

N/A

Proposed Rulemaking in re 4.51.57 NMAC

Hearing
April 03, 2018

MUSEUM OF NEW MEXICO BOARD OF REGENTS
AND THE DEPARTMENT OF CULTURAL AFFAIRS

Proposed Rulemaking
Regarding 4.51.57 NMAC

PUBLIC HEARING
Volume 1
Before Hearing Officer Joseph Thompson
April 3, 2018
10:00 a.m.
Room 238
Bataan Memorial Building
407 Galisteo Street
Santa Fe, New Mexico 87501

REPORTED BY: Deborah L. O'Connor, RPR, CRR
New Mexico CCR No. 297
Cumbre Court Reporting, Inc.
2019 Galisteo Street, Suite A-1
Santa Fe, New Mexico 87505
(505)984-2244

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1 APPEARANCES

2 For the Department of Cultural Affairs:

3 Jennifer Salazar
Leigh Brunner
4 New Mexico Department of Cultural Affairs
407 Galisteo Street, Suite 260
5 Santa Fe, New Mexico 87501
(505)827-6390
6 jennifer.salazar2@state.nm.us
leigh.brunner@state.nm.us

7

8 Advisor to Hearing Officer Thompson:

9 Dylan Lange
John Kreienkamp
10 Office of the Attorney General
408 Galisteo Street
11 Santa Fe, new Mexico 87501
(505)490-5847
12 dlange@nmag.gov
jkreienkamp@nmag.gov

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1 HEARING OFFICER THOMPSON: This hearing
2 will now come to order. Today is April 3, 2018.
3 The time is 10:05 a.m. We are assembled at the Old
4 Senate Chambers of the Bataan Memorial Building,
5 Room 238, in Santa Fe, New Mexico. I am Joe
6 Thompson, regent for the Board of Regents for the
7 New Mexico museums. I will be acting as the
8 hearing officer for this public comment rule
9 hearing.

10 The purpose of this hearing is for
11 the Board of Regents to receive public comment,
12 view, argument, and testimony on its proposed
13 amendments to the administrative rules governing the
14 portal program at the Palace of the Governors State
15 History Museum. This hearing is being conducted
16 pursuant to and in accordance with the State Rules
17 Act and NMSA 1978 Sections 18-3-3, paragraph G,
18 which authorize the Board of Regents and Secretary
19 of the Department of Cultural Affairs, 9-4A-6,
20 paragraph E, to adopt and promulgate rules and
21 regulations to carry out their statutory authority.

22 Public notice of this hearing was
23 advertised in the New Mexico Register on
24 February 27, 2018, in the Albuquerque Journal -- and
25 the Albuquerque Journal North on March 2, 2018, and

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1 in the Santa Fe New Mexican on March 2, 2018. In
2 addition, the notice of rule making was also
3 published on DCA's website as well as the State of
4 New Mexico Sunshine Portal. A copy of the draft
5 rule was also provided to the Legislative Council
6 Service.

7 Copies of the proposed rule have been
8 available at the Department of Cultural Affairs
9 office since notice was published. Copies of the
10 proposed rules were also available to anyone that
11 requested them as of February 27, 2018. Copies of
12 the proposed rule are also available to the public
13 attending this hearing on the table located near the
14 door.

15 I ask that all members in attendance
16 today silence their cell phones and ask that any
17 extended conversations be held outside of this room.
18 Also, may I remind everyone to sign the attendance
19 sheet that will later be entered as an exhibit in
20 the recording of this hearing. And if I could find
21 someone that would be willing to help us make sure
22 that we have everybody sign in. Is there anybody
23 that would volunteer for such a task?

24 MS. SALAZAR: I'll do that, Regent
25 Thompson.

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1 HEARING OFFICER THOMPSON: Thank you.
2 This is a formal proceeding, and the court reporter
3 has been designated to transcribe the proceedings.
4 The transcript from this hearing will become part
5 of the rule hearing record. Therefore, persons
6 recognized to testify or offer comments are asked
7 to please identify for the record each time you
8 address the presiding officer and speak loudly and
9 clearly so the recorder can pick up your comments.

10 This hearing will be conducted in the
11 following manner. DCA staff will present exhibits.
12 I, as the presiding officer, will rule on the
13 admissibility of the exhibits offered for admission.
14 Exhibits admitted into evidence are available for
15 review by members of the public. After Staff offers
16 exhibits and their admission has been ruled upon, I
17 will open the hearing for testimony and comments
18 from the audience.

19 This public hearing is intended to
20 provide the public with an opportunity to voice
21 opinions on the proposed rulemaking. The hearing
22 will not follow the rules of evidence but shall, in
23 the interest of efficiency, will reserve the right
24 to limit all exhibits, testimony, commentary, or
25 other evidence deemed irrelevant, redundant, or

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1 unduly repetitious. Such decisions shall be made by
2 me as the hearing officer.

3 May I have a show of hands of the
4 number of people who intend to testify or comment on
5 the proposed rule amendments? After a person has
6 testified or offered comment, any member of the
7 audience wishing to question that person may do so
8 after being recognized by the presiding officer.

9 Each person recognized to speak shall identify him
10 or herself for the record. Questions of --
11 questions of these witnesses will be limited only to
12 clarifying questions to the person who has offered
13 testimony. In asking clarifying questions, please
14 be respectful of everyone's time.

15 This public hearing is now open.
16 DCA, do you have any exhibits to introduce into
17 evidence at this time?

18 MS. BRUNNER: Regent Thompson, I have the
19 following exhibits to enter into the record.
20 Exhibit 1, legal notice published to the New Mexico
21 Register on February 27, 2018. Exhibit 2, legal
22 notice published in the Albuquerque Journal North
23 on March 2, 2018. Exhibit 3, legal notice
24 published in the Albuquerque Journal on March 2,
25 2018. Exhibit 4, legal notice published in the

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1 Santa Fe New Mexican on March 2, 2018. Exhibit 5,
2 legal notice and rulemaking information posted on
3 the Department of Information Technology Sunshine
4 Portal. Exhibit 6, email to Legislative Council
5 Service providing notice of proposed rulemaking
6 notification. Exhibit 7, two emails providing
7 direct notice of rulemaking. Exhibit 8, memorandum
8 to portal participants with subject, Notice of
9 Proposed Rulemaking, dated February 27, 2018, with
10 notice of proposed rulemaking attached. Exhibit 9,
11 notice of proposed rulemaking and draft rule on
12 agency website. Exhibit 10, copy of notice of
13 continuance of hearing and extension of public
14 comment deadline. Exhibit 11, copy of notice
15 provided to the Small Business Regulatory Advisory
16 Commission and letter from the Small Business
17 Regulatory Advisory Commission. Exhibit 12,
18 proposed rule to be codified as 4.51.57 NMAC.
19 Exhibit 13, copy of a list of signatures indicating
20 receipt of rulemaking notice, February 27, 2018.
21 Exhibit 14, comments submitted by Portal Artisan
22 Program Subcommittee and acknowledgment of receipt.
23 Exhibit 15, hearing sign-in sheet.
24 (Exhibits 1 through 15 admitted.)
25 HEARING OFFICER THOMPSON: Thank you.

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1 Exhibits 1 through 15 are hereby admitted into the
2 record. Any persons wishing to submit additional
3 views, argument, or testimony shall do so after
4 they are recognized by the presiding officer.

5 The proposed rule has been introduced
6 into the record. I will now open the floor to the
7 audience for testimony and comments on each part of
8 the rule. Michael Gorman.

9 MR. GORMAN: Yes, sir.

10 HEARING OFFICER THOMPSON: Can you please
11 come down and sit at the table, please.

12 MR. GORMAN: Thank you for having us,
13 Regent Thompson, and I'm here today to make public
14 comments about Rule 4.5.57 as it's currently
15 proposed in the draft resolution that we received.

16 Probably as early as 2016 and -- as
17 the museum clarified in answering with the -- in a
18 press release, in covering that, I would like to go
19 back to 2008 when there was a subcommittee that was
20 formed that consisted of Portal Committee members.
21 There were, you know, three -- there were four to
22 five members that were assigned to that
23 subcommittee, and they routinely -- they came on a
24 regular basis to this building to talk to -- to
25 propose changes in the rules and help draft them

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1 with then Deputy Counsel Maggie Coffey-Pilcher. And
2 the meetings were productive in the beginning. And
3 they ran the gamut of maybe two or three times, and
4 then the -- while the process was still in the
5 making, the meetings suddenly ceased. So what
6 happened in 2008 was never completed.

7 And then I jumped -- we jumped to
8 2016, when we were given copies of this draft rule
9 proposal. And at the time -- at the time we had
10 just lost a chairperson on our committee, and the
11 next one in line to take her place wasn't available
12 at the time because there were -- there was cultural
13 responsibilities in that specific pueblo. And
14 that's something that our committees have routinely
15 tolerated over the years because it's such an
16 important part of our culture.

17 So the rest of us, being what we
18 were, we were presented with the task of examining
19 and maybe making changes to this proposed draft. It
20 was given to us too late, and we had no leadership
21 at the time. The committee was in a state of
22 dysfunction, to be -- being tasked with such a
23 difficult job. And before we knew it, it was taken
24 from us. And then we found out that -- we found out
25 later that the regents had approved this version.

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1 And so then again, just like in 2008, the process
2 which we are routinely accustomed to, you know, was
3 cut short and removed from us.

4 I'd like to point out three sections
5 of our rules that talk about rule proposed changes,
6 and I'd like to point these out because they -- you
7 know, if you look at them for what they say and what
8 they contain, it's easy to see that these -- the
9 process was either ignored or completely abandoned.

10 The first one is -- well, each rule has the same
11 five digits with the decimal places, so I'm just
12 going to say the last number and following letter of
13 the rule.

14 12D talks about the annual meeting,
15 and it talks about that at this meeting, copies of
16 the proposed revisions are to be made available and
17 given out to the attending body. This version of
18 the draft proposal rules wasn't given to the
19 attendees at the last annual meeting as it should
20 have been.

21 I'm going to move up to 13D. This
22 section talks about the committee may from time to
23 time propose changes to these rules. As I explained
24 earlier, in 2008 and 2016, we attempted to do just
25 that, but the process was removed from us or cut

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1 short or both.

2 I'm going up to another rule, which
3 is 14F. 14F talks about the director utilizing the
4 services of offices such as the Office of Indian
5 affairs. Now, these services don't -- you know, are
6 aren't restricted to the Office of Indian affairs.
7 We could have -- they could have encouraged us to
8 meet with the All Indian Pueblo Council, which we're
9 used to dealing with on sensitive matters involving
10 our communities. We could have talked to native
11 legal organizations, which could have helped us
12 better deal with these proposed changes. But the
13 director never pursued that section of our rules as
14 we know it to be.

15 Lastly, I just want to talk about the
16 scheduling of today's meeting. Of course, we -- you
17 know, we are happy to be here, and we thank you for
18 making yourself available to us. But today roughly
19 65 percent of our people are unable to come because
20 they have bigger duties in their respective pueblos,
21 and they're just unable to be here. And I know you
22 made allowances for this by scheduling a meeting for
23 this Friday at the same time.

24 We just can't reach everyone, you
25 know, with that short of a notice. We tried, and we

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1 did what we could, but there is no way that we can
2 meet the amount of people required so that they may
3 be represented, you know, on a decent basis. You
4 know what that amounts to, sir, is that, you know,
5 these people then become disenfranchised of the due
6 process section that everyone's entitled to, which
7 is why there is a public hearing in first place. I
8 have more points that I'd like to submit later.

9 I spoke with Jennifer Salazar. I
10 made more -- I drafted more points on a flash drive,
11 which I left at home. I live in Rio Rancho, and I
12 was unable to go back. She tells me I can bring
13 them back Friday, and I will do that. And I'll come
14 back Friday and present that.

15 But I'd like to give some of our
16 people the opportunity to speak. And I'd like to
17 thank you for giving me your time and attention.

18 HEARING OFFICER THOMPSON: Thank you very
19 much, Mr. Gorman.

20 MR. GORMAN: Thank you.

21 HEARING OFFICER THOMPSON: Next we have
22 Michael Quintana. Good morning.

23 MR. QUINTANA: Good morning, sir. I'm
24 Michael Quintana, and I'm from the Santo Domingo
25 Pueblo. As Mike just stated, most of the members

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1 from Santo Domingo are unable to attend this
2 hearing. And I took the time off to prep my
3 people, my pueblo members. And as far as the rule
4 proposed that were sent to us or posed to myself, I
5 do not agree with any of the rules that are
6 being -- trying to be pushed on us. So -- and,
7 therefore, I'm here today to let you guys know that
8 I'm not -- I'm not in agreement with the rules
9 proposal.

10 HEARING OFFICER THOMPSON: Mr. Quintana,
11 do you have any specific feedback on any one of the
12 proposed rule changes?

13 MR. QUINTANA: I have a few. But to
14 answer your question, it's hard for me to pinpoint
15 which one I want to let you know that I don't
16 agree. So --

17 HEARING OFFICER THOMPSON: Okay.

18 MR. QUINTANA: Like I said, there's quite
19 a few. I mean, I went through the whole thing, and
20 there is a bunch of -- all the pages I've gone
21 through are all underlined that I'm not agreeing
22 with.

23 HEARING OFFICER THOMPSON: I appreciate
24 you being here.

25 MR. QUINTANA: You're welcome.

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1 HEARING OFFICER THOMPSON: Joshua K.

2 Concha.

3 MR. CONCHA: Good morning.

4 HEARING OFFICER THOMPSON: Good morning,
5 sir.

6 MR. CONCHA: My name is Joshua K. Concha.

7 I'm from the Pueblo of Taos. One issue I had was
8 the proposed change about texting and the use of
9 our devices for that purpose.

10 I feel that texting in itself is not
11 a disturbance to maintaining our cultural heritage.
12 Everyone in this day and age uses them in that
13 capacity. And, frankly, it would actually hinder
14 our business practices in that my spouse and I
15 sometimes trade off time to sell, where I'll sell
16 part of the day, and she will sell part of the day.
17 And in the past, I have used texting to quickly send
18 a message that I need a break. And that one
19 particular rule would greatly inconvenience our
20 business practices. And that's what my comment is
21 on. And I think that needs to be repealed.

22 HEARING OFFICER THOMPSON: Thank you very
23 much, sir. I appreciate you being here.

24 MR. CONCHA: Thank you.

25 UNIDENTIFIED WOMAN: Are we supposed to

CUMBRE COURT REPORTING, INC.

505-984-2244

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1 sign in if you want to make a comment?

2 HEARING OFFICER THOMPSON: Yes, ma'am.

3 The next name I believe, is Patricia, and I can't
4 read the last name.

5 MS. ANDERSON: Anderson. It's probably
6 Anderson.

7 UNIDENTIFIED WOMAN: She's the only
8 Patricia.

9 HEARING OFFICER THOMPSON: It could be
10 Palmer. It could be Palermo.

11 MS. ANDERSON: No, it's Anderson. I'm
12 the only Patricia here.

13 As you can read from my sign, we have
14 the self-determination law, Public Law 1975. And
15 then we have the Livingston vs. Ewing case that went
16 all the way to the 10th Circuit Federal Court, and
17 that was in 1979.

