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Tom Diamond

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INTERVIEW WITH TOM DIAMOND
by Francisco Hernández
on
Wednesday, November 11, 1998
in
El Paso, Texas

1 FH: This is an interview with Tom Diamond by Francisco Hernández,
2 in El Paso, Texas on Wednesday, November 11, 1998. Tom, you
3 were born in Long Beach, California on March 28, 1923, to Tom
4 and Violet Diamond.

5 TD: Correct.

6 FH: Can you tell me something about your childhood?

7 TD: I grew up in Southern California, lived principally in the
8 southern part of the State, went to high school Dorsey High
9 School near Culver city; graduated from high school in 1942.
10 Of course, the war had started by then and I enlisted in the
11 United States Army, as a private, in 1942, and fortunately was
12 able to go to OCS and become an officer. Served overseas in
13 the war as an artillery officer in Australia, New Guinea, and
14 the Philippines. When I came back from the war, I went to
15 Stanford University, graduated in '49 with a degree in Civil
16 Engineering. That's about it.

17 FH: You were attending UCLA first, is that right?

18 TD: Yes, when I got out of college, when I got out of high school

1 I went there from UCLA, finished one semester there and then
2 I enlisted.

3 FH: What were you studying at UCLA?

4 TD: Civil Engineering.

5 FH: Did you graduate from UCLA?

6 TD: No, I went one semester at UCLA.

7 FH: One semester and then....,

8 TD: When I came back from the war I was accepted at Stanford,
9 finished up there.

10 FH: Tell me more about your involvement in World War II.

11 TD: Well, I served in Australia, in a little place called Townsv-
12 ille. It was still being attacked by Japanese aircraft when I
13 arrived there. Participated in the, the New Guinea campaign,
14 stationed at Finchhoffen, which is a large port in about the
15 middle part of the island. I was stationed at Wadke Island
16 which is a more northern point. Saw Maffen Bay, an interesting
17 thing there was that this was an area there that was inhabited
18 by the last cannibals in the world. I really enjoyed visiting
19 with the native people. My little outfit anchored the southern
20 edge of the perimeter and so I had a lot of contact with the
21 natives and enjoyed it very much. Brought a lot of beadwork

1 back that they did. I have fond memories of associating with
2 them. Took part in their dances and their celebrations and
3 things like that. Participated in the D-Day invasion of Luzon
4 on January 9, 1945, pretty scary thing. We had been under
5 attack from kamikazes, all the way up to the day of the
6 invasion. On the day of the invasion it really broke loose and
7 the Navy, in good faith, protected us, laid down a smoke
8 screen, thinking that would keep the Japanese from picking
9 their targets, but instead, the planes, the Japanese planes
10 just circled lower and lower and lower through the smoke until
11 they hit something. It actually became very unnerving. At the
12 same time we were under attack from suicide boats; they would
13 get these little landing barges, load them with dynamite, one
14 guy in back with a steering rudder and the other guy in front
15 with a match, I guess, would touch the dynamite off. I think
16 the greatest hazard, though, was the fire from our own ships.
17 There was a huge, huge, convoy and once we got in the harbor
18 it was pretty densely packed and all this was going on and
19 these planes are flying low and every body was trying to shoot
20 them down and these little boats would go into the water and
21 there was even submarine action going on. Every ship's got at

1 least a twenty-millimeter gun on it and everybody's shooting
2 at everything that moves. We were on an LST and man, you could
3 hear the shrapnel bouncing off the hull and it was terrible.
4 Boy, we were dying to get off that boat. When we got off the
5 boat that night we were under artillery attack and we couldn't
6 go inland because the front-line was about 300 yards offshore.
7 The Japanese had taken these large eight-inch naval rifles
8 from Corrigidor and put them on the road to Bagio and they had
9 command of the beaches and they'd just walk up and down the
10 beaches. I'll never forget that night. I was in a fox-hole
11 with Sergeant Boone and at the height of the barrage a huge
12 hunk of shrapnel caught the lip of the fox-hole I was in.
13 Everything was muddy, it had been raining and the shrapnel
14 tore through my helmet and cut a big, jagged hole in the top
15 of my helmet and knocked me forward and my helmet was in front
16 of my face. I reached my hand up and all I could feel was this
17 jagged, steel hole in my helmet and then I reached to the back
18 of my neck and I could feel this big hunk of mud back there.
19 I thought it was flesh. I thought my head had been torn off.
20 So I said: "Boone! Boone! I think I'm hit," you know, and so
21 then he struck a match and wiped the mud off, and said, "No,

1 Lieutenant, you're fine." I threw that helmet away, the helmet
2 was no good so I threw it away. I'd love to have that thing
3 now. I'd have it hanging on the wall.

4 FH: While you were in World War II, did you participate in any
5 battles that we would have heard of?

6 TD: Well, the invasion of Luzon, which was a major invasion, major
7 battle, yes. When I was in Wadke, it was no particular battle.
8 MacArthur was a brilliant general. He would land where the
9 Japanese weren't and then starve them out. There was a lot of
10 Japanese coming up the coast trying to get back to areas where
11 they were still in control. We were constantly under night,
12 emergency situations where Japanese were coming through the
13 lines. They were in pitiful shape, but they still presented a
14 real danger. The invasion of Luzon, which was January 9, 1945,
15 was one of the major battles of the Pacific.

16 FH: Where were you when World War II ended?

17 TD: I was stationed at Lingayon in the Philippines, at Lingayon
18 Gulf at a town called Dalgupon. There were some Air Force, Air
19 Corps, at that time it was Air Corps, some Air Corps officers
20 were messing with us, which means they were getting their
21 meals with us. They were going to pick up the Japanese

1 surrender team coming down from Okinawa and fly escort to
2 Manila. They asked me if I wanted to go along with them; I
3 thought "that'd be great," to see, this was August 17, 1945.
4 The Japanese had initially indicated that they were surrender-
5 ing on the fourteenth, but this was the actual surrender team
6 going to Manila to sign some documents and it wasn't the
7 surrender itself, which took place in, in Tokyo Harbor. This
8 was the actual document that ended the war. I went along with
9 them and when we got to Manila Bay, there were some destroyers
10 out there in the water, so these kids that were flying decided
11 to buzz the destroyers. We'd just buzzed one destroyer and got
12 back down on the deck and were going 280 miles an hour, which
13 is as fast as a B-25 will go, when the right engine caught
14 fire. We were right on the deck, so the wing dipped, hit the
15 water and we cartwheeled in. Fortunately we were in a mud bank
16 because otherwise I guess the damn plane would have sunk on
17 us, but this way it, we didn't know that, we were bailing out
18 of there, as fast as we could. I had seventeen fractures in my
19 left leg and didn't even know it. When you're in a circum-
20 stance like that, it's amazing how you just go ahead and your
21 adrenaline just carries you through. I didn't even know I was

1 hurt until I got in the water. I tried to crawl back on the
2 plane and the pilot pulled me loose, pulled me off, and said,
3 "No! Swim!" So, I was going underwater, and there was gasoline
4 in the water and it was burning and so you had to go underwa-
5 ter and you come up and catch a breath, and then go underwater
6 again. I heard someone say, "You can stand up." That's the
7 first time I knew we were in a mud bank. When I stood up, that
8 was the first time I knew I had been hurt. I couldn't stand on
9 my left leg, of course, so we got my left leg out of the water
10 and so I put a tourniquet on, had an artery that was bleeding
11 badly. I was all smashed up on my left side, I had broken
12 ribs, my left shoulder bone was broken, but I didn't know
13 anything was wrong. I had absolutely no pain. I swear to God
14 I was swimming and I don't know how you can swim like that,
15 but I was.

16 FH What direction did your education take after World War II?

17 TD: Well, I finished at Stanford in Civil Engineering, graduated
18 in '49, I went to work in the oil patches as an oil scout. Oh
19 no, I'm sorry, I went to work for Prudential Insurance company
20 as mortgage loan appraiser in Southern California. Then the
21 Korean War started and I was called back into service. I was

1 in the inactive reserve. I had been in the active reserve; I
2 was the radar officer for a ninety-millimeter battalion all
3 the time I was at Stanford. I'd have to go once a month up to
4 San Francisco to train, which consisted of dummy loading a
5 ninety-millimeter gun which wasn't very romantic. I dropped
6 out of the active reserves into the inactive reserves and,
7 son-of-a-gun, that's who got called up, it wasn't the active
8 reserves, it was the inactive reserves. I got called up in
9 1950 when the Korean War started so I had to go take a
10 physical, and at the end of the physical, they said, "does
11 someone have anything wrong with them that we haven't talked
12 about?" I said, "yeah." The doctor said, "what is that?" and
13 I said, "I've got an un-united fracture in my left leg."
14 "Well, you're walking, aren't you?" I said, "Yeah, I'm
15 walking, but, you know, I have a lot of pain once in a while
16 and sometimes I have to use crutches." "Well, stand on your
17 toes," so I stood on my toes and he said, "There's nothing
18 wrong with you." I said, "Well, I've got an un-united fracture
19 in my left ankle," and I knew it because they wanted to fix it
20 at the end of World War II and I wanted to get the hell out.
21 They didn't fix it, but I was walking, doing fine. They took

1 x-rays and I came back in a couple of days and they said,
2 "Well, your right, you do have an un-united fracture in your
3 left leg. We'll disapprove you for recall, but we think you'd
4 be wise to let us recall you because you need to get that
5 fixed. You're going to be incapacitated for a while. You might
6 as well let the government take care of the bill." I went back
7 in the service on that basis and went to Fort Bliss and
8 attended the guided missile school there and was selected to
9 stay on the faculty. While I was a member of the faculty I did
10 go back into the hospital and had some surgery on my left
11 ankle. They put a bone graft in and repaired the non-union.

