

'The disappeared'

Power over the dead in the aftermath of 9/11

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The issue of disposition of and control over human remains is a sensitive subject in all human societies, usually marked by taboos and rituals. That the unidentified human remains from the World Trade Center destruction should generate controversy is therefore not surprising. Without the possibility of burial or cremation in the usual

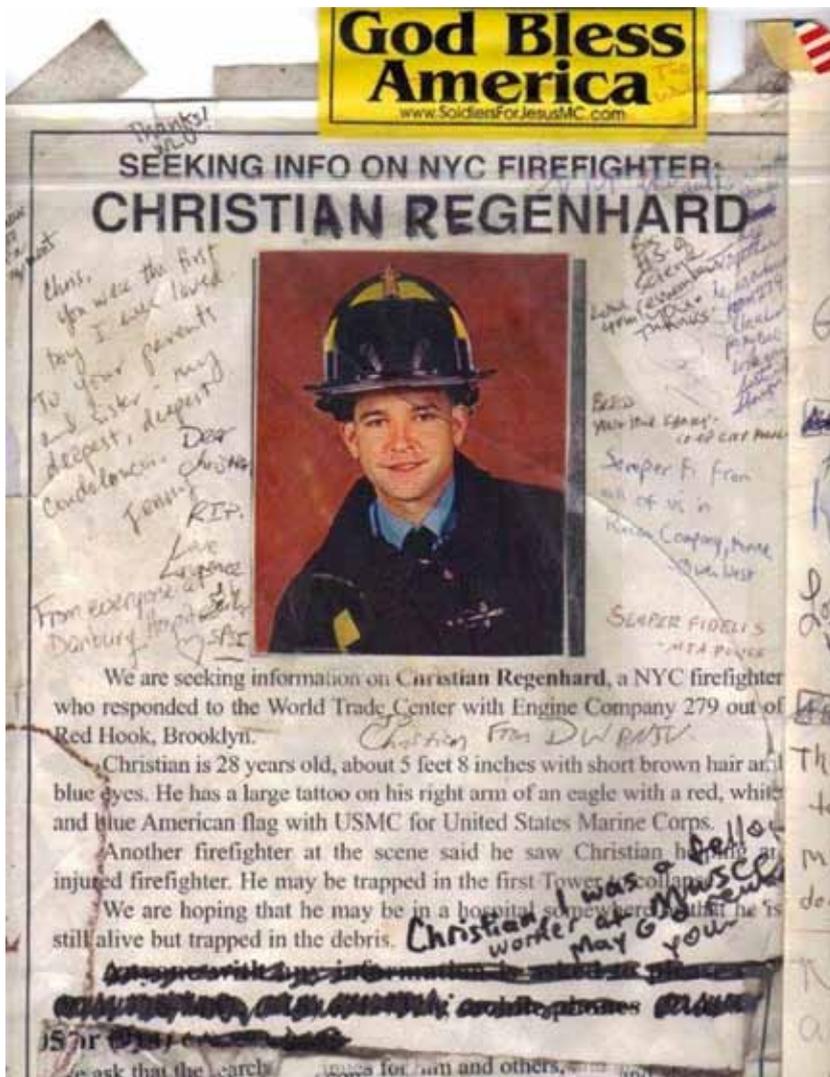
way by family, these remains point to disappeared individuals, left in limbo as the result of a terrorist attack. The following article by Chip Colwell-Chanthaphonh, advocate for four 9/11 family advocacy groups, receives a response from Alice M. Greenwald, director of the 9/11 Memorial Museum. Editor



RUSSELL AND JOYCE MERCER

Fig. 1 (top). Russell Mercer, Joyce Mercer, and their son Scott Kopytko.

Fig. 2 (below). A missing poster for Christian Regenhard, placed in New York City's Grand Central Station, with messages from friends and family.



SALLY REGENHARD

On the morning of 11 September 2001, Scott Kopytko, a 32-year-old firefighter, was returning to his station in New York's South Street Seaport just as fire engines were pulling out. Scott had been a firefighter for almost three years. It was the happiest period of his life.

Though he was just coming back, no doubt exhausted, from a night shift, Scott soon realized that something big was happening on that bright September morning. He felt a duty to join his fellow firefighters, and as his vehicle was leaving, he told a probationary firefighter, 'Get off, you're in my spot', leaping on in the rookie's place. As Scott arrived with his company at the World Trade Center, they all watched as the second plane slammed into the south tower. The 14 men rushed into the burning skyscraper. None came out alive. Scott's body was never found.

In the years since 9/11, Scott's missing remains have haunted his family. 'I don't care if it's the size of my pinky nail, something to make it almost real', Scott's mother, Joyce Mercer, said to me in an interview. Scott's parents want to bury their son. The family has a memorial, but they also have a cemetery plot that lies empty. 'I know he was there, I know he died', Joyce said. 'My son died not five miles from where he lived. He wasn't a soldier fighting in a foreign land. He was on American soil. And he just disappeared off the face of this earth.'

