

11-25-1974

## 01: Alcario Tafoya Redirect

U.S. District Court District of New Mexico

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

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- 1 A No, sir.
- 2 Q Then, if you stated a while ago that a non-member could  
3 participate fully, that's not exactly true?
- 4 A Well, I think I might misunderstood that, but I thought  
5 you mean my grandchildren could come in an participate  
6 in the ceremony.
- 7 Q Can your grandchildren become what you are today?
- 8 A Well, if someone else, or any of the Winter People, come  
9 in and join the group, they can.

10 MR. PRELO: I have no further questions.

11 THE COURT: Mr. Taradash, do you have any cross?

12 MR. TARADASH: I have just a few questions.

13 REDIRECT EXAMINATION

14 BY MR. TARADASH:

- 15 Q Mr. Tafoya, where do your daughters live, those daughters  
16 that you have who are married to people who are not  
17 members of the Santa Clara Pueblo? Where do they live?
- 18 A Non-member?
- 19 Q Yes, you stated that some of your daughters, Virginia  
20 and a few others, are married to people who are not from  
21 Santa Clara Pueblo.
- 22 A Non-members.
- 23 Q Right.
- 24 A They live in Santa Clara Pueblo.
- 25 Q Do all of those daughters live in Santa Clara Pueblo?

- 1 A Well, the ones that's married in San Juan, she lives in  
2 San Juan.
- 3 Q But all the others live at Santa Clara?
- 4 A The one that's married to the Pojoaque, she is working at  
5 Colorado Springs at the present.
- 6 Q And the other five --
- 7 A Are living in Santa Clara Pueblo.
- 8 Q A while ago, Mr. Prelo was asking you if your grandchildren  
9 could participate in religious ceremonies.
- 10 A Yes, sir.
- 11 Q What was your answer?
- 12 A I believe I said yes.
- 13 Q Can they be initiated into the Winter People?
- 14 A Yes, well, one of my grandsons are already initiated  
15 into the Winter People.
- 16 Q Is he a member?
- 17 A He's a member.
- 18 Q Of the Winter People?
- 19 A Of the Winter People. But not enrolled in the Pueblo.
- 20 Q I see. So that the Council doesn't recognize him as a  
21 enrolled member?
- 22 A Right.
- 23 Q But he is initiated and is a member of the Winter People?
- 24 A Yes, sir.

25 MR. TARADASH: Thank you very much.

1 THE COURT: You may step down.

2 MR. PRELO: Your Honor, I would move to strike any  
3 testimony as to his cacique or Ogekey capacity in view of  
4 the fact that when he was deposed in May of this year  
5 he refused to testify as to any of those matters.

6 MR. COLLINS: In response --

7 THE COURT: I'm going to let his testimony stand.

8 MR. COLLINS: Your Honor, we have no further witnesses  
9 to call. We have the matter of the documents that we  
10 raised earlier, and that's the remainder of the case for  
11 the Plaintiffs.

12 THE COURT: Fine.

13 MR. PRELO: Your Honor, I have not had an opportunity  
14 to look at that. If it please the Court, is the Court  
15 going to reconvene in Albuquerque tomorrow?

16 THE COURT: I can, if you gentlemen wish to come in  
17 tomorrow.

18 MR. PRELO: I think I can in all likelihood  
19 stipulate to them, but until I refer to them --

20 THE COURT: Why don't you go through them and then if  
21 there is anything that you have a problem with, why, we  
22 can just get together in the office and make a record in  
23 connection with them and either admit them or reject them.

24 MR. PRELO: I don't anticipate a problem, but I  
25 can't --

1 THE COURT: If there is no objection to the  
2 admissibility, why, if you will just call in at about  
3 9:30 or thereabouts, we might have a response by that  
4 time. If you get an answer sooner, you can check with  
5 Mr. Collins, tell him what the situation is and just  
6 bring them on in.

7 MR. COLLINS: As I understand it, Your Honor, there  
8 is no objection about authenticity. The question is  
9 relevancy and materiality.

10 MR. PRELO: I'm assuming that they are authentic if  
11 they are something that we gave you, yes.

12 THE COURT: How long will you gentlemen need to  
13 prepare your findings?

14 MR. PRELO: With the holiday coming up, Your Honor,  
15 I would like to request a little more than the usual 10  
16 days, if that is the usual.

17 THE COURT: Most of the time.

18 MR. COLLINS: What does Your Honor desire?

19 THE COURT: 20 days. Does that give you enough  
20 time?

21 MR. PRELO: Fine.

22 THE COURT: All right. 20 days from today, if you  
23 will have your findings in.

24 MR. COLLINS: This will be a summation and brief?

25 THE COURT: Summation and brief, and any findings

1 that you wish to have made to the facts that you think  
2 I should determine; conclusions, if you wish to submit  
3 them, would be fine. If you would get them in within  
4 20 days' time.

5 Anything else? If there is nothing further, Court's  
6 in recess.

7 (Whereupon, Court stood in recess at 5:44 o'clock  
8 P.M.)

9 \* \* \* \* \*

10  
11 REPORTER'S CERTIFICATE

12 I, JOHN DE LA ROSA, Court Reporter, DO HEREBY CERTIFY  
13 that I reported pages 215 through 395, both inclusive, in  
14 stenographic shorthand and transcribed, or had the same  
15 transcribed under my supervision and direction, the foregoing  
16 matter and that the same is a true and correct record of the  
17 proceedings had at that time and place.

18 WITNESS MY HAND this 21st day of August,  
19 1975.

20  
21  
22 John De La Rosa  
23 COURT REPORTER  
24  
25

ada dearnley  
Official Court Reporter  
United States District Court  
P. O. Box 1092, Albuquerque, N.M.