

11-25-1974

13: Florence Hawley Ellis-Direct Exam.pdf (740.1Kb)

U.S. District Court District of New Mexico

Follow this and additional works at: [http://digitalrepository.unm.edu/
law_certificate_indianlaw_santaclara](http://digitalrepository.unm.edu/law_certificate_indianlaw_santaclara)
University of New Mexico
UNM Digital Repository

Recommended Citation

U.S. District Court Docket No. 9717 Civil; 436 U.S. 49 (1978)

This Transcript is brought to you for free and open access by the Indian Law Program at UNM Digital Repository. It has been accepted for inclusion in Trial Transcripts from Santa Clara Pueblo v. Martinez by an authorized administrator of UNM Digital Repository. For more information, please contact disc@unm.edu.

1 Q Were they required to learn anything else?

2 A Well, it was at their own discretion, if they wanted to
3 learn other things they could, ask the person that might
4 know what they wanted to learn.

5 MR. PRELO: Could I have just a moment, Your Honor?

6 THE COURT: Yes, sir.

7 MR. PRELO: I have no further questions.

8 THE COURT: You may step down.

9 MR. PRELO: Call Florence Ellis.

10 FLORENCE HAWLEY ELLIS,

11 having been first duly sworn according to law, upon her oath
12 testified as follows:

13 DIRECT EXAMINATION

14 BY MR. PRELO:

15 Q Would you state your name for the record, please?

16 A Florence Hawley Ellis.

17 Q What is your address, Mrs. Ellis?

18 A 1666 Carro Gordo, Santa Fe.

19 Q How long have you resided there?

20 A Since the last 10 years, but I lived before that in
21 Santa Fe also, another address.

22 Q How long have you resided in New Mexico?

23 A Since 1934.

24 Q In what general area has that residence been?

25 A Santa Fe and Albuquerque.

1 Q The entire period since '34?

2 A That's right.

3 Q What is your present occupation?

4 A I am retired from the University of New Mexico Anthropology
5 Department, and I am working on writing up reports on
6 some of our old anthropological work, and teaching part-time
7 for Edgar College in Florida except that the classes are
8 held out here.

9 Q Would you tell the Court what your educational background
10 is, please?

11 A I had an AB and MA from the University of Arizona, and Ph.D.
12 in 1934, spring, from the University of Chicago.

13 Q And in what area is your Bachelor's degree?

14 A The Bachelor's is in English.

15 Q And your Master's?

16 A Anthropology.

17 Q And your Doctorate?

18 A Anthropology.

19 Q So that we can call you Dr. Ellis; is that correct?

20 A That's right.

21 Q Did you teach in the field of Anthropology?

22 A Yes, I taught at the University of Arizona in Anthropology,
23 and at the University of Chicago in Anthropology, and at
24 the University of New Mexico in Anthropology.

25 Q And how long have you taught at each of these institutions?

1 A I taught and did research work at the University of Arizona
2 for five years and at the University of New Mexico between
3 1934 and '71, whatever that adds up to. I was lent to
4 the University of Chicago for some specialized teaching,
5 half years, during the five-year period when I was
6 actually a member of the University of New Mexico Faculty.

7 Q So that you taught in the field of Anthropology for
8 approximately how many years total?

9 A Since 1928, in the fall, when I began, until 1971, 43
10 years.

11 Q And of those 43 years, Dr. Ellis, how many have been in
12 New Mexico?

13 A Since 1934, 37 years.

14 Q Doctor, have you received any special awards or recognition
15 in your field?

16 A Yes, I have. My name is listed in quite a number of
17 very reputable publications as being in the field. For
18 instance, American Men of Science, Who's Who in American
19 Education, Who Knows and What, Western Who's Who, the
20 Biographical Directory of American Scholars, Who's Who of
21 American Women, the Leaders in American Science, Who's Who
22 in New Mexico, Who's Who in the West, and Dictionary of
23 International Biography.

24 And I had grants. The Social Science Research Council
25 gave me a fellowship in '41. I had grants also for research

1 from the American Philosophical Society, The University of
2 Chicago, the University of New Mexico.

