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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

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

TD: Correct.

FH: Can you tell me something about your childhood?

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

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

TD: Yes, when I got out of college, when I got out of high school
I went there from UCLA, finished one semester there and then I enlisted.

FH: What were you studying at UCLA?

TD: Civil Engineering.

FH: Did you graduate from UCLA?

TD: No, I went one semester at UCLA.

FH: One semester and then...

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

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

TD: Well, I served in Australia, in a little place called Townsville. It was still being attacked by Japanese aircraft when I arrived there. Participated in the, the New Guinea campaign, stationed at Finchhoffen, which is a large port in about the middle part of the island. I was stationed at Wadke Island which is a more northern point. Saw Maffen Bay, an interesting thing there was that this was an area there that was inhabited by the last cannibals in the world. I really enjoyed visiting with the native people. My little outfit anchored the southern edge of the perimeter and so I had a lot of contact with the natives and enjoyed it very much. Brought a lot of beadwork
back that they did. I have fond memories of associating with them. Took part in their dances and their celebrations and things like that. Participated in the D-Day invasion of Luzon on January 9, 1945, pretty scary thing. We had been under attack from kamikazes, all the way up to the day of the invasion. On the day of the invasion it really broke loose and the Navy, in good faith, protected us, laid down a smoke screen, thinking that would keep the Japanese from picking their targets, but instead, the planes, the Japanese planes just circled lower and lower and lower through the smoke until they hit something. It actually became very unnerving. At the same time we were under attack from suicide boats; they would get these little landing barges, load them with dynamite, one guy in back with a steering rudder and the other guy in front with a match, I guess, would touch the dynamite off. I think the greatest hazard, though, was the fire from our own ships. There was a huge, huge, convoy and once we got in the harbor it was pretty densely packed and all this was going on and these planes are flying low and every body was trying to shoot them down and these little boats would go into the water and there was even submarine action going on. Every ship's got at
least a twenty-millimeter gun on it and everybody’s shooting
at everything that moves. We were on an LST and man, you could
hear the shrapnel bouncing off the hull and it was terrible.
Boy, we were dying to get off that boat. When we got off the
boat that night we were under artillery attack and we couldn’t
go inland because the front-line was about 300 yards offshore.
The Japanese had taken these large eight-inch naval rifles
from Corregidor and put them on the road to Bagio and they had
command of the beaches and they’d just walk up and down the
beaches. I’ll never forget that night. I was in a fox-hole
with Sergeant Boone and at the height of the barrage a huge
hunk of shrapnel caught the lip of the fox-hole I was in.
Everything was muddy, it had been raining and the shrapnel
tore through my helmet and cut a big, jagged hole in the top
of my helmet and knocked me forward and my helmet was in front
of my face. I reached my hand up and all I could feel was this
jagged, steel hole in my helmet and then I reached to the back
of my neck and I could feel this big hunk of mud back there.
I thought it was flesh. I thought my head had been torn off.
So I said: "Boone! Boone! I think I’m hit," you know, and so
then he struck a match and wiped the mud off, and said, "No,
Lieutenant, you’re fine.” I threw that helmet away, the helmet was no good so I threw it away. I’d love to have that thing now. I’d have it hanging on the wall.

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

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

FH: Where were you when World War II ended?

TD: I was stationed at Lingayon in the Philippines, at Lingayon Gulf at a town called Dalgupon. There were some Air Force, Air Corps, at that time it was Air Corps, some Air Corps officers were messing with us, which means they were getting their meals with us. They were going to pick up the Japanese
surrender team coming down from Okinawa and fly escort to 
Manila. They asked me if I wanted to go along with them; I 
thought "that'd be great," to see, this was August 17, 1945. 
The Japanese had initially indicated that they were surrender-
ing on the fourteenth, but this was the actual surrender team 
going to Manila to sign some documents and it wasn't the 
surrender itself, which took place in, in Tokyo Harbor. This 
was the actual document that ended the war. I went along with 
them and when we got to Manila Bay, there were some destroyers 
out there in the water, so these kids that were flying decided 
to buzz the destroyers. We'd just buzzed one destroyer and got 
back down on the deck and were going 280 miles an hour, which 
is as fast as a B-25 will go, when the right engine caught 
fire. We were right on the deck, so the wing dipped, hit the 
water and we cartwheeled in. Fortunately we were in a mud bank 
because otherwise I guess the damn plane would have sunk on 
us, but this way it, we didn't know that, we were bailing out 
of there, as fast as we could. I had seventeen fractures in my 
left leg and didn't even know it. When you're in a circum-
stance like that, it's amazing how you just go ahead and your 
adrenaline just carries you through. I didn't even know I was
hurt until I got in the water. I tried to crawl back on the plane and the pilot pulled me loose, pulled me off, and said, "No! Swim!" So, I was going underwater, and there was gasoline in the water and it was burning and so you had to go underwater and you come up and catch a breath, and then go underwater again. I heard someone say, "You can stand up." That's the first time I knew we were in a mud bank. When I stood up, that was the first time I knew I had been hurt. I couldn't stand on my left leg, of course, so we got my left leg out of the water and so I put a tourniquet on, had an artery that was bleeding badly. I was all smashed up on my left side, I had broken ribs, my left shoulder bone was broken, but I didn't know anything was wrong. I had absolutely no pain. I swear to God I was swimming and I don't know how you can swim like that, but I was.

