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Santa Clara Pueblo v. Martinez (1978) Trial  
Transcripts

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## 12: Florence Hawley Ellis-Cross Exam.pdf (2.118Mb)

U.S. District Court for the District of New Mexico

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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

1 intended to be held by Julia Martinez, the mother of the  
2 family, in connection with some of the matters pertaining  
3 to the present one, but also connected to the housing  
4 project.

5 Q Well, let me inform you, Mrs. Ellis, that that's a  
6 mistaken impression. This is the trial, and the only one  
7 that was ever contemplated, and the Justice Department  
8 was once part of this trial, I just wanted to correct  
9 that impression.

10 A Thank you.

11 Q So, who in the Justice Department hired you?

12 A Pat Schaffer.

13 Q And were you paid for your work?

14 A Not yet.

15 Q Was there an agreement that you would be paid for your  
16 work?

17 A Yes.

18 Q At what rate?

19 A At a hundred dollars a day.

20 Q And how many days did you work on it?

21 A I worked on that part of it for 10 days.

22 Q Did you do any more work for the Justice Department after  
23 that part?

24 A No.

25 Q Are you being paid to appear here today?

- 1 A Yes.
- 2 Q By whom?
- 3 A The Pueblo.
- 4 Q And how much?
- 5 A Presumably this would be at the same price as previously.
- 6 Q I see. You were present all day yesterday as well; is
- 7 that right?
- 8 A Yes.
- 9 Q Will you be paid for that appearance as well?
- 10 A Yes.
- 11 Q Did you do any work between the time that you gave a
- 12 deposition in this case, which I believe was November 7th,
- 13 and yesterday? Did you do any more work on the case?
- 14 A Somewhat, yes.
- 15 Q Could you describe that briefly?
- 16 A I reviewed some of the papers that I had used previously,
- 17 just to freshen up on the matter, and I think I was out at
- 18 the Pueblo a couple of times.
- 19 Q Did you add any further sources to the sources that you
- 20 had at the time you gave the deposition?
- 21 A No.
- 22 Q Any new written sources?
- 23 A No.
- 24 Q Any new informants?
- 25 A No.

1 Q All right. Dr.Ellis, I have handed you a document marked  
2 Plaintiff's Exhibit 1 for identification. Is that the  
3 paper you wrote in connection with this matter?

4 A Yes.

5 Q This is the paper that Pat Schaffer engaged you to turn out,  
6 is that correct?

7 A Yes.

8 MR. COLLINS: We would offer this at this time as  
9 Plaintiff's Exhibit 1, Your Honor.

10 THE COURT: Any objection?

11 MR. PRELO: Your Honor, I would object on the grounds  
12 that she is here to testify personally. I don't know  
13 that the document itself is going to add anything to her  
14 testimony.

15 THE COURT: Unless there is some question about the  
16 actual continuity of the testimony and any differences of  
17 opinions that she's expressed here, any information that  
18 she's expressed here any different, I don't see any reason  
19 to put it in the record, Mr. Collins.

20 MR. COLLINS: Well, Your Honor, it was prepared  
21 especially for this matter, and it seems to be quite  
22 relevant. I could take her through it, but it would save  
23 a lot of time --

24 THE COURT: This I understand. Well, I would rather  
25 have you explore a lot of disparities rather than have to

1 sit down and go through the record, I think it would be  
2 better. I don't have any objection to the introduction  
3 of the report itself, but I think that from the time  
4 standpoint, record standpoint, it might be better to  
5 carry through it, if you wish.

6 MR. COLLINS: All right.

7 (Whereupon, Plaintiff's Exhibit 1 was offered into  
8 evidence.)

9 Q (By Mr. Collins) Now, Mrs. Ellis, let me ask you whether  
10 anything you said in that paper is incorrect?

11 A Well, I doubt that anything that is said in the paper is  
12 substantially incorrect. I think that slight changes are  
13 made by any anthropologist in going over a paper more  
14 than once. I have written this one twice and consequently  
15 made some additions and subtractions. I think  
16 substantially it is correct.

17 Q This is the second edition of this paper; is that right?

18 A Yes.

19 Q In listening to the testimony the last couple of days,  
20 nothing occurred which changed your mind about anything  
21 in here; is that right?

22 A I think not.

23 Q Okay. You stated you had been a witness in some claims  
24 cases before. How many cases was that?

25 A If you are speaking of the land claims, I did one for Zia,

1 Santa Ana and Jemez together. I did one for Acoma, one  
2 for Laguna, one for Nambe, one for Taos, one for Hopi, one  
3 for Navajo.

4 Q In addition is this water case; is that right?

5 A That's in addition to the water cases.

6 Q In your paper there is included something marked Plaintiff'  
7 Exhibit 47 with some data about the Pueblos. Is that from  
8 one of those other cases?

9 A Yes, that was in with my data for the Laguna case, and  
10 that's how it happened to have that numbering on it.  
11 I should have clipped it off.

12 Q Oh, excuse me. Are you being paid by the Pueblo for other  
13 than yesterday and today? Are you being paid for other  
14 work than yesterday and today by the Pueblo?

15 A No.

16 Q So the total is the 10 days with Pat Schaffer and two days  
17 at trial; is that right?

18 A Yes.

19 Q Now, in this paper you stated that there are no  
20 anthropological reports on Santa Clara itself; is that  
21 correct? Is that what you stated in the paper?

22 A Yes.

23 Q So that your written sources were sources not about  
24 Santa Clara in particular; is that right?

25 A The written sources touched on Santa Clara and other

1 Pueblos in comparison, usually.

2 Q But none was about Santa Clara in particular?

3 A Yes, they were about Santa Clara in particular in part,  
4 but they also contained other material. There is no  
5 overall study of Santa Clara at present published.

6 Q I see. Are you acquainted with Elizabeth Sergeant?

7 A Yes, I knew her in the 1930's and early 40's, and we  
8 used to chat together about what went on in Santa Clara  
9 and other Pueblos at the University of New Mexico.

10 Q Did you examine her papers in connection with this  
11 matter?

12 A No, I did not because they are not readily available.  
13 I used her data that is quoted exactly in Dozier's  
14 paper on -- this is not the interpretation I am speaking of,  
15 this is the exact quotes. That is, he put in quite a lot  
16 of her material.

17 Q Did you examine any of the Pueblo records in connection  
18 with this case?

19 A No, none of the Pueblo records as such.

20 Q I mean, the Santa Clara Pueblo records.

21 A No.

22 Q Are you aware that quite a number of Sergeant's documents  
23 are contained in the Santa Clara records?

24 A No, I did not know they were in there.

25 Q They are. Of your written sources, could you tell us which



1 you believe is the most important?

2 A The Dozier papers are very important. I would say, I  
3 suppose that those are perhaps the most important.  
4 However, there are also a number of other papers that  
5 have a great deal of importance. The next two that I  
6 would say were the greatest were those by Parsons and the  
7 old papers by Bandelier. The others deal with more  
8 specific and smaller matters. Barbara Friere Marecco  
9 Atkins did some work which is also of considerable  
10 importance there.

11 Q Well, you listed in your bibliography a 1940 study of hers  
12 on Najano; is that correct?

13 A Yes, she did some other studies also that were comparative  
14 studies, but she worked directly in the Pueblo.

15 Q Have you read her 1930 article dealing with factionalism  
16 in Santa Clara?

17 A Yes. This also is quoted by Dozier.

18 Q It was listed as one of his sources; is that correct?

19 A Yes.

20 Q Now, in addition to that bibliography that's contained  
21 here in your paper, what other sources did you consult  
22 in connection with this case?

23 A I used but couldn't consult at the moment, knowledge that  
24 I had from both Ed Dozier, who was my student and close  
25 friend back in the 1940's, and with whom I conferred

1           periodically from that time until his death, and Nibs  
2           Hill, who was the head of our department. I had worked  
3           with Nibs Hill, I came to the Department of Anthropology  
4           at the University of New Mexico before Nibs did, and while  
5           he was working in connection with the Santa Clara Pueblo  
6           studies we often sat down and discussed these things over  
7           a period of years.

8           Q     Those are your own sources?

9           A     If you are referring to the matter of did I discuss these  
10          matters with Santa Clara people, to some extent, yes,  
11          to some extent with persons from some of the other Pueblos.  
12          I had worked with a number of men in connection with --

13          Q     Excuse me, Mrs. Ellis, I want to know who your sources  
14          are. Please, just tell us who your sources are.

15          A     For Santa Clara, I had worked with Cleto Tafoya and  
16          Severa Tafoya, both dead. Eugene Gutierrez, who at present  
17          is quite ill. John Naranjo; Juan Chavarria, who was  
18          Governor of Santa Clara in '68 and has testified here  
19          since; and Lawrence Tafoya; and more recently with  
20          Amarante Silva; Jose G. Naranjo; and Governor Paul Tafoya.

21          Q     All right. Do you recall your deposition in this case  
22          on November 7th, Dr. Ellis?

23          A     Yes, and I was asked who I had worked with in Santa Clara,  
24          and I said I hadn't worked with -- I mean, I did not give  
25          these other names, these others were people whom I had not

1 questioned specifically in connection with this case.

2 I had worked with them earlier, we had discussed general  
3 matters in Santa Clara, including social organization.

4 Q And that's the reason you didn't give their names at the  
5 deposition?

6 A Yes.

7 Q Well, you were asked your sources at the deposition.  
8 How could you leave out a source?

9 A Because, as I just said, I thought of these as persons  
10 with whom I had been talking in connection with a  
11 different type of case.

12 Q I see. So they played no important part in this case,  
13 then?

14 A No, I didn't say that.

15 Q Well, then, why didn't you mention them at the deposition;  
16 if they were important, why didn't you mention them at  
17 the deposition?

18 A They were important from the standpoint of general  
19 knowledge of the Pueblo. I did not question them in  
20 regard to this case, and I thought of your question as  
21 having to do with specific informants in connection with  
22 the present case at present.

23 Q I see. You didn't understand the question to ask you your  
24 sources as a whole?

25 A No, I think not.

1 Q Well, but you recited all these books. Aren't they  
2 sources as a whole?

3 A Yes, and those I had consulted just recently in that  
4 context.

5 Q I see. So, in connection with this particular case, you  
6 used as informants the Governor Paul Tafoya, Mr. Amarante  
7 Silva, and Mr. Jose Naranjo; is that right?

