artifacts from the crate and placed them on the same table with the Gettysburg Address. Although the video showed various other individuals in the office, as well as others looking into the office through glass walls, none appeared to be Mr. Lowe or Mr. Little.

[ALPLM Employee] said that it would concern her that Mr. Beck assisted Ms. Mayden with lifting the Gettysburg Address out of the crate because Mr. Beck is not a trained museum professional or artifact handler.⁵⁸ Ms. Smith said she probably authorized Ms. Mayden to use a second person to help her lift the Gettysburg Address out of the crate, given the bulkiness of the frame, but that she was unaware that Mr. Beck had assisted her. In addition, Ms. Smith and Dr. Wheeler both commented that it was unprofessional of Mercury One to live stream the unpacking of the ALPLM and Foundation's artifacts; similarly, Ms. Katz noted that the installation of a loaned item – especially a high-value one – usually is done in a very secure location without a lot of onlookers.

6. Mercury One's Rights & Responsibilities Exhibition

According to an online Texas arts calendar, visitors to Mercury One's Rights & Responsibilities exhibition in June 2018 could expect to see items Mercury One was sharing from its own collection, including an exploding rat from World War II, whose designer inspired the *James Bond* character Q; as well as a facsimile engraving of a draft Declaration of Independence; Mary Todd Lincoln's dress; and Lincoln's collar.⁵⁹ The calendar indicated that Mercury One charged \$20 for adult general admission, \$750 for private VIP tours with Mr. Beck, \$350 for private tours with David Barton,⁶⁰ and \$250 for private tours with other Mercury One staff. According to the calendar, during the private tours Mr. Beck, Mr. Barton, and the other staff were

⁵⁶ See Executive Order 2015-09; 2 Ill. Admin. Code 1620.700; see also 5 ILCS 430/10-10.

⁵⁷ It appears from a photograph on Courtney Mayden's LinkedIn page that she was the woman in the video.

⁵⁸ In her interview, Chicago History Museum Registrar Julie Katz stated that she had viewed the video showing Mr. Beck handling the Gettysburg Address when it was uncrated, and she similarly noted that Mr. Beck is not a trained professional in handling artifacts; she also noted that the Gettysburg Address was placed on a table with a rug and other things. Ms. Katz opined that best practices "clearly" were not being followed.

⁵⁹ The calendar further noted that Mercury One's collection is also home to a costume prototype of a flying monkey cape from *The Wizard of Oz*, and Darth Vader's mask and chest plate from *Star Wars: Episode IV – A New Hope*. The calendar did not mention the ALPLM or Foundation artifacts.

⁶⁰ As noted above, Mercury One's 2016 public tax filings list Mr. Barton as Mercury One's president.

to provide their “own unique perspective on our rights and responsibilities.” In an email following the exhibition, Ms. Mayden advised Ms. Smith that a total of 2,316 people attended it.

Ms. Smith and Dr. Wheeler told investigators that at the time of the loan, they did not know what else was going to be displayed at Mercury One’s exhibition. Ms. Smith said that information is relevant to the consideration of whether it is appropriate for the ALPLM’s artifacts to be displayed or interpreted alongside the other items in the exhibit. Dr. Wheeler said that it is a “betrayal of public trust” to not have known what the Mercury One exhibit was about, what other pieces would be displayed alongside the ALPLM and Foundation artifacts, or how the exhibit would be presented.⁶¹

In addition, Ms. Smith and Dr. Wheeler said they later learned concerning information about David Barton’s reputation.⁶² In 2012, Christian publisher Thomas Nelson recalled all copies and ceased publication of Mr. Barton’s book, *The Jefferson Lies: Exposing the Myths You’ve Always Believed About Thomas Jefferson*, after it learned that “there were some historical details included in the book that were not adequately supported.”⁶³ The book was voted the “least credible history book in print” in a 2012 reader poll by the *History News Network*, a George Washington University online publication “created to give historians the opportunity to reach a national audience on issues of public concern.”⁶⁴ Dr. Wheeler said that based on what he later learned about Mr. Barton, he believed that “under no circumstances” should the ALPLM be associated with him. Ms. Smith said that if she had known what she later learned about Mr. Barton’s reputation, the 2018 loan would have been an “instant no.”

D. Mercury One’s Payment To The ALPLM/Foundation

In a June 19, 2018 email to various ALPLM staff, Mr. Lowe reported that he and Mr. Little had just returned from a “very productive trip to Dallas where we met with Glenn Beck and his partners at Mercury One.” Mr. Lowe wrote that Mr. Beck had launched a “5 4 Lincoln” campaign to raise funds to pay off the Foundation’s Taper debt. Mercury One’s website includes a “5 For Lincoln” page which provides a link for making donations to support the ALPLM.

Records reflect that Mercury One issued a check for \$50,869.60, dated November 23, 2018, to the ALPLM. In a receipt dated December 6, 2018, the Foundation acknowledged that it received the check from the ALPLM.

E. November 2018 Discussions About A Loan Of The Emancipation Proclamation To Mercury One

⁶¹ Dr. Wheeler said he later learned that Dorothy’s ruby red slippers from the *Wizard of Oz* film and Darth Vader’s mask were exhibited in the same pop-up museum with the Gettysburg Address, and questioned what those items have to do with the Gettysburg Address and a new birth of freedom.

⁶² Ms. Smith and Dr. Wheeler said they learned about Mr. Barton in 2019, when Mercury One provided a facility report for a subsequent loan request. That loan request is discussed in more detail below.

⁶³<https://www.publishersweekly.com/pw/by-topic/industry-news/religion/article/53512-nelson-pulls-thomas-jefferson-book.html> (last visited Aug. 14, 2019).

⁶⁴ <https://historynewsnetwork.org/article/147149> & <http://hnn.us/faq.html> (last visited Aug. 14, 2019).

On November 29, 2018, Mr. Lowe emailed Dr. Wheeler, Mr. Little, and other ALPLM staff, stating that they needed to “begin a discussion about loaning the Emancipation Proclamation” and another artifact to Mercury One for an exhibit in Dallas in February 2019. Dr. Wheeler responded by email later that day, asking Mr. Lowe to reconsider loaning the Emancipation Proclamation. Dr. Wheeler wrote: “I am simply not comfortable with loaning the Emancipation Proclamation,” explaining that it, along with the Gettysburg Address and Thirteenth Amendment, “are our most precious documents” and that the ALPLM has “an obligation to preserve these pieces to ensure they are around for generations to come.” In his interview, Dr. Wheeler told investigators that the proposed Mercury One exhibit did not happen in February 2019, and said he did not know why.

F. Mr. Little’s Resignation From The ALPLM In Lieu Of Termination, And Subsequent Employment With Mercury One

ALPLM records reflect that on December 6, 2018, Mr. Little was permitted to resign in lieu of termination, after he left an ALPLM historical artifact in his custody (Lincoln’s “Minute Book”) unattended and unsecured in the State Capitol building on November 27, 2018.

On January 16, 2019, as part of the statutorily required revolving door process, Mr. Little notified the OEIG that he had been offered employment with Mercury One.⁶⁵ On his revolving door notification form, Mr. Little stated that his supervisor would be Ms. Grishman, and described his responsibilities as: “Responsibilities of the COO, include the project management and operations [sic] of the American Journey Museum.” In a January 23, 2019 telephone interview the OEIG conducted as part of the revolving door process, Mr. Little stated that he began working for Mercury One on a contractual basis on January 14, 2019, and was receiving \$6,000 per month. Mr. Little said he anticipated beginning full-time employment in June or July 2019.⁶⁶

On his revolving door notification form, Mr. Little certified that he had not had any interaction with employees of Mercury One, or its parent or subsidiary, in the year prior to termination of State employment, other than interviewing for the prospective employment. Mr. Little also certified that he had not served as a contact person or processed any paperwork for a contract, grant, or change order awarded to Mercury One. In addition, he certified that he did not inspect or review Mercury One’s premises or operations.