12 FH: Who....,

13 TD: I spent the Korean War at Fort Bliss as an instructor of
14 guided missiles. When I got out, they offered me my commission
15 in the reserves and I said, "Thank you, but no thank you." I
16 didn't want to get called back again.

17 FH: That was going to be my next question. Who or what first
18 brought you to El Paso?

19 TD: The Army. I came here at the end of World War II as a patient
20 at Beaumont Army Hospital and I was called back in the service
21 during the Korean War and was sent to the guided missile....,

1 I had an engineering degree so I was a radar officer in the
2 war and had an engineering degree after the war so it was
3 logical they'd send me into a technical situation. I was sent
4 to the guided missile school at Fort Bliss. Both times I came
5 to El Paso was with the Army and of course I stayed on, like
6 so many other El Pasoans.

7 FH: While you were the El Paso County Democratic Chairperson, did
8 you meet any politicians that stood out for good or bad
9 reasons?

10 TD: Oh yes, sure, I met Jack Kennedy, spent a wonderful evening
11 with him in the Cortez Hotel. Jack Kennedy, Woodrow Bean,
12 myself and Ted Sorenson, who had served with Woodrow Bean in
13 the Marine Corps. Ted Sorenson was Kennedy's closest friend.
14 I believe he's still alive. Anyway, we had a wonderful evening
15 together, wonderful guy, Kennedy, just a terrific guy. I was
16 in charge of setting up his visit, he was running for Presi-
17 dent of the United States at the time.

18 FH: What year was that?

19 TD: That was in nineteen, let's see, 1960. Let's see, '60, he was
20 killed in '63, maybe it was '61. He was elected, he was
21 inaugurated '62, wasn't he? Yeah, that would have been in '61.

1 During the Fall campaign of 1961.

2 FH: You told me in a brief pre-interview that you first encoun-
3 tered the Ysleta del Sur Pueblo on July 4th, 1964. Can you
4 tell me about that first encounter?

5 TD: Yes. I was County Democratic Chairman at the time and one of
6 the school teacher's groups, I can't tell you which one,
7 called me and asked for a recommendation on a place to hold a
8 Fourth-of-July, patriotic, picnic. I suggested San Elizario.
9 Dick White had been elected to Congress so I got him to join
10 with me in speech-making that day. I gave a typical political
11 speech. Dick White talked mostly about Oñate having reached
12 the river near San Elizario. On the way back from that
13 meeting, Jack Salem was with us, he was the News Director for
14 Channel 4, CBS-TV. We were commenting upon the remarks Dick
15 White had made about the early, Spanish History of El Paso
16 going back to 1598. Being from California, that's long before
17 any Spaniards were in California, more than 100 years before
18 there was any Spanish activity in California. I couldn't
19 believe these things were going on in El Paso. He suggested
20 that maybe I was the lawyer to look into the problem the Tigua
21 Indians were having. Of course, my attitude at the time was,

1 Lord, if they're Indians, the BIA will take care of them. I
2 told Jack that, he said, "No, they're not recognized and the
3 BIA won't help them and their homes are in tax-foreclosure.
4 They need help desperately." That led to my introduction to
5 the Tiguas. Jack made an arrangement with a fellow named Alex
6 Candelaria to meet in Pablo Silvas' home on a Saturday, which
7 I did. When I got there, Pablo Silvas was the only Indian
8 present and explained that other leaders of the tribe didn't
9 trust anyone's efforts to help them. They had been lied to
10 that, people wanted to take their photograph on Saint Anthon-
11 y's day and then forget them. He had been unable to get, at
12 that time Che Granillo, Jose Granillo was the Cacique, Miguel
13 Pedraza (Sr.) was the Governor, Trinidad Granillo was the War
14 Captain. He had been unable to get them to come to the meeting
15 because they didn't trust anybody. Looking back, I sure don't
16 blame them any. Pablo insisted that we have another meeting,
17 that he could get them there. I met a second time with them;
18 no one showed up. I was going to give up. Pablo said, "No, no;
19 they'll come, they'll come." Of course in talking to Pablo, I
20 began to get some idea of what the problem was, but I wasn't
21 sure they were Indian. Herminia looks very Indian, but Pablo

1 didn't. Pablo's brother, he could have passed as a Conquista-
2 dor. So I really wasn't sure I was dealing with Indians and I
3 didn't know nothing about Indians; I didn't understand Indian
4 culture. I had no idea what was going on, but I was touched
5 with what I heard about the plight of the people, that their
6 homes were in tax-foreclosure. Meeting in Pablo's house I
7 could see two houses next door with Indians in them had no
8 running water. They were using Pablo Silvas' water tap to get
9 water to their houses. They'd hook up a hose and run water
10 over and fill up tubs. I came back a third time and this time
11 Mike Pedraza and Jose Granillo were present. They both were
12 very Indian looking. Jose spoke very little English and that
13 impressed me. How could someone be born in El Paso and not
14 speak good English? I couldn't believe that. His English was
15 not good at all; just a few words. That convinced me that they
16 were Indian and there was a series of things that happened
17 then. I tell you what I'll do, I'll give you a transcription
18 of a recording I made with Nick Houser in 1965. It gives you
19 a day by day account of what went on and who I contacted and
20 what they did. It's like reading a who's who in American
21 politics. There's John Connelly; it's Ralph Yarborough; it's

1 Lyndon Johnson; it's Wendell Chino; it's Vine Deloria, (a
2 famous author, a Standing Rock Sioux Indian) It's Doctor
3 Fontana, he was head of the Arizona State Museum at Tucson,
4 Arizona. He was head of the museum and I'd found out that he
5 was coming, there was an article in the paper saying he was
6 going to be present at Guadalupe Day at Tortugas. I arranged
7 to be up there and I met him and I told him the situation down
8 here and he said, "Well, I think those people are extinct." He
9 says, "In 1903 an anthropologist named Fewkes visited with
10 them and said they were on the verge of extinction." He says,
11 "I can't believe they're still there," and I said, "Well,
12 they're still there." So, he wanted to come down and meet the
13 people. When the Tortugas celebration was over, we got in my
14 car, he followed me down, we went to the Pueblo and we met
15 with Pablo, we met with Jose Granillo. By the way Jose was
16 living with his brother. Was his brother Aniceto? What was his
17 brother's name?

18 FH: The only one I am aware of is Trini.

19 TD: Well anyway, the two brothers were living together in a room
20 with one window and a door, that's all it had. It had a ladder
21 leaning against the wall and in front of the house there was

1 a little, make-shift cage in which a huge, white rooster was.
2 I later on found out what that rooster was, he was the symbol
3 of authority for the Chief. That was the eagle. The other
4 pueblos used to have a caged eagle, in front of the home of
5 the Cacique to indicate that this is the Chief's house. That
6 tradition is no longer practiced anywhere in New Mexico, but
7 it was still being practiced down here in Ysleta, only the
8 eagle was a big white rooster. Jose took care of that bird
9 like you wouldn't believe. I doubt that it's being done
10 anymore but it was sure being done at that time. The last of
11 the eagles. Anyway, we went in that house and when we left
12 the house the walls were lined with paper bags hung on nails.
13 Dr. Fontana spoke Spanish, so he and Jose were talking about
14 what was in the bags. Jose said, "This is Yerba Buena," and
15 this is such and such and this is such and such. He was
16 explaining how he used these herbs to treat tribal members,
17 that was part of his duty as a Cacique, was to provide medical
18 services. There was a little altar they had at home, an iron
19 bed there and I can't remember if there was one bed or two
20 beds. They had an altar they maintained and it was a dirt
21 floor. When we left there, I said to Dr. Fontana, "Well, are

1 these people Indian?" He said, "Indian?! Oh my God, I've just
2 been in the finest Indian museum I've ever been in my life. I
3 saw things I've never seen. A practicing medicine man, he let
4 me look at his wares and he told me how he did things. That is
5 terrible to say this, but that pronouncement by a gringo,
6 convinced me that they were Indians. Is that terrible? You've
7 got to go to a gringo academic to find out if someone is a
8 native.

