

## Reflections on *Scaffold* after three years

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It has been three years since my public artwork *Scaffold* (2012) was protested by Dakota activists and their supporters and then dismantled at the Minneapolis Sculpture Garden of the Walker Art Center. These events are regularly mentioned when the Walker Art Center is in the news, often regardless of *Scaffold*'s relevance to the story. Frustratingly for me, *Scaffold* is usually mischaracterized or misinterpreted, particularly in the art press<sup>1</sup>. I realize it is past time to share my perspective on what happened three years ago. I offer my reflections here with self-searching honesty, in the hope that they will elicit good faith responses and encourage more thoughtful, nuanced and factual reporting. The text will cover some of the complex and intersecting issues at stake (personal, artistic, legal, ethical, historical and institutional) and the ways that *Scaffold* continues to be a lightning rod for the storm that constitutes the cultural moment of our fraught settler-colonial country.

First of all, I urge the Walker and the press to stop framing *Scaffold* as a controversy that I am solely responsible for. I believe it is vital for the Walker's credibility to support artists and the work it acquires and exhibits. The Walker should reiterate the courageous decision to exhibit *Scaffold* and reiterate its failure of responsibility to connect with and prepare its community for such an artwork.

I propose the idea that silencing a voice from the majority does not necessarily open space for minority voices. Silencing does not change the systems that create injustice and inequality and charges of cultural appropriation need to be carefully parsed. Cultural appropriation is, of course, a real phenomenon but it is often misapplied, and then spread through social media.<sup>2</sup> I argue for the importance of differentiating between people and systems. I have been accused of being racist because my work makes visible existing and historical systems of racial domination, blaming the messenger as it were. However, civil rights leaders have argued that white people must be active participants in dismantling white supremacy, that injustice harms all those involved, also dehumanizing the perpetrators. Systems of domination demand resistance from those who benefit from it. As a white artist I make a case for my work from this perspective.<sup>3</sup>

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<sup>1</sup> An example of this can be found by comparing recent reporting in ArtNews and the Minneapolis Star Tribune about staff changes at The Walker Art Center. The Star Tribune story correctly describes *Scaffold* and truthfully characterizes the reasons it was protested. The ArtNews story mischaracterizes *Scaffold* and the reasons for the controversy. Both stories, which are about program and staff changes, would appear to mention *Scaffold* gratuitously as it has nothing to do with matter being reported on. The ArtNews story goes further, managing to mention *Scaffold* twice in a very short piece. accessed 09/21/2020

<https://www.artnews.com/art-news/news/walker-art-center-reader-shuttered-realignment-1234569878/>  
<https://www.startribune.com/staff-shakeup-at-walker-art-center-aims-to-raise-its-public-voice/572282992/>

<sup>2</sup> For early yet still relevant discussions of native American cultural appropriation see Churchill, Ward, *Indians Are Us? Culture and Genocide in Native North America*, 1994, Common Courage Press, Monroe, Maine and more a recent article by Priya Elan in the Guardian newspaper, "Blackfishing: Black is cool unless you're actually black" accessed 04/15/2020 <https://www.theguardian.com/fashion/2020/apr/14/blackfishing-black-is-cool-unless-youre-actually-black>

<sup>3</sup> My assertion here is based on the work of Civil Rights and cultural leaders, for instance in Malcolm X's autobiography he contends that white's should work in their communities to fight racism and Dr. Martin Luther King Jr.'s *Where Do We Go From Here: Chaos or Community* (Boston: Beacon Press, 1968) is itself a call for black and

I reaffirm my support for the Walker to begin a decolonizing process by bringing substantive native American representation into decision-making positions from the boardroom to the curatorial offices as well as in exhibitions and the collection. Something they have not done despite many new staff hires and organizational re-shuffles.

In conclusion I propose a way for the Walker to honor the mediation process it undertook with the Dakota elders and to underscore its commitment to the artwork it exhibits through knowledge-producing and inclusive processes.

### **Synopsis of *Scaffold***

For those unfamiliar with the story, here is a brief recounting of the sculpture's exhibition history and of the protests and mediation that led to its dismantling in Minneapolis in 2017. Contrary to rumors, *Scaffold* was not commissioned by the Walker Art Center, it acquired the work in 2014 to install it in the redesigned Minneapolis Sculpture Garden that opened in 2017. Nor is *Scaffold* a work about the Dakota people or the Mankato execution. *Scaffold* originated as a commission for Documenta 13 in Kassel, Germany, where it was on view for 100 days during the summer of 2012 and seen by more than one million people, including native American, First Nations, Maori and aboriginal Australian visitors. It was subsequently constructed at Jupiter Art Land in Edinburgh, Scotland for the summer of 2013 and then installed in The Hague, Netherlands as part of the Stroom Den Haag's yearlong exhibition [See You in the Hague](#). There, *Scaffold* provided a platform for discussions about capital punishment with Amnesty International and other partners as well as a stage for plays, poetry readings and concerts concerning death penalty abolition. While in Europe, *Scaffold* received positive press coverage and numerous accolades — by all measures, it was a very successful public artwork.

