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10  
11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN JOSE DIVISION**

14 ELIZABETH WEISS,

15 Plaintiff,

16 vs.

17 STEPHEN PEREZ, in his official capacity as  
18 President of San Jose State University; *et al.*,

19 Defendants.

Case No. 5:22-cv-00641-BLF

**DECLARATION OF ROBERTO  
GONZALEZ IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION**

Judge: Hon. Beth Labson Freeman  
Date: June 2, 2022  
Time: 9:00 a.m.



1 and correct copy of this April 11, 2018 memorandum. Attached hereto as **Exhibit B** is a true and  
2 correct copy of the April 10, 2018 email to Dean Jacobs to which the memorandum was attached.

3 5. Dean Jacobs granted the Department 0.1 assigned time for each of the two roles,  
4 each semester, which we re-allocated by granting 0.2 to Professor Sunseri in the fall and 0.2 to  
5 Professor Weiss in the spring. Attached hereto as **Exhibit C** is a true and correct copy of an email  
6 I sent to Professor Weiss on February 14, 2019, sharing this news.

7 6. Professor Weiss was permitted to begin using her assigned time for collections  
8 curation in Spring semester of 2019, but she was on leave. She took only two semesters of  
9 assigned time for collections curation, in Spring of 2020 and Spring of 2021. To my knowledge,  
10 during the nearly 18 years she has taught at SJSU, with the possible exception of the 2015-16  
11 academic year, these are the only semesters when Professor Weiss has received assigned time for  
12 collections curation. In February 2020, she declined to apply for a separate opportunity to receive  
13 0.2 assigned time (equivalent to one class credit) every semester for five academic years to  
14 conduct research. She explained that “I think this trajectory of taking professors out of the  
15 classroom and replacing them with less qualified instructors is a shame,” and that, with her  
16 “retirement only 4 years away” (now 2), she was planning on “winding down [her] research  
17 activities in the last year.” Attached hereto as **Exhibit D** is a true and correct copy of a February  
18 17, 2020 email from Professor Weiss informing me of this decision.

19 **PROFESSOR WEISS’S BOOK AND ENSUING CONTROVERSY**

20 7. I have been familiar with Professor Weiss’s position on NAGPRA, CalNAGPRA,  
21 and repatriation for years. It is a minority view, but it is of course her right to express it so long as  
22 she is complying with the law. A few years ago, when she applied for academic leave to work on a  
23 book manuscript, I commended her for her ability to “spark lively discussions among various  
24 stakeholders” and to “boost the department’s national reputation as a center that fosters creative  
25 and unorthodox viewpoints on important issues.” I have never taken any actions against her on the  
26 basis of her viewpoint about repatriation or any other subject.

27 8. When Professor Weiss’s book, *Repatriation and Erasing the Past* (co-written with  
28 James W. Springer), was published in September 2020, there was little controversy at first within

1 the University. But, over the following three months, it became a national issue, ultimately leading  
2 to an open letter from the University of Florida Press apologizing for having published it. The  
3 publisher wrote: “It was not our intent to publish a book that uses arguments and terminology  
4 associated with scientific racism.” A true and correct copy of the memorandum is attached hereto  
5 as **Exhibit E**.

6 9. Several faculty and students expressed their concerns about the reputation of  
7 SJSU’s Anthropology Department in light of Professor Weiss’s book. Nonetheless, no one took  
8 any steps to limit Professor Weiss’s ability to speak about, publish, or teach her views; and no one,  
9 including myself, has any plans to do so.

10 10. The following year, feeling that other professors around the country had probably  
11 faced similar issues and could learn from our experience at SJSU, I wrote a commentary piece  
12 describing the steps I took to address the controversy that arose following the publication of  
13 Professor Weiss’s book. Then, rather than publish the piece, I decided to speak on the subject at a  
14 workshop for the national Council of Colleges of Arts and Sciences, at Dean Jacobs’s suggestion.  
15 The Council consists of primarily Deans and Associate Deans from other universities.

16 11. The workshop took place over Zoom on June 3, 2021, and was titled, “What to Do  
17 When Your Tenured Colleague Is Branded A Racist.” To my knowledge, the only attendees from  
18 SJSU were Dean Jacobs and me. The title does not indicate that I believe Professor Weiss to be a  
19 racist (or I would have titled it, “What to Do When Your Tenured Colleague *Is* A Racist”); the  
20 title referred to the controversy around Professor Weiss’s book and the fact that some others had  
21 branded her a racist during the period leading up to the workshop.

22 12. As part of my comments during the workshop, I explained, without using Professor  
23 Weiss’s name, that a professor at SJSU had written a controversial book, but that it was at the  
24 heart of academic freedom that, even if her ideas were unpopular, they needed to be given a  
25 chance to be expressed. I discussed some of the steps I took to address the controversy, including  
26 speaking with faculty and students who were concerned and sending an email to the Departmental  
27 faculty reminding everyone that upholding academic freedom meant defending Professor Weiss’s  
28 ability to make these arguments.

1           13.     In the course of the discussion, I noted that I would not call Professor Weiss a  
2 racist, but that she made some classic “scientific racist” arguments in her work. “Scientific racism”  
3 is the use of scientific arguments to support the claim that there are essential differences between  
4 “racial” groups. As noted, this is the phrase that was used by the publisher of Professor Weiss’s  
5 book to describe the arguments Professor Weiss made. The concept of scientific racism is well-  
6 known in anthropology and has been employed intermittently throughout modern history. In my  
7 view, it is scientifically unsound.

8           14.     An attendee at the workshop asked me whether, *if* the professor about whom I  
9 spoke had deeply held white-supremacist values, it would cause an “ethical barrier” to expose  
10 students to those values in the classroom. I said that it certainly would, if that were the case.  
11 Unlike the attendee who was seemingly suggesting that scientific racism is an expression of white  
12 supremacy, I do not equate scientific racism with white supremacy, nor would I characterize  
13 Professor Weiss’s writings or views as white-supremacist.

14           15.     When I said that Professor Weiss has never talked about her writings in the  
15 classroom or used her writings on her syllabi, I was incorrect. She later informed me that she had  
16 listed her book on her syllabus for the first time in Fall 2020, but I had failed to register that she  
17 had done so at the time. I now know that she also assigned her work outside of its being explicitly  
18 listed on her syllabi in 2019, and it is possible that she did so before that time as well.

19           16.     I noted that, if I was on her post-tenure review committee, I might argue that the  
20 arguments Professor Weiss makes represent academic incompetence, because I think the  
21 arguments are so scientifically shaky. This was my way of expressing my personal opinion about  
22 the scientific merit of her arguments, but without any intent or ability to make this argument in a  
23 formal or decisive setting. It is highly unlikely I would be nominated to serve on a post-tenure  
24 review committee of Professor Weiss’s in the future, as I believe she knows.

25           17.     In a June-July 2021 email exchange with Professor Weiss, responding to her  
26 concern about my comments at the workshop, I truthfully reassured her that I would and will  
27 continue to support her academic freedom and that, in any event, I am not in a position to retaliate  
28

1 or take disciplinary action against her. This email exchange is attached to Professor Weiss's  
2 declaration as Exhibit 6.

3 **AB 275 AND THE INTERIM PRESIDENTIAL DIRECTIVE**

4 18. When AB 275 was passed and signed into law in August and September 2020, it  
5 accelerated the timeline for repatriation of remains and cultural items covered by CalNAGPRA,  
6 requiring that the process begin by January 1, 2021. AB 275 also instituted an obligation for the  
7 University to consult with culturally affiliated California Indian Tribes, even if they have not been  
8 federally recognized, and defer to their recommendations for handling and treatment of human  
9 remains and cultural artifacts. These updates meant there would be an imminent increase of work  
10 with respect to our collections. I felt my role from that point forward was to do all I could to assist  
11 the University in complying with the requirements of NAGPRA and CalNAGPRA, as amended by  
12 AB 275, which would include consulting with and deferring to the relevant Tribes about how to  
13 minimize handling of the remains.

14 19. In August 2020, I contacted faculty to let them know they could request permission  
15 to return to campus in order to do research (commonly referred to as "RSCA" at our University) if  
16 they wished, in accordance with the University's COVID-19 protocols. Attached hereto as  
17 **Exhibit F** is a true and correct copy of the email I sent on August 6, 2020, informing faculty that  
18 they could do so by contacting the College of Social Science's Associate Dean of Research.  
19 Despite the fact that Professor Weiss must have known, given the passage of AB 275 and her  
20 expertise on the subject, that her research was certain to be curtailed by repatriation of the majority  
21 of our collection of Native American remains, possibly as early as mid-2022, neither I nor the  
22 University received any requests from her to return to campus and continue her research during  
23 the thirteen months prior to September 2021.

24 20. In Spring 2021, Professor Sunseri, as the NAGPRA Coordinator, began the process  
25 outlined in AB 275 to acquire lists of culturally affiliated Tribes from the Native American  
26 Heritage Commission ("NAHC"). In consultation with Professor Sunseri, I discerned that we  
27 would need a Tribal Liaison to dedicate herself to the large amount of work required for the  
28 University to comply with AB 275, and ultimately I received approval from the Dean and Provost

1 to hire someone for this role. Around the same time, however, faculty had also been told that we  
2 needed to “tighten our belts” with respect to assigned time. Since we were hiring a full-time  
3 person, at significant expense to the University, to handle our compliance with NAGPRA and  
4 CalNAGPRA and to consult with the Tribes, we decided that the Department would no longer be  
5 able to provide assigned time to Professors Sunseri and Weiss for their work on the collections. I  
6 communicated this change to Professor Weiss on August 6, 2021. Attached hereto as **Exhibit G** is  
7 a true and correct copy of our email exchange on August 6, 2021. Professor Weiss expressed no  
8 qualms with the change at the time and thanked me for the update on AB 275. We hired Alisha  
9 Marie Ragland as the Tribal Liaison on August 9, 2021.

10 21. On September 18, 2021, Professor Weiss posted a tweet of herself holding the skull  
11 of a Native American ancestor, without gloves, in SJSU’s curational facility. The tweet included  
12 the caption, “So happy to be back with some old friends @SJSU,” and in the tweet, Professor  
13 Weiss is standing in front of several boxes labeled CA-ALA-329. CA-ALA-329 is the designation  
14 for a large collection of Native American remains from Alameda County that are scheduled to be  
15 repatriated. This tweet led to widespread outrage and disgust, both because posing for a photo  
16 handling human remains that will soon be returned to the Tribes, without consulting with those  
17 Tribes, is inconsistent with CalNAGPRA as amended by AB 275, and because the tweet was  
18 viewed as deeply disrespectful of Indigenous and Tribal dignity by myself and other  
19 anthropologists.

20 22. I understand that Professor Sunseri and Tribal Liaison Alisha Marie Ragland  
21 conducted extensive consultations with the relevant Tribes following the tweet, all of whom had  
22 strong views about how the University should ensure that mishandling of the remains to be  
23 repatriated would not recur. As a result of these conversations, and in an effort to comply with AB  
24 275 by deferring to tribal recommendations around handling and treatment of human remains, the  
25 University adopted the Interim Presidential Directive on October 6, 2021, which restricted access  
26 to those remains to only a few select people (excluding myself) and prohibiting photography and  
27 videography of the collections.

