
Santa Clara Pueblo v. Martinez (1978) Trial
Transcripts

Law and Indigenous Peoples Program

11-25-1974

34: Julia Martinez-Direct Exam.pdf (472.5Kb)

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

Follow this and additional works at: [https://digitalrepository.unm.edu/
law_certificate_indianlaw_santaclara](https://digitalrepository.unm.edu/law_certificate_indianlaw_santaclara)
University of New Mexico
UNM Digital Repository

Recommended Citation

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

This Transcript is brought to you for free and open access by the Law and Indigenous Peoples Program at UNM Digital Repository. It has been accepted for inclusion in Santa Clara Pueblo v. Martinez (1978) Trial Transcripts by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu, lsloane@salud.unm.edu, sarahrk@unm.edu.

1 testified as follows:

2 DIRECT EXAMINATION

3 BY MR. TARADASH:

4 Q Would you please state your name for the record.

5 A Julia Martinez.

6 Q Where do you live, Mrs. Martinez?

7 A Santa Clara Pueblo.

8 Q Have you lived there all your life?

9 A Yes.

10 Q When were you born?

11 A I was born October 10th, 1921.

12 Q Are you a member of the Pueblo?

13 A Yes.

14 Q Are your parents both members of that Pueblo?

15 A Yes.

16 Q Are you married, Mrs. Martinez?

17 A Yes.

18 Q When did you get married?

19 A In December of 1941.

20 Q Have you had children with your husband after you had been
21 married?

22 A Yes.

23 Q Are those children members of the Pueblo?

24 A No, they are not.

25 Q How many children do you have?

1 A At the time, ten of them.

2 Q How many do you have now?

3 A Eight, living.

4 Q Have you or your husband and your children also resided on
5 the Santa Clara Pueblo?

6 A Yes.

7 Q What language do you and your children generally speak in
8 your house?

9 A Tiwa and English.

10 Q Is your husband not a member of the Santa Clara Pueblo?

11 A No.

12 Q Do you have any idea of the approximate number of other
13 women like yourself who are from Santa Clara, who are
14 members of the Santa Clara Pueblo and who are married to
15 people who are not married to people of the Pueblo?

16 A About 40.

17 Q Do you generally participate in all the affairs and the
18 functions of the Pueblo?

19 A Yes.

20 Q As your children are not members of the Pueblo, can you
21 turn over to them any land that you may have the right
22 to use in the Pueblo?

23 A Please repeat that question.

24 Q Do you have any land on the Pueblo?

25 A Yes. I do.

1 Q Can you give that land to your children?

2 A If they are members of the tribe of Santa Clara.

3 Q And if they are not members, can you give it to them?

4 A No.

5 Q Can you please describe for us the way in which a member
6 of the Santa Clara Pueblo is supposed to bring a problem
7 to the attention of the Council of Santa Clara?

8 A We are supposed to -- I, myself, Julia Martinez, are
9 supposed to go to our representatives of the Summer People,
10 first take it to our representative, and then to the Council.
11 He takes it in to the Council.

12 Q You are not supposed to go directly to the Council without
13 first going to the representative?

14 A No. It has to be presented to the representative.

15 Q Have you made any attempts to ever get your children
16 enrolled as members of the Pueblo?

17 A Yes.

18 Q When did you make your first attempt?

19 A In 1946.

20 Q And what did you do at that time?

21 A I had my firstborn child named Herbert Myles Martinez.

22 Q And what did you do to attempt to enroll him as a member?

23 A In 1946, my husband, in 1945, my husband was in the Air
24 Force, came home, been discharged in 1946. We went to
25 my uncle, Pasqual, and he was a representative, brought

1 this before him to have my child an enrolled member of
2 Santa Clara.

3 Q And was your child then enrolled as a member?

4 A No.

5 Q You stated that your representative is from the Summer
6 People?

7 A Yes.

8 Q Would you just explain briefly to the Court how the people
9 are divided into groups at the Pueblo?

10 A It is my knowledge there's Winter People and Summer People.

11 Q And do each of those groups have their own representatives?

12 A Yes, they do.

13 Q So one who was in the Summer group, let's say, would go to
14 the Summer representative if they wanted to bring a matter
15 before the Council, is that correct?