3 I am a member of the Association of American
4 Archaeology, the Association of Ethno-History, and I was
5 president of the Association of Ethno-History in 1969-70.
6 That's the National Association. And, I am a Fellow in
7 the American Anthropological Association.

8 Q Thank you, Doctor. Have you written any articles, books,
9 et cetera, in your area?

10 A Written?

11 Q Written.

12 A Yes.

13 Q How many, without telling us what the titles are, how many
14 books have you written in the field of Anthropology?

15 A Well, a total list was collected very recently because a
16 book is being put out by a great many of my past students,
17 and there were 162 articles and books listed.

18 Q And these would date from what period?

19 A From 1928 to the present. Of these, 54 pertained to
20 ethnology of this immediate area.

21 Q Doctor, what area do you mean?

22 A The New Mexico area particularly.

23 Q Have you done any other work in connection with the Tewa
24 Pueblo?

25 A Yes. I was asked to work on the land claims for some of

1 the Pueblos of New Mexico. None of these were Tewa Pueblos
2 except for Nambe, and I worked with them for a couple of
3 years in connection with their land claim which was heard
4 in Chicago and finally won. Then, I was asked to work on
5 the water claims for all of the Tewa Pueblos, and the
6 hearings have only been started on those. They will be
7 concluded, I believe this coming year.

8 Q Have you had occasion, Doctor, to do some research and
9 study concerning the Santa Clara Pueblo recently?

10 A Yes, in connection with their water claim.

11 Q Other than the water claim, were you requested by anyone
12 to do a study on the Santa Clara Pueblo?

13 A Yes, the Government, the Department of Justice, for whom
14 I had worked in connection with the land claims earlier,
15 asked me if I would do a brief paper on Santa Clara Pueblo
16 in connection with the hearing that had to do with Mrs.
17 Martinez and which then was dropped, but the papers exist.

18 Q That was not done, as I understand it, at the request of
19 the Pueblo; is that correct?

20 A No, it was not at the request of the Pueblo. It was at
21 the request of the Department of Justice.

22 Q Have you been to the Santa Clara Pueblo through the years,
23 Doctor?

24 A Yes, sir, between 1934 and the present, literally hundreds
25 of times.

1 Q Would you define for us the function of an ethnologist,
2 as you understand it?

3 A Well, the function of an ethnologist is to study living
4 peoples, actually it is the culture of the living peoples
5 an ethnologist is interested in.

6 There are branches within that. The branch that I
7 have always been particularly interested in was that that
8 had to do with tying the old cultures, the prehistoric
9 cultures, of a general area to that of the living cultures
10 of the same general area, if this was possible. In the
11 Southwestern Pueblo area, this is possible, and this is
12 the part that has interested me for a number of years.

13 Q How do you classify yourself, Doctor?

14 A Well, usually as either an archaeoethnologist or an
15 ethnoarchaeologist. It has to do with the fact of following
16 culture developments through a period of as many years as
17 possible; in this case, centuries.

18 Q Doctor, have you testified as an expert before?

19 A Yes, sir, in Washington and also once, I think it was, here,
20 and once in Albuquerque. In all of these matters, it had
21 to do with the land claims for various of the Pueblo
22 peoples and the Navajo, and the start of the water claims
23 case.

24 Q Thank you, Doctor. Would you describe for the Court what
25 is meant when you refer to a Tewa Pueblo?

1 A Tewa is one of the languages of the Tenowan group, of which
2 there are several. Tiwa, Tewa, Towa, and there was one
3 referred to in the past as Tano, but the people who speak
4 that never said they were Tawas, they went into Arizona.
5 So, we have the three left in New Mexico. Any people that
6 speak the Tewa language is referred to as a Tewa Pueblo
7 by anthropologists. Not only are the Tewa Pueblos all
8 speaking more or less the same language, although, actually,
9 Santa Clara has been separated out by Trigger, a linguist,
10 as being appreciably different from that of the other
11 Tewa languages. But they all have more or less the same
12 type of social organization.

13 Q Which other Pueblos in the area are considered Tawas?

14 A There would be, starting from the north, San Juan,
15 Santa Clara, San Ildefonso, Tesuque, and then a little to
16 the east Pojoaque and Nambe. There previously were others,
17 but many died out back in the time of the Pueblo rebellion
18 at the end of the 1600's, and some since.