8 A And these others who in the past had chatted with me and  
9 from whom I had notes.

10 Q Well, Dr. Ellis, don't you think that wasn't an honest  
11 answer at your deposition?

12 MR. PRELO: If the Court please, I'm going to object  
13 to the attorney badgering the witness.

14 THE COURT: Sustained.

15 Q (By Mr. Collins) Would you say that these other informants  
16 are as important as those three to your conclusions here?

17 A Perhaps slightly less, but not very much.

18 Q But you still didn't feel you had to name them at the  
19 deposition? You withheld --

20 A I think we covered that just a moment ago.

21 Q Okay. Now, you stated a number of matters concerning the  
22 status of Santa Clara today. Did you cover those matters  
23 with these three gentlemen that you just named, Mr.  
24 Tafoya, Mr. Silva, and Mr. Naranjo?

25 A Which specific matters?

1 Q You stated concerning the religious life of Santa Clara  
2 today, the status of the religious life of Santa Clara  
3 today. What's your source on that?

4 A I spoke of that to these three men, but I also had that  
5 data from my general, overall knowledge of what was going  
6 on in Santa Clara with which I have kept up throughout  
7 the years.

8 Q Well, in your deposition at Page 89 the question was  
9 asked, "The information that begins by 1939 and again in  
10 1934, isn't it true that that information going on down  
11 is almost entirely based upon information given you by  
12 Governor Tafoya, Amarante Silva, and Jose Naranjo?"  
13 Your answer, "Yes."

14 Did you make that statement? Did you make that  
15 answer?

16 A I suppose I did, if it's in the deposition; but, at the  
17 moment, since I don't have the deposition in front of me,  
18 I don't know even what subject we are talking about.

19 Q I believe the subject at that point is the membership  
20 practices at Santa Clara; is that correct?

21 A It seems to have to do with mixed marriages.

22 Q That's right.

23 A Okay. No, this material going back to '34 definitely was  
24 not based upon material only from these three. It was  
25 based also upon my knowledge of the Pueblo since 1934,

1           whereas I said I had been in and out of the Pueblo fairly  
2           frequently. It was based in part upon the material from  
3           Cleto Tafoya and wife, in part upon that from Ed Dozier,  
4           in part upon that from Hill. It was an overall picture  
5           of information and --

6       Q     Dr. Ellis, you just mentioned Hill as a source. In your  
7           deposition, did you mention Hill as a source?

8       A     No, because you asked, if I am not mistaken, had I consulted  
9           Hill's manuscript, and I had not consulted Hill's  
10          manuscript. I did have Hill as a source for background  
11          data of general knowledge over a period of years, as I  
12          said a few minutes ago.

13      Q     Now, this question that I have just called to your  
14           attention, is it your testimony now that this answer was  
15           incorrect?

16      A     I would say it was incomplete.

17      Q     Incomplete? Well, how could it be incomplete? You said  
18           yes, you didn't qualify the answer at that time. Now,  
19           is it incorrect or not?

20      A     I would say it was incomplete.

21      Q     Would you say it's not incorrect? Is this answer true  
22           or not true?

23      A     It is not completely true.

24      Q     But it is substantially true?

25      A     It covers those persons whom I had talked to very recently

1 in regard to these matters, but it did not cover the  
2 material before the recent period. It did not cover,  
3 either, the published material which I had completed in  
4 which there are scattered references to the same sort of  
5 thing, including Parsons' material.

6 THE COURT: Let's take a recess until 10:45.

7 I think you are trying to knock the  
8 witness off balance. If you will just point out the  
9 disparities, why, then, I'll make the determination in  
10 connection with them.

11 MR. COLLINS: Your Honor, the question of her sources  
12 is a very important question, and I am having trouble --

13 THE COURT: You can interrogate about that, Mr.  
14 Collins; but, when you start interrogating about her  
15 answer being complete or true or something of that nature,  
16 this is a little different situation. So, it will just  
17 go directly to the question of disparities, the sources  
18 that she reviewed, the sources that she did not mention  
19 to you at the deposition. This is adequate, under the  
20 circumstances.

21 MR. COLLINS: Yes, Your Honor.

22 THE COURT: Court's in recess.

23 (Whereupon, a recess was taken.)

24 Q (By Mr. Collins) Dr. Ellis, do you still have the  
25 deposition there?

- 1 A This one that you just handed me?
- 2 Q Yes. I wonder if you would turn to Page 16.
- 3 A (Witness complies.)
- 4 Q Now, those are the questions where you were asked your
- 5 informants at the deposition. Are those the questions
- 6 you understood to be confined to only new informants for
- 7 this case?
- 8 A Well, at least this was my thinking at that time.
- 9 Q I want to specifically call your attention to the question
- 10 "Question: Those members of the Council that you
- 11 have mentioned are the only informants that you have
- 12 spoken to at the Santa Clara Pueblo?
- 13 Answer: You mean in connection with this at the
- 14 moment?
- 15 Question: No.
- 16 Answer: Forever?
- 17 Question: Yes, there was one other person, I believe.
- 18 Q (By Mr. Collins) And you go on to the next page to
- 19 mention one other man.
- 20 A What is your question?
- 21 Q Are those the questions that you understood to be
- 22 confined to your informants in connection with this
- 23 case only?
- 24 A Yes.
- 25 Q Thank you. Now, would you say that Pueblo societies are



1 somewhat secretive?

2 A Do you mean the religious societies or the overall  
3 society of the Pueblo?

4 Q The overall society.

5 A Somewhat, yes.

6 Q Would you say in former times they were more secretive  
7 than they are at the present?

8 A Yes.

9 Q So that the older a source is, the less reliable it would  
10 be?

11 A No.

12 Q Why?

13 A Because the informants obviously never are going to speak  
14 to an anthropologist unless they wish to speak to an  
15 anthropologist. They have been convinced that there is  
16 some reason that the anthropologist wants to get the  
17 material. In most cases, this is a point of the  
18 anthropologist and the informants having a mutual  
19 understanding about the value of recording this material  
20 for future generations, Indian and White.

21 The older material, in many cases, consequently, is  
22 much more detailed and accurate than some of the more  
23 recent material because it was taken before the culture  
24 broke down.

25 Q Is it true that it's easier to get information today than

1 it was formerly?

2 A I would neither say that it was true or untrue. It varies.

3 Q Is it harder to get information today?

4 A It's harder to get information today on the old system  
5 because it is not known by the young people of today,  
6 usually.

7 Q Now, my question is is it harder to get current information  
8 today than it was formerly?

9 A The only time you can get current information is at  
10 current times.

11 Q Well, is one of your sources Parsons?

12 A Yes.

13 Q All right. Isn't it true that Parsons said that the  
14 Pueblos were very secretive and that some of her  
15 information was therefore unreliable?

16 A She said they were secretive and she said that some of  
17 her information was probably not totally comprehensive.  
18 It did not cover everything, and that there were probably  
19 parts which were unreliable.

20 Q Now, when you get information from Santa Clara informants  
21 such as you have obtained for this proceeding, do you  
22 verify the information by observation?

23 A As far as possible.

24 Q Would you look at Page 16 of your deposition?

25 A (Witness complies.)

1 Q You notice there you were asked about verification of  
2 information?

3 A Wait a minute.

4 Q Well --

5 A That's what I was thinking. There is no 16 in this paper.

6 Q I'm referring to this question (indicating). I have  
7 shown it to you, now I have to read it. The question  
8 was "Did you ever verify the information that's given to  
9 you by the informant at the Santa Clara Pueblo?"

10 Answer: "Well, not very much. I have not never done any  
11 serious work at Santa Clara except, as I say, the water  
12 claim until the present when I asked questions of those  
13 men, a couple of them, I have mentioned."

14 Is that answer correct?

15 A It depends upon how you understand the answer, I suppose.  
16 What I was referring to there was that I had never done  
17 any thorough, long, comprehensive study of Santa Clara  
18 Pueblo. This was being done by Nibs Hill with the aid of  
19 Dozier, Ed Dozier, the anthropologist now deceased, and  
20 I had worked only in connection with general observations  
21 on Santa Clara Pueblo for a comparative purpose earlier,  
22 and then in the later period in connection with their  
23 studies for the water claims.

24 Q All right.

25 A In other words, I have done no monograph on the Pueblo,

1 let's put it that way.

2 Q In connection with the current dispute, did you speak with  
3 anyone of opposing views? You spoke of the three  
4 gentlemen you named. Did you speak with anyone with an  
5 opposing viewpoint?

6 A What I was talking to those three gentlemen about, because  
7 they have been secretaries of the Pueblo, was a matter of  
8 the specifics on the registration -- not registration --  
9 the acceptance of certain persons into the Pueblo as  
10 members of the Pueblo, and they have not been born as  
11 members of the Pueblo --

12 Q Ma'am, you're not answering my question. The question is  
13 did you or did you not, yes or no, speak to anyone of  
14 opposing views? Please answer yes or no, Dr. Ellis.

15 A I can't answer yes or no because I was not talking to them  
16 about views.

17 Q Okay, thank you. Did you read the Pueblo's Constitution  
18 in connection with this matter?

19 A Yes.

20 Q Did you read any other written laws of the Pueblo?

21 A Yes, their 1939 paper.

22 Q I see. The '39 paper?

23 A Yes.

24 Q What are you referring to?

25 A This is the small, one-page paper that has to do with

1 membership in the Pueblo.

2 Q All right. Had you read that at the time you wrote your  
3 paper?

4 A No, I had not seen a copy of it at that time. I have a  
5 copy of it at present.

6 Q So you have read it sometime between your deposition and  
7 the present?

8 A Yes.

9 Q So the paper was written independently of that Ordinance;  
10 is that right?

11 A Yes.

12 Q Did you read the depositions in this case in preparation  
13 for this testimony?

14 A Yes.

15 Q So that's one of your sources, then, I suppose?

16 A Yes.

17 Q Dr. Ellis, can you speak the Tewa language?

18 A No.

19 Q Can you understand it?

20 A No.

21 Q Do you speak or understand any American Indian language?

22 A No. We have not needed to use American Indian languages  
23 because of the Spanish or English, you could speak to the  
24 people directly.

25 Q I see. You stated that you have lived in Santa Fe and

1 Albuquerque during the many years that you have lived in  
2 New Mexico. Have you ever lived any closer than that to  
3 any Indian Reservation?

4 A It depends, I suppose, on your definition of living in  
5 this case. I have worked during all the hours of the day,  
6 during six-week periods, for three seasons in San Juan,  
7 one season in Pojoaque, and I have spent a great deal of  
8 time scattered, but not in one six-week period, over a  
9 couple of years, at Nambe.