An architecturally scaled, interactive sculpture, *Scaffold* included representations of five different gallows from some of the most significant executions in U.S. history, among them that of the abolitionist John Brown, the country's last public hanging in 1936, and the largest mass execution in US history at Mankato, MN. The Mankato gallows was erected to execute 40 Dakota men and was the largest and most prominent of the structures (this was the image that led to the protest in the Sculpture Garden). Through its historical references, *Scaffold* was meant to be a platform for discussion about capital punishment in the U.S. (the only industrialized democracy that still employs it) that questioned the broad problem of mass incarceration and its relationship to colonialism and racism. It was targeted to a mainstream audience and meant to propose the idea that our nation's historical foundation is based on slavery and genocide, which continue through domination abroad and mass incarceration and violence at home. In short, it was a means to rethink the version of American history taught in schools and repeated in most

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white people to work together in the struggle for racial justice. The Black Panther Party refused to work with nationalist groups (i.e. racially exclusionary movements), building diverse coalitions across racial and ethnic lines (including whites like the Young Patriots) while Toni Morrison challenged white America to come to terms with its foundational racism. And historian Howard Zinn's axiomatic assertion that you can't be neutral on a moving train.

history books.<sup>4</sup> While *Scaffold* was well regarded during its time in Europe it was certainly rare for a major US museum to support work with such direct socio-political subject matter. The Walker Art Center's decision to install *Scaffold* in the Minneapolis Sculpture Garden took extraordinary courage. I was moved by their commitment to such a work.

### **Events in Minneapolis, Memorial Day(s) 2017**

In the spring of 2017 installation of *Scaffold* began in the Minneapolis Sculpture Garden. By late May it was nearly completed and highly visible for passersby but with no contextualizing information about its meaning and intent. Because the Walker Art Center had not connected with any members or representatives of the Dakota community there was no awareness about the meaning of structure that appeared in the Sculpture Garden, or that it was even an artwork. It looked to some as if a replica of the Mankato gallows was being erected in a highly visible location in the city, but for some unknown purpose. *Scaffold* left the realm of representation and became very real for many Dakota. It seemed to some that the Walker was building a monument to their genocide as the image of the Mankato gallows became recognizable within the structure. This image triggered a very tense weeklong protest at the Walker Art Center and the Minneapolis Sculpture Garden. It's important also to remember the highly charged and tense climate in U.S. culture at that time, especially for native Americans. Donald Trump had just become President and had ordered the bulldozing of the campsites at Standing Rock where many indigenous people were putting their lives on the line to protect water resources from the Dakota Access Pipeline. Many of these heroic water protectors returned to Minneapolis after experiencing extreme violence at the hands of private security and law enforcement. Some of them joined the protest against *Scaffold*, to my great dismay, as I hoped the work would be understood as advocating for rather than alienating their cause. The protests at the Walker went viral on social media, inflaming passions and circulating misinformation. Local and national media smelled a scandal and joined the chase for clicks. When white nationalists got wind of the protests, they began making threats against the demonstrators. Both the Walker staff and I took these treats very seriously, and we agreed right away that we must de-escalate tensions.<sup>5</sup>

This was the volatile setting of the mediation process proposed by Dakota leadership and accepted by the Walker Art Center. The mediation took place in a conference room at the Walker and included the museum director and staff, members of the trustees, Minnesota Department of Natural Resources, City of Minneapolis staff along with Dakota elders, tribal members and representatives of several tribal governments. The mediation was led by Dakota spiritual elders who made clear that the process was not a political meeting but a spiritual, healing and ideally transformative process. The respect, honor and love that the elders engendered in the meeting was powerful. Many of us were deeply moved, there were moments of strong emotion as we shared our experiences and

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<sup>4</sup> See [www.samdurant.net](http://www.samdurant.net) for detailed information about *Scaffold* and the zine that I produced for its first iteration at Documenta 13, downloadable as a PDF. <http://samdurant.net/index.php/project/scaffold/>

