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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT DEPT.
CIVIL ACTION NO.:

19-784

_____)
TAMARA LANIER,)
))
Plaintiff,)
))
v.)
))
PRESIDENT AND FELLOWS OF HARVARD)
COLLEGE AKA HARVARD CORPORATION,)
HARVARD BOARD OF OVERSEERS,)
HARVARD UNIVERSITY, THE PEABODY)
MUSEUM OF ARCHAEOLOGY AND)
ETHNOLOGY,)
))
Defendants.)
_____)

COMPLAINT AND
JURY DEMAND

MARCH 20, 2019

INTRODUCTION

*"History, despite its wrenching pain, cannot be unlived,
but if faced with courage, need not be lived again."
--Dr. Maya Angelou, On the Pulse of Morning*

1. The plaintiff, Tamara Lanier, brings this action against Harvard for its wrongful seizure, possession and expropriation of photographic images of the patriarch of her family – a man known as Renty – and his daughter, Delia, both of whom were enslaved in South Carolina.
2. The images, known as daguerreotypes, were commissioned in 1850 by Harvard’s leading scientist, Louis Agassiz, as part of his quest to “prove” black people’s inherent biological inferiority and thereby justify their subjugation, exploitation, and segregation.
3. At Agassiz’s behest, Renty and Delia were stripped naked and forced to pose for the daguerreotypes without consent, dignity, or compensation.
4. Responsibility for that crime lies squarely with Harvard, which elevated Agassiz to the highest echelons of academia and steadfastly supported him as he promoted and legitimized the poisonous myth of white superiority.
5. Harvard has never reckoned with that grotesque chapter in its history, let alone atoned for it.

6. As of March 20, 2019, Harvard's website describes Agassiz as "celebrated" and "charismatic" and lauds him as "a great systematist, paleontologist and renowned teacher of natural history."

7. Historical amnesia – particularly where racism is concerned – is an American tradition. But Harvard's transgressions run much deeper.

8. In 1976, Harvard discovered that the daguerreotypes were stored on its campus, realized their incalculable value as the earliest known photographs of American slaves, and commenced a decades-long campaign to sanitize the history of the images and exploit them for prestige and profit.

9. The plaintiff, Tamara Lanier, is a direct descendant of Renty and Delia. She has asked Harvard to recognize her lineage and relinquish the daguerreotypes to her family.

10. By turns dismissive and arrogant, Harvard has refused to do either.

11. Harvard has asserted an exclusive right to possess, restrict access to, and profit from the daguerreotypes – without ever explaining the basis for that purported entitlement.

12. Harvard has also denigrated the legitimacy of Ms. Lanier's heritage, which she has established based on a rich and detailed family history passed down through generations.

13. Every day that Harvard maintains those positions compounds the injustices inflicted on Renty and Delia in its name, and further harms Ms. Lanier as their descendant and the rightful owner of images taken without their consent.

14. By denying Ms. Lanier's superior claim to the daguerreotypes, Harvard is perpetuating the systematic subversion of black property rights that began during slavery and continued for a century thereafter.

15. And by contesting Ms. Lanier's claim of lineage, Harvard is shamelessly capitalizing on the intentional damage done to black Americans' genealogy by a century's worth of policies that forcibly separated families, erased slaves' family names, withheld birth and death records, and criminalized literacy.

16. Slavery was abolished 156 years ago, but Renty and Delia remain enslaved in Cambridge, Massachusetts. Their images, like their bodies before, remain subject to control and appropriation by the powerful, and their familial identities are denied to them.

17. This lawsuit seeks immediate restitution of the images from Harvard to Ms. Lanier, just damages, and other legal and equitable redress, to be determined by a jury.

18. It was an act of both love and resistance that Renty and Delia's kin kept their memories and stories alive for well over a century. It is unconscionable that Harvard will not allow Ms. Lanier to, at long last, bring Renty and Delia home.

PARTIES

19. The defendant Harvard University was founded in 1636 and is a private educational institution based in Cambridge, Massachusetts.

20. The President and Fellows of Harvard College (also known as Harvard Corporation) and the Harvard Board of Overseers govern Harvard University.

21. The Peabody Museum of Archaeology and Ethnology is owned and controlled by Harvard.

22. From 1847 until his death in 1873, Louis Agassiz was an agent and employee of Harvard.

23. The plaintiff Tamara Lanier is an individual currently residing in Norwich, Connecticut. Ms. Lanier worked as the Chief Probation Officer in Norwich for 27 years, retiring with distinction in 2017.

24. Ms. Lanier is a direct lineal descendant of Renty, the patriarch of her family and the man depicted in one the daguerreotypes within Harvard's possession.

25. Delia, the woman depicted in one the daguerreotypes within Harvard's possession, was Renty's daughter and is also an ancestor of Ms. Lanier.

26. Ms. Lanier brings this action individually and on behalf of Renty and Delia for claims accrued to her as their direct descendant.

JURISDICTION AND VENUE

27. This Court is vested with original jurisdiction pursuant to Massachusetts General Laws, Chapter 212, Section 4.

28. Venue is proper pursuant to Massachusetts General Laws, Chapter 223, Section 1, because the defendant lives in the Commonwealth and has its usual place of business in Middlesex County.

FACTUAL BACKGROUND

29. The conduct that gives rise to this lawsuit is part of a longstanding policy and practice by Harvard to avoid accountability for its complicity in the institution of slavery and the systematic subjugation of black Americans after emancipation.

30. The story of this case spans 175 years. It is a story about opportunism, greed, and profound moral abdication by one of the country's most revered educational institutions.

