

The Museum of N.M. "Our Lady" Papers

The following are a few internal documents and communiqués from Museum of N.M. personnel and affiliated parties. All documents and/or communiqués were acquired by Deacon Anthony Trujillo. The materials were digitized by author Rubén Sálaz. All emphasis in bold or italic type is from the Rubén Salaz, who is solely responsible for the OBSERVATIONS commentary sections as well as the CONCLUSION.

January 21, 2000

FROM: Nunn, Tey **TO:** Alma López

Hola Alma!

I don't know if you remember me but we met briefly at NACCS in Mexico City. My mother recently met you in Juarez when you won the border arts prize. Congratulations. You deserve it!

I am planning an exhibition for January 2001...I was hoping I could interest you in showing your fabulous work as one of the four featured artists...I would love to have you participate...

Tey Mariana Nunn, Ph.D. Curator of Contemporary Hispano and Latino collections Museum of International Folk Art (MOIFA)

Santa Fe, N.M.

January 21, 2000

FROM: Alma López **TO:** Nunn, Tey

...Of course I am interested in an exhibition with other Latinas working with technology. Send me information...

April 24, 2000

FROM: Marion **TO:** Nunn, Tey

Subject: Re: FW: CyberArte exhibit at MOIFA

Dear Tey:

It was a pleasure hearing from you. I hope all is well, and I'd like to extend my "congratulations" on "Sin Nombre". I had an opportunity to go through it and thought it was great! Very well done.

Regarding the CyberArte exhibit, I would be honored. Thank you for considering me. Is there anything you need from me (slides, photos, resume), at this point in time? Just let me know.

Blessings, Marion.

[OBSERVATIONS: The MNM Curator is working to create an exhibit. She is enthusiastic about her work and has good rapport with artists.]

April 27, 2000

FROM: Nunn, Tey **TO:** Marion

Subject: RE: FW: CyberArte exhibit at MOIFA

Hi Marion!

Thanks you so much for your kind words about *Sin Nombre*. It has been a struggle from the very beginning but aft he same time one of the most rewarding experiences in my life. I'm so tired of improper representation in museums and books...I just had to do something!

No, I'm the honored one. I'm thrilled that you want to participate in the CyberArte show. I think its going to be great. I desperately want to get away form the stereotypical New Mexican bulto show and show the different manifestations of "tradition." I had wanted to do this last year and call it "*Y Tu Qué?*" but it was nixed by our old director. Luckily our new director, Joyce Ice agrees with me that we need to play a larger role in representing all forms of Hispanic/Latino/Chicano art, **none of which I consider "folk."** I just worry that fabulous artists like you will not want their work in a "folk" art museum. I just want you to know that I want o break down stereotypes and work with artists in all media.

One of my other thoughts or this exhibit is to write to Intel and Microsoft for a little money and a computer to be installed in CyberArte so that the visitors can log on, see your and the other artist's web sites, as well as investigate other Latino art sites on the web. I think it would be very educational to show the museum visitor what the Latino Chicano Presence is out on the Net

Yes! If you could send a few slides, I can dupe them (With your permission) and use them to illustrate my requests to Intel and Microsoft. That would be wonderful. I probably would not need to select works until August or so.

Also maybe in August (AM After Market) I could meet with all the artists to see how you would like to see the exhibit.

I thought it would be great if you all wrote your own artists statements about why you use technology in your work. I don't want to speak for you! Also, if you have any suggestions for another title or web sites we might feature, please don't hesitate to speak up!

I've been trying to do at least the preliminary organization of this all via e-mail and the internet which is why I haven't called you in person. Just sort of my own creative experiment as part of the exhibit. Let's see how far we get! Hah!

Yes, your updated resume would be great too! Otra vez, mil gracias. I'm excited!!!

Tey

Tey Marianna Nunn, Ph.D., MOIFA Curator

June 5, 2000

FROM: Nunn, Tey TO: Marion

Subject: CyberArte exhibit at MOIFA

Hi Marion!

Just wondering if you ever got this message?

We have scheduled the show, tentatively titled CyberArte to open February 25, 2001. It will close in late October 2001.

Would you have a couple of great pieces that I could either photograph or slides that I could dupe for our pre exhibit press and etc. I would also need title of piece, dimensions, year and credit (you of course). I know this is pressure before Spanish Market But I would need these sometime in the first half of July. For the show, I would love to have 8-10 pieces of yours (a Matachine or 2!) 1 would also need an artist statement to put in the show. I don't want to interpret your work for you.

For the opening I was thinking of having an artist discussion panel, Tentatively titled "Technology meets Tradition". Let me know if you have any ideas. Hope all is well with you.

Am really excited about this show!

Saludos! Tey

Tey Marianna Nunn, Ph.D.

[OBSERVATIONS: The exhibit is scheduled to open February 25, 2001. It will close in late October 2001.]

June 5, 2000

FROM: Nunn, Tey TO: Alma López

Dear Alma,

The dates for the Cyberarte have been set. **The show will open February 25, 2001 and close in late October 2001.**

I am currently in the process of writing small grants to Intel, Microsoft, and other computer related companies to find a little bit of extra funding so that we can include some computers; one to be used for searching the web for Latino/a and Chicano/a. art web sites and the other to be used for museum visitors to creating their own cyber arte.

Would you still be interested in having your art shown here? I would need approximately eight pieces and an artist's statement.

The other featured artists are all Nuevomexicanas: Elena Baca, Teresa Archuleta Sagel and Marion Martinez. The fifth artist will be a Hispanic Latino/a graphic designer.

On or around the opening day, I would like to have panel of the artists discussing their works etc. The tentative title for this would be "Tradition meets Technology."

Could you please e-mail me as soon as you get a chance? I would love to be able to use one of your slides, either "Juan Soldado" or the "Our Lady with Rose Lingerie" in our pre exhibition press (i.e. Museum pamphlets etc.). I have the slides but would need your official permission and the complete credit for each.

Could you let me know as soon as possible? I have the slides. I just need your agreement that your works will be in the exhibit and that we can use an image or two for the advertising.

Let me know what you think. I would be thrilled if your work was in the show and I know all the other artists would enjoy meeting you!

Tey Marianna Nunn, Ph.D.

[OBSERVATIONS: The "art" pieces by Alma López were actively recruited by the Museum of N.M. An item titled "Our Lady with Rose Lingerie" is solicited for advertising purposes. From its inception, the exhibit is scheduled to run from February to October.]

July 10, 2000

FROM: Nunn, Tey TO: Alma Lopez

Dear Alma,

I can't say it enough! I am so glad you have agreed to exhibit your work in our upcoming exhibition, tentatively titled CyberArte. The show is scheduled to open here at the Museum of International Folk Art in early February 2001.

I am currently finishing up a show on the images of Santiago that will open on July 23d (two weeks aack!). As soon as it is up and running I will plunge full force into CyberArte.

Until we can figure out all the particulars, can I get your permission to uses either your image of *Our Lady* or that of *Juan Soldado* in a pre exhibition mailer that serves as a schedule of events for fall and winter? I have the images already and we can just scan the slide ...

Can you please let me know as soon as possible? The graphic designer has to go to press with this the second to the last week in July and I would love for your work to represent the show. The mailer/calendar will be an accordion fold out type of deal and will be sent to approximately 15, 000 people. It will also be handed out here at the museum.

Just a quick e-mail or phone message will suffice as soon as you get a chance.

I can't wait for *CyberArte* to get rolling!

Most sincerely, Tey Marianna Nunn, Ph.D.

September 11, 2000

FROM: Alma López TO: Nunn, Tey

Hi...all's well here...I just hope you aren't getting too much controversy. Most people really like the "Our Lady" image...it is also the cover of a book titled "*Puro Teatro: A Latina Anthology*" by U. of Arizona Press. When "Our Lady" was shown on Channel 7 I received an objection to using the virgen (sic) in that image. I explained that it was partially based on an essay by Sandra Cisneros titled "Guadalupe the sex goddess" in Ana Castillos' "Goddesses of the Americas." And for me, it was about making a personal connection to this cultural icon that I grew up with...

I am working on new images which include images of friends who are transgenders and gay males. Hopefully I will be able to send you jpeg (sic) images of new work by mid October...

[OBSERVATIONS: There can be no doubt as to the implications of the "art" being entertained by the Museum of N.M. as of this date. This is the first time the idea of "controversy" is introduced. The artist is straightforward.]

September 11, 2000

FROM: Nunn, Tey TO: Hagood, Barbara;

Cc: Ice, Joyce; Nunn, Tey

Subject: Cyber Arte

Hi Barbara and Jennifer,

Just wanted to let you know that the image we used in our Fall brochure for the Cyber Arte exhibit has generated some phone calls (2 so far). Callers are concerned that the image is a mockery of the Virgin Mary and that children should not view the image. **I'm preparing a packet of information to send people which may or may not address the concerns.** When I get it together, I'll send one to you too. Just wanted to give you the heads up in case this goes any further.

Hope all is well and thanks for coming to visit us a couple weeks ago.

Tey

Tey Marianna Nunn, Ph.D.

[OBSERVATIONS: The Museum of N.M. is aware this exhibit could be "controversial." Preparations are made to handle the possible controversy but it doesn't appear to be a serious factor.]

September 11, 2000

FROM: Marshall, Jennifer TO: Nunn, Tey

RE: Cyber Arte

Thanks for alerting us, Tey. We're here if you need any help! Regarding Cyber Arte, even if you only have a couple images please go ahead and send them to me so I can prepare the press kits. Beyond cutting-edge technology publications such as Wired, are there any others you'd like me to solicit? Barbara, Cheryle, and I were pleased with everything we were able to cover on 8130. The only thing we didn't get to were PSAs. I'll try to get that on the agenda for your staff meeting on the 9/19! See you then, JBM.

September 22, 2000

FROM: Nunn, Tey TO: Alma López

I am sending some of the brochures to you in the mail today...No, the controversy hasn't been too hard to deal with. Two phone calls, one letter and a request to travel the show! I wanted to get your permission to use your wonderful quote if I decide to send a generic response letter. I would love to include this sentence: "*And for me, it was about making a personal connection to this cultural icon that I grew up with.*" I am attaching a copy of the generic letter that I wrote yesterday. Please let me know how you feel about this...

As I mentioned before, the department of Chicano/a Studies and the Spanish Department would be happy to pay for your flight out here if you could give a presentation at the University of New Mexico either the Friday before (Feb. 23rd) or the Monday after (Feb. 26th). We can also pay a small per diem and lodging....I know the other artists are really looking forward to meeting you...Tey

[OBSERVATIONS: All preparations appear to be going according to plan.]

September 28, 2000

FROM: Tey Marianna Nunn TO: Peggy Jones

Dear Mrs. Jones:

Thank you for taking the time to contact the Museum of International Folk Art about our fall exhibitions and program brochure. I understand that you are offended by the image of the Virgen de Guadalupe by artist Alma Lopez. This work of art is only one of many images by four different artists that will be included in the upcoming *CyberArte* exhibition. It is certainly not our intent or the intent of the artist in this particular case to offend anyone with this image or to show disrespect. Alma Lopez, the award winning artist of this particular piece, states she was inspired by the writings in *Goddess of the Americas, La Diosa de las Americas: Writings on the Virgin of Guadalupe* (edited by Ana Castillo and published by Riverhead Books, New York, 1996) and that for her, "creating this image was about making a personal connection to this cultural icon that I grew up with."

Devotion to Our Lady of Guadalupe is an important aspect of religious and cultural identity in the Southwestern United States and throughout Latin America. Our Lady has been portrayed in many different interpretations, all of which testify to the strength of her appeal over time. This particular image was selected for this important exhibition because of the artist's utilization of computer technology depicting traditional and contemporary interpretations of Guadalupe's iconography. Since the 1970s, Hispana, Latina and Chicana artists and writers have reshaped and recast the Marian representation of - Nuestra Señora de Guadalupe (Our Lady of Guadalupe) so that she fits their contemporary spiritual needs. In doing so the Virgin becomes an even more powerful icon and image of strength as well as religiosity.

I invite you as my guest to take the opportunity to see the *Cyber Arte* exhibition when it opens Sunday, February 25th, 2001, and to listen to the participating artists reflect on their work in the panel discussion that afternoon. Until then, I am enclosing a few articles and images that address the idea of re-negotiating the iconography of Mary, Mother of God. Thank you again for your demonstrated concern and interest in the Museum of International Folk Art.

Most sincerely,

Tey Marianna Nunn, Ph.D., Curator of Contemporary Hispano and Latino collections

[OBSERVATIONS: Objections to the exhibit are handled with a "generic" albeit professional letter. MNM Curators are highly academic, educated people.]

November 27, 2000

FROM: Museum of N.M. TO: Media

Santa Fe, New Mexico - Dr. Tey Marianna Nunn, Curator of Contemporary Hispano and Latino collections at Museum of International Folk Art is constantly looking for ways to break down stereotypes and collapse categories as they pertain to Latino and Hispano arts and artists. With the beginning of the new millennium, Dr. Nunn was determined to create an exhibition to inspire museum visitors and contemporary artists to investigate what computers and the Internet have to offer.

Her exhibition, ***Cyber Arte***, opens in the Contemporary Changing Gallery, a component of the Hispanic Heritage Wing at the Museum of International Folk Art (MOIFA), on February 25, 2001, and **closes October 28, 2001**.

Cyber Arte focuses on computer-inspired art by Hispana, Latina and Chicana artists who combine "folk" elements with state-of-the art technology to create a new aesthetic for the 21st century. The exhibition promises to be a virtual extravaganza highlighting this recent movement in contemporary art. *La red* (the web), *los emilios* (e-mails) and *ciber espacio* (cyber space) will never be the same.