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

TD: Well, I finished at Stanford in Civil Engineering, graduated in '49, I went to work in the oil patches as an oil scout. Oh no, I'm sorry, I went to work for Prudential Insurance company as mortgage loan appraiser in Southern California. Then the Korean War started and I was called back into service. I was
in the inactive reserve. I had been in the active reserve; I was the radar officer for a ninety-millimeter battalion all the time I was at Stanford. I'd have to go once a month up to San Francisco to train, which consisted of dummy loading a ninety-millimeter gun which wasn't very romantic. I dropped out of the active reserves into the inactive reserves and, son-of-a-gun, that's who got called up, it wasn't the active reserves, it was the inactive reserves. I got called up in 1950 when the Korean War started so I had to go take a physical, and at the end of the physical, they said, "does someone have anything wrong with them that we haven't talked about?" I said, "yeah." The doctor said, "what is that?" and I said, "I've got an un-united fracture in my left leg." "Well, you're walking, aren't you?" I said, "Yeah, I'm walking, but, you know, I have a lot of pain once in a while and sometimes I have to use crutches." "Well, stand on your toes," so I stood on my toes and he said, "There's nothing wrong with you." I said, "Well, I've got an un-united fracture in my left ankle," and I knew it because they wanted to fix it at the end of World War II and I wanted to get the hell out. They didn't fix it, but I was walking, doing fine. They took
x-rays and I came back in a couple of days and they said, "Well, your right, you do have an un-united fracture in your left leg. We'll disapprove you for recall, but we think you'd be wise to let us recall you because you need to get that fixed. You're going to be incapacitated for a while. You might as well let the government take care of the bill." I went back in the service on that basis and went to Fort Bliss and attended the guided missile school there and was selected to stay on the faculty. While I was a member of the faculty I did go back into the hospital and had some surgery on my left ankle. They put a bone graft in and repaired the non-union.

FH: Who...

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

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

TD: The Army. I came here at the end of World War II as a patient at Beaumont Army Hospital and I was called back in the service during the Korean War and was sent to the guided missile...
I had an engineering degree so I was a radar officer in the war and had an engineering degree after the war so it was logical they'd send me into a technical situation. I was sent to the guided missile school at Fort Bliss. Both times I came to El Paso was with the Army and of course I stayed on, like so many other El Pasoans.

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

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

FH: What year was that?

TD: That was in nineteen, let's see, 1960. Let's see, '60, he was killed in '63, maybe it was '61. He was elected, he was inaugurated '62, wasn't he? Yeah, that would have been in '61.
During the Fall campaign of 1961.

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

TD: Yes. I was County Democratic Chairman at the time and one of the school teacher’s groups, I can’t tell you which one, called me and asked for a recommendation on a place to hold a Fourth-of-July, patriotic, picnic. I suggested San Elizario. Dick White had been elected to Congress so I got him to join with me in speech-making that day. I gave a typical political speech. Dick White talked mostly about Oñate having reached the river near San Elizario. On the way back from that meeting, Jack Salem was with us, he was the News Director for Channel 4, CBS-TV. We were commenting upon the remarks Dick White had made about the early, Spanish History of El Paso going back to 1598. Being from California, that’s long before any Spaniards were in California, more than 100 years before there was any Spanish activity in California. I couldn’t believe these things were going on in El Paso. He suggested that maybe I was the lawyer to look into the problem the Tigua Indians were having. Of course, my attitude at the time was,
Lord, if they’re Indians, the BIA will take care of them. I told Jack that, he said, "No, they’re not recognized and the BIA won’t help them and their homes are in tax-foreclosure. They need help desperately." That led to my introduction to the Tiguas. Jack made an arrangement with a fellow named Alex Candelaria to meet in Pablo Silvas’ home on a Saturday, which I did. When I got there, Pablo Silvas was the only Indian present and explained that other leaders of the tribe didn’t trust anyone’s efforts to help them. They had been lied to that, people wanted to take their photograph on Saint Anthony’s day and then forget them. He had been unable to get, at that time Che Granillo, Jose Granillo was the Cacique, Miguel Pedraza (Sr.) was the Governor, Trinidad Granillo was the War Captain. He had been unable to get them to come to the meeting because they didn’t trust anybody. Looking back, I sure don’t blame them any. Pablo insisted that we have another meeting, that he could get them there. I met a second time with them; no one showed up. I was going to give up. Pablo said, "No, no; they’ll come, they’ll come." Of course in talking to Pablo, I began to get some idea of what the problem was, but I wasn’t sure they were Indian. Herminia looks very Indian, but Pablo
didn't. Pablo’s brother, he could have passed as a Conquista-
dor. So I really wasn't sure I was dealing with Indians and I
didn't know nothing about Indians; I didn't understand Indian
culture. I had no idea what was going on, but I was touched
with what I heard about the plight of the people, that their
homes were in tax-foreclosure. Meeting in Pablo’s house I
could see two houses next door with Indians in them had no
running water. They were using Pablo Silvas’ water tap to get
water to their houses. They’d hook up a hose and run water
over and fill up tubs. I came back a third time and this time
Mike Pedraza and Jose Granillo were present. They both were
very Indian looking. Jose spoke very little English and that
impressed me. How could someone be born in El Paso and not
speak good English? I couldn’t believe that. His English was
not good at all; just a few words. That convinced me that they
were Indian and there was a series of things that happened
then. I tell you what I’ll do, I’ll give you a transcription
of a recording I made with Nick Houser in 1965. It gives you
a day by day account of what went on and who I contacted and
what they did. It’s like reading a who’s who in American
politics. There’s John Connelly; it’s Ralph Yarborough; it’s
Lyndon Johnson; it’s Wendell Chino; it’s Vine Deloria, (a famous author, a Standing Rock Sioux Indian) It’s Doctor Fontana, he was head of the Arizona State Museum at Tucson, Arizona. He was head of the museum and I’d found out that he was coming, there was an article in the paper saying he was going to be present at Guadalupe Day at Tortugas. I arranged to be up there and I met him and I told him the situation down here and he said, "Well, I think those people are extinct." He says, "In 1903 an anthropologist named Fewkes visited with them and said they were on the verge of extinction." He says, "I can’t believe they’re still there," and I said, "Well, they’re still there." So, he wanted to come down and meet the people. When the Tortugas celebration was over, we got in my car, he followed me down, we went to the Pueblo and we met with Pablo, we met with Jose Granillo. By the way Jose was living with his brother. Was his brother Aniceto? What was his brother’s name?