During their review of emails in this investigation, investigators discovered a total of approximately 53 emails exchanged between Mr. Little and Mercury One staff Suzanne Grishman, [Mercury Employee 1], [Mercury Employee 2], [Mercury Employee 3], and [Mercury Employee

⁶⁵ Based on his position at the ALPLM, Mr. Little was required to notify the OEIG of any offer of non-State employment received within one year after termination of his State employment, prior to accepting such non-State employment, so that the OEIG could determine whether he should be restricted from accepting it under the revolving door provisions of the State Officials and Employees Ethics Act. *See* 5 ILCS 430/5-45(f). Mr. Little’s notification was made late, after he accepted Mercury One’s offer.

⁶⁶ The OEIG is required to make a determination within 10 calendar days after receiving a revolving door notification, as to whether an individual is restricted from accepting employment. 5 ILCS 430/5-45(f). On January 25, 2019, the OEIG determined that Mr. Little was not restricted from accepting employment with Mercury One based on insufficient evidence that he participated personally and substantially in the award of a State contract to Mercury One with a cumulative value of \$25,000 or more, or in a regulatory or licensing decision that applied to Mercury One. *See* 5 ILCS 430/5-45(a) & (b).

4] over less than three months during the year before Mr. Little left State employment. A summary of those emails is attached as Appendix A.

G. The ALPLM Staff's Implementation Of A Loan Request Review, Recommendation & Approval Form

Ms. Smith said that she and other ALPLM staff, including Dr. Wheeler and [ALPLM Employee], were not happy about the way the 2018 loan of the Gettysburg Address and other artifacts to Mercury One had been done, and did not want another loan like it to occur again. As a result, she said, following that loan the ALPLM staff implemented a new form -- the Loan Request Review, Recommendation & Approval Form -- to use when the ALPLM receives a loan request. The form indicates the item requested, the requestor, and whether a Standard Facility Report has been provided. The form then has spaces for the signatures of seven ALPLM staff members, including the Registrar, Conservator, and State Historian, in addition to a signature line for the Executive Director, to indicate whether they recommend the loan or not.

H. Mercury One's June 2019 Loan Request

Emails reflect that discussions about another potential Mercury One loan began in early June 2019; Ms. Smith told investigators in her interview that Mercury One was seeking the Emancipation Proclamation for this loan. Ms. Smith said that this time, she insisted that Mercury One provide a letter of request and a Standard Facility Report.

In a June 4, 2019 email, Dr. Wheeler wrote Mr. Lowe that he understood that Mr. Lowe was interested in pieces related to emancipation for another possible loan to Mercury One, and advised him that Mercury One would need to submit a formal letter of request and Standard Facility Report. Mr. Lowe asked Dr. Wheeler to provide a list of several items in the ALPLM's collection related to emancipation that could possibly be loaned. In response, Dr. Wheeler listed a statue and portrait of Lincoln, and a pen used to sign the Emancipation Proclamation, but reiterated that a letter of request and Standard Facility Report were needed to begin the process of deciding what items the ALPLM would consider loaning. In a June 10, 2019 email, Ms. Smith wrote Mr. Lowe and Ms. O'Leary, thanking them for the "heads-up" about the prospective Mercury One loan, and reminding them that a letter of request and Standard Facility Report were "key to the timing of everything."

Records reflect that several days later, in a letter to Mr. Lowe dated June 14, 2019, Mr. Little requested, on behalf of Mercury One, to borrow "original artifacts from your collection that you and your staff feel are appropriate for our 12 Score exhibition." Mr. Little wrote that the exhibit was to begin 15 days later, on June 29, 2019, at the Mercury Studios in Texas. The letter indicated that Mercury One would again offer VIP tours led by Mr. Beck and Mr. Barton, which would range in price from \$50 to \$750. Attached to the letter was a facility report, dated June 14, 2019, that listed Mr. Little as Mercury One's contact person and Registrar or Collections Manager, and indicated that Mr. Little would be supervising the packing and unpacking of the loaned artifacts; the report listed Mr. Barton as a Curator. The report indicated that the loaned artifacts would again be displayed in Mr. Beck's office.

Ms. Smith told investigators that after she received the letter of request and facility report, she convened the ALPLM collections staff, and the staff unanimously recommended to deny the loan request.⁶⁷ She stated that she sent Mr. Lowe and Ms. O’Leary a detailed list of reasons why staff recommended not doing the loan. The listed reasons included that some of the information provided in the Standard Facility Report was incomplete or required clarification; concerns about Mr. Barton being listed as a Curator who would be interpreting ALPLM artifacts, given his reputation as a historian; and concerns about Mr. Little being listed as the Registrar or Collections Manager, given his lack of qualifications for handling artifacts. Ms. Smith said that Mr. Little’s history of mishandling artifacts at the ALPLM was also of concern.

Ms. Smith said that prospective borrowers are allowed to resubmit their documents with additional information for further consideration, and that Mercury One did so. Records reflect that Mercury One submitted a second letter of request, dated June 16, 2019, also in the name of Mr. Little. In this letter, Mr. Little requested to borrow the statue, portrait, and pen Dr. Wheeler had previously identified to Mr. Lowe, and/or “any other objects that you and your staff feel are appropriate for our 12 Score exhibition.” Attached to the letter was a revised facility report, dated June 16, 2019, which listed Ms. Mayden as the Registrar or Collections Manager, rather than Mr. Little, and listed Ms. Mayden as the Curator, rather than Mr. Barton. The facility report continued to list Mr. Little as Mercury One’s contact person, and indicated that he would be supervising the packing and unpacking of the loaned artifacts; it also listed him as the Exhibitions Operations Manager.

Ms. Smith told investigators that the staff reviewed these documents, but that the second facility report did not address the staff’s remaining concerns and they again recommended denying the request. Ms. Smith said that Mr. Lowe asked her why they were not recommending a loan in 2019 when the Gettysburg Address had been loaned in 2018, and that he also asked whether Mercury One’s facility report had changed that much from the previous year’s; Ms. Smith said she reminded Mr. Lowe that Mercury One had not submitted a facility report in 2018. Ms. Smith said that Mr. Lowe signed the second form, indicating that he agreed with the staff’s recommendation.⁶⁸

I. Mr. Lowe’s Consulting Business And Advisory Position With Mercury One

On an ALPLM form dated August 17, 2018, Mr. Lowe disclosed that he has secondary employment through his business, Alan Lowe Consulting. Mr. Lowe described this business as consulting related to archives, museums, and public policy centers.

In his position as ALPLM Executive Director, Mr. Lowe is required to annually submit a Supplemental Statement of Economic Interests form to the Executive Ethics Commission.⁶⁹ In response to a question on that form as to whether he had held any non-governmental position

⁶⁷ Investigators reviewed the Loan Request Review, Recommendation & Approval form, which was dated June 14, 2019 and contained signatures on the lines for each of seven ALPLM staff members, indicating that they did not recommend making the loan. A signature line for Mr. Lowe also indicated that he did not recommend the loan.

⁶⁸ Investigators reviewed the second form, which was dated June 18, 2019 and contained signatures on the lines of six of the seven staff members indicating that they did not recommend making the loan. The form indicated that the seventh staff member, the Director of Library Services, was not present, but a handwritten note indicated that that staff member “agreed with staff.” The form indicated that Mr. Lowe also did not recommend the loan.

⁶⁹ See Executive Order 15-09.

during the preceding calendar year of 2018, Mr. Lowe’s response dated April 25, 2019 disclosed that he had held an uncompensated position of “Member Advisory Committee” for “Mercury One American Journey Experience.”

