

Testimony of a Santa Clara Woman

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I am a woman from Santa Clara Pueblo. I was born there. I lived with my great-grandmother on the main plaza next to the Winter kiva until she died when I was thirteen years old. My formal education began there where I went to the Bureau of Indian Affairs school at the Pueblo through the sixth grade. I was 39 years old when the Supreme Court ruled on the *Santa Clara v. Martinez*¹ case. Even then, I wanted the courts to rule in favor of the tribe -- to rule for tribal sovereignty. My desire was not because I was not concerned about my children who would not be considered members of the Pueblo, because I am a woman married to a non-Santa Clara person. It was not because I did not know that my cousin would have his children considered members because he is a man, though he was not born in the Pueblo, did not grow up there, and was married to a non-Santa Clara person. Of course, I also knew that it did not make sense; that it was not just or fair. I knew that what was happening in the community was blatant gender discrimination.

Let me tell you a story, a long time ago (in Tewa, *he ha ung kung*) the people (the *towa*), lived in the dark, warmth of their earth mother's womb. After some time, they began to get restless. They asked badger, fir tree, raven and others to help them move from that world, into the next and into the next. When they were ready to enter this fourth world, the people gathered together and asked one among them to go and see if this fourth world was ready for them. This person replied that he was not yet ready, that he was not yet a *kwi-sen*² or a woman-man. Only after some time and after the fourth asking did this person feel like a *kwi-sen* and could guide the people to this place between the sky and the earth. Here, they met their father-- in the sun, in the mountains, in the sky. They would know light and a different kind of warmth, but they would also know coldness. This was a different world outside the mother's womb.

As these people moved about in this world, however, they did not forget where they came from. Therefore, in the stories, songs, and dances, which developed over centuries, we still honor the other creatures who helped our ancestors in their journey to this world. We still hold, with reverence, the earth -- the mother -- who birthed and continues to succor us. We still acknowledge the dark experiences, which the light, the father -- the sun -- illuminates. We know that we are, in Pueblo-terms, children of both father and mother. As the clouds move out of the mountains and through the sky, the rain falls, and the mother -- the earth -- is fertilized. It is acknowledged as an interactive world of male and female, of light and dark, of warm and cold. It is a world

of movement and change-- daily, seasonally-- forever changing because these opposites push and pull in an unceasing manner.

At Santa Clara Pueblo, the social order was not traditionally either/or, not matriarchical or patriarchal. It was both. Even today, every child is born as a Winter person or a Summer person with the option to become the other if the sensibilities are of the other. To know and acknowledge both is encouraged, because ultimately, the goal is to embrace the whole --to be a part of the larger context, to be a part of society. But, more importantly, one should be part of the whole within which society operates - the natural world. That is why we wear cloud and mountain *tablitas*³ on our heads, skunk skins on our ankles, branches around our necks as we honor the forces of nature of which we are a part. The ultimate effort is to see the interactive quality of the world, of society, of family, of self. It is believed that every person has feminine and masculine, warm and cold, dark and light qualities. And, living is about acknowledging the other, the opposite, and balancing those forces within us and within our human society because that is what the natural world does.

At Santa Clara, the ideal person was and still is the *gia*.⁴ Earth, who gave the people birth is called *gia*, so is the biological woman who gives birth, and so are the community women who nurture and take care of many extended families. They give ceremonial or political advice, physical shelter and food, if needed, and housing. Most unusual is that men in the community who behave as nurturing, embracing people in the political and ceremonial realms are also called, *gias*, that is, mothers. The best way to behave in that world is as a mother, because we are emulating the earth on whom we daily walk and move, but we are still obliged to acknowledge the father embodied in the sun without whom there would be no children to mother.

By the time the *Martinez* case arose, Santa Clara was already on its way to being assimilated into Western ideas and values. Fewer children in the community spoke the language. Ceremonies and dances were still happening, but the acknowledging of the mountains, clouds, skunks, and deer with whom we share the world and who give us contextual sustenance and well-being was beginning to shift to dancing for performance, mostly, for the inside and outside world. Most adults worked in Los Alamos or Santa Fe. Children all attended Western schools, and some were even earning PhDs. I was in a master's program in architecture, because we, at Santa Clara, could no longer build our own houses. I was intrigued by the thought of, at least, designing houses that did not come from the government (U.S. Department of Housing and Urban Development) contracts to Denver or Los Angeles firms. Education, housing, economics were following the Western model that tells us that professionalism and personal acknowledgements and profits are the goal.