Unidentified remains

In the Western cultural tradition, burial or cremation of the dead is understood to be a basic duty of the living. For centuries, common law in many countries has held that kin have the right to determine where and how the deceased will repose. In religious terms, cemeteries are traditionally 'God's acre', where men and women are placed in the earth in veneration of the soul's vessel. Conversely, the inability to honour the body in death is an insult to the conscience. As far back as the *Iliad* we see this connection of moral duty and respect with the repose of the dead, as Achilles, demonstrating his enduring hatred, drags Hector's slain body across the battlefield for nine days.

Many of the parents, siblings and spouses of the 9/11 dead have never had the chance to bury their loved ones. Nearly a decade after the terrorist attacks on the World Trade Center, of the 2,749 murder victims, remains have not been identified for some 1,122 people, or 41% of the total.¹ Only 292 'whole' bodies – the New York City Medical Examiner's Office defines 'whole' as 75% or more of the body – have been recovered. Most of the identified victims have been identified from only pieces of their remains. Thus there are fragments of nearly all the victims that have yet to be identified.

Given the horrifying violence of the World Trade Center's destruction, it is all too easy to imagine that people simply vaporized, turned incorporeal in a flash. In truth, thousands of fragments of human bodies descended with the grey ash of the World Trade Center that rained over the city. The human detritus ended up on rooftops and in sewers and intermixed with the steel and concrete of the skyscrapers.



Fig. 3 (top). Front end loader at Fresh Kills Landfill handling material from Ground Zero in the search for remains.

Fig. 4 (above). Workers monitor a conveyer belt at Fresh Kills for human remains and personal items in January 2002.

In the aftermath of the attack, the collection of human remains was rushed and haphazard. As a result, many were lost or discarded. Those that were found were sent to the city's Medical Examiner's Office, whose forensic scientists and researchers have worked diligently to link bones and tissue to known victims. But after nearly 10 years, 9,022 of these fragments of human biology are still 'unidentified', largely because the force of the attack created so many small pieces and interwove everyone's biological traces, making each sample of DNA now like a ball of knotted strings that cannot be unwound.

That these remains have not been identified is due to the limits of forensic science, but that many were not even retrieved or properly handled, if they were found at all, is a consequence of a political, economic and legal system that has largely relinquished the principle of reverence. The post-9/11 clean-up and the work on the memorialization of the New York 9/11 dead have prioritized expediency and exercises in museum curation above the rights of kin. From a scholarly perspective, this story interlinks multiple themes in cultural anthropology (ritual, symbols, kinship, law), physical anthropology (forensics, human-remains care), museum anthropology (curation, exhibits, consultation, ethics) and applied anthropology (advocacy, human rights, social justice). But from a humanistic perspective, it shows how the 9/11 dead have been transformed into America's own Hectors, dragged across the battlefield of the World Trade Center for almost 10 long years.

'Undifferentiated dirt'

When the clean-up of the World Trade Center began, the wreckage was taken to Fresh Kills Landfill, a vast waste dump operated on Staten Island by the City of New York

from 1947 to 2001. In the first weeks after 9/11, policemen and sanitation workers untrained in forensic recovery searched for remains at Fresh Kills. One police officer involved recalled: 'I was issued a Tyvex suit and boots and a paper mask, and was told, "Here's your rake – there's the pile" ... There was a constant pressure to move quickly. It was a rush job.'² An estimated 223,000 tonnes of World Trade Center rubble were not screened at all before being buried or sold as scrap.

Diane Horning, who lost her 26-year-old son Matthew, a technology employee at a financial firm on the 95th floor of the north tower, visited Fresh Kills in July 2002. She saw the World Trade Center debris, which had been sifted through quarter-inch screens. What slipped through these screens was referred to as 'fines'. Fines contained soil and other debris, but also victims' cremated remains: human ash, small tissue particles and tiny bone fragments. For reasons unknown, and contrary to promises made to Diane and other families, the New York City Department of Sanitation subsequently had the fines recombined with the rest of the World Trade Center debris and dumped back in the landfill. A construction worker later testified that the department even used portions of the cremated remains to pave roads and fill potholes in Fresh Kills.³

In 2003, Diane organized an advocacy group called WTC Families for Proper Burial. Despite petitions, pleas and lawsuits from the group and other 9/11 family members, the City of New York has refused to either resift the debris at Fresh Kills or to collect and rebury it at a more respectful site, citing the time and costs involved. The City is working on turning the landfill into a memorial park, but has admitted that this will take at least 30 years, if it can be done at all. In the meantime, the bureaucracy and insalubrious conditions at Fresh Kills make it difficult for families to visit the site.

The remains at Fresh Kills are not the only ones to have been overlooked by city authorities. A number of chance discoveries of remains in and around the World Trade Center site over the years have led many to doubt the thoroughness of the original searches. In 2005, hundreds of bone fragments were discovered on the roof of the former Deutsche Bank building. In late 2006, electricity workers found 160 pieces of bone, including whole limbs, next to a podium that had been erected for families to use to read out the names of their loved ones on 9/11 anniversaries.⁴ In 2008, city administrators, prompted by the media attention paid to these discoveries and the demands by family members, organized a systematic search, which resulted in the unearthing of 1,796 new pieces of remains. Then in April 2010, officials began another search, which turned up 72 further pieces. All were sent to the Medical Examiner's Office.