28

1           23.     The Directive was not issued to retaliate against or penalize Professor Weiss for her  
2 views on repatriation, her speech, her publications, or her teaching. In fact, several other members  
3 of the Departmental faculty who previously had been granted access to the collections or the  
4 curational facility were also excluded by the Directive. Three or four other faculty members were  
5 shut out of the facility without warning, and one had to make arrangements to retrieve non-  
6 NAGPRA botanical materials from the facility for his research. For this reason, I notified all  
7 Departmental faculty about the forthcoming Directive several hours before it was officially  
8 released. Attached hereto as **Exhibit H** is a true and correct copy of my October 6, 2021 email.

9           24.     Later on October 6, 2021, Professor Weiss sent then-President Papazian and me an  
10 email letting us know that, because the Carthage Collection is not covered by NAGPRA or  
11 CalNAGPRA, she would be “switching” her research to that collection. Attached hereto as  
12 **Exhibit I** is a true and correct copy my October 7, 2021 response to her October 6, 2021 email.

### 13 **CARTHAGE COLLECTION ACCESS**

14           25.     Due to logistical issues, it took several weeks for us to move the Carthage  
15 Collection and grant Professor Weiss access to it. Because I no longer had access to the curational  
16 facility, I had to consult with Professor Sunseri and Ms. Ragland about relocating the Carthage  
17 Collection into the Integrative Anthropology Laboratory where Professor Weiss could study it. I  
18 also consulted with the Provost, my Anthropology Department, and other offices at the University  
19 to determine whether any protocols about the handling and photography of human remains should  
20 be put in place for the Carthage Collection. *See* Sunseri Decl. Ex. J. Attached hereto as **Exhibits J**  
21 **and K** are true and correct copies of emails I sent to Professor Weiss summarizing this process.  
22 The Carthage Collection was transferred in two batches on October 26 and November 16, 2021.  
23 Attached hereto as **Exhibit L** is a true and correct copy of my November 17, 2021 email to  
24 Professor Weiss confirming that the complete Carthage collection was available for her study.

25           26.     On November 8, 2021, Professor Weiss requested more space or a new space in  
26 which to study the Carthage Collection, access to X-rays from the collections, and the possibility  
27 of assigned time in the future to study the Carthage Collection. I indicated that I would work on  
28 the former two requests and that I would be open to the latter. Attached as **Exhibit M** is a true and

1 correct copy of my notes from this meeting, as revised by Professor Weiss on November 15, 2021.  
2 Attached as **Exhibit N** is my November 15, 2021, email to Professor Weiss to which the meeting  
3 notes were attached.

4 27. On November 15, 2021, curation and management of the Native American remains  
5 was transferred from the Anthropology Department to the University level, because these  
6 collections are no longer academic collections but must be handled consistent with the  
7 recommendations of the culturally affiliated Tribes and prepared for prompt repatriation to the  
8 Tribes.

9 28. On November 17, 2021, a majority of the faculty standing committee in my  
10 Department voted to publish a statement reaffirming our commitment to compliance with  
11 NAGPRA and CalNAGPRA and deference to the Tribes in accordance with that, as well as our  
12 disapproval of the mishandling of Native American remains. This is attached to Professor Weiss's  
13 declaration as Exhibit 23. Professor Weiss asked that I publish her dissent as well, and I did.  
14 Attached hereto as **Exhibit O** is a true and correct copy of Professor Weiss's November 19, 2021,  
15 email requesting this, and a true and correct copy of my subsequent November 22, 2021, email to  
16 the webmaster Shannon Gallagher asking that her response be linked to the Department's  
17 statement on the website is attached hereto as **Exhibit P**.

#### 18 **PROFESSOR WEISS'S CLAIM OF RETALIATION**

19 29. Professor Weiss's assertions about my plans in paragraphs 74 and 75 of her  
20 Declaration are false. I have no plans to put forward resolutions targeting Professor Weiss or to  
21 propose policies that would curtail her research, other than any such policies that might be  
22 required by NAGPRA or CalNAGPRA. I also have no plans to take actions against Professor  
23 Weiss if she continues to teach her views on repatriation. I fully support Professor Weiss's  
24 freedom to teach those viewpoints in her classroom and have no intention of enacting any policies  
25 limiting her freedom in the classroom on that basis. I have neither the desire nor the ability to do  
26 so.

27 30. Instead, I have taken pains to protect Professor Weiss's academic freedom, despite  
28 my personal disagreement with her viewpoints, and to promote her work. Weiss's publications,

1 including all of her books, are prominently featured on a section of the Department's website  
2 along with those of her colleagues. A true and correct copy of this webpage is attached hereto as  
3 **Exhibit Q**, viewed by me on February 21, 2022 and retrieved on February 20, 2022 from  
4 <https://www.sjsu.edu/anthropology/news/facultybooksandfilms.php>. Additionally, there is a link to  
5 her personal website featured on her faculty webpage under "Elizabeth Weiss Wordpress." A true  
6 and correct copy of this webpage is attached hereto as **Exhibit R**, viewed by me and retrieved on  
7 February 22, 2022 from <https://www.sjsu.edu/anthropology/about-us/people/faculty/weiss.php>.  
8 Although Professor Weiss has used the listserv primarily to promote her own talks, publications,  
9 and viewpoints, all of her listserv posts have been posted. Attached hereto as **Exhibit S** is a true  
10 and correct copy of an October 21, 2021, email I forwarded to the Anthropology Department on  
11 behalf of Professor Weiss, promoting her talk on academic freedom.

12         31. Professor Weiss continues to serve as the Anthropology Department's Collections  
13 Coordinator for non-NAGPRA materials such as the Carthage Collection and will teach the same  
14 classes this semester as she has in the past.

15         32. As part of her claim that the University's reasons for adopting the Directive are  
16 pretextual, Professor Weiss asserts that the Department's denouncing of her behavior is  
17 disingenuous because it has published what she characterizes as similar photos on its website in  
18 the past. I disagree with this assertion. The only other photo I see in the examples she provided in  
19 Exhibit 10 to her Declaration in which someone is holding a skull, and which is not clearly labeled  
20 as a "model") is one of Professor Weiss from March 2012, long before the adoption of AB 275.  
21 Indeed, the text associated with all of the remaining photos, which also predate AB 275, explains  
22 that the work was being done in consultation with the relevant Tribes.

23         33. Professor Weiss also claims that the storage locations in the Integrative  
24 Anthropology Laboratory that have been provided for her to conduct research on the Carthage  
25 Collection are inadequate and that she cannot access the classroom portion for research purposes  
26 when classes are in session. This is incorrect. Since that space underwent a major renovation in  
27 2012, it has been used as a space where researchers working in the lab are able to cross into the  
28 classroom portion without disrupting students or the instructor. Moreover, it is the laboratory



# EXHIBIT A

MEMORANDUM

April 11, 2018

TO: Walt Jacobs, Dean, College of Social Sciences  
FROM: Roberto Gonzalez, Chair, Anthropology Department  
RE: Support for NAGPRA Coordination and Compliance

The SJSU Anthropology Department has curated collections of Native American remains and artifacts for more than four decades. Since the early 1990s the department has curated these materials in the SJSU Curational Facility, located in the basement of Washington Square Hall, as a service to the University to assure compliance with the Native American Graves Protection and Repatriation Act, federal legislation that among other things requires institutions that receive federal funding to return Native American remains and cultural artifacts to tribes and descendant communities. For more than 25 years, the SJSU Anthropology Department has ensured that the University has remained in NAGPRA compliance by assigning the task of collections management to two tenure-track faculty members, one of whom has been designated as NAGPRA Coordinator and the other as Collections Coordinator. Their task is particularly complex because of the SJSU Curational Facility's dynamic situation, which includes both permanent and transitory collections from various locations and sources. These faculty members have never received any compensation or assigned time for their work.

Over the past few days, I have contacted anthropology department chairs from approximately half the CSU campuses (see summary below). Most campuses employ one full-time staff person for collections management, and these positions typically include NAGPRA coordination. Annual salaries for these positions range from approximately \$33,000 to \$77,000. Instead of hiring a full-time staff person to manage our collections, I propose that the University grant a 0.2 assigned time each semester for one faculty member to serve as the NAGPRA Coordinator and for another to serve as the Collections Coordinator. This will provide faculty with adequate support for maintaining NAGPRA compliance, updating curation and inventory procedures, creating an online database of the collections, and seeking external funding. These materials will greatly enhance the educational experiences of SJSU students and will provide important new research opportunities for faculty. It will also raise the profile of the Anthropology Department, the College of Social Sciences, and the University as a whole. Perhaps most importantly, it will help the University continue meeting its legal obligations under NAGPRA.

What follows is a sample of what different CSU campuses are doing with respect to NAGPRA coordination and collections management. I am still waiting to hear back from other departments, but as I understand it most of these campuses (with the exception of the last two) have collections that are comparable to SJSU's.

### SFSU

SFSU has had a NAGPRA Officer since at least 1999 when NAGPRA was overseen by the Anthropology Department. This began as a full-time staff position funded by the College of Behavioral and Social Sciences and has continued as a full-time staff position. In 2009, the University faced numerous legal issues related to NAGPRA and it was moved to the Liberal and Creative Arts College and then to the College of Ethnic Studies. In addition to the full-time NAGPRA Officer position, a Cultural Liaison position was added about nine years ago. There have also been work-study students but these have been funded through grants written by the NAGPRA Officer. Both colleges have received a special budget for the NAGPRA offices from Academic Affairs/Provost's Office. Most importantly, it has always been funded by the University through Academic Affairs or indirectly through the college, never by the home department.

### Sonoma State University

SSU's collections and related duties (including NAGPRA) are handled by its Anthropological Studies Center, which deals with many NAGPRA related issues. Its lab manager is effectively the NAGPRA Coordinator. This full-time staff position (and other ASC employees) and the curation facility is independently funded by a large endowment established in the early 1990s. Interestingly, the ASC itself is funded by contract work for cultural resource management firms. No funding comes from the University, other than part of the ASC Director's salary. In addition, ASC pays the University for all of its administrative support. So, rather than being funded by the University, or the department, it is a revenue stream for them.

### Sacramento State University

The person responsible for NAGPRA compliance within the Anthropology Department is the "Director" (a tenure-track faculty member) and the individual delegated for NAGPRA decisions on behalf of the University President is the "Coordinator" (the college dean). For most of the last decade, the NAGPRA Director position has included several assigned times per semester, apparently provided by the University's Research Affairs office. The current director's predecessor only held the NAGPRA Director position for about two years, leaving for another position out of state. One reason for her departure was full teaching duties combined with managing collections and NAGPRA compliance with limited staff. As such, the Anthropology Department negotiated the assigned time arrangement in 2010. Pressure from tribes and threats of penalties were also key incentives to the University. The university has picked up many associated costs (equipment, facilities upgrades, etc.) related to curation over the past few years.