16 A Yes.

17 Q After 1946, when you tried to get your first son, Herbert,
18 enrolled as a member, did you any time, after that, do
19 anything to try to get your children enrolled as members?

20 A At this time, when I represented to my representative,
21 Pasqual Tafoya, I was also noted that there were two girls
22 at that time. They were both Navajos.

23 He told me that those two girls were the only
24 enrollees at the last, before they closed the enrollment.
25 The names of those two Navajos were Treva Talk and Edith

1 Talk, both now married.

2 Q My question, Mrs. Martinez, is, after 1946, after you and
3 your husband went to see your representative, Pasqual, did
4 you, after that, when you were told that your son would
5 not be enrolled, did you then at any time, after that,
6 try to enroll any of your children in the Pueblo?

7 A Yes.

8 Q When was that?

9 A In the same year, in 1964.

10 Q And what did you do in 1964?

11 A Myself and a few other ladies were before the Governor to
12 ask permission to see that we could go before the Council.

13 Q When you say "other ladies," which ladies are you referring
14 to?

15 A There was myself, Lydia Garcia, at that time, and, also --
16 I don't remember the two others. There was three of them
17 that went before the Governor.

18 Q Were these women also married to non-members of the Pueblo?

19 A Yes.

20 Q And what happened when you went to see the Governor?

21 A The permission was granted at that time.

22 Q And did you --

23 A By the Governor, Paul Tafoya.

24 Q Did you go to the Council after that?

25 A Yes, we did.

1 Q What happened at the Council meeting?

2 A They told us that -- we asked them why our children can't
3 be members of Santa Clara when some of them are half --
4 they are of half Indian blood, so forth.

5 And we had questioned before them, "Why is it that on
6 the men's side, automatic, that their children be enrolled
7 in the members of Santa Clara even though they married to
8 non-members?"

9 Q What was their response when you asked them about the men's
10 side?

11 A They told us again that they -- that the enrollment would
12 start by a paper.

13 Q Did they show you a paper at that time?

14 A No, they didn't at that time.

15 Q After that meeting with the Council in 1964, did you do
16 anything else --

17 A Yes.

18 Q -- to enroll your children as members? What was it that
19 you did after that?

20 A Mr. Taradash, I forgot. In 1963 or --

21 Q Try to answer the question.

22 A In 1964, the first general meeting was held in Santa Clara
23 under the administration of Governor Paul Tafoya.

24 Q Was that different from a Council meeting?

25 A Yes. It is for the whole Santa Clara who's interested to

1 attend.

2 Q Did you go to that meeting?

3 A I did.

4 Q Did you try to get your children enrolled at that meeting?

5 A I brought up the issue on enrollment.

6 Q And what did the Governor of the Council say when you brought
7 the issue up?

8 A The issue has been brought up before and it is in the air,
9 and the Governor just show us a paper like this at that
10 time (indicating). We didn't know what kind of a paper it
11 was.

12 Q He just waved the paper in the air?

13 A Yes. He said that paper is the one that starts the
14 enrollment on the ladies' side.

15 Q Did he offer to show you that paper?

16 A Not at that time.

17 Q Did you, at any time after that first general meeting,
18 do anything to try to enroll your children as members of
19 the Pueblo?

20 A Yes.

21 Q What did you do?

22 A In the year of 1964, myself and other ladies have a
23 meeting at my house. We just brought up about the enroll-
24 ment discussion and went -- and following the week after
25 that, went to the BIA Agency in Albuquerque, to see if

1 something could be done to have our children members of the
2 tribe.

3 Q Why did you go to the BIA in Albuquerque?

4 A Because we want to get help.

5 Q And what happened at the BIA in Albuquerque when you went
6 there?

7 A We had talked at the Superintendent, Mr. Peter Walz, at
8 that time.

9 Q Did you get permission from the Governor before you went
10 to that meeting with Mr. Walz in order to go see Mr.
11 Walz?

12 A I am not too sure if we did, but that's the only way we
13 could have gone out.

14 Q And you could not go to take a problem to the outside
15 until you had first got permission from the Governor?

16 A Yes.

17 Q What happened as a result of the meeting with Mr. Walz?

18 A Mr. Walz asked us, when we went in there, what was our
19 problem?

20 We told him that we came down to see how -- to see
21 how we could have help to have our children as members of
22 Santa Clara because we're married to non-Santa Clara.

