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U.S. District Court Docket No. 9717 Civil; 436 U.S. 49 (1978)

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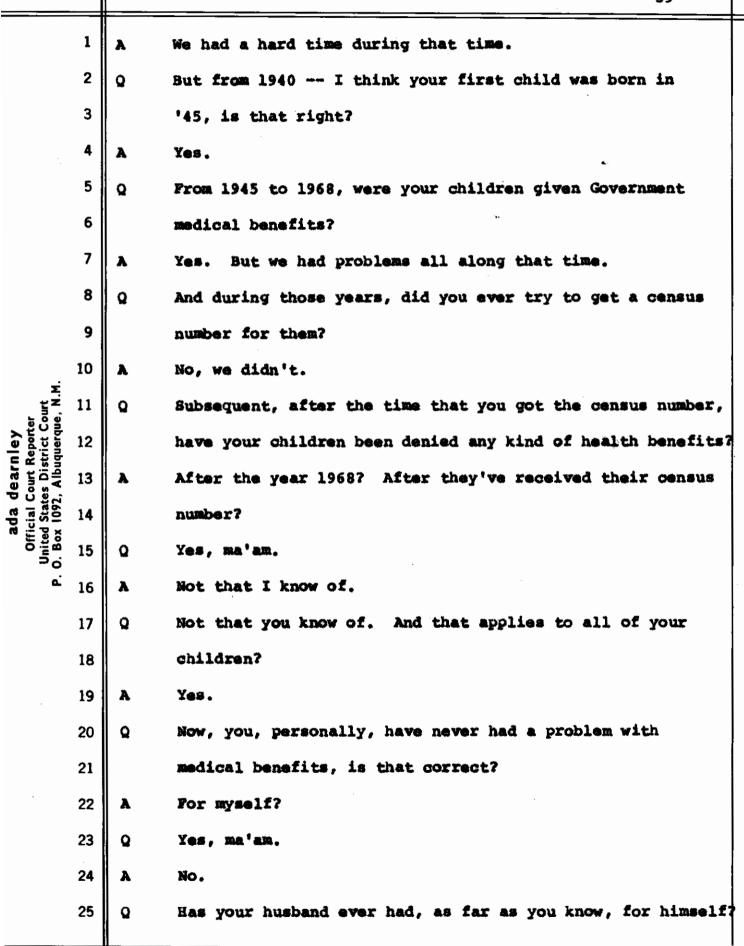
	1	Q	At Santa Clara Pueblo?
	2	A	Yes.
	3	Ω	And you have resided there all your life, is that correct?
	4	A	Yes.
	5	Q	If you don't understand any of my questions or they are
	6		too fast, please feel free to slow me down.
	7		Your husband moved there when you were a young girl,
	8	:	when you were married, is that correct?
	9	A	Yes.
	10	Q	Where did you meet Mr. Martines?
Σ.	11	A	Santa Fe Indian School.
da dearnley ial Court Reporter States District Court 1092, Albuquerque, N	12	Q	And thereafter, you married, went to live with your mother?
dearnley Court Reportes District 2, Albuquerd	13	A	Yes.
ada dicial Cellicial Celli	14	Ω	Now, he testified that the reason you went to live with
ada Official United Sta O. Box 109	15		your mother was because she was ill, is that correct?
9.	16	A	Yes. She was not very well. She was just like he said.
	17		She was paralyzed on one side and was old.
	18	Q	Did you all discuss that at the time that you were going
	19		to have to stay here and take care of your old mother?
	20	A	Yes, because my mother don't want to go out anyplace but
	21	_	stay there and no one to live with her.
	22	Ω	Where did you discuss going, had you not stayed with your
	23		mother?
	24	A	No place.
	25	Ω	I'm sorry?