In view of the fact that it has taken almost a decade for more than \$800 million in compensation to be paid to thousands of 'first responders' exposed to toxic dust at Ground Zero, it is perhaps unsurprising that the issue of caring for the dead has received little attention.⁵ But many 9/11 families have refused to abandon the issue, fighting an ongoing battle to get the remains of their relatives returned and buried. A lawsuit brought by WTC Families for Proper Burial against the City of New York that sought to establish a due-process property interest in unidentified remains for the families so as to allow them to respectfully bury remains was unsuccessful, mainly because, as the remains are so intermingled, individual families cannot prove their property rights.⁶ In legal terms, since unidentified remains potentially belong to all the families, they belong to none.

The logic of the law has denied the families their rights as kin; in addition, the language applied to 9/11 victims in the legal context reflects a dehumanizing official discourse. Diane Horning told me that the City's lawyers



Fig. 5 (above). Construction of the National September 11 Memorial and Museum at the World Trade Center site in New York City. April 2010.
Fig. 6 (right). Construction workers removing a manhole cover along a service road at Ground Zero in a renewed search for human remains in 2006.

describe the ‘fines’ as ‘undifferentiated dirt’, thereby cleverly preventing any acknowledgement of what the cremated remains mean to some families. She went on:

Dirt doesn’t matter. Dirt you throw in the garbage. And so once the lawyer established that as the term, and the judge accepted it, then it became acceptable to leave the remains in the garbage dump or to leave them under a haul road or under a storm drain or on the roof for seagulls to cart away. That was okay, because he wasn’t Matthew, my wonderful child. He was no longer that. He was ‘undifferentiated dirt’.

‘Some little piece of him’

Rosemary Cain, who lost her son George, a 35-year-old firefighter with Ladder Company 7 in Manhattan, was sent some remains from among those that were successfully identified. She spoke to me of her gratitude for that small though terrible gift. ‘I know how much it meant to me’, she said. ‘A million times since 2002, I’ve said, thank you God, thank you for sending him home to me.’ She spoke too of another family from George’s fire station, which, four years after 9/11, received an identification. The family had an elaborate ceremony, including a wake and funeral. They buried a coffin, but only a few knew that they were interring just a four-inch piece of spine.

Diane Horning received a piece of her son’s skull and his wallet, found in debris at Fresh Kills. She buried her son. But after the burial, more of Matthew’s remains were identified. Diane directed the Medical Examiner’s Office to hold on to the new remains in case they identified more. Later, the office called to say that some remains had been mistakenly given to her, and asked if they could



PATRICK ANDRADE / THE NEW YORK TIMES / REDUX

1. These numbers come from a personal communication with the Director of Public Affairs of the New York Office of the Chief Medical Examiner on 8 September 2010, and from the director of the 9/11 Memorial Museum. In addition to the 2,749 dead, three individuals who sustained injuries on 9/11 subsequently died, bringing the total number of 9/11 dead at the World Trade Center to 2,752. As at May 2011, 9,022 fragments of human remains have not yet been matched to the 1,122 victims reported as missing (editor corres. Alice Greenwald, 20.05.2011).

be returned. Diane appreciated their honesty, though it did not make anything easier. In total, she received four phone calls from the Medical Examiner's Office about Matthew's remains. What plagues her today is that nearly a decade after 9/11, she still never knows when, or if, the next call will come. 'And so it doesn't end', she said.

Sally Regenhard is still waiting for her first call. A 9/11 activist who founded the Skyscraper Safety Campaign, Sally lost her son, Christian, in the attack. Christian was a 28-year-old firefighter and former Marine who had graduated from the Fire Academy only six weeks before he was killed. 'For those of us who never received any remains, we're living in an aura of unreality', Sally said to me. 'I make the comparison of the *desaparecidos* – you know, the "disappeared ones" from South America, who were just snatched away.' She continued, 'And so you don't have any remains, it's like the person didn't die. I swear it, I feel like he's just away, because there is no tangible proof.'

Rosaleen Tallon-DaRos' brother, Sean Tallon, also died on 9/11 in the line of duty – 26 years old and a former Marine Reservist, Sean was a probationary firefighter stationed at the Fire Department's Ten House by the World Trade Center. In the days after 9/11, Rosaleen's mother desperately hoped that remains would be found. Rosaleen recalls her mother saying, 'I prayed and prayed they'd find some little piece of him.' Mercifully, a portion of Sean's remains were found, in October 2001. The funeral provided succour, and Rosaleen's parents visited the grave twice a day for weeks. 'I think it gave them a great peace of mind to know that Sean was home and he was taken care of in that way', said Rosaleen. Over the years, the family has received three calls about further remains, and they think it likely that there are some still at the Medical Examiner's Office, or else unretrieved at Fresh Kills.

