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# ‘It goes back to the colonizer days. We were just the possession.’



EVAN REINHARDT | SPARTAN DAILY  
PHOTO & QUOTE OF  
MUWEKMA OHLONE TRIBE CHAIRWOMAN  
CHARLENE NIJMEH

## Local Indigenous tribe condemns SJSU anthropology professor

By Amani Hamed  
STAFF WRITER

Controversy began after Elizabeth Weiss, San Jose State anthropology professor and researcher, posed with an Indigenous person's skull in the SJSU's anthropology laboratory archives.

Weiss posted a photo of herself holding the skull, ungloved and smiling, on Twitter with the caption "So happy to be back with old friends @SJSU" on Sept. 18.

The tweet still appears on Weiss's Twitter account.

The Muwekma Ohlone Tribe, an Indigenous group that has inhabited San Jose since before Spanish colonization in 1769, responded with a letter written by tribe chairwoman Charlene Nijmeh to SJSU administrators and local legislators.

"I felt compelled to respond to the recent Twitter post . . . by SJSU Anthropology Professor Elizabeth Weiss in which she stands smiling while holding the skull of one of my ancestors in her hands," Nijmeh said in the letter.

She said the photo "dredges up" painful history, the tribe's worst memories.

"A time when we were labeled soulless savages, who had no right to the land we inhabited, the children we bore, and the freedoms inherent to all living beings," Nijmeh said, regarding Weiss holding the skull.

She said it reminds her of the way Native American people and their bodies were treated as property.

"When you see that, it goes back to the colonizer days," Nijmeh said in a phone call. "We were just the possession."

### Excavation site

The remains were excavated from the Ryan Mound, also known as site CA ALA 329 in Alameda County, according to the 1993 Archives of California Prehistory.

Alameda County cities include Newark, Fremont,

Union City, San Leandro, Dublin and Oakland, according to the county's website.

Anthropologist Alan Leventhal, who wrote his 1993 master's thesis on the Ryan Mound, said it's a "shellmound," a site where Indigenous inhabitants of the Alameda County region interred people of high status with artifacts including jewelry made from shells, denoting their status.

Radiocarbon dating showed the Ryan Mound use spanned from about 400 B.C. to just prior to Spanish colonizers' historic contact in 1769, according to Leventhal's thesis.

The first 12 burials were excavated from the mound in 1935 after part of the mound was destroyed during the unsuccessful creation of a reservoir in 1925.

Following the first systematic excavation by Stanford anthropologists, SJSU excavated the rest of the site in 1962, Leventhal stated in his thesis.

He said between 1962-68, SJSU excavated the Ryan Mound nearly "to the sterile sub-soil."

In 1982, a collection of about 283 identified individuals' remains were moved from Stanford to the SJSU department of anthropology's laboratory facility, under osteologist Robert Jurmain's direction.

### Anthropological collection

According to Jurmain's subsequent analysis of the remains, there could be about 298-320 individuals represented in the SJSU collection, though there were 284 established grave lots discovered at the Ryan Mound.

An additional 139 potential individuals from

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join an  
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PHOTOS BY EVAN REINHARDT | SPARTAN DAILY



**Left:** Gloria Arellanos-Gonzalez, former Muwekma Ohlone Tribal councilmember, holds up a traditional abalone and beadwork necklace on Oct. 11. **Right:** Arellanos-Gonzalez (left), tribe chairwoman Charlene Nijmeh (middle) and tribal councilmember Monica Arellanos gather at the Coyote Hills Regional Park Visitor's Center. **Below:** Arellanos shows sacred Muwekma Ohlone objects: an abalone shell, dried white sage and turkey feathers.

## CONTROVERSY

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the 1950s excavations were held at Stanford's archives and were reinterred in 1991 at the request of the Muwekma Ohlone Tribe.

Prior to posting the Sept. 18 photo, Weiss published a Mercury News op-ed entitled "California law on Native Americans' remains favors religion over science" on Aug. 31.

In the article, Weiss said Assembly Bill 275, an amendment to the California Native American Graves Protection and Repatriation Act (or CalNAGPRA) violates the first amendment by allowing religious testimony as evidence of an existing Native American tribe's association with excavated remains.