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

TD: Well anyway, the two brothers were living together in a room with one window and a door, that’s all it had. It had a ladder leaning against the wall and in front of the house there was
a little, make-shift cage in which a huge, white rooster was.
I later on found out what that rooster was, he was the symbol
of authority for the Chief. That was the eagle. The other
pueblos used to have a caged eagle, in front of the home of
the Cacique to indicate that this is the Chief’s house. That
tradition is no longer practiced anywhere in New Mexico, but
it was still being practiced down here in Ysleta, only the
eagle was a big white rooster. Jose took care of that bird
like you wouldn’t believe. I doubt that it’s being done
anymore but it was sure being done at that time. The last of
the eagles. Anyway, we went in that house and when we left
the house the walls were lined with paper bags hung on nails.
Dr. Fontana spoke Spanish, so he and Jose were talking about
what was in the bags. Jose said, "This is Yerba Buena," and
this is such and such and this is such and such. He was
explaining how he used these herbs to treat tribal members,
that was part of his duty as a Cacique, was to provide medical
services. There was a little altar they had at home, an iron
bed there and I can’t remember if there was one bed or two
beds. They had an altar they maintained and it was a dirt
floor. When we left there, I said to Dr. Fontana, "Well, are
these people Indian?" He said, "Indian?! Oh my God, I've just
been in the finest Indian museum I've ever been in my life. I
saw things I've never seen. A practicing medicine man, he let
me look at his wares and he told me how he did things. That is
terrible to say this, but that pronouncement by a gringo,
convinced me that they were Indians. Is that terrible? You've
got to go to a gringo academic to find out if someone is a
native.

FH: You had no idea, they were Indians?

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

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

TD: Well, there were a few people that were doing alright. Mike
Pedraza worked as a bus driver for the Ysleta School District.
At one time he was, he'd been an entrepreneur and had his own
cab right there in Ysleta. He was doing okay. On the other ha-
nd, Jose Granillo and his brother, the taxes hadn't been paid
on their home, it was in a foreclosure process. Jose Granillo,
the Cacique of the tribe, to make a living had to pick cotton.
I had been out in the cotton fields to find Jose, for some
reason, and here he was dragging a bag, through the dirt,
picking cotton boles and putting them in a bag. He had to do that in order to survive, and a lot of tribal members had to pick cotton in order to survive. A lot of tribal members were still going out in the desert to catch rabbits. Jose and his brother, would go out in the desert to catch rabbits, to eat, to live. In fact, Dr. Dunbar, the head of the Fields Foundation came to visit the tribe, that Vine Deloria had told them about their plight. He called me up one time, wanted to visit with us. He represented this large foundation that had lots of money. I was extremely anxious to impress him with the need of these people for assistance so we could get some money. I'd picked him up at the airport, I’d made arrangements to meet Jose and his brother at the Chief’s house and then we were going to do a little tour of the various places that I wanted him to see. We got to the Chief’s house and he wasn’t there. I finally got out of his brother that he was out hunting a rabbit in the fields, in the sand hills. I kind of exploded. Here was this guy coming from New York, representing this big foundation, a chance to get a lot of money for the tribe, and the Chief was out hunting a rabbit. I couldn’t believe it. I got a little irate and his brother said, "Don’t you under-
stand...," this is going on in my very poor Spanish, "Don’t you understand? We’re hungry." Well, I was apologizing to Dr Dunbar that the Chief had stood him up. He said, "No. This is for real, this is what I want to see. I know this is no hokey deal, I know it’s real. I’m going to help you people. I want to help you people. If he was hungry enough to go out and chase a rabbit, rather than try to milk money out of my foundation, he’s got my respect." So, it worked the opposite, what I thought was a horrible thing turned out to be a tremendous advantage. The Fields Foundation gave us enough money to clothe every child in the tribe with all the clothing they could possibly put on: new shoes, new trousers, new shirts. We rented a bus and we took people to, I forget what store it was, but we took them to a store and any child that wanted to get fitted with clothing got fitted with clothing. Other things they did, they provided enough money to get birth certificates for the adults that didn’t have birth certifi-rates. There was a tremendous number of adults that didn’t have birth certificates. That’s a problem when you don’t have a birth certificate. They paid the court costs and everything to get birth certificates for the adults that needed birth
certificates. I forget the other things they did, but for the
time they spent several thousand dollars. It was very helpful.
They just came along at the right time. That's been the story
of the Tiguas, every time there was a need, there was someone
there to fulfill the need.

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

TD: The reason for that was the compact of 1850. Prior to 1850,
this tribe was supervised by the BIA and its trust relation-
ship to Indian tribes. Indian Agent Calhoun inventoried the
tribe, wrote correspondence about the tribe, wanted to put an
Indian Agent down here. They were getting the same exact
treatment as the pueblos of New Mexico, no different in any
way, shape or form. Then a mistake, an accident rather, an
accident occurred. The Compact of 1850, Texas retained its
public lands in exchange for paying off its debt as a repub-
lic. This pueblo, of all the pueblos, wound up in Texas, the
others all remained in New Mexico which was a territory. The
BIA continued to administer to the Indians up there and for
some reason they dropped this tribe until they needed them for
some good reason. When they needed students at the Indian
school in Albuquerque they’d come down and get Indians to go
to Indian school, but they extended no benefits to them and
didn’t protect their land rights. I talked to Meliton Holguin
and he had attended Indian school in Albuquerque. I asked him
why he had attended Indian school in Albuquerque and he told
me that the priest of the Ysleta mission had come by with a
government man and they told each family that they must
contribute a student to the Indian school. I said to Meliton,
"Meliton, did you have brothers and sisters?"
"Oh yes." I said, "Why were you the one that went to Indian
school? "He said, "Well, that’s easy, the same as all the
other families. I was the youngest." The youngest kid got the
honor of going to Indian school. It was real interesting
talking to Meliton Holguin because they had totally brain-
washed Meliton Holguin. Meliton thought it was bad to speak
Tigua. Meliton thought it was bad to carry on what he called
"pagan practices." He was still an Indian, but he had been
convinced that being different from other people was bad. He’d
been brainwashed at that school. Wonderful guy, I really loved
Meliton Holguin. He was just a wonderful guy. He had gone to
Indian school because he was the youngest member in the
family.