9 FH: You had no idea, they were Indians?

10 TD: I wasn't real sure, but from that moment on, I was positive.

11 FH: What condition, financial, political or geographical was the
12 tribe in, when you first encountered them?

13 TD: Well, there were a few people that were doing alright. Mike
14 Pedraza worked as a bus driver for the Ysleta School District.
15 At one time he was, he'd been an entrepreneur and had his own
16 cab right there in Ysleta. He was doing okay. On the other ha-
17 nd, Jose Granillo and his brother, the taxes hadn't been paid
18 on their home, it was in a foreclosure process. Jose Granillo,
19 the Cacique of the tribe, to make a living had to pick cotton.
20 I had been out in the cotton fields to find Jose, for some
21 reason, and here he was dragging a bag, through the dirt,

1 picking cotton boles and putting them in a bag. He had to do
2 that in order to survive, and a lot of tribal members had to
3 pick cotton in order to survive. A lot of tribal members were
4 still going out in the desert to catch rabbits. Jose and his
5 brother, would go out in the desert to catch rabbits, to eat,
6 to live. In fact, Dr. Dunbar, the head of the Fields Founda-
7 tion came to visit the tribe, that Vine Deloria had told them
8 about their plight. He called me up one time, wanted to visit
9 with us. He represented this large foundation that had lots of
10 money. I was extremely anxious to impress him with the need of
11 these people for assistance so we could get some money. I'd
12 picked him up at the airport, I'd made arrangements to meet
13 Jose and his brother at the Chief's house and then we were
14 going to do a little tour of the various places that I wanted
15 him to see. We got to the Chief's house and he wasn't there.
16 I finally got out of his brother that he was out hunting a
17 rabbit in the fields, in the sand hills. I kind of exploded.
18 Here was this guy coming from New York, representing this big
19 foundation, a chance to get a lot of money for the tribe, and
20 the Chief was out hunting a rabbit. I couldn't believe it. I
21 got a little irate and his brother said, "Don't you under-

1 stand....," this is going on in my very poor Spanish, "Don't
2 you understand? We're hungry." Well, I was apologizing to Dr
3 Dunbar that the Chief had stood him up. He said, "No. This is
4 for real, this is what I want to see. I know this is no hokey
5 deal, I know it's real. I'm going to help you people. I want
6 to help you people. If he was hungry enough to go out and
7 chase a rabbit, rather than try to milk money out of my
8 foundation, he's got my respect." So, it worked the opposite,
9 what I thought was a horrible thing turned out to be a
10 tremendous advantage. The Fields Foundation gave us enough
11 money to clothe every child in the tribe with all the clothing
12 they could possibly put on: new shoes, new trousers, new
13 shirts. We rented a bus and we took people to, I forget what
14 store it was, but we took them to a store and any child that
15 wanted to get fitted with clothing got fitted with clothing.
16 Other things they did, they provided enough money to get birth
17 certificates for the adults that didn't have birth certifi-
18 cates. There was a tremendous number of adults that didn't
19 have birth certificates. That's a problem when you don't have
20 a birth certificate. They paid the court costs and everything
21 to get birth certificates for the adults that needed birth

1 certificates. I forget the other things they did, but for the
2 time they spent several thousand dollars. It was very helpful.
3 They just came along at the right time. That's been the story
4 of the Tiguas, every time there was a need, there was someone
5 there to fulfill the need.

6 FH: Why were the Tiguas not federally recognized when you met them
7 in 1964?

8 TD: The reason for that was the compact of 1850. Prior to 1850,
9 this tribe was supervised by the BIA and its trust relation-
10 ship to Indian tribes. Indian Agent Calhoun inventoried the
11 tribe, wrote correspondence about the tribe, wanted to put an
12 Indian Agent down here. They were getting the same exact
13 treatment as the pueblos of New Mexico, no different in any
14 way, shape or form. Then a mistake, an accident rather, an
15 accident occurred. The Compact of 1850, Texas retained its
16 public lands in exchange for paying off its debt as a repub-
17 lic. This pueblo, of all the pueblos, wound up in Texas, the
18 others all remained in New Mexico which was a territory. The
19 BIA continued to administer to the Indians up there and for
20 some reason they dropped this tribe until they needed them for
21 some good reason. When they needed students at the Indian

1 school in Albuquerque they'd come down and get Indians to go
2 to Indian school, but they extended no benefits to them and
3 didn't protect their land rights. I talked to Meliton Holguin
4 and he had attended Indian school in Albuquerque. I asked him
5 why he had attended Indian school in Albuquerque and he told
6 me that the priest of the Ysleta mission had come by with a
7 government man and they told each family that they must
8 contribute a student to the Indian school. I said to Meliton,
9 "Meliton, did you have brothers and sisters?"
10 "Oh yes." I said, "Why were you the one that went to Indian
11 school? "He said, "Well, that's easy, the same as all the
12 other families. I was the youngest." The youngest kid got the
13 honor of going to Indian school. It was real interesting
14 talking to Meliton Holguin because they had totally brain-
15 washed Meliton Holguin. Meliton thought it was bad to speak
16 Tigua. Meliton thought it was bad to carry on what he called
17 "pagan practices." He was still an Indian, but he had been
18 convinced that being different from other people was bad. He'd
19 been brainwashed at that school. Wonderful guy, I really loved
20 Meliton Holguin. He was just a wonderful guy. He had gone to
21 Indian school because he was the youngest member in the

1 family.

2

3

4

END OF TAPE ONE, SIDE ONE

1 TOM DIAMOND - CONTINUED, Tape 1, Side Two

2 FH: What were the first steps taken in the journey for recognition
3 of the Tigua Indians?

4 TD: Well, I have voluminous correspondence with the BIA and it all
5 boils down to we don't help Indians. They first told me, well
6 we have to have a treaty or an executive proclamation or an
7 act of Congress creating trusteeship and assistance. I said
8 okay, we'll do anyone of those you want. Then they'd came back
9 and said, "The President no longer issues executive orders
10 recognizing new tribes. Congress no longer passes laws
11 recognizing Indian tribes. We don't make treaties with anyone
12 unless we are at war with them." So, no matter what you did,
13 they'd say no. Woody Crumbo, was the director of the Art
14 Museum, here in El Paso at the time. He was of assistance to
15 me. There was an obscure statute whereby Indians could obtain
16 lands if their tribe didn't have lands. So, we started pepper-
17 ing the BIA with applications for land grants and we were just
18 irritating the hell out of them, and constantly getting back
19 that they could not help us. I can't recall why I turned to
20 the State of Texas, but I was so frustrated on the federal
21 level, that I decided to go for State recognition. Of course,

1 I had good political contacts, I was County Democratic Chair-
2 man, I knew the Governor well and knew Ralph Yarborough the
3 Senator well, Dick White was the Congressman. I had the
4 contacts politically, to get something done and went down to
5 Austin, there's a War Jacket that hangs in the Culture Center.
6 I got that from Meliton Holguin, it was underneath the pigeon
7 droppings in his pigeon pen and he gave it to me. I sent it
8 off to the University of Arizona and they confirmed that it
9 was buffalo hide. I took that down with me and some gourd
10 rattles and other things. I met down there with the Attorney
11 General of Texas, Crawford Martin. First, I talked to the
12 Governor's office, and a guy named David Spurgeon, who was the
13 Governor's administrative assistant at the time, set up the
14 meeting with me and a young attorney Al Minter, who worked for
15 Crawford Martin. Crawford Martin came by and sat in the
16 meeting also. In any event, we talked about it and everyone
17 liked the idea, that Texas had an obligation towards these
18 people, but Crawford Martin pointed out that the State could
19 not take over responsibility for the tribe because of the
20 Federal Constitution, which reserves to the United States the
21 sole responsibility for dealing and treating with Indians.

