

# **THE STRUGGLE FOR JUSTICE AND REDRESS IN NORTHERN NEW MEXICO**

—A report of the New Mexico Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the findings and recommendations of this report should not be attributed to the Commission, but only to the New Mexico Advisory Committee.

October 1974

THE STRUGGLE FOR JUSTICE  
AND REDRESS IN NORTHERN  
NEW MEXICO

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A report prepared by the New Mexico  
Advisory Committee to the United States  
Commission on Civil Rights

ATTRIBUTION:

The findings and recommendations contained in this report are those of the New Mexico Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission.

This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

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LETTER OF TRANSMITTAL

NEW MEXICO ADVISORY COMMITTEE TO THE  
U. S. COMMISSION ON CIVIL RIGHTS  
October 1974

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Sirs and Madam:

The New Mexico Advisory Committee submits this report pursuant to its responsibility to inform the Commission about civil rights problems in this State. In response to complaints from minority people, the Advisory Committee undertook this study of police-community relations in several northern New Mexico communities.

From testimony of participants during an informal hearing in Santa Fe and from extensive field investigation, the Advisory Committee has concluded that there was considerable evidence of excessive use of police powers and unequal administration of the laws. Widespread distrust and fear of the police existed among blacks, Native Americans, and Chicanos.

Follow-up by Commission staff has indicated that conditions have not changed since the open meeting. The Southwestern Regional Office continues to receive numerous complaints alleging the abuse of police power from all areas of the State, and from all minority groups, including blacks, Native Americans, and Chicanos. This Advisory Committee conducted another informal hearing in Northwestern New Mexico in late August of this year where it heard new charges of police misconduct directed against Native Americans. These will be documented in a later report.

Based on findings from our initial study, we are urging the State legislature to strengthen the investigatory function of the attorney general's office. We are also asking that new laws be enacted at the State level to provide adequate mechanisms for redress of citizens' grievances against overzealous police action.

We request that you, as the chief officials of the U. S. Commission on Civil Rights, urge the Congress to strengthen present Federal law to protect all our citizens from arbitrary use of police authority.

Respectfully,

/s/

Sterling F. Black  
Chairman

### ACKNOWLEDGMENTS

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## THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the Act, as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, religion, or national origin: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

## THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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## INTRODUCTION

For several years the U. S. Commission on Civil Rights and the New Mexico Advisory Committee to the Commission have received a steady flow of complaints from citizens in New Mexico alleging unwarranted police action and the excessive use of force. In response to these complaints, the New Mexico Advisory Committee convened an open meeting in Santa Fe during June 1972 to obtain specific information about police behavior in this State.

The Advisory Committee heard testimony from more than 40 witnesses, all of whom appeared voluntarily. Witnesses included members of organizations whose activities are related to the administration of justice, public officials from various State and local law enforcement agencies, and complainants.

Preparations for the open meeting in Santa Fe included staff investigations of police procedures, mechanisms for processing citizens' complaints, and community relations programs.



Interviews were conducted with citizens who had made complaints about police actions. This report is based on testimony given at the open meeting and on the broader investigations of the staff.

The Advisory Committee investigation focused on areas of New Mexico from which the greatest number of complaints originated. These included Albuquerque, the largest city in the State; Santa Fe, the State capital; and several smaller communities located in the northern part of the State.

No study of this sort is possible without the cooperation of many private citizens and public officials. The Advisory Committee wishes to extend its gratitude to the many individuals and organizations in New Mexico who have already contributed to the development of constructive relationships between the people and the police. We look forward to a cooperative and openminded receipt of this report. With this report, we also invite all the people of New Mexico to join in the effort of assisting the police and the courts to serve all citizens with equity and justice.

## CHAPTER I

### THE POLICE IN NEW MEXICO

Who are the police? In New Mexico, as in the rest of the Nation, the answer depends on who you are. If you are a demonstrating student on the receiving end of a billy club and choking on tear gas, the police may be "fascist pigs." If you are a property owner, public official, or school administrator against whom the student is demonstrating, the police are the upholders and defenders of law and order.

Actually, the police are neither. For the most part, they are professionals whose business is public safety. In many instances, they are the difference between life and death. Most of the time they perform rather well; sometimes they perform badly. In some instances, they are accused of being insensitive to the needs of the people, especially the needs of minority groups.

A report of the President's Commission on Law Enforcement and Administration of Justice clearly outlines the difficult role and peculiar position of police in our society:

In society's day-to-day efforts to protect its citizens from the suffering, fear, and property loss produced by crime and the threat of crime, the policeman occupies the front line. It is he who directly confronts criminal situations, and it is to him that the public looks for personal safety. The freedom of Americans to walk their streets and be secure in their homes -- in fact, to do what they want when they want -- depends to a great extent on their policemen.

But, the fact that the police deal daily with crime does not mean that they have unlimited power to prevent it or reduce it, or deter it. The police did not create and cannot resolve the social conditions that stimulate crime. They did not start and cannot stop the convulsive social changes that are taking place in America. They do not enact the laws that they are required to enforce, nor do they dispose of the criminals they arrest. The police are only one part of the criminal justice system; the criminal justice system is only one part of society. Insofar as crime is a social phenomenon, crime prevention is the responsibility of every part of society.<sup>1</sup>

The police, however, are those who begin -- or choose not to begin -- the formal criminal process through arrest. This usually means that great discretion, maturity, and understanding are necessary at this stage because of the wide variety of situations encountered by the police in the course of events. Since police action is often personal, it is inevitable that the public is of two minds about the

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1. U. S. President's Commission on Law Enforcement and Administration of Justice. The Challenge of Crime in a Free Society (Washington, D. C. 1973), p. 92.

police. In this sense, the police are either looked upon as protectors or oppressors, as friends or enemies.

