Willard L. Boyd

Museums as Centers of Controversy

WE THINK OF MUSEUMS as places of objects. In fact they are places of ideas. The objects of nature give rise to human ideas about nature. Ideas give rise to the objects created by humans. Ideas are the principal means by which humans interact with objects in museums. Too often our different ideas lead to conflict rather than to understanding. Our ideas about objects change over time as our knowledge and attitudes about them change and our research techniques improve. Changing ideas are controversial because they contradict what we have previously believed.

In some instances, the simple display of an object can be controversial. When exhibits go beyond the "wonder" of the object standing alone and are designed to inform and stimulate visitor learning, they consciously invite controversy—as they should.

In ancient Egypt and Greece, museums were centers of speculation and research, the places where Plato, Aristotle, and Ptolemy engaged their students in learning about the natural world.[1] Most American colleges and universities were organized around collections of art, material culture, and natural science. Indeed, it is to cabinets of natural history that the roots of the Darwinian revolution can be traced. In the nineteenth and early twentieth centuries, museums were at the forefront of challenging our accepted ideas about the world.

By 1969, however, Dillon Ripley wrote:

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> The nineteenth century is the epoch of the rise of public museums. It is also the period during which museums first created the public impression which has been so disheartening in subsequent years to museophiles. The word museum, instead of seeming to imply a center of learning, came to mean something ponderous, dull, musty, dead, a graveyard of old bones of the past.[2]

At the beginning of the twenty-first century, museums once again see themselves as centers of learning about the world in which we live. Even though many Americans have complained that museums are boring, they do not want their museums to be controversial. Nevertheless, in a pluralistic society, what and how museums collect, and what and how they exhibit, are matters of increasing controversy. If museums are to be on the frontier of public appreciation and learning about their subject matter, they will be involved in controversies arising from new discoveries, new creations, and new interpretations about which there will be conflicting and forcefully articulated views. Museums are no longer perceived as infallible; they can no longer presume the privilege of issuing unquestionable pronouncements. Recognizing this new era, Harold Skramstad has said:

> We have all followed the heavily publicized questioning of the intellectual authority of established museums, which are under attack by groups with very diverse views and very different interests . . . .
>
> Our universalist claims of value and authority—which gave us such a strong, almost religious sense of calling, and which have done so much to improve the quality and professionalization of everything we do—now seem to be a barrier to preparing us to address legitimate expectations of a more pluralistic society. In retrospect, it appears clear that we have based much of our appeal upon our belief that the appropriating, holding, and exhibiting of the material record of the human and the natural world is an intrinsic social good, which is understood and valued by all, and not solely the particular groups that have both governed and staffed our museums.
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> It is in [our claim to the expectation of authority] where much of the present controversy over the role of museums has been centered. Like most institutions in modern American life, the museum has been, to use Neil Harris's term, "deprivileged". . . . Today,

> museums have an assumed authority that makes them vulnerable to attack in the way that any influential source of authority is. . . . Our response to these attacks is too often retreat or arrogance. Properly managing and continuously renegotiating our authority will be a major and time-consuming responsibility of the future.[3]

Museum "expertness" does not trump public concerns about what is collected and how it is exhibited. Nobody—especially an expert—likes to have his or her views challenged. Yet we live in an era of public challenge, often strident and inflexible. Museums and museum professionals cannot dismiss criticism as uninformed. If we can challenge the views of others, others can challenge our views. In a pluralistic world it is too much to expect that we will find a consensus—either among museum professionals or across museum audiences. Museums can and should serve as fora for these differing perspectives.

Museum professionals need to hear and reflect on the diverse opinions of others in a pluralistic society. This takes time, patience, and an open mind, often under trying and unpleasant circumstances. The idea of listening to and considering other points of view is often dismissed by some as politically correct pandering, or naively embraced as a means of magically producing consensus. But pursued genuinely, listening and consulting can generate deeper understanding of the divergent perspectives that are inherent in a pluralistic society.

Museums, like all institutions, look inward. Museum professionals look to their peers for evaluation, guidance, and innovation. Looking beyond ourselves is demeaned as unprofessional. But is it? Does good museology nowadays require museum professionals to listen to and consult with others both within and outside the museum, both professionals and laity? Should we go further and involve outsiders in museum decision making about collections and exhibits? Should we include hostile as well as friendly outsiders in the process? Do museums have a special responsibility to consult and involve affinity groups whose cultures and environments are represented in our collections and exhibits? Given that no such group is monolithic, how broadly should we consult within an affinity group?

Should we consult beyond the affinity group to the broader public?

Consultation must be real, not cosmetic. We consult to learn. We must listen to others with a mind open and willing to change when merited. The purpose of consultation is to expand both professional and public knowledge and understanding. Visitors should be made aware of differences of opinion. Ultimately, however, those responsible within the museum must make decisions with respect to collections and exhibits. And we must vigorously and openly defend those decisions on their merits.

Museum decisions will be critiqued by both experts and the public. We should not be surprised by negative reactions to decisions made in shaping and presenting collections and exhibitions, including charges of censorship for what has been omitted and of cultural bias for what has been included. We live in an era of intense and acerbic criticism. Our objective in openness is to engage and consider other perspectives, both professional and public. In doing so, we can learn much, but we cannot abdicate our responsibility to make decisions. We must be prepared to live with the controversial consequences of well-considered decisions.[4]

WHAT AND HOW MUSEUMS COLLECT

In the museum profession the questions of what and how museums collect are properly considered the province of the curator, whose professional judgment should be conclusive or at least accorded great weight. Increasingly, however, curatorial judgment is being called into question, even formally curtailed by government regulations and peer ethical standards to which museums as institutions are primarily held responsible. Informally, the curator's professional judgment may also be subtly and not so subtly affected by public opinion.

In contrast to the unfettered collecting of the 1890s, collecting in the 1990s is considerably restricted. While museum and curatorial ethics codes are still struggling to articulate specific restrictions on museum collection practices, governments at the national and international levels are actively promulgating collection restrictions. In doing so, governments and the publics

they represent often consider museums and curators major culprits in depriving a people of their cultural and environmental heritage. Museums are also seen as duplicitous for acquiring objects plundered in wartime or stolen in peacetime by either governments or private parties.

Given the varying types of possible possession, museums need to think through the possible ramifications of each. What are the different legal and ethical responsibilities of the museum as owner, as borrower, and as bailee? What are the respective implications of a museum's role as curator, registrar, collection manager, and conservator with respect to owned, borrowed, and bailed collections? In order to make museums more accountable, such responsibilities must be more clearly delineated.

Where a museum engages in field work, permits are usually now required for on-site studies as well as for export and import of cultural objects and biological specimens by museum staff. If field-study objects or specimens are brought into a museum, there is now a question as to whether the museum has possession as owner or as borrower. Increasingly, the ownership of field-collected objects remains with the government or an agency or individual at the place of collection. Thus, the objects may only be "loaned" to the collecting curator for research at the museum, and cannot be accessioned by the museum, which acts merely a borrower.

When a museum acquires an object through the marketplace, how do its obligations then change? In the United States a good-faith purchaser does not acquire clear title to stolen property. However, the rightful owner must seek restitution within a reasonable period of time after learning the identity and whereabouts of the wrongful possessor. Public opinion is coming to regard a museum as bound to an ethical duty to investigate the history of an object prior to acquisition, whether through the marketplace by good-faith purchase or by gift (even when from a good-faith purchaser). Museums cannot persuasively argue (as they once could) that it is better to acquire an object with a questionable provenance than to allow it to fall into a private collection. Good faith is coming to require investigation by the museum before acquisition.

Ethical standards and regulatory laws usually follow public demand; public demand concentrates on specific situations that need to be redressed. Thus, after years of denial, we are now properly focused on the art seized by the Nazis from the Jews. As a result, a task force assembled by the Association of Art Museum Directors issued a report containing principles and guidelines for AAMD members to follow, and the Art Dealers Association of America has issued a statement on "Nazi-looted art." In summary, the AAMD guidelines call upon art museums to "begin immediately to review the provenance of works in their collections to attempt to ascertain whether any were unlawfully confiscated during the Nazi/World War II era and never restituted"; to respond promptly to any claims by owners of or heirs to allegedly confiscated art, and "offer to resolve the matter in an equitable, appropriate and mutually agreeable manner," using the avenue of mediation to help resolve claims, when practical; and to seek as much provenance information as possible before acquiring gifts, bequests, and purchases, against the condition that "[I]f there is evidence of unlawful confiscation, and there is no evidence of restitution, the museum should not proceed to acquire the object."[5]

Speaking in the context of Nazi-looted art, a statement of the Art Dealers Association of America (ADAA) has emphasized support for the creation and use of relevant databases, and has asserted:

> ADAA members will continue to research the history of the works of art which they offer and make every effort to supply as complete and accurate a provenance as the available information permits. Like all art professionals, ADAA members know that research into provenance is not a title search, and that there are frequently gaps in a provenance for perfectly legitimate reasons. Collectors may be assured, however, that ADAA members warrant good title for every work they sell, that research into the history of each work will be professionally conducted by dealers uniquely qualified to do so because of their specialized knowledge and experience in the field.[6]

Prior to the adoption of these principles, the inadequate nature and scope of provenance research, and the failure of some institutions to adhere consistently to export and plunder trea-

ties as well as to regulations among museums and dealers, had been clearly and repeatedly raised both professionally and publicly.[7]

Clearly, the AAMD and ADAA statements must be understood as a response to the public outcry concerning the illegal seizure of art from Jews during the Holocaust. Yet whatever their motivation, the principles and guidelines made explicit in such statements are sound, with implications for the acquisition of collections in general. For example, they are also pertinent to objects looted from pre-Columbian archaeological sites. We need to be concerned about the plunder, looting, and theft of objects from individuals and groups worldwide—and not only because the media will be.