J. Interview of ALPLM Executive Director Alan Lowe

Investigators interviewed Mr. Lowe on July 17, 2019.⁷⁰ Mr. Lowe said that he began working for the Ronald Reagan Presidential Library in 1989, and that he has been involved with presidential libraries and museums since then, including working as the Director of the George W. Bush Presidential Library and Museum (Bush Museum).⁷¹ Mr. Lowe has been the Executive Director of the ALPLM since July 2016, and his responsibilities in that position include overseeing all of the functions and activities of the ALPLM.

HPA Policies and HPA Board Resolution

When asked whether the HPA’s policies have continued to govern ALPLM operations since the ALPLM became an independent agency, Mr. Lowe said that they would generally look to those policies as a “starting point,” but that he would not necessarily agree with everything in those policies. Mr. Lowe said that since the ALPLM became an independent agency, each ALPLM department has been tasked with drafting policies. However, he said, no Board of Trustees has been appointed to approve them.

Mr. Lowe said he was aware that HPA policy requires a Standard Facility Report, but stated that, “of course, at this point, the ALPLM does not have that [HPA] policy since we’re no longer part of the [HPA].” However, he said that “good, basic practice is to have a report in some form,” and that “usually, you have some type of facility report.” Mr. Lowe acknowledged that the HPA policy also requires that loan requests be made in writing and in advance, and said “that’s always good to have in a policy” and that it is “great” to have the request in advance, but said that in his experience that was not always the practical reality.

Mr. Lowe said he was not aware that in 2008, the HPA Board voted to not loan the Gettysburg Address out again after the Chicago History Museum loan, or that in 2013 the HPA Board passed a resolution not to loan the Gettysburg Address out without a unanimous Board vote. Mr. Lowe reiterated that the ALPLM does not have a Board. Mr. Lowe said that he did not recall having any conversations with ALPLM General Counsel Dave Kelm about the 2018 loan of the Gettysburg Address. When asked whether he talked to anyone in the Governor’s Office about the

⁷⁰ Mr. Lowe also was interviewed by telephone on January 24 and 25, 2019, as part of Mr. Little’s revolving door process.

⁷¹ Mr. Lowe’s biography indicates that he worked as an archivist for the Ronald Reagan Presidential Library from 1989 to 1992. From 1992 through 2003, he worked for the National Archives and Records Administration’s Office of Presidential Libraries, where he helped oversee the presidential libraries administered by the National Archives. Mr. Lowe was the Executive Director of the Howard Baker Center for Public Policy at the University of Tennessee from 2003 to 2009. Mr. Lowe was the Director of the Bush Museum from 2009 to 2016.

loan, Mr. Lowe said that [Governor's Employee] was his usual contact there but that he did not know if he briefed [Governor's Employee] about it.⁷²

Loan to Mercury One

Mr. Lowe said that he first met Glenn Beck when he (Mr. Lowe) was the Director of the Bush Museum in Dallas. Mr. Lowe said that he had not heard from Mr. Beck's organization since the time he left Dallas, until at some point, Mr. Beck learned of the Foundation's Taper debt through a news story, and that either Mr. Beck or someone else from Mercury One called Mr. Lowe to discuss Mr. Beck's desire to help the Foundation raise money to pay off the debt.⁷³ Mr. Lowe said that the Mercury One people wanted Mr. Lowe to appear on Mr. Beck's program to discuss the Taper debt.

Mr. Lowe said that in early June 2018, Ms. Grishman came to Springfield to meet him, and told him that Mercury One would like to borrow a few items for an exhibit. Mr. Lowe said he was not aware of the ALPLM having had any prior dealings with Mercury One, and that he did not know whether Mercury One had done any prior museum exhibits. Mr. Lowe said that during the initial conversations about the loan, he was told something about the theme of the 2018 exhibit, that the requested artifacts would fit within that theme, and that a lot of people would be coming to the exhibit. Mr. Lowe acknowledged that Mr. Beck is a "somewhat controversial figure" because of his political views, but said that the exhibition's themes of freedom and "Rights and Responsibilities" met the ALPLM's standards for using its artifacts. According to Mr. Lowe, he responded to Ms. Grishman that he would be very open to the request, but that they would have to go through the normal process, "with a facility report and all that." Mr. Lowe said that the communications with Mercury One about the loan request in which he was involved were all verbal. He said he did not recall seeing a written loan request, and that he did not ask anyone to make sure there was a written request.

Mr. Lowe said that after his meeting with Ms. Grishman, he discussed with Ms. Smith and/or Dr. Wheeler what the possibilities were for artifacts that would fit within the Mercury One exhibit's theme. He said that at some point between June 1 and 5, 2018, Ms. Grishman told him or Mr. Little that Mercury One wanted the Gettysburg Address. Mr. Lowe recalled that Mr. Beck felt that the Gettysburg Address would fit better with the exhibit's theme. Mr. Lowe said there was no discussion about loaning Mercury One something less valuable instead of the Gettysburg Address.

Mr. Lowe described the ALPLM's copy of the Gettysburg Address as a "really important" linchpin of the ALPLM's collection, along with the other documents in the ALPLM's "big three," and said that it is "very significant" that the ALPLM has it. Mr. Lowe said that he asked Ms. Smith, Dr. Wheeler, and others whether the Gettysburg Address was something that the ALPLM

⁷² The OEIG asked the Governor's Office to produce any memoranda or other documents in effect from 2008 through May 2019 pertaining to a restriction on loans of the Gettysburg Address. Although the Governor's Office's response included emails from ALPLM and/or HPA personnel regarding the two previous loans of the Gettysburg Address, the Governor's Office did not produce any emails regarding the 2018 loan. Ms. Smith told investigators that she did not know whether anyone at the Governor's Office was consulted about the loan. [Governor's Employee] is no longer a State employee, and was not interviewed in the investigation.

⁷³ Mr. Lowe said he did not recall when this call occurred.

had ever loaned before, and whether it was “loanable.” Mr. Lowe said he was told that it had been loaned before, and then at that point he said his role was mainly to connect his staff with the Mercury One staff to go over the facility requirements and security. Mr. Lowe said he did not recall getting any details about the ALPLM’s prior loans of the Gettysburg Address to the Gettysburg Foundation and Chicago History Museum, and said he would hope that the prior loans followed the same practices the ALPLM followed now, which was to ask the borrower whether the facility and staff could meet the ALPLM’s requirements.

Mr. Lowe said that he told staff to “do what you normally do” to determine whether they trust the borrowing facility and their procedures and personnel to handle the loaned items. Mr. Lowe explained that staff needed to determine whether the Gettysburg Address was in a condition that permitted it to be loaned, whether Mercury One was going to do what was required for secure shipping, and whether Mercury One had the right personnel to handle it appropriately. Mr. Lowe said that he directed his staff to tell him if it could not be done. He recalled that Ms. Smith would mention along the way that they had to work with Mercury One on issues like shipping and insurance, but that he left it in the hands of Ms. Smith and Mr. Little to ensure that everything was done. Mr. Lowe said that he had other things on his plate, and that he told staff to “make sure it’s done correctly, but if we can let’s do it.”

Mr. Lowe said he did not know whether a Standard Facility Report was provided for the Mercury One loan, that he did not recall any discussions about Mercury One having been asked for a facility report, and that he did not ask anyone if a report had been provided. He said he asked staff in a more general way to make sure Mercury One met the ALPLM’s requirements. Mr. Lowe said that he would love to have the report, but that it would not cause him concern if none had been provided because Ms. Smith had told him that Mercury One met the ALPLM’s security, climate control, and lighting requirements. Mr. Lowe also maintained that he assumed that staff was answering his questions based on looking at a Standard Facility Report.