	1	λ	No place.
	2	Q	Did you consider having
	3	λ	Just stay in Santa Clara.
	4	Ω	I'm sorry?
	5	λ	I said, no place.
	6	Ω	Did you consider going to the Navajo Country?
	7	λ	No.
	8	Q	Did you consider that?
	9	A	No.
نے	10	Q	You must have talked about it if you decided that, the
earnley ourt Reporter 5 District Court Albuquerque, N.M.	11		reason you talked about your mother, having to stay with
rnley Reporter strict Co uquerque	12		her.
dearnley Court Reportes Les District 2, Albuquerd	13	A	I have always lived with my mother and I can't very well
da iaf (Stat	14		leave her.
an Offic United O. Box	15	Q	Your husband, Mr. Myles Martines, is still a member of
ø.	16		the Navajo Tribe, is that correct?
	17	A	Yes.
	18	Q	Have you ever become a member of the Navajo Tribe?
	19	A	No.
	20	Q	Has he ever tried to enroll you?
	21	A	No.
	22	Q	Does he keep what you would consider close ties with the
	23		Navajo Tribe? Does he go over there frequently and visit?
	24	A	Not at that time; until very lately, we went over there
	25		to visit his sister.
			· · · · · · · · · · · · · · · · · · ·

ada dearnley Official Court Reporter

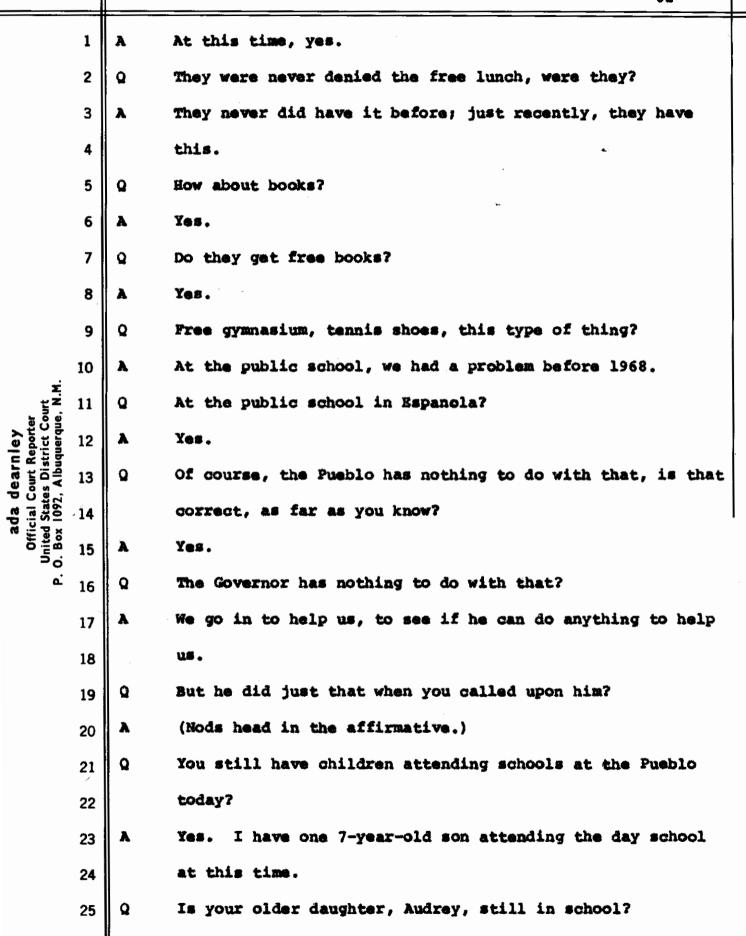
	1		The language, the fact was testified to by Mr.
	2		Martinez. There's nothing about any severance of any
	3		relations.
	4		MR. PRELO: Thank you.
	5	Q	(By Mr. Prelo) Mrs. Martinez, do you know whether or not
	6		you can grase cattle on the Pueblo?
	7	A	I don't know because I have never owned any cattles.
	8	Q	So you never requested to graze cattle?
	9	A	No.
	10	Ω	Has your husband ever owned any cattle?
ř. Ž	11	A	No.
earnley urt Reporter District Court Albuquerque, N.M.	12	Ω	He's never requested to graze cattle?
dearnle) Court Repoi es District 2, Albuquer	13	A	No.
la di ial Co States 1092,	14	Ω	Have any of your children ever been enrolled on the
D ite	15		Navajo Tribe roll?
. ⊃0	16	A	No.
	17	Q	Do you know if they are eligible? If you know? If you
	18		don't know, that's all right.
	19	A	No, I don't know.
	20	۵	Do all of your children presently have census numbers?
	21	A	Yes.
	22	Q	BIA census numbers?
	23	A	Yes, right now.
	24	Ω	When were these finally acquired?
	25	A	In the year of 1968.