18 I've been with the program probably
19 since I was carried in my mom's womb because my
20 parents sold here at the portal. So I've been part
21 of this program for a long time. And I think our
22 rights have been taken away from us because in the
23 past what would happen when we went to court, they
24 gave us -- they told us we had to have certain
25 things that we needed to do. So a committee was

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1 formed to ensure everything was handmade, that it
2 was signed, that we used materials that were
3 acceptable.

4 And my brother, Dennis Anderson, and
5 my sister, Sylvia Chama, was part of this. Dennis
6 was part of the first case that went to court, and
7 my sister Sylvia also was involved because she was
8 one of the first committee members to try to help
9 write the rules.

10 Now, our process was anybody could
11 make a recommendation to the committee. The
12 committee could also make recommendations. Our
13 process was and always has been, as far as I know,
14 they would go to the committee members, and the
15 vendors would make a suggestion to the rules, to
16 change the rules or add rules. And then the second
17 step was to present it to the director. And then
18 the director would present it to the Board of
19 Regents.

20 Well, we've been taken out of that
21 process, and I don't think you guys have a right to
22 take us out of that process. Because this is our
23 program. It's not anybody else's program. And
24 you're imposing rules on us that we didn't even vote
25 on. We have to vote on those rules. That's the way

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1 it's always been. We had to vote on the rules. All
2 us vendors that were at the meeting -- annual
3 meeting had to vote on the rules. And then if they
4 were declined, they weren't passed, and they weren't
5 submitted to the director.

6 But if the rules are passed or -- the
7 rules that were suggested and they passed by the
8 vendors -- I mean by the artisans. They call us
9 vendors, but we're really artisans. When we voted
10 to pass those, I guess we would suggest that they be
11 a rule, and then they go to the director. And then
12 the director sends them to the Board of Regents.

13 And we never had any problems when we
14 had to pass our rules. We never had any problems of
15 that. But like I said, we're taken out of the
16 process.

17 One of the things that I'm really
18 upset about is you guys left -- whoever wrote the
19 rules left out the grandfather clause, which I am
20 presently under. The grandfather clause helped us
21 elderly people, us handicapped people that couldn't
22 sell or make our jewelry anymore. I can still make
23 jewelry, but I was given the opportunity to have
24 somebody help me sell because I was really, really
25 sick about four years ago. I was in the hospital

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1 for four months. I was in a coma for a month. And
2 my granddaughter, who is here today, stayed with me
3 day in and day out. Her and my other granddaughter.

4 So it was a hardship on us, because
5 we couldn't make our income, because I was the one
6 that always used to sell. So it was a hardship on
7 us. And one day I was wondering, what are we going
8 to do? We almost lost our home. We almost lost our
9 car, our transportation. And I was sitting on my
10 chair one day, and the rulebook opened up to me to
11 that particular rule. I had forgotten all about it,
12 because I've had brain damage also.

13 As you can tell, I can't walk right,
14 I can't speak very clearly. But it opened up the
15 opportunity for my granddaughter to help me. So we
16 went to the committee, and they approved it. And
17 that rule particularly is taken out completely. We
18 have to govern ourself -- as I put here, we have to
19 govern ourselves. This is our program.

20 I want to ask you a question. Who
21 wrote these rules? Can you tell me that? Who wrote
22 these rules? Who authored the rules?

23 HEARING OFFICER THOMPSON: Mr. Lange?

24 MR. LANGE: These rules, you know, I
25 believe were drafted starting back -- I think

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1 Mr. Gorman, who spoke first, these have been
2 drafted for a while, and with participation both
3 from DCA, the Department of Cultural Affairs, and
4 the Portal Committee. And I guess there's been
5 different versions of these rules dating back from
6 2016. So that's who -- I believe it's been a
7 collaboration of different bodies trying to create
8 just the draft rules.

9 MS. ANDERSON: When this was proposed, I
10 volunteered, before I got sick, to be on that
11 committee. I was never called. So a lot of it was
12 done behind closed doors. And it was not brought
13 to the artisans. We had no knowledge this was
14 going on. That's what upset me the most. We
15 didn't have knowledge that you guys -- you guys.
16 That the museum, I guess, staff was going to impose
17 these rules on us.

18 And so I'm very against this whole
19 process you guys are doing because you're not
20 following the process that we initiated way back in
21 1979. We have a history of governing ourselves. We
22 have a right to govern ourselves. You don't have a
23 right to govern us.

24 That's all I have to say. I'm very
25 upset about it, as you can tell in how I'm speaking,

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1 because I'm very forthright with you. You know,
2 your belief -- you believe somebody wrote them with
3 the cooperation of the committee and the staff. But
4 like Judge Judy says, your belief doesn't count. We
5 have to know who authored these, and you need to
6 sign -- they need to sign who authored these rules.
7 That's what I want to know. And I don't want them
8 imposed on us. We had rules that are only seven
9 pages long. Now they're 14 pages long. And those
10 added seven pages we didn't even vote on. So we
11 have a right to do that. Thank you.

12 HEARING OFFICER THOMPSON: Thank you very
13 much, Ms. Anderson. Next we have Paquin. It
14 begins with an A.

15 MR. ALLEN PAQUIN: Allen, Allen Bruce.

16 HEARING OFFICER THOMPSON: Allen Bruce
17 Paquin.

18 UNIDENTIFIED MAN: Can I ask a question?
19 How do you get on that list? Is it just on the
20 sign-in sheet?

21 HEARING OFFICER THOMPSON: There is a
22 sign-in sheet, I believe, and then there is a
23 comment sheet. So we'll circulate this again.

24 UNIDENTIFIED MAN: The comment sheet, I
25 didn't sign.

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1 HEARING OFFICER THOMPSON: I'll circulate
2 it again right now. I'm going to write down the
3 next couple of names, and we'll send it around.
4 We'll stay here as long as there is comment.

5 UNIDENTIFIED MAN: Comments aren't
6 limited to time, anything?

7 HEARING OFFICER THOMPSON: No, sir. We
8 welcome your input.

9 MR. ALLEN PAQUIN: Good morning. My name
10 is Mr. Allen Bruce Paquin. I'm from the Pueblo of
11 Jemez and Zuni Pueblo. I also have relatives and
12 family from Laguna Pueblo and Acoma Pueblo.

13 I've been an artist for 35 years in
14 metalsmith. I've done pottery, sculpturing, and
15 various finish work. I also have a bachelor's
16 degree from the University of New Mexico in the
17 American Studies specializing in tribal sovereignty
18 and self-governing and Indian law. And I've also
19 been involved with a lawsuit with the museum prior
20 to -- under Director Levine's power.

21 And so these draft rules have been
22 going on for quite a while now. We discovered them
23 when we were doing our discovery with Levine and
24 Boettcher, the coordinator. We found that the
25 museum was moving in a direction of taking the

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1 rules, which in my opinion represent intellectual
2 and cultural property rights of Native people. They
3 were created by Native elderly people, our elders,
4 which makes them cultural property. And the
5 cultural property was taken out of its -- out of its
6 raw form, written form, probably handwritten, too,
7 and eventually typed up.

8 And several of the people who were a
9 part of that lawsuit with Livingston/Ewing are still
10 alive today. And some of them are here today, and
11 they can account for the origin of those rules. And
12 I feel that the court case laid out a framework by
13 which the museum's relationship with the portal
14 artists has in some cases been not followed, not --
15 maybe the museum is not clear as to our relationship
16 with the state government and with the museum and
17 their interactions with us, and the authority that
18 our committee has from the beginning has been
19 divested.

20 In some literature, our committee has
21 been stated as being an advisory committee and not
22 really having any power at all. And to this day I
23 feel that, that we really don't have any power
24 anymore.

25 In my dealings with the

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1 Paquin/Cisneros versus Levine lawsuit, I had the
2 opportunity to meet with several Indian lawyers, and
3 one of the lawyers that we had first contacted was
4 Michael Gross. He is a well-known Native attorney
5 who represented the Natives in the Livingston case.
6 He became a very good friend of mine. And another
7 good friend of mine was Jeffrey Sloan, and we also
8 had Eric Trestman as our attorney. Both Trestman
9 and Sloan are passed. And this happened during our
10 court case, which is very devastating to us as
11 plaintiffs in this case and really hurt our case.
12 Mr. Gross could not represent us at the time, but he
13 did share a write-up that I would like to read
14 portions of concerning our relationship with the
15 museum. And this is -- this is from the attorney
16 that represented the Natives that gave us the
17 decision in the Mechem court in the District 10 in
18 Denver.

19 He says, "The escalating controversy
20 of the portal threatens the very existence of almost
21 a hundred-year-old Indian Market at the Palace of
22 the Governors. Unless an equitable framework for
23 conducting the program is instituted, the
24 controversy is likely to grow." And as it has --
25 this is my comment. As it has, from what I see

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1 today.

2 "At bottom, the issues are
3 institutional in nature, not personal. That no one
4 be mistaken, loss of portal program would be a
5 severe blow to New Mexico's reputation for sound and
6 balanced relations with the Indian population. But
7 more, it would be a severe, perhaps crushing blow to
8 New Mexico's tourist industry and economy.

9 "Think of it. The portal's live
10 Indian Market is arguably the biggest tourist draw
11 in New Mexico. Ask any tourist, 'Why did you come
12 to New Mexico?' or 'What did you see?' and
13 90 percent will say something about Indians selling
14 crafts on the Plaza in Santa Fe. We all must do
15 what we can to end this controversy without
16 destroying our program."

17 And what he means by destroying the
18 program is the divesting of this court case.

19 "The present situation seems in large
20 part to stem from failure to understand the legal
21 underpinnings of the program." And I encourage the
22 director of the Palace of the Governors staff and
23 anybody who deals with us on the portal to read that
24 and to read between the fine lines. Because there
25 is very direct quotes from the judge pertaining to

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1 our relationship.

2 Native people are not entities of the
3 state. Although we reside here and our tribal
4 nations are here, we are entities of the federal
5 government. And the federal government reserves the
6 rights for states and other entities to ensure that
7 Natives have the right to fair commerce with any
8 entity, including state government, including
9 museums. And I believe that that constitutional
10 right has been usurped in this case by the Natives
11 not having a fair shake at the table that that has
12 happened.

13 And some of these draft rules that
14 some of the people are mentioning here are very
15 punitive, and they give a lot of authority to the
16 museum. And I believe that what Mr. Gross was
17 trying to say is that -- and I'll move ahead.
18 Because I don't want to read this whole opinion.
19 This could be copied.

20 And I would like for the museum staff
21 to read it, because it really lays out a very good
22 framework for our relationship. What is needed is a
23 portal --

24 HEARING OFFICER THOMPSON: Mr. Paquin,
25 I'm sorry for interrupting you. But we can receive

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1 that and admit the entire letter into the record.

2 MR. ALLEN PAQUIN: I just have one
3 paragraph on the bottom, which is kind of like a
4 conclusion to his statement here.

5 "What is needed is a portal" -- and
6 this is something that Attorney Gross was very
7 adamant about. That he won the case but -- for the
8 Native people, but that he -- he kind of dropped the
9 ball, he felt, that he didn't follow through with
10 what should have been the proceeding after that.

11 And that's why we are where we're at.

12 If you listen to this, "What is needed is a portal
13 declaration of independence and a constitution by,
14 for, and of the portal craftspeople. Once its
15 independence has been formalized, the new entity and
16 the museum can and should work out a new framework
17 in writing. The instrument should be based on
18 mutual respect, respect for the museum's need for
19 order and authenticity on the one hand and the
20 essential collective identity of the people whose
21 livelihoods depend on the portal on the other,
22 including their right to resolve internal disputes.
23 Without recognition of the basic employment
24 relationship identified by the Court, tension
25 between museum and craftspeople will always be an

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1 Achilles heel."

2 And so with opposition to these draft
3 rules, I think the people are in some cases -- we
4 had a meeting last week, and some of the artists are
5 scared. They feel that some of the rules that were
6 initiated in here, just really, they felt like they
7 were undermined. And those are my words. That's
8 not their words.

9 But let me give you some examples
10 here in some of the rules. I know Mike mentioned
11 two rules. But for some reason, when I look at
12 these draft rules and what Mike's interpreting as
13 14F and 13, those numbers, as I look at it, it
14 doesn't match up to what he's saying. So I'm
15 wondering if, Mike, you have the right rules.

16 HEARING OFFICER THOMPSON: So I think,
17 Mr. Paquin, I think what's happening is Mr. Gorman
18 was referring to the rules -- the existing ones,
19 and then what you have in front of you now are the
20 draft.

21 MR. ALLEN PAQUIN: I was just going over
22 and marking up the new rules. And I think that's
23 what we're for, is to ask questions about the new
24 rules that are being drafted and things on there
25 maybe we have problems with. And I don't see where

N/A

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1 you're connecting with that, Mike.

2 I think we needed to go over the
3 draft rules, and some of them here are -- the
4 division reserves the right to -- absolute right to
5 eject participants with or without the
6 recommendation of the portal committee. And as you
7 remember what I read, that the Native people should
8 be -- should have their right to resolve their own
9 internal disputes instead of going around to the
10 backdoor to the museum, which causes more problems.

11 And I appreciate the rules that the
12 museum has laid out as far as some of these
13 violations, but some of them are kind of crossing
14 over each other. And I think if we would have a
15 little more time, going over these rules in a little
16 more intense way, in a little more of a
17 person-to-person, let's work on this project
18 together, instead of saying, oh, I think I can make
19 it, but I can't make it. Well, somebody didn't
20 come.

21 You've got to understand that we're
22 dealing with people who run businesses. Okay? They
23 have bills to pay. They're not in the business of
24 running a committee and trying to -- trying to take
25 care of their kids and trying to feed their elderly

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1 people and making jewelry, and they're trying to get
2 up here and sell.

3 So I really think it has to be a
4 committee of individuals representing the portal
5 that are dedicated to making this work, sharing this
6 in meetings with the portal vendors. And I didn't
7 see any of that. I didn't.

8 And that's just one suggestion I
9 have. But I really feel that you need to hold off
10 on the approval and the vote on these rules. And I
11 feel that some of the things that have happened
12 recently, some of the implementation of demos last
13 year by Chairman Caharro (phonetic) was out of line.
14 I think that even the code of ethics pertaining to
15 committee members and their derelict representation
16 of it supporting Mr. Caharro (phonetic) to do this
17 was in clear violation of what's stipulated in these
18 rules and the original rules. The rules that Mike's
19 got.

20 You do not go over and just push your
21 way through when we have gone through protocol,
22 protocol with so many people here to get in this
23 program by demoing at home. In fact, I see that as
24 kind of a traditional way of really getting to know
25 the artists and finding out where they live, finding

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1 out if it's legit, finding out if they live on the
2 reservation or if they live in urban communities.
3 And it creates a strong sense of -- I guess purifies
4 the program a lot better, showing authenticity.

5 And that's what the museum is
6 shooting for. That's what the museum wants, right?
7 You want that, right? You want that. You want to
8 be able to keep saying, hey, these people
9 demonstrate at home. They'll cook you bone stew and
10 give you oven bread and cookies. You come over and
11 watch the demo, and you can feast a little bit with
12 them, and you can watch them make their work. Okay?