<sup>5</sup> Only a few weeks later the Charlottesville unite the right rally resulted in vicious racist violence culminating in the murder of an anti-racist protester. Soon after, the pulling down and dismantling of confederate monuments began. It was a summer of incredible tension and polarization, which, sadly, has become the new normal in Trump's America.

feelings. The elders guided all of us with dignity and respect. It was one of the most profound experiences of my life. During the meeting I heard how my sculpture was affecting many in the community, some descendants of the Dakota 38+2 (as the men executed in 1862 are known) who felt that the incorporation of a depiction of the Mankato gallows in *Scaffold* was unacceptable, especially in their hometown. It was yet another reminder of their ongoing genocide that re-traumatized them every time they passed by it. I know that these very real, very justified feelings were not created by my sculpture but by the terrible history of settler colonialism and native genocide. I understood that my work had become a reminder of the ongoing conditions of white supremacy and the particularities of native American oppression in Minnesota. I recognized the overwhelming power of our unsettled history and the terrible consequences it wreaks daily on indigenous people. I therefore proposed to alter the sculpture and remove the parts that made up the image of the Mankato gallows. I reasoned that the *Scaffold* was not about Dakota history, but about the subject of capital punishment and the removal of one of the gallows would not significantly alter that meaning. However, this proposal was not accepted by the group. The reasons for rejecting my proposal were not made clear to me. I can only speculate that the state and local officials who had become embroiled by the protests (the Sculpture Garden is on state land) simply wanted a quick end to the problem. I didn't realize at the time that the protests of *Scaffold* were part of the ongoing history of grievances between the Dakota and the institutions of the city and the state (something I've come to understand better with the passage of time). Things continued to move quickly as a deadline had been set for a news conference immediately following the mediation and there seemed no time for an in-depth discussion. After it became clear that my idea of altering the sculpture would not be accepted I agreed to the dismantling of *Scaffold* because I didn't want my work to re-traumatize a group of people whose struggle for recognition and justice it was meant to support. A public sculpture in a highly visible urban location is different from an artwork inside a building that can be avoided, and *Scaffold* could not be avoided for many in the community. I believe that my actions — as controversial, problematic and flawed as some find them — were correct and were the only ethical option available under the circumstances of that specific time and place. I have heard from many people who disagree with my position. They say that by agreeing to remove the work I had removed the opportunity for it to be experienced by those who know little about or have not had the opportunity to reflect on the issues raised in the work. This is certainly part of a loss that involved all of us who made the decision to remove the sculpture.

Contrary to some of my previous statements where I claimed to have had significant agency, I now see this as a misunderstanding of the dynamics among the stakeholders during the mediation. I want to be clear, now, not to give the impression that I was an actor with significant agency, or that I was somehow in control and wielding substantive decision-making power throughout the mediation process. Quite the opposite, I held relatively less power as the Dakota elders negotiated with Walker management, Minnesota state and Minneapolis city representatives over the fate of *Scaffold*. This is not to diminish my status as a member of the dominant population (i.e. white male benefiting from the status quo conditions of white supremacy) but to distinguish the specificities of my position as an artist and outsider within a group of others who wielded

relatively more agency *in that particular circumstance*.<sup>6</sup> I also want to be clear that the Dakota elders wielded their power masterfully, they were anything but victims. This can be understood clearly in that both the Dakota and the State of Minnesota got what they wanted, the removal of the sculpture and an end to the protests respectively.<sup>7</sup> My agency mainly resided in the ability to agree to the removal of the work and to transfer copyright of *Scaffold* to the Dakota Oyate. This is not insignificant. And it does not constitute a suppression of my free speech as some have proposed. I freely agreed to the conditions above. At the time, I viewed my actions as a form of becoming, presaged on the possibility that what was happening could become part of a transformational process. At some point in the future we may be able to say retrospectively that what happened with the protests and removal of *Scaffold* in 2017 was a beginning rather than an ending (as I will propose in the conclusion).

### **Transfer of copyright**

As part of the agreement to remove the work from the Sculpture Garden, I transferred its copyright to the Dakota Oyate. This has been very difficult for many, especially in the art world, to understand. However, if nothing else, it shows that a cultural producer from the white population listened to and acted on the concerns of an indigenous group. Perhaps this gesture could be understood as a form of recognition or even a kind of symbolic repatriation.<sup>8</sup>