19 Q Doctor, through your studies and research, are you able to
20 give an opinion as to how long Santa Clara has been at its
21 present site?

22 A Yes, this was something that we went into in detail in
23 connection with the water claim because it had to do with
24 usages of lands. The people of Santa Clara, apparently,
25 originally had come from the Northwest. This is according

1 to tradition, and it fits the archaeological data as well.

2 I think that they probably came down the Chama River
3 area. At least some of their ancestors had lived over in
4 that general district, according to tradition and, again,
5 according to pottery.

6 They moved out of the pottery plateau. When they were
7 on the pottery plateau, which would have been, according
8 to pottery dating, in the 1300's, they had a center there
9 known as Shuffine. This center was their religious center,
10 and some of them lived fairly close around it in cave
11 dwellings, in the volcanic stuff. Some of the others,
12 however, lived an appreciable distance from that, the cave
13 dwellings with the same types of the pottery can be traced
14 over an appreciable area there. That area being about
15 six miles north-south and about five miles east-west. And,
16 separated by some blank spots, that is, without ruins,
17 from the sites that are claimed by San Juan on the north,
18 and San Ildefonso on the south. And, let me say that this
19 date is corroborated in the traditions of these adjoining
20 Pueblos as well.

21 Q So that, Doctor, let me interrupt you for a moment, it would
22 be your testimony that the Pueblo has been there since
23 approximately what date?

24 A Well, now, that's not Santa Clara Pueblo itself, but that's
25 the Santa Clara Tribe, which reached that area in the

1 1300's. Now, they moved their ceremonial center over to
2 Puye, slightly later. Then, they suffered from drought
3 up there in that area, on the plateau, where they had no
4 possibilities for irrigation, and they sent some of their
5 people down to experiment with irrigation in the Rio
6 Grande Valley, and search the lowlands, and we have evidence
7 for their settlement as an experimental group -- that is,
8 as a small group -- at Santa Clara Pueblo itself, before
9 1400 A.D. This is on the basis of pottery dating, again.

10 Q And would this be the Pueblo as we know it today?

11 A That's the Pueblo as we know it today. It has shifted
12 its area very slightly from about where Pat Gutierrez'
13 cornfield is to a little bit maybe a block or so to the
14 east. Again, we are tracing it very closely by pottery
15 types.

16 Q Do you know the population of Santa Clara at this time,
17 roughly?

18 A As I recall it, it's about 2,000.

19 Q Do you know whether that population has remained stable
20 through the years, Doctor?

21 A When they were up on the pottery plateau, according to our
22 estimates from the numbers of ruins occupied, there would
23 have been a group perhaps of 1800 people, plus or minus.
24 During the 1800's, especially in the latter part of the
25 1800's, there was a great drop in population because of

1 smallpox epidemics and some others, smallpox being the
2 worst. These, we have historic records for.

3 Smallpox was introduced into the Pueblo area by the
4 Spaniards who came in, and the Pueblo people had no
5 developed unity to this kind of disease, and they dropped
6 in numbers tremendously.

7 Diphtheria was another one that came in. Consequently,
8 some of the Pueblos dropped to a hundred or less. Santa
9 Clara, if I am not mistaken, dropped to somewhere toward
10 a hundred people at that stage. It's grown up greatly
11 since that time.

12 Q Doctor, in your opinion, do each of these Pueblos guard
13 their identities very jealously and have they done so
14 through the years?

15 A Yes, they certainly do. This is something that is marked.
16 An example of it in the modern period is a person who
17 belongs to one Pueblo must not make pottery that looks
18 like that of another Pueblo. Otherwise, he supposedly
19 is trespassing on the other person's territory.

20 There were, at least in the 1930's and 40's,
21 prohibitions in regard to the width of a woman's native
22 type of dress even. Those of one Pueblo would have it
23 perhaps two or three inches wider in the skirt than those
24 in the other Pueblo. You didn't take over the style of
25 the neighboring Pueblo in spite of the fact that the

1 overall style had a great deal of similarity.

