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Democracy Dies in Darkness

RETROPOLIS

Court rules purported descendant of enslaved man can sue Harvard

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A woman who says she's descended from enslaved people photographed for a racist Harvard scientist can sue the school for emotional distress after it "cavalierly" disregarded her requests for information and acknowledgment, Massachusetts's highest court ruled Thursday.

But the court denied the woman's request to gain title to the images, believed to be the first taken of enslaved people.

Tamara Lanier, a retired probation officer from Norwich, Conn., says she is the great-great-great-granddaughter of Renty Taylor, the enslaved man photographed nude alongside his daughter. The photos were taken in 1850 at the behest of Harvard scientist Louis Agassiz, who was a proponent of "polygenism," a pseudoscientific theory that African-descended people had no common ancestors with other peoples and were thus inferior. They have been in Harvard's possession ever since.

"We are gratified by the Massachusetts Supreme Court's historic ruling in Tamara Lanier's case against Harvard University for the horrible exploitation of her Black ancestors, as this ruling will give Ms. Lanier her day in court to advocate for the memory of Renty," Lanier's attorneys, Ben Crump and Josh Koskoff, said in a statement.

Harvard did not immediately respond to a request for comment, though it told Reuters it was reviewing the decision.

Lanier grew up hearing stories about Taylor, whom her family called Papa Renty — how he had been kidnapped from the Congo River basin, and how he had learned how to read even though it was illegal — long before she found the images.

Agassiz, to prove his polygenism theory, had sought out specimens, enslaved Black people who were born in Africa.

This wasn't easy; the United States had banned importation of Africans in 1807, so by 1850, most enslaved Black people had been born in the country, and many had at least some European ancestry.

But while traveling through South Carolina, Agassiz found out about an enslaved man whom other enslaved people called "the Black African" — Renty Taylor. Taylor and his daughter Delia, who may have been a minor at the time, were brought to a studio and forced to disrobe and pose in the nude. Agassiz used the resulting daguerreotypes, an early form of photography, to push his theories.

The images were "lost" for decades until Harvard rediscovered them in its Peabody Museum collections in 1976. By then, its scientists were no longer using them to push racist theories, but the school is still using them and, according to Lanier's attorneys, still charging a fee for others to use them. As recently as 2017, the images were used for the cover of a book. In 2014, the school used images of both Taylors for promotional material for a conference, seen in the background of the below photo.

Lanier became aware of the images about 10 years ago while doing genealogical research.

"In addition to the family resemblance, we saw pride and determination" in their faces, Lanier told The Washington Post last year. But the circumstances under which they were photographed sickened her.

In her 2019 lawsuit, Lanier said Harvard has refused to respond to her requests for information on the daguerreotypes and how Harvard intends to use them, causing her emotional distress. Harvard has also declined to acknowledge her ancestral claim after Lanier shared her genealogical research with the school.

A lower court previously threw out Lanier's lawsuit. On Thursday, the state Supreme Court partially vacated that decision, ruling a jury could reasonably decide Harvard's "extreme and outrageous conduct" caused Lanier emotional distress.

"Harvard's past complicity in the repugnant actions by which the daguerreotypes were produced informs its present responsibilities to the descendants of the individuals coerced into having their half-naked images captured in the daguerreotypes," Justice Scott Kafker wrote in his opinion.

He also said she did not have a claim to ownership of the images since she wasn't a descendant of the photographer or the photograph's owners. Subjects of photos and their descendants generally do not have property claims, but Koskoff, one of Lanier's attorneys, argued these were an exception, comparing them to modern-day "revenge porn" or sex-trafficking images. On this point, the court disagreed.

Lanier's attorneys said they will now continue to sue Harvard and try to "repair the damage and degradation that they have caused Tamara Lanier, her ancestors, and all other people of color exploited by [Harvard]."

Harvard's Peabody collection is also the subject of another controversy over its continued ownership of the human remains of Indigenous people and African Americans who may have been enslaved, despite a 1990 federal law requiring the repatriation of many of the remains. A draft report from a commission studying the remains leaked in May, revealing there were more than 7,000 individuals in its collection.

In April, Harvard released a report about its involvement with slavery and committed \$100 million to redress the legacy of these injustices.