31. It is a story about the extent to which history is told and appropriated by the powerful – and denied to the powerless.

32. Part I tells the story of Harvard's cultivation of Louis Agassiz in the years leading up to 1850, when he commissioned the daguerreotypes of Renty and Delia.

33. Part II tells Renty's story as it was passed down to his descendant, Tamara Lanier.

34. Part III tells the story of Harvard's steadfast support of Agassiz in the decades that followed the making of the daguerreotypes, a time when Agassiz's work helped lay the groundwork for 100 years of segregation, discrimination, and violence against African-Americans.

35. Parts IV and V tell the story of Harvard's capitalization on that shameful legacy from 1976 to the present – at the expense of truth, the public interest, and most importantly, Tamara Lanier's legal rights and dignity.

PART I THE MAKING OF A HARVARD MAN

36. The story of Harvard's relationship with and elevation of Louis Agassiz begins in 1845, the year that Harvard initiated plans to establish a specialized scientific school.

37. At the time, almost every American scientist underwent specialized training in Europe. An American school devoted to developing scientific researchers would revolutionize scientific training in the United States, and Harvard wanted the distinction of being first.

38. The only obstacle was money; the establishment of such a school necessitated significant capital, and none had materialized.

39. That same year, a Swiss natural scientist named Louis Agassiz was making plans to visit the Northeast. He had enjoyed tremendous success in Europe, but by 1845 he was facing strained finances and a broken marriage.

40. With the help of well-placed friends, Agassiz sought and obtained greener pastures. He secured a grant to study the natural history of North America and an invitation to deliver a series of lectures at the Lowell Institute in Boston.

41. Agassiz's passion was classifying the natural world. His field of study, known as comparative zoology, entailed grouping living things together based on anatomical characteristics and placing them in hierarchical order. Agassiz's painstaking classification of Brazilian fish had established him as a leader within the discipline.

42. Up until the time he arrived in Boston's port, in 1846, Agassiz's career had never involved the study of racial groups.

43. Within months of arriving in the United States, two things happened to Agassiz that would shift the course of his career and position him to be an invaluable asset to Harvard.

44. First, Agassiz encountered a black person for the first time in his life. In a letter to his mother, Agassiz describes his disgust at the sight of a black woman's lips, teeth, hair, knees, hands, and even nails. "[I]t is impossible for me to repress the feeling that they are not of the same blood as us," Agassiz wrote.

45. Second, Agassiz crossed paths with Samuel George Morton, an anthropologist living in Philadelphia who was known for his collection of some 600 human skulls.

46. Morton was devoted to the classification and ranking of human beings based on race. He was an ardent believer in polygenism, the theory that racial groups do not share a common origin and are thus fundamentally and categorically distinct.

47. Morton claimed he could place racial groups in a descending order of intelligence by measuring the interior capacity of human skulls. His methodology was a sham, but it conveniently "confirmed" Agassiz's newfound prejudices by placing black people at the very bottom of the racial hierarchy.

48. Agassiz embraced polygenism with a convert's zeal.

49. At his first lecture in Boston, delivered just months after he arrived in America, Agassiz announced for the first time in his career that white and black people had separate origins.

50. Several months later, Agassiz was invited to South Carolina to repeat his lecture, and his view that black people were a distinct species, at a meeting attended by local scientists, theologians, and politicians.

51. "The brain of a negro," Agassiz announced to the men gathered in the Charleston Literary Club, "is that of the imperfect brain of a 7 month's infant in the womb of a White."

52. His audience was thrilled. At a time when South Carolina's slave population outnumbered whites and the abolitionist movement was gaining traction, Agassiz's message – wrapped in the trappings of science – was a gift.

53. But it wasn't just the South that was listening. Agassiz's newfound passion made him an unlikely, but important, asset to Harvard.

54. The same year that Agassiz committed to the polygenism crusade, Harvard procured \$50,000 to establish its scientific school. At the time, it was the largest single gift ever donated by an individual to an American institution of learning

55. Notably, the donation guaranteed the salary for a new academic appointment intended specifically for Agassiz.

56. The deal was struck between Harvard's president, Edward Everett, and Abbott Lawrence, a textile magnate and prominent Bostonian.

57. Lawrence had originally intended to underwrite a school of applied science, which would pay dividends in the form of better engineers for his textile mills.

58. Lawrence's plans appear to have changed when Agassiz entered the picture, a shift that was likely propelled as much by self-interest as philanthropic vision.

59. Most of the textiles Lawrence's business sold, a business that had made him extraordinarily wealthy, were made from cotton that was planted, picked, ginned, baled, and shipped by enslaved men, women, and children. In other words, his livelihood depended on slavery's preservation – or, at a minimum, on access to cheap, black labor.

60. The Lawrence family professed to be anti-slavery. But business came first. As Ralph Waldo Emerson once observed, "Cotton thread holds the Union together; unites John C. Calhoun and Abbott Lawrence."

61. Fifty thousand dollars bought Lawrence a school named in his honor – it was dubbed the Lawrence Scientific School – and something even more valuable: a field of "science" sanctioned by Harvard that would help keep supplies of cheap cotton flowing north.

62. Agassiz's views on race also appear to have been consistent with those of Harvard's president, Everett. While serving as a U.S. Representative years earlier, Everett had given a 3-hour speech during congressional debate where he noted that "the New Testament says 'Slaves obey your masters.'"

63. In 1847, Everett offered Agassiz the newly-created Lawrence Scientific School on a silver platter. Naturally, Agassiz accepted.