"The central purpose of the *Cyber Arte* is to exhibit the work of the featured artists and to showcase the manner in which they translate and recast their deeply-rooted cultural beliefs, images and history by utilizing computers to create a new type of visual art," says Dr. Nunn. "We hope this exhibition will encourage visitors to explore the infinite artistic and cultural possibilities of computers and the World Wide Web."

[[OBSERVATIONS: Reporter Morgan Lee writes in the May 23, 2001, issue of the *Albuquerque Journal* that the "Our Lady" photo collage will remain on display but only until October 28 because "The decision to shorten the run of the exhibits by about four months was made by Joyce Ice... 'in the spirit of reconciliation,' she said." The communiqués of June 5 and November 27, 2000, show that the *Cyber Arte* exhibit was originally scheduled to end on October 28. The "spirit of reconciliation" comment by the Museum spokesperson is therefore fraudulent.]

January 25, 2001

FROM: May, Laura TO: Duke, Jacqueline; Ice, Joyce; Nunn, Tey; Gomez, Aurelia

Subject: **Cyber Arte Stuff Importante!**

Progress!

PS Contracts

I drafted the artist contracts (4) who are participating in the panel discussion on opening day. I emailed Alma Lopez asking for her SS # and the details of her trip (she's also at UNM) so we can nail everything down in terms of accommodations, per them yadda, yadda.

I am awaiting social security numbers via email and a review of the draft by Tey before I send them out- should be done Monday 1/29- Tuesday at the latest.

AV Systems

I talked to Bob Wickham and asked him to get a price for us to rent 4 wireless mics & a mixer board so we can get the PO

started. He said Scott will fax us something next week...

We need to draft English text for a bilingual flyer (translated by Adda, Jim & ???) to distribute at local businesses catering to Spanish speaking residents two weeks before the opening.

For opening day I would also suggest a polling of visitors: Hablas inglese? (sic) "Are you here for the CyberArte opening?" If so, How did you hear about the opening? If not- How did you hear about the museum? Etc. to evaluate KUNM and other advertising.

THANKS.

Laura M. May, Special Events Coordinator, Museum of International Folk Art

[[OBSERVATIONS: Work on the CyberArte exhibit proceeds in a regular, professional manner as would any other projected exhibit.]

January 25, 2001

FROM: Member Dale Paul Kronkright, Senior Conservator

TO: Chair and Membership, Culturally Sensitive Materials Committee, Museum of New Mexico

RE: Ideas for developments in the "**Sensitive Materials**" policy.

In regards to the general tone of "how determinations are made" in the policy:

The introduction to section 11. states that the museum must act responsibly and respond to ethical concerns and that the policy provides the rules (means) for meeting this responsibility. The narrative then states that the Museum implements this policy through the Sensitive Materials Committee [SMC]. By narrowly defining the implementation responsibilities to this committee, I believe we are preventing ourselves from creating a policy framework that encourages a more proactive and professional process in regards to cultural materials. I feel this is especially true for collections that are outside the narrow group of repatriation candidates under the guidelines of Native American Graves Protection Act, **NAGPRA**. If this does not apply to this issue does this [indecipherable word] have any authority at all?

The collections policy addresses exclusively what the collections are physically and tangibly, not what they may do or mean intangibly or culturally to people linked to them by ties of culture, descent and or geography. In so doing, we create a structural prejudice toward viewing the collection objects solely as tangible resources that can be mined, studied, picked apart, processed, refined and made into useful products (admissions to exhibits, sales for books, marketable access to advanced knowledge, status and standing for institutions or individuals). **This prejudice is alien and offensive to many Native American people who the Museum counts among its constituency and whose cultural heritage the Museum claims to represent and protect.** To many Native communities the conventions and protocols for respectfully caring for what an object does (or did) and what it means (or meant) constitutes the most important aspect of preservation. As written, the policy does not create or sustain a very inclusive process. It places the responsibility for the designation, disposition and care of culturally sensitive objects awkwardly on the shoulders of the SMC, rather than defining the process and the responsibility more broadly and using the committee as a means encouraging Museum-wide practices and as a forum for resolving disputes. Indeed, the Museum's policy could be interpreted to encourage staff to avoid issues of cultural sensitivity unless somebody with enough status to gain a degree of legal recognition raises a question.

It should be the responsibility of our policies to solicit our professional staff to develop methods that incorporate both the proper ritual care of objects of cultural patrimony and acceptable western preservation practices of preserving the physical characteristics. **In so doing we may learn more about the continually developing meaning of the material culture of our constituent communities and/or about cultures around the world.** That discovery and development of increasingly valid and sophisticated knowledge is at the very core of the Museum's existence: **it is what connects the Museum to the people of New Mexico and the world community.**

It is with this view that I believe the policy should inform curators,

conservators and collection managers of their responsibility, during the professional and scholarly investigation of the collections they are working with. The policy should direct professional collections staff to:

-Determine where likely communities or groups may be with cultural, kinship or geographical ties to the objects.

- Work to contact these parties to determine conventions and protocols for care, use and important conventions or restrictions that might impact the preservation and use of these materials in Museum programs.
- Document these discussions and protocols in the collection records and
- Work to establish **methods of caring for these objects** that best balance the needs of all parties and best **strengthen the relationship between the Museum and the people it strives to represent.**

In creating a structural policy milieu that fosters a proactive dialogue with the communities whose material heritage we claim stewardship, we ensure an increasingly important link to those communities and truly move the Museum towards fulfillment of its mission in a powerful way...

[OBSERVATIONS: Professional policy is in place. Does the MNM know when to apply it?]

Policy on the Culturally Sensitive Materials was approved on May 20, 1999. It reads in part:

II. CULTURALLY SENSITIVE MATERIALS

The Museum recognizes that it must act responsibly and respond to ethical concerns surrounding culturally sensitive materials in the Museum of New Mexico collections and on display in Museum exhibitions. This policy provides a means for meeting this responsibility, but it does not supersede international treaties or federal, state, and tribal laws that pertain to culturally sensitive materials. The Museum implements its policy on culturally sensitive materials [**a hand-written notation says: ADD HERE: Ind. Adv. Panel**] through the Sensitive Materials Committee.

The Museum of New Mexico accepts repatriation as one of several appropriate actions for culturally sensitive materials. However, repatriation may be pursued *only* if such a course of action results from consultation with designated concerned parties. Repatriation negotiations may also result in, but are not limited to, the retention of objects with no restrictions on use, care, and/or exhibition; the retention of objects with restrictions on use, care, and/or exhibition; the lending of objects either permanently or temporarily for use to a community; and the holding in trust of culturally sensitive materials for the concerned party.

11-A. Definitions

These objects include, but are not limited to, the following:

1. Culturally-sensitive materials are objects whose treatment or use is a matter of profound concern to living peoples. They include:
 - a. human remains that are part of a death rite or cultural ceremony.
 - b. *associated funerary objects* believed to have been placed with human remains at the time of burial.
 - c. *unassociated funerary objects* reasonably believed to have been placed with individual human remains but are no longer associated with human remains.
 - d. *sacred objects* needed by traditional religious leaders for the practice of an ongoing religion by present-day adherents.
 - e. *objects of cultural patrimony* that are owned by a group and that have an ongoing historical, traditional, or cultural importance but that are not property owned by an individual within that culture.
 - f. *culturally sensitive documents* such as notes, books, drawings, photographs, and other images that relate to human remains, funerary objects, objects of cultural patrimony, rituals, and sacred objects.
2. A *concerned party* is a museum-recognized, authorized representative of a tribe or community, or an organization linked to culturally sensitive materials by ties of culture, descent, and/or geography. In the case of a federally recognized Indian tribe, the representative shall be tribally authorized.
3. Repatriation is the return of culturally sensitive objects to concerned parties.

11-B. The Museum of New Mexico's Committee on Sensitive Materials

The Museum of New Mexico's Committee on Sensitive Materials serves as the Museum of New Mexico's advisory body on issues relating to the care and treatment of sensitive materials. Members of the Committee on Sensitive Materials are appointed by the Director of the Museum of New Mexico. The committee is chaired by the Chief Registrar and meets on a regular basis to discuss issues and propose actions regarding culturally sensitive materials and the Museum. Minutes of meetings are recorded and kept by the Chief Registrar.

Decisions of the committee are made by a majority vote.

Curators may forward motions from the Committee on Sensitive Materials through their Unit Collections Committee. Curators proposing repatriation shall secure the approval of the Regents before negotiations begin with the concerned party.

The Museum has responsibility for final disposition of culturally sensitive materials. The Sensitive Materials Committee:

1. reviews all claims by individuals of concerned-party status.
2. assists with the designation of concerned parties who have an interest in culturally sensitive materials contained in the collections. The Museum encourages concerned parties to identify themselves.
3. proposes motions for deaccession/repatriation to Unit Collections Committees following the procedure outlined in the Deaccession Policy (Section 5).
4. proposes motions to Unit Collections Committees for ex-@biting, handling, reproducing, storing, and caring for sensitive materials and sensitive documents.

The Museum reserves the right to restrict access to, or use of, sensitive materials to the general public. The Museum staff shall allow identified concerned parties access to culturally sensitive materials. The Museum may continue to exhibit, photograph, publish, and retain culturally sensitive materials.

The Museum shall work with concerned parties to determine the appropriate use, care, and procedures for culturally sensitive materials that best balance the needs of all parties involved. Conservation treatment shall not be performed on identified culturally sensitive materials without consulting concerned parties.

5. informs curators and administrators of materials in their collections that may fall under the aegis of this policy. Museum of New Mexico Collections Policy

11-C. Appeals process

A concerned party (or a party that claims to be a concerned party but that is not recognized to have such status by the Museum's committee on sensitive materials) may appeal in writing to the Director of the Museum of New Mexico. The Director shall issue a written response to the appeal within thirty (30) calendar days of its receipt. The decision of the Director may be contested by written appeal to the Board of Regents, which shall take such final action as it deems appropriate.

A Museum staff member may appeal a decision of the Sensitive Materials Committee in writing to the Director of the Museum of New Mexico. The Director shall issue a written response to the appeal within thirty (30) calendar days of its receipt. **The decision of the Director shall be final...**

Approved 05/20/99

[OBSERVATIONS: "Sensitive Materials" appear to be archaeological objects or other such artifacts. It is clear that Native American patrimony is to be respected. No mention is made of Christian or other religious symbols though common sense leads one to believe they are "sensitive materials."]

January 30, 2001

INLOAN AGREEMENT (FILE COPY)

The Lender (Alma López) hereby agrees to lend to the Museum of New Mexico and the Museum agrees to accept into custody the object(s) listed below for the purpose stated...

1. *Our Lady*, digital Print on Canvas. 2.) *Heaven* 3.) *Santa Nina de Mochis* 4) *The Línea* 5) *California Fashions Slave* 6) *Juan Soldado* 7) *María de los Ángeles* 8) *Selena in the Sky with Roses*.

Signatures: Alma López; (Approved for the Museum of New Mexico by the Director) Thomas H. Wilson, Director; (Approved for loan by the Chief Registrar) Anita K. McNeece, Interim Chief Registrar; (Approved for loan by the Unit Director) Joyce Ice.

Feb 19, 2001

FROM: Nunn, Tey TO: Teresa Archuleta Sagel

Subject: Hi

Dear Teresa,

Well, I goofed. My deepest apologies in advance. The Albuquerque Journal ran a terrific article about Cyber arte on the front and second page of their Arts Section yesterday (I have a copy for you!). At any rate, i

forgot that I had given a slide of "Woven Women" to our PR department when i thought that piece was still in the show. I completely forgot that I had done that and was surprised myself when I saw the image reproduces in black and white for the article. I am so sorry. the last thing I want to do is upset you. I know that image is very personal to you and my heart sank when I saw it there. Don't worry, it is not in the exhibit!

The other image they used was "*Sor Juana, Frida y Yo.*" Any way, feel free to yell at me. It was my oversight. I am so sorry if I caused you any pain.

Con cariño, Tey

-----February 20, 2001

FROM: Teresa Archuleta-Sagel TO: Nunn, Tey

Subject: Re: Hi

I don't think I could ever yell at you! I have received a few phone calls about the article but have not seen it myself. I look forward to reading it.

Now it will be your turn to yell at me -- what are the times of the exhibit?

and what are we suppose to be discussing in the panel? and what time is the panel? As you can see I've been running on a need to know basis.

Be well. Tas PS What devilish thing can we do during the opening?

[OBSERVATIONS: The Curator and various artists have an understanding, professional rapport.]

March 23, 2001

FROM: Wilson, Tom TO: MNM Email Users

Subject: Cyber Arte

Dear Colleagues,

I want to bring you up to date on the controversy surrounding the exhibition "Cyber Arte," and in particular one image in the show, 'Our Lady,' by artist Alma Lopez.

We have had some criticism in the press and by telephone and e-mail regarding the artwork, which is a contemporary, computer generated image of the Virgin of Guadalupe supported by an angel. The work is a powerful rendition of the virgin (sic), and a strong statement on the power of women.

One of the protesters, Jose Villegas, Sr., asked for a meeting with us this morning, and today Edson Way, Linda Hutchison, Joyce Ice and I met with Mr. Villegas and 12 of his supporters. They voiced their objections to the art work, characterizing it, among other things, as sacrilegious, insensitive and so forth. My sense was that they were speaking quite sincerely.

Their demands included removal of the artwork from the exhibition. resignation of Joyce Ice and myself, an apology, return of sacred images to the diocese, and repaying entry fees to those entering the museum for this exhibition....

[OBSERVATIONS: Controversy is now a recognized factor in the exhibit. The Director of the Museum of N.M. recognizes the "Our Lady" item as the *"powerful rendition...of the Virgin of Guadalupe."* He maintains it is a *"strong statement on the power of women."* Even at this juncture, Christian spirituality doesn't appear to enter the perception.]