13 It's kind of the way we operated for
14 a long time. But we had this individual last
15 year -- and then the committee didn't have the
16 gumption to call him on it and get him out of
17 office. He had violated so many of the code of
18 ethics. And some of those people who supported him
19 are still sitting on this committee. I saw things
20 in here that had no mention, no mention of term
21 limits, you know? It's almost like a dictatorship
22 in some cases, the way some of these people have
23 been put into office, political voter blocks, from
24 Arviso and Mormon and some of these people who have
25 flooded the portal with Navajo vote.

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1 Do you want to read the history? Do
2 you want to read the court case? It represents
3 pueblo people in the beginning. We stuck our hand
4 out to the Navajo people and said, "Hey, you're
5 indigenous to the area," and it mentions that.

6 I'm not trying to create separatism
7 here. I'm not trying to divide us, okay? I've seen
8 too many examples of divide and conquer. Across
9 this country, you represent only 2 percent of the
10 population of this country. We need each other,
11 indigenous people. It's your history. It's your
12 culture, too. You have to preserve us. We're not
13 going to go away and be some sort of dinosaur in a
14 museum. We want to continue our culture. That's
15 what the Santo Domingos are doing today, that's what
16 I was doing the other day, preserving that.
17 Preserving that, protecting that.

18 I'm very passionate about that. I
19 respect the religions of other nations, okay? I do.
20 Hinduism, Buddhism, Christianity, Judaism, I
21 understand them all. But I want that respect, too,
22 for our people. I don't want them to disappear.
23 And this culture -- and this program can represent
24 that. And I think museums have an obligation -- and
25 as it states in the court case, and I've seen it in

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1 the rules here, to preserve and protect Native
2 culture, education. And I come from a background of
3 Christianity and traditional Native pueblo, okay?
4 My kids are half Navajo and half pueblo. I had a
5 long talk with my son about this. He saw that I was
6 disturbed, and he noticed how passionate I feel
7 about it. And he said, "Dad," he said, "Say what
8 you need to say. You're very intelligent. Listen
9 to what people have to say, and it will all work
10 out." And this is my 23-year-old son.

11 I asked him if he wanted a cart here.

12 He said, "No. I hear too much controversy, and I
13 see what you're going through. I just want to
14 create art." He is a painter. And we are dealing
15 with a new, young Native people who do not see
16 lines. And that's not only including Native youth,
17 but all youth. There are no lines for them. There
18 are no borders. There are no color distinctions,
19 there are no racial distinctions. They see
20 everybody as equal, and they don't understand why we
21 still fight like this.

22 So I'm not here to create controversy
23 with my brothers and sisters from the Navajo Nation,
24 which has probably been some of the scare, too.
25 That's not it. What it is is that we need each

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1 other. We really need each other.

2 I participate in Navajo doings and
3 ceremonies with my children. I'm a member of the
4 Native American Church. And I'm a member of my
5 village, and I participate in my activities at home.
6 And I also respect the Catholic Church. Although I
7 don't go as much as I used to, but I still believe
8 in a God, and I believe that we talk to one God.
9 And I believe that God is here, and I believe that
10 God has given me the strength to share this
11 information with you.

12 Take it with a grain of salt. I'm
13 available for you. I'll willing to reach my hand
14 out. And, so, please get back with me. You have my
15 name, you have my email. I may not be selling here
16 in a big capacity after the fall. I'm hoping to get
17 into my graduate program, which has finally been
18 approved at University of New Mexico in Native
19 American studies, a master's program. It's very
20 competitive. I don't know if I'll get in there.
21 But I'm really looking at it, trying to write
22 letters of intent. But I will always have my
23 passion for my art, and I will always have my
24 passion to protect that porch. So thank you very
25 much, everybody. Have a good day. And I can't wait

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1 to hear what everybody has to say.

2 HEARING OFFICER THOMPSON: Leonard
3 Paquin.

4 MR. LEONARD PAQUIN: Good morning.

5 HEARING OFFICER THOMPSON: Good morning,
6 sir.

7 MR. LEONARD PAQUIN: My name is Leonard
8 Paquin. I'm from the Laguna, Zuni, and pueblo
9 tribes west of Albuquerque. My mother was Myrtle
10 Paquin. My father was Pete Paquin. My father was
11 a great artist, and I learned his art from him. I
12 have an older brother, Sherman Paquin. He followed
13 my dad's work. I have an older brother, Glenn. He
14 also was in the art business. Handcrafted jewelry.
15 I think he's kind of retired now. I have been in
16 the business for over 35 years. I have a daughter
17 here that's also in the business of handcrafting
18 jewelry.

19 I was here in, I would say '83, '84,
20 when the program was opened and we could sell. And
21 our spaces were 13 blocks wide. After the
22 Livingston issue, Livingston versus Ewing, the rules
23 came out. And I wasn't here at the time, but I know
24 when we sanctioned the rules in 1986. I think it
25 was Dr. Phelps. I can't remember his name. Dave

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1 Phelps. He is the one that helped us get those
2 rules sanctioned by the Board of Regents. Because
3 of current rules we had, were not sanctioned and
4 could not be upheld.

5 And the ruling, the way we looked at
6 it at that time, was that we needed to protect the
7 people buying the jewelry. That was our main
8 purpose. I looked at it and said, when we made
9 those rules, that the work has to be done and the
10 work has to be initialed by the individuals making
11 it, especially in the silver issues.

12 We had several people that were
13 bringing in jewelry from outside the area, from the
14 Gallup area. And that was the conflict that we had.
15 Because they claimed their family was making it but,
16 you know, in the lifestyle of an Indian, we're all
17 related. So it's kind of funny. Because then
18 you'll bump into your sisters that are traditionally
19 your brothers or your brothers that are
20 traditionally brothers, and then you have your ones
21 on the other side. So we all looked that way, in a
22 family way. So I believe what they're referring to,
23 is we're all related. So, therefore, my sisters
24 made that, so we can sell that. But we have to stop
25 that because it was coming in too, too much.

N/A

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1 And so our rules were written, our
2 first drafts that were written to the board was to
3 basically help us control that, to protect the
4 consumers. So, therefore, we wrote in there, and I
5 wrote a lot of that, about how we should do that.
6 And the way that we could only do it was to initial
7 all our work behind the stone setting, as in with
8 the silver work, because that was the main item that
9 was being sold at that time, was sterling silver.
10 So that's how we did it.

11 And the Santo Domingo people, who
12 aren't here today, they couldn't be here because
13 they have their traditional things going on. They
14 came up with a system to code their necklaces. So
15 they worked on that. And when we started taking
16 people in to be set up with the museum, we started
17 the process of application. I was No. 004. My wife
18 was 005. I don't remember who was 01, but it went
19 by fast.

20 But that was the first process. And
21 after that, we elected people at an annual meeting,
22 and we put people in as to who we felt could handle
23 the process of what we were doing. As I went along,
24 I finally got out of it because it was just too
25 overwhelming to me. And I couldn't keep up with my

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1 business. And I travel 125 miles one way to get up
2 here just to go for a meeting for six hours, then go
3 back home. So in the time that we did that, I
4 finally stepped down from my position, and I let
5 people take over who were closer in proximity.

6 But we're missing part of those
7 people that are supposed to be here. Toney Toledo
8 is an old man. He was at the last meeting. I got
9 notice too late to be at that last meeting. That's
10 what I want to complain about. The museum needs to
11 notify us. We all have telephone numbers, we all
12 have addresses, we all have email. If I had known
13 about that and I didn't have the work schedule that
14 I have, I would have been here at that last meeting.
15 Because it's very important for your Native people
16 to understand that's what's going on.

17 This Livingston versus Ewing has been
18 taken totally out of these rules and regulations.
19 This is our history that we've lost, and that
20 history is important to our Native people to remind
21 us what we should and shouldn't do, because that
22 portal belongs to us. That's what the 10th Court
23 Circuit of Appeals said. They upheld that ruling
24 from the State of New Mexico.

25 This Livingston, we had another issue

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1 with him back in the '80s where he sued us. And I
2 was on a committee at that time. All committee
3 members. He sued us because we were basically being
4 mean to his client. But she didn't follow the rules
5 and regulations of handcrafting your own work. And
6 the issue in that was that she claimed she could
7 make jewelry, a hundred rings a night. I don't know
8 where she was getting that, but she claimed she
9 could do that. And when we went to court, we
10 have -- well, before we were inspectors also. We
11 had to go through and inspect the jewelry to make
12 sure it was handcrafted and to make sure it was
13 handcrafted with the initials on the work.

14 And basically what happened at that
15 trial is when they came up to me and they asked me
16 how I knew, there was a buckle that I had that I
17 looked at. And the stone in the center was removed,
18 and the initials were stamped underneath it on the
19 backside. When the stone was put back in, it didn't
20 match the rest of the setting, because an artist
21 will always match their settings. And that's how
22 after that, they came back that we were not guilty
23 of anything.

24 But to get further down the road,
25 that kept going on. People kept bringing stuff in.

N/A

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1 Finally an individual decided that was it. They
2 left. But we also had the door open to anybody. As
3 long as they were Native American, and they could
4 prove that they were Native American, they were
5 allowed to come up here and demonstrate.

6 The demonstration issue that I have
7 is that I know the museum wanted it on their
8 premises, which would be great, but what does that
9 tell you? I mean, when they came to my place, that
10 was Burton Cisneros, and I can't remember who else.
11 When they came to my house to watch us demonstrate,
12 they could see my setup, which was my store I made
13 into my workshop. They said, "Wow. You've got
14 tools in here, everything." If you try to
15 demonstrate and you don't have your materials there,
16 the tools that you need, you've got to have -- it's
17 hard work. So that -- in a way, that was one of the
18 things I wanted done, and that was done at that
19 time. That was probably -- I can't remember how
20 many years ago it was. I think he was the chairman
21 at that time. And, golly, I don't remember her
22 name. I'm having that problem now. I'm getting too
23 old.

24 But I didn't have time to read this
25 proposal, the changes. I need to read those things

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1 to see exactly what's being taken out and what's
2 been installed in the past. I just left them alone
3 because I always figured that, well, the committee
4 will help straighten things out.

5 We people always have managed to get
6 in trouble. And I don't care what we do, we will
7 manage to get in trouble. I got called out because
8 one of our rules state that we cannot resupply or
9 supply our display. I was putting out barrettes. I
10 ran out, so I put them out, took them out of my box,
11 and I got scolded on it. They asked me if I wanted
12 to go and contest it. I just said, "No, I just
13 won't do it no more."

14 I, on the other hand, told the
15 officer that was in charge, I said, "I do it so that
16 way I don't have to be here every day like a lot of
17 people are." I said, "I sit home, and I work." And
18 sometimes it's until 10:00 at night. And I work,
19 and my wife cuts the turquoise. That's why she
20 couldn't be here today, because she's home doing
21 laboratory work for me, the items that I made the
22 last few days.

23 But the people, when they come to see
24 you work, they see your machines, they see how you
25 cut your turquoise, how you slice your silver. Then

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1 they say, "Oh, okay, this person actually does it."
2 But when they bring it to the museum, they can't do
3 the same thing.

4 So, really, I am for people going to
5 your home to do the inspection of how you do your
6 jewelry. Especially the jewelry. But I also am
7 against these right now because I haven't had a real
8 personal time to read it and digest exactly what's
9 going on. But from what I've heard from a lot of
10 people, it's not good for our portal people. And so
11 I'm going to ask that to be changed to another time,
12 maybe another year, because it's going to take a
13 while for our Santo Domingo people, who are
14 outnumbered here. They come as much as they can
15 because they also slowed down for their business
16 because of what's been imported from the Philippines
17 and from different areas that do their style of
18 work.

19 So I'm asking that the Board of
20 Regents don't do this for now and let us digest what
21 is actually in these rules here, the propositions.
22 And it needs to be given back to our people. Thank
23 you very much.

24 HEARING OFFICER THOMPSON: Thank you,
25 Mr. Paquin. We're going to take a five-minute

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1 break, and then we'll resume with Lenore Denetchee.
2 And if anybody else would like to sign in, if you
3 haven't had a chance, it's right here. We'll be
4 back in five minutes.

5 (A recess was taken.)

6 HEARING OFFICER THOMPSON: It's 11:20,
7 and we're going to get started again. And anyone
8 wishing to give your input, please -- I'll call
9 your name, and say what you're feeling and thinking
10 about everything. And we'd really appreciate
11 specific comments on this draft -- the draft rules.
12 We've got some good remarks so far that I think
13 will be very helpful for us as we go forward. The
14 next person is Lenore Denetchee.

15 MS. DENETCHEE: Good morning.

16 HEARING OFFICER THOMPSON: Good
17 morning.

18 MS. DENETCHEE: I have a letter that I
19 wrote, and I would like to read it.

20 Greetings. This morning as I sat on
21 my bed trying to figure out what to say about a
22 program that has been a part of my life since I was
23 11 years old, all I could do was cry. I thought of
24 the people, Native people, who worked hard to
25 establish the rules and regulations that I follow.

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1 I thought of the names that have challenged this
2 program and the elders that fought for the porch to
3 be mine.

4 When I sell, I hear my grandparents.
5 I see them there. I hear the voices of the old ones
6 gone. When I work, I listen for my grandpa to show
7 me the way.

8 I sat on my bed trying to understand
9 and comprehend the need of this proposed draft, the
10 way it is written, and the content of the work.

11 Mr. Rodey Lee Guerro said our old regulations and
12 guidelines are still real good, and we go by them.
13 We don't want anybody telling us to run things
14 different. I agree. I agree because of the family
15 history I have at the porch.

16 I am a third generation vendor. I
17 understand the integrity of the museum as well as my
18 fellow artists. I also understand that the proposed
19 draft is to clarify the law for the museum to cover
20 the group as a collective whole. However, as the
21 proposed draft is written, it runs in circles,
22 giving the director the right do as pleased. The
23 proposed draft makes me loopy as I read it and
24 decipher the wording.

25 The proposed draft needs some

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1 clarification because I see the good of it and the
2 very bad of it. In past history provided by the
3 minutes of our annual meetings, the voting process
4 has always been done by the people who are
5 represented that day. There has not been an
6 election race or a write-in ballot. Simple
7 nomination and show of hands.

8 At the annual meeting, the people
9 vote the chair, vice chair, and secretary, then
10 proceed to elect eight committee members and
11 alternates. This committee is who the people choose
12 to oversee the portal artisan program and its
13 disciplinary action.

14 The disciplinary actions in the
15 proposed draft are so strong, and I disagree with
16 such penalties. However, I do agree with the
17 harassment issue. But in order to apply these
18 rules, you must provide to all participants in order
19 to properly instill such protocol.

20 We, the people, take the
21 responsibility of hand making our goods in our home
22 and bringing out only finished items as per our old
23 rules and guidelines. This is subject to change,
24 allowing small items to be crafted at the space as
25 long as it doesn't interfere. No, this shall not

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1 ever be considered or allowed. Only finished items
2 should be made ready for sale, allowing for clasp,
3 ear wire, or length change.