END OF TAPE ONE, SIDE ONE
TOM DIAMOND - CONTINUED, Tape 1, Side Two

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

TD: Well, I have voluminous correspondence with the BIA and it all boils down to we don’t help Indians. They first told me, well we have to have a treaty or an executive proclamation or an act of Congress creating trusteeship and assistance. I said okay, we’ll do anyone of those you want. Then they’d came back and said, "The President no longer issues executive orders recognizing new tribes. Congress no longer passes laws recognizing Indian tribes. We don’t make treaties with anyone unless we are at war with them." So, no matter what you did, they’d say no. Woody Crumbo, was the director of the Art Museum, here in El Paso at the time. He was of assistance to me. There was an obscure statute whereby Indians could obtain lands if their tribe didn’t have lands. So, we started peppering the BIA with applications for land grants and we were just irritating the hell out of them, and constantly getting back that they could not help us. I can’t recall why I turned to the State of Texas, but I was so frustrated on the federal level, that I decided to go for State recognition. Of course,
I had good political contacts, I was County Democratic Chairman, I knew the Governor well and knew Ralph Yarborough the Senator well, Dick White was the Congressman. I had the contacts politically, to get something done and went down to Austin, there's a War Jacket that hangs in the Culture Center. I got that from Meliton Holguin, it was underneath the pigeon droppings in his pigeon pen and he gave it to me. I sent it off to the University of Arizona and they confirmed that it was buffalo hide. I took that down with me and some gourd rattles and other things. I met down there with the Attorney General of Texas, Crawford Martin. First, I talked to the Governor's office, and a guy named David Spurgeon, who was the Governor's administrative assistant at the time, set up the meeting with me and a young attorney Al Minter, who worked for Crawford Martin. Crawford Martin came by and sat in the meeting also. In any event, we talked about it and everyone liked the idea, that Texas had an obligation towards these people, but Crawford Martin pointed out that the State could not take over responsibility for the tribe because of the Federal Constitution, which reserves to the United States the sole responsibility for dealing and treating with Indians.
That's correct. We came up with the idea, well, let's do both, let's do two things. Let's get a bill through the Texas Legislature, recognizing the tribe and agreeing to assume trust responsibility subject to getting a federal bill through recognizing the tribe and transferring trust responsibility to the State of Texas. Well this worked. The BIA did not want the responsibility of another Indian Tribe. They were still engaged in their practice of termination, this was the height of termination. They wanted to get rid of Indians not create Indians, but they took the bait. This was a chance for them to have us recognized and have trust responsibility transferred to the State of Texas. Of course, I had advanced for Kennedy, I advanced for Kennedy/Johnson, during their campaign specifically for Lyndon Johnson on a whistle stop tour. I had real good contacts in Lyndon Johnson's office, knew all of his assistants, worked with him on advance work, we were really well connected in that respect. The BIA, they were still reluctant to go along with this concept, but we had some pressure coming at them from the White House which turned the trick. So, they finally agreed, "Yeah, okay, we'll go along with that." There was a guy named James Officer with the BIA
at the time, spoke Spanish by the way. I’ll never forget, we
went back to Washington for the Federal legislation and it was
Trinidad and Jose Granillo, and Mike Pedraza (Sr.). The first
night out, we stopped at Joplin, Missouri and I got two hotel
rooms with two beds in each room. Miguel was going to stay
with me because he spoke English, so I’d have someone to talk
to. Miguel says, "Mr. Diamond; do you mind if we stay in the
other room? Do you mind being alone?" I said, "No, but why?"
"Well, the Chief’s never been out of town before and he’s
worried. What if someone knocks on the door? He doesn’t speak
English." They wouldn’t stay in the motel rooms by themselves,
you wanted Mike to be there because he spoke English in case
the phone rang, I guess, I don’t know. So, anyway, we got back
to Washington and we were in front of the Committee. Wayne
Aspenall, the most conservative Congressman in Congress voted
against any appropriation of any kind. He was Chairman of the
House Interior and Insular Affairs Committee that we were
before. The three Chiefs were there and they were sitting side
by side. They didn’t take the batons of office because they
didn’t want them to be at risk, but they had the tribal drum;
the Juanchido was there. They had taken bundles of reeds and
bound them together and carried them all the way back to
Washington and they sat there with the reeds in front of them,
holding them with both hands. It was the substitute for the
batons, it was their symbol of power. I made my little speech
and speel and so Wayne Aspenall, when I was all through, said,
"I want to hear it from the Indians. What do the Indians have
to say?" I said, "Well, let me ask Mr. Officer," he spoke
Spanish, who was luke warm about everything going on, "ask Mr.
Officer to interpret." So I put this BIA guy on the spot.
Wayne Aspenall is questioning the Chief: "Ask the Chief what
it is that Congress can do for him. I want to know what the
Chief wants from Congress." So Aspenall asked Jose in Spanish
and Jose's response was just classical. The response was, "The
government can do nothing for me, I've lived my life and it's
near its end and I'm at peace and satisfied. But my people
need help." So, James Officer translated that back and Wayne
Aspenall said, "Okay. Ask the Chief what we can do for his
people, what does he want us to do for his people?" So
Aspenall translated the response of the Chief which was: "We
need water, we no longer have water. We need a water connec-
tion at each house." That was the only request he made, a
water connection at each house. That's the only request he made and it was just amazing. These guys in Congress, everyone that comes in there has got their hand out, they want buckets of money and here's this Indian Chief saying, "The only thing I want is water for my people. One faucet for each house." An amazing thing happened, Wayne Aspenall himself as chairman of the Committee moved the bill onto the floor of the Senate with full approval of the Committee. That's never happened, that never happens; they always go into Executive Session and talk about what they're going to do with the bill. He moved the bill right in open session in front of the Chief's on the floor of the House. Unbelievable. Dick White couldn't believe it. His assistants, who were all experienced Washington people couldn't believe that this crotchety, old guy, that everyone said was the biggest skin-flint in Congress would move that bill on the floor of the House in open session, but it was real. It was kind of like Dr. Dunbar coming out, it was real. So, the bill went on the floor of the House, and of course the interesting thing there; it stayed there, it stayed there, because we couldn't get it through the Senate. I've told you what happened over there. Senator Anderson, Clinton Anderson
was sitting on the bill, wouldn't let it out of the Senate because the tribes in New Mexico, the pueblos in New Mexico were pressuring him not to let these people, who were allies of the Spaniards, get government recognition. So, Yarborough, Ralph Yarborough, Senator Yarborough spent a whole night feeding whiskey to Clinton Anderson before Anderson finally confessed what was wrong and Yarborough said, "You can't keep these people from getting help for that reason. That's wrong." So he agreed, and it went on the floor of the Senate the next day. I got a phone call. I was at the old Texas Ranger headquarters with Miguel Pedraza (Sr.) and, inherited from a lady, is where the Post Office is now. It was a little office that we'd set up. We'd already started operating under the State statute even though the federal law hadn't been passed which would permit us to operate legally. We'd already gone into an illegal operation but the phone number at that time was 8-5-9-7-9-1-3. The same number you've got today and the phone, I was down there talking to Miguel Pedraza (Sr.), and the phone rang and it was Ralph Yarborough in Washington. He said, "Tom, I've got wonderful news, the bill is going onto the floor of the Senate today, it'll pass unanimously. You're
off and running, you’re and Indian Tribe." So, the news came
at what was the first office of the tribe, which was right
where the post office is today. The big hang-up was the other
pueblos not wanting to reward people who they thought had been
allies of the Spaniards, and I could understand that. When De
Vargas reconquered New Mexico there were 100 warriors from the
Tigua pueblo. It was a blood-less reconquest, they went to
pueblo to pueblo and they surrendered, but out there in front
of them, in addition to the armed Spaniards was 100 armed
Tiguas. So, they were, in fact, allies of Spaniards in that
respect. When they came down in 1680, they weren’t allies, in
my opinion, they were captives, they were forced into that.
But they had been here twelve years and when they accompanied
the Spaniards on the reconquest I can see why the other tribes
would view them as allies of the Spaniards. Anyway, that’s an
interesting little footnote on the problems you have on
getting legislation through. Things never, in this life,
things never are what they seem to be. It’s always some little
thing that you never would anticipate that becomes the problem
or the becomes the solution. Things that you don’t have any
idea could play a role like the suspicion of the New Mexico
pueblos that these people were allies of the Spaniards almost kept us from getting recognized. If Ralph Yarborough hadn’t taken a bottle of whiskey over and gotten Clinton Anderson drunk, we may never have gotten recognized.

