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Santa Clara Pueblo v. Martinez (1978) Trial  
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11-25-1974

## 24: Jose Gene Naranjo-Direct Exam.pdf (319.7Kb)

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

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### Recommended Citation

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

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1 THE COURT: What is that, Mr. Collins?

2 MR. COLLINS: The question of the participation in  
3 the religion by non-members. I'd like to ask two questions  
4 about that.

5 MR. PRELO: If the Court please, that was raised  
6 initially.

7 MR. COLLINS: I beg your pardon?

8 THE COURT: Yes, it was brought up.

9 MR. COLLINS: On his direct?

10 MR. PRELO: I think so.

11 THE COURT: I was discussed.

12 You may step down.

13 (Witness excused.)

14 THE COURT: Who is your next witness, Mr. Prelo?

15 MR. PRELO: Your Honor, I am trying to get my next  
16 witness called here. I call Gene Naranjo.

17 (Witness sworn by Court Clerk.)

18 JOSE GENE NARANJO,

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

21 DIRECT EXAMINATION

22 BY MR. PRELO:

23 Q Would you state your name, please, sir?

24 A Jose Gene Naranjo.

25 Q Mr. Naranjo, if you can't hear me --

1 A That's all right. You have to talk a little louder than  
2 you are doing right now.

3 THE COURT: Mr. Prelo, you can plug your mike in  
4 right there.

5 Q (By Mr. Prelo) Will you state your name, please, sir.

6 A Jose Gene Naranjo.

7 Q Mr. Naranjo, where do you reside?

8 A Santa Clara.

9 Q And how long have you resided at Santa Clara?

10 A Just about all my life, except for some years that I've  
11 been out.

12 Q When was that, sir?

13 A During the war for a year and then I've been out on some  
14 jobs. So maybe about two years put together, two or three  
15 years.

16 Q Was that -- I'm sorry. Was that four years? 1940?

17 A Sir?

18 Q Was that in 1940 or thereabouts?

19 A Yes. 1943. That is when I was out. Again, in 1953.

20 Q How old are you now?

21 A 64.

22 Q Were you born at Santa Clara?

23 A Yes.

24 Q What is your present occupation, Mr. Naranjo?

25 A I can't hear you.

- 1 Q What is your present occupation?
- 2 A I am like a Community Director. I am the CAP programmer
- 3 for Santa Clara.
- 4 Q How long have you held that job?
- 5 A Since 1968.
- 6 Q What is your educational background?
- 7 A Well, I have been through the 12th grade. That's all.
- 8 Q And where was that, sir?
- 9 A Santa Fe Indian School and Albuquerque Indian School.
- 10 Q Are you married, Mr. Naranjo?
- 11 A Yes.
- 12 Q What is your wife's name?
- 13 A Madeline Naranjo. It used to be -- her maiden name is
- 14 Gutierrez.
- 15 Q Was she from Santa Clara?
- 16 A Yes.
- 17 Q Do you have any children?
- 18 A Yes, we have three.
- 19 Q Boys or girls?
- 20 A We have two boys and one girl.
- 21 Q Where do they reside?
- 22 A Well, they are all in Santa Clara right now.
- 23 Q Is the girl married?
- 24 A Francis Ann Baca.
- 25 Q And she is married?

- 1 A She's married, but her husband is deceased now.
- 2 Q And the boys, are they married?
- 3 A One of the boys is married to a girl from Las Vegas. Her
- 4 name is Anita -- I don't know her last name, maiden name.
- 5 I don't know.
- 6 Q Where did Francis reside before her husband passed away?
- 7 A Well, they were out in Denver.
- 8 Q Was he -- I'm sorry.
- 9 A She's living in San Mateo now.
- 10 Q Was her husband a Santa Clara?
- 11 A Yes.
- 12 Q Have you ever been a Governor of the Pueblo?
- 13 A No, sir.
- 14 Q Have you ever held any offices in the Pueblo?
- 15 A Yes.
- 16 Q In what offices were these?
- 17 A Well, I was a Secretary under the Constitution, the first
- 18 year this Constitution was adopted.
- 19 Q You were a Secretary back in 1935?
- 20 A '36.
- 21 Q Or thereabouts?
- 22 A '36.
- 23 Q '36. Okay. Have you held any other offices?
- 24 A Yes. I have been a representative or just about right
- 25 along with a few years that I've been out, out of the

- 1 Council.
- 2 Q And both of your parents were Santa Claras, is that right?
- 3 A Yes.
- 4 Q When you were a representative to the Council, how were
- 5 you chosen?
- 6 A Well, by the people, my group.
- 7 Q Is that one of these so-called factions?
- 8 A Yes.
- 9 Q Is that a religious group?
- 10 A What?
- 11 Q Is that a religious group?
- 12 A Well, it's not a religious group, but we do have religious
- 13 men on the group that do the choosing.
- 14 Q And they do the choosing?
- 15 A Yes.
- 16 Q And is that still true today, as far as you know?
- 17 A Yes.
- 18 Q Do you know what the 1939 enrollment Ordinance states?
- 19 Are you acquainted with that?
- 20 A Yes, I have read it several times but --
- 21 Q Are you acquainted with what it says with reference to
- 22 the children of Santa Clara women that marry non-Santa
- 23 Clara men?
- 24 A Yes.
- 25 Q And would you tell us what that is as you understand it?