2 Q Would this be equally true of Santa Clara as well as any
3 other Pueblo?

4 A Yes, sir, it would be.

5 Q Doctor, would you explain to the Court the term Moiety?

6 A A Moiety is one of two divisions within a tribe, and in
7 different tribes Moiety is different to some extent in
8 their characteristics. Among the Tewa, the Moiety is
9 a very important unit. There are the two Moieties, and
10 there they had to do with the basic religious and social
11 organization of the entire Pueblo.

12 Q Is this a religious break in the Pueblo, a Moiety?

13 A It's a religious division. I don't think you should say
14 break, necessarily. There are occasions when the
15 Moieties argue with each other, as any groups would; but,
16 it is a division which you go into, customarily, on your
17 father's side. It is not a division into which you go
18 without a ceremonial introduction. This initiation is
19 a religious affair.

20 Q Does Santa Clara, as you understand it, have two Moieties?

21 A Yes, it does.

22 Q Have you heard testimony about Summer and Winter People
23 during the course of this trial, Doctor?

24 A Yes.

25 Q And would the Summer and Winter People that have been

1 referred to, would that be the Moieties that you have just
2 described?

3 A That is correct. Actually, the native people speak of them
4 as Summer or Winter People, or occasionally use the term
5 clan, which is not quite correctly used according to
6 anthropological use of it, which is why we do not.

7 The anthropologists call it Moieties, but they are identical
8 to Summer and Winter People.

9 Q Do these Moieties, as you understand it, have leaders?

10 A Yes, they do. There is a cacique for each Moiety, and in
11 the past the cacique for the Summer Moiety was in total
12 charge of the Pueblo during the summer period. Then,
13 there was a ceremonial exchange of authority and the
14 Winter cacique would be in charge of the Pueblo for the
15 winter period.

16 He was in charge of the Pueblo in connection with
17 religious affairs and with secular affairs as well. The
18 religious affairs for the winter had to do primarily with
19 hunting; the Tewa were important hunters.

20 Q Doctor, would these leaders be the same people, in your
21 opinion, that chose their political leaders?

22 A Their secular political leaders, you mean? Yes, after 1620,
23 there was a secular government imposed upon all of the
24 groups of native peoples who were under the Spaniards.
25 This imposition by the Spaniards was that there should be

1 secular leaders to deal with outsiders. I think that the
2 Spaniards probably also were interested in trying to
3 break down the religious system of native peoples if
4 possible.

5 At any rate, the Pueblos responded by the secular
6 leaders having been appointed by the religious leaders
7 of their own group. Consequently, the secular leaders
8 were advised and were speaking for the religious leaders
9 of the group, who kept in the background.

10 Q And when you refer to secular leaders, Doctor, what
11 particular people are you referring to?

12 A The Governor, the Lieutenant Governor, Fiscales, Capitanes,
13 and occasionally in some Pueblos you also had an Alvosel.

14 Q Do you know whether or not Santa Clara Pueblo had this
15 type of government?

16 A Yes, it did.

17 Q Prior to the Constitution?

18 A Yes, it did.

19 Q Do you know whether or not after the Constitution there
20 have been any changes in the government?

21 A There hasn't been very much in the line of changes of
22 officers. There have been a few, but primarily the only
23 difference is that whereas in the past, the secular officers
24 were appointed by the religious officers in the background,
25 now the secular officers are nominated by the religious

1 officers in the background, and they are subject to being
2 voted upon by the members of the Pueblo.

3 Q As I understand it, the religious leaders still choose
4 the candidates; is that your testimony?

5 A They nominate the candidates, and their influence,
6 naturally, is of considerable importance, as it would be
7 for any nominating group for a candidate.

