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28: Defendant's Case in Chief.pdf (58.83Kb)

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 Prelo.

2 If you will, go ahead with your case.

3 MR. PRELO: Your Honor, in view of the hour, could we
4 ask -- well, maybe in view of the hour, we can go ahead.

5 THE COURT: Yes. We can go ahead with some testimony.

6 MR. GRODNER: Your Honor, I'd like to get my brief
7 opening statement in before the presentation of our case.

8 The defendants intend to prove that the Ordinance in
9 question here does not violate any of the rights of the
10 plaintiffs. It is merely, this Ordinance is merely a
11 written codification of preexisting membership rules that
12 have governed the membership practices of this Pueblo for
13 a long period of time.

14 The defendants will introduce evidence by the elders
15 of the tribe, by the Governor of the tribe and by an
16 expert in the field of anthropology that membership in the
17 Santa Clara Pueblo is very closely inter-related, integrated
18 with the religious practices of the Pueblo and, furthermore,
19 that the Santa Clara Pueblo is a patrilineal society.

20 These experts and witnesses would testify that
21 children are customarily taught their religious traditions,
22 customs, practices, and ideology of the male parent and
23 that a necessary result that would follow by allowing
24 children similarly situated to the plaintiffs to be allowed
25 as members of the tribe would cause a serious disruption

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

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

9 THE COURT: All right.

10 MR. PRELO: We call Governor Paul Tafoya.

11 (Witness sworn by Court Clerk.)

12 PAUL TAFOYA,

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

15 DIRECT EXAMINATION

16 BY MR. PRELO:

17 Q State your name, please.

18 A My name is Paul Tafoya.

19 Q What is your address?

20 A My Post Office number is Box 580, Espanola, New Mexico.

21 This is the Santa Clara Pueblo mailing address.

22 Q What is your present occupation?

23 A I'm the Governor of the Santa Clara Pueblo Tribe.

24 Q And have you previously held this office?

25 A Yes, I have.