A case in point is a series of articles that ran in the *Boston Globe* from 1997 through 1998. In addition to covering the issue of Holocaust-plundered objects at the Museum of Modern Art in New York the series also focused on Boston's own Museum of Fine Arts, which "owned" or borrowed Mayan, Malian, and Italian objects alleged to have been illegally acquired and exported from those countries. In a related report, the *Christian Science Monitor,* in a 1998 article entitled "Art World Wary of New Rules," quotes the art historian Jonathan Petropoulos as saying: "They're finally addressing the problem of Nazi art in a comprehensive manner. . . . With antiquities, awareness hasn't come that far. Museums and dealers are not yet prepared to engage and rectify this issue." The article goes on to state that "The issue of stolen antiquities has yet to arouse the same level of public sympathy and support" as has been generated by the question of artworks confiscated by the Nazi.[8]

A profession has the responsibility to take the lead in setting the ethical standards by which its members are governed. The museum profession should set the example for governments, private collectors, and dealers with respect to all museum collections. This includes incorporating into museum acquisition policies the sense of such international conventions as the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.[9] Once such policies are adopted, it is incumbent upon museums to adhere to them. For example, Harvard's

Arthur M. Sackler Museum acquired a number of Greek vase fragments alleged to have been looted and illegally exported from an Italian tomb after Harvard adopted the essence of the UNESCO convention in its acquisition policy in 1971. According to a *Boston Globe* account, the museum's policy "asks for 'reasonable assurance' that an object was not exported from its country of origin after 1971 in violation of the laws of that country." The museum took the position that "innocent until proven guilty" sufficed. The *Globe* article continued:

> But many art historians and archeologists, noting that up to 80 percent of antiquities on the market were looted in recent decades, insist on tougher standards. "Ethically, given the enormous amount of looted material on the market, we are obligated to presume these items to be guilty until they are demonstrated to be innocent, and therefore the burden of proof should be on the purveyor of the object."[10]

Recent developments in international law have called for a more active role on the part of acquirers of cultural items to ensure that the material is not of suspicious origin. An attempt has been made to improve upon the UNESCO convention with the Convention on the International Return of Stolen or Illegally Exported Objects, an initiative of the International Institute for the Unification of Private Law, or Unidroit. Current U.S. law, and the law of most other "art market" nations, puts the burden on the claimant to show that the current possessor's ownership of the item is flawed. The Unidroit convention further provides that if the possessor must return an object, an ability to establish that due diligence was exercised in acquiring the item entitles the surrendering institution or collector to "fair and reasonable compensation." In determining the right of compensation, article 4 of the convention places the burden on the possessor to show that he or she "neither knew nor ought to have known that the object was stolen" and can prove that due diligence was exercised when acquiring the object. It is important to remember that neither the UNESCO nor the Unidroit conventions are retroactive. Moreover, the United States has not yet signed or become a party to the Unidroit convention.

Even if further developments in international law have yet to be adopted by the United States, the codes of U.S. professional associations in the museum field—to which institutions and their professionals are in some sense accountable—have continued to evolve. Certainly, institutional policies should reflect the essence of such codes. The American Association of Museums ethics code, for example, enjoins museums to ensure that

> [A]cquisition, disposal, and loan activities [involving collections] are conducted in a manner that respects the protection and preservation of natural and cultural resources and discourages illicit trade in such materials. . . .
>
> The unique and special nature of human remains and funerary and sacred objects is recognized as the basis of all decisions concerning such collections.[11]

More specifically, the ethics code of the International Council of Museums stipulates that:

> A museum should not acquire, whether by purchase, gift, bequest or exchange, any object unless the governing body and responsible officer are satisfied that the museum can acquire a valid title to the specimen or object in question and that in particular it has not been acquired in, or exported from, its country of origin and/or any intermediate country in which it may have been legally owned (including the museum's own country), in violation of that country's laws.
>
> So far as biological and geological material is concerned, a museum should not acquire by any direct or indirect means any specimen that has been collected, sold or otherwise transferred in contravention of any national or international wildlife protection or natural history conservation law or treaty of the museum's own country or any other county except with the express consent of an appropriate outside legal or governmental authority.[12]

These codes imply that museums must take affirmative steps to inquire into whether they are acquiring "good title" to their acquisitions. Both the AAM and ICOM codes address the issue of biological and geological materials as well as cultural materials. This means that museums of natural history must be wary of trophy hunting as a means of adding rare and endangered

species to their collections. Nowadays, special hunting permits and waivers on import bans raise red flags for museums, as evidenced by a 1999 controversy involving the Smithsonian's National Museum of Natural History.[13]

The time has come for American museums, individually and collectively, to set themselves against illicit trade, even if other countries and private individuals will not. It rings false to justify our failure to do so on the grounds that ethical conduct will deprive the American public of access to objects and specimens lost to less scrupulous museums abroad and private collectors in the United States and elsewhere.[14] Moreover, museum records and collections should be open to inspection by the appropriate representatives of claimants. The public expects museums to demonstrate leadership in ethical conduct by over-compliance, not by shaving it close.

What about collections acquired prior to present-day laws and standards of ethics? A brief summary of these issues was presented in the text of introductory label panels for a 1999 exhibit of Congolese objects at the Art Institute of Chicago. The objects exhibited came from the collection of the Royal Museum for Central Africa in Tervuren, Belgium. Speaking of the Tervuren Museum, the label read in part:

> Like other ethnographic museums of the colonial era—The British Museum, London, Musée de l'homme, Paris, Museum für Völkerkunde, Berlin, American Museum for Natural History, New York, Field Museum, Chicago—Tervuren Museum bought or acquired objects from European merchants, travelers, colonial representatives and missionaries who had obtained them in a variety of ways. Often, objects associated with ritual or political power were taken by force or coercion, others were gained by purchase, gift, or because they had been discarded from its inception. The Tervuren Museum also sent scientific missions to Central Africa, becoming the primary center for research on all aspects of the area.
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> When the Lower region won independence in 1960, the Tervuren Museum forged a supportive relationship with the former colony; in the 1970s, the museum helped to return over 700 objects to the Institut des Musées Nationaux du Zaire. Today, the Tervuren Museum is renowned for its dedication to field research and

cooperative work with foreign students, scholars, institutions, particularly those from the Democratic Republic of the Congo.[15]

A rather different perspective on Tervuren's practices may be found in the pages of Adam Hochschild's recent searing indictment of King Leopold II's reign of terror and genocide in the Congo. Hochschild criticizes the exhibits in the Tervuren, noting particularly that "... in none of the museum's twenty large exhibition galleries is there the slightest hint that millions of Congolese met unnatural deaths."[16]

Looting for financial purposes dates back to tomb-robbing in ancient Egypt. As long as there is a market, there will be theft. George Stocking, a historian of anthropology and its institutions, has written:

> [M]aterial culture was, in a literal economic sense, "cultural property." The very materiality of the objects entangled them in Western economic processes of acquisition and exchange. . . . From the beginning, market processes have been potent influences on the constitution of museums as archives of material culture—the more so insofar as the objects therein have been regarded, or come to be regarded, as objects of fine art, rather than as artifact.[17]

Nor is looting for the marketplace limited to fine art, archaeology, and material culture. Curators in many fields, particularly paleontologists and meteoriticists, are disturbed by specimens going on the auction block and into private collections. In the scientific community there were mixed feelings about the $8.4 million paid by the Field Museum in acquiring "Sue," the most complete *Tyrannosaurus rex* specimen yet found, even though the specimen will be available for learning in the public domain. The fear is that a "market" for fossils and meteorites will lead to destruction, inaccessibility, and looting of specimens.

There is also growing concern about repatriation of collections acquired prior to present-day laws and standards of ethics. In the United States, Congress has adopted the Native American Graves Protection and Repatriation Act (or NAGPRA). Should other collections be returned in the absence of a U.S. statute or treaty? Regardless of whether a museum feels it has

a legal or ethical duty to return objects it has held, it should at least open its records and storage areas to—and respectfully discuss the issues with—appropriate and recognized descendants of groups or individuals who created and previously possessed the objects. Such discussions should look at the circumstances, legal and otherwise, under which the museum took possession. They should also take account of the laws and traditions prevailing at the time of acquisition among the cultural groups from whom the objects were acquired. Subsequent changes in these circumstances must also be reviewed. Museum officials should anticipate that the cultural affinity groups with which they engage may bring a wide range of views to the table on both historic circumstances and desirable outcomes. Every effort should be made to reach an accommodation satisfactory to all parties. The attorney general of the state of a museum's incorporation should always be apprised of the discussions and conclusions; it is that officer's public responsibility to hold the museum to its fiduciary duties under the laws of the state of incorporation.

Such discussions could have, it must be understood, a variety of outcomes. One result could be the return of objects to the lineal descendants or culturally affiliated tribes. Alternatively, the person or group acknowledged as a legitimate representative may wish that the museum should continue to hold an object for the benefit of the other party. In such cases the terms and responsibilities of such holding should be made clear, including the museum's liability in the case of damage or theft. During the period of the museum's continued possession as a bailee, the museum should make regular reports to all parties concerned.

