



Professor branded as racist sues university for blocking access to human remains

by [Jeremiah Poff, Education Reporter](#) | February 03, 2022 02:48 PM

A professor of anthropology at San Jose State University is suing her employer for blocking her from accessing her department’s collection of skeletal remains after she was accused of racism against Native Americans.

The professor, Elizabeth Weiss, [filed a lawsuit](#) against the California public university Monday, accusing the institution of violating her First Amendment rights by retaliating against her for opposing efforts to return Native American skeletal remains housed at her university.



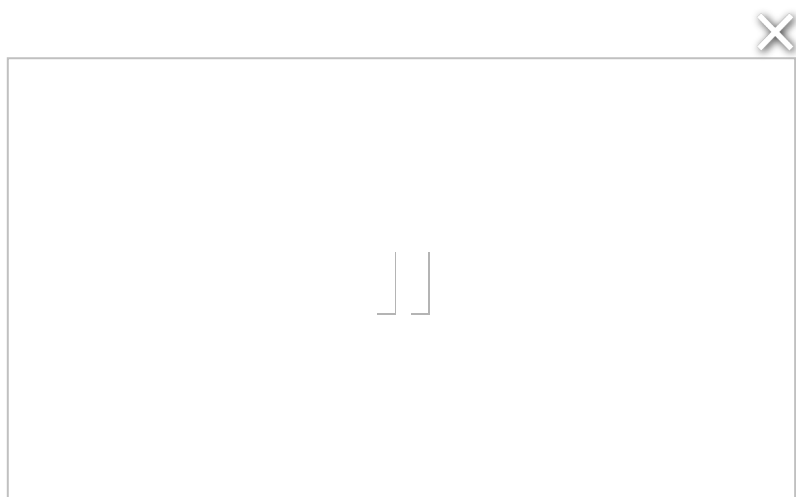
Weiss is an outspoken critic of efforts to return Native American remains used in university anthropological research to their tribes in a practice called “repatriation.” Her comments and a 2020 book she wrote on the subject prompted a letter signed by some of her own colleagues denouncing her as racist.

[GEORGETOWN SUSPENDS LAW PROFESSOR FOR CRITICIZING BIDEN VOW TO PICK BLACK WOMAN](#)

The letter was the beginning of Weiss’s troubles, the lawsuit says, as it led Walt Jacobs, the dean of the College of Social Sciences, to host a Zoom event in June 2021 on “What to Do When a Tenured Professor is Branded a Racist.”

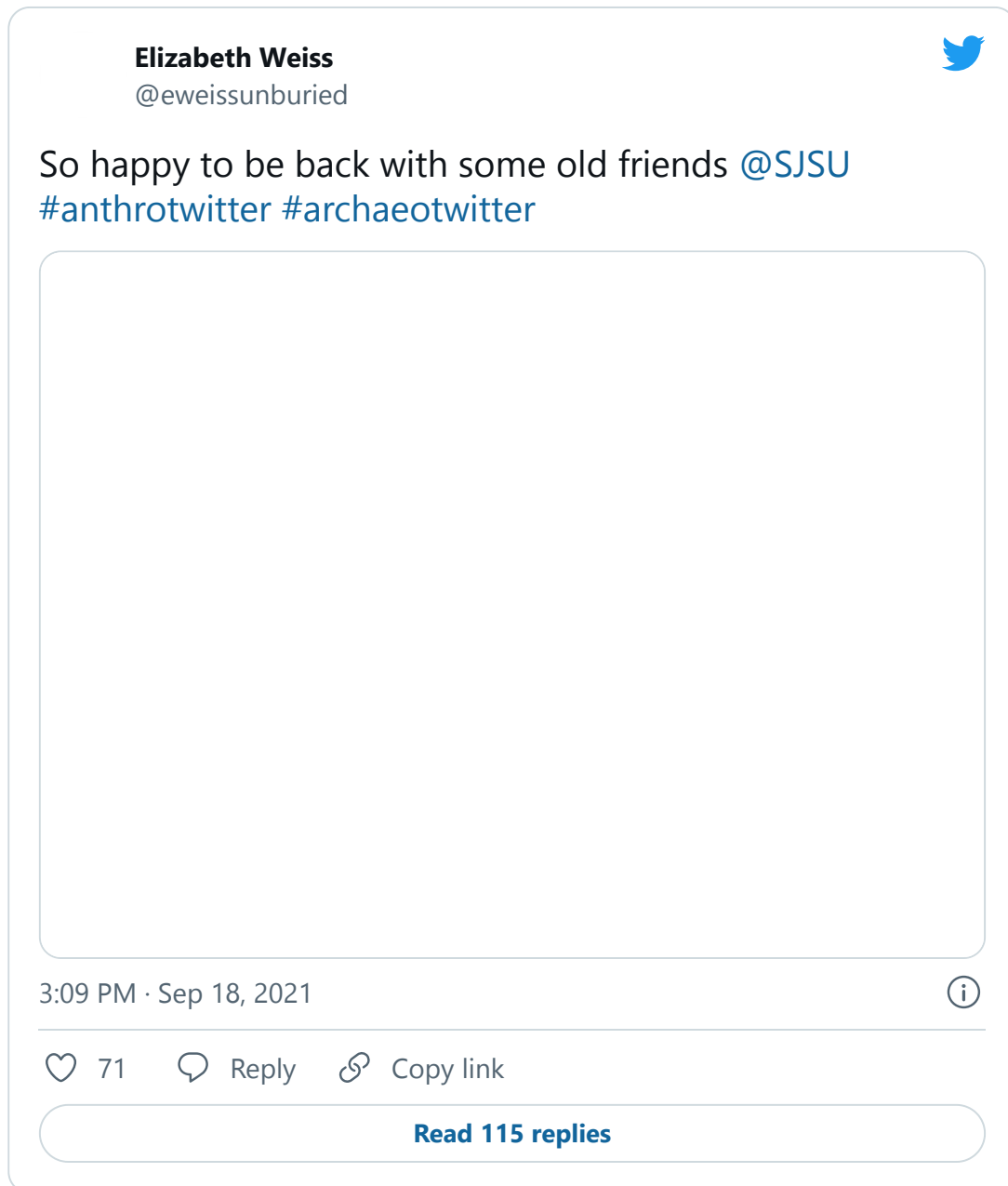
“Throughout the hour-long event, several University administrators present ... repeatedly branded Weiss a white supremacist, and one even compared her views on repatriation to lynching,” the lawsuit says. “Jacobs, who hosted the event, remained silent and did not dispute any of this calumny.”