1 That's correct. We came up with the idea, well, let's do both,
2 let's do two things. Let's get a bill through the Texas
3 Legislature, recognizing the tribe and agreeing to assume
4 trust responsibility subject to getting a federal bill through
5 recognizing the tribe and transferring trust responsibility to
6 the State of Texas. Well this worked. The BIA did not want the
7 responsibility of another Indian Tribe. They were still
8 engaged in their practice of termination, this was the height
9 of termination. They wanted to get rid of Indians not create
10 Indians, but they took the bait. This was a chance for them
11 to have us recognized and have trust responsibility trans-
12 ferred to the State of Texas. Of course, I had advanced for
13 Kennedy, I advanced for Kennedy/Johnson, during their campaign
14 specifically for Lyndon Johnson on a whistle stop tour. I had
15 real good contacts in Lyndon Johnson's office, knew all of his
16 assistants, worked with him on advance work, we were really
17 well connected in that respect. The BIA, they were still
18 reluctant to go along with this concept, but we had some
19 pressure coming at them from the White House which turned the
20 trick. So, they finally agreed, "Yeah, okay, we'll go along
21 with that." There was a guy named James Officer with the BIA

1 at the time, spoke Spanish by the way. I'll never forget, we
2 went back to Washington for the Federal legislation and it was
3 Trinidad and Jose Granillo, and Mike Pedraza (Sr.). The first
4 night out, we stopped at Joplin, Missouri and I got two hotel
5 rooms with two beds in each room. Miguel was going to stay
6 with me because he spoke English, so I'd have someone to talk
7 to. Miguel says, "Mr. Diamond; do you mind if we stay in the
8 other room? Do you mind being alone?" I said, "No, but why?"
9 "Well, the Chief's never been out of town before and he's
10 worried. What if someone knocks on the door? He doesn't speak
11 English." They wouldn't stay in the motel rooms by themselves,
12 they wanted Mike to be there because he spoke English in case
13 the phone rang, I guess, I don't know. So, anyway, we got back
14 to Washington and we were in front of the Committee. Wayne
15 Aspenall, the most conservative Congressman in Congress voted
16 against any appropriation of any kind. He was Chairman of the
17 House Interior and Insular Affairs Committee that we were
18 before. The three Chiefs were there and they were sitting side
19 by side. They didn't take the batons of office because they
20 didn't want them to be at risk, but they had the tribal drum;
21 the Juanchido was there. They had taken bundles of reeds and

1 bound them together and carried them all the way back to
2 Washington and they sat there with the reeds in front of them,
3 holding them with both hands. It was the substitute for the
4 batons, it was their symbol of power. I made my little speech
5 and speel and so Wayne Aspenall, when I was all through, said,
6 "I want to hear it from the Indians. What do the Indians have
7 to say?" I said, "Well, let me ask Mr. Officer," he spoke
8 Spanish, who was luke warm about everything going on, "ask Mr.
9 Officer to interpret." So I put this BIA guy on the spot.
10 Wayne Aspenall is questioning the Chief: "Ask the Chief what
11 it is that Congress can do for him. I want to know what the
12 Chief wants from Congress." So Aspenall asked Jose in Spanish
13 and Jose's response was just classical. The response was, "The
14 government can do nothing for me, I've lived my life and it's
15 near its end and I'm at peace and satisfied. But my people
16 need help." So, James Officer translated that back and Wayne
17 Aspenall said, "Okay. Ask the Chief what we can do for his
18 people, what does he want us to do for his people?" So
19 Aspenall translated the response of the Chief which was: "We
20 need water, we no longer have water. We need a water connec-
21 tion at each house." That was the only request he made, a

1 water connection at each house. That's the only request he
2 made and it was just amazing. These guys in Congress, everyone
3 that comes in there has got their hand out, they want buckets
4 of money and here's this Indian Chief saying, "The only thing
5 I want is water for my people. One faucet for each house." An
6 amazing thing happened, Wayne Aspenall himself as chairman of
7 the Committee moved the bill onto the floor of the Senate with
8 full approval of the Committee. That's never happened, that
9 never happens; they always go into Executive Session and talk
10 about what they're going to do with the bill. He moved the
11 bill right in open session in front of the Chief's on the
12 floor of the House. Unbelievable. Dick White couldn't believe
13 it. His assistants, who were all experienced Washington people
14 couldn't believe that this crotchety, old guy, that everyone
15 said was the biggest skin-flint in Congress would move that
16 bill on the floor of the House in open session, but it was
17 real. It was kind of like Dr. Dunbar coming out, it was real.
18 So, the bill went on the floor of the House, and of course the
19 interesting thing there; it stayed there, it stayed there,
20 because we couldn't get it through the Senate. I've told you
21 what happened over there. Senator Anderson, Clinton Anderson

1 was sitting on the bill, wouldn't let it out of the Senate
2 because the tribes in New Mexico, the pueblos in New Mexico
3 were pressuring him not to let these people, who were allies
4 of the Spaniards, get government recognition. So, Yarborough,
5 Ralph Yarborough, Senator Yarborough spent a whole night
6 feeding whiskey to Clinton Anderson before Anderson finally
7 confessed what was wrong and Yarborough said, "You can't keep
8 these people from getting help for that reason. That's wrong."
9 So he agreed, and it went on the floor of the Senate the next
10 day. I got a phone call. I was at the old Texas Ranger
11 headquarters with Miguel Pedraza (Sr.) and, inherited from a
12 lady, is where the Post Office is now. It was a little office
13 that we'd set up. We'd already started operating under the
14 State statute even though the federal law hadn't been passed
15 which would permit us to operate legally. We'd already gone
16 into an illegal operation but the phone number at that time
17 was 8-5-9-7-9-1-3. The same number you've got today and the
18 phone, I was down there talking to Miguel Pedraza (Sr.), and
19 the phone rang and it was Ralph Yarborough in Washington. He
20 said, "Tom, I've got wonderful news, the bill is going onto
21 the floor of the Senate today, it'll pass unanimously. You're

1 off and running, you're and Indian Tribe." So, the news came
2 at what was the first office of the tribe, which was right
3 where the post office is today. The big hang-up was the other
4 pueblos not wanting to reward people who they thought had been
5 allies of the Spaniards, and I could understand that. When De
6 Vargas reconquered New Mexico there were 100 warriors from the
7 Tigua pueblo. It was a blood-less reconquest, they went to
8 pueblo to pueblo and they surrendered, but out there in front
9 of them, in addition to the armed Spaniards was 100 armed
10 Tiguas. So, they were, in fact, allies of Spaniards in that
11 respect. When they came down in 1680, they weren't allies, in
12 my opinion, they were captives, they were forced into that.
13 But they had been here twelve years and when they accompanied
14 the Spaniards on the reconquest I can see why the other tribes
15 would view them as allies of the Spaniards. Anyway, that's an
16 interesting little footnote on the problems you have on
17 getting legislation through. Things never, in this life,
18 things never are what they seem to be. It's always some little
19 thing that you never would anticipate that becomes the problem
20 or the becomes the solution. Things that you don't have any
21 idea could play a role like the suspicion of the New Mexico

1 pueblos that these people were allies of the Spaniards almost
2 kept us from getting recognized. If Ralph Yarborough hadn't
3 taken a bottle of whiskey over and gotten Clinton Anderson
4 drunk, we may never have gotten recognized.

5 FH: Thank God for whiskey.

6 TD: Ralph Yarborough was a friend of the Indians, John Connelly
7 was a friend of the Indians, Lyndon Johnson was a friend of
8 the Indians, everybody, Crawford Martin was a friend of the
9 Indians, everybody that came in contact with this story was
10 deeply touched by it because it was real. Here were some
11 people that needed help, who had taken care of themselves all
12 these years, who had suffered and suffered and suffered and
13 survived. They survived with their culture intact. With the
14 eagle still in front of the Chief's house. No other pueblo in
15 the United States had an eagle in front of the Chief's house,
16 but this pueblo did. I'll never forget, the toughest guy in
17 the Texas Legislature, what's his name? He was Chairman of the
18 House Appropriations Committee and he didn't think the State
19 of Texas should be appropriating money for Indians. He wanted
20 to see these Indians that needed money from the State of
21 Texas. So, he came out, Bill..., what was his name?

1 Bill....,I'll think of it in a minute, anyway, he came out
2 here. I met him at the airport, took him to the tribe and we
3 went to...., the ex-Cacique....,

4 FH: Before Che?

5 TD: Yeah. No, no, no, no, after Che. The one that...

6 FH: Trini was after Che.

7 TD: After Trini.

8 FH: After Trini? After Trini was Enrique Paiz.

9 TD: Enrique Paiz. We went to Enrique Paiz's house and one of his
10 daughters was laying in bed with sores all up and down her
11 legs. I was, in my very poor Spanish, translating for this
12 guy, he wanted to know why she was lying there. The answer
13 was, "Well, we don't have money to go to a doctor." "Why isn't
14 she in school? "Why? Well she can't go to school because she
15 can't walk. These sores are so bad," and he couldn't believe
16 it, that this condition existed. We went outside, he had a
17 tear in his eyes. "That's got to be corrected, Tom, get that
18 girl to a doctor." He gave me a twenty-dollar bill, "get that
19 girl to a doctor." I handed the money back and I said, "Bill,
20 I'll get her to a doctor, I'll take care of that. We need you
21 to do more than this for the tribe. We need you to give us the

1 big bucks." He went back to Austin and the Legislature passed,
2 we got the money we needed. It was because of his visit here,
3 seeing Enrique Paiz's daughter laying there unable to go to
4 school, because she had these sores on her legs and they
5 didn't have the money to go to a doctor, they didn't have the
6 money to get her to Thomason. They probably didn't even know
7 that Thomason would have treated her. You know about Guillermo,
8 the guy that'd been born with a hernia, lived next door to
9 Pablo's house with two sisters. He could barely walk, he
10 walked real bow-legged. He had this hernia, he'd pad it with
11 newspaper. He'd been born that way, he'd never been treated
12 for it. We got him to the hospital and they repaired the
13 hernia and he could walk. That's the kind of thing that we
14 were dealing with. Bill Heatly, he's a legend in the Texas
15 legislature. The most stingiest guy that ever lived. His heart
16 melted.