In a collection-based museum, deaccession is an exceedingly contentious issue—much more so than the decision to acquire. To acquire an object is to canonize it. Deaccession, by contrast, may involve not simply returning objects, but offering them for sale in the open market. Accordingly, the highest fiduciary duties found in law, and the highest ethical norms of professional conduct, obtain with respect to deaccession. Fiduciary duties are determined by the case law, and sometimes the statute law, of the state in which a museum is incorporated. The

ethics code of the American Association of Museums stipulates that the proceeds from a sale of collections should be held for collection acquisitions and direct care. Whenever possible, it is desirable for deaccessioned objects to go to another museum where the objects will be conserved and remain in the public domain.

It is when issues of prior ownership and deaccession come together that the issues confronting museum professionals become truly complex. In the absence of a repatriation statute or treaty, is a museum legally permitted and ethically required to offer collections free of charge to the appropriate persons, not necessarily a museum, whose cultures and environments are represented in the collections before proceeding to public auction? Should the proceeds of a sale to third parties go to the selling museum or to the affinity group? Recognizing that museum personnel have a fiduciary duty in law to the people of the state of incorporation concerning the collections their institutions hold, should there also be at least an ethical duty on the part of museums to consult with the representatives designated by the people whose cultures and environments are represented? Such an ethical duty might require consultation with designated representatives as to accession, management, conservation, exhibition, interpretation, and deaccession of collections. Consultation takes time, and it is not always friendly. Patiently and openly conducted, it can expand knowledge and understanding among all the parties. By taking such a cooperative attitude to the implementation of NAGPRA, museums have developed positive relationships with tribes to help resolve specific issues and generate long-term associations of enduring value to both.

By advocating an open and consultative approach to collections, I am seeking better decisions rather than faster decisions. Nevertheless, I recognize the legal responsibility museums have under state laws to make timely and reasoned decisions and to be accountable for them. Failing agreement among concerned parties about the ownership and possession of collections, litigation may yet be avoided by recourse to mediation or arbitration in a manner mutually agreed upon. In deciding contentious issues reference should be made to the traditions and laws of all

cultures involved. (Relevant to such considerations is article 12 of the draft UN Declaration on the Rights of Indigenous Peoples, which provides in part that "Indigenous peoples have . . . the right to the restitution of cultural, intellectual, religious and spiritual property taken without their free and informed consent or in violation of their laws, traditions, and customs.") This consideration may be complicated further by the fact that more than one claimant may come forward.

The time has come for museums to be open and conciliatory in their approach to the issues of return and repatriation. Much can be gained for all parties by openly searching for mutually agreeable solutions. There is a growing trend toward doing so by individual museums on a case-by-case basis.[18] This changing attitude, coupled with specific actions on the part of American museums, is generating new professional standards and practices. For example, the issue of "cultural patrimony" is to be taken under consideration by the Association of Art Museum Directors, which is launching a general review of its "Professional Practices in Art Museums" statement.

While it remains difficult to legislate by statute or treaty in this area, general principles of customary law are emerging from individual cases, addressing the basic issues of when restitution should take place and in what mutually supportive forms.[19] Traditionally, museums have stressed the benefits of the "movement" of objects without adequate regard for the detrimental aspects of movement from the point of view of others. Certainly, the cross-cultural transfer of the human ideas surrounding objects is regarded positively in an age of communication. However, the movement of objects that results in cultural and environmental loss, destruction, and desecration cannot be justified. Museums must realign their acquisition and retention policies to promote cultural understanding and respect for the objects and ideas of others. An ethical attitude requires that we do so. Moreover, the law allows us to do so even if it does not always mandate us to do so.[20]

One major form of positive movement is the traveling exhibit. A federal statute encourages temporary international movement of art by providing immunity from lawsuits for American museums receiving objects coming on loan. This immunity must

be sought by the borrowing museum and approved by the U.S. Information Agency before it has effect. The absence of this protection is a deterrent to movement. Currently, the Museum of Modern Art is resisting an action brought by the Manhattan district attorney to prevent the return of two paintings by Egon Schiele to an Austrian foundation which had lent the paintings for an exhibit. While the Museum asserts that a special New York statute exempts arts objects loaned to New York museums from seizure, the district attorney argues that the statute does not apply to criminal investigations—in this case to determine whether the paintings had originally been confiscated by the Nazis from Jewish owners. On March 16, 1999, the Appellee Division of the New York County Supreme Court, reversing the trial division order, held that the paintings cannot be returned pending the criminal investigation. The Museum plans to appeal the decision. The policy conflict at the heart of this dispute is that between the desirability of the free flow of art (needed to encourage loans to institutions by means of traveling exhibits), and the undesirability of the free flow of stolen art in and out of New York state. As is often the case, it is easier to state legal or ethical principles than to apply them, especially when they conflict.[21] Nevertheless, such in-transit litigation deters traveling exhibits by discouraging loans and threatening costly legal fees.

WHAT AND HOW WE EXHIBIT

Museums are more than repositories; they are places where collections are interpreted for the public through exhibits and related educational programs. How museums interpret their collections changes over time with the emergence of new techniques, scholarship, and viewpoints. The extent of interpretation in American museums is rapidly expanding as museums see their mission changing from offering a passive venue for the already educated to being an active center of learning for a public of diverse educational and cultural backgrounds. In doing so, "less is more"; exhibit halls are shifting from crammed "open storage" toward an expository approach to selected objects. Reducing the number of objects on exhibit is itself

controversial—despite the fact that museums with encyclopedic collections have never simultaneously exhibited everything because of space limitations and conservation considerations.

Seldom do museums explain to their audiences how choices are made as to what and how we exhibit. Lonnie Bunch contends that museums should be more forthcoming:

> Museums would be better served if they explained to the public why history museums explore social history that includes difficult questions of race, class, and gender, or why it is important for art museums to examine artists whose work challenges community norms and expectations. It is not enough to say that we "know best." . . . [M]useums can teach visitors more about points of view, the scholarly underpinnings of museum work, and the inherent fluidity of museum interpretation. As the clothing store advertisement extols, "An educated consumer is our best customer."[22]

What and how we exhibit depends primarily on the professionals within the museum—individuals with differing points of view, admittedly affected by both their personal and professional experiences and preferences. Nevertheless, the public is not aware of who the creators of exhibits or the authors of explanatory texts are; it is the museum as an institution that appears to be speaking. When an institution speaks it carries more weight than an individual—more than an expert. The museum profession is ever conscious of the fact that the institution essentially authenticates the objects and ideas of an exhibit. Such institutional power of speech carries with it great privilege and even greater responsibility to the audience.

In a university it is the professor who speaks; in a book it is the author who speaks. In both instances we know who is speaking. But in a museum we do not know who is speaking; the exhibit takes on the quality of an institutional oracle. We live in a time when institutional oracles are constantly questioned. The time has come to unmask the museum oracle, revealing the people who create exhibits and crediting them at exhibit entrances. In doing so, the museum must equally be prepared to defend the creators of exhibits. However, both the museum administration and exhibit authors must be prepared to live

with criticism from the profession and the public, both of which may have different views about the exhibit.

I accept the deconstruction and revision of the past by curators as essential to expanding knowledge and understanding. It is the responsibility of contemporary curators to reexamine the scholarship of their predecessors, just as those predecessors reassessed the work of their forebears. But it also follows that if the curator can deconstruct the beliefs of others, then those others—including the public—can deconstruct the work of present-day curators, whether now or in the future.

Unlike lawyers trained for the argumentative and adversarial forum, curators, like professors, generally prefer lecture to debate, especially when it comes to interaction with the museum-going public. While it may be reassuring to see students taking notes and visitors intently reading labels (if that ever happens), the scholar should keep an open mind and welcome challenge from all fronts. Moreover, in an era of pluralism there are many perspectives that need to be considered. While the scholarly community and the public respect experts, they regard neither curators nor professors as infallible.

Even as the individual authors of exhibits are revealed, we must recognize a difference between the university president and the museum director. The museum administration, most particularly the director, traditionally plays a greater role in museum exhibits than a university president or dean does in the classroom. What this means in the case of a museum is that the director historically has decided what exhibits will be done and how, often including fairly detailed decisions regarding content. That may be modified in practice in large museums; but it remains a basic assumption on the part of museum boards of directors and the general public that the museum director is, in fact as well as in theory, the ultimate exhibit decision-maker. Whoever decides the what and how of exhibits is subject to professional and public criticism and charges of censorship for including some items or interpretations, omitting others, or in other ways changing the exhibit.

Such criticism should not be dismissed as chilling and intimidating; it is the way of contemporary American cultural life. We live in a time when criticism is freely and stridently given

and often through group protest and demonstrations. Whether pleasant or unpleasant, listening to and consulting with others—especially those with a different point of view—is a means of securing new knowledge and new insights that can, in turn, improve exhibits. As Harold Skramstad puts it, "the museum must be a listener as well as a talker."[23]

Museums should be affirmative in reaching out for diverse perspectives. In doing so, museums will improve the quality of exhibits and reflect the multiplicity of views present in a pluralistic democracy. Those selected to create the exhibit should include representatives of the diverse groups whose cultures and environments are reflected in the exhibit. Recognizing that within any such group there are many conflicting viewpoints, and that principal centers of the group may live a great distance from the museum, the museum needs to be resourceful in enlisting representative participation and perspectives.

Having listened, the museum staff has the ultimate responsibility to decide exhibit content. Its freedom to do so needs to be understood and defended both within and without the museum, just as a university would defend academic freedom. At the same time, the museum must exercise such freedom with integrity, never merely asserting claims of freedom as a specious defense to silence other points of view.

Intellectual freedom, however defined, is usually thought of as applying to the institution in the case of the museum, or to the individual professor in the case of the university. In both cases, the freedom at issue is institutionally created and exceeds the constitutional right of individual free speech. Intellectual freedom is essential to museum integrity. It must be resolutely supported and defended by curators, directors, and trustees as the underlying premise of the role of a museum as a "marketplace of differing ideas."[24] However, the museum's institutional freedom to challenge does not, indeed should not, preclude the freedom of others to challenge the museum.