	1	Ω	For all of them?
	2	A	For all of them.
	3	Q	In 1968, some of your children were in their twenties,
	4	·	is that correct, or at least in their late teens?
	5	A	Yes.
	6	Q	Have you ever had occasion, before, during all of these
	7		years, to acquire a census number for them?
	8	A	May I please have the question repeated.
	9	Ω	Have you ever had an occasion, prior to 1968, to need a
_•	10		census number for any of your children?
earniey ourt Reporter 5 District Court Albuquerque, N.M.	11	A	I don't understand that question.
rley teporte trict C querqu	12	Q.	Okay. Let me rephrase it.
dearnley Court Reportes Ses District P., Albuquerd	13		Prior to 1968, did you ever need medical attention
ial Stat	14		for your children?
Offic United O. Box	15	A	Before '68?
مَ	16	Q	Yes, ma'am.
	17	A	Yes.
	18	۵	I'm sorry?
	19	A	Yes.
	20	Q	Yes. And did you get medical attention for them?
	21	A	Please repeat the question.
	22	Q	Were you able to get medical attention for them prior to
	23		19687
	24	A	Before 1968?
	25	0	Yes, ma'am.



	1	A	Not that I know of it.
	2	Ω	Have your children participated in all school activities
	3		on the Pueblo?
	4	λ	Some of it.
	5	Q	Have they gone through the day school there on the Pueblo?
	6	A	Yes, they do.
	7	Q	Have they been entitled to hot lunches, for example?
	8	λ	Right now, they do.
	9	۵	Were they ever denied that?
_•	10	A	Yes, before.
e, surt N. X	11	Q	When?
dearniey Court Reporter tes District Court 2, Albuquerque, N.M.	12	A	Before.
dearnley Court Repor es District 2, Albuquerd	13	Q	When was that?
ada de Official Cou United States O. Box 1092, A	14	A	In Espanola at the public school.
Offii United	15	Q	At the public school. Okay. The Pueblo doesn't run the
ď	16		public school, is that your understanding?
	17	A	Yes.
	18	Q	When you had that problem, did Governor Paul Tafoya go
	19		with you to straighten that out?
	20	λ	Not with me.
	21	Ω	Did he go with some members of your family?
	22	λ	With my husband.
	23	Q	And they straightened out the problem with Espanola.
	24		Speaking about the Governor, has he done anything to try
	25		to help you in all of your problems, personally?

				_
	1	A	Yes, in some of them.	
	2	Q	I'm sorry?	
	3	A	Yes.	
	4	Q	He has tried to help you?	
	5	A	Yes.	
	6	Q	He gave you permission to see outside people?	
	7	λ	Yes.	
	8	Ω	He gave you permission to go before the Council?	
	9	A	Yes.	
s i	10	Q	He has never turned you down, personally, on any request	
earnley unt Reporter i District Court Albuquerque, N.M.	11		that you made?	
earniey ourt Reporter s District Co	12	A	Not that I know of.	-
- 6 6	13	Q	That you know of. Thank you. Did your children also	İ
ada d Official Co United States	14		get where did your children go to school, Mrs. Martinez?	
•	15	A	They first started from the day school.	
مَ	16	Q	And that is on the Pueblo?	
	17	A	From there on, they go to the public school.	
	18	Q	While they are in the day school, do they get any other	
	19		benefits as a result of attending school there?	
	20	A	At times, they come home to lunch. Now, they have free	
	21		lunch over there.	
	22	Q	Have they gotten a free lunch as long as	
	23	A	Right now?	
	24	Q	Since it has been available, have they been able to get	
	25		it?	