Mr. Lowe acknowledged that the Mercury One loan was not done in the “normal” time frame, and said that the three or six months of advance notice for loan requests required in the HPA policies was “ideal” timing. However, he said that if a prospective borrower meets the ALPLM’s requirements and he has the staff time available to do the loan, he will do it. Mr. Lowe said that his staff gave him the green light that they could complete the Mercury One loan in the time frame they were given, and that no one on his staff told him that they could not do it in that time frame, or that they were not comfortable with it. When asked whether it was risky to complete the process for a loan of an artifact as significant as the Gettysburg Address in 8 or 12 days, due to the increased possibility of mistakes, Mr. Lowe said that he had to trust the staff. Mr. Lowe said that the process did not feel rushed, and that there was “not really” anything about the amount of time between the request and the loan that was concerning to him. Mr. Lowe said that he did not want to “let a good opportunity pass us by.”

Mr. Lowe stated that Mr. Little was “very involved” in the loan process and explained that Mr. Little was “engaged in terms of communicating back and forth” with Mercury One. He stated that after he had initial discussions with Mercury One about loaning artifacts, he asked Mr. Little

to be the point person for further discussions with Mercury One about the loan.⁷⁴ Mr. Lowe said that Mr. Little networked and established a good relationship with Mercury One. Mr. Lowe advised investigators that he (Mr. Lowe) was not in the office on June 13, 2018, the date the agreements were signed for the loan of artifacts to Mercury One, and that Mr. Little signed the agreements on his behalf, with his permission.

Mr. Lowe said that he approved the loan of the artifacts to Mercury One. He agreed that there is always risk of damage or mishandling when an artifact leaves the ALPLM's control, but said there was a lot of benefit to loaning out an artifact as important as the Gettysburg Address. When asked how the loan benefitted the State of Illinois, Mr. Lowe said that the people of Illinois want the ALPLM to be a nationally and internationally recognized institution, rather than a "mom and pop shop, where people come and look at a cabinet of curiosities." He said that he viewed the Mercury One exhibit as an opportunity to market the ALPLM on a broader basis, and establish a continuing partnership with Mercury One; Mr. Lowe said that they also received \$50,000 for the Taper debt, which was more than he expected. Mr. Lowe said that if a loan meets the ALPLM's requirements and can extend the ALPLM's reach and visibility, he is going to do it; he added, "sometimes your most valuable, precious items are the very things that can best extend your reach, so I'm not going to just hide them away."

Travel for Mercury One Exhibit

Mr. Lowe said that he and Mr. Little travelled to Texas for the Mercury One exhibit.⁷⁵ He said that Mr. Little did not have any experience handling historical artifacts, and that Mr. Little went on the trip because he had been part of the process, working with the Mercury One staff. Mr. Lowe said that he saw the crate containing the artifacts onsite, and recalled talking to Ms. Smith by telephone when an issue arose with the lock on the crate. However, he said he was not present when the crate was opened because he was "off doing other things," and that he also was not present when the ALPLM and Foundation artifacts were installed and later repacked. He explained that he was in "marketing mode," engaging and interacting with people Mercury One brought in for the exhibit. Mr. Lowe said he did not ask Mr. Little to be present when the crate was opened, and that he did not think Mr. Little was present when the artifacts were installed or repacked either. Mr. Lowe said he trusted the Mercury One staff.

When asked what kinds of interactions he and Mr. Little had with Mercury One staff while they were there, Mr. Lowe said that they toured the exhibit with Mercury One staff members; he and Mr. Little attended a Mercury One dinner, where they met "a bunch of people"; they went to a showing of a Mercury One video about human trafficking; they had a lunch or breakfast; they were present for some of the tours; and Mr. Lowe did an interview. Mr. Lowe said that the topic of job opportunities at Mercury One did not come up in his presence during the trip.

Additional Mercury One Loan Request

⁷⁴ In her interview, Ms. Smith also said that Mr. Little was involved at an "admin level" on the discussions related to the loan, and described him as a "driver" of the loan.

⁷⁵ Mr. Lowe said he had not visited the exhibition space before, although he had been to the Mercury One building when he worked for the Bush Museum.

Mr. Lowe said that Mercury One recently made another request to borrow items from the ALPLM. Mr. Lowe said that the ALPLM staff said the requested items could not be loaned out, and that he believed it was based on their condition. Mr. Lowe said that the staff also found it unacceptable that Mr. Little was Mercury One’s point of contact for the loan request because he did not have formal museum training. Mr. Lowe said that the staff did not recommend the 2019 loan, and he accepted their judgment and said they (ALPLM) would have to tell Mercury One “no.”

Mr. Lowe’s Participation on Mercury One’s Advisory Board

Mr. Lowe said he did not receive anything from Mr. Beck or any of his entities in return for loaning the Gettysburg Address and other artifacts. However, he said that approximately six months prior to his OEIG interview, he joined an advisory board for a museum Mercury One is creating in Dallas about democracy. He said that he has not done anything for the advisory board other than participating in a conference call. Mr. Lowe said that he has not been compensated for being on the advisory board, and that compensation for the position was never offered or discussed. Mr. Lowe said that when he was offered the position on the advisory board, he consulted ALPLM Ethics Officer Dave Kelm to make sure there was no conflict; according to Mr. Lowe, Mr. Kelm looked into it and told him that there was no problem because Mercury One was not a “prohibited source.”⁷⁶ Mr. Lowe told investigators that he has decided to resign from the advisory board.

IV. ANALYSIS

The ALPLM holds the Gettysburg Address and other treasures of Lincoln and Illinois history in public trust. Its responsibility, on behalf of the people of Illinois, is to exhibit its artifacts to educate and inspire current visitors to the museum, while taking care to preserve the artifacts for future generations. The OEIG’s investigation revealed that, contrary to this important responsibility, ALPLM Executive Director Alan Lowe loaned the Gettysburg Address and other valuable historical artifacts to Mercury One in 2018, in violation of the HPA Board’s 2013 Resolution and applicable policies, and contrary to standard museum practices. The investigation also revealed that Mr. Lowe and Mr. Little accepted the payment of travel expenses from Mercury One without obtaining the required advance approval, and that Mr. Little made false statements on his revolving door paperwork submitted to the OEIG.

A. Mr. Lowe Mismanaged The ALPLM By Loaning The Gettysburg Address And Other Artifacts To Mercury One In Violation Of The HPA Resolution, HPA Policies, And Standard Museum Practices

The ALPLM’s copy of the Gettysburg Address, in Lincoln’s own handwriting, is a tangible connection to Lincoln and the words he spoke during a time of upheaval and crisis in American history. More than 150 years later, the ALPLM’s copy of the Gettysburg Address continues to evoke powerful emotions in those who see it at the museum in Springfield each November. Although it has been appraised at \$20 million, as one of five existing copies in the world in

⁷⁶ Although it is unclear what Mr. Kelm may have been referring to, the State Officials and Employees Ethics Act defines “prohibited source” as including “any person or entity who . . . is seeking official action” by the employee or their State agency. 5 ILCS 430/1-5.

Lincoln's handwriting it is, as a practical matter, irreplaceable and priceless. As State Historian Samuel Wheeler described it, the Gettysburg Address is the ALPLM's "crown jewel."

Given the priceless nature of the ALPLM's copy of the Gettysburg Address, it arguably should be treated with the very highest level of care and caution. However, Mr. Lowe did not even follow the HPA policies and standards that govern more ordinary loans when he loaned the Gettysburg Address to Mercury One in 2018.

