

11-25-1974

06: Herbert Martinez-Cross Exam.pdf (53.53Kb)

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 Q Can you explain to the Court what rights a member of the
2 Santa Clara Pueblo has who does not have any land and who
3 seeks some land in the Pueblo?

4 MR. PRELO: I'm not sure I understand the question.
5 We will object to the form.

6 THE COURT: Let's see if he can respond.

7 A Would you kindly repeat it?

8 Q Do you know what rights a member of the Santa Clara
9 Pueblo has who does not have any land and who seeks to
10 have a piece of land within the Pueblo?

11 A Yes, he goes before the Council and asks for a piece of
12 land. That is, if his parents cannot give him land, or
13 if his relatives; but, mainly his parents, if they cannot
14 give him land, the next place he goes is to appear before
15 the Tribal Council and to ask if he could have land.

16 Q Does he have a right to have land?

17 A If he does not have no land, he must have rights because
18 if he has a family he has to have a home to build on.

19 MR. TARADASH: No further questions at this time.

20 THE COURT: Mr. Prelo.

21 CROSS-EXAMINATION

22 BY MR. PRELO:

23 Q Mr. Martinez, where do you presently reside?

24 A Santa Clara Pueblo.

25 Q And you have been there all your life?

- 1 A Practically all my life.
- 2 Q And your family lives there, you are married and have a
3 family?
- 4 A Yes.
- 5 Q And you have a home there?
- 6 A No, I don't have a home, but this is the reason why I
7 tried to get a Land Lease Agreement, so I could get
8 Federal assistance from the BIA.
- 9 Q Where do you live, sir, if you don't have a home? Where
10 do you live?
- 11 A Where do I live? I have an aunt that has gave me a place
12 to live.
- 13 Q And you resided on the reservation at all times?
- 14 A Yes, when I was here in New Mexico, yes.
- 15 MR. PRELO: I have no further questions, Your Honor.
- 16 THE COURT: Any rebuttal?
- 17 MR. TARADASH: We have not further questions.
- 18 MR. PRELO: I would move to strike his testimony
19 as it did not rebut anything in issue that I know of in
20 this case.
- 21 THE COURT: It went to the question of leasing the
22 land.
- 23 MR. TARADASH: The question as to leasing of land
24 is an issue, the Councilmen said that --
- 25 THE COURT: Go ahead, Mr. Taradash.