64. Almost overnight, Agassiz was catapulted to the highest echelons of Boston high society. Agassiz married Elizabeth Cabot Cary, a daughter of a Boston Brahmin family, who would later co-found Radcliffe College. His standing in the famous Boston "Saturday Club," a literary dining and conversation society that included Hawthorne and Emerson among its ranks, was such that the gathering was popularly referred to as "Agassiz's Club."

65. From this gilded perch, Agassiz spent the next fifteen years lending celebrity status and "scientific" legitimacy to the poisonous myth of white racial superiority and championing the vital importance of separation of the races.

66. Harvard steadfastly supported Agassiz every step of the way.

67. 1850 was a pivotal moment for polygenists and the political implications of their theory. The Fugitive Slave Act, widely seen as a barometer of the relative strength of the pro-slavery and abolitionist camps, was being hotly debated in Congress.

68. Not coincidentally, Agassiz was invited that year to return to Charleston for a meeting of the American Association for the Advancement of Science. He delivered a paper at the meeting in which he explained that racial groups, “viewed zoologically,” could not be considered part of the same species.

69. After hearing Agassiz’s lecture, a fellow polygenist wrote excitedly to Samuel Morton in Philadelphia: “With Agassiz in the war, the battle is ours.”

70. For Agassiz, the final frontier in the battle to establish the legitimacy of polygenism was the collection of empirical data.

71. Agassiz was singularly focused on perceived physical differences between whites and blacks. He had written, with a frightening lack of humanity, about being repulsed by black people’s “thick lips and grimacing teeth, the wool on their head, their bent knees, their elongated hands, their large curved nails, and especially the livid color of their palms.”

72. Fueled by this racist obsession, Agassiz sought what he believed would be the *pièce de résistance* of his “scholarship”: enduring, *photographic* evidence of the otherness of the black body.

73. This was newly possible thanks to an invention known as the daguerreotype process – the first-ever, publicly available and commercially successful photographic process.

74. Agassiz embarked on a tour of South Carolina plantations in search of subjects for this endeavor: racially “pure” slaves born in Africa, a dwindling population since the ban on the importation of slaves in 1807.

75. With Morton’s help, Agassiz was introduced to Dr. Robert Gibbes, a wealthy South Carolinian who rubbed elbows with the slave-owning elite. Gibbes took Agassiz to several plantations, including the B.F. Taylor plantation in Columbia.

76. At the Taylor plantation, Agassiz selected several enslaved men and women to be photographed.

77. One was an older man named Renty. Another was his daughter, Delia.

78. To Agassiz, Renty and Delia were nothing more than research specimens. The violence of compelling them to participate in a degrading exercise designed to prove their own subhuman status would not have occurred to him, let alone mattered.

79. Agassiz would never know that he had selected a man whose life and accomplishments, even within the crushing constraints of slavery, made a profound mockery of his theories.

80. We know that today, nearly 170 years later, because of the resilience of Renty and his descendants, and the power of oral history in preserving their family in the face of a system designed to obliterate it.

PART II PAPA RENTY

81. “Always remember we’re Taylors, not Thompsons.”

82. Tamara Lanier grew up hearing her mother, Mattye Thompson-Lanier, repeat these words like a mantra.

83. Mattye was a Thompson by birth, born in Montgomery, Alabama in 1923 to sharecropper parents, and she carried the name proudly even after marriage.

84. Mattye’s admonition to her children that they never forget that they were Taylors was not an abdication of the family name. It was a reminder to never forget the history that had come before – an extraordinary family history passed down for 150 years.

85. Mattye was a gifted storyteller. She told stories about what it was like to be the daughter of sharecroppers, helping her parents work the fields “from can to can’t.”

86. Mattye’s memory for detail was impeccable. She would describe a beloved corn husk doll from her early childhood, or a particular Christmas where she was delighted to receive a piece of fruit as her only gift.

87. But far and away Mattye’s favorite story to tell was the story of their family.

88. The story always began with a man named Renty Taylor, or Papa Renty, whose indomitable character defied slavery’s tyranny.

89. Renty was known in this oral history as the Black African. He was described as small in stature but towering in the minds of those who knew him.

90. While enslaved in South Carolina on the B.F. Taylor plantation, Renty somehow obtained a copy of something called the “Blue Back Speller,” an early publication of Noah Webster’s that was marketed for children but became a powerful tool of literacy among slaves.

91. When Frederick Douglass recounted his experience of learning to read and write, he referred to “copying the Italics in Webster’s Spelling Book.”

92. After working in the fields all day, Renty would pore over the Blue Back Speller at night.

93. In defiance of South Carolina laws that made his education a crime, and against all odds, Renty taught himself, and then those around him, to read.

94. With literacy came further forms of quiet resistance. As a rebuke to slave masters' efforts to control and manipulate access to religion, Renty conducted secret Bible readings and study on the plantation where he was enslaved.

95. Renty's name, and story, was passed down through generations. This was not only an homage to an extraordinary man; it was an essential and rebellious act of family preservation.

96. Frederick Douglass wrote that "genealogical trees do not flourish among slaves," a poetic summation of slavery's brutal and calculated assault on the integrity of the black family.

97. Slaves were not permitted to use their own family names, a policy enforced through violence. A report commissioned by the federal government after the Emancipation Proclamation noted that "[t]he slave was not permitted to own a family name; instances occurred in which he was flogged for presuming to use one."

98. Forcing slaves to adopt the surnames of their masters made it easy to identify to whom slaves "belonged." More importantly, it denied enslaved men and women the basic humanity of having their families recognized and prevented them from locating loved ones who had been sold and forced to assume new surnames.