The lawsuit says that during the Zoom meeting, the chairman of Weiss’s department, Roberto Gonzales, said he would “try to penalize or prevent Weiss from teaching her viewpoint in the classroom.”





captioned “so happy to be back with some old friends.”



At the time of the tweet, the SJSU Anthropology Department “had several similar pictures up on its website,” the lawsuit said. Nevertheless, university Provost Vincent Del Casino “published a letter to the University community which declared that the tweet ‘ha[d] evoked shock and disgust from our Native and Indigenous community on campus and from many people within and outside of SJSU.’”

Several weeks after Weiss’s tweet was sent and less than two weeks after Del Casino’s letter, the university issued a directive that barred the anthropology professor from accessing the collection of human remains housed at the university.

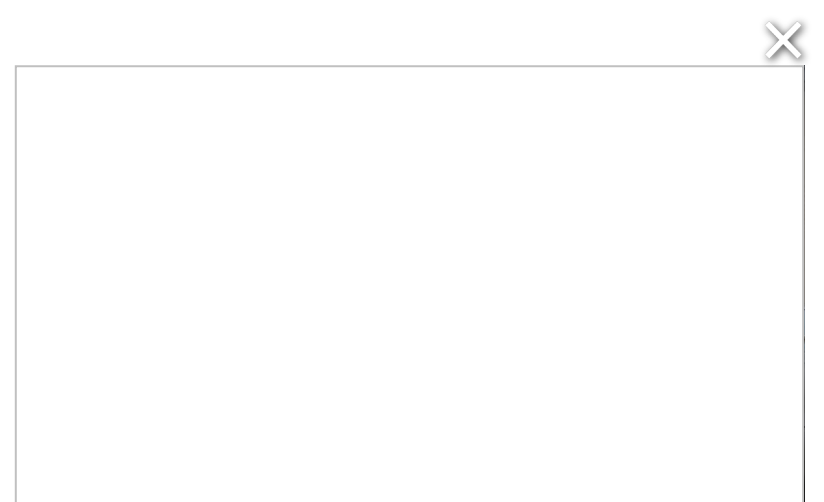
“As SJSU’s only physical anthropologist, Professor Weiss is the only faculty member that regularly accesses and utilizes SJSU’s skeletal remains collection for her research,” the lawsuit says. “Any actions that the University takes to restrict access to the skeletal remains directly and uniquely harm Professor Weiss.”

Weiss is represented by the nonprofit legal organization Pacific Legal Foundation, which said in a [press release](#) announcing the lawsuit that she had filed the case “to stop efforts by the university to stifle her free speech and impede her research.”

In a statement, attorney Daniel Ortner noted that “Professor Weiss’s right to freedom of thought and expression are protected by the First Amendment.”

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“Her right to free speech, including academic research, writing, and instruction, deserves the highest level of constitutional protection,” Ortner continued. “Furthermore, the university cannot silence her speech because they disagree with her viewpoint.”





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