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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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in the cultural and religious heritage that is so vital to the tribe's very existence and that serves to hold this tribe together through its surroundings and alienating American society.

We intend to prove that the Pueblo has a compounding interest in denying membership to children where the father is not a member of the Santa Clara Pueblo and that this interest is very existant in survival of the Pueblo.

THE COURT: All right.

MR. PRELO: We call Governor Paul Tafoya.

(Witness sworn by Court Clerk.)

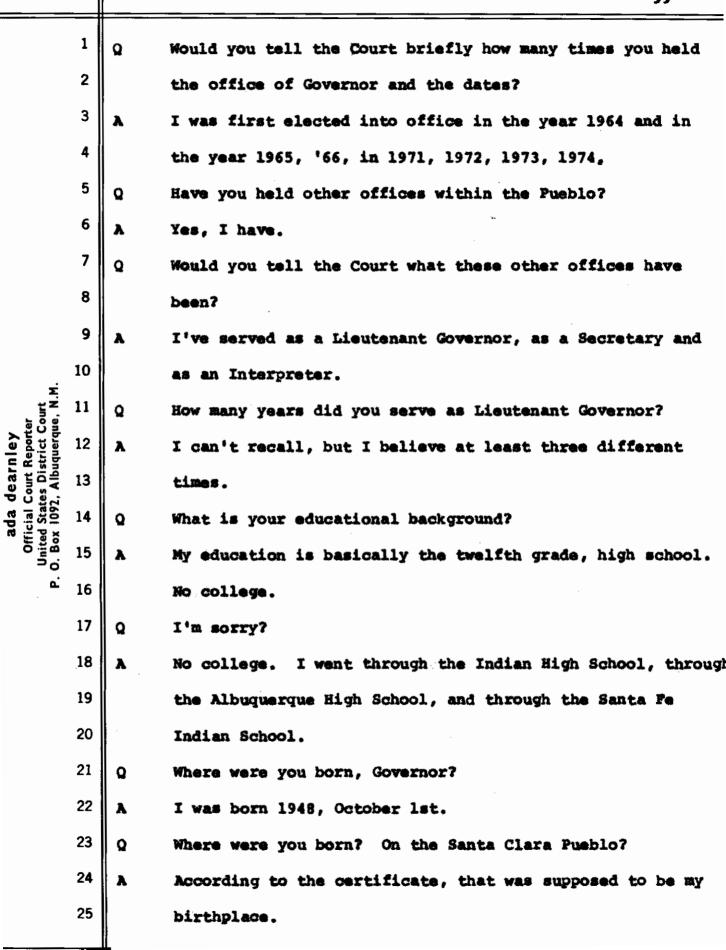
#### PAUL TAFOYA,

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

## DIRECT EXAMINATION

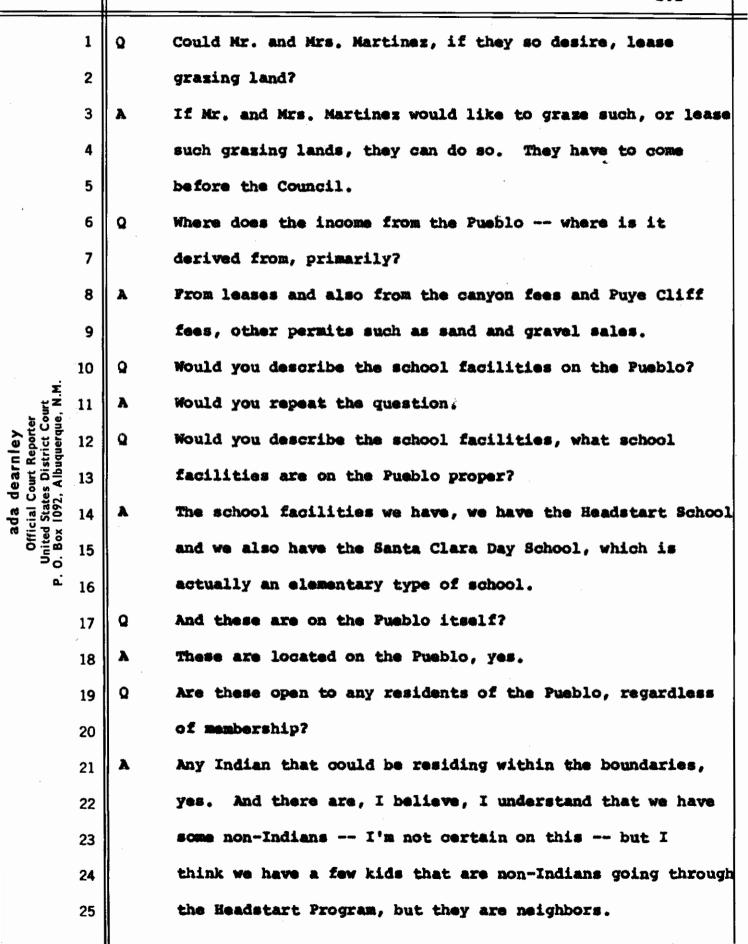
## BY MR. PRELO:

- State your name, please. Q
- My name is Paul Tafoya.
- What is your address?
- My Post Office number is Box 580, Espanola, New Mexico.
- This is the Santa Clara Pueblo mailing address. 21
- 22 Q What is your present occupation?
  - I'm the Governor of the Santa Clara Pueblo Tribe.
  - And have you previously held this office?
- 25 Yes, I have.



	1	Ω	Are your parents living or dead?
	2	A	My mother is living with me today. She is living today.
	3	۵	Your father is deceased?
	4	A	Yes.
	5	Q	Was your father of the Santa Clara Pueblo?
	6	A	Yes, he is.
	7	Q	Do you have children, Governor?
	8	A ·	Yes, I have.
	9	Q	How many?
	10	λ	I have four boys and three girls.
earnley nur Reporter District Court Albuquerque, N.M.	11	Q	Is your wife also from Santa Clara?
learnley ourt Reporter s District Court Albuquerque, N	12	λ	Yes, she is.
da de cial Co States 1092,	13	Q	Where is Santa Clara Pueblo located, physically?
	14	A	Santa Clara Pueblo is located approximately 28 miles from
Offic United O. Box	15		Santa Fe, north of Santa Fe.
ď	16	Q	In what counties?
	17	A	Rio Arriba County but we are also covered in Santa Fe and
	18	·	Sandoval County, so we are actually covered under three
	19		counties. The Pueblo itself is located more so in Rio
	20		Arriba County.
	21	Q	What is the size, if you know, of the Pueblo?
	22	A	The size of the Pueblo?
	23	Q	Yes.
	24	A	It is approximately 48,000 acres.
	25	Ω	48,000 acres. How many people reside on the Pueblo?

	- 1	l .	
	1	A	Approximately 1200.
	2	Q	Would you describe the 48,000 acres, as to the type of land?
	3	A	The land is composed of mountainous areas, agriculture
	4		type of areas, residential, grazing areas, commercial;
	5		could be developing into industrial.
	6	Ω	Do you know how much is irrigable or that can be farmed?
	7	À	I cannot be too certain on that.
	8	Q	If you don't know at all, just state that you don't know.
	9		But if you have a close idea, you may so state.
نـ	10	A	I would much rather say I don't know.
er ourt ie, N.M	11	Ω	Do you have any idea how much is pasture land?
dearnley Court Reporter tes District Court 2, Albuquerque, N	12	λ	Again, I will say
	13	Q	You don't know?
ada de Official Coi United States O. Box 1092, 4	14	·A	I do not know.
Off Unite O. Boy	15	Q	Is some of the land that is pasture land leased to various
مَ	16		and sundry people?
	17	A	The land is leased out for grazing purposes in the past.
	18		And it is possible that such properties can be leased.
	19	Q	Can a non-Indian lease it?
	20	A	There are designated areas that non-Indians can lease
	21		such properties.
	22	Q	So that a non-enrolled Indian
	23	A	Non-enrolled can lease.
	24	Q	could also lease?
	25	A	Yes.
		<u> </u>	



A The duties of the Tribal Government, if a Tribal Governor, as I see it, is responsible for the people of the Pueblo.

He is -- that is his primary responsibility.

Of course, he is governed by the Tribal Council.

The Tribal Council has a lot to say of what goes on,

practically everything.

The Governor plays the executive role insofar as carrying out the decisions, the instructions of the Tribal Council. But it is the primary responsibility of the Governor to see to it that all the decisions made by the Council are in such a way that it is not harmful to the community, that it supports that community, it preserves the culture, the culture, heritage, and it preserves the whole well-being of the Indian people.