99. Renty was called Renty Taylor after his owner, Benjamin Franklin (B.F.) Taylor.

100. Renty had a son and a grandson who were both named Renty Taylor as well.

101. Renty Taylor III was transferred from South Carolina to the Thompson family in Montgomery, Alabama, and became known as Renty Taylor Thompson.

102. Renty Taylor Thompson had nine children, including sons named Frederick Douglass ("Fed") and Renty William Thompson.

103. Fed Thompson is Mattye Thompson's father and Tamara Lanier's grandfather.

104. Fed also had a son whom he named Renty William. This Renty – the fifth in the family line – was called "Willie" by his family.

105. Those who carried Renty's name seem to have carried a piece of his spirit also.

106. Mattye's brother, Renty "Willie," walked to his job as a plumber throughout the Montgomery Bus Boycott. He never got rid of the shoes from that time, which were worn all the way through. He called them his "civil rights shoes."

PART III AGASSIZ'S LEGACY

107. In the winter of 1850, on Agassiz's orders, Papa Renty was led into a plush photography studio in Columbia, South Carolina.

108. The studio belonged to photographer Joseph T. Zealy, who was known for his portraits of society women. The space, designed with their comfort in mind, included an elegant parlor and a piano.

109. Renty was ordered to disrobe. His daughter, Delia, was stripped naked to the waist.

110. Zealy positioned Renty and Delia in various poses and photographed them from the front, side, and back, in accordance with Agassiz's instructions.

111. The completed daguerreotypes received just the enthusiastic reception Agassiz hoped for.

112. "I have just finished daguerreotypes for Agassiz of native Africans of various tribes. I wish you could see them," Dr. Gibbes wrote Morton in June of 1850. He noted excitedly that Agassiz had "found enough [evidence] to satisfy him that they have differences from other races."

113. The next month, Agassiz published the results of his research in an article entitled *The Diversity of Origin of the Human Races*. In it, he referred to his recent study of black bodies and the insight he had gained as a result:

The writer has of late devoted special attention to this subject, and has examined closely many native Africans belonging to different tribes, and has learned readily to distinguish their nations, without being told whence they came; and even when they attempted to deceive him, he could determine their origin from their physical features.

114. Agassiz went on to describe, with the detached voice of an empiricist, the essential characteristics of Africans as "submissive, obsequious, [and] imitative," possessing "a peculiar indifference to the advantages afforded by civilized society."

115. Agassiz professed to approach the subject from an exclusively scientific perspective, with no interest in the political implications: "Here we have to do only with the question of the origin of men; let the politicians, let those who feel themselves called upon to regulate human society, see what they can do with the results."

116. But Agassiz did not bother to disguise his allegiance to the political agenda his work was designed to legitimize. He derided as "mock-philanthropy and mock-philosophy" the

idea that different races “are entitled to the same position in human society,” and declared that it would be dangerous to treat “the colored races . . . on terms of equality.”

117. Harvard did not challenge or disavow Agassiz for this naked display of racist pseudoscience; on the contrary, it continued to promote him wholeheartedly.

118. The Lawrence School – with Agassiz at the helm – was simply too good for business to object.

119. Other educators had taken note. For example, in 1854, William Greenleaf Eliot, the president of Eliot Seminary, wrote enviously, “Harvard University is, at this time, gaining more credit and accomplishing greater good, by the Lawrence Scientific School than by any other agency. We need just such a school, here.”

120. Harvard’s moral abdication had real and devastating consequences.

121. Agassiz’s work, which offered an ostensibly scientific defense of racial inequality based on immutable physical characteristics, was immensely appealing in the North, both economically and politically.

122. Economically, a long list of business interests stood to benefit from a justification for ongoing control of black labor: textile industrialists like Abbott Lawrence who depended on vast quantities of cotton, New England merchants trading in slave-grown goods, and New York bankers funding plantations across the South.

123. Politically, even those who favored abolition were generally opposed to true equality and the concept of inherent white superiority as scientific fact was a useful tool.

124. As the Civil War grew near, polygenism was cited as evidence that slavery did not violate the spirit of the declaration of independence, on the grounds that Jefferson’s reference to “all men” did not, *scientifically*, include black men.

125. In 1859, when Charles Darwin’s *On the Origin of Species* was published and provided a definitive rebuke to polygenism, Harvard continued to celebrate Agassiz while he derided Darwin’s impeccably researched work as “a scientific mistake” that was “mischievous in its tendency.”

126. Indeed, the very next year Harvard dedicated the Museum of Comparative Zoology to Agassiz. The museum was founded with specimens from Agassiz’s personal collection and funded through his extensive connections. It was unofficially called “Agassiz’s Museum,” a name that retained its relevance when Agassiz’s son, Alexander, was made curator and then director after his father’s death.

127. In 1863, the year the Emancipation Proclamation went into effect, President Lincoln formed the American Freedmen’s Inquiry Commission to formulate policies for dealing with a large freed black population.

128. Lincoln appointed Samuel Howe to lead the Commission. Howe was a physician, philanthropist, and true abolitionist. He founded and edited an antislavery paper in Boston and was one of John Brown's Secret Six, the group that funded the doomed raid on Harpers Ferry.

129. Yet, in his official capacity with the Commission, Howe looked to Agassiz for advice – a courtesy that speaks volumes about the power of Harvard's backing.

130. Agassiz responded eagerly and definitively. The government, he declared, ought "to put every possible obstacle to the crossing of the races" and "beware . . . any policy which may bring our own race to their level."