1 A Well, anytime a Santa Clara woman is married to an outsider,  
2 regardless of whether he is an Indian or not, non-Indian,  
3 the children of that mixed marriage are not recognized as  
4 members.

5 Q And has that been followed, as far as you know, from 1939  
6 to date?

7 A Yes.

8 Q Do you know where that law came from, originally?

9 A Well, that's been talked about from way back, as far as I  
10 know. Like I say, I'm 64 years old and it's been talked  
11 about way back.

12 It's been handed down from generation to generation.  
13 So it was there long before the Constitution was even  
14 thought of.

15 Q Do you know specifically who it's been handed down by?

16 A Well, by our fathers, grandfathers and so forth.

17 Q In your particular case, when did you get married?

18 A When did I hear it?

19 Q When did you get married?

20 A Oh, in 1936.

21 Q Did you know at that time that that was the way the law  
22 was?

23 A Yes.

24 Q Do you know whether you might have been told by your  
25 parents?

1 A That I was told by my parents?

2 Q Did your parents tell you that's the way it had been  
3 before?

4 A Well, it's been talked about. It's been talked about.  
5 I guess anybody could have heard about it if they wanted  
6 to be, about it.

7 Q Did other old timers --

8 A The other old timers have talked about it different places,  
9 at meetings and other places.

10 Q Do you remember your own grandfather?

11 A Yes.

12 Q Was he still alive?

13 A Yes.

14 Q How old would he be today if he were living?

15 A Well, he must have died around eighty something when he  
16 died. One of them, on my mother's side.

17 Q He was eighty years old?

18 A Yes, sir, somewhere around eighty.

19 Q And how long has he been dead?

20 A Well, he's been dead quite a while.

21 Q But you remembered him?

22 A Yes, I remembered him.

23 Q And he was one of the ones that told you this?

24 A Yes.

25 Q Were there other old timers that you can think of, Mr.



1 Naranjo, that stated the same thing?

2 A Yes. I have some uncles, Griego Naranjo, Ologio Naranjo;  
3 they are past Governors and they have talked about it.

4 Q How old would they be today?

5 A Well, they died around their 80's.

6 Q 80's too? They are both deceased?

7 A Yes.

8 Q Did they ever explain to you why this was the rule?

9 A Well, they have always said that the man is the head of  
10 the family; anytime he takes a wife, well, that's his  
11 responsibility. That's his responsibility to take care,  
12 to provide, to protect the wife that he takes, and wherever  
13 he's from, if he's from the Pueblo, that's where he stays  
14 unless he wants to get on.

15 If he is from outside, well, there's where he should  
16 have taken his wife.

17 Those were the rules as they were told that have  
18 come about.

19 Q Then was this the reason then, as far as you know, why  
20 the 1939 Ordinance was passed?

21 A Well, the 1939 Ordinance, I guess, was due to the fact  
22 that they have seen more and more outside marriages  
23 coming into the tribe, and for that reason, they thought  
24 they would have problems with the mixed marriages, with  
25 the children. So that's the reason this was stopped.

1 Q That was to stop naturalization, for example?

2 A Yes.

3 Q Normally, when a Santa Clara girl married a non-Santa  
4 Clara man, in the old ways, where did they live?

5 A A woman married a non-Indian, non-member?

6 Well, usually, they go out. They take their wife  
7 out with them.

8 Q What if a Santa Clara man married a non-member, where did  
9 they live, normally?

10 A Well, as I said, the Santa Clara male is the head, so,  
11 naturally, he's going to bring his wife into where he  
12 lives.

13 Q You stated the head of the family is the male?

14 A Yes.

15 Q Does the male teach religion and tradition in the Santa  
16 Clara society?

17 A Yes. It is the male.

18 Q Are religion and tradition closely related to the Government  
19 of the Pueblo today?

20 A Well, yes. I guess in a word, you might say they are  
21 because without the background of the culture and everything  
22 else, the Government won't exist, if it does now, today.

23 Q Can the Governor and the Council do anything they want  
24 without approval from the religious leaders?

25 A No, they can't.

1 Q Was naturalization open before 1939?

2 A Yes. After the Constitution was adopted, naturalization  
3 was open, or before that, well, it was open but nobody's  
4 ever been naturalized like they were naturalized way back,  
5 years before.

6 Q Do you know what -- go ahead. I'm sorry.

7 A By the time the Constitution was adopted, '36 on up to  
8 '39, naturalization was open till it was closed in '39.

9 Q Would you explain what a person had to do back in those  
10 years to get naturalized, a man?

11 A Back before the Constitution?

12 Q Yes.

13 A Well, I guess they had to go before somebody, either a  
14 relative or somebody to bring them into the Council.

15 Q Did they have to learn the traditions and culture of the  
16 Pueblo?

17 A Yes. Well, that is one of the practices. They have to  
18 do a lot of things that they were supposed to do and, at  
19 that time, somebody was a watchdog over his people.