23 Q Was he able to help you at that time?

24 A He told us that if he could have a way to come up to the
25 Santa Clara Pueblo for a meeting. But he also told us

1 that he would get a permission from the Governor to be
2 present at their meeting.

3 Q Did he ever meet with the Governor after that?

4 A Yes, he did.

5 Q Did you attend that meeting?

6 A No.

7 Q Did you make any attempts, after going to the BIA, to
8 enroll your children as members of the Pueblo?

9 A We did about two more other trips, going down to the
10 BIA, with the other ladies in 1964, same year.

11 Q Did those trips result in your children being enrolled as
12 members?

13 A Nothing ever accomplished it.

14 Q After 1964, did you ever go back to your Council or your
15 representative or your Governor and ask for permission to
16 enroll your children?

17 A In 1965, we also have a letter received from Mr. Peter
18 Walz saying that there was a naturalization.

19 MR. PRELO: Your Honor, I have an objection because
20 I want to know and I know the Court wants to hear factual
21 situations as possible but it's been hearsay and is
22 hearsay and the other, the letter, I'd like to ask Counsel
23 to refrain from that so I won't have to object.

24 MR. COLLINS: Your Honor, it is not offered to show
25 the truth of them but shows the attempts of them to bring

1 it to the proper authorities and shows the vigorous attempts
2 by the Plaintiffs.

3 THE COURT: She may respond. There are probably
4 records not available in these instances, but for the
5 purposes for which they are offered, they may be admitted.

6 We might as well wait for the garbage department, Mr.
7 Taradash, (noise interruption by garbage men).

8 Marshal, why don't you leave that swinging door
9 open to the outside.

10 All right.

11 Q (By Mr. Taradash) Mrs. Martinez, after those two trips
12 that you just mentioned to the BIA, did you subsequent
13 to that, make any attempts to bring the matter before the
14 Council in order to get the children enrolled?

15 A Yes, we did meet with the Governor and the Council.

16 Q When was the next meeting that you had with the Governor
17 and the Council?

18 A In 1965.

19 Q Mrs. Martinez, do you remember, approximately, when, in
20 1965, that was?

21 A In the spring of 1965.

22 Q What happened at that meeting?

23 A We were also told that at the time we figured that if we
24 were made Indians, the Indians married outside, it would
25 have been easier for us, our children, to be members or,

1 again, in '65, that year, they brought up the naturalization
2 if our husbands could be naturalized, on that point, it
3 would be automatically, our children would be enrolled
4 members.

5 Q Were you told this by the Council and Governor?

6 A Yes. We were told before the Council at that meeting.

7 Q And did you and your husband seek to have your husband
8 naturalized after the Council told you that?

9 A He was willing to relinquish his tribe if they were to
10 do so.

11 Q Did you both go to the Council?

12 A Yes, we were both there.

13 Q And was he naturalized at the Council meeting?

14 A No.

15 Q Were your children enrolled as members at that Council
16 meeting?

17 A No.

18 Q After that, after that meeting in 1965, did you make any
19 further attempts to enroll your children as members?

20 A Yes.

21 Q What was the next attempt that you made?

22 A In 1966, I went before one of my representatives.

23 Q Do you remember the name of the representative at the
24 time?

25 A Yes.

- 1 Q Who was that?
- 2 A Loretta Cruz Chavarria.
- 3 Q And what happened?
- 4 A We went there to ask them what they had done about the
- 5 enrollment. He said he didn't know anything about it,
- 6 nothing had been brought up in the meeting.
- 7 Q Did you ask him to take the matter to the Council?
- 8 A That's as far as I went there.
- 9 Q Did you make any attempts after that meeting to enroll your
- 10 children with the Pueblo?
- 11 A Yes, in 1968.
- 12 Q What did you do in 1968?
- 13 A We met with Tom Lee, my husband and myself.
- 14 Q Who was Tom Lee?
- 15 A Tom Lee is the Navajo, the State Senator.
- 16 Q The State Senator in which state?
- 17 A Yes.
- 18 Q In which state?
- 19 A I think it is -- they were having a session here in Santa
- 20 Fe at the time.
- 21 Q Was he a State Senator in New Mexico?
- 22 A Yes, I think he is.
- 23 Q And what happened at the meeting with Senator Lee?
- 24 A He told my husband that we would go to Santa Clara and
- 25 see Amarante Silva, Tribal Judge, at that time.