FH: Thank God for whiskey.

TD: Ralph Yarborough was a friend of the Indians, John Connelly was a friend of the Indians, Lyndon Johnson was a friend of the Indians, everybody, Crawford Martin was a friend of the Indians, everybody that came in contact with this story was deeply touched by it because it was real. Here were some people that needed help, who had taken care of themselves all these years, who had suffered and suffered and suffered and survived. They survived with their culture intact. With the eagle still in front of the Chief’s house. No other pueblo in the United States had an eagle in front of the Chief’s house, but this pueblo did. I’ll never forget, the toughest guy in the Texas Legislature, what’s his name? He was Chairman of the House Appropriations Committee and he didn’t think the State of Texas should be appropriating money for Indians. He wanted to see these Indians that needed money from the State of Texas. So, he came out, Bill..., what was his name?
Bill... I'll think of it in a minute, anyway, he came out here. I met him at the airport, took him to the tribe and we went to..., the ex-Cacique...

FH: Before Che?

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

FH: Trini was after Che.

TD: After Trini.

FH: After Trini? After Trini was Enrique Paiz.

TD: Enrique Paiz. We went to Enrique Paiz's house and one of his daughters was laying in bed with sores all up and down her legs. I was, in my very poor Spanish, translating for this guy, he wanted to know why she was lying there. The answer was, "Well, we don't have money to go to a doctor." "Why isn't she in school? "Why? Well she can't go to school because she can't walk. These sores are so bad," and he couldn't believe it, that this condition existed. We went outside, he had a tear in his eyes. "That's got to be corrected, Tom, get that girl to a doctor." He gave me a twenty-dollar bill, "get that girl to a doctor." I handed the money back and I said, "Bill, I'll get her to a doctor, I'll take care of that. We need you to do more than this for the tribe. We need you to give us the
big bucks." He went back to Austin and the Legislature passed, we got the money we needed. It was because of his visit here, seeing Enrique Paiz's daughter laying there unable to go to school, because she had these sores on her legs and they didn’t have the money to go to a doctor, they didn’t have the money to get her to Thomason. They probably didn’t even know that Thomason would have treated her. You know about Guillermo, the guy that’d been born with a hernia, lived next door to Pablo’s house with two sisters. He could barely walk, he walked real bow-legged. He had this hernia, he’d pad it with newspaper. He’d been born that way, he’d never been treated for it. We got him to the hospital and they repaired the hernia and he could walk. That’s the kind of thing that we were dealing with. Bill Heatly, he’s a legend in the Texas legislature. The most stingiest guy that ever lived. His heart melted.

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

td: They were very supportive. Crawford Martin, and Governor Connelly were very supportive of the federal bill because they’d already agreed to accept responsibility, so, they
played a major role. No question about it, a major role.

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

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

FH: That was a State committee, though right?

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

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

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

FH: On April 15, 1968 the El Paso Herald Post reported that late Saturday, April 13, 1968, a bill signed by President Johnson transferred the trust responsibility, if any, to the State of
Texas. What exactly did that mean?