So far the responses to *Scaffold* have not taken up the implications of the copyright transfer to the Dakota Oyate in any thoughtful or meaningful way. To me this seems one of the most significant aspects of the events. As far as I know it is the only such case of its kind and would seem to be worth exploring in all its complexity.<sup>9</sup> I understand that the transfer is a threat to the prevailing norms of ownership and its relation to the concept of freedom of expression that, if examined, could undermine the foundations of current art world practices. It opens up discussion about the nature of art's function as property in legal terms and as an asset in economic terms.<sup>10</sup> It also points in the direction of redistribution and perhaps repatriation. The transfer of rights, negotiated between the artist and the Dakota Oyate could be explored as a form of repatriation, albeit a symbolic and perhaps unsatisfactory one. For instance, unlike a looted statue or ceremonial

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<sup>6</sup> Fred Wilson's experience in Indianapolis may be relevant here, even an African American artist held little agency when his public sculpture, *E. Pluribus Unum* was rejected on grounds that it wasn't acceptable to some in the local African American community. <https://www.pbs.org/video/art-assignment-fred-wilson/>

<sup>7</sup> Whether or not it constitutes censorship is perhaps another issue and one I won't take up here. See the National Coalition Against Censorship: <https://ncac.org/news/blog/ncac-criticizes-walker-art-centers-decision-to-destroy-sam-durants-installation>. Accessed April 25, 2020

<sup>8</sup> It is my understanding that the Dakota Oyate do not view the transfer of rights as repatriation. My assertion here is certainly contested, but I feel is worth bringing forward as part of the discussion of the topic.

<sup>9</sup> See Durant, Sam, "The death (or transformation) of an artwork as a political idea.." (essay) in *The Death of the Artist*, Cabinet Books, New York. I look at the special rights claimed by Aboriginal people in Australia as a guide for my decision to transfer rights to *Scaffold*.

<sup>10</sup> My understanding of the Walker Art Center's Board of Directors reaction to the copyright transfer of *Scaffold* was mainly a question of accounting, did *Scaffold* remain an asset or was it now a loss? The issue of deaccessioning the work was discussed not based on notions of the cultural value of the work but on how it might effect the Museum's books. Trustees are responsible for the financial wellbeing of their institutions and all of these questions are perfectly legitimate. Nonetheless it reveals how far the pendulum has swung towards the acceptability of the idea that artwork is first and foremost a financial asset. To the Trustees credit they resisted the impulse to deaccession *Scaffold*.

artifacts or stolen remains, what was at stake for the Dakota was an image of the Mankato gallows and as an intellectual property attorney informed me, the image of the Mankato gallows was not mine to give away, it belonged according to copyright law, in the public domain, free from claims of ownership. Of course, the entirety of *Scaffold* (which includes images of many different gallows, all within the public domain) does constitute an item of intellectual property and as such was able to be redistributed (or “repatriated”) to the Dakota. To my mind these issues would seem ripe for exploration from multiple perspectives; from an indigenous view, from the legal perspectives of the 1<sup>st</sup> amendment and intellectual property law, as a problem for philosophy and aesthetics, as an asset representing wealth, its effects on art history and contemporary art practices, and so on.

A problematic aspect of the transfer of rights for artists (and for any who value freedom of expression) is that I seemed to have agreed to a kind of silencing of my own voice and the removal of the opportunity for others to access the meaning of *Scaffold* (that is, its intended meaning). This is a troubling and unresolved consequence of the ownership transfer that I still struggle with. Many people that I greatly respect disagree with my decision to transfer ownership of *Scaffold* and to allow it to be, in effect, rendered invisible. However, there are ways that I believe the issues that *Scaffold* was meant to raise can be made available in a new context but with a concurrent bringing forth of indigenous institutional power, visibility and recognition along with an un-silencing of all the voices involved, mine *and* the Dakota’s. This opportunity will require the Walker Art Center’s active participation. I will elaborate on this idea in the closing paragraphs.

### **Failure to connect with the Dakota community**

What both The Walker leadership and I apologized for was for erecting a sculpture that included a symbol that caused many Dakota people anguish. We acknowledged that we should have anticipated that the image of the Mankato gallows in *Scaffold* could be a problem for the Dakota and that we should have met with stakeholders well in advance of installation. I have great regret for missing the opportunity to have met with Dakota leaders before making the work. I am absolutely sure that there would have been a completely different outcome had I done this. Perhaps the Mankato image would not have been included at all, perhaps Dakota leadership would have been amenable to including it in some other manner. I would have been completely open to these possibilities as my usual working method attests.<sup>11</sup> It turned out that *Scaffold* was an outlier in my practice, one of the few works that I constructed without significant input from interested parties. What happened to me as a result is something I have learned a great deal from, and I hope something that will be of value to other artists and institutions. Not to avoid controversial or difficult subject matter but to engage this type of work in a way that it can be successful, with planning, preparation and input from the community in which it is sited.