10 Q You mean these are short visits or staying for a period  
11 of years or -- I'm sorry, I didn't quite understand.

12 A I said that I had worked with field schools.

13 Q Did you --

14 A Over six-week periods, all the hours of the day, but did  
15 not sleep in the Pueblo at night in these things. This is  
16 why I say it depends upon what you are speaking of in  
17 defining living in the Pueblo. Living in the Pueblo in  
18 the past was not permitted.

19 Q When you recited your publications, I didn't catch how  
20 many of those publications or books.

21 A I think there are about six or seven books; but, as I  
22 said earlier, there is the definition of books that gets  
23 into the problem. A monograph is a book in a soft cover,  
24 and a number of mine are monographs, and if you put a  
25 hard cover on them they become books. Most of my papers

1 have been articles. There are six or seven that are books,  
2 there are three sitting back there on the bench that came  
3 out this last week, and I was sent copies of, and I have  
4 three or four more in press at the moment.

5 Q Was one of your articles called The Keresan Holy Rollers?

6 A Yes.

7 Q Now, in this paper you wrote, ma'am, you give some data  
8 on mixed marriages, both with regard to Santa Clara and  
9 with regard to some other Tewa Pueblos; is that right?

10 A Yes.

11 Q First of all, Page 26 you recite three Santa Clara women  
12 who married men from Keresan Pueblos. What was your source  
13 on that?

14 A I don't have the paper, sir, may I see your copy?

15 MR. PRELO: Do you have another one? If not, I  
16 could make this available (indicating).

17 MR. COLLINS: No, here is one.

18 A Which page?

19 Q (By Mr. Collins) 26. Do you see the indented names  
20 there? Monica Silva, Rose Gutierrez, Virginia Gutierrez.

21 A Well, the paging is so dim on this one, I haven't found  
22 Page 26.

23 Q I realize some of them -- 25 is a well-marked page, so  
24 you can find it that way.

25 A I happen to know about Monica Silva because I know that

1 family well, and the material comes directly from that  
2 family. The second two, I had heard of Virginia Gutierrez  
3 in Santa Ana Pueblo because I am quite familiar in that  
4 family, and have worked with them off and on for years in  
5 their land claim. I do not know San Felipe Pueblo at all  
6 well, and the data for Rose Gutierrez came directly from  
7 Mr. Silva and Mr. Naranjo in Santa Clara, who also  
8 mentioned these other two whom I already had data on.

9 Q Now, do you think that that's a sufficient statistical  
10 sample to derive a rule, from three examples?

11 A No, sir, and I was not deriving any rule from --

12 Q Ma'am, please just answer the question, excuse me. Now,  
13 at the bottom of that page, you talk about naturalization  
14 before the Constitution, and you give an example of two  
15 men there, three men, two men there, then a third on Page  
16 27, Mr. Dozier, and then you list further naturalizations  
17 on Page 28; is that right?

18 A Yes.

19 Q Now, you have heard testimony earlier today that several  
20 of those naturalized were Navajos and that Mr. Dozier  
21 was non-Indian; is that correct, as far as you know?

22 A That's right, as I understand it.

23 Q All right. What's your understanding of how those  
24 naturalizations take place?

25 A I do not have data personally on how it takes place.



1 I know the situation, more or less, in connection with  
2 Mr. Dozier because I was closely associated with Ed Dozier,  
3 the son.

4 Q Did Mr. Dozier undergo Moiety initiation?

5 A This I cannot say. I know that he was taken into the  
6 Pueblo, but I was told by the family that he did not  
7 participate in religious affairs afterwards. This was not  
8 required.

9 Q He did live at the Pueblo, then, I assume?

10 A Yes, he did.

11 Q And would you assume that the same was true of those other  
12 naturalizations, that they may or may not have participated  
13 in religious affairs?

14 A I wouldn't assume one way or the other on it. As I  
15 understand it, it's not required.

16 Q Okay. Are the children, then, after a naturalization of  
17 that sort, considered members of the Pueblo as you  
18 understand it?

19 A Yes. That is, after they have been taken in by the  
20 formality that is required for the children.

21 Q All right. Now, the matter of illegitimate children, I  
22 believe you stated that they are taken in. Is there any  
23 difference between the first illegitimate child and the  
24 subsequent illegitimate children?

25 A I have been told that there is, that the first one is

1 considered to be what you might call a slight slip, and  
2 the second or third might not be considered in quite that  
3 light and would require consideration of the Council at  
4 more length.

5 Q Did you understand that in respect to Santa Clara in  
6 particular or some other Pueblo in particular or Tewa in  
7 general?

8 A Santa Clara in particular is the only one on which I have  
9 had any information.

10 Q I see. Well, where did this information that the  
11 firstborn is different come from concerning Santa Clara?

12 A This came as a statement from Mr. Silva.

13 Q I see. Well, you heard him testify yesterday. He didn't  
14 say that, did he?

15 A He did not go into that side of the question. He spoke of  
16 illegitimate children without mentioning anything about  
17 second or third.

18 Q You heard him testify, I assume, that he doesn't  
19 participate in religious affairs of the Pueblo?

20 A Yes.

21 Q Okay. You heard the Governor and Mr. Naranjo testify  
22 that the second and third illegitimate children are  
23 admitted to the membership. Do you think that their  
24 statements are correct?

25 A I would suppose that their statements were correct, but my

1 guess is that there was not a full discussion at that time  
2 and that more could have been said. I would not want to  
3 give an opinion one way or the other on this without more  
4 information.

5 Q That's fine. What do you understand to be the case with  
6 respect to widows where the deceased husband is not a  
7 member and the wife lives in Santa Clara and asks for her  
8 children to be recognized?

9 A My understanding is that if the child is without a father,  
10 whether it happens to be that the father has died or that  
11 the father is unknown, the children are taken in by the  
12 Pueblo Council after they have debated the issue, and that  
13 then they are raised within the Pueblo and they follow the  
14 mother's affiliation.

15 Q So that would be true for cases of widows and possibly  
16 cases of divorce as well?

17 A I don't know about it for divorce.

18 Q Wouldn't they be without a father in that case?

19 A They would be, and it's possible that this is so, but I  
20 have no information.

21 Q In the case of an illegitimate child, let's suppose that  
22 the father is known, which happens, certainly, on occasion.  
23 Would that alter the rule, do you think?

24 A According to what I have been told, it does not alter the  
25 rule.

Q Now, in this paper you gave data on where couples lived in

1 early times, according to the reports, after a mixed  
2 marriage; is that correct?

3 A Yes.

4 Q And you gave those with respect to three Pueblos; is that  
5 right?

6 A Yes, this is quoting Parsons.

7 Q This is from Parsons?

8 A That's right.

9 Q Okay. Now, those three Pueblos are San Juan, Santa Clara,  
10 and Nambe; is that correct?

11 A Yes.

12 Q And you covered San Juan on Page 9, if you would turn  
13 there, please, na'am -- I know a lot of those pages weren't  
14 marked, they weren't marked in the copy that we got.  
15 I see 12 well marked, you can work back from there.

16 A Does 9 begin with San Juan --

17 Q No, it begins with the word obscurely.

18 A Okay, I have it.

19 Q The San Juan data is at the bottom of that page, as you  
20 said, to summarize, this short list indicates that of 11  
21 mixed marriages, seven resulted in residence at the home  
22 of the male, three at the home of the female, and one  
23 outside of either; is that correct?

24 A That was on the basis of her data, yes.

25 Q Then, on the next page you cover her data for Santa Clara,

1 and the list indicates 13 took up residence in the former  
2 home of the male, and seven took up residence in the  
3 former home of the female; is that correct?

4 A That's right.

5 Q Then, on Page 11, you have the data for Nambe, and it  
6 shows -- well, your summary says seven couples took up  
7 residence in the home of the female. I actually count  
8 eight there, eight actually took up residence in the home  
9 of the female, and three in the home of the male. I think  
10 if you will count up, you will see that it's 11 in that  
11 list.

12 So, there was a preponderance of taking up residence  
13 in the home of the male for San Juan and Santa Clara, but  
14 the other way around for Nambe; right?

15 A Yes.

16 Q And then you said, "This is easily understood," meaning  
17 the Nambe data. What do you mean by that?

18 A Because, as stated directly after the colon in that  
19 sentence, Nambe's population was small; land, hence, was  
20 not scarce, and water for irrigation was more plentiful  
21 than in other areas.

22 Q Does that mean the amount of land has something to do with  
23 this question?

24 A It has something to do with the question for Nambe,  
25 because they had lost their population to a large extent.

1 The main problem had been smallpox. Their population had  
2 gone down to about a hundred. They were interested in  
3 increasing the population, and persons from outside were  
4 interested in moving onto Nambe land, and Nambes were  
5 trying to encourage others of the Indian groups to move  
6 onto their land. Nambe had become largely mixed with  
7 Spanish-American blood --

8 Q Dr. Ellis, in the case of Santa Clara, land is not so  
9 plentiful; is that right?

10 A Not so plentiful as in Nambe at that time.

11 Q Yes. Is that true?

12 A Nambe's situation today is not the same that we have --

13 Q Is my statement true at that time; is that what you are  
14 saying, that land was more plentiful at Nambe than at  
15 Santa Clara?

16 A At that date, I think so.

17 Q Was any more plentiful at Nambe than at San Juan?

18 A That, I am not certain of.

19 Q In connection with your studies for this case, you said  
20 you read the depositions. Did you also read the  
21 Interrogatories? Do you know the term I am using?

22 A No, I don't.

23 Q Did you read anything other than the depositions from the  
24 Court Files in the case or from the files that Miss  
25 Schaffer might have had?

1 A No, I didn't have anything except the depositions.

2 Q Okay. Thank you. Well, now, one of the Interrogatories,  
3 which is a written question that's given by one side to  
4 the other to be answered under oath, asks about the  
5 current Pueblo mixed marriages, and it gives, in answer,  
6 the Pueblo supplied a list of all the mixed marriages.  
7 It shows 82 mixed marriages --

8 MR. PRELO: Excuse me, is counsel reading from a  
9 particular Interrogatory?

10 MR. COLLINS: Interrogatory Number 3.

11 MR. PRELO: Just that one?

12 MR. COLLINS: Yes.

13 Q (By Mr. Collins) And indicated that there are 82 mixed  
14 marriages at present. Does that seem a high number in  
15 relation to the Pueblo population?

