

---

Santa Clara Pueblo v. Martinez (1978) Trial  
Transcripts

Law and Indigenous Peoples Program

---

11-25-1974

## 36: Myles Martinez-Direct Exam.pdf (374.8Kb)

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](mailto:amywinter@unm.edu), [lsloane@salud.unm.edu](mailto:lsloane@salud.unm.edu), [sahrk@unm.edu](mailto:sahrk@unm.edu).

1 to the end of the jury box. That will be satisfactory.

2 MR. COLLINS: This whole set?

3 THE COURT: Yes. Just move it to the end.

4 (Witness sworn by Court Clerk.)

5 MYLES H. MARTINEZ,

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

8 DIRECT EXAMINATION

9 BY MR. TARADASH:

10 Q Would you state your name for the record.

11 A Myles H. Martinez.

12 Q When were you born, Mr. Martinez?

13 A January 18, 1918.

14 Q Are you married to the Plaintiff in this case, Julia  
15 Martinez?

16 A Yes, I do.

17 Q When were you married?

18 A In December of 1941.

19 Q Where have you resided since the time you have been  
20 married?

21 A In Santa Clara Pueblo.

22 Q Have you and Mrs. Martinez had children since you have  
23 been married?

24 A Yes. We had ten children.

25 Q And do they live with you at the Santa Clara Pueblo?

- 1 A Yes. The older one.
- 2 Q Are you a member of the Santa Clara Pueblo?
- 3 A No. I am a member of the Navajo Tribe.
- 4 Q Is your wife a member of the Santa Clara Pueblo?
- 5 A Yes.
- 6 Q Are your children members of the Pueblo?
- 7 A No.
- 8 Q What language do they speak at the Santa Clara Pueblo?
- 9 A They speak Tiwa.
- 10 Q Do you speak Tiwa?
- 11 A No, I don't speak it.
- 12 Q Do you understand it?
- 13 A I understand it, about 80 percent of it.
- 14 Q What language do you speak in your home?
- 15 A They speak Tiwa and English.
- 16 Q Have you ever made any attempts to get your children
- 17 enrolled as members of the Santa Clara Pueblo?
- 18 A Yes. In 1946, after I was discharged from the Army, we
- 19 went to my wife's uncle which is now deceased.
- 20 Q When you say "we," who are you referring to?
- 21 A My wife. We went to Pasqual's house and we talked to
- 22 him about enrolling our children, to see if he could
- 23 help us.
- 24 Q Why did you go to Pasqual's house?
- 25 A He was a representative of my wife's faction.

1 Q Was he a member of the Council at that time?

2 A He was a representative at the time.

3 Q What happened at that meeting with Pasqual?

4 A We requested that the matter be brought before the Council,  
5 to see if our children could be enrolled as members.

6 Q Was the matter brought before the Council?

7 A No. The matter was never brought before the Council.

8 Q Did you make any attempts after that, after 1946, to  
9 attempt to get your children enrolled into the Pueblo?

10 A In 1963, we attempted it again. That was after we obtained  
11 our Constitution which was given to us by Paul.

12 Q When you say you obtained a Constitution, are you referring  
13 to the Constitution of the Santa Clara Pueblo?

14 A Yes.

15 Q And who was it that gave you the Constitution?

16 A Paul Tafoya.

17 Q When was that?

18 A That was in the 1950's. We were working at the time.

19 Q But the next time that you attempted to enroll your  
20 children was in 1963, is that correct?

21 A In 1963, after we had studied the Constitution, we made  
22 another attempt to see Pasqual Tafoya. He's now deceased.

23 Q Did you see him at that time?

24 A Yes.

25 Q And what transpired at that meeting?

1 A Again, he told us the same things; that the matter had to  
2 be brought before the Winter Faction, Winter Faction. So  
3 he said it wouldn't do any good to take it in, at that  
4 time. He told us the enrollment was closed by writing  
5 a paper, he said.