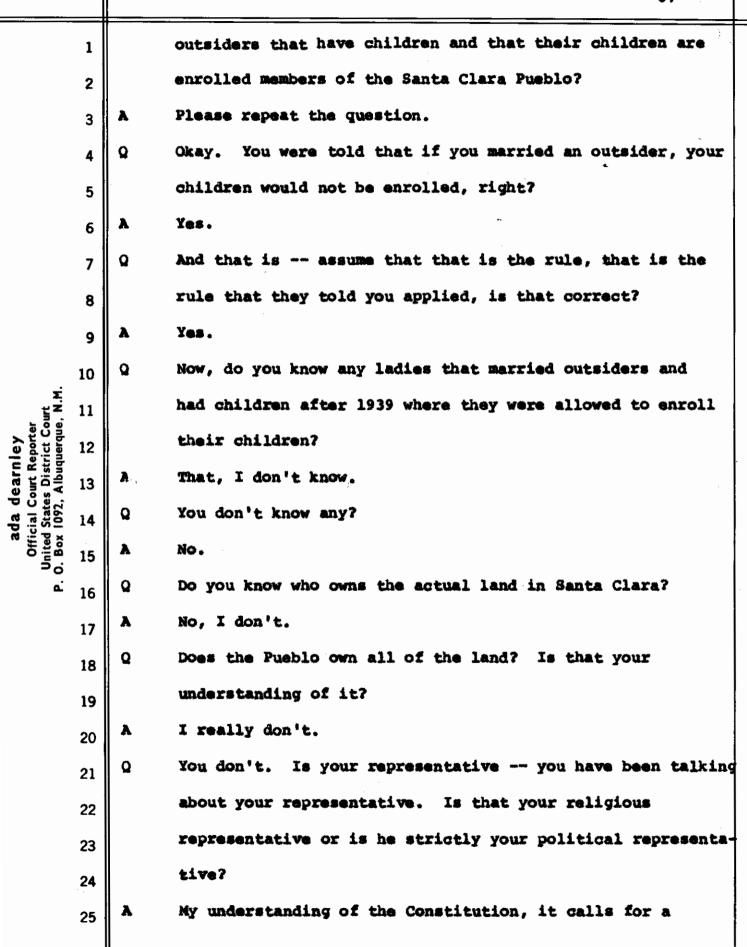
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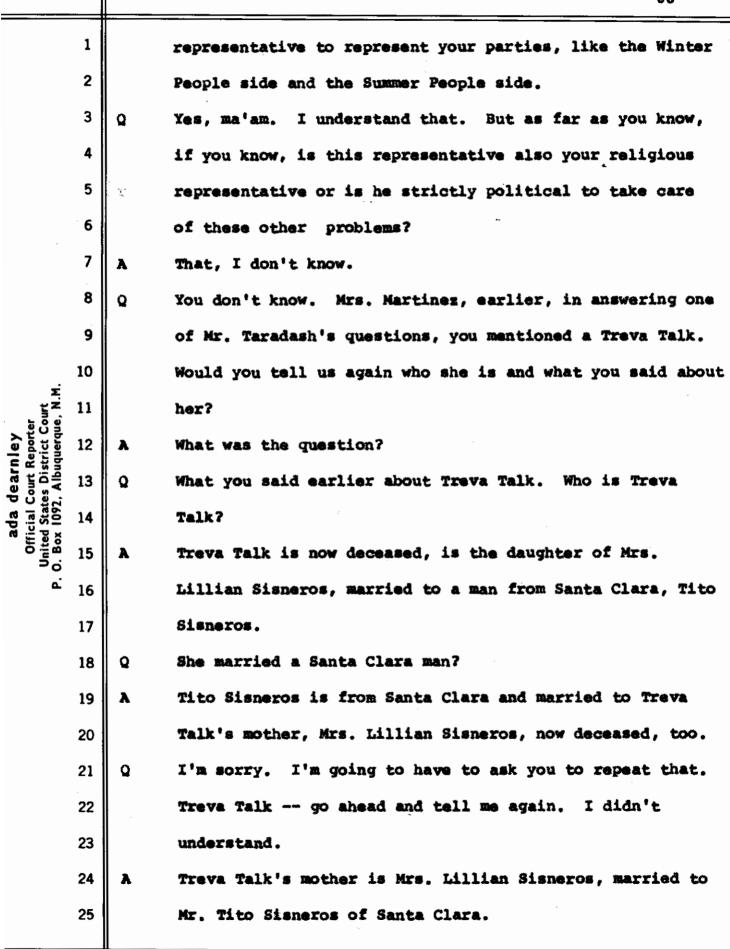
25

on that.