16 A Well, if it's 82 mixed marriages out of a population of  
17 around 2,000, it's neither terribly high nor terribly low,  
18 but it's much higher than would have existed, say, back in  
19 the 1930's.

20 Q Would mixed marriages have been rarer then, is that what  
21 you are saying?

22 A Yes.

23 Q Before the Constitution, were they extremely rare?

24 A Depends on your definition of extremely. They were quite  
25 rare in all the Pueblos before World War II.

- 1 Q So the change in society brought by the war probably  
2 affected the Pueblo to some extent?
- 3 A It affected the Pueblos to some extent, and the fact that  
4 more went away to school affected the situation also.
- 5 Q These promoted mixed marriages, do you think?
- 6 A Yes. And there were more Pueblo people who worked outside  
7 the Pueblo, too, after that period, and consequently had  
8 acquaintances beyond their own people.
- 9 Q At what point would you place the shift of the Pueblo from  
10 an agricultural society to a mixed wage-earning society?
- 11 A It would depend on the Pueblo.
- 12 Q I mean Santa Clara Pueblo.
- 13 A Santa Clara Pueblo began to have quite a lot of wage  
14 earners when Los Alamos grew up. And, there were also  
15 other wage earners who were working in Santa Fe,  
16 Espanola, and elsewhere, but Los Alamos I believe  
17 provided the majority of the jobs for them. That would  
18 put it in the 1940's.
- 19 Q So it was about the same time we are talking about the  
20 mixed marriages increase?
- 21 A Yes.
- 22 Q As I understand your testimony, the two are somewhat  
23 connected, the wage work probably contributed to mixed  
24 marriages?
- 25 A To some extent.



1 Q Dr. Ellis, in your paper here, I believe you stated that  
2 Mr. Dozier would have been a total source if he were alive  
3 today; is that right?

4 A I would think so.

5 Q And at Page 12 of this monograph, you referred to a  
6 chart that you have attached to the monograph showing the  
7 social organization of the Pueblo; is that right?

8 A You are speaking of Dozier's analysis chart?

9 Q Yes, the part -- I am talking, Page 12 begins with the  
10 words, "The report of which" --

11 A Yes.

12 Q Then, in the middle of that first paragraph it says,  
13 "Other than this chart and brief paper, our best source  
14 on Santa Clara is Dozier's book"; I left out a few words,  
15 but is that correct?

16 A Yes. I would modify it at present and say there should  
17 have been a statement in there also, including his paper  
18 on factionalism at Santa Clara Pueblo, which also gives a  
19 very clear picture of the social organization.

20 Q Well, now, this chart and brief paper you refer to is  
21 apparently the best source; is that a published paper?

22 A No, it is not.

23 Q But the chart was attached to this paper of yours; is  
24 that right?

25 A I copied it for this paper. A copy of the paper, including

1 the chart, as given to me by Dozier years ago, was turned  
2 over to you people at the time of the deposition.

3 Q All right. But you still stick with that statement that  
4 that paper is the best source on Santa Clara?

5 A I say it is not a very extensive source, but I think it's  
6 the best source in indicating social organization of  
7 Santa Clara.

8 Q How long is that paper, by the way, Dr. Ellis?

9 A You have a copy of it.

10 Q Yes, I know, but I can't testify. Would you just tell us?

11 A Well, I don't have my copy of it up here, but I would say  
12 that it's 10 pages, eight pages, something of this sort,  
13 typed. And of that, the chart and the first two or three  
14 pages after it are the most important. In other words,  
15 they give, in a brief and succinct form --

16 Q My copy seems to have six written pages plus the chart;  
17 does that sound about right?

18 A It could be.

19 Q Now, when you were talking about the membership rule at  
20 Santa Clara, what is your source with regard to that?

21 MR. PRELO: Excuse me. That's a very unclear question.

22 MR. COLLINS: All right, I'll rephrase it.

23 Q (By Mr. Collins) When you were testifying about the  
24 membership Ordinance at Santa Clara and about your  
25 understanding of that Ordinance and the rules at Santa

1 Clara, the membership rules at Santa Clara, what sources  
2 contributed to your testimony on that matter?

3 A Well, if you are referring to membership for the  
4 Constitution, we had data from various sources in the  
5 bibliography at the end of my paper. If you are referring  
6 to it after the Constitution, it had to do with reading  
7 the Constitution. Later, the little paper spoke of, of  
8 1939, the ordinance, and discussing the matter with the  
9 men I have spoken of previously.

10 Q All right. Now, on the pre-1935, pre-Constitutional  
11 Rule, you say that your only source is a written  
12 bibliography; is that right?

13 A No, the written bibliography is what I used for the paper  
14 specifically. The data would come from that plus the  
15 material as from discussions with Nibs Hill, with  
16 Elizabeth Sergeant, with Ed Dozier. That type of general  
17 information and specific information taken together.

18 Q Well, what particular sources in the literature deal with  
19 the question of membership and enrollment in Santa Clara  
20 before 1935; can you pinpoint those, please?

21 A In the literature?

22 Q Yes.

23 A There is some of the material in Parsons.

24 Q Parsons talks about membership?

25 A I think she talks about membership in the Pueblo in her

1 paper on the social organization of the Tewa of New Mexico.

2 Q Any other source?

3 A I would have to check back on that because I don't keep  
4 that sort of thing in my own memory.

5 Q Is there anything in Dozier on the question?

6 A This I don't recall specifically one way or the other.

7 Q You don't know whether Dozier had anything on membership  
8 or not?

9 A I don't remember at the moment, I'd have to look it up.

10 Q I see.

11 A I do remember having talked to him about it.

12 Q All right. You stated earlier in your testimony that a  
13 man needed permission to leave the Pueblo in the old days;  
14 is that right?

15 MR. PRELOP I don't believe that's been testified  
16 to today.

17 MR. COLLINS: Yes, it has.

18 THE WITNESS: Yes, it has.

19 MR. PRELO: I'm sorry.

20 A Yes.

21 Q (By Mr. Collins) That's correct; is that right?

22 A That's right.

23 Q But a woman didn't need permission?

24 A Oh, I think any Pueblo person had to have permission to  
25 leave the Pueblo.

1 Q Do you know about the incident of Roque Conuebas?

2 A Do I know about the incident of Roque Conuebas?

3 Q Yes, do you know about the incident of Roque Conuebas?

4 A Yes, I know about the incident of Roque Conuebas.

5 Q Would you relate that, please?

6 A This person, Roque Conuebas, was said to have been so  
7 distressed about the fact that he --

8 Q First of all, where was he from, Dr. Ellis?

9 A He was from Santa Clara Pueblo, and he was supposed to  
10 have been distressed about the fact of recurring  
11 requirements for community work, and not being able to  
12 move about as he pleased without the permission of the  
13 elders. Consequently, he decided that he would move outside  
14 the Pueblo, and he asked for a grant of land, and he  
15 received the grant of land, and did move outside the  
16 Pueblo.

17 Q He received a grant of land from whom?

18 A The Mexican Government, the Spanish Government, who was  
19 in charge at that period.

20 Q But not from the Pueblo?

21 A No, not from the Pueblo.

22 Q All right. Was there any religious basis for his  
23 disagreement with the Pueblo?

24 A There is not very much given in the account of this, and  
25 I gather that he at least objected to the authority and

- 1 the type of religious hierarchy which governed the Pueblo.
- 2 Q He was kind of a free exercise of religion person?
- 3 A He was what?
- 4 Q A sort of a person who believed in freedom of conscience
- 5 or free exercise of religion, that kind of a person?
- 6 A Possibly. It doesn't indicate very clearly in the account.
- 7 Q Was there any litigation with regard to him?
- 8 A This I do not know.
- 9 Q Have you read Mrs. Atkins' 1930 article where she talked
- 10 about this?
- 11 A Yes, and I don't recall any further details on it.
- 12 Q You don't recall a lawsuit brought to expel him from the
- 13 Pueblo?
- 14 A No, I don't recall it at the moment.
- 15 Q Now, you talked about initiation in the Moieties at
- 16 Santa Clara; is that correct?
- 17 A Yes.
- 18 Q And is that related in any way to political membership in
- 19 the Pueblo?
- 20 A As I understand it, it's not necessarily tied to political
- 21 membership in the Pueblo.
- 22 Q Thank you.
- 23 A But, in the past, it commonly was a part of the
- 24 political membership in the Pueblo.
- 25 Q It had more of a meaning of that sort in the past than it

1 does today?

2 A I think from the standpoint of political membership.

3 Q Do you recall your testimony in the deposition on this  
4 subject, a question of Moiety initiation and membership  
5 in the Pueblo?

6 A My impression is that what I said had to do with the  
7 past. In other words, the system for the Pueblo.

8 MR. PRELO: Would you read the purported section?

9 MR. COLLINS: I'm about to do that.

10 Q (By Mr. Collins) All right. On Page 85 of your deposition  
11 Dr. Ellis, reading --

12 "Question: I see, so once that initiation rite or  
13 ceremony, once that does occur, then one is a member  
14 of the Moiety and insofar as membership in the  
15 Pueblo is concerned becomes of the Pueblo, is that  
16 right?

17 Answer: That's right.

18 Question: And that is the traditional, the old  
19 method?

20 Answer: Yes, it is.

21 Question: Is that still true today?

22 Answer: As I understand it, it is."

23 A Yes, and, as I understand it, it is, I would say that again  
24 With an exception. If one has been taken to the Pueblo as  
25 an outsider, then that Moiety initiation, I think, is not

1 required. For persons who are born into the Pueblo, I  
2 think the statement still holds.

3 Q I see. Would you think that there could be anyone born  
4 at the Pueblo who had gone through Moiety initiation but  
5 was not a political member; is that a possibility?

6 A I suppose it would be a possibility if the person chose to  
7 withdraw from the Pueblo.

8 Q Was denied political membership, was allowed to be  
9 initiated into a Moiety, but denied political membership;  
10 is that a possibility, according to your understandings?

11 A I don't think I could answer that.

12 Q All right. Going the other way, do you think there are  
13 people who recognized as political members of the Pueblo  
14 today who have not undergone Moiety initiation?

15 A I have been told that this is so. I have been told for  
16 more than Santa Clara.

17 Q Can you change Moieties at Santa Clara?

18 A Apparently, changes in a Moiety happen occasionally, but  
19 rarely occurred at Santa Clara.

20 Q Have you any knowledge of the finances of Santa Clara  
21 during the 1930's, the amount of money the Pueblo had  
22 incoming?