17 FH: What role did the State of Texas play in the recognition of
18 the Tiguas?

19 TD: They were very supportive. Crawford Martin, and Governor
20 Connelly were very supportive of the federal bill because
21 they'd already agreed to accept responsibility, so, they

1 played a major role. No question about it, a major role.

2 FH: An El Paso Herald Post article dated March 28, 1968, titled
3 "Tigua Indians Pass Hurdle" stated that the State Interior and
4 Insular Affairs Committee approved the bill making the Tiguas
5 an official tribe. What did this for the Tigua Indians?

6 TD: Well, that's the experience I told you about going down, that
7 was the Committee we sat in front of, when Jose said, "Give my
8 people water." That very day the bill went on floor of the
9 House and it passed.

10 FH: That was a State committee, though right?

11 TD: Yes. No, that was a Federal committee. That was a committee of
12 Congress.

13 FH: How did Democratic Representative Richard C. White and Senator
14 Ralph W. Yarborough help in the effort to get the Tiguas
15 federal recognition?

16 TD: Well, Yarborough carried the bill in the Senate, Dick White
17 carried the bill in the House. Both very, very helpful;
18 extremely helpful.

19 FH: On April 15, 1968 the El Paso Herald Post reported that late
20 Saturday, April 13, 1968, a bill signed by President Johnson
21 transferred the trust responsibility, if any, to the State of

1 Texas. What exactly did that mean?

2 TD: That meant we'd already gotten the State of Texas to agree to
3 accept trust responsibility and provide assistance to the
4 tribe if the federal government first recognized them and
5 transferred the responsibility to the State of Texas because
6 there was the Constitutional problem we had. Only the federal
7 government could deal and treaty with Indian tribes. So the
8 State had first passed legislation agreeing to accept trust
9 responsibility if and when the federal government passed
10 legislation: number one, recognizing the tribe and number two,
11 transferring responsibility to the State of Texas. So the
12 answer to your question is that wording was in there to
13 accomplish this transfer which was the only way we could get
14 the State in a position where they could legally give assis-
15 tance to the tribe because the Texas Constitution prohibits
16 gifts to anyone but where there's trust responsibility in a
17 political relationship you're not subject to that prohibition.
18 So, we needed the federal legislation to make the State
19 legislation affective. The answer to your question is that was
20 to permit the State to undertake trust responsibility towards
21 the tribe.

1 FH: Is this normally how tribes were recognized?

2 TD: No. This is the only tribe that's ever been recognized this
3 way. No other tribe's ever been recognized this way.

4 FH: Once again....,

5 TD: When this tribe was recognized, there hadn't been a tribe
6 recognized in fifty years. As a result of this tribe being
7 recognized the whole concept of termination began to change.
8 There are now procedures for tribes that haven't been recog-
9 nized to get recognized. This all comes about because of what
10 happened here. So, the Tiguas not only did good for themselves
11 in this political process, but they opened door for a lot of
12 other people too.

13 FH: What convinced the Federal Government that the Tiguas were a
14 genuine group of Native Americans?

15 TD: I think the Chief when he said, "You can't do anything for me,
16 but you can put a water tap in each house." I think that Wayne
17 Aspenall decided right then and there that this was an Indian
18 tribe. There's no doubt about it, he went to that hearing
19 thinking about what he could do to stop us because he was not;
20 Dick White told me he was our problem. He turned out to be our
21 benefactor.

1 FH: What tribal officials were instrumental in the efforts to get
2 the tribe recognized?

3 TD: Well, it's hard to single out individuals, but certainly you
4 would have to; Pablo Silvas was the point man. He was the
5 first person that I dealt with. He was the one that perse-
6 vered, kept me interested and eventually got Jose Granillo and
7 Mike Pedraza. Those three, you'd have to say, were the
8 principal, oh, and Trinidad Granillo too. So really, it was
9 the Cacique, the Governor and was Pablo Lieutenant Governor
10 then? Mike was the Governor, I don't know if it was, maybe
11 Pablo was the Lieutenant Governor. Those four men I think
12 you'd have to say were the leaders in getting this done. All
13 four of those were in Austin when Governor Connolly signed the
14 bill down there. Of course, Pablo didn't go to Washington
15 with us for the House Committee, but the other three did.
16 Those four I'd say. Dora Silvas was pretty active. She was a
17 good spokesman. Pablo's brother, what's his name? I can't even
18 think of it. He was helpful. Meliton Holguin was helpful.
19 There was just all kinds of people....,

20 FH: It wasn't Cantona Silvas?

21 TD: Cantona, Cantona, Cantona.....,

1 FH: It was Cantona?

2 TD: It was Cantona, yes. Cantona gave me some old military
3 discharge papers of the Indian scouts, that was a factor. That
4 was one of the things I carried down to Austin with me when I
5 met with David Spurgeon, I carried the discharge papers of the
6 Indian Scouts.

7 FH: A GAO Report styled B225258, Indian Affairs Proposal to
8 Restore Federal Trust Relationship to 2 Indian Tribes, U.S.
9 GAO, January 1987, mentioned the Indian Tribes of Texas
10 Restoration Act H.R. 1344. What was this proposal?

11 TD: Well, this is the; what happened is that the State of Texas
12 began to run out of money. We were getting less and less
13 assistance and there were BIA programs which were far better.
14 For example the health program, far better. So, we decided to
15 get the federal status restored, that's what they're talking
16 about. They're talking about restoring federal status to the
17 Ysleta del Sur Pueblo which was called the Tigua Tribe of
18 Texas at that time. The Tigua Indians of El Paso, County,
19 that's what they were called.

20 FH: What were the benefits to the Tigua Indians in getting federal
21 recognition?

1 TD: Federal programs. Health is a good example. The federal
2 program on health is excellent. The State program was horri-
3 ble. There are other programs of extreme importance with
4 respect to economic development. It's much easier to get
5 grants and assistance for economic development through the
6 federal programs than there is through the State programs.
7 Also, you get a better status, there's more stature if you're
8 a federal tribe than a State tribe.

9 FH: What obstacles to federal recognition, if any, faced the Tigua
10 Indians in 1986 and 1987?

11 TD: In a word, one politician. The Lieutenant Governor of Texas,
12 Bob Bullock. He opposed the bill because he was afraid that
13 the tribe was going to engage in gaming activities. He
14 insisted that there be a clause in the legislation prohibiting
15 the tribe from engaging in gaming activities. At his insis-
16 tence, Ray Apodaca was the Tribal Administrator at the time
17 and there was a lawyer with NARF, Native American Rights Fund,
18 named Don Miller and myself that were principally active in
19 getting this restoration bill through. Mike Pedraza Jr. was
20 the Governor of the tribe at that time. The Tribal Council
21 passed a resolution, which I'm sure you're familiar with,

1 saying the tribe doesn't won't to gamble, has no interest in
2 gambling, will never gamble. That was extortion in its rawest
3 form, it was political blackmail. Senator, United States
4 Senator, he's still United Senator, Graham, Senator Graham,
5 wouldn't put the bill on the floor of the Senate until Bob
6 Bullock signed off on it. We were stymied. Bullock was afraid
7 we were going to enter into gambling and he wanted assurances
8 that we weren't. So, the bill was initially drafted to
9 prohibit gaming of any kind. The tribe passed the resolution
10 and then the Senate Select Committee, which was the bill was
11 before, changed the wording into the present language that
12 we're prohibited from gambling where gambling is prohibited in
13 Texas, which opened the door enough for us to get our casino
14 going. It was only because the Senate Select Committee pulled
15 a fast one on Senator Graham. Senator Graham never realized
16 that bill had been, that the language in that bill had been
17 changed. He never realized it. The Lieutenant Governor of
18 Texas never realized it. They knew that we had amended the
19 bill a little bit, and I'll be honest with you, I wasn't
20 looking forward to a gambling opportunity either. I was just
21 mad because we were being forced to take this position. It was

1 wrong.