Executive Order 2017-01's savings clause made clear that the HPA's rules continued in effect and were transferred from the HPA to the ALPLM when the ALPLM became an independent State agency in 2017; the Executive Order further provided that employees retained the same obligations and duties they had under the HPA.⁷⁷ Although the ALPLM could adopt new policies following the reorganization, the ALPLM Act and the Executive Order gave the ALPLM Board the power to set policy, not the ALPLM Executive Director.⁷⁸ Therefore, in the absence of the appointment of an ALPLM Board and the implementation of new policies by that Board, the ALPLM was obligated to continue to comply with HPA rules and policies, and Mr. Lowe did not have the authority to contravene them.

Mr. Lowe's decision to loan the Gettysburg Address to Mercury One in 2018 was contrary to the HPA Board's 2013 Resolution that prohibited the loan of the Gettysburg Address unless the Board voted unanimously to allow an exception. Nevertheless, as Ms. Smith told investigators, Mr. Lowe maintained that without an ALPLM Board, he had the authority to approve all outgoing loans without seeking approval from anyone else. In his interview, Mr. Lowe noted that there was no ALPLM Board, and said he only discussed the loan with ALPLM staff, such as Ms. Smith, Dr. Wheeler, [ALPLM Employee], and Mr. Little. Although it would seem prudent to at least have consulted the Governor's Office under the circumstances, given the lack of an ALPLM Board and the value of the Gettysburg Address, the OEIG found no evidence that Mr. Lowe did so.

In addition to contravening the HPA Board's 2013 Resolution, Mr. Lowe's decision to loan the Gettysburg Address also violated HPA loan policies. Although Mr. Lowe agreed in his interview that staff would generally look to those policies as a "starting point," he told Ms. Smith that the ALPLM was not bound by the HPA's policies or decisions. For outgoing loans, the HPA's policies required, among other precautions, three or six months advance notice, a formal written request from the prospective borrower, and the submission of a Standard Facility Report form or other written proof that the borrower can adequately care for the loaned object.⁷⁹ The ALPLM's loan agreement form, which was used for the Mercury One loan, also contains these requirements, and specifies that loan requests must be made in writing to the ALPLM at least six months in advance of the start of the loan term. Contrary to those policies, Mr. Lowe agreed to a loan of the Gettysburg Address with only eight days advance notice, without a formal written request, and without a Standard Facility Report.

Moreover, as Ms. Smith and Dr. Wheeler explained, and AAM standards and other museum policies confirm, the HPA's requirements regarding advance written notice and a facility

⁷⁷ Executive Order 2017-01 § XIII.

⁷⁸ Executive Order 2017-01 § IX; 20 ILCS 3475/25(a).

⁷⁹ HPA Collections Manual, Loans – 12 (2000); HPA Collection Policy, at 4 (May 2007).

report are consistent with standard museum practices industry-wide. Indeed, the ALPLM followed those requirements and standard practices with its prior loans of the Gettysburg Address for exhibitions at the Gettysburg National Military Park and Museum and the Chicago History Museum in 2008 and 2009. Although both of those institutions are traditional museums, and the ALPLM had a longstanding relationship with the Chicago History Museum, in both prior loans the prospective borrowers submitted formal written requests well before the loans were to occur, as well as facility reports that provided detailed information about the facilities and exhibitions. As Chicago History Registrar Julie Katz said, “you have to do due diligence” when evaluating a loan request, and opined that loaning out an artifact like the Gettysburg Address to an institution that was not a “known quantity” without receiving a Standard Facility Report would not be doing due diligence.

As shown in the chart below, the timing of the ALPLM’s loan of the Gettysburg Address to Mercury One sharply contrasted with its prior loans of the Gettysburg Address to the Gettysburg Foundation and Chicago History Museum:

| | Date Gettysburg Address Requested | Date Gettysburg Address Left ALPLM | # of Days Between |
|--------------------------------|--|---|--------------------------|
| Loan to Gettysburg Foundation | 3/31/2008 | 9/24/2008 | 177 |
| Loan to Chicago History Museum | 5/21/2008 | 3/30/2009 | 313 |
| Loan to Mercury One | 6/5/2018 | 6/13/2018 | 8 |

Ms. Smith explained that advance notice is important because it takes time and effort to assess the artifacts and their condition and make all necessary arrangements, and said that it is “ridiculous” to complete any kind of loan in two weeks because staff do not feel that they can do their due diligence under such time constraints. Ms. Katz also said that the loan process is lengthy because of the communications that need to be exchanged between the loaning and borrowing institutions. In this instance, the short time frame meant that corners were cut: Ms. Smith said she did not feel she had time to sufficiently research the condition of the items that were being loaned, and as an example said she felt that Lincoln’s doorplate was not in a condition to travel, and said that she did not have enough time to do more to vet Courtney Mayden; in addition, Mercury One advised that it did not have time to complete a Standard Facility Report. This time frame was drastically shorter than the advance notice required under the HPA policies, the loan agreement, and standard museum practices.

Although the ALPLM staff involved in making the loan arrangements made efforts to complete the loan as safely as they could under the time constraints, the tight time frame increased the risk of mistakes. Indeed, the investigation revealed that mistakes were made in the loan process that may have been avoided if the arrangements were not so rushed. For example, to protect its interests and be entitled to make a claim against Mercury One’s insurance policy if the artifacts were damaged or lost, the ALPLM should have been listed as an additional insured on the policy, but alarmingly that was not done, and the omission went unnoticed in the rush. The certificate of insurance was emailed to the ALPLM on June 13, 2018 at 4:04 p.m., when the artifacts were packed and awaiting transport, and the shipper left the ALPLM with the artifacts shortly after the certificate of insurance arrived. In addition, the borrower’s name was incorrectly listed as “Mercury Studios Arts” on the loan agreements, an error that likely would not have occurred had

a formal written loan request been submitted on institutional letterhead, and with ample time to complete the loan arrangements.

Mercury One's failure to submit a Standard Facility Report also violated HPA policy and was a significant deviation from standard loan practices. This failure posed an even more serious risk under the circumstances of this loan, given that the ALPLM had no prior dealings with Mercury One, Mercury One was not a traditional or accredited museum and lacked prior museum exhibition experience, and Mercury One proposed to display the Gettysburg Address in the unconventional space of Glenn Beck's office. Although Mercury One informally provided some information to the ALPLM about its facility, Ms. Smith said that she did not ask Mercury One staff all the questions that are contained in a Standard Facility Report, and did not go into the level of detail that a Standard Facility Report does. As a result, the loan proceeded despite the ALPLM's ignorance of important information, such as the layout of the exhibition space, and key Mercury One staff who would be working with the exhibition. Only later, after the loan was completed, did concerning information come to light, such as that there were exterior doors in the exhibition space, which was a security weakness; that discredited historian David Barton may have led special tours of the exhibition; and that Mr. Beck handled the Gettysburg Address without apparent training in artifact handling.

As Executive Director, Mr. Lowe is responsible for overseeing all of the ALPLM's functions and activities, and he had extensive experience with various museums prior to taking that position. Mr. Lowe acknowledged in his interview that the three or six months of advance notice for loan requests required in the HPA policies was "ideal" timing for a loan, that it is good to have a policy that loan requests should be made in writing and in advance, and that it is "good, basic practice" to have a facility report. In addition, had he checked the ALPLM's past practices of loaning the Gettysburg Address, Mr. Lowe also would have had the benefit of two prior examples, in which formal written requests and facility reports were provided months, and in one case, almost a year in advance, and extensive due diligence was done. Nevertheless, Mr. Lowe agreed to loan Mercury One the Gettysburg Address and other artifacts in 2018 based on an informal verbal request, despite the lack of time to carefully assess the request and do the necessary due diligence, and without a facility report. That decision contravened the policies and standard practices that govern even the most ordinary loans, and exposed the ALPLM's most precious holding to unnecessary risk.