Witnesses testifying before the New Mexico Advisory Committee in Santa Fe and disclosures made to Commission staff and State Advisory Committee members during interviews prior to the open meetings revealed that in some areas of the State the police are not perceived as protectors or friends. More important, was the sense of hopelessness and desperation conveyed by these witnesses about seeking redress for what they felt to be unjust police action. In many instances, they said, there are no avenues presently available to citizens which have the confidence of both complainants and police.

Complaints about police activity made to the State Advisory Committee fall into four basic categories: lack of sensitivity to the community on the part of the police, patterns of practice which constitute harassment, invasion of privacy, and the use of excessive force.

Sensitivity toward the people and the communities they serve is essential for police to perform their services well. A police officer must understand the people he is serving, or he cannot meet their needs appropriately. The Advisory Committee received no information that a community did not want police service; on the contrary, the need and desire for such services was clearly expressed. Equally clear was the need of citizens to be treated with dignity and justice. The information and testimony suggests, however, that some police officers and administrators are not equipped with the degree of sensitivity needed for effective police work.

For example, citizens reported to the Advisory Committee that white police officers have referred to blacks in some communities as "niggers" in the presence of black officers. Black citizens who attempted to inquire about police behavior with the hope of reducing anti-police tensions within the community were told that they had no right to interfere with the work of the police department. (p. 29)<sup>2</sup>

Two citizens' organizations, the Black Coalition of Albuquerque and the Black Berets, a Chicano youth organization, inquired of the police concerning the possibility of their participating in training sessions to sensitize police officers to community issues. One organization was rebuffed, and the other received no response to its inquiry. (p. 64)

A student group from the University of New Mexico in Albuquerque protesting the war in Vietnam was told by police officials that if a demonstration were held they would be arrested for civil disobedience. After some of the demonstrators were arrested, the police were heard to say, "Well, we don't want to bother to arrest all of them. Let's get them out of here." The police then proceeded to tear gas the demonstrators to break up the group. (p. 424)

In another incident, a group of Brown Berets from California received permission from the Santa Fe Police Department to march

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2. Page numbers in parentheses cited hereafter in the text refer to statements made to the New Mexico Advisory Committee at its open meeting in June 1972, as recorded in the transcript of that meeting.

in the barrios of that city to recruit new members for their organization. They were told by police 2 days prior to the march that it was permissible to wear bayonets on their belts as long as they were visible. During the march, however, many of the Brown Berets were arrested on the basis of a changed policy, a change which had not been communicated to the group. The charges against them were ultimately dismissed -- according to one witness -- because the judge had found the charges too vague, and subject only to police interpretation.

(p. 62)

These few examples indicate a general lack of sensitivity on the part of the police toward certain segments of the community they serve. Testimony and staff investigations also revealed that in some communities the police are not able to deal effectively with people, especially with blacks, Chicanos, and American Indians. In others, there is outright antagonism between members of the community and the police.

Another area of concern was the issue of police harassment. In general, harassment was described as a practice used by policemen to remind citizens that they are watching, that they are there, and that they are to be respected, if not feared. For example, the Advisory Committee was told that a common police practice in Albuquerque is to stop a driver of a vehicle repeatedly during the course of an evening or a weekend.

A member of the Black Berets in Albuquerque told the Advisory Committee that he was stopped and given 15 traffic tickets in the

space of 10 days, and, of those citations which had been heard in court, he was convicted on only two. He said he felt that these citations were clearly a form of harassment. (p. 64)

Another witness described the use of traffic citations and arrests on minor charges as "cover charges." Only certain types of people, he said, are stopped and questioned routinely by the police, and the practice allegedly is "covered" by citations for traffic violations, foul and abusive language, interfering with an officer, and similar charges. Actual convictions on such charges were reported to be infrequent. (p. 286)

A truck driver told the Advisory Committee of his experience with the police in Santa Fe. He had just stopped his truck when two police officers detained him, searched his truck, impounded it, handcuffed him, and put him in jail. The police accused him of being drunk, but they refused to give him a sobriety test. He contacted his wife from the jail the next morning, he said, and the police asked her to pay a fine of \$90. When they discovered that she could not pay this amount, the fine was subsequently reduced to \$35 and then to \$15. She paid the \$15 to secure her husband's freedom. The arrestee then complained to the officer and was told, "If you open your mouth one more time, I will call the judge and file a charge against you, and it will cost you 90 days without question." He asked the officer, "I have no rights?" To which the officer reportedly said, "In this place you have no rights." A newspaper item reported that the complainant had appeared before the municipal judge, pleaded

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guilty to charges of drunkenness, and was fined \$15. The complainant asserted that he had never seen a judge and had not been in court for 30 years. He consulted counsel regarding the possibilities for redress and allegedly was warned by attorneys that if he opened his mouth concerning this case, the police would put him out of business on harassment alone. (pp. 435,438)

Some reports of harassment were related to activities which witnesses said the police want eliminated. An example cited was the methadone maintenance program, called "Koinonia," in Taos which was approved by the city commission and is federally funded. The Advisory Committee was told that police have threatened addicts that they will be locked up if they join the program. It was also alleged that program administrators have been personally threatened and followed. Witnesses told the Advisory Committee that policemen had told them they would close down the program by whatever means they could use. (p. 79)

Closely related to harassment is the invasion of privacy by police under the guise of investigating crimes. Telephone tapping, following, infiltration, and surveillance are some of the common techniques used. Searching or entering property is another. Although, there are times when, on behalf of the security of a community, the State, or the Nation, such practices may be necessary, there are specific constitutional and legislative provisions for their appropriate use to

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3. From the New Mexican, Feb. 24, 1972, p. A-2.



protect citizens from unlawful search and seizure. Information made available to the Advisory Committee indicates that those protections and limitations are not always strictly adhered to by the police in New Mexico.

