

In May of 1997 Edith and Henry Everitt revoked a \$3,000,000 gift for the construction of a children's zoo in New York City's Central Park. The zoo was to replace a smaller children's zoo in the park which had been constructed with funds donated by former New York Governor Herbert H. Lehman and his wife. A granite gate at the zoo entrance has an inscription on it honoring the Lehmans. A contract that the city entered into with the Everitts called for placing a plaque honoring the Everitt's gift in the center pier of the gateway with two smaller plaques on flanking piers, one noting the Lehman's gift of the original zoo, and the other noting their gift of the gateway. The city commission, which must approve changes in art and architecture on city owned property rejected the plan called for in the Everitt's contract because the commission concluded that the name of an original donor should not be removed or obscured from view. Under the plan approved by the commission, the only official acknowledgment of the Everitt's gift would have been a plaque two inches tall.

Were the Everitt's justified in revoking their gift? If so, why? If not, why not?

MODERATOR'S ANSWER: The decision of the Everitt's to rescind their gift was reasonable. The City of New York breached its agreement with the Everitts. Furthermore, it was reasonable for the Everitt's to insist that the City adhere to the terms of the agreement, or, at least, find a way to acknowledge their gift in a manner consistent with the spirit of the agreement. Granted, the question of what to do about the inscription over the middle pier of the gate honoring the Lehman family for its earlier gift posed a significant problem. Nonetheless, the City's proposal to note the Everitt's gift on a plaque no more than two inches high, on the side of the gate, amounted to an expression of gross ingratitude, which the Everitt's were justified in rejecting as unacceptable.

Case from the February 26, 1998 Intercollegiate Ethics Bowl. Copyright Robert Ladenson, Center for the Study of Ethics at the Illinois Institute of Technology, 1998.