The 9/11 museum

The 9,022 human remains that have been retrieved but are still unidentified are being moved to the World Trade Center site, to be housed in a permanent space within the 9/11 Memorial and Museum complex. Since 2001, the remains have been kept in dispersed temporary containers and structures belonging to the Office of the Chief Medical Examiner of the City of New York (OCME). The museum director, Alice M. Greenwald, has indicated that the new

repository will be designed and constructed according to OCME criteria, as well as in accordance with plans established by the Lower Manhattan Development Corporation (LMDC), a joint state-city corporation that was created in the aftermath of 9/11 to coordinate the rebuilding of Lower Manhattan. The repository is also intended to remain under OCME jurisdiction. Nevertheless, as it is to be located within the museum complex, it is the museum that will administer access to it. Unlike a government-controlled national memorial or museum, as a non-governmental institution, the new 9/11 Museum has its own financial interests, few obligations to be transparent about its decision-making, and is subject to minimal public accountability or oversight.

In 2003, the LMDC issued its 'World Trade Center site memorial competition guidelines'.⁷ This document specified that the 9/11 memorial itself should be 'distinct from other memorial structures like a museum or visitor center' and could not 'include commercial structures'. The memorial was to 'provide space for contemplation' that incorporated 'an area for families and loved ones of victims' and a 'separate accessible space to serve as a final resting-place for the unidentified remains from the World Trade Center site' (LMDC 2003: 19). A museum was also planned, but at this point was clearly envisaged as a distinct enterprise, to be 'housed in a suspended building floating over' the site (*ibid.*: 9).

From policy statements such as this, many family members concluded that any unidentified remains would be returned to Ground Zero and placed in a dignified structure such as a 'Tomb of the Unknowns'. Many anticipated that the New York casualties would be honoured in a similar way to those at the other 9/11 sites. In Washington DC, both identified and unidentified remains from the Pentagon attack were interred at Arlington National Cemetery.⁸ In Shanksville, Pennsylvania, the National Park Service is creating a National Memorial on the site where United Airlines Flight 93 came down. Victims will be interred at the crash site, in an area accessible only to the families called the 'Sacred Ground'.⁹

After the LMDC issued the memorial guidelines, the New York project began to founder as a result of political and economic troubles. In response, city officials decided to combine the memorial with the museum element of the development. The museum organizers now had the complex task of honouring the victims while at the same time documenting their murder. This change had profound implications for how the unidentified remains would be treated.

In October 2006, when the 9/11 Museum's administrators, then under the banner of the World Trade Center Memorial Foundation, released their Request for Qualifications for the exhibition design, they referred to the human remains in museological terms.¹⁰ The Request states that 'Visitors will arrive at the bedrock level... where a variety of programmatic elements are expected to be offered', and then lists seven such elements. The first is 'a repository for the unidentified remains of the World Trade Center victims of 9/11' (World Trade Center Memorial Foundation 2006: 4). In addition, the space reserved for the families originally planned for the memorial is not among the 'elements' listed (although later statements have indicated that a small room adjoining the remains repository will be made available for families). The 2006 document makes plain that the human remains are to be an integral part of the museum – no longer resting in an accessible and separate space for memorialization and grieving, but operating as a museological feature.

The current plan is for each of the two million predicted annual visitors to pass a concrete wall carrying a quotation from Virgil: 'No day shall erase you from the memory of

Fig. 7 (below). The 9/11 memorial at Arlington National Cemetery, Virginia, just outside Washington DC.

Fig. 8 (bottom). Architect's impression of the Memorial Plaza at the Flight 93 National Memorial near Shanksville, Pennsylvania.



SHEENA CHI

PAUL MURDOCH ARCHITECTS AND BIOLINIA MEMORIAL PLAZAZATIONAL PARK SERVICE

Fig. 9. Firefighter George Cain, who died on 9/11.

time'.¹¹ The quotation – a peculiar choice, one Classics authority has observed, given its homoerotic and martial literary context¹² – is intended to call attention to the human-remains room on the other side of the wall, where victims' body parts are to be kept awaiting a time when forensic scientists may be able to identify them.

Family responses

In 2009, the leaders of four groups that promote the rights of 9/11 families learned about the museum's plans for the unidentified remains. These groups – Advocates for a 9/11 Fallen Heroes Memorial, the Skyscraper Safety Campaign, 9/11 Parents and Families of Firefighters and WTC Victims, and WTC Families for Proper Burial – have since sought to engage the museum.¹³ The organizers of these groups represent an important constituency and have been engaged for years as grassroots activists on a range of issues, from medical care for first responders to fire safety code compliance in skyscrapers. The four groups do not claim to represent all World Trade Center families, and some families do support the 9/11 Museum's plans.¹⁴ The groups acknowledge that the museum will probably never secure a consensus of approval from all 2,749 families, but they say that they are simply asking it to try to navigate, rather than evade, this difficult terrain.