It was the opinion of many witnesses from communities included in this study that telephone tapping is widespread. One witness from Santa Fe said that "probably 200 phones in Santa Fe are tapped." (p. 398) Similar reports were made to the Advisory Committee from Espanola and Albuquerque.

The practice of following citizens with marked or unmarked police vehicles is believed to be widespread in the communities studied. A similar practice is the maintenance of police surveillance over community organizations and their activities. Members of the Black Coalition in Albuquerque reported that the police are believed to "tag" (spy on) all of their meetings. (p. 289) Members of the Black Berets of Albuquerque asserted that all their activities and movements are carefully watched by the police. A newsman, formerly of Albuquerque and now of Espanola, assumes as a basis for his operations that the police know at all times what he is doing, where he is, and to whom he is talking. (pp. 215, 219)

Reflecting on this kind of police activity, Michael Browde, director of the New Mexico Legal Aid Society, told the Advisory Committee that he believed that there was no threat against the State of New Mexico or to the city of Albuquerque that would warrant the kinds of surveillance and harassment used by the police. (p. 289)

Several witnesses testified regarding the carelessness of the police in the use of warrants for search and arrest. One witness who was arrested January 29, 1972, when police entered the Black Beret headquarters in Albuquerque stated:

...they were asked at the door if they had a search warrant...[but] they immediately entered the house at tremendous speed from all sides and began to search. They held us at gunpoint during the search. After a short time some officers came from the back...and said they had found marijuana. Then they showed us the search warrant. This was about 15 minutes after they entered the house.

The witness further stated that they were also charged at the police station with possessing dynamite, although there had been no indication in the warrant, to her knowledge, that dynamite had been specified, and she was certain that the police had not mentioned it at the house.

(pp. 90, 91)

Reis Lopez Tijerina, leader of the Alianza -- an organization dedicated to the reacquisition of land in northern New Mexico belonging to Spanish-speaking people under the original Spanish land grants and now largely owned by Anglo ranchers and the Federal Government -- told the Advisory Committee that he had been constantly harassed and intimidated by police because of his activities in the Alianza. He accused the police of attempting to link him and the Alianza with the killing of a deputy sheriff during the Tierra Amarilla courthouse raid even though "all the evidence pointed toward three other persons." He also said that he and the Alianza have been "caught in the crossfire of police and citizens," and that the police had forcefully entered and

searched his apartment without a warrant in an attempt to link him with the killing of a State policeman. (p. 34) Commenting on the role of the police, he stated:

We have never seen anything to encourage us to believe in the police. (p. 132)

The Advisory Committee also repeatedly heard allegations that policemen have used excessive force in carrying out their duties, such as handcuffing an arrestee so tightly that the skin is cut, shoving arrestees into the back seat of a police car by use of the policeman's knee in the groin, clinching the seatbelt so tight as to cause pain or cut off circulation, forcing an arrestee into a spread-eagle position by slamming him down upon the trunk lid of a vehicle or upon the ground.

The Advisory Committee also heard charges that excessive force is used against arrestees in the police station and in jail. One witness said that while he was being processed as an applicant for a job with the police department, he saw police officers bringing people into the station and beating them for no apparent reason. He also said that prisoners had asked the police officer to loosen the handcuffs and had been hit on the mouth for talking. (p. 88)

It was alleged that prisoners in Santa Fe had on several occasions been handcuffed to rings in the elevator and badly beaten while shackled there. (p. 164) Another report to the Advisory Committee alleged that three persons arrested in Canjilon were maced and severely beaten. The judge subsequently found them innocent and placed the blame on the police for having caused the trouble in the first place. (p. 200)

The Advisory Committee also received information from witnesses who saw police officers beating several Indian youths in a municipal  
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jail.

In July 1971, Antonio Cordova, a reporter for El Grito Del Norte, was walking home from his office in Espanola. As he was passing a gas station, he observed an arrest taking place and stopped to find out what was happening. A policeman immediately stopped him and asked what he was doing. The police subsequently arrested Cordova saying, "...I want to find out why you are taking all those pictures of us." At the police station Cordova allegedly was struck several times by  
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police and kicked severely at the base of his spine. (p. 204) The following January, he was killed by police bullets in Albuquerque.

Witnesses asserted that policemen use another level of force in their crowd dispersal techniques, usually employed to quell civil disturbances. The May 1971 student demonstration in Albuquerque was a case in point. As described to the State Advisory Committee, the demonstration began as a spontaneous rally on the mall at the University of New Mexico to discuss the war in Vietnam. The students at first were scattered in small groups on the mall listening to the speakers. However, they began to coalesce when one student announced that other students had blocked the Interstate Highway. The demonstration at

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4. Staff interviews. Available in Commission files.

5. See Appendix A for a copy of the affidavit filed by Antonio Cordova with the attorney general, July 20, 1971. See also Appendix B, Attorney General David L. Norvell's investigation into allegations of Antonio Cordova.

this point escalated. The students proceeded to the alleged road-block. They never reached it. As they were walking towards the Interstate Highway, a large number of police officers arrived armed with tear gas grenades and announced that they were going to disperse the students if they didn't leave of their own accord. At this point, a rock allegedly was thrown by one of the demonstrators. The police began to advance on the demonstrators, throwing gas grenades at the group. As the students dispersed, the police pressed the attack, forcing many to flee down Central Avenue toward the downtown area. One witness gave the following account of what happened at that point:

A lot of people were trying to get away since it seemed that we were sitting ducks, but we would run into police cars that would shove us back on Central, and we were all herded up Central with tear gas being thrown at any group of two or more people. There was nothing we could do.... We were dispersed; they had done what they wanted to do. Maybe a couple of rocks were thrown, that's all I saw. I was in the middle of it. I ran to a friend of mine who was covered with blood....

