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1 by Anthony Ortiz, interpreter.)

2 (Interpreter sworn.)

3 ALCARIO TAFOYA,

4 having been first duly sworn according to law, upon his oath
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. TARADASH:

8 MR. TARADASH: Your Honor, Mr. Tafoya does speak
9 and understand English to a certain extent, and we are
10 going to try to --

11 THE COURT: Mr. Ortiz, when you are interpreting from
12 English into Tewa, will you please speak up so the people
13 in the courtroom can hear you all right?

14 MR. ORTIZ: Yes, Your Honor.

15 THE COURT: Fine, sir.

16 Q (By Mr. Taradash) Would you please state your name?

17 A Fog Bird, So' Kho-wa Tsireh.

18 Q And do you have a name in English also, sir?

19 A Yes.

20 Q Would you please state that?

21 A Alcario Tafoya.

22 Q How old are you, sir?

23 A 74.

24 Q Where are you from, sir?

25 A Santa Clara.

- 1 Q Were your parents from Santa Clara?
- 2 A Yes.
- 3 Q Both parents?
- 4 A I was born out of wedlock.
- 5 Q Excuse me, sir. My question is were both of your parents
6 from Santa Clara?
- 7 A Yes.
- 8 Q Are you of the Winter People or the Summer People?
- 9 A The Winter.
- 10 Q Are you the leader of any Faction within the Winter
11 People?
- 12 A Yes.
- 13 Q Have you ever been a representative on the Council for
14 the Government of Santa Clara?
- 15 A Yes.
- 16 Q Did you finish serving your time as a representative on
17 the Council?
- 18 A Yes.
- 19 Q Were you ever relieved of your responsibilities as a
20 representative on the Council?
- 21 A Yes.
- 22 Q Would you please tell the Court what happened, what the
23 reason was for your being relieved of your responsibility
24 from the Council?
- 25 A I was appointed by members of the clan along with another

1 man as their listener by the Winter People.

2 MR. TARADASH: Was that his entire answer?

3 MR. ORTIZ: Yes.

4 Q (By Mr. Taradash) My question, sir, was were you ever
5 removed from being a representative of the Council?
6 Did they ever take away your authority as a representative
7 for any reason?

8 A Yes, I was removed.

9 Q What was the reason for the removal?

10 A Because I wanted to let these other children come in to
11 be recognized in the village, and the other people didn't
12 want this idea, so they removed me from the office.

13 Q Do you remember approximately when that was?

14 A I don't remember the exact date, but I think it is around
15 1967.

16 Q How many Factions are there now in the Winter People?

17 A Four.

18 Q Does each of those four Factions have a representative
19 on the Council?

20 A Yes. I'm the only one that's not recognized.

21 Q So the Faction that you are the head of does not have
22 representation on the Council; is that what you are saying?

23 A Yes, I have been removed from all of that.

24 Q Is that as a result of your removal from the Council in
25 approximately 1967 that you referred to just a few moments

- 1 ago?
- 2 A Yes.
- 3 Q Are you also the leader of all the Winter People, not only
4 your particular Faction?
- 5 A Yes, I am the leader of the Winter People.
- 6 Q Did the position that you hold have a name, your position
7 of leadership of all the Winter People; is there a name
8 for that?
- 9 A We are recognized as the Winter People.
- 10 Q My question, sir, is does your position as the leader
11 of the Winter People have a name for it in Tewa?
- 12 MR. ORTIZ: I'm just asking him -- he wants to know
13 if it's the Indian name or whatever, but your question was
14 whether they recognized by what other --
- 15 MR. TARADASH: No, my question is is there a Tewa
16 name for his position as the leader of all the Winter
17 People.
- 18 A Winter Clan. Kwari.
- 19 Q Do you know the current Governor of the Santa Clara
20 Pueblo, Paul Tafoya?
- 21 A I know him very well.
- 22 Q Did you know Governor Tafoya's grandfather?
- 23 A Yes.
- 24 Q I'm referring to his grandfather whose name was Anecito
25 Suazo. I'm referring to the grandfather of Mr. Tafoya.