Moreover, it appears that Mr. Lowe made his decision without entertaining serious discussion with ALPLM staff. Ms. Smith told investigators that when Mr. Lowe told her on June 1, 2018 that the ALPLM would be loaning items to Mercury One, she told him that a letter of request and Standard Facility Report were required, and raised other concerns. Dr. Wheeler also told investigators that in a telephone conference on June 5, 2018, he told Mr. Lowe that the Gettysburg Address should not travel, and that the loan was inappropriate and unadvisable on every level. Ms. Smith and Dr. Wheeler said that Mr. Lowe's response to their concerns in both instances was that the decision to make the loan had already been made, although Ms. Smith said that Mr. Lowe also conveyed the mixed message to her that she should check Mercury One out. Similarly, [ALPLM Employee] said that her impression from Mr. Lowe was that the loan was going to happen, and that her discussions with him were simply about how to do it as safely as possible.

The ALPLM staff's accounts that the decision had already been made are corroborated by the emails reviewed in the investigation, which show that by May 29, 2018, Mr. Lowe had already begun discussing plans to go to Texas for the exhibition; he discussed the loan with Ms. Grishman on the day of her visit to the ALPLM on June 1, 2018; and Mercury One booked Mr. Lowe's flight to Texas on June 3, 2018. All of these actions occurred *before*:

- a thorough assessment could be done on the artifacts to see if they were able to tolerate travel and exhibition;
- Ms. Smith obtained information from Ms. Mayden about Mercury One's facility and learned that Mercury One would not be submitting a Standard Facility Report;
- Mr. Lowe's telephone discussion with Dr. Wheeler and the other staff; and
- approval by the Foundation Board for a loan of their Taper items.

In addition, there is no evidence to conclude that Mr. Lowe's decision to approve the loan to Mercury One benefitted the people of Illinois so greatly as to justify exposing the Gettysburg Address and other artifacts to such risk. All told, approximately 2,300 people in Texas viewed the Mercury One exhibition, the ALPLM received some publicity through Mr. Lowe's appearances on Mr. Beck's radio program, and the Foundation received a little over \$50,000 toward paying down a \$9 million debt. Although Mr. Lowe also said he viewed the Mercury One exhibit as an opportunity to establish a continuing partnership with Mercury One, and it is clear how Mercury One, as an inexperienced, unaccredited, and unknown museum, might benefit from ongoing access to the ALPLM's precious artifacts, it is unclear what value such a partnership would bring to Illinois.

The investigation also revealed that Mr. Lowe and Mr. Little may have had personal interests in maintaining a relationship with Mercury One. In addition to his State employment, Mr. Lowe maintains a consulting business related to archives, museums, and public policy centers. Although Mr. Lowe denied receiving any compensation from Mercury One, he has served on an advisory board for Mercury One since 2018, at the same time he continued advocating for the ALPLM to make additional loans to Mercury One. Both Mr. Lowe and Mr. Little travelled to Texas at Mercury One's expense in June 2018; neither took the time to oversee the Gettysburg Address and other artifacts being uncrated, installed, or repacked while they were there, but rather were there in "marketing mode," engaging and interacting with people Mercury One brought in for the exhibit. These networking opportunities may have provided Mr. Lowe connections for his consulting business, and likely led to employment for Mr. Little at Mercury One.

Mr. Lowe made the decision to loan the Gettysburg Address and other artifacts to Mercury One in violation of the HPA Board's 2013 Resolution, contrary to HPA loan policies, and without following standard museum practices, much less providing the heightened level of care that would seem prudent for the rare and extremely valuable artifact Mr. Lowe described as a linchpin of the ALPLM's collection. The allegation that Mr. Lowe mismanaged the ALPLM by loaning the Gettysburg Address and other artifacts to Mercury One, without following the HPA Board's 2013 Resolution, HPA policies, or standard museum loan practices, is **FOUNDED**.⁸⁰

⁸⁰ The OEIG concludes that an allegation is "founded" when it has determined that there is reasonable cause to believe that a violation of law or policy has occurred, or that there has been fraud, waste, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance.

B. Mr. Lowe And Mr. Little Accepted Payment Of Their Travel Expenses From Mercury One Without Receiving Advance Approval

Mr. Lowe and Mr. Little's travel to Texas at Mercury One's expense also violated Executive Order 2015-09 and applicable administrative rules. State employees may not travel at the expense of an entity seeking official action by their State agency unless the expenses are incurred in close connection with their State employment and predominantly benefit the public, and the trip is approved in writing in advance by the Executive Director of the Executive Ethics Commission and the employees' agency's Ethics Officer.⁸¹ In addition, the payment or reimbursement must be made or arranged directly with the employee's agency.⁸²

Mr. Lowe and Mr. Little travelled to Texas from June 15 through 18, 2018, during the time that the ALPLM loaned artifacts to Mercury One. Mercury One paid for their travel and lodging expenses, but they did not obtain advance written approval for the trip from either the Executive Director of the Executive Ethics Commission or the ALPLM's Ethics Officer. The allegation that Mr. Lowe and Mr. Little accepted the payment of travel expenses from Mercury One without obtaining advance written approval for the trip from the Executive Director of the Executive Ethics Commission or the ALPLM's Ethics Officer is **FOUNDED**.

C. Mr. Little Made False Statements In His Revolving Door Application

The State Officials and Employees Ethics Act (Ethics Act) provides that an ethics commission "may levy an administrative fine of up to \$5,000 against any person . . . who intentionally obstructs or interferes with an investigation conducted under this Act by an inspector general. . . ."⁸³

On the RD-101 form submitted as part of the OEIG's Ethics Act revolving door investigation process, Mr. Little certified that during the year prior to the termination of his State employment on December 5, 2018, he did not have any interactions with Mercury One employees, other than interviewing for the prospective employment. He further certified that he did not serve as a contact person for a contract with Mercury One, or process any paperwork for a contract to Mercury One. In addition, he certified that he did not inspect or review Mercury One's premises or operations.

Those statements were false. To the contrary, over less than three months in 2018, Mr. Little exchanged approximately 53 emails with Mercury One staff, including his new supervisor, Mercury One Executive Director Suzanne Grishman, about matters unrelated to his prospective employment at Mercury One. According to Mr. Lowe, Mr. Little was the ALPLM's point person for discussions with Mercury One about the loan, and Ms. Smith confirmed that Mr. Little was involved in such discussions. In addition, Mr. Little signed the loan agreements for the loan on Mr. Lowe's behalf. Finally, Mr. Little visited Mercury One's office in Texas from June 15 through 18, 2018, at Mercury One's expense, where he toured Mercury One's exhibit with Mercury One

⁸¹ See Executive Order 2015-09; 2 Ill. Admin. Code 1620.700; see also 5 ILCS 430/10-10.

⁸² See Executive Order 2015-09.

⁸³ 5 ILCS 430/50-5(e).

staff members and attended a Mercury One dinner, among other interactions. By making false statements on his RD-101 form, Mr. Little intentionally interfered with the OEIG's revolving door investigation. Accordingly, that allegation is **FOUNDED**.

D. Conclusion

The people of Illinois are fortunate that the Gettysburg Address and other artifacts ultimately returned safely to the ALPLM in June 2018, despite the risks that were taken. Although the Foundation's debt is sizable and concerning, Mr. Lowe's decision to risk extremely valuable State assets, by disregarding loan policies and standard museum practices, is not the answer. Moreover, it is clear that there is a continuing danger that similarly reckless loans could be made in the future. In November 2018 and June 2019, Mr. Lowe again sought to loan ALPLM artifacts to Mercury One, including the ALPLM's copy of the Emancipation Proclamation. The exhibit for the first proposed loan did not materialize, and ALPLM staff were able to block the second loan by using a new Loan Request Review, Recommendation & Approval Form that formally documented staff's objections. However, Mr. Lowe's continued employment as the ALPLM's Executive Director and the absence of needed oversight by an ALPLM Board mean that a real risk remains that history could repeat itself.