I thought long and hard about the *Martinez* case. I wanted my children to be members of Santa Clara, although I had married a non-Indian who I met in college. If the case favored the Martinez family, who I assumed had been encouraged by non-

Native people to initiate the lawsuit, I felt that Santa Clara would lose any remnants of itself as a vital, self-determining community. I was relieved to hear the decision. Santa Clara was to retain the on-going conversation about who is a recognized member of the community. But, more importantly, the Western world was acknowledging a way of life which traditionally honored nurturing and feminine qualities.

Two of my children live at Santa Clara today. One is a full member of Santa Clara, because he was born out of wedlock, and the tribe will "adopt" illegitimate children of women no matter who is the father. This has led to a group of women who will not marry the fathers of their children because of loss of tribal membership. The other child is the daughter of my non-Indian husband. She has lived in Santa Clara for almost twenty years where she raised two children. She participates in community activities. She has been on the Community Membership Committee. This Committee included an ex-Governor of the Pueblo, Paul Tafoya, who was Governor of Santa Clara in 1978.⁵ He based his arguments during the committee meetings on the old philosophical precept that we are all children of the community and that we all belong.

Some Santa Clara people, like Paul Tafoya, know that exclusion is not appropriate behavior and that individual advantage at the expense of the whole life of the community is unhealthy. Imbalance between warm and cold, dark and light, male and female, individual and community are acknowledged as part of the dialogue in the universe with the recognition that imbalances will happen. As one part -- one force -- pulls too far, the other will react and maybe that part will also pull too far in reaction. Those older people tell us that life is an on-going balancing, and hopefully, harmonizing effort of opposite forces that will, without doubt, become unbalanced again at some point.

When American lawyers became involved with the writing of the 1936 Santa Clara Constitution, which was written mostly by non-pueblo people, a different mentality and approach to life came into the forefront. Opposites in the American world are adversarial. It is one or the other, not both. It is a cultural approach that also acknowledges that the world is in tension, but in the Western world, only one side wins.

As I have talked with all three of my daughters (34 to 42 years old) and three granddaughters (17, 19 and 20 years old) who are affected by the *Martinez* decision, I hear their pain of being excluded -- to some point. My middle daughter, mentioned above, built her house at Santa Clara, participates in Pueblo activities and is honored by the Winter group to which she belongs and at this point, even more than my son who is a full member. She moves through the hills and Pueblo as if she belongs. She assumes that the Pueblo is home and that if there are problems about her being there, they will most certainly come from one member of our extended family who claims the family allotment of land on which she lives. But, this has nothing to do with the tribe. In fact, the rest of the family knows that if the issue goes to Tribal Council, the Council

would protect my daughter's right to stay in her house. Yet, she cannot ever "own" the house in a legal sense, but then, nobody else can either. Private ownership of property is still a murky issue, because property is not altogether viewed as commodity. It cannot be sold on the open market because it is legally United States Government Trust Property. The land "belongs" to the tribe but is assigned or passed down through family -- male or female line -- for use. It does not define personal worth. Therefore, ownership of property remains a vague notion in everyday Pueblo life. As long as an individual, family, or extended family uses the land, it is theirs, but there is an implicit understanding that land can revert back to the tribe if not used after some time.

As I talk to this middle daughter who lives at Santa Clara about the *Martinez* case issues, she prefers to have decision-making about tribal membership stay within the community. She was on the tribal membership committee when an amendment to base membership on other than gender was proposed some eight years ago. She recalls that the amendment was tabled not because of disagreement over issues but because of an interpersonal conflict between a councilperson and an angry female. The conversation has been quieted but awaits an impetus to awaken and continue, she says. She feels that the pain of non-acceptance and inequality is still held in the hearts of those affected and will surface again when the time is right.

The other two daughters do not live in Santa Clara and did not grow up in the community. The eldest has always felt discriminated against because of the light color of her skin. She was refused participation in dances because "she didn't look right." Now, this daughter feels distant and refuses to accept Santa Clara as her community in a counter-rejection move. In spite of her angers for being rejected, she upholds Santa Clara's right to retain its sovereign status and decision-making capability, because in many ways "it remains a place that embodies good human ideals to be emulated by all people."