1 Q And did you subsequently go with him to see Amarante
2 Silva?

3 A Yes.

4 Q And when did you meet with Mr. Silva?

5 A The spring of 1968.

6 Q What happened at that meeting?

7 A We went there, at his house, concerning our children being
8 members, to be members of enrollment.

9 Q Was he able to help you enroll your children?

10 A Yes. He said he would help us by writing a letter to
11 Governor Juan Chavarria and, also, one to Tom Lee.

12 Q Do you know if he really did that?

13 A Yes, he did.

14 Q Were your children enrolled after he wrote those letters?

15 A No.

16 Q Did you make any attempts after that to enroll your
17 children as members of the Pueblo?

18 A In 1968, I have a daughter, at the time, she got sick.
19 We had her in Albuquerque at the BCMC. While I was at
20 the office, I was asked for my daughter's census number.

21 Q Excuse me, Mrs. Martinez. Is the BCMC the Bernalillo
22 County Medical Center? Is that the hospital you are
23 referring to?

24 A Yes.

25 Q Go ahead.

1 A They asked me that my child had a census number.

2 No.

3 They asked me the reason why. I told them that because

4 they are not members of Santa Clara.

5 Q And why did you tell them that that was the reason that
6 they didn't -- that your children did not have census
7 numbers?

8 A Because they were not members.

9 Q Did someone tell you they could not have census numbers
10 unless they were members?

11 A As far as I understand, to my knowledge, that was it.
12 So in that case, my child went under my census number.

13 Q So then at that time, she did get medical benefits?

14 A Yes.

15 Q Did you make any attempts after that to enroll your
16 children as members?

17 A Yes, in the year of that same year.

18 Q Do you remember approximately when it was in that year?

19 A My child had another stroke again at the same year, in
20 the fall of 1968. We also took her back the same channel
21 as I did before and, also, was asked again for another
22 census number.

23 At that time, I was told that was the last time that
24 my child would go under my census number. So they told
25 me to do something about it.

1 At that time, my husband brought Mr. Acoya, Clarence
2 Acoya.

3 Q Mrs. Martinez, did you ask at that time, did you ask the
4 Governor or any representative to give you some statement
5 that your children were from the Pueblo?

6 A Yes, I did.

7 Q Who did you ask?

8 A We went to our representative at that time. His name is
9 Alfredo Naranjo. We went to his house and told him that
10 if he could help us to take this into the Council, to
11 verify my child, that he resides on the reservation and
12 born there and known that's his home and to verify her
13 as the tribe of Santa Clara.

14 Q And was that the child that was sick?

15 A Yes.

16 Q And did he give you that letter verifying those things?

17 A No.

18 Q After that, did you ever again make any attempts to get
19 your children enrolled with the Pueblo?

20 A Yes.

21 Q When was the next time?

22 A In 1968 of that same year.

23 Q Do you remember when, in the year it was?

24 A 1968.

25 Q What happened?

1 A In 1965, they informed us they will form a committee on
2 this enrollment, and on the year of 1968, Mr. Lawrence
3 Singer was the chairman of this committee.

4 Q Was that a committee that was -- a Council, a Council
5 committee or Pueblo Council?

6 A May you repeat the question.

7 Q You said in 1965 they formed a committee. Who was it that
8 formed the committee?

9 A There were four persons that were to be on the committee.

10 Q Was this committee organized pursuant to the Pueblo Council

11 A Yes.

12 Q You were stating that in 1968, you went to see Lawrence
13 Singer.

14 A Yes. He was the chairman of the committee. We went there
15 at his house.

16 Q What happened at that meeting with Mr. Singer?

17 A We brought this enrollment with the committee situation
18 up, how it had been working, or is it being functioning
19 or not.

20 He told me at that time, in meetings that he called,
21 hardly any of the committee was at the meeting. Some of
22 them attend basketball games and sometimes he has to work
23 alone, himself, on these papers. It's pretty hard for
24 him, himself, to do it.

25 Q Was he able to get your children enrolled as members of

1 the Pueblo?