1 Did you know him?

2 A Yes.

3 Q Where was he from?

4 A Tesuque.

5 Q Was he married to a lady from Santa Clara?

6 A Yes.

7 Q Was that woman Tafoya's grandmother?

8 A Yes.

9 Q How old were you, approximately, when you knew his
10 grandfather Mr. Suazo?

11 A 20 years.

12 Q Was Mr. Suazo also of the Winter People?

13 A Yes, he's from there.

14 Q Was Mr. Suazo the father of Paul Tafoya's mother?

15 MR. ORTIZ: Would you repeat that again?

16 MR. TARADASH: Yes.

17 Q (By Mr. Taradash) Was Mr. Suazo the father of Mr. Tafoya's
18 mother?

19 A Yes.

20 Q Would you please explain to the Court how people were
21 taken in and accepted into the Pueblo before the
22 Constitution, in the old ways?

23 A Then, these ways that they have adopted in bringing in
24 the children were different.

25 MR. TARADASH: Is that the entire answer?

1 MR. ORTIZ: Yes, sir.

2 Q (By Mr. Taradash) Can you explain what those old ways
3 were?

4 A Then if there was anybody that wanted to come into the
5 Tribe or be recognized, they had to go through the Winter
6 People, have to go through the Winter People. Then, they
7 are taken in. After they are accepted in through the
8 Winter Clan, then the Councilmen are after that notified.

9 Q I see. And is the same true of a person who wants to come
10 into the Pueblo, but who wants to be of the Summer People?
11 In other words, your answer was, as I understood it,
12 meaning that if a person wanted to come into the Pueblo
13 as a Winter Person, he would have to do as you have
14 outlined for us. Is the same thing true for the other
15 side, the Summer People?

16 A Yes, they come in in the same manner.

17 Q Again, this is the old ways. Were ladies who were from
18 the Santa Clara Pueblo, for example, from the Winter People,
19 were ladies from those people who married men from the
20 outside, not from Santa Clara, were their children taken
21 in and accepted by the Winter People?

22 A They are recognized through whatever the Winter Clan or
23 the Summer Clan, whichever one they come in through, they
24 are recognized in that order.

25 Q Is the same true for the children of a man from Santa Clara,

1 and this is in the old days, who married a lady from
2 outside the Pueblo, and they had children? Was his
3 children, or were his children also taken into the Winter
4 People in the same way?

5 A Yes. They are recognized in the same manner.

6 Q How are the candidates for office today selected from
7 the Winter People? For example, if the Winter People are
8 going to select a candidate to run for Governor of the
9 Pueblo, how did they go about it?

10 A Because of the fact that now that they have this White
11 man's way, they have been sort of scattered and they have
12 four different ones from the Winter Clan that are
13 nominated, chosen.

14 Q How are they selected? How are they nominated?

15 A I am not recognized. I am put aside rather than these
16 other three, they put their men in there in their places,
17 and I am not recognized.

18 Q Do you know how those other men select their candidate?

19 A Because there is three different groups and each one has
20 their representatives.

21 Q But my question, however, Mr. Tafoya, is this: The Winter
22 People and the Summer People each put up a candidate for
23 the office of Governor every year, and I would like to
24 know if you know how these candidates are selected to run
25 for the office of Governor.

1 A The question is not answered --

2 MR. TARADASH: Could you please just state what he
3 said?

4 A There is Mr. Tafoya, he is recognized as one of them,
5 and then there is Mr. Silva that's recognized as another
6 group, and then there is Pat that is recognized as another.
7 He has his own, so I am altogether --

8 Q Yes, I understand that. Those are the heads, as I
9 understand it, of each of the Factions, but --

10 A These are the three that have their representatives, or
11 they choose their men for the Winter, and the Summer
12 People have one.