8 Q Do you know whether or not the influence continues into
9 the democratic process of election?

10 A As an influence, yes. Nevertheless, there are ballots
11 to be filled in.

12 Q And all of that that you have testified to, Doctor, is
13 it applicable to Santa Clara?

14 A Yes, this is for Santa Clara.

15 Q Today?

16 A Yes.

17 Q Doctor, would you define a theocracy, as you understand it,
18 as an ethnologist?

19 A A theocracy is government by religious group, that is a
20 group of priests or priestly persons.

21 Q In your opinion, Doctor, prior to the Constitution, was
22 the Santa Clara governed by a theocracy?

23 A Yes, it definitely was.

24 Q And, in your opinion, today is Santa Clara governed by
25 a theocracy?

1 A Yes, I would say that it certainly was. There is a
2 lessening of the importance of the religious leaders,
3 I think, in all the Pueblos today in part because of the
4 fact that everything is becoming more secularized through
5 acculturation. Nevertheless, when you get down to it,
6 the religious leaders are those who primarily influence
7 and control these Tewa Pueblos, including Santa Clara.

8 Q Doctor, you explained that a child goes to one of the
9 Moieties, at what point in a child's life does this occur?

10 A He's introduced into the Moiety when he is very young,
11 and there is a ceremony which has to be gone through.
12 Later on there is a confirming ceremony which hits him
13 about puberty.

14 Q Do you know into which Moiety, father's or mother's, a
15 child normally goes in in the Santa Clara society?

16 A He normally goes into father's Moiety, providing that he
17 has a father, known.

18 Q We've said that normally. Would you be able to testify
19 as to the percentage of time or an approximation, if you
20 know?

21 A I'd say probably about 95 percent of the time; and,
22 "normally" in this case means customarily.

23 Q Is this in agreement with what you read by other authors
24 in this area?

25 A Yes, it is.

1 Q Do both boys and girls go into a Moiety?

2 A Yes, they do.

3 Q And do you recall whether or not the girl in a family
4 would follow the same pattern as a brother, perhaps, in
5 the same vein?

6 A In going into the Moiety, she customarily would go into
7 the same one as her brothers. The ceremonies would not
8 be identical.

9 Q Are there other ceremonies for these children, Doctor,
10 insofar as the social religious aspects of the Moiety?

11 A If you are tying it to the Moiety, there are the two-man
12 ceremonies which have to do with induction and confirmation
13 of being in the Moiety. Apart from that, the children are
14 expected to participate in Moiety affairs afterwards, but
15 the participation of the boy is different from that of
16 the girl. The boy goes into much more esoteric matters
17 in the Moiety than the girl is ever permitted to.

18 Q Are the boy and the girl introduced to a like amount of
19 religious ceremonialism?

20 A No. The girl has certain ceremonial duties and positions
21 in the Tewa Pueblos, but in general she is a minor person
22 in comparison to the role of the male in connection with
23 the ceremonial activities in the Tewa Pueblos.

24 Q Doctor, would you define the term patrilineal?

25 A The term refers to either inheritance through the father's

1 side of one's last name, as in our own society, which we
2 would call patrilineal, and/or the inheritance of other
3 matters or the following in other matters of the father's
4 side.

5 Q Such other matters being what, for example?

6 A For the Tewa?

7 Q Yes.

8 A Going into the father's Moiety, and going into the father's
9 household group, which, in some of my papers I have
10 referred to as clumps of relatives. Now, this is not
11 invariable, but it is in the majority of the cases.

12 A young couple marrying, in the past, joined and
13 often lived within the father's parents household. If
14 they didn't live within the father's parents household,
15 but had a house of their own, which is more common
16 nowadays, they cooperated with father's household usually
17 in connection with economic activities and small
18 ceremonial activities. This made a unit which had as its
19 leader an imposing respected male, usually the oldest
20 male, if he was competent. And, occasionally, there could
21 be changes if there was any difficulty in the household --
22 for instance, arguments -- to join with a mother's group
23 instead; but, this was a pretty rare thing.

24 In Parsons, in going over the material in the 1920's,
25 in which he took almost all of the families of Santa Clara

1 Pueblo, found that in connection with the use of the last
2 name, such as Red Clay or something of that sort, that is
3 it would be the last name in our terminology, it was the
4 group name, the household name, this is their terminology,
5 sometimes referred to as clans by some of the earlier
6 anthropologists, these families all took that father's
7 side. Now, beyond that, you have the importance of the
8 father in connection with --

9 MR. COLLINS: I'm sorry, that's not responsive to
10 the question, and it's a narrative answer and I would like
11 for the question to be asked.