131. Perhaps most destructively, Agassiz warned:

Social equality I deem at all times impracticable. It is a natural impossibility, flowing from the very character of the negro race. . . . [T]hey are incapable of living on a footing of social equality with the whites, in one and the same community, without becoming an element of social disorder.

132. This toxic ideology disguised as science would be used to rationalize and justify 100 more years of legally-sanctioned segregation, ghettoization, and discrimination against black Americans.

133. In the aftermath of the Civil War, Harvard continued to embrace Agassiz's reprehensible beliefs and provide a premier academic platform for their dispersion.

134. Agassiz retained his professorship and served as Director of the Harvard Museum of Comparative Zoology until his death in 1873.

135. After his death, Harvard chose Nathaniel Shaler, an Agassiz protégé, to lead the Lawrence Scientific School.

136. Under Harvard's banner, Shaler inveighed against black people's "animal nature," "very low morality," and the "feeble nature" of their familial ties.

137. In 1881, the Harvard Register ran a retrospective on Agassiz's work and contributions to Harvard. It asked, rhetorically, "Great was Agassiz, but what could Agassiz have done without his army of friends?"

138. It perhaps went without saying that Agassiz's greatest and most influential friendship was with Harvard itself.

PART IV AN OPPORTUNITY FOR HARVARD

139. Harvard cannot unlive its history. But it could have chosen to face it with courage and honesty; and it could have tried to repair some of the damage inflicted in its name.

140. Instead, Harvard chose to embark on a different path – one that repeats and multiplies the dominion and dishonesty of its past.

141. In 1976, a Peabody Museum researcher named Ellie Reichlin stumbled across the daguerreotypes of Renty and Delia.

142. While cataloguing the museum's holdings that were languishing in storage, Ms. Reichlin discovered a nondescript wooden cabinet in the corner of the museum attic. Inside were the daguerreotypes from 1850.

143. Reichlin's discovery made national headlines. The New York Times described the daguerreotypes as the "earliest known photographs of American slaves."

144. This was a moment for Harvard to face its history with courage. This was a moment for Harvard to refuse to perpetuate the wrenching pain of its past. This was a moment for Harvard to make amends.

145. Instead, Harvard saw an opportunity for Harvard.

146. Harvard chose not to publicly grapple with the profound consequences of its relationship with Agassiz and institutional support for his work.

147. Despite Ms. Reichlin's expressed concern for the families of the men and women depicted, Harvard made no effort to locate next of kin.

148. Despite knowing that the images were taken under the most extreme form of duress and were thus the spoils of theft, Harvard claimed the daguerreotypes as property within its exclusive control.

149. Today, Harvard insists that anyone who wishes to lay eyes on the daguerreotypes first sign a contract promising not to use any of the images without permission.

150. Those who wish to use reproductions of the images can, with Harvard's permission, pay a hefty "licensing" fee.

151. Those who use the images without permission face the threat of being hauled to court and ordered to pay thousands of dollars to Harvard.

152. In other words, Harvard, the wealthiest university in the world with an endowment of \$40 billion, has seen fit to further enrich itself from images that only exist because

a Harvard professor forced human beings to participate in their creation without consent, dignity, or compensation.

153. Harvard, the wealthiest university in the world with an endowment of \$40 billion, has seen fit to further enrich itself when reparations have never been made to the families of the men and women who were debased in a grotesque exercise of white supremacy.

154. In the early 1990s, New York artist Carrie Mae Weems traveled to the Peabody Museum to view the daguerreotypes. Before entering the archives, she signed a contract promising not to use any of the images without permission from the Peabody.

155. When she laid eyes on the men and women in the daguerreotypes, however, Weems felt unable to accept the ongoing dominion over them embedded within Harvard's contract.

156. Weems photographed the daguerreotypes and included them in her 1995-96 series *From Here I Saw What Happened and I Cried*. She enlarged the images, tinted them red, and emblazoned them with phrases. Renty's read, "A Negroid Type," and Delia's, "& A Photographic Subject."

157. Harvard threatened to sue Weems, asserting that she had violated their copyright to the daguerreotypes as well as her contractual promise not to use images without Harvard's permission.

158. Weems urged Harvard to reckon with the implications of their position. She told University representatives, "I think that your suing me would be a really good thing. You should. And we should have this conversation in court."

159. This was another moment for Harvard to face its history with courage. This was another moment for Harvard to refuse to perpetuate the wrenching pain of its past. This was another moment for Harvard to make amends.

160. Once again, Harvard declined to do so. In a move that calls to mind Nina Simone's observation that "slavery has never been abolished from America's way of thinking," Harvard refused to engage in dialogue and simply expanded its dominion over the daguerreotypes by purchasing Weems' collection for its own museum.

PART V HISTORY REPEATS ITSELF

161. In 1976, the year Harvard appropriated the daguerreotypes for the second time in its history, Tamara Lanier was a teenager who had already heard the story of Papa Renty dozens of times from her mother, Mattye.

162. As Mattye got older, she told the story more frequently and with greater urgency. Eventually even her grandchildren knew it by heart.

163. In 1996, Tamara's daughter wrote a book for her fifth-grade class about Renty called *From These Roots I Came*. The first page reads: "Dedicated to my little sister so she knows where she came from."

164. At the very end of her life, in 2010, Mattye Thompson-Lanier implored her children to document the 150-year-old oral history of their family. "Write it down," she would say, "write it down."

165. Tamara recorded her mother telling the story of Renty and his lineage one last time from her hospital bed.

166. When Mattye died, Tamara was compelled to learn the rest of Renty's story so that she could fulfill her mother's wish and commit the family's history to paper. Though her mother was gone, she knew where to start: "Always remember we're Taylors..."