CalNAGPRA is California's version of the federal NAGPRA law. First passed by congress in 1990, the law is meant to facilitate the return of archaeological findings to living tribes that can prove their connection to remains and artifacts, according to the National Parks Service NAGPRA's website.

"Oral traditions, and tribal traditional knowledge in general, are awash with tales of creation, mythical creatures and supernatural events," Weiss said in her op-ed. "CalNAGPRA chooses religion over science."

CalNAGPRA requires a "preponderance of the evidence" proving a tribe is connected to the remains and artifacts it seeks to claim, according to the law text.

The law lists 10 criteria through which "state cultural affiliation" or proof of a living tribe's connection to Indigenous remains.

The criteria includes geography, kinship, biology, archaeology, linguistics, folklore, oral tradition, historical evidence, tribal traditional knowledge and other information or expert opinion.

### Collaboration

Weiss said she disputes the law's inclusion of oral tradition, folklore and tribal traditional knowledge because it allows for "creation myths" to be used as evidence.

Some of the later remains, Weiss said, buried around the early 1700s, are likely related to the Muwekma Ohlone people in ways that can be proven by science but the remains shouldn't be repatriated.

"I'm against repatriation of any remains," Weiss said in a Zoom call. "Because I think the collections are important."

Charlene Nijmeh said while she and the Muwekma Ohlone Tribe aren't against anthropology as a science, the issue isn't related to religion and science being antithetical.

Nijmeh said the problem is possession and lack of consent in a post-colonial California.

"Actually, we have a long history of working with anthropologists and archaeologists," she said.

In the early 1900s, anthropologist Alfred Kroeber popularized the hypothesis that San Francisco Bay Area Indigenous inhabitants were extinct, which he later refuted himself, according to the tribe's website.

The Muwekma Ohlone Tribe formed working relationships with several Bay Area anthropologists and archaeologists to exhume and study sets of remains that were accidentally discovered.

One site was a construction area beneath a Holiday Inn in San Jose. Another was a single skeleton found beneath the backyard of a Palo Alto woman who was having a sewer line repaired, according to the archaeological findings posted on the tribe's website.

Those findings helped prove the current Muwekma Ohlone people are Indigenous to the Bay Area and not Mexican and Spanish descendants of those who built the state mission system.

"This is very sacred to us, to be responsible for our dead," Nijmeh said.

Kisha Supernant is an archaeologist, the Institute of Prairie and Indigenous Archaeology director and University of Alberta, Canada archaeology associate professor, according to an interview with CFWE Radio in Northern Alberta.

Supernant is also Métis, an Indigenous group recognized after first contact with European colonizers who have mixed Indigenous and European lineage.

Her father was taken into foster care as an infant during what is now known as the "Sixties Scoop," a period when policies were enacted that took thousands of First Nations children and placed them with white families, according to a Canadian Broadcasting Corporation webpage on the period.

"This is about who gets to make decisions about the past," she said. "The decision needs to sit with Indigenous peoples because it's our relatives.

This is not a religious perspective; they belong most closely to us. What right do you have to keep them?"

Supernant said she uses her expertise with ground-penetrating radar to map former Métis village sites and assist in the search for the graves of children buried at former residential schools.

Residential schools were government-funded, church-run schools where First Nations children were removed from their families and sent to be forcibly assimilated into white culture and society, according to a June 25 Washington Post article.

Instituted from 1883-1997, the residential school system displaced more than 150,000 First Nations children from their homes, many of whom died of severe neglect and were buried on the schools' grounds, according to an Aug. 21 Scientific American article.

"This whole science/anti-science thing, it's a red herring," Supernant said in a Zoom call. "This is not about science. This is about power."

### Science and religion

In her book "Repatriation and Erasing the Past," Weiss states religious testimony used to determine connections between living tribes and Indigenous remains is unconstitutional.