March, 2001

FROM: Cisneros, José TO: Tom Wilson

Subject: Cyber Arte

Tom:

Let the record show that I was not at meeting that unanimously voted to keep the CyberArte Guadalajara an display. You already know my feeling about the issue. I have always been a good soldier in supporting my agencies decisions. But I feel that I owe it to you a give you my complete thoughts on this whole issue, especially since I missed the meeting last Friday. It was interesting that in discussing the outcome of the meeting with the Admin. Support staff, they are not in agreement with the decision of their supervisors. You essentially have two lines of thoughts on this. One appears to come from the head, the other from the heart. You may want to meet with that group of employees. But for now allow me to share my thoughts with you. And you see that this message is only to you. But in working on our strategic plan over the weekend, I had occasion to review the MNM's plan last year and read where at least last year we said that it was the mission of the MNM to "serve the people of New Mexico as the primary steward of its cultural heritage..." It also says that we will do this by "presenting an active forum for changing ideas and concepts." I am not sure that this latter statement included mocking the core of the Hispanic's version of the Virgin Mary.

One cannot fault an artist's decision to depict icons in whatever way they see fit. But one would think that institutions such as the Museum of New Mexico would think twice before exhibiting art that is certain to offend the majority of the public. At best this decision was a lack of sensitivity on the part of the MOIFA curator and director. At worst it was a form of racism that paid little regard to the feelings of Hispanics in the State and especially in northern New Mexico. It is interesting to note that the Virgin of Guadalupe was depicted as an Indian woman and appeared to an Indian almost 500 years ago. He had difficulty convincing the all Spanish clergy at the time of what he had seen. But the message was clear, whether one believes in the apparition completely or the contrivness of the Spanish clergy wanting to convert the native populations to Catholicism. Regardless, for over 500 years, that Indian rendition of the Virgen Mary has been the core of Hispanic Catholicism in the Americas. And unless one is of the culture, one cannot begin to appreciate the feelings when that is defamed.

I am not sure where you stand personally on this issue. I have learned the hard way in my thirty years of government service, that often we are only as good as our staffs. And staffs are not always right. At times, they have to be told so. I am sure you know that. Roy Weaver, Supt. of Bandelier learned this the hard way last year when he approved a staff recommended bum plan that eventually cost him his job after he nearly burned all of Los Alamos. I am still hopeful that you will do the right thing and correct this situation before it has to go to the Board of Regents for a decision that will still be a no-win action, either way it goes. I am sure that you realize that the same group of employees who voted unanimously to advise you to stand your ground is the same group that voted against your selection last year. I am not sure that they have your best interests at heart. And I still think that the save-face solution for everyone is to have the artist herself pull the CyberArte out of the exhibit.

José

[OBSERVATIONS: This appears to be what might be called a "local Hispanic New Mexican point of view." The artist is free to create whatever art is desired but does the tax supported MNM have the right

to display anything it wishes? How should the Museum handle the "controversy"? Is it actually in the realm of "insult"? Is the MNM aware of the difference?]

April 16, 2001

The **Board of Regents of The Museum of New Mexico** met on April 16, 2001, at 10:00 am at the Sweeney Convention Center, Santa Fe, New Mexico

BOARD MEMBERS PRESENT

Mr. Wood "Mike" Arnold, President
Ambassador Frank Ortiz, Secretary
Mr. James C. Leopold
Lt. Gen. Leo Márquez
Mr. Paul Rainbird

This group comprised a quorum of Board members.

[Numerous MNM Staff and some Guests were in attendance.]

ACTION ITEMS

President Arnold called for approval of the agenda as presented. On motion duly made by Mr. Leopold and seconded by Mr. Rainbird. the agenda was approved.

FORUM ON CYBER ARTE EXHIBITION

President Arnold introduced Dr. Thomas Wilson, who advised that the forum, sponsored by the Museum of new Mexico and the City of Santa Fe, would be an opportunity to bear all sides of the issue. He advised of the process for the day, including breakout round table sessions and an open-mic forum. He thanked the Institute for Intercultural Leadership at Santa Fe Community College for providing Facilitators for the round tables and the many departments of the City cooperating on the event.

City Manager Jim Romero welcomed the group and requested respect for everyone's point of view.

Representative Patsy Trujillo Knauer advised the group of the planning committee for the forum and introduced Master of Ceremonies Mr. Gerard Martinez. W. Martinez then introduced **Deacon Anthony Trujillo** for opening comments.

TRUJILLO: I have come to ask questions. **Who authorized this offense?** Section 7c says that the museum supports the expression of differing opinions in a reasonable manner. Is this reasonable? Many have been removed from access to the museum. They must take account of the impact on the community. **What are we telling people of the world who we are?** Represent us correctly or do not represent us at all. What is the agenda here? Has this expression of free speech really set you free? This input comes from people who celebrate traditions and faith. The image has become an object of jokes. What community's icons are next? Can we trust that our sacred objects will be respected? Those who have come here are not the powerful and rich. We simply have a strong devotion to Nuestra Señora de Guadalupe. **The professionals appear to be disconnected from the community.** How did they think we would react? The board needs to investigate employees who are offended and have expressed this to their supervisors. We can begin the healing process. **I ask the board members and staff to take the piece down so the healing process can begin. Let's heal...**

April 16, 2001

From: Duane Anderson To: Sensitive Materials Committee

RE: Second Draft for Collections Policy Handbook, Sensitive Materials Section

In carrying out their respective missions, museums in the Museum of New Mexico system must occasionally deal with objects and related information that might be considered sensitive by one or more of its constituent groups. The museum staff is expected to handle issues sympathetically and respectfully, and in the public interest, working within the context of the Museum's overall mission. In implementing this section the Museum recognizes that it is not possible to enact a policy that treats every object or constituent group uniformly because ethics and value systems vary cross-culturally. Thus, what might be appropriate for one ethnic or religious group or national entity might be highly inappropriate for another. The Museum staff must, therefore, recognize the often highly situational nature of its responsibility in identifying and dealing with sensitive objects and related information. The Museum's intent in dealing with sensitive objects is to be proactive in identifying potentially sensitive materials, and in locating and interacting with concerned parties in meaningful ways, often on an on-going basis. The staff's goal is to create responsible pathways and to work out solutions that are mutually acceptable and mutually advantageous.

In order to implement this policy all museums in the Museum of New Mexico system are required to have procedures in place to implement this policy based on their missions and the scope of their collections. Such procedures are to be in compliance with local, state, federal, and international laws and regulations governing sensitive materials. Museum staff members are expected to keep current

with discussions pertaining to sensitive materials within the museum profession, and to adhere to relevant professional guidelines. Each museum's collections committee will be responsible for identifying sensitive materials and consulting with appropriate parties. When issues arise the collections committee will prepare a report for the Sensitive Materials Committee's consideration, including minority opinions as applicable. The Sensitive Materials Committee will, in turn, make its recommendation to the Museum director, again with minority opinions as applicable.

The Sensitive Materials Committee is to be chaired by the Chief Registrar with members appointed by the director. The committee will meet at least once annually to discuss procedures, oversee specific cases that arise, and to make recommendations for changes in procedure to the director. In cases where repatriation is considered appropriate, the committee will insure that the concerned parties are aware of any hazards that might be present relating to objects that have been treated with toxic substances introduced in the past as a means of pest control...

[OBSERVATIONS: Physical artifacts might be subject to "repatriation" and "toxic" characteristics must be pointed out to the Native Americans, who should be treated "sympathetically and respectfully." It is clear that the "Our Lady" controversy still has made no impact on the Sensitive Materials policy. What is the obstacle to recognizing what significant numbers in the Christian community are feeling?]

April 17, 2001

FROM: McNeece, Anita TO: Anderson, Duane; Chavarria, Antonio; Chavez, Tom; Gavin, Robin; Kronkright, Dale; Traugott, Joe; Wilson, Tom Subject: Draft for "Sensitive Materials."

I am forwarding you the revised copy of the proposed policy for Sensitive Materials that was worked on by the committee when we met April 3. Thank you Duane for preparing this draft. As soon as I speak with Tom we will set a meeting to discuss the "Our Lady" issue.

Thanks, Anita

[OBSERVATIONS: The MNM hierarchy had as yet not "discussed" the "Our Lady" issue? Does the Museum have a process with which to handle serious controversy? Do they consider this to be "serious"?)

April 17, 2001

**FROM: Gavin, Robin TO: McNeece, Anita
SUBJECT: Sensitive Materials**

After yesterday, I have two questions.

1. The existing guidelines under which we are still operating do not include original works of art that are unrelated to human remains or sacred objects in the definition of sensitive materials, so how are we responsible for reviewing this issue?
2. Frank Ortiz stated in my round table discussion yesterday that the Board of Regents, in May 1999, issued a directive that the Sensitive Materials Committee was to expand its guidelines to include issues and objects such as this. I was never aware of such a directive. Does it exist?

I understand that we are supposed to meet soon (according to Mike Arnold) and I did want to let you know I would be out of town this Friday and next Monday...

Thanks. Robin

April 17, 2001

**FROM: McNeece, Anita TO: Gavin, Robin
SUBJECT: Sensitive Materials**

Thanks Robin. I do not know of this directive. I was not on the committee at that time and it was never passed to me. I called Tom early this a.m. asking him when was a good time for him but he has not gotten back to me about the meeting. I think as soon as possible is the best. I will keep you informed. Thanks. Anita

[OBSERVATIONS: It is clear that "Our Lady" was never considered in the realm of "sensitive materials." If MNM staffers aren't aware of Museum policy it can't be utilized but does "common sense" ever enter the picture? If established policy isn't executed by professional staff, whose responsibility is it to correct the situation? Does being uninformed about policy absolve MNM staffers from responsibility?]

April 19, 2001

FROM: Regent Frank Ortiz TO: Tom Wilson, Director

I understand, indirectly to be sure, the Committee on Sensitive Materials will soon meet to consider the "Our Lady" issue, ex Post facto. I believe they are to be furnished with copies of the written comments you received indicating public reaction. As you know few

if any of the writers are aware that the mandated procedures for the exhibition of culturally sensitive objects were not followed and which are governing in this case.

I therefore request you make copies of the following "Memorandum for the Record" available to each member of the Committee.

It is also assumed the papers given the Committee will include the sheaves of signed petitions presented at the public forum as well as a copy of the statement by the Speaker of the House read at the forum which Mr. Arnold has provided. Presumably you have copies of other statements made at the forum.

MEMORANDUM FOR THE RECORD

To: Chair of the Committee on Sensitive Materials

From: Ambassador Frank Ortiz, Secretary Board of Regents of the Museum of New Mexico.

Subject: The Current Controversy affecting the Museum and the Community.

This Memorandum has the purpose of establishing for the record the origins and disinvolvement of our current problems which are having a lasting impact on the future of the Museum.

The Regents on May 5, 1999 established specific procedures to be followed in exhibiting works of art that are "culturally sensitive" and would therefore cause "profound concern to living peoples." (The *Museum Collections Policy*).

The Regents are statutorily empowered to establish these procedures and the Museum is obligated to follow them. (Section 18-3-3 E NMSA 1978).

The Cyber Arte collage "Our Lady" beyond any question qualifies as a culturally sensitive exhibit.

(Letter April 6, 2001 from the Assistant Attorney General). Its display is causing the most controversial, divisive, polarizing and lamentable community reaction in memory.

Shortly after 11,000 copies of a Museum brochure featuring a reproduction of "Our Lady" were mailed to Museum Foundation members a Regent of the Museum advised Museum Director Wilson and Associate Director Ice that exhibiting this work would provoke widespread and deep adverse reactions damaging to the Museum. *At least 6 other members of the community made the same point. These observations were made months before the work went on exhibit.* In short, advance notice was given that "Our Lady" was a "sensitive material" that would cause "profound concern to living peoples", a judgment even a school child could have made. Despite these forewarnings and in contravention of the procedures established by the Regents, "Our Lady" became the featured work in the Cyber Arte exhibit which opened at the Folk Art Museum in February, 2001.

The statutorily mandated process clearly set forth by the Regents requiring approval of the Committee on Sensitive Materials prior to exhibiting the work were not followed.

The concerned parties in the community were not advised of their right to appeal the exhibition in a timely manner.

The Board of Regents were publicly placed in the position of having the first rather than the final decision regarding the exhibit, thus becoming the focus of the controversy.

These are extremely serious violations of statutorily mandated procedures that are having the results we all see.

The American Association of Museums, the ACLU and the many museum volunteers and supporters are not aware/have not been made aware of the fact that up until now the exhibition of "Our Lady" is in violation of the very procedures the Museum has in place specifically to avoid the controversy engulfing us. These worthy supporters may not want to be in the position of endorsing Museum actions that violate established statutes. Opponents of the exhibit also are unaware of the true situation.

Only now with the meeting of the tardily formed Committee on Sensitive Materials are the Regent's procedures relating to culturally sensitive artwork being followed.

Only now is the community being made aware of the legal means of addressing problems of concern to significant sectors. However lasting, serious damage has already been caused to community relationships and public perception of the Museum.

Consideration by the Committee on Sensitive Materials of whether or not exhibiting "Our Lady" is warranted although *ex post facto*. since the art work has been in place for weeks, at least follows statutory procedures.

The facts that Alma López' specific work, her work in general and her interpretation of her work rather than being censored are now known around the entire world: that curatorial freedom to decide what and where to exhibit is more limited of the Folk Art Museum (Gerard, Cotsen contracts) than any other unit in the system that a most sacred American precept, *separation of church and state* is being invoked; that state museums rely on legislative appropriations for 90% of their funding and that in Santa Fe controversies attract rather than repel makes your task daunting.