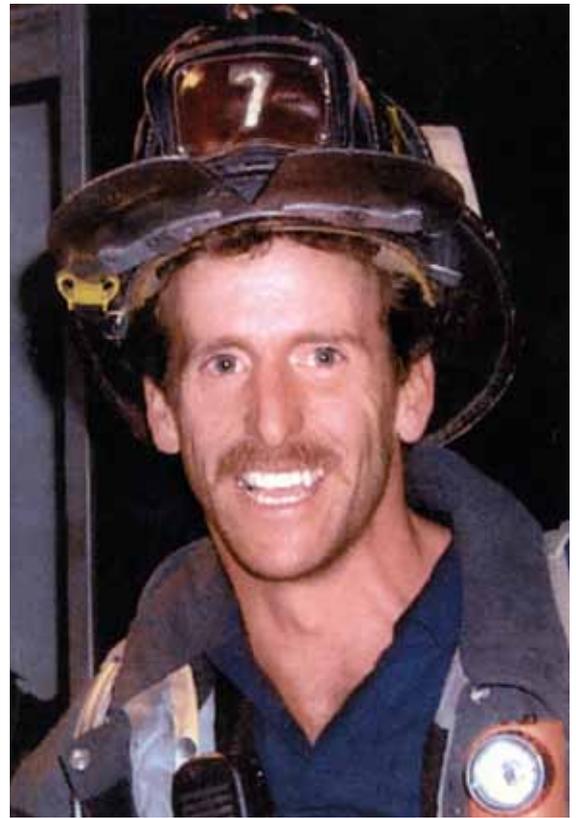
In mid 2009, David Hurst Thomas, an anthropology curator at the American Museum of Natural History, met with Sally Regenhard and Glenn Corbett, a fire science expert and faculty member at the John Jay College of Criminal Justice who is closely involved with the families' campaign. Regenhard and Corbett wanted guidance on whether the 9/11 Museum's actions were typical of museums in general. Several months later, Thomas invited me to get involved because of my work on issues of repatriation and human remains. Over the course of 2010, Corbett, Thomas and I served as advisers to the four family groups, trying to help them convey their concerns to the 9/11 Museum administrators.

Access, presentation and consultation

The groups have three central concerns. The first relates to access – where in the complex the remains will be located, and who will control access to them. 'You would never dream that a museum could go into a morgue in New York City', Rosaleen Tallon-DaRos said to me, both mystified and angry, 'and take a body out of the drawer, just because it wasn't identified, and put it up in the museum'. With the transfer of the remains, museum staff will become their gatekeepers, dictating who may visit them and when. The museum has promised that families will not be charged admission, and that they will be able to visit out of hours, as is the case in relation to the OCME containers where the remains are currently being held. However, the family groups question how these assurances will translate into practice.

Not only does the placement of the remains limit access by giving the museum control over the frequency and timings of visits, the family groups also feel that by housing the remains below ground, entombed deep in the heart of the disaster, the museum fails to properly honour them. The Twin Towers' footprints are a highly charged symbolic space. The place where the skyscrapers were anchored into the earth, they are the 'pit', the base of the wreckage where many victims were buried alive. Instead of visiting a memorial filled with air and light, families must go underground to the confined space that is the sum of their collective nightmares.

The families' second concern is about presentation: about how the museum has, as they see it, turned their personal tragedy into a tool for civic education. They want to have a memorial separate from the museum, in which



the unidentified remains are housed at Ground Zero in an above-ground monument devoted to the victims' memory. The family groups are angered by the museum documents that refer to the remains repository as a 'programmatic element'.

A key criticism is that the plans involve the victims of 9/11 being used to enlighten paying customers. As Sally Regenhard said to me, 'I never signed over the rights for my son's human remains to the Lower Manhattan Development Corporation, or to this money-making private 9/11 museum.' (The belief that the 9/11 Museum has financial, as well as museological, goals was intensified when a news exposé revealed that four top museum administrators each earned more than \$300,000 last year.)¹⁵ Though the human-remains room is not open to the public, organizers have clearly elected to incorporate the room into the exhibition experience. In a write-up of a press tour of the museum, one journalist astutely described the reference to the remains behind the museum wall as a 'teaching tool' for visitors.¹⁶

The museum has also indicated that it may exhibit artefacts known as 'composites', massive objects made up of several crushed and compressed floors of the World Trade Center, which trapped everything that was caught between them, probably including human beings. Though two specialists have examined the composites, the family groups have pleaded with the museum to invite experts such as the US Joint POW/MIA Accounting Command (JPAC), which uses forensic anthropology to find missing soldiers, to thoroughly test the composites. However, to date, the museum has not allowed JPAC or other mutually acceptable professionals to conduct this research.

The families' third grievance is that the museum made its decisions without adequate consultation – that choices about the placement of remains, access and exhibits were effectively made by museum fiat. Consultation is often the duty of ethics that exceeds the dictates of law. The American Association of Museums 2000 Code of Ethics for Museums affirms that the 'unique and special nature of human remains ... is recognized as the basis of all decisions concerning such collections', and directs that 'competing claims of ownership that may be asserted in

2. The officer was speaking at a hearing during one of the lawsuits over the remains brought by 9/11 families. Petition for writ of certiorari, *World Trade Center Families for Proper Burial, Inc. et al. v. the City of New York et al.* (1 June 2010), United States Supreme Court no. 09-1467.