4 I am confident that the people are
5 willing to allow a properly worded proposed draft
6 into the program at our annual meeting. As of now,
7 I am against this proposed draft as written. I am a
8 granddaughter of Edith and Lorenzo Mooney and the
9 granddaughter of Pete and Myrtle Paquin. I am the
10 daughter of Geraldine and Leonard Paquin. I am a
11 tribal enrolled member of Laguna Pueblo. I am of
12 Zuni descent. I am a fourth generation silversmith.
13 I am Lenore Denetchee. Thank you.

14 HEARING OFFICER THOMPSON: Thank you very
15 much, ma'am. Next we have Marvin Martinez.

16 MR. MARTINEZ: Good morning. My name is
17 Marvin Martinez. I'm from San Ildefonso Pueblo,
18 and what I do for a living is I do the
19 black-on-black pottery, the traditional style of my
20 great grand folks that they revised back in 1919,
21 Maria and Julian Martinez. My great
22 grandparents, they used to sell their pottery here
23 back in the Palace of the Governors back in the
24 1900s when the first archaeologists came to the
25 state of New Mexico to study the art of the Native

N/A

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1 American pueblos here.

2 So I come from a strong background
3 and history that developed the Museum of New Mexico
4 history here in Santa Fe, New Mexico. And I think
5 that this is a very important site culturally
6 preserved by the museum back in the day, in the
7 1900s, started by archaeologists, who started the
8 Indian Market back then. It all started there. So
9 it holds a lot to keep our tradition going within
10 the pueblo people. And over the years that -- you
11 know, we've come a long way with the arts here in
12 the Palace of the Governors.

13 There's a lot that I've heard this
14 morning. The individuals had a lot of good points.
15 And today in the rules and regulations, how to
16 manage this program and the draft proposal rules
17 that was presented to us by the DCA and the director
18 of the Museum of New Mexico history, the division
19 they would call it now if this was to pass, we --
20 myself as an artist participant of this program, the
21 Palace of the Governors, I feel the draft that was
22 presented is inconsistent with how we work and
23 participate in this program.

24 We've learned that our current rules
25 that are in place now, years ago, that it is

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1 effective and proficient for us to carry on at this
2 point. And what I want do is go over the -- some of
3 the draft proposals that I have concerns. And
4 there's many more, but I can give you some points
5 here that I don't agree on. On the proposed draft
6 on the 4.51.57.6 objective, towards the last
7 sentence, it says, "These rules are not in any way
8 an assumption of responsibility by the division, the
9 board or regents or the secretary of the Department
10 of Cultural Affairs for actions or representations
11 made by the participants."

12 I think right there, they don't --
13 what I don't agree on is the draft is saying one
14 thing, but yet they still want to have a say in this
15 ruling, in the draft. So I don't agree on that one
16 there because to a point they're saying right there,
17 they don't want to take assumption or
18 responsibility, but then yet again they want -- you
19 know, the draft -- the division and the BOR wants
20 to, you know, take, you know, action and to approve
21 this draft. So that part, I don't agree on that.

22 And then going to definitions, on
23 4.51.57.7, on letter Y, "Native American means any
24 person who is an enrolled member of a Native
25 American tribe." In the old rule, I believe it's

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1 stated federally recognized tribe of New Mexico.
2 And that's one of the things I don't approve on
3 that, that wording there. Because I think in the
4 beginning, when this Palace of the Governors, way
5 back, it was provided for the tribes of New Mexico.
6 And if you don't include federally recognized tribe
7 of New Mexico, then you can allow anyone from
8 outside the state to enter this program. So that
9 could be challenged, and I don't agree on this draft
10 here on that part.

11 And then also on that same
12 definitions where it says AA, it says, "Native
13 American tribe means any tribe, band, nation, Alaska
14 native village or other organized group or community
15 that is eligible for the special programs and
16 services provided by the United States government to
17 Native Americans because of their status as Native
18 American or any tribe that has been formerly
19 recognized as a Native American tribe by a state
20 legislature."

21 Again, on this wording, "by a state
22 legislature," I mean, I don't agree on that. It
23 should read, you know, by a state of New Mexico
24 legislature. So I think I don't agree on that.

25 And then one other concern is

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1 resolutions, 4.51.57.8. On letter C, "Now,
2 therefore, be it resolved by the Board of Regents
3 and the secretary of the Department of Cultural
4 Affairs that the display and sale of New Mexican
5 products at the museum shall be governed as
6 described in these rules." And I think we as
7 artists, native of New Mexico, we should govern
8 ourselves. So I don't agree on that letter C there
9 where it says New Mexican products. Also, that's a
10 no.

11 And then going to 4.51.57.9,
12 administration of the program. Basically, I don't
13 like the whole -- this whole section here. And I
14 can give you the rundown on this. Letter A, "The
15 director shall designate a coordinator." I say no
16 to that. "The director or coordinator shall oversee
17 the program. The director or coordinator may
18 request assistance of the Indian Affairs Department,
19 the Museum of Arts and Culture and other specialists
20 in the operation of the program."

21 I don't agree with this, with the
22 director appointing or designating a coordinator,
23 due to the fact this needs to be looked into further
24 because, the thing is, with experience, I think that
25 we have to find coordinators -- and we've been

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1 through a lot of coordinators, and I think a lot of
2 times we need to find someone that's honest, equal
3 to everyone and no favoritism, and must be in good
4 standing and not being biased, and I think that's
5 one of the things. That's why I say no to this
6 letter A.

7 And then going to No. 3 on that
8 letter A, "The coordinator may develop and schedule
9 educational activities and events and perform other
10 duties as assigned by the director." In the past, I
11 don't know, a year or so, we don't see any
12 activities, educational, about this program, the
13 Native American vendor program. And I think to the
14 point there's no time for the coordinator to even do
15 this, so we're left out in nowhere. So I say no to
16 that. No time. There's no -- so that shouldn't be
17 in there.

18 And then letter B, going to the next
19 one, "The division shall provide interpretative
20 materials on the history and culture of Native
21 Americans in the Santa Fe region on the tradition of
22 the program." Again, there's no time on that,
23 giving the opportunity to show who -- what we are
24 all about in the portal and the Palace of the
25 Governors.

N/A

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1 And C, "The division reserves the
2 right to eject participants with or without the
3 recommendation of the portal committee for conduct
4 or behavior that is inconsistent with the purpose of
5 the portal program, disorderly or lacks due regard
6 and respect for the public, other portal program
7 participants, or museum. If an ejection is made,
8 the division shall inform the committee as to the
9 reason for the ejection."

10 And in that case, I think that letter
11 C, it should go both ways. I mean, we have to show
12 respect to one another, to the coordinator and the
13 committees, the director with the coordinator, the
14 director with the committees, the chairperson. I
15 think that has to be -- a lot of times with
16 experience -- I've experienced lack of respect for
17 one another coming from the administration to the
18 participants in the program and committee members.
19 So that one there is a major no. I don't agree on
20 that. That has to be looked into, because I have
21 experienced that.

22 "The director may form advisory
23 groups to assist the division with implementing the
24 program." As long as I've been here, maybe once, I
25 don't know, maybe once, but I've been on the

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1 committee for years trying to be here for the portal
2 participants. And so many times, often, I've
3 always, you know, suggested to the coordinators that
4 we need to -- if we have a certain problem or issue,
5 we can refer any type of advice from any entity
6 coming from the Indian Affairs of New Mexico.
7 There's the 19 pueblos, all 19 pueblos. We're all
8 participants of these pueblos. We could ask for
9 advice here and then from DCA again. And then also,
10 what I always recommend is, go to our state
11 representative for any advice or help consisting
12 with adding or providing rules and regulations that
13 would be within the right form to this program, the
14 rules and regulations.

15 So letter D, I never seen that really
16 as much. And I don't know if anybody from Indian
17 Affairs is here today or even if the director
18 contacted them. So I think that one is not being
19 practiced because it's in the existing rules, too.

20 And then another concern is the
21 4.51.57.11, the portal committee. On letter B, and
22 it's No. 3, I guess, the last No. 3 there. There's
23 two 3s there. But, anyway, it says, "The committee
24 shall elect three officers (chair, vice chair, and
25 secretary) from among its elected or appointed

N/A

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1 members. The director or coordinator shall accept
2 nominations from the floor for committee officers.
3 The director shall close the nominations at the
4 director's discretion. In the case of a tie, the
5 coordinator shall break the tie."

6 This ruling here, I say, no, I'm not
7 in favor of. It should -- this part should always
8 and will be, should be, voted at the annual meeting
9 who is going to be the chair, vice chair, and
10 secretary. It should be voted at a meeting. So I
11 say no to that.

12 And then on meetings, 4.51.57.12A, on
13 No. 6, "If revisions to these rules are proposed,
14 the coordinator shall make copies of the existing
15 and proposed rules available for explanation and
16 discussion."

17 I say no to this also to the point
18 that -- to the fact that also the existing rules,
19 we've always -- and ever since I've been in this
20 program, we always bring any proposed rules to the
21 annual meeting, and the people vote on it. The
22 majority of the people rule on that, vote on it. So
23 I think that was not exercised in this proposed
24 draft. So I say no to that especially. That's a
25 big no on that because this draft was never

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1 brought -- followed that protocol there.

2 And then going to -- this is a --

3 we've dealt with this over the years, but on Rule
4 47.51.57.14, participant rules, on letter G, "While
5 vending, the program participants may only use
6 electronic devices such as credit card machines when
7 such devices are required for a sale. Participants
8 shall keep mobile electronic devices silent at all
9 times and shall not talk, text, surf, or game play
10 on such devices. Participants shall leave the
11 program area before using mobile devices."

12 Being on the committee, we dealt with
13 this issue so many times. And we always -- our main
14 is concern is -- one of my concerns is the text
15 could only be allowed for emergency only. Because
16 sometimes we don't know what a participant vendor
17 is -- if they have any kind of illness or medical
18 issue. So that, you know, I always have concerns on
19 that, if they need help, assistance, from a family
20 member around the corner to come and assist them.
21 But other than that, you know, I think that's where
22 my concern is on that.

23 And then another rule, on 4.51.57.15,
24 letter A, No. 4, "After the meeting, the committee
25 may recommend a participant's suspension or

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1 termination from the program or a committee member's
2 removal from the committee to the coordinator. The
3 coordinator may take disciplinary action with or
4 without recommendation from the committee."

5 Again, that's a no on my part.
6 Because, again, like I can state, if the coordinator
7 makes a decision without the recommendations from
8 the committee, that coordinator must be in good
9 standing with the committee and consistent with the
10 program rules and following protocols. And that's
11 one of my concerns there. Again, I think that
12 should be eliminated. I say a big no on that.

13 And then another concern is the
14 authenticity and quality standards. On letter D,
15 just pertaining to pottery, I do approve on most of
16 the rulings on this. The only concern I have really
17 is the -- on letter D, No. 6. "Products may not be
18 fired in an electric kiln." I don't know -- I don't
19 ever use a kiln. I always traditional fire my
20 pottery. But on this part, maybe gas should be
21 included. I don't know if there's gas kilns. So
22 that's my concern, that should have been added, for
23 gas kilns.

24 I think this is a few of my concerns
25 that I have for now. But, you know, I do -- would

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1 you like to hear more on this, if there's other
2 committee members or vendors out there to make a
3 statement? But this is my contribution to making
4 statements and my concerns with this proposed draft.

5 And I think that, you know, with the
6 art that we do at the Palace of the Governors, the
7 history, I know we've heard briefly this morning the
8 Livingston and the Ewing case, the court case, and I
9 think that has a lot to give us that standing on to
10 govern ourselves in the Palace of the Governors.

11 And I always express this in committee meetings
12 throughout the past years. We're artists. We're
13 the Natives of New Mexico. That area on the portal
14 was designated for the Native people of New Mexico
15 that, you know, do the work. And I think that we
16 can govern ourselves with the rules and make any
17 type of decision making on our own. Because we're
18 the ones that know the people and see the work being
19 done, as we have expertise on each level of art
20 mediums out there. Thank you for your time, and I
21 hope that we can get through this. Thank you.

22 HEARING OFFICER THOMPSON: Thank you very
23 much, Mr. Martinez. Next we have Amy Charley.

24 MS. CHARLEY: My name is Amy Charley and
25 I come from the Navajo Nation. My tribe is Navajo.

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1 And I have been with the program for a long time as
2 well. My aunt's name is Lillian Garcia. She's
3 married into the Santo Domingo Pueblo, and she has
4 been with this committee as well. And she has
5 taught us well. And all the rules and regulations
6 that have come forth, she was in that as the
7 setting that has been set up back then.

8 And this is where everybody makes
9 their living. And a lot of issues that are coming
10 forth is we're beginning to, like, separate.
11 They're saying Navajos have this and the pueblos
12 have this. That's not how it should be. This is a
13 Native American program. It doesn't say anything
14 else. But it's to my understanding that -- which is
15 to me, it should be handled through letters or
16 anything.

17 Like I said, this is my first time
18 knowing what's going on. I haven't gotten a chance
19 to read and look at all of this as well. I work,
20 and I don't live in town. I can't be here in 10 or
21 30 minutes. I have to travel a good two hours to
22 get here. So I took a day off today.

23 I was listening to everybody, and
24 everything is true. She does have the grandmother's
25 clause. It's true. Those old ones, those rules and

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1 regulations, where a child can sell for them, that's
2 been in there for the longest time.

3 As far as committee members go,
4 they're doing a good job. Sometimes people fight
5 because they want things their way. They need to
6 look at the rules and regulations of what's going on
7 to consider what's right and what's wrong. If
8 they -- it states in there if you get written up how
9 many times, and then they can get suspended or
10 terminated. And the thing about that is we're not
11 getting enough information. And the last time we
12 went to a meeting down at the museum, there was a
13 person who was taking our names down, and they were
14 supposed to give us updates. We wrote our names,
15 and she said they were going to go ahead and follow
16 up what was missing, what was missing in their file.
17 We have not gotten a letter or anything from here.
18 But if this is all a hush-hush thing, it needs to be
19 written, or I'm sure she can print out ten, copy
20 them, and mail them out to whoever is on the thing.
21 Let everybody know.

22 As far as the voting and people,
23 just, you know, complaining. As you can see, a lot
24 of them are not here. But it's not the way it
25 should be. This is called -- this program was set

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1 up to be educational. We are here to tell our
2 customers, this is who I am, I'm from this tribe,
3 this is what I do. We do our jewelry from start to
4 finish from here. That's what we tell our
5 customers. We're supposed to be telling our
6 customers.

7 We're sitting out there to educate
8 the tourist people. And that's who they like to
9 see. You get to talk to someone, you get to know
10 them, what their culture is. They tell you where
11 they're from, they tell you what they do. And they
12 travel. They tell you where they've been and
13 everything. All that seems like it's not out there
14 anymore.

15 The elderly that were here, there's
16 one guy they call traditional. He was a really good
17 man. He comes out, he gets mad at the people on the
18 portal. He'll walk down the line and put them in
19 their place. And as far as I know, I haven't seen
20 traditional stuff out there.

21 And on the jewelry part, I know when
22 my aunt Lillian, she stated everything has to be
23 handmade from start to finish. That means cutting
24 out your silver, soldering, signing underneath the
25 stone, finishing, polishing, everything from one end

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1 to the other end. It wasn't buying a disc, stamping
2 it with one piece of stamp. You put a hole in it,
3 and it's done.