13 Q How do they select the man that they want to run for
14 Governor, that they put up as a candidate? How do they
15 select him?

16 MR. ORTIZ: This is kind of drawn out.

17 MR. TARADASH: Would you please just explain
18 exactly what he said, if you could?

19 A They have this Mr. Patricio, brings in his candidate, then
20 all the way down the line, as the Lieutenant Governor,
21 and the Sheriff, and the Secretary, all down the line, he
22 brings them in.

23 Q Is the way that they select the candidates now the same
24 as it was in the old days before the Constitution when
25 they appointed a Governor?

- 1 A No.
- 2 Q Would you please explain what the old way is?
- 3 A Then I come to know through word of mouth. Back there,
4 they had the Winter People as the Council, or the
5 governing body. Then, Pedro Cahete became Governor, and
6 he gave his authority over to the Summer People.
- 7 Q How did someone like Pedro, whom you have just mentioned,
8 how did he become Governor? How was he appointed?
- 9 A He was appointed through the Winter People, and when he
10 was to give up his authority, why, he gave it over to the
11 Summer People.
- 12 Q Was he paid while he was Governor? Did they give him money
13 for being Governor?
- 14 A No, they don't pay them. Not even a red penny.
- 15 Q Is the Governor today paid for being the Governor?
- 16 A Yes. He's been paid.
- 17 Q Does the child go into the People of his mother or the
18 People of his father? In other words, does a child go
19 into People of his mother if his mother is a Summer Person
20 and the father of that child is a Winter Person, or is it
21 the other way around?
- 22 A They discussed this between the two, and they decide which
23 way the child should go.
- 24 Q Can the child go either way, depending upon the parents'
25 decision?

1 A He can go either way, whether the mother wants it one side
2 or the father, either way, either side.

3 Q Can a person who is initiated into the Winter People change
4 at some time when we wants to and become of the Summer
5 People?

6 A Yes.

7 Q Is that true today?

8 A Yes, today.

9 Q Was that true also in the old days?

10 A Yes.

11 Q You stated earlier, Mr. Tafoya, that you are not recognized
12 by the Council as the representative of your Faction of
13 the Winter People. Even though they do not recognize you
14 as a representative of the Faction, are you still a
15 religious leader to those people in your Faction?

16 A Yes.

17 THE COURT: Mr. Taradash, let's take a recess until
18 4:55.

19 (Whereupon, a recess was taken.)

20 THE COURT: Yes, sir.

21 MR. TARADASH: Your Honor, in an effort to try to
22 speed things up so we can conclude today, Mr. Tafoya has
23 agreed to try to give his answers in English. If he
24 doesn't, we will ask the interpreter to explain it to him.

25 THE COURT: All right, sir.

1 Q (By Mr. Taradash) Mr. Tafoya, the word cacique has been
2 used during the testimony, during the statements you have
3 heard, of some of the other people. What does that term
4 mean to you when you hear it?

5 A That word cacique means maybe, in the Spanish, that's a
6 Spanish word for me.

7 Q As the head of the Winter People, as the leader of the
8 Winter People, do you have another word in Tewa that
9 people recognize you as?

10 A Ogekey, that's the word. Head of the Winter People is
11 called.

12 Q Are you still the Ogekey even though you are not the
13 representative of the Council?

14 A That's right.

15 Q And does the Ogekey, is he the head of the Winter People
16 for religious purposes?

17 A All the Winter People, yes, sir.

18 Q But is it for religious purposes, for dances and things
19 like that, ceremonies?

20 A For all the things that come, as you mentioned, what you
21 have stated just now.

22 Q The dances, the ceremonies, things like that?

23 A Yes.

24 Q Do you know if Governor Tafoya is of the Winter People?

25 A I don't recognize him.

1 Q Why is that?

2 A He claim to be a Winter People, from the Winter People,
3 but he's not initiated in our party.

4 Q Is he initiated someplace else?

5 A San Ildefonso.

6 Q He's initiated into the San Ildefonso People?

7 A Tribe.

8 Q You have heard some of the testimony, some of the
9 statements, of some of the other people who were speaking
10 before, and they have said that there are many children
11 who live at Santa Clara Pueblo but who are not members
12 of the Pueblo. The Council doesn't recognize them as
13 members of the Pueblo. Can those children, if they want
14 to, participate in religious ceremonies at the Pueblo?