TD: That meant we'd already gotten the State of Texas to agree to accept trust responsibility and provide assistance to the tribe if the federal government first recognized them and transferred the responsibility to the State of Texas because the was the Constitutional problem we had. Only the federal government could deal and treaty with Indian tribes. So the State had first passed legislation agreeing to accept trust responsibility if and when the federal government passed legislation: number one, recognizing the tribe and number two, transferring responsibility to the State of Texas. So the answer to your question is that wording was in there to accomplish this transfer which was the only way we could get the State in a position where they could legally give assistance to the tribe because the Texas Constitution prohibits gifts to anyone but where there's trust responsibility in a political relationship you're not subject to that prohibition. So, we needed the federal legislation to make the State legislation affective. The answer to your question is that was to permit the State to undertake trust responsibility towards the tribe.
FH: Is this normally how tribes were recognized?

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

FH: Once again...

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

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

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

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

FH: It wasn't Cantona Silvas?

TD: Cantona, Cantona, Cantona....,
FH: It was Cantona?

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

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

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

FH: What were the benefits to the Tigua Indians in getting federal recognition?
TD: Federal programs. Health is a good example. The federal program on health is excellent. The State program was horrible. There are other programs of extreme importance with respect to economic development. It's much easier to get grants and assistance for economic development through the federal programs than there is through the State programs. Also, you get a better status, there's more stature if you're a federal tribe than a State tribe.

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

TD: In a word, one politician. The Lieutenant Governor of Texas, Bob Bullock. He opposed the bill because he was afraid that the tribe was going to engage in gaming activities. He insisted that there be a clause in the legislation prohibiting the tribe from engaging in gaming activities. At his insistence, Ray Apodaca was the Tribal Administrator at the time and there was a lawyer with NARF, Native American Rights Fund, named Don Miller and myself that were principally active in getting this restoration bill through. Mike Pedraza Jr. was the Governor of the tribe at that time. The Tribal Council passed a resolution, which I'm sure you're familiar with,
saying the tribe doesn’t won’t to gamble, has no interest in
gambling, will never gamble. That was extortion in its rawest
form, it was political blackmail. Senator, United States
Senator, he’s still United Senator, Graham, Senator Graham,
wouldn’t put the bill on the floor of the Senate until Bob
Bullock signed off on it. We were stymied. Bullock was afraid
we were going to enter into gambling and he wanted assurances
that we weren’t. So, the bill was initially drafted to
prohibit gaming of any kind. The tribe passed the resolution
and then the Senate Select Committee, which was the bill was
before, changed the wording into the present language that
we’re prohibited from gambling where gambling is prohibited in
Texas, which opened the door enough for us to get our casino
going. It was only because the Senate Select Committee pulled
a fast one on Senator Graham. Senator Graham never realized
that bill had been, that the language in that bill had been
changed. He never realized it. The Lieutenant Governor of
Texas never realized it. They knew that we had amended the
bill a little bit, and I’ll be honest with you, I wasn’t
looking forward to a gambling opportunity either. I was just
mad because we were being forced to take this position. It was
FH: What is the Sens Luck...,

TD: Pardon me.

FH: What is the Sens Luck Committee?

TD: Senate Select Committee...,

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

TD: ...on Indians. It was a special committee set up to handle Indian Affairs. Senate Select Committee on Indian Affairs. It's the equivalent of the House Interior and Insular Affairs Committee.

FH: In an El Paso Time article dated March 22, 1986, the Tiguas said they would outlaw gambling on the reservation in order to get a 1985 bill for federal benefits passed. In this same article, you are quoted as saying that "gambling is not consistent with the Tiguas tradition." What, in your opinion, changed your mind and the minds of the Tiguas?

TD: Nothing changed my mind, we were being blackmailed. This is what we had to do get the bill through. We were being blackmailed. All of us.

FH: In July of 1992, a meeting to discuss gambling took place on the reservation. At about the same time as this meeting, then
Governor Raymond Apodaca was removed from his administrative job as superintendent. The El Paso Times reported on July 18, 1992, that you recommended that Apodaca be removed because he opposed gambling on the reservation. What are your recollections of that event?

TD: Well, the Tribal Council was meeting in Ray Apodaca's office and I had been approached by three or four gaming managers or operators to discuss the possibility of a gaming operation on the reservation. So, at this meeting, I brought this up as something that the tribe may want to look into and we had a long discussion about it. At that meeting, Ray Apodaca opened his desk drawer and brought out a whole bunch of letters and applications from different people wanting to discuss gambling which he had rat-holed, which he had kept to himself. He stated to the Tribal Council, at that time, that he didn't approve of gambling and that it was a mistake for the tribe to even consider it. That's typical of other Indian leaders, Native American Rights Fund, for example, opposes gambling. As a result of that meeting, there was general dissatisfaction by the Tribal Council that these matters had been kept from them. This was something they had a right to look at and determine
if it was in the Tribe's best interest. Of course, there are
downsides to gambling, no question about it. Some tribes have
refused to get involved in gambling. I represent the Alabama
Coushattas; they have voted against it. They're a deeply
religious people and they object to gambling on a moral basis.
The population in West Texas doesn't have the same attitude as
the population in East Texas has, whether you're Indian or
non-Indian, doesn't make a difference. In East Texas is a
moral objection to gambling you don't find in West Texas. But
to answer your question about the conflict that developed
between Ray Apodaca and myself, it all developed as a result
of the position that Ray took that the tribe shouldn't even
look into gambling as an economic opportunity. You know the
rest of it.

END OF TAPE ONE, SIDE TWO

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FH: You were speaking about the Raymond Apodaca incident.