At issue is whether or not a state funded museum in interpreting curatorial rights granted by the First Amendment uses sound judgment when it exhibits works equivalent to the impact of "Savages,"

Niggers," "Faggots," "Kikes," "Dikes" (sic), "Greasers" in the community at large. That is your catch-up decision.

April 18, 2001

STATEMENT by BEN LUJAN, Speaker of the House of Representatives

We are gathered here today to discuss an issue which has touched many of us deeply. The number of you who have shown up today to express your views is evidence of how profoundly this matter has affected our community.

The display of an image of Our Lady of Guadalupe at the Museum of International Folk Art, an image which many find offensive at *best and* blasphemous at worst, has stirred deep emotions. As a public representative and as an Individual of deep faith, I feel it is my obligation to speak on this issue. It is my belief that the curators at the Museum who made the decision to display this piece have shown a lack of understanding of the sensitivities of our community. I don't believe they gave proper consideration to the effects this display would have in *La Villa Real de la Santa Fe de San Francisco de Asís -- our City of the Holy Faith*.

I fully recognize and strongly support the right of free expression *as guaranteed under the First Amendment of our federal constitution*. However, I would also point out that along with rights come responsibilities. So I must also note the responsibility that our public museums have to consider the nature of pieces they choose to exhibit and the effects those exhibits may have *on our* community. This sensitivity is a responsibility expressly acknowledged by the museums under their own regulations. While I do not believe this was the artist's intent, the main effect of this piece has been to divide our community in a manner that is regrettable. Yes, we are a center for the arts *here in Santa Fe*, but we are also a center of faith. And we have been a center of faith much longer than we have been a center for the arts, beginning with our Native American brothers and sisters who considered this ground sacred since time before time, continuing with the Spanish who founded this settlement as a city of Holy *Faith four centuries ago*, with Bishop Lamy who constructed the cathedral which now serves as the seat of the Archdiocese, and with our brothers and sisters of all faiths who have since gathered here in a spirit of worship.

I note very pointedly that the piece in question is being exhibited in a publicly-funded museum, not a private facility. In addition to bringing art from around the world to the people of our state, the public museums also represent our people to the world. It would be unfortunate for our visitors from throughout the nation and around the world to leave with the impression that this exhibit represents what we as a community believe and how we feel about something as sacred as Our Lady.

I have previously stated that I do not believe it is the place of politicians to dictate to our museums what they can and cannot exhibit -- they have a right, within the confines of their charter to put on exhibits as they see fit. However, we as the funding public and beneficiaries of those museums also have a right to express our displeasure with exhibits we find offensive or *contrary to the mission of the public museums*.

I believe that the piece exhibited at the Museum of International Folk Art runs contrary to both the mission and the spirit of the *Museum*. I would hope that the *Museum takes a more thoughtful and inclusive approach in the future* in selecting pieces for public display.

In the meantime I join with many of the community members here today *and respectfully ask* that the *Museum remove* the Guadalupe piece from public display. Thank you.

Sincerely, Ben Lujan

[OBSERVATIONS: It is interesting to compare the tone of items written by Hispanic New Mexicans and those created by MNM staffers, who might also consider themselves "New Mexicans."]

April 25, 2001

FROM: Ambassador Frank Ortiz TO: The Regents, Mr. Way, Mr. Wilson (and) to pass to the members of the Committee on Sensitive Materials.

MEMORANDUM FOR THE RECORD

Throughout the stressful controversy arising from the exhibition of "Our Lady" at the Folk Art Museum there has been a strong air of unreality prevailing. It is time *to establish once and for all the facts that must govern our actions*. They are as follows:

- 1). The Regents are statutorily empowered to exhibit artworks. (Section 18-3-3 E NMSA 1978).
- 2). However in exercising that authority, the Regents, the Museum Director and the Curator in mounting exhibits must do so in accordance with the specific procedures established in the Collections Policy adopted by the Regents on May 5, 1999. This policy complies with current New Mexico law. There can be no deviation from those rules. (Collections Policy).

- 3). Curators oversee evaluations after the opening of an exhibition, as well as proposed alterations and correction generated by the evaluations they conduct. (Collections Policy).
- 4). The Collections Policy specifically regulates procedures when culturally sensitive objects are to be exhibited. (Collections Policy),
- 5). A culturally sensitive object is one whose use by the Museum is a matter "of profound concern to living peoples". (Collections Policy).
- 6). The collage, 'Our Lady' beyond any doubt is a culturally sensitive object. (Common Sense Observation).
- 7). Months before 'Our Lady' was exhibited, The Director of the Museum and the Associate Director of Folk Art Museum were personally and emphatically advised by a Regent that exhibition of the work would be a matter of profound concern in the community. At least 6 other citizens also protested the proposed exhibit. These views were a reaction to the distribution of 1100 copies of a Museum brochure featuring "Our Lady". (September, 2000 Regents' Meeting).
- 8). The specific procedures mandated for the exhibition of culturally sensitive objects include:
 - a). A Committee on Sensitive Materials to serve as the Museum's advisory body on issues involving exhibition of culturally sensitive objects. That Committee played no role in the decision to exhibit 'Our Lady' even after the concerns expressed in September were known. The exhibit opened February 25, 2001.
 - b). Procedures whereby concerned parties, "linked by ties of culture, descent and/or geography," to culturally sensitive objects may contest their exhibition. These procedures were not followed.
 - c). Only after the mandated procedures have been followed do the Regents have the authority to make the final decision, after consideration by the Sensitive Materials Committee and appellate review by the Museum Director. Instead the Regents were lined up in a row before an angry crowd as having the initial power of decision.
- 9). THE KEY FACT: The Collections Policy must be followed explicitly. Any deviation from the procedures established in that policy, "constitutes an act subject to legal challenge and likely to be found illegal". (April 6, 2001 Opinion by the Assistant Attorney General). *To be blunt almost everything done by the Museum up until now likely would be found to be illegal.*

This is a fact the general public, the Executive, the Legislature and the concerned parties have not been told. The damage to the Museum's reputation by public disclosure of this sad history can only be imagined.

If there are no valid dissents to this Memo we must take its conclusion as our accepted respective obligations.

 April 26, 2001

FROM: Ambassador Frank Ortiz TO: Anita K. McNeece, Chair, Sensitive Materials Committee

Dear Ms. McNeece:

In reply to your letter of 23 April signed on behalf of your colleagues on the Sensitive Materials Committee I am pleased to respond as follows:

The Memorandum for the Record sent you for distribution to your Committee was signed by me in several capacities.

- 1). As Secretary of the Board of Regents which is clear from the Memorandum itself.
- 2). As the Regent who in September, 2000, months before the Cyber Arte exhibition opened, emphatically advised Director Wilson and Associate Director Ice that because of the obvious cultural sensitivity of the featured artwork there would be strong adverse reactions in the community. I was given to believe my concern registered, not because of my position as Regent but out of an exercise of simple common sense. I was mistaken regarding both attributes.
- 3). As a Regent who, after the humiliating, near riotous and unsuccessful public meeting at MIAC, took the initiative to request a legal opinion from the Attorney General on the polarizing controversy created by the exhibit of culturally sensitive material. That opinion, of course, confirmed that there can be no deviation from the statutorily mandated procedures in that regard set forth in the Collections Policy of May, 1999.
- 4). As signatory, before sending you the Memorandum for the attention of the Committee, and again before sending this letter I reviewed its contents individually with a majority of the Board of Regents. You therefore may without hesitation assure your Committee that the Memorandum represents the position of a strong majority of the Regents. I

You also may advise the Committee that individual Regents stand ready at any time to meet with them or to observe their proceedings if it would assist in resolving a needless conflict that is causing lasting damage to all for which we have worked so hard for so long.

FRANK ORTIZ

cc. Regents; Mr. Wilson

April 30, 2001

FROM: Eric Blinman TO: Tom Wilson, Anita McNeece, and the other members of the CSM

RE: An "outsider's" perspective

I've tried to keep myself at a distance from this issue up until last week's meeting, since there was plenty else to do at OAS while Tim and others were preoccupied with it. That status both disqualifies me from having relevant opinions on much of the discussion, while it may actually qualify me as a fresh set of eyes. I'm sure none of the following is news to you, but I wanted/needed to express these ideas with the CSM, at least for the record. However, I don't want to waste meeting time going over any of these points, especially since they are probably old news. You can take me aside and gently (or not so gently) reassure me that this is unnecessary, or if anything is worthwhile, you can point to it in Tuesday's discussions.

First, I presume that you are all perfectly aware that we are going to be thoroughly trashed when it is clear that we are pursuing our present course. No amount of intellectualizing the situation will overcome opposition that is faith-based, since faith positions are simply not arguable. There is no audience for our "bulleted memo" on one side of the controversy. It will be to our credit in a minority of people's eyes if we are moderate and conciliatory, but technical expressions of moderation and conciliation will have no effect on the majority of those who are involved in the controversy. We have Catholic staff members at OAS, spouses of staff members, and volunteers, and they are angry at what they perceive to be a serious insult to their faith (see below). Issues of artistic expression and freedom of speech are irrelevant. These people are quiet now, simply giving the Museum time to "do the right thing," which we are not doing (in their eyes). When it is clear that we are not respecting (meaning acquiescing to) their point of view, they are prepared to resume high-pressure tactics.

The other side of the controversy, the free speech side, has no better clue than we do about how to deal with faith-based opposition except to run roughshod over it. That side of the controversy will be threatened if we capitulate and may take revenge against us for being weak at best and traitors at worst if we accommodate the demands to remove or alter the exhibit. It is relatively easy for most of those individuals and granting agencies that are not responsible to the citizens or legislators of New Mexico to take an intellectually pure position. They are uniformly part of the "nonlocal" community, even if they are residents, and I suspect that they do not understand or respect the depth of feeling that has been touched by the rhetoric of the leaders of the opposition. I also doubt that we could make them understand if we chose to moderate the exhibit. However, I don't have a lot of respect for their position, since even if they are residents, I suspect that they are overwhelmingly part of the Santa Feans who view the traditional New Mexico population as simply part of the ambiance as opposed to being a truly strong and resilient community.

Also we need to be careful not to stereotype the opposition as being Hispanic and Catholic, even though that is an accurate characterization of the militant element of the opposition. This issue has become a touchstone for all people of strong faith who believe that society as a whole has ignored and belittled their beliefs. Non-Hispanic Catholics are strongly in support, and you have seen that there is a strong sympathy in every other religious group, regardless of their position along the moderate-conservative continuum. Again, we are faced with a faith-based position where the Museum has become a symbol of the disrespect that they have had to endure in silence for the past generation or so. It doesn't matter that the Museum has supported and strengthened expressions of religious faith time and again through a variety of exhibitions and programs. They perceive the current exhibit as part of the general disrespect that secular society dumps on them.

Some of this broad-based reaction is a generic trend in the country as a whole. Cultural institutions, by our relativism and humanism, are a symbol of amorality at best and blasphemy at worst. Even among those that won't characterize us as outright heretics, I suspect that amorality is seen as no better than, and perhaps more dangerous than, immorality. At least they know where an immoral person or institution stands, while we degrade their positions with a variety of insidious neutrality.

On a more constructive note, I really think that we need to stress the global element of the Folk Arts mission in our self-defense. We can regret that we have offended the local religious sensibilities, but our strongest defense is not to declare the art secular (a relatively specious argument). Instead we should declare the art to be a valid artistic statement of the religious and political beliefs of another community in another part of the world. If we could rephrase this as a controversy that reflects the diversity of religious opinion within the world-wide Catholic community (which it is), then we can defend the exhibit as being within the mission of the Museum. To declare the work secular is, I believe, a misrepresentation as well as a claim that will fall on deaf ears among the faithful. The art work springs directly from religious symbolism, and it is meant to express meaning from the contrast between it and

the traditional representations of the Virgin of Guadalupe. It may be a highly political statement but its meaning

springs from religion and therefore it is religious, not secular.

Although I don't want to see us claim that the artwork is secular, I also think we can clearly communicate that NAGPRA-like considerations do not apply. This art work is a valid expression of the religious perspectives of a particular community of Hispanic Catholics, albeit at the uncomfortable fringe of Catholicism. It is their artwork (LA, Chicano, Catholic, radical), and they would be the only community who could press a claim that their symbol is being misrepresented or disrespectfully displayed. Since the local religious community is a different community and did not create the work of art, they cannot make the claim that it must be removed as an element of religious respect. The local community can be offended by the artwork and has every right to express that offense, but they cannot use any NAGPRA-like arguments to have it removed.

Penultimate thoughts: In all of this, the Museum, upon the recommendation of the CSM, must take action. We can assert that MOIFA and the Museum did everything right but fell short of local expectations, but that will not lessen the controversy. We need to acknowledge the insult to the local community with explicit action. Given the circumstances and the nature of what a Museum is supposed to be, I concur with the rest of the SMC that removal of the art work is not in the best interests of the Museum, either practically or ethically. However, I think we need a strong statement that we are going to allow/encourage the community to express their displeasure and how we are going to warn visitors about the offensive nature of the image and the exhibit as a whole. We must have a set of procedures released concurrent with any justification document. Those procedures could include: no school tour visits to that exhibit unless requested by the school; training of docents to present the perspective of the local community as well as the use of images by the LA Chicano community; presentation of the letter notebook for public display and comment; a summary of the controversy on one or more exhibit panels in front of the exhibit (not the weak warning sign that is there now, but a physical barrier that must be noticed and negotiated if you want to see the exhibit). If we recommend such strong action and follow through, we will give the opposition a face-saving out. They can claim to have won, even if the image doesn't come down. If we don't do something substantial, then all we give the opposition is a bitter taste in their mouth. However, following a course of action like the above doesn't guarantee that the opposition will cooperate by lowering the tone of the rhetoric, so we need to be prepared for more controversy with anything short of removal of the art work.