167. Tamara scoured libraries and archives in South Carolina for information about the Taylors, plumbed the depths of genealogy sources online, and spoke to anyone who might have a sliver of information.

168. The project became a years-long journey that led Tamara, finally, to the daguerreotypes and Harvard.

169. In May of 2011, Tamara Lanier wrote a letter to Drew Faust, Harvard University's then-president. In it, she relayed the history of the daguerreotypes as she understood it and explained that she believed she was a direct descendant of Renty and Delia.

170. Her requests to Dr. Faust were modest: "to learn more about the slave daguerreotypes and how they have or will be used," and "a formal review of my documentation to reaffirm that Renty and Delia Taylor are indeed my ancestors."

171. This was yet another moment for Harvard to face its history with courage. This was yet another moment for Harvard to refuse to perpetuate the wrenching pain of its past. This was yet another moment for Harvard to make amends.

172. Again, Harvard chose not to.

173. Dr. Faust's response to the letter was evasive and vague, making no mention of Ms. Lanier's invitation to discuss her heritage. She wrote that the Peabody Museum was "involved in projects regarding those daguerreotypes" and that Peabody employees "have agreed to be in touch with you if they discover any new information."

174. Harvard never contacted Ms. Lanier about ongoing projects, new information, or interest in verifying her lineage and connection to the daguerreotypes.

175. In fact, despite making no effort to meet with Ms. Lanier or conduct any investigation of her relation to Renty and Delia, Harvard demeaned Ms. Lanier in her own community by publicly casting doubt on the legitimacy of her claim.

176. In a 2014 article in the Norwich Bulletin about Ms. Lanier's story, the Director of External Relations for the Peabody Museum, Pamela Gerardi, was quoted as saying of Ms. Lanier: "She's given us nothing that directly connects her ancestor to the person in our photograph."

177. Throughout this time, Ms. Lanier continued to conduct research and consult experts in an effort to confirm that Renty and Delia were her ancestors.

178. In March of 2016, Ms. Lanier was interviewed by the Crimson, Harvard's student newspaper, about her investigation into her family history and the connection to the daguerreotypes.

179. Soon thereafter, Ms. Lanier received an email from an editor at the Crimson informing her that the story was being killed due to "concerns the Peabody Museum has raised."

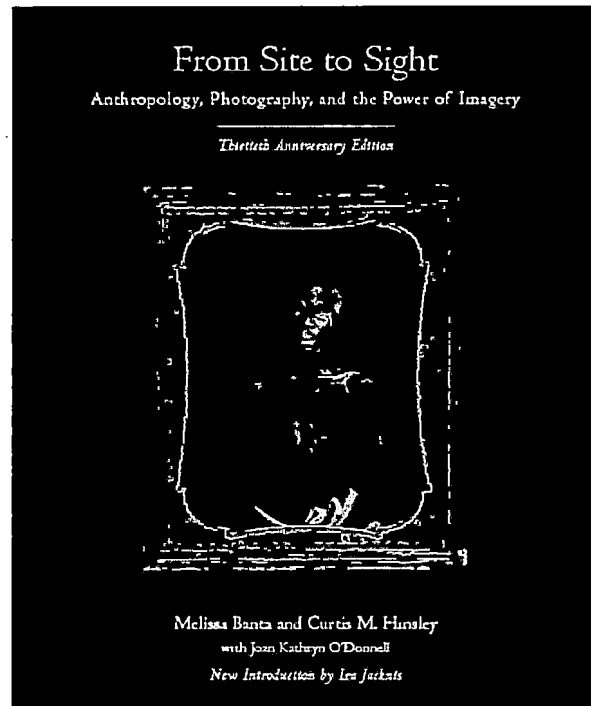
180. In a rich twist, the Crimson instead ran an op-ed by then-president Dr. Faust. In it, Dr. Faust acknowledges Harvard's complicity in slavery. "This is our history and our legacy," she wrote, "one we must fully acknowledge and understand in order to truly move beyond the painful injustices at its core."

181. The purpose of that reckoning, according to Dr. Faust, is to "better equip ourselves to combat our own shortcomings and to advance justice and equality in our own time."

182. This public display of soul-searching was a charade. In the two years since, Harvard has demonstrated a complete unwillingness to either acknowledge its history or advance justice today. It has continued to sanitize Agassiz's legacy, profit from the fruits of his crimes, and treat Ms. Lanier as little more than a pest.

183. In 2017, Harvard used Renty's image to sell its 30th Anniversary edition of "From Site to Sight: Anthropology, Photography, and the Power of Imagery."

184. The cover of the book looks like this:



185. Harvard describes the book as an exploration of “the historic and contemporary uses of photography in anthropology” – even though Harvard knows Agassiz’s purpose in photographing Renty and Delia cannot fairly be described as anthropologic in nature.

186. Perhaps Harvard believed that Renty’s arresting face and semi-nude body would sell more copies. *From Site to Sight* costs \$40.00.

187. But the most egregious example of Harvard’s ongoing exploitation of Renty and subversion of the truth occurred in March of 2017, when Harvard hosted a national academic conference that Ms. Lanier attended. The conference was called *Universities and Slavery: Bound by History*.

188. As writers and scholars discussed educational institutions’ complicity in slavery and Harvard congratulated itself for this ostensible public reckoning with the past, Renty’s image was emblazoned onto a massive screen onstage.