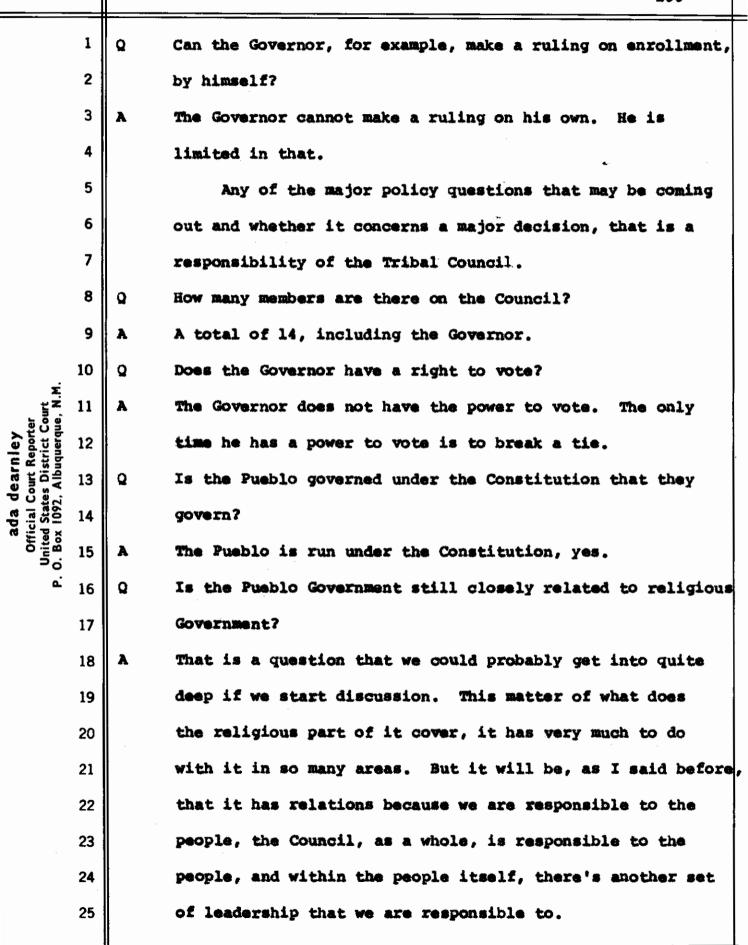
Q Governor, if I may, does the Governor of Santa Clara

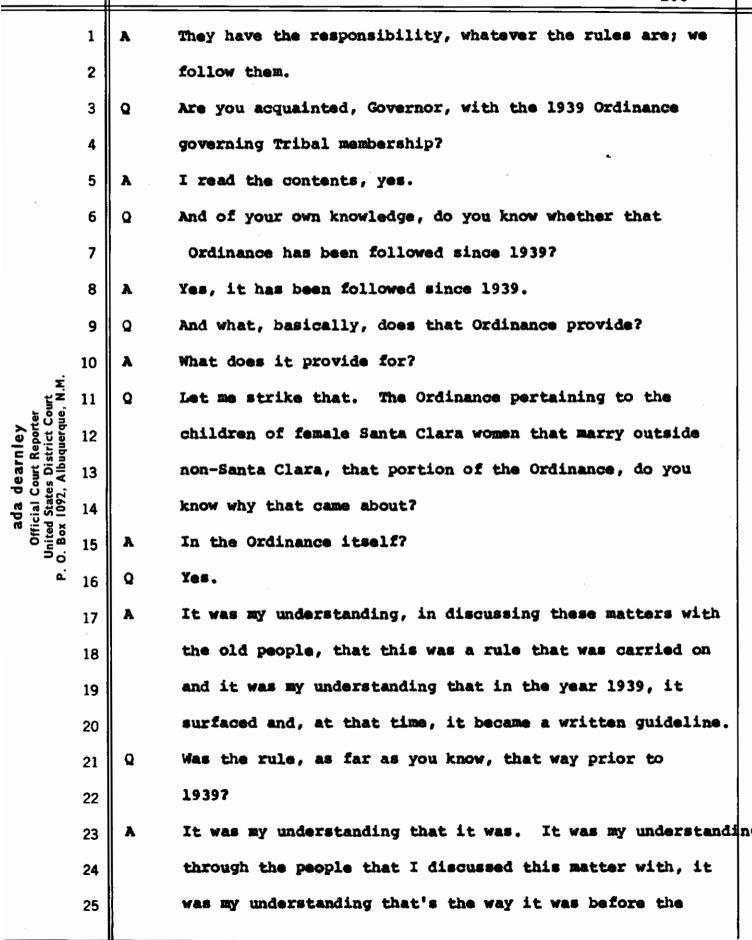
Pueblo have authority of his own to act or not act on
any problem within the Pueblo?