### San Diego State University

The Anthropology Department has a unit called "Collections Management" whose primary function is to deal with NAGPRA issues. The Department has a full-time NAGPRA Coordinator

that directs Collections Management, but this is seen as a University function managed by the Anthropology Department. The NAGPRA Coordinator position was funded through instructional funds, so this person was in the anomalous position of being paid as a non-instructional lecturer. Her pay comes entirely from assigned time (Code 23.0). That arrangement was made at a time when the University had abundant instructional funds. According to the Anthropology Department chair, the University makes these funds available to the College of Arts & Letters, which then allocates them to the Anthropology Department. The main points are that Collections Management is a university function and legal obligation; and that the position is paid through assigned time by the University.

CSU Long Beach

No response.

CSU Fullerton

One tenure-track faculty member is responsible for NAGPRA compliance on a relatively small collection of materials. She does not receive an assigned time, but she has a Graduate Assistant who works 10 hours a week on NAGPRA-related issues. The GA is paid for out of the departmental budget at a cost of approximately \$5500 per academic year. The Anthropology Department has plans to approach the Dean and Provost for anything they are currently doing.

# EXHIBIT B



Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt;

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**Re: NAGPRA memo**

1 message

**Walt Jacobs** <walt.jacobs@sjsu.edu>

Tue, Apr 10, 2018 at 4:18 PM

To: Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt;

Message received, Roberto. We'll definitely speak more about this as part of the conversation with the Provost's office about CoSS supported assigned time vs. university-supported assigned time.

-Walt

On Tue, Apr 10, 2018 at 2:34 PM, Roberto Gonzalez <roberto.gonzalez@sjsu.edu> wrote:

Dear Walt,

Attached is a memo summarizing my idea (and justification) for requesting assigned times for our NAGPRA Coordinator and Collections Coordinator, which I mentioned to you during our one-on-one meeting last week. I have contacted about half of the CSU campuses, and am still waiting to hear back from a few. The clear pattern is for the University to provide support for NAGPRA compliance, which makes sense since universities (rather than departments) are legally responsible.

One thing that I didn't mention in the memo, but which we view as a fundamental responsibility of NAGPRA coordination, is the importance of maintaining strong working relationships with local Native American tribes.

Please let me know if you have any questions. I look forward to continuing the conversation in the days and weeks ahead.

Sincerely,  
Roberto

--

**Walter R. Jacobs**

Dean, College of Social Sciences

San José State University

e: [walt.jacobs@sjsu.edu](mailto:walt.jacobs@sjsu.edu)

p: 408.924.5306

w: [www.sjsu.edu/socialsciences](http://www.sjsu.edu/socialsciences)b: [thesocietypages.org/dean](http://thesocietypages.org/dean)

# EXHIBIT C



Roberto Gonzalez <roberto.gonzalez@sjsu.edu>

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## one other point about AY 2019-20

1 message

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**Roberto Gonzalez** <roberto.gonzalez@sjsu.edu>  
To: Elizabeth Weiss <elizabeth.weiss@sjsu.edu>

Thu, Feb 14, 2019 at 4:28 PM

EW

Also, I should mention that I've negotiated assigned times that will benefit the Collections Coordinator and the NAGPRA Coordinator. The Dean's office has agreed to grant 0.1 assigned time each semester for each of these roles. What this will mean in practice is that Charlotte (or whoever else might serve as NAGPRA Coordinator) will get a 0.2 release in the Fall, and you (Collections Coordinator) will get a 0.2 in the Spring. Finally, some recognition for the work you do behind the scenes!

RG

# EXHIBIT D



Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt;

**Re: RSCA 9-3-3 program**

1 message

**Roberto Gonzalez** <roberto.gonzalez@sjsu.edu>  
To: Elizabeth Weiss <elizabeth.weiss@sjsu.edu>

Mon, Feb 17, 2020 at 10:22 AM

Dear Elizabeth,

Thank you for the thoughtful and well-reasoned note. And I'll be sure to note that we sign you up as ANTH-ADVISOR next academic year.

Sincerely,  
RG

On Mon, Feb 17, 2020 at 9:46 AM Elizabeth Weiss &lt;elizabeth.weiss@sjsu.edu&gt; wrote:

Dear Roberto,

I have decided not to apply to the 9-3-3 RSCA program. I have no doubt that I would be a competitive applicant, but after much thought I have decided to forego it. The reasons that I have opted not to apply are: 1) I think this trajectory of taking professors out of the classroom and replacing them with less qualified instructors is a shame. One of the strengths of the CSU system has been allowing students to have exposure to professors from an early point in their careers. I remember in UCSC, I basically had large lecture classes with smaller sessions taught by PhD students and didn't get to know any professors until later in my undergraduate time. I hate to see our system go down the road where classes are primarily taught by lecturers (many of whom now don't have PhDs); 2) I don't want to go through the application process or the evaluation process; as full professors, we have been evaluated thoroughly to get to this point and I feel as I have completed my evaluation steps; 3) with my retirement only 4 years away, I am planning on winding down my research activities in the last year so that I don't start my retirement with rewrites.

I am more than happy to be the ANTH-ADVISOR for next academic year. I look forward to getting up to speed with advising and I don't mind the meetings.

Cheers,  
ElizabethElizabeth Weiss, PhD  
Professor of Anthropology

Recently Published Books:

[Reading the Bones: Activity, Biology, and Culture](#)[Paleopathology in Perspective: Bone Health and Disease through Time](#)[The Human Organism: Explorations in Biological Anthropology \(Second Edition\)](#)

On Mon, Feb 17, 2020 at 8:01 AM Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt; wrote:

Dear Elizabeth,

Just a quick note to inform you that COSS once again intends to offer its "9-3-3" RSCA program to tenure-track faculty, using a very similar process to last year. It would grant awardees a 0.2 assigned time each semester for five academic years, effective Fall 2020.

I'm curious to know if you are considering applying. As I think you know, Marco, Jan, AJ, Charlotte, and me have all been granted the award, and I'm sure your chances of getting it would be extraordinarily good given your publication record (publications are weighted quite heavily). There is some effort involved--the application requires a five-year research proposal--but I didn't find the application process to be burdensome.

On a separate note--next academic year, I plan to assign you to the ANTH-ADVISOR role, for which you will get a 0.2 assigned time. I hope you are OK with that arrangement. There is a bit more involved than previously, since it requires one or two COSS advising meetings each month (which apparently you can Zoom into if you can't attend in person). We can talk more about this if you have any questions.

Sincerely,  
RG

# EXHIBIT E

December 18, 2020

I write to address the current discussion surrounding a book the University of Florida Press published several months ago: *Repatriation and Erasing the Past*, by Elizabeth Weiss and James W. Springer. University presses are methodical, and our processes can seem slow. Sometimes the lengthy period between a book's proposal and its publication is due to the peer review process, as we wait to receive reports that then guide revisions, which also take time. Because the gears of the publication process do move gradually, a flawed editorial decision made in the past has consequences today.

Those consequences, in this case, include harm to voices we sincerely value, the potential to undo important progress, and injury to relationships we have long worked to foster. I apologize for the pain this publication has caused. It was not our intent to publish a book that uses arguments and terminology associated with scientific racism. I assure you that, months ago, changes to our editorial program had already started to take place, including greater focus to inclusivity and sensitivity, and we will continue and redouble these efforts.

However, to withdraw the publication at this point, as some have called for on social media and in other forums, is to attempt to hide it and to hope that simply retracting the book will cause the viewpoint to cease to exist. I worry, too, that such a withdrawal might risk future editorial decisions that forget these lessons learned. To retract a work already published also preempts continued dialogue surrounding its publication and stifles the scholarly challenges that normally follow in post-publication reviews. The retraction would suggest that we prefer to hide in the shadows of silence over owning our role in the interchange of ideas.

What proves the mettle of a university press that upholds the values of ideas and knowledge is not how strongly they can silence an idea. I believe what proves our mettle, what affirms our integrity, what commits us to the continued dissemination of scholarly research is how we move forward.

The press has been working for some time to increase diversity, equity, and inclusion at the press, beginning with the creation of an equity and inclusion committee that is critically examining all aspects of the publishing environment. In the next few weeks, and into the new year, we will be implementing a number of action items, some of which have been under discussion for some time but are even more important now.

First, recognizing that there are many important and excellent publications already available, we will announce a call for papers to be included in a forthcoming volume that continues to raise and expand awareness of how archaeologists and biological anthropologists do exceptional research every day while respecting the Native American Graves Protection and Repatriation Act (NAGPRA) and recognizing Native American sovereignty. To expand the critical discussion as broadly as possible, the press will publish this volume as open access, with editors and contributors receiving compensation.

Second, we are redoubling our commitment to amplifying Black, Indigenous, and other marginalized voices in archaeology, as well as every other field we publish in. We are currently working to establish editorial channels, such as a new archaeology series, to facilitate the publication of underrepresented and marginalized voices.

Third, we are accelerating the time frame for our long-planned graduate diversity fellowship, which has been a component of the press's equity and inclusion initiatives, and we will shortly put out a call for this position.

Fourth, friends of the press will make a donation to the Association on American Indian Affairs as a show of

support of their work.

Additional action items will be announced in the new year, but we recognize these steps are just the beginning. The road toward greater equity, justice, and inclusion requires constant vigilance and the strength, persistence, and courage to speak truth to power.

The University of Florida Press—and our partner press, the University Press of Florida—comprises dedicated staff members who are actively and earnestly involved in the press's equity and inclusion initiatives and who are invested in the future of our publishing program. Together, we are charting new directions for our archaeology and bioarchaeology list under new editorial oversight.

On a personal note, I thank everyone who remained vigilant and spoke up, vocal and active participants in the exchange of ideas. There is much work yet to be done—and I hope to continue hearing from you.

Romi Gutierrez, Director

University Press of Florida | University of Florida Press

[romi@upress.ufl.edu](mailto:romi@upress.ufl.edu)

# EXHIBIT F



Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt;

**Access to campus offices and labs: PLEASE READ**

1 message

**Roberto Gonzalez** <roberto.gonzalez@sjsu.edu>

Thu, Aug 6, 2020 at 1:26 PM

To: Charlotte Sunseri <Charlotte.Sunseri@sjsu.edu>, Melissa Beresford <melissa.beresford@sjsu.edu>, Jan English-Lueck <jan.english-lueck@sjsu.edu>, "A. J. Faas" <aj.faas@sjsu.edu>, Marco Meniketti <marco.meniketti@sjsu.edu>, Elizabeth Weiss <elizabeth.weiss@sjsu.edu>, Viviana Sanchez-Chopitea <viviana.sanchezchopitea@sjsu.edu>, John Marlovits <john.marlovits@sjsu.edu>, Mayra Cerda <mayra.cerda@sjsu.edu>, Maribel Martinez <maribel.martinez@sjsu.edu>, Danae Khorasani <dgmue001@ucr.edu>, Danae Khorasani <danae.khorasani@sjsu.edu>, Quincy Mccrary <quincy.mccrary@sjsu.edu>, Sung Jay Ou <sungjay.ou@sjsu.edu>, Gustavo Flores <gustavo.flores@sjsu.edu>, Amanda Kadkly <amanda.kadkly@sjsu.edu>, Alicia Hedges <alicia.hedges@sjsu.edu>, Bobby Seals <bobby.m.seals@sjsu.edu>, Agnes Borja <agnes.borja@sjsu.edu>, Shannon Gallagher <shannon.gallagher@sjsu.edu>

Dear Colleagues,

Just a quick re-send of this morning's message, with a better subject line to make sure you all read it. Also, an important follow-up: If any faculty members plan to be on campus to do lab research (in the WSQ 002 lab, for example), he or she is required to submit a formal request (see link below, in Cami's message). I don't think any of you plan to do that, but if so please make sure to follow the proper procedures and submit the request in advance. Thank you.