**I would say that the people who are living, who feel that it has an impact on them, this is a religious impact. I don't think we should expect non-religious people to follow religious thinking. I think that humans need to start letting go of these things.**



**Elizabeth Weiss**  
SJSU anthropology professor

She said any religious arguments for reinterring Indigenous remains is a violation of the First Amendment and "an intrusion of religion into science."

"It does not extend to requiring other people to follow your religion," Weiss said when asked if archiving Indigenous bones limited the Muwekma Ohlone's free exercise of religion.

Nijmeh said the unified Muwekma Ohlone religion has been lost to colonization and tribe members have varying spiritual and religious practices.

"But we've always known that our dead need to be respected," she said.

For the Muwekma Ohlone, reburying their ancestors' remains is less about religion and more about their connection to the land and honoring the wishes of the dead, Nijmeh said.

"Well, I just really don't think it matters," Weiss said. "I personally think that once you're dead, you're dead. I don't believe in spirituality. I have none of those beliefs, it doesn't matter."

Nijmeh said she also wants the remains repatriated to end a legacy of "inherited trauma" that began with colonization and continues by keeping the remains in archives.

"This goes back to first contact, when we were beaten, raped, killed and we look at today's society and why some of our members are alcoholics and drug addicts and we do things we don't even understand," Nijmeh said. "Well, this has to do with that inherited trauma that was put on us from first contact and we're suffering today. The colonizers have to acknowledge it as well."

She said her grandmother, who was the tribe chairwoman during the '60s, was upset by the Indigenous remains' excavation and fought to leave burials undisturbed, repatriated and reburied.

"For us, it's very sacred. My grandmother used to always say under her breath, when she was roaming around the house cleaning— at this time she had Alzheimer's and had deteriorated from that disease— she would always say that 'our people need to stay in the ground,'" Nijmeh said.

Weiss said the Muwekma Ohlone Tribe's feelings of being harmed by the excavation of remains stems from religious thinking.

"I would say that the people who are living, who feel that it has an impact on them, this is a religious impact," Weiss said. "I don't think we should expect non-religious people to follow religious thinking. I think that humans need to start letting go of these things."

In an Oct. 9 Mercury News op-ed, Nijmeh said the issue isn't science contending with religion but Weiss disregarding the Muwekma Ohlone Tribe's humanity and its struggle to protect sacred sites including burial grounds.

"The issue is not 'religion vs science' as she claims but rather 'respect vs disrespect' and 'decency vs indecency,'" Nijmeh said. "The disregard for the rights and beliefs of others is how people justify genocide and slavery."

In her book, published in 2020, Weiss advocated for "Science Over Sensitivity," a subheading of her book's conclusion.

"Rather than be concerned about sensitivity, respect and sympathy, we should remember our ethical obligation to help explain the world around us and therefore protect the scientific truth from the demon-haunted world, as [paleoanthropologist] Geoffrey Clark would say," Weiss says in the book.

### Criticism

Weiss said her book was denounced by more than 900 anthropologists during a talk she gave to the "Renegade Institute for Liberty" at Bakersfield College on Zoom entitled "I Will Not Be Silenced: Free Speech In Academia," on Oct. 29.

"While anthropologists could easily ignore the antiquated thesis put forth in this book, we are deeply concerned with the explicitly racist ideology espoused by the authors and the complete lack of engagement with Indigenous communities," experts wrote in a Dec. 19, 2020 open letter to the University of Florida Press.

During her Bakersfield College talk, Weiss said the letter was part of a larger "cancel culture campaign," mostly taking place in Twitter comments responding to her photo of her and the Indigenous person's skull from the archives and her Mercury News op-ed article.

Many comments on Twitter called Weiss a grave-robbber and a white supremacist.

Weiss said several of the bones she and other anthropologists excavate and use for research originate in Europe and are part of cemeteries that have been disturbed by construction or flooding.

She said anthropologists don't "grave-rob."

"The thought of going into a cemetery to literally grave-rob is just comical to me. We just don't do that," Weiss said.

She said the Ryan Mound is a Muwekma Ohlone burial mound "from several villages, probably, that overlapped use over a long period of time."

Charlene Nijmeh said she feels the remains should never be disturbed at all.

