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## Introduction

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## INTRODUCTION

NECAH STEWART FURMAN  
Guest Editor

IN JUNE 1977, the *New Mexico Historical Review* in conjunction with the Museum of Albuquerque and the Museum of New Mexico in Santa Fe sponsored a conference on "Cultural Conflict in New Mexico: Issues of Public Concern." Funded by a grant from the New Mexico Humanities Council, this three-day conference hosted humanities scholars and guest speakers from within New Mexico and from neighboring borderlands states. Accordingly, participants and lecturers analyzed the struggle of various cultural groups to settle problems of land grants and property rights, to obtain equal educational opportunities for minorities, to gain equality for women, and for recognition of minorities in state politics. These presentations also stressed the importance of considering human values in legalistic decisions and the impact of historic rulings on future generations.

William E. Davis, president of the University of New Mexico, presided over the introductory session, which dealt with problems relating to land rights in New Mexico. Mexican-American spokesman Reies López Tijerina made the first presentation. Currently director of the Alianza Federal de Pueblos Libres, Tijerina has attempted to gain legal recognition of Spanish land grants and economic justice for Spanish-speaking people of the Southwest. According to Tijerina, the Treaty of Guadalupe Hidalgo guaranteed the rights of his people to the land until this right was abrogated by the United States Supreme Court on the basis that the people could hold no title to "common lands," hence this territory reverted to the United States. After many years and numerous unsuccessful attempts to get the United States to investigate this

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claim, in June 1975, Tijerina attempted to force recognition of the cause of his people through a raid on the federal courthouse in Tierra Amarilla. His explanation of the circumstances surrounding this incident serves as a prime example of conflict between cultures, one that seemingly could have been prevented.

The fact that this type of problem is indigenous to the Southwest was clarified by Manuel P. Servín's analysis of the legal basis for the establishment of Spanish sovereignty as based upon the symbolic "act of possession." Former editor of the *New Mexico Historical Review*, Servín cited numerous examples of the various rituals used to establish national sovereignty—a practice that is not totally a relic of the past, but was most recently used in the frontiers of outer space when the American flag was placed on the moon, establishing possession in the name of mankind.

Iris Wilson Engstrand, chairman of the department of history at the University of San Diego, further elaborated on land grant problems in the Southwest. After establishing the historical background for this problem through an introduction of basic Spanish land laws and colonization procedures, she compared land grant methods in California and New Mexico and the changes that occurred during the Mexican and American periods. Professor Engstrand concluded that language difficulties, fraud, indefinite boundaries, and differences in title concepts have all contributed to deep-rooted cultural conflict concerning land ownership.

Another problem of vital concern to minorities is the quest for equal educational opportunity. With Gerald D. Nash, chairman of the department of history at the University of New Mexico presiding, Felix D. Almaráz, Jr., provided historical perspective and a survey of the debate concerning bilingual education in New Mexico. Since 1968, when the Bilingual Education Act was passed, federal funding for this program has increased and, as Almaráz indicated, so has the controversy surrounding it. He focused upon several issues in need of public attention, including the segregation of bilingual education, the need for teacher training, a reconciliation between cultural heritage and American patriotism, and, finally, the need to dispense with unintelligible educational jargon. The test of time, according to Almaráz, ultimately will

determine if bilingual education better prepares the student for the working world.

Joe S. Sando, specialist in the Cultural Awareness Center at the University of New Mexico, directed his attention to the plight of still another minority group in New Mexico public schools—the Pueblo Indians. The largest numbers of Pueblo students, according to Sando, are located in the Grants school district, with its satellites at Laguna-Acoma; at Bernalillo; and at Zuni, which is part of the Gallup-McKinley district. Pueblo students, exposed to the traditional pedagogy of the American public school system, have encountered problems due to the differences in native language, value systems, and teachers and educators who are not attuned to the needs of Indian students. Pueblo students are also placed at a disadvantage through stereotyping of the Indian in textbooks, films, and television. Sando suggested that these inequities could be rectified through sympathetic administrations, counseling, more Indian professors at the university level, proper teacher training, and unbiased texts.

Philip Reno, professor at Navajo Community College, Shiprock, also dealt with Indian education by providing historical perspective that revealed the genesis of some of the problems it has encountered. He noted that Indian education which originally reflected social needs was carried on by family and clan as well as by formal tribal institutions, with the University of the Sun at Teotihuacán representing the highest level. After the imposition of white culture and the western educational system, which was directed toward the inculcation of religion and the competitive individual-gain philosophy of the American, the Indians were forced to develop a covert educational process to maintain the Indian values. Tracing the changing educational philosophy of the government toward Indian education, Reno pointed out that the original aim of the Indian service was total integration, but this was altered in the 1930s with the sympathetic administration of Indian commissioner John Collier. The New Deal for the American Indian, however, ended with World War II, and in 1950, “termination of federal responsibility” became the government policy. The 1960s initiated “self-determination without termina-

tion," and the Indian began to have more of a voice in the educational process through representation on school boards, the Bureau of Indian Affairs, and the initiation of federal tribal scholarships for advanced degrees. Reno concluded that the quest for equal educational opportunity has led Indian youth to a position more or less equivalent with that of the poor white of American society. The solution, he felt, is yet to come, and may rest with a return to the Indian philosophy of education, which is based upon communal good rather than individual aggrandizement.

