

11-25-1974

02: Alcario Tafoya-Cross Exam

U.S. District Court District of New Mexico

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

Recommended Citation

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

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

1 have been told, to love everyone, everyone that's in the
2 village that it's to take care of them and to see that
3 they are all from the village of Santa Clara.

4 Q Is that the old way of doing things?

5 A That's the old way.

6 MR. TARADASH: I have no further questions, Your
7 Honor.

8 THE COURT: Mr. Prelo?

9 CROSS-EXAMINATION

10 BY MR. PRELO:

11 Q Mr. Tafoya, how many years of education have you had, sir?

12 A As I have stated in my deposition, I went to the third
13 grade.

14 Q Have you reviewed your deposition before coming to testify
15 today?

16 A Sir? Repeat that.

17 Q Did you review your deposition before coming today?

18 A No, sir. Well, I just thought that up.

19 Q Do you recall that that whole deposition was taken with
20 an interpreter?

21 A Yes.

22 Q You didn't speak English then as well as you do today?

23 A Well, I didn't speak very good English like any of the
24 educated young men.

25 Q But on the day of your deposition, which was May 14th of

1 this year, you spoke English then as well as you do today;
2 is that right?

3 A Well, a little.

4 Q Do you remember at Page 10 of the deposition when asked
5 about your position in the Pueblo, I asked you, "Would you
6 tell me what that position is?" And you said "The
7 position he has is very respected in the Pueblo. It's a
8 tradition thing, and he refuses to go further into this
9 other than to say that it is something that is honor
10 tradition-wise."

11 Do you remember making that answer?

12 A Yes, I believe that one.

13 Q Were you a cacique that day?

14 A Yes, sir.

15 Q Why didn't you tell me that day?

16 A I would say that that word, cacique, it's not carried on
17 among the Winter People. It belongs to the Summer People,
18 that's brought up by the Spanish people.

19 Q All right, sir. Were you an Ogekey?

20 A Ogekey, that's it.

21 Q From that day? Were you?

22 A Yes, sir.

23 Q Why didn't you tell me when I asked you that question?

24 A You didn't explain it to me.

25 Q You had an interpreter. Are you saying now you didn't

1 understand?

2 A Well, he didn't interpret just right.

3 Q But you heard the question asked in English first and
4 then in Tewa, and you still didn't understand; is that
5 your testimony?

6 A No, I understand.

7 Q Was that your answer, sir, when you said it's a tradition
8 thing "and he refuses to go further into this other than
9 to say it's something that is honored as a tradition"?

10 A It's honorable.

11 Q Today it's not that way?

12 A Well, it's still --

13 Q But today for the first time you felt that you could talk
14 about this; is that right?

15 A Well, that's right.

16 Q If you are a leader, Mr. Tafoya, are you like a father to
17 your people?

18 A Yes.

19 Q And are you not required to remain on the Pueblo and take
20 care of your people?

21 A Pardon me?

22 Q Are you required to stay on the Pueblo or can you go all
23 over?

24 A I can go anyplace I wish to.

25 Q Going back to your deposition, I asked you at Page 10,

1 "If I understand your answer, Mr. Tafoya, you're saying
2 that you do have a position with the Pueblo but are not
3 at liberty to tell us what it is because of some Indian
4 reason. Is that right?" Your answer was "This is very
5 respected and it pertains to him alone. It is something
6 that he worships and he is not at liberty to discuss with
7 you or any of us here."