4 And, you know, we're out here, and
5 we're all proud of our tradition. We are proud of
6 what we do and what we make. That's my
7 understanding of how the portal should be. And
8 people are going the shortcut way.

9 And I was looking at what they were
10 talking about underneath the program, the
11 coordinator. I mean, if they want to do something
12 and be involved in this, they should help the
13 committee members. Say, hey, we're having a
14 meeting. Let's go send out paperwork.

15 I work, so I'm not out here every
16 day. I would love to be, but I'm not. I come up
17 when I'm off or on a weekend. We take our chance.
18 We come out here to make some money to help pay for
19 bills. People can't live on paycheck to paycheck.
20 That's not how it works. You have to do other
21 things to help your income stay up.

22 And it's just right for everything to
23 change. Like this here, it's just a draft. So this
24 draft, we need to vote on. A lot of people need to
25 vote on. And we need to set up a meeting where

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1 everybody can come here.

2 On weekends, we have so many spaces
3 that there's too many vendors for spaces. And at
4 one time, in one year, Bruce had an idea. Let them
5 write their name who's here, like a daily log. To
6 me, that was good because people that are here every
7 day, who makes their jewelry for them? That's
8 impossible. You can't sit here Monday to Friday and
9 on the weekend have a whole cloth. Maybe their
10 household member makes them, but you have other
11 things to do at home.

12 And then it's just not -- it's just
13 like all of a sudden, all the things that they
14 worked for is gone from all the main -- the main
15 idea, to help keep everything going and ongoing is
16 just like cut in half. Oh, okay this person can
17 come in. They made a disc stamp, and they're on.
18 Then there is a whole cloth.

19 That's just not the way it works. We
20 work our way -- we were born and raised -- I was
21 born and raised with jewelry. My dad took us
22 around. He sold -- I mean, it's understandable at
23 times we had to do piecework for the people in the
24 store. You know, that was still not enough to make
25 a living on.

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1 But here is a good place, and we
2 would like to keep this place ongoing and whatnot.
3 But for us to be judgmental and say, you know, the
4 Navajos are this and, you know, to say bad things
5 about each other, that's not what it's for. We're
6 here to educate the people that come here to see us.
7 That's my whole point.

8 And then the committee members are
9 doing their job. And if they get written up or if
10 they get in trouble, they just need to abide by the
11 rules or listen or admit that they're wrong. Just
12 to say, I'm sorry, I made a mistake, I'll fix it,
13 I'll put it away. But, no, they just want to argue
14 with the committee.

15 I think that's the part where you
16 guys should come in. If they get written up and
17 this other person gets written up, they should give
18 it to you. You decide what's right and what's wrong
19 and see if this person didn't make a mistake. So
20 the people that are getting written up wouldn't be
21 mad at the people that wrote them up. That's how it
22 is. Because they wrote me up for this, and then it
23 becomes just a big, old issue. So that can kind of
24 cut it down.

25 And quit blaming people. They need

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1 to go back, and then if you have the rules and
2 regulations with you, look it up and write it down
3 and give it to them in handwriting. Something like
4 this. It states right here, you made a mistake
5 here. Sign it, and it's your fault. Or something
6 like that. Instead of them blaming each other.

7 And people are just beginning to hate
8 people out there. And that's not the way it should
9 be. If you make a mistake, just admit it, you know.
10 There's your chance to fix the issue, not to just
11 hide it and go on lying about it. It hurts to lie,
12 because it kicks you back at the end. So that's not
13 what it's all about, to be fighting among each
14 other. It should be a helpful place.

15 And then everybody along here, you
16 know, it's all about funding. If we were to hire
17 more people, who is going to pay for it? Where is
18 it going to be coming from? We should worry about
19 the portal, how we can make money to buy stuff. We
20 used to have a program where they used to make
21 posters or cards, and we used to hand it out and
22 tell them what our portal was about. I think it was
23 Carlotta that did that for us. We had flyers to
24 hand out and show people where we were coming from.
25 Now nobody wants to say anything. Everybody just

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1 wants to make money. With your jewelry, you make
2 it, you be proud of it. And you sell, and you have
3 your money there. So, you know, blaming each other
4 is not going to work. It's just making it a bigger
5 problem.

6 So it's the people that are
7 complaining. And the committee members are doing
8 their job, and they say, no, that's not how it is.
9 But if you take it all down and look at it and show
10 them where they're making the mistake, if they
11 didn't sign under the stone, show it.

12 And a lot of people out there that
13 are sitting in there daily, I think they can take a
14 picture. I'm sure they can afford a camera. Take a
15 picture of the person sitting back there and their
16 items. And then when they're going to go do the
17 demonstration, "Show me this is what you made."
18 Pick out the hardest one that you see out there. If
19 you have doubts, let them make that item. Take a
20 picture of it there. That's proof. They're saying,
21 hey, this is what I made. And you can tell them, I
22 need you to make that item, or I need you to make
23 this piece on their cloth. Take a random picture of
24 what you want them to make.

25 You see a lot of people out there

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1 that have stuff, and you wonder how. Because I
2 work, and it's just impossible to have a whole cloth
3 and having to stand there and some days you make
4 something. The other stuff goes. Then you make
5 this one, and something else goes. But if you're
6 there like a whole Monday to Friday, work four or
7 five days, yeah, you can. But not sitting there
8 daily. I don't think that could be made. So that's
9 an issue that's like, you know, how?

10 And we all need to participate and do
11 fund-raising. If they don't want to participate,
12 maybe they can donate a dollar a day, a dollar for
13 your sitting. You can make, what, \$70 in one day to
14 help the program. Maybe buy some fliers or have
15 those umbrellas. It has legs. They go. They're
16 not there all the time. People are looking for
17 them.

18 And people that are -- how would you
19 say -- that are there just to argue. I mean, they
20 should have their limit. They should have respect.
21 That's what the whole subject should be. But not
22 this draft. Everybody needs to take a look at it.
23 And we used to vote. We used to have a whole -- the
24 whole thing used to be full. And one year we had --
25 they had a good thing there, where everybody had to

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1 come in, whether or not you could get a new hard
2 card that day, make sure you bring all your items.
3 When they sign in, bring your CIV, whatever you
4 have, your proof of residency, where you live.

5 You know, just like you do in your
6 driver's license. That's part of proof of where
7 you're staying or where you're living. Just show
8 where you're at. And those people get a new card.
9 That will make them come in. Say, this card is
10 going to expire. They should have an expire date on
11 them to where they can be updated. Because it's
12 just like they don't want to be here. I don't know
13 why. That's where they make their money. That's
14 where their income is. They should be here.

15 Maybe a lot of them, like I said,
16 didn't know. I didn't know. I came yesterday
17 because I took a day off for the holiday from the
18 weekend, and I found that there is a meeting today.
19 So I had to call in and take another day off for
20 this, because this is really an issue.

21 And we don't want to get picked on
22 and be overrun. And we do vote on what we need. We
23 have a table, you know, for the next meeting. I
24 found out -- one time I was cleaning my jewelry with
25 a jewelry spray, and they said, "You can't spray

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1 that here." And I said, "Why?" Because, you know,
2 it's hazardous to your health. You do jewelry. Do
3 you sit there with a gas mask or your face is
4 covered? How are you going to work? You have a
5 vented area. And I said, "I don't see it in the
6 rules. What part of that is in our rulebook?" They
7 didn't show me. I told them, "When did this
8 happen?" They didn't respond.

9 So all these rules that came out and
10 stuff, they're not like in here. And when we
11 started, everything has to be handmade. Even our
12 twisted wire. We have one of those -- the one you
13 twist yourself. That's how we've been doing it.
14 And all this time, I think people are just buying
15 twisted wire already made. That's machine made.
16 The machine made the wire for you. It's not
17 handmade.

18 So we twist our wire. My twisted
19 wires are not all the same. Because when you twist
20 them, sometimes they come up loose or they break or,
21 you know, they're not always the same. I have
22 different gauges of wires I use, the round wire,
23 different gauges. And if there's no committee
24 member there to check, it's going to go down.
25 They're going to pull out and take out whatever they

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1 want to.

2 And then as far as I know that we
3 voted on -- I was there. And we voted on an
4 electrical device. That was there just for business
5 only, to make a sale, to where you can sell and
6 swipe your card. That was what it's there for. It
7 wasn't there to play games or anything else. If you
8 want to, you know, you can do that at home. People
9 are there to sell their jewelry.

10 And texting. We're supposed to go
11 across and stand on the side and cover up and move
12 over and text. That's not hard to do. You have to
13 get up and move around. You can't just sit in some
14 spot like all day. You have to exercise and think
15 about your health. Take a walk, get up. That's
16 simple. Just get up and walk across where the thing
17 is and text and call from there. There's nothing
18 wrong with that. But there is your business place.
19 That's just for one day we get the opportunity to
20 sell and make money. So that's what it's for. It's
21 not there to play your games. You're not there to
22 look at your emails, you're not there to do stuff.
23 That's like teenager stuff. We're all adults, and
24 we all have family to take care of. That's what
25 that space is there for, what everybody is fighting

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1 for, is to keep that space and keep it ongoing.
2 It's simple. Just walk across, text there from.
3 Hello, how are you doing, are you guys okay? And
4 they say, yes. You're fine again. You can get back
5 to business.

6 That's the whole point of having the
7 credit card sales. That's what it's there for.
8 That's what it should be used for. So that's my
9 concern on that. And I use it for business only. I
10 don't sit there and text. If I want to, you know, I
11 could do that -- I tell them, hey, I'm working
12 today. They know where I'm at. I'll be here today.
13 If you need something, text, and I'll jump across
14 and answer you back.

15 It's kind of sad, too, because the
16 tourist people are looking at you. They want for
17 you to speak to them, say hello, good morning. And
18 they feel open to you, they call back to you, and
19 they start looking at your stuff. If you're upset
20 and you want to take all your anger out there, you
21 know, that's not right.

22 Like they say, keep your issues at
23 the door when you go to work. Don't take it into
24 the office with you. The same there. You have an
25 issue, if you're mad, leave it in your car. Go back

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1 in your car and scream or whatever. And you want to
2 go back to work over there. It's just not right.

3 And some of the people that sell
4 there, they're mean. They tell me, "Don't touch it
5 if you're not going to buy it." That's not what
6 we're there for. We're there to make money. If you
7 don't want people to buy, don't even take it out.
8 If you don't want them to touch it. And, you know,
9 that's our job. That's why people are there. Let
10 them take a look, let them handle, let them see what
11 it looks like. Not to be rude about it. If you
12 don't want them to handle it, it shouldn't be put
13 out there in the first place.

14 That's the kind of attitude people
15 are having out there. If they have the right
16 attitude and talk to people, that's good. But as
17 far as I'm concerned, we as the people that sell and
18 the vendors that sell, committee members are doing a
19 good job and, you know, that's the way it should be.

20 And we need to vote on all of this
21 because this is a lot to intake. And a lot of the
22 rules, like she said, they're all not on here. The
23 old rules had different rules in them, and it's
24 ongoing what new rules we have. I hadn't seen them.
25 I don't know when people are adding them on. And

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1 you have to open to other people that are out there.
2 I don't know if you're giving them this to go by.
3 Or what are you telling them that the rules and
4 regulations are? Is this what you're giving them
5 out there when they're applying for new
6 applications?

7 MR. LANGE: Are you asking me? These are
8 amendments to the current rule. These are draft
9 rules. And so the current rule is still in place.

10 MS. CHARLEY: So when people are getting
11 in to apply to get into the program, are you giving
12 them rules and regulations that they need to abide
13 by or are you just letting them come in?

14 MR. LANGE: So just for clarification
15 purposes, we're here on behalf of the Board of
16 Regents to try and get public comment on these
17 proposed rules. We at the Board of Regents don't
18 administer the portal program generally.

19 MS. CHARLEY: How do we know what they're
20 telling them to do or how to get on the program?
21 Okay. But this is a big issue for a lot of us.
22 And I'm here, I'm going to be an elder. I already
23 am. I act like 80 but I'm not.

24 But everything -- it has to be -- you
25 know, everything has to be looked at before anybody

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1 can go and just take this and hand it over and say,
2 this is what's going on. Thank you.

3 HEARING OFFICER THOMPSON: Thank you very
4 much, Ms. Charley. After we finish the hearing, if
5 anybody has any questions about that type of stuff
6 that's not specific to the proposed rule or the
7 draft rule, then we'll try to get you any answers
8 we have on those questions. Next we have Elizabeth
9 Tapia.

10 MS. TAPIA: Good morning. My name is
11 Elizabeth Tapia. I have been with the Native
12 American vendors program for like 35 years. My
13 mother was a vendor -- or she still is. I have a
14 sister that's a vendor also. I've been in the
15 program for 35 years -- over 35 years.

16 I'm just wondering, are these rules
17 going to be passed whether or not we agree to them?

18 HEARING OFFICER THOMPSON: Ms. Tapia,
19 this is part of the process for it. So the draft
20 rules -- I can tell you, as one of the folks that
21 will vote on it, that we're going to make sure that
22 our processes have been open and that we've
23 followed all of the rules we need to follow to
24 promulgate rules. And then we'll also make sure
25 that we've provided adequate time for everyone to

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1 give their input. And then we will take the
2 existing rules and the proposed rules, and we'll
3 make sure that they fit properly, the things we're
4 taking out make sense to take out or putting in.
5 So this is an integral part of that process,
6 because we do welcome your input, and it's
7 essential for us. So we welcome what you have to
8 offer.

9 MS. TAPIA: Okay. Well, I went -- I was
10 informed that I needed to -- if I wanted to see the
11 proposed changes to the rules, that I was supposed
12 to go to the museum and get a copy of the proposed
13 rules. When I went over there, the museum staff
14 gave me some rules, but they were the old rules.
15 And I looked at them and I said, "Well, don't I get
16 any more? Where are the proposed changes?" And
17 she told me, "This is all they told me to give
18 you." So I walked out. I said, "Okay."

19 I don't -- all I know -- because I
20 don't have my proposed -- the proposed change to the
21 rules, I don't have a copy of it, so I don't know
22 what's going on. But I did see what other people
23 have.

24 The other question I asked is if the
25 director read the Livingston lawsuit. Have you read

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1 it? Because I know that at the meeting, when we had
2 our annual meeting, I asked you to read it. Because
3 this -- that Livingston lawsuit is why these rules
4 are in effect right now.

5 Now, through the years, yes, we've
6 had little minor changes or additions and stuff like
7 that. But the main rule is the Livingston lawsuit.
8 Have you read it --

9 HEARING OFFICER THOMPSON: Ms. Tapia, I'm
10 sorry, this is -- we're not designed to do a
11 question and answer.

12 MS. TAPIA: It's just a comment.

13 HEARING OFFICER THOMPSON: But I'm
14 committing to you that after we've concluded this
15 part, if you have questions like that, which I
16 think are entirely appropriate at some point, just
17 not right now while we're taking testimony.

18 MS. TAPIA: So then I will move on to,
19 rules have been in effect for 40 years. We've had
20 some changes, minor changes and additions, and it
21 worked. It worked. I don't know when the -- the
22 state wanted to take over or do THESE proposed
23 changes.