2 FH: What is the Sens Luck....,

3 TD: Pardon me.

4 FH: What is the Sens Luck Committee?

5 TD: Senate Select Committee....,

6 FH: Oh, Senate Select Committee, I'm sorry.

7 TD: ...on Indians. It was a special committee set up to handle

8 Indian Affairs. Senate Select Committee on Indian Affairs.

9 It's the equivalent of the House Interior and Insular Affairs

10 Committee.

11 FH: In an El Paso Time article dated March 22, 1986, the Tiguas

12 said they would outlaw gambling on the reservation in order to

13 get a 1985 bill for federal benefits passed. In this same

14 article, you are quoted as saying that "gambling is not

15 consistent with the Tiguas tradition." What, in your opinion,

16 changed your mind and the minds of the Tiguas"

17 TD: Nothing changed my mind, we were being blackmailed. This is

18 what we had to do get the bill through. We were being black-

19 mailed. All of us.

20 FH: In July of 1992, a meeting to discuss gambling took place on

21 the reservation. At about the same time as this meeting, then

1 Governor Raymond Apodaca was removed from his administrative
2 job as superintendent. The El Paso Times reported on July 18,
3 1992, that you recommended that Apodaca be removed because he
4 opposed gambling on the reservation. What are your recollec-
5 tions of that event?

6 TD: Well, the Tribal Council was meeting in Ray Apodaca's office
7 and I had been approached by three or four gaming managers or
8 operators to discuss the possibility of a gaming operation on
9 the reservation. So, at this meeting, I brought this up as
10 something that the tribe may want to look into and we had a
11 long discussion about it. At that meeting, Ray Apodaca opened
12 his desk drawer and brought out a whole bunch of letters and
13 applications from different people wanting to discuss gambling
14 which he had rat-holed, which he had kept to himself. He
15 stated to the Tribal Council, at that time, that he didn't
16 approve of gambling and that it was a mistake for the tribe to
17 even consider it. That's typical of other Indian leaders,
18 Native American Rights Fund, for example, opposes gambling. As
19 a result of that meeting, there was general dissatisfaction by
20 the Tribal Council that these matters had been kept from them.
21 This was something they had a right to look at and determine

1 if it was in the Tribe's best interest. Of course, there are
2 downsides to gambling, no question about it. Some tribes have
3 refused to get involved in gambling. I represent the Alabama
4 Coushattas; they have voted against it. They're a deeply
5 religious people and they object to gambling on a moral basis.
6 The population in West Texas doesn't have the same attitude as
7 the population in East Texas has, whether you're Indian or
8 non-Indian, doesn't make a difference. In East Texas is a
9 moral objection to gambling you don't find in West Texas. But
10 to answer your question about the conflict that developed
11 between Ray Apodaca and myself, it all developed as a result
12 of the position that Ray took that the tribe shouldn't even
13 look into gambling as an economic opportunity. You know the
14 rest of it.

15 END OF TAPE ONE, SIDE TWO

2 FH: You were speaking about the Raymond Apodaca incident.

3 TD: Yes. Now, the reason I got upset over that is I thought it was
4 patronizing. I have noticed that many people, including
5 Indians, are patronizing towards Indian tribes. Everyone
6 thinks they know what's in the best interest of a group of
7 people, and that's wrong. The people should make the decision.
8 Now, I don't gamble. I'm not a gambler, you'll never see me
9 play a slot machine. I don't gamble. I'll give my wife twenty
10 dollars and tell her to go have fun, but you won't catch me
11 playing. I don't enjoy it, I don't like it and I would never
12 promote gambling as an economic opportunity, but for the fact
13 that it was working for other tribes and the tribe here needed
14 an economic opportunity. The restaurant was okay but it wasn't
15 making enough to really make a dent. The pottery operation was
16 fine but it never made any real money, the herb operation was
17 fine but it never really provided the employment opportunities
18 and the economic benefits that we hoped it would. We were not
19 getting, we were not in a breakthrough with anything that was
20 really successful enough to give the tribe economic depen-
21 dence, independence. We can't depend on the federal government

1 and the State of Texas forever. We've got to be able to stand
2 on our own two feet. That's my opinion. The tribe needs to
3 make its own decisions, it shouldn't have other people making
4 decisions for it. It should be given the opportunity to look
5 at the options that are available and debate those options and
6 make a decision and go forward on their own. These are a
7 sovereign people and their sovereignty should be respected.
8 What burned me up about, I won't say burned me up. What
9 disappointed me about Ray was that he was keeping this to
10 himself because he had made a moral decision that the tribe
11 shouldn't gamble. I'm not going to fault Ray for having done
12 that. I think he made a decision, which in his mind, was
13 clearly in the best interest of the tribe. My problem was he
14 was making the decision instead of the tribe making the deci-
15 sion. That's what provoked all that nonsense we all went
16 through.

17 FH: Okay.

18 TD: My view on gambling was that this certainly had economic
19 potential and the tribe itself should make the decision and as
20 you know. In fact, weren't you on the team when we went to
21 these various places....,

1 FH: Yes.

2 TD: and looked into them? The tribe undertook a real investigation
3 and made an intelligent decision based upon what we found out
4 and discovered. It's a good thing we did that because I think
5 we got the right manager to begin with and we had the right
6 attitude and we did it the right way.

7 FH: That's my next question.

8 TD: I don't think anyone at the tribe regrets getting involved in
9 gambling. If we had to stop tomorrow, we've still made enough
10 money. It was well worth it.

11 FH: In December of 1992, the Tiguas selected Tivolino USA to
12 manage their bingo operation....,

13 TD: Yes.

14 FH:, what qualities did they possess that qualified them to
15 open the tribe's gaming operation?

16 TD: Well, you need to talk to the people who made that recommenda-
17 tion. You're one of them. What I saw was that they made the
18 best presentation from the point of view of willingness to
19 spend money. They seemed to be culturally sensitive. It turned
20 out later on that they weren't as culturally sensitive as they
21 should be, but they seemed to be culturally sensitive. Their

1 presenters did a real good job, just did an excellent job.
2 There were some good proposals, but I think we got the right
3 proposal from the point of view of willingness to come in.
4 They spent a ton of money before we were sure we were on solid
5 ground and could go forward. They put their money at risk at
6 a time when I don't know anyone else who would have been quite
7 as generous. It's unfortunate that they didn't have cultural
8 sensitivity and we had to part ways, but on the other hand,
9 they didn't lose anything. They got all their money back and
10 interest and some profit and the tribe is in charge of its own
11 destiny. So, it's kind of one of those things where, again,
12 the right person was there at the right time. I keep going
13 through my memory and marveling at how there's always been the
14 right person there at the right time. Seven Circle Resorts,
15 with all the problems we had with them later on, at least came
16 in and put up a first class facility, which has made a huge
17 difference to us. They got us going and they had the exper-
18 tise, they trained us. Their cultural insensitivity was their
19 own undoing. They were used to dealing with African homelands,
20 I think. When they had a meeting in front of Tribal Council,
21 I accused them of treating us like a tribal homeland, boy they

1 erupted. They just came unglued, they had never been so
2 insulted in their whole life. But, I think the ballgame was
3 over when they objected to the elders waiting around the
4 restaurant for their meals. That was just so bad, it was down
5 hill from that day on.

6 FH: That was pretty insensitive.

7 TD: Yes, that was very insensitive.

8 FH: Governor Ann Richards and now Governor George Bush both
9 contend that gambling in the State of Texas is illegal. What
10 federal or State law is it that permits the Tiguas to engage
11 in the type of gambling they presently have?

12 TD: The Restoration Act, which is the one I told you we finessed
13 some changes in, and the way the bill was finally passed.
14 Instead of the outright prohibition of gambling, which was in
15 the original bill, the bill as passed said that the tribe can
16 not engage in gaming activities that are prohibited in Texas.
17 The position of the tribe is simply this: Pick 3, Cash 5, and
18 Texas Million are casino games. They're house banking games.
19 They all three rely on random number generators. This by
20 definition is the same as a slot machine. The only difference
21 between the State games and our games are the State's got

1 10,000 terminals sucking money into Austin, we only have one
2 at a time going. That's the only difference.

3 FH: On March 28, 1993, you were quoted by the Albuquerque Journal
4 as saying....,

5 TD: March 28, 1923?

6 FH: March 28, 1993.

7 TD: 1993? Okay.

8 FH: Yes, you weren't even born then.

9 TD: That's my birthday.

10 FH: You were only a couple of days old. It's March 28, 1993, you
11 were quoted by the Albuquerque Journal as saying that the
12 Tiguas are willing to link the compact negotiations (for a
13 casino) to the resolution of a longstanding land claim. What
14 is the land claim and how does it relate to the question of
15 gambling?

16 TD: The land claim goes back to the pueblo league. Every pueblo's
17 entitled to a league of land which was thirty-six square
18 miles. This claim here was surveyed in 1829 and, well 1825,
19 1829 and 1841, three different surveys. It was recognized by
20 the State of Chihuahua in 1824. It was recognized by the State
21 of Texas in the Relinquishment Act of January, no February 1,

1 1850. The State of Texas recognized the Ysleta grant. It's a
2 grant of land by the Spanish law which has been recognized by
3 both Mexico and the United States of America and the State of
4 Texas, which is the Ysleta grant as it is known today, it's an
5 Indian part of the lower valley and that's the land claim.
6 Your question was the Albuquerque Journal said we would link
7 that to gaming?

