# SANTA CLARA PUEBLO V. MARTINEZ, 436 U. S. 49 (1978)

**Facts of the Case:**

This landmark case regarding the federal government's jurisdiction over Indian tribes arose from tribal disputes over membership. In 1941 Julia Martinez, a member of the Santa Clara Pueblo tribe married a Navajo Indian with whom she has since had several children, including respondent Audrey Martinez. Two years before this marriage, the Pueblo passed the membership ordinance here at issue, which bars admission of the Martinez children to the tribe because their father is not a Santa Claran. The Santa Clara Pueblo denied membership to the woman's children based on a tribal [ordinance](http://www.answers.com/topic/ordinance) excluding the children of female, but not male, members who married outside the tribe. The ordinance excluded children could neither vote, hold secular office, remain on the reservation in event of the mother's death, nor inherit their mother's house or interest in communal lands. She and her daughter brought this action for declaratory and injunctive relief against the Pueblo and its Governor, alleging that a Pueblo ordinance that denies tribal membership to the children of female members who marry outside the tribe, but not to similarly situated children of men of that tribe, violates Title I of the Indian Civil Rights Act of 1968 (ICRA). The relevant part provides that "no Indian tribe in exercising powers of self-government shall . . . deny to any person within its jurisdiction the equal protection of its laws."

The mother asked the federal district court to [enjoin](http://www.answers.com/topic/enjoin) enforcement of this gendered ordinance. The district court decided in favor of the mother, contending that the [Indian Civil Rights Act](http://www.answers.com/topic/indian-civil-rights-act) granted it implied jurisdiction to do so. Congress passed the act in 1968 to apply certain provisions of the Bill of Rights in the U.S. [Constitution](http://www.answers.com/topic/constitution-ship) to tribal governments in criminal cases. Santa Clara Pueblo appealed the federal court's decision, arguing that the 1968 law did not authorize civil actions in federal court for relief against a tribe or its officials.