24 I -- in regards to the program, the
25 museum calls us living exhibits. We don't only show

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1 our wares out there, but we talk to our customers,
2 we inform them of our backgrounds, we inform them of
3 how we came to make our art, how it's been brought
4 down from generation to generation.

5 And then not only that, but the
6 pueblo people, they have their celebrations in the
7 pueblo. So we invite them. We invite the public
8 out to the pueblo. And they can take part. So it's
9 not just limited at the porch. It's out to our
10 pueblos, too. We invite them over.

11 That's one of my comments. Oh, I
12 want -- okay. I forgot, I'm not supposed to ask any
13 questions. That's about it then. The only thing
14 that I can say right now, according to these rules,
15 is the only thing that should be changed is we not
16 be called a Native American vendors program. We
17 should be called the Native American artists
18 program. And I think that's the only thing that
19 should be changed. Thank you.

20 HEARING OFFICER THOMPSON: Thank you,
21 ma'am. Next we have Rodey Lee Guerro.

22 MR. GUERRO: My name is Rodey Lee Guerro,
23 and I represent the Navajos also at the portal. I
24 also come from four different Navajo reservations
25 here. Mine is the smallest, which is called Alamo.

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1 There's not a lot of people. I
2 called my parents and said that -- asked them for a
3 prayer and a blessing. And they said to represent
4 the tribe of the Navajos in this Board of Regents
5 meeting.

6 I'd like to say thank you in the
7 past -- thank you for the past that we -- that you
8 have let us use our rules and regulations which
9 today is still working for us. Also to say thank
10 you to the museum directors and also the active
11 coordinator, that our thoughts are not to be harsh
12 to them but a time to say, let's work together more
13 on the situations, you know?

14 There's a lot of talk about histories
15 and how this got started. And in '85, when I first
16 really started coming steadily to be a part of this
17 program, I did a lot of rules. And we sat in rooms
18 like this, and we talked and talked and talked. A
19 lot of times we had to come back to the Board of
20 Regents to approve and all that. And I really want
21 to say thank you for approving a lot of years for us
22 to look over our situations to keep it running.
23 It's important that it keeps running forever, that
24 this place is available for Native people of
25 New Mexico.

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1 My granddaughter that I'm teaching
2 now is going to be the fifth generation of
3 silversmith and turquoise art. My grandfather did
4 it, my parents, me, my children, now my
5 granddaughter. For any ways that anybody would say
6 this program is going to stop, it's going to stop
7 for my granddaughter.

8 There will be an end to my speech,
9 there will be an end to a lot of Native American
10 ways. Our jewelry says a lot about our culture. It
11 describes how it's put together, the patterns, the
12 designs on them. They mean something to us. So for
13 that, I'd like to say thank you for keeping this
14 program running.

15 A lot of things that I disagree with
16 is the first part. Protocols have been not followed
17 in our program. We usually talk about them and come
18 to a conclusion. Meetings, they take a long time,
19 just like this. But, you know, it's good hear every
20 side of it, which I say thank you, too.

21 And, also, in the past, we had a lot
22 of meetings like this with the Board of Regents
23 under different directors to have rules made. And I
24 do believe that protocol on your side is that you
25 have three public meetings within a year to make

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1 judgment or pass rules for us. And I believe that,
2 you know, that wasn't put on there, too. So that
3 gives us a lot of stress to try and figure out what
4 certain things mean. Okay?

5 So I want to say that, you know, it
6 should just be stopped, that the old guidelines are
7 still really good. At the end of the day, the
8 jewelry, the art that we sell, is still good. Okay?
9 Compared to what's in the stores, you know, it's a
10 hard thing to say. I don't know where they get
11 their jewelry from. I don't know who makes them.

12 My father is 92, my mom is 87, and
13 can't even do it no more, so we can count all the
14 elders out. There's about what you see in here,
15 middle age maybe. Our kids aren't really interested
16 in it, even though my granddaughter, she's 12 years
17 old, but she loves to make it. I tell her where to
18 go to sell, which is good, to the portal.

19 To me, it's one of the only programs
20 that exists in New Mexico or in the United States.
21 Okay? The educational part about that, a long time
22 ago, back in '87, I think, was that we can stand for
23 other reservations or other Native people around the
24 continent. That if we can make this work here,
25 there's a strong possibility that each one of the

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1 states that have Native Americans can have their own
2 place like this to run their own program.

3 So with that, I want to make sure
4 that I say thank you for letting this run. Because
5 we do have a future to look at, to represent the
6 Native people of North America, maybe South America,
7 places like that.

8 The next thing I want to talk about
9 is the coordinator on page 10, how it says that the
10 coordinator has the power to at any moment in
11 time -- the way I understand it -- I'm describing it
12 the way I understand it. Is, you know, they can
13 just suspend anybody at any time. It doesn't matter
14 who it is. If they have a disagreement, then, you
15 know, the coordinator might just have an off day and
16 suspend somebody that they're not supposed to. You
17 know?

18 All suspensions and all terminations,
19 it's got to take a lot of time. It just cannot be
20 on the moment the way it is described there. The
21 coordinator may take disciplinary action with or
22 without the recommendation of the committee. That's
23 a very strong statement. You know, it just like
24 totally puts me into another world. It just kind of
25 makes me feel bad, you know? That coordinator might

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1 be out there every day inspecting or writing things
2 down. Like maybe a security guard in a jail or
3 something like that putting their own input on it,
4 writing down what they see is wrong with us and all
5 that. That just rubs the wrong way on me, that
6 statement and all this other -- like No. 4, 5, and
7 6, you know. They just don't really work with me to
8 put a coordinator.

9 First of all, the museum, the
10 directors always tell us that there's no money to
11 hire more security guards to open all the doors. I
12 mean, to put a coordinator in there and be funded
13 through the state, I guess, it just doesn't work
14 right with me. And, also, if there is a coordinator
15 going to be assigned to us, that coordinator can be
16 a part of our program, can be a part Native to be in
17 there also, if there is going to be a coordinator
18 that is going to represent us or talk to us.
19 Because there is a lot -- in art, there is a lot of
20 different -- which what this is all based on, is
21 just art.

22 There is a lot of questions that a
23 coordinator should know. The last coordinator, I
24 think her name was Carlotta something. She is a
25 good person. She does a lot of business thought.

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1 And the way our program runs, is it runs under the
2 museum. And for us to run everything like a big
3 business is not allowed. We can run our own little
4 tiny personal business, yes, making jewelry and
5 selling jewelry, yes. But to be on the internet and
6 websites and all that, all that can be taken care of
7 on the individual terms. But the way Carlotta was
8 working, she wanted to work that way.

9 And she did make a big comment on
10 this hearing today, how she was here for seven years
11 and really been mistreated. You know, for seven
12 years, somebody mistreats you, why do you stick
13 around? I just don't see her being mistreated. I
14 worked with her for a long time. I was on the
15 committee when she came in. I just didn't see any
16 mistreatment of any sort on her.

17 And then also the other lady, Debbie,
18 I think her name was, that was before Carlotta. She
19 also was a very strong person. When we had our
20 committee meetings, instead of just sitting there
21 and listening, taking minutes, you know, they wanted
22 very strongly to impose their thought on this
23 program during the meetings. And it just doesn't
24 work that way. There is a lot of things that they
25 don't know about making art. They say they're

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1 artists. They say they do this. But it doesn't
2 work for us at all. So anything that has to do with
3 coordinating is not very good with me, period.

4 And, also, the time limit that was
5 given us, a week and a half ago to look over all of
6 this. It takes time to read each one of them and
7 kind of determine which way these new proposals are
8 going to take the program. So, you know, at the
9 last minute, we just kind of like, can't do this,
10 just can't do this. It's a total -- a total silence
11 on my side to -- you know, to kind of like, why are
12 they doing this to us? We have our own rules, and
13 they're strong, and you guys put them there for us.

14 There's a lot of meetings that I
15 went -- since '85, the coordinator -- not
16 coordinator, the Board of Regents, Cultural Affairs,
17 they come to your meeting. They never propose
18 anything like this on us. So there is a lot --
19 either totally dismiss this or give us a whole year
20 to look at it and come back three or four times
21 during the year for your meeting to discuss this
22 again. But right off the bat, there's so many
23 things in here that I don't agree with, so I would
24 appreciate it if it is just dismissed as trash.
25 Thank you.

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1 HEARING OFFICER THOMPSON: Thank you,
2 sir. Angel Quintana.

3 MS. ANGEL QUINTANA: Thank you. My name
4 is Angel Quintana. I'm representing the pueblo of
5 Cochiti and Santo Domingo Pueblo. I am speaking on
6 behalf of myself, my mother, my family, my
7 grandchildren, and my ancestors. And I
8 respectfully oppose the new draft rules. I believe
9 that we need to sit down and go through the rules
10 and talk about them and revise them together.

11 I agree they need to be revised.
12 They need to be clarified. Some rules that are new
13 rules need to be added in, and I agree with that.
14 As Native Americans, we usually don't have things
15 written down. We do things on watching our elders,
16 on respect of each other. So that's why we have a
17 lot of ghost rules in place.

18 And like I said, I do agree they need
19 to be revised or updated, but we need to come
20 together and do that. Because the way that they're
21 written right now, the power is taken away from us
22 Native people. And right now, we're having more
23 rules imposed on us as Native people who are
24 traditional, who do our own work, who sell our own
25 work, who demonstrate how we make our work. We talk

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1 about our work. We have more rules than people that
2 have shops, have put up stands. And they get away
3 with their -- they don't have rules like we do.
4 They can claim it's Native American. They don't
5 have to have proof. We don't know it's Native
6 American. It can come out of China. We don't know
7 if the turquoise is dyed.

8 And we impose those on ourselves
9 because we have different groups of artists. We
10 have pottery, we have jewelry, we have beadwork, we
11 have leather making. And that's -- when we have
12 subcommittees that come up with these rules and we
13 agree on them, and the people that are making these
14 rules don't do those kind of crafts. They don't
15 know what our traditions are. They're not out there
16 on the portal on a day-to-day basis knowing what's
17 going on, knowing what's traditional.

18 You can read in the books what's
19 traditional, what is not traditional. But it's not
20 always stated right, what we know as Native people.
21 And it varies from pueblo to pueblo and tribe to
22 tribe.

23 And so the people that are writing
24 these rules, like I said, they're not out there,
25 they're not enforcing the rules, they don't know

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1 what's going on. And some of these rules are being
2 broken by the people who are writing them. For
3 instance, one rule that has been broken is we, as
4 artists, agree that for somebody to come into our
5 portal they need to demonstrate that it is
6 authentic, that they can make it from literally
7 start to finish, and they use all the genuine
8 materials.

9 The committee is in charge of going
10 out to the people's homes -- and this is just a
11 little bit of background, in case you don't know.
12 But the committee goes out and they watch, you know,
13 can they collect the dirt, can they mix the dirt for
14 the pottery, can they fire it, can they paint it.
15 There is so many details into making jewelry. What
16 I hear is happening is they're breaking those rules
17 by allowing it to happen at the portal. It's not
18 being made in the home. It's not being done from
19 start to finish. And those are the kind of rules,
20 like I said, that are being broken and that aren't
21 in our rulebook.

22 But please consider holding off on
23 these drafts and I hope this isn't just a formality
24 you guys are doing. And I pray to our ancestors
25 that you guys listen to us and work with us, because

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1 we are the people that are sitting out there, and we
2 are the people that need -- are enforcing them. And
3 I believe we and our committee, our present
4 committee and our past committee, are doing an
5 awesome job.

6 And I want this to be traditional.

7 My grander is the sixth generation. It may even go
8 back even further. My granddaughter is learning how
9 to bead and do silversmith, and I want to protect
10 her rights as well as everybody else's grandchildren
11 for the future.

12 So our ancestors went through this,
13 and now we're going through this, and our
14 grandchildren will probably go through this. But
15 take into consideration and listen to us and talk
16 with all of us, because we all have knowledge. And,
17 again, thank you, and thank you for listening to me.

18 HEARING OFFICER THOMPSON: Thank you very
19 much, Ms. Quintana. Maya Quintana.

20 MS. MAYA QUINTANA: Good afternoon. My
21 name is Maya Quintana. I'm from the Pueblo of
22 Cochiti and Zia Pueblo. The reason I got into the
23 program was for my grandmother. When she became
24 disabled, I was allowed to sell for her.

25 I'm here to oppose the rules. These

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1 rules give a lot of authority to the museum, the
2 director, and the coordinator. New Mexico has a
3 very unique cultural program that is very -- this
4 isn't in many places around the country or even the
5 world. I believe the State of New Mexico and Board
6 of Regents have that responsibility, to ensure that
7 the portal program is kept preserved and as
8 traditional as possible. Traditions should be
9 handled with care and respect.

10 My ancestors and elders fought for
11 the porch, so not only I could have the opportunity
12 to sell there but generations after. With all due
13 respect, if the museum director and coordinator run
14 the program, I believe we lose that aspect of
15 tradition.

16 In the court case of Livingston, the
17 judge wrote a little piece I'm going to read. "The
18 Indians under the portal are charged with the
19 responsibility for allocating the space, maintaining
20 a fair and orderly market, and guaranteeing that the
21 articles offered for sale are genuine Indian
22 handmade goods. It is not the policy for the
23 Regents to operate an open market. The portal is to
24 be used for the Indian program or not at all."

25 That court case wanted our program to

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1 be self-determined, to be run by ourselves. And
2 with these new rules that they're trying to -- that
3 we're looking at to pass, the committee loses the
4 authority to maintain and enforce that all handmade
5 goods are genuine.

6 I'm sure that the director nor the
7 coordinator will never check or investigate
8 authenticity. You will never see them hold the
9 drawings of the spaces on weekends. They have no
10 interaction with our program on the outside of the
11 museum, the porch side. And why should they be
12 trusted with the responsibility of preserving the
13 program? So on here, the rules where it has the
14 coordinators and directors as being responsible for
15 the program, I don't agree with that.

16 And then another thing. On page 7,
17 daily operations, B, No. 5, it talks about the
18 spaces that cannot be shared. But the spaces were
19 numbered a lot differently before -- they were
20 numbered differently, because some spaces were taken
21 out recently. There was -- there is lot of parts of
22 the building that stick out. And if a vendor got
23 that space, you have to stand there all day. That's
24 why some of those spaces aren't allowed to be
25 shared. But since then, the spaces have been

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1 renumbered, so that needs to be revised. That
2 has -- that's not relevant to this day, and I don't
3 know why it's in there.

4 Another one was page 11, B, metal
5 smithing. It talks about the metals we can use. It
6 has silver and gold, but it doesn't talk about brass
7 and copper. And right now we are allowed to use
8 brass and copper, and that will take a lot -- it
9 would hurt a lot of people that only work with brass
10 and copper. They don't work with silver. So that
11 needs to be looked at as well.

12 But I think a lot of these rules are
13 just -- it's just a big mess, and it needs to be
14 revised again and really looked at and more
15 organized, and some of them aren't valid now. I
16 mean, things have changed. And I'm not sure exactly
17 who revised these rules, but I believe they need to
18 be revised again and then voted on by the portal
19 program before it's brought back to the Board of
20 Regents. Thank you.