	_		
	1		The following two, three days, I received the approval
	2		of that letter for the BIA again.
	3	Q	The letter was from the BIA approving the grant?
	4	A	Yes.
	5	Q	Can you tell us what privileges your children have been
	6		denied, if any, on the Pueblo by the Governor?
	7	A	Right now?
	8	Q	Any time.
	9	λ	Right now, as far as I know, no, they are not.
	10	Q	Have you, personally, been denied any privilege by the
earnley vurt Reporter i District Court Albuquerque, N.M.	11		Governor of the Pueblo itself?
dearnley Court Reporter ies District Court 2, Albuquerque, N	12	λ	At this one time, we were going to the canyon, below the
dearnley Court Report es District 2, Albuquerq	13		dirt road; there was this man standing there, Jose Padilla,
Staf	14		who stopped us. We were going up there to picnic.
ada Official United Sta O. Box 109	15		He stopped us on that road, saying we could not go
ج. _ 0	16		up there because my husband wasn't a member of Santa Clara.
	17		So we turned back from there.
	18	Q	What year was that?
	19	A	It was I don't know the date of the year. But at the
	20		time, my mother was still alive.
	21	Q	Would that be twenty years ago?
	22	À	And my son was two or four months old at the time.
	23	Q	So that would be closer to
	24	A	It's quite a while back.
	25	Q	Thirty some years? Over thirty years?
	1		

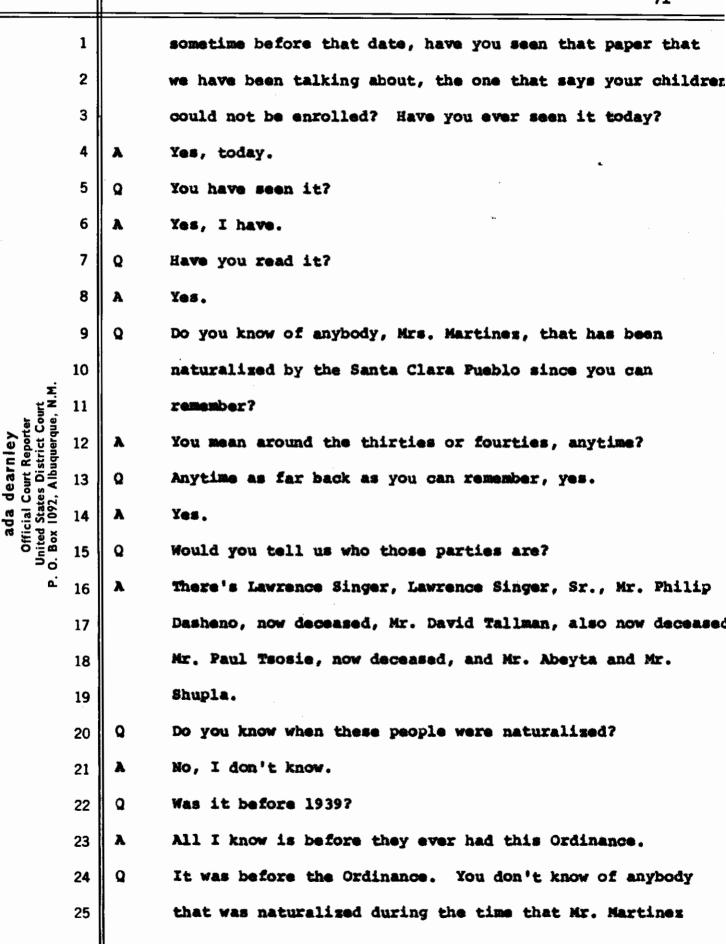
	1	A	Yes.
	2	Q	And you don't know why they turned you back?
	3	A	No, but only he said that my husband wasn't a member of
	4		the tribe.
	5	Ω	Now, since then, you had the opportunity to get all the
	6		privileges, including firewood, housing, hunting, fishing,
	7		the canyon, everything, is that correct?
	8	A	Yes, right now, I do. But, at that time, if they tell my
	9		husband not to get wood or not to use the water, it will
	10		be just like denying my rights.
r z X X	11	Q	So he didn't do it?
dearnley Court Reporter tes District Court 2, Albuquerque, N.M	12	A	No.
dearnley Court Repor es District , Albuquerd	13	Q	At any time?
da ial Sta 109	14	A	No.
ada Official United Sta O. Box 109	15	Q	They let you have your rights, your children have had
9.	16		these rights, and your husband, for whatever reason, has
	17		also had them?
	18	A	At the time.
	19	Ω	You have been on the Pueblo all of your life, right?
	20	A	Except the time when I was off to school.
	21	Ω	And how long was that?
	22	λ	Six years of my time.
	23	Q	And you are presently approximately 53 years old?
	24	A	Over my fifties.
	25	Q	I shouldn't ask that kind of question. I apologise.