Almost final thoughts: I have always tended to follow courses of action that risk being naive. I really want to believe that people are rational and are interested in "doing the right thing." Has the Museum made a formal overture to the Archbishop to discuss this situation in a private audience? Once the Museum has decided on a course of action, I would recommend that Tom at least try to give the Archbishop a preview of the Museum's response. He may not want to take responsibility for his parishioners, and he may not have any control over them, but we will have shown a degree of respect by attempting to communicate with him first...

Final final thoughts: Is it true that the closure of the La Villa Rivera building parking lot is a "State" response to the perceived uncooperativeness and interference of the Church in the MOIFA affair? If so, it's a pretty petty response, and it would be nice to see that policy fade away without any further attention being drawn to it.

[OBSERVATIONS: Strategy is now necessary although the admission is made that the MNM is dead wrong. Why will the MNM people be considered "traitors"? Is this a constitutional issue or an ethnic/race war in the eyes of MNM staffers? Do staffers view Hispanic New Mexicans as "ambiance" as do the 1st Amendment group? But it is paramount to assert that "general disrespect" is coming from secular society, not the MNM. Stress that the MNM encompasses a "world view" and that Christian icons like the Virgin Mary were not intended for inclusion in the Native American Graves Protection Act. The "Our Lady" art piece is part of "Catholic fringe art" so the local community has no authority over it—making the MNM arbiter of what is "Catholic" and "art." The MNM should give the opposition leaders "a face saving out..." Despite everything that has happened, the MNM still thinks it can handle the situation with such strategies, proving how out of touch they are from the New Mexican community.]

May 18, 2001

FROM: McNeece, Anita TO: Maxwell, Tim; Wilson, Tom; Anderson, Duane; Chavarria, Antonio; Chavez, Tom; Kronkright, Dale; Traugott, Joe; Gavin, Robin

RE: reporters calling.

Dear CSM ... adding to Tim's comments. This AM Deacon Trujillo pressed Carla to meet. Tom was not available so she & I met with him briefly. He has more information he wants. He was told by me:

- Make a second request for the info on the exhibit development etc to Edson.
- The CSM worked very hard & reviewed hundreds of documents etc ... that takes time.

- He asked why we had not made a decision when Arnold stated he wanted a decision by the end of April ... its a yes or no anyway! to paraphrase.
- Tom is our spokesperson.
- When asked about cataloging the paperwork. I said we catalog collections but gather & file documents the documents about this are not cataloged but in tubs, bound volumes & notebooks etc ... all will be available when he comes in on Tuesday of next week..
- He then had a press conference on the stairs of MNM administration building.
- WHEW!!!!

Anita K. McNeece

 May 18, 2001

FROM: Maxwell, Tim TO: Gavin, Robin; Anderson, Duane; Blinman, Eric; Chavarria, Antonio; Chavez, Tom; Kronkright, Dale; McNeece, Anita; Traugott, Joe; Wilson, Tom

Subject: reporters calling.

To all:

I just received a call from the Channel 4 (?) reporter who said that he was going to try calling each committee member about our recommendation. He pressed hard for what our recommendation is, which I said I had no comment on. A "reliable source" has accurately told him the recommendation and he was seeking confirmation, "off the record." I would not tell him "off the record," either. He also wanted to know if the committee decision was unanimous; I said no comment but that everyone will be signing it. -

What I did say "on the record," was that the committee had worked hard, had considered hundreds of documents, and made what we believe to be an accurate and fair evaluation. The story will be on the news tonight.

Be prepared.

Tim

 May 18, 2001

FROM: Gavin, Robin TO: Anderson, Duane; Blinman, Eric; Chavarria, Antonio; Chavez, Tom; Kronkright, Dale; Maxwell, Tim; McNeece, Anita; Traugott, Joe; Wilson, Tom

Subject: final commentary

Here's the final draft. We decided to leave off that last sentence in paragraph 3. Tom asked that we also include the list of exhibits from MOIFA, so I have also attached that. If there are any changes, comments etc., I need them ASAP. Thanks. Robin

[OBSERVATIONS: The MNM now realizes that what has transpired is merely the beginning of what is to come.]

 May 21, 2001

FROM: Joyce Ice, Director TO: Dr. Thomas H. Wilson

Re: Cyber Arte exhibition

In response to the report of the Committee on Sensitive Materials, I want to summarize the proactive measures already taken by the Museum of International Folk Art thus far to address concerns related to the Cyber Arte: *Tradition Meets Technology* exhibition, and specifically, the artwork entitled "Our Lady" by Alma López.

The following actions have been implemented by the Museum of International Folk Art:

1. Exhibition development and implementation followed all the normal and usual processes of both the Museum of International Folk Art and the Museum of New Mexico.
2. The museum sponsored a panel discussion on the opening day of the exhibition featuring the four artists represented in Cyber Arte along with the exhibition
3. A bilingual label was placed at the entrance to the Cyber Arte exhibition that reads "Some objects in this exhibit may be disturbing to certain viewers."
4. A comment book has been at the front desk since the opening for visitors to record their reactions, opinions, objections or support. The exhibition has generated many comments both favorable and disapproving.
5. As director, I wrote a statement that is available at the front desk for visitors.
6. Both the artist and the curator have provided written statements regarding the creation and selection of the piece and the intention of the exhibition.
7. A member of the Catholic clergy was asked to write a statement about The Virgin of Guadalupe and her significance. The offer was declined.

8. Because inappropriate objects were brought into the museum by a group of fewer than ten individuals, the museum removed the interactive component of the exhibition in which visitors were invited to demonstrate how they decorate their computers at home or at work and to leave "offerings."
9. As is always our policy, teachers bringing school groups to the museum for tours request the specific exhibitions that their students see on their visits.

The following are the steps the Museum of International Folk Art is willing to take in a spirit of reconciliation:

A. The correspondence and discussion generated by this issue will be made available in the Hispanic Heritage Wing atrium for visitors to read.

B. A representative of the Roman Catholic church or other concerned party will be invited to write a statement to be placed in the gallery by the artwork along with the artist's statement of equal length for the duration of the exhibition.

C. *The Museum of International Folk Art has decided to close the Cyber Arte: Tradition Meets Technology exhibition on October 28, 2001.*

D. The Museum of International Folk Art will organize programs along with other units of the Museum of New Mexico to provide presentations and opportunities for discussion about controversial issues regarding museums and the roles museums can play in the life of their communities.

E. The museum's long range plan calls for a reallocation of space in the Hispanic Heritage Wing to devote more space in the Changing Gallery for contemporary art by Hispanic artists and will continue to address tradition and change. The Hispanic Heritage Wing Changing Gallery is one of the few venues dedicated to highlighting the many facets of contemporary and traditional Hispanic art.

[OBSERVATIONS: These "pro active" measures taken "in a spirit of reconciliation" might be significant if previous documents didn't prove that the CyberArte exhibit was scheduled to end on October 28. That the Museum of N.M. would try to fool the public, even in the midst of the "controversy," is indicative of how the MNM hierarchy views the local community.]

Exhibits of Spanish Colonial and Contemporary Hispanic Art at the Museum of International Folk Art, 1959 to 2001:

1959 Guatemalan Textiles

1959 Popular Art of Colonial New Mexico*

1960-61 Traditional New Mexico Crafts*

1960-61 *El Santo Niño de Navidad**

1961 Popular Arts of the Yucatan

1962 Indigo (textiles)

1963 The Idea of Folk Art

1962 Recent Acquisitions to the Spanish Colonial Collection*

1962 Comparative *Santos**

1962-63 Río Grande Blankets*

1963 Spanish Colonial Silver*

1963 Spanish Colonial Intercultural Exhibit*

1963-64 18 th Century *Santeros* of New Mexico*

1964 New Mexico *Santos 1800-1850**

1964 Southwest Craftsmen, David Ortega*

1965 Patrociño Barela*

1966-67 Los Luceros Collection of Spanish Colonial Art*

1968 Houghton Sawyer Collection of Colonial Art*

1968 Spanish Colonial Art*

1969-71 Works of Devotion: The *Santero* Art of New Mexico*

1973-76 What is Folk Art?

1973 Wall Hangings of Irene Valdez*

1973 The *Santos* of Goa, India

1973-74 New Mexico Wood Carvers*

1976-78 *Días de Mas, Días de Menos**

1975-76 E. Boyd Memorial Exhibit

1978-79 Spanish Textile Traditions of New Mexico and Colorado*

1979-1984 Celebrate!

1978-1988 Baroque to Folk

1983-84 *Carpinteros* and Cabinetmakers: Furniture Making in New Mexico*

1988: Hispanic Art in the United States

[It appears there were no New Mexican based exhibits for possibly four years?]

1989 *Familia y Fe**

1989 *Tradiciones de Orgullo I**

1990 *Tradiciones de Orgullo II**
1990 *Hojalatería: Tinwork in New Mexico**
1991 Tamarind Invites: Lithographs by New Mexican *Santeros**
1991 Masterworks from the Vedder Collection
1992 *San Ysidro Labrador, Patron Saint of Farmers**
1992 18 th Century Threads: the History and Conservation of a Gentleman's Suit
1993 Across Generations
1993 Art of the *Santera**
1994 From Land to Loom: Tierra Wools
1994 *El Rio Abajo: Traditional Art of Southern New Mexico**
1995 *Cruzando Fronteras, Crossing Boundaries*
1996 *La Guadalupeana: Images of Faith and Devotion**
1996 *Paño Art from the "Inside Out"**
1997 A Kind and Gentle Life: The Narrative Folk Paintings of Maria Hesch 1998 Ramón José Lopez: *Las Obras de un Santero**
1999 New Mexican Madonnas*
1999 *La Casa Colonial**
1999 *Sin Nombre: Hispana and Hispano Artists of the New Deal Era**
2000 *Santiago**

2001 CyberArte: Where Tradition Meets Technology

***[OBSERVATIONS: Judging from the titles, these presentations might have a direct New Mexican base and there is nothing wrong with the MNM wishing to capitalize on Hispano history and culture. Conversely, it is indeed disappointing that these assuredly fine exhibits are linked to the fraudulent "spirit of reconciliation" image. Furthermore, where are the MNM exhibits on the San Juan de los Caballeros/San Gabriel settlements? Have there been exhibits on New Mexico's sterling leaders like Oñate, Vargas, Vélez Cachupín, Anza, etc.? How about the numerous missionaries who brought Christianity to this frontier and became the champions most responsible for Native American preservation (which is why we have the Pueblo people to this day)? The incomparable arrieros? Frontiersmen like Manuel A. Chaves? Plainsmen: ciboleros, mesteñeros, comancheros? José Tafoya, "Prince of Comancheros"? Champions of the people like Ezequiel C. de Baca? Spanish language Prose & Poetry, journalists and Journalism during the Territorial Period? And so many other aspects of New Mexico's long Hispanic history.]**

May 21, 2001

FROM: The Committee on Sensitive Materials.

Members: Anita K McNeece, Chair; Duane Anderson, Museum of Indian Arts and Culture; Antonio R. Chavarria, Museum of Indian Arts and Culture; Thomas E. Chavez, Palace of the Governors; Robin Farwell Gavin, Museum of International Folk Art; Dale P. Kronkright, Conservation; Timothy D. Maxwell, Office of Archaeological Studies; Joseph Traugott, Museum of Fine Arts

TO: Dr. Tom Wilson, Director

Attending: Charles Bennett, Palace of the Governors

Eric Blinman, Office of Archaeological Studies

SUBJECT: Commentary

The Museum of New Mexico's Committee on Sensitive Materials has been charged with the responsibility to make recommendations concerning a request from members of the community to remove a work of art entitled "Our Lady" from the exhibit "*Cyber Arte: Tradition Meets Technology*." The exhibition and artwork are currently on display at the Museum of International Folk Art. Our formal recommendation has been delivered, advising that the artwork in question remain on display throughout the duration of the exhibition. That recommendation satisfies our formal responsibility to the Museum, but we also feel a responsibility to the public at large that is better served by this commentary. First, the committee would like to recognize that a segment of the local and national religious, and more specifically Catholic, community is deeply offended by this image. We acknowledge the depth of feeling and emotion behind these protests, and we respect the fact that this segment of the community feels that it's faith is being treated disrespectfully. We also acknowledge the right of these members of the community to disagree with the museum's presentation and their right to request the removal of the object.

However, we must also acknowledge that these strong feelings are in conflict with equally strong feelings on the part of other important, if less vocal, segments of the community. One of these segments, from which the images and the themes of the exhibition arise, is also a part of the

Catholic community, a segment that is comfortable using religious imagery to express a range of social commentary. Another segment of the community consists of advocates of free speech, who see this as a legal issue of First Amendment rights, irrespective of cultural or religious concerns.

We further acknowledge that this controversy extends far deeper into the social fabric than the interpretation of a single image. After reading the public comments and communications concerning this issue, it is clear that "Our Lady" has taken on a symbolism that was not intended by the artist or by the Museum. The image has come to symbolize all challenges to faith in a secular world, and as such, the image has become a focus for passionate rededication of religious faith through protest. The overwhelming majority of those who object to the exhibition have never visited the Museum of International Folk Art and have never seen the exhibition or the image. Yet they have readily accepted the characterization of the artwork as an assault on faith. Their willingness to embrace this position belies deep resentments within the community at what they see as anti-faith messages in contemporary society. The protests over "Our Lady" have become an opportunity to release frustrations that have been building for quite some time, frustrations that need to be understood in a context far beyond the walls of the Museum.

Because the controversy has become an issue of faith, the majority of those opposed to the exhibition of the image are unwilling to discuss any of the merits of the underlying issues or concepts. From their perspective, it simply must be removed without concern for the intent of the artist or of the exhibition as an educational exploration of the values that gave rise to the artwork. Although we regret the lack of dialogue, we understand that the offended community has a right to their position without our passing judgment in any way. Unfortunately, the Museum as a multicultural institution is unable to approach most issues as simple dichotomies, even though the final decisions are often yes or no.