189. The conference program, which was also adorned with Renty’s image, contained a description of the photograph that took Ms. Lanier’s breath away:

The man you see on the program’s front cover, Renty, lived and worked as a slave in South Carolina in 1850, when his photograph was taken for the Harvard professor Louis Agassiz as a part of Agassiz’s scientific research. While Agassiz earned acclaim, Renty returned to invisibility.

190. These words, no doubt carefully chosen, are as dishonest as they are manipulative.

191. Harvard conspicuously omits the nature of Agassiz's work – even having the gall to characterize the photograph as a part of “scientific research” rather than a racist and dehumanizing crusade – and implies that Agassiz had rightfully “earned acclaim” for his work.

192. Even more insidiously, Harvard relegates Renty to “invisibility,” in flagrant disregard for Ms. Lanier's repeated attempts to share Renty's story and restore a measure of the humanity that Agassiz stripped from him.

193. At this moment, Tamara Lanier realized – sitting in the audience with her two daughters – that Harvard would never face its history with courage. It would never stop perpetuating the wrenching pain of its past. And it would never willingly make amends.

194. As Frederick Douglass once reminded us, “power concedes nothing without a demand. It never did and it never will.”

195. On October 27, 2017, Ms. Lanier made her demand.

196. By letter addressed to Dr. Faust, Ms. Lanier explained that in the absence of any action by Harvard she had completed her own research and confirmed that she is a lineal descendent of Renty.

197. The letter concluded with a formal request to have the daguerreotypes of her family members “immediately relinquished” to her.

198. Harvard's response, from Ms. Gerardi of the Peabody Museum, was straight from its playbook: it was nonresponsive and deceptive.

199. It made no mention whatsoever of Ms. Lanier's demand to have the daguerreotypes returned to her.

200. And it offered a new version of history that conveniently distanced Harvard from the daguerreotypes: “As you know the photographs were commissioned by Dr. Robert W. Gibbs [*sic*] of Columbia, South Carolina in 1850.”

201. It is well-established that Agassiz was behind the daguerreotypes and there is no chance that Harvard is confused on that point; this is a blatant lie.

202. It is long past time for Harvard to live up to the word that adorns its seal and shield: *veritas*. Truth.

**COUNT ONE: Mass. Gen. Laws ch. 247, § 7
(Replevin)**

1-202. Paragraphs 1-202 are hereby incorporated as if fully set forth herein.

203. The daguerreotypes of Renty and Delia have a value greater than twenty dollars.

204. The daguerreotypes were taken without the consent of the subjects and were never lawfully possessed by Louis Agassiz or his son, Alexander Agassiz.

205. Good title never passed to Harvard because the daguerreotypes were never lawfully possessed by the estate of Alexander Agassiz.

206. Good title never passed to Harvard because the daguerreotypes were given without consideration.

207. The daguerreotypes were unlawfully taken and have been unlawfully detained up until the present by Harvard.

208. The plaintiff established in 2017 that she was the next of kin of the man named Renty depicted in the daguerreotype.

209. In October of 2017, the plaintiff informed Harvard that she had certified that she was the next of kin of Renty and requested that Harvard relinquish the daguerreotypes to her.

210. On November 13, 2017, Harvard sent the plaintiff a nonresponsive letter that made no mention of the plaintiff's request.

211. The plaintiff, as next of kin of Renty, is the person entitled to possession of the daguerreotypes of Renty and of his daughter, Delia.

212. The plaintiff's right of possession is superior to Harvard's.

213. The plaintiff has been deprived of the daguerreotypes as a result of Harvard's ongoing unlawful and/or inequitable possession.

COUNT TWO: Conversion

1-202. Paragraphs 1-202 are hereby incorporated as if fully set forth herein.

203-210. Paragraphs 203-210 of Count I are hereby incorporated as if fully set forth herein.

211. Harvard has intentionally and/or wrongfully exercised acts of ownership, control, and/or dominion over the daguerreotypes of Renty and Delia.

212. At the time of said acts, Harvard had no right of ownership or possession with respect to the daguerreotypes.

213. At the time of said acts, Ms. Lanier's right of ownership and/or possession was superior to Harvard's.

214. Ms. Lanier demanded the return of the daguerreotypes and Harvard refused.

215. Ms. Lanier was damaged as a result of Harvard's conduct.

**COUNT THREE: Mass. Gen. Laws ch. 214, § 3A
(Unauthorized Use of Name, Picture, and/or Portrait)**

1-202. Paragraphs 1-202 are hereby incorporated as if fully set forth herein.

203. The daguerreotype photographs of Renty and Delia were taken without their consent.

204. The daguerreotype photographs of Renty and Delia have been and continue to be used within the Commonwealth of Massachusetts by Harvard for advertising and commercial purposes.

205. Harvard used and continues to use the daguerreotype photographs of Renty and Delia for advertising and commercial purposes with knowledge that they were taken without Renty and Delia's consent.

206. Harvard has used the daguerreotype photographs of Renty and Delia for advertising and commercial purposes with knowledge that Ms. Lanier did not consent to such use.

207. Harvard's conduct, as set forth above, is in violation of Massachusetts General Laws, chapter 214, § 3A.

COUNT FOUR: U.S. Const. Amend. XIII § 1

1-202. Paragraphs 1-202 are hereby incorporated as if fully set forth herein.

203. Section 1 of the Thirteenth Amendment outlaws – and provides a cause of action to redress – core components and incidents of slavery.

204. The prohibition on slaves' right to make or enforce contracts was a core component or incident of slavery.

205. The prohibition on slaves' right to own property was a core component or incident of slavery.

206. The prohibition on slaves' right to inherit was a core component or incident of slavery.

207. The prohibition on slaves' right to access the courts was a core component or incident of slavery.

208. The conscious policy of separating and weakening black families was a core component or incident of slavery.

209. At the time the daguerreotypes were made, Renty and Delia could not make or enforce contracts, own property, inherit or cause their heirs to inherit, access the courts, or protect the integrity of their familial relationships.