23 A I know it was not high, but that's as far as I can state.

24 Q Okay. Are you aware of a proposed membership ordinance  
25 in the 1930's that proposed a money fee as part of the



1 membership process?

2 A No.

3 Q And now, in old times in the Pueblos, if someone moved  
4 away and stayed away, would he lose his membership rights  
5 in the Pueblo?

6 A Not as I understand it.

7 Q In other words, no matter how long he stayed away, he would  
8 still retain his right to come back; is that right?

9 A That's as I understand it. If he lost his rights, it  
10 would have to do with some other problem.

11 Q Do you know whether Mr. Dozier agrees with you on that?

12 A I don't remember any statement one way or the other.

13 Q All right. I'm looking at Dozier's book, The Pueblo  
14 Indians of North America, the 1970 book that's in your  
15 bibliography. At Page 82, he states, "Information  
16 collected in recent years indicates that many Pueblo  
17 Indians have in the past lost Pueblo homes and land rights  
18 and have either been evicted from the Pueblo or else  
19 have moved out voluntarily to seek fortunes elsewhere,"  
20 and there is a citation to a paper of yours as an authority  
21 on that. Is that a true statement?

22 A Would you read it again?

23 Q "Information collected in recent years indicates that  
24 many Pueblo Indians have in the past lost Pueblo homes and  
25 land rights and have either been evicted from the Pueblo

1 or else have moved out voluntarily to seek fortunes  
2 elsewhere," and you are cited as the authority for that  
3 statement.

4 A Yes, this is a general statement in connection with  
5 Pueblos as a whole. I think it has nothing to do with  
6 how long they have stayed away.

7 Q Well, doesn't it indicate that where a person falls  
8 out of touch with the social and religious life of the  
9 Pueblo that there were these kinds of evictions?

10 A That is not a matter of simply staying away, that is a  
11 matter of, as you just stated, if they had controversy  
12 in regard to these matters, some of them moved out or  
13 were told to move out.

14 Q Were told to move out. So that disharmony in the Pueblo  
15 was a cause of the people leaving in the past; is that  
16 correct?

17 A In some cases, yes.

18 Q This Conuebas case is given as an example of this. Does  
19 that sound right?

20 A Yes.

21 Q So being recognized as a member of the Pueblo in the past  
22 might have been in some way related to someone's social  
23 and religious integration in the Pueblo; is that correct?

24 A No. I would say that one was a member of the Pueblo  
25 whether he agreed or disagreed, until the Council decided

1 to throw him out or he decided to remove himself from  
2 Pueblo membership.

3 Q But, why would the Council throw him out; what would the  
4 reasons be?

5 A If they figured that he was such a disruptive force that  
6 it would be impossible for the Pueblo to hold together well  
7 with his presence.

8 Q So, my statement is, then, social integration had something  
9 to do with recognition as a member of the Pueblo in those  
10 days; is that true?

11 A It's vaguely true, but I think the statement is, as placed,  
12 has a connotation that is not correct.

13 Q All right. You made a study in particular of the reasons  
14 for the enactment of the 1939 Ordinance?

15 A I have not made a specific study of it. I merely had the  
16 statements as they have been made here in court, that it  
17 was made because of the problems of increased numbers of  
18 mixed marriages, and they decided that it would be safest  
19 to stop and think over the situation before they allowed  
20 other people to be naturalized; and, Pueblo people  
21 characteristically think rather slowly about new problems,  
22 they don't want to rush into decisions.

23 Q Did shortage of land have anything to do with that concern?

24 A It's been stated in the court here that it was one of the  
25 considerations.

1 Q You gave a definition earlier of patrilineal. Would you  
2 define bilateral, please?

3 A Bilateral means equal emphasis on two sides, or the two  
4 sides being similar. It's not always used exactly in the  
5 same way.

6 Q Yes. Do anthropologists ever use the term bilateral in  
7 connection with Santa Clara Pueblo?

8 A Yes, it's been used by both Dozier and Ortiz and in both  
9 cases I disagree, and I have marked my copy of the Dozier  
10 book with a notation on the side saying that I disagreed,  
11 and here is the reason: Although the kinship system, as  
12 in our own families, uses the same terms and involves  
13 approximately the same reactions between relatives on  
14 two sides of the family, the father's and the mother's,  
15 Dozier immediately goes on to state that the man is the  
16 head of the family. He states it in a sentence or two  
17 below, and exerts the main influence, and I would say that  
18 in that case the kinship system, yes, was bilateral; but,  
19 as far as the importance of the two family members, these  
20 importances for father and for mother differed in type  
21 somewhat, and in overall influence. The man, as Dozier  
22 says, is the head of the family. The same thing is stated  
23 by Ortiz for San Juan.

24 Q But you disagree with both Dozier's and Ortiz'  
25 characterization of Santa Clara as bilateral?

1 A I would disagree from that standpoint because their own  
2 data does not bear it out.

3 Q I would infer from what you are saying that the terms  
4 patrilineal and bilateral are mutually exclusive?

5 A Yes.

6 Q But I would assume also that you can have a society that  
7 has some characteristics of each?

8 A That is true, and sometimes it's been stated that these  
9 Tewa Pueblos are bilateral with a patrilineal tendency  
10 and emphasis. This is closer than merely saying they are  
11 bilateral.

12 Q They are bilateral and somewhat patrilineal on the side,  
13 is that another way to say that?

14 A Believing as in our own society, while our kinship terms  
15 are bilateral and we recognize both sets of relatives,  
16 we certainly recognize the father's influence in most  
17 cases as above that of the mother, I believe, in the  
18 family.

19 Q Now, in this monograph you did for this case, at Page 12  
20 you state that "According to Dozier," I'm paraphrasing  
21 a little, "According to Dozier, the basis of the Tenowan  
22 system of social organization is the bilateral family,"  
23 and then you quote him saying that "Tenowan kinship terms  
24 and descriptions are thoroughly bilateral," and you repeat  
25 the same bilaterality at Page 30, you say, "The

1           bilaterality of much of the Tewa system is in evidence  
2           per se of the quality of the sexes as a native thinking";  
3           is that a correct statement?

4       A     Yes, I would say it was, but let us separate the matter of  
5           quality and specialization. Women and men are both  
6           considered to have importance in the family and importance  
7           in the Pueblo; but, on the overall situation, from the  
8           socio-religious-political standpoint, men are more important  
9           than the women are.

10      Q     In the summary of your paper at Page 32, you began it by  
11           saying, "The fact that the Tewa have a bilateral kinship  
12           system indicates a basic sense of sexual equality," I  
13           left out a middle phrase. Now, I have shown you three  
14           or four places where the term bilateral appears in this  
15           monograph in relation to Tewa culture, and did you in this  
16           monograph indicate your disagreement with Dozier and  
17           Ortiz?

18      A     No, I didn't indicate it in this paper, which incidentally  
19           isn't a monograph, it's too short. I did not indicate  
20           that, but I think that specialization is what is of  
21           importance to us in the present problem.

22      Q     Well, now, when I read this paper I got the idea that  
23           Dozier was a solid source for you, and you were relying on  
24           him, and now you are disagreeing with him. Can you  
25           explain that?

- 1 A Yes, I think that Dozier is in the main not only correct  
2 but our best published reference; but, there are spots  
3 in which I would agree, and this would be one of them.
- 4 Q By the way, he was from Santa Clara himself, was he not?
- 5 A Yes.
- 6 Q And he spoke the Tewa language?
- 7 A Yes.
- 8 Q And he grew up at Santa Clara?
- 9 A Yes.
- 10 Q Thank you. When the Spanish came to New Mexico, did that  
11 cause any substantial change in the Pueblos?
- 12 A After they settled in New Mexico, their first settlement  
13 was at San Juan, there came to be a number of changes  
14 in material culture of the Pueblos, various matters that  
15 had been picked up from the Spaniards. Later, as I said  
16 previously, there was a change to some extent in the  
17 governmental system because the Spaniards insisted that  
18 there be secular officers; but, these secular officers  
19 were primarily front men for the old religious hierarchy.
- 20 Q Isn't it true that some of the Keresan Pueblos were non-  
21 patrilineal historically?
- 22 A As far as I know, none of the Keresan Pueblos ever have  
23 been patrilineal. The Keresan Pueblos, like the Hopis  
24 and Zunis, are matrilineal.
- 25 Q Matrilineal means what in that context, in the context of

1 the Keresan and Hopi and Zuni Pueblos?

2 A A child takes its mother's basic affiliation, is considered  
3 to be a member of her clan. This is a matrilineage  
4 arrangement.

5 Q But is the woman then automatically the head of the  
6 household in those societies?

7 A No.

8 Q The man is still the head of the household?

9 A Yes.

10 Q So patrilineal doesn't necessarily define at all who is  
11 head of the household, the word patrilineal?

12 A No, it is not necessarily so.

13 Q They could be the same or they could be different, I  
14 gather?

15 A This is why I said at the beginning, when you asked me  
16 to define patrilineal, I said the word was not always  
17 used in the same sense. I would say that you had bilateral  
18 families in the same way that you had the matrilineal  
19 family. In both cases, you have the emphasis upon the  
20 man as the head of the household.

21 Q And we have the same in our own society?

22 A Yes.

23 Q In fact, I believe in your deposition you said that  
24 Santa Clara society is bilateral without any emphasis on  
25 the patrilineal side, which I would also say for ourselves;



1 is that correct?

2 A Yes.

3 MR. COLLINS: That's Page 94. I'm sorry, but I  
4 didn't think there would be any disagreement.

5 Q (By Mr. Collins) Now, your paper, I believe, says that  
6 the head of the household idea at Santa Clara and other  
7 Tewa Pueblos is traceable to a division of labor and  
8 customary social patterns. Is that a correct statement?

9 A Yes.

10 Q And I believe you said that it's not an indication of any  
11 quality as such, it's more just a customary division of  
12 labor?

13 A That's what I would say.

14 Q Now, this division of labor, then, would be an important  
15 basis for the conclusion you made that the men or the  
16 head of the household at Santa Clara, and that Santa Clara  
17 is a patrilineal society?

18 A Yes, division of labor including influence. I don't mean  
19 by labor just manual labor.

20 Q Well, division of labor, I would characterize as an  
21 economic matter, would you not?

22 A Oh, no, not necessarily. Not as anthropologists use it.

23 Q Not even in part?

24 A In part, but not totally. It would also have to do with  
25 the political situation, the religious situation, the

1 training of the children, anything in that line.