6 Q Did he show you the paper he was referring to?

7 A No, he didn't. He didn't have the paper.

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

10 A At that time, the same year, the women, they were going  
11 to the Committee.

12 Q When you say "the women," which women are you referring  
13 to?

14 A The women that are married to outside Indians and non-Indians.  
15 They formed a committee and they stated that they are  
16 going to their respective --

17 MR. PRELO: If the Court please, I am going to  
18 object to what the committee decided, unless he was part  
19 of the committee, or unless it was a decision he made.

20 THE COURT: Sustained.

21 Q (By Mr. Taradash) Well, after 1963, Mr. Martinez, did  
22 you make any attempt to enroll your children?

23 A In 1964, we talked to the Governor and he gave us  
24 permission to go before the Council.

25 Q Which Governor was this that you are talking about?

1 A It was Paul Tafoya.

2 Q Did you go before the Council?

3 A Yeah. He gave us permission to go before the Council  
4 and then we met with the Council and we made our request  
5 to see that our children could be enrolled.

6 Q What was the outcome of that request?

7 A The Council wasn't very well in favor of it, and they  
8 said that they would study the matter. They said they  
9 can't do it overnight, that the problem can't be solved  
10 within five or ten years. That was all that happened  
11 at that time.

12 Q Subsequent to that meeting with the Council, did you at  
13 any time, after that, go before the Council, a Council  
14 member or the Governor and ask that your children be  
15 enrolled?

16 A Would you repeat the question?

17 Q Yes. After the meeting with the Council which you just  
18 told us about, did you at any time, after that, again, go  
19 to the Council with the Governor and ask that your children  
20 be enrolled?

21 A No. After that, we had our first general meeting and my  
22 wife brought out the matter again.

23 Q When you say "the first general meeting," general meeting  
24 of whom?

25 A General meeting for all the Pueblo, the whole Pueblo.

1 Q And you say your wife brought up the matter at that meeting?

2 A Repeat the question.

3 Q Did you say that you and your wife both attended the  
4 meeting? I didn't understand.

5 A Yes, we both attended the meeting.

6 Q And what happened at that meeting?

7 A And they said about the same thing, that it would take  
8 quite some time to settle the issue.

9 Q Who was it that said this? You said "they said it." Who  
10 was it that said it would take some time?

11 A It was Shiji, John Shiji was the one that made that  
12 statement at the time.

13 Q Was he a Councilman?

14 A He was on the Council, yes.

15 Q After that general meeting, did you at any time, after  
16 that, seek to enroll your children as members of the  
17 Pueblo?

18 A In the same year, after the general meeting, we went  
19 before the Council again. We requested the same thing  
20 and there wasn't nothing accomplished again.

21 Q Do you remember approximately what time of the year that  
22 was?

23 A It was sometime during the fall.

24 Q Well, after that request in the fall of 1964, did you at  
25 any time, after that, seek to have your children enrolled

1 as members?

2 A In 1965, we made several trips to Albuquerque, to the  
3 Agency.

4 Q Which agency are you referring to?

5 A That is the All Pueblo Agency at that time, which was in  
6 Albuquerque.

7 Q And what was the -- the purpose of those trips was to do  
8 what?

9 A The purpose was to find out why we were having a hard  
10 time getting medical, free medical treatment for our  
11 children, and we were having some problems with the  
12 public school at the time and, also, we talked about  
13 enrollment.

14 Q And what was the outcome of your trip to the Agency?

15 A Well, the Agency said that, at one time, they told us to  
16 go back in the Council and see what can be done.

17 So the second time, I think they wrote a letter to  
18 the Pueblo Council, and I think they requested that they  
19 were trying to meet with the Council and explain the  
20 Constitution to them.

21 Q At those meetings then with the Agency in 1965, did you  
22 make any subsequent attempts to get your children enrolled  
23 as members of the Pueblo?

24 A In 1965, we made another trip to the Agency. There, they  
25 told us that the Resolution is that they had stopped the

1 Naturalization. They told us, at that time, that that  
2 part was still open.

3 So we went before the Council again. There was four  
4 men that went before the Council that year and to see if  
5 we could be naturalized.

6 Q Who were those four men?

7 MR. PRELO: If the Court please, this is outside, I  
8 think -- we are not talking about naturalization in the  
9 case at all. Correct me if I am wrong, but I think it is  
10 outside the scope of the pleading.

