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11-25-1974

16: Juan Chavarria-Direct Exam.pdf (191.1Kb)

U.S. District Court for the 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 he is an expert. And I'd like to put him on and then --

2 THE COURT: All right.

3 MR. COLLINS: Your Honor, we'd like to have the
4 direct testimony, so long as we could cross. We just
5 want to cross. That's all.

6 THE COURT: Is he here?

7 MR. PRELO: Yes, he is here.

8 THE COURT: Fine. Let's go ahead and get the direct.

9 (Witness sworn by Court Clerk.)

10 JUAN CHAVARRIA,

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

13 DIRECT EXAMINATION

14 BY MR. PRELO:

15 Q State your name, please, sir.

16 A Juan Chavarria.

17 Q Mr. Chavarria, where do you reside?

18 A At Santa Clara Pueblo.

19 Q How long have you resided at the Pueblo?

20 A Most of my life, with a few years excepting when I was
21 out of the Pueblo.

22 Q How old are you, sir?

23 A 68.

24 Q Are you employed?

25 A Yes, I am.

- 1 Q And where do you work, sir?
- 2 A I work for the Institute of American Indians under the
- 3 BIA here in Santa Fe.
- 4 Q And how long have you been employed there?
- 5 A Eleven years.
- 6 Q Have you resided on the Pueblo all of your life? Is that
- 7 what you are stating?
- 8 A Yes. Most of my life, with the exception when I was in
- 9 school and a few years that I lived in Denver.
- 10 Q And how many years, approximately, would that have been?
- 11 A I would say, about altogether, seven years.
- 12 Q Was that recently?
- 13 A I lived in Denver in the early 20's, and the other, I
- 14 was up employed through the BIA at the Jicarilla Agency
- 15 for four years.
- 16 Q Were your parents Santa Clara members?
- 17 A Yes, they are.
- 18 Q Both of them?
- 19 A Yes.
- 20 Q Are they living or dead, sir?
- 21 A They are deceased now.
- 22 Q Have they been deceased for a long time?
- 23 A My father died in 1936 and my mother died in 1955.
- 24 Q And you were born in nineteen --
- 25 A 1907.

1 Q -- 077

2 A Yes.

3 Q Have you held any offices on the Santa Clara Pueblo
4 Government?

5 A Yes, I have.

6 Q And what offices are these?

7 A The Governor at one time.

8 Q When were you Governor?

9 A Well, I was Governor, first elected, in 1942, and then
10 again re-elected in 1943.

11 Q Did you hold any offices prior, before the Constitution?

12 A No, I did not.

13 Q Have you held any other offices besides these two terms
14 of Governor?

15 A Yes. I held office as Governor in 1957, 1958, '69 and
16 '70.

17 Q Are you married, sir?

18 A Yes, I am.

19 Q Is your wife a Santa Clara?

20 A Yes, she is.

21 Q Do you have any children?

22 A Yes, I have four boys and two girls.

23 Q Are your boys married?

24 A Two of them.

25 Q And where do they reside?

- 1 A They reside at Santa Clara Pueblo.
- 2 Q Both of them?
- 3 A Yes, they do.
- 4 Q Did they marry Santa Clara girls?
- 5 A One is married to a Japanese girl and the other one is
- 6 married to a Spanish girl.
- 7 Q Are your girls married?
- 8 A Yes, they are.
- 9 Q And are they married to Santa Claras?
- 10 A No. They are both married to Anglos.
- 11 Q Do they have children?
- 12 A Yes, they have.
- 13 Q Are their children enrolled anywhere?
- 14 A No, they are not.
- 15 Q They are not enrolled at Santa Clara?
- 16 A Not enrolled at Santa Clara.
- 17 Q Do you know what the rule is with regards to enrollment
- 18 of children, such as your daughter's at Santa Clara
- 19 Pueblo?
- 20 A Well, the rule is that, when, like in the case of my
- 21 daughters, if they marry a non-Indian, their children
- 22 are not enrolled as members of the Pueblo.
- 23 Q Did your daughters know that before they were married?
- 24 A Yes, I told them before they got married.
- 25 Q Do you know whether this is the same rule as the Ordinance

1 of 1939?