8 Was that your answer, sir?

9 A Yes, sir.

10 Q Do you still have the same restriction today about speaking
11 out in public as you had in May?

12 A Yes, that's strictly as I was called to the Court to bring
13 this out.

14 Q Well, you were also called for the deposition with a paper;
15 is that correct? A subpoena?

16 A Yes, sir.

17 Q And you were sworn to tell the truth?

18 A Yes, sir.

19 Q Do you recall?

20 A Yes, sir.

21 Q Mr. Tafoya, you stated that you were born out of wedlock.

22 A Yes, sir.

23 Q Is that why you became a member of the Pueblo?

24 A Well, probably in them days, well, they take all the
25 children that's coming in.

- 1 Q That were born out of wedlock?
- 2 A Yes, they were born out of wedlock.
- 3 Q Do you understand? I am not trying to make you say
- 4 something. I'm asking you, were you made a member
- 5 because your mother wasn't married to your father?
- 6 A Well, I was born out of a mother that belongs to Santa
- 7 Clara.
- 8 Q Where did your father belong to?
- 9 A I wouldn't know.
- 10 Q Do you know who your father was?
- 11 A No, sir.
- 12 Q Were you on the Council in 1967; is that your testimony?
- 13 A I believe so.
- 14 Q Did you state that you were kicked off the Council?
- 15 A Well, not -- I wouldn't say from the Council, but from
- 16 the Winter Party, I would bring that up.
- 17 Q You were removed from the Winter Party?
- 18 A I was selected for a representative at that time. I
- 19 wasn't in this position that I am now; but, I was just a
- 20 regular member of the Winter People. So I was a
- 21 representative, and I was selected from that party.
- 22 And on account of me bringing out the word enrollment,
- 23 that's where they split off.
- 24 Q And that was by your Faction?
- 25 A By my Faction.

1 Q Your Winter People are the ones --

2 A Yes.

3 Q Not the Council?

4 A Not the Council.

5 Q Do you know if Governor Tafoya ever said anything about
6 enrollment in the past?

7 A Who is that?

8 Q Governor Paul Tafoya.

9 A Paul Tafoya? I don't believe he was in the Council.

10 I don't really remember that he was in the Council or not.

11 Q In the past, when he was Governor, do you know if he has
12 ever raised the enrollment matter in the Council?

13 A I put it up in the simple word, put it up in a simple
14 word.

15 Q Do you know if enrollment has ever been mentioned by
16 Paul Tafoya in the Council?

17 A That's been taken up many, many times for years and years.

18 Q How far back, sir?

19 A Oh, we would say about more than 10 years.

20 Q And was he kicked out of the Winter People?

21 A Well, he's one of them that don't want to have this
22 enrollment.

23 Q That's not my question, sir. Was he kicked out, was he
24 removed from the Winter People because he talked about
25 enrollment?

- 1 A No.
- 2 Q Thank you. Now, I'm not sure if you stated, are you the
3 leader of all the Winter People today?
- 4 A Yes, sir.
- 5 Q All the Winter People?
- 6 A All the Winter People.
- 7 Q How long have you been the leader of all the Winter
8 People?
- 9 A I would say about six or seven years.
- 10 Q Do you remember when we took your deposition and I asked
11 you, "Are you a religious leader?" Answer: "He is a head
12 of one of these groups."

13 MR. TARADASH: Counsel, what page is that, please?

14 MR. PRELO: I'm sorry, 11.

- 15 Q (By Mr. Prelo) "Which clan do you belong to, Mr.
16 Tafoya?" Answer: "Winter People." Question: "Are you
17 a leader of most of the Winter People?" Answer: "He is,
18 he made reference that he is the head of the Winter
19 People Clan, but the Pueblo does not recognize him as
20 such." Question: "Does that mean that no one in the
21 Pueblo recognizes you?" Answer: "There are quite a few
22 besides his own children and his own relatives that do
23 recognize him."

24 Do you remember those answers?

- 25 A That's right.

1 Q So you say you are a leader. Does the Pueblo say you are
2 a leader?

3 A Yes, sir.

4 Q Other than your family and a few friends?

5 A I'm the leader of all the Moiety People.

6 Q Do they recognize you as such?

7 A They don't recognize me because they dislike me.

8 Q They dislike you?

9 A Yes, sir.

10 Q I see. Everybody?

11 A That is the Winter People I would mention.

12 Q All of the Winter People dislike you?

13 A All the Winter People.

14 Q Have the Winter People and Summer People always been
15 equal in the Pueblo Society?

16 A No.

17 Q They have not?

18 A No, sir.

19 Q Are the Winter People more important?

20 A Well, it's up to the Summer People alone, and we are the
21 Winter People. They have their own ways of carrying
22 out things.