8 FH: How does the resolution of the land claim relate, was the
9 question.

10 TD: Okay. Right in the very room we're in right now there were
11 representatives of the Texas Land Office, myself, and Ron
12 Jackson. Maleu Bell was the lawyer for the Land Office...

13 FH: Baleu Beall?

14 TD: Maleu Bell. She was sitting in the very chair I'm sitting in
15 right now and she asked the question, "Would you link...",
16 because we were pressing the Land Office to give us land, so
17 she said, "Would you link your demand for land from the State
18 of Texas to your request for a gaming compact?" I stupidly
19 said, "Yes." Because the State of Texas had suggested it and
20 that's what the Albuquerque Journal was quoting. The result of
21 all that was that a Texas Congressman accused me of trying to

1 blackmail the State of Texas that we were going to press our
2 land claim unless they gave us a gaming compact. I walked into
3 a little trap and I sure didn't see it coming. I'll never say
4 that again as long as I live. The two matters are totally
5 independent of one another and can't be linked. It was the
6 State's idea.

7 FH: The El Paso Herald Post reported on April 2, 1993, that
8 "Tribal Leaders had been optimistic after returning from
9 preliminary talks in Austin on negotiating a gambling compact
10 with the State." What, in your opinion, led to the failure of
11 negotiations between the State and the tribe?

12 TD: A change in attitude on the part of the Governor. We were set
13 to go. I had visited with the Governor's lawyer, what's his
14 name? I can't think of it. Anyway, we'd gotten down to the
15 point of how many slot machines we were going to have. We
16 finally agreed on 500. I was asking for 1000, he was asking
17 for 200, we finally agreed on 500. I walked out of that
18 meeting convinced we were all set, we were going to go and
19 everything was in line. The next morning, the Houston Chroni-
20 cle, I was in Houston. I read the Houston Chronicle, it had a
21 big article that the Governor had said, "Nix to Gambling,"

1 that she wouldn't approve any compact whatsoever. I am
2 convinced personally that she did that under pressure from the
3 race track industry. They did not want us as competition. The
4 race tracks in Texas were not doing well, they saw us as a
5 threat just like Las Vegas sees Indian Gambling as a threat.
6 Atlantic City sees Indian gambling as a threat. Vested
7 interests never like to see anyone else come in and open a
8 shop. If you're the only florist in town, you're not going to
9 welcome some other florist. So, I'm convinced the race track
10 people got to the Governor because she was sure going along
11 with us for a while, no question about it.

12 FH: In October 1993, U.S. District Judge Lucius Bunton found in
13 favor of the tribe and ordered the State of Texas to negotiate
14 a compact to allow gambling....,

15 TD: Yes, go ahead.

16 FH: What arguments were made at that hearing that convinced the
17 judge that gambling was legal?

18 TD: We hired experts who analyzed gambling in Texas and concluded
19 that the games that we were requesting were games that were
20 permitted in Texas. Permitted from the point of view of the
21 State being able to operate like Pick-3, Cash-5, and Texas

1 Million are casino games. They're the same as a slot machine,
2 no difference. It was that argument that convinced the judge.
3 In addition, we had sent a young man named Francisco Hernánde-
4 ez, and assistants, throughout the State taking photographs of
5 all the eight-liners running from one end of the State of
6 Texas to the other. Frank and his helpers had taken photo-
7 graphs, in fact they even had photographs of the inside of
8 some of the machines. We put that together in an affidavit
9 that Frank signed and I have no doubt that was a very powerful
10 persuasion with the Federal Judge because one of the photo-
11 graphs was of some eight-liners in his home town. I'm sure he
12 went by the truck stop and took a look at them.

13 FH: In October of 1994, the 5th U.S. Circuit Court of Appeals
14 overturned the ruling by Judge Lucius Bunton on the legality
15 of the Tiguas gaming operation. In this ruling, the panel
16 stated that it was an "unmistakable conclusion that Congress -
17 and the tribe --- intended for Texas' gaming laws and regula-
18 tions to operate as surrogate federal law on the tribe's
19 reservation in Texas." This made the Texas Restoration Act the
20 governing law on gaming on the reservation, thus removing the
21 allowability of gaming under the Indian Gaming Regulatory Act.

1 How did this help or harm the Tiguas?

2 TD: Well, what happened there, in my opinion, is that the 5th
3 Circuit didn't have any way to disagree with the judge's
4 opinion with respect to scope of gaming. So, instead, they
5 went out the back door, and said, "Wait a minute, you aren't
6 under the Indian Gaming Regulatory Act, you're under the
7 Restoration Act and that controls so we're going to find that
8 the judge had no jurisdiction to hear your case and we're
9 going to vacate his opinion." They didn't overturn it, they
10 vacated it. They vacated the opinion because he had no
11 jurisdiction. See the Indian Gaming Regulatory Act gave
12 tribe's permission to sue states and that's why we got in the
13 courtroom to begin with. The 5th Circuit said, "No, this tribe
14 can't sue the State of Texas because you don't come under the
15 Indian Gaming Regulatory Act, you're under the Restoration Act
16 and under the Restoration Act you're not given the ability to
17 sue the State of Texas." So, they were unwilling to face the
18 real issue which was whether or not the activities we were
19 requesting were permitted in Texas and instead they said, "No,
20 the Restoration Act controls and it's based on a different
21 premise." There's no doubt about it, it is based on a differ-

1 ent premise. It turned out that was a more favorable basis for
2 our gambling than the Indian Gaming Regulatory Act. If we were
3 under the Indian Gaming Regulatory Act we'd never get Texas to
4 agree to a compact and the Secretary of the Interior is
5 refusing to sign compacts on his own where states refuse to,
6 even though he has the power to do that. It's a political
7 thing and so he's refusing to sign compacts. So, if we were
8 under the Indian Gaming Regulatory Act we wouldn't have a
9 single thing going except Bingo. The 5th Circuit did us a
10 great big favor, not intending to, they didn't realize that
11 the Supreme Court, a year after their decision, was going to
12 outlaw the ability of any Indian tribe to sue. In the Seminole
13 case, they said, "No, Congress couldn't give Indians the right
14 to sue states. They're still protected by the 11th Amendment
15 to the Constitution." So, the 5th Circuit just, again, it's
16 this feeling I have of all the right persons at the right
17 time. Even this lousy decision turned out to be of benefit to
18 the tribe. So, we've been getting the breaks.

19 FH: What is, just real quickly, what does "vacated" mean?

20 TD: Vacated means it never happened.

21 FH: Oh, okay.

1 TD: Vacated said the court had no jurisdiction to hear the case in
2 the first place, so, it has no meaning whatsoever. In other
3 words, you haven't filed suit.

4 FH: Governor George Bush has made his opposition to the Tiguas
5 gaming operation well known....,

6 TD: Sure.

7 FH:, what actions do you believe he will take to stop the
8 Tiguas?

9 TD: Well, there is only one action he could take and that is to
10 sue us in federal court under the Restoration Act, seeking an
11 injunction showing that the games we are playing are prohibit-
12 ed in Texas. That's the only option open to him. We preempted
13 that option when we filed in federal court ourselves seeking
14 that declaration from the court. Only our request was that the
15 court declare these games were legal. The Governor formally
16 announced, when we filed that lawsuit, that he welcomed it,
17 that this matter belonged in the courts. Then he turned right
18 around and filed a motion seeking to be dismissed on the basis
19 of sovereign immunity, which the federal trial judge did
20 grant. That's on appeal now to the 5th Circuit. I don't know
21 what the 5th Circuit's going to do. I rather imagine they'll

1 say, yes, we don't have the jurisdiction to file suit which
2 means that the Governor is going to have to get the Attorney
3 General to turn right around and file suit in the same court,
4 the Western District of Texas, on the same issue. The differ-
5 ence may be that we'll wind up in court in Austin. So, we may
6 wind up in the same court on the same issue.

7 FH: Do you think George Bush will negotiate some kind of agree-
8 ment?

9 TD: I see no evidence of that whatsoever. None, period. He
10 pretended to negotiate with the Kickapoos, but all he's
11 offering them is Bingo and Pull Tabs. In my opinion, he's not
12 negotiating in good faith.

13 FH: The recent elections of 1998 have seen George Bush reelected
14 as Governor of Texas and he now has republicans in the offices
15 of Lt. Governor and Attorney General. What if any impending
16 legal battles do you believe the Tiguas will have over gaming?