11 MR. COLLINS: Your Honor --

12 THE COURT: If he is presenting a problem involved  
13 of many attempts that were made to become a member of the  
14 tribe or anything, he may go ahead, Mr. Prelo.

15 Q (By Mr. Taradash) Who was it that you said went before  
16 the Council then to attempt to be naturalized?

17 A There was myself, Ernest -- there was A. Tapia and Benny  
18 Teba, now deceased, and Sadie Garcia.

19 Q And what happened at that meeting with the Council?

20 A At that time, they said that they would set up a committee  
21 to study the -- to try to work out the procedure, the  
22 way that they were going to naturalize us.

23 Q Did you ask them if they would naturalize you?

24 A Yes. They asked us if we were willing to renounce our  
25 tribe at the time.

1 Q What did you say?

2 A And we told them that we were willing to renounce our  
3 tribe.

4 Q Did they instruct you as to what you were supposed to do  
5 after that?

6 A No. They just said that they would start working on it  
7 with the Committee.

8 Q Were you later naturalized after that meeting?

9 A No, we never did.

10 Q Did they inform you as to why you were not naturalized?

11 A No, they never did.

12 Q What was the reason that you were seeking to be naturalized  
13 as a member of the Pueblo?

14 A Because my wife was from there and, at that time, when  
15 I first got married, my wife's parents were old and her  
16 mother was partially paralyzed and, also, her father was  
17 pretty old.

18 So we couldn't -- I couldn't very well leave them  
19 because there's nobody to take care of them. Besides,  
20 they had land and my wife just couldn't very well leave  
21 the land, also.

22 Q My question, however, Mr. Martinez, is, why did you seek  
23 to become naturalized?

24 A Because I decided to live there.

25 Q After the meeting with the Council at which you sought to

1 become naturalized, did you make any attempts after that  
2 to go before the Council or the Governor or a representative  
3 and ask that your children be enrolled?

4 A No. We never made any more attempts there. We just  
5 depended on what the outcome would be for naturalization.

6 Q Do you enjoy any privileges as a result of your living at  
7 the Santa Clara Pueblo?

8 A Yes, I do. I get all the privileges, like using irrigation  
9 water, farming, wood hauling, fishing, hunting, and stuff  
10 like that.

11 Q As a result of this membership Ordinance, or the enrollment  
12 situation, do you or does your family suffer from any  
13 disabilities? Does it cause you any hardship in any way?

14 A Yes, we did suffer quite a bit at one time when one of  
15 my daughters got sick. She had some kind of a stroke.

16 Q When was this?

17 A It was in 1968 when she had a stroke. We took her to  
18 Espanola Hospital. From there, we took her to Santa Fe.

19 From there, they transferred her to the County  
20 Hospital in Albuquerque, and when she was admitted down  
21 there, she went under my wife's census number.

22 So the second time that she had another stroke, then  
23 we took her all the way back to the County Hospital --

24 Q Excuse me. Do you remember when that was?

25 A That was in 1968.

1 So when we got her there, we had a hard time. My  
2 wife was having a hard time getting her admitted.

3 The people at the desk told her that this was the  
4 last time that she was going to go up on her census number;  
5 that she has to have a census number.

6 So I was waiting in the lobby at the time, and Francis  
7 Acoya, he was a State Indian Commissioner at the time, he  
8 came by and I was pretty desperate at the time because my  
9 child was in pain, and I told him if he could help us in  
10 any way because we have enough hard time now trying to  
11 get our child admitted.

12 So he told us to go back to the Pueblo and see a  
13 representative and see if the Council can make some kind  
14 of a paper, recognizing my child as an Indian, so she  
15 wouldn't be having a hard time getting a free medical  
16 benefit.

17 Q Did you go to the Council after that and ask that they  
18 give you some sort of documentation that would say that  
19 your daughter was an Indian?

20 A My wife and I went to her representative, which was  
21 Alfredo Tafoya, and we explained our problem.

22 And then he said he would take it into the Council,  
23 present it to the Council.

24 So it was several days that we went back to check,  
25 and then he told us that the Council never took action

1 on it.