3. Zambito, T. 2007. 9/11 remains fill potholes, worker claims. *Daily News*, 24 March.

4. Fox News 2006. Human remains found by workers at World Trade Center Site. 20 October; Eyewitness News 2006. More remains at Ground Zero. 25 October.

5. On the toxic dust issue, see KABC 2010. 9/11 responders deadline to join settlement. 8 November. <http://abclocal.go.com/kabc/story?section=news/national/world&id=7772159>, viewed 9 November 2010.

6. *World Trade Center Families for Proper Burial, Inc. et al. v. the City of New York et al.*

7. LMDC. World Trade Center site memorial competition: Guidelines. http://www.wtcsitememorial.org/pdf/LMDC_Guidelines_english.pdf, viewed 8 September 2010.

8. American Forces Press Service 2002. Remains of Pentagon attack victims buried at Arlington. 12 September.

9. National Park Service 2009. Salazar leads groundbreaking ceremony. Press release, 7 November. <http://www.nps.gov/fni/parknews/groundbreakingpartners.htm>, viewed 8 September 2010; Paul Murdoch Architects 2010. Flight 93 national memorial. <http://www.nps.gov/fni/upload/Design%20presentationN2.pdf>, viewed 8 September 2010.

10. World Trade Center Memorial Foundation 2006. Request for qualifications: Exhibition design services. 3 October. http://www.national911memorial.org/site/DocServer/exhibition_services_rfq_100306.pdf?docID=2501, viewed 8 September 2010.

11. Topousis, T. 2010. World Trade Center museum unveiled. *New York Post*, 10 August.

12. Alexander, C. 2011. Out of context. *New York Times*, 6 April.

13. For more on these family groups' efforts, see their website, 'Respect human remains at the 9/11 memorial', <http://www.respecthumanremainsatthe911memorial.com/>, viewed 11 September 2010.



Fig. 10. Some of the families of firefighters killed at the World Trade Center. All are involved with the advocacy groups (left to right): Al Santora (FDNY, ret.; father of Christopher Santora); Joyce and Russell Mercer (parents of Scott Kopytko); Sally and Al Regenhard (parents of Christian Regenhard); and Eileen, Rosaleen, Sean, and Patrick Tallon (family of Sean Tallon).

connection with objects in its custody should be handled openly, seriously, responsively and with respect for the dignity of all parties involved'.¹⁷

The 9/11 Museum has never systematically asked all family stakeholders for their input on its decisions. While it has made attempts to include some families, these efforts have been tightly controlled. Many outreach events are by invitation only, and many families have never been invited. The museum's definition of family stakeholders is unclear. On one occasion, during a forum discussion about the composites, the museum used the testimony of another 9/11 family member to counter Diane Horning's arguments about her rights as next of kin. This family member, however, had lost a loved one at the Pentagon, and hence did not have a direct stake in the World Trade Center remains.

The rationale behind outreach choices is also opaque. All of the nearly 3,000 9/11 families¹⁸ have only been contacted on two occasions: once to ask how to correctly spell the victims' names, and once to solicit donations of memorabilia. The family advocacy groups have been struck by the museum's decision to contact all the families for help on these matters, while neglecting to contact everyone on the human-remains issue, which, for them, comes before almost all else. 'When it comes to the human remains', as Sally Regenhard has said, 'there is nothing more sacred'.

A meeting and a press conference

Throughout the first half of 2010, the four family groups worked with their advisers to try to get the museum to begin consulting with them. After months of intense wrangling, a meeting was finally held at the museum's headquarters on 8 June 2010. The groups' core position was that the issues about access to and presentation of the remains meant that the museum should actively consult with all the World Trade Center families to increase their awareness about the pending transfer. At the meeting, a museum official conceded that sending out a mailing would not be 'impossible' and could be done, and that more should be done with the museum's website to communicate the plans to the public. Museum officials agreed to consider, over a period of several weeks, the possibility of sending out a mailing, to be written in consultation with the advocacy groups, to go to all World Trade Center families to see how the majority felt about the plans.

Although some changes were subsequently made to the museum's website (the minutes of some outreach meetings were posted, and a page was created announcing the plans for a repository), no direct official communications were sent to the victims' families seeking their input. Instead, on 9 August, museum administrators held a press conference to unveil their planned exhibition. They were sure to

point out to journalists the room that was to serve as the repository for the unidentified remains of 2,749 people.¹⁹ In response to a 9/11 family member's question during a town hall meeting on 23 February 2011, a museum official stated that the museum would not be sending out a letter asking families for their opinions on the issue.

It was not until April 2011 that a public dialogue was initiated about the human remains, when the *New York Times* published three articles highlighting the issue.²⁰ As the story was picked up by numerous media outlets, the advocacy groups seized the moment to write an open letter to New York City Mayor Michael Bloomberg stating their objections to the museum's plans and soliciting help in informing all the World Trade Center families. However, to date, neither the high-profile public discussion nor direct appeals have swayed museum and city administrators, and the plans remain unchanged.