Concluding discussion on the quest of minority groups for educational opportunity was Professor Leo M. Romero of the University of New Mexico School of Law. Romero focused on two major issues, namely, how the number of minority students in higher institutions of learning can be increased and how this could be done without violation of the constitution. Noting that lawsuits have been levied recently against both medical and law schools, he traced the source of the problem to attempts made by professional schools to remove vestiges of overt discrimination against minority admissions by standardized tests, which in reality favored white middle-class students as subsequently reflected in minority enrollment statistics. By the 1960s, however, institutions took steps to change the situation, including the establishment of the Council on Legal Educational Opportunity and the American Indian Law Program, to assist minority students in preparation for law school. Despite efforts such as these, University of New Mexico medical school statistics, for example, reflected a national downtrend for the previous two years. The Bakke case is illustrative of the controversy surrounding minority admissions programs; yet Romero concluded that in his opinion, a "reading of the Bakke decision does not signal the end of the minority admissions program." Each ethnic group still should be entitled to "fair access to professional schools."

The next session centered around a theme of historic and contemporary relevance, the struggle of the people in the Southwest for property rights and self-government. The perspective presented was that of the Indian and Hispanic. With Richard N. Ellis presiding, Philip S. Deloria of the American Indian Law Center

discussed the long-standing problem of property of the American Indian in relation to American jurisprudence. Deloria noted that the recognition of fundamental Indian rights by the federal government, the maintenance of tribal consent, self-government, and partial compensation for land, "represent the highest moral aspirations of American society," but "they have not been as easy to implement as to articulate in broad court decisions and policy statements." Deloria continued by showing how the practice had fallen short of the ideal and how assumptions of the American legal system, such as the principle that monetary damages substitute for certain rights, do not solve problems, but instead contribute to cultural conflict. Deloria addressed the question of whether Indian tribes in the future will, in order to survive, be allowed to experiment with models of government "which can accommodate traditional Indian culture" alongside non-Indian lifestyles.

Donald C. Cutter, professor of history at the University of New Mexico, further illustrated the historical basis for the controversy over property rights for Hispanic peoples of the borderlands. He surveyed the legal rights of minority groups in New Mexico as embodied in the cornerstone of those rights, the Treaty of Guadalupe Hidalgo. An understanding of the actions and ideas of officials and citizens in the late nineteenth century, he concluded, will lead to easier solution of current problems stemming from the past.

Representation of minorities in state politics was the topic of the session chaired by Michael Weber of the Museum of New Mexico, Santa Fe. In this vein, Richard N. Ellis provided a historical perspective of minorities in state politics by analyzing records which reveal the extent of participation by Hispanics and Indians. Citizens with Hispanic surnames, he concluded, have been more active in New Mexico than in surrounding states, but their participation in politics "has not always equalled their percentage of the population." Furthermore, according to Ellis, the degree of participation of Hispanics in local and county government varied in the past according to locale; however, they have been an active force in the political system of the state since the time of the American conquest. On the other hand, Ellis revealed that the American Indian has played a much less significant role in New

Mexico politics, partly due to his exclusion by federal law. As he explained, "It was not until the 1940s that legal action gave the vote to Indian residents of New Mexico, and as a result, few Indians have been elected to the state legislature."

Delphin J. Lovato of the All Indian Pueblo Council further explained the status of the American Indian in the political structure of the state by clarifying the conflicts that have existed within that relationship. Lovato stated that both Spain and Mexico had recognized and respected the boundaries of the Pueblo lands and their rights to govern themselves as does the Enabling Act of the state of New Mexico; however, that sovereignty is now being challenged. The reason for this backlash and the attempts of the state government to obtain jurisdiction over Indian land, according to Lovato, is to be found in certain vested interests, expansionist ideas, and even in the misguided attitudes of well-meaning individuals. He expressed the view that infringement upon Indian rights by the state government also is due to uninformed though sincere legislators; therefore, the solution as he presented it was for the Indian community to continue trying to educate its people to use the legislative process and to discuss problems of land and water rights with state legislators, thereby gaining recognition of the unique relationship of the Pueblos to state government.

