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31: Audrey Martinez-Cross Exam.pdf (271.9Kb)

U.S. District Court for the District of New Mexico

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- 1 Q When was that?
- 2 A This was in '71, '72.
- 3 Q And were you enrolled as a result of those attempts?
- 4 A No.
- 5 Q So as of this date, you and your brothers and sisters are
- 6 still not enrolled in the Santa Clara Pueblo?
- 7 A That's true.

8 MR. TARADASH: We have no further questions at this

9 time, Your Honor.

10 CROSS EXAMINATION

11 BY MR. PRELO:

- 12 Q Miss Martinez, you have personally made no effort to be
- 13 enrolled, is that correct?
- 14 A Personally, no.
- 15 Q How old are you?
- 16 A I am twenty-seven years old.
- 17 Q I'm sorry?
- 18 A I am twenty-seven years old.
- 19 Q Twenty-seven. You have been an adult, certainly, since
- 20 this suit has been filed, is that correct?
- 21 A Yes. Could I make a -- you asked me if I had made any
- 22 personal attempt to have myself enrolled.
- 23 Q Yes.
- 24 A Okay. I, myself, along with my parents, soon after the
- 25 draft of the Complaint was to be filed, I, along with my

1 parents, went to the representative of the Summer People
2 and asked that we weren't closing any doors, you know,
3 since the draft had been presented to them, that we were
4 quite willing to have this matter settled within the tribe.

5 Q But you stated before that you had never written any
6 Governor or made any actual affirmative application, is
7 that correct?

8 A There were no written procedures to follow.

9 Q I'm sorry?

10 A There aren't any written procedures to follow.

11 Q Miss Martinez, if you would, answer my questions without
12 being argumentative. I realize this has been a long drawn
13 out case for you. If you feel you want to say what you
14 want, I want you to say what you want but after you answer
15 my questions.

16 You have not written anything, either to the Governor
17 or the Council, nor have you requested in your own behalf
18 that you be allowed to be a member of the Santa Clara
19 Pueblo, is that correct?

20 A No.

21 Q Are you aware, Miss Martinez, what the requirements are
22 for people like you to get a census number?

23 A As far as the Federal Government is concerned, you have
24 to be one-fourth, to be Indian. You would have to have a
25 fourth Indian blood and be a member of some recognized

1 Indian Tribe, some Federally recognized Indian Tribe.

2 Q You have to be a member?

3 A That was my understanding.

4 Q But you now understand that that is not correct, that you
5 do not?

6 A Yes.

7 Q That --

8 MR. COLLINS: I am going to object to this line of
9 questioning, Your Honor. It again calls for a legal
10 conclusion. There is a definite legal question here and
11 he is trying to get it out of these witnesses.

12 THE COURT: She may testify as to her understanding,
13 Mr. Collins. The question of criteria will be established
14 by the regulations of the BIA.

15 Q (By Mr. Prelo) What is your present understanding, Miss
16 Martinez, of the regulations that the Court mentioned?

17 A That there has to be some verification from some Indian
18 Tribe that you do possess this degree of Indian blood.

19 Q Will you go through your schooling course and tell us --
20 strike that.

21 Will you tell us where you attended your schooling
22 after high school?

23 A After high school, I attended the University of New Mexico
24 in Albuquerque.

25 Q And were you there as a result of Federal grants that were

1 made to you?

2 A Yes.

3 Q Do you have any idea, today, of how much were available
4 to you through the years?

5 A No, not this week.

6 Q Do you have any idea how many semesters you attended there
7 on Federal grant?

8 A I would say between, anywhere, from six to eight semesters.

9 Q Did you get a degree?

10 A No.

11 Q You are still working on it?

12 A Yes.

13 Q Were you treated -- I won't go through all of the other
14 schooling.

15 Were you ever treated any differently from anyone
16 else at the day school?

17 A No.

18 Q At the public school in Espanola?

19 A No.

20 Q You got the same privileges as everyone else got?

21 A Yes.

22 Q Did Governor Paul Tafoya, at any time during the course of
23 all these proceedings, do anything other than try to assist
24 you with your problems?