21 HEARING OFFICER THOMPSON: Thank you very
22 much, Ms. Quintana. Frances Martinez.

23 MS. MARTINEZ: Good afternoon. My name
24 is Frances Martinez. Originally, I'm half Santa
25 Clara, half Cochiti. Relinquished and went to be

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1 with my family in San Ildefonso. So I'm not a
2 registered member in San Ildefonso.

3 Basically my inquiry for what's going
4 on today is, I thank everybody that's been involved
5 and all of the opinions, the comments that everybody
6 is stating, which are good, and it's good to hear
7 our people talk.

8 Basically, by starting off, the
9 New Mexico legislature established the museum in
10 1909 in service of the Indians, have been part of
11 the museum program in the interest of stimulating
12 Native American arts and crafts and encouraging the
13 educational consequences of the board of the museum
14 to carry out educational, traditional policies, to
15 preserve the traditions of where we are at in
16 New Mexico. The importance of this decision was to
17 uphold what we stand for in our Native American
18 arts.

19 It's brought people from all over the
20 world. It's brought numerous amounts of monetary
21 value here to our state. And, you know, and I think
22 that's where a lot of where we're forgetting the
23 purpose of why we're there, is because we're very
24 unique. We're a unique program that sits right in
25 the middle of our city. It has a lot of history, a

N/A

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Hearing

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1 lot of education, and what comes down to it is a lot
2 of traditions.

3 If you look in the old archives,
4 you'll see different pictures. Yes, I mean, you see
5 a lot of pottery out there, and all those spaces are
6 full of pottery. I can only speak of pottery
7 because that's what I do. My husband's grandmother
8 and grandfather are living legacies that continue
9 this back in the 1900s with the -- with Edgar Hewett
10 and Kenneth Chapman, and it was noted that the plaza
11 was known as a trading space.

12 Pottery is the womb of our mother.
13 It has the Earth, it has the dirt, it provides us
14 with the clay. All our pottery is traditional, with
15 natural materials. We used to go dig our clay to
16 get our natural red iron oxide. It replenishes our
17 trees with the wood that we use to fire. Our
18 animals give us their poops to fire our pottery. We
19 use cow manure which helps us to achieve the high
20 heat that we need to get where we're going in our
21 pottery. Then we use what comes from the horse
22 manure to oxidize our pottery.

23 And bringing all this, everything is
24 our Creator's gifts. We go out and we gather, we
25 pray, we bring this home. We make our own clay. I

N/A

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Hearing

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1 couldn't even give you any definitions of a clay
2 shop, what materials or how they make their things.
3 But in my heart, I hold dearly that this is --
4 everything that we use is a gift from the world,
5 from the Earth.

6 And that's how come I think it's very
7 important each and every one understand that we
8 can't take this lightly. We're out there for a
9 reason. We're out there to educate, we're out there
10 to keep our grandparents', our grandmothers'
11 everybody's legacy going. Their history, their
12 background. And I just feel that, you know, a lot
13 of these rules -- I'm going to say a lot of these
14 rules are somewhat good rules -- words. But we need
15 to help educate or help -- like when you come out
16 and start saying "and" or "or" or prepositions or
17 directives, regulate this, regulate that,
18 objectives, you know, you need to reword a lot -- a
19 lot of these rules just need minor and more
20 understanding wording.

21 As we get into what a lot of people
22 have stated on 3, which is the administration of the
23 program, I feel -- I don't speak much, and a lot of
24 people -- I mind my own business. I watch my 12
25 blocks, educate my customers, but I felt the

N/A

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1 administration does need looking into. Last year,
2 my husband, who served on the committee, was a
3 very -- I can't say it, upstanding -- I'm proud of
4 him. I may not say that every day at home, but he
5 does surprise me. But last year, he went through a
6 lot. Defamation of character. He was threatened.
7 He was accused. And we went to the coordinator and,
8 yes, the coordinator was involved in some of these
9 things and didn't go to the director, who he should
10 have went to. And none of this was solved.

11 And we've been -- we come from a
12 family that has been here since the 1900s where
13 Mr. Hewett and Chapman did archaeological sites with
14 my husband's grandparents. And so, basically, we
15 know the meaning of true history, and we know what
16 goodness the portal brings out as a learning
17 experience to the community, to tourists and to
18 people that come to see, you know.

19 And, like one artist said, that we
20 also do invite them to our homes, to our pueblos, to
21 interact with us and see our dances, see how -- you
22 know, hear about our prayers. Because if we didn't,
23 you know, like, we start our work from the
24 beginning. And, basically we use our water, which
25 is a blessing. If we didn't have water, we wouldn't

N/A

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1 be hydrated. We use all these things that are, you
2 know, are just gifts from our Creator, and we're
3 coming here to help educate the history of what we
4 do.

5 And, you know, like I said, a lot of
6 these rules are good, and a lot of them just need to
7 be revised, as we all said. And, you know, we just
8 all need to learn to stick to the beginning. A lot
9 of these things -- our grandparents didn't have all
10 this technology back then, and that's what kept us
11 so unique, so different, so special. And if you
12 want to go those different routes, that's why you
13 can step off the portal and go to arts and crafts
14 shows. But this place on the museum is what keeps
15 us who we are as Native American artists, different
16 from everything else. And, yes, we do need some
17 rules to help clarify where we're taking our program
18 and help us to continue to be who we are. Because
19 if we don't, we're going to lose it.

20 And that's one of the places we have
21 to understand, that's, you know, what only some of
22 us do know and how we were taught. And when we go,
23 when we leave this Earth, we're not going to take
24 anything materialistic with us. The only thing we
25 are going to take with us is what is embedded in our

N/A

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1 hearts, in our chests, in our soul, and the words
2 and the advice and the guidance we were all given.
3 Everything else is left here for whoever continues
4 to live on.

5 But I'm just saying, we need to take
6 time. Maybe we need to designate another quorum or
7 subcommittee that only focuses on rules. And we
8 need a coordinator that's going to put at least 80
9 to 85 percent of their time to our program if
10 that's, you know, allowed. Because they need to
11 know where we come from. They need to know what we
12 do. They need to know how things work on our sides
13 of being Native, you know, being Native American
14 Indians. Because there's so much history. And
15 unless they take that full time to understand, then
16 they have no -- they have no knowledge, basically,
17 of how we are or what we are here to do and -- but
18 all I'm saying is, maybe this can be tabled for a
19 while, and we can agree on a subcommittee that just
20 does the rules, and continue forward from there.
21 Because compared to this and this, there are a lot
22 of good things that do help us.

23 I mean, I'm strong forward in keeping
24 no kilns with Native American pottery. I'm also for
25 the demonstrations being held at home, because that

N/A

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1 gives us or the committee true identity of that
2 person, that they do their own art and they do
3 continue -- you know, like they have the machine do
4 it. They have the clay out there, and they have
5 everything readily available, you know, that
6 previous fires have been done there or previous --
7 you know, they know they do their work because
8 that's who we are.

9 Authenticity is what we have to
10 understand. It plays a very important role of this
11 program. We just have to help one another and,
12 hopefully, we can come to that -- where we can get
13 these under control and, you know, it all works for
14 us because right now, there is just a lot of things
15 that need maybe a little bit more talking about and
16 rewording. But, you know, I do thank you very much
17 for listening to me and everybody else, and we'll,
18 hopefully, move on and get this in a better place.

19 HEARING OFFICER THOMPSON: Thank you very
20 much, Ms. Martinez. We have one more scheduled.
21 Lee Allen Paquin.

22 MR. LEE ALLEN PAQUIN: My name is Lee
23 Allen Paquin. All my family members are here. My
24 dad used to be a chairman. My brothers used to be
25 past committee members. I worked on the committee

N/A

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1 for -- this is my 16th. I first got on when I was
2 19 years old.

3 I know the rules pretty well from
4 these rules and for the ones before. We started out
5 with this one. When I first came on this is one of
6 the first rulebooks. But I seen the one before.
7 There was only 11 pages on there. And if you expand
8 it and put it on regular size, it only came out to
9 six and a half pages. We've gone from six and a
10 half pages in 2000 to 14 pages in, I think, it was
11 2014 to 17 pages this year.

12 I went through the whole thing, and I
13 looked at everything. The one thing that was
14 brought up earlier that stood out to me, it was in
15 the first page, is these rules are, like Marvin
16 said, these rules are no way an assumption of
17 responsibility by the division board, what have you.
18 That was my big problem. Okay? Because once you
19 start reading, once you read that line and then you
20 get after your definitions, it talks about -- it
21 talks about the resolution, it talks about
22 administration. Okay? And if anything -- if
23 anything, why would you want to administer a program
24 that you don't want to take responsibility for.
25 Okay?

N/A

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1 And that's the whole point of the
2 committee. The committee takes responsibility of
3 the portal program and the vendors itself. And that
4 is based on the lawsuit that Ms. Anderson and
5 Ms. Quintana brought up. She brought up
6 self-determination, and that was the major thing in
7 that lawsuit. Self-governance. Who better to run
8 this program, to administer this program, and to
9 govern this program than the vendors themselves.

10 Okay?

11 And it is no disrespect to the Board
12 of Regents, no disrespect to the museum or the staff
13 itself. But how much do you really know about
14 stabilized turquoise? Do you know the process of
15 black pottery, how it goes from regular pottery?
16 I'm pretty sure you don't.

17 That is why all of this, I'm going to
18 go straight to the fact that there's not a single
19 page in these guidelines that you won't find the
20 word at least three times coordinator or director.
21 Not one single page. Except for page 11, it doesn't
22 say anything because that's just -- it shows
23 everything cited there.

24 But I've talked to the coordinator a
25 lot. You know, I got his input about our program,

N/A

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1 Okay? Our coordinator doesn't even have time. He
2 has one day, one day out of the week, afternoon 'til
3 the time he leaves, to deal with any issues that
4 come up with the portal program. But then in here,
5 all these rules are written so that he has to keep
6 the files, he has to attend demonstrations, he has
7 to do all that stuff. He doesn't barely have time
8 for us, and then we have a meeting every two weeks.
9 He's there, but then sometimes he has to change his
10 schedule. Okay?

11 That's the problem. If -- I feel if
12 the museum wants to run the program, let them do the
13 duty days. Let them do the draws. Let them do the
14 inspection. Okay? My problem is that we're already
15 running the program, we're already doing a lot of
16 the stuff that we could take care of ourselves on a
17 daily basis. But all this administrative stuff can
18 be done by the committee.

19 We hardly ever see the director. And
20 that wasn't true before, you know? I mean, if you
21 walked out there and you asked a lot of the people
22 who this gentleman was they were walking with, they
23 probably couldn't tell you who he is. And that was
24 one of the things I first told Dr. Wulf when he
25 first got there, "You need to get to know these

N/A

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1 people, who are they, who they are."

2 I've heard a lot about Tom Chavez and
3 Charles Bennett and how they interacted with the
4 vendors out there. They knew a lot of vendors
5 personally. I didn't know either one of them
6 personally. They were before my time. And what
7 made me want to get on the committee was because of
8 all the positive stuff that the committees did by
9 themselves for themselves.

10 Before John Chavez, he never attended
11 the meetings, the committee did everything.
12 Committees had their own bank account to take care
13 of stuff. Nowadays, we have to write a letter
14 requesting money that has to go to the museum
15 foundation. It's that hard to get money to get
16 approved, and sometimes we need it that day.
17 Sometimes we need it for this coming week. You
18 know, stuff comes up.

19 But that's the stuff I'm talking
20 about administering a program. I don't feel like
21 all this stuff that is related to Section 9, all
22 this stuff -- and a lot of this about having the --
23 I have it in pink here. This is the short version.
24 I went through the whole thing, and I left my paper
25 at home, but it had everything to do with the museum

N/A

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1 and the committees.

2 Red is for everything that I don't
3 think that belongs. Yellow is for stuff that I'm
4 fine with. Orange is for stuff that can be
5 alternated. And that's just my version, you know.
6 It took me almost three days do it, to go through
7 that whole thing. And I only got it last week.
8 Maya, was it last week I talked to you? Yeah, it
9 was last week. I didn't do my homework for three
10 days because I was trying to go over this. And in
11 some cases, I read word for word every single thing
12 that's in here. Okay?

13 I have -- I'm really good at English
14 and reading stuff. So I read everything word for
15 word and how it's written and how some things can be
16 misinterpreted in some ways. But I'm also looking
17 at it from the perspective where the penal part
18 about terminations, about suspensions and stuff like
19 that, from what I understand, long before, there was
20 no such thing as terminations, long-term
21 suspensions. Okay? Like somebody noted.

22 It started out with a lot of pueblo
23 people here. As a pueblo person and as a parent,
24 you talk to your kids, okay? You don't discipline
25 them in the way, well, I'm going to take this away

N/A

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1 from you, I'm going to take that away from you.
2 Talk to them, you tell them, this is what's going
3 on, fix this problem. Okay? You made the problem,
4 you fix it. With this, it's like, you caused the
5 problem, now you're gone for 30 days. No questions
6 asked. Yes, you can try to explain to me, but I
7 don't want to do that to you. In all the years that
8 I've been on the committee, I've only been part of
9 one termination, and that was this year. And to
10 this day, I feel bad about it, but it had to be
11 done, you know. And with all these guidelines in
12 here that says that the coordinator can terminate
13 somebody, the director can terminate, I don't think
14 you want that on your belt. It's hard. You're
15 dealing with somebody's livelihood. But imagine
16 there's some committee members that have been part
17 of more than three terminations. And I still think
18 about -- I still see these people that have been
19 terminated. They're still friends. But they're not
20 part of this program anymore.

21 And there's ways to work around,
22 being as a lot of the time you heard punitive in
23 these rules, you know? A lot of these rules, my
24 perspective, are too specific, and they're very --
25 they go -- they're aimed at certain people. Because

N/A

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1 over time you hear about certain rules, you know?
2 And these rules, some of the rules are made up based
3 on certain things that other people have done. And
4 I can see it in here, but I'm not going to go and
5 point them out specifically. But this whole book,
6 from 14 to the end, is pretty much all that really
7 applies to the program itself.

8 And then like the meetings before
9 that and the daily operations, that's all committee
10 stuff. The portal committee. Everything else, page
11 6 -- page 1 to 6 has nothing that involves the
12 portal itself. Okay? It basically says that the
13 museum can take itself and inject it into the
14 program. And this rulebook, there's really not
15 much -- very seldom in this rulebook do you see
16 anything that has to do with the museum, and this is
17 the 2001. And even before that, there was nothing
18 that said anything that had to do with the museum,
19 you know?

20 So at some point between 2000 and
21 2018, it went from all these individuals back here
22 running this program to two people running the
23 program as of this draft. That's not good. Are you
24 going to come out every weekend and do inspections?
25 I'm pretty sure you work all week. That's not your

N/A

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1 job. You know, I'm not doing this to make you feel
2 bad, but that's part of our job. That's where this
3 came from before you guys got here, you know? I
4 know Seth works hard. He does more than he should.
5 But he doesn't have enough time for us.