I would like to explore for a moment some of the reasons why I failed to connect with Dakota leaders prior to *Scaffold* being erected in Minneapolis. I believe it is worth

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<sup>11</sup> See Pedro Alonzo’s essay “Suburban Hymn: Complacency = Complicity” in *Build Therefore Your Own World*, 2017, Blum and Poe Press, Los Angeles. Alonzo details my dialogical and collaborative working process in several recent public projects

elaboration as it touches on structural problems and issues of capacity that most artists and institutions face. *Scaffold* was an older work that had been successfully exhibited for years in Europe with no misunderstandings of its meaning. Thus, the particularities of its new siting in Minneapolis were not at the forefront of my mind five years after its conception. I don't live in Minnesota and I had not visited since 2003, making the site specificity of the Minneapolis Sculpture Garden a somewhat distant memory.

It is important to remember that artists are not all-seeing, all-knowing beings with the capacity to grasp all ramifications of their work. They rely for better or worse on the capacity of institutions in situations like the one described here. Perhaps because I am an artist who has worked on native American historical issues I should be held to a higher standard, as someone once shouted at me during a lecture, "You should have known!" But the idea that artists should always know everything about their work is both impossible and perhaps even undesirable. In fact, many argue that artists must not be concerned with possible reactions to their work, for this self-consciousness or even self-censorship would rob society of the benefits of unfettered imagination. While I believe in the necessity of free expression I also believe artists have the same responsibilities to society as anyone does. That said, I have tried to argue above that while I am usually quite conscientious, I face limitations, personal and structural. These structural problems played a significant role in my inability to take a break from everything I was doing at the time of the *Scaffold* installation planning and focus my attention on the situation at the Walker. At some point early in the process I felt that I should take a trip to Minneapolis and meet with staff, discuss the work and the installation and matters pertaining to the location of the sculpture. It was not possible at the time and the Walker did not propose to bring me out for a site visit. If I had been able to meet with Dakota stakeholders prior to installation I believe there would have been an entirely different outcome.

### **Previous collaborative work**

I have a long history of seeking out input, consultation and collaboration when I have done work that is outside of my own subjectivity, experience, ethnicity or identity. For example, I was an artist in residence at the Walker Art Center from 2001 to 2003 where I worked with students at two native American charter schools (Heart of the Earth and Four Directions) on a year-long project which resulted in a temporary installation in the Minneapolis Sculpture Garden.<sup>12</sup> At that time the Walker had no relationships with any of the native American communities in Minnesota. All the bridges to those communities were forged during my time in residency and unfortunately at the conclusion of my project those bridges were not maintained.

During my research I discovered many of the things that have been referenced in the aftermath of the *Scaffold* controversy. I was aware that the American Indian Movement

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<sup>12</sup> Durant, Sam, 2004, unpublished text describing my residency and temporary installation in the Minneapolis Sculpture Garden entitled: *Walker Art Center Garden Project with Audio Narrative, Ojibwe, Lakota and Dakota Truths and Myths from the Invisible Present, Past and Future-plus Retrocession Monument: Direction Through Indirection*, 2003

was begun in Minneapolis.<sup>13</sup> I reached out to A.I.M. in the beginning of my residency and it was suggested that I work with young people. Hence my work with the students and teachers at Heart of the Earth and Four Directions charter schools.<sup>14</sup> The project I did back in 2001-3 referenced the fact that the Sculpture Garden is on Dakota land and that the founder of the Walker Art Center, T.B. Walker, made his fortune harvesting timber from the indigenous lands called Minnesota. It was through Hoch E Aye Vi Edgar Heap of Birds work *Building Minnesota* (1990) that I learned of the history of Dakota resistance that led to the largest mass execution in US history at Mankato in 1862. I discovered that *Building Minnesota* was in the storage of the Walker Art Center where it had been since its inception. I made more than one plea for the Walker to purchase the installation, to no avail.

During my residency I worked hard to raise awareness at the Walker of its unique opportunity. Located in Minneapolis, home to the second largest urban native American community, my project might have helped open a door to hiring indigenous staff, to acquiring native American artwork in a significant way and creating programs to engage its native American constituents. Unfortunately it did not, and it may be that the decisions not to build on the connections to the Dakota and larger native American community that Hoch E Aye Vi Edgar Heap of Birds had created in 1990, that Coco Fusco and Guillermo Gómez -Peña furthered in 1993 (with their legendary performance *The Year of the White Bear and Two Undiscovered Amerindians visit the West*<sup>15</sup>) and that developed with my residency in 2001-3 led to the result that in 2017 the Walker Art Center did not recognize that the image of the Mankato gallows depicted in *Scaffold* might be consequential for the Dakota residents in Minneapolis.