Conclusion

The family advocates are clear that they are not using these controversies as public outlets for private anguish over their losses. Rather, they feel that the landfill and the museum are prolonging their grief, instead of offering the closure of a burial and the solace of a memorial. As Diane Horning explained to me:

People have been asking, 'What exactly is it that you want?' And I've been telling them for nine years. I just don't know how to rephrase it. How many ways can I say this: *I want to bury my son*. And, will I be happy then? Of course not. Burying my child will never make me happy. But I will have shown him respect, and posterity will know who he was.

Underpinning the 9/11 Museum's decision to help manage these human remains is the belief that museums are appropriate institutions in which to store and display the human body. Although challenged by Native Americans and other descendant communities in recent decades, in Western societies this belief remains largely unchallenged. While it is hard to imagine Americans accepting that the 9/11 dead should be placed in a shopping mall or a sports arena, most Americans still appear not to question the right of a private museum to claim stewardship of human remains. The point is not that human remains can never be ethically held by a museum; rather, what is problematic is the wider social assumption that museum curators are legitimate undertakers, better able to care for the dead than kin are, and rightly empowered to decide the epitaph on a collective tomb.

The controversy over the museum's control of the remains exposes the tensions created by the act of building an institution of public memory that is founded in part on the sufferings of private individuals. Ironically, the new genre of 'memorial museums' was conceptualized precisely to mediate these tensions between the pedagogic purposes of the museum and the need to properly honour the dead. However, in this case, the museum's dual goals have served to perpetuate, rather than lessen, families' suffering. The 9/11 Museum must respect not only the memory of the deceased but also the demands of the living, recognizing both the fact that the victims never gave their consent to be in a museum, and that there are relatives who have important concerns about the treatment of their lost loved ones. The families I spoke to reject the 'memorial museum' as an appropriate institution for the memorialization of the World Trade Center dead, for as long as it means their loved ones are used to serve a museum's goal of attracting paying visitors.

While it might appear hopeless, the family advocates persist in their belief that it is not too late to heal the breaches of the past decade. The 'fines' at Fresh Kills could still be gathered up and buried at a respectful site. The unidentified remains at the museum could still be moved to an

14. See Farinacci, A. 2010. 9/11 a decade later: Some families question design of underground repository. NY1, 21 October. <http://www.ny1.com/content/127474/9-11-a-decade-later-some-families-question-design-of-underground-repository>, viewed 22 October 2010.

15. Kami, A. 2011. 9/11 museum bigs cash in. *New York Post*, 24 January.

16. Akers, W.M. 2010. Unidentified 9/11 dead will be stored beside 9/11 museum. *New York Observer*, 10 August.

17. American Association of Museums 2000. Code of ethics for museums.

18. This figure includes the Pentagon and Shanksville families, as well as the World Trade Center families.

19. The OCME repository will also house remains that have been identified, but which families have chosen not to accept, requesting that the OCME care for them at the World Trade Center site.

20. See Hartocollis, A. 2011. For 9/11 museum, dispute over victims' remains. *New York Times*, 1 April; Hartocollis, A. 2011. 9/11 relatives oppose plans to put remains in museum. *New York Times*, 3 April; Alexander, C. 2011. Out of context. *New York Times*, 6 April.

above-ground tomb that pays appropriate tribute to those who suffered a needless death, and the museum could easily shift its exhibition strategy. Above all, the family groups' hope is that city and museum officials might begin the reparative process by meaningfully consulting with all the families of the World Trade Center dead, to give them a true voice and a choice in how their loved ones are cared for and remembered. As curators have learned from consultation processes over Native American repatriations, consultation must be ongoing, open and inclusive, involving all those relatives with a direct stake in the museum's decisions.

These 9/11 families suffer today not solely as a result of the act of violence that took the lives of their loved

ones. While they are grateful to the forensic scientists working to determine victims' identities, their pain continues unabated in part as a consequence of a social and political system that also minimizes their rights as kin to unretrieved and unidentified remains. It is a system that has at times disregarded victims' families in favour of meeting deadlines, protecting financial interests and conducting exercises in museology. In this system, city managers and museum curators have the authority to decide the fate of the bodies of strangers. The groups I spoke to question a world in which city and museum administrators are accorded exclusive power over the dead. They fear that their loved ones are truly 'the disappeared', forever lost to landfill and a museum.

Alice M. Greenwald replies

Located at the very place where the events it commemorates took place, the National September 11 Memorial Museum (9/11 Memorial Museum) is at once a memorial, an educational centre and an archaeological site. At the heart of our mission is the commemoration of the 2,976 men, women and children who were killed on 9/11, as well as the six victims of the bombing of the World Trade Center on 26 February 1993. In every aspect of our planning we have worked to balance our obligations as an institution with an appreciation of how close we still are to the events, of the emotions that still run high, and of the impacts of every decision we make on the audiences we serve – whether victims' family members, survivors of the attacks, first responders, or the next generation of children, for whom 9/11 was not a lived experience but a fact of the world into which they were born.