A major reason for lack of communication and misunderstanding between the Indians of New Mexico and governmental officials has been the Indians' lack of representation in the state's legislative bodies. As Raymond G. Sanchez, representative for District 15 of the New Mexico state legislature, indicated in his presentation, only one Indian held a seat in the House of Representatives and one in the Senate at the time of the conference. This indicated, according to Sanchez, that "the responsibility lies with the Indian nation to involve themselves in state politics." Sanchez's address, dealing with the "Legislative View of State Politics," defined those governing bodies as "a microcosm of the entire community and the entire state." He maintained that the "idealism" and "striving" in politics must be continued. As in the struggle of minorities, according to Sanchez, "A man's reach should exceed his grasp," because striving is a positive aspect of cultural conflict. Furthermore, in the legislative process, striving

leads to the passage of legislation to benefit society as a whole—legislation such as the state Equal Rights Amendment of 1972, passage of the Bilingual Multi-cultural Act in 1973, and the establishment of the Commission on the Status of Women in 1974.

The final session of the conference dealt with “Women’s Search for Equality.” Suzanne de Borhegyi, director of the Museum of Albuquerque, presided over the session with Necah Stewart Furman, co-director of the conference, providing the historical perspective on the subject. Contending that the struggle of women for equality crosses all ethnic lines, Furman traced the status of women from different minority groups in New Mexico under Spanish, Mexican, and Anglo cultures, noting that women’s rights under the law suffered a setback with the superimposition of the Anglo legal system. Although the famous Seneca Falls, New York, Convention launched the American women’s movement in 1848, western states appear to have been more receptive to equal rights for women. Furman explained some of the reasons for this and concluded by using the state of New Mexico as a case study in the quest for women’s rights—a quest that resulted in the passage of the state Equal Rights Amendment in 1972. Ratification by three states was still needed for passage of the ERA, but even then, according to Furman, it would be necessary to dispense with stereotyping and sex bias in textbooks, and in effect, to remold the mindset of many Americans in order that women could succeed in their quest for equality—within New Mexico and elsewhere.

Marjorie Bell Chambers, former president of the American Association of University Women and president of Colorado Women’s College in Denver, further explained the basis for women’s struggle for equality in her presentation “Women, the Majority Minority.” Chambers launched her talk by pointing out that “all New Mexico women suffer economic, educational, and political discrimination despite the Equal Rights Amendment to the state constitution.” The background, according to Chambers, is to be found in the patriarchal origins of American society. Although women were no longer confined to the home by the middle of the nineteenth century, national statistics show that concepts of women from that era have not changed, and although the Equal Pay Act was passed in 1963, women still do not get equal

pay. Moreover, the gap between men's and women's salaries is increasing because women are still regarded as secondary workers. In comparison to other minorities, white women, according to Chambers's statistics, show the lowest rate of unemployment at 7 percent, with Indians at 10.2 percent, Mexicans at 11 percent, and Blacks at 13 percent.

Chambers pinpointed 1963 as a significant year, initiating what she interpreted as the second phase of the women's movement. In 1961, President John F. Kennedy established a Committee on the Status of Women, and it was in 1963 that the committee made its report. From this came the impetus for commissions at the state and local level. Even in the international sphere, the United Nations in 1963 publicly acknowledged discrimination of women around the world; and four years later, the General Assembly publicly declared itself against such discrimination. Chambers concluded that women's power in politics, as in economics, is minimal. Token appointments are made, with statistics reflecting the secondary position of women in this realm. During the 1922 to 1932 period, the New Mexico legislature boasted 14 women in the decade following the granting of suffrage; during the 1932 to 1942 decade the count rose to eighteen; and indicative of the need for the continuing quest for equality was the fact that there were only four women in the New Mexico legislature at the time Chambers spoke.

The final participant in the session, University of New Mexico Assistant Professor of History Jane Slaughter, further explained women's quest for equality within the broader movement. Her address, entitled "Myths and Stereotypes of the Women's Movement," considered whether or not the movement was dying, as some felt, or simply changing character. In this light, she noted that the rationale for the development of certain myths and misconceptions about the movement have been due to the fact that it had not been considered in the context of society as a whole. For example, the movement in the 1890s must be considered in connection with the development of progressivism. Then in the 1920s, women had received the franchise, yet the movement appeared to die. As Slaughter explained, this myth developed because the 1920s were not reform years; the emphasis during that period was

placed on individual solutions to particular problems. The depression decade, according to Slaughter, provided the germ for still another myth—that women were to blame for the economic plight of the country—and finally the contention that the women's movement was dying because of the divisiveness within the group itself. This also generates from common misconceptions, Slaughter maintained, because the movement has never been a monolithic phenomenon; rather it has been characterized by different foci. This in itself, according to the speaker, is not a negative aspect. Conflict in the movement, like cultural conflict in general, prevents stagnation and can lead to positive change. Furthermore, a fundamental unity and agreement still exists to bind one woman to another in the common quest for equality.

Unfortunately, not all the addresses can be included in this special issue due to the limitations of space and since some of the presentations were not readily transformed into publishable form. It is our sincere wish, however, that those papers included herein will provide a good sampling of this timely and relevant topic and in so doing rededicate everyone to the attainment of cultural harmony.