25 A He was very sympathetic with trying to help us.

- 1 Q He always tried to help you?
- 2 A Yes.
- 3 Q Did he, personally, in any way, deny you any rights?
- 4 A No.
- 5 Q Do you know, of your own knowledge, whether Paul Tafoya,
6 as Governor of Santa Clara, could enroll you if he wanted
7 to?
- 8 A I believe, as Governor, he has a great deal of influence.
- 9 Q Now, if you will answer my question: Do you believe that
10 he could enroll you if he wanted to?
- 11 A No.
- 12 Q He could not, right?
- 13 A (No response.)
- 14 Q Isn't it true that your mother is in the process of
15 acquiring a new home on the new housing list, on the Santa
16 Clara Pueblo?
- 17 A I believe our application has been processed, yes.
- 18 Q I'm sorry?
- 19 A Yes.
- 20 Q So it is anticipated that if everything goes well, it will
21 be had sometime next year?
- 22 A Yes.
- 23 Q Are you acquainted with the 1939 Ordinance that we have
24 talked about?
- 25 A Yes.

1 Q Miss Martinez, would you tell us if you know of any except-
2 ions where children like you have been treated differently
3 than you have?

4 A Other exceptions, other than myself?

5 Q No. Where children like yourself, that normally would be
6 denied membership under the Ordinance, have been, in fact,
7 granted membership in the Pueblo?

8 A No.

9 Q Are you familiar, also, with the naturalization?

10 A Yes.

11 Q Do you know of any instance where anyone was naturalized
12 subsequent to 1939?

13 A Subsequent?

14 Q After.

15 A No.

16 Q Do you know of anyone that was naturalized during the
17 period that your father was attempting to be naturalized?

18 A No.

19 Q Do you know of any people prior to 1939 that were natural-
20 ized?

21 A Yes.

22 Q And do you recall those names?

23 A Yes.

24 Q Would you tell us who they were, if you know.

25 A Lawrence Singer, Sr.; Philip Dasheno; Louis Cata; Kenneth

- 1 Shupla, and Lillian Sisneros.
- 2 Q Lillian Sisneros?
- 3 A Yes. The wife of Tito.
- 4 Q I'm sorry.
- 5 A The wife of Tito Sisneros.
- 6 Q Is she a woman?
- 7 A Yes.
- 8 Q Obviously she was naturalized?
- 9 A Yes.
- 10 Q Do you know when?
- 11 A Oh, probably in '38.
- 12 Q Who did she marry?
- 13 A Tito Sisneros.
- 14 Q And was Tito a Santa Clara?
- 15 A Yes.
- 16 Q So that his children were automatically Santa Clara, at
17 least entitled to be enrolled at Santa Clara?
- 18 A Yes.
- 19 Q Do you know of any other exceptions where the children of
20 a Santa Clara woman that married a non-Santa Clara man
21 might have been granted membership?
- 22 A Are we still talking about before the Ordinance?
- 23 Q After the Ordinance.
- 24 A After the Ordinance, no.
- 25 Q Do you know of any, prior to the Ordinance? Now, I'm not

1 talking about naturalization. I switched on you. I'm
2 talking about situations where a Santa Clara woman married
3 a non-Santa Clara man, where their children were recognized
4 as members.

5 A Yes.

6 Q And would you name those?

7 A Pardon me?

8 Q Would you tell us who that is.

9 A Yes. My grandmother married outside the tribe. She
10 married a man from Namba, and I believe after the husband
11 died, she moved back to Santa Clara, and the two children
12 by that marriage were recognized as members of the tribe.

13 Q Would you give us the grandmother's name?

14 A My grandmother's name is Placita Gutierrez, and the
15 Gutierrez name is my grandfather's name; but the man she
16 married in Namba was Mirabal.