The main thing that disturbed me was that there was no way to get away from it. We weren't any threat, nobody smashed windows, there might have been a couple of rocks thrown, but they kept right on gassing us. (pp. 422, 423)

The State Advisory Committee heard allegations that police in Espanola and Santa Fe have responded with great force to quell minor disturbances during public gatherings and fiestas. As reported to the Advisory Committee, crowd dispersal is frequently achieved with the use of tear gas and night sticks, used with careless disregard for the welfare of women and children in the crowd. (p. 203)

On several occasions, individuals have died as a result of the use of deadly force by police. Numerous complaints have been received by the New Mexico Advisory Committee and the U. S. Commission on Civil Rights regarding these cases. Several complaints raise a wide range of questions concerning the use of force in relation to need for the police to perform their duty.

One such complaint concerned the shooting of Roy Gallegos by a Santa Fe police officer in June 1971. The youth, a 19-year-old Chicano, was killed by a "warning shot in the back of the head" allegedly while his hands were handcuffed behind his back. The youth had been apprehended by police officers in a drug store. It was reported that when he was arrested, the subject was heavily under the influence of narcotics. Witnesses said that at the time of his attempted escape, Roy Gallegos was running directly towards a large number of State police officers and National Guardsmen who were across the street. Despite the presence of all these law enforcement personnel, the police officer raised his gun to fire a "warning shot," but at that precise moment, the youth stepped on the curb causing the bullet to strike him in the back of the head, killing him instantly. (pp. 174, 187)

Another incident involved the shooting of James Douglas Bradford, a black, after his arrest by an Albuquerque police officer on suspicion of auto theft in April 1971. The shooting took place on Kirtland Air Force Base where the subject was apprehended. The precise circumstances surrounding the apprehension are not clear. During the apprehension process, however, James Bradford was shot and killed by the lone police

officer at the scene. There were no witnesses to the incident. Because of the many unanswered questions concerning this incident, the Albuquerque Black Coalition requested that the Albuquerque Police Department reopen its investigation. At the time of the New Mexico Advisory Committee's open meeting in Santa Fe 14 months later, the Black Coalition had not received a response to their request. If there had been an investigation, the black community in Albuquerque was not informed. (pp. 9, 43)

The third incident involved the shooting of Antonio Cordova and Rito Canales, both Chicanos, by the Metro Squad of the Albuquerque Police Department in January 1972. These two men had been associated with the Black Berets, an organization which police had identified as a radical group. Both had been involved with the police prior to this incident. Antonio Cordova allegedly had been harassed by police in Espanola.

Like the other incidents noted previously, the precise circumstances surrounding the shooting are open to debate. There were no witnesses and the only information available is from the police officers involved. On January 28, 1972, the Albuquerque Police Department received an anonymous phone call indicating that dynamite would be stolen that night from a construction site south of the city. Shortly after midnight, the site was staked out by six police officers from the Albuquerque Police Department and the State Police Intelligence Division. At the time the police made their presence known to the men, Cordova is reported to have fired upon the police, who then shot him. Cordova

was shot again when he allegedly made a gesture which the police interpreted as an effort to fire at them. Canales was reportedly killed while crawling up an embankment more than 100 yards away from the police. One officer stated that he aimed for the man's chest with the crosshairs of his scope and shot to kill.<sup>6</sup>

There is no question here of the need for the police to take action to prevent a possible crime. The question that this situation raises is what level of force is necessary to stop a crime from being committed? The attorney general's report specifically avoids this question by dismissing whether there were alternative courses which the police might have taken. In this instance, the choice of technique resulted in the death of two men.

The State Advisory Committee also received information that in each of the communities included in their investigation, the police actively engage in surveillance of individuals and organizations. However, direct commentary on the activities of the various police intelligence units at the open meeting was limited. State Police Chief Martin Vigil and Santa Fe Police Chief Felix Lujan confirmed the existence of such units and did not deny that they were active in the community.

Chief Vigil stated that the State police intelligence unit was involved in the stake-out in which Antonio Cordova and Rito Canales were killed. The information that a felony would probably be committed at the

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6. See Appendix C. Report of Attorney General David L. Norvell to Governor Bruce King. See also Appendix D, statement of L. Michael Messina, independent observer to attorney general's investigation.



site was telephoned anonymously to the Albuquerque Police Department. However, State police intelligence officers were involved in the actual police action.

Many allegations were made by citizens to the State Advisory Committee regarding police intelligence activities in Albuquerque. One submitted to the Advisory Committee was a document dated December 1970 entitled "Bulletin 209-Intelligence Division." This document describes several persons in Albuquerque known to be members or associates of the Black Berets, or The New Breed, Incorporated -- a black community development group. The information was compiled as an "intelligence basis for use by officers of the Albuquerque Police Department." It was noted on the document that the persons described were not wanted by the police, but all police officers were told to notify the intelligence division if any changes in their activities or addresses occurred. It was also alleged that the document was used as a device to insure constant surveillance of the subjects.

Chief Lujan of the Santa Fe Police Department said that the department has a detective division that prepares intelligence reports on individuals and groups in the community. He said this was done on the basis of complaints from citizens that "something could happen or might happen," and officers are assigned to prevent anything from happening. He also stated that some phone calls concerning complaints are anonymous, but he often takes them as valid reports.

The way police perceive their role has drawn the following comment from the President's Crime Commission Task Force on Police:

Many police administrators are caught in a conflict between their desire for effective, aggressive police action and the requirements of law and propriety. Direct confrontation of policy issues would inevitably require the police administrator to face the fact that some police practices, although considered effective, do not conform to constitutional, legislative, or judicial standards. By adopting a 'let sleeping dogs be approach,' the administrator avoids a direct confrontation and thus is able to support effective practices without having to decide whether they meet the requirements of law.<sup>7</sup>

The way any policeman exercises his role has an immediate impact on the peace and safety of an entire community. The way the police perform their duties also depends to a large extent on the perception of their role by the community at large. Information received by the State Advisory Committee indicates that while many people believe that the police are protectors and friends, many also look upon them as oppressors and enemies.