These examples (of artists both native and non-native) show that the exhibitions in and of themselves do not necessarily lead to the structural institutional changes that would make a more responsive and equitable museum capable of understanding the challenges of a work like *Scaffold*. The Walker is certainly not alone in this regard, virtually all major U.S. museums are in the same boat. I must also acknowledge that I should have been aware that the Mankato gallows depicted in *Scaffold* might be a problem for the local Dakota people, especially given my experience in Minneapolis. This was the failure that I apologized for, although, ultimately it is the museum's responsibility to prepare its community for the work it exhibits. The Walker's failure had devastating consequences for me and the institution, consequences that continue to reverberate.

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<sup>13</sup> For a history of the American Indian Movement see Smith, Paul Chaat and Warrior, Robert Allen, *Like A Hurricane: The Indian Movement from Alcatraz to Wounded Knee*, 1996, New York, The New Press

<sup>14</sup> Heart of the Earth was the first Native American charter school in the country, started by A.I.M. in 1970.

<sup>15</sup> *The Year of the White Bear and Two Undiscovered Amerindians visit the West*, 1992-1994. An interdisciplinary arts project that premiered in September, 1992 at the Walker Art Center in Minneapolis. Written, directed and performed in collaboration with Guillermo Gomez- Peña. Consists of a multi-media installation, experimental radio soundtrack and several performances. The project is a creative investigation/interpretation of the history of representation of the so-called "discovery" of America. The cage performance, a component of the project in which Gomez-Peña and Fusco present themselves as "undiscovered Ameridians" from an island in the Gulf of Mexico, and has been carried out in Madrid, London, Washington D.C., Irvine, California, and Minneapolis, Minnesota. That performance has been selected for the 1992 Sydney Biennale and the 1993 Whitney Biennial. Accessed from <http://www.thing.net/~cocofusco/performance.htm>

## Cultural appropriation

One of the criticisms leveled against me during the *Scaffold* protest was the charge of cultural appropriation. Many distinguished intellectuals, writers and artists have, by now, thoroughly examined the concept.<sup>16</sup> One of the implications, however, is relevant to the situation that white artists who are concerned with social and racial justice find themselves in. It is the claim that when white artists exhibit work about race they are taking away opportunities for non-white artists to show their work. This is the result of flawed logic that results in a mystification of the structural problems within art world systems. For example if we say that only black artists may produce content about “black subjects” then we are also saying that only white artists may produce content about “white subjects” and that those borders shall not be transgressed by either side, this is of course the project of cultural nationalism, the dangers of which must be clear to all by now. In its heyday in the 1960’s cultural nationalism was rejected by most civil rights leaders and unequivocally condemned by the Black Panther Party.

My experience working with Black Panther artist Emory Douglas is an example of how white artists can work within structurally unjust systems to create visibility for a historically marginalized artist of color. When I began making work about the Black Panther Party in the early 2000’s I sought out former Panthers and this eventually led to the first monograph on Black Panther artist Emory Douglas. I worked with Douglas for several years, curating two museum exhibitions of his work along with film series and other programming.<sup>17</sup> When I met Douglas he was in the midst of a hiatus from working as an artist. I was worried (as were many) that Douglas’ work could disappear from history if it were not published, that he would be rendered invisible due to the structural prejudices of the art world and the publishing world. As a relatively successful white artist I had access to a publisher where Douglas himself did not (evidence of the systemic problems mentioned above). Through our work together making the book and bringing his art to new audiences Douglas embarked on a second wave. He has been travelling the world in the years since; making new work, exhibiting, giving talks, doing workshops and connecting with activists. I mention this as an example of how a white artist doing work about racial justice does not have to prevent an artist of color from gaining visibility, in fact, it can accomplish the opposite. In this case I believe my work was a

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<sup>16</sup> For recent discussions of the notion of cultural appropriation see:

Zadie Smith, “Fascinated to Presume: In Defense of Fiction”

<https://www.nybooks.com/articles/2019/10/24/zadie-smith-in-defense-of-fiction/>

Keenan Malik, “Stop telling authors what they can write. The only limit is imagination”

[https://www.theguardian.com/commentisfree/2020/feb/09/american-dirt-jeanine-cummins-cultural-appropriation?CMP=Share\\_iOSApp\\_Other](https://www.theguardian.com/commentisfree/2020/feb/09/american-dirt-jeanine-cummins-cultural-appropriation?CMP=Share_iOSApp_Other)