TD: Yes. Now, the reason I got upset over that is I thought it was patronizing. I have noticed that many people, including Indians, are patronizing towards Indian tribes. Everyone thinks they know what’s in the best interest of a group of people, and that’s wrong. The people should make the decision. Now, I don’t gamble. I’m not a gambler, you’ll never see me play a slot machine. I don’t gamble. I’ll give my wife twenty dollars and tell her to go have fun, but you won’t catch me playing. I don’t enjoy it, I don’t like it and I would never promote gambling as an economic opportunity, but for the fact that it was working for other tribes and the tribe here needed an economic opportunity. The restaurant was okay but it wasn’t making enough to really make a dent. The pottery operation was fine but it never made any real money, the herb operation was fine but it never really provided the employment opportunities and the economic benefits that we hoped it would. We were not getting, we were not in a breakthrough with anything that was really successful enough to give the tribe economic dependence, independence. We can’t depend on the federal government.
and the State of Texas forever. We've got to be able to stand
on our own two feet. That's my opinion. The tribe needs to
make its own decisions, it shouldn't have other people making
decisions for it. It should be given the opportunity to look
at the options that are available and debate those options and
make a decision and go forward on their own. These are a
sovereign people and their sovereignty should be respected.
What burned me up about, I won't say burned me up. What
disappointed me about Ray was that he was keeping this to
himself because he had made a moral decision that the tribe
shouldn't gamble. I'm not going to fault Ray for having done
that. I think he made a decision, which in his mind, was
clearly in the best interest of the tribe. My problem was he
was making the decision instead of the tribe making the deci-
sion. That's what provoked all that nonsense we all went
through.

FH: Okay.

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

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

FH: That’s my next question.

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

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

TD: Yes.

FH: ...what qualities did they possess that qualified them to open the tribe’s gaming operation?

TD: Well, you need to talk to the people who made that recommendation. You’re one of them. What I saw was that they made the best presentation from the point of view of willingness to spend money. They seemed to be culturally sensitive. It turned out later on that they weren’t as culturally sensitive as they should be, but they seemed to be culturally sensitive. Their
presenters did a real good job, just did an excellent job. There were some good proposals, but I think we got the right proposal from the point of view of willingness to come in. They spent a ton of money before we were sure we were on solid ground and could go forward. They put their money at risk at a time when I don't know anyone else who would have been quite as generous. It's unfortunate that they didn't have cultural sensitivity and we had to part ways, but on the other hand, they didn't lose anything. They got all their money back and interest and some profit and the tribe is in charge of its own destiny. So, it's kind of one of those things where, again, the right person was there at the right time. I keep going through my memory and marveling at how there's always been the right person there at the right time. Seven Circle Resorts, with all the problems we had with them later on, at least came in and put up a first class facility, which has made a huge difference to us. They got us going and they had the expertise, they trained us. Their cultural insensitivity was their own undoing. They were used to dealing with African homelands, I think. When they had a meeting in front of Tribal Council, I accused them of treating us like a tribal homeland, boy they
erupted. They just came unglued, they had never been so
insulted in their whole life. But, I think the ballgame was
over when they objected to the elders waiting around the
restaurant for their meals. That was just so bad, it was down
hill from that day on.

FH: That was pretty insensitive.

TD: Yes, that was very insensitive.

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

TD: The Restoration Act, which is the one I told you we finessed
some changes in, and the way the bill was finally passed.
Instead of the outright prohibition of gambling, which was in
the original bill, the bill as passed said that the tribe can
not engage in gaming activities that are prohibited in Texas.
The position of the tribe is simply this: Pick 3, Cash 5, and
Texas Million are casino games. They're house banking games.
They all three rely on random number generators. This by
definition is the same as a slot machine. The only difference
between the State games and our games are the State's got
10,000 terminals sucking money into Austin, we only have one at a time going. That's the only difference.

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

TD: March 28, 1923?


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

TD: That's my birthday.

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

TD: The land claim goes back to the pueblo league. Every pueblo's entitled to a league of land which was thirty-six square miles. This claim here was surveyed in 1829 and, well 1825, 1829 and 1841, three different surveys. It was recognized by the State of Chihuahua in 1824. It was recognized by the State of Texas in the Relinquishment Act of January, no February 1,
1850. The State of Texas recognized the Ysleta grant. It's a grant of land by the Spanish law which has been recognized by both Mexico and the United States of America and the State of Texas, which is the Ysleta grant as it is known today, it's an Indian part of the lower valley and that's the land claim. Your question was the Albuquerque Journal said we would link that to gaming?

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

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

FH: Maleu Beall?

TD: Maleu Bell. She was sitting in the very chair I'm sitting in right now and she asked the question, "Would you link...," because we were pressing the Land Office to give us land, so she said, "Would you link your demand for land from the State of Texas to your request for a gaming compact?" I stupidly said, "Yes." Because the State of Texas had suggested it and that's what the Albuquerque Journal was quoting. The result of all that was that a Texas Congressman accused me of trying to
blackmail the State of Texas that we were going to press our land claim unless they gave us a gaming compact. I walked into a little trap and I sure didn’t see it coming. I’ll never say that again as long as I live. The two matters are totally independent of one another and can’t be linked. It was the State’s idea.

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

TD: A change in attitude on the part of the Governor. We were set to go. I had visited with the Governor’s lawyer, what’s his name? I can’t think of it. Anyway, we’d gotten down to the point of how many slot machines we were going to have. We finally agreed on 500. I was asking for 1000, he was asking for 200, we finally agreed on 500. I walked out of that meeting convinced we were all set, we were going to go and everything was in line. The next morning, the Houston Chronicle, I was in Houston. I read the Houston Chronicle, it had a big article that the Governor had said, "Nix to Gambling,"
that she wouldn't approve any compact whatsoever. I am convinced personally that she did that under pressure from the race track industry. They did not want us as competition. The race tracks in Texas were not doing well, they saw us as a threat just like Las Vegas sees Indian Gambling as a threat. Atlantic City sees Indian gambling as a threat. Vested interests never like to see anyone else come in and open a shop. If you're the only florist in town, you're not going to welcome some other florist. So, I'm convinced the race track people got to the Governor because she was sure going along with us for a while, no question about it.

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

TD: Yes, go ahead.