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7. U. S., President's Commission on Law Enforcement and Administration of Justice. The Challenge of Crime in a Free Society.

## CHAPTER II

### POLICE-COMMUNITY RELATIONS IN NEW MEXICO

It is hard to overstate the importance of the relationship between the police and the community. Police officers by the very nature of their work are required to deal effectively with all kinds of people. Police work pervades all strata of society. However, some elements of society are affected more by police action than others.

Police work is complicated by the fact that policemen must often deal with people who are both threatening and vulnerable, who are under stress and extreme tension, who are desperate, violent, or ashamed. Consequently, police action has a direct impact on the individual's self-respect and sense of privacy as well as his or her constitutional rights. As a matter of routine, police become privy to and make judgments about secrets that most citizens guard from their closest friends.

Carrying out with proper efficiency and discretion the complicated law enforcement and community-service functions the police are expected to perform is a formidable task even under the best of circumstances.

These functions can be undermined by a basic distrust of the police which is often the case among the young and among minority groups.

This is a problem that is usually referred to as police-community relations. It is overwhelmingly a problem of the relations between the local law enforcement agency and the minority-group community, between the police and blacks, American Indians, and Chicanos.

There are many elements in police-community relations. It involves the policies and practices which are directly related to citizen complaints against certain forms of police action. It includes the mechanisms used by the police for receiving, processing, and investigating such complaints. It includes procedures for recruiting, training, and maintaining a high degree of professional discipline and behavior within the police department. It involves the role of public attorneys. All of these elements are actually part of the total process through which the police relate to the community. Perhaps the most important element is how the local law enforcement agency handles complaints from citizens.

Staff investigations and testimony at the Santa Fe meeting showed that, to one degree or another, many of the police agencies in New Mexico have a complaints procedure for citizens' complaints. How these complaints are handled depends to a large extent on the local agency's perception of its role and its relationship with the total community.

In the small town of Tierra Amarilla, for example; the under-sheriff of Rio Arriba County said that everybody in the community knows everybody else, and the system works like a large family.

In Taos, there has been a procedure whereby the five-man police commission received complaints which were then forwarded to the sheriff's department for investigation. The new chief of police, Fernando Rivera, stated in an interview that all complaints are to be made in writing to him, and he will then refer them to the sheriff's department for processing and investigation. A police officer implicated in a complaint may appeal any decision to the police commission and to the courts as well.

In Espanola, complaints against police action can be submitted to the mayor, the police chief, or to the newly established investigation department consisting of two police officers. Ben Romero, chief of police, usually investigates the complaint himself and applies discipline if necessary. There seems, however, to be no formal procedure for these public officials to receive or deal with complaints against Espanola police officers. Chief Romero did indicate in an interview that there have been two outside investigations by the U. S. Attorney General's office and the FBI. Both times, his department had been cleared.<sup>8</sup>

In Santa Fe, a different approach is used. According to the chief of the Santa Fe Police Department, Felix Lujan, he has established a committee to act on complaints against the police consisting of himself, the assistant chief, the police commissioner, and members of

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8. Staff interview with Ben Romero, chief of police, Espanola, May 10, 1972. Interview is available in Commission files.

the police-community relations department. Chief Lujan said that a police-community relations officer is usually assigned to investigate a complaint, and the results of this investigation are then reviewed by the committee. Asked if there is anything in writing regarding these procedures, Chief Lujan replied, "When somebody comes into my office to make a complaint, it's taken in writing." (p. 317) He also noted that if a complaint against a police officer is not too serious, he will take steps to correct the situation himself. In any case, there seems to be no formal, written complaint procedure utilized by the department. In this context, Chief Lujan told the State Advisory Committee that he has "very good communications with the people here in Santa Fe, and I have always stressed that the doors of my office are open to anyone." (p. 319)

The situation in Albuquerque is considerably different. The process for receiving citizens' complaints against officers of the Albuquerque Police Department usually begins with an advertised phone number where complaints can be made. Any supervisor may take information from a citizen who is making a complaint, or he may refer the individual complaint directly to the internal affairs division which is assigned the responsibility of investigating complaints. This unit is also in charge of criminal intelligence and investigations. (p. 238)

As soon as a complaint is taken, a file is established and a copy is immediately sent to the police chief's office. Witnesses are contacted, and the officer involved is interviewed in the presence of

his supervisor. The interview is essentially a question and answer session, and a written transcript is prepared. The entire transcript and file are then sent to the immediate supervisor, who reviews it and fills out a form making a recommendation. The file is then sent to the deputy chief, who also reviews it and makes a recommendation. In all, four to five reviews and recommendations are made. This all comes back to the internal affairs division, which makes a recommendation based on the complete file to the chief who makes a final decision on the case.<sup>9</sup>

If disciplinary action is required, a hearing process is initiated. Disciplinary action against an Albuquerque police officer is covered by city personnel regulations since police officers are, in most respects, considered the same as other city employees. The Albuquerque Police Department is considered the same as any other department of the city with the police chief reporting directly to the city manager.

There are basically three steps in the hearing process: first, a hearing conducted by the police department; second, a hearing involving the city manager; and a third and final hearing involving the personnel board.

The police chief usually initiates the action against a police officer. This involves a department hearing. The officer, however, can waive the department hearing. All police officers have a right to

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9. Staff interview with Lt. Bob Stover, internal affairs division, Albuquerque Police Department. Interview is available in Commission files.

a hearing except those on probation. The probationary period for a policeman is usually 1 year in contrast to the 6-month probationary period for other city employees.