Hari Kunzru, Castles in the Air, Frieze Magazine, October 2017

Coco Fusco, “Censorship, Not the Painting Must Go”

<https://hyperallergic.com/368290/censorship-not-the-painting-must-go-on-dana-schutts-image-of-emmett-till/>

<sup>17</sup> Durant, Sam, ed., *The Black Panther: The Revolutionary Art of Emory Douglas*, 2007, New York, Rizzoli. In 2007 I curated *Black Panther: The Revolutionary Art of Emory Douglas* at MOCA, Los Angeles and in 2008 at the New Museum in New York. I organized the film series *All Power to the People: The History and Legacy of the Black Panther Party Film Festival*, at Roy and Edna Disney / Cal Arts Theater, Walt Disney Concert Hall, Los Angeles

catalyst for the long overdue reemergence of Douglas' voice into public discourse<sup>18</sup>. I didn't and do not speak for him, he speaks for himself. He in turn doesn't feel the need to prevent me from doing my work that deals with histories of racial injustice, he understands that we both can speak, each with our own perspectives and unique ways of working.

In 2004, just after I started working with Emory Douglas I began research on an installation entitled *Proposal for White and Indian Dead Monuments Transposition, Washington D.C.*<sup>19</sup> I first approached the curators at the National Museum of the American Indian at the Smithsonian and explained my ideas. I asked if, as a white artist, I should even do such a project. The curators I met with enthusiastically supported the project. They believed that white artists may and should do work that addresses issues of the colonial conquest as long as it is done with respect and does not attempt to speak for anyone other than the artist themselves. I have always been very clear that I speak only from my own position and primarily to my own audience (the mainstream white majority population). I have never done a work that presumes to speak for another. I don't mean to imply that I have not made any mistakes, or that *Scaffold* was my only misstep. I have made my share of mistakes and I know that many will take offense at some of my works, past and future, for all sorts of reasons. This is the nature of the territory, artists don't always convince everyone, especially when working with difficult subject matter. But I believe fundamentally that white people must be involved in dismantling white supremacy, working together with all people to create a non-racist society.<sup>20</sup> If artists and institutions back away from doing difficult work for fear of controversy this would be a truly counter-productive result of the Dakota's protests.

I hope that my experience with *Scaffold* does not dissuade other white artists from taking up difficult subject matter, particularly around issues of racial justice just as I hope that social justice activists and non-white artists will engage those white artists and other cultural producers whose work deserves such support.

While I hope for the possibility of connection, shared support, and coalition building between white and non-white artists, I have learned that there are very significant obstacles to collaboration that are specific to the indigenous community. It is nearly impossible for the non-native to imagine what their cultural production means to the indigenous, regardless of its good intent. It is worth quoting here from the Maori scholar Linda Tuhiwai Smith, as it captures the ontological skepticism that obtains for artists with research-based practices, as mine is.

“From the vantage point of the colonized, a position from which I write, and chose to privilege, the term ‘research’ is inextricably linked to European imperialism and colonialism. The word itself, ‘research’ is probably one of the dirtiest words

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<sup>18</sup> Emory Douglas was likely one of the most visible and influential artist of the civil rights and radical social justice movements in the late 1960's. But by the late 1990's his work had faded from public consciousness.

<sup>19</sup> *Proposal for White and Indian Dead Monuments Transposition, Washington D.C.* was first exhibited at Paula Cooper Gallery in New York in 2005. It was accompanied by a catalog which contained an essay by Native American historian and activist Ward Churchill entitled *I am Indigenist: Notes on the Ideology of the Fourth World*

<sup>20</sup> *ibid*

in the indigenous world's vocabulary [...] The ways in which scientific research is implicated in the worst excesses of colonialism remains a powerful remembered history for many of the world's colonized peoples. It is a history that still offends the deepest sense of our humanity."<sup>21</sup>

As Smith's work attests, the effects of colonialism are not in the past, they play out 24/7, year in and year out, perpetually deforming relations between indigenous and non-indigenous. The moments where that monumental impediment has been overcome represent courageous efforts on the part of those native American colleagues who have worked with non-natives. I cannot stress enough how fortunate I am to have been a recipient of some of those efforts by indigenous artists, writers and curators to work with me. I mention this as I believe there are different and perhaps greater challenges in working with some indigenous groups than with other minorities for white artists and institutions. If the events in Minneapolis have increased the danger for those who work with non-natives, have made it even harder for inter-ethnic collaborations, this is a truly counterproductive result. I believe our species's survival depends on the ability of non-natives to learn from indigenous knowledge producers<sup>22</sup> in the effort to live together equitably and ecologically.