How does all this theory work out in practice? Neither easily nor perfectly.

Museums vary greatly. As the nation's museum, the Smithsonian Institution is *sui generis*. Its audience is truly national, and thus its controversies are national. Its particular experiences and

practices are always instructive and need to be considered as are those of its publicly owned kin, state and local government museums. Most American museums, however, are private nonprofit organizations. Each is accountable under the laws of the state in which it is incorporated and operates. To paraphrase Tip O'Neill, most such museums are local, notwithstanding their national and international reputations. The bulk of their funding comes from local sources, as does the preponderance of their audience. These nonprofit museums are considered community resources, and they strive to be a vital part of community life. As a result, their controversies are primarily local and are directly influenced by community environments. While local environments vary markedly, sound museum policies and practices should be of value in approaching museum controversies, wherever and however they arise.

ONE LOCAL MUSEUM'S APPROACH

Starting from the premise that one learns more being critiqued than one learns doing the critiquing, I will reflect on experiences at the Field Museum, where I served as president for fifteen years, as examples of how exhibits work in local, nonprofit institutions—albeit, in this case, a local institution with a reputation extending far beyond Chicago. The exhibits described here are offered only as illustrations rather than as models—and they have, indeed, been controversial.[25]

The Field Museum's experiences occurred in the context of an overall exhibit policy and process that assumed it better to try to anticipate and deal with specific controversies in the context of previously adopted general principles than to respond by means of ad hoc reactions to particular situations. Because there is no end to the diversity of controversy that can be encountered, it is essential to address it in a manner that will both maintain the museum's integrity and recognize the value of internal and public criticism of the museum.

To understand the Field Museum's approach, it is necessary to know something of this museum's contemporary view of its mission, as well as of its role in society generally and in Chicago particularly. The institution's understanding of its purpose re-

sults from two museum-wide reexaminations of mission and methods, undertaken over a ten-year period. These were highly participatory self-studies. Basically, the museum's entire staff, and its curators in particular, were asked: What do you want to do in the future? Why? How? Notwithstanding the understandable academic suspicion of institutional review and the plurality of strongly held views, those of us involved in these reassessment efforts gained a clearer sense of where we were as an institution and where we wanted to go.

At the outset we all discovered that Dillon Ripley's comments about museums, quoted above, well described the public's view of the Field Museum; it was seen as a repository of antiquities with little relevance to contemporary life or interests. Few people knew that the museum engaged in collection-based research dealing with issues of present and future significance to environmental and cultural diversity and interconnectedness. Moreover, many of the exhibits, which together covered nearly 350,000 square feet, were old and did not incorporate the new knowledge being generated by the museum's curatorial staff and their disciplinary peers elsewhere in universities and research museums. Neither did the exhibits reflect changing attitudes about nature and human cultures. Furthermore, new exhibit processes and technologies that could expand the effectiveness of dioramas and labels, engaging the visitor's mind as an active participant rather than a passive learner, had not been comprehensively integrated.

True to its tradition, the Field Museum recommitted to its role as a center of learning for a diverse public. A museum is not just a place for the educated; it must be a place where diverse people of diverse backgrounds can learn about the natural environment and human cultures, their variety, and their interconnections. Indeed, it is this "connectedness" that is the fundamental rationale undergirding the Field Museum's overall mission. The institution has long been concerned with the connections within and across nature and cultures, and with reflecting these in its own connections with both the local community and with those whose cultures and environments are represented in the museum's collections and exhibits. In short, the museum must not stand isolated.

Since institutions tend to be inwardly driven, outwardness requires a concerted mindset and action. This is reflected throughout the museum's mission statement, which prominently includes sections on "Reaching Out," "Working With Others," and "Listening to Each Other." These sections assert, inter alia, that the museum must "work collaboratively and sensitively with the people in our locality, country, and world whose cultures and habitats are represented in our collections, research, and public programs" including "researchers and teachers who reside in the areas from which our collections come." Finally, and pretentiously, the document speaks of the Field Museum as a center of understanding and mutual respect for conflicting points of view. Thus the section entitled "Listening To Each Other" states:

> The Museum subject matter directly relates to the great issues of the present and future: environmental and cultural diversity and their interrelationships. There are differing scholarly and public viewpoints on these concerns. While the Museum does not take institutional positions on these issues, it must serve as a center of free inquiry, a marketplace for multiple points of view on these matters. In doing so it serves as a forum where relevant controversy can be aired. In this way the Museum can be a "door in the wall" of our differences and inspire greater knowledge, understanding and respect for our varied natural environments and cultural heritages.

So much for sanctimonious rhetoric. How then does "connectedness" play out in the museum's exhibits and the controversies that arise over such issues as human remains, obscenity, public disturbance, cultural interpretation, sacred objects, the making of new exhibits from old ones, or the museum's functioning as a marketplace of ideas?

Human Remains

Museums of anthropology, archaeology, and natural history have traditionally exhibited both prehistoric and historic human remains. This was true at the Field Museum. More recently, the museum has adopted a policy on the exhibition of human remains that reads, in part:

> [I]n our consultations with groups having cultural affinities with the remains, we discuss whether the remains should be on public exhibit or how they should be on public exhibit. We have made the decision not to display remains where the descendant group expresses an objection to this practice. If there is no descendant group having cultural affinity, we are sensitive to the exhibit concerns of contemporary collateral descendants. In the case of human remains from foreign countries, we look to the exhibition policy of those countries and to the cultural practice of the native peoples from those countries. . . .

Museums in Illinois joined forces with the Roman Catholic Church successfully to oppose legislation that would have prohibited any public exhibition of human remains. The proposed legislation emanated from Native American opposition to the continued exhibition of prehistoric remains as the centerpiece of the Dixon Mounds historic site. As the result of the legislative debate, the state closed that portion of the site to public view.

Obscenity

The nude human figure has been represented in art, anthropological, and science museums from their inception. In the United States, nudity is not obscenity. At the same time, however, obscenity is not constitutionally protected speech. What then is obscenity? According to the United States Supreme Court in the case of *Miller* vs. *California*,[26] something is obscene only if it can be said to meet all of three tests: (1) if "the average person, applying contemporary community standards," would find that, taken as a whole, an object or image appeals to the prurient interest in sex; (2) if it depicts or describes sexual conduct in a patently offensive way; and (3) if, "taken as a whole, [it] lacks serious literary, artistic, political, or scientific value." A final determination of obscenity can only be made by judicial decision, and it is likely that a determination by a museum's professional staff that an exhibit has "serious value" would carry weight with the court.

The Field Museum's administration believed strongly that museum curators, rather than a governmental agency, should make such determinations. Thus, we declined a grant from the

National Endowment for the Arts because of an obscenity restriction that seemed clearly to provide for intervention by the NEA, a nonjudicial federal agency, in actively making judgments about museum exhibits. We felt that obscenity restrictions are properly defined and enforced with finality by the courts, not by an administrative agency of government.[27]

Notwithstanding an exhibit of serious value, a museum that holds itself out as a family or children's museum could adopt as its own policy the court-approved practices of posting a notice outside an exhibit notifying visitors that an exhibit might contain material they would find offensive, and stationing a person outside the exhibit so that minors could not enter without an adult. After internal discussion prior to the opening of an exhibit at the Field Museum, such a notice was posted at the entrance to an exhibit of contemporary art created by individuals on the museum staff, art created outside the building on their own time. Some argued in discussions that such a notice was intimidating; others contended that it expanded visitor choice.

Anthropology museums have particular problems with the issue of obscenity. Different cultures have different views at different times—views sometimes in conflict—on just what constitutes obscenity. Some cultures—past and present—are more comfortable with sexual explicitness than has historically been the case in the United States. Thus, sexually explicit objects may not be considered obscene in another culture. Contemporary times, too, bring conflicting perceptions of obscenity. Such a conflict occurred when the Field Museum received a letter from an officer of a local chapter of the National Organization for Women in another state urging us to remove a small, long-standing Native American diorama because she found it sexist, pornographic, and violent. We consulted our specially related tribal advisory group, which consisted primarily of women, and were urged not to remove the diorama on the grounds that its representation was factually accurate. The museum instead responded by placing, for several years, a "talk back" area next to the diorama, setting forth the diverse views and providing cards for visitor comments that could then be posted by the visitor.

Public Disturbance

The mere fact that an exhibit may create a public disturbance is insufficient grounds for the government to close or remove an object from an exhibit. This issue was addressed by the Federal Court of Appeals for the Seventh Circuit in *Nelson* vs. *Streeter*, a case involving the School of the Art Institute of Chicago.[28] This case centered on a show of student work not open to the public, which included a painting of the late Harold Washington, Chicago's first African-American mayor. Entitled *Mirth and Girth*, the painting showed the mayor attired in women's underwear—which outraged some students and, ultimately, many members of the public. The school stationed a security guard nearby to protect the painting from angry students. When asked by the school administration to remove the painting, the student artist refused to do so.

Once word of the painting reached the Chicago City Council, that body adopted resolutions calling for removal of the painting and demanding an apology from the Art Institute, threatening a cutoff of city funding. (Although the school and the museum are administratively separate, the board of the Art Institute governs both.) Subsequently, two separate forays to the school gallery were made by four different African-American Council members. The first two aldermen took down the painting, announcing they were doing so pursuant to the council's resolution to remove the painting. Upon their departure the painting was rehung. The second wave of aldermen also took the painting down and sought to remove it from the school. They were intercepted by the school's president, who took the painting into his office. Subsequently, the city's police superintendent ordered an officer to take the painting into police custody; there it was kept until the next evening, when it was released to the artist.