17 TD: It's quite possible that the Attorney General will file a case
18 in the Western District of Texas seeking to shut us down
19 through injunction. They won't be able to do that until the
20 pending lawsuit has been disposed of. If we get an adverse
21 decision in the 5th Circuit on that, we'll appeal to the

1 Supreme Court. So, there's at least twelve months of time
2 before the Attorney General will be in a position to file such
3 a suit and I think there's an excellent possibility that we'd
4 win the suit even if we're before a federal judge.

5 FH: Where do you see the Tiguas 100 years from now?

6 TD: I'm afraid they'll run out of cousins to marry. I think their
7 problem's blood dilution.

8 TAPE RECORDER TURNED OFF FOR SEVEN MINUTES

9 TD: Where will they be 100 years from now? Well, I'm sure they'll
10 be okay, because we've been on a real roll, everything's been
11 breaking their way, and after all the years of depravation and
12 discrimination and deceit, they're getting the good breaks now
13 and they'll continue to get them. If gambling continues, of
14 course, there's no limit to where they can be 100 years from
15 now. They could be wealthier than the State of Texas. I
16 believe that 100 years from now there'll still be an identifi-
17 able group of people known as the Ysleta del Sur Pueblo, the
18 Tigua Indians of Texas because they've survived 300 years in
19 spite of all adversity by holding on to their culture and
20 tradition. My opinion is that the survival of this tribe is a
21 reflection of their deep, religious, cultural convictions and

1 I think those will continue to exist and blood dilution is
2 going to be a problem. I think the major problem they're going
3 to face is blood dilution. Under the present law, fifty years
4 from now, it's going to start getting pretty tough. There is
5 a bill pending to change the blood quantum to one-sixteenth.
6 The BIA doesn't like that bill.

7 FH: It makes more Indians quicker than we can.

8 TD: I know.

9 FH: What single act or moment in your career would you say was the
10 most important and why?

11 TD: It was meeting the Tiguas and working with them. If there's
12 one thing you could do in your life that is worth while, this
13 is it for me.

14 FH: Okay.

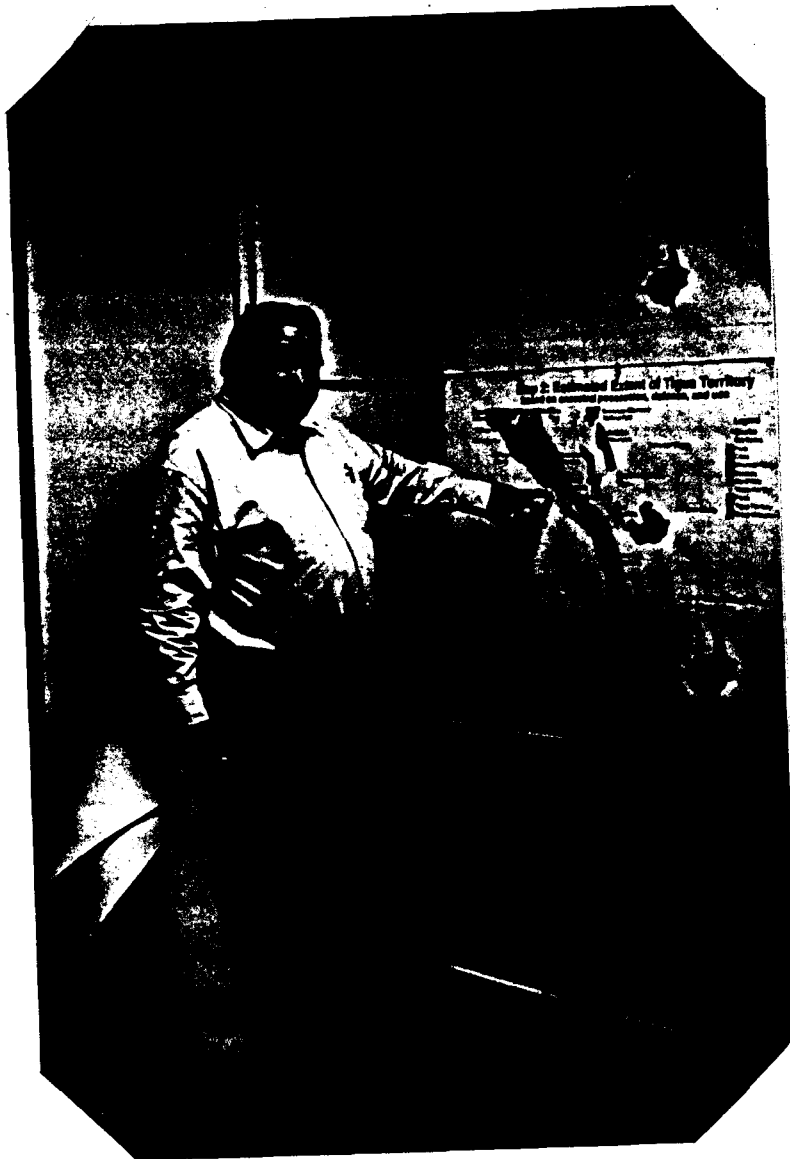
15 TD: I, the night my father died, I was visiting with him and he
16 started crying, saying that he'd not done anything in his life
17 really worthwhile. He compared what he considered his failure
18 to what I had done for the Tigua Indians. I was listening to
19 him and I'd never seen my father in this mood before, saying
20 he hadn't done anything was totally wrong, he was a wonderful
21 man, did a lot of good, everybody respected him. I said, "Dad

that's not right! You've been and inspiration to everyone who has ever known you." He had a foreboding, I guess, I don't know what it was. He died that night. It's a feeling I've had with me ever since that night. So, my answer is working with the Tigua Indians. No question about it.

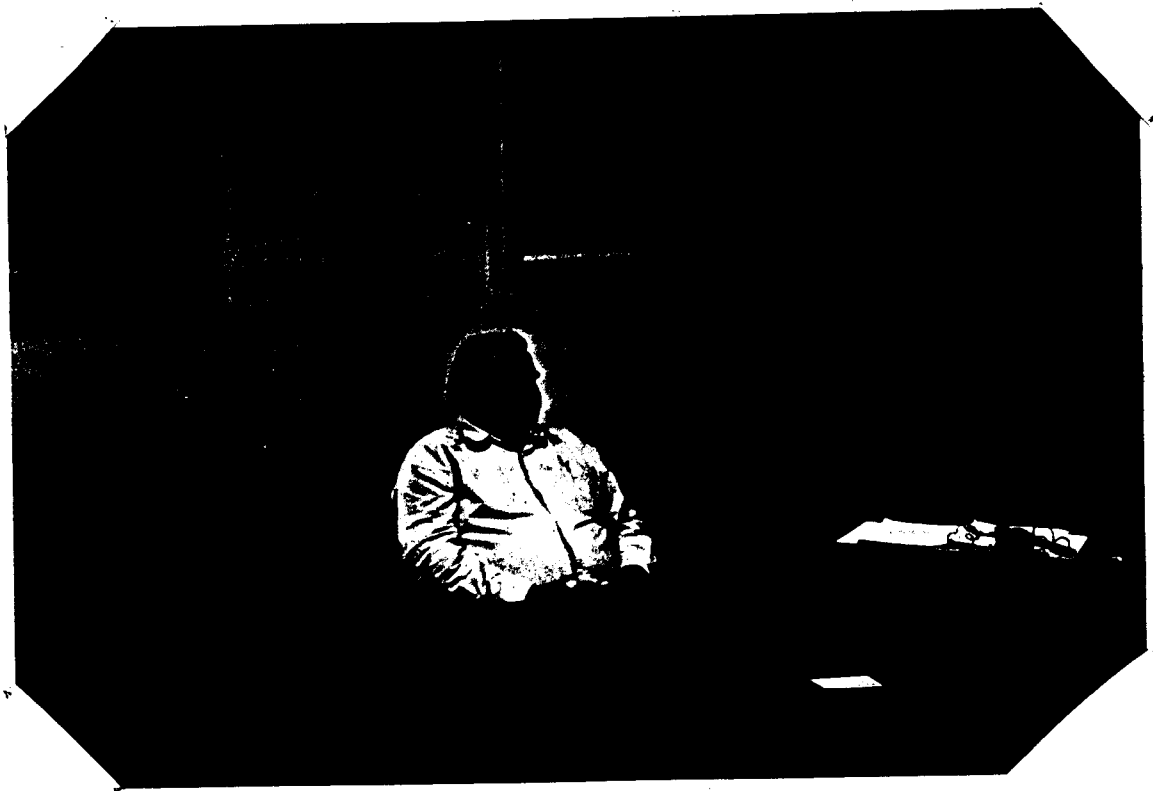
FH: Well, I appreciate your time, Tom.

TD: Okay, okay, let's do it.

The End



Tom Diamond in the map room of his office
before various Tigwa Indian maps
on Wednesday, November 11, 1998



Tom Diamond in the office
where he was interviewed on
Wednesday, November 11, 1998