20 If they were non-members or somebody was watching,  
21 why, somebody was watching over them and whenever people  
22 thought they were ready to come in, I guess that's when  
23 they came in. Somebody did bring them into the Council  
24 or they, themselves, have gone in as to be members and  
25 that's how these people came in.

1 Q Prior to the Constitution, were the candidates for office  
2 chosen differently than they are today?

3 A Yes. Prior to the Constitution, well, the choosing of  
4 candidates was different. But there's a lot of religious  
5 doings going on within the church of the candidates, so I  
6 won't go into that.

7 Q Was there a vote on the men, or were they just appointed  
8 by the religious leaders?

9 A What was that?

10 Q Was there a vote on it at the time or were they just  
11 appointed by the religious leaders?

12 A Well, they were appointed.

13 Q Today, as I understand it, if I understand it correctly,  
14 are they appointed by the leaders and then voted on?

15 A Yes. Each faction has a leader whereby they get their  
16 candidates, and then the candidates will go before the  
17 Council and that's how they are voted on.

18 Q And the factions are religious in nature?

19 A Yes.

20 Q Do the males in Santa Clara Pueblo have more responsibility  
21 in the society than women in a religion?

22 A Well, yes, in a way; but the women also have a lot of  
23 responsibility.

24 Q Do the men have more privileges in the social and religious  
25 functions of the Pueblo?

1 A Well, I won't know unless you ask me certain specific  
2 things. I don't think there's any -- I don't think the  
3 male has any more privileges than the woman; maybe on a  
4 few things.

5 Q Okay. Now, we are talking about the religion. Would  
6 that be true?

7 A Religion? Well, on the religious side, it's about the  
8 same. But the male usually is the person that is more  
9 active in those circles.

10 Q Without telling me what they do or going into any details,  
11 isn't it true that -- or is it true --

12 MR. COLLINS: Excuse me, Your Honor. I've been very  
13 patient with the leading questions, and here comes a big  
14 one, "Isn't it true?" Please. You are testifying.

15 MR. PRELO: This works both ways, Counsel. I will  
16 rephrase my question.

17 Q (By Mr. Prelo) Mr. Naranjo, are women permitted to go  
18 as far in the religious area as men in the training and  
19 indoctrination and so forth?

20 A Yes, there are certain areas where women are allowed where  
21 men are not allowed.

22 Q Are there certain areas where men are allowed than where  
23 women are allowed?

24 A That's true.

25 Q Are there more of the latter than the former?

- 1 A Yes.
- 2 Q Does the rule on enrollment apply to everybody, regardless
- 3 of whether they are Summer or Winter People?
- 4 A Yes. Yes. It applies to --
- 5 Q The same?
- 6 A -- the same. Yes.
- 7 MR. PRELO: May I have just a moment, Your Honor.
- 8 THE COURT: Yes.
- 9 Q (By Mr. Prelo) Mr. Naranjo, are you acquainted with the
- 10 rules as pertains to a child born out of wedlock?
- 11 A Well, yes, to a certain point, or what is it you want to
- 12 know?
- 13 Q Is there a rule if they are born out of wedlock?
- 14 A Yes.
- 15 Q Do you know the reason for that rule?
- 16 A Yes. Well, yes. A child born out of wedlock, the father
- 17 is maybe not known, even though he is known, if there's
- 18 no marriage through the mother, well, the born is still --
- 19 the child is still born out of wedlock so, naturally, that
- 20 child will become a member.
- 21 Q In 19 -- what is the reason for giving a child membership?
- 22 A What is the reason?
- 23 Well, like I said, there's no father to take care of
- 24 that child. That's about the only reason.
- 25 Q The Pueblo takes the place of the father, in effect?

1 A Well, after that child is recognized as a member, yes.

2 There are relatives who will take care of the child.

3 Q And that entitles the child to all the privileges --

4 A Yes.

5 Q -- and rights that he can get from the Pueblo as a full  
6 member?

7 A Right.

8 Q Do you know whether or not, traditionally, that was the  
9 rule; has that always been the just, justly -- or has that  
10 always been the rule?

11 A What's that?

12 Q The illegitimate children.

13 A Well, yes. I think it has been the rule as far as we  
14 have known it and it has been that way for as long as I  
15 remember; children born out of wedlock are always taken  
16 in.

17 Q Who has the responsibility for teaching these children  
18 their cultural and religious training?

19 A Well, like I stated before, once a child is recognized  
20 as a member, there are relatives, male, and maybe female,  
21 too, at the same time, to teach all of these things.

22 MR. PRELO: Thank you. I pass the witness.

23 CROSS EXAMINATION

24 BY MR. COLLINS:

25 Q Mr. Naranjo --