15 A Yes, sir.

16 MR. PRELO: Your Honor, I haven't objected because of
17 the late hour, but that question is so unclear that any
18 answer would have to be unclear as to "they," what he's
19 heard, and what who's heard. I have no idea what that
20 would mean.

21 THE COURT: See if you can correct it a little bit,
22 Mr. Taradash.

23 Q (By Mr. Taradash) On the ladies' side, the women who have
24 married men who are not from Santa Clara Pueblo, on that,
25 on the ladies' side, I'll call that the ladies' side,

1 many of them have children and the Council doesn't
2 recognize those children as members of the Santa Clara
3 Pueblo. Can the children from the ladies' side participate
4 in religious affairs and ceremonies?

5 A Yes, sir. They have.

6 Q They have participated?

7 A They have.

8 Q Are any of them initiated into the Winter People?

9 A Yes, sir.

10 Q Do you personally know that there are children who have
11 been initiated into the Winter People?

12 A Yes, sir.

13 Q In the old days, were there many Kiva Societies in the
14 Winter People?

15 A Yes, sir.

16 Q Did they have many ceremonies in the old days, many dances?

17 A Yes, sir.

18 Q Do all of those societies still exist today, do they still
19 have —

20 A No, sir.

21 Q Why don't they have those societies and dances today?

22 A Repeat that question, please.

23 Q You have told us that in the old days there were many Kiva
24 Societies, religious societies.

25 A Yes, sir.

1 Q And then you said they don't have as many of those
2 societies at Santa Clara today.

3 A No, sir.

4 Q And the people don't have as many ceremonies and dances
5 today as they used to. My question is why don't they
6 have as many?

7 A Well, I will say the young generation nowadays don't have
8 any faith in religion, no Indian religion at all, that's
9 the reason. Just very few of them take part in it.

10 Q Do you yourself take part in those religious ceremonies?

11 A Yes, sir.

12 Q What language is spoken in those ceremonies that you just
13 mentioned?

14 A Well, there is things that are spoken in the ceremony that
15 I couldn't bring up.

16 Q Is that in English that they are spoken?

17 A Tewa.

18 Q It's in Tewa. Do the people who participate in those
19 religious ceremonies have to be able to speak Tewa to
20 participate?

21 A Yes, sir.

22 Q Has anyone ever been denied permission to be initiated
23 into the Winter People because they could not speak Tewa?

24 A Yes. They are denied because they could not speak the
25 Tewa language.

1 Q Do you personally know if anyone has been denied because
2 of that?

3 A Yes, sir.

4 Q When was that that someone was denied initiation because
5 they could not speak Tewa?

6 A I couldn't say what year it is, but it's not very long,
7 approximately about six, seven years ago.

8 Q Who was it that was denied permission to be initiated
9 about six or seven years ago?

10 A Well, I couldn't recall the names of the boys, but Mom
11 and Dad are Mollie Naranjo and Juan D. Naranjo, their boys.

12 Q Were both of the parents members of the Santa Clara
13 Pueblo?

14 A Yes, sir.

15 Q I understand that much of what you have said just now is
16 very sensitive, it's not supposed to generally be spoken
17 to outsiders. Would you please tell the Court why you have
18 decided to testify, why you have decided to come here and
19 tell us things you have told us just now?

20 A Repeat that question, please.

21 Q Why did you agree to speak today in court? Why did you
22 agree to come here and tell us these things?

23 A Well, I came here to tell these things at the court
24 because I was notified from my Party Group I shouldn't
25 be jealous of anything. My group, as I understand, as I

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