"It was not our fault that they built an "Urban City" on top of my ancestors," Nijmeh said in her Sept. 29 letter to local legislators and SJSU administration. "We were here first. Our ancestors inhabited the SF Bay Area Region over 10,000 years ago and we, the Muwekma Ohlone people, still reside in our ancestral lands."

In addition to being called racist by some for her stance on repatriation, Weiss has been called unethical for handling the bones without gloves.

A student of Weiss, who wished to remain anonymous for privacy concerns, said Weiss handled the bones without gloves during class and passed several bones in the collection to students who were also ungloved.

The student said the exchange made him uncomfortable.

"She had [the bones] out and I knew they would be for modeling certain educational concepts but I would think that she would want to show us proper bone handling etiquette with gloves, not just pass them around," said the student, a forensic sciences major, in a Zoom call.

The student said their other classes placed a greater emphasis on being respectful and wearing gloves when handling human remains.

"There is really this emphasis [in other classes] on being respectful and



being courteous," the student said. "So if you're going to interact with something as sensitive as bones or human remains, then you must be respectful, you must handle them carefully with the proper [personal protective equipment]."

Faculty and student access to the archives was restricted and an interim protocol for remains handling was outlined in an Oct. 6 campuswide email from SJSU President Mary Papazian.

"For decades, SJSU has curated collections of human remains, artifacts, and funerary objects with technical support from faculty affiliated with the department of anthropology and in consultation with native american tribes and indigenous peoples," Papazian said . "We have been asked, during initial consultations with several local Native American and Indigenous California tribes, to prescribe a stricter set of protocols to gain access to the remains and artifacts housed on our campus."

The interim protocol didn't mention Weiss or the photograph she took with one of the skulls but prohibited all photographic devices in curation spaces.

When asked for a comment, Anthropology Department Chair Roberto Gonzalez responded with an email statement, mentioning Weiss and the photograph she took in the archives.

"Recently, an SJSU faculty member from our department posted a troubling social media post with human remains which was shocking and hurtful to many people," Gonzalez said. "The ideas, words, and actions of a single faculty member do not reflect the values of the Anthropology Department as a whole, and the Department feels strongly that all human remains should be treated with dignity and respect."

He said stricter access protocols to these remains are now in place to minimize their handling while in "SJSU's care."

### Repatriation

Weiss said repatriation of the remains would be detrimental to science, which benefits all of humanity.

She said she believes it's impossible to know if those buried in the Ryan Mound wanted to be buried.

"There were probably some who didn't want to be didn't want to be buried

and some who would have loved to know that they're being useful years later and some who didn't care," Weiss said.

In her book "Repatriation and Erasing the Past," Weiss said if the collection at the SJSU archives is repatriated, the stories of the people represented by the bones will be left untold.

Charlene Nijmeh said the narrative that examines Native Americans as relics of the past ignores the struggles they face in the present day.

"We're not in the past. We are here today and we can share our own stories," Nijmeh said.

### The present

On Nov. 6, the Muwekma Ohlone tribe held a flag raising ceremony at Milpitas City Hall.

Milpitas Vice Mayor Carmen Montano said the flag raising ceremony taking place at city hall on Calaveras Boulevard was especially significant because it was named after the skulls and bones from Muwekma Ohlone burials, found by Spanish colonizers.

Several younger Muwekma Ohlone Tribe members read the Muwekma Ohlone land acknowledgement and several tribe members joined Miwok tribe members in a ceremonial dance.

The occasion marked the first time Muwekma Ohlone Tribe members danced ceremonially in more than 100 years.

"Today, we attempt to repair the sustained ecological, environmental and cultural devastation to our tribe wrought by over 251 years of colonial processes of disenfranchisement through the politics of erasure," one young tribe member said, reading from the land acknowledgement.

"We respectfully request," another member read, "that everyone who lives, works or visits the City of Milpitas and surrounding towns to be respectful of our aboriginal lands and natural habitats and consistent with our principles of community, diversity and inclusion, strive to be good citizens on behalf of the Muwekma Ohlone Tribe, on whose aboriginal lands you are our guests."