That the imagery has taken on this dramatic new symbolism was unanticipated by the Museum. The "Our Lady" image has been previously shown in six separate exhibitions since 1999; it has been featured in *Tentaciones Magazine* (2001); and it was used as the cover for a book entitled *Puro Teatro: a Latina Anthology* (University of Arizona Press, 1999), a cover that won a national book design award in 2000. Community or national opposition was not expressed over any of these exposures of the image, and artists, audiences, and critical reviewers viewed it as an important use of religious imagery to express social and political ideas. Given the history of acceptance of the artwork and the underlying concepts, the failure by the Museum to anticipate the current objections to the artwork is regrettable but understandable.

This controversy is of grave concern to the Museum and its staff for several reasons. First, it is clear that however unintended, the exhibition of "Our Lady" has caused considerable anguish within the local and national community. The emotional pain and intensity of feeling is clearly evident, and the Museum must accept responsibility as the proximate cause. In addition, the Museum staff is part of the community, and the sentiments of the museum staff reflect some of the divisions within the community at large. These frustrations are compounded by the institutional responsibilities of the Museum that prevent us from simply responding to the concerns of one segment of the community. The Museum has presented the art of one segment of the community, and that presentation has offended another. Both groups are entitled to our respect and consideration, and in that sense, the Museum is in an impossible situation, since it would be equally injurious to remove as to leave up the exhibit. In analogous cases, the museum has set precedents by honoring the intent of the makers of art over the interests of segments of the audience. In adhering to this precedent, we must simply live with the knowledge that we have inadvertently offended a large number of people.

Also of concern is some of the rhetoric that has been used during this controversy that seriously misrepresents the Museum of International Folk Art and its staff. For its entire existence, the Museum of New Mexico and the Museum of International Folk Art have worked to strengthen the traditional communities of northern New Mexico. Although the Museum of International Folk Art has a uniquely worldwide mission, it has always included presentations of the art and culture of New Mexico for museum visitors. Since its opening in 1953, over 50 exhibits have been developed around Hispanic art and culture, most of which have focused on New Mexico. *Familia y Fe*, the permanent exhibit in the Hispanic Heritage Wing of the museum, opened in 1989. The exhibition highlights 400 objects and was designed with the input of a large group of community consultants. It discusses the importance of the Catholic faith in New Mexico community and family life as well as the strength of community artistic traditions both in the church and in the home. Museum educators developed extensive curricula based on this exhibition that has been distributed to schools throughout New Mexico through teacher workshops, in-service training, and out-reach. The recent exhibits of *Sin Nombre: Hispana and Hispano Artists of the New Deal Era* (1999-2000), and *La Casa Colonial* (1999-2001) discussed the important artistic contributions of New Mexican artists of the early 20th century that had previously been unrecognized and illustrated the importance of traditional family values and culture in colonial New Mexico. Because the opposition is focused on the single image in *Cyber Arte*, they have characterized

the Museum as biased against people of faith and the Catholic heritage of Northern New Mexico. This assertion ignores and disrespects the history of the institution and its role in cultural preservation. Further concern surrounds the apparent misunderstanding of the institution's mission, both general and specific. A significant part of the mission of the Museum of International/ Folk Art is to educate visitors, including the people of New Mexico about other cultures, communities, and traditions. This process began 50 years ago and continues today. The gallery in which *Cyber Arte* appears was established at the request of the community advisory panel that helped to plan the Hispanic Heritage Wing. The panel specifically requested an area in which to show the work of contemporary Hispanic artists, so that Hispanic culture in general, as well as New Mexico Hispano culture in particular, would not be viewed as a thing of the past--that it is a vibrant, living tradition that is on-going and emerging in the present day. Three of the artists in the present exhibit (with a total of 30 objects) are New Mexicans, with strong roots in the local Hispano Catholic community. The fourth artist is a native Mexican who now lives in Los Angeles, and represents the work of another of the Spanish-speaking communities around the world. The artwork and the exhibition of *Cyber Arte* were assembled in the spirit of multicultural education, consistent with the mission of the Museum, and consistent with community intent in establishing a venue for contemporary arts.

A final and extremely grave concern to the museum has been the climate of intimidation that has surrounded this issue. Because of the strongly held positions of the two extremes of this controversy (both a segment of the religious community on the one hand and free-speech advocates on the other), the Committee has been deliberating in an unusually charged atmosphere. Implicit and explicit threats have been levied by both sides, leveraging everything from funding, to lawsuits, to harassment, to damage to property, to bodily harm, to spiritual damnation. We have carefully distanced our deliberations from these sources of intimidation, but only with great effort. We request that all parties grant the same respect and consideration that they wish to receive.

Balancing the educational mission of the Museum and public sensibility clearly has been a difficult task, and it is at the root of this controversy. Our words and actions will not be adequate in the eyes of many parties to this controversy. We can only assure the people of New Mexico and our fellow staff members that neither the artwork at the heart of the controversy nor the exhibition were created as gratuitous insults to faith but were created instead as valid expressions of contemporary art in a Hispanic tradition. Museum policies and procedures were followed, consistent with the missions of the Museum of New Mexico and the Museum of International Folk Art, and there is no institutional basis for the removal of the art work.

We do not expect the objecting community to be comfortable with our recommendation, and we can only assure them that we have heard their grievances and have considered the situation and arguments fully and carefully.

[OBSERVATIONS: The "Sensitive Materials Committee" (SMC) makes all the "proper" acknowledgments then declares because other groups also have rights the decision is to continue with the CyberArte exhibit intact. (1.) The SMC declares that most protesters have never visited the MOIFA—but of course, the MNM isn't "judging" anyone--and have never seen the exhibit or "Our Lady," a haughty in-your-face assumption that implies New Mexico's Hispanic people are basically ignorant, protesting something they haven't even seen, much less studied. If the "protesters" have never been to MOIFA or have never seen the "Our Lady" item one can only wonder as to newspaper circulation or why they showed up to write their testimony. (2.) Museum of N.M. (MNM) strategy is to cloak the museum in the grandeurs of "education," "mission," "world community," etc. This is an effort to evade realities like the fact that proportionate numbers of Hispanics are not selected to fill positions of authority—with concomitant higher salaries-- within the MNM system. This reality is obfuscated by pointing to the many exhibits that have "honored" Hispanic New Mexico but when it comes to jobs there is absolute disparity between who is "director" at the various museums and who is hired at the low paying jobs. (3.) The MNM is merely "doing its job" in mounting the CyberArte exhibit, all arguments from both "sides" have been reviewed, the "Our Lady" item is part of Hispanic and Catholic tradition, and the exhibit stays. The MNM has learned nothing and the above sophistry proves it.]

May 21, 2001

Committee Recommendation Regarding Cyber Arte Exhibition

FROM: Sensitive Materials Committee TO: Thomas Wilson, Director

In responding to your request, the Committee on Sensitive Materials has reviewed all available documents, letters, and comments pertaining to the exhibition *CyberArte: Tradition Meets Technology* and the image therein of "Our Lady" by the artist, Alma Lopez. We have based our recommendation on the Collections Policy of the Museum of New Mexico, on the mission statement of the Museum of New Mexico, on the mission statement of the Museum of International Folk Art, and on the Code of Ethics of the American Association of Museums. The Committee also considered hundreds of individual

statements given in a public forum or received in communications to the Museum of New Mexico and the Museum of International Folk Art.

The Committee's findings are as follows:

1. Public comments reveal **wide-ranging opinions** on the subject.
2. Elements of the *Cyber Arte* exhibition, particularly the image, "Our Lady," have offended some members of the local and national religious communities. The Committee acknowledges the depth of feeling and emotion behind recent objections, coupled with the fact that members of these communities believe the exhibition or images within the exhibition are disrespectful. **The Committee recognizes the right of members of the community to disagree with the Museum of International Folk Art's presentation and their right to freedom of expression regarding the *Cyber Arte* exhibition.** The Committee **also recognizes the rights of other community members** who support the presentation of all of the exhibition's elements.
3. In pursuit of its **educational mission**, the Museum of New Mexico has the responsibility to provide active forums for the presentation of changing ideas and concepts and, in so doing, to balance the needs and wishes of concerned parties with the rights of artistic expression. In pursuit of its mission, **the Museum of International Folk Art has the responsibility to represent folk art in the context of cultural change in communities throughout the world.**
4. The Collections Policy defines a "concerned party" as **"a museum-recognized, authorized representative of a tribe or community, or an organization linked to culturally sensitive materials by ties of culture, descent, and/or geography."** This definition was **derived from** the *Native American Graves Protection and Repatriation Act*.
5. The Museum of New Mexico and the Museum of International Folk Art **operated in good faith and in compliance** with all applicable laws, statutes, policies, and procedures in its development and curation of the *Cyber Arte* exhibition.
6. Operating under policy approved by the Board of Regents of the Museum of New Mexico, **the staff of the Museum of International Folk Art followed its internal procedures in the planning and mounting of the *CyberArte* exhibition.** The exhibition plan was reviewed by the Museum of International Folk Art's exhibition and collections committee, the Museum of New Mexico's exhibitions committee, three New Mexico artists involved in the exhibition, the exhibition designer, and scholarly consultants from New Mexico.
7. The Museum of International Folk Art **considered potential impacts** of the exhibition's contents upon projected audiences and communities in the context of its **world-wide focus.** The exhibition team believed that the design, narrative, artists' statements, public programming, and docent-led discussions would ensure that the materials exhibited would be understood in an educational context.
8. The Museum of International Folk Art meant no disrespect in exhibiting non devotional or secular art that presents ideas derived from religious imagery. The Museum of International Folk Art has a history of presenting exhibitions in consultation with the **local community** and in the context of the changing ideas of artists who attempt to reconcile their contemporary experience with the traditional ties of their cultural communities.
9. The Museum of International Folk Art selected the works in the *Cyber Arte* exhibition in the spirit of free exchange of ideas and mutual respect for various points of view. Under their agreement with the Museum of International Folk Art, the artists selected for inclusion in the exhibition have rights under the First Amendment to have their works displayed free of censorship or other interference.

Based on its findings and overall analysis, the Committee on Sensitive Materials recommends that all the artwork in the *Cyber Arte* exhibition remain on public view for the duration of the exhibition.

Along with this recommendation the Committee on Sensitive Materials wishes to make the following **declarations:**

Declaration 1. The Committee regrets the problems and misunderstandings that have developed over the *CyberArte* exhibition.

Declaration 2. The Committee is currently reviewing sensitive material policies and will continue to make recommendations to the director of the Museum of New Mexico in an effort to strengthen the planning process for all museums in the system.

Declaration 3. The Committee will continue to develop and recommend policies to the Museum of New Mexico that encourage greater responsiveness to the cultural and religious sensitivities of the Museum's communities and audiences.

Declaration 4. The Committee sincerely hopes that the experience gained from the dialogue resultant from the *CyberArte* exhibition will create a better understanding of the issues among all parties.

Declaration 5. The Committee believes that the Museum of New Mexico's institutional role as a public forum can be strengthened for the benefit of all.

SIGNED: Anita K. McNeece, Chair; Duane Anderson, Antonio R. Chavarria, Thomas E. Chávez, Robin Farwell Gavin; Dale P. Kronkright; Timothy D. Maxwell, Joseph Traugott.

[OBSERVATIONS: While the definition for "sensitive materials" was derived from the Native American Graves Protection and Repatriation Act, the MNM has decided NAGPRA doesn't apply to Christian symbols like the Virgin Mary. The Museum of N.M. reserves the right to decide who is a "concerned

party" in any issue. The CyberArte exhibit is proper and legal under Regent policy and N.M. law, and the MNM's "role as a public forum can be strengthened for the benefit of all." The MNM hierarchy is doing a service by promoting "a better understanding of the issues...for the benefit of all."]

May 22, 2001

FROM: Thomas H. Wilson, Director, Museum of New Mexico

TO: ALL MEDIA

RE: Recommendations from MNM's Committee on Sensitive Materials

Today the Museum of New Mexico's Committee on Sensitive Materials has transmitted to me its recommendations regarding the *Cyber Arte* exhibition and the "Our Lady" by artist Alma López at the Museum of International Folk Art.

The Committee has forwarded to me four documents:

1. A Letter of Transmittal from Anita McNeece, Chair of the Committee on Sensitive Materials;
2. The Committee Recommendation Regarding *Cyber Arte* Exhibition;
3. A Commentary from the Committee concerning the recommendations; and,
4. A Memorandum from Dr. Joyce Ice, Director of the Museum of International Folk Art regarding steps the Museum has taken and is prepared to take in light of the recommendations of the Committee on Sensitive Materials.

The Committee concludes: "Based on its findings and overall analysis, the Committee on Sensitive Materials recommends that all the artwork in the *Cyber Arte* exhibition remain on public view for the duration of the exhibition." The documents, "Committee Recommendation Regarding *Cyber Arte* Exhibition" and "Commentary," set out the reasons for this recommendation.

According to the Museum of New Mexico's Collection Policy, a Concerned Party, or an individual or organization may appeal a recommendation of the Committee on Sensitive Materials to the Director of the Museum of New Mexico. A Concerned Party is a museum-recognized, authorized representative of a tribe or community, or an organization linked to culturally sensitive materials by ties of culture, descent, and/or geography.

Any person or organization that wishes to appeal a recommendation of the Committee should write to the Chair of the Committee stating the grounds for the appeal of the Committee's recommendation. Any person or organization that wishes to be designated and recognized as a "Concerned Party" in an appeal should write to the Committee Chair indicating why they should be designated as Concerned Party. Written appeals shall be submitted to: Anita McNeece, Chair, Committee on Sensitive Materials, Museum of New Mexico, P.O. Box 2087, Santa Fe, NM 87504-2087.