17 Q Mirabal. And do you remember when that might have been?

18 A No.

19 Q And did they have children?

20 A Yes.

21 Q Your mother?

22 A No. My mother was not of that marriage.

23 Q Your father was of that marriage?

24 A No.

25 Q Well, I'll move on. Do you know of any other exceptions

1 that might have been made whereby the tribe has infringed
2 on your rights, treated anyone differently than they are
3 treating you?

4 A No.

5 Q Are you enrolled in the Navajo Tribe?

6 A No, I am not.

7 Q Have you ever tried to be enrolled there?

8 A No.

9 Q Do you know whether you'd be eligible?

10 A I've never made any attempt.

11 Q Do you have any idea whether or not the Pueblo Council
12 had made efforts to consider your problem and do something
13 about it?

14 A I believe the times that it's been brought to their
15 attention, they have -- we have been informed indirectly,
16 you know, that they have been studying it in committees
17 and that they are making an effort to work on it but --

18 Q Have they ever explained to you, personally, why it is that
19 they do not want you enrolled or why they honor the
20 Ordinance of 1939?

21 A Would you repeat that, please.

22 Q Has it ever been explained to you, personally, either by
23 the Governor or the Council as a body, why the 1939
24 Ordinance is followed?

25 A I had occasion to speak, you know, with various members of

1 the Council, yes.

2 Q And what explanation have you got?

3 A Just that the Ordinance was passed and the women who
4 married outside the tribe, the children no longer were
5 enrolled and that they were making an effort to fix the
6 enrollment situation.

7 Q They have recognized the problem as far as you are concerned?

8 A Yes.

9 Q They don't exist?

10 A Yes.

11 Q Has Governor Paul Tafoya ever done anything, personally,
12 to deny you equal rights on the Pueblo?

13 A No.

14 Q Has he ever done anything other than try to help you?

15 A No.

16 Q You indicated that it is your option to participate in
17 Pueblo activities, including religious activities, is that
18 correct?

19 A Yes.

20 Q Can you, as a girl or a young lady, participate to the
21 same extent that a male can?

22 A There are some activities where women have no participation
23 whatsoever.

24 Q Would it be a fair statement to say that most --

25 A In those in which I am eligible to participate, if I choose

1 to do so, the choice is up to me.

2 Q I'm sorry?

3 A In those in which I am eligible to participate, the choice
4 is up to me whether I want to do it or not.

5 Q Would you say you are eligible to participate in a small
6 portion of the total religious ceremony?

7 A If there is only a small portion that I am eligible for,
8 yes.

9 Q Is that true of women, generally?

10 A Yes.

11 Q Could I participate, perhaps, in the same things that you
12 perhaps participate in?

13 A No.

14 Q No outsiders could participate?

15 A No.

16 Q Is there any other way that you can think of that the
17 Pueblo has denied you equal protection, anything else
18 at all?

19 A No, other than the right to vote.

20 Q Basically, the right to vote?

21 A And to hold office.

22 Q Do you know who holds the title to real estate on the
23 Pueblo?

24 A Yes. It is held in --

25 Q I'm sorry. Go ahead. Do you know?

1 A Yes.
2 Q Who owns the title?
3 A It is held in Trust by the United States and the people,
4 as a whole, own Santa Clara. There isn't any individual
5 ownership.

6 MR. PRELO: Thank you. Can I have just a moment,
7 Your Honor?

8 THE COURT: Yes.

9 MR. PRELO: Thank you.

10 THE COURT: Any redirect?

11 MR. TARADASH: Just a few questions.

12 REDIRECT EXAMINATION

13 BY MR. TARADASH:

14 Q Would you clarify for us, if you will, the relationship
15 between your mother and your grandmother, who you said
16 married a man named Mirabal from some other Pueblo?

17 A Yes. My grandmother was married twice, and when she first
18 got married, she married outside her tribe. She married
19 somebody from Nambe, the man by the name of Mirabal, and
20 they lived up there for a while together, and then after
21 the husband died, she moved back to Santa Clara.

22 Q Did you say that she moved back with two children from
23 that marriage?

24 A Yes. Yes.

25 Q And were those children recognized as members of the