The ensuing public debate was polarized, particularly among liberals. On the one hand, the painting was viewed as racist, and the Art Institute found itself being branded as racist for allowing it to be shown. Contrariwise, others deemed the painting's removal to be censorship. The president of the board

of the Art Institute issued a public apology and stated that the painting would not be further exhibited.

When the artist later sued the aldermen for violation of his civil rights, their defense centered on a claim of official immunity. Chief Judge Richard A. Posner, writing for the U.S. Court of Appeals for the Seventh Circuit, affirmed the district court's denial of the officials' immunity from suit and remanded the case back to the lower court for a "swift conclusion." In doing so, Judge Posner also rejected the aldermen's contention that their action to remove the painting was necessary to prevent public rioting. There was no "clear and present danger" justification because, he said, "There is no evidence that in creating and exhibiting *Mirth and Girth* . . . Nelson intended to provoke a riot or that the danger of a riot was great." He further stated that "First Amendment rights are not subject to the heckler's veto. The rioters are the culpable parties, not the artist whose work unintentionally provoked them to violence."[29]

Peaceful picketing and leafleting against an exhibit outside a museum are forms of protected free speech. However, it must not physically impede access to the museum. Chanting and speaking to museum visitors is not forbidden even though it may make some visitors feel uncomfortable. Aquaria are picketed by animal rights groups with sufficient frequency for the practice to become a normal part of doing business. As long as demonstrators are peaceful and do not interfere with institutional business, museum personnel would do well to consider this a logical extension of the museum's marketplace role and not act aggrieved.

Cultural Interpretation[30]

Older museums of anthropology—including the Field Museum—have invested enormous curatorial time and financial resources over the course of their histories in creating permanent exhibits that have been rendered obsolete by the passage of time. Because of the sheer physical rigidity of these exhibits and the inordinate costs and time required to change them, they cannot be readily updated. Yet not surprisingly, these antiquated exhibits have been subject to extensive criticism by anthropologists and the people whose cultures they represent. George

Stocking points out that more than physical rigidity is involved in exhibit datedness:

> [T]he meaning of the material forms preserved in museums must always be problematic. This is even more the case inasmuch as the objects viewed by museum observers are "survivals" not only of the past from which the collection wrenched them, but from those later pasts in which any given act of exhibition has placed them. Museums, in short, are institutions in which the forces of historical inertia (or "cultural lag") are profoundly, perhaps inescapably, implicated.[31]

Notwithstanding these time lags, anthropology museums are actively engaged in new approaches to cultural exhibits. The Field Museum is in the process of redoing its cultural exhibits. The manner of our doing so and the resulting exhibits have been both criticized and approved by anthropologists, affinity group members, and the general public.

It is standard Field Museum practice to include as active participants on the exhibit planning team representatives of cultures that are the focus of the exhibit. When it was decided to create a new exhibit on Africa and the Western Hemisphere diaspora from the perspective of Africans and African-Americans, the exhibit team was headed by African-Americans and included scholars from Africa as well as the United States. There was also widespread consultation in Chicago among interested groups and individuals, as well as interviews of the public at large. The costs in terms of time and money of this consultative process are considered an essential element of exhibit budgets. So, too, is the cost of the construction and public try-out of mockups of preliminary exhibit components. In this way, we learn a great deal about the effectiveness of the exhibit before it is too late (and too expensive) to make changes. Throughout the development of the Africa exhibit, the public was exposed to and queried about exhibit ideas and components.

Many views were expressed about what the Africa exhibit should be—even whether the exhibit should be. Should such an exhibit be in a natural history museum? Could the objectives of the exhibit be achieved in an institution regarded by some as

historically racist? These and other views, often conflicting and sometimes forcefully expressed, informed the decision-making that followed the museum's exhibit development protocol. From consultation must be distilled a clear and coherent approach to exhibit content that can be recognized and understood by visitors. The resulting approach will, of course, be subject to criticism and debate by consultants, other experts, and the public. Indeed, the exhibit should be designed to permit the expression of that dissent, both in the present and in the future.

Since *Africa* was a collection-based exhibit, it was agreed that the exhibit would speak to the issue of how the Field Museum came to have African cultural collections in the first place. For example, there was explicit reference in the descriptive labels to the fact that some of the Benin bronzes were seized in a British punitive expedition. The focus was not only on the history of culture, however; one of the exhibit's basic purposes was to present the contemporary life of Africans and African-Americans both in Africa and in Chicago.

Pervading the exhibit was the thesis that culture and nature continually interact in generating societal and environmental change. Frustratingly, even as museums seek to present continuing cultural change in new permanent exhibits, they are inhibited in doing so. Today, as in the past, permanent exhibit-making requires investing huge amounts of time and money in fixed and static exhibit elements that inevitably become dated in content and presentation. Thus, despite extensive efforts to reflect a greater sensitivity to cultural diversity and change, modern exhibitry continues to freeze cultures in a "permanent exhibitry time warp." To overcome this, museums need to think more in terms of temporary rather than permanent exhibits. We need to find cheaper and quicker ways to exhibit in order to reflect change. As important as effective exhibit techniques are, it is still the message, not the medium, that must take precedence in exhibit-making.

Sacred Objects

As an anthropological museum, the Field Museum is a secular institution concerned with religious and spiritual beliefs. Whether and how the museum exhibits objects sacred to others depends

on the perspectives of those to whom the objects are sacred. This policy applies to contemporary objects as well as older ones. We consult with the present-day affinity group most closely connected with the object. If consultation is not feasible because of distance, we look at the exhibition policy and practices of the affinity group.

Treating sacred objects with respect is an ethical matter. For some, it is unscientific to hold such a view. However, even modern science is subject to ethical standards. While it is possible to agree on general ethical principles, the application of ethics to a particular case is always debatable and never axiomatic. Respect for other points of view also makes ethical sense in how museums approach secular objects that have different meanings for different people. This is particularly true of secular objects having political, historical, or cultural iconic quality.

New Exhibits from Old Exhibits

What one generation esteems, the next deplores, and so forth *ad infinitum*. For the Field Museum, the Akeley Dioramas and Malvina Hoffman's sculptures are cases in point.[32]

The environmental dioramas of Carl and (long ignored) Delia Akeley are enduring masterpieces depicting nature's interconnections.[33] They are irreplaceable because the art of realistic taxidermic sculpture is now rare, the species included may be extinct or endangered, and the costs of diorama-making are high. These treasured dioramas of earlier times remain an invaluable teaching tool for today's environmentally oriented museum. At the Field Museum, we often augmented the area outside the diorama cases in order to help the visitor learn more from them.

Our decision to do so sprang from a number of concerns, not least the fact that a traditional hall of dioramas is often viewed by today's visitors as a dead zoo located in a dark tunnel—to be either avoided or used as a race track. By creating an environmental ambience for the entire hall, we hoped that people would be intrigued—realizing that this was a museum about nature today and in the future, as well as in the past. Moreover, we hoped to intercept uninitiated visitors who might

feel themselves to be in a sea of indistinguishable dioramas. To capture the attention of visitors, a mini "field station" was created outside each diorama. The "station" was designed to help visitors focus on the message of an individual diorama by providing relevant information using labels, videos, computers, and other interactive devices. Thus, a deer diorama could be a site to explore the controversial issues associated with the overpopulation of deer in urban and suburban locales. The diorama stations also reduced the sense of visitor separation from the natural scene resulting from the glass cover needed to protect the diorama.

Anthropological dioramas pose a special challenge. They may need major revision and relabeling so that visitors are not given false or stereotypical impressions about the past or present. The perspectives of representative members of the culture need to be added along with new scholarship. Here, again, an anthropological hall should have a cultural ambience conducive to visitor learning and understanding. The walk-through diorama is a worthy complement to the sealed dioramas and exhibit cases necessary to protect research collections.

A more controversial legacy of the past arises from sculptures commissioned by museums in an era when some anthropologists were exploring whether physical differences among people were biologically significant. Now that we know the error of such an idea, the question becomes what to do with these sculptures.

In the case of the Field Museum, Malvina Hoffman, a student of Rodin, was commissioned in the 1920s to execute 104 sculptures of individuals representative of the world's people.[34] Although questions were raised then about the ability of a woman to undertake this venture, Hoffman traveled the globe sculpting from models who approximated the physical measurements the museum's anthropologists had instructed her to replicate. Instead of sculpting in wax, as she had been engaged to do, she talked the museum into allowing her to work in bronze. In 1933, concurrent with Chicago's "Century of Progress" World's Fair—held next door to the museum—many of these sculptures became a permanent exhibit in a gallery located just inside the main entrance to the museum. Entitled *The Races of Mankind*,

the exhibit remained until 1968—when it was dismantled on the grounds that as an exhibit it perpetuated discredited concepts of race. A third of the sculptures were relocated in decorative positions around the museum. There was an enormous protest against the closing of the Hoffman exhibit by many regular visitors to the Museum.

What of Malvina Hoffman and her sculptures today? In the early 1980s casts of her African figures were borrowed by nearby Malcolm X College, where they are displayed in central halls under the flags of the independent nations of Africa. Hoffman's archives and some of her work have been acquired by the Getty Trust. Within the museum, her sculptures are now an important element in a museum-wide tour connected with a new cross-cultural exhibit called *Living Together: Common Concerns, Different Responses*. Artist that she was, Malvina Hoffman captured and honored the individual integrity she saw and respected in each of her models.