According to the Museum of New Mexico's Collections Policy, the Committee on Sensitive Materials designates who is recognized as a "Concerned Party" in an appeal to the Director of the Museum of New Mexico. Written appeals by a Concerned Party or by others that are not designated as Concerned Parties by the Committee, will be directed to the Museum Director for a response.

According to the Museum's Collections Policy, the Director shall respond to an appeal within thirty (30) days. The Director's response or decision may be contested by written appeal to the Museum of New Mexico Board of Regents.

June 15, 2001

FROM: Fr. Michael Shea, Deacon Anthony Trujillo TO: Tom Wilson

Re: Appeals Process, Museum of New Mexico Collection Policy Section 11-C.

[In order to keep this document within the structure of those previous, minor changes were made because the original already contained words in bold and/or italic print. Meaning has not been altered.]

Dear Director Wilson:

Per the Museum of New Mexico Collection Policy Section 11-C. The Museum of New Mexico's Committee on Sensitive Materials, pp. 31, on behalf of Our Lady of Guadalupe Parish as a whole and Deacon Anthony Trujillo individually hereby submit this appeal relating to the recent decision made by the Museum of New Mexico's Committee on Sensitive Materials dated May 21, 2001. The Committee concluded that "all the artwork in the *Cyber Arte* exhibition remain on public view for the duration of the exhibition."

After a review of all available documents, letters, and comments pertaining to the exhibition *Cyber Arte*:

Tradition Meets Technology and the image therein of "Our Lady" by the artist, Alma Lopez, **the primary focus of this appeal is to reverse the recommendation submitted by the Museum of New Mexico's Committee on Sensitive Materials to your office.** It is our understanding that if the Alma Lopez piece comes down the whole exhibit will also come down. This would in our opinion be appropriate since it is the whole exhibit that is offensive, the Lopez piece only overwhelms the rest of the exhibit.

The reasons for this appeal are as follows:

1. Section 11-B. The Museum of New Mexico's Committee on Sensitive Materials (CSM), pp. 22 dated 5/20/99. Since the creation of this Committee, there has been no leadership from your office relating to the overall

decision making process, duties, and assigned responsibilities for this committee to conduct, even after the NAGPRA went into law in 1990. Eleven years later, **the Museum of New Mexico's Committee on Sensitive Materials lack of consistency to follow it's own internal policies relating to the issue of what a "culturally sensitive material" and "a concerned party" should be questioned.** It would appear that there is confusion among the members as to roles on the committee and interpretations of the objects they are to review. This in turn is a serious flaw to the continuity of its obligations to protect the Museums collections from situations like this.

On January 25, 2001, Committee Member **Dale Paul Kronkright** wrote to the CSM *"By narrowly defining the implementation responsibilities to this committee, I believe we are preventing ourselves from creating a policy framework that encourages a more proactive and professional process in regards to cultural materials. I feel this is especially true for collections that are outside the narrow group of repatriation candidates under the guidelines of NAGPRA (Native American Graves Protection and Repatriation Act.)"*

In the same memo to the Committee he writes, *"indeed, the museum's policy could be interpreted to encourage staff to avoid issues of cultural sensitivity unless somebody with enough status to gain a degree of legal recognition raises a question"*. To illustrate a good example of this case, Museum Board of Regents Member Frank Ortiz raised a legal question of a possible conflict relating to Museum of New Mexico's Collection Policies involving this exhibit and the image therein of *"Our Lady"* by the artist, Alma Lopez, to the Museum Director prior to January 25, 2001. However, Ambassador Ortiz status, legal qualifications, high degree of academic credentials, and his exemplary participation as a Board of Regents Member was not taken into account and dismissed by your office. **Ambassador Ortiz is now a target of retaliation by your Museum staff and docent's.**

On February 21, 2001, Committee Member **Duane Anderson** e-mailed his concerns to Chair McNeece about the need to decide *"what sensitive means, are we talking about religious objects or do we want to get into things like intellectual property, ethics within the profession," or "taste" in art?"*

In a recent Memorandum for the Record dated April 25, 2001, submitted by the Cultural Affairs Officer **J. Edson Way**, he writes to the Regents, Dr. Wilson, and Mr. Ortiz, *"the historical record shows that the policy on culturally sensitive materials was drafted in response to the federal requirements of the Native American Graves Protection and Repatriation Act to cover human remains, associated funerary objects and ceremonial items of an archeological or ethnographic origin. To read the policy today in a selective manner, so as to cover a piece of contemporary art is to ignore the context of the policy and distort the truth, in my opinion."*

Again, on May 21, 2001, Chair McNeece wrote to your office stating, *"our current policy was too narrowly based on NAGPRA and that a broader base of issues needed to be addressed. Despite the lack of official direction in the current Collections Policy..."*

To quote Morgan Lee of the Journal North 5-25-01 *"By the Committee's own admission, it was ill equipped to address all the concerns raised about "Our Lady."*

Clearly, it is obvious the **Museum of New Mexico's Committee on Sensitive Materials have no expertise or legal qualifications** on how to legally interpret and use the different parameters of lawful terminology regarding what are "Culturally Sensitive Materials" specifically that apply to a religious and traditional community which adheres to the provisions of Policy 11-A. Definitions Paragraph 1 (b), (c), (d), (e) and (f). It is not in the best interest of the Museum of New Mexico's Committee on Sensitive Materials to create their own definitions of what is intellectual property versus what are culturally sensitive materials. **They are without any doubt not qualified to make a legal decision, a legal interpretation and/or qualified to make a recommendation of any magnitude relating to this matter.** They are in violation of their own internal and institutional policies. This would also bring up the question if this Committee even had a role in this whole affair.

2. It is our belief the entire exhibition *Cyber Arte: Meets Tradition*, and its religious contents, conceptual design, and the image therein of *"Our Lady"* meet the provisions of the Museum of New Mexico Collections Policy, 11-A. Definitions, pp. 29 and the NAGPRA requirements.

Therefore, the Museum of New Mexico's Committee on Sensitive Materials has violated Rule Nos. 11.1 through 11.5, Collection, Display and Repatriation of Culturally Sensitive Materials, dated April 18, 1986 through April 2, 1991 and its entire provisions. To emphasize, the state rule in question, reads: *"while the collection and display of human remains and sacred objects may be required to best illustrate a particular and interpretive theme in the Museum of New Mexico, it shall be done in a sensitive manner and with respect for basic human dignity and cultural or religious diversity."* **The Museum was not careful to balance legitimate research, exhibition and interpretive needs with the religious and spiritual concerns of the people of various beliefs, specifically the Roman Catholic community in Northern New Mexico and, as we are seeing, the world.**

3. The Committee's May 21, 2001 first findings relating to Number 1, pp. 1, where it states: *"public comments reveal wide-ranging opinions on the subject"* **is not a true statement in nature.** This type of erroneous statement implies that this "culturally sensitive material" issue is evenly split. **It also suggests the Museum of New Mexico has falsely portrayed the Roman Catholic communities emotions.** Based on the fact-findings documents which were located at the Museum of New Mexico relating to this controversy, the official

compilation of citizens who opposed the *Cyber Arte* exhibit (27,500) versus the citizens (343) who wished for it to remain on public display, as of May 22, 2001 the MNM portrayal "... of the *Cyber Arte* exhibition," lacks merit. In accordance with the Museum of New Mexico Policy on Exhibitions Rule No. 13 dated 6/30/82, it states: "All exhibitions at the Museum of New Mexico shall be a part of a planned and systematic exhibitions program and shall be relevant to the goals and purposes of the Museum of New Mexico. In general, exhibitions should be scheduled at least two years in advance. Exhibitions planning should involve curators, designers, educators, evaluators, public relations and administration from the initial stages to their termination. **Exhibitions should not be regarded as individual curatorial statements, although curators will be ultimately responsible for the content**, but as the results of a cooperative effort designed to help the Museum fulfill its mission to the people of New Mexico. All exhibitions should be evaluated for effectiveness while they are open to the public and the results of that evaluation made an integral part of the continuing planning process."

We would like to emphasize a point on the policy: "exhibitions should not be regarded as individual curatorial statements". However, according to a personal note written by Committee Member Dale P. Kronkright, he states: "Tey's statement when she walked into the meeting room that her T-shirt said it all "**Educated Chicana**". Tey's reference being that those who are offended by the image are not educated and are therefore (**words removed** ?)? I feel that from Tey's statement, she may have intended to offend that uneducated male dominated Catholic Hispanic community. The so called "play" (Tey's term) of the chapel and altar setting to place the new original icons only suggests that there was a conscious decision to the values pertaining (?) Of the traditional values of modesty (words removed ?)."

To further emphasize this point, in an email message from Tey Nunn to Marion dated April 27, 2000 "I had wanted to do this last year and call it " *Y tu Que?*" but it was nixed by our director. Luckily our new director, Joyce Ice agrees with me that we need to play a larger role in representing all forms of Hispano/Latino/Chicano art, none of which I consider "folk"."

If the curator does not consider this "Folk Art" how can you reconcile this with the words from a letter to Ambassador Frank Ortiz from the CSM dated May 15, 2001 " ... *That of the Museum of International Folk Art is* *{t}o preserve the worlds folk arts and to promote their understanding.*"

We allege that this curator intentionally violated policy #13.

4. In regards to the *Cyber Arte* exhibit, a point of fact remains that religious Catholic themes run throughout the exhibit. The Committee on Sensitive Materials does not adequately address our Church and State issues relating to the conceptual design of this exhibit. The exhibit designer recast the small gallery in which it is installed as a chapel (Norteño Nuevo Mexico style); complete with an altar (**from an Auto-CAD design**) outfitted with a computer verses a sacred tabernacle and votive fiber-optic "candles". Art works comprise the "Stations of the Cross" (**this term comes from a document dated 2-25-2001**) on the walls. A plastic runner leads visitors from the "chapel's" entrance to the altar, where a sign invites them to leave "ofrendas" (**offerings**). Which has now been removed. Does the statement by Dr. Ice have a role in this decision, The New Mexican, 5-15-01 in response to the ofrendas brought by Pedro Romero and others? Dr. Ice is quoted "We are not equipped to deal with inappropriate behavior." We would certainly like an explanation to this comment. Now, what was the true intent of this exhibit design? According to the curator's statement to the press, the *Cyber Arte* exhibit is supposed "to explore traditional imagery and themes such as Roman Catholic iconography and social justice issues "...through new technology", but why at our spiritual expense? Iconography in the Roman Catholic Church is created to inspire and move the soul to new levels of contact with our God, they are not political statements.

It is our opinion the Museum of New Mexico is attempting to establish a new religion called "Our Lady" and therefore, it is a violation of the "Establishment Clause". By reviewing the Supreme Court recent case laws, they decide whether these types of violations relating to this case may be unconstitutional. Certainly, we believe the various legal criteria of the Lemon Test, the Coercion Test, and the Endorsement Test may be a an option for us to pursue the avenue of challenging the Museums Collection Policies and its constitutionality regarding the *Cyber Arte* exhibition and the "Establishment Clause."

5. Sections 9-A and 9-B, Approving Exhibition Proposals and Evaluations, states: "that all proposals must include 'descriptions of the intended audience.' " **Given the offensive nature of this work, we are curious to know who the intended audience was.** It also states that deliberation must take into account the "impact on the community." We found no documentation that this point was even discussed in the CSM deliberations once again proving a lack of understanding by the CSM as to their responsibility in this matter. Finally, it states, "that curators should be responsible stewards who regularly monitor exhibitions and the "response to comments from the public." **We would suggest that the so called public forum held in early February was neither public or a forum but rather a gathering of the MOIFA elite.** We would further suggest that there was no effort by MOIFA to invite people outside their circle to this forum. We again found no documentation where the CSM discussed this in their deliberations again exposing a flaw in the process.

In response to the fifth paragraph. Contrary to your editorial letter made to the Albuquerque Journal North on June 13, 2001, "in the spirit of reconciliation" and without coercion from any individual or institution, [the MNM] has offered to close the exhibition at the end of October instead of next February". It appears that you are

deceiving the public about the actual dates when this exhibit is supposed to end. According to the Museum of International Folk Art "Exhibitions & Programs" Brochure, the *Cyber Arte* Exhibition dates are February 25, 2001 to October 28, 2001. We found no other source or documents indicating a different date of closure. We did however find the following documents that reflect the closing date as either late October or October 28, 2001: **Flyer CYBER ARTE: Where Tradition meets Technology February 25, 2001 - October 28, 2001**
Email from Tey Nunn to Marion Martinez and another to Alma Lopez which show the exhibit dates as February 25, 2001 to **late October 2001**.

A press release dated November 27, 2000 which shows the exhibit dates as February 25, 2001 and **closes October 28, 2001**.

To reciprocate we are willing to accept the offer Dr. Ice and other Museum officials issued the day the CSM decision was made to bring the exhibit down four months early, by our count and using the 4 months offered that would be June 28.

If this is not accepted by Museum of New Mexico officials, how can the Museum of New Mexico's Committee on Sensitivity Materials claim they are *"in the spirit of reconciliation"* mode with the Catholic community?

Is this committee trying to fool the people? What does this say of their analysis of this issue? And what does this say of public process? Is the MNM only interested in those parts of the United States Bill of Rights and Constitution that will help them in this issue? How has this committee addressed our rights? From the documentation we have reviewed there has been no consideration of our rights. The question again [is] "is this a fair process?" We would again contend the process was flawed. There was no one to present our views.