Of all the sensitive issues we have had to confront, none is more challenging than the commitment to situate the New York City Office of Chief Medical Examiner's (OCME) repository of unidentified and unclaimed remains of some of the 9/11 World Trade Center victims in an area separate from, but contiguous with, the museum. Since 2001, the remains have been stored in a series of temporary structures in a parking lot maintained by the OCME next to Bellevue Hospital in Manhattan, and victims' families are able to visit the temporary structures by appointment. As planned, the permanent location of the OCME's repository of remains is within the 9/11 Memorial and Museum, in a space at bedrock not accessible to the public that includes a private viewing room for victims' families, which they may visit either during or outside the museum's operating hours (the latter by appointment, as is the current practice of the OCME). The new repository will remain under the jurisdiction of the OCME in a space that is being designed and constructed in accordance with the OCME's criteria, so that its staff may continue to attempt to make identifications. Although the OCME space is located within the 9/11 Memorial Museum, it is not part of the museum visitor experience, and we have no ownership of the remains, or control over the repository.

The commitment to return the remains to the World Trade Center site was made in 2003 in response to petitions and requests from many victims' families, and is a direct result

of an extensive consultative process led by the Lower Manhattan Development Corporation (LMDC) beginning in 2002. Still, we recognize that there is no universal opinion held by 9/11 families on the disposition of the remains. Some families believe the planned OCME space is the only appropriate placement for the remains; others disagree.

9/11 Memorial staff have gone to great lengths to consult with a wide variety of constituents, advisers and museum professionals on virtually every aspect of the museum planning process. Although the remains repository is neither visible nor accessible to the public, the question of how to acknowledge its presence has been the subject of consultation with numerous advisers, including family members, over the past five years.

Among those consulted was an advisory group of international museum professionals with specific expertise in museum ethics, memorial museums, 9/11 history and issues of repatriation of indigenous remains. One of those advisers, Dr Michael Pickering, director of the Aboriginal and Torres Strait Islander Program and Repatriation Program of the National Museum of Australia in Canberra, has written that:

Throughout discussions I was immensely impressed with the care and consideration given to the issue of co-location [of the museum's public spaces and the OCME-controlled repository] and to issues associated with the acquisition and display of objects that may have come into contact with human remains. ... The museum has taken the lead on this particular ethical issue and the process should serve as a model for the museums industry. The process was characterised by a prevailing atmosphere of respect for the victims and their families. ...¹

In championing the perspective of a small group of family members, Dr Colwell-Chanthaphonh has written an article that broadly mischaracterizes both the plans and the planning effort for the 9/11 Memorial Museum. The decision made more than seven years ago to move the remains to bedrock at the World Trade Center site was driven by the expressed wishes of a coalition of 9/11 family groups. In public hearings and private meetings, coalition representatives repeatedly stated the necessity of locating the remains at the sacred bedrock of the site, along with a private room for families: exactly the plan that is being enacted.

An opinion piece written by three family members of World Trade Center victims pub-

lished by the *Wall Street Journal* on 20 April 2011 affirms that 'families were adamant that the remains be held in a repository at bedrock'. The writers – Monica Iken (widow of Michael Iken), Thomas S. Johnson (father of Scott Johnson) and Charles Wolf (husband of Katherine Wolf) – state that the assertions of the family members cited by Dr Colwell-Chanthaphonh that the remains of their loved ones would be 'ghoulishly displayed' in the 'basement of a museum' are 'disturbing charges' that 'distort the requests made by family groups years ago'. They write of the decision to return the remains to bedrock:

That one element remained a constant, even as the memorial and museum design underwent changes that were made to rein in rising costs and cope with the extraordinary engineering challenges of the site. [...]

Additional testing [of DNA to be performed by the OCME] makes it necessary to have a working repository instead of a permanent tomb, akin to the Tomb of the Unknown Soldier at Arlington National Cemetery, as is being called for by the group of 9/11 family members who are critical of the current memorial plan. Unlike at Arlington, where there is no ongoing effort to identify the unknown remains, advances in DNA technology hold out the possibility for identification of the unidentified remains from 9/11.²

In response to news reports of the debate about the repository, the *New York Daily News* printed an editorial expressing the view that 'the planned resting spot is moving, most appropriate and perfectly dignified'.³

In creating the 9/11 Memorial Museum, there are bound to be a wide range of perspectives and opinions. We are charged with building a memorial to the victims of a mass murder barely a decade behind us: for so many, the wounds are still fresh, the loss still unbearable. We cannot make right what happened, but our staff is deeply committed to commemorating the victims of 9/11 with the utmost respect, reverence, and care. It is the least, and the most, we can do. ●

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1. Michael Pickering to Anemona Hartocollis at the *New York Times*, in an email dated 31 March 2011.

2. Iken, M, T.S. Johnson & C. Wolf 2011. How to honor the lost at Ground Zero. *Wall Street Journal*, Opinion, 20 April.

3. *New York Daily News* 2011. Ground Zero plan to inter unidentified, unclaimed remains of 9/11 victims is dignified, appropriate. Editorial, 6 April.