A It all depends on what the issues may be. It works both ways.

The Tribal Council may want to make certain recommendations and it is the responsibility of the Governor to look at that particular matter that might be coming in and he will, more or less, make a determination of that, or the Governor can introduce into the Council.

And, again, I said, it does work both ways.





forced off the Pueblo. Can you answer that question? No. I don't think her children would be forced off the As a matter of fact. I think the Tribal Council will most likely come to their aid. I think this is very much true because we like our people. We like to protect them as much as possible, even though they might be true members As long as they reside on the reservation, we are responsible and are concerned with their welfare. I'm sure they would not be chased off the reservation. Have you ever denied Julia Martinez any rights, privileges No, I have not denied her or anybody on the reservation. As a matter of fact, wherever it is possible, I like to be helpful and I think this has been the philosophy They've been trying to come out and give help and aid to whoever that might need assistance and I carry out Have you ever denied any of her children any rights or No, we have not. As a matter of fact, we encourage all 25 residents, the entire community, to participate in whatever activities they can.

I'd like to make a statement here that in terms of employment, that we denied no one, as long as there's a vacant spot we can — we have the finances for. We provide the employment opportunities for them, and the children of Myles Martinez is not an exception. They, too, have participated.

Governor, if you know, what are the requirements for an Indian person to get a census card entitling them to health, education and welfare?

A The health, education and welfare are all provided by the Federal Government. The tribe does not provide these services.

It is not much of a problem because the only thing they should get from the Tribal Council is that they would have had -- that they would get a verification that they do possess one-fourth degree Indian blood.

I know I have done this in the past, where members were in the business -- residing on the reservation within the Pueblo, I have written letters to the effect that they should have the census number because I do verify the fact that they are Indian, that they do possess one-fourth degree or more Indian blood.

- Were you ever requested to do that for the Martinezes?
- A I believe this was quite a few years ago, I believe it

I believe there's many, many different ways that this is passed down, but I do know that -- again, I repeat and put the male on top, I think on the male side more of this is passed through the family from generation to generation. And if it is not, the husband of a family, it may be the uncle, the cousins; but primarily they are the They are the ones that pass down such traditions, Historically, to the best of your knowledge, when a Santa Clara female married a non-Santa Clara male, where did they They lived on the reservation, the Santa Clara male. No. A Santa Clara female, a lady, marries a non-Santa Clara male, historically, if you know, where did they Well, according to the older people on the reservation, they usually travelled with their husbands. They go with Do you consider yourself traditional? Have you talked Well, tradition actually covers a lot of ground and I would consider myself traditional to a certain extent. Let me ask you it this way, Governor: Do you understand the old way with reference to membership to a woman on

2 3 4 5 6 7	1	Have there been any exceptions to the Ordinance of
	2	1939 that you know of?
	3	A Not to my knowledge, no.
	4	MR. PRELO: I pass the witness.
	5	CROSS EXAMINATION
	6	BY MR. COLLINS:
	7	Q Governor, under the Ordinance of 1939, as you understand
	8	it, is naturalization of non-members permitted?
	9	A As far as the year from 1939 forward, we have exercised
	10	no naturalization.
f z z	11	Q The Ordinance seems to say it is not allowed under the
Ger Ger		
earnley vur Reporter District Court Albuquerque, N.M.	12	Ordinance. Is that the way you read it, too?
dearniey Court Report es District ., Albuquerq	13	A According to the Ordinance, that is the way it is written.
ada o	14	Q Is that the way it is interpreted by you?
ada deari Official Court F United States Dis O. Box 1092, Albu	15	A This is the way I understand the Ordinance.
ā.	16	Q What happens, Governor, when a child is born to a Santa
	17	Clara woman and there is no marriage?
	18	A If a child was born out of wedlock, that child becomes a
	19	member of the Santa Clara tribe.
	20	Q I see. Would that same be true if the same woman had a
	21	second child out of wedlock?
	22	A If the child if the same woman had a second, third,
	23	or if she had ten children, the policy is the same.
	24	
		Q Governor, you heard the testimony this morning by Mrs.
	25	Martinez, that an ancestor of hers became a widow from a