6 You guys don't have money to hire a
7 full-time coordinator. You guys barely have enough
8 money, like somebody said, to hire security guards.
9 Why would you want all this more responsibility?
10 And that's what it is, it's responsibility. It's a
11 duty. That's why they call it a duty spot. We have
12 a duty. We have a responsibility, as committee
13 members, to govern every single person here. To
14 govern that whole body. To self-determine. That's
15 our whole deal. We don't want anybody telling us
16 how we should run the program. We don't want
17 anybody telling us this is what we should be doing.
18 If anybody's going to do that as an individual
19 vendor, that's going to be the committee. That's
20 going to be the chairman, the vice chairman, and
21 seven other members plus the four other alternates.

22 I'm not trying to make the museum
23 representatives feel bad. I'm not trying to make
24 you guys feel bad. I'm just explaining to you, what
25 authority do you have -- when was the last time you

N/A

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1 were at the porch? Was it in this past year?

2 HEARING OFFICER THOMPSON: Sure.

3 MR. LEE ALLEN PAQUIN: How many of the
4 vendors do you know?

5 HEARING OFFICER THOMPSON: None.

6 MR. LEE ALLEN PAQUIN: How many family
7 members do I have? My family itself, and I can
8 only speak for myself, has a history, just like
9 Ms. Anderson. Her granddaughter is what they call
10 an alternate, but she is a committee member in my
11 eyes. Her son-in-law is a committee member. She
12 has been a committee member. So why take what has
13 essentially belonged to us even before it was a
14 program, even before Livingston?

15 You know, the Palace of the Governors
16 was a place that people sold even before it was a
17 museum. There was no rules and regulations for them
18 because they did everything themselves. They took
19 care of themselves. They were small businesses,
20 they were individual entities, just like we are
21 today. Nothing's changed. Aside from the fact that
22 the rules have changed, yes. And that's only to --
23 that's only to accommodate certain things that have
24 gone on in the past.

25 I read these old 2000 rules, and they

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N/A

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1 still apply today. But then like Ms. Martinez said
2 just a second ago, it's like some of these can be
3 revised, some of these need to be worked on a little
4 bit. And that's just the basic guidelines that
5 apply to the vendors themselves.

6 The major change that, in my view,
7 that needs to be taken out is the administration of
8 the program by the museum, by the director and by
9 the coordinator. It's basically -- it's
10 basically -- it's basically the State of New Mexico
11 trying to go into a pueblo and tell them what to do.
12 That's as simple as I can make it and I can describe
13 it. But no state official can go into any pueblo
14 and do that.

15 HEARING OFFICER THOMPSON: Sir, could I
16 ask you a question? Do you think the regents don't
17 have the ability to promulgate the rules or the
18 power to?

19 MR. LEE ALLEN PAQUIN: I'm not saying you
20 guys don't have the ability to promulgate.

21 HEARING OFFICER THOMPSON: I'm asking
22 you. Do you think the regents have the power to
23 promulgate rules?

24 MR. LEE ALLEN PAQUIN: Yes, you do.

25 HEARING OFFICER THOMPSON: And can I ask

N/A

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1 you some other questions? Do you think that some
2 of the rules need to be revised?

3 MR. LEE ALLEN PAQUIN: I think a lot of
4 the rules need to be revised. My paper, I left it
5 at home, it's orange, red, and yellow. This I just
6 did in the past, what, three hours that we were
7 here, you know, and I sat and I listened to
8 everybody. And I understand. And even like the
9 code of conduct, there is a part in there that
10 talks about you can't have your brother, your
11 sister, or something like that.

12 In the pueblo way, your brothers and
13 sisters could also be your cousins, your nieces and
14 nephews are your grandchildren. Your
15 grandchildren -- any young child that has an
16 older -- that has their parent and an older, that's
17 their grandparent as well.

18 I'm not Navajo, but there's a Navajo
19 lady that called me (non-English word). I have no
20 problem with you guys taking care of this. I have
21 no problem with us creating these rules, because
22 it's been done in the past. That's how it's done.
23 Yes, you guys have the final say. But at least give
24 us a shot to get our whole group together.

25 I'm not saying give us a year. I'm

N/A

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1 saying, give us a chance to have a whole group put
2 together and have us go through these individually.
3 This is just my personal opinion. But that's only
4 because I read every single thing word for word.

5 And as far as the administrative code
6 that I never knew when it actually -- the date it
7 actually came into effect as far as numbering it.
8 Because of these, it only says 57. You know? And
9 from my understanding, administrative code was a
10 state law. That's the part I don't like. That's
11 the part I don't get.

12 Because I don't -- I'm not an
13 employee of the museum. And like one of the other
14 persons said, I'm a part of the Pueblo of Laguna.
15 And that's where I think about, okay, do I need to
16 get my governor involved? But I don't think we've
17 got it to that point, because I'm sitting here
18 talking to you about this. I'm trying to explain to
19 you that we don't need all this extra involvement by
20 the museum. We didn't need it before. But
21 apparently we got it thrown onto us at some point in
22 time.

23 Because there was a time I was gone
24 from the committee for four years because it got
25 stressful. But that's part of the job. Because

N/A

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1 you're dealing with individual peoples. Not only
2 committee members but also individual vendors. Do
3 you guys want that more stress? Because sitting
4 down -- like I said, it's talking to people, like
5 I'm talking to you.

6 I only have my history from my dad,
7 my aunts, and my uncles. My uncle Char and my uncle
8 Lem and my auntie Jane, they have all been members
9 here and they're still members, as well as my dad.
10 My history gave me this book. Somewhere along the
11 line, my history changed to this. And it's not --
12 it's not -- in my perspective, it's not Native ways
13 of doing things. And it's hard to say, but this is
14 a (non-English word). That means white people.

15 Our way of doing things is to talk to
16 each other, to work with each other. That's why I
17 believe in that whole idea of the Livingston case.
18 Self-governing. Let us take care of ourselves. Who
19 better to take care of us than us? I just don't
20 feel that all these rules that include the
21 coordinator and director should apply to us.
22 Because we can do that. We're already doing that in
23 our own way.

24 We don't ask much from the museum.
25 We literally don't. But they do request a lot from

N/A

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1 us. To sign in to go to the bathroom. Never agreed
2 with that, but I do it anyway because it's close and
3 it's convenient. To sign to get a paper copy of the
4 draft. I never had to sign for anything that had to
5 do with program stuff. And I agree with Liz Tapia
6 on that, by the way. It should be portal artist
7 program, not vendors. I'm not a vendor. I'm an
8 artist. But that's aside from the point.

9 But for me, I would just ask that you
10 stop -- you let us get our ducks in a row so maybe
11 we can come back with our own revised version of
12 this as a large group. Because like one of the
13 committee -- like, I heard Patricia say, she didn't
14 know anything about subcommittees that were going
15 on. Not a lot of vendors do. And if you went down
16 along the porch and asked anybody if they knew who
17 the ADA Coffey was, they couldn't tell you. Maybe
18 only certain committee members could tell you that.

19 But we need to have time to go
20 through this whole thing. So just like I said, I
21 know this is just commentary. You guys just hear
22 our opinions. You don't have to take anything we
23 say into consideration. You don't have to use
24 anything that we say. But I'm asking you to stop
25 and say, okay, let's give them a chance. Let's give

N/A

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1 them time so that they can do this, you know?
2 Because the way I see these, these are written by a
3 lawyer that's for the Department of Cultural
4 Affairs, that's for the museum, that's for the Board
5 of Regents. Not for the vendors.

6 And I'm going to be honest, but a lot
7 of people won't be able to interpret this the way --
8 as well as I can, as well as my brother Bruce can.
9 But that would be our job, because he is a former
10 committee member. I'm the vice chairman right now.
11 I'm the type that's going to lead, follow, or get
12 out of the way.

13 I'm the one that went off on a
14 different tangent. But these are my opinion, these
15 are my views. That anything that has to do with
16 coordinator and director should be taken out of
17 these rules and replaced with committee. You don't
18 even have to change a lot of these things. All
19 you've got to do is change two words and replace it
20 with one. I think that's all I have.

21 HEARING OFFICER THOMPSON: Thank you very
22 much. And if you'd like to leave -- if we can make
23 a copy of them.

24 MR. LEE ALLEN PAQUIN: I will just go
25 home. And I've got an extra copy, so I could go

N/A

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1 and bring one back and leave them as an exhibit at
2 our next one.

3 HEARING OFFICER THOMPSON: We're going to
4 take a five-minute break for the speedy handed
5 person over here. Thank you, and we'll come right
6 back. We have one more, and we'll enter some
7 exhibits.

8 (A recess was taken.)

9 HEARING OFFICER THOMPSON: We are going
10 to call this back to order. We have Mr. Herbert
11 Toledo. Good afternoon, sir.

12 MR. TOLEDO: Hello. My name is Herbert
13 Toledo. I'm from the Navajo Nation, northwest
14 New Mexico. And I've been selling here since '91,
15 and my brothers and my family have been here since
16 the late '70s.

17 And let me give you a brief history
18 about our silver. We've been doing silverwork since
19 1870. Not the 1900s, 1870. That's when ours
20 started. We started with the peso, silver coins
21 from Mexico. But back then, you can't get no silver
22 or bullion copper. That's how ours started with the
23 jewelry making. The lapidary didn't start until the
24 1920s.

25 Let me give you a brief history about

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1 our jewelry making. It's been around since 1870,
2 right after the Long Walk. They call it the Bosque
3 Redondo. It's Tucumcari, New Mexico. 1864 to 1868.
4 We signed a treaty.

5 That's our history of New Mexico.
6 Before it became a state, 1912. And we've been
7 making jewelry since then. It started with making
8 the horses, bridles for horses and saddles, anything
9 to do with horses. That's how it started. And then
10 the ladies started wearing the conchas. That's how
11 our history started.

12 Nobody talked about this, the Navajo
13 Nation. I was just listening. Everybody left now.
14 But that's our history. There's about, oh, say,
15 maybe half my tribe are represented at the portal.
16 We're a big nation.

17 So let me explain it to you. That's
18 how we're represented, and about 60 to 70 percent is
19 mostly jewelry that are represented out there, what
20 we make. The rest is like pottery, bead making,
21 sculptures, and -- but mostly it's jewelry. That's
22 how our portal is. And we make everything from
23 scratch, from wire to sheets. That's how it's made.
24 We don't buy basal cut that's already made. We make
25 our own basal. We make our own cut. They sell them

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1 now. No matter what shape, how many millimeters,
2 round. Just make your own. Start with a sheet, a
3 plate on the bottom and a basal. Cut it and solder
4 it.

5 Same thing with the stoneware. Now
6 they have a lot of turquoise in stores. You can
7 just buy it. We buy them by the carat. We don't
8 buy it by the ounce. One carat equals five grams.
9 Some people sell them by the gram. There is a
10 difference you can calculate. But five carats
11 equals one gram. That's how we buy it. Because
12 I've been buying stones for a while. And I cut
13 stones, too.

14 And the way I look at it, the rules
15 that you guys are making is probably what you want
16 to do is make it the old way. Don't buy machine
17 made. Make your own. That's probably what your
18 rules are going to be, your proposed draft. That's
19 the way I look at it.

20 And then it's a new millennium.
21 We've got a new president, Trump. Everything is
22 changing. That's probably why this is happening.
23 It's really happening.

24 And I just wanted to explain my
25 tribe, how we make jewelry, how long we've been

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1 making it, and how long we've been selling out here,
2 since the '70s. My brothers -- well, they've been
3 here since '77 or '78, I think they came up here.
4 So we've been here for a while.

5 And nobody really explained nothing
6 about the Navajo, but that's my representation of my
7 tribe. And we have a lot of state senators in the
8 State of New Mexico, too, state representatives from
9 my tribe, and I know that, too. And some of them
10 can probably represent us. They talk. They're
11 educated. A lot of these people here are educated,
12 too. Some went to college. They know what's going
13 on. They read. I read a lot, too. It's good to
14 read. We believe in your religion, too. God,
15 Jesus.

16 We have our own culture the way we
17 have our own religion, too. I believe in both. I
18 read the Bible, different religions, Mormon, Amish,
19 Catholic, Baptist. You name it, it comes to one
20 religion, Jerusalem and Israel, and that's why I
21 believe it, too.

22 I just hope that proposed draft is
23 good for us and not against us. And I just hope we
24 get along real well. We pray together. And I'm
25 glad you guys are making us, you know, sell out

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1 there for years and years, the Board of Regents.
2 The first time I met you people, you're good people.
3 And you listen, and I thank you.

4 And this is what I wanted to say. I
5 hope the draft is pretty good on our side. We just
6 pray that we stay there. My people, Native
7 American, there is 22 tribes in New Mexico. There's
8 only like 15 of us out here. Some of the other
9 tribes are either losing their art or their culture.
10 There's 22 tribes here. There's only 15 of us
11 represented here, Pueblos, Navajos, and Apaches.

12 And everybody speaks their own
13 language. Some of the Pueblos, they understand each
14 other. But us Navajos, the only other tribe that
15 understands us is the Apaches. There is eight in
16 Arizona, two in New Mexico. It's the same language.
17 It's called Athabaskan. It's spoken through Canada
18 and Alaska. It's not just the Southwest. It's
19 spoken all the way here, North Pole. There is place
20 called the Dene Nation. They speak our language.
21 Up there there is a statue, too. So we've got
22 Canadian relatives. Let me explain that to you
23 people. And I thank you for letting me speak.

24 HEARING OFFICER THOMPSON: Thank you,
25 Mr. Toledo. We appreciate you being here and

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1 making time.

2 So earlier we had received testimony
3 from Allen Bruce Paquin, and he gave me a copy of
4 the letter that he -- it's an opinion from Michael
5 Gross. And then he also provided written remarks
6 that I would like to enter as Exhibit 16. And then
7 I will also take today's -- not the sign-in sheet,
8 but the sheet that everyone signed who has provided
9 testimony, and we'll enter that as Exhibit 17.

10 (Exhibits 16 and 17 admitted.)

11 HEARING OFFICER THOMPSON: The hearing in
12 this matter will be left open to receive additional
13 oral and written comments. Written comments will
14 be accepted until 10:00 a.m. on Friday, April 6,
15 2018. The hearing will continue for an additional
16 day at 10:00 a.m. on April 6, 2018, in this same
17 room, Old Senate Chambers of the Bataan Memorial
18 Building, Room 238, in Santa Fe, New Mexico, to
19 receive oral and written comments from those
20 persons who could not attend today's hearing.
21 Today's hearing is now adjourned until 10:00 a.m.,
22 April 6, 2018.

23 (The proceedings concluded at 1:44 p.m.)

24

25

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REPORTER'S CERTIFICATE

3 I, Deborah L. O'Connor, New Mexico CCR #297, do
4 hereby certify that the proceedings of the
5 above-entitled cause were reported by me
6 stenographically on April 3, 2018, and that the
7 within transcript is a true and accurate
8 transcription of my shorthand notes.

9 I FURTHER CERTIFY that I am neither an attorney
10 nor counsel for nor related to or employed by any of
11 the parties to the action, and that I am not a
12 relative or employee of any attorney or counsel
13 employed by the parties hereto or financially
14 interested in the action.

15

16

Deborah L. O'Connor, RPR, CRR
Certified Court Reporter #297
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