2 Q Yes, I see what you mean. But it always has to do with  
3 farming and hunting and things of that sort as well,  
4 does it not?

5 A Yes, it has to do with that as well.

6 Q Now, you were asked on direct examination about the  
7 naming of children, and you said two persons give the  
8 Tewa name. Isn't it true that those two persons are  
9 women?

10 A Yes, those two persons are women. This is, remember, the  
11 first name that the child has.

12 Q Does the child have a last name in the Tewa language?

13 A The child at least in the past was a member of a family,  
14 and the family had a name attached to it, and in Parsons  
15 she gives the names that are attached to those families.  
16 These family groups, the ones I have spoken of as family  
17 groups, were the ones which were mistakenly referred to  
18 as clans by the early anthropologists, and the names  
19 for those so-called clans were really the last names of  
20 the family groups.

21 Q The Spanish last name or the Tewa last name?

22 A Tewa last names, originally, such as the one I gave before,  
23 which is, as I remember it, it was Red Clay, Red Stone.  
24 Red Stone perhaps.

25 Q You are referring to these family clumps that Dozier called

1           bilateral, are you not?

2       A     In part, yes. According to Dozier's description of this,  
3           and I went over this matter with him personally a number  
4           of times, the family group was made up of certain older  
5           members plus younger members, and in both cases you had  
6           man and wife and children. Now, the fact that you had  
7           man and wife in it would make it bilateral because of the  
8           fact that you had persons who were of different  
9           biological backgrounds. In other words, they had married  
10          outside the families. So, this is why he referred to it  
11          as bilateral.

12       Q     All right. How would you characterize the status of  
13          women at Santa Clara Pueblo?

14       A     Well, it would depend on what standpoint you spoke of it  
15          from. In religion, they carry on certain parts of the  
16          religion; but, they are not the important religious  
17          leaders.

18       Q     Well, let me ask specific questions, maybe I can shorten  
19          it. Can they own a house, for example?

20       A     Yes.

21       Q     And you said earlier they can belong to the Moieties, in  
22          fact, must --

23       A     They do belong to the Moieties ordinarily, unless they are  
24          just believers.

25       Q     Can they vote?

1 A Yes.

2 Q Can women vote generally in Tewa societies now?

3 A As I understand it, the only Tewa Pueblo which has a  
4 Constitution and hence permits voting is Santa Clara;  
5 therefore, there would not be voting in the other Tewa  
6 Pueblos.

7 Q So Santa Clara is quite distinctive in that regard?

8 A It's distinctive in that Santa Clara was the first to have  
9 done this under the Indian Reorganization Act of 1935 as  
10 a partial solution to their factionalism at that time,  
11 and encouraged by the BIA, and received a Constitution  
12 which was worked up in part by the BIA men, in part by  
13 Santa Clara people working together.

14 Q Did any other Pueblos adopt a Constitution?

15 A Eventually, yes.

16 Q How many?

17 A Two others.

18 Q Out of how many? How many Pueblos are they altogether?

19 A I think there are 17 in New Mexico. Laguna had had a  
20 Constitution of sorts even before the Indian Reorganization  
21 Act. Isleta took on a Constitution in, I believe, the  
22 1940's.

23 Q So, the other two Pueblos that have Constitutions are not  
24 Tewa Pueblos?

25 A That's right.

1 Q And Santa Clara is the only Tewa Pueblo with the  
2 Constitution?

3 A That's right.

4 Q I believe in your paper you said there were a total of 19  
5 Pueblos; is that right?

6 A It may be 19 instead of 17, I'd have to count.

7 Q Well, I assume you were including Hopi in that, so maybe  
8 that accounts for it.

9 A Well, Hopi certainly is Pueblo.

10 Q Well, in your paper you said women characteristically,  
11 however, did and still do not vote. I assume you weren't  
12 referring to Santa Clara at that point?

13 A I'm referring to national elections.

14 Q To national elections?

15 A The Indians are citizens of the United States and may  
16 vote in national elections, and the women do not become  
17 involved in that, and to some extent the women don't vote  
18 even in the Pueblo elections.

19 Q I see. Well, the reason I was surprised to hear it was  
20 national elections was just the context on the paper, but  
21 I'll let that pass.

22 I gather from this paper and from your deposition  
23 that you believed that the present dispute has something  
24 to do with modern ideas of women's rights; is that correct?

25 A That's my impression.

1 Q Where did you get that impression?

2 A I got that impression through noticing university students,  
3 particularly, of a few years ago, and there was a good  
4 deal of pressure in that regard to Red Power and other  
5 matters of equality.

6 Q Did you know anyone specifically involved at Santa Clara  
7 who thought that?

8 A I don't know that anyone at Santa Clara specifically  
9 thought that. This was just the general feeling among  
10 the young Indian people at the university.

11 Q So you are just inferring from noticing other Indians  
12 that that's what's behind this matter at Santa Clara?

13 A From the general knowledge of the Indian young people,  
14 yes.

15 Q I believe you said in your paper that the women's position  
16 in the Tewa world is superior to that of the women's  
17 position in the larger American society; is that correct?

18 A That is my impression also, and not only in the Tewa world  
19 but in the general Pueblo world. The women have had more  
20 opportunity for carrying on their own arts and crafts and  
21 participating economically in the family without  
22 criticism of males than the White American women have,  
23 I believe.

24 Q So I guess another way to say that would be that the  
25 larger Anglo-American society is more male dominated

1       than Pueblo society; is that right?

2       A       It would depend on what part of the situation you are  
3       talking about. Economically, I think so.

4       Q       Your statement here is women held a higher position than in  
5       our own, that's your statement, is it not?

6       A       That's my statement, but I would still say that it would  
7       depend on which field one was talking about.

8       Q       Now, in your monograph on Page 3, you make a reference to  
9       the claim of these Pueblos that their system hasn't  
10      changed, and I wondered what claim you are referring to?

11           MR. PRELO: Would you state where you are reading  
12      from? I'm not sure.

13           MR. COLLINS: It's almost at the dead center of  
14      Page 3.

15      Q       (By Mr. Collins) "The very duplication of their statements  
16      documenting the claim of these Pueblos that their system  
17      has not changed." Do you see that? Then, it goes on to  
18      say, "Their economy, however, has greatly changed."

19      A       Okay. I see it.

20      Q       What claim are you referring to there? What do you mean  
21      by the word claim in that context?

22      A       This is no one, specific claim. I am not making a reference  
23      and you see there is no reference given to that.

24      Q       That's why I am asking.

25      A       That's right. This is simply a contention that you

1 sometimes hear by Pueblo people that, oh, things are  
2 different now from the way they used to be. This is a  
3 very generalized statement.

4 Q All right.

5 THE COURT: Mr. Collins, let's take a recess until  
6 2:00 o'clock.

7 MR. COLLINS: Yes, Your Honor.

8 THE COURT: I have some criminal motions to take up  
9 at 1:00, so it might be a little after 2:00 before we are  
10 able to start. It just depends on how much time it might  
11 take. Court's in recess.

12 (Whereupon, Court stood in recess at 11:55 o'clock  
13 A.M.)

14 \* \* \* \* \*



AFTERNOON SESSION

Whereupon, Court was resumed on November 26, 1974,  
at 2:53 o'clock P.M., as follows:

THE COURT: If you will go ahead, sir.

CROSS-EXAMINATION (Continued)

BY MR. COLLINS:

Q Dr. Ellis, I believe you stated this morning that the  
population of the Pueblo is 2,000; is that right?

A As I understand it, it's somewhere around that at present.  
The number is given in this paper specifically.

Q Are you talking about the people who reside there or some  
other figure?

A I'm talking about the population as given by the BIA.  
Here it is, 1204. 1974 population, 1204.

Q So you want to correct your testimony to that figure?

A Yes.

Q Fine. That's Page 1 of your monograph?

A Yes, it is.

Q Thank you. Now, do you know the reasons why the Pueblo  
adopted a Constitution?

A I think so.

Q Would you state briefly what those are to the best of  
your knowledge?

A There had been a good deal of difficulty in the Pueblo  
between, I believe, 1893 and 1934 in connection with

1 increase in factionalism. And, eventually, that reached  
2 such a point that there was not cooperation between the  
3 two Moieties except on rare occasions ceremonially, and  
4 one of the Moieties decided that they would be within the  
5 Pueblo but not of the Pueblo, and it would not necessarily  
6 follow the appointed secular government of the Pueblo.  
7 Consequently, since there was no place they could move to  
8 outside, because there is no unoccupied land, they had to  
9 remain in the Pueblo and do the best they could.

10 It was decided then, after some investigation by  
11 Elizabeth Sergeant, that perhaps it should be suggested  
12 to the Pueblo that they take over the system that was  
13 being suggested by our government, which was known as  
14 the Indian Reorganization Act, which, as I remember it,  
15 had been passed at the end of 1934, and the Pueblo agreed  
16 that this might be a very good thing to try. So, they  
17 did take that over and then worked out a Constitution  
18 by which the secular officers and the general government  
19 of the Pueblo would be handled.

20 Q Was this, then, to solve the problem that you had just  
21 outlined?

22 A Yes.

23 Q And this problem is generally termed factionalism; is it  
24 not?

25 A It's generally what?

1 Q Termed factionalism.

2 A Yes.

3 Q How many factions are there in Santa Clara?

4 A There are at present four recognized factions; but, you  
5 can have small factions springing up at any time.  
6 But, those small factions, if they are going to be  
7 represented on the Council, have to be represented by  
8 someone or more of the Council members as designated in  
9 the Constitution.

10 Q And the Constitution recognizes implicitly four factions;  
11 is that right?

12 A Yes, it does.

13 Q These, then, were the factions that existed, I suppose,  
14 at the time the Constitution was adopted?

15 A Yes.

16 Q And don't you refer to those in your paper as progressive  
17 and conservative factions within each of the Moieties?

18 A Yes.

19 Q So we have the Winter Progressive and Winter Conservative  
20 and the Summer Progressive and Summer Conservatives; right?

21 A Those were the names by which they went at that time.

22 Q And each of these factions has how many seats on the  
23 Council?

24 A Two, I believe.

25 Q And you stated, I believe, that Miss Sergeant played a

1 significant role in the proceedings that led to the  
2 adoption of the Constitution; is that correct?

3 A Yes.

4 Q Were these factions of relatively recent origin, or were  
5 they quite ancient?

6 A Factionalism as such went back a long way. I believe that  
7 an approximation of these factions went back quite a while;  
8 but, the definition of these factions did not go back so  
9 far. I think into the late 20's or early 30's. But,  
10 there had been a good deal of argument for quite a long  
11 period of time, going back at least into the late 1800's,  
12 and apparently as far back as the late 1700's.