V. FINDINGS AND RECOMMENDATIONS

As a result of its investigation, the OEIG concludes that there is **REASONABLE CAUSE TO ISSUE THE FOLLOWING FINDINGS**:

- **FOUNDED** – ALPLM Executive Director Alan Lowe mismanaged the ALPLM by loaning the Gettysburg Address and other artifacts to Mercury One in violation of the HPA's February 13, 2013 "Board Resolution: Policy on ALPLM Items Not to Be Loaned," HPA policies, and standard museum loaning practices.
- **FOUNDED** – ALPLM Executive Director Alan Lowe accepted the payment of travel expenses from Mercury One without obtaining advance written approval from the Executive Director of the Executive Ethics Commission or the ALPLM's Ethics Officer, in violation of Executive Order 2015-09 and 2 Ill. Admin. Code 1620.700.
- **FOUNDED** – ALPLM Chief Operating Officer Michael Little accepted the payment of travel expenses from Mercury One without obtaining advance written approval from the Executive Director of the Executive Ethics Commission or the ALPLM's Ethics Officer, in violation of Executive Order 2015-09 and 2 Ill. Admin. Code 1620.700.
- **FOUNDED** – ALPLM Chief Operating Officer Michael Little intentionally interfered with an OEIG revolving door investigation conducted under the Ethics Act, 5 ILCS 430/50-5(e).

Based on these findings, the OEIG recommends that the Office of the Governor immediately remove Mr. Lowe from the position of Executive Director of the ALPLM.

Given the importance of appointing a Board of Trustees of the ALPLM, the OEIG recommends the Office of the Governor make those appointments, with qualified individuals, as

soon as possible.⁸⁴ The OEIG further recommends that the Office of the Governor ensure the Board is aware that any changes to the current policies and procedures should conform to and be consistent with industry practices, the ALPLM's mission, and its responsibility to the public trust.

Finally, the OEIG recommends that the Office of the Governor ensure that Mr. Little is not rehired as a State employee.⁸⁵

No further investigative action is needed, and this case is considered closed.

Date: September 3, 2019

Office of Executive Inspector General
for the Agencies of the Illinois Governor
607 E. Adams, 14th Floor
Springfield, IL 62701

By: Angela Luning
Deputy Inspector General

Melissa Brandenburg
Supervising Investigator

⁸⁴ The appointment of an ALPLM Board also is important to the implementation of new requirements in the ALPLM Act. Effective August 23, 2019, that Act requires the ALPLM and Foundation to enter into a memorandum of understanding that, among other things, includes the establishment of a working group to collaborate to advance the interests of the ALPLM; the working group is required to include 3 members of the currently nonexistent ALPLM Board. *See* P.A. 101-535 (eff. Aug. 23, 2019).

⁸⁵ In OEIG investigation number 18-01776, the OEIG previously found that Mr. Little improperly disposed of State property without the knowledge and approval of Central Management Services' Property Control Division, and recommended to the ALPLM that a copy of the OEIG's report be placed in his personnel file and that Mr. Little not be rehired. *See In re: Sam Cooper and Michael Little*, publicly available at <https://www2.illinois.gov/oeig/investigations/Documents/18-01776%20Cooper,%20Little.pdf>.

Appendix A

Michael Little's Email Communications with Mercury One

| Date | From | To | Content |
|--------------------|----------------------|---|--|
| 6/5/18, 4:40 p.m. | Michael Little | Suzanne Grishman ⁸⁶ | Providing temperature, humidity, and light parameters for the ALPLM artifacts |
| 6/5/18, 11:50 p.m. | Suzanne Grishman | Michael Little | Thanking Mr. Little for the information |
| 6/6/18, 10:33 a.m. | Michael Little | Suzanne Grishman | Asking Ms. Grishman to thank Mr. Beck for having Mr. Lowe on his show, and asking what kind of chocolate Mr. Beck likes |
| 6/6/18, 12:01 p.m. | Michael Little | [Glenn Beck Employee], ⁸⁷ copying Suzanne Grishman | Asking [Glenn Beck Employee] for information in preparation for Mr. Lowe's next appearance on Mr. Beck's radio program |
| 6/6/18, 12:14 p.m. | Michael Little | [Glenn Beck Employee], copying Suzanne Grishman | Referencing information from Ms. Grishman about the donation procedure |
| 6/6/18, 2:16 p.m. | Suzanne Grishman | Michael Little | Plan to put a link for donations on Mercury One's banner page |
| 6/6/18, 3:36 p.m. | Michael Little | Suzanne Grishman | Asking whether Mr. Beck would do his program and present a check at the ALPLM |
| 6/6/18, 3:44 p.m. | Michael Little | [Glenn Beck Employee], Suzanne Grishman | Agreeing that Mr. Beck's radio program listeners should be directed to Mercury One's website to make donations |
| 6/6/18, 4:26 p.m. | [Mercury Employee 1] | Michael Little, [Glenn Beck Employee], Suzanne Grishman | Mercury One will have a page on its website with information for directing donations to the Foundation; procedure for receiving donations by U.S. mail |
| 6/6/18, 4:38 p.m. | Michael Little | [Mercury Employee 1], ⁸⁸ [Glenn Beck Employee], Suzanne Grishman | Procedure for Mercury One to accept donations |
| 6/6/18, 5:06 p.m. | Michael Little | [Mercury Employee 1], [Glenn Beck | Looking forward to meeting everyone on the 15 th |

⁸⁶ Ms. Grishman was Mercury One's Executive Director, and had a "mercuryone.org" email address.

⁸⁷ [Glenn Beck Employee] had a "glennbeck.com" email address.

⁸⁸ [Mercury Employee 1] had a "mercuryone.org" email address.

| | | | |
|-----------------------|-------------------------|---|---|
| | | Employee], Suzanne Grishman | |
| 6/7/18, 7:47 a.m. | Suzanne Grishman | Michael Little | Responding to Mr. Little's 6/6/18 question about Mr. Beck's chocolate preference |
| 6/7/18, 8:02 a.m. | Michael Little | Suzanne Grishman | Family information |
| 6/8/18, 12:21 p.m. | Michael Little | [Glenn Beck Employee], Suzanne Grishman, [Mercury Employee 1] | Mr. Lowe's appearance on Mr. Beck's radio program |
| 6/8/18, 1:27 p.m. | Michael Little | [Glenn Beck Employee], copying Suzanne Grishman and [Mercury Employee 1] | Mr. Lowe's appearance on Mr. Beck's radio program |
| 6/9/18, 3:00 p.m. | Suzanne Grishman | [Glenn Beck Employee], Michael Little | Mr. Lowe's appearance on Mr. Beck's radio program |
| 6/19/18, 4:20 p.m. | [Mercury Employee 1] | Alan Lowe, Michael Little | Thanking Mr. Little and Mr. Lowe "for the partnership this weekend" |
| 6/19/18, 4:55 p.m. | Michael Little | [Mercury Employee 1], Alan Lowe | Thanking [Mercury Employee 1] and her team for their help |
| 6/19/18, 6:55 p.m. | Michael Little | [Mercury Employee 1] | Donation question |
| 6/19/18, 7:01 p.m. | Michael Little | Suzanne Grishman | Thanking Ms. Grishman "for a great weekend and the opportunity to meet your fantastic team. I am looking forward to working with you and the rest of the Mercury One Team. Please let Glenn know how much we appreciate his support." |
| 6/19/18, 7:21 p.m. | Michael Little | [Mercury Employee 1] | Question about posting Mr. Lowe's interview on social media |
| 6/20/18, 9:38 p.m. | Suzanne Grishman | Michael Little | "It was such a joy to have you both in town. We are looking forward to assisting you and getting to spend more time with you both. I hope you had a great trip. Talk soon." |
| 6/21/18, 8:38 a.m. | Michael Little | Suzanne Grishman | "The hotel charged Alan and I. Just wanted to make sure that they weren't charging you to [sic]." |
| 6/21/18, 1:31 p.m. | Suzanne Grishman | Michael Little | "I am so sorry about that. Please send us the invoice and we will reimburse you. That was not supposed to happen." |