My third daughter also does not live in Santa Clara but "looks right," or looks Indian. She feels that the reason the *Martinez* decision has not worked as a vehicle for community justice and hence, community coherence is that men in the community had been for several decades deprived of their traditional roles as farmers, hunters, and providers. The Santa Clara Constitution, with its premise of patrilineal rule, gives the men of Santa Clara much needed meaning and authority, albeit through repression of their wives, sisters, and children. They are not so willing to give up their new-found sense of power. She, like the other two daughters, maintains hope that the old teachings and traditions, which talk about all the people being children of the community, will be remembered and used to restructure the social order. Outsiders will only diminish that further, she feels. And, she needs to know that her identity with that community, which gives her a sense of place, a sense of home, remains a vital, self-determining unit.

The next generation of women in my family with whom I talked are the 17 to 20 year olds. They are also affected differently by the tribal stance that explicit or formal written membership and property ownership follows the male line. The eldest is the furthest removed, again because of the color of her skin. She maintains a distance and offered a shrug of her shoulders for her opinion. The middle granddaughter grew up in Santa Clara, speaks Tewa and because she considers Santa Clara her home, feels that she belongs there. Although, she doubts that the Council reciprocates with her sense of belonging. She definitely feels that tribal sovereignty must be acknowledged over the pain of personal discrimination. Her solution for the membership issue is that membership be determined by residence and participation. The seventeen-year-old is a full member because her father, my illegitimate son, is a recognized member of the tribe. She realizes that she has to be careful about whom she marries, but her brothers do not. That angers her, and she also expresses that something needs to be done by the community but not by outsiders or by the American court system.

In summary, as our myths, stories, and songs tell us, there are tensions and struggles in life. Our traditional beliefs tell us that we are all relations, that we are all children of the community, which is part of the universe, which daily harmonizes opposites. It also tells us that it is an inclusive, not exclusive, world that we share and cooperation, not competition, is ideal behavior. That world also knows that "things come around" -- that things will change.

What has been introduced by outside thinking is that we have to choose between uncompromising opposites, between male and female dominance, between individual rights or community wellbeing. We cannot have both. In this either/or world, those who are included must be better than those who are excluded. We are even tempted to think that American law can bring equality by written mandates, making us forget that we are capable of remembering a system in which focus on relationships might lead us to different solutions. We then begin to find personal security in property ownership and legal acknowledgement. We begin to be less spiritually oriented and worry about looking "right" in skin color, because the outside world expects us to look like Indians. We move more and more from living respectfully and acknowledging our interdependency with other beings, including the land, the place. Insecurity and fear, rather than trust that we are capable of loving inclusive actions, comes with giving ourselves to the idea of individual rights not mediated by community welfare. Deep harmony, which comes from our efforts to balance universal tensions, such as between male and female, becomes scattered and forgotten.

Notes

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1. 436 U.S. 49 (1978).
2. In the emergence account of Santa Clara and other Tewa pueblos, when the *kwi-sen*, or woman-man, was ready, the emerging people were divided into Summer and Winter People. ALFONSO ORTIZ, *THE TEWA WORLD: SPACE, TIME BEING AND BECOMING IN A PUEBLO SOCIETY* 14 (1969). "[T]he Winter and Summer moieties are identified with maleness and femaleness, respectively; the qualities of both sexes are believed present in men, while women are only women. . ." *Id.* at 36.
3. *Tablitas* are headdresses in a tablet form and worn during Tewa ceremonial dance.
4. Consider *gaia*, an earth-mother concept found in indigenous and other cultures. ALFONSO ORTIZ, *supra* note 2, at 36 (stating "[T]he standard phrase of encouragement to men about to undertake a demanding task is '[b]e a woman, be a man,' while the phrase to a woman in similar circumstances is simply, '[b]e a woman.'"); see also MARK P.O. MORFORD & ROBERT J. LENARDON, *CLASSICAL MYTHOLOGY* 38-39 (6th ed., 1999) (describing female earth divinity).
5. Paul Tafoya was a defendant in the litigation, individually and as the Governor of Santa Clara.