Contemporary Marketplace of Ideas

In what ways does the Field Museum continue to be a marketplace of multiple points of view, a forum where controversy can be aired? Is it possible for a museum to serve as a forum for debate between diverse and changing points of view, one not frozen in time by the often static nature of its exhbits? Since exhibits present one or more particular points of view at a particular point in time in a fixed (and, thus, costly) format, how can we inexpensively build in opportunities for visitors to learn about and express new ideas and dissenting perspectives?

There are many ways to do so. Exhibit computer programs can be changed. Current articles from newspapers and periodicals can be posted on bulletin boards located in the exhibit. A visitor resource center located in the exhibit area can make available a variety of materials including books, periodicals, newspapers, photographs, maps, audio and visual tapes, CDs, and computers. These resources can be continually updated to reflect diverse perspectives.

Interpretive programs by staff and volunteers are also means of attaining these ends. Public lectures, symposia, debates, courses, performances, festivals, and films are important means of en-

gaging the public in discourse. These should be cast as dialogues rather than monologues. Visitors should be encouraged to raise questions and state their views. In short, the public should be able to talk back to the museum on any subject the museum asks the public to consider.

The Field Museum has realized considerable success with the inclusion of "talk back" spaces in a variety of exhibits. Inexpensive to build, operate, and update, they are located next to controversial exhibit segments or at the end of an exhibit. In this way the museum can open itself to challenge, even about its basic tenets. For example, a "talk back" is prominently included in our major exhibit on evolution. These "talk backs" stimulate visitors' responses by raising specific questions for their consideration. Using index cards, visitors are able to respond to the questions, raise their own questions, and comment about the exhibit's content. The cards can then be posted on the adjacent bulletin board. It is amazing how many people respond thoughtfully and how many read the responses of others. This is a "minds-on" interactive opportunity that has the additional advantage of being inexpensive to operate, since it does not require technical staff to maintain.

In sum, if a museum is to be a marketplace of ideas, it should stimulate debate. Visitors should be heard, not just seen.

THE NATIONAL MUSEUM'S APPROACH: THE SMITHSONIAN

The exhibition controversies in which a local museum becomes engaged are felt directly within its immediate community by the museum, its staff, and its trustees. By contrast, the controversies encountered by the nation's museum are both local and national. The Smithsonian's local constituents include the members of Congress and the executive branch who speak directly and powerfully for a nationwide citizenry that expects its national museum to reflect the America it knows. However, each one of those citizens has an individual perspective on just what "America" the museum should treasure—perspectives that, taken together, are many, diverse, and conflicting.

The "exhibiting dilemmas" of the Smithsonian are well known and have been extensively reported.[35] To oversimplify, they

reflect a country divided over whether the Smithsonian can, or should, celebrate the nation's past without reevaluation. We are now in a period of looking at our history from the standpoint of all of our citizens, not just from the perspective of a single group or even the majority. We are also coming to understand that no group is monolithic in its viewpoint. This is a time of inclusiveness, and our interpretation of history is no exception.

There is also a generational divide that manifests itself in the consideration of recent history. Those who lived through an era often see it in a way that can only be imagined by those who can only see it in retrospect. We need to understand the context of the times, then as well as now.

I am neither a pacifist nor a warmonger; I do not consider my views the only correct ones. However, as a citizen and a veteran of World War II—I trained as a Navy corpsman—I would like my perspectives to be represented in an exhibit on the *Enola Gay*.[36] I also believe the opinions of others on the question of America's use of nuclear force, then and now, should be heard in such an exhibit. But is that possible? Or are some issues too controversial to be presented in a national museum? Is the Smithsonian more sacred than the Congress?

When his advice on the exhibit was solicited, Mike Mansfield, then the U.S. ambassador to Japan, recommended that the Smithsonian simply display the *Enola Gay* without comment, allowing visitors to interpret the significance of the aircraft and its mission from their own varied and conflicting perspectives.[37] This would include the many visitors from Japan, our current ally and friend. But such an exhibit, an object standing alone, would not tell anyone anything more than they already knew. That, in my view, would be a fundamental error. Exhibits should be informative and stimulating. They should not be monologues. Other points of view should be acknowledged, and the visitor given an opportunity to react. One Smithsonian example that resonated with the public was the *Reminiscences* exhibit, which included the memories of a great variety of citizens about America in the years after World War II. Such an exhibit may be regarded by some as popular rather than schol-

arly; yet including first-person voices can serve to make exhibits accessible to visitors across a range of generations.

As a result of the *Enola Gay* controversy, on April 19, 1995, the Smithsonian cosponsored with the University of Michigan an illuminating symposium on "Presenting History: Museums in a Democratic Society." Diverse and conflicting points of view were cogently put by participants. Thereafter, on August 25, 1995, Michael Heyman, secretary of the Smithsonian, issued exhibit planning guidelines with the objectives to

- reinvigorate thinking about the processes of creating exhibitions at the Smithsonian
- establish a system for regularly reviewing exhibition planning guidelines
- identify accountability at all levels of the Institution.

Recognizing that controversy is now a way of life for museums, Secretary Heyman included in the *Guidelines* the following passage from the *Report of the Commission on the Future of the Smithsonian Institution*:

> Museums in general, and the Smithsonian in particular, are increasingly flash points in the debates that characterize our nation's transition from a society that depends for coherence on a single accepted set of values and practices to one that derives its strength and unity from a deep tolerance of diversity. This happens because museums, to fulfill their missions, must prepare exhibitions that record and illuminate this transition. This sometimes results in acrimonious and contentious debate on controversial subjects. The Smithsonian has hardly been immune. Its position is especially challenging because it is a national institution with large and complex collections and missions.

Indeed, a number of aspects of the Smithsonian's exhibit-planning guidelines reflect themes similar to those implemented at the local level. Many have already been discussed in the case of the Field Museum. A paragraph of the Smithsonian's *Guidelines* on "Accountability" reaffirms the traditional responsibility of the individual museum director to select and approve exhibits subject to the overall authority of the secretary "to

approve or disapprove any Smithsonian exhibition at his discretion." The paragraph also provides:

> In general, museums are accountable for presenting information that is grounded in scholarship, but which also respects the diverse perspectives of groups and individuals. If the contents of an exhibition represent a single point of view or are aspects of an issue with multiple facets, the author must be identified.

Among "Basic Issues" enumerated in the *Guidelines* one finds:

> Advisory groups should be considered for major projects and convened at the earliest point possible. Museum staff must clearly communicate the roles of all participants and provide consultants with tangible evidence that their advice is receiving full and fair consideration.

The *Guidelines* conclude with a section on "Sensitive Issues," which provides:

> A. For each exhibition museums need to identify those who are likely to view the exhibition and those who may have concern about the exhibition topic or approach. Where desirable, museums should collect and analyze information about the experiences and expectations of visitors and others during the exhibition planning phases and through assessment of audience responses to the completed exhibition.
>
> B. Museums must establish mechanisms to identify potentially sensitive issues (i.e., those where segments of the public may disagree or where curators or other scholars may disagree). Museums should address sensitive issues by reviewing the topic and approach to determine whether changes in direction or changes in degree of emphasis or balance are appropriate. They should plan various options for handling a range of public responses, which may include identifying spokespersons for the exhibition's point of view or organizing forums to present different perspectives on the subject matter.
>
> C. When sensitive issues become apparent, exhibition staff will notify the Director who, when prudence dictates, will bring the matter to the attention of the Provost. The Office of Provost will monitor the issue, consulting with the Office of Government Relations and the Director of Communications or other senior staff, as necessary. If public debate is anticipated or if questions from the

> public and news media arise about the issue, an official spokesperson should be designated and a Q&A sheet and other information materials developed for all of those who may receive inquires about it.[38]

THE INFLUENCE OF FUNDERS: WILL THE PIPER CALL THE TUNE?

Private Funders

The "Basic Issues" section of the Smithsonian's *Guidelines* document includes specific reference to exhibit funding:

> Public affairs staff should collaborate with researchers and others to understand and defend scholarship when appropriate. [Smithsonian Institution] staff raising funds for exhibitions also should consult regularly in order to ensure that conflicts do not arise between the expectations of funders and expectations of staff involved in developing exhibits.

Certainly, it is wise to keep donors aware of what museum administrators are doing with their funds. Openness and discussion on the part of the museum goes far to assure donors that institutional integrity in the exhibit process is understood to be essential in assuring public credibility. Donors—be they individuals, corporations or foundations—are also members of the institution's community, and their views are entitled to be considered.

We are, however, in a period of greater restrictions on giving. More and more donors are interested in supporting specific objectives rather than funding general operations. Foundations sometimes combine areas of focus with particular strategies for achieving focus goals. Individual donors want to see the tangible results of their giving. Increasingly, corporate support has a marketing dimension to it—understandable from their perspective, but worrisome from the museum's point of view.

What happens when conflicts between funders and staff cannot be resolved? This is when the museum is between a rock and a hard place. Institutional integrity is certainly at stake. In some cases institutional fiscal viability may be at stake as well. After friendly but forthright discussion with all concerned, followed by due consideration, institutional integrity must take

precedence. After a decision is made, all responsible for the institution—directors, staff, trustees—must live with its consequences. In the short run, those consequences may be financially dire; yet in the long run they will be rewarded by community respect and increased financial support.