23 Q Mr. Tafoya, are the members or the candidates for the
24 Council still picked by the Factions today?

25 A Yes, but the Factions that are split.

- 1 Q They are split?
- 2 A Yes.
- 3 Q But these Factions still pick the candidates; is that
- 4 correct?
- 5 A Yes, they do.
- 6 Q And are these Factions part of the religious part of the
- 7 Winter People or Summer People?
- 8 A No, sir.
- 9 Q They are not --
- 10 A Not in the Winter People.
- 11 Q They are not religious at all?
- 12 A They are not religious at all.
- 13 Q They are secular, do you know the word secular?
- 14 A Yes.
- 15 Q They are non-religious?
- 16 A Non-religious, well, that's it.
- 17 Q Is your position religious?
- 18 A Yes, sir.
- 19 Q Are men generally the religious leaders?
- 20 A Not only the men. The women, too.
- 21 Q Are religious leaders?
- 22 A Are religious.
- 23 Q Are they leaders, though, in religion, the women?
- 24 A Well, I'm the head of the Winter People, and I have the
- 25 assistants.

- 1 Q Can a woman hold your position ever?
- 2 A No.
- 3 Q Did you state that you switched from Summer to Winter?
- 4 A Yes, sir.
- 5 Q And when was that, sir?
- 6 A Oh, I would say after my mother died.
- 7 Q How old were you at that time, do you know?
- 8 A 18 years of age.
- 9 Q Doesn't one normally remain the same as you were initiated
- 10 into when you were a child? Is it common to switch?
- 11 A Well -- please repeat that.
- 12 Q Is it common for people to switch from Summer to Winter?
- 13 A If they wish to.
- 14 Q If they wish to?
- 15 A Yes, sir.
- 16 Q At any age?
- 17 A At any age.
- 18 Q You don't remain in the same one, in the same people --
- 19 A That is, if you want to switch over, well, you can.
- 20 Q Can a non-member participate as fully as a member in
- 21 religious activities?
- 22 A Non-member?
- 23 Q Yes, sir.
- 24 A Well, he can. He can participate, non-member.
- 25 Q Can he participate as fully, as much, as a member?

- 1 A Yes, he can participate.
- 2 Q Why do your people not recognize you as a leader?
- 3 A Well, I'll say the Winter People, they are jealous people,
4 is the reason.
- 5 Q They are jealous?
- 6 A They are jealous.
- 7 Q And that's the reason?
- 8 A That's the reason.
- 9 Q You have a son, do you not, sir, named Lee?
- 10 A Yes, sir.
- 11 Q Does he have children?
- 12 A Yes, sir.
- 13 Q Where do they reside?
- 14 A In Santa Clara Pueblo.
- 15 Q Do you have daughters, Mr. Tafoya?
- 16 A Yes, sir.
- 17 Q How many?
- 18 A Seven.
- 19 Q Seven girls?
- 20 A Seven girls.
- 21 Q Is one of them named Virginia?
- 22 A Virginia.
- 23 Q Is she married?
- 24 A Yes, sir.
- 25 Q To a non-Indian?

- 1 A Yes, sir.
- 2 Q Does she have children?
- 3 A Yes, sir.
- 4 Q Are they enrolled in Santa Clara Pueblo?
- 5 A No, sir.
- 6 Q How many children does she have, sir?
- 7 A Two.
- 8 Q Do you have a daughter named Jennie?
- 9 A Yes, sir.
- 10 Q Does she have children?
- 11 A Yes, sir.
- 12 Q Is she married to a Santa Clara?
- 13 A No, sir.
- 14 Q Who is she married to?
- 15 A A White man.
- 16 Q How many children does she have?
- 17 A Two.
- 18 Q Are they members of the Santa Clara Pueblo?
- 19 A No, sir.
- 20 Q Do you have a daughter named Nellie?
- 21 A Yes, sir.
- 22 Q Is she married to a White man?
- 23 A Yes, sir.
- 24 Q Children?
- 25 A Two.