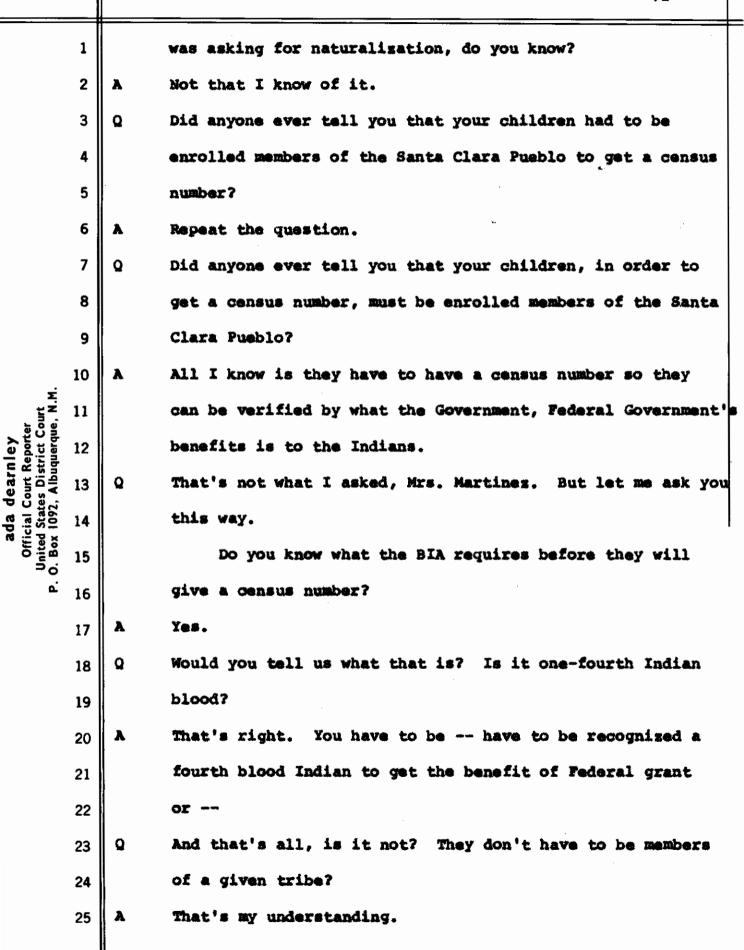




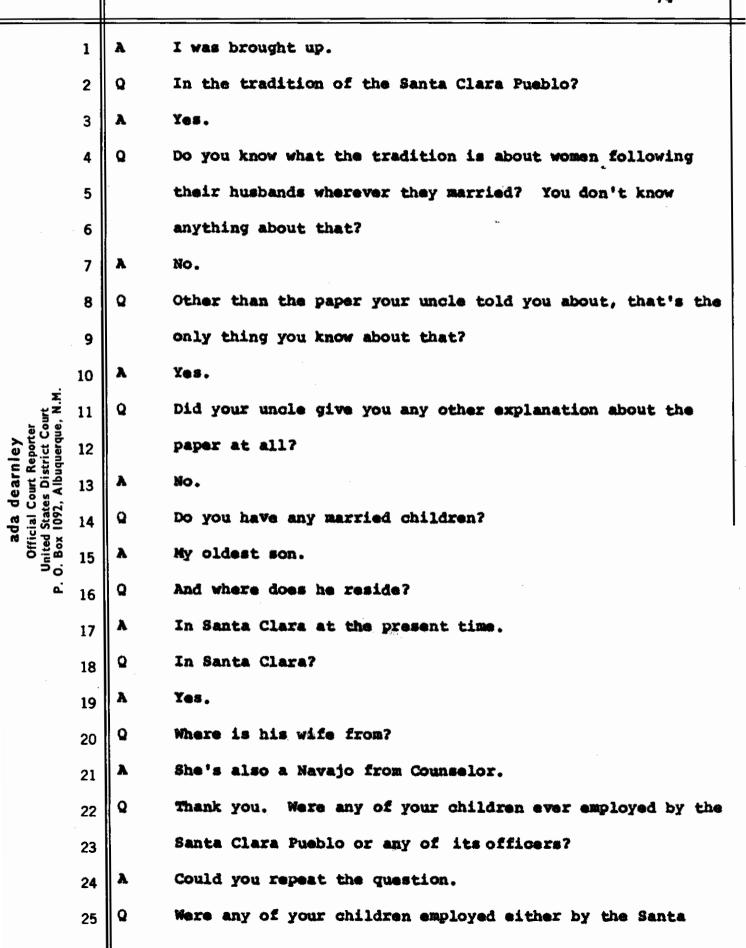
	1	Q	Okay. So Treve then is a member of the Santa Clara tribe,
	2		is that right?
	3	A	Treva, yes. Treva.
	4	Q	How about Edith Padilla, what did you say about her?
	5	A	She is also she is a sister to Treva Talk, also have
	6	·	the same mother, Mrs. Lillian Sisneros, married now to a
	7		man from Santa Clara.
	8	Q	Edith is married to a Santa Clara?
	9	A	Yes.
	10	Q	And her mother was married to a Santa Clara?
F.E.	11	A	Yes.
earnley ourt Reporter i District Court Albuquerque, N.M.	12	Q	Mr. Taradash, in asking you a while ago, used the word
dearnley Court Reporter tes District Co 2, Albuquerque	13		a while ago, "Somebody waved a paper in front of you."
la de ial Coi States 1092, 1	14		That was a paper having to do with enrollment.
ada de Official Co United States O. Box 1092,	15	:	First of all, did they wave it in front of you, Mrs.
9. D.O.	16		Martinez?
	17	A	At the general meeting.
	18	Ω	Did they wave it?
	19	A	Yes.
	20	Q	That was his name for it. But you are saying they did
	21	ĺ	wave it in front of you?
	22	A	Yes.
	23	Q	Did you ask them to let you see it?
	24	A	What was the question?