Government Funders

Private museums have the right to use government funds, once granted, without losing control over how and what is exhibited. But such institutions do not have a right to government funding. The 1998 Supreme Court decision in *Endowment for the Arts* vs. *Finley* makes an important distinction between the government as regulator and the government as patron in making grants to artists or private museums.[39] To oversimplify, in some situations the government may be considered as patron, which entitles it to fund its artistic preferences, "such as support for Native American art; or policy-based biases, such as decency; or aesthetic preferences or standards."[40]

I leave to constitutional-law experts the pursuit of the consequences that could flow from this regulator-patron distinction. Regardless of whether it acts as regulator or patron, the government cannot engage in viewpoint discrimination—making funding decisions simply on grounds of disagreement with the ideas expressed.[41] A case in point was another situation involving a student artist at the School of the Art Institute of Chicago. In this instance, the artist draped the American flag so that a part of it lay on the floor; visitors had to step either over or on it in order to pass. The patriotic outcry was enormous, especially from veterans' groups.

In response, a proposal was put before the board of the Chicago Park District to cut off funding to the nine museums on Park District land. This funding comes in the form of general operating support for the museums, and is generated by a special tax levy on real estate transactions that can only be used to support the museums. Together the museums argued, and the Park District's counsel concurred, that the withholding of these funds because of the school's exhibit would be unconstitutional. The institutions' argument was premised on the fact

that the Circuit Court of Cook County had held that the particular exhibit constituted artistic and political expression—protected by the First Amendment to the U.S. Constitution, and article I, section 4 of the Illinois Constitution. Constitutional law, the museums asserted, does not permit a governmental agency to interfere with protected speech, either directly or indirectly, simply because of personal objection to its message from members of the public. Therefore, it would be unconstitutional for the Chicago Park District to deny funds to the museums in order to penalize them for unpopular artistic and political expression protected by the U.S. and Illinois Constitutions. Because the Park District's counsel agreed with this position, the board never adopted the proposed funding cutoff. However, in the succeeding year the Illinois General Assembly's appropriation for the State Arts Council contained a single $1.00 line-item grant for the School of the Art Institute.

MUSEUMS IN GENERAL

Can and should exhibit guidelines be established that assure institutional integrity while at the same time acknowledging and enhancing the museum's accountability to the public? Can museum professionals agree on good exhibit practices, and then publicly rally around peers who have complied with the guidelines and are under attack? Neil Harris thinks so, and cogently puts the basic issues to be addressed through guidelines:

> Museum specialists should begin to hold serious and systematic discussions about defining appropriate standards of institutional action and offering guidance about procedures of adjudication.
>
> And this in turn leads to the final question. Are professional staff, support staff, potential audiences, and funding sources all to be given equal voice in the discussion process? Should vetoes be extended to any of these constituencies? Is a sense of personal affront equivalent to an intellectual argument? How can multiple and sometimes divergent voices be inserted within an exhibition? Should they be included?

Coming as he does from higher education, Professor Harris proposes adapting the university peer-review model for making and reviewing recommendations concerning exhibit disputes:

> Peer review is certainly preferable to many alternatives, but who constitute the peers? Acknowledging and responding to the views of audiences and employees should not require surrendering commitments to staff and to programs . . . protest should invite response and dialogue rather than capitulation.[42]

Much would be gained if "response and dialogue" were incorporated into the exhibit process without having to be triggered only by protest. Exhibits would unquestionably be made more informative and interesting by building dialogue into the exhibit process.

In 1997 the Society for History in the Federal Government adopted exhibit standards that may be regarded as a sound basis for developing institutional exhibit policies in private as well as government museums. Recognizing the role of museums in transmitting knowledge in a diverse society, the standards emphasize that exhibits should be based on scholarship and suggest that representatives of various stakeholders participate in the exhibit-planning process. The policy admonishes museums "to be mindful of their public trust" in following its enumerated standards. The last two standards provide:

> 4. When an exhibit addresses a controversial subject, it should acknowledge the existence of competing points of view. The public should be able to see that history is a changing process of interpretation and reinterpretation formed through gathering and reviewing evidence, drawing conclusions, and presenting the conclusions in text or exhibit format.
>
> 5. Museum administrators should defend exhibits produced according to these standards.[43]

Indeed the entire museum profession should defend and rally to the support of museums that produce controversial exhibits pursuant to standards promoting sound scholarship as well as institutional openness and accountability. Science museums should defend art museums; children's museums should defend history

museums. There is no "controversy-free museum" in this age of pluralism.

CONCLUSION

If a museum is to be a marketplace of ideas and public discourse, it will inevitably be a center of controversy. As Sinatra sang, "you can't have one without the other." Neil Harris clearly reminds us of where we have come from, and the consequences of where we are going:

> Museums . . . were treated not as places where knowledge was disputed or contested, but where it was secure. . . .
>
> [A controversial art exhibit of thirty years ago] signaled not only museums' willingness to become more inclusive and critical of existing establishments—or at least to call attention to paradoxes and contradictions—but a desire for greater relevance in commercial and intellectual terms. This, combined with an erosion of confidence in existing canons and the American consensus, would make museum exhibitions in the '70s and '80s more vulnerable. Anyone could become a significant critic of the museum, not merely artists and professionals. A loss of confidence in elite expertise . . . characterized this whole era, to be sure. And to some extent, the museum's increased vulnerability to popular criticism expressed this trend. But *museum exposure can also be seen as part of the price paid for increased attention and patronage. It is implausible to emphasize simultaneously social relevance and institutional connections and the need for immunity from controversy.*[44]

Recognizing this reality, museums need policies and practices enabling them to pursue their respective missions with integrity. Underlying these policies and practices must be an institutional attitude neither fearful nor disdainful of other points of view. Institutional policies must rather reflect the conviction that learning requires an open and searching mind. We learn from others, both professionals and laity. Certainly, this is now the approach of anthropologists and environmental biologists who are advancing knowledge by listening to and working with lay people in the field. Similarly, museums can learn much by listening to and working with lay people in their own commu-

nities. Particularly, museums can learn how to be more effective in their public educational role.

Museums need to be open and consultative in collecting and exhibiting. Our exhibits should allow for the expression of conflicting views. We can invite others to speak through "talk backs" and public seminars. Although a continual strain on museum staffs and boards, acknowledging the right to question over and over again is the essence of learning, scholarship, and democracy. While it is natural to be defensive in the face of challenge, we need to disagree amicably and patiently—even if others will not. Instead of being made rigid, we should be pleasantly assertive. Otherwise, we need to take Harry Truman's advice: If we can't stand the heat, we should get out of the kitchen.

Having listened and consulted, the museum must itself act as collector and speak as exhibitor. Any museum's claim to institutional freedom depends upon the museum exercising its freedom. In the end, the museum must make the final choices about what is said and done, based on its mission and professional standards. If the museum abdicates or fails to exercise the final authority to decide, it gives up any claim to deciding at all. Its claim of authority to do so rests on its institutional integrity. Institutional integrity requires principled conduct, which is sometimes unpopular in the short term. But museums are about the long term. Durability is best assured by a principled approach, which wears well through everchanging times.

Finally, and again heeding President Truman, the buck stops with the museum director. Even so, the director needs the steadfast support of courageous trustees and staff to assure the role of the museum as a center of learning about controversial issues. This requires each of us to do more than just stand our ground under fire. We must also be continuous public advocates and practitioners of the museum's mission.

In the heat of controversy, the museum's basic mission, its articles of faith, must be kept in the forefront. A museum is not an abstraction; rather, it is a group of fallible humans seeking to find and disseminate new knowledge. We are our institutions. How we act determines their future. Steve Weil wisely reminds us:

Institutions infused with faith and built on such qualities as respect, caring, and decency must inevitably strengthen and bring to the fore those very same qualities in people who work with and for them.[45]

ENDNOTES

[1]Sidney Dillon Ripley, *The Sacred Grove* (New York: Simon and Schuster, 1969), 24–25.

[2]Ibid., 38.

[3]"Museums for the New Millennium: A Symposium for the Museum Community," report of a symposium held 5–7 September 1996, Center for Museum Studies, Smithsonian Institution, in association with the American Association of Museums (Washington, D.C.: Center for Museum Studies, Smithsonian Institution), 36, 38.

[4]Willard Boyd, "Wanted: An Effective Director," *Curator* 38 (3) (1995): 171, 175.

[5]"Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933–1945)," AAMD press release, 4 June 1998. See also *Professional Practices in Art Museums* (New York: AAMD, 1992), section 18 of which provides: "The Director must not knowingly acquire or allow to be recommended for acquisition any object that has been stolen, removed in contravention of treaties and international conventions to which the United States is a signatory, or illegally imported into the United States."

[6]"A Statement by the Art Dealers Association of America on Nazi-Looted Art" (press release, n.d.), 2–3.

[7]See Hector Felciano, *The Lost Museum* (New York: Basic Books, 1998); Peter Watson, *Sotheby's: The Inside Story* (London: Bloomsbury, 1998); and "Big Auction Houses Take Closer Look at Issue of Ethics," *Christian Science Monitor*, 10 February 1998, 11.

[8]Gail Chaddock, "Art World Wary of New Rules," *Christian Science Monitor,* 10 February 1998, 11.

[9]See Franklin Feldman and Stephen Weil, *Art Works: Law, Policy, Practice* (New York: Practicing Law Institute, 1974), 528 ff. for the text of the UNESCO Convention; and ibid., 627–636, for policy statements of the Field Museum, University of Pennsylvania, and Harvard University.

[10]Walter Robinson and John Yemma, "Harvard Museum Acquisitions Shock Scholars," *Boston Globe,* 16 January 1998. See also "Harvard University Accused of Acquiring Looted Antiquities," *Chronicle of Higher Education*, 30 January 1998, A6.