2 Q Did you get any sort of documentation at that time from  
3 the Council?

4 A No. Never.

5 Q The incident that you were just referring to, as I  
6 understand it, was in 1968. Did you ever at any time,  
7 after that, until the present, make any attempts at all to  
8 get your children enrolled as members of the Pueblo?

9 A That same year in 1968? Will you repeat the question.

10 Q After the time that you and your wife went before the  
11 Council asking for some verification that your daughter  
12 was an Indian so she could get medical benefits, did you  
13 at any time, after that, seek to get your children enrolled  
14 as members of the Pueblo?

15 A No. At that time, we never made an attempt again, because  
16 we still were waiting on what the outcome would be with  
17 naturalization.

18 Q When did you find out the outcome of your request for  
19 naturalization?

20 A It was in 1971 that we went to Governor Pancho Maria's  
21 house. He was the Governor of the Pueblo at that time.

22 Q What transpired at that meeting?

23 A And we got there with a State representative. His name  
24 was Begay. He was from our San Juan County.

25 We went with him to the Governor's house, and prior

1 to that, we talked to Amarante Silva. He was the Judge at  
2 the time.

3 Q You say it was prior to that. Do you know what it was,  
4 "prior to that"?

5 A I think it was before we -- before we met with Juan  
6 Chavarria.

7 Q And what happened when you went to the Judge's house,  
8 Mr. Silva?

9 A Well, we explained our problems with him and what we were  
10 faced with.

11 Q What problems were you faced with?

12 A We talked about schooling and hospitalization, and he  
13 was pretty sympathetic with us. He understood our problem.

14 So he said he would write a letter to the Council or  
15 the Governor.

16 So we made arrangements with the Governor to meet  
17 with him. There was us and the State representative.

18 Q Who was the Governor at that time?

19 A Juan Chavarria.

20 Q And did you then meet with him?

21 A Yes. We met with him that night.

22 Q What was the outcome of that meeting?

23 A And the Governor just told him that the problem has been  
24 up in the air several years now. They are still studying  
25 it, and he said it's going to take some time to have it

1 settled. He said it might take five or ten years.

2 Q Did he explain why it might take that long?

3 A No, he didn't.

4 Q Did you do anything after that meeting in attempting to  
5 enroll your children at the Pueblo?

6 A No. We never tried again. We just depend on the  
7 naturalization.

8 MR. TARADASH: I have no further questions at this  
9 time, Your Honor.

10 THE COURT: Mr. Taradash, Mr. Martinez has spoken  
11 several times about his wife going to the representative.  
12 For the record, I wish you would have him identify what  
13 "representative" constitutes or what the position is or  
14 who the individual is.

15 Q (By Mr. Taradash) Mr. Martinez, would you explain to us  
16 the role of the representative that you have referred to,  
17 the role of that representative in the Tribal Government?

18 A They were representing, the day that -- the representative  
19 that belongs to my wife's faction.

20 Q When you say your "wife's faction," is the entire population  
21 of the Pueblo divided into factions?

22 A Yes.

23 Q And do each of them have a representative?

24 A Yes.

25 Q And are those representatives members of the Council?

1 A Yes.

2 Q Does a member of a faction bring a problem to her  
3 representative and then the representative brings it to  
4 the Council?

5 A Yes.

6 Q And the representative that you have been referring to  
7 has been your wife's representative of your faction?

8 A Yes.

9 THE COURT: As to the representative, is "faction"  
10 the same thing as a clan, or is there a distinction between  
11 them?

12 MR. TARADASH: Your Honor, the Constitution specifies,  
13 and which has been stipulated to as accurate, as appears  
14 in the Plaintiffs' Second Amended Complaint, and it  
15 specifies the duties and the position of the representative  
16 and it shows that there are eight that do sit on the  
17 Council, and do represent political subdivisions of the  
18 entire political community.

19 THE COURT: It is geographically a subdivision?

20 MR. TARADASH: They are not political regions.  
21 Political regions. They are tied into the whole society,  
22 faculty, which is not affected by geography.

23 THE COURT: All right, sir. Very well.  
24  
25