6. In response to the Museum of New Mexico's Committee on Sensitive Materials recommendation #8, it appears the Museum officials have no clear understanding as to what is "devotional art" or "secular art." On April 4, 2001, Curator Tey Marianna Nunn submitted her statement relating to the *Cyber Arte* exhibition to the Board of Regents, *"for never once questioning my curatorial intention, my scholarship, or my devotion to my culture."*

Joyce Ice, Director, Museum of International Folk Art, released a public statement: *"Alma Lopez is an artist and Catholic who uses computers and photo technology to create images that reflect the many symbolic expressions of Nuestra Senora de Guadalupe. Devotion to Our Lady of Guadalupe is an important aspect of religious and cultural identity in the Southwestern United States and throughout Latin America. Our Lady has been portrayed in many different interpretations--all of which testify to the strength of her appeal over time."*

On April 30, 2001, the artist e-mailed a message to Curator Tey Nunn and states, **"Our Lady" is an art work in a museum, not a devotional object in a church.** This statement brings us back to the issue of the overall design of the exhibit (chapel).

Therefore, we raise the constitutional question of whether the entire *Cyber Arte* exhibition and **"Our Lady" is in violation of the Church and State Clause. Why was the issue of the exhibit design not addressed by the CSM? What was the intent of having a chapel within the Museum?**

7. Section 7-C of the Museum admission guidelines states, *"the museum supports the expression of differing opinions 'in a reasonable manner.'"* **How reasonable is it to assault the sensibilities of a large portion of the local population?**

Ambassador Ortiz concluded in his Memorandum for the Record dated on April 25, 2001, that *"any deviation from the procedures established in that policy, constitutes an act subject to legal challenges and likely to be found illegal"*. He refers to this statement from an April 6, 2001 Opinion by the Assistant Attorney General. Again, on April 26, 2001, Ambassador Ortiz wrote to Ms. McNeece and stated that *"as a Regent who, after the humiliating, near riotous and unsuccessful public meeting at MIAC, took the initiative to request a legal opinion from the Attorney General on the polarizing controversy created by the exhibit of culturally sensitive material. That legal opinion, of course, confirmed that there can be no deviation from the statutorily mandated procedures in that regard set forth in the Collections Policy of May 1999."*

The entire due process of defining what is "culturally sensitive material" is constitutionally questionable. **The Nuestra Senora de Guadalupe image and its religious icons meet the definition of a "culturally sensitive material" under the provisions of the NAGPRA. It appears this is a clear violation of the Museum of New Mexico's Collection Policies that refuses to acknowledge the general public "opinion" input.**

We would disagree then with the comments made by Eric [Blinman] in a memo to Tom Wilson, Anita McNeece and other members of the CSM dated 30 April 2001 *"Although I don't want us to claim that the artwork is secular, I also think we can clearly communicate that the NAGPRA-like considerations do not apply."* Contrast this statement with his earlier comments in the same memo speaking of the image *"It may be a political statement, but it's meaning springs from religion and therefore it is religious, not secular."* How can the CSM reconcile these statements with #8 of the CSM response? *"The Museum of International Folk Art meant no disrespect in exhibiting non devotional or secular art that presents ideas derived from religious imagery."*

8. In the Museum of New Mexico's Committee on Sensitive Materials May 21, 2001 recommendation #4 relating to the definition of what a "concerned party" is, it implies that they are utilizing the definition, which is derived from the NAGPRA.

In a recent Committee correspondence letter written to Ambassador Ortiz dated May 15, 2001, he states: "as you undoubtedly know, the Board of Regents adopted Collections Policy 11-A, which was drafted to place museum policy in accordance with NAGPRA. The definitions therein are either verbatim or adapted from federal law concerning repatriation, although the museum slightly modified the language to allow applications of the policy to non-Native American contexts. The Committee has not heretofore applied NAGPRA definitions and procedures to non-NAGPRA situations."

Again, within the same contents of this May 15, 2001 letter to Ambassador Ortiz, the Committee states: "since its inception (NAGPRA) in 1986, the Committee on Sensitive Materials has exclusively responded to recognized concerned parties whose relationship has been to the original makers of the objects or artworks in question. This has been true for both Native American and non-Native American contexts. Thus, based upon all past experiences, the Committee has normally become involved only if an artist, his or her direct descendants, or his or her cultural community objected to the manner in which the Museum exhibited or cared for her work. In this instance, the objections to the Museum's exhibition of the work come from groups with no direct relationship to the artist or the community of artists that have given rise to her work and its contextual presentation."

Is the Committee implying that we have no legal standing to qualify under the (NAGPRA) legal definition of a "concerned party"? What legal authority and court jurisdiction does this Committee have over these federal mandates to designate and recognize a "concerned party" in New Mexico? In their recommendation 5/21/01 letter to your office, they do not cite any specific case law relating to this *Cyber Arte* exhibit and its religious sacred objects. It would be an interesting case as to why the Museum of New Mexico's Committee on Sensitive Materials excluded all discussions on why this specific federal law was not used relating to an Hispanic exhibit versus a Native American exhibit.

This is a primary example of the Museum of New Mexico's Committee on Sensitive Materials lack of knowledge relating to understanding the legal language and documents of federal law.

9. The American Association of Museums mission statement *contradicts* the Museum of New Mexico mission statement because the International Folk Art Museum community has failed to enhance the ability to serve the public interest fairly but has only promoted a selective code of preferential treatment and discrimination practices against a specific religion and ethnic group in New Mexico. **In this violation, the Hispanic and Catholic community have been adversely impacted and targeted by the Museum of New Mexico's racist and anti-Catholic policies.**

10. **The Museum of New Mexico's Committee on Sensitive Materials has violated all of the Code of Ethics for Museums, including the Museum Rule Policy 22.** Policy on Volunteers dated October 8, 1982, which states: "those administering docent programs shall establish and inform volunteers of ethical standards and conflict-of-interest restrictions that apply to them as well as to regular Museum employees." Consequently, the Docent's of the Museum of International Folk Art paid for a newspaper advertisement on March 30, 2001 to provoke the Hispanic and Catholic community in support of the right of the Museum to present its exhibition's as a whole without censorship of any particular work of art.

Therefore, the Museum of New Mexico has violated the basic principles of assuming responsibility for the actions of members of their governing authority, employees, and volunteers (docent's) in the performance of museum-related duties.

One would wonder why the CSM or Museum Administrators have not distanced themselves from some of the comments made by some of the docent leaders. In his commentary in The New Mexican dated May 27, 2001 Ambassador Frank Ortiz talked of communication he had with some of the docents; "One good friend said that she was offended by **Catholic processions using tax-supported streets for religious purposes**. She wanted them stopped." He also quotes a museum official who "describes the protesters as being third grade graduates." In his memo of 4-4-01 Regent Leo Marquez writes "Dr. Ice was quoted as saying that those who were opposed to the display were simpletons." What role did these kinds of attitudes play in the discussions of the CSM? We found no documentation where these comments were addressed.

As Ordained Ministers in the Catholic Church, Deacon Anthony Trujillo is bound to protect the sacraments of the Church and its sacramentals. This would include the icons we hold as sacred. Since this exhibit is designed in the form of Northern New Mexico Mission Church we are called to question this exhibit.

In the Gospel of John 19:26-27 we are told of a scene at the foot of the cross: "When Jesus saw his mother and the disciple whom he loved, standing besides her, he said to his mother, 'Woman, here is your son.' Then he said to the disciple, 'Here is your mother.' And from that hour the disciple took her into his own home." It is the teaching of our faith that this is the point in time that we were given the Mother of God as our own Madre and the point we were given as Her children. **We are concerned parties because we are defending our Mother from a distorted, state-sponsored affront. There is no human law that for us can change that fact.**

We believe we qualify as concerned parties because of our call to defend our faith. We also believe we are concerned parties because of other issues already stated in this appeal. I, Deacon Anthony Trujillo, believe I am a concerned party because I am clergy in the Parish dedicated to Our Lady of Guadalupe which has within its property lines the oldest Shrine to Our Lady, the Mother of God, in North America.

Further, in the [individual] case of Deacon Anthony Trujillo: [he] is of Mexican decent that can be traced to his earliest known relative around the year 1549, [a man] named Juan Vaca who was born in Mexico City 18 years after the miracle at Tepeyac.

We challenge the position of Eric [Blinman] who in his memo to Tom Wilson, Anita McNeece and other members of the CSM dated 30 April 2001 wrote: *"since the local religious community is a different community and did not create the work of art, they cannot make the claim that it must be removed as an element of religious respect."* Since Alma Lopez and other exhibitors claim to be Catholic then we are in fact of the same religious community. In fact this community has about one billion members worldwide of every nationality and race known to man.

Based on these valid allegations, we believe the New Mexico Museum Director has an obligation to assume responsibility in addressing this appeal within (30) days of receipt.

We are requesting that this process not take the whole 30 days. **We are convinced that in the end the Director will agree with the Committee On Sensitive Materials decision. We therefore request that the Directors decision be made quickly so that the process can move on to the Board of Regents for a final declaration and this issue quickly resolved.**

We appeal the decision of the CSM and respectfully request the entire *Cyber Arte* be removed..

Sincerely,

Fr. Michael Shea: Deacon Anthony Trujillo

On behalf of our Parishioners and the people of faith.

[OBSERVATIONS: The disingenuous "spirit of reconciliation" will be impossible to expunge from the community's psyche. Concomitant emotions will fall into place because of the prevaricating posture of the MNM.]

CONCLUSION

Speaking as a native New Mexican, what has happened with the MNM is that its haughty disconnect with the community is now undeniably apparent. Led by highly educated academics, the MNM operates as a society unto itself. Museum policy states it doesn't have to "recognize" anyone from the community if it doesn't wish to and this tradition emboldens it to ignore even a member of its own Board of Regents—who also happens to be a member of an historical, distinguished New Mexican family. Imbued with its sense of "Mission" to "educate" and provide a "world view" (theirs, funded by taxpayers of N.M.) for "constituent communities," staff leaders can create anything they wish if the MNM approves it.

The MNM isn't emotionally connected to the fact that a private chapel attached to one's home is part and parcel of New Mexico's Hispanic history and traditions. I am of the generation that experienced my grandparents' chapel. Complete with altar, candles, and various santos on the walls, it was a part of their living Faith, a Faith which now in my maturity I recognize as an inviolable part of their character. The MNM has rendered that heritage, complete with Spanish language alabados from an adjacent area, as a teratoid chapel where the computer is god and visitors can make "offerings" (which turned out so insulting in nature that this aspect was discontinued) by way of participation. That this would appear grotesque to people like me never entered the minds of the "sophisticated" staffers so convinced of their sterling "mission" in serving up "world culture" to "constituent communities." No conscious insult was intended because denigrating the Hispanic community, usually couched in supposedly relating Indian history, is so habitual it is little more than standard MNM operating procedure. An immediate example—not related to the "Our Lady documentation—are the informational displays in the "Hispanic Wing" of the MOIFA. Titled Early Exploration and Settlement, Resettlement and Expansion, American Occupation and Statehood, they promote half-truths and outright lies about Hispanic New Mexican people and their history. Years ago I pointed this out to a MNM staffer but the same displays are there to this day. This proves that Hispanics are considered, after all, merely part of the Santa Fe "ambiance," to quote the description written in the MNM documentation.

Instead of taking its cues from the community which it purports to serve, the MNM strategy of cloaking its intransigence in "Mission," "Education," "World Community," "Freedom of Speech," etc., has succeeded only in escalating the situation. The first warnings went unheeded, then demands were made to remove one item from the CyberArte exhibit, then remove the exhibit itself, fire MNM heads like Tom Wilson, remove all Hispanic and Catholic items from the MNM system, etc. To make matters worse--and apparently unrecognized by MNM personnel-- is that the Santa Fe milieu contains a smoldering resentment against "outsiders" who come to New Mexico and view it and its people with contempt. Insults won't be endured forever, no matter how hard the MNM tries to mask them in "spirit of reconciliation" flimflamery or "Freedom of Speech!" subterfuge which only brings more people into the fray. If these strategists—do they consider themselves *brilliant?*--are permitted to hold further sway, festering social issues could easily engulf the entire community.

Speaking as a student of history, it is quite possible the Johnson Administration will be remembered for its vetoes, efforts to legalize marijuana, and the CyberArte exhibit. The Museum of New Mexico is now

recognized as the number one purveyor of anti-Hispanic bias in the state of New Mexico. It isn't alone in this vile activity but it is perhaps among the most powerful. High salaried MNM positions are all but reserved for non-Hispanics. A study of ethnicity and top salaried jobs in the Gary Johnson administration states that 72% are held by non-Hispanics and the MNM percentage is even more lopsided. Look at who is occupying the top jobs: Tom Wilson, Anita K. McNeece, Duane Anderson, Antonio R. Chavarria, Thomas E. Chávez, Robin Farwell Gavin, Dale P. Kronkright, Timothy D. Maxwell, Joseph Traugott. It is also a fact that Hispanic New Mexicans are over-represented in all low-paying jobs.

If the Board of Regents wishes to keep the Museum of New Mexico alive it should empower Deacon Anthony Trujillo to select a small, responsible community group to investigate the Museum and its workings. This group should be empowered to take public testimony and ask questions of any and all Museum personnel. Then it should make recommendations as to what needs to be done to make the MNM an integral part of New Mexican society. If this course of action is refused, all Catholic and/or Hispanic items should be removed from the Museum. Then the people of New Mexico should declare a total boycott of all MNM locations, activities and functions. The Legislature could then be lobbied to cancel all funding for the MNM in order to shut it down completely. Legislators who refuse to stop the denigration of Hispanic New Mexican people, history, and traditions should be voted out of office as quickly as possible.

When the Museum of New Mexico system is totally shut down it is possible that everyone will take stock as to the machinations of the Museum of New Mexico and related agencies like the Office of Cultural Affairs, the Department of Tourism, and New Mexico Magazine.
Rubén Sálaz M.