	25	Q	Did you ask them if you could see the paper?
	23	-	The second secon

	II.		
	1	A	No.
	2	Q	You did not. When you finally got your census numbers for
	3		your children, it was all done through the BIA, is that
	4		right?
	5	A	That's where the census number came in, through the mail.
	6	Q	Mrs. Martines, do you know of your own knowledge when a
	7		Santa Clara girl marries a man that is not from Santa
	8		Clara, where do they normally live?
	9	A	Most of them that I see right now, they're living in Sants
	10		Clara.
ter Court Ive, N.M	11	Ω	Most of them live there?
sarnley urt Reporter District Co	12	A	Yes.
# 0 S	13		THE COURT: How much more examination do you have,
da iial (Stat 1092	14		Mr. Prelo?
Offic United O. Box	15		MR. PRELO: I'm sorry, Your Honor.
ď	16		THE COURT: How much more examination do you have?
	17		MR. PRELO: I think perhaps ten or fifteen minutes,
	18		maybe.
	19		THE COURT: Fine. Let's take a recess until then.
	20		(Whereupon, at 10:50 o'clock A.M., Court stood in
	21		recess; and at 11:03 o'clock A.M., the following
	22		proceedings were held in open Court.)
	23		THE COURT: Mrs. Martinez.
	24		(Witness resumes the witness stand.)
	25	0	(By Mr. Prolo) Mrs. Martinez, after the meeting in 1968.