13 Q I see. And since the other five Tewa Pueblos did not  
14 adopt this kind of a Constitution, I would assume that  
15 they did not have the similar problem?

16 A I don't think that's a safe assumption.

17 Q Did they?

18 A Actually, there has been a good deal of difficulty in  
19 San Ildefonso. What will come of it in the long run,  
20 I don't know.

21 Q Isn't it true, then, that the Constitution of 1935  
22 perpetuated these factions and made them into organic  
23 law?

24 A It perpetuated the factions, but it made for culture  
25 change, that is interesting to an anthropologist, from

1 a rather different system, and it pulled things together  
2 instead of separating them so much because previously  
3 the Winter and the Summer People had been quite separated.  
4 As things got worse, they became drastically separated.

5 After the recognition of the two factions in each  
6 Moiety, Winter and Summer, then there came to be, after a  
7 bit, quite a bit of cooperation between the two  
8 conservative factions, one Winter and one Summer, and  
9 the two progressive factions, one Winter and one Summer,  
10 and they came to be known not so much as progressive  
11 and conservative factions but under the names of the  
12 leaders.

13 Q So that this Constitution then achieved some degree of  
14 peace at the Pueblo?

15 A Yes. It did.

16 Q I believe during your direct examination you characterized  
17 the present government as a theocracy; is that correct?

18 A I would say the background of the present government is  
19 a theocracy, and the foreground in the present government  
20 consists of the men of the secular government who have  
21 been nominated by the theocratic group and voted upon by  
22 the people; so, it's a lessened, overall, theocracy in  
23 comparison to what it used to be..

24 Q I see. Okay. On direct examination I think you just  
25 said it was a theocracy, although the way my notes

1 indicate you just said yes to a question of counsel, so  
2 your testimony just now would be more accurate; is that  
3 right?

4 A This is simply explaining the other, really.

5 Q I see. Do you know if Dozier agrees with you that it's  
6 a theocracy?

7 A I don't happen to remember.

8 Q All right. On Page 17 of Dozier's 1970 book, Pueblo  
9 Indians of North America, he states, "Among these  
10 Pueblos are Santa Clara, Laguna, Zuni, and Isleta, where  
11 community governments now operate along secular lines and  
12 whose political officials are elected by the people. More  
13 compensable to the Pueblos are the Bureau's changed  
14 policies regarding the suppression of Indian customs, et  
15 cetera." Would you agree with that statement?

16 A Yes, but that doesn't say that it is or is not a theocracy.

17 Q It says it operates along secular lines.

18 A It operates on the surface along secular lines, yes.

19 How these men are influenced is another matter.

20 Q On Page 25, Dozier says, "Santa Clara, Laguna, and Isleta  
21 may more appropriately indicate the trend of the future.  
22 These Pueblos have separated religious and secular function  
23 and remain united primarily on secular and political  
24 levels." Is that an accurate statement?

25 A Yes, I would say so.

1 Q I believe in your paper you referred several times to  
2 pronounced economic changes, and you testified earlier  
3 about those. Is that true, have there been pronounced  
4 economic changes at the Pueblo?

5 A They have changed from being primarily agricultural to  
6 primarily job people, as far as economics goes.

7 Q Does the wage work at present include women?

8 A To some extent, it does.

9 Q Would you say to a greater or lesser extent than in the  
10 general Anglo society?

11 A I don't have the data to state on that. Women do have  
12 one economic asset there in the pottery that they make  
13 and sell.

14 Q Do you know whether the religious ceremonies are as  
15 frequent as they were a hundred years ago?

16 A I'm inclined to doubt it, but I could not say this  
17 positively.

18 Q All right. You've heard some testimony by some of the  
19 other witnesses about customs regarding whom one should  
20 marry. What's your understanding of the Tewa belief  
21 about whom one should marry, either man or woman?

22 I'm not talking about the particular issue now, who is  
23 the preferred marriage in Tewa custom?

24 A The preferred marriage mate would be one from their own  
25 Pueblo, and this was true in the past, not only for the

1 people of the Tewa villages but also the other Pueblo  
2 villages. This I happen to know personally.

3 Q Do you think that that emphasis has changed at all in  
4 recent years?

5 A Yes, it has changed somewhat. There is less emphasis  
6 upon the almost requirement of marrying within your own  
7 Pueblo. Things have become somewhat more lenient.

8 Q What would you say is the dominant force in choosing a  
9 mate today?

10 A Affection, as for ourselves.

11 Q I believe in your paper you said several times that  
12 Spanish and Anglo influence caused certain difficulties  
13 in the Pueblo; is that correct?

14 A Yes. There is no question but what acculturation, which is  
15 the influence of an outside culture, that you are speaking  
16 of, has brought up questions in regard to values, personal  
17 values and group values, and this has added to the  
18 problems of factionalism.

19 Q Well, is it one of the causes of factionalism in the first  
20 place?

21 A I believe so. But, I don't think it's the only cause.

22 Q Now, I believe you testified on direct that the traditional  
23 religious structure of the Pueblo is still intact today at  
24 Santa Clara; is that right?

25 A The general pattern of it is intact. The total picture of



1 it is not intact.

2 Q I believe that attached as part of your paper is a diagram  
3 from Santa Clara Pueblo's social organization that you got  
4 from Mr. Dozier; is that right?

5 A I think there is.

6 Q Does that diagram accurately describe the religious  
7 structure today?

8 A No.

9 Q Well, could you tell us very briefly how that's changed?

10 A In the first place, there is no indication here of the  
11 factions, which are the official factions, organized  
12 as such. Besides that, some of the societies which are  
13 listed at the bottom as having membership that crosscuts --  
14 in other words, is not restricted to Moiety -- may have  
15 disappeared. This I could not say for sure. This is as it  
16 formerly existed, as an anthropological pattern.

17 Q Well, didn't you say on direct examination that there are  
18 still caciques at Santa Clara today?

19 A Yes.

20 Q Where do they appear on this chart?

21 A In the Dozier chart, you will see on the left-hand side a  
22 listing of the Ogekey, and under it Winter Cacique. On  
23 the Winter side, you see the same.

24 Q The faction hasn't developed into four caciques?

25 A No.

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- 1 Q So, if they still have caciques today, then I assume there  
2 is, for example, still a Winter Cacique who had been  
3 recognized as the leader of all the Winter People in  
4 some sense of the word; is that correct?
- 5 A Yes. One of the caciques, and I believe it is the Winter  
6 one, is an acting cacique, as I understand it today. He  
7 has not been fully confirmed, and the other cacique  
8 for the other Moiety is a confirmed cacique.
- 9 Q But there is still one for each despite the factionalism;  
10 is that correct?
- 11 A Four, as far as -- there are eight aids, not caciques,  
12 however.
- 13 Q Yes, I understand that. Would these caciques be generally  
14 familiar with the religious activities of each of their  
15 respective Moieties?
- 16 A Yes, they would.
- 17 Q Would they serve on the Tribal Council, necessarily?
- 18 A You could speak of two kinds of Tribal Council, one made  
19 up of religious officials and one made up of secular  
20 officials.
- 21 Q Are we referring to the latter?
- 22 A Latter. I think they would not be on the secular council.
- 23 Q Is that necessarily so, or they could or could not be;  
24 is that --
- 25 A As I understand it, they are not on the secular council at

1 all.

2 Q I believe you covered this before, but I'm not certain.  
3 Is religion today voluntary at the Pueblo or is it  
4 compulsory?

5 A Participation in religion is voluntary, I believe, in  
6 Santa Clara.

7 Q Now, is the Tewa language important to the culture at  
8 Santa Clara?

9 A Yes, it's important as it is in any culture because it  
10 helps perpetuate the culture.

11 Q If the Tewa language were to die out, it would be a  
12 serious infringement on the culture?

13 A It would be, yes.

14 Q When the 1935 Constitution came in, Dr. Ellis, and each  
15 of the four factions was in the Constitution given to  
16 representatives on the Council, was that any change from  
17 the Council before the Constitution? Were the fiscales  
18 and gentlemen chosen in the same sort of way?

19 A The Constitution listed as officers most of those I  
20 believe which had been in previously, and --

21 Q I'm asking about the representatives in particular.

22 A They had the representatives besides the other officers.  
23 There had previously been the group of secular officers.  
24 After the Constitution, there was the group of secular  
25 officers plus the representatives.

1 Q All right. That's fine, thank you. I believe on direct  
2 examination you said that 95 percent today go into their  
3 father's Moiety if they go into any at all. Where did you  
4 get that figure, ma'am?

5 A General knowledge.

6 Q In your paper at Page 6, you have a footnote at the  
7 bottom, Number 2, you give that figure 95 percent and  
8 you credit Governor Paul Tafoya as the source of the  
9 figure; is that correct?

10 A He said that, but I say also this is from general  
11 knowledge. You also find the same kind of information  
12 in Parsons, where she went over the matter of Moiety  
13 membership. So, there are a number of sources and they  
14 all come to about the same --

15 Q So Parsons is a source of what was true in the 1920's and  
16 Paul Tafoya is a source of what was true in the 1970's?

17 A For a specific statement, yes.

18 Q Isn't it true that anthropologists use the term  
19 patrilocal and matrilocal referring to the customary  
20 place of residence and that those are not necessarily  
21 the same as patrilineal and matrilineal?

22 A That's true. As I said this morning, patrilineal is used  
23 in more than one sense, and sometimes a little carelessly.  
24 Patrilineal actually refers to lineage down the father's  
25 line. You take your father's lineage, or your father's

1 last name, as we do, and this is properly patrilineal.

2 Q In other words, the general Anglo society in the United  
3 States would be patrilineal but it wouldn't be patrilocal  
4 because there is no particular custom about locality;  
5 isn't that correct?

6 A That would be called neolocal, and this is true for some  
7 of the modern people of Santa Clara as well.

8 Q Now, in your paper, didn't you say that there is a custom  
9 right after marriage to move in with the mother's family  
10 for a short period of time?

11 A Yes, this commonly was done in the past. I doubt that  
12 it's done so commonly today because some of those customs  
13 are breaking down, but there was a rather general custom  
14 in the Southwest in the past.

15 Q All right. Now, I'm sorry, I had another question about  
16 the cacique. Is it the cacique that appoints the  
17 candidates or chooses or influences the choice for  
18 candidates for Governor today?