Sincerely,  
RG

On Thu, Aug 6, 2020 at 8:54 AM Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt; wrote:

Dear Colleagues,

I hope this message finds you well. As the fall semester approaches, you may be wondering about the possibility of entering your campus office and/or WSQ 002. Cami Johnson, Associate Dean for Research and Faculty Success, sent the following note yesterday. Please see in particular the sections I have highlighted. A couple of things:

1. Please let me know if you plan to visit your Clark Hall office, time and date, and cc Agnes and Shannon.
2. If you have a shared office, please check with the other person (or people) to make sure that no one else will be there.
3. Do not use the water cooler, microwave, or coffee maker in the main office, and use good common sense (wash your hands, avoid elevators, keep your distance, etc.).

Sincerely,  
RG

----- Forwarded message -----

From: **Cami Johnson** <camille.johnson@sjsu.edu>

Date: Wed, Aug 5, 2020 at 4:46 PM

Subject: Some language in response to requests to access campus

To: CoSS Chairs &lt;coSS-chairs-group@sjsu.edu&gt;

Dear Chairs,

There are currently inconsistent messages at the university level about faculty access to campus. Therefore, as of August 5, 2020 CoSS is following these guidelines:

Faculty who intend to use shared campus facilities (other than personal offices) for RSCA-related activities are required to obtain approval through the process described in the [Adaptation Plan for RSCA](#). These RSCA project plans can also be used to request access approval for other project-related personnel (faculty, staff, and students other than the faculty lead for the specific RSCA project). Faculty intending to return to RSCA either on-campus or in the field should consult with Cami prior to submitting their requests.

Faculty are permitted to access campus for reasons *related to supporting instructional activities*. Faculty have been and will be allowed to work from campus, if necessary. It is not encouraged, but we understand that for some faculty, their offices are easier places to work. We also recognize that faculty need access to materials and resources in their offices from time to time. At this time, we are not requiring dean approval for this. However, faculty should, at the very least, consult with chairs and notify them about any plans to access offices or (especially) shared spaces on campus.

The overall guiding principle of SJSU's [health and safety provisions](#) as they relate to COVID-19 is that, as much as is possible, work that can be done remotely should be done remotely. This will allow the campus to stay within capacity limits and allow faculty and staff on campus to follow public health guidelines.

When on campus, all faculty, staff, and students must comply with limitations on gatherings, use appropriate stairwells, observe bathroom occupancy rules, etc. Room capacity limits are set at approximately 200 feet per person. This means that faculty cannot meet with anyone, including students, in their offices. It also means that for faculty sharing offices, schedules should be created to prevent overlap of occupancy and ensure that the buildings do not exceed capacity. Once fall classes begin, we will be working with chairs on schedules for access of shared offices and spaces.

Thank you for your continued help in managing this ever-changing situation.

Kind regards,  
Cami

Associate Dean for Research and Faculty Success  
College of Social Science  
San Jose State University  
[Set up a meeting with me here](#)

One Washington Square  
San Jose, CA 95192-0107  
408-924-3416  
<https://www.linkedin.com/in/camillejohnsonphd>  
she/her/hers

# EXHIBIT G



Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt;

**Re: three things**

1 message

**Roberto Gonzalez** <roberto.gonzalez@sjsu.edu>  
To: Elizabeth Weiss <elizabeth.weiss@sjsu.edu>

Fri, Aug 6, 2021 at 10:38 AM

Thank you Elizabeth!

Roberto

On Fri, Aug 6, 2021 at 9:33 AM Elizabeth Weiss &lt;elizabeth.weiss@sjsu.edu&gt; wrote:

Dear Roberto,

Thank you for the good news regarding ANTH151 and the update on AB275. Currently, we do have a collections committee that I believe Charlotte, you, and the Chair sit on. We had met several times in the past (sometimes even with Alan). As for office hours, when I made my syllabi, it was before the newest precautions and, thus, had listed my office. However, I am happy to change this to have just my office phone number and hold them via phone.

Cheers,  
Elizabeth  
Elizabeth Weiss, PhD  
Professor of Anthropology  
<https://elizabethweiss74.wordpress.com/>

[Repatriation and Erasing the Past \(2020\)](#)

On Fri, Aug 6, 2021 at 9:10 AM Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt; wrote:

Dear Elizabeth,

I hope all is well with you. I'm writing with two updates and a question:

1. It looks like the Dean's Office is willing to keep ANTH 151 alive this semester--they agreed that it's important to be as flexible as possible with in-person courses, and I also stressed the importance of having more than one upper-division physical anthropology course available to students.
2. On a very different note: over the summer, I was able to convince the Provost of the need for a full-time position to facilitate NAGPRA compliance (especially AB 275) and assistance with managing the collections. He eventually approved my request, and it looks like we'll be hiring Alisha Ragland to fill the position, with the tentative title of 'Tribal Liaison'. In return, we'll have to give up the 0.2 assigned times that you and Charlotte have been getting each year for Collections Coordinator and NAGPRA Coordinator, respectively. I hope you and Charlotte will welcome her and answer any questions she might have. I think it will probably be a good idea to create a "Collections Committee" so that you, Charlotte, Alisha and I can meet every so often to address any questions that arise.
3. On yet another topic: Can you let me know what your plans are for office hours and advising this fall semester? I saw Shannon today in the office and she told me that you were planning in-person office hours. That's fine if you plan to hold your office hours outdoors in a designated area, but I don't want to have students meet faculty in their offices this semester because of the uncertainty surrounding the recent uptick in COVID cases.

Thank you and I hope to hear back from you soon.

Sincerely,  
RG



# EXHIBIT H



Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt;

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## Curational facility access

1 message

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**Roberto Gonzalez** <roberto.gonzalez@sjsu.edu>

Wed, Oct 6, 2021 at 9:08 AM

To: Melissa Beresford <melissa.beresford@sjsu.edu>, Charlotte Sunseri <Charlotte.Sunseri@sjsu.edu>, Elizabeth Weiss <elizabeth.weiss@sjsu.edu>, Jan English-Lueck <jan.english-lueck@sjsu.edu>, Marco Meniketti <marco.meniketti@sjsu.edu>, "A. J. Faas" <aj.faas@sjsu.edu>, Agnes Borja <agnes.borja@sjsu.edu>, Shannon Gallagher <shannon.gallagher@sjsu.edu>, Alicia Hedges <alicia.hedges@sjsu.edu>, Bobby Seals <bobby.m.seals@sjsu.edu>, John Marlovits <john.marlovits@sjsu.edu>, Quincy Mccrary <quincy.mccrary@sjsu.edu>, Viviana Sanchez-Chopitea <viviana.sanchezchopitea@sjsu.edu>, Danae Khorasani <danae.khorasani@sjsu.edu>, Gustavo Flores <gustavo.flores@sjsu.edu>, Sung Jay Ou <sungjay.ou@sjsu.edu>, Gisele Bousquet <gisele.bousquet@sjsu.edu>, Amanda Kadkly <amanda.kadkly@sjsu.edu>, "A. Marie Ragland" <alisha.ragland@sjsu.edu>, Maribel Martinez <maribel.martinez@sjsu.edu>

Dear Colleagues,

Late yesterday, I received notice that President Papazian will soon issue an interim presidential directive outlining new protocols for accessing the University's curational facility in the basement of Washington Square Hall, which houses NAGPRA-related collections of human remains and funerary objects. The protocols have been developed to align with current NAGPRA and CalNAGPRA legislation, including AB 275, which was implemented at the beginning of 2021.

I have been informed that the directive will be sent to the University community in the form of an email. Please let me know if you have any questions.

Sincerely,  
RG

# EXHIBIT I



Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt;

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**Re: Curation Materials**

1 message

**Roberto Gonzalez** <roberto.gonzalez@sjsu.edu>

Thu, Oct 7, 2021 at 2:50 PM

To: "A. Marie Ragland" &lt;alisha.ragland@sjsu.edu&gt;, Charlotte Sunseri &lt;Charlotte.Sunseri@sjsu.edu&gt;, Elizabeth Weiss &lt;elizabeth.weiss@sjsu.edu&gt;

Dear Elizabeth,

Thank you for the message. President Papazian's most recent Directive indicates that the NAGPRA Coordinator and Tribal Liaison are now responsible for assessing faculty requests like yours. I can only relay the message to them for review. It may take them a few days to respond since Charlotte and Alisha are working hard to operationalize the new Directive on short notice.

Although it's their decision, I personally support your proposed research activities with the Carthage Collection--although those activities may need to occur outside the Curational Facility, for example, in CL 002/004. Charlotte and Alisha may recommend that researchers accessing the collections treat remains and cultural items with dignity and respect, and may provide specific guidelines or best practices on those points. Charlotte and/or Alisha will get back to you soon with details, so I'm cc'ing them on this message.

My understanding is that during initial AB 275 consultation, several tribes have recently indicated that they want much stricter protocols for access to the Facility. In other words, faculty can't continue to enter without approval and oversight of the NAGPRA Coordinator and Tribal Liaison. Thanks again for the note.

Sincerely,  
RG

PS: President Papazian doesn't typically handle direct requests from faculty, which is why I'm responding.

----- Forwarded message -----

From: **Elizabeth Weiss** <elizabeth.weiss@sjsu.edu>

Date: Wed, Oct 6, 2021 at 5:51 PM

Subject: Curation Materials

To: Mary Papazian &lt;mary.papazian@sjsu.edu&gt;, Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt;

Dear Dr. Papazian and Roberto,

Having read Interim Presidential Directive 2021-03 I should point out that there are materials in the curation facility that are not Native American and, thus, do not fall under NAGPRA or CalNAGPRA requirements. As there is a movement to repatriate CA-Ala-329, I will be switching my research activities to these collections -- most specifically the Carthage Collection. I will assume that I can continue to enter the facility for this purpose.

Sincerely,  
Elizabeth  
Elizabeth Weiss, PhD  
Professor of Anthropology  
<https://elizabethweiss74.wordpress.com/>  
<https://twitter.com/eweissunburied>**Repatriation and Erasing the Past (2020)**

Apply Code: SAVE30 for 30% off.