12 THE COURT: Fine.

13 Q (By Mr. Prelo) Doctor, did you hear testimony about the
14 giving of a Tewa name by a prior witness a while ago?

15 A Yes.

16 Q Do you know when a Tewa name is given to a child?

17 A As I understand it, what was being talked about was what
18 we would call a first name, not the family name, and that
19 first name is given when the child is an infant.

20 Q And do you know by whom that first name is given?

21 A I believe it's given by the two persons who have first
22 touched the child after it has been born.

23 Q Doctor, how would you compare the dominance, if that's a
24 fair word, of the male or the female as opposed to each
25 other in a Tewa family?

1 A Although the mother has certain duties, as in our own
2 household, there is no question but what the male is
3 dominant in the Santa Clara household, or the household
4 of any of the Tewa Pueblos. He is much more important
5 an influence, he is much more important in decisions.
6 He is supposed to support the family economically. He
7 leads the family in religious matters, with the exception
8 of a few small rituals in which a woman handles things,
9 and he is supposed to see to the family on an overall
10 basis.

11 Q What are the women's functions, normally?

12 A The woman does the care of the children to a large extent,
13 although men participate also. She sees to the cooking.
14 She used to see to a great deal of preservation of foods
15 from the fields. The Tewa no longer are such farmers as
16 they used to be. And, she deals with a few small rituals,
17 but not major matters.

18 Q Based on your definition of patrilineal, Doctor, would you
19 say that Tewa society is or is not patrilineal?

20 A I would certainly say that it was patrilineal.

21 Q Is it your opinion that Santa Clara society is patrilineal?

22 A Yes, I would say it was, and I would like to add that
23 parenthetically some anthropologists have said it was a
24 bilateral society. In kinship terms, it is bilateral --
25 that is, father's people and mother's people up to the

1 grandparent generation have the same terms, they are not
2 distinguished. That is as in our own society. I would
3 say that our own society is also patrilineal and at least
4 has been up to the present, and was very much like the
5 Tewa society except that religion was of more importance
6 to the Tewas than it has been in our society for quite a
7 number of generations.

8 Q Doctor, in your studies and reading, have you come across
9 or have you any reason at this point to form an opinion
10 as to where a female Tewa would reside upon marriage to
11 a non-Tewa?

12 A Ordinarily, the Tewa woman, and in truth this was also so
13 in the other Pueblos, followed her husband to wherever his
14 area of residence was.

15 Q And has this been historically that way, as far as your
16 studies have indicated?

17 A Yes, it has, with some exceptions.

18 Q Would you say that it was preponderantly that way?

19 A Yes, it was definitely preponderantly that way.

20 This I know from personal knowledge. I can say also
21 this, from the study that Parsons made in the 20's in
22 which she listed the mixed marriages and the areas of
23 residence.

24 Q If a Santa Clara woman had been married, had married a
25 non-Santa Clara man, where would they normally reside,

1 historically?

2 A If a Santa Clara woman married a non-Santa Clara man, she
3 would go to the non-Santa Clara man's place of residence.

4 Q And if a Santa Clara man -- would you like some water?

5 A Yes, please.

6 Q We can go ahead and continue, Doctor --

7 MR. PRELO: Or can we, Judge?

8 THE COURT: As far as I am concerned, why, you can
9 go ahead.

10 Q (By Mr. Prelo) If a male Santa Clara marries a non-Santa
11 Clara, where, historically, would they be settled?

12 A Normally in Santa Clara Pueblo.

13 Q Now, you indicated earlier that there were some exceptions.
14 Do you know what the exceptions were or might have been?

15 A Well, occasionally the male has had a job outside of the
16 Pueblo, and has resided consequently in Santa Fe,
17 Albuquerque, or places farther away. And might take his
18 wife and family to those far places.

19 There have been, also, occasions, apparently, when a
20 woman, in some of the Tewa Pueblos -- now, this, I will not
21 say for Santa Clara, the instances I know happen to have
22 been outside of Santa Clara -- where, for some reason,
23 such as the illness of someone in the family, the men have
24 gone to reside in the woman's household. But, this was a
25 rare exception.

1 In the old days, the rule was, as stated in some of
2 the historic references, that a man was not supposed to
3 move out of his own Pueblo without permission of the
4 authorities of that Pueblo and these were the religious
5 authorities.