[11]American Association of Museums, *Code of Ethics for Museums* (Washington: American Association of Museums, 1994), 8. See also the AAM "Statement

on Cultural Property" (19 January 1999) stating that the AAM "has aggressively promoted the objectives" of the UNESCO Convention. The statement also reports that AAM requires in its accreditation program and promotes as part of good collections management that:

- Each institution should have a policy in place which addresses the legal, ethical, and managerial practices to deal with questions raised about the legal ownership of items on exhibition, whether owned by the museum or on loan, and
- Institutions also have the responsibility to the public to insure that claims of lawful ownership are rightful and fact-based, so that the public is assured that if the object leaves the public trust, it does so appropriately.

[12]International Council of Museums (ICOM), "Code of Professional Ethics," at 3.2 ("Acquisition of Illicit Materials"), 1996.

[13]Tim Golden, "Big-Game Hunter's Gift Riles Smithsonian," *New York Times*, 17 March 1999, A14. As to biological collections, see Field Museum policy: Feldman and Weil, *Art Works: Law, Policy, Practice*, 627.

[14]The contrary position was taken by the American Association of Dealers in Antiquities, Oriental and Primitive Art in *United States* vs. *McClain*, 545 F2d 988, 991 (1977).

[15]See also *Masterpieces from Central Africa: The Tervuren Museum*, ed. Gustaaf Verswijver (New York: Prestel, 1996), 7–12.

[16]Adam Hochschild, *King Leopold's Ghost* (Boston: Houghton Mifflin, 1998), 293.

[17]George Stocking, *History of Anthropology*, vol. 1, *Essays on Museums and Material Culture* (Madison: University of Wisconsin Press, 1983), 5–6.

[18]See Walter Robinson, "Question of Ownership Taints MFA Painting," *Boston Globe*, 25 February 1999, A1, A12 (describing the Museum of Fine Arts' cooperation in returning a painting to the Netherlands); Judith Dobrzynski, "Ancient Sculpture, Once Stolen, Surrendered to India," *New York Times*, 24 February 1999, B1, B5 (describing the return of objects by the Asia Society, the J. Paul Getty Museum, and the Denver Art Museum).

[19]P. J. O'Keefe and Lyndel Prott, *Law and the Cultural Heritage*, vol. 3 (Abingdon: Professional Books, 1984), chap. 16.

[20]Ibid., chap. 1. See also Norman Palmer, *The Recovery of Stolen Art* (London: Kluwer Law International, 1998); Jeanette Greenfield, *The Return of Cultural Treasures*, 2d ed. (Cambridge: Cambridge University Press, 1996).

[21]*People of the State of New York* vs. *Museum of Modern Art*, 688 N.Y.S. 2d. 3 (App. Div., First Dept. 1999). This decision reversed the decision of a lower state court, *In the Matter of the Museum of Modern Art*, 177 Misc. 2d 985 (N.Y. County 1998).

[22]Lonnie G. Bunch, "Fighting the Good Fight: Museums in an Age of Uncertainty," *Museum News* (March/April 1995): 35.

[23]"Museums for the New Millennium," 39. See generally American Association of Museums, *Excellence and Equity: Education and the Public Dimension of*

Museums (Washington, D.C.: American Association of Museums, 1992); Nina Archabal, in *Museums and Sustainable Communities: Summit of the Museums of the Americas*, ed. Donald Garfield, Alvaro Madrigal, and Oscar Navarro (Washington: American Association of Museums, 1998), 18; Robert Archibald, "Narratives for A New Century," *Museum News* 33 (November/December 1998); Danielle Rice, "Modern Art: Making People Mad," *Museum News* 53 (May/June 1997); Donald Garfield, "The Next Thing Now: Designing the 21st-Century Museum," *Museum News* 34 (January/February 1996); Robert Macdonald, "Museums and Controversy: What Can We Handle?" *Curator* 39 (3) (September 1996): 167; Perry Ottenberg, "Value Conflict in Exhibitions: A Psychiatric Perspective," *Curator* 12 (1) (March 1996); Edward Linenthal, "Can Museums Achieve a Balance Between Memory and History," *Chronicle of Higher Education*, sec. 2, 10 February 1995; Ivan Karp and Steven Lavine, "Partners in Crisis," *Museum News* 44 (May/June 1993); Hilton Kramer, "The Assault on the Museums," *The New Criterion* 13 (March 1991).

[24]Amy Hendersen and Adrienne Kaeppler, *Exhibiting Dilemmas* (Washington, D.C.: Smithsonian Institution Press, 1997), 152–155.

[25]William Honan, "Say Goodbye to the Stuffed Elephants," *New York Times Magazine*, 14 January 1990, 35; Adrienne Kaeppler, "Traveling the Pacific, Exhibit Review," *American Anthropologist* 93 (1991): 269–270; John Terrell, "Disneyland and the Future of Museum Anthropology," *American Anthropologist* 93 (1991): 149–153; David Standish, "What Was Wrong With Dull?" *Chicago Tribune Magazine*, 7 December 1997, 22.

[26]413 US 15, 24–25 (1973). As to nudity in museums see Harriet Fowler, "Fear and Loathing in Lexington," *Museum News* 52 (November/December 1996).

[27]See Kathleen Sullivan, *Artistic Freedom, Public Funding and the Constitution* (New York: W. W. Norton, 1991); and Stephen Benedict, ed., *Public Money and the Muse* (New York: W. W. Norton, 1991), 80–95.

[28]*Nelson* vs. *Streeter*, 16 F3d 145 (7th Cir 1994).

[29]Ibid., 150.

[30]The literature on cultural interpretation is vast. See, generally, Henderson and Kaeppler, eds., *Exhibiting Dilemmas*; Richard Kurin, *Reflections of a Culture Broker* (Washington, D.C.: Smithsonian Institution Press, 1997); Dan Monroe et al., *Gifts of the Spirit: Works by Nineteenth-Century and Contemporary Native American Artists* (Salem, Mass.: Peabody Essex Museum, 1996); Edward Linenthal, *Preserving Memory: The Struggle to Create America's Holocaust Museum* (New York: Viking, 1995); Susan Vogel, Mary Roberts, and Chris Müller, *Exhibition-ism: Museums and African Art* (New York: Museum for African Art, 1994); Michael Ames, *Cannibal Tours and Glass Boxes* (Vancouver: UBC Press, 1992); Maresa Tucker et al., *Different Voices: A Social, Cultural, and Historical Framework for Change in the American Art Museum* (New York: Association of Art Museum Directors, 1992); Ivan Karp, Christine Kreamer, and Steven Lavine, *Museums and Communities:, The Politics of Public Culture* (Washington, D.C.: Smithsonian Institution Press, 1992); Ivan Karp and Steven Lavine, *Exhibiting Cultures: The Poetics and Politics of Museum Display* (Washington, D.C.: Smithsonian Institution

Press, 1991); George MacDonald and Stephan Alsford, *A Museum for the Global Village* (Hull: Canadian Museum of Civilization, 1989); and Franklin Feldman, Stephen Weil, and Susan Duke Biederman, *Art Law*, vol. I (Boston: Little, Brown, 1986), chap. 1. See also Enid Schildkrout, "Ambiguous Messages and Ironic Twists: *Into the Heart of Africa* and *The Other Museum*," *Museum Anthropology* 15 (2) (1991): 16; J. Cuyler Young, Jr., "Into the Heart of Africa: A Director's Perspective," *Curator* 36 (3) (1993): 174.

[31]Stocking, *History of Anthropology*, 4.

[32]Michael Anderson, "Book Review," *Curator* 37 (1994): 214; Sandy Bauers, "As Museums Look to the Future, They Discover Dioramas Aren't a Dead Issue," *Chicago Tribune* ("Tempo" section), 14 November 1996. See also Karen Wonders, *Habitat Dioramas* (Uppsala: Acta Universitatis Upsaliersis, 1993).

[33]Elizabeth Olds, *Women of the Four Winds* (Boston: Houghton Mifflin, 1985), 71ff.

[34]Malvina Hoffman, *Heads and Tales* (New York: Charles Scribner's Sons, 1936).

[35]The phrase is from the title of the work of Hendersen and Kaeppler, *Exhibiting Dilemmas*. See also Kurin, *Reflections of a Culture Broker*; Steven Lubar, "Exhibiting Memories," *Museum News* 60 (July/August 1996); and Matthew Hoffman, "Guilt Tripping at The Smithsonian," *Washington Times*, 15 October 1992, G1; 16 October 1982, F1.

[36]Martin Harwit, "An Exhibit Denied: Lobbying the History of *Enola Gay*," *Copernicus* (1996): 148–149. See also John Correll, "The Activists and the *Enola Gay*," *Air Force Magazine*, 18 September 1995; Mike Wallace, "The Battle of the *Enola Gay*," *Museum News* 40 (July/August 1995).

[37]Harwit, "An Exhibit Denied," 152.

[38]Smithsonian Directive 603, "Exhibit Planning Guidelines" (25 August 1995).

[39]*Endowment for the Arts* vs. *Finley*, 118 Supt. Ct. 2168 (1998).

[40]Randall Bezanson, "The Government Speech Forum: Forbes and Finley and Government Speech Selection Judgments," *Iowa Law Review* 83 (5) (1999).

[41]Sullivan, *Artistic Freedom*. See also Susan O'Donnell, "Red Flags in Phoenix," *Museum News* 11 (July/August 1996).

[42]Neil Harris, "Dreaming By Committee," *Museum News* (March/April 1996): 69, 70.

[43]Society for History in the Federal Government, "Exhibit Standards," adopted by the SHFG Executive Council, 8 January 1997.

[44]Neil Harris, "Exhibiting Controversy," *Museum News* (September/October 1995): 37, 57 (emphasis added).

[45]Stephen Weil, *A Cabinet of Curiosities* (Washington, D.C.: Smithsonian Institution Press, 1995), 264.