	1	Q	So the fact that your children are not enrolled members of
	2		Santa Clara did not prohibit them from getting medical
	3		service, is that right?
	4	λ	Still, we did have problems on that.
	5	Q	But it wasn't because
	6	λ	Even if it takes a fourth.
	7	Q	I'm sorry?
	8	A	Even if it did take a fourth blood Indian to be, still,
	9		we did have problems.
	10	Q	But the problem was just with BIA officials in getting
e, S.	11		the right paperwork and documentation, is that correct?
ada dearnley Official Court Reporter lited States District Court Box 1092, Albuquerque, N.M.	12	A	I don't understand that question correct.
dearnley Court Reportes District	13	Q	I say, your problem was not getting the right paperwork
ada de ficial Cou ed States x 1092, A	14		from the BIA, convincing BIA that they had one-quarter
Offic United O. Box	15		Indian blood?
ď.	16	A	Yes.
	17	Ω	Is that right?
	18	A	Yes.
	19	Q	Do you know, Mrs. Martines, do you consider yourself a
	20		traditional person in the Santa Clara ways?
	21	A	Yes.
	22	Ω	You do? Do you know what the traditions are?
	23	λ	No.
	24	Q	You don't. Were you raised in the tradition, do you
	25		think?



···			
	1		Clara Pueblo or by any of its officers, any of its branches
	2	A	Yes.
	3	Q	Would you tell us what that was, if you remember?
	4	A	I don't remember.
	5	Q	And you stated that if you had cattle, you don't know
	6		whether you could graze them if you had them?
	7	A	No.
	8	Q	Do you know what the laws of inheritance are? Can your
	9		children inherit your property?
	10	A	If they are members of the tribe.
7 2 4 5 X	11	Q	They can inherit your real property, the land?
earnley burt Reporter 5 District Court Albuquerque, N.M.	12	A	A personal inheritance of mine.
dearnley Court Repor es District 2, Albuquerd	13	Q	Do you know the distinction, Mrs. Martinez, between
da ial (Stat	14		personal property and real property?
a Offic United O. Box	15	A	What my understanding, my knowledge, is in the homes of
<u>"</u>	16		what I have, what I have.
	17	Ω	If I tell you that land is real property and that personal
	18		property is all of your other things, do you know whether
	19		your children could inherit your personal property regard-
	20		less of membership?
	21	λ	I don't know.
	22	Ω	Do you know whether or not, Mrs. Martinez, there is a
	23		natural enrollment list of Santa Clara Pueblo?
	24	A	No.
	25	Q	Have you ever seen such a document?

ada dearnley Official Court Reporter United States District Court P. O. Box 1092, Albuquerque, N.M.	1	A No.
	2	Q Do you know whether or not enrollment is partly religious?
	3	A No, I don't.
	4	Q You don't know. Were you ever read that Ordinance by
	5	Governor Paul Tafoya?
	6	A Yes.
	7	Q When was that?
	8	A At the time it was sent. I can't remember which one it
	9	was sent, from the Area Director to us, whether the
	10	Ordinance or the Resolution, one of them was sent through
	11	them.
	12	MR. PRELO: I think that's all I have, Your Honor.
	13	THE COURT: Mr. Taradash.
	14	MR. TARADASH: We have no further questions, Your
	15	Honor.
	16	THE COURT: You may step down, Mrs. Martinez.
	17	(Witness excused.)
	18	MR. COLLINS: We will call Plaintiff Audrey Martinez,
	19	please.
	20	(Witness sworn by Court Clerk.)
	21	AUDREY LAROSE MARTINEZ,
	22	having been first duly sworn according to law, upon her oath
	23	testified as follows:
	24	DIRECT EXAMINATION