1 Q Members of the Santa Clara Pueblo?

2 A No, sir.

3 Q Do you have a daughter named Lulu?

4 A Yes, sir.

5 Q Does she have children, sir?

6 A Yes, sir.

7 Q How many?

8 A Two.

9 Q Is she married to a Santa Clara?

10 A To a Pojoaque man.

11 Q And are her children enrolled anywhere?

12 A They are enrolled in Pojoaque.

13 Q Do you have a daughter named Mary Esther?

14 A Yes.

15 Q Does she have children?

16 A Yes, sir.

17 Q Is she married to a Santa Clara?

18 A San Juan man.

19 Q And where are her children enrolled?

20 A They are enrolled in San Juan.

21 Q Do you have another daughter named Toni; is that correct,
22 sir?

23 A Yes, sir.

24 Q Does she have children?

25 A She has two.

- 1 Q Is she married to an Indian or a White man?
- 2 A White man.
- 3 Q Are her children enrolled anywhere?
- 4 A No place.
- 5 Q How many grandchildren do you have that are not enrolled?
- 6 A I would say about around 26 grandchildren and about three
- 7 great great grandchildren.
- 8 Q That are not enrolled?
- 9 A That are not enrolled.
- 10 Q And you, of course, would like to see them enrolled,
- 11 would you not?
- 12 A Yes, sir.
- 13 Q Has the Rule of '39 applied to everybody since 1939,
- 14 Winter, Summer?
- 15 A Sir?
- 16 Q Do you know the Rule of 1939 pertaining to enrollment?
- 17 Let me rephrase that. Are you aware of the Enrollment
- 18 Rule today at the Pueblo that keeps your grandchildren
- 19 out of membership?
- 20 A Yes, they are out.
- 21 Q Do you understand that rule?
- 22 A Yes, sir.
- 23 Q Has that applied to everyone since 1939?
- 24 A Well, that's what we heard, that's what I heard.
- 25 Q That's your understanding?

- 1 A Yes, sir.
- 2 Q Have you been off of the Pueblo many years, Mr. Tafoya?
- 3 A No, sir.
- 4 Q Did you go work out of the Pueblo when you were a young
5 man?
- 6 A Well, I worked for -- well, not too long.
- 7 Q How long, sir, if you remember? Five years?
- 8 A No, just a few months.
- 9 Q A few months. And where was that?
- 10 A That was over in Royal Gorge, Colorado.
- 11 Q Do you remember the year, roughly?
- 12 A I couldn't remember.
- 13 Q Were you ever Governor of the Pueblo?
- 14 A Yes, sir.
- 15 Q When was that, sir?
- 16 A 1945.
- 17 Q Governor, have you had problems with the Pueblo Council
18 for several years?
- 19 A Yes.
- 20 Q For how many years would you say?
- 21 A Well, I would say a good many times.
- 22 Q Have you ever been jailed by the Pueblo Council?
- 23 A Yes, sir.
- 24 Q How many times, sir?
- 25 A Twice.

1 Q How recent has that been?

2 A Well, for one time this Summer People build a foundation
3 right in my driveway, and I was blocked, so I tear that
4 down and that's the reason I was put in jail for that.

5 Q The Summer People built it?

6 A Yes, sir.

7 Q Who was Governor then, do you remember?

8 A Victoriano Sisneros.

9 Q Do you know if he was Winter or Summer?

10 A Summer.

11 Q Were you in jail again after that?

12 A Yes, sir.

13 Q Was that recently?

14 A No, sir. It was on the account of my wife was given a
15 house by his father, and his father died and was left,
16 his house was left to my wife, and we were repairing that
17 house and that's how they called the Tribal Police to
18 arrest me. So I was put in jail.

19 Q Mr. Tafoya, how many terms were you Governor?

20 A Sir?

21 Q How many times were you Governor?

22 A One time.

23 Q One time only?

24 A One time.

25 Q Did you try to do anything about the enrollment problem

1 then?

2 A Yes, the enrollment been talking about years, as I stated,
3 about 10 years. It's been coming along, or more than
4 that, and nothing has happened, nothing has been done.

5 Q When you were Governor, this is at Page 28, I asked how
6 come you didn't take in your grandchildren, and there
7 was a problem with the interpretation, and you stated
8 in answer to me "My children were already from the Pueblo,
9 and there wasn't a question of their being taken in.
10 They were already of the Pueblo. At the time I was
11 Governor, it didn't occur to me."

12 Was it not a problem in '45, you had no interest in
13 enrollment then?

14 A Well, in them days I don't have so many grandchildren
15 as I have today.

16 Q And your interest was less then; is that right?

17 A Well, this enrollment had been coming up, but this talk
18 has been bringing into the Council, the Governor and the
19 Council, but they switch over to the BIA, then the BIA
20 switch over to the Governor and Council, that's how it's
21 been carrying on along.

22 Q Mr. Tafoya, could a non-member of a Tribe ever become an
23 Ogekey?

24 A No.

25 Q A non-member couldn't become that?

- 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 and 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?