### **Institutional behavior**

It's important to remember that a museum's standing as a public institution is based on its duty to inform, educate and prepare the community for the work it shows. It is nearly impossible to understand art without a context and the duty to establish context falls to the institution.<sup>23</sup> Unfortunately a context had not been created for *Scaffold* by the time it was installed in the Sculpture Garden. To its credit, the Walker has publicly admitted that the Dakota community should have been acknowledged and consulted before the sculpture was installed. This is something museums now routinely do, especially with challenging works they imagine might be difficult or potentially controversial. The Walker has fulfilled this mandate for some of their other exhibitions. Their failure to do this preparatory work with *Scaffold* led to one of the most significant controversies in recent public art.

One might ask, what has the museum's response been toward the artist whose work was put into this situation? Unfortunately, the Walker has done nothing to counter the impression that the artist and the work alone are to blame for the controversy. What sort of message does this send to the public, to other artists, institutions and donors about the museum's integrity? In searching the Walker's website for information about *Scaffold* it becomes clear that the institution has not yet resolved a coherent position in relation to the work, the artist and the aftermath. Much as the museum may wish, this will not make what happened go away. A better path would be to produce a careful, well researched and balanced report (or series of reports) that includes the voices of all involved and with comprehensive supporting documents and information. By putting its cards on the table, the museum would show the world that it had let go of the fear and shame around the

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<sup>21</sup> Tuhiwai Smith, Linda, *Decolonizing Mythologies: Research and Indigenous Peoples*, 2012, Zed Books, London

<sup>22</sup> and indigenous knowledge keepers, spiritual elders and healers

<sup>23</sup> This justifies a museum's public financial support and is the basis on which its status as a tax-exempt entity rests

events three years ago and it would honor the mediation process it began with the Dakota elders.

Situated for over 100 years amid the country's largest urban native American population, it is high time for the Walker to include them in decision-making positions across the institution, especially in the boardroom, in upper management and curatorial staff. Unfortunately, the Walker appears to be doubling down on its Eurocentrism. After firing Director Olga Viso, a Cuban American woman, one of the only non-white museum directors in the country, they have hired two highly qualified women to lead the museum as director and chief curator, who both happen to be of European descent. Their curatorial staff now includes three Europeans but still no native Americans.<sup>24</sup> Until the institution is populated with substantive indigenous representation from top to bottom, the native American exhibition program that has been initiated, while important, will not alter the status quo.

It is not too late for the Walker to become a courageous and truly American institution. Imagine a museum that doesn't have token non-white staff in its departments and doesn't occasionally, when the situation arises, put up token works and exhibitions by indigenous and minority artists. The Walker has the opportunity to become a leader, joining committed institutions like Baltimore Museum of Art and the Denver Art Museum in the decolonizing process by putting art and staff of indigenous (and other ethnicities, African American, Latinx, etc.) background onto equal footing with those from European backgrounds.

Today, *Scaffold* has three main stakeholders: the Walker Art Center is the owner, the Dakota Oyate controls the copyright and I still remain connected to it, for better or worse, as its creator. I welcome the possibility that, at some point in the near future the Walker will reconvene the stakeholders and interested parties to assess all that has come to the surface since that fateful 2017 Memorial Day weekend to debate what meaningful changes may still need to be undertaken.

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<sup>24</sup> Unfortunately, the Walker cannot even claim to have the token representation that Dr. King speaks of. "A leading voice in the chorus of social transition belongs to the white liberal, whether he speaks through the government, the church, the voluntary welfare agencies or the civil rights movement. Over the last few years many Negroes have felt that their troublesome adversary was not the obvious bigot of the Ku Klux Klan or the John Birch Society, but the white liberal who is more devoted to "order" than to justice, who prefers tranquility to equality. In a sense the white liberal has been victimized with some of the same ambivalence that has been a constant part of our national heritage. Even in areas where liberals have great influence—labor unions, schools, churches, and politics—the situation of the Negro is not much better than in areas where they are not dominant. This is why many liberals have fallen into the trap of seeing integration in merely aesthetic terms, where a token number of Negroes adds color to a white dominated power structure. They say, "Our union is integrated from top to bottom, we even have a Negro on the executive board"; or "Our neighborhood is making great progress in integrated housing, we now have two Negro families"; or "Our university has no problem integration, we have one Negro faculty member and even one Negro chairman of a department.'" Pg. 91, *Where Do We Go From Here: Chaos or Community*