Three people preside over the second hearing -- one is chosen by the grievant, one by the city manager, and one by the personnel director. They make their recommendation to the city manager, who does not have to follow it. This hearing body has the right to overrule the judgment of the chief of police. One witness told the Advisory Committee that the police chief will often recommend stringent disciplinary action against the officer, knowing that the city manager's hearing will usually mitigate his recommendation. The policeman also knows that this hearing will usually lessen his punishment.

The final hearing before the personnel board is conducted by a panel of private citizens. The members are not city personnel and are not paid. The next step after this hearing would be the courts. 10

Disciplinary action by the police chief in Albuquerque is therefore subject to the same grievance procedures as that for other city employees. An officer against whom a complaint is made has other channels of appeal which may mitigate the severity of action recommended by the police chief.

According to Lt. Bob Stover of the internal affairs unit of the Albuquerque Police Department, over 90 complaints were received during

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10. Staff interview with Roland Tovar, city personnel office, Albuquerque, Apr. 14, 1972. Interview is available in Commission files.



1970-1971 involving police procedures - 14 complaints alleged police harassment. From June 1971 to June 1972, Lt. Stover said, 261 complaints against police officers were received. The largest number - 98 - involved rude, discourteous, or improper conduct or language by police officers; 55 involved the excessive use of force. The third category is a catch-all category involving procedural complaints which also includes complaints alleging harassment, false arrest, illegal search, and mishandling of evidence. (pp. 236, 237)

Lieutenant Stover, in an interview, estimated that perhaps 10 percent of the complaints received by his department were found to be valid. The rest were found lacking in substance.

Witnesses told the State Advisory Committee they felt that Albuquerque Police Chief Donald Byrd was doing his best to make the police department responsive to the community. This was borne out by Chief Byrd's statement to the Advisory Committee regarding the role of the police officer:

A police officer has to uphold the law... in total regard. He has to serve the people of the community, and he is a servant of the community. He is bound to be as human about his actions as possible, and since people are his business, he must know all he can about [them]. He should treat each and every one like the other. (p. 235)

The same people who said they appreciated what Chief Byrd was trying to do also expressed the view that it is difficult for him to do so with a system in which he does not have ultimate control over disciplinary matters. Chief Byrd said:

...the merit system ordinance is so overly protective of an incompetent employee that it is almost impossible to rid yourself of an incompetent individual, and I have no say or... hand in this merit system.... (p. 242)

The State Advisory Committee received information that disciplinary actions initiated by Chief Byrd have been reversed by the personnel board on at least three occasions. In one reversal the police officer was reinstated at full rank.<sup>11</sup>

The New Mexico State Police also have a procedure for investigating citizens' complaints against their officers. According to Chief Martin Vigil of the State Police, all complaints, irrespective of severity, come to the attention of the chief. They are then referred to the appropriate district supervisor, or to one of the inspectors or internal security officers. If it is felt that it would not be proper for the complaint to be investigated by the department, it is referred to the district attorney or the attorney general's office. This was done in the investigation of the Cordova-Canales shootings.

When a grievance with apparent merit is filed against State policemen, they are granted a hearing before the State Police Board and allowed to appear with their attorneys. According to Chief Vigil, in three cases where a policeman was disciplined by suspension, the officers involved resigned from the department after a hearing before the State Police Board. (p. 249)

11. Mr. Byrd has since resigned from the Albuquerque Police Department to become chief of the police department in Dallas, Tex.

Effective community relations, in which citizens trust the police and look to them for equitable and just service, are closely related to adequate complaint procedures. They are also closely related to the breadth and intensity of training programs required of all police officers.

All police departments in New Mexico require some form of basic training for their officers, ranging from a period of 2 weeks to 90 days. Human relations training ranges from a few hours to week-long periods, as well as required specialized courses. In-service training is also common and in some instances includes human relations courses.

In the smaller communities, police-community relations are totally informal and, by and large, depend upon the ability of the individual police officer to make sensitive judgments.

At the time of the open meeting in Santa Fe, the community relations training program for police officers in Albuquerque appeared to be highly structured. At present, specialized courses are available to policemen in race relations, sociology, and similar areas, both at the University of New Mexico and at the University of Albuquerque. In the spring of 1972, funds from the Law Enforcement Assistance Administration (LEAA) made possible special training in race relations for Albuquerque police officers.

Wherever possible, policemen taking university courses are in regular classes with other students. This gives policemen and students alike a chance to relate to each other as people. Chief Byrd said that his department is trying to understand the community better and to help

the community understand the police better, including both their limitations and their obligations.

The State Police also include several hours of human relations classes in their extensive training programs. The State Police are also providing Spanish language classes for their officers. According to Chief Vigil, "...the relations between the police department and the general public depend upon the individual officer." (p. 257)

Another factor which influences the relations between the police and the communities they serve is the ability of the police department, through its established structure or through informal means, to receive input from the community. The State Advisory Committee found that there is a general lack of public understanding of police objectives, operations, problems, and needs. It was noted by several witnesses that little or no input from the community is sought by police departments. The State Advisory Committee inquired of the several police departments participating in the open meeting how they solicit citizen involvement in their daily operations, especially in relation to review boards or committees which hear formal grievances of citizens. The consensus of these departments was that almost no citizen or community participation is sought.