19 A No. It's the heads of the four factions.

20 Q And those are not the same as the cacique?

21 A That's right.

22 Q Do you know if anyone can volunteer to be a candidate of  
23 a faction?

24 A They cannot.

25 Q You are quite certain of that?

- 1 A Yes.
- 2 Q If someone is selected by the religious leader to be a  
3 candidate, can he decline the nomination?
- 4 A I'm not sure whether they can today. I can say positively  
5 that in the past they could not decline -- that is, they  
6 might attempt it. In the past, they weren't even paid for  
7 their job or work for the year. It was considered public  
8 duty. They were not permitted to decline, it was considered  
9 proper to make the effort but impossible to achieve.
- 10 Q And is it necessary that an individual be initiated at  
11 Santa Clara into a Santa Clara Moiety to hold office at  
12 Santa Clara?
- 13 A I think it is, but I wouldn't say positively.
- 14 Q Just for the record, we talked about the fact that some  
15 of the Western Pueblos are matrilineal. The Navajos are  
16 also matrilineal; right?
- 17 A Yes.
- 18 Q And matrilocal as well?
- 19 A Yes.
- 20 Q But still recognize the man as the head of the household?
- 21 A Yes.
- 22 Q Is any of your testimony today about religious connection  
23 of various things we have talked about based on the three  
24 informants that you recited, the present informants?
- 25 A I don't believe so. That is, you are saying, is it

1 specifically based on that, no, I don't believe so.

2 Q Well, was your conversation with them, then, primarily  
3 about secular matters?

4 A It was primarily in connection with the matter of  
5 registration -- I don't mean registration -- recognition  
6 of some persons of the Pueblo as being either members or  
7 non-members.

8 Q You earlier said that you disagreed with Professor Dozier  
9 about the characterization of Santa Clara society as  
10 bilateral. I am referring now to the Dozier paper, the  
11 six-page paper, from which the chart came from, and on  
12 the first page, he says, "The unity of Santa Clara  
13 Society is the family. Several families are further  
14 grouped by feeling of kinship but without adherence to  
15 a strictly patrilineal or matrilineal affinity into  
16 several family groups." Is that the statement you  
17 disagree with?

18 A No, I would agree with that.

19 Q So these kinship groups that you call clumps, I believe,  
20 are not patrilineal or matrilineal?

21 A Let me explain that further. The kinship group, you could  
22 say, that was going to be what Dozier calls a household  
23 group, and that I have called a clump, starts with the,  
24 say, a couple of old people, and they are likely to have  
25 a daughter and her husband or son and his wife join them

1 in it. If it's daughter and husband, or son and wife,  
2 you have something that is out of the lineage -- that is,  
3 one member of either one of those young couples is out  
4 of the lineage group, obviously, because they are not  
5 marrying in their own lineage group. Then, you might have  
6 a number of others also in on it who are close relatives.  
7 Occasionally, you will get these clumps made up on the  
8 mother's side. This is relatively rare. Usually, the  
9 clumps are made up of relatives that are going down the  
10 father's or husband's side, as father's father of the  
11 children, husband of the woman.

12 Q Well, then, you are saying that this statement of Dozier's  
13 is accurate?

14 A Yes.

15 Q Does the naming ceremony that takes place four days after  
16 birth have any religious significance?

17 A Yes, rather like a baptism for ourselves.

18 Q I believe you said earlier that you looked upon this as  
19 something of a women's rights case; is that right?

20 A I don't think that this was something that I had thought  
21 up. As I was told about it originally, it seemed to have  
22 something to do with the equality of women versus the  
23 equality of men, and whether women were being given equal  
24 position.

25 Q Well, beyond the opportunity to have your children



1           enrolled, do you understand there to be any other question  
2           of inequality between men and women in the case?

3   A       Of equality between men and --

4   Q       I'll say it again. Beyond the matter of the opportunity  
5           to have your children enrolled at the Pueblo, do you  
6           understand there to be any other matter in this case that  
7           involves any question of inequality between men and  
8           women?

9   A       I don't think I could really answer that. My impression  
10          is that it probably does not, but what I was asked to go  
11          into in this for my testimony was the matter of  
12          analyzing and presenting the social organization of the  
13          Pueblo.

14   Q       Well, but your paper does comment on women's rights, does  
15          it not?

16   A       Yes, it does.

17   Q       It's true, is it not, that the children who lose membership  
18          by this policy are theoretically, roughly, half men and  
19          half women; isn't that right? The children who are not  
20          recognized as members as a result of the policy that's  
21          in question here would be roughly half men and half women,  
22          would they not?

23   A       More or less. There probably would be a few more women,  
24          judging by the general population in regard to the  
25          countryside, as to how many males versus females survive.

1 Q In other words, you are saying the percentage would be  
2 more or less the same as random versus statistics?

3 A Yes.

4 Q At this time, Dr. Ellis, I'm going to show you a copy of  
5 a document entitled Santa Clara Pueblo Social Organization.  
6 Is that the Dozier paper we've been talking about?

7 A Yes, it is.

8 MR. COLLINS: Your Honor, we would like to offer  
9 that in evidence at this time.

10 THE COURT: Any objection?

11 MR. PRELO: If the Court please, I have no objection.

12 THE COURT: It will be admitted.

13 (Whereupon, Plaintiff's Exhibit Number 2 was offered  
14 and admitted into evidence.)

15 MR. COLLINS: And I am not sure I understood the  
16 Court's earlier ruling when we offered Plaintiff's Exhibit  
17 1, the paper that's been discussed. I believe there was  
18 an objection, and I am not sure what the ruling was.

19 THE COURT: I said I'd rather have you interrogate  
20 Dr. Ellis from the paper that you had rather than submitting  
21 it in evidence and having me actually examine her testimony  
22 as against the particular document, so that I would have  
23 to pick these matters out. That's your job in this  
24 particular situation, and this is what I wanted to  
25 establish because you will point out those things that you

1 think are significant and important, under the  
2 circumstances, which you have been doing, and this is  
3 what I wanted you to do at that time.

4 If you still wish to offer the instrument, you may  
5 do so. I would depend upon you to go through it and make  
6 those determinations that you think are significant.

7 MR. COLLINS: Your Honor, we have done that.  
8 I wanted to offer it because I think it's easier to refer  
9 to if it's in the record.

10 THE COURT: Or it would go to her credibility, and  
11 in the Findings of Fact I would anticipate that you would  
12 present these particular matters.

13 THE WITNESS: I would like to make a comment, if this  
14 is proper, which is that this paper was written for me,  
15 as I believe it is stated in the other paper, when Ed  
16 Dozier was a student of mine at the University, and it  
17 was to help me in teaching knowledge of the Pueblos, and  
18 it was not intended as a paper for publication, and it is  
19 not in what you would call exactly publishable form.

20 Q (By Mr. Collins) Well, Dr. Ellis, I would like to honor  
21 that to the extent possible, and we don't intend to use it  
22 for anything beyond the confines of this case, and I am  
23 sure that we can see to it that all copies are returned to  
24 you after the case is over.

25 A Thank you.

1           THE COURT: It might get into one of the reporter  
2 systems, probably the Federal 2nd or something of that  
3 kind. There are parts of it that might appear there,  
4 but that would be the extent of it, as far as any  
5 publication is concerned.

6   Q    (By Mr. Collins) I just have one more item to ask about  
7 here. If you had a Santa Clara man who marries a non-  
8 Indian woman, as I understand it, under the current policy,  
9 the children are admitted to membership; is that right?

10   A    Yes.

11   Q    And that that doesn't depend on where they live; is that  
12 right?

13   A    That's as I understand it.

14   Q    Now, if you had such a marriage and the couple lived,  
15 let's say, in California, would the children of that  
16 marriage be raised in the Santa Clara culture?

17   A    In the first place, you do not go into your Moiety group,  
18 or even into the Pueblo group, without consultation of  
19 the Council. In fact, let's delete Moiety group. Let's  
20 say you do not go into your Moiety group to become a  
21 member of the Pueblo of Santa Clara without the Council  
22 debating the issue, even if you are the proper child of  
23 this proper marriage of a Santa Clara man and woman. You  
24 would be presumably taken in after they had debated the  
25 issue, and you went through whatever the formality was.

1 Then, obviously, you would not, if you were living in  
2 California as a child, have as much contact with the  
3 Pueblo culture as otherwise, if you were living in the  
4 Pueblo. And the truth of it is that very commonly  
5 members of the Pueblo families who live outside the  
6 Pueblo, to visit within the Pueblos, not only Santa Clara  
7 but others, as often as possible so that they do have a  
8 fair amount of contact with their relatives and thus pick  
9 up more of the culture.

10 Q Well, now, the Councilmen who have testified in the last  
11 two days have said that the only debate the Council makes  
12 in the case of a child or male member, regardless of where  
13 they live, is the authenticity of the parentage. In other  
14 words, they said they asked for proof of parentage, but  
15 beyond that there is no debate and they are admitted.  
16 That, I believe, was the testimony. Do you think that's  
17 correct?

18 A I think that's correct except that there are some  
19 technicalities. It may be a matter of signing papers,  
20 it may be a matter of swearing that the child does  
21 belong to the family. What the technicalities are, I  
22 don't know. But, it is not an automatic admission quite.

23 Q Now, in your opinion, would a child of a Santa Clara  
24 mother and a non-Santa Clara father who lives his entire  
25 life in Santa Clara obtain as much culture training in the

1 Santa Clara culture as a child of the Santa Clara father  
2 and an Anglo mother who lives in California?

3 A This would be hard to say. I would say that certainly  
4 the child of a non-Santa Clara father and the Santa Clara  
5 mother living in California would have less Santa Clara  
6 training and influence than the child or the Santa Clara  
7 child who lived in the Pueblo --

8 Q That was not the question.

9 A I know it is not.

10 Q Can you answer the question?

11 A No, I cannot answer the question. I don't think anyone  
12 could.

13 Q I see.

14 MR. COLLINS: May I have just a moment, Your Honor?

15 THE COURT: Yes, sir.

16 MR. COLLINS: I have no further questions, Your  
17 Honor.

18 THE COURT: Mr. Prelo.

19 REDIRECT EXAMINATION

20 BY MR. PRELO:

21 Q I have just a few questions, Dr. Ellis, if I may.  
22 Does the information you have received from the informants  
23 recently tie in with everything that you have read and  
24 researched, and is this what your testimony is based upon,  
25 Doctor?