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

TD: We hired experts who analyzed gambling in Texas and concluded that the games that we were requesting were games that were permitted in Texas. Permitted from the point of view of the State being able to operate like Pick-3, Cash-5, and Texas
Million are casino games. They're the same as a slot machine, no difference. It was that argument that convinced the judge. In addition, we had sent a young man named Francisco Hernández, and assistants, throughout the state taking photographs of all the eight-liners running from one end of the State of Texas to the other. Frank and his helpers had taken photographs, in fact they even had photographs of the inside of some of the machines. We put that together in an affidavit that Frank signed and I have no doubt that was a very powerful persuasion with the Federal Judge because one of the photographs was of some eight-liners in his home town. I'm sure he went by the truck stop and took a look at them.

FH: In October of 1994, the 5th U.S. Circuit Court of Appeals overturned the ruling by Judge Lucius Bunton on the legality of the Tiguas gaming operation. In this ruling, the panel stated that it was an "unmistakable conclusion that Congress - and the tribe --- intended for Texas' gaming laws and regulations to operate as surrogate federal law on the tribe's reservation in Texas." This made the Texas Restoration Act the governing law on gaming on the reservation, thus removing the allowability of gaming under the Indian Gaming Regulatory Act.
How did this help or harm the Tiguas?

TD: Well, what happened there, in my opinion, is that the 5th Circuit didn’t have any way to disagree with the judge’s opinion with respect to scope of gaming. So, instead, they went out the back door, and said, "Wait a minute, you aren’t under the Indian Gaming Regulatory Act, you’re under the Restoration Act and that controls so we’re going to find that the judge had no jurisdiction to hear your case and we’re going to vacate his opinion." They didn’t overturn it, they vacated it. They vacated the opinion because he had no jurisdiction. See the Indian Gaming Regulatory Act gave tribe’s permission to sue states and that’s why we got in the courtroom to begin with. The 5th Circuit said, "No, this tribe can’t sue the State of Texas because you don’t come under the Indian Gaming Regulatory Act, you’re under the Restoration Act and under the Restoration Act you’re not given the ability to sue the State of Texas." So, they were unwilling to face the real issue which was whether or not the activities we were requesting were permitted in Texas and instead they said, "No, the Restoration Act controls and it’s based on a different premise." There’s no doubt about it, it is based on a differ-
ent premise. It turned out that was a more favorable basis for
our gambling than the Indian Gaming Regulatory Act. If we were
under the Indian Gaming Regulatory Act we'd never get Texas to
agree to a compact and the Secretary of the Interior is
refusing to sign compacts on his own where states refuse to,
even though he has the power to do that. It's a political
thing and so he's refusing to sign compacts. So, if we were
under the Indian Gaming Regulatory Act we wouldn't have a
single thing going except Bingo. The 5th Circuit did us a
great big favor, not intending to, they didn't realize that
the Supreme Court, a year after their decision, was going to
outlaw the ability of any Indian tribe to sue. In the Seminole
case, they said, "No, Congress couldn't give Indians the right
to sue states. They're still protected by the 11th Amendment
to the Constitution." So, the 5th Circuit just, again, it's
this feeling I have of all the right persons at the right
time. Even this lousy decision turned out to be of benefit to
the tribe. So, we've been getting the breaks.

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

TD: Vacated means it never happened.

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

Governor George Bush has made his opposition to the Tiguas gaming operation well known...

Sure.

..., what actions do you believe he will take to stop the Tiguas?

Well, there is only one action he could take and that is to sue us in federal court under the Restoration Act, seeking an injunction showing that the games we are playing are prohibited in Texas. That's the only option open to him. We preempted that option when we filed in federal court ourselves seeking that declaration from the court. Only our request was that the court declare these games were legal. The Governor formally announced, when we filed that lawsuit, that he welcomed it, that this matter belonged in the courts. Then he turned right around and filed a motion seeking to be dismissed on the basis of sovereign immunity, which the federal trial judge did grant. That's on appeal now to the 5th Circuit. I don't know what the 5th Circuit's going to do. I rather imagine they'll
say, yes, we don't have the jurisdiction to file suit which means that the Governor is going to have to get the Attorney General to turn right around and file suit in the same court, the Western District of Texas, on the same issue. The difference may be that we'll wind up in court in Austin. So, we may wind up in the same court on the same issue.

FH: Do you think George Bush will negotiate some kind of agreement?

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

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

TD: It's quite possible that the Attorney General will file a case in the Western District of Texas seeking to shut us down through injunction. They won't be able to do that until the pending lawsuit has been disposed of. If we get an adverse decision in the 5th Circuit on that, we'll appeal to the
Supreme Court. So, there's at least twelve months of time before the Attorney General will be in a position to file such a suit and I think there's an excellent possibility that we'd win the suit even if we're before a federal judge.

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

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

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TD: Where will they be 100 years from now? Well, I'm sure they'll be okay, because we've been on a real roll, everything's been breaking their way, and after all the years of depravation and discrimination and deceit, they're getting the good breaks now and they'll continue to get them. If gambling continues, of course, there's no limit to where they can be 100 years from now. They could be wealthier than the State of Texas. I believe that 100 years from now there'll still be an identifiable group of people known as the Ysleta del Sur Pueblo, the Tigua Indians of Texas because they've survived 300 years in spite of all adversity by holding on to their culture and tradition. My opinion is that the survival of this tribe is a reflection of their deep, religious, cultural convictions and
I think those will continue to exist and blood dilution is going to be a problem. I think the major problem they’re going to face is blood dilution. Under the present law, fifty years from now, it’s going to start getting pretty tough. There is a bill pending to change the blood quantum to one-sixteenth. The BIA doesn’t like that bill.

FH: It makes more Indians quicker than we can.

TD: I know.

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

TD: It was meeting the Tiguas and working with them. If there’s one thing you could do in your life that is worthwhile, this is it for me.

FH: Okay.

TD: I, the night my father died, I was visiting with him and he started crying, saying that he’d not done anything in his life really worthwhile. He compared what he considered his failure to what I had done for the Tigua Indians. I was listening to him and I’d never seen my father in this mood before, saying he hadn’t done anything was totally wrong, he was a wonderful 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 Tigua Indian maps on Wednesday, November 11, 1998
Tom Diamond in the office where he was interviewed on Wednesday, November 11, 1998