

New Mexico v. Abbott
Pueblo Claim Subproceeding II

Exhibit 1a
to
**OHKAY OWINGEH'S REPLY TO THE SANTA CRUZ ACEQUIAS'
& STATE OF NEW MEXICO'S RESPONSES (Docs. #2736 & 2751)
CONCURRING IN TRUCHAS ACEQUIAS' MOTION
FOR PARTIAL SUMMARY JUDGMENT
REGARDING PUEBLO OF SAN JUAN'S ABORIGINAL TITLE TO LANDS
OUTSIDE ITS EXTERIOR GRANT BOUNDARIES (Doc. #2719)**

Transcript of Deposition of Dr. Michael Adler

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pp. 44-45
pp. 55-56**

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW MEXICO

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4 STATE OF NEW MEXICO, ex rel., 68cv07488-BB
State Engineer, 70cv08650-BB
5 Consolidated

Plaintiff,

6 vs. Rio Santa Cruz and
Rio de Truchas
7 Stream Systems

JOHN ABBOTT, et al.,

8 Pueblo Claims
Defendants. Subproceeding II

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12 DEPOSITION OF DR. MICHAEL ADLER

June 25, 2009

13 9:02 a.m.

14 New Mexico State Capitol Building
490 Old Santa Fe Trail, Room 305
Santa Fe, New Mexico

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17 PURSUANT TO THE FEDERAL RULES OF CIVIL
PROCEDURE, this deposition was:

18 TAKEN BY: MR. TIM VOLLMANN

Attorney for Ohkay Owingeh

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22 REPORTED BY: Susan L. Findley, RPR, CCR 77
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25 (3388D) SLF

1 A I met Dr. Ford first in 1983 when I entered
2 graduate school at the University of Michigan. He
3 subsequently served as co-chair of my doctoral
4 dissertation.

5 Q I see in your CV that you made a
6 presentation -- on Page 7 of your curriculum vitae,
7 it appears that you made some kind of a presentation
8 for the Society of American Archeology, Collaborative
9 Knowledge and Richard Ford's Legacy of Integrative
10 Ethnoscience. And you prepared a paper for that?

11 A I did. And that was subsequently published
12 in a Festschrift that was authored by -- or edited by
13 Sunday Eiselt and some others, called Collaborative
14 Archeology. I think it's in the publication list.
15 So, yes, that was a symposium in honor of Dr. Ford's
16 work.

17 Q Okay. How difficult would it be for us to
18 get a copy of that paper? Could you provide that?

19 A Absolutely, electronically and in hard
20 copy.

21 Q Electronic is just fine. Mr. Waltz has my
22 e-mail address.

23 A Now, would you like the presented paper and
24 the subsequent publication?

25 Q If they're different.

1 A Can you repeat that?

2 Q Sure. That's a long sentence. Let me
3 rephrase it. Is there any archeological evidence
4 connecting any of the people who lived in the Tewa
5 Basin at the time of the entrada to today's village
6 at Ohkay Owingeh?

7 A I'd be willing to say that there are
8 archeological materials, including ceramics and,
9 where available, architectural layouts, that do show
10 continuities through time from the Contact Period up
11 to the present. But I'll qualify that by saying that
12 pottery aren't people. Architecture is not people.
13 These are stylistic and formal patterns that can be
14 related to identities, ethnicities, but that process
15 of linkage is complicated and goes beyond archeology.

16 Q You've referred to pottery and
17 architecture. Do you consider, within what we've
18 referred to as archeological evidence, to include
19 shrines and marked trails?

20 A Oh, yes. Archeology includes any material
21 remains of human behavior and human modifications of
22 the landscape in the past.

23 Q Is there any evidence of this kind of
24 modification that links the adjudication area, which
25 is the Rio de Truchas and Santa Cruz Basins, to

1 Ohkay Owingeh?

2 A There are linkages that I would -- in my
3 opinion, relate the archeological remains in those
4 two drainages in the adjudication to, among others,
5 Tewa speaking peoples in the area. But to say only
6 Ohkay Owingeh, I think, would be overly restrictive.

7 Q Are there any particular shrines or trails
8 that one could link specifically to Ohkay Owingeh, as
9 opposed to other Tewa pueblos?

10 A Without having worked with the actual
11 traditional elders of Ohkay Owingeh or other pueblos,
12 I couldn't answer that.

13 Q So it is possible?

14 A It is possible.

15 Q And Dr. Ford and Mr. Marshall in their
16 reports do report this. Does that reference -- is
17 that sound?

18 A Yes.

19 Q Please turn to Page 18. There's a
20 paragraph below the halfway point on that page that
21 begins, the primary ceramic. Would you read the
22 first sentence of that paragraph?

23 A The primary ceramic indication of late 15th
24 and 16th Century occupation in the study area sites
25 comes from micaceous and culinary wares, none of

1 hunting, depending on the availability of large and
2 small game, and -- well, and then cultigens, not just
3 relegated to corn but including squash and beans and
4 other foods.

5 Q So and I've already asked you to read from
6 Page 24, the sentence that begins on Page 18.

7 A Yes.

8 Q Reference to that the archeological
9 evidence argues for a significant decrease and even
10 absence of puebloan occupation in the Santa Cruz
11 River Basin during the late 15th and 16th Century. I
12 asked you at that time what you meant by occupation,
13 and you gave me an answer that I understood.

14 Is it fair to say that you did not mean to
15 say that the people in the village of Ohkay Owingeh
16 and those villages along the Rio Grande abandoned
17 this area totally?

18 A Can you rephrase that?

19 Q Yes.

20 A Sorry.

21 Q Yes, I can. I can do better than that. In
22 this sentence which ends on Page 24, when you refer
23 to the significant decrease and even absence of
24 puebloan occupation in the Santa Cruz River Basin,
25 from your definition of occupation and your

1 clarification of that in your previous testimony, I
2 take it that you were not referring to other uses of
3 the basin, namely hunting and gathering, and that it
4 is -- would it be fair to say that it's likely that
5 the people in the villages below these drainages
6 continued to use these areas for hunting and
7 gathering?

8 A It would be fair to say that. I use the
9 term occupation very specifically to characterize
10 multi-year permanent occupation of the area. Whether
11 the area and to what extent the area was used for
12 seasonal uses, transitory uses, that is possible,
13 archaeologically, though, it's not -- certainly not
14 as visible or able to be documented as is permanent
15 occupation.

16 Q Earlier you said you had met Alfonso Ortiz
17 or was familiar with his work. Have you read
18 Tewa World?

19 A I have, yes. It was in graduate school,
20 though.

21 Q Long time ago?

22 A Yes.

23 Q So you're familiar with the cosmology of
24 the Tewan people, people of San Juan Pueblo?

25 A I am, yes.