6 Q Who normally would be responsible for teaching religion
7 and culture to a Santa Clara youth?

8 A Both mother and father would do some teaching of it,
9 inevitably, but the father would give far more than the
10 mother would.

11 Q Is this taught exclusively by the parents, or are there
12 other sources for this?

13 A There certainly were other sources. The rest of the
14 relatives; and, because of the composition of the
15 household usually being tied in with father's relatives,
16 it was usually father's relatives who did the rest of the
17 teaching on a quite personal angle.

18 Then, besides that, the religious authorities of the
19 village were expected to do a good deal of training for
20 any of the young people. They have lost some of their
21 importance in this function since secularization has
22 become increased, but it is not totally gone.

23 Q Would these religious authorities normally be male or
24 female?

25 A Male.

1 Q Would that be by and large the preponderance or would
2 that be in all cases?

3 A I think that was in all cases.

4 Q And is this testimony applicable today?

5 A As I understand it, yes.

6 Q Are the men and women in a Tewa society on an equal basis
7 politically?

8 A Politically, they are at present.

9 Q Are they on an equal basis in a socio-religious aspect?

10 A Socio-religiously, I would say no, in that the men take
11 the important positions religiously. It's a little like
12 the situation, I suppose, in our churches, in which men
13 customarily are the ministers, priests, preachers.

14 Q In your opinion, Doctor, has the social system, socio-
15 religious system, of Santa Clara changed appreciably in
16 the last half century?

17 A The socio-religious system, I would say, had not changed
18 greatly. In the development of the Constitution, you have
19 some change in the political system, in the development
20 of the factions you have a small change in the political
21 system; but, from the socio-religious side, I would say
22 not.

23 Q Doctor, are you acquainted with the rule in the Tewa
24 society as pertains to illegitimate children?

25 A My understanding of it, and this is true for the other

1 Pueblos as well as for the Teras, that a child born out of
2 wedlock then is taken into the family and the Molety and
3 hence the tribe of the mother, which, in a way, substitutes
4 for the father, and the father, being missing in this
5 situation, is made up for by relatives of the mother and
6 by the authorities of the Pueblo.

7 Q Has this been historically the rule as far as you know,
8 based on your readings and studies?

9 A Based on my readings and personal knowledge since the
10 1930's.

11 Q Excuse me, that's based on your readings and studies since
12 the 1930's? You are not saying that the rule is since the
13 1930's?

14 A No, no. I'm saying based on my personal knowledge of
15 what was going on in the Pueblo since the 1930's, and on
16 readings that go back before the 1930's.

17 MR. PRELO: May I have just a moment, Your Honor?

18 THE COURT: Yes.

19 Q (By Mr. Prelo) Doctor, do you have an opinion, based on
20 your studies and information, as to what would happen if
21 a female Santa Clara marries a non-Santa Clara, what
22 culture and religion would be taught to that child?

23 A Well, if the female Santa Clara marries a non-Santa Clara,
24 who then settled down to live in the village, obviously
25 some of the Santa Clara culture would be given to the

1 child. If she married a man from outside and moved to
2 his place of residence outside, the type of training
3 that the child would receive in social and religious
4 matters would not be Santa Clara.

5 Q Doctor, in your opinion, based upon your studies and
6 readings and personal observations, and the testimony
7 that you have given here today, if Santa Clara allowed
8 their women to marry non-Santa Clarans, and if their
9 children became members, do you foresee any possible
10 results from this?

11 A Well, because of the importance of men in connection with
12 the carrying on of the culture, the training of the
13 children in the socio-religious situation, the culture
14 eventually would break down and be lost.

15 MR. PRELO: Thank you.

16 CROSS-EXAMINATION

17 BY MR. COLLINS:

18 Q Dr. Ellis, you stated that you were requested by the
19 Justice Department to make a study of Santa Clara matters;
20 is that correct?

21 A That's right.

22 Q And you said that was for some hearing concerning the
23 Martinez family, and you implied that it was a different
24 hearing from this trial. What hearing was that?

25 A Well, as I understood it, this was the hearing originally