# EXHIBIT J



Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt;

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**Re: Curation Materials**

1 message

**Roberto Gonzalez** <roberto.gonzalez@sjsu.edu>

Wed, Oct 13, 2021 at 9:27 AM

To: "A. Marie Ragland" &lt;alisha.ragland@sjsu.edu&gt;, Charlotte Sunseri &lt;Charlotte.Sunseri@sjsu.edu&gt;, Elizabeth Weiss &lt;elizabeth.weiss@sjsu.edu&gt;

Dear Elizabeth,

I've communicated with both Charlotte and Alisha about the Carthage Collection, and since it's a non-Native American collection, they've suggested that they're probably not authorized to assess your request, as I had initially thought. (The Presidential Directive doesn't take into account non-Native American collections.) Charlotte and Alisha's focus is AB 275, and in initial consultations, tribes have clearly requested strict protocols for collections access.

I'm going to consult with the Office of Research for guidance about your request, and will be back in touch again over the next few days.

Sincerely,  
Roberto

On Thu, Oct 7, 2021 at 2:50 PM Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt; wrote:

Dear Elizabeth,

Thank you for the message. President Papazian's most recent Directive indicates that the NAGPRA Coordinator and Tribal Liaison are now responsible for assessing faculty requests like yours. I can only relay the message to them for review. It may take them a few days to respond since Charlotte and Alisha are working hard to operationalize the new Directive on short notice.

Although it's their decision, I personally support your proposed research activities with the Carthage Collection-- although those activities may need to occur outside the Curatorial Facility, for example, in CL 002/004. Charlotte and Alisha may recommend that researchers accessing the collections treat remains and cultural items with dignity and respect, and may provide specific guidelines or best practices on those points. Charlotte and/or Alisha will get back to you soon with details, so I'm cc'ing them on this message.

My understanding is that during initial AB 275 consultation, several tribes have recently indicated that they want much stricter protocols for access to the Facility. In other words, faculty can't continue to enter without approval and oversight of the NAGPRA Coordinator and Tribal Liaison. Thanks again for the note.

Sincerely,  
RG

PS: President Papazian doesn't typically handle direct requests from faculty, which is why I'm responding.

----- Forwarded message -----

From: **Elizabeth Weiss** <elizabeth.weiss@sjsu.edu>

Date: Wed, Oct 6, 2021 at 5:51 PM

Subject: Curation Materials

To: Mary Papazian &lt;mary.papazian@sjsu.edu&gt;, Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt;

Dear Dr. Papazian and Roberto,

Having read Interim Presidential Directive 2021-03 I should point out that there are materials in the curation facility that are not Native American and, thus, do not fall under NAGPRA or CalNAGPRA requirements. As there is a movement to repatriate CA-Ala-329, I will be switching my research activities to these collections -- most specifically the Carthage Collection. I will assume that I can continue to enter the facility for this purpose.

Sincerely,  
Elizabeth

Elizabeth Weiss, PhD  
Professor of Anthropology  
<https://elizabethweiss74.wordpress.com/>  
<https://twitter.com/eweissunburied>



[Repatriation and Erasing the Past \(2020\)](#)  
Apply Code: SAVE30 for 30% off.

# EXHIBIT K



Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt;

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**Re: Curation Materials**

1 message

**Roberto Gonzalez** <roberto.gonzalez@sjsu.edu>

Tue, Oct 26, 2021 at 4:08 PM

To: Elizabeth Weiss &lt;elizabeth.weiss@sjsu.edu&gt;, Charlotte Sunseri &lt;Charlotte.Sunseri@sjsu.edu&gt;

Dear Elizabeth,

A while ago, Charlotte informed me that most of the Carthage Collection (25 out of 33 boxes) was relocated to a secure part of WSQ004 this morning. The remaining eight boxes are still in the curatorial facility. Charlotte can bring these materials out once we make additional room in WSQ 002/004. She has information about the exact location of the 25 boxes.

Charlotte also let me know that she found several binders with documents related to the collection. I will review these when I return to my office (this Thursday) and will make copies for you. Then I'll request administrative approval for research on the materials. Once that happens, you can begin working on this non-NAGPRA collection.

Sincerely,  
RG

PS: Your question about your role as collections coordinator is one we should discuss soon, perhaps in a special Standing Committee meeting. NAGPRA and CalNAGPRA legislation doesn't apply to collections like Carthage. We may be asked to revise departmental protocols for non-NAGPRA collections.

On Tue, Oct 26, 2021 at 12:00 PM Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt; wrote:

Dear Elizabeth,

I couldn't find your message in my files, so thank you for resending yesterday. Since you've identified the Carthage Collection as a research priority, I've asked Charlotte (cc'ed here) to identify the boxes and relocate them to WSQ 002/004 today, if she has time. I've also asked her to look for documentation so that I can get administrative approval for you to begin working on this non-NAGPRA collection. I should have more information for you later today.

In your note, you also mentioned records on chimpanzees and other (non-NAGPRA/CalNAGPRA) materials--let's discuss those afterwards.

Sincerely,  
RG

On Mon, Oct 25, 2021 at 2:05 PM Elizabeth Weiss &lt;elizabeth.weiss@sjsu.edu&gt; wrote:

Dear Roberto,

This was my reply. Since then, I have not found any additional information in WSQ and, of course, I cannot check the boxes.

Cheers,  
Elizabeth

----- Forwarded message -----

From: **Elizabeth Weiss** <elizabeth.weiss@sjsu.edu>

Date: Tue, Oct 19, 2021 at 11:29 AM

Subject: Re: Curation Materials

To: Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt;

Dear Roberto,

Bob Jurmain conducted some preliminary research on the remains. In his work, he doesn't mention that the collection is on loan (which would have been common practice). The research was funded by the American

Philosophical Society and from the San Jose State University. Furthermore, the collection was excavated in the early 1980s. For more information, I would have to check the records, which may be in one of the Carthage boxes or in WSQ002. Beyond this, I am not sure. There are also other materials in the curation facility that I would like to have access to -- such as records on chimpanzees. In short, I want to have access to all collections not under NAGPRA or CaINAGPRA. Can you clarify what my current duties are as collections coordinator? Because, as collections coordinator, I don't think that gaining access of non-NAGPRA/CaINAGPRA related materials should be a problem.

Cheers,  
Elizabeth  
Elizabeth Weiss, PhD  
Professor of Anthropology  
<https://elizabethweiss74.wordpress.com/>  
<https://twitter.com/eweissunburied>



[Repatriation and Erasing the Past \(2020\)](#)

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On Tue, Oct 19, 2021 at 9:12 AM Roberto Gonzalez <[roberto.gonzalez@sjsu.edu](mailto:roberto.gonzalez@sjsu.edu)> wrote:

Dear Elizabeth,

This message is to update you on the Carthage Collection. I've heard from the Office of Research, and they've referred me to Academic Affairs. I expressed my support for your request to access the Carthage Collection, and I'm confident Academic Affairs will eventually give approval, if we relocate the boxes to WSQ 002 or another appropriate space. However, they first want our department to track down any donor records that may exist (these would have been filed with the Tower Foundation), in order to ensure that there aren't any restrictions in the donor's MOU. Would you happen to know if these materials were formally donated--and if so, approximately when? Perhaps they are on loan from a different institution?

If you're not sure about existing paperwork, I can reach out to Alan Levanthal in case he has information...or maybe Bob Jurmain (though I'm not sure if he's able to communicate). I know that Soo-Young Chin was in contact with Bob, so maybe I could contact her. Please let me know if you have other ideas.

Thanks, and I hope to hear back from you soon.

Sincerely,  
RG

# EXHIBIT L



Roberto Gonzalez <roberto.gonzalez@sjsu.edu>

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## Carthage Collection update

1 message

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**Roberto Gonzalez** <roberto.gonzalez@sjsu.edu>

Wed, Nov 17, 2021 at 2:16 PM

To: Elizabeth Weiss <elizabeth.weiss@sjsu.edu>, Charlotte Sunseri <Charlotte.Sunseri@sjsu.edu>

Dear Elizabeth,

Yesterday Charlotte moved the remaining eight boxes of Carthage Collection materials to WSQ 002/004. Fourteen of them are stored under the 'bar'-type storage units in WSQ 004; the other nineteen are in a tall upright cabinet located near the obsidian hydration bench in the back of WSQ 002 (where books were previously stored). The latter is labelled 'Carthage'. Please let me know if you have any questions.

Sincerely,  
RG

# EXHIBIT M

Meeting with Elizabeth (11/08/21, 11:00-11:30 am)

- EW expresses concerns about photo protocol, and explains her position, notes that it will not allow her to use photos for publications, conferences, social media publicity; RG explains that the decision should be made by entire department standing committee in accordance with faculty governance
- EW tells RG that colleagues from different subdisciplines (cultural anthropology and archaeology) don't always understand what is required in her subdiscipline (physical anthropology) and therefore shouldn't be allowed to create protocols outside of their areas
- RG acknowledges receiving her alternative photo protocol and informs EW that he intends to allow standing committee to choose by secret ballot between her alternative, and a revised protocol that will require permission of chair (in consultation with dean and standing committee)
- RG updates EW on the restructuring proposal which would create two separate collections coordinators (NAGPRA and non-NAGPRA); RG explains that he has raised EW's concerns with Walt Jacobs, and that WJ will contact University Personnel for clarification and guidance, to determine if this is an appropriate course or not
- EW raises three points: (1) that she would like to obtain X-rays currently stored in the curational facility; (2) that she would like to know about the possibility of more space to hold non-NAGPRA related materials; and (3) that she would like to inquire about the possibility of assigned time needed to curate non-NAGPRA collections.
- RG responds by noting: (1) He will work with Charlotte on making X-rays available to EW; (2) that he is pursuing the possibility of more space, potentially in SCI building; and (3) assigned time is definitely a possibility for Fall 2022 or other semesters requiring additional work such as reboxing Carthage Collection

# EXHIBIT N



Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt;

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**Re: Comments on Monday's Meetings Notes**

1 message

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**Roberto Gonzalez** <roberto.gonzalez@sjsu.edu>  
To: Elizabeth Weiss <elizabeth.weiss@sjsu.edu>

Mon, Nov 15, 2021 at 11:01 AM

Dear Elizabeth,

Thanks for the clarification regarding X-rays. I've made some revisions to the meeting notes (see attachment) that hopefully reflect your words.

Regarding your point on the status of X-rays vis-a-vis NAGPRA, CalNAGPRA/AB 275--let me verify this with Charlotte, since she's NAGPRA Coordinator and has a much better understanding of the laws than I do. Assuming you're correct, the X-rays will be made available to you for research.

Sincerely,  
RG

On Fri, Nov 12, 2021 at 3:39 PM Elizabeth Weiss <elizabeth.weiss@sjsu.edu> wrote:

Dear Roberto,

Thank you for the last two emails -- one with the Monday's meeting notes and the other agreeing to go back to the 2008 protocols.

I do have a few comments regarding the Monday meeting notes.

One, you wrote: "EW raises three points: (1) that she would like to obtain X-rays that may be associated with the Carthage Collection and/or other non-NAGPRA related materials."

[I did not mention whether these x-rays were related to Carthage or other collections. I mentioned that I was not aware of which collection the x-rays came from.](#)

And, two, you wrote: "RG responds by noting: (1) He will work with Charlotte to relocate non-NAGPRA X-rays."