2 A No.

3 Q After that meeting with Mr. Singer in 1968, did you ever
4 again make any attempts to enroll your children?

5 A Yes.

6 Q When was the next time that you made an attempt?

7 A In the same year of 1968.

8 Q What did you do?

9 A Mr. Clarence Acoya had told us that there was two solicitors
10 that were coming in from Washington and he helped us to
11 make an appointment with him, to meet with him in Albuquer-
12 que.

13 Q Did you meet with those solicitors?

14 A Yes, we did.

15 Q And did you present the enrollment problem to them?

16 A Yes.

17 Q Were they able to help get your children enrolled?

18 A No. But, at that time, they helped us to give us, my
19 children, census numbers.

20 Q They did get their census numbers for them but were not
21 able to enroll them?

22 A We were in the office, the Governor, Juan Chavarria, the
23 two solicitors, my husband any myself and, also, we had
24 brought a witness in. His name is Joe Sanchez from
25 San Ildefonso, and, there, we brought the matter before

1 them, before the Governor, Juan Chavarria, stating that he
2 could verify Natalie and Ann Martinez at the time of this
3 sickness, to give us a statement verifying of being a
4 member, born in Santa Clara, a member of the Santa Clara
5 Pueblo, and by the census number, we'd be asked for census
6 numbers and we would like for help.

7 Q Did he give you help?

8 A The solicitors told us that we can go down, that they will
9 help us on that.

10 But before we even -- let me brought this up. Before
11 we even went in to meet with them, my husband was called
12 outside from the meeting and told him that he would go
13 down straight to the BIA to receive the census number of
14 our children.

15 Q But you didn't go with him at that time?

16 A No. And he didn't go because he told them that we were
17 to meet with the solicitors.

18 Q After meeting with the solicitors, you did get the census
19 numbers, but you did not get the children enrolled?

20 A No.

21 Q Did you at any time after that seek to get your children
22 enrolled as members?

23 A In 1969 of that year, there was a Senator Ervin that was
24 to appear in Albuquerque in the spring of 1969.

25 Q Was this the United States Senator, Senator Ervin, the

1 United States Senator?

2 A Yes.

3 Q Okay.

4 A We went to that meeting, myself, my husband, attended
5 that meeting and, in person, to Senator Ervin, we gave
6 some letters about the enrollment.

7 Q Was he able to help you on the enrollment problem?

8 A Yes.

9 Q What did he do?

10 A He told us that he'll write a letter to us and let us know
11 what's come of it.

12 Q Was he able to get your children enrolled as members?

13 A No.

14 Q After that, did you ever again do anything to bring the
15 matter before the Council to try to enroll your children?

16 A At that time, yes.

17 Q What did you do?

18 A At this one time in the summer of 1969, we received a
19 letter from Senator Ervin's committee, one of them, and
20 in that letter, it stated that my husband wasn't doing
21 the committee too -- was having a hard time, having them
22 do the committee work in the Santa Clara Pueblo and --

23 MR. PRELO: I am going to move that this be stricken.
24 It is not even responsive to the question.

25 Again, I hate to interrupt but it is just going on

1 and on, away from the line of questioning.

2 THE COURT: What is the purpose, Mr. Taradash?

3 MR. TARADASH: Your Honor, some of the hardships that
4 have been suffered by the Martinez family are a direct
5 result of the husband not being a member of the Pueblo.

6 There was a situation which did arise, which threatened
7 his continued residence at the Pueblo, and it has to do
8 directly with the lack of membership in the Pueblo.

9 MR. PRELO: The fact remains that he still resides
10 there. All of his family resides there.

11 THE COURT: Yes. I don't think that is in issue here,
12 Mr. Taradash, under the circumstances.

13 Q (By Mr. Taradash) If we can move on from that, Mrs.
14 Martinez, did you do anything after your meetings with
15 Senator Ervin in attempting to get your children enrolled
16 as members?

17 A I have never, not under the enrollment. We have to find
18 out about how.

19 Q That's fine.

20 MR. TARADASH: We have no further questions at this
21 time.

22 CROSS EXAMINATION

23 BY MR. PRELO:

24 Q Mrs. Martinez, you were born in 1921, is that correct?

25 A Yes.