210. Harvard's ongoing possession of the daguerreotypes reflects and is a continuation of core components or incidents of slavery.

211. Harvard's ongoing refusal to recognize Ms. Lanier's superior claim to the daguerreotypes as next of kin to Renty and Delia reflects and is a continuation of core components or incidents of slavery.

212. Harvard's ongoing profiting from the daguerreotypes reflects and is a continuation of core components or incidents of slavery.

COUNT FIVE: 42 U.S.C. § 1982

1-202. Paragraphs 1-202 are hereby incorporated as if fully set forth herein.

203. Tamara Lanier is African-American.

204. Ms. Lanier's family does not have possession of the daguerreotypes of Renty and Delia as a direct result of incidents and badges of slavery that prevented black Americans from inheriting, holding, and conveying personal property.

205. Harvard's refusal to recognize Ms. Lanier's superior claim to the daguerreotypes is based on incidents and badges of slavery that prevented black Americans from inheriting, holding, and conveying personal property.

206. Harvard's conduct, as set forth above, is in violation of 42 U.S.C. § 1982.

COUNT SIX: Restatement (Second) of Torts § 871 (Intentional Harm to a Property Interest)

1-202. Paragraphs 1-202 are hereby incorporated as if fully set forth herein.

203. Harvard's ownership and/or control over the daguerreotypes was and is intentional, culpable, and unjustifiable.

204. Ms. Lanier has a legally protected property interest in the daguerreotypes of Renty and Delia.

205. Harvard's ownership and/or control over the daguerreotypes represents an interference with Ms. Lanier's property interest and rights.

COUNT SEVEN: Negligent Infliction of Emotional Distress

1-202. Paragraphs 1-202 are hereby incorporated as if fully set forth herein.

203. Harvard knew or should have known that its appropriation of the daguerreotypes, denial of Ms. Lanier's heritage, and demeaning treatment of her over an eight-year period would likely cause embarrassment, humiliation, and emotional distress.

204. Harvard's conduct – including but not limited to its use of the daguerreotypes for profit, refusal to engage in good faith with Ms. Lanier, its denial of her claim of lineage, and its deception about the images' provenance – was undertaken in negligent or reckless disregard for how it would affect Ms. Lanier.

205. Ms. Lanier has suffered ongoing physical manifestations of emotional distress, including insomnia, anxiety, and nausea, as a direct result of Harvard's conduct.

COUNT EIGHT: Equitable Restitution

1-202. Paragraphs 1-202 are hereby incorporated as if fully set forth herein.

203. Ms. Lanier is the rightful owner of the daguerreotypes of Renty and Delia.

204. Ms. Lanier is entitled to the daguerreotypes of Renty and Delia as a matter of equity.

205. To the extent Harvard holds legal title to the daguerreotypes of Renty and Delia, said title was acquired through fraud and/or other misconduct.

206. Harvard has been unjustly enriched through its possession of the daguerreotypes.

207. In the absence of equitable restitution, Harvard will continue to be unjustly enriched.

REQUEST FOR RELIEF

WHEREFORE, the plaintiff, Tamara Lanier, requests the following:

- a. Repair by Harvard of the damage inflicted by its conduct;
- b. Immediate restitution of the daguerreotypes depicting Renty and Delia to the plaintiff;
- c. Acknowledgement by Harvard that it was complicit in perpetuating and justifying the institution of slavery;
- d. Acknowledgement by Harvard that it bears responsibility for the degradation and humiliation forced upon Renty and Delia through its employee and agent, Louis Agassiz;
- e. Acknowledgement by Harvard that Ms. Lanier is a descendant of Renty and Delia;
- f. Disgorgement;
- g. Compensatory damages for emotional distress, humiliation, anxiety, and other emotional pain and suffering;
- h. Punitive damages;
- i. Attorney's fees;
- j. Just compensation as determined by a jury; and
- k. Such other legal and equitable relief that this Court deems proper.

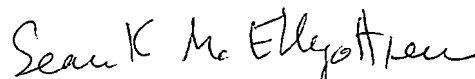
WHEREFORE, the plaintiff, Tamara Lanier, requests that this Court declare a constructive trust in the daguerreotypes and all profits derived therefrom held by the defendants for the benefit of the plaintiff.

JURY DEMAND

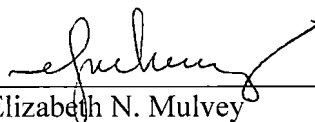
The plaintiff claims a trial by jury.

RESPECTFULLY SUBMITTED,

THE PLAINTIFF,
BY HER ATTORNEYS,



Sean K. McElligott
BBO# 651710
Michael P. Koskoff
Joshua D. Koskoff
Katherine L. Mesner-Hage
KOSKOFF, KOSKOFF & BIEDER, P.C.
350 Fairfield Avenue
Bridgeport, CT 06604
(203) 336-4421



Elizabeth N. Mulvey
BBO# 542091
CROWE & MULVEY LLP
77 Franklin Street
Boston, MA 02110
(617) 426-4488

Ben Crump
Scott Carruthers
Talley Kaleko
BEN CRUMP LAW, PLLC
122 S. Calhoun Street
Tallahassee, FL 32301

Mark Marderosian
COHEN & MARDEROSIAN
One Penn Plaza, Suite 6180
New York, NY 10019