| | | | |
|------------------------|---|--|--|
| 6/21/18, 1:52 p.m. | Michael Little | Suzanne Grishman | Thanking her, and indicating that he was working on the information her social media team requested |
| 6/25/18, 10:22 a.m. | Michael Little | Suzanne Grishman | Attaching his and Mr. Lowe’s hotel receipts |
| 6/25/18, 10:55 a.m. | Michael Little | [Mercury Employee 1] | Attaching information regarding Lincoln and the Taper Collection |
| 6/25/18, 11:44 a.m. | Michael Little | [Mercury Employee 1] | Attaching information about selected items from the Taper Collection |
| 6/26/18, 5:41 p.m. | Suzanne Grishman | Michael Little, [Mercury Employee 2], ⁸⁹ Accounts Payable | “Just approved. We may need banking info. [Mercury Employee 3] will help figure out the fastest way to reimburse you.” |
| 6/26/18, 5:59 p.m. | Michael Little | Suzanne Grishman, [Mercury Employee 2], Accounts Payable | “Thank you, no rush whatever works best for you.” |
| 6/27/18, 9:00 a.m. | [Mercury Employee 3] ⁹⁰ | Michael Little | Asking him to send her the receipts for reimbursement |
| 6/27/18, 12:10 p.m. | Michael Little | [Mercury Employee 3] | Providing his bank account information |
| 6/28/18, 11:33 a.m. | [Mercury Employee 2] on behalf of Mercury One, Inc. | Michael Little | Invitation to receive electronic payments |
| 6/28/18, 11:35 a.m. | [Mercury Employee 3] | Michael Little | Advising him that he would be receiving an invitation email from Bill.com so that Mercury One can send him an e-check |
| 6/28/18, 1:03 p.m. | Michael Little | [Mercury Employee 3] | Thanking her |
| 6/29/18, 3:42 p.m. | [Mercury Employee 1] | Michael Little | Update on upcoming postings and Mercury One site refresh |
| 6/29/18, 4:14 p.m. | Michael Little | [Mercury Employee 1] | Thanking her |
| 7/3/18, 9:05 a.m. | Michael Little | [Mercury Employee 3] | Advising her that he signed up for Bill.com |

⁸⁹ [Mercury Employee 2] had a “mercuryone.org” email address.

⁹⁰ [Mercury Employee 3] was a Mercury One staff accountant, and had a “mercuryone.org” email address.

| | | | |
|------------------------|--|---|--|
| 7/9/18, 12:09 p.m. | [Mercury Employee 3] | Michael Little | “We will process your reimbursement this week.” |
| 7/9/18, 6:16 p.m. | Michael Little | [Mercury Employee 3] | Thanking her |
| 7/20/18, 5:08 p.m. | [Mercury Employee 1] | Michael Little | Requesting feedback on an article for Mercury One’s fall newsletter |
| 7/20/18, 5:23 p.m. | Michael Little | [Mercury Employee 1] | “It looks great, go ahead and mail it out. Please let me know if there is ever anything that you need, I appreciate all your support in helping us pay off this debt.” |
| 7/23/18, 9:09 a.m. | [Mercury Employee 1] | Michael Little | Asking question about the Taper Collection |
| 7/23/18, 9:13 a.m. | Michael Little | [Mercury Employee 1], copying Suzanne Grishman | Answering [Mercury Employee 1’s] question |
| 7/23/18, 9:23 a.m. | [Mercury Employee 1] | Michael Little | Thanking him |
| 7/23/18, 9:23 a.m. | Michael Little | [Mercury Employee 1] | Asking whether any donations had come in |
| 8/7/18, 10:35 a.m. | Suzanne Grishman | Alan Lowe, [Mercury Employee 1], and copying Michael Little | Scheduling a call to provide an update on fundraising and the social media plan |
| 8/8/18, 9:12 a.m. | Michael Little | Alan Lowe, and copying Suzanne Grishman, [Mercury Employee 1] | Schedule for the call |
| 8/8/18, 9:47 a.m. | [Mercury Employee 4] ⁹¹ | Michael Little, Alan Lowe | Scheduling a call for 8/14/18 |
| 8/14/18, 11:02 a.m. | Suzanne Grishman | Alan Lowe, Michael Little | Donation numbers |
| 8/14/18, 2:43 p.m. | Michael Little | Suzanne Grishman | Thanking her |
| 8/14/18, 3:44 p.m. | Suzanne Grisham | Michael Little | Responding to his thanks |

⁹¹ [Mercury Employee 4] was Ms. Grishman’s executive assistant, and had a “mercuryone.org” email address.



Office of Executive Inspector General
for the Agencies of the Illinois Governor
www.inspectorgeneral.illinois.gov

**AGENCY OR ULTIMATE JURISDICTIONAL AUTHORITY
 RESPONSE FORM**

Case Number: 19-00300

Return 20 Days After Receipt

Please check the box that applies. (Please attach additional materials, as necessary.)

We have implemented all of the OEIG recommendations. Please provide details as to actions taken:

We will implement ~~some or~~ all of the OEIG recommendations but will require additional time to do so.

We will report to OEIG within 14 days from the original return date.

The Office of the Governor terminated the services of Alan Lowe on September 20, 2019.

Appointment of qualified individuals to the ALPLM Board of Trustees is ongoing with completion anticipated by October 7, 2019. Once the Board is appointed, we will take immediate steps to ensure that the Board is briefed in detail on the HPA's policies, as well as standard museum loaning policies, and prepared to ensure the HPA policies and standard museum loaning policies are followed.

The Office of the Governor has placed a copy of the 19-00300 Final Report in Mr. Little's personnel file. The Office of the Governor will strive to ensure that Mr. Little is not rehired as a state employee.

We do not wish to implement some or all of the OEIG recommendations. Please provide details as to what actions were taken, if any, in response to OEIG recommendations:

Whitney W. Rosen
 Signature

Office of the Governor, Deputy General Counsel
 Print Agency and Job Title

Whitney W. Rosen
 Print Name

Sept 23, 2019
 Date

From: [Rosen, Whitney](#)
To: [Haling, Susan](#); [Opperman, Fallon](#)
Subject: Final Response to OEIG 19-00300
Date: Friday, October 4, 2019 1:51:24 PM
Importance: High

Good afternoon,

The purpose of this email is to update our Final Response in OEIG matter 19-00300. The Governor has announced the appointment of eleven members to the Abraham Lincoln Presidential Library and Museum Board of Trustees (Ray LaHood, Joan Brodsky, Kathryn Harris, Gary Johnson, Eunice Santos, J. Steve Beckett, Jessica Harris, Jason Lesniewicz, Dan Monroe, Martin Sandoval, and Melinda Spitzer-Johnson). Filing of appointment paperwork is ongoing.

This is our Final Response in this matter. Please let me know if you need anything further.

Thank you,

Whitney Rosen

Whitney Rosen
Deputy General Counsel
Office of Illinois Governor JB Pritzker
207 State House Springfield, IL 62706
Office: Cell:

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