[X-rays, like other forms of data, are not covered in NAGPRA or CalNAGPRA laws. CalNAGPRA and NAGPRA only deal with human remains \(skeletal or otherwise\) and sacred artifacts. Thus, other materials, such as x-rays, photos, burial recording forms, should be available to me and other researchers.](#)

Cheers,  
Elizabeth  
Elizabeth Weiss, PhD  
Professor of Anthropology  
<https://elizabethweiss74.wordpress.com/>  
<https://twitter.com/eweissunburied>



[Repatriation and Erasing the Past \(2020\)](#)

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---

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14K

# EXHIBIT O



Roberto Gonzalez <roberto.gonzalez@sjsu.edu>

---

## Reply to Statement on Handling Human Remains

1 message

---

**Elizabeth Weiss** <elizabeth.weiss@sjsu.edu>  
To: Roberto Gonzalez <roberto.gonzalez@sjsu.edu>

Fri, Nov 19, 2021 at 6:43 PM

Dear Roberto,

I would appreciate it if, in the spirit of academic freedom, my dissent is linked to the other statement.

Cheers,  
Elizabeth  
Elizabeth Weiss, PhD  
Professor of Anthropology  
<https://elizabethweiss74.wordpress.com/>  
<https://twitter.com/eweissunburied>



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53K

# EXHIBIT P



Roberto Gonzalez <roberto.gonzalez@sjsu.edu>

---

**PDF file that will be linked to the statement**

1 message

---

**Roberto Gonzalez** <roberto.gonzalez@sjsu.edu>  
To: Shannon Gallagher <shannon.gallagher@sjsu.edu>

Mon, Nov 22, 2021 at 12:55 PM

Hi Shannon,

This is the document that should be linked to the statement.

Thanks,  
RG

---

 **weiss-response.pdf**  
54K

# EXHIBIT Q

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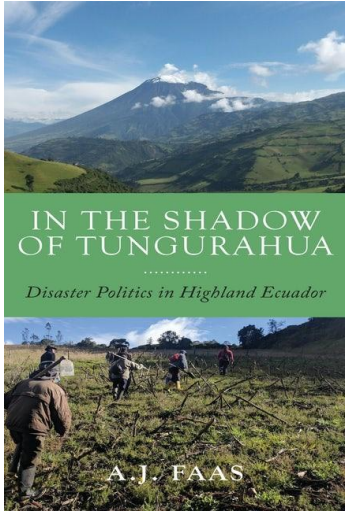
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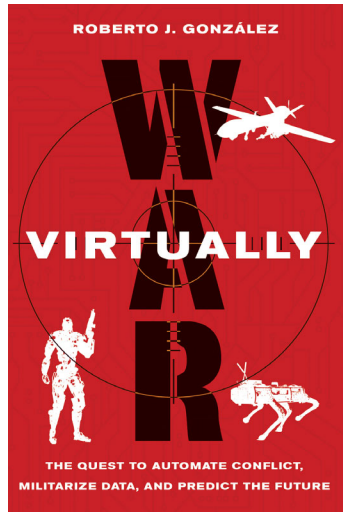


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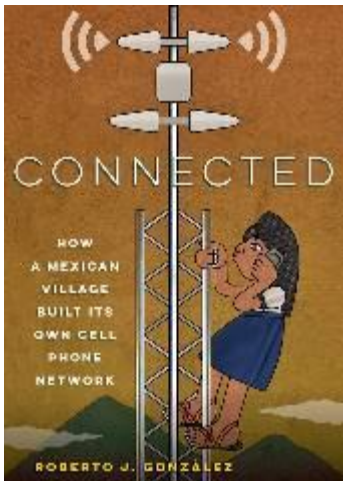
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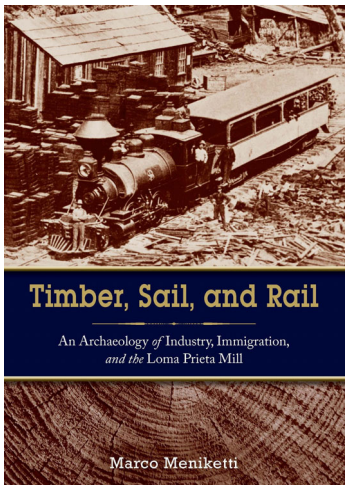


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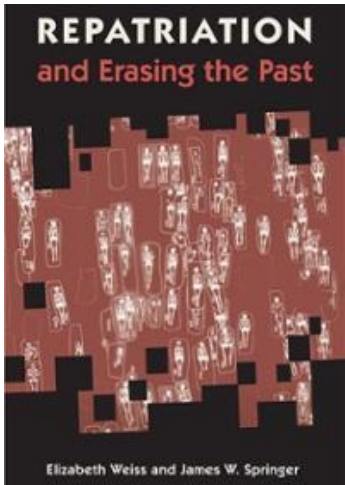
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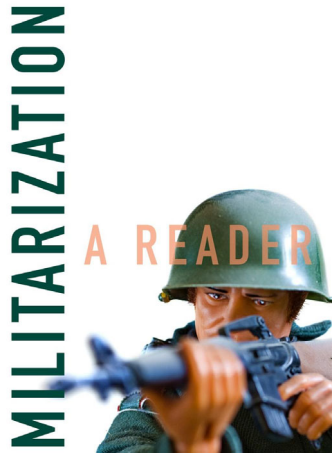
**Elizabeth Weiss** and James W. Springer  
*Repatriation and Erasing the Past*

University Press of Florida  
2020



**Roberto J. González**, Hugh Gusterson, and Gustaaf Houtman (eds.)  
*Militarization: A Reader*

Duke University Press  
2019

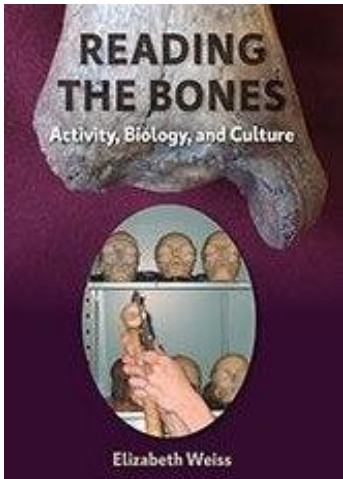


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*Reading The Bones: Activity, Biology, and Culture*

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**Jan English-Lueck**

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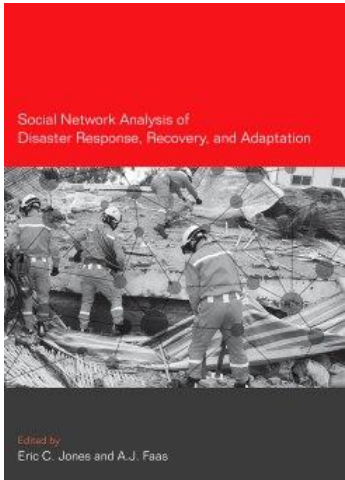
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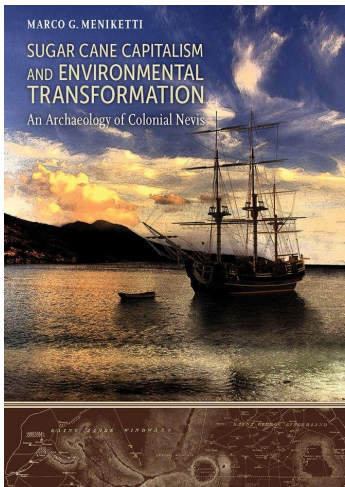


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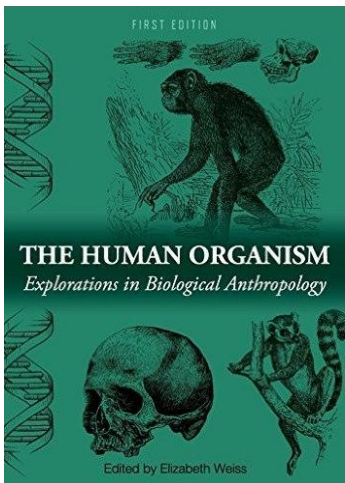


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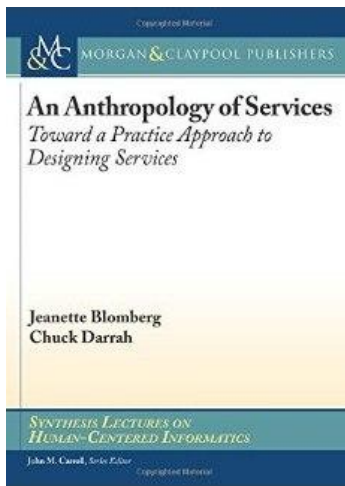


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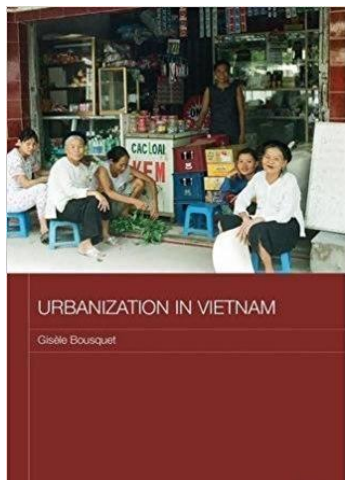


**Gisele Bousquet**

*Urbanization in Vietnam*

Routledge

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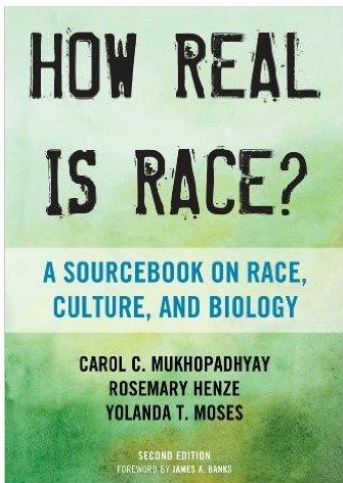
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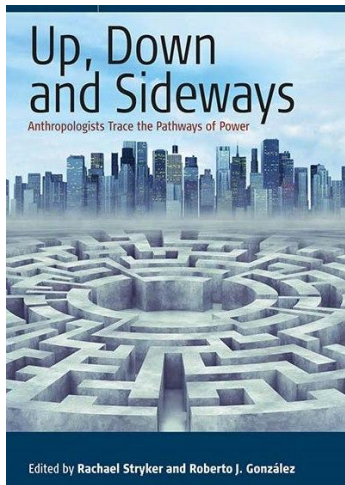
**Carol C. Mukhopadhyay**, Rosemary Henze, and Yolanda Moses  
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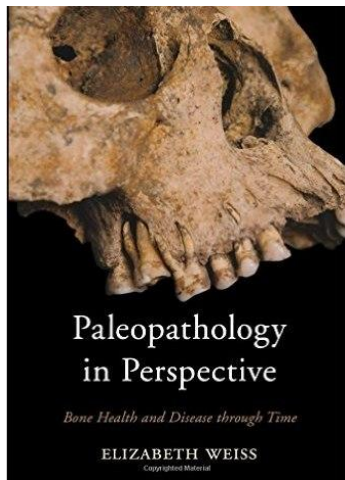