2 A Will you repeat the question, please.

3 Q Is that the rule that is in the Ordinance of 1939?

4 A Yes.

5 Q Do you know where that rule came from?

6 A Well, it always has been the rule of the tribe since
7 immemorable.

8 Q And how did you learn this?

9 A My father told me. My great uncle told me and many of
10 the elders of the Pueblo told me.

11 Q Was your grandfather still alive in your time?

12 A Yes.

13 Q And how old would he be, sir, if he were alive today?
14 If you know.

15 A He probably would be about 120 years old.

16 Q Do you remember talking to him?

17 A Yes.

18 Q Did they ever -- your grandfather or these elders, were
19 you ever told why this rule existed?

20 A Well, it happens that's the rule of the tribe and that's
21 how they go by it. That's how the rule got its certain
22 position or certain thing that we are talking about.

23 Q You weren't -- or, were you ever given a reason for the
24 rule?

25 A No. They only told me that was the rule and it has been

1 carried on from generation to generation.

2 Q Do you know whether the woman or the man is the dominant
3 spouse or person in the Santa Clara Pueblo?

4 A The man is.

5 Q Would you describe in what way?

6 A Well, he is responsible for being the head of the family.
7 He provides for the family. He looks after them. He
8 guides them through life, whatever guidance they need to
9 have.

10 Q Is the husband primarily responsible for teaching culture
11 and religion?

12 A Yes, yes.

13 Q Do you know what the norm or what the habit is when a
14 Santa Clara woman marries a non-Santa Clara man; where
15 do they live?

16 A Well, it all depends. If the non-Indian has a home outside
17 the Pueblo, they take them to where the man lives. But,
18 some cases, they live in the Pueblo.

19 Q Does the Pueblo presently operate under the Constitution,
20 do you know?

21 A Repeat the question.

22 Q Does the Pueblo operate under the Constitution today?

23 A Yes, we do.

24 Q Do you know of any exceptions to the rule for the enroll-
25 ment since 1939?

- 1 A Pertaining to what?
- 2 Q To enrollment of children of a Santa Clara woman that
- 3 marries an outsider.
- 4 A Well, since 1939, a non-member, head of the family,
- 5 children of a non-member cannot be enrolled into the
- 6 Pueblo roll.
- 7 Q When you were selected to the Council, how were you
- 8 selected? By whom were you selected?
- 9 A For what position?
- 10 Q For the Governor.
- 11 A I was selected by one of the religious leaders.
- 12 Q Is that still true today, as far as you know?
- 13 A Yes, it is.
- 14 Q Does the rule pertaining to enrollment apply regardless
- 15 of which people you belong to, Winter or Summer?
- 16 A No, it doesn't.
- 17 Q Perhaps let me rephrase the question.
- 18 A Perhaps I didn't understand your question very clear.
- 19 Q Perhaps you didn't. I don't know. Does the rule on
- 20 enrollment apply to all Santa Claras, whether they are
- 21 Winter or Summer People?
- 22 A Yes, it does.
- 23 Q Do you know what the rule is with reference to illegitimate
- 24 children?
- 25 A Yes.

1 Q Would you tell us what your understanding is of that rule?

2 A My understanding to that rule is that if a child is born
3 to an unwed mother, a member of the Santa Clara Pueblo,
4 the Council takes the problem over and they are enrolled
5 as members of the Pueblo.

6 Q And do you know who is responsible for teaching them
7 culture and religion in that case?

8 A Well, the mother is, to a certain extent, and the uncles
9 or the aunts and other relatives of the child.

10 Q Do you know the reason for that rule?

11 A Well, it has been practiced for years and years, for
12 generations and generations. That still applies today.

13 Q Were you told this by the same people that told you about
14 the enrollment practices?

15 A Yes.

16 MR. PRELO: May I have just a moment, Your Honor.

17 We pass the witness.

18 THE COURT: Mr. Collins. Excuse me. You want to
19 recess your cross?

20 MR. COLLINS: Yes. We want to recess it until
21 tomorrow, Your Honor.

22 There is one small matter I would like to inquire
23 about, procedurally. Will it be the Court's desire that
24 summation be presented as part of post-trial briefs or
25 do you want oral summation, or is it undecided?

1 THE COURT: I'd rather have it in briefs.

2 MR. COLLINS: So we will adjourn?

3 THE COURT: As soon as we get through with the
4 testimony, we will adjourn and I will ask you to submit
5 your briefs.

6 MR. COLLINS: Thank you.

7 THE COURT: We will be in recess until 9:00 tomorrow
8 morning.

9 (Whereupon, at 4:30 o'clock P.M., Court stood in
10 recess, to be reconvened at 9:00 o'clock A.M.,
11 November 26, 1974.)

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