Chief Vigil, for example, was asked whether there was any way for community people or organizations to make their views known within the police department in terms of evaluating the relationship with local police officers or the level of tension in the community. He answered negatively. (p. 254)

Chief Byrd of the Albuquerque Police Department was asked to comment on the use of private citizens on police review boards. He told the State Advisory Committee that it was almost impossible to find truly objective individuals to sit on such a board, that "people either like the police or they don't." (p. 246) Although it was pointed out that policemen are certainly no more objective about the police than civilians, Chief Byrd insisted that to use civilians was not an effective way to establish an objective review board. (p. 248)

It is paradoxical that the same people who are most victimized by crime are most hostile to the police. However, this is not unusual. In view of the history of race relations in America and of the poverty in which many minority people live, doubt and resentment towards authority -- especially police authority -- are to be expected among blacks, Chicanos, and American Indians. To a large degree, the police, by the very nature of their work, are forced to bear the brunt of such feelings. The problems are aggravated by the public's lack of understanding of police objectives, operations, problems, and needs. Conversely, the police tend to isolate themselves from the community they serve. Without an effective police-community relations program, the end result may be conflict. As State Attorney General Norvell pointed out in his report on the Cordova-Canales investigation:

The only way to bridge the widening credibility gap between the police and the community is to institute citizen participation in law enforcement.

Opportunity for citizen participation has been built into the national policy guidelines of the Law Enforcement Assistance Administration (LEAA). In New Mexico, approximately 175 citizens serve on eight regional planning commissions under the overall supervision of the Governor's Council on Criminal Justice Planning.

These commissions have the responsibility for encouraging the formation of county advisory boards with a broad grassroots membership, including policemen, probation officers, teachers, and private citizens. The commissions were allocated LEAA funds of \$392,000 in fiscal year 1974 and \$424,000 for fiscal year 1975.

The Governor's Council consists of 28 members and 17 alternates. Of the 28 members, 7 are of Spanish-speaking background, 1 is American Indian, and 20 are Anglos. There are no blacks. Of the 17 alternates, 5 are of Spanish-speaking background, and 12 are Anglos. No blacks or Indians serve as alternates.

Two of the LEAA-funded commissions serve the northern part of New Mexico surveyed in this report. The Metropolitan Criminal Justice Coordinating Council in Albuquerque, which serves Bernalillo County, has 28 members -- 7 of Spanish-speaking background, 1 black, and 20 Anglos. There are no American Indian members. The Region II Criminal Justice Planning Commission serves the counties of Rio Arriba, Taos, Colfax, Mora, San Miguel, Santa Fe, and Los

Alamos. It has 17 members -- 13 of Spanish-speaking background, 1  
12  
American Indian, 3 Anglos, no blacks.

On both the Governor's Council in Santa Fe and the Metropolitan Council in Albuquerque, 7 of the 28 members (25 percent) are of Spanish-speaking background. There are two American Indians and one black in the total membership of the two bodies.

New Mexico's population of 1,016,000 is nearly 50 percent minority. According to the 1970 census, the State's Spanish-speaking background population is 379,723, or 37.3 percent; the American Indian population is 72,788, or 7.2 percent; and the black population is 19,555, or 1.9 percent.

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12. Information and statistics on LEAA were supplied to Commission staff on Aug. 8, 1974, by Samuel Larcombe, research analyst and corrections specialist, Governor's Council on Criminal Justice Planning, Santa Fe, N. Mex.

## CHAPTER III

### THE STRUGGLE FOR REDRESS

A considerable number of people in New Mexico fear the police. Information from complaints received by the State Advisory Committee and Commission staff and from the open meeting in Santa Fe revealed that there are few avenues for redress which have the confidence of citizens. Existing mechanisms for handling citizen complaints against police are felt to be inadequate. Many individuals expressed the view that the courts do not respond to complaints alleging police brutality, and that, with few exceptions, there is no opportunity for citizens to have input into the administration of justice process, including grievance mechanisms.

The sense of hopelessness and desperation is typified by the following statements made at the open meeting:

Our questions to the police department regarding this incident have not been responded to. Our requests for the U. S. Attorney's Office to investigate or have the Justice Department investigate have not been responded to. (p. 12)



I don't know of any grievances that have been reported that have been followed through. Nothing has been done. There is a feeling in the black community that there are no avenues or channels for getting your grievances across or solved but to resort to self-help. (p. 35)

We have asked for a Justice Department investigation of the Cordova-Canales deaths but there has been no response. (p. 65)

So many people have made complaints against the police department...and they...got no results; no use wasting your time if they are not going to do anything about it. They say come back in 2 weeks and the judge will hear you. Nothing has been done and [there is] no use complaining about it. (p. 143)

Mrs. Roy Gallegos, a witness, told the State Advisory Committee of her efforts to get information about the shooting of her son by a police officer.

We tried to get information from the District Attorney. We had no results. We tried to get information from the Mayor. We had no results. We tried to get information from the Chief of Police. We had no results. (p. 192)

Another witness discussing the Gallegos incident said:

The father went...to get his son's belongings [at the jail]. He was told by the Chief [of police] that he needed a permit to get his son's belongings. Then he was asked to go to the District Attorney. The District Attorney issued a permit, and when he went back to [the jail] the Chief said he couldn't give him the belongings. (p. 195)

In the spring of 1971, a petition with about 200 signatures was presented to the chief of the State Police by citizens in the northern part of the State, asking for the removal of several police

officers on the basis of their abuse of police power. Later that spring, citizens went to see the chief of the State Police to discuss the petition and were told that no action had been taken on the petition. The chief, reportedly, was unable to find the petition. (p. 200)

One witness stated:

We asked Police Chief Romero (of Espanola) to accept a complaint. Chief Romero refused to accept the complaint and said it would have to be filed with District Attorney James Thompson. We then proceeded to Mr. Thompson's office. Mr. Thompson refused to accept the complaint saying, 'Take it to the judge.' Since the judge is known previously to have refused such complaints, nothing further was done. (p. 202)

Another witness stated:

Any hope for redress calls for services of an attorney. Those services have for years been unavailable to poor people. We have seen case after case of the police lying in court, or judges intimidating witnesses and audiences in the courtroom ...the belief of the community is that there is no redress through the courts. (p. 212)

Similar comments were made by citizens about every level and every jurisdiction of justice reviewed by the State Advisory Committee. People seemed to doubt the system's efficacy in providing justice. As one witness explained to the State Advisory Committee:

...the tendency is to compromise, to find the man guilty and suspend the sentence. This has a terrible effect on an individual who goes into court feeling he's right, knowing he's right, and to come out compromised in terms of what he has believed that our system of justice has said to be right. It has a devastating effect on the peoples' view of the law and the process of the law (p. 290)

Minority citizens expressed the view that it is hazardous to complain to the police. Others are deterred, they said, from filing complaints because they feel it would be a hopeless gesture. There are essentially three factors which contribute to this sense of hopelessness. First, police cases, especially police-brutality cases, generally involve situations where there are no witnesses. It is usually the officer's word against the word of the individual filing the complaint. Second, where there are witnesses, they are often reluctant to become involved. A third factor which tends to hold back complaints against the police is that the kind of people usually subjected to police abuse, namely, the poor and minorities, are not often the kind of people who sit on juries. In many instances, the people who do sit on the juries cannot relate to the complainant in any sense -- to that individual's life style, his manner of speech, or his general credibility. (p. 282)

One witness told the Advisory Committee that the complaining citizen usually meets several assumptions on the part of officials looking at the case:

First, the citizen is probably exaggerating or lying because the police department does not hire racist or brutal people; second, the citizen is probably mistaken because the officer is a highly trained professional and the citizen is ignorant of what good police practices are; and third, the citizen is being unfair because he is calmly second-guessing an officer who had to act quickly under very difficult physical and emotional conditions. (p. 301)

These assumptions tend to negate or neutralize any complaint<sup>1</sup> alleging police brutality.

The cynicism of citizens toward local law enforcement agencies is increased by the rebuffs they receive when they try to make some kind of significant input into police practices. Residents of Albuquerque, for example, reported that in 1970 and 1971, they requested the city commissioners to use private citizens in the police department's internal affairs division in order to participate in police investigations and complaints. Apparently the request was never seriously considered. The residents did not receive an answer from the police department.

In Santa Fe and in Albuquerque, citizens tried to establish a system of monitoring police activities. The efforts emerged from frustration of attempts to obtain justice by people in the barrios who continually found the police at their doors. In both cities, these efforts ended after considerable harassment of the citizens by police.

The level of cynicism is also raised when officials say one thing and do another. Citizens in Santa Fe, after expending much energy and effort, persuaded the city to enter into dialogue during a time of tension in the community. At this time, there was talk of bringing National Guardsmen into the area to control a particularly tense situation. At their second meeting with city officials, the citizens were told that there would be no National Guardsmen in the area. Following the meeting, they found that Guardsmen were already

deployed in the streets. Two different witnesses expressed to the State Advisory Committee their dismay and sense of having been cheated in the discussions which had been, to all appearances, open, honest, and frank. (p. 159)

Other important components of the criminal justice system involve city and district attorneys and the State attorney general and the  
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U. S. attorney.

According to Donald Martinez, district attorney in Las Vegas:

The office of the district attorney in New Mexico is a constitutional office with powers and authority set up in the Constitution itself. The district attorney doesn't have to wait to hear a complaint from anyone on any particular matter. He can go out and investigate. (pp. 428, 429)

Mr. Martinez also said that he can request assistance from any law enforcement agency of the State that may be within his district.

Attorney General Norvell stated that his office investigates complaints upon request of the Governor. Investigation of complaints filed with his office by private citizens depends to a large extent upon the availability of manpower, and if this is insufficient, citizens may be referred to the U. S. Department of Justice. (p. 224) At the time of the open meeting, the attorney general said that, other than lawyers, his office had only two investigators and one State policeman for investigations throughout the State. (p. 222)

13. Victor Ortega, the U.S. attorney in Albuquerque, was interviewed by Commission staff; the district attorney in Albuquerque, Alexander Sceresse, and the district attorney in Santa Fe, James Thompson, were invited to make statements to the State Advisory Committee at the open meeting, but did not do so. Donald Martinez, district attorney in Las Vegas, and David Norvell, State attorney general, appeared before the Advisory Committee.

In reporting on investigations of police activities, the attorney general may make any recommendations which are deemed appropriate and necessary. In the case of the Cordova-Canales deaths in January 1972, the attorney general's report suggested that prosecution of the police officers on criminal grounds was not warranted because the heavy burden of proof on the State would not have made a conviction possible. The State attorney general maintained that prosecution would have hardened community attitudes and subjected the officers and the State to expensive litigation. (See Appendix C.)

Victor R. Ortega, the U. S. attorney in Albuquerque, stated in an interview that he refers all complaints of police brutality to the Federal Bureau of Investigation (FBI) which, in turn, prepares a preliminary report. This report is sent to the Civil Rights Division of the Justice Department in Washington, D. C. <sup>14</sup> Mr. Ortega said that he is routinely informed of the progress of an investigation, but the decision to pursue the matter further is that of the Civil Rights Division. Mr. Ortega said he has no right to undertake prosecution in matters concerning police complaints without the consent of the Justice Department in Washington, D. C. As U. S. attorney, Mr. Ortega can make a recommendation for a Federal investigation on the basis of

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14. The Criminal Section of the Civil Rights Division, U.S. Department of Justice, usually handles those cases coming under the jurisdiction of 18 U.S.C. §242. This section provides criminal penalties for deprivation of rights under color of law. Chapter 13 of 18 U.S.C. provides specific punishments for civil rights violations. Title 42 U.S.C. Sections 1981 through 1986 provides for private remedies (i.e., the right to sue for damages) for deprivation of civil rights.

the seriousness of the incident, and he made such a recommendation  
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with regard to the Cordova-Canales deaths.

In 1972 the Department of Justice investigated 32 criminal civil rights matters in New Mexico. All of them are presently closed. According to the Justice Department, only one of the 32 resulted in litigation. In 1973, the Justice Department conducted 36 