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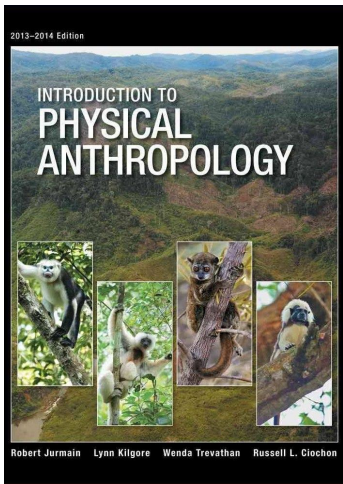


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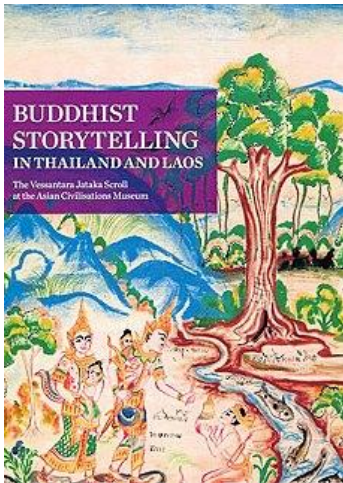


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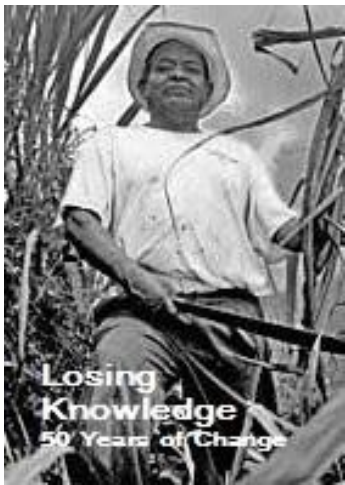


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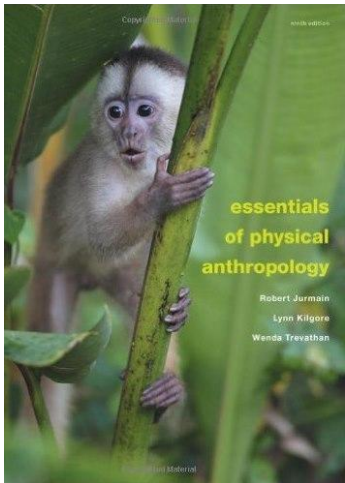
Berkeley Media LLC

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**Robert Jurmain, Lynn Kilgore, and Wenda Trevathan**  
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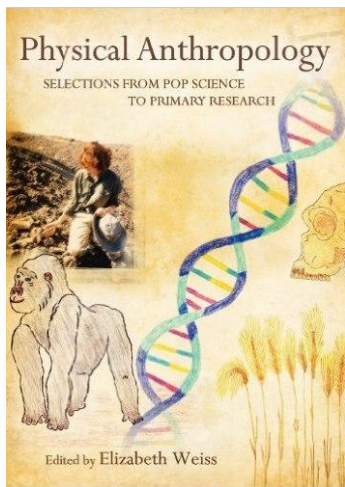


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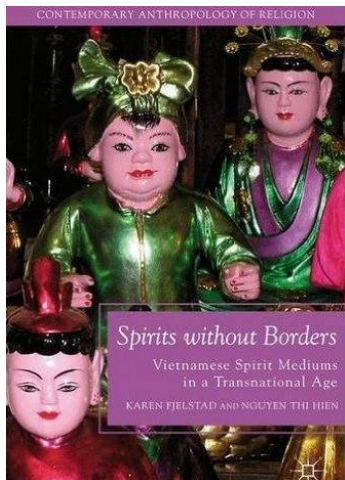


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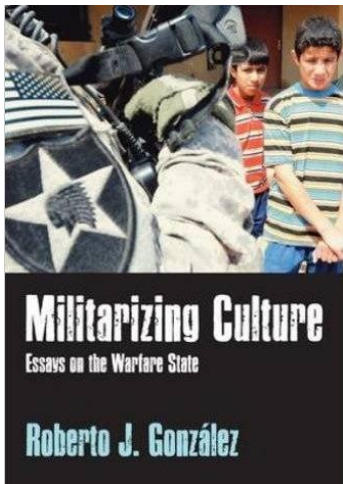


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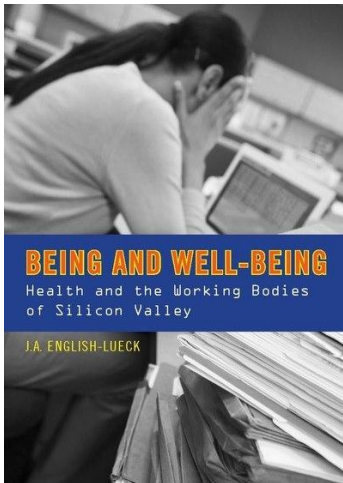


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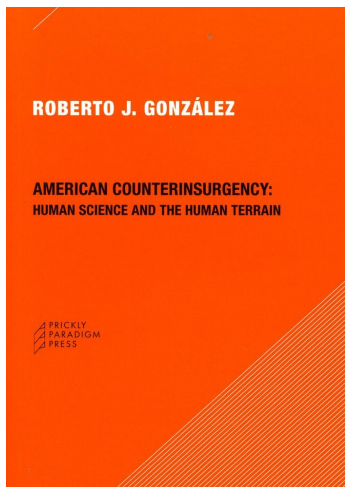


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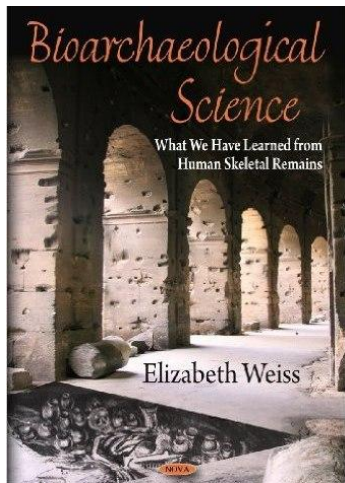


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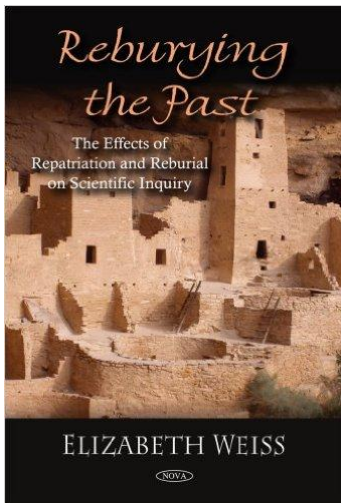


**Elizabeth Weiss**

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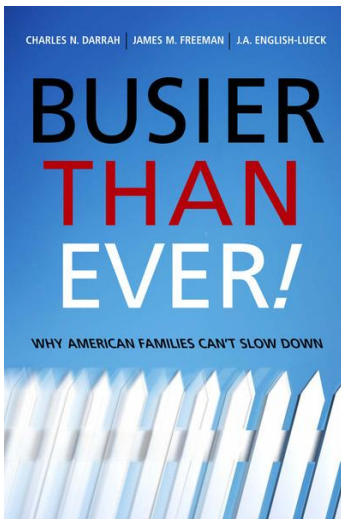
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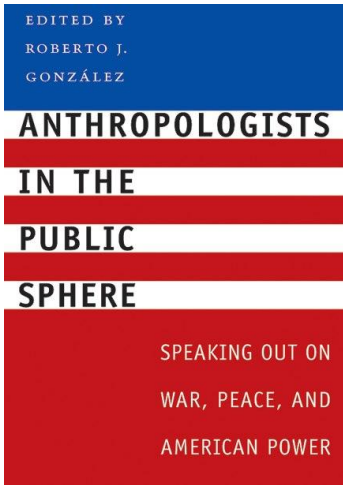
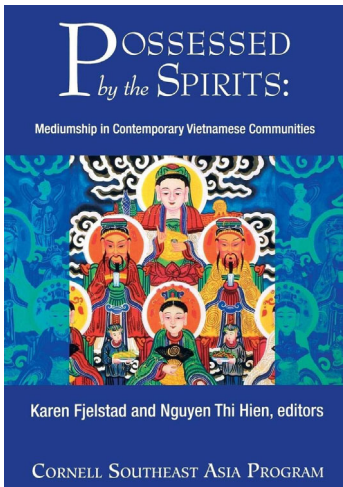
**Chuck Darrah, James Freeman, and Jan English-Lueck**  
*Busier Than Ever! Why American Families Can't Slow Down*

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**Karen Fjelstad and Nguyen Thi Hien (eds.)**  
*Possessed by the Spirits: Mediumship in Contemporary Vietnamese Communities*

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*Anthropologists in the Public Sphere: Speaking Out on War, Peace, and American Power*

University of Texas Press

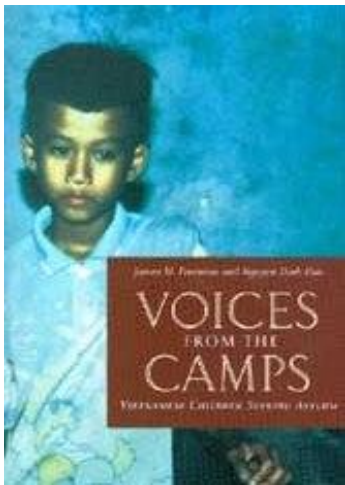
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**James Freeman** and Nguyen Dinh Huu

*Voices from the Camps: Vietnamese Children Seeking Asylum*

University of Washington Press

2003

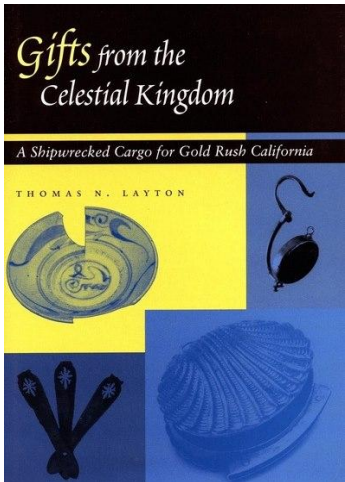


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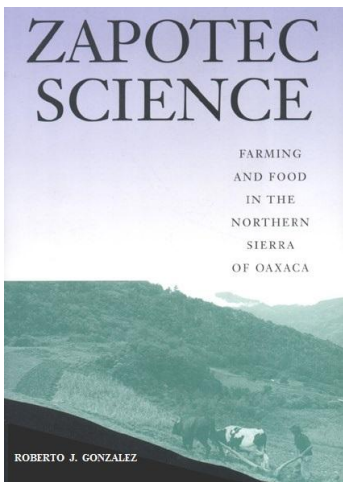


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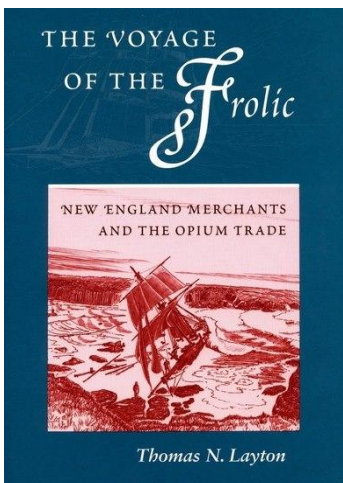


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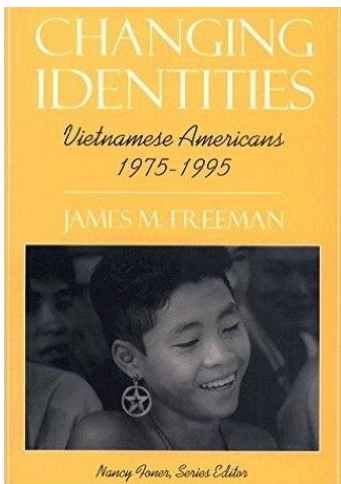


**James M. Freeman**

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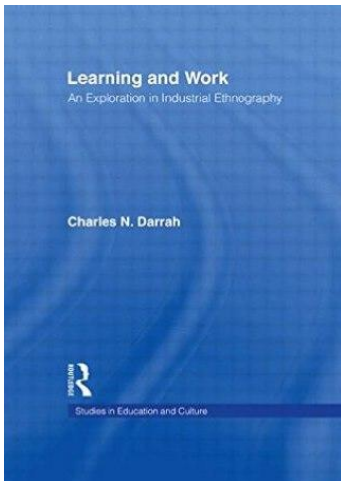


## Chuck Darrah

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Elizabeth Weiss

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# Elizabeth Weiss



## **Professor**

Ph.D. University of Arkansas, 2001

## **Expertise:**

Research methodology in osteology to improve lifestyle reconstruction

## **Office Hours:**

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[Elizabeth.Weiss@sjsu.edu](mailto:Elizabeth.Weiss@sjsu.edu) (<mailto:Elizabeth.Weiss@sjsu.edu>) [Elizabeth Weiss Wordpress](https://elizabethweiss74.wordpress.com/) (<https://elizabethweiss74.wordpress.com/>)

---

Dr. Weiss completed her B.A. in anthropology from University of California, Santa Cruz in 1996 and finished her M.A. in anthropology from California State University, Sacramento in 1998. She holds a Ph.D. from the University of Arkansas in Environmental Dynamics (an interdisciplinary program involving anthropology and the geosciences), which she completed in 2001. From 2002 to 2004, she was a post-doctoral research associate at the Canadian Museum of Civilization.

Elizabeth Weiss teaches physical anthropology courses, such as osteology, introduction to human evolution, and forensics. Her primary research expertise is in post-cranial studies using CT scans, X-rays, and metrics on past populations to reconstruct lifestyles and better understand bone biology.

[Cari Borja \(/anthropology/about-us/people/faculty/borja.php\)](#)

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Charlotte Sunseri (</anthropology/about-us/people/faculty/sunseri.php>)

**Elizabeth Weiss (</anthropology/about-us/people/faculty/weiss.php>)**

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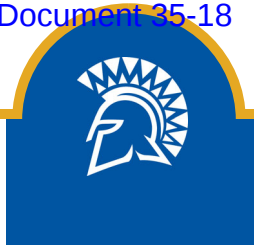
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Last Updated Jan 21, 2022 (https://a.cms.omniupdate.com/11/?

skin=sjsu&account=sjsu&site=www&action=de&path=/anthropology/about-us/people/faculty/weiss.pcf)

# EXHIBIT S



Roberto Gonzalez &lt;roberto.gonzalez@sjsu.edu&gt;

---

**Academic Freedom Event -- Oct. 28th**

1 message

---

**Roberto Gonzalez** <roberto.gonzalez@sjsu.edu>  
To: SJSU Anthropology <sjsu-anth-group@sjsu.edu>

Thu, Oct 21, 2021 at 4:47 PM

Dear Colleagues,

Please see the message below (submitted to the ANTH listserv moderator), which I am forwarding to you on behalf of Elizabeth Weiss.

Sincerely,  
RG

---

**Academic Freedom Event -- Oct. 28th**

Dear All:

I will be giving a talk via Zoom sponsored by Bakersfield College on October 28th. It is free and open to the public. The event can be accessed by clicking on the QR code on the attached flyer or by visiting this address: [https://cccconfer.zoom.us/webinar/register/WN\\_5niR0nrTsqGqNcnOy49xzw](https://cccconfer.zoom.us/webinar/register/WN_5niR0nrTsqGqNcnOy49xzw) Feel free to share this information.

Cheers,  
Elizabeth  
Elizabeth Weiss, PhD  
Professor of Anthropology  
<https://elizabethweiss74.wordpress.com/>  
<https://twitter.com/eweissunburied>

[Repatriation and Erasing the Past \(2020\)](#)

Apply Code: SAVE30 for 30% off.

PS (from Roberto Gonzalez): [Here's a link](#) to a flyer with the QR code mentioned above, and the URL address where you can find it:

<https://www.bakersfieldcollege.edu/renegade-institute-for-liberty/upcoming-events>

## Other Supporting Documents

[5:22-cv-00641-BLF Weiss v. Perez et al](#)

ADRMOP

U.S. District Court

California Northern District

### Notice of Electronic Filing

The following transaction was entered by Phillips, Bradley on 2/24/2022 at 3:57 PM PST and filed on 2/24/2022

**Case Name:** Weiss v. Perez et al  
**Case Number:** [5:22-cv-00641-BLF](#)  
**Filer:** Vincent J Del Casino  
Roberto Gonzales  
Walt Jacobs  
Stephen Perez  
Alisha Marie Ragland  
Charlotte Sunseri

**Document Number:** [35](#)

#### Docket Text:

**[Declaration of Roberto Gonzalez in Support of \[32\] Opposition/Response to Motion For Preliminary Injunction filed by Vincent J Del Casino, Roberto Gonzales, Walt Jacobs, Stephen Perez, Alisha Marie Ragland, Charlotte Sunseri. \(Attachments: # \(1\) Exhibit A to Gonzalez Decl, # \(2\) Exhibit B to Gonzalez Decl, # \(3\) Exhibit C to Gonzalez Decl, # \(4\) Exhibit D to Gonzalez Decl, # \(5\) Exhibit E to Gonzalez Decl, # \(6\) Exhibit F to Gonzalez Decl, # \(7\) Exhibit G to Gonzalez Decl, # \(8\) Exhibit H to Gonzalez Decl, # \(9\) Exhibit I to Gonzalez Decl, # \(10\) Exhibit J to Gonzalez Decl, # \(11\) Exhibit K to Gonzalez Decl, # \(12\) Exhibit L to Gonzalez Decl, # \(13\) Exhibit M to Gonzalez Decl, # \(14\) Exhibit N to Gonzalez Decl, # \(15\) Exhibit O to Gonzalez Decl, # \(16\) Exhibit P to Gonzalez Decl, # \(17\) Exhibit Q to Gonzalez Decl, # \(18\) Exhibit R to Gonzalez Decl, # \(19\) Exhibit S to Gonzalez Decl\)\(Related document\(s\)\[32\]\) \(Phillips, Bradley\) \(Filed on 2/24/2022\)](#)**

**5:22-cv-00641-BLF Notice has been electronically mailed to:**

Bradley S. Phillips   brad.phillips@mto.com, DKT-Filings@mto.com, mary.pantoja@mto.com, Melissa.Lee-Segovia@mto.com

Daniel Moshe Ortner   DOrtner@pacificlegal.org, bsiebert@pacificlegal.org, IncomingLit@pacificlegal.org

Ethan Blevins   ewb@pacificlegal.org

**5:22-cv-00641-BLF Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**C:\fakepath\1-Gonzalez Declaration ISO Opposition to PI.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=2/24/2022] [FileNumber=18972160-0]

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21cd500ce7656c75d582c8653a9753971240fefb4746871f7cd182a183ec]]

**Document description:**Exhibit A to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. A - 2018.04.11 Assigned Time Request.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=2/24/2022] [FileNumber=18972160-1]  
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**Document description:**Exhibit B to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. B - 2019.04.10 Assigned Time Request Email.pdf

**Electronic document Stamp:**

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[6889c952303cd17dc4aca36c3491019c01556c18dca970be737cf3818a95dc98d890  
93e4fbb589603927a8c088d34d791ad4a22052f193da924130a476c9c929]]

**Document description:**Exhibit C to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. C - 2019.02.14 Assigned Time Granted.pdf

**Electronic document Stamp:**

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[6d3296f8bf41ad8a222147b119641263284eef6ccf32b8d5689bd9dd3e08490863cf  
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**Document description:**Exhibit D to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. D - 2020.02.17 Email declining assigned time.pdf

**Electronic document Stamp:**

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**Document description:**Exhibit E to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. E - UF-Press-memo.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=2/24/2022] [FileNumber=18972160-5]  
[a7a0de0931986012e112e0cfecb5c85d96f48f2f940c48f6e3220504221da05267c1  
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**Document description:**Exhibit F to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. F - 2020.08.06 Email re access to campus.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=2/24/2022] [FileNumber=18972160-6]  
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9d20bbd95c11aca5d0eb46b0344cd622189d52ead1fdfbac26b51dbd257]]

**Document description:**Exhibit G to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. G - 2021.08.06 Ending Assigned Time.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=2/24/2022] [FileNumber=18972160-7]  
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21a2a70a0a1a843f5165270a19e9b367f9eef4d621639c2676f966a00da2]]

**Document description:**Exhibit H to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. H - Curational facility access.pdf

**Electronic document Stamp:**

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**Document description:**Exhibit I to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. I - 2021.10.06 Intent to Switch Research.pdf

**Electronic document Stamp:**

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146ebd5faa875ed03c885c1972d68c386163507b723a77bcfd5b97dfcf9b]]

**Document description:**Exhibit J to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. J - Oct. 7-13 Emails re Carthage Collection.pdf

**Electronic document Stamp:**

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**Document description:**Exhibit K to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. K - Oct. 19-26 Emails re Carthage Collection.pdf

**Electronic document Stamp:**

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c957a0420d4e29b221979b3f43ed783cee436633cce2d4df4eb989281c054]]

**Document description:**Exhibit L to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. L - 2021.11.17 Confirmation of Carthage access.pdf

**Electronic document Stamp:**

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**Document description:**Exhibit M to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. M - 2021.11.08 Meeting Notes as revised 11.15.21.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=2/24/2022] [FileNumber=18972160-13  
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**Document description:**Exhibit N to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. N- 2021.11.15 Email re EW mtg.pdf

**Electronic document Stamp:**

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**Document description:**Exhibit O to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. O - 2021.11.19 EW Email re posting dissent.pdf

**Electronic document Stamp:**

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**Document description:**Exhibit P to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. P - 2021.11.22 Email to webmaster re dissent.pdf

**Electronic document Stamp:**

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**Document description:**Exhibit Q to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. Q - Faculty Books and Films \_ Department of Anthropology.pdf

**Electronic document Stamp:**

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**Document description:**Exhibit R to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. R - Elizabeth Weiss \_ Department of Anthropology.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=2/24/2022] [FileNumber=18972160-18

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**Document description:**Exhibit S to Gonzalez Decl

**Original filename:**C:\fakepath\Ex. S - 2021.10.21 Email promoting Weiss talk.pdf

**Electronic document Stamp:**

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