

SILENT STEWARDSHIP: THE MANAGEMENT OF DIFFICULT OBJECTS IN  
MUSEUMS

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A Thesis submitted to the faculty of  
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In partial fulfillment of  
the requirements for  
the Degree

Master of Arts  
In  
Museum Studies

by  
Erin Kathleen Castleberry  
San Francisco, California  
January 2018

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CERTIFICATION OF APPROVAL

I certify that I have read *Silent Stewardship: The Management of Difficult Objects in Museums* by Erin Kathleen Castleberry, and that in my opinion this work meets the criteria for approving a thesis submitted in partial fulfillment of the requirement for the degree Master of Arts in Museum Studies at San Francisco State University.



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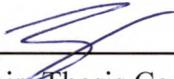
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SILENT STEWARDSHIP: THE MANAGEMENT OF DIFFICULT OBJECTS IN  
MUSEUMS

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San Francisco, California  
2018

Museums are the stewards of objects such as Confederate statues, Nazi flags, or photos of crime scenes that can be viewed as “difficult.” Their collections may also contain objects with complex, tragic, or hateful meanings. The management of such object presents many challenges for museums, from how they are identified and displayed to their access and care. In this thesis, how museums manage difficult objects will be examined. A review of the literature is conducted, followed by the methods used in the thesis, which included a survey of 100 museums associated with the American Alliance of Museums. The results of the survey were then presented and discussed, followed by several conclusions and a set of recommendations. It is concluded that museums can learn much from their experiences implementing NAGPRA; that museums need to develop working definitions of “difficult”; and that museums must involve communities in how difficult objects are managed.

I certify that the Abstract is a correct representation of the content of this thesis.

  
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Chair, Thesis Committee

12-5-18  
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## Introduction

*“The University of Texas at Austin is home to four vacant pedestals where statues of prominent Confederate leaders, including Jefferson Davis, once towered over the campus. Today the Davis statue is in a campus museum.” --The Chronicle of Higher Education, September 10, 2018*

Objects hold power. Why else would we collect and exhibit them? An object is never just the materials that go into its construction. Each object has a history and deeper meaning. Usually these meanings are fairly benign: a painting that captures the beauty of a sunrise, a piece of furniture used by an important historical figure, or the skull of an extinct dinosaur. However, some objects have much darker connotations, such as a Nazi flag, Ku Klux Klan (KKK) robes, or photographs of murder and crime scenes. Still other objects have more complex meanings including items depicting sex and nudity, Confederate statues, or atomic bomb casings. Finally, there are some items whose meaning has been overshadowed by questionable collection histories such as Native American cultural items, WWII-looted art, and certain kinds of antiquities. These are just a few examples of difficult objects.

Currently, there is no official definition of a “difficult object” in the museum community, including from national and international museum professional organizations such as the American Alliance of Museums (AAM) and the International Council of Museums (ICOM). As a result, there is little sense of how museum professionals identify difficult objects, limited discussion in the literature about the issues these objects raise, and in particular, an absence of information about how they are managed by museums.

The issue is important for several reasons: not only can difficult objects cause emotional distress, if not to the majority of people, then at least to a distinct group of people, but they may never be displayed by museums or may even be associated with access restrictions, because of the complex meanings they evoke. These items may be

labeled 'sensitive' or 'controversial' or not labeled at all, and the challenges they raise may not be fully addressed in how they are managed. For the purposes of this thesis, I will define "difficult" objects as those that are difficult to name, difficult to define, and difficult to discuss, not necessarily because of the material(s) they are made from, but because of their social and cultural connotations, and the management issues they raise for museums.

### **Overview**

In this thesis, how museums manage difficult objects will be examined. In order to discuss how museums manage these kinds of objects, a review of the literature will first be conducted. Any relevant laws and ethical codes, as well as an overview of the standards and best practices for general collections care, will be presented. Secondly, the results of a regional survey that was sent to museums that are either accredited or in the process of obtaining accreditation by the American Alliance of Museums will be reviewed. The survey consisted of questions regarding any policies and procedures the museum had in place in relation to the care, collection, and storage of difficult objects; asked if the museum has a definition for difficult objects; and asked museums what objects the museum possessed within its own collection that it might regard as difficult.

After the literature review and the methods used in this thesis are presented, the results of survey are outlined, followed by a discussion that identifies several themes in how museums identify, designate, and manage difficult objects. Finally, the thesis closes by presenting three main conclusions and a set of recommendations for museums concerning how to manage difficult objects.

### **Justification of Study**

It is important to examine how museums manage difficult objects because objects can have very different meanings depending on their context. Meanings can also change

over time, and the meaning of objects can impact their care, handling, and even who is permitted access to them. While some museums professionals may argue that difficult objects are simply objects in a collection, and should be treated like any other object, the issue is more complicated. Some objects, especially sacred objects, may require unique storage and handling methods. Additionally, certain staff members may not feel comfortable handling certain types of objects. For example, some staff members may have misgivings about handling a noose that was used for lynching, or a weapon that was used to harm someone. If an object represents a truly terrible thing, it is possible that it may be placed in “deep storage” and not regularly accessed to assess its condition. It may even be argued that certain objects do not belong in museums at all, and should instead be destroyed. The view that an object is just an object and should be treated like any other collection object also ignores the acquisition process of such objects.

The question of difficult objects has also been thrust into the limelight on a national scale with the debates surrounding the removal of Confederate monuments and the Confederate flag. There have been many calls to put these items in museums because, even though they are an ugly reminder of the American past, they are still part of our history. While there has been much discussion about the removal of these kinds of objects, very little has been published that provides practical guidelines for museums to follow when considering accessioning and then managing such difficult objects.

In a preliminary survey of the literature, the only guidelines that were identified and which directly related to the topic of difficult objects did not come from a museum organization at all, but rather from The National Coalition Against Censorship, which has official guidelines for how to deal with controversial exhibits (NCAC 2012). This topic is also revisited every time an exhibit by a major museum is caught in the middle of controversy, such as the animal rights vs censorship controversy surrounding the 2017 show *Art and China after 1989: Theater of the World* at the Guggenheim in New York (Guggenheim 2017; Katz 2017; Pogrebin and Deb 2017). However, this thesis will focus

on the care and management of difficult objects, not on how they are displayed and interpreted to the public within the context of an exhibit. It is within the context of the difficult objects themselves, not difficult exhibitions, that the museum profession especially needs discussion and guidelines on how to proceed.

Museums, as stewards of collections, are obliged to care for and manage all the objects in their possession. But how do museums manage objects that have difficult associations to some or all communities while ensuring that the ethical standards and guidelines of the field are upheld? Although objects housed in museums are subject to a range of laws, regulations, and professional standards, how might such frameworks be helpful in considering how museums address the management of difficult objects? If museums recognize that they hold difficult objects as part of their public service mission, then understanding how to best acquire, care for, and display these objects is of prime importance.

## **Literature Review**

This literature review will present a framework for understanding how museums manage and display difficult objects. The topics to be discussed include an overview of collections management best practices, some of the legal issues surrounding items in museum collections, ethical codes, and examples of how different museums approach the difficult objects in their collections. The collections management topics to be discussed include accessioning, object storage, loans, and deaccessioning. The legal topics to be discussed include legal title and NAGPRA. The ethical codes will include best practices for difficult objects, difficult/controversial exhibits, and accessibility. Lastly, there will be an examination of three institutions with known difficult objects in their collections. The Oakland Museum of California (OMCA) will be used as an example of the treatment of a single difficult object, the Hayward Area Historical Society (HAHS) will be used as an example of a difficult exhibition, and The National Museum of Nuclear Science & History (the Atomic Museum) will be used to examine a museum with both collections and exhibitions of difficult objects.

### **Collections Management Best Practices**

Before discussing how museums should treat difficult objects, this thesis examines how museums should treat all objects under their care. Elizabeth Merritt's book *National Standards and Best Practices for U.S. Museums* broadly states a museum should "Know what stuff you have. Know what stuff you need. Know where it is. Take good care of it. Make sure someone gets some good out of it, especially people you care about, and your neighbors" (Merritt 2008, 46). This section focuses on the "take good care of it" mandate, which prompts the following question: how does one take good care of object?

First, a museum should be clear on what objects it does and does not own, as well as how these objects entered the collection. Next, once an object has been acquired, it

should be stored in a way that will preserve the object for as long as possible. All objects will eventually decay, but it is a museum's duty to delay that as long as possible. Next, it is important to have policies in place when letting other museums and institutions borrow objects from the collection. Finally, it is important to review the collection and remove items that no longer fit the mission or are causing too great a burden to care for through deaccessioning. All of the policies and procedures for the care of the collection should be listed in the museum's Collections Management Policy. This policy should be reviewed periodically to ensure that standards are kept up to date (Buck and Gilmore 2010).

### *Accessioning*

According to *Museum Registration Methods 5th Edition* (MRM5) (Buck and Gilmore 2010, 44), accessioning is "the two-part process of acquiring an object (acquisition) and documenting an object (registration) into the permanent collection." There are many ways acquisitions can be made, including gifts, bequests, purchases, field collections, and conversion, which is the unauthorized assumption of ownership of property belonging to another. Conversion is usually reserved for old loans where the proper owner could not be found, and for objects found in collections (Buck and Gilmore 2010).

Gifts are one of the more common ways for an item to enter a collection. They are also one of the more complicated ways, as there many different types of gifts. The ideal type of gift would be an outright gift made without restrictions, as this method involves a simple transfer of title and the understanding from the donor that the museum is free to use the gift in a way the maximizes the benefits for the museum (Buck and Gilmore 2010).

Fractional gifts are slightly more complicated. Instead of the museum owning the gift outright, they only own a percentage of the gift. Sometimes the other owner is the object's donor, but it is also possible for the object to partially belong to another

institution. While it is usually understood that the museum will eventually own the entirety of the gift's title, each fractional gift will be unique and have different conditions. However, it is required that the gift be in the possession of the museum for a part of the year equal to the percentage the museum owns (Buck and Gilmore 2010). For example, if a museum has a 50% claim on a fractional gift, the gift should be in the possession of the museum for six months out of the year. As laws regarding fractional gifts have been in flux since 2006, it is beneficial for collections managers and registrars to be aware of any relevant federal, state, and local laws affecting fractional gifts.

Even if a museum has 100% of a gifted object's title, it is still possible for the donor to exert their influence on what the museum does with the gift. Restricted gifts are generally undesirable as the restrictions could place undue burden on both the museum staff and the object itself. The two most common restrictions are that an object be on permanent display, and that a collection not be separated (Buck and Gilmore 2010). Many museums, including the Museum of Modern Art in New York City, do not accept restricted gifts (MoMA 2010).

The final type of gift is a promised gift. A promised gift is a gift that the museum does not currently have legal ownership of, but it has been promised to them at some point in the future. Like with a fractional gift, it is possible for a museum to have physical possession of a promised gift without having full legal title to the gift. Many donors who make promised gifts are urged to include the gift in their will should they pass unexpectedly. This method will hopefully prevent any legal questions about who owns the gift.

A bequest is similar to a promised gift. Bequests occurs when a donor has left an item to the museum in their will. Unlike a promised gift, there is no guarantee that the museum will know about the bequest before being notified by the estate of the deceased person. Additionally, even if an item is bequeathed to a museum, the museum is not legally obligated to accept the item (Buck and Gilmore 2010).

Purchases are another common way for a museum to acquire objects. There are three main types of purchases: direct, bargain sale, and exchange. Direct sales occur when a museum directly purchases an object from a dealer, a gallery, a private collector, at auction, from an artist, or through other means. In addition to title, museums will often require a bill of sale and proof of payment as additional documentation for purchases. A purchase of a sensitive or particularly valuable item may also require a contract of sale (Buck and Gilmore 2010).

Bargain sales and exchanges are both slightly more involved than a direct sale. In a bargain sale, the vendor offers the object at a substantial discount off of market value. This practice is often done to benefit the vendor's taxes, which makes the sale a hybrid of a sale and a donation. An exchange is a rare form of purchase typically only done between museums. An exchange is when two museums trade items of equal value with each other. This process tends to be a little complicated as in addition to accession, both museums are also dealing with deaccessioning (Buck and Gilmore 2010).

Field collections are very dependent on the type of museum. This type of acquisition is more commonly done by science, anthropology, archaeology, and history museums. They tend to come from research expeditions and archaeological excavations. Field acquisitions also tend to have the most legal restrictions, especially if the 'field' is located abroad, or if items subject to NAGPRA are discovered. It is the duty of the museum, especially the registrar, to be aware of all relevant laws and obtain any necessary permits (Buck and Gilmore 2010).

Before physically acquiring an object, it is important for the museum to consider certain practical, legal, and ethical considerations. On the practical side, museums should consider if the item is consistent with the collection goals of the museum, what the physical state of the object is, and can the museum properly care for this object. Legal concerns include if valid legal title can be acquired, and has the museum complied with all federal, state, and local laws associated with this acquisition. Finally, ethical concerns

include if the item is subject to repatriation, is the item authentic or a forgery, and would accepting this item be construed as a commercial endorsement (Buck and Gilmore 2010).

Once the item has been acquired and the practical, legal, and ethical concerns addressed, the item can be added to the permanent collection. The item and the deed of gift will go to the museum, and the registrar will start the process of folding the object in to the collection. This process includes creating a file for the object that contains all of the relevant documentation, condition reporting the object, marking the object with an accession number, photographing the object, and entering all of this information into the collections database (Buck and Gilmore 2010).

### *Storage*

Once an object has been added to the collection, it should be stored properly to ensure its longevity. Ideal storage conditions vary depending on the material(s) the object is made from, but there are a few common trends. All objects can be negatively affected by relative humidity, temperature, light, air pollution, and pests. These environmental hazards can in turn cause three main types of damage: chemical, biological, and mechanical. Chemical damage is the result of a chemical reaction, whether that is a fast reaction, such as a fire, or a slow reaction, such as rust. Biological damage is the result of biological agents, such as insects, mice, or mold. Mechanical damage is the result of movement, usually due to fluctuations in relative humidity. This type of damage includes cracking, splitting, and warping (Buck and Gilmore 2010).

Before the discussing the various environmental concerns that face a museum collection, the ideal storage area will first be examined. Obviously, ideals are different from reality, but it is still a good idea to start from best practices. Regardless of whether the storage is on-site or off-site, storage areas should be located away from public areas. They should also be located towards the center of the building away from exterior walls and have good access for staff. Ideal access includes no narrow hallways or doors, stairs,

or oddly-shaped access ways. Basements and attics should not be used as storage areas due to temperature and relative humidity (RH) fluctuations, as well as the potential for leaks and floods (CCI 2017).

Water is one of the main hazards to collection storage, regardless of where the storage area is located. Storage should be located away from pipes whenever possible, and any pipes that do run through storage areas should be regularly checked for leaks. As a precaution against flooding, no objects should be stored directly on the floor, and objects that are not located in drawers or closed shelves should be covered loosely with plastic sheeting (CCI 2017).

In addition to the regular storage area(s), there should be a separate storage area set aside for new materials and objects entering the museum. This practice serves several purposes. First, it allows for any new objects to get acclimated to the museum's environment before entering general storage. This separate area also allows for easy quarantine if the new objects have mold, insect infestations, or any other easily spread preservation concerns (CCI 2017).

Most museums do not have separate storage areas with independent climate controls that are reserved specifically for items made of one type of material. Additionally, many items are made from multiple organic and inorganic materials. While there are more specific environmental guidelines (see Table 1) depending on the type of materials, there are also general guidelines for how to best maintain a mixed collection.

Firstly, the environmental conditions in both storage and display areas should be similar in order to avoid extreme fluctuations that could put stress on an object (CCI 2017). Secondly, lighting should be at an intensity of 150 lux or less with UV content of no more than 75  $\mu\text{W}/\text{lm}$ . Lux is the International System of Units (SI) derived unit of illuminance and ' $\mu\text{W}/\text{lm}$ ' refers to the units of microwatts per lumen and is the museum unit applied to ultraviolet radiation (Michalski 2018). Lights should be off when they are not needed, as light damage is cumulative. Temperature and relative humidity should be

kept at constant levels, and both extremes and excessive fluctuations should be avoided. Relative humidity (RH) is an expression of how much water vapor is in the air expressed as a percent. The exact temperature and RH levels are dependent on what materials are in the collection, but in general RH should be kept between 40-60%, with an ideal range of 45-55%, with the temperature being kept relatively cool at approximately 65° F. Lower temperatures generally help preserve items longer. Additionally, there should be adequate air circulation to discourage both mold and insects. Finally, food should be banned from storage areas in order to discourage pests and prevent potential spills and accidents (CCI 2017).

The following table (Table 1) illustrates environmental guidelines for some of the more common materials found in museum collections. The information for this table is derived from the Canadian Conservation Institute CCI Notes (CCI 2018).

Table 1-Environmental Guidelines

<b>Material</b>	<b>Relative Humidity</b>	<b>Temperature</b>	<b>Light</b>	<b>Other</b>
Ceramic	Follow general guidelines	Follow general guidelines	Follow general guidelines	Less sensitive to environment, more easily broken
Decorative Arts	45-55%	65-72 F	Less than 50 lux	
Ethnographic Materials	45-55%	Do not exceed 77 F	less than 50 lux and 75 $\mu$ W/lm	May have been treated with pesticides/arsenic
Furniture	55% (plus or minus 5%)	68 F (plus or minus 2 degrees)	50-150 lux	
Glass	40-60%	Avoid extremes and rapid fluctuations	Glass can be sensitive to UV	Less sensitive to environment, more easily broken
Metals	As low as possible (35-55%)	Follow general guidelines	Follow general guidelines	Humidity of greater concern than temperature/light

Organic Materials	45-55%	Do not exceed 77 F	less than 50 lux and 75 $\mu$ W/lm	May have been treated with pesticides/arsenic
Paintings	40-60%	Avoid extremes	150-200 lux and 75 $\mu$ W/lm	
Paper, Photographs, Books	30-35%	60-65 F	less than 50 lux and 75 $\mu$ W/lm	Acidity major concern
Stone	Follow general guidelines	Follow general guidelines	Follow general guidelines	Less sensitive
Textiles	Lower is better	Lower is better	less than 50 lux and 75 $\mu$ W/lm	Limit display to a maximum of six months every five years

### *Loans*

Loans are agreements made between museums, between museums and non-museum institutions, and museums and individuals (Buck and Gilmore 2010). Loaned objects can be broadly categorized as objects a museum has physical possession of, but not whole legal title to. Loans include items loaned for exhibits, items loaned for study, long-term loans, objects entering the museum for acquisition consideration, unsolicited objects, and property with unidentified sources (Buck and Gilmore 2010). Additionally, some of the types of gifts mentioned earlier in this chapter can be considered types of loans, especially promised and fractional gifts. It is even possible for there to be exchange loans, which are similar to the exchanges mentioned in the acquisition section, except legal ownership is not transferred. This thesis focuses on general guidelines for incoming and outgoing loans.

When a museum would like to borrow an object, typically from another museum, it is customary for the borrowing museum to send a letter detailing the request. The letter

should include the purpose of the loan, how long the object will be loaned for, and where the loaned object will be located. The registrar of the borrowing institution should receive a copy of this letter in order to properly document the loan. The borrower will be financially responsible for all the expenses incurred during the processing of the loan, including packing, shipping, and insurance. If the requested object needs any conservation treatment either before going out or after returning, the borrower may be partially financially responsible for that as well (Buck and Gilmore 2010).

When a museum receives a loan request, there are multiple people that should be involved in the decision to accept or deny the request. The curator can indicate the availability of the object, the conservator/registrar/collections manager can check the condition of the object, and the registrar can also check the object's provenance and any potential legal restrictions. Final approval of the loan is often decided by the director and/or the board (Buck and Gilmore 2010).

After a loan request is approved, packing and shipping need to be arranged. If the lender is able, packing may be done in-house, or it may be outsourced to specialists, preferably those who have experience in packing museum objects. The shipping method is dependent on the distance between the institutions, the size and shape of the object, and any legal restrictions, such as border crossings, that may apply. Shipping arrangements are usually made by the borrower, subject to the lender's approval. In general, the lender should request the most direct route and the shortest travel time. For some loans, a courier is required, and the cost of the couriers' travel and expenses should be paid by the borrower (Buck and Gilmore 2010).

Once the loan has been approved, the legally-binding loan agreement signed, and the packing and shipping arranged, the object should be processed for outgoing loan. This process includes an outgoing condition report, any necessary conservation treatments, and careful packaging of the object. The object will then be transported by the agreed-upon methods. After the object has arrived to the borrowing institution, it should be

allowed to acclimate before being unpacked. During the unpacking process, the exact packaging should be noted and carefully set aside. Additionally, an incoming condition report should be completed. Any handling and installation of the object during the duration of the loan should be done in a manner consistent with the lender's requests and high standards of museum care. Any issues, changes, or damages incurred should be noted and added to the loan's file (Buck and Gilmore 2010).

When it is time to return the loan, a new condition report should be prepared and the object repackaged in the original packing material. The object should be shipped back using previously agreed-upon methods. After the loan has been returned to the lender, it should be allowed to acclimate before being unpacked. Lastly, a final condition report should be prepared. This final condition report and the first condition report should be compared to note any changes to the object that occurred during the loan period. Any damage that may have occurred during the loan should be paid for by the borrower.

The process outlined above most closely mirrors that of a simple exhibition loan, but can be applied in broad strokes to most loans. Loans are complicated, multi-step processes with a variety of people and institutions involved. They are labor intensive, legally binding, and can be risky for the lender. However, they are also a common process in museums, so it is important to have policies and procedures in place for how to make the process as efficient and painless as possible.

### *Deaccessioning*

All museums that care for collections will eventually have objects that need to be removed from the collection, whether due to the items no longer filling the museum's mission, or the items no longer being usable. In order to properly handle the removal of these objects, deaccessioning policies should be in place. According to the MRM5, all collections management policies should "clearly address the criteria and process associated with decisions and actions to deaccession and dispose of collections" (Buck

and Gilmore 2010, 101). Decision criteria determine when items can be deaccessioned. According to MRM5 (2010, 102), items should be considered for deaccession when items are:

1. Not within scope or mission.
2. Beyond capability of museum to maintain.
3. Not useful for research, exhibition, or educational programs in the foreseeable future.
4. Duplicates of other items in the collection.
5. Poor, less important, incomplete, or unauthentic examples.
6. Physically deteriorated/hazardous materials.
7. In the case of living collections, the death of a specimen.
8. Originally acquired illegally or unethically.
9. Subject to legislative mandate, e.g. repatriation.
10. Subject to contractual donor restrictions museum is no longer able to meet.
11. Part of a set that belongs to another institution, or more appropriate to collection of another institution.

The MRM5 then outlines the proper steps to take in the deaccessioning process, which are (2010, 102):

1. Written curatorial justification linked to the collecting plan, outlining the decision criteria that apply.
2. Verification of official legal title, checking records to ascertain if any restrictions exist from the original gift, bequest, or purchase.
3. Physical examination by a conservator to help establish appropriate means of disposal, including possible sale or destruction.
4. One or more outside appraisals, especially for objects of value and those which might be sold or traded.

5. Outside opinions for objects of value, especially if there is any uncertainty about provenance or authenticity.
6. Internal review by all curatorial staff to assure full awareness of the plan to dispose of a collection item.
7. CEO/Director and governing board approval. Beyond the governing body, each museum should check its own charter and relevant state laws to see if there are any external limitations on disposal.
8. Working with external stakeholders, potentially including the original donor, members of local community advisory groups, and other special interest groups.

Lastly, the MRM5 lists the most common methods of disposal for an item that has been selected for deaccession (2010, 103):

1. Donation of the object(s) to another museum, library, or archive for educational purposes.
2. Exchange with another museum or non-profit institution. Exchanges should be made in a way that there is relatively equal value of the items involved.
3. Educational and research programs. Often, items can be used for scientific study, school programs, hands-on demonstrations, exhibition props, or testing in conservation research.
4. Physical destruction. This method should be reserved for objects that have deteriorated or become hazardous, and to prevent the circulation of unauthorized or counterfeit materials. Records of the method of disposal should be retained. This may also refer to research collections undergoing destructive analysis.
5. Repatriation and/or cultural sensitivity. Repatriation is a legal issue which can have an impact on the method of disposal of objects. Human remains or certain items of religious or cultural sensitivity might need to be handled in a prescribed way in order to meet legal requirements or cultural standards.

6. Private sale. This method is not a standard alternative but may be justified in some cases.
7. Return to donor. This alternative is not usually the best option for the museum. The most legitimate reason for returning material would likely be that the museum has failed to meet the requirements or conditions of the original gift or bequest.
8. Public auction. This method is especially important when there is a need to generate funds to improve the prospects for collecting.

### **Legal Issues**

All museums should strive to follow ethical codes and best practices. However, of equal concern are the laws and legal guidelines that impact the objects museums care for. Therefore, before discussing the ethical codes of the museum field, it is important to establish the legal standards that must be upheld. While ideally issues regarding who owns collections and how collections should be cared for and displayed are resolved before reaching courts, that is not always the case. Therefore, it is vital that the underlying legal framework regarding museum collections is understood before moving on to ethical guidelines. The primary source for this section of the literature review will be *A Legal Primer on Managing Museum Collections* by Marie Malaro (Malaro and DeAngelis 2012).

### ***Legal Title***

Following Malaro and DeAngelis (2012), 'legal title' will be defined in this thesis as "the legal right to own an object indefinitely." Issues such as copyright interests and trademark rights fall outside the scope of this thesis topic and will not be discussed. There are many potential issues regarding legal title that can negatively impact a museum. Some of these issues can include the status of the transferrer (they are not the rightful

owner of the object, they are a minor, etc.), misrepresentation by the seller (the museum did not receive good title of an object or the object is not what the museum believed it was acquiring), and the potential for a museum receiving objects that were stolen (Malaro and DeAngelis 2012). Therefore, it is vital that a museum practice due diligence when considering an object for accession in order to ensure that it has good title for any and all items in its collection.

However, there are some instances where the museum can have ‘good’ title to an object, but the legal ownership is still in question. For example, many items that fall under the scope of NAGPRA were ‘legally’ acquired. Additionally, there are items that are currently in American museum collections whose provenance during WWII is unclear. These items may have entered the collection legally, but may also have been looted or forcibly sold during WWII, which prompts the question: who has title to these objects? There are also items whose legality has changed. For example, due to the ratification of the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transport of Ownership of Cultural Property, antiquities removed from their country of origin before the year 1970 are legally considered the property of the museums that possess them, but the same items removed from their country of origin post-1970 are considered stolen. Lastly, there is the question of human remains. Can one legally “own” human remains at all? Is there a time limit on how long someone has been deceased before their remains can be in a museum's collection? These are some of the things that the museum profession needs to consider as the field moves forward.

### *NAGPRA*

Marie Malaro states that “the law is a clumsy tool to resolve conflicts based on cultural difference” (Malaro and DeAngelis 2012, 130). Clumsy as it is, however, it is still an important and useful tool, and one that should be well understood before it is

wielded. The relationship between Native Americans and the museum community has a long and troubled history, and one particular law was introduced to resolve some issues related to Native American cultural items. The Native American Graves Protection and Repatriation Act (NAGPRA) was signed into law on November 16, 1990 (NAGPRA 1990). This law outlines special protections for Native American cultural items that are either in existing museum collections or are unearthed during future archaeological expeditions.

This law does have restrictions. NAGPRA does not give Native American tribes unrestricted rights to reclaim any and all objects of Native American origin located in any museum in the United States. NAGPRA defines Native American “cultural items” to include human remains, associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony (NAGPRA 1990). Additionally, NAGPRA only affects cultural items held in institutions that receive federal funding. While that does give this law a wide reach, it also means that items held in private or foreign collections are not affected by NAGPRA.

What NAGPRA means for museums is very simple. Every institution that receives any federal funding (with the exception of the Smithsonian, as it is subject to a different law) must do the following three things. First, the institution must create an inventory of all Native American human remains and associated funerary objects in its collection. Ideally, this inventory will also identify the geographical and cultural affiliation of each item. Next, the institution must create a summary of any Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony in its collection. This summary should be based on the museum’s records and documents, rather than an item-by-item inventory. Lastly, after the summary is completed, if there are any items in the institution’s collections that are associated with a federally-recognized tribe, that tribe should be notified and there should be a consultation with the tribe about the objects (Malaro and DeAngelis 2012).

If, after the inventory, summary, and consultation are completed, cultural affiliation between the Native American tribe and the items is established, then “the Federal agency or museum, upon the request of the Indian tribe or Native Hawaiian organization ... shall expeditiously return such objects” (NAGPRA 1990). This means that once the cultural link is established, the tribe can request the items be returned, and the institution must repatriate them. Thus, legal ownership of the cultural items is then transferred to the tribe.

### **Ethical Codes**

Standards and best practices give museum professionals guidance on how to interact with the objects in their care on a practical, day-to-day level. Ethical codes require museums to think deeper about the objects in their collections, why some objects are collected and some are not, whether some objects should be collected at all, and how to approach objects not just as physical objects, but as what they represent and the cultural connotations they carry. The detail an ethical code might go into over a certain type of object can vary greatly, and in some instances can replace legal guidelines about the care of an object. However, not all ethical codes are created equal.

Below, the ethical codes of the American Alliance of Museums’ (at time of publication American Association of Museums) book “National Standards and Best Practices for U.S Museums” (2008), ethical guidelines from AAM’s website, and sections of ethical codes from other organizations will be examined, with an emphasis on sections that are relevant to issues concerning difficult objects.

### *Difficult Objects*

Due to the wide variety of objects that can be classified as ‘difficult,’ there is no overarching ethical standard when it comes to these types of objects. Rather, there are ethical codes related to specific sub-types of ‘difficult’ objects. NAGPRA cultural items,

archaeological material, and WWII-looted art tend to be addressed well by ethical codes. However, ethical codes do not tend to address several other common types of difficult objects, including racially charged items, Nazi memorabilia, and items relating to crimes. Additionally, even if certain types of difficult collections, such as non-Native American human remains, are addressed in ethical codes, the guidance given tends to be lacking.

Native American cultural items, archaeological material, and antiquities are among the most legally scrutinized items in a museum's collection. Some of the laws relating to these items in the United States are the Antiquities Act of 1906, the Historic Sites Act of 1935, the National Historic Preservation Act of 1966, the Archaeological Resources Protection Act of 1979, and the Native American Graves Protection and Repatriation Act of 1990 (NPS 2016). There are also several international laws and treaties relating to these items, including the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property (Malaro and DeAngelis 2012).

Due to the abundance of laws relating to these items, ethical codes play a different role in their care than, for example WWII-looted art, which does not have a specific museum collections-related law. In general, ethical codes regarding Native American cultural items, archaeological materials, and antiquities can be summarized as: 1) follow any relevant laws, 2) do due diligence when researching a potential acquisition's provenance and collecting history, especially in the case of objects that were imported, 3) be transparent about the provenance and history of any items currently in the collection, and 4) respectfully and diligently address ownership claims (AAM Board 2008).

A second common category of difficult objects is WWII-looted art. From 1933 through 1945, the Nazi regime forcefully acquired objects of art and cultural property throughout Europe. These items were taken from their rightful owners and most have yet to be reunited. As context, due to several high profile court cases and the publishing of *The Rape of Europa* by Lynn Nicholas in 1994, the issue of items seized by the Nazi

party during WWII that then found their way into museum collections was thrust to the forefront of the American consciousness during the 1990s. In response to this issue there was a series of hearings that began in 1998 that dealt with restitution of Holocaust assets in the US, an international conference about how to provide relief for Holocaust survivors and their heirs, and the formation of the Presidential Advisory Committee on Holocaust Assets in the United States (PCHA) in 1999 (Malaro and DeAngelis 2012).

In 2001 PCHA released a report about items relating to Holocaust victims' assets in the U.S. and created a standard of disclosure of collections information in order to aid the identification and discovery of potential WWII-looted art. This report and subsequent suggestions on how to identify these items was supported by AAM, AAMD, and ICOM (AAM Board 2001). These suggestions are as follows (AAM Board 2001):

- (1) [Museums should] identify all objects in their collections that were created before 1946 and acquired by the museum after 1932, that underwent a change of ownership between 1932 and 1946, and that were or might reasonably be thought to have been in continental Europe between those dates (hereafter, "covered objects");
- (2) make currently available object and provenance (history of ownership) information on those objects accessible;
- and (3) give priority to continuing provenance research as resources allow.

Another area concerning difficult collections that tends to be addressed in ethical codes is human remains. Most of the focus on human remains in ethical codes is related to NAGPRA, resulting in very little coverage for non-Native American human remains. AAM, the National Parks Service, and ICOM are similar in regards to non-Native American human remains: treat human remains with respect, and, if the source community is known, in a manner consistent with the source community's beliefs (ICOM 2010; Merritt 2008; National Parks Service 2007).

### *Difficult Exhibitions*

The primary source for best practices involving controversial museum exhibits is

not a museum-related association at all. In response to the controversy surrounding the 2011 National Portrait Gallery exhibition *Hide/Seek: Difference and Desire in American Portraiture*, the National Coalition Against Censorship and the Vera List Center for Art and Politics gathered together a group of arts professionals, consultants, and First Amendment lawyers to discuss how museums should deal with public backlash against potentially controversial exhibits (NCAC 2018). A preliminary new set of best practices was created. This draft was then circulated among museum professionals for feedback and suggestions. This draft was then discussed by representatives from multiple arts and museum associations, including AAM, AAMD, and the Association of Art Museum Curators. After multiple meetings, the new set of best practices for dealing with controversial exhibits was published in 2012 (NCAC 2018).

The best practices emphasize three strategies for museums to use to manage controversy (NCAC 2012):

1. Public Statement Affirming Commitment to Artistic and Intellectual Freedom of Speech (“Freedom of Speech Commitment”);
2. Preparation in Advance of Upcoming Programs and Potential Controversy, through agreement on clear curatorial procedures, feedback mechanisms, and educational plans;
3. Procedures for Addressing the Press or Complaints from the Public after an Exhibition or Special Program Opens.

The NCAC has a sample Freedom of Speech Commitment available on its website, but it encourages museums to write their own. The intent of the Freedom of Speech Commitment is to politely state the museum’s desire to uphold the freedom of speech, to encourage debate and discussion about controversial topics, and the museum’s refusal to “ *censor exhibitions in response to political or ideological pressure*” (NCAC 2012).

The second strategy for managing controversy, Preparation in Advance of Upcoming Programs and Potential Controversy, has several steps. First, the museum should specify clear curatorial selection procedures in order to better respond to complaints. Next, the museum should create an educational/public engagement schedule and framework for the exhibition before it opens. In particular, the museum should identify target audiences and have workshops that will facilitate dialogue. The museum should then carry out preliminary public relations in order to have strong channels of communication before there is a problem. The museum should also make use of signage/educational programming, including informative warnings and disclaimers. When dealing with all exhibits, but especially controversial exhibits, there should be strong communication between the curators, the educators, and the board, so no one is caught off-guard with regards to the exhibit. Finally, the museum should review the institution's crisis plan and consult with their legal counsel (NCAC 2012).

The final strategy is for addressing any potential complaints from either the press or the public. The two important elements for dealing with complaints are to 1) leave the exhibit as is for an established period of review and discussion; and 2) use the complaint to establish a learning opportunity by creating possibilities for thoughtful discussion between concerned stakeholders. There are a few differences between dealing with a complaint from the public and dealing with a complaint from the media. The main difference between the two is how involved the museum's public relations and marketing team are. When speaking with the media, it is best to let those that are trained in media handle the issue (NCAC 2012).

### *Accessibility*

Even though most museums in the U.S. are not owned or managed by the federal government, a majority do receive funding from the federal government in some form. Many also receive additional funding from state and other local funds. Due to the fact

that these funds come from taxes and that museum collections are held in the public trust, it can be said that museum objects belong to everyone. As a result of this fact, people should have access to the collection. Questions of access can be very complicated, and there are a variety of stakeholders involved, including the museum, the donor, researchers, and the general public. Each stakeholder wants access to the objects, while potentially denying access to others.

What does accessibility mean to a museum? Does it mean that everyone is physically able to enter the building and look at the objects on display? According to the Americans with Disabilities Act, the areas listed above are legally required (Merritt 2008). However, professional societies such as AAM encourage museums to go beyond this (Merritt 2008). The museum should have policies in place to allow for the public to access items that are not on display, and these policies should be included in the collections management policy (Malaro and DeAngelis 2012). These policies might mention who to ask for access, how much notice must be given before access is allowed, and rules about photographs and what researchers are allowed to bring into the collections viewing area. In his book *Playing Darts with a Rembrandt*, Joseph Sax recommends this simple rule for access: “material is either closed (for a reasonable period, to everyone) or it is open to all adults, with whatever qualifications are necessary to protect fragile materials from risk or excessive handling” (Sax 2011, 200).

However, there are several complications related to accessibility. Unlimited physical access could easily destroy the delicate objects the museum is trying to preserve. Additionally, easy access to the knowledge and locations of object locations can become a security concern (Merritt 2008). Beyond these physical concerns, there are additional areas to consider. Earlier in this chapter, restricted gifts and some of the more common restrictions were discussed. However, these are not the only potential restrictions a donor may ask for. The donor may ask that a donated piece not go on display during their lifetime, or ever. The donor may also request that there be restrictions on who can

interact with archival materials, such as only allowing access to “real” scholars as opposed to “mere” journalists (Sax 2011).

There is also the rise of the internet to consider. The internet has opened entirely new avenues of accessibility. Many museums now have online collections catalogues that allow the public to see what items the museum possesses. However, these new online resources also raise questions about accessibility, such as: What items should be included in an online catalog? Should a museum strive to list all the objects in its collection, or just the highlights? What about objects held to be sacred by certain groups? There are also questions about the objects of particular interest to this thesis. Should a museum list potentially controversial objects, for example Nazi armbands or KKK robes, in its online collection? Whatever the individual museums determine to be the correct answers to these questions, they need to be addressed in either the collections management policy and/or the media/marketing policy.

### **Examples**

Museums potentially face a range of concerns when addressing the management and display of difficult objects. An object, an exhibition, and even a particular museum itself could be considered “difficult,” such as when the museum itself is dedicated to understanding the history of a place like a former internment camp or a battlefield. To understand how some museums have addressed concerns surrounding “difficult objects,” several cases are outlined below.

#### *OMCA-KKK robe*

From October 8, 2016–February 26, 2017, the Oakland Museum of California hosted an exhibit titled “*All Power to the People: Black Panthers at 50.*” This exhibit discussed the history of the Black Panther Party and its enduring legacy (OMCA 2018). Due to the radical politics of the Black Panthers, the entire exhibition could be considered

difficult for some visitors. However, only one particular item from this exhibit will be discussed here.

Before visitors entered the main section of the exhibit, they walked through a small area that served as a way to place the creation of the Black Panther Party into historical context. Located in this section of the exhibit was a KKK robe. It was displayed in a case built into the wall that separated this context section from the main exhibit. The lighting was dim and the robe was laying down and somewhat crumpled up. In an exhibit full of thought-provoking objects, this particular object stood out. It was a visual, visceral reminder of what the Black Panthers were fighting. It is also one of the pieces that sparked the idea for this thesis.

This object was treated very differently from the other objects in the exhibit. While all of the Black Panther artifacts on display were treated with a sense of dignity, the KKK robe, at first glance, appeared to have been treated disrespectfully, given that it was displayed in a crumpled and folded manner, which could potentially damage the textile. However, this difference in treatment between the Black Panther artifacts and the KKK robe makes sense within the context of the exhibit, as in a Black Panthers exhibit it would be problematic to display a symbol of what the Panthers were fighting against with the same respect as any items made by the Panthers.

During a case study session at the 2018 California Association of Museums Annual Conference, the question of the treatment and display of the KKK robe was covered in depth (Silberstein 2018). The KKK robe is part of OMCA's collection, but they were unsure if they should include it. During the creation of the exhibit, OMCA spoke with former Black Panthers in order to get their feedback on what was displayed, how it was displayed, and what the former Panthers remembered. It was during these series of discussions that the former Panthers began to insist that the KKK robe was included in the exhibit, but that it should be displayed in a way that robbed it of its power.

In particular, former Panthers did not want it displayed in a “standing” position, but rather laid flat (Silberstein 2018).

### *Hayward Area Historical Society-Unmentionable exhibit*

Another museum that has had an exhibit with difficult objects is the Hayward Area Historical Society. From April 5-October 29, 2017, HAHS ran an exhibit titled “*Unmentionable: The Indiscreet Stories of Artifacts*” (HAHS 2018). According to curator Diane Curry, the purpose of this exhibit is to explore “the unusual, icky, scandalous, disturbing, awful, uncomfortable and surprising artifacts in museum collections all in one place” (Exhibit Envoy 2018). The exhibit was designed to be a modern cabinet of curiosities that featured a wide variety of difficult objects, such as photos of concentration camps, Victorian undergarments, and sewer cleaning equipment.

The variety of objects helps to show that any item can be difficult, and what people think is difficult has changed over time. This shift in perception is exemplified by objects such as a 1915 political campaign poster depicting two blackface figures (Moriki 2017). At the time of the object’s creation, these types of depictions of African Americans were not seen as objectionable, while today they are considered deeply racist. When discussing difficult objects, this change of what is and is not acceptable in society is an important factor to keep in mind.

In this exhibit, difficult objects were brought out of hidden storage areas and examined for what they are. There is also a hope that by having these objects on display, they might be able to start conversations about sensitive, uncomfortable, and difficult topics. Apparently, this hope was fruitful. Not only did this exhibition prove to be a successful exhibit for HAHS that encouraged dialogue and brought many people into the museum (Ableman, Curry, and Ritter 2018), but it has also been turned into a traveling exhibit hosted by Exhibit Envoy. Unlike many traveling exhibits that transport the artifacts that are to be showcased, this exhibit encourages the hosting museum to use their

own collections to include their own difficult objects. This practice allows for the exhibit to be more relevant to the local community.

### *National Museum of Nuclear Science and History*

Sometimes a museum possesses both collections and exhibitions of difficult objects. The National Museum of Nuclear Science and History, also known as the Atomic Museum, is located in Albuquerque, New Mexico. This museum covers “everything from the very origins of atomic theory, the complexity of the political scenarios contributing to World War II, the height of the Cold War, to modern-day advances in nuclear medicine” (NMNSH 2018). Due to the fact that this is not only a nuclear museum, but also located in New Mexico where the atomic bomb was developed and tested, the museum focus heavily on WWII and the Cold War. This in turn means that the museum’s collection is made almost entirely of what can be considered difficult objects. These objects range from Nazi memorabilia to pieces of the Berlin Wall to actual casings of Fat Man and Little Boy, the atomic bombs that were dropped on Hiroshima and Nagasaki.

Given the central topic of the museum and the difficult conversations surrounding the decision of the United States to drop the atomic bombs, it would be easy for the museum to tip into either pro-America propaganda or anti-atomic condemnation. However, review of the museum’s web page and a visit by the author to the museum’s exhibitions indicates that the Atomic Museum approaches this very difficult and controversial topic with the appropriate air of respect. Every item is presented with proper historical context, and before visitors ever see an artifact, there are multiple panels about both the atrocities of WWII and the real fear felt by the Allies over Germany possibly gaining nuclear weapons. There is even an area set aside for visitors to reflect on the victims of the atomic bombs.

Even with the respectful and neutral tone, it could be argued that if this museum was not located in New Mexico it would be considered far more controversial. As New Mexico is the birthplace of the atomic bomb, the people of New Mexico tend to have a more complex view of the issue. While the loss of life was devastating, the atomic bomb is also one of New Mexico's claims to fame, and there is a sense of pride that goes along with having the tool that ended WWII coming from a state that is either overlooked or sometimes not even considered part of the United States. If this museum were moved from its current context to a place that did not have that connection with the atomic bomb or to a place with a high population of people of Japanese descent, the museum and its contents would most likely be considered far more controversial.

### **Conclusion**

In this chapter, by examining general collections care standards and best practices, legal issues concerning items in museum collection, ethical codes regarding difficult objects and controversial exhibits, and a few examples of museums with known difficult objects, a basis for understanding the results of the survey has been created. While there is little written directly about the topic of difficult objects, it is important to review the broader literature and to examine what collection guidelines, laws, or ethical codes exist to understand what they are, what key issues they raise, and how they can be managed.

## Methods

This chapter contains an overview of the methods used in this thesis, which include a literature review and a survey of 100 museums in the western United States. This chapter also outlines the questions included in the survey and why these questions were asked.

### Literature Review

A review of relevant literature was performed. The literature review was divided into four parts: an overview of collections management best practices, legal issues regarding items in museum collections, museum ethical codes, and examples of museums with difficult or controversial objects in their collections.

The primary sources for the section pertaining to best practices were *MRM5: Museum Registration Methods* by Rebecca Buck (Buck 2011) and the Canadian Conservation Institute Notes (Government of Canada 2018). This section includes an overview of basic collections care, including general issues such as accession, storage, loans, and deaccession.

The primary source for the section pertaining to laws and legal guidelines was *A Legal Primer on Managing Museum Collections* by Marie Malaro and Ildiko DeAngelis (Malaro and DeAngelis 2012). While it is preferable to deal with any controversy or conflict that may arise through compromise and conversation, some difficult items do have laws attached to them. As a result, legal title and the Native American Graves Protection and Repatriation Act (NAGPRA) were discussed.

The primary sources for the ethical codes section were *National Standards and Best Practices for U.S. Museums* by Elizabeth Merritt (Merritt 2008) and the American Alliance of Museums “Code of Ethics for Museums” (AAM 1991). The ethical codes surrounding difficult objects, difficult exhibitions, and accessibility are examined.

The fourth section was an informal survey of three museums with difficult objects known to be in their collections: the Oakland Museum of California (OMCA 2018), the Hayward Area Historical Society (HAHS 2018), and the National Museum of Nuclear Science and History (NMNSH 2018). The websites of the three museums, as well as information gathered from the California Association of Museums 2018 Annual Conference provided the relevant information (Ableman, Curry, and Ritter 2018; Silberstein 2018). In its Black Panthers exhibit, “*All Power to the People: Black Panthers at 50*”, OMCA displayed a robe worn by a member of the Ku Klux Klan (KKK). In this section, the decisions behind this display are discussed (OMCA 2018; Silberstein 2018). The Hayward Area Historical Society’s 2017 exhibition “*Unmentionable: The Indiscreet Stories of Artifacts*” is focused entirely on difficult items pulled from the historical society’s collection (Ableman, Curry, and Ritter 2018; HAHS 2018). Lastly, the National Museum of Nuclear Science and History located in Albuquerque, New Mexico, is examined as an example of how definitions of difficult objects can change depending on location (NMNSH 2018).

In addition to a review of the three museum’s webpages, relevant articles, and attending several relevant conference sessions, I also visited two of the three museums. First, I visited the Oakland Museum Black Panthers exhibit in December 2016 as part of a course at SF State. Later, in May 2018, I revisited the National Museum of Nuclear Science and History (I had visited it multiple times in the past) in order to assess how objects that I considered difficult were displayed not only from the perspective of collections care, i.e., mounting, layout, lighting, etc., but also to see the museum’s general approach to a very difficult subject.

## **Survey**

First, the geographic region the surveys would be sent out to was determined. The

eleven westernmost contiguous U.S. states were selected for survey: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. This region was selected for several reasons. It was decided that limiting the survey to a select number of states would supply an in-depth view of a single region, rather than a more general overview that would be gained from a nation-wide survey. Additionally, this region was selected because it was believed that museums would be more likely to respond if they were physically located closer to San Francisco State University and the Museum Studies Program.

After establishing which states the surveys would be sent to, a list of museums was compiled. The museums were taken from the American Alliance of Museums' (AAM) list of accredited museums (AAM 2018). This list includes both museums that are fully accredited by AAM as well as museums in various stages of accreditation. The decision was made limit the survey pool to museums that were accredited/in the process of accreditation because of the focus on policies and best practices. Due to one of AAM's accreditation criteria being the verification of core documents (AAM 2018), including the collections management policy, accredited museums are far more likely to have a collections management policy, and thus have recently put thought into their collections practices, as opposed to non-accredited museums. The list pulled from AAM's website on January 8, 2018 (AAM 2018) was then entered into a master spreadsheet.

It was decided that 100 museums would be surveyed about their practices and policies regarding difficult objects. In order to have each of the states fairly represented, it was also decided that there should be nine museums surveyed in each state, with an additional "wildcard" museum selected from the museum list as a whole in order to bring the total number of museums to the desired 100. Using a random number generator (Hedges 2018), the museums were then selected and their websites reviewed to see if they had relevant collections. Museums either did have relevant collections, did not have relevant collections, or were not currently open. If the museum fell into the latter two

categories, they were disqualified and additional museums were selected. This process was repeated until each state had nine museums, with the exception of Idaho, which only had eight museums with relevant collections, which led to an additional wildcard museum being selected. After the 98 museums had been picked from the individual states, the two wildcard museums were randomly selected from the museum pool.

Saying that a museum had 'no relevant collections' meant the museums fell into one of three categories: 1) the museum did not have any collections at all; 2) the institution only collected living natural specimens (for example, a zoo or botanical garden); 3) the museum had no collections relevant to this study, meaning the author determined the collections were unlikely to be considered difficult/controversial. If a museum was considered 'not currently open', that category meant the institution was currently closed and would not be reopened by the time the surveys needed to be sent out, that the museum was closed indefinitely, or that the museum had yet to open.

The final tally of museums per state is as follows (Table 2):

Table 2. Museums per State

<b>State</b>	<b>Number of Museums</b>
Arizona	9
California	10
Colorado	9
Idaho	8
Montana	9
Nevada	9
New Mexico	10
Oregon	9

Utah	9
Washington	9
Wyoming	9

### Survey Questions

The survey begins with a series of demographic questions to determine what type of museum the institution is, the size of the institution's budget, and the museum's status in the accreditation process. This information will be used to analyze responses to later survey questions and to understand the nature of the responding museums. The next set of questions ask about the institution's collections management policy, including who devises the policy, who approves the policy, and when the policy was last updated. As this thesis is concerned with best practices, and as all of the museums being surveyed will have had to examine their collections management policy recently due to accreditation, it was determined that it would be important to ask about this policy.

Questions six through nine focus on the relationship between any potentially difficult/controversial items and the public. Museums hold items in the public trust, and, in theory, the public should have some level of access to these items. Therefore, these questions focus on how accessible the potentially difficult/controversial items are. For example, are the items ever put on display? Are the items ever loaned? Are researchers allowed to access the items? Is the general public allowed to access the items? And lastly, are the items available on the museum's online catalog? The answers to these questions will help the researcher generally determine how much access is allowed.

Questions ten through twelve focus more on policy and procedure surrounding potentially difficult/controversial items. The questions can be further broken down into questions pertaining to items accessioned into the collection, and items transitioning either into or out of the collection. For difficult items that are housed in their collection,

institutions are asked if these items receive any special care, such as being stored separately from other items in the collection. For items that may be accessioned into the collection, is there a procedure for assessing if the item may cause controversy? Are there any items that the museum has refused to accession because of their potential controversy? Alternatively, for items leaving the collection, has the museum ever deaccessioned an item because of its potential for controversy?

Questions thirteen through fifteen focus on the relationship between staff members and the items. The staff are the people who will most directly interact with the items in a museum's collection, so there may be special training the staff must undergo or special procedures staff should follow when working with difficult/controversial objects. Additionally, as a museum will likely have far more volunteers than paid staff, the museums are also asked if volunteers are allowed to interact with any potentially difficult objects.

The remaining questions of the survey ask the institution about the concept of "difficult objects": Does the museum have a definition for 'difficult/controversial items'? According to the above definition and/or the definition given in the survey cover letter, does the museum have any potentially difficult/controversial objects in its collection? Lastly, question seventeen invites the survey to give any additional comments about the topic of difficult/controversial objects.

The survey is supplied in full in Appendix A.

### **Summary**

In this thesis, a literature review and a regional survey were conducted. The literature review presented a framework for understanding difficult objects, and included legal information, best practices and ethical guidelines, and examples of museums with difficult objects in their collections. Next, a regional survey asking questions about the

practices of museums with potentially difficult objects was distributed to a selection of museums associated with the AAM. Survey questions include the day-to-day interactions between the objects and the public, the objects and policies, and the objects and the museum staff. In the following chapters, the results of this survey will be presented and discussed, and finally, conclusions and recommendations for dealing with difficult objects will be outlined.

## Results

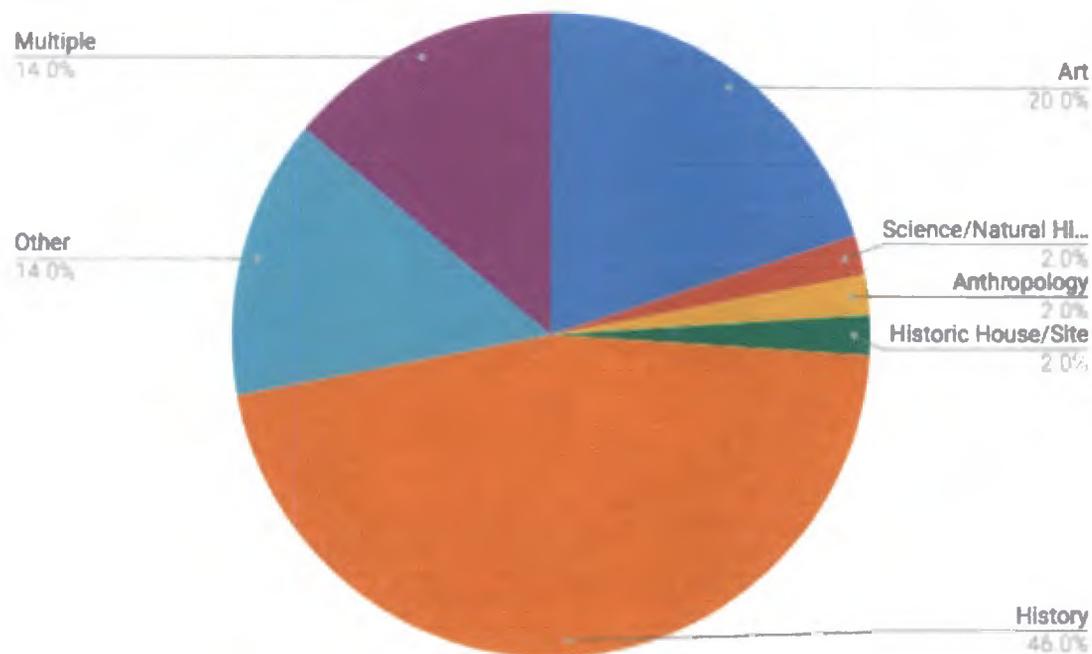
One hundred surveys were sent out to a variety of museums located in the eleven westernmost states: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. Of these one hundred surveys, forty-four were returned, leading to a response rate of 44%. The responses to the survey are as follows. It should be noted that not every museum answered each of the questions. Additionally, in some instances where the survey indicated that only one response should be selected, some museums selected more than one answer. In these cases, all answers indicated were used in the final calculations. For ease of analysis, all percentages are rounded to the nearest whole number. Finally, as these surveys were intended to be anonymous, when giving examples no specific museum names will be used.

### Questions 1-17

#### *Question 1*

Of the 44 museums that responded, 46% (20) were history museums, 20% (9) were art museums, 14% (6) were “other,” 2% (1) were science/natural history museums, 2% (1) were historic houses/sites, 2% (1) were anthropology museums, and 14% (6) responded by marking more than one category (Figure 1). Of the 14% that checked multiple options, the results were evenly split, with 33% (2) classified as science/natural history and another category, 33% (2) classified as history and another category, and 33% (2) classified as history and science/natural history. Of the 6 museums that classified themselves as “other,” typical responses indicated that they were either “general” museums or “heritage centers.”

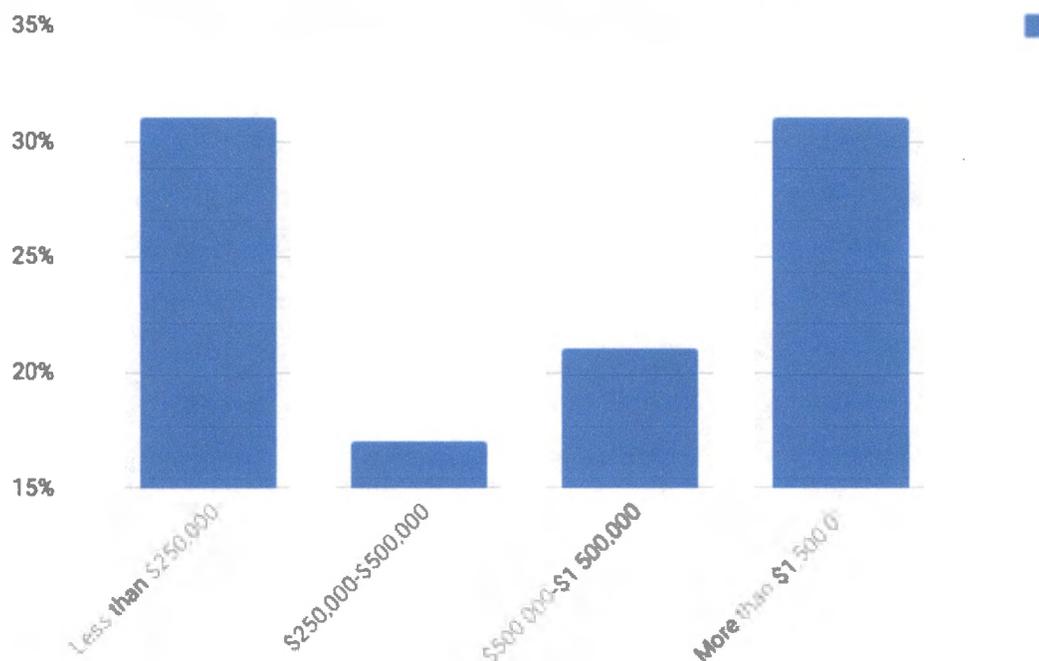
**Figure 1. Question 1: What of the following best describes your museum?**



**Question 2**

Of the 42 museums that responded, 31% (13) had a budget of less than \$250,000, 17% (7) had a budget of \$250,000-\$500,000, 21% (9) had a budget of \$500,000-\$1,500,000, and 31% (13) had a budget of more than \$1,500,000 (Figure 2).

**Figure 2. Question 2: What is the museum's annual budget?**

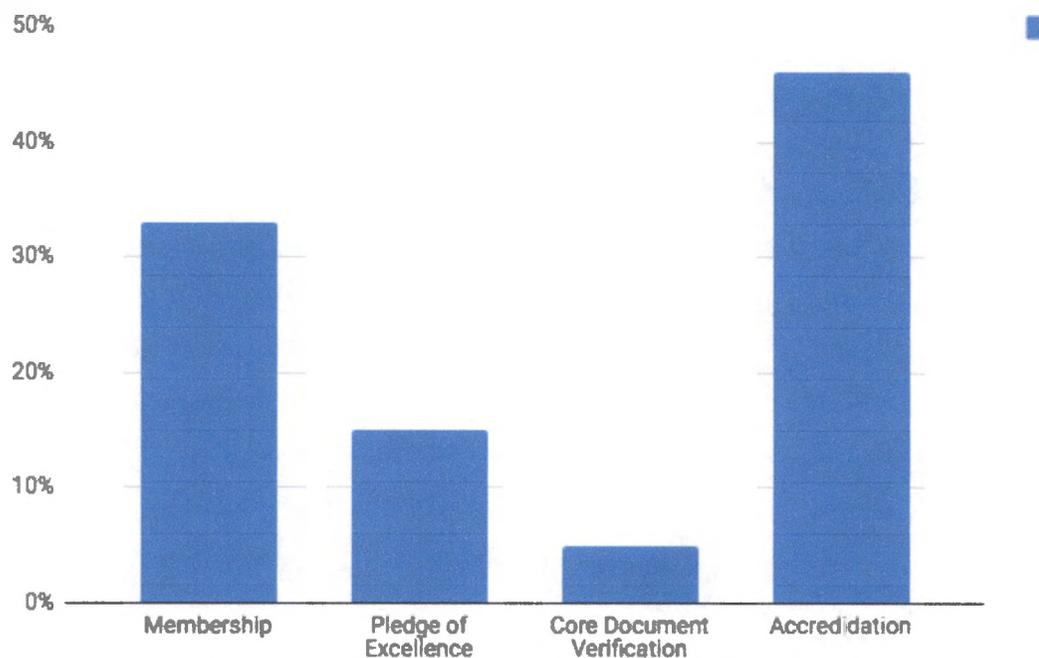


### *Question 3*

To be accredited by AAM, museums must go through certain steps. First, they must be members of AAM. Second, they must take the Pledge of Excellence, which means they pledge to operate according to AAM's core standards for museums (AAM 2018). Third, they must have their core documents examined and verified to ensure they meet standards for professional museums. Finally, museums are officially accredited by AAM (AAM n.d.). In this question, respondents had to indicate what step in the accreditation process they were in.

Of the 39 museums that responded, 33% (13) were at Step 1 (becoming AAM members), 15% (6) were at Step 2 (the Pledge of Excellence), 5% (2) were at Step 3 (Core Document Verification), and 46% (18) were fully accredited (Figure 3).

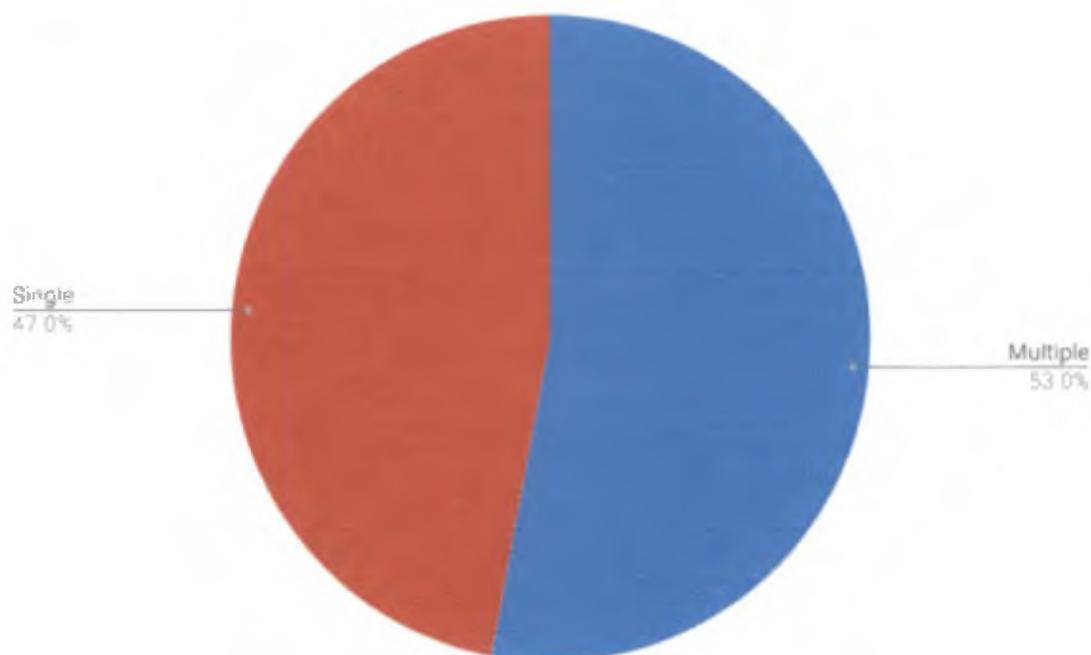
**Figure 3. Question 3: Where is this museum in the process of accreditation through AAM?**



*Question 4a*

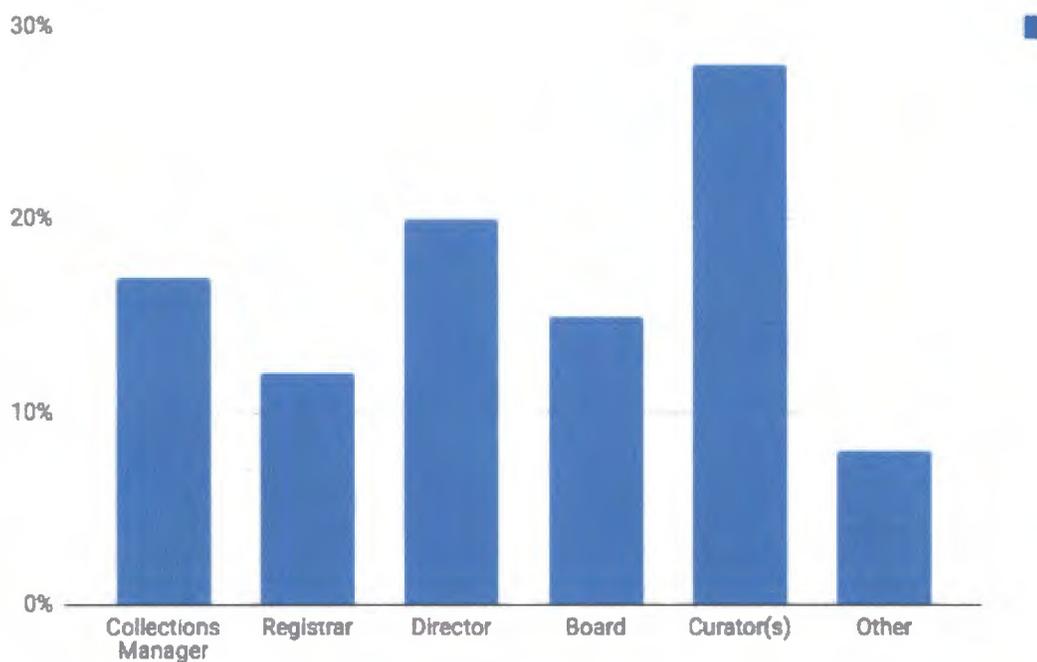
Question 4a asked about the development of collections management policies. Of the 43 museums that responded, 53% (23) had multiple people/groups involved in the development of a collections management policy while 47% (20) only had one person/group involved (Figure 4).

**Figure 4. Question 4a: Who in your museum is responsible for developing the museum's Collections Management policy?**



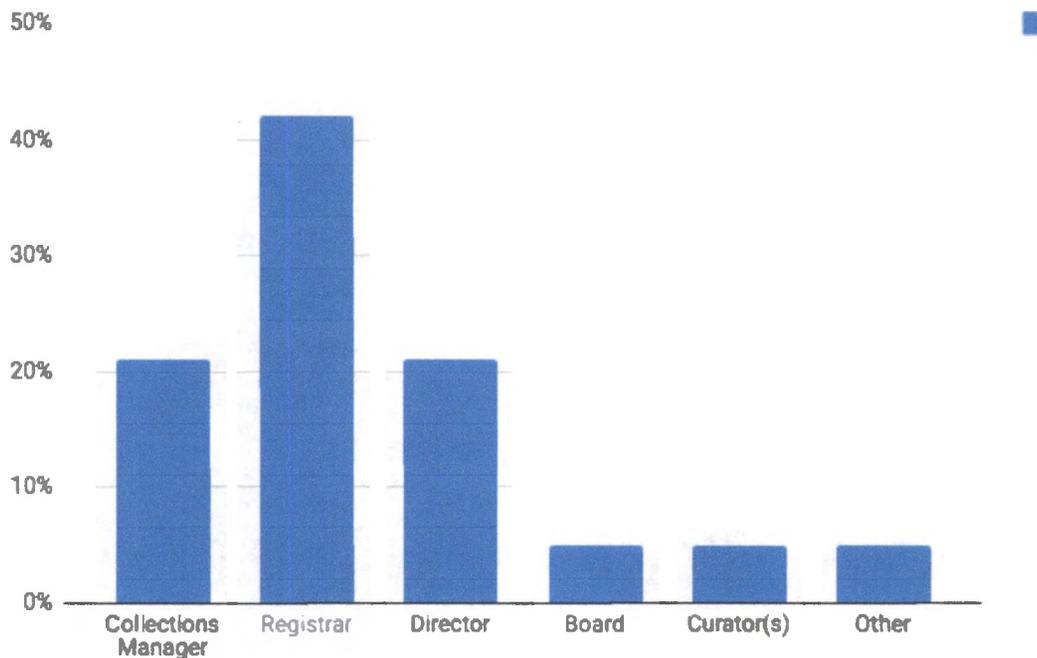
Of the 23 respondents who had multiple people involved with the development of policy, the collections manager was involved 17% (11) of the time, the registrar was involved 12% (8) of the time, the director was involved 20% (13) of the time, the board was involved 15% (10) of the time, the curator was involved 28% (18) of the time, and others were involved 8% (5) of the time (Figure 5). The “others” were usually a collections committee, but in one institution, the “others” were volunteers.

**Figure 5. Multiple People/Groups Involved in Collections Management Policy Development**



Of the 20 museums that only had one person/group involved in the development of policy, the collections manager developed the policy 21% (4) of the time, the registrar 42% (8) of the time, the director 1% (4) of the time, the board 5% (1) of the time, the curator 5% (1) of the time, and others 5% (1) of the time (Figure 6). The “others” in this instance were the various division directors of the institution.

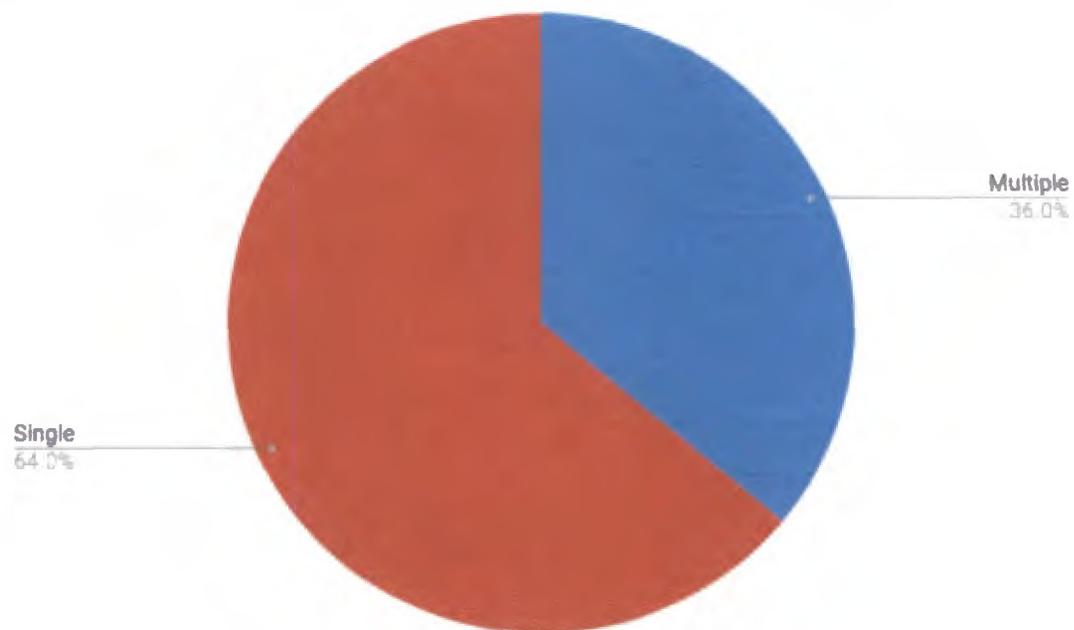
**Figure 6. One Person/Group involved in Collections Management Policy Development**



**Question 4b**

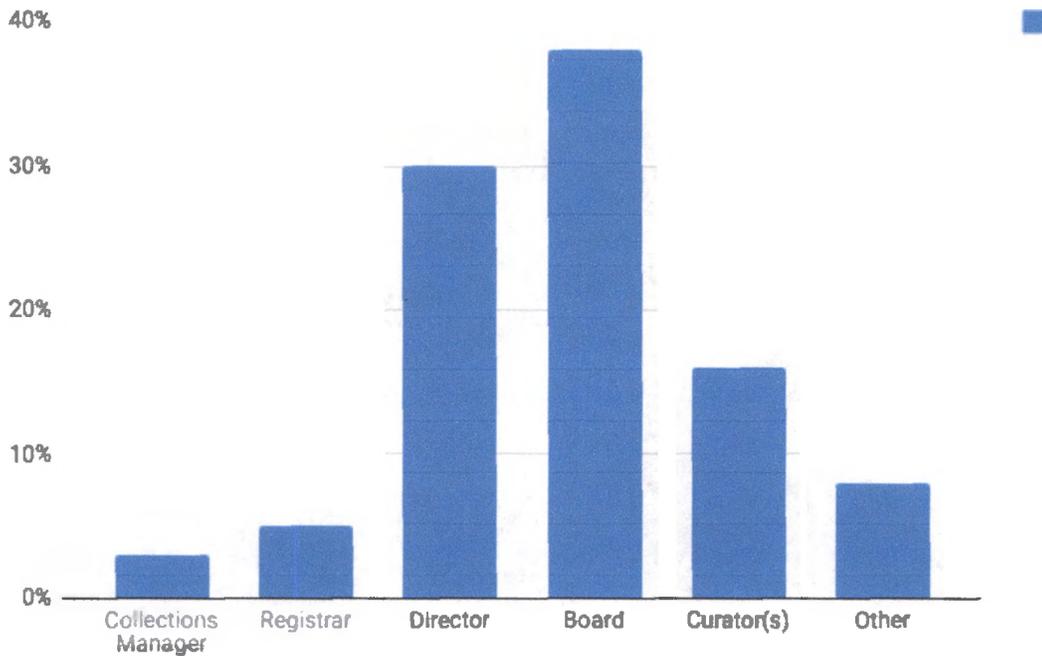
Question 4b asked about the approval of collections management policies. Of the 42 museums that responded, 36% (15) had multiple people/groups involved in the approval of a collections management policy while 64% (27) only had one person/group involved.

**Figure 7. Question 4b: Who in your museum is responsible for approving the museum's Collections Management policy?**



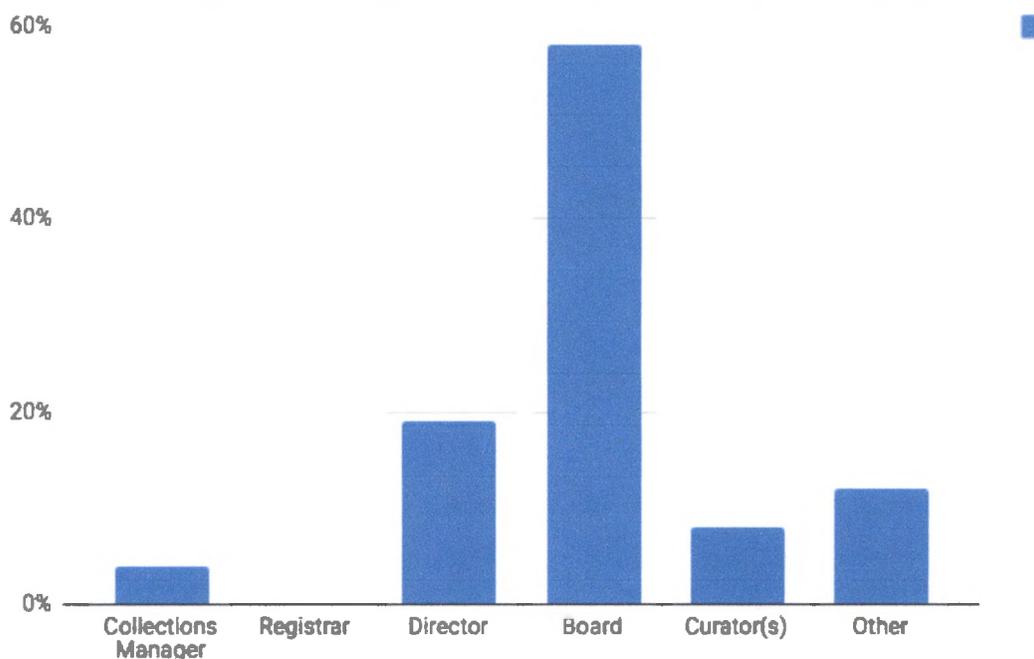
Of those 15 respondents who had multiple people involved with the approval, the Collections Manager was involved 3% (1) of the time, the Registrar was involved 5% (2) of the time, the Director was involved 30% (11) of the time, the Board was involved 38% (14) of the time, the Curator was involved 16% (6) of the time, and Others were involved 8% (3) of the time (Figure 8). The "Others" were usually a collections committee or a part of the museum's parent institution.

**Figure 8. Multiple People/Groups Involved in Collections Management Policy Approval**



Of the 27 museums that only had one person/group involved in the approval, the Collections Manager approved the policy 4% (1) of the time, the Registrar 0% (0) of the time, the Director 19% (5) of the time, the Board 58% (15) of the time, Curators 8% (2) of the time, and Others 12% (3) of the time (Figure 9). The “Others” are usually a collections committee or a part of the museum’s parent institution.

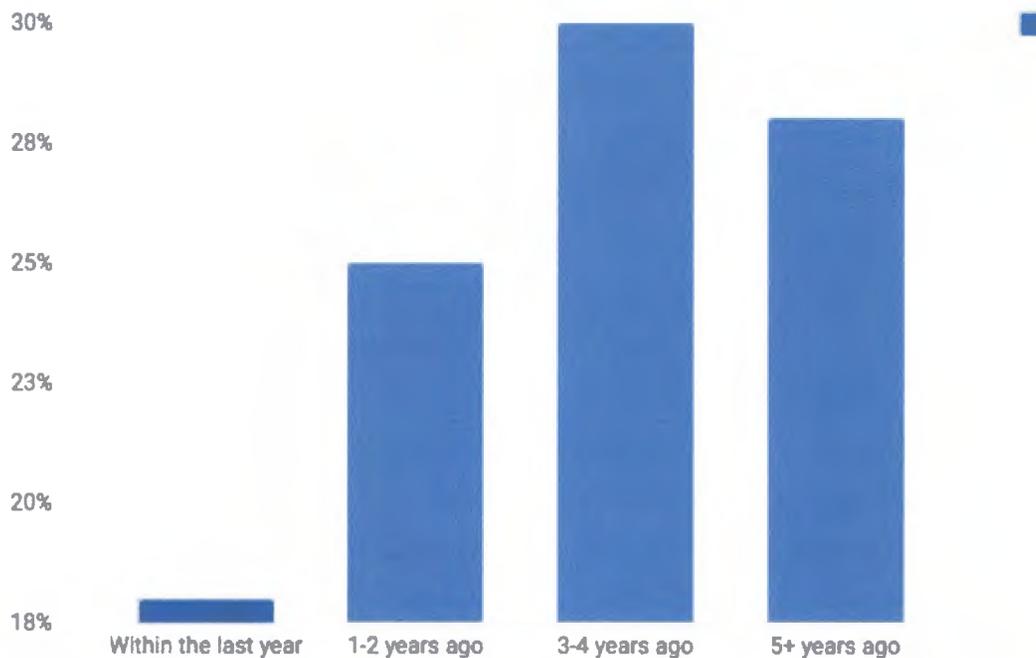
**Figure 9. One Person/Group Involved in Collections Management Policy Approval**



**Question 5**

Of the 40 museums that responded, 18% (7) had updated their collections management policy within the last year, 25% (10) had updated it 1-2 years ago, 30% (12) had updated it 3-4 years ago, and 28% (11) had updated over 5+ years ago (Figure 10). Additionally, one of the responding museums stated that they did not have a formal collections management policy, and were currently in the process of developing one.

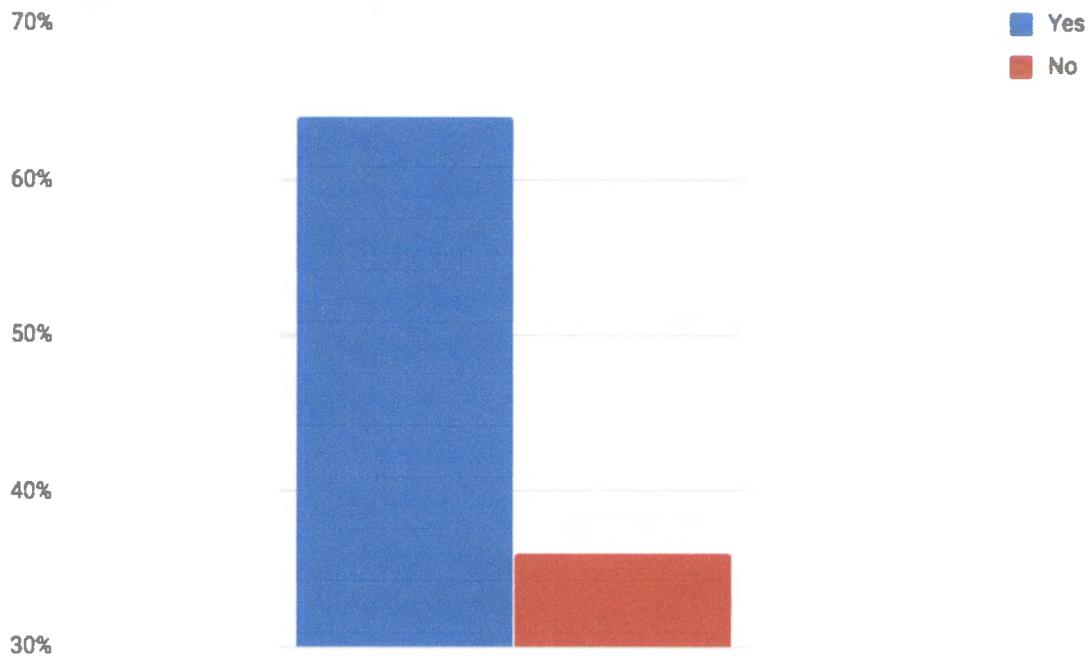
**Figure 10. Question 5: How recently was the museum’s Collections Management Policy updated?**



### *Question 6*

Of the 44 museums that responded, 64% (29) indicated that they do have objects in the collection that they will not display due to the difficult nature of the objects, while 36% (16) indicated they do not have objects they will not display due to difficult objects (Figure 11). Additionally, one museum responded both “Yes” and “No” as they did not have any objects that were explicitly not allowed to be displayed, but there were also several objects that would have to be exhibited carefully due to their potential to fuel controversy. Ultimately, that museum indicated that the issue would come under the discretion of the Executive Director. This museum's response was counted as both a “Yes” and “No.” Respondents were also given space to list any objects that they will not display.

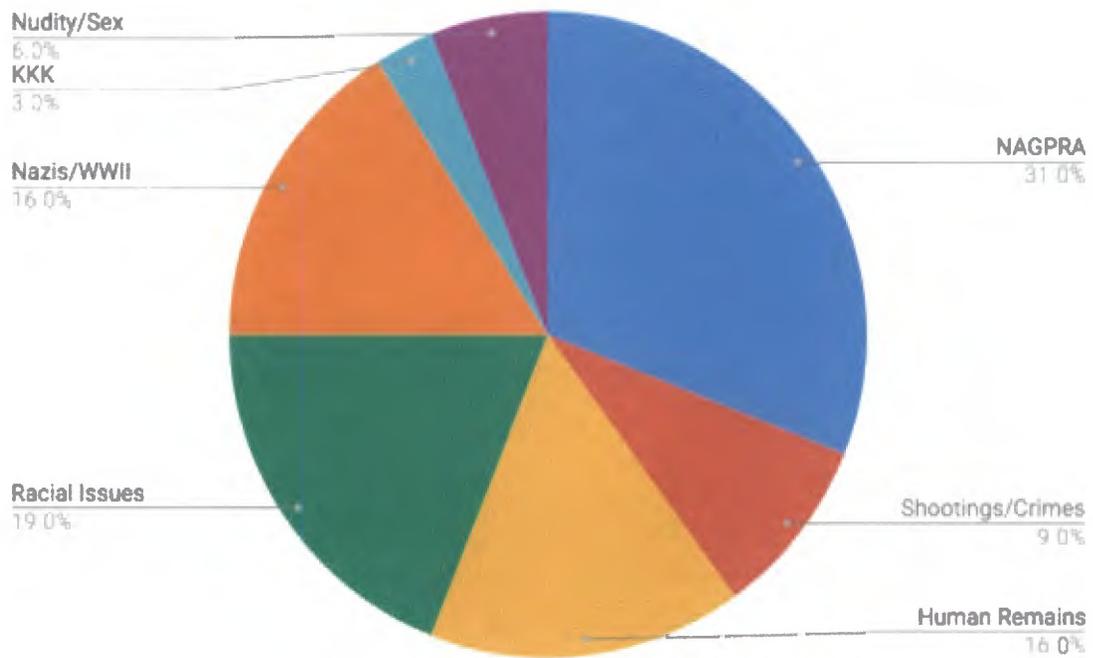
**Figure 11. Question 6: Are there any objects in the collection that the museum will not display due to the potential for controversy?**



Of the 44 museums that responded, 41% (18) commented on the items that they would not display. These items can be broken down into seven main categories: NAGPRA items, items/photographs relating to crimes and mass shootings, human remains, racially insensitive items, Nazi items, KKK items, and items containing sex/nudity. Of the museums that commented on the items they will not display, 31% (10) would not display some NAGPRA items, 9% (3) would not display shooting/crime related items, 16% (5) would not display human remains, 19% (6) would not display racially insensitive items, 16% (5) would not display Nazi items, 3% (1) would not display KKK items, and 6% (2) would not display items containing sex/nudity (Figure 12). Three of the museums responded that this was not a permanent ban on the display of their difficult items, and that some of these items might be displayed in the future. In

particular, one of the institutions with Nazi items stated that they “will not put them [the Nazi items] out right now in the current political climate.”

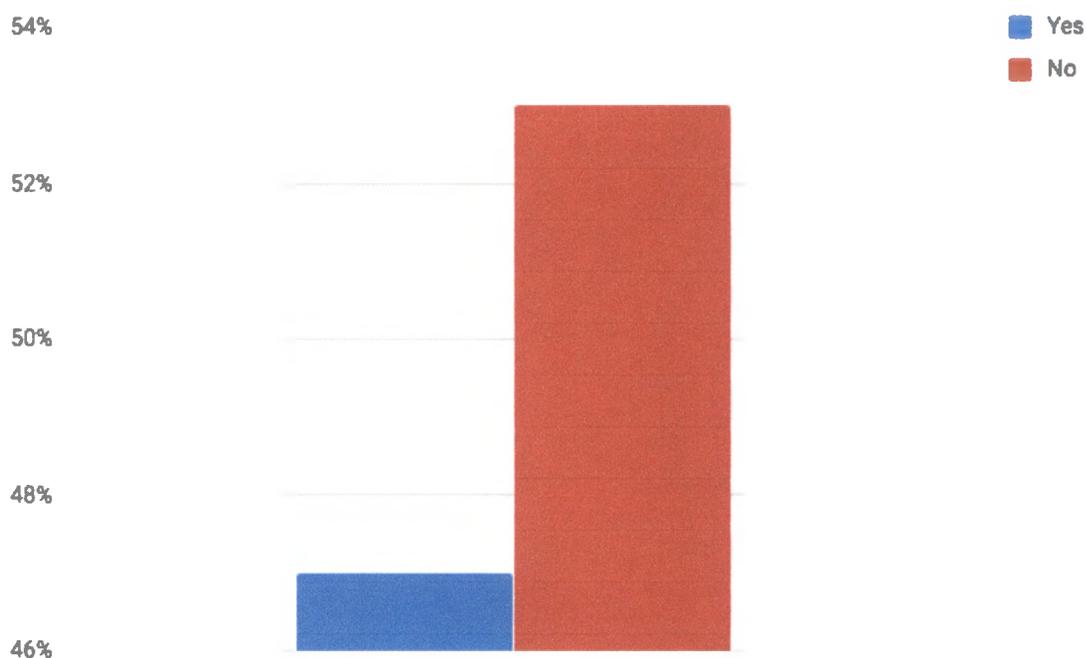
**Figure 12. Types of Objects Museums Will Not Display**



**Question 7**

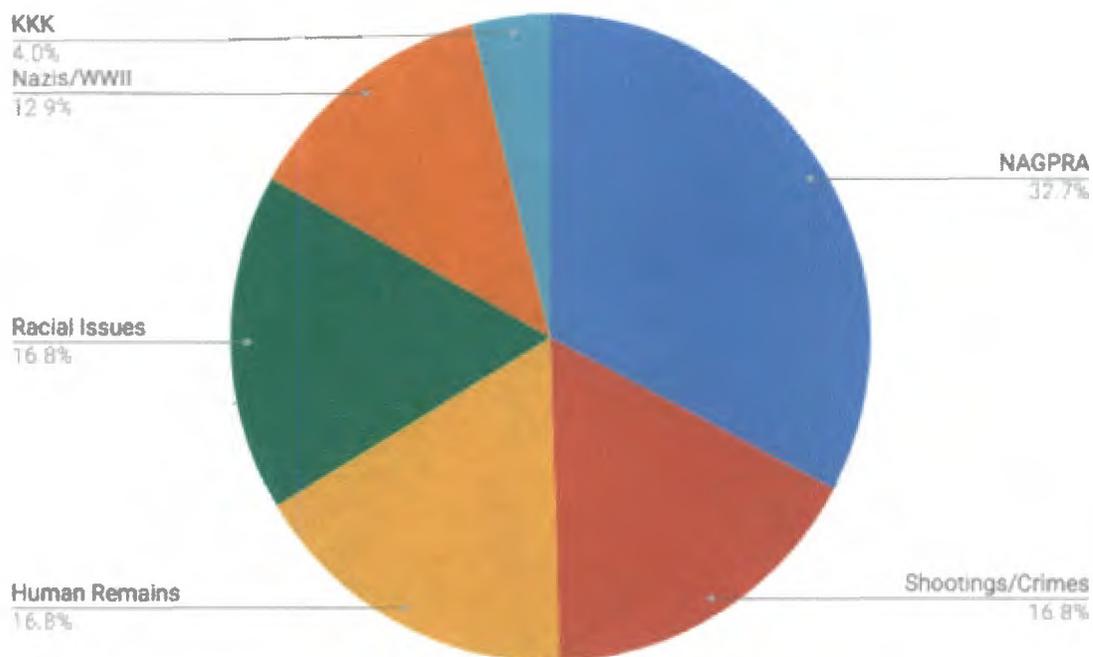
Of the 43 museums that responded, 47% (20) indicated that they do have objects in the collection that they will not loan due to the difficult nature of the objects, while 53% (23) indicated they do not have objects they will not loan due to difficult objects (Figure 13). Respondents were given space to list any objects they will not loan.

**Figure 13. Question 7: Are there any objects in the collection that the museum will not loan due to the potential for controversy?**



Of the 44 museums that responded, 32% (14) commented on the items they would not loan. These items can be broken down into six main categories: NAGPRA items, items/photographs relating to crimes and mass shootings, human remains, racially insensitive items, Nazi items, and KKK items. Of the 14 museums that commented on the items they will not loan, 33% (8) would not loan some NAGPRA items, 17% (4) would not loan shooting/crime related items, 17% (4) would not loan human remains, 17% (4) would not loan racially insensitive items, 13% (3) would not loan Nazi items, and 4% (1) would not loan KKK items (Figure 14).

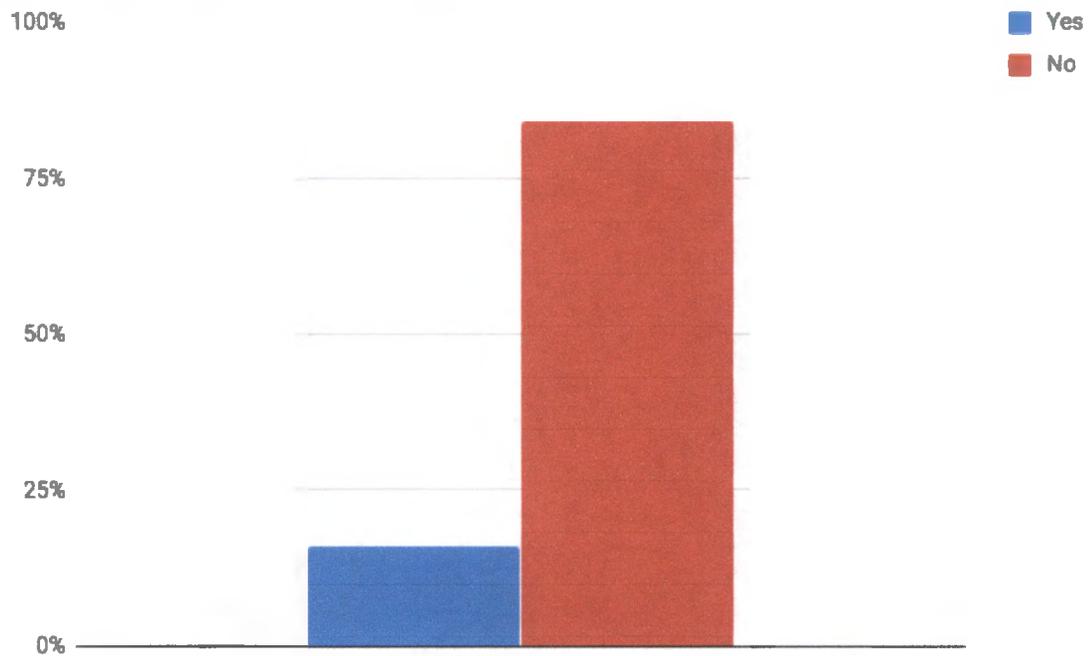
**Figure 14. Objects Museums Will Not Loan**



*Question 8a*

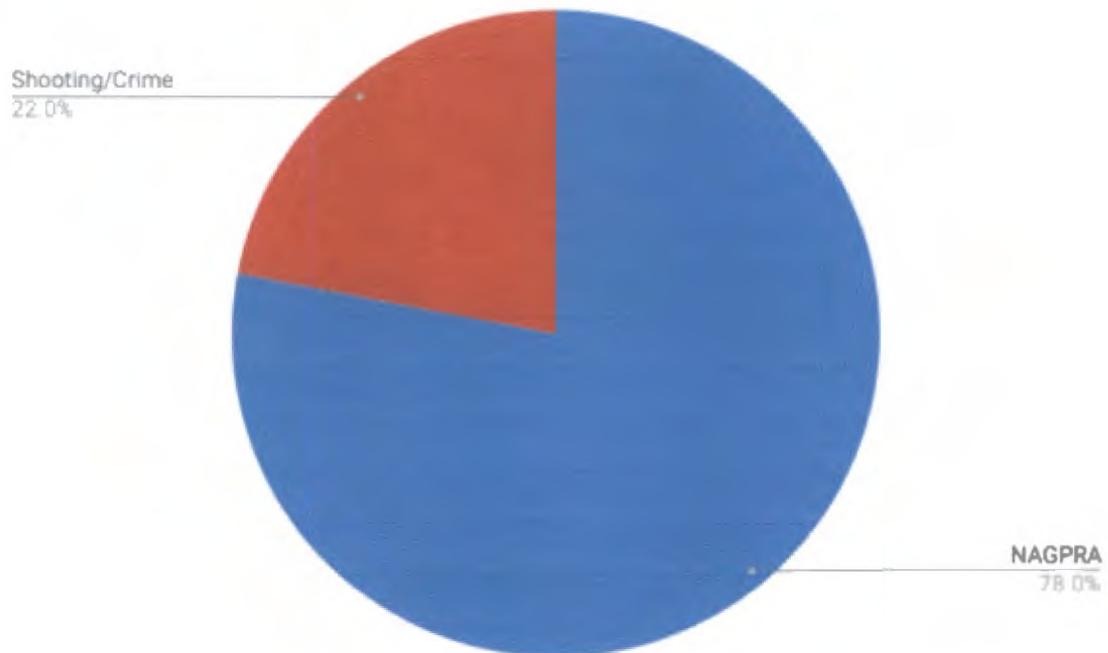
Of the 43 museums that responded, 16% (7) of museums have objects they will not allow researchers to access, while 84% (36) indicated they did not have items researchers were not allowed to access (Figure 15).

**Figure 15. Question 8a: Are there any objects in the collection that researchers are not allowed to access because of their potential for controversy?**



Of the 7 museums that had items researchers were not allowed to access, items fell into two categories: NAGPRA items and crime related objects. The NAGPRA items comprised 78% (7) of the restricted items, while the crime items made up 22% (2) of the restricted items (Figure 16).

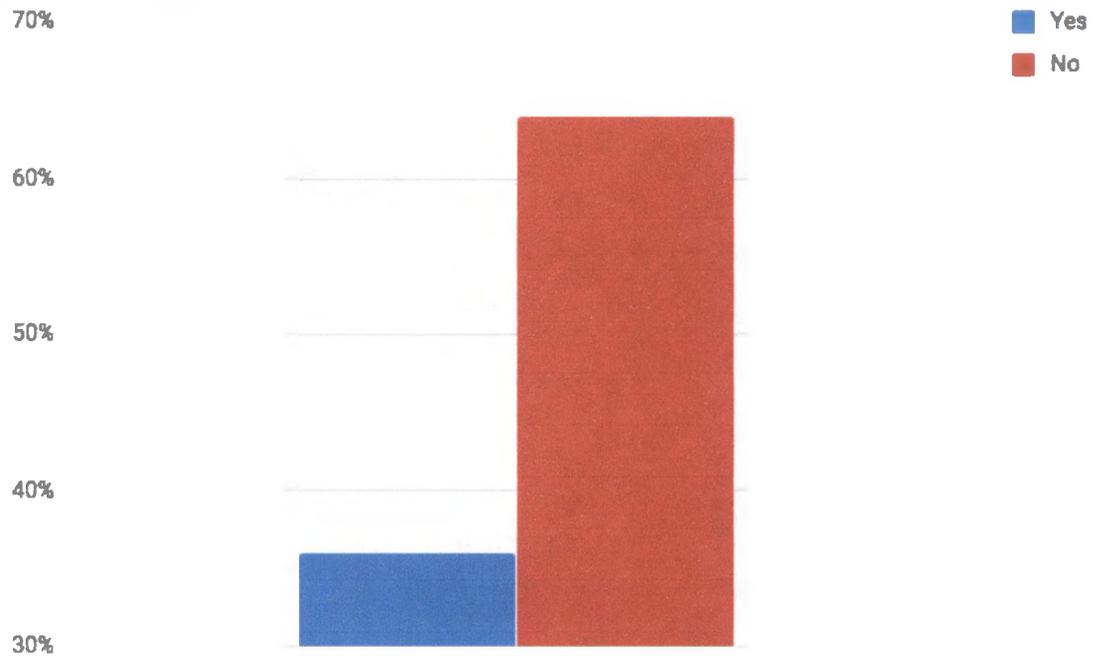
**Figure 16. Objects Museums Will Not Allow Researchers to Access**



*Question 8b*

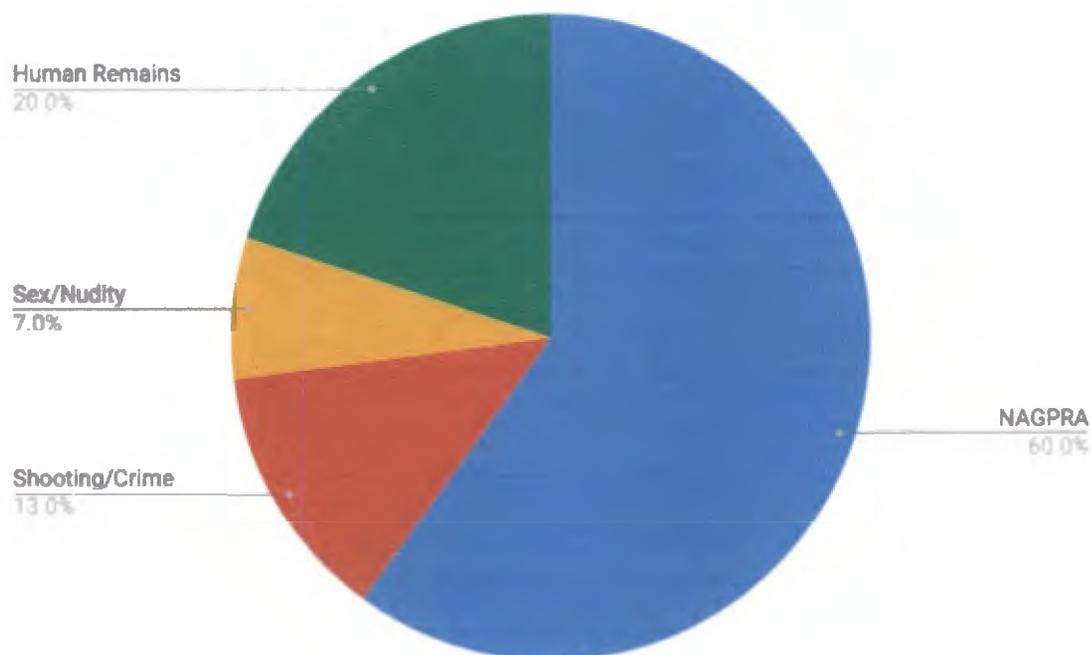
Of the 42 museums that responded, 36% (15) of museums have objects they will not allow the public to access, while 64% (27) indicated they did not have items the public was not allowed to access (Figure 17).

**Figure 17. Question 8b: Are there any objects in the collection that the public is not allowed to access because of their potential for controversy?**



Of the 15 museums that had items the public was not allowed to access, these items fell into four categories: NAGPRA items, shooting/crime related items, human remains, and items containing sex/nudity. NAGPRA items make up 60% (9) of the inaccessible items, shooting/crime items are 13% (2), human remains are 20% (3), and items containing sex/nudity are 7% (1) (Figure 18).

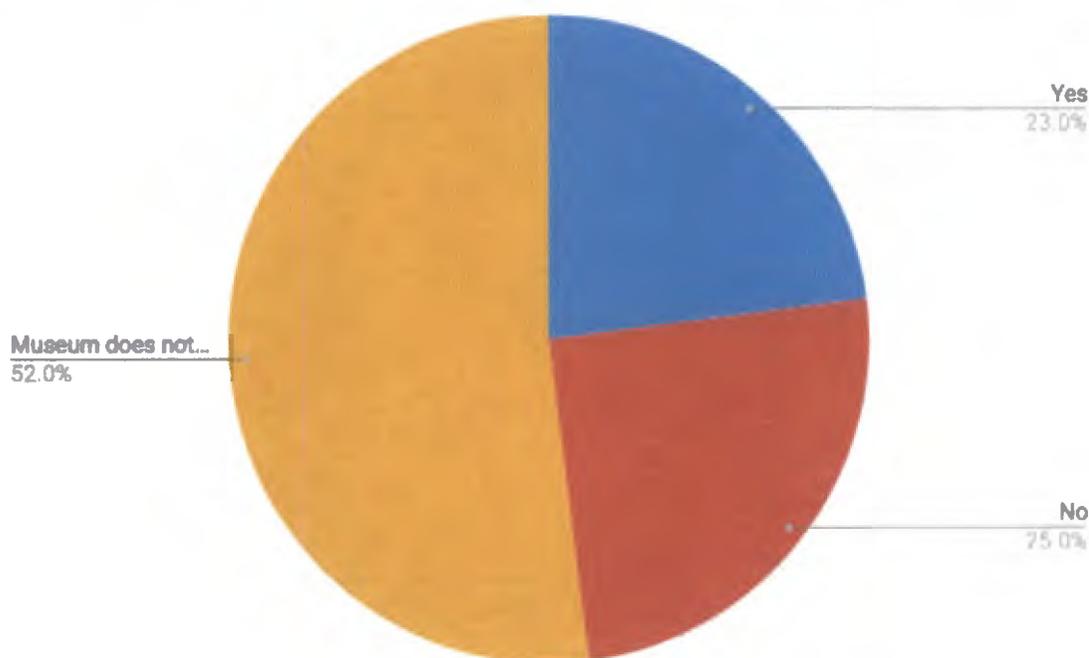
**Figure 18. Objects the Public is Not Allowed to Access**



*Question 9*

Of the 44 museums that responded, 23% (10) indicated there are items not put on the museum's website due to potential controversy, 25% (11) indicated they do not have items they refuse to put on the website due to controversy, and 52% (23) indicated they do not have an online catalog (Figure 19).

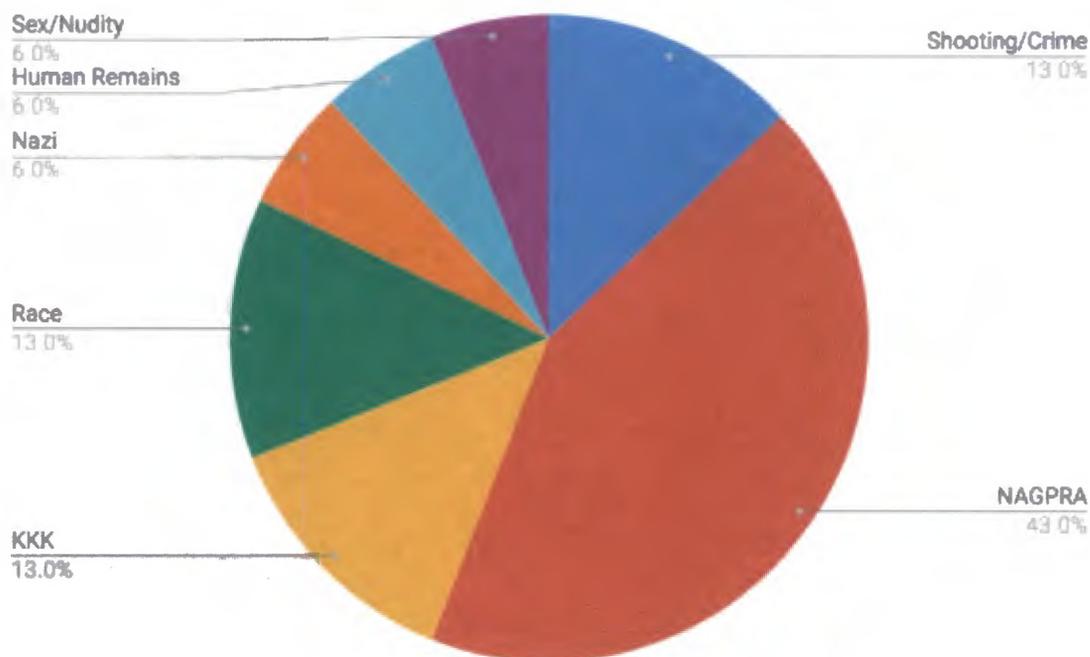
**Figure 19. Question 9: Are there any objects in the collection that are not put on the museums' online catalog/website due to the potential for controversy?**



Of the 10 museums that responded there were items they would not put on the museum's website due to potential controversy, 9 commented on what those items were. These comments tended to list more than one type of difficult object, so each type of object was tallied separately. The items that museums will not put on their online catalog can be broken down into seven main categories: NAGPRA items, items/photographs relating to crimes and mass shootings, human remains, racially insensitive items, Nazi items, KKK items, and items containing sex/nudity. Of the museums that commented on the items they will not put on their online catalog, 44% (7) would not digitally display some NAGPRA items, 13% (2) would not digitally display shooting/crime related items, 6% (1) would not digitally display human remains, 13% (2) would not digitally display racially insensitive items, 6% (1) would not digitally display Nazi items, 13% (2) would

not digitally display KKK items, and 6%(1) would not digitally display items containing sex/nudity (Figure 20).

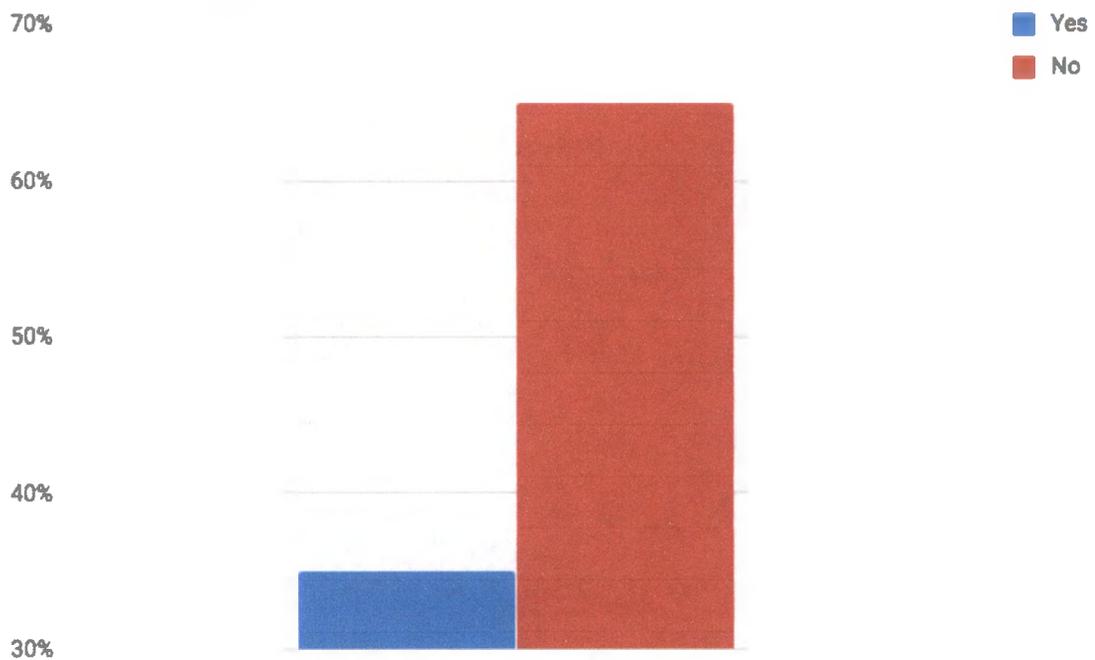
**Figure 20. Types of Objects that Museums will not Put on Online Catalogs**



*Question 10*

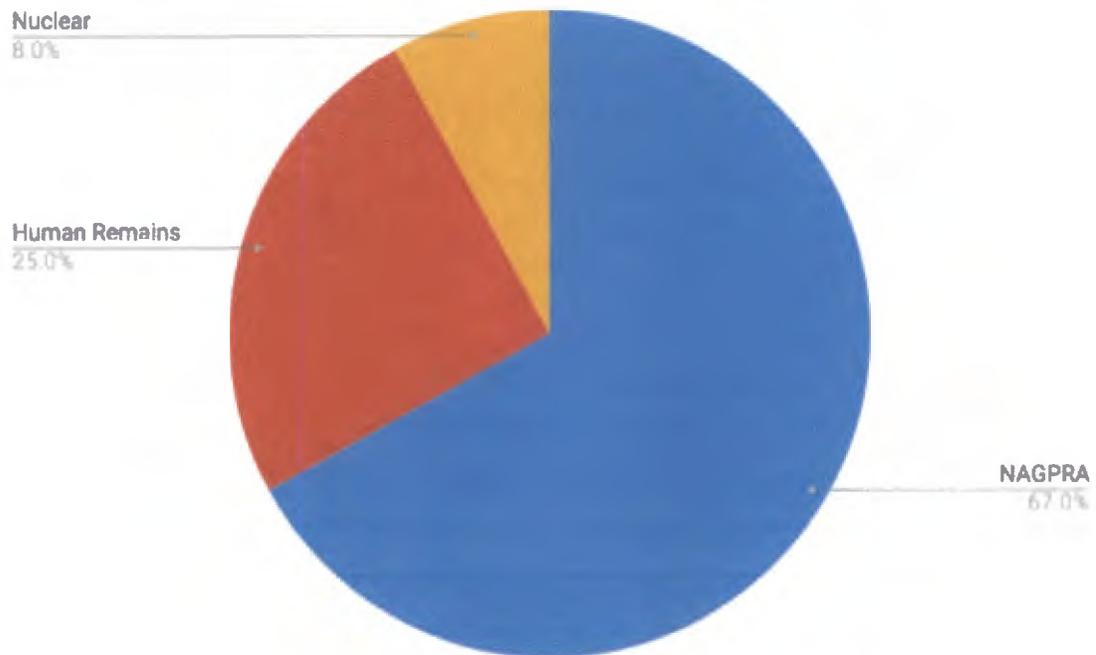
Of the 43 museums that responded, 35% (15) indicated they do have some items stored in a special way due to their sensitive nature, while 65% (28) indicated they do not store these items in a special way (Figure 21).

**Figure 21. Question 10: Are any objects in the collection stored in a special way specifically because of their potential for controversy?**



Of the 15 museums that do have special storage, NAGPRA and Native American-related items account for 67% (8) of the items with special storage, while human remains account for 25% (3) and nuclear items account for 8% (1) (Figure 22). Additionally, one of the museums that responded does not have special storage procedures per se, but does flag items that might contain sensitive material.

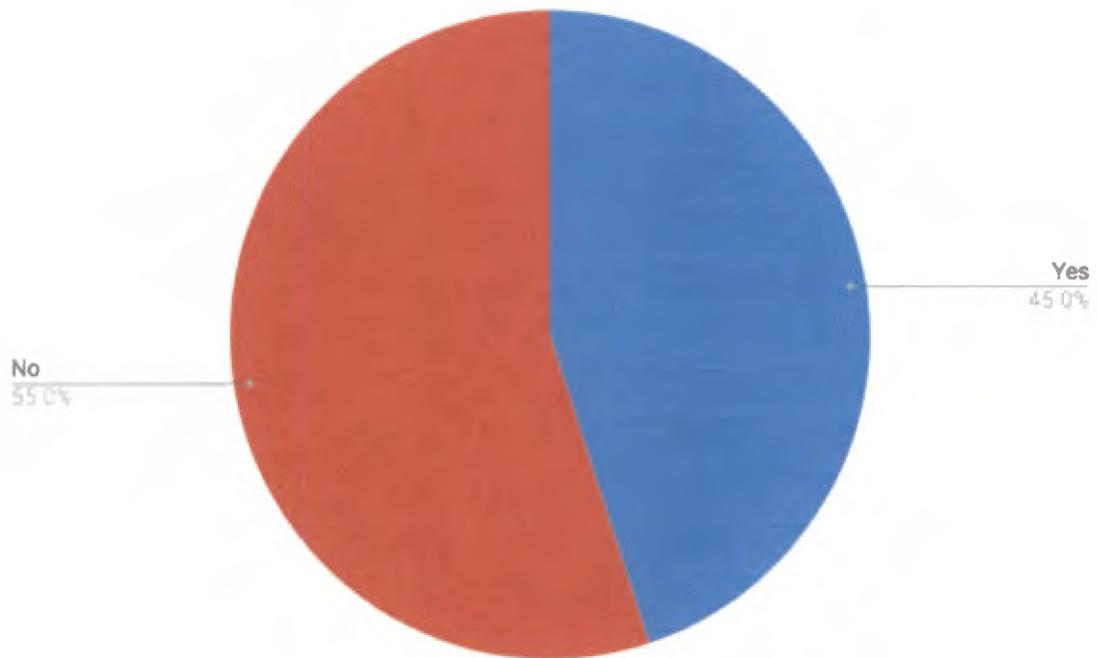
**Figure 22. Items with Special Storage**



*Question 11a*

Of the 42 museums that responded, 45% (19) indicated there were items they have decided to not accession due to controversy, while 55% (23) responded that there are not objects they have decided to not accession due to controversy (Figure 23). The two museums that commented on why they would not accession potentially controversial objects mentioned that unclear provenance was an important factor in their decision.

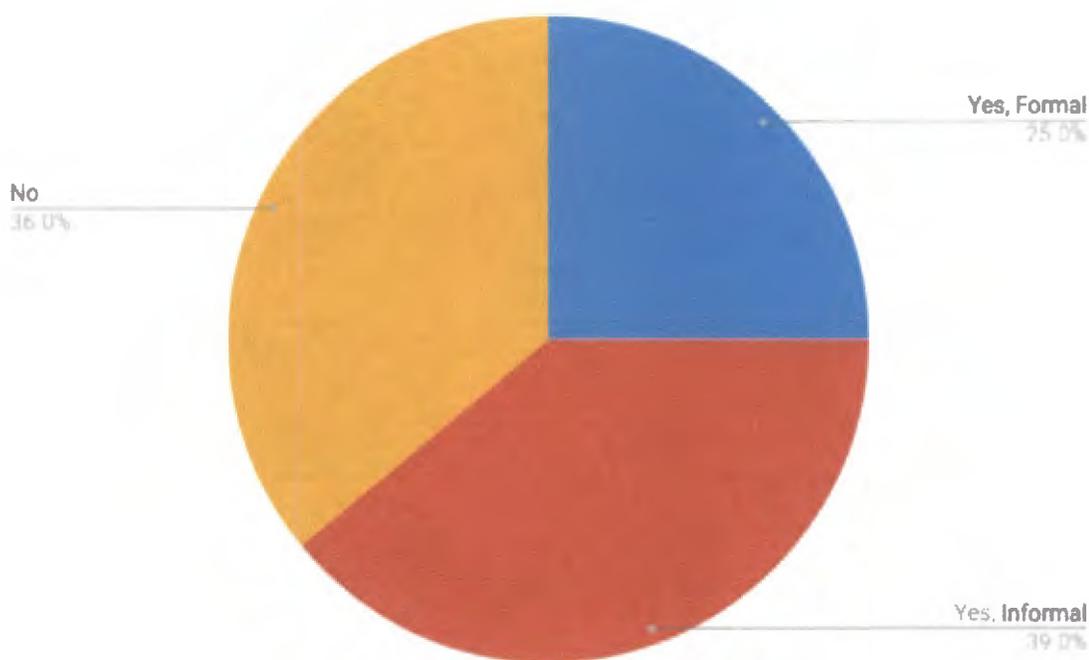
**Figure 23. Question 11a: Are there any items that the museum has decided not to accession because of their potential for controversy?**



*Question 11b*

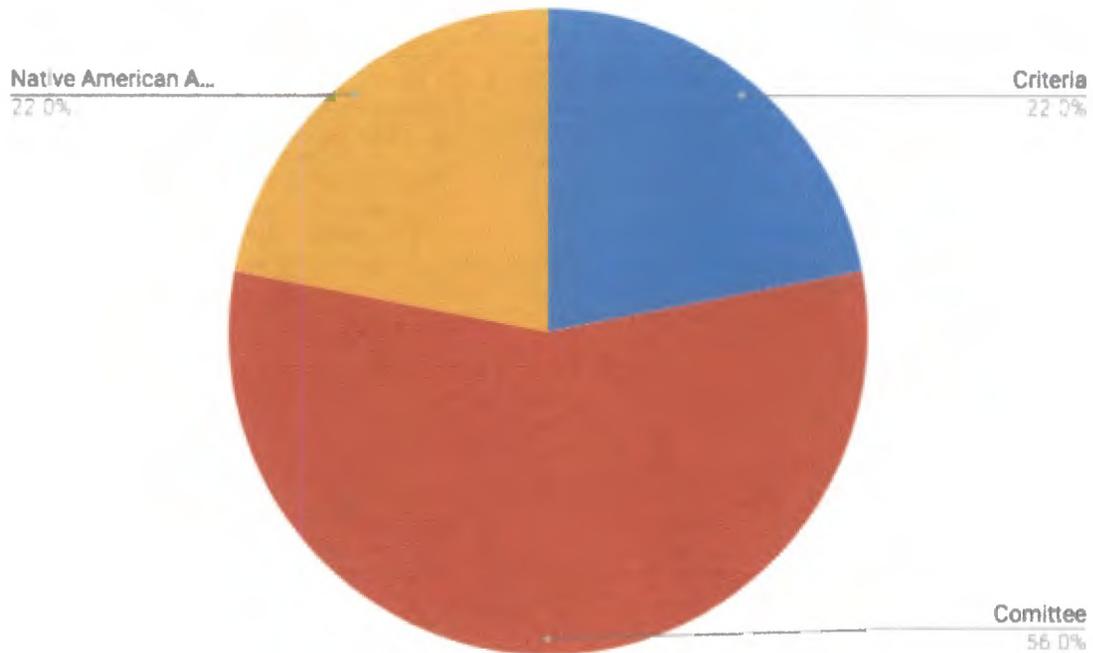
Of the 44 museums that responded, 25% (11) indicated there is a formal procedure for assessing if an item is difficult/controversial, 39% (17) indicated there is an informal assessment procedure, and 36% (16) indicated there is no assessment procedure (Figure 24).

**Figure 24. Question 11b: When accessioning objects, is there a formal or informal procedure in place for assessing if an object is difficult/controversial?**



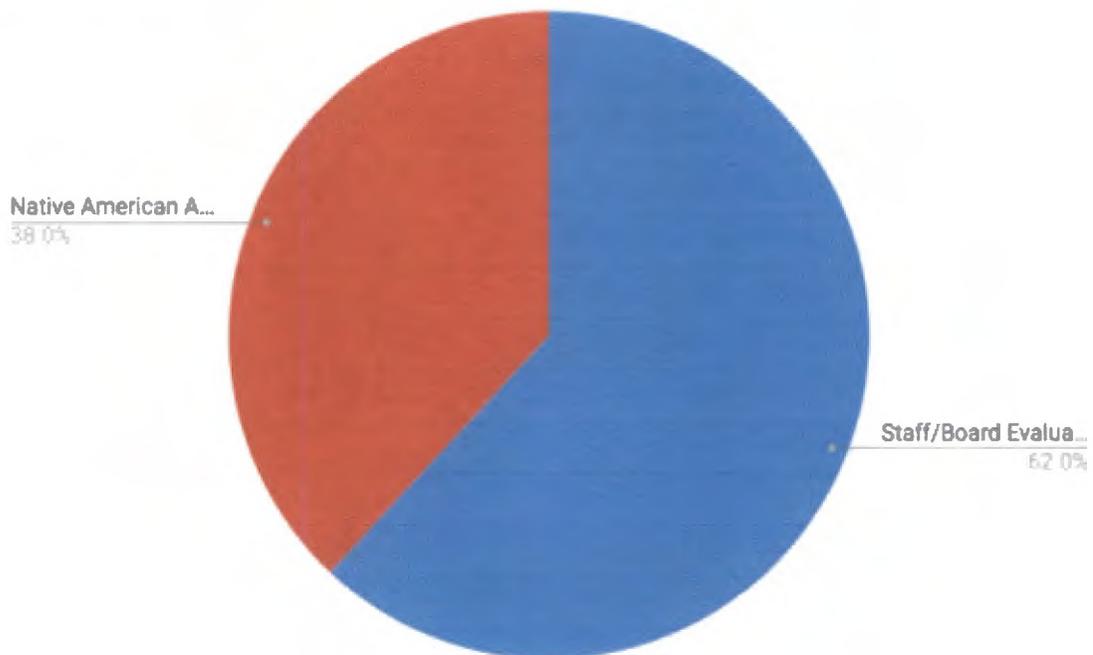
Of the 11 museums with formal assessment procedures, the procedures could be broken down into three categories: assessment by criteria found in the Collections Management Policy, assessment by committee, and review by a Native American Advisory group. Assessment by criteria counts for 22% (2) of formal assessment, assessment by committee counts for 56% (5) of formal assessment, and review by a Native American advisory group counts for 22% (2) of formal assessment procedures (Figure 25).

**Figure 25. Formal Assessment Procedures**



Of the 17 museums with informal assessment procedures, the procedures could be broken down into two categories: informal assessment by the Staff/Board and review by a Native American Advisory group. Assessment by staff/board accounts for 62% (8) of informal assessment and review by a Native American advisory group accounts for 38% (5) of informal assessment procedures (Figure 26).

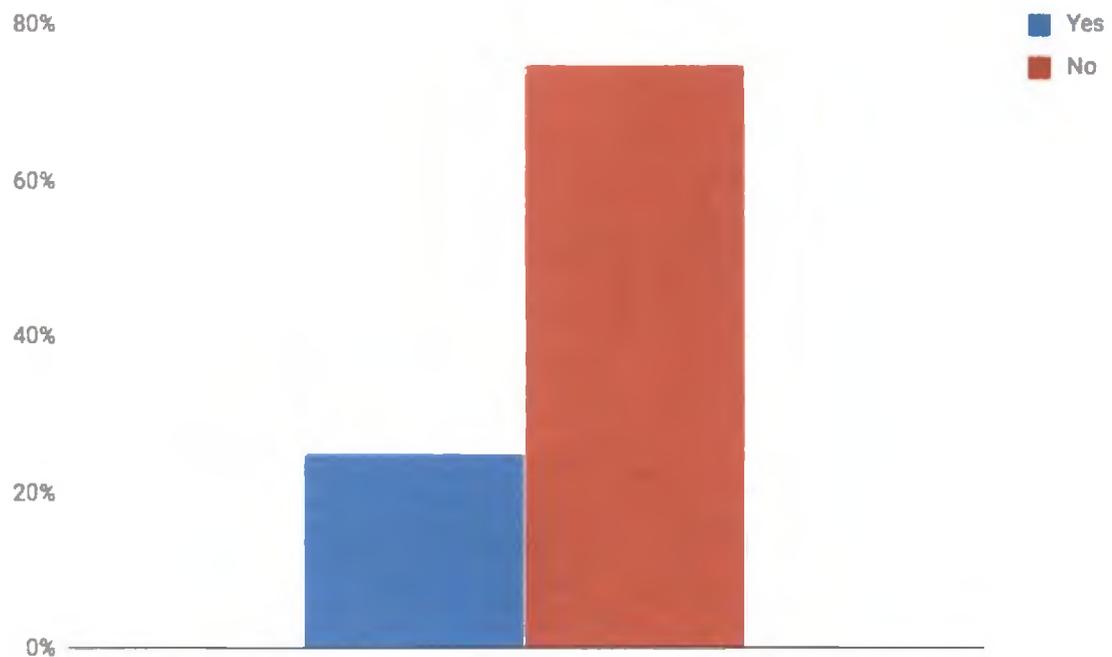
**Figure 26. Informal Assessment Procedures**



***Question 12***

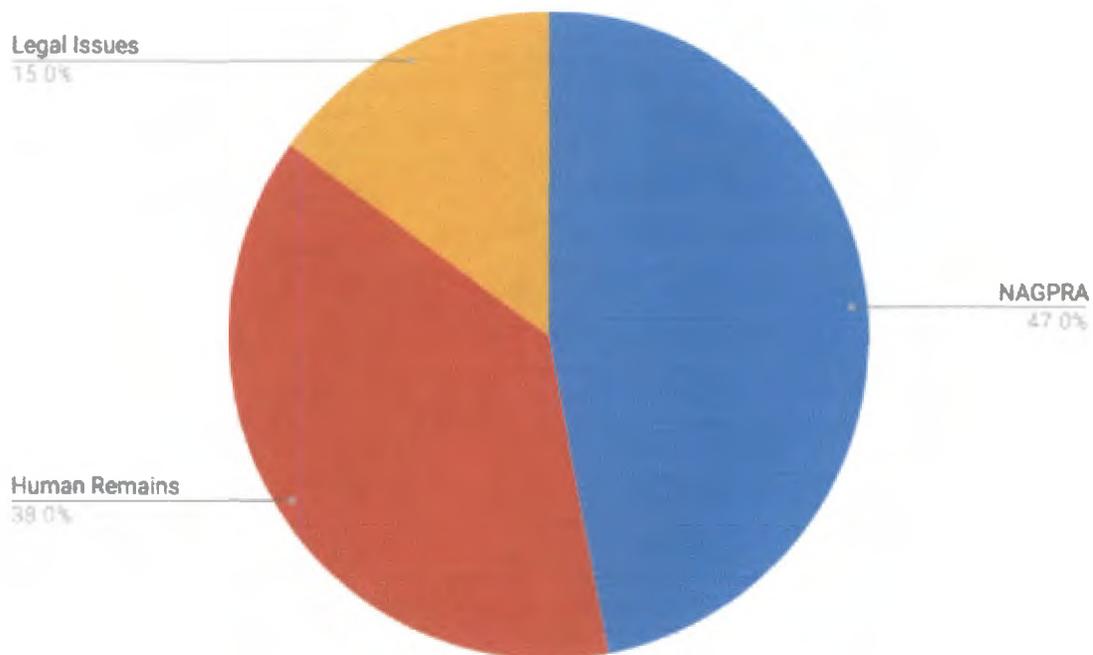
Of the 40 museums that responded, 25% (10) indicated they have deaccessioned items due to their potential for controversy, while 75% (30) responded that they have not deaccessioned items due to their potential for controversy (Figure 27).

**Figure 27. Question 12: Are there any items the museum has deaccessioned because of their potential for controversy?**



The items that 25% (10) of the responding museums deaccessioned can be broken down into three main categories: NAGPRA items, human remains, and items with potential legal issues. Of the 10 museums that commented on the items they deaccessioned, NAGPRA items account for 47% (6) of deaccessioned items, human remains counted for 38% (5) and items with potential legal issues counted for 15% (2) (Figure 28).

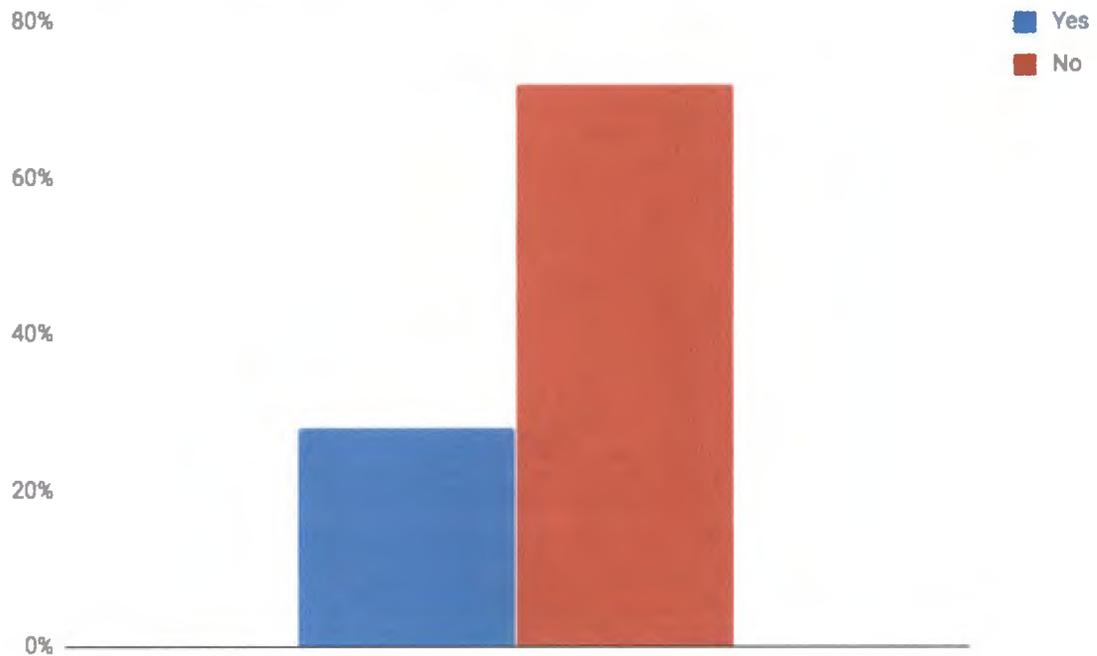
**Figure 28. What Items were Deaccessioned**



*Question 13*

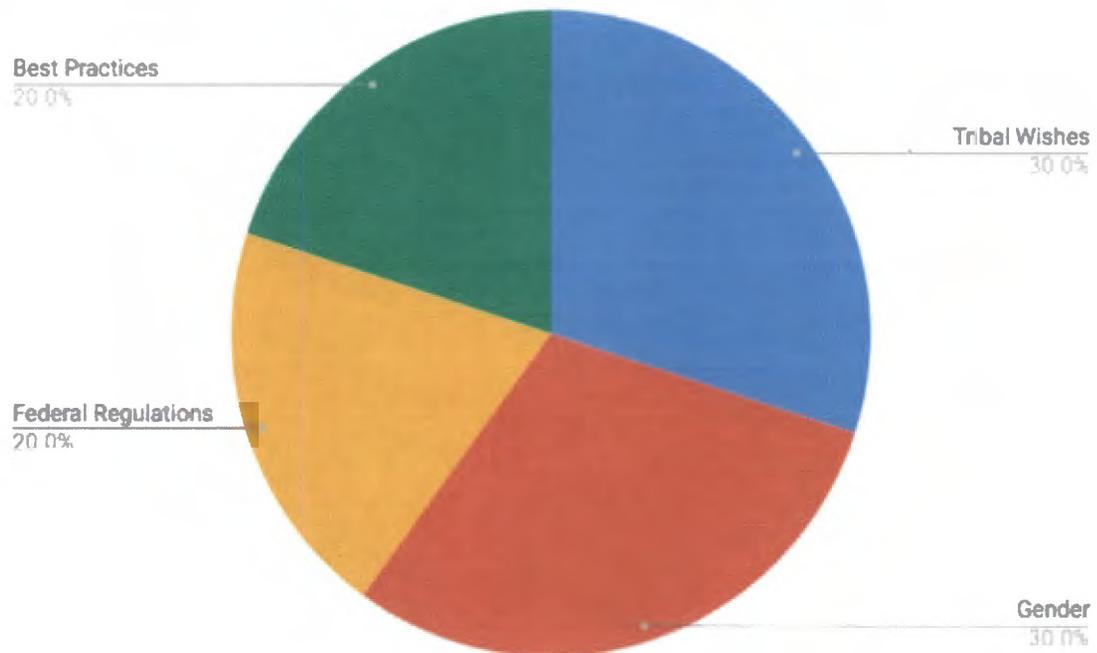
Of the 43 museums that responded, 28% (12) indicated they did have special procedures staff needed to follow while caring for potentially difficult items, while 72% (31) indicated they did not (Figure 29).

**Figure 29. Question 13: Are there any special protocols or procedures the staff must follow when caring for any potentially difficult objects?**



Of the 12 museums that had special procedures for caring for difficult objects, these procedures fell into four categories: following tribal wishes, gender impacting who can/cannot handle certain items, following federal regulations, and following best practices. It should be noted that the tribal wishes and gender procedures overlapped in 67% (2) of the cases where those procedures were mentioned. Tribal wishes counted for 30% (3) of special procedures, gender-related rules counted for 30% (3) of special procedures, federal regulations counted for 20% (2), and best practices counted for 20% (2) of special procedures (Figure 30).

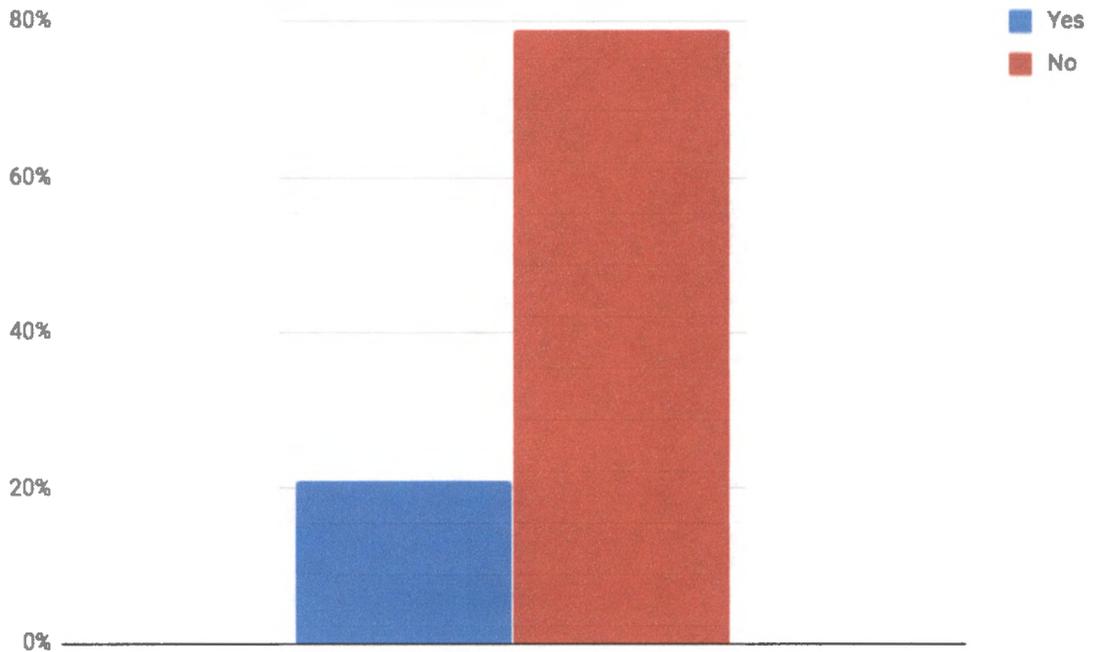
**Figure 30. Types of Special Procedures**



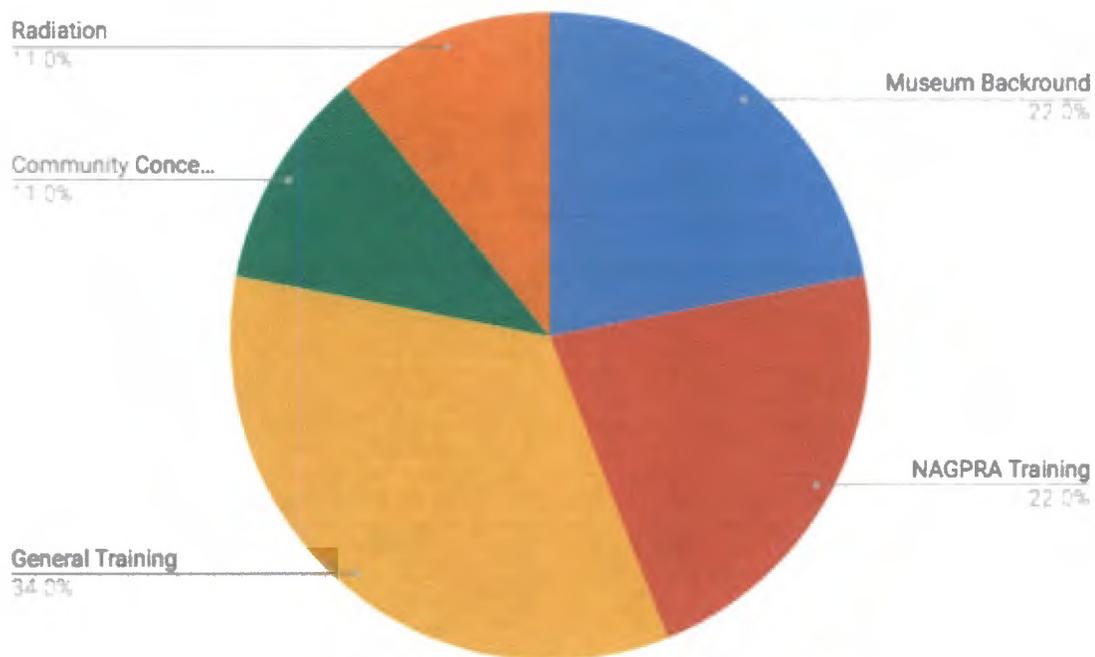
*Question 14*

Of the 43 museums that responded, 21% (9) indicated there was special training staff had to complete before caring for difficult objects while 79% (34) indicated there was not any special training required (Figure 31).

**Figure 31. Question 14: Is there any special training staff must undergo before caring for any potentially difficult/controversial objects?**

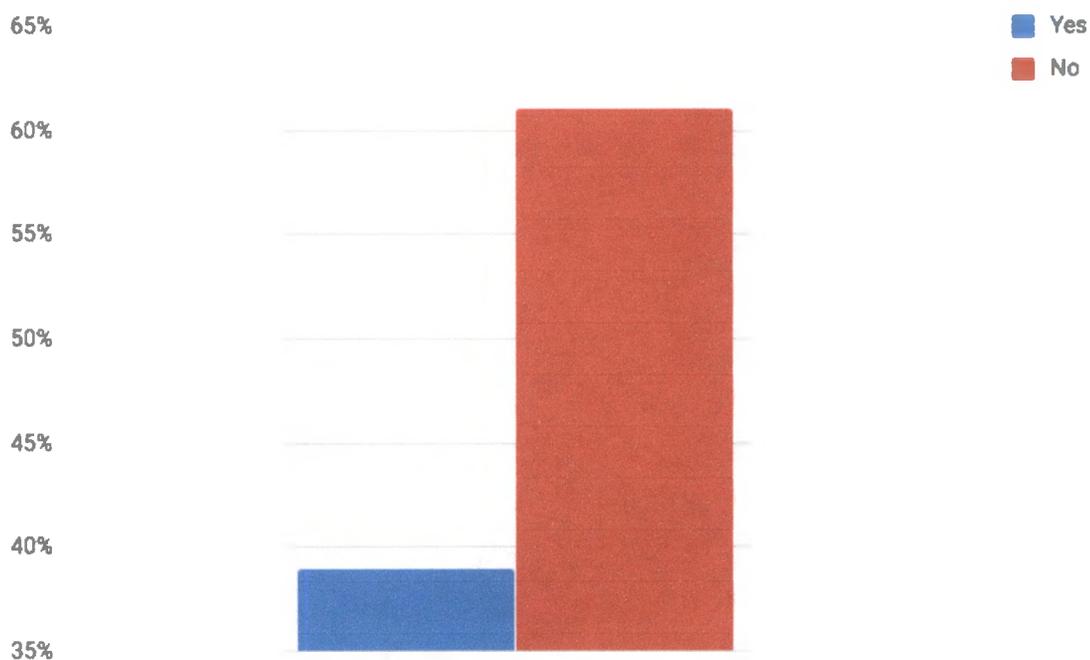


Of the 9 museums that require special training before caring for difficult objects, this training fell into five categories: general museum background, general training, NAGPRA training, listening to community concerns, and radiation training. Museum background counted for 22% (2) of training, general training counted for 34% (3), NAGPRA training counted for 22% (2), community concerns counted for 11% (1), and radiation training counted for 11% (1) of special training (Figure 32).

**Figure 32. Types of Special Training*****Question 15***

Of the 41 museums that responded, 39% (16) indicated volunteers were allowed to care for potentially difficult objects while 61% (25) indicated volunteers were not allowed to care for potentially difficult objects (Figure 33).

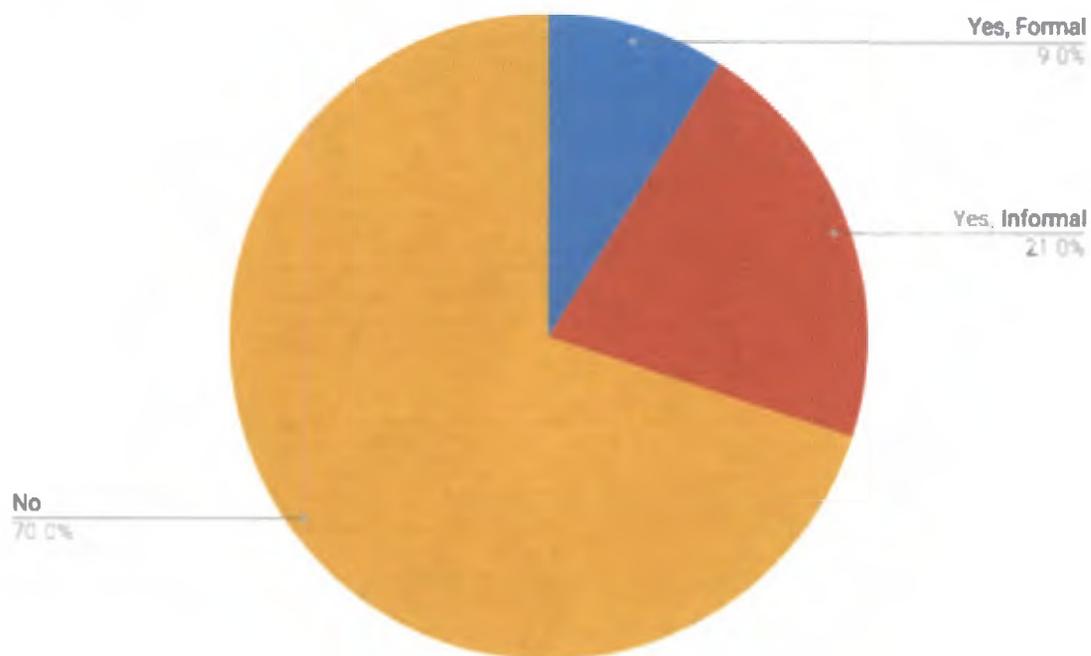
**Figure 33. Question 15: Are volunteers allowed to care for potentially difficult objects?**



*Question 16*

Of the 43 museums that responded, 9% (4) indicated they had a formal definition of difficult/controversial objects, 21% (9) indicated they had an informal definition, and 70% (30) indicated they did not have a definition at all (Figure 34). Across both the formal and informal definitions, there was a constant theme of difficult/controversial items being items that provoke strong emotional reactions in the viewers.

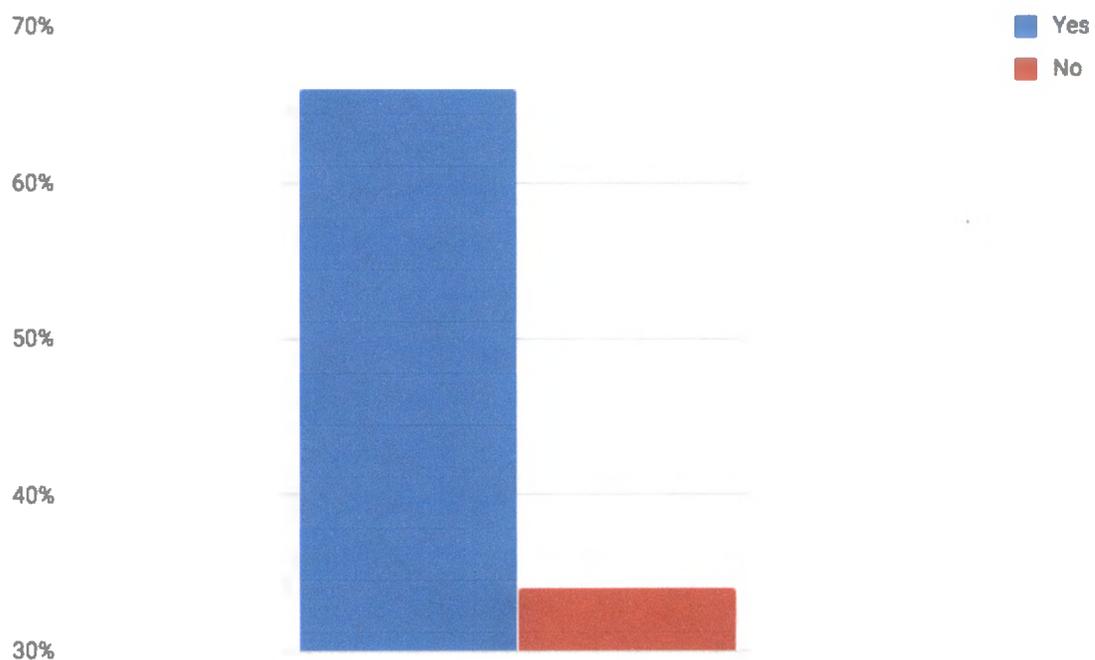
**Figure 34. Question 16: Does the museum have a formal or informal definition for 'difficult/controversial items'?**



*Question 17*

Of the 38 museums that responded, 66% (25) indicated they did have difficult items in their collection, while 34% (13) indicated they did not (Figure 35).

**Figure 35. Question 17: According to the above definition and/or the definition given in the survey cover letter, does the museum have any potentially difficult/controversial objects in its collection?**



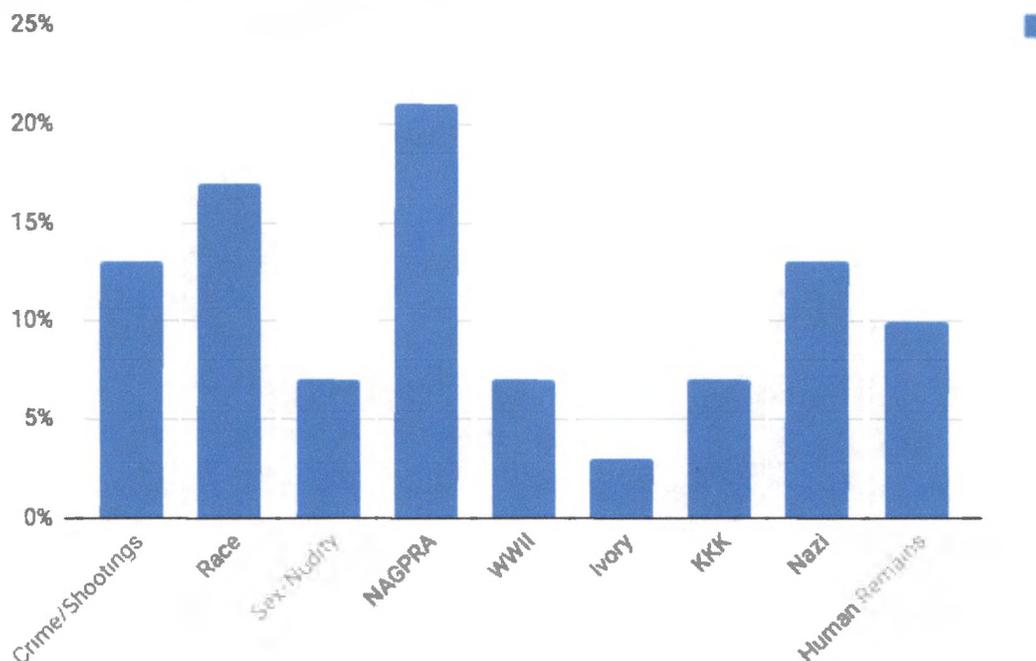
Of the 25 museums that indicated they had difficult items in their collections, 56% (14) commented on what these difficult objects were. Of the 14 museums that had made comments, 57% (8) indicated they had multiple types of difficult objects. Figure 36 below shows a breakdown of the categories of objects the museum indicated in their comments. In order to preserve anonymity, the museums will not be referred to by name in this table, but rather by the type of museum they self-identified as in Question 1 of this survey.

**Figure 36. Categories of Difficult Objects in Museum Collections**

Type of Museum	Crimes/ Shootings	Race	Sex/Nudity	NAGPRA/Native American	WWII	Ivory	KKK	Nazi	Human Remains
Art						X			
Art			X						
Historic House/Site		X			X			X	
History	X								
History	X	X	X						
History	X	X		X	X				
History				X			X		
History								X	
History	X	X					X	X	
History		X							
History				X					
History				X					X
Multiple				X				X	X
Other				X					X

These items can be broken down into nine categories: items related to crime/shooting, racially sensitive items, items depicting sex/nudity, NAGPRA items, WWII items, items made of ivory, KKK items, Nazi items, and human remains. Items related to crime/shootings count for 14% (4) of items, racially sensitive items are 17% (5), items that depict sex/nudity are 7% (2), NAGPRA items are 21% (6), WWII items are 7% (2), items made from ivory are 3% (1), KKK items are 7% (2), Nazi items are 14% (4), and human remains are 10% (3) of difficult items in museum collections (Figure 37).

**Figure 37. Types of Difficult Objects**

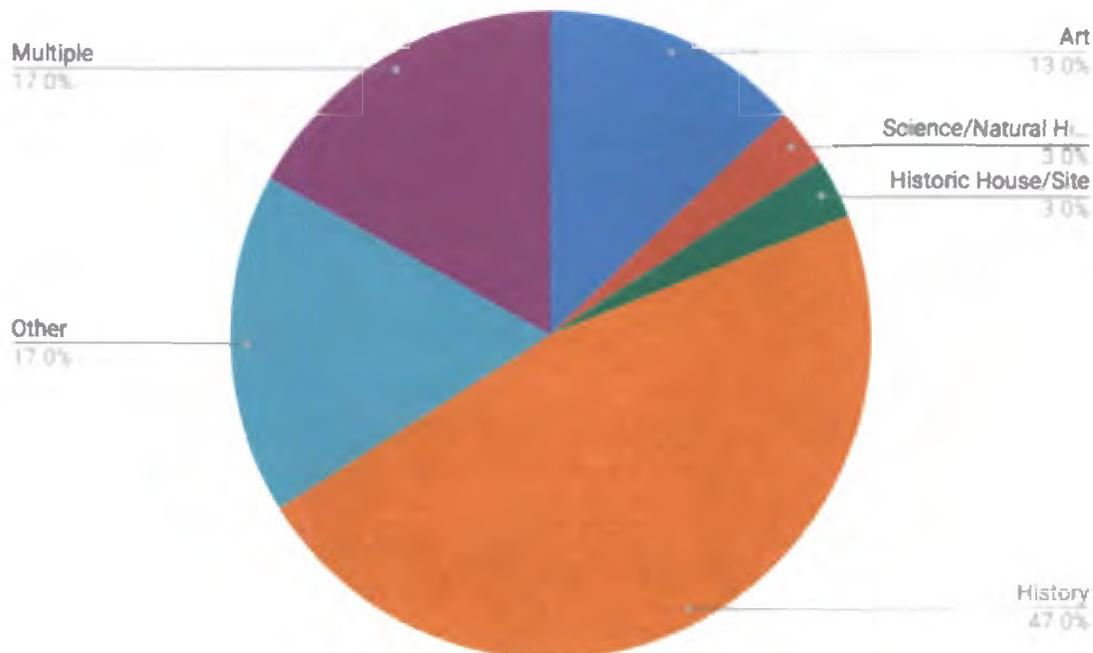


### **Additional Data**

#### *Comment Content Throughout the Survey*

Of the 44 museums that responded to the survey as a whole, 82% (36) made at least one comment in addition to checking the multiple-choice answers. There were several trends in the types of items mentioned in these comments. All comments throughout the survey, here defined as ‘anything written by a museum that was not a mark to indicate a multiple-choice answer,’ were compiled and analyzed for the types of objects mentioned. There were 200 comments compiled from all of the survey responses. Of the 36 museums that commented, 47% (17) were history museums (Figure 38).

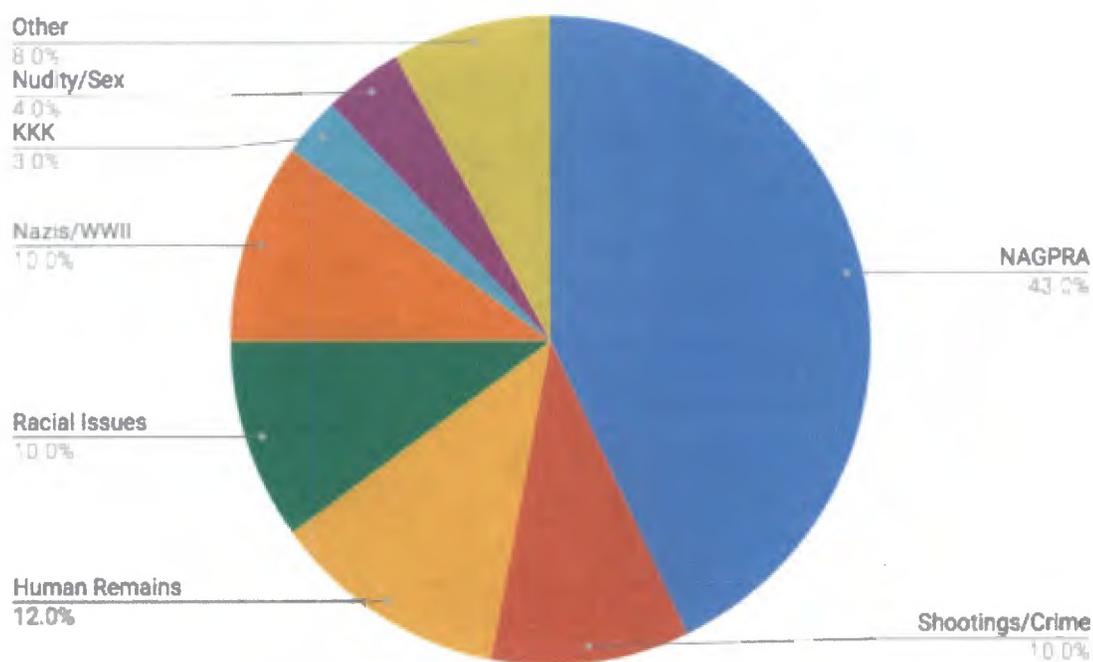
**Figure 38. Types of Museums that Wrote Additional Comments**



The wording of both the survey and the survey cover letter was designed to be neutral. To explain what was meant by ‘difficult/controversial,’ however, a few examples of the term were included; for example, in the cover letter, references to human remains and a KKK robe were made. Interestingly, NAGPRA was not mentioned in either the survey or the cover letter. However, NAGPRA was the most commonly referred to topic in the museum comments; specifically, NAGPRA was mentioned in 43% (86) of the comments. The next most mentioned type of difficult collection was human remains at 12% (24). The remaining categories are as follows: racial issues account for 10% (20), shootings/crime related items account for 10% (20), Nazi/WWII items account for 9.5% (19), items containing nudity/sex account for 4% (8), and KKK items account for 3% (6) (Figure 39). In the case of the NAGPRA comments, it should be noted that these comments came from 42% (15) of the museums that provided comments in the survey. It

should also be noted that sometimes museums mentioned several types of objects in one comment.

**Figure 39. Types of Objects Mentioned in Museum Comments Throughout the Survey**



In the next chapter, a summary of the survey results will be presented, including an average responder profile, followed by a discussion of several key points.

## **Discussion**

In this chapter, each section of the survey will be discussed in detail. Comments about the significance of the survey results in view of the information outlined in the Literature Review will be presented. First, a profile of the typical respondent will be outlined. Next, the types of items defined as “difficult” by the respondents will be examined. Then, the treatment of these items in terms of policy, accessibility, and relevance will be explored. Finally, NAGPRA cultural items will be discussed in greater depth, both to examine why they were the most commonly mentioned type of collection in the survey comments and to focus on how museums work with NAGPRA cultural items in the context of the concept of “difficult.” For the purposes of this thesis, “difficult objects” are objects that pose a collections challenge, not necessarily because of the material(s) they are made from, but because of their social and cultural connotations.

### **Typical Respondent Profile**

Based on the results of the survey, the typical museum that responded was a history museum with an annual budget of either less than \$250,000 or more than \$1,500,000 and was accredited through AAM. The museum’s collections management policy was developed by the curator, director, and collections manager, and was approved by the board. The collections management policy was last updated 3-4 years ago.

The museum does have items it will not display, and those collections tend to be NAGPRA related, racially sensitive, Nazi memorabilia, or human remains. The museum does not contain items it will not loan, items that researchers are not allowed to access, or items that the public is not allowed to access. The museum does not have an online catalog. The museum does not have any special storage for potentially difficult items, nor has it refused to accession any items due to potential controversy.

The museum has an informal procedure for evaluating if an object is potentially controversial, and that procedure is evaluation by staff and/or the board. The museum has not deaccessioned objects due to potential controversy. The staff does not have to follow any special protocols or procedures when caring for difficult items, nor is there any special training required. Volunteers are not allowed to care for potentially difficult items. The museum does not have a definition for difficult/potentially controversial items. However, they do have difficult items in their collection, and those items are NAGPRA items, racially sensitive items, items related to crimes/mass shootings, and Nazi items.

#### **How Museums Define “Difficult”**

In this survey, 70% (30) of respondents indicated that their museums did not have a definition for difficult or controversial items. The few museums that did have a definition for difficult and/or controversial items shared common themes of ‘objects that provoked strong reactions’ or ‘objects that may be considered culturally sensitive.’ However, 66% (25) of respondents indicated that they did have potentially difficult and/or controversial items in their collection. This statistic implies that even though museums may not have any official policies and practices in place for the care of difficult objects, they are still aware of this issue and would like to discuss how best to approach it. The types of difficult objects can be broken down into two main categories: the “universally difficult” and the “contextually difficult.”

Most of the difficult objects mentioned in the survey comments could be called universally difficult. Universally difficult objects were objects that were identified by multiple types of museums in multiple states. These are the types of objects that would most likely be viewed as difficult regardless of the context they are placed in. The items in this category tended to be collections that already have laws and/or ethical guidelines attached to them, such as NAGPRA cultural items, certain archeological materials, and

human remains. However, universally difficult objects also include objects that are not covered by laws and/or ethical guidelines, such as racially charged items, Nazi memorabilia, and items related to crimes and mass shootings. It should be noted that even though not a single museum that responded to this survey mentioned WWII-looted art, WWII-looted art would also belong to this category of difficult objects.

The second category of difficult objects is contextually difficult. There were far fewer contextually difficult objects than there were universally difficult objects. Contextually difficult objects are objects that museums would not display due to their meaning in specific contexts. Significantly, most contextually difficult objects would not be considered difficult if they were moved to a different museum. For example, one respondent mentioned that there was an oil painting in the museum's collection that the board had decided not to display because the painting depicted a nude woman, and the board felt that this was inappropriate. In a similar vein, an art museum in Utah mentioned that, due to the influence of the Church of Jesus Christ of Latter Day Saints (LDS or Mormons), nudity "can be problematic," so art depicting nudity was not displayed.

Another type of contextually difficult object is an object that has accrued unfortunate connotations or meanings due to outside influences or societal changes that have nothing to do with the object. An example of this circumstance would be one museum that will not display certain Navajo objects, not because the objects in question are subject to NAGPRA, but because the objects depict the whirling log symbol (卐). Due to the similarity between the whirling log symbol and the Nazi swastika, the museum decided it would be best to not display these items.

### **Policy, Accessibility, and Relevance**

As mentioned in the Literature Review, it is every museum's duty to take care of the items in its collection. This statement is true regardless if the item is difficult or not. The surveyed museums answered several questions about their policies and procedures

with regards to multiple aspects of the care of the difficult objects in their collection. In this section, the responses to questions about collections policies and accessibility will be examined, and select examples of museum practice with regards to the concept of “relevance” will be discussed.

### *Policy*

When asked if there were any items the museums had refused to accession specifically due to potential controversy, a majority of the museums said no. Additionally, almost two-thirds of the museums had either a formal or informal procedure in place to assess if an object was potentially difficult or controversial. These evaluations usually took the form of a collections committee. However, in 32% (7) of the museums that had a procedure in place also reached outside of the museum to connect with the local Native American community, usually in the form of a Native American Advisory Committee, in order to get feedback on any potentially difficult acquisitions of Native American objects.

While a majority of museums had some form of additional care in place with regards to acquisition, there seemed to be less concern for items already in the collection. Of the museums surveyed, only 35% (15) had special storage procedures in place for difficult objects. Special storage is not necessarily needed for difficult objects, as their environmental requirements are usually the same as other collections, but the author recommends flagging potentially sensitive collections so that any “behind-the-scenes” tours or other visitors to the collection storage area do not inadvertently stumble across sacred items or human remains. More concerning is the lack of policies and training with regards to the care of difficult collections. Seventy-two percent (31) of museums surveyed said that there were no special protocols or procedures staff members need to follow while caring for difficult objects, and 79% (34) said there was no special training required for staff to care for these types of collections. However, it should be noted that

despite this lack of training and policies, in 61% (25) of the museums that responded volunteers are not allowed to care for difficult objects. This discrepancy could be explained by museums not allowing volunteers to care for the collections at all, volunteers only being allowed to help with specific collections (such as an education collection), or volunteers only working with collections that are being put on display.

With regards to collections being put on display, there is a discrepancy between how willing a museum is to display potentially difficult objects, and how willing a museum is to loan potentially difficult objects. In the survey responses, 64% (29) museums indicated they had objects in their collections they would not display due to the objects being potentially difficult. However, only 47% (20) indicated they had items they would not loan due to being potentially difficult. It is interesting that museums are more willing to loan difficult objects than display them due to the fact that a museum has less control over the display and interpretation of an object it has loaned out than over an object that it displays in its own exhibition areas. It may also be that such items are being loaned for research purposes. There is even the possibility, especially with a difficult object, that a loaned object could be seized and not returned to the lending institution, as has happened with several pieces of WWII looted art.

The final question dealing with collections policy was about deaccessioning. Museums were asked if they had ever deaccessioned an object specifically due to the object's potential for controversy. Of the museums that responded, 75% (30) had not deaccessioned an item due to controversy. This practice makes sense, as controversy is not one of the approved deaccession criteria according to MRM5 (Buck and Gilmore 2010). However, it could be argued that difficult objects could be difficult because they were acquired illegally or unethically, are subject to law such as NAGPRA, or would be more appropriate in the collection of a different museum (Buck and Gilmore 2010).

### *Accessibility*

In addition to questions about policy, the surveyed museums were also asked about accessibility practices. In general, the majority of museums did not have items that researchers and the public could not access, providing they went through the proper channels to request access to the collection. Museums were slightly more open to access by researchers than the public, with 84% (36) indicating that they did not have items that researchers were not allowed to access, as opposed to 64% (27) that indicated they did not have items the public was not allowed to access. However, while in-person access to difficult collections is relatively simple, many museums are lagging in terms of digital access. Over half of the responding museums do not have an online catalog at all, and only half of those who do are willing to put potentially difficult items online. It should be noted that some of the items that are not displayed digitally are cultural items subject to NAGPRA and the affiliated tribe has requested they not be displayed.

### *Relevance*

In multiple areas in this survey, museums were invited to comment on how they worked with and defined difficult objects. While examining these comments, a common theme of “relevant to the local community” began to emerge. This theme of local relevance was also reflected in the three examples of museums working with difficult collections mentioned in the Literature Review. However, the museums in the survey and the museums in the Literature Review had very different approaches to the intersection between relevance to local community and difficult objects.

The museums in the survey that commented on only having items “relevant to the local community” tended to be history museums that indicated they did not have any difficult objects in their collection. There was an unspoken implication that because they only focused on “local” items they could not have any difficult items. These museums

did not seem to consider the possibility that an item could be both relevant to the local community and difficult.

An example of items that are both local and difficult are the items collected from memorials to the victims of mass shootings. Several museums that responded to this survey mentioned that they had these kinds of items in their collections. These items are both tragically relevant to the local community and very difficult for a variety of reasons. These items carry the weight of being a memorial to the victims of a crime and being related to the hotly debated issue of gun control in America. One of the museums mentioned that they would like to display these items at some point in the future. Another mentioned that the only media controversy they have experienced was as a direct result of the mere concept of a museum having these sorts of items.

In contrast to the museums in the survey, the three museums mentioned in the Literature Review, Hayward Area Historical Society (HAHS), Oakland Museum of California (OMCA), and the National Museum of Nuclear Science and History (Atomic Museum) highlighted the connection between their difficult objects and the local community. HAHS's "*Unmentionable: The Indiscreet Stories of Artifacts*" exhibit only displayed items from HAHS's collection, which had mostly been donated by members of the community (Ableman, Curry, and Ritter 2018). OMCA's "*All Power to the People: Black Panthers at 50*" exhibit not only focused on the fact that the Black Panthers were created in Oakland, but also that many important events in the Black Panther's history had happened near OMCA (Silberstein 2018). The KKK robe in particular was already part of OMCA's collection long before the Black Panther exhibit was created (Silberstein 2018). Finally, the Atomic Museum, located in Albuquerque, New Mexico, emphasizes the role that New Mexico played during the development of the atomic bomb through exhibits, objects, and lectures. Furthermore, the Atomic Museum ties itself even more closely to a sense of place through its annual Trinity Tours, where guests are taken to Trinity Site where the atomic bombs were tested (National Museum of Nuclear Science

and History 2018). These three museums embraced the difficult objects in their collection in order to bring new meaning and understanding to objects in ways that were relevant to their local community.

## **NAGPRA**

NAGPRA cultural items were the most commonly mentioned type of difficult collections in the survey. Of the roughly 200 individual comments on the returned surveys, 43% (86) mentioned NAGPRA or NAGPRA-related items in some capacity, despite the fact that NAGPRA was never explicitly mentioned in either the cover letter or the survey. The overwhelming presence of NAGPRA in these comments is likely due to several factors. First, even though NAGPRA was signed into law over two decades ago in 1990, the American museum community is still very much focused on the impact that law has had on museums. This focus makes sense, as NAGPRA initially raised concerns about museums losing their collections to repatriation. That fear, while mostly unfounded, likely remains among some in the museum profession, as evidenced by the many, many scholarly articles about the impact of NAGPRA on museums at 10 years, at 20 years, and the likely group of articles in 2020 about NAGPRA at 30 years.

The second factor that might have influenced the high percentage of NAGPRA responses is that, due to the wording of the law, Native American cultural items can be viewed as the “best defined” difficult objects. While the definition for difficult objects outlined in the survey was intentionally broad, it apparently brought to mind, for many respondents, that while NAGPRA cultural items are well-defined, most other kinds of “difficult” objects do not have official or legal definitions.

The third factor that may have influenced the amount of comments about NAGPRA is the location and type of museums that responded. The survey was only sent out to museums in the western United States, and of the museums that responded, 46% (20) self-identified as history museums. Given that the history, culture, and treatment of

Native Americans is a significant element of the history of the western United States, it is perhaps unsurprising that these museums would have such a focus on NAGPRA cultural items. It is possible that, had the survey instead been sent to a different geographic region, or focused only on art museums, that the amount of NAGPRA-related comments would have been far fewer.

Finally, the museums that indicated they have NAGPRA cultural items care for these items in a variety of ways. Several have been very proactive in their dealings with NAGPRA-related items. They have Native American advisory committees, discuss potential acquisitions with tribal leaders, and have special storage practices (such as rules about which genders can handle what items, separate storage for some sacred items, and complying with other tribal storage wishes) specifically for all of their Native American collections, not just potential NAGPRA items. A few museums even have policies that state that potential researchers must get permission from the affiliated tribe(s) before being granted access to the items. An interesting item of note is that, based on the survey responses, the proactive museums also tended to be more open about how they were taking care of these sensitive items.

However, another approach to NAGPRA that could be detected in the survey responses is a 'letter of the law' approach. These museums are doing their best to comply with the legal guidelines set out by both the federal and state governments, but do not seem to be changing practice in areas "above or beyond the law," or areas not specifically mentioned in the legal guidelines. For example, because Native American advisory committees are not legally required, these museums do not tend have them. Additionally, because NAGPRA guidelines do not address how to store NAGPRA cultural items, or discuss the housing of similar objects that do not meet requirements for repatriation, special storage or training that staff need to undergo before caring for these items is not in place in these museums.

In sum, it is significant that NAGPRA features prominently in the responses to the survey, and that museums had different approaches to areas not mentioned specifically in the legal guidelines, even though the law was not discussed in the survey or the cover letter. As highlighted in the Literature Review, this presence reflects the remarkable impact NAGPRA has had on museum practice, while raising interesting questions about the utility of having specific definitions in place to help museums manage a fuller range of “difficult” objects.

### **Conclusion**

This survey was intended to discover how museums defined and cared for difficult objects. Now that this chapter has discussed the results of the survey, with a focus on the definition of “difficult,” policies and procedures surrounding difficult objects, and the impact of NAGPRA, the next chapter will offer conclusions about this topic and recommendations for the care of difficult objects in the future.

## Conclusions

In this thesis, a review of the literature and the results of a regional survey supply an important overview of how difficult objects are managed by museums. Overall, it is clear that the management of difficult object presents many challenges for museums, from how they are identified, displayed, and interpreted, to their access and care. At the same time, an additional challenge is that not all museums acknowledge that some of the objects in their collection may be viewed as ‘difficult.’

Below, three conclusions about the management of difficult objects are outlined, followed by a set of recommendations. The first conclusion concerns what can be learned from NAGPRA, the second, how difficult objects are defined, and the third, the need for museums to work with their communities. The set of recommendations includes actions museums can take when they decide to address the issue of managing difficult objects.

### **Conclusion #1: In Managing Difficult Objects, Much can be Learned from NAGPRA**

Federal repatriation law has had a transformative impact on the American museum community. Items subject to NAGPRA are not only clearly defined, but the law requires an inventory, as well as consultation with relevant stakeholders. New relationships, standards of care, and policies have also developed. In managing difficult objects, much can be learned from the museum experience of NAGPRA, in three specific areas, as outlined below.

First, as in NAGPRA, where definitions of key cultural items are defined, museums that possess “difficult objects” would also benefit from having definitions in place concerning what qualifies as a difficult object. The phrase “difficult object” need not be used, and alternative terms, such as “special,” “sensitive,” or “controversial,” could also be useful. The definition provided for the survey, “objects that pose a

collections challenge, not necessarily because of the material(s) they are made from, but because of their social and cultural connotations” is a starting place, though it is admittedly broad.

Because museums know their collections best, they can tailor any definitions of “difficult objects” to their specific collections. In this respect, one lesson learned from NAGPRA is that legally mandated definitions sometimes do not include the full range of understandings associated with cultural items. While definitions have been critically important in NAGPRA compliance, there has been much debate among museum personnel and Native American groups over the limitations of some definitions, as is the case with the definition of ‘sacred object’ in NAGPRA. The survey results conducted for this thesis also indicated that a diversity of views exists on how difficult objects are designated. As a result, any definitions of difficult objects that are developed by museums might benefit initially from being somewhat broad and flexible.

Second, NAGPRA requires that museum understand their collections by conducting physical inventories, by reviewing their archives, and by consulting with key stakeholders, Native American groups. Along these lines, museums that may house difficult objects need to proactively assess their collections, once they have developed a working definition. Such an assessment could also serve as an opportunity to refine the definition. During this process, any difficult objects should be flagged in the museum's collections database. This flagging would serve as a reminder that these objects may require more specialized care with regards to their handling, storage, and display, and any guidance about their care and display could be physically included with the object as well.

Third, relevant stakeholders, i.e., the various Native American tribes, are legally mandated to be involved in key parts of the review and assessment process in NAGPRA. As a result, as many have noted, much has been learned about Native

American objects that museums house, and many beneficial relationships between museums and Native American groups have been formed.

In the case of difficult objects, museums should also consider contacting relevant stakeholders. This may include the source community of an object (if known), but it could also include groups that could be harmed by the object, especially if the object in question is a symbol of hate. The relevant stakeholders will most likely change on an object-by-object basis. It is possible that one object may have multiple groups that have an interest in its care. While this might be time-consuming, the museum should do its best to make sure all voices are heard, given the impact that difficult objects can have on individuals and stakeholder groups.

In sum, much can be learned from NAGPRA when considering difficult objects. By carefully considering definitions, assessing collections, and consulting with stakeholders, it will be much easier for museums to care for difficult items; over time, as has been the case with NAGPRA, museums will be better positioned to develop thoughtful procedures and policies for managing difficult objects

## **Conclusion #2: Museums Need to Develop Working Definitions of “Difficult”**

Not every object will be difficult, but every object has the potential to be difficult. The majority of museums surveyed indicated they had potentially difficult and/or controversial items in their collections. An even larger percentage of museums indicated they did not have a definition for difficult objects. While several museums indicated having a “case-by-case” approach, there are several problems that go along with not having a concrete working definition in place.

First, every individual’s view of what counts as “difficult,” “controversial,” or “sensitive” is different. A person’s views will be impacted by their cultural and socioeconomic background, and as there is currently a push for diversity in museums, there are a wider range of backgrounds, viewpoints, and voices in the museum. There is

also the issue of constantly shifting societal views of what is “difficult.” For example, several museums mentioned that they had racially insensitive objects in their collections, including objects that depict blackface. At the time of the objects’ creation, blackface was viewed as acceptable, while today it is viewed as racist. Finally, this lack of a working definition means that the museum has little reference for how to deal with any complaints from the public about difficult objects and will face challenges in developing any policy.

Overall, it might therefore be best to develop an initial “working” definition for “difficult” objects that is adaptable and can be updated as more is learned about a particular museum’s collection. As mentioned in the Discussion chapter, the various difficult objects the museums had in their collections fell into two categories: “universally difficult” and “contextually difficult.” Universally difficult objects were defined as objects that would most likely be viewed as difficult regardless of the context they were placed in. Contextually difficult objects were defined as objects that museums would not display due to their meaning in specific contexts. This separation could serve as a starting point for developing a working definition for any potentially difficult objects managed by a museum.

Indeed, a helpful working definition for difficult objects in museums might have two components, where the first part defines “universally difficult” collections (even if such objects are unlikely to ever be in an individual museum’s collection), such as Nazi memorabilia, KKK memorabilia, racially insensitive objects, and human remains; and where the second part of the definition is contextual so that individual museums can decide what “difficult” means in their specific context.

The utility of developing a working definition for difficult objects is that it will help guide refinement of the definition; will guide the management and possible accession of any such objects; and as outlined in more detail below, will supply an opportunity for community involvement.

### **Conclusion #3: Museums Must Involve Communities in How Difficult Objects are Managed**

Many communities are affected by difficult objects. If museums possess difficult objects, communities should also be able to voice how they believe such objects should be cared for, though this may require a shift in how some museums involve stakeholder groups in procedures internal to museums.

In that respect, the museum experience with NAGPRA is helpful to highlight here. NAGPRA requires museums with collections that are associated with a federally-recognized tribe to contact the tribe and to consult with them with regards to a potential repatriation (Malaro and DeAngelis 2012). For difficult objects, museums should adopt and expand upon this consultative approach and develop substantive interactions and communications with relevant community groups.

If a museum identifies any potentially difficult objects in its collection, the source community associated with those objects, if known, should be contacted, if appropriate to do so. The source community could offer insight not only into culturally-appropriate care for the object, but also additional information about the creation, history, and significance of the object. It is possible with this approach that the source community may ask for the objects to be returned, but compromises can usually be reached.

It should be acknowledged that it will not always be appropriate or possible to contact the source community of a difficult object. For example, while there are Neo-Nazi organizations, the original Nazi Party no longer exists, and even if it did, it would not be appropriate to contact them with regards to the care of Nazi memorabilia. In the cases of difficult objects that are linked to hate groups, depict or encourage violence against minorities, or are otherwise provocative, it would be more appropriate to contact the communities that would have been the target of the hate and violence. It is possible that these communities' recommendations for the management of a difficult object will

run counter to the museum's approach, for example, as they may wish to have the object destroyed or never accessed or displayed, but these assessments must be considered by museums given the profession's emphasis on public service and stewardship.

Working with communities also poses a number of issues for museums, such as what groups or individuals should be consulted, how museums decide to integrate any recommendations into how they manage difficult objects, and how much staff time can be devoted to community interactions. It is also possible that there will be differing opinions about the treatment of difficult objects, both within groups and between groups.

Such issues are not easily resolved, and in some cases, may require a deeper consideration by museums of how they involve community groups in the management of collections. In this respect, involving communities in how such objects are even defined can be very useful. While it also is not the museum's responsibility to solve every conflict relating to an object in its collection, it must be well prepared before and during its work with communities and should expect and plan for resolving any disagreements. As a result, the museum should have a strong mission statement in place; a museum board that understands issues related to difficult objects; a staff that appreciates the challenges of outreach; and, to develop the best course of action with regards to the care and display of difficult objects, a collections management policy that recognizes the existence of difficult objects and supports a refinement of their definition.

### **Recommended Practices**

Below, six brief recommendations concerning the management of difficult objects in museums are presented, followed by some concluding thoughts.

#### *Recommendation #1: Develop a Working Definition*

Each museum should determine what 'difficult' means for their institution. There may be a more general definition for 'difficult' and a definition more focused on the museum's

specific collections, but museums should develop a working definition for difficult as a prelude to more formally assessing their collections for the existence of difficult objects.

*Recommendation #2: Assess the Collections*

After creating a working definition for difficult objects, the museum should determine what, if any, items in the collection are potentially difficult. Such an assessment should involve museum records and a physical inspection and review of objects either as a prelude to or as part of work with community groups. Ideally, this assessment would be conducted by the collections manager, registrar, and/or any others whose primary responsibility is the care of the collection.

*Recommendation #3: Share Information*

Any staff or volunteers that interact with the collection should be made aware of the existence of difficult items that the museum cares for. This does not necessarily include the exact locations of these objects but should include the knowledge that they might come across these objects during the course of their work. The museum might also consider labeling difficult objects in appropriate ways, such as on their housing materials or in their collections database.

*Recommendation #4: Training*

When relevant, staff should be trained about the existence, care, and challenges of managing difficult objects. This training could review any relevant federal or state laws relevant policies concerning access restrictions; the basics of successful community interactions in the context of collections; the museum's current approach to managing difficult objects; and culturally-appropriate care, such as such as items that should only be handled by certain genders or housed or unpacked in specific ways.

*Recommendation #5: Consultation*

Community groups with interests in difficult objects must be consulted. This may be time consuming, not only to identify and work with such groups, but to review and implement any recommendations. If the community is unknown, no longer exists, or is otherwise unable to offer suggestions, the most appropriate community group should be considered and potentially contacted.

*Recommendation #6: Policy*

Museums that manage difficult objects should integrate information about their care into policies and procedures, most notably collections management policies, and regularly update them. Museums should also carefully consider other policies affected by the presence of difficult objects in the museums, such as policies involving display or research access.

**Concluding Thoughts**

Given the major divisions that exist in the United States today, especially in how history is commemorated and recognized in the public sphere, it is important to consider the museum's public service role.

Museums are stewards of collections. Stewardship involves a recognition that collections are held in trust for the benefit of the public, and further, that the legal, social, and ethical obligations that collections incur are recognized.

Difficult objects managed by museums clearly raise challenging issues for museums, not the least of which are recognizing that they even exist, as well as how to define them. But no matter how difficult objects are defined, objects with very troubling and powerful meanings are housed in museum collections. As a result, such objects must be managed ethically, wisely, and with the public service role of the museum in mind.

During the course of this thesis it became clear that, while many people were concerned about difficult types of objects, very little research on their existence or their management in museums had actually been done. To truly serve the public, and to best steward the collections museums care for, it is time that the American museum community truly grapples with the issue of difficult objects; it is hoped that this thesis is an initial step in recognizing what can be characterized as their “silent stewardship.”

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### Appendix A: Survey

1. What of the following best describes your museum? (Please select one)
- Art                       Science/Natural History  
 History                       Historic House/Site  
 Anthropology               Other (Please Specify: \_\_\_\_\_)
2. What is the museum's annual budget (Please select one)?
- Less than \$250,000       \$500,000-\$1,500,000  
 \$250,000-\$500,000       More than \$1,500,000
3. Where is this museum in the process of accreditation through AAM? (please check all steps the museum has completed)
- Membership                       Pledge of Excellence  
 Core Document Verification       Accreditation
- 4a. Who in your museum is responsible for **developing** the museum's Collections Management policy? (Please check all that apply)
- Collections Manager                       Board  
 Registrar                                       Curator(s)  
 Director     Other (Please Specify: \_\_\_\_\_)
- 4b. Who in your museum is responsible for **approving** the museum's Collections Management policy? (Please check all that apply)
- Collections Manager                       Board  
 Registrar                                       Curator(s)  
 Director     Other (Please Specify: \_\_\_\_\_)
5. How recently was the museum's Collections Management Policy updated?
- Within the last year                       1-2 years ago  
 3-4 years ago                                       5+ years ago
6. Are there any objects in the collection that the museum will not **display** due to the potential for controversy?
- Yes \_\_\_\_\_  
 No \_\_\_\_\_
7. Are there any objects in the collection that the museum will not **loan** due to the potential for controversy?
- Yes \_\_\_\_\_  
 No \_\_\_\_\_
- 8a. Are there any objects in the collection that **researchers** are not allowed to access because of their potential for controversy?
- Yes \_\_\_\_\_  
 No \_\_\_\_\_

8b. Are there any objects in the collection that **the public** is not allowed to access because of their potential for controversy?

Yes \_\_\_\_\_  
 No \_\_\_\_\_

9. Are there any objects in the collection that are not put on the **museums' online catalog/website** due to the potential for controversy?

Yes \_\_\_\_\_  
 No \_\_\_\_\_  
 Museum does not have online catalog \_\_\_\_\_

10. Are any objects in the collection stored in a special way (ex. separately from the main collection; in special locked cabinets) specifically because of their potential for controversy?

Yes \_\_\_\_\_  
 No \_\_\_\_\_

11a. Are there any items that the museum has **decided not to accession** because of their potential for controversy?

Yes \_\_\_\_\_  
 No \_\_\_\_\_

11b. When accessioning objects, is there a formal or informal procedure in place for assessing if an object is difficult/controversial?

Yes, formal \_\_\_\_\_  
 Yes, informal \_\_\_\_\_  
 No \_\_\_\_\_

12. Are there any items the museum has **deaccessioned** because of their potential for controversy?

Yes \_\_\_\_\_  
 No \_\_\_\_\_

13. Are there any **special protocols or procedures** the staff must follow when caring for any potentially difficult objects?

Yes \_\_\_\_\_  
 No \_\_\_\_\_

14. Is there any **special training** staff must undergo before caring for any potentially difficult/controversial objects?

Yes \_\_\_\_\_  
 No \_\_\_\_\_

15. Are **volunteers** allowed to care for potentially difficult objects?

Yes \_\_\_\_\_  
 No \_\_\_\_\_

16. Does the museum have a formal or informal definition for 'difficult/controversial items'?

Yes, formal \_\_\_\_\_

Yes, informal \_\_\_\_\_

No \_\_\_\_\_

17. According to the above definition and/or the definition given in the survey cover letter, does the museum have any potentially difficult/controversial objects in its collection?

Yes \_\_\_\_\_

No \_\_\_\_\_

18. Please feel free to share any additional comments in how your museum identifies and manages controversial/difficult objects:

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## Appendix B: AAM Standard for Archaeological Material and Ancient Art

AAM Board of Directors. (2008, July). Archaeological Material and Ancient Art. Retrieved October 2, 2018, from <https://www.aam-us.org/programs/ethics-standards-and-professional-practices/archaeological-material-and-ancient-art/>

To promote public trust and accountability for U.S. museums, the Alliance offers the following guideline to guide the operations of museums that own or acquire archaeological material and ancient art originating outside the United States.

### Collections Policy

Museums should have a publicly available collections policy setting out the institution's standards for provenance concerning new acquisitions of archaeological material and ancient art.

### New Acquisitions

Museums should

- Rigorously research the provenance of an object prior to acquisition
- Make a concerted effort to obtain accurate written documentation with respect to the history of the object, including export and import documents, and
- Require sellers, donors, and their representatives to provide all available information and documentation.

Museums must comply with all applicable U.S. law, including treaties and international conventions of which the U.S. is a party, governing ownership and title, import and other issues critical to acquisitions decisions.

Beyond the requirements of U.S. law, museums should not acquire any object that, to the knowledge of the museum, has been illegally exported from its country of modern discovery or the country where it was last legally owned.

In addition, the Alliance recommends that museums require documentation that the object was out of its probable country of modern discovery by November 17, 1970, the date on which the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property was signed.

For objects exported from their country of modern discovery after November 17, 1970, the Alliance recommends that museums require documentation that the object has been or will be legally exported from its country of modern discovery, and legally imported into the United States.

The Alliance recognizes that there are cases in which it may be in the public's interest for a museum to acquire an object thus bringing it into the public domain, when there is substantial but not full documentation that the provenance meets the conditions outlined above. If a museum accepts material in such cases, it should be transparent about why this is an appropriate decision in alignment with the institution's collections policy and applicable ethical codes.

### Existing Collections

In order to advance further research, public trust, and accountability museums should make available the known ownership history of archaeological material and ancient art in their collections, and make serious efforts to allocate time and funding to conduct research on objects where provenance is incomplete or uncertain. Museums may continue to respect requests for anonymity by donors.

### Claims

Museums should respectfully and diligently address ownership claims to antiquities and archaeological material. Each claim, whether based on ethical or legal considerations, should be considered on its own merits.

When appropriate and reasonably practical, museums should seek to resolve claims through voluntary discussions directly with a claimant or facilitated by a third party.

### Fiduciary Responsibilities

Members of the board, staff, and volunteers who participate in the acquisition and management of the collections should be knowledgeable concerning the legal compliance requirements and ethical standards that pertain to antiquities and archaeological materials, as well as the collecting policies and disclosure practices of the museum.

Approved, July 2008, AAM Board of Directors

## Appendix C: AAM Standards for Unlawful Appropriation of Objects During the Nazi Era

AAM Board of Directors. (2001, April). Unlawful Appropriation of Objects During the Nazi Era. Retrieved from <https://www.aam-us.org/programs/ethics-standards-and-professional-practices/unlawful-appropriation-of-objects-during-the-nazi-era/>

### Unlawful Appropriation of Objects During the Nazi Era

The area of collections stewardship is of such sensitivity and high importance that it has separate standards and best-practice statements regarding a museum's obligations. These statements have been promulgated by the field to provide guidance to museums in fulfilling their public trust responsibilities.

#### Introduction

From the time it came into power in 1933 through the end of World War II in 1945, the Nazi regime orchestrated a system of theft, confiscation, coerced transfer, looting, pillage, and destruction of objects of art and other cultural property in Europe on a massive and unprecedented scale. Millions of such objects were unlawfully and often forcibly taken from their rightful owners, who included private citizens, victims of the Holocaust, public and private museums and galleries; and religious, educational, and other institutions.

In recent years, public awareness of the extent and significance of Nazi looting of cultural property has grown significantly. The American museum community, the American Alliance of Museums (the Alliance), and the International Council of Museums (ICOM) are committed to continually identifying and implementing the highest standard of legal and ethical practices. The Alliance recognizes that the atrocities of the Nazi era demand that it specifically address this topic in an effort to guide American museums as they strive to achieve excellence in ethical museum practice.

The Alliance Board of Directors and the ICOM Board formed a joint working group in January 1999 to study issues of cultural property and to make recommendations to the boards for action. The report that resulted from the initial meeting of the Joint Working Group on Cultural Property included the recommendation that the Alliance and ICOM offer guidance to assist museums in addressing the problems of objects that were unlawfully appropriated during the Nazi era without subsequent restitution (i.e., return of the object or payment of compensation to the object's original owner or legal successor).

The efforts of the Working Group were greatly informed by the important work on the topic that had gone before. In particular, three documents served as a starting point for the Alliance guidelines, and portions of them have been incorporated into this document. These include: *Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933-1945)*; *ICOM Recommendations Concerning the Return of Works of Art Belonging to Jewish Owners*; and *Washington Conference Principles on Nazi-Appropriated Art* released in connection with the Washington Conference on Holocaust-Era Assets co-hosted by the U.S. Department of State and the United States Holocaust Memorial Museum.

The Presidential Advisory Commission on Holocaust Assets in the United States (PCHA) was created in June 1998 to study and report to the president on issues relating to Holocaust victims' assets in the United States. The Alliance and the Association of Art Museum Directors (AAMD) worked with the PCHA to establish a standard for disclosure of collections information to aid in the identification and discovery of unlawfully appropriated objects that may be in the custody of museums. In January 2001, the PCHA issued its final report, which incorporated the agreed standard for disclosure and recommended the creation of a searchable central registry of the information museums disclose in accordance with the new standard. The Alliance and AAMD agreed to support this recommendation, and these guidelines have been amended to reflect the agreed standard for disclosure of information.

Finally, the Alliance and ICOM acknowledge the tremendous efforts that were made by the Allied forces and governments following World War II to return objects to their countries of origin and to original owners. Much of the cultural property that was unlawfully appropriated was recovered and returned, or owners received compensation. The Alliance and ICOM take pride in the fact that members of the American museum community are widely recognized to have been instrumental in the success of the post-war restitution effort. Today, the responsibility of the museum community is to strive to identify any material for which restitution was never made.

## General Principles

The Alliance, ICOM, and the American museum community are committed to continually identifying and achieving the highest standard of legal and ethical collections stewardship practices. The Alliance's Code of Ethics for Museums states that the "stewardship of collections entails the highest public trust and carries with it the presumption of rightful ownership, permanence, care, documentation, accessibility, and responsible disposal."

When faced with the possibility that an object in a museum's custody might have been unlawfully appropriated as part of the abhorrent practices of the Nazi regime, the museum's responsibility to practice ethical stewardship is paramount. Museums should develop and implement policies and practices that address this issue in accordance with these guidelines.

These guidelines are intended to assist museums in addressing issues relating to objects that may have been unlawfully appropriated during the Nazi era (1933–1945) as a result of actions in furtherance of the Holocaust or that were taken by the Nazis or their collaborators. For the purposes of these guidelines, objects that were acquired through theft, confiscation, coercive transfer or other methods of wrongful expropriation may be considered to have been unlawfully appropriated, depending on the specific circumstances.

In order to aid in the identification and discovery of unlawfully appropriated objects that may be in the custody of museums, the PCHA, AAMD, and the Alliance have agreed that museums should strive to: (1) identify all objects in their collections that were created before 1946 and acquired by the museum after 1932, that underwent a change of ownership between 1932 and 1946, and that were or might reasonably be thought to have been in continental Europe between those dates (hereafter, "covered objects"); (2) make currently available object and provenance (history of ownership) information on those objects accessible, and (3) give priority to continuing provenance research as resources allow. The Alliance, AAMD, and PCHA also agreed that the initial focus of research should be European paintings and Judaica.

Because of the Internet's global accessibility, museums are encouraged to expand online access to collection information that could aid in the discovery of objects unlawfully appropriated during the Nazi era without subsequent restitution.

The Alliance and ICOM acknowledge that during World War II and the years following the end of the war, much of the information needed to establish provenance and prove ownership was dispersed or lost. In determining whether an object may have been unlawfully appropriated without restitution, reasonable consideration should be given to gaps or ambiguities in provenance in light of the passage of time and the circumstances of the Holocaust era. The Alliance and ICOM support efforts to make archives and other resources more accessible and to establish databases that help track and organize information.

The Alliance urges museums to handle questions of provenance on a case-by-case basis in light of the complexity of this problem. Museums should work to produce information that will help to clarify the status of objects with an uncertain Nazi-era provenance. Where competing interests may arise, museums should strive to foster a climate of cooperation, reconciliation, and commonality of purpose.

The Alliance affirms that museums act in the public interest when acquiring, exhibiting and studying objects. These guidelines are intended to facilitate the desire and ability of museums to act ethically and lawfully as stewards of the objects in their care, and should not be interpreted to place an undue burden on the ability of museums to achieve their missions.

## Acquisitions:

It is the Alliance's position that museums should take all reasonable steps to resolve the Nazi-era provenance status of objects before acquiring them for their collections—whether by purchase, gift, bequest or exchange.

- Standard research on objects being considered for acquisition should include a request that the sellers, donors or estate executors offering an object provide as much provenance information as they have available, with particular regard to the Nazi era.
- Where the Nazi-era provenance is incomplete or uncertain for a proposed acquisition, the museum should consider what additional research would be prudent or necessary to resolve the Nazi-era provenance status of the object before acquiring it. Such research may involve consulting appropriate sources of information, including available records and outside databases that track information concerning unlawfully appropriated objects.
- In the absence of evidence of unlawful appropriation without subsequent restitution, the museum may proceed with the acquisition.
- Currently available object and provenance information about any covered object should be made public as soon as practicable after the acquisition.
- If credible evidence of unlawful appropriation without subsequent restitution is discovered, the museum should notify the donor, seller or estate executor of the nature of the evidence and should not proceed with the acquisition of the object until taking further action to resolve these issues. Depending on the circumstances of the particular case, prudent or necessary actions may include consulting with qualified legal counsel and notifying other interested parties of the museum's findings.
- The Alliance acknowledges that under certain circumstances acquisition of objects with uncertain provenance may reveal further information about the object and may facilitate the possible resolution of its status. In such circumstances, the museum may choose to proceed with the acquisition after determining that it would be lawful, appropriate and prudent and provided that currently available object and provenance information is made public as soon as practicable after the acquisition.
- Museums should document their research into the Nazi-era provenance of acquisitions.
- Consistent with current practice in the museum field, museums should publish, display or otherwise make accessible recent gifts, bequests and purchases, thereby making all acquisitions available for further research, examination and public review and accountability.

## Loans

- It is the Alliance's position that in their role as temporary custodians of objects on loan, museums should be aware of their ethical responsibility to consider the status of material they borrow as well as the possibility of claims being brought against a loaned object in their custody.
- Standard research on objects being considered for incoming loan should include a request that lenders provide as much provenance information as they have available, with particular regard to the Nazi era.
- Where the Nazi-era provenance is incomplete or uncertain for a proposed loan, the museum should consider what additional research would be prudent or necessary to resolve the Nazi-era provenance status of the object before borrowing it.
- In the absence of evidence of unlawful appropriation without subsequent restitution, the museum may proceed with the loan.
- If credible evidence of unlawful appropriation without subsequent restitution is discovered, the museum should notify the lender of the nature of the evidence and should not proceed with the loan until taking further action to clarify these issues. Depending on the circumstances of the particular case, prudent or necessary actions may include consulting with qualified legal counsel and notifying other interested parties of the museum's findings.
- The Alliance acknowledges that in certain circumstances public exhibition of objects with uncertain provenance may reveal further information about the object and may facilitate the resolution of its status. In such circumstances, the museum may choose to proceed with the loan after determining that it would be lawful and prudent and provided that the available provenance about the object is made public.
- Museums should document their research into the Nazi-era provenance of loans.

## Existing Collections

It is the Alliance's position that museums should make serious efforts to allocate time and funding to conduct research on covered objects in their collections whose provenance is incomplete or uncertain. Recognizing that resources available for the often lengthy and arduous process of provenance research are limited, museums should establish priorities, taking into consideration available resources and the nature of their collections.

## Research

- Museums should identify covered objects in their collections and make public currently available object and provenance information.
- Museums should review the covered objects in their collections to identify those whose characteristics or provenance suggest that research be conducted to determine whether they may have been unlawfully appropriated during the Nazi era without subsequent restitution.
- In undertaking provenance research, museums should search their own records thoroughly and, when necessary, contact established archives, databases, art dealers, auction houses, donors, scholars, and researchers who may be able to provide Nazi-era provenance information.
- Museums should incorporate Nazi-era provenance research into their standard research on collections.
- When seeking funds for applicable exhibition or public programs research, museums are encouraged to incorporate Nazi-era provenance research into their proposals. Depending on their particular circumstances, museums are also encouraged to pursue special funding to undertake Nazi-era provenance research.
- Museums should document their research into the Nazi-era provenance of objects in their collections.

## Discovery of Evidence of Unlawfully Appropriated Objects

- If credible evidence of unlawful appropriation without subsequent restitution is discovered through research, the museum should take prudent and necessary steps to resolve the status of the object, in consultation with qualified legal counsel. Such steps should include making such information public and, if possible, notifying potential claimants.
- In the event that conclusive evidence of unlawful appropriation without subsequent restitution is found but no valid claim of ownership is made, the museum should take prudent and necessary steps to address the situation, in consultation with qualified legal counsel. These steps may include retaining the object in the collection or otherwise disposing of it.
- The Alliance acknowledges that retaining an unclaimed object that may have been unlawfully appropriated without subsequent restitution allows a museum to continue to care for, research and exhibit the object for the benefit of the widest possible audience and provides the opportunity to inform the public about the object's history. If the museum retains such an object in its collection, it should acknowledge the object's history on labels and publications.

## Claims of Ownership

- It is the Alliance's position that museums should address claims of ownership asserted in connection with objects in their custody openly, seriously, responsively and with respect for the dignity of all parties involved. Each claim should be considered on its own merits.
- Museums should review promptly and thoroughly a claim that an object in its collection was unlawfully appropriated during the Nazi era without subsequent restitution.
- In addition to conducting their own research, museums should request evidence of ownership from the claimant in order to assist in determining the provenance of the object.
- If a museum determines that an object in its collection was unlawfully appropriated during the Nazi era without subsequent restitution, the museum should seek to resolve the matter with the claimant in an equitable, appropriate and mutually agreeable manner.
- If a museum receives a claim that a borrowed object in its custody was unlawfully appropriated without subsequent restitution, it should promptly notify the lender and should comply with its legal obligations as temporary custodian of the object in consultation with qualified legal counsel.
- When appropriate and reasonably practical, museums should seek methods other than litigation (such as mediation) to resolve claims that an object was unlawfully appropriated during the Nazi era without subsequent restitution.
- The Alliance acknowledges that in order to achieve an equitable and appropriate resolution of claims, museums may elect to waive certain available defenses.

## Fiduciary Obligations

Museums affirm that they hold their collections in the public trust when undertaking the activities listed above. Their stewardship duties and their responsibilities to the public they serve require that any decision to acquire, borrow, or dispose of objects be taken only after the completion of appropriate steps and careful consideration.

- Toward this end, museums should develop policies and practices to address the issues discussed in these guidelines.
- Museums should be prepared to respond appropriately and promptly to public and media inquiries.

**Appendix D: AAM Code of Ethics for Museums**  
**American Alliance of Museums. "Code of Ethics for Museums." Code of Ethics**  
**for Museums. 1991. Accessed January 29, 2018. [http://aam-](http://aam-us.org/resources/ethics-standards-and-best-practices/code-of-ethics)**  
**[us.org/resources/ethics-standards-and-best-practices/code-of-ethics](http://aam-us.org/resources/ethics-standards-and-best-practices/code-of-ethics).**

## AAM Code of Ethics for Museums

Adopted 1993 by the AAM Board of Directors and amended in 2000

**Please note that the Code of Ethics for Museums references the American Association of Museums (AAM), now called the American Alliance of Museums.**

Ethical codes evolve in response to changing conditions, values and ideas. A professional code of ethics must, therefore, be periodically updated. It must also rest upon widely shared values. Although the operating environment of museums grows more complex each year, the root value for museums, the tie that connects all of us together despite our diversity, is the commitment to serving people, both present and future generations. This value guided the creation of and remains the most fundamental principle in the following Code of Ethics for Museums.

### Code of Ethics for Museums

Museums make their unique contribution to the public by collecting, preserving and interpreting the things of this world. Historically, they have owned and used natural objects, living and nonliving, and all manner of human artifacts to advance knowledge and nourish the human spirit. Today, the range of their special interests reflects the scope of human vision. Their missions include collecting and preserving, as well as exhibiting and educating with materials not only owned but also borrowed and fabricated for these ends. Their numbers include both governmental and private museums of anthropology, art history and natural history, aquariums, arboreta, art centers, botanical gardens, children's museums, historic sites, nature centers, planetariums, science and technology centers, and zoos. The museum universe in the United States includes both collecting and non-collecting institutions. Although diverse in their missions, they have in common their nonprofit form of organization and a commitment of service to the public. Their collections and/or the objects they borrow or fabricate are the basis for research, exhibits, and programs that invite public participation.

Taken as a whole, museum collections and exhibition materials represent the world's natural and cultural common wealth. As stewards of that wealth, museums are compelled to advance an understanding of all natural forms and of the human experience. It is incumbent on museums to be resources for humankind and all their activities to foster an informed appreciation of the rich and diverse world we have inherited. It is also incumbent upon them to preserve that inheritance for posterity.

Museums in the United States are grounded in the tradition of public service. They are organized as public trusts, holding their collections and information as a benefit for those they were established to serve. Members of their governing authority, employees and volunteers are committed to the interests of these beneficiaries. The law provides the basic framework for museum operations. As nonprofit institutions, museums comply with applicable local, state, and federal laws and international conventions, as well as with the specific legal standards governing trust responsibilities. This Code of Ethics for Museums takes that compliance as given. But legal standards are a minimum. Museums and those responsible for them must do more than avoid legal liability; they must take affirmative steps to maintain their integrity so as to warrant public confidence. They must act not only legally but also ethically. This Code of Ethics for Museums, therefore, outlines ethical standards that frequently exceed legal minimums.

Loyalty to the mission of the museum and to the public it serves is the essence of museum work, whether volunteer or paid. Where conflicts of interest arise—actual, potential or perceived—the duty of loyalty must never be compromised. No individual may use his or her position in a museum for personal gain or to benefit another at the expense of the museum, its mission, its reputation and the society it serves.

For museums, public service is paramount. To affirm that ethic and to elaborate its application to their governance, collections and programs, the American Association of Museums promulgates this Code of Ethics for Museums. In subscribing to this code, museums assume responsibility for the actions of members of their governing authority, employees and volunteers in the performance of museum-related duties. Museums, thereby, affirm their chartered purpose, ensure the prudent application of their resources, enhance their effectiveness and maintain public confidence. This collective endeavor strengthens museum work and the contributions of museums to society—present and future.

## Governance

Museum governance in its various forms is a public trust responsible for the institution's service to society. The governing authority protects and enhances the museum's collections and programs and its physical, human and financial resources. It ensures that all these resources support the museum's mission, respond to the pluralism of society and respect the diversity of the natural and cultural common wealth.

Thus, the governing authority ensures that:

- all those who work for or on behalf of a museum understand and support its mission and public trust responsibilities
- its members understand and fulfill their trusteeship and act corporately, not as individuals
- the museum's collections and programs and its physical, human and financial resources are protected, maintained and developed in support of the museum's mission
- it is responsive to and represents the interests of society
- it maintains the relationship with staff in which shared roles are recognized and separate responsibilities respected
- working relationships among trustees, employees and volunteers are based on equity and mutual respect
- professional standards and practices inform and guide museum operations
- policies are articulated and prudent oversight is practiced
- governance promotes the public good rather than individual financial gain.

## Collections

The distinctive character of museum ethics derives from the ownership, care and use of objects, specimens, and living collections representing the world's natural and cultural common wealth. This stewardship of collections entails the highest public trust and carries with it the presumption of rightful ownership, permanence, care, documentation, accessibility and responsible disposal.

Thus, the museum ensures that:

- collections in its custody support its mission and public trust responsibilities
- collections in its custody are lawfully held, protected, secure, unencumbered, cared for and preserved
- collections in its custody are accounted for and documented
- access to the collections and related information is permitted and regulated
- acquisition, disposal, and loan activities are conducted in a manner that respects the protection and preservation of natural and cultural resources and discourages illicit trade in such materials
- acquisition, disposal, and loan activities conform to its mission and public trust responsibilities
- disposal of collections through sale, trade or research activities is solely for the advancement of the museum's mission. Proceeds from the sale of nonliving collections are to be used consistent with the established standards of the museum's discipline, but in no event shall they be used for anything other than acquisition or direct care of collections.
- the unique and special nature of human remains and funerary and sacred objects is recognized as the basis of all decisions concerning such collections
- collections-related activities promote the public good rather than individual financial gain
- competing claims of ownership that may be asserted in connection with objects in its custody should be handled openly, seriously, responsively and with respect for the dignity of all parties involved.

## Programs

Museums serve society by advancing an understanding and appreciation of the natural and cultural common wealth through exhibitions, research, scholarship, publications and educational activities. These programs further the museum's mission and are responsive to the concerns, interests and needs of society.

Thus, the museum ensures that:

- programs support its mission and public trust responsibilities
- programs are founded on scholarship and marked by intellectual integrity
- programs are accessible and encourage participation of the widest possible audience consistent with its mission and resources
- programs respect pluralistic values, traditions and concerns
- revenue-producing activities and activities that involve relationships with external entities are compatible with the museum's mission and support its public trust responsibilities
- programs promote the public good rather than individual financial gain.

## Promulgation

This Code of Ethics for Museums was adopted by the Board of Directors of the American Association of Museums on November 12, 1993 and revised in 2000. The AAM Board of Directors recommends that each nonprofit museum member of the American Association of Museums adopt and promulgate its separate code of ethics, applying the Code of Ethics for Museums to its own institutional setting.

A Committee on Ethics, nominated by the president of the AAM and confirmed by the Board of Directors, will be charged with two responsibilities:

- establishing programs of information, education and assistance to guide museums in developing their own codes of ethics
- reviewing the Code of Ethics for Museums and periodically recommending refinements and revisions to the Board of Directors.

## Afterword

Each nonprofit museum member of the American Association of Museums should subscribe to the AAM Code of Ethics for Museums. Subsequently, these museums should set about framing their own institutional codes of ethics, which should be in conformance with the AAM code and should expand on it through the elaboration of specific practices. This recommendation is made to these member institutions in the belief that engaging the governing authority, staff and volunteers in applying the AAM code to institutional settings will stimulate the development and maintenance of sound policies and procedures necessary to understanding and ensuring ethical behavior by institutions and by all who work for them or on their behalf.

The Code of Ethics for Museums serves the interests of museums, their constituencies, and society. The primary goal of AAM is to encourage institutions to regulate the ethical behavior of members of their governing authority, employees and volunteers. Formal adoption of an institutional code promotes higher and more consistent ethical standards.

## Appendix E: AAM Recommended Procedures for Providing Information to the Public about Objects Transferred in Europe during the Nazi Era

American Association of Museums. "AAM Recommended Procedures for Providing Information to the Public about Objects Transferred in Europe during the Nazi Era." AAM: Hot Topics. May 2, 2001. Accessed January 29, 2018.

[http://www.aam-us.org/procedure\\_nazi.htm](http://www.aam-us.org/procedure_nazi.htm).

### Recommended Procedures for Providing Information to the Public about Objects Transferred in Europe during the Nazi Era

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#### Introduction

These recommended procedures have been formulated by the American Alliance of Museums pursuant to an agreement reached in October 2000 between the Alliance, the Association of Art Museum Directors (AAMD), and the Presidential Advisory Commission on Holocaust Assets in the United States (PCHA). The PCHA was created in June 1998 to study and report to the President on issues relating to Holocaust victims' assets in the United States.

#### Provisions of the Agreement

Under this agreement the parties concurred (a) on the desirability of expanded online access to museum collection information that could aid in the discovery of objects unlawfully appropriated during the Nazi era, (b) on the need to identify the categories of objects for which this information should be made available, and (c) toward those ends, that every museum should:

- 1) Identify all objects in its collection that were created before 1946 and that it acquired after 1932, that underwent a change of ownership between 1932 and 1946, and that were or might reasonably be thought to have been in continental Europe between those dates (hereafter, "covered objects"). In the event that a museum is unable to determine whether an object created before 1946 and acquired after 1932 (a) might have been in continental Europe between 1932 and 1946 and/or (b) underwent a change of ownership during that period, it should still be treated as a covered object.
- 2) Make currently available object and provenance (history of ownership) information about covered objects accessible online; and
- 3) Give priority to continuing provenance research on those objects as resources allow.

The parties also agreed on the creation of a search tool on the Internet that would assist claimants, claimants' advocates, and researchers in accessing information on covered objects in museum collections.

For practical and historic reasons, the Alliance, AAMD, and PCHA agreed that the initial focus of research and online postings should be on European paintings and Judaica.<sup>1</sup> Other covered objects in collections should be dealt with in a similar manner as resources allow.

Previously, some museums had provided online information only about objects with an incomplete provenance or a provenance containing a problematic name. The agreement calls for a more inclusive approach that PCHA, the Alliance, and AAMD believe is the best way for museums to aid the discovery process.

#### Development of Recommended Procedures

In December 2000, the Alliance convened a task force of museum professionals and other experts to advise staff on developing procedures for posting object and provenance information on museum Web sites and to consider mechanisms for making this information accessible from a single Internet site. The task force also addressed the issue of access to such information from museums without online collection information.

The task force identified 20 categories of information about covered objects that museums should compile and make available. Any additional information a museum is able to make available could further assist the process of discovery. The task force also developed the concept of a Nazi-era Provenance Internet Portal to assist users in conducting searches.

The Alliance views these procedures as consonant with the fundamental mission of museums to document and publish their collections and recognizes that, because of the Internet's global reach, posting collection information online should be a goal. Museums are encouraged to construct online searchable databases in which the posting of information about covered objects should be a priority.

#### Recommended Procedures

##### 1) Making Object and Provenance Information for Covered Objects Accessible

The following 20 categories of object and provenance information are key for aiding potential claimants in identifying or ruling out a specific object. Museums should make this information accessible, organizing it according to their own standards. Museums should also include an explanation of how to interpret their provenance listings.

Museums should identify objects that fit the definition of Judaica contained in this document even if such objects have not been classified as Judaica in their databases. Museums should provide currently available information immediately, adding to it as time allows.

Category	Comments
Artist/Maker	To include artists' names, alternate names, and previous attributions.
Nationality of Artist/Maker	—
Life Dates of Artist/Maker	—
Place or Culture of Object	Only if artist unknown.
Object Title or Name	To include alternate titles.
Date of Work	To include approximate date, if specific date is unknown.
Medium/Materials	—
Measurements	—
Date of Acquisition	—

Accession Number	—
Object Type	Painting, sculpture, decorative arts, etc.
Subject Type	Landscape, portrait, mythological subject, historical, religious, genre, Judaica, etc.
Signature and Marks (obverse)	To include signatures, inscriptions, and marks; for paintings, what appears on the front
Labels and Marks (reverse, frame, mount, etc.)	To describe marks and labels (prior to 1945) on the reverse of an object (including frame, mount, etc.). Indicate if images are available.
Description	To contain description of object (its content, subject, etc.). Museums should make this a priority.
Provenance	To contain, at the minimum, known owners, dates of ownership, places of ownership, method of transfer (sale, gift, descent, etc.). To include, if known, lot numbers, sale prices, buyers, etc. To include information on unlawful appropriation during the Nazi era and subsequent restitution. Museums should ensure that provenance information is understandable and organized chronologically.
Exhibition History	—
Bibliographic History	—
Other Relevant Information	To contain anything about the object that would be useful in identifying it for this purpose. If the object fits the definition of Judaica contained in this document, so state.
Image	An image is key to identifying an object. Museums should make every effort to include an image with their records.

## 2) Nazi-era Provenance Internet Portal

It is the view of the Alliance that museums should control the research, presentation, and maintenance of information about covered objects in their collections. This allows museums to organize their information according to their own standards and provide all relevant introductions, explanations, and avenues for inquiry.

In order to expedite searches for information about covered objects in museum collections, the Alliance will launch a search tool called the Nazi-era Provenance Internet Portal. The Portal initially will allow users to search by the artist/maker and the nationality of the artist/maker (or of the object if the artist is unknown). Additionally, users will be able to learn which museums contain covered Judaica. The Portal will provide the user with basic information contributed by museums about objects that fit the search criteria as well as links to further information controlled by those museums. The Portal ultimately will have the capacity to allow users to search on additional categories of information, such as object type and description of the object.

Museums should submit to the Alliance a set of descriptive data about covered objects in their collections. This information will constitute the registry. It will be the responsibility of the museum to update this information whenever there are changes, additions, or deletions.

### a) Submitting Information to the Portal Registry

The information that the Portal will use to assist searchers will be housed in a database. It will contain, for each museum, basic contact and URL information (if applicable) and an indication as to whether the museum's collection contains any covered Judaica. An associated searchable object registry will house object descriptive information that will be provided by museums in phases. In the initial phase, this will be artist/maker, nationality of artist/maker, and culture/nationality, if artist is not known. In later phases museums will be asked to add title, object type, and searchable free-text descriptions. In addition, museums without online collection information will be asked to supply one PDF file for each covered object. A link will be created from the object registry to the PDF file. Instructions for converting a document to Adobe PDF will be available from the Alliance.

Information about museums and their covered objects may be entered directly onto the Portal's Web site or submitted electronically. Whether a museum's registry records are linked to its Web site or to a PDF, the museum will receive a password giving access through the Alliance's Web site to the data it contributes. Museums will be responsible for updating and adding to these data. Instructions for submitting data to these tables will be available from the Alliance.

Museums should strive to provide the 20 categories of information listed above either in their online collection information or in their PDF files.

b) Searching the Portal

When a search is conducted, the Portal will return the registry information for all objects that match the search criteria and either (a) links to the Web site of each museum where more information about these objects can be found or (b) links to each PDF file that contains more information about these objects.

The Alliance will employ an enhanced search facility developed by the Getty based on the Union List of Artist Names® to increase the precision and recall of searches on the artist name by accommodating various spellings and making the searcher aware of related artists and artists who share the same name.

#### Commitment of the Alliance

Because of the urgent need to create a search tool for covered objects, the Alliance has committed to developing and managing the Portal for three years. However, in recognition that a project of this technological complexity falls outside the range of the Alliance's customary activities and services, after three years the Alliance will seek to transfer the project to a more appropriate organization.

To address any issues that may arise regarding the Portal, the Alliance will establish an independent commission to guide this effort. This independent commission will be appointed by the Alliance Board of Directors and will include museum professionals and experts from outside the museum field, significantly for the museum community, claimants, and researchers. It is envisioned that the commission will continue when the portal is transferred to another organization.

## Appendix F: Exhibit Envoy-Unmentionable

Envoy, E. (n.d.). Unmentionable: The Indiscreet Stories of Artifacts. Retrieved October 1, 2018, from

[http://exhibitenvoy.org/OurExhibits/tabid/110/ID/40/Unmentionable\\_The\\_Indiscreet\\_Stories\\_of\\_Artifacts.aspx](http://exhibitenvoy.org/OurExhibits/tabid/110/ID/40/Unmentionable_The_Indiscreet_Stories_of_Artifacts.aspx)

### Unmentionable: The Indiscreet Stories of Artifacts

**AUDIENCE:** Family, Teen

**LICENSING FEE:** \$500 (includes 500 printed and 500 digital copies)

**SIZE:** Flexible for show galleries

**INSTALLATION IMAGES:** View online here

**Expose the off-limits, unusual, and unmentionable artifacts in your museum's collection with Unmentionable's framework and graphics.**

In a museum setting, it is common for some artifacts to be considered too physical, too intimate, or too personal to display. These artifacts are often too intimate, too personal, or too sensitive to display. They are often too intimate, too personal, or too sensitive to display. They are often too intimate, too personal, or too sensitive to display.

A few artifacts may not have been displayed because they are too intimate, too personal, or too sensitive to display. They are often too intimate, too personal, or too sensitive to display. They are often too intimate, too personal, or too sensitive to display.

The purpose of this exhibit is to tell the story of these artifacts and the people who used them. It is to tell the story of these artifacts and the people who used them. It is to tell the story of these artifacts and the people who used them.

The exhibit is designed to tell the story of these artifacts and the people who used them. It is to tell the story of these artifacts and the people who used them. It is to tell the story of these artifacts and the people who used them.

**Examples of artifacts that can be displayed in the exhibit include:**

- Mercury thermometers
- X-ray film
- Historical photographs
- Racist imagery from advertisements
- Photographic labels
- Medical equipment
- Sewer cleaning systems
- Nude photographs

The fee for this exhibit includes the following materials:

- Full detailed suggested artifact list to help you select your artifacts
- Color print of graphic design (see graphic design for details)
- Sample text for artifacts and the introduction
- Programing suggestions
- Exhibit press kit
- Information for building an interpretation

**Unmentionable: The Indiscreet Stories of Artifacts** is available in English and Spanish. For more information, please contact the author at [envoy@exhibitenvoy.org](mailto:envoy@exhibitenvoy.org).

**1894 "T" Tooth Extractor**  
**DATE:** c. 1860  
**NUMBER:** 79 034 052  
**ATTENTION:** Medical Tools & Equipment

**1894 "T" Tooth Extractor:** We are used and metal tooth extractors also known as a tooth key, used to pull teeth. The dentist or surgeon would hook it around the root of the tooth, or it would be used to remove the tooth.

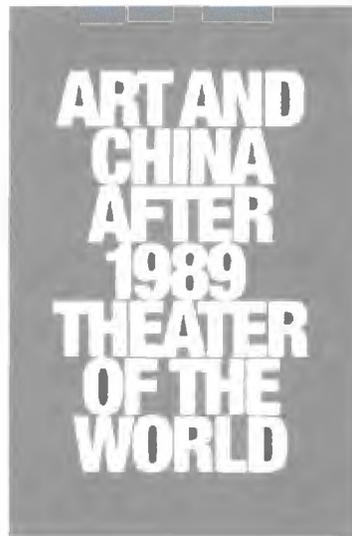
**1894 "T" Tooth Extractor:** Most people don't go to the dentist. We go because we need healthy teeth but we don't deal too much on the tooth the dentist uses. But look at the tool closely. It's from a time before the introduction of safe local anesthetic drugs like Novocain. A patient might have been given chloroform or ether to knock them out, but they would have quickly found out they were not asleep. Making you appreciate your dentist a bit more now, doesn't it?

**1894 "T" Tooth Extractor:** Thomas M. (1860)




### Appendix G: Guggenheim Statement

Guggenheim. (2017, September 26). Statement Regarding Works in "Art and China after 1989: Theater of the World". Retrieved from <https://www.guggenheim.org/press-release/works-in-art-and-china-after-1989-theater-of-the-world>



[← BACK TO PRESS RELEASES](#)

SEPTEMBER 26, 2017

## Statement Regarding Works in "Art and China after 1989: Theater of the World"

Out of concern for the safety of its staff, visitors, and participating artists, the Solomon R. Guggenheim Museum has decided against showing the art works *Dogs That Cannot Touch Each Other* (2003), *Theater of the World* (1993), and *A Case Study of Transference* (1994) in its upcoming exhibition *Art and China after 1989: Theater of the World*. Although these works have been exhibited in museums in Asia, Europe, and the United States, the Guggenheim regrets that explicit and repeated threats of violence have made our decision necessary. As an arts institution committed to presenting a multiplicity of voices, we are dismayed that we must withhold works of art. Freedom of expression has always been and will remain a paramount value of the Guggenheim.

###

#1499

September 25, 2017

## Appendix H: Hayward Area Historical Society

HAHS. (n.d.). Unmentionable: The Indiscreet Stories of Artifacts. Retrieved February 25, 2018, from <http://www.haywardareahistory.org/unmentionable/>

UNMENTIONABLE: THE INDISCREET STORIES OF ARTIFACTS

APRIL 5 THROUGH OCTOBER 29, 2017

This original exhibition explores topics and artifacts that we, as a society, find uncomfortable to talk about. Topics cover everything from racial discrimination to lifestyle choices to politics and personal adornment.

"Home." Hayward Area Historical Society. Accessed February 25, 2018. <http://www.haywardareahistory.org/>.



Your story is our story.

Loyal Americans Japanese American Internment During World War II has extended through December 31, 2016



CALENDAR

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EXHIBITS

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## Appendix I: Smithsonian Article about Controversial Guggenheim Exhibit

Katz, B. (2017, September 28). What to Know About the Controversy Surrounding the Chinese Art Exhibit Coming to the Guggenheim. Retrieved from <https://www.smithsonianmag.com/smart-news/questions-animal-cruelty-artistic-freedom-swirl-over-guggenheim-exhibit-180965045/>

**SMARTNEWS** *Keeping you current!*

**What to Know About the Controversy Surrounding the Chinese Art Exhibit Coming to the Guggenheim**

*In questions of animal cruelty, artistic freedom, moral, there make's*  
*with the artist's view on 'Art and China after 1949: Theater of the*  
*World'*



Facebook share interface showing the article title and a large block of blurred text, likely representing the article's content or a social media post.

**Appendix J: AAM Museums Committed to Excellence**  
**"Museums Committed to Excellence." Accredited Museums. Accessed January 8,**  
**2018. [http://ww2.aam-us.org/resources/assessment-](http://ww2.aam-us.org/resources/assessment-programs/accreditation/accredited-museums)**  
**[programs/accreditation/accredited-museums](http://ww2.aam-us.org/resources/assessment-programs/accreditation/accredited-museums)**



American  
Alliance of  
Museums

Events Resources Membership

### Museums Committed to Excellence

The following institutions are part of the Continuum of Excellence. They have committed to operating according to national standards and best practices in a variety of ways

Use this search tool to find museums that have:

- Taken the Pledge of Excellence
- Participated in MAP (since 2002)
- Completed Core Documents Verification
- Achieved Accreditation

Search by museum name or designation. All museums on the list have taken the Pledge of Excellence.

Want to add your museum to this list? [Learn how](#)

Accredited Museum  Core Documents Verified Museum  MAP Museum

Accredited Museum-on probation

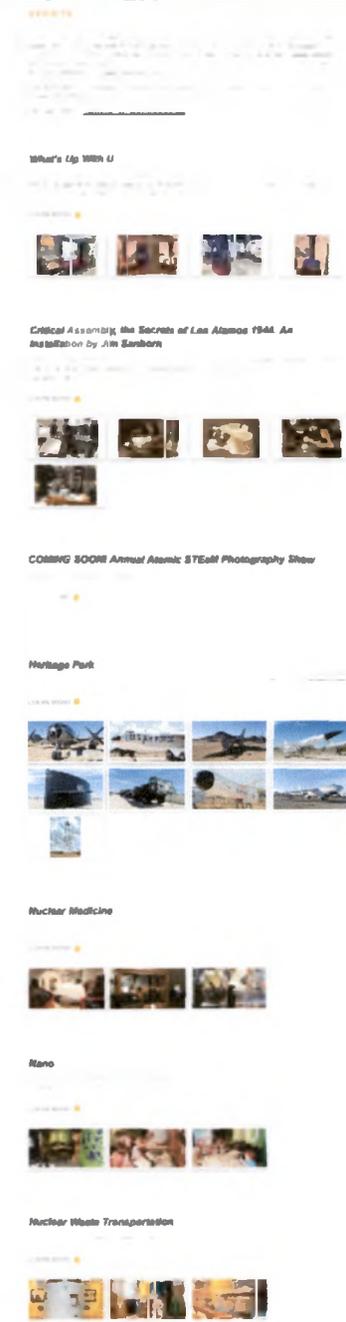
 

Search by state |  Accredited Museums  Core Documents Verified  MAP  
 Accredited Museum-on Probation

[View Statistics based on Pledge of Excellence](#)

## Appendix K: National Museum of Nuclear Science and History

National Museum of Nuclear Science and History. (n.d.). Exhibits. Retrieved October 1, 2018, from <https://www.nuclearmuseum.org/see/exhibits/>



### Energy Escalator

1945-1950



### Omakase, Enriching Your Future

1945-1950



### Radiation 101

1945-1950



### Niroshina and Nagasaki

1945-1950



### Cold War

1945-1950



### Atomic Culture/ Pop Culture

1945-1950



### Little Albert's Lab

1945-1950



### Decision to Drop

1945-1950



### Planners of the Atom

1945-1950



National Museum of Nuclear Science and History. (2018). Trinity Tour. Retrieved November 2, 2018, from <https://www.nuclearmuseum.org/visit/group-tours/trinity-tour>

**TRINITY TOUR**

**Registration now open for April 6, 2019 Trinity Tour.**

The National Museum of Nuclear Science & History leads a bus tour to the historically significant Trinity Site on the first Saturday of April each year.

Tour participants tour the McDonald Ranch House, walk to Ground Zero and view Jumbo (code name for the 214-ton Thermos shaped steel and concrete container designed to hold the precious plutonium core of the Trinity device in case of a nuclear mis-fire). While on the bus, docents will also provide insight into historical events and the scientific pioneers of the Manhattan Project. The tour also includes a box lunch.

Cost for the tour is \$90 per person, due at the time of reservation. To make a reservation for the next trip, please register below. If you have any questions, please contact Stephen Whitman at [whitman@nuclearmuseum.org](mailto:whitman@nuclearmuseum.org).

[Purchase Ticket](#)

"Welcome to the National Museum of Nuclear Science & History." The National Museum of Nuclear Science & History. Accessed February 25, 2018. <http://www.nuclearmuseum.org/>.

**WELCOME TO THE NATIONAL MUSEUM OF NUCLEAR SCIENCE & HISTORY**

The nation's only congressionally chartered museum in its field. An intriguing place to learn the story of the Atomic Age. Exhibits spanning the early research of nuclear development through today's peaceful uses of nuclear technology.

**"SCIENCE IS EVERYWHERE" WINTER CAMP - DECEMBER 17-29 AND JANUARY 2-4**

The National Museum of Nuclear Science & History will host "Science is Everywhere" Winter Camp 2018 for children ages 10-14 through the grade. Experience the wonders of science in six-day sessions December 17-20 and January 2-4. Sessions include "Cats of the Atom," "The Science of "Explosion of Matter," "Uncover the Code" and many more!

**SMARTPATH TEACHER TRAINING SESSION - JANUARY 12**

The National Museum of Nuclear Science & History will offer a 90-minute SmartPath Training Session on Saturday, January 12, 2019 from 10:00 to 11:30 am. This session is for 1st through 6th-grade educators, including classroom teachers, technology math, social studies, and English/Language Arts, special education/teachers, instructional coordinators/teachers, instructional materials coordinators, principals, and superintendents.

**EWSTEIN GALA - MARCH 23**

The Einstein Gala is the Museum's biggest annual party of the year. This prestigious event is held at the Museum's beautiful ballroom and features an amazing silent auction, a delicious dinner, and entertainment. All proceeds from the gala go to support the Museum's mission. Save the date! Tickets are on sale now. Visit [www.nuclearmuseum.org/ewstein](#) for more information.



## Freedom of Speech Commitment

Read the full document at <https://www.azdhs.gov/dhs2000/commitment-freedom-speech.pdf>

See also: [Suggested Reading](#)

- [Freedom of Speech Commitment](#) (2019) (https://www.azdhs.gov/dhs2000/commitment-freedom-speech.pdf)
- [Freedom of Speech Commitment](#) (2019) (https://www.azdhs.gov/dhs2000/commitment-freedom-speech.pdf)
- [Freedom of Speech Commitment](#) (2019) (https://www.azdhs.gov/dhs2000/commitment-freedom-speech.pdf)

Commitment to Freedom of Speech  
 The Department of Health Services (DHS) is committed to the freedom of speech and expression of all individuals, including students, faculty, staff, and the public. This commitment is a cornerstone of our institution's values and is essential to our mission of providing high-quality, evidence-based care and education. We will not tolerate any form of discrimination or harassment based on race, ethnicity, gender, or sexual orientation. We will continue to work with our community partners to ensure that all voices are heard and that our institution remains a place of open inquiry and learning.

## Preparation in Advance of Upcoming Programs and Potential Controversy

- **Identify community stakeholders and their interests. Develop procedures before a crisis and respond to complaints.**

- [Identify community stakeholders and their interests. Develop procedures before a crisis and respond to complaints.](#)
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- **Create an educational/public engagement calendar and framework for the exhibition before it opens.**

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- **Lobby and build relationships**

- [Lobby and build relationships](#)
- [Lobby and build relationships](#)
- [Lobby and build relationships](#)

- **Make use of strategic educational programming**

- [Make use of strategic educational programming](#)
- [Make use of strategic educational programming](#)

- **Facilitate communications between the curator, the educators, and the board**

- [Facilitate communications between the curator, the educators, and the board](#)
- [Facilitate communications between the curator, the educators, and the board](#)
- [Facilitate communications between the curator, the educators, and the board](#)

- **Review the institution's crisis plan and conduct a PR plan legal review**

## Procedures for Addressing the Press or Complaints from the Public after an Exhibition or Special Program Opens

A statement of support for freedom of expression and the artistic right of artists to speak their minds is essential to the success of an exhibition or special program. It should be issued in a timely and visible way. The following checklist should be kept in mind and used as a guide to the actions of the board and the directors.

### Top Priority: Immediate Response to the Media

- **Leave the exhibition exactly as it is** in order not to cause any of the negative effects of a withdrawal.
- **Establish a working procedure** by which the board and the management will respond to press and other inquiries.

### Handling Comments from the Community

- Respond to all inquiries in a timely and thoughtful way.
- Alert the director of any comments or criticism regarding the exhibition or the program, including all of the comments that are collected in the staff's "Confidence File" and be sensitive to the attitudes of the community if the comments are likely to be negative in nature.
- Do not be easily provoked by comments that are hostile or abusive. Remember that the comments are often the result of a misunderstanding of the program or the exhibition.
- Consider the comments in their context. Ask whether the comments are constructive or destructive. Consider the possibility of a misunderstanding or a simple error.
- If you do not have the time or resources to respond to a comment, arrange with the director to have the message sent by mail or by other means.
- Pressure and threats are not the way to deal with complaints.
- Do not discuss the situation with other staff members or with a staff member who is not involved in the program and has no special goals.
- Know the policy of the board and the director on the collection of letters and comments to the organization.
- Consider the possibility of a staff member who is not involved in the program who is the author of the comments and contact the staff member if it is determined that the comments are not in the best interest of the organization.
- Consider the possibility of a staff member who is not involved in the program who is the author of the comments and contact the staff member if it is determined that the comments are not in the best interest of the organization.

### Working with the Press and Media

- Establish a procedure by which the staff will be kept informed of all inquiries and comments from the media and the community. This will be especially important if the organization has a large number of staff members who are not involved in the program.
- Establish a procedure by which the staff will be kept informed of all inquiries and comments from the media and the community. This will be especially important if the organization has a large number of staff members who are not involved in the program.
- Do not be easily provoked by comments that are hostile or abusive. Remember that the comments are often the result of a misunderstanding of the program or the exhibition.
- Consider the comments in their context. Ask whether the comments are constructive or destructive. Consider the possibility of a misunderstanding or a simple error.
- If you do not have the time or resources to respond to a comment, arrange with the director to have the message sent by mail or by other means.
- Pressure and threats are not the way to deal with complaints.
- Do not discuss the situation with other staff members or with a staff member who is not involved in the program and has no special goals.
- Know the policy of the board and the director on the collection of letters and comments to the organization.
- Consider the possibility of a staff member who is not involved in the program who is the author of the comments and contact the staff member if it is determined that the comments are not in the best interest of the organization.

NCAC. (2018). Museum Best Practices: Background. Retrieved September 30, 2018, from <https://ncac.org/resource/museum-best-practices-background>

## Museum Best Practices: Background

In February 2011, as censorship of the National Portrait Gallery exhibition *Hide/Seek: Difference and Desire in American Portraiture*, provoked deep controversy nationwide, the NCAC and the Vera List Center for Art and Politics convened a group of arts professionals, consultants, and First Amendment lawyers for a closed policy session. The goal was to brainstorm on ways to become pro-active on issues of artistic and curatorial freedom and to reverse a cycle of politically motivated accusations and censorship still assaulting many art institutions.

The result is a **new set of best museum practices**. At a minimum, this document offers art institutions embroiled in **controversy procedures and guidelines** to secure, among other things, time for the thoughtful and deliberate consideration and consultation with key stakeholders. It sketches out how such procedures prevent the immediate removal of work in response to outside pressure, and it helps establish support for museums that are willing to mount provocative, potentially controversial exhibitions.

This is the process by which NCAC and the Vera List Center arrived at the document. A nationwide examination of existing museum guidelines yielded a first crop of issues, languages and propositions. The resulting master document was circulated among museum directors and other arts and educational and media professionals for feedback. In the fall of 2011, a working group convened with representatives of NCAC, the Vera List Center, Americans for the Arts, the American Association of Museums (now the American Alliance of Museums), the Association of Art Museum Curators, the College Art Association, the Association of Art Museum Directors, as well as individual museum directors and academics. The Association of Academic Museums and Galleries joined the team in the spring of 2012. Over the course of several meetings and further outreach, they developed the final version of the **Best Museum Practices** document.



#### Archaeological Resources Protection Act (ARPA) of 1979

ARPA protects archaeological resources and sites on public (federal) lands and Indian lands. It also calls for the preservation of objects and associated remains in a suitable repository once recovered from a site. ARPA was enacted in recognition that archaeological resources are an irreplaceable part of America's heritage and they are increasingly endangered because of the escalating commercial value of some kinds of artifacts.

ARPA sets up guidelines for the proper procedures for obtaining permission and permits to excavate archaeological sites on public lands by qualified individuals. For the purposes of ARPA, archaeological resources include any material remains of human life at least 100 years old and of archaeological interest.

ARPA also establishes penalties and fines for breaking the law. For a first offense, a fine of up to \$20,000 and up to two years imprisonment may be imposed. For subsequent offenses, the penalty may involve fines of up to \$100,000 and imprisonment of up to five years. Additional penalties based on the value of a damaged site and the cost to repair it may also be imposed on the offenders.

- [Archaeological Resources Protection Act](#), statute text.
- [Managing Archaeological Collections: MACTA](#)
- [Entry for the Archaeological Resources Protection Act in Archaeological Method and Theory: An Encyclopedia](#).
- [Blair, Merry. The Civil Preservation Politics of the Archaeological Resources Protection Act](#), Technical Report 36.

#### Abandoned Shipwreck Act (ASA) of 1987

The ASA establishes government ownership over most abandoned shipwrecks in the nation's rivers, lakes, and offshore in the ocean out three miles from the coast. The majority of the shipwrecks covered by the statute are significant historical resources that tell compelling stories about our regional, national, and international maritime history. Equally important, the physical remains of these hulls and superstructure are vital biological habitat for marine life and contribute to state heritage tourism by offering spectacular recreational and educational opportunities. For these reasons, the law places the resources under government management and says that neither the law of salvage nor the law of finds apply to the resources. This means the shipwrecks are protected from exploitation by commercial salvagers and makes the wrecks available for the enjoyment of the public.

Abandoned shipwrecks are those that have been derelict and whose owners have given up their rights to ownership. There are two important distinctions for shipwreck abandonment. The first one takes place when an insurance company pays an owner for the value of the sunken vessel. At that time, it effectively purchases the title, and thus has rights in ownership. However, the insurance company would need to demonstrate an intent to relinquish, for example, by taking action to recover the vessel. Following its loss or maintaining the sunken wreck on an inventory of the company's assets. Without such declarative action on the part of the company, the shipwreck would be considered abandoned. In the second case, a sunken warship, although seemingly abandoned, remains the property of its nation unless formal action is taken to abandon or transfer the title.

The state governments play a key role in carrying out the ASA. Under the statute, the title of the vessel is transferred from the federal government to the state in which it is located. The federal government, however, reserves ownership of shipwrecks on federal lands and Indian tribes and shipwrecks on Indian lands over which the tribes have jurisdiction. Some states have established underwater trails and parks for the enjoyment of sport divers and many states and federal agencies work in partnership with avocational archeology and sport diver groups to map, study, and monitor the condition of shipwreck sites.

- [Abandoned Shipwreck Act](#), statute text.
- [State Submerged Cultural Resources Laws](#)
- [Discovering a Submerged Legacy](#)
- [Abandoned Shipwreck Act Guidelines](#)
- [Entry for the Abandoned Shipwreck Act in Encyclopedia of Underwater and Maritime Archaeology](#).

#### Native American Graves Repatriation Act (NAGPRA) of 1990

NAGPRA specifies special treatment for Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. NAGPRA stipulates that illegal trafficking in human remains and cultural items may result in criminal penalties.

NAGPRA has two major purposes. One is to require that federal agencies and museums inventory federal lands inventory holdings of Native American funerary remains and funerary objects. They must also provide written summaries of other cultural items. This helps to forge paths for federal agencies and native tribes to work together in the process of identifying and returning human remains and funerary objects.

The second purpose is to give Native American burial sites greater protection. NAGPRA requires that Indian tribes and Native Hawaiian organizations be consulted when archeological investigations are anticipated, or when cultural items are unexpectedly uncovered.

- [Native American Graves and Repatriation Act](#), statute text.
- [National Parks Rematriation](#)
- [Managing Archaeological Collections: NAGPRA](#)
- [Entry for the Native American Graves and Repatriation Act in Archaeological Method and Theory: An Encyclopedia](#).

**Curation of Federally Owned and Administered Archaeological Collections (36 CFR 79)**

36 CFR 79, issued in 1990, provides government-wide regulations for the curation and care of federal archaeological collections required by NHPA, the Resource Salvage Act, and ARPA. These regulations establish procedures and guidelines to manage and preserve collections, including objects and associated records. They also identify ownership of collections and include terms and conditions for federal agencies to include in contracts and Memorandums of Agreement (MOA) with non-federal repositories.

36 CFR 79 is the first set of regulations to produce standards for determining a viable repository for federally owned and administered archaeological collections. It provides guidelines for acceptable access and use of collections, inventories, and inspections.

- [Curation of Federally-Owned and Administered Archaeological Collections, regulation text.](#)
- [Managing Archaeological Collections, 36 CFR 79](#)
- [Care for Collections](#)
- [Collections and Curation, Common Ground 1.2, Summer 1998.](#)

[Back to the public](#)

**Appendix N: Oakland Museum of California**

"Oakland Museum of California: a Bay Area Art, History & Science Museum."  
 Oakland Museum of California: a Bay Area Art, History & Science Museum.  
 February 02, 2018. Accessed February 25, 2018. <http://museumca.org/>.

The screenshot shows the homepage of the Oakland Museum of California (OMCA) website. At the top left is the OMCA logo. To its right is a navigation menu with links for VISIT, ON VIEW, EVENTS, EDUCATION, COMMUNITY, JOIN + GIVE, ABOUT, and SHOP. A search bar is located to the right of the navigation menu. A prominent blue button labeled "Buy Tickets" is positioned in the top right corner. Below the navigation is a large hero image of a dining room with round tables and chairs. Overlaid on the right side of this image is a dark box with the text "Host your next event in the Blue Oak café" and a "+ learn more" button. Below the hero image are three columns of content: "Hours" with a table of operating times, "Events" featuring "The World of Charles and Ray Eames Decent Year", and "Get Connected" with a sign-up form. The "OMCA Blog" section follows, containing three article teasers: "Top 5 OMCA events for the Winter season", "Inspired by Eames: Bryn Imagine", and "Engage. Reflect. Share." The footer includes the text "The museum of us. Oakland Museum of California", social media icons for Facebook, Twitter, YouTube, Instagram, LinkedIn, and RSS, and a small paragraph of text about the museum's mission.

OMCA. (n.d.). All Power to the People: Black Panthers at 50. Accessed February 25, 2018. <http://museumca.org/exhibit/all-power-people-black-panthers-50>



## All Power to the People: Black Panthers at 50

October 8, 2016–February 26, 2017



### When Bobby met Huey in Oakland, something extraordinary happened.

In October of 1966, Huey P. Newton and Bobby Seale created a radical political party at the forefront of revolutionary change—the Black Panther Party for Self Defense. On the 50th anniversary of its founding, the exhibition *All Power to the People* provides a contemporary view of the Party and its aims to serve oppressed people and fight injustice.

In the gallery, uncover the history of the Black Panther Party—a history that is often misunderstood. Charismatic Panthers—both men and women—created programs to benefit the people, stood up against power, and earned the admiration of other struggling communities in the US and across the globe. Many still fear the Panthers and are unaware of their motivations and intent. Former Panthers admit some mistakes and acknowledge that their image as militants cast a negative shadow on their legacy.

Rare historical artifacts, never-before-seen photographs, first-person accounts from former Panthers, scholars, and community members, and contemporary art show how the Party continues to influence culture and activism locally, nationally, and internationally.

The Black Panther story is complex. The Panthers' ideas were potent, and they continue to inspire many. Visit *All Power to the People* and reflect more deeply about the Black Panther Party and its place in our shared history.

*All Power to the People: Black Panthers at 50* is supported in part by the Ford Foundation, the Oakland Museum Women's Board, Sheila Duignan and Mike Wilkins and members of the Donor Forum including Eileen Ash and Frank Arthur, Quinn Delaney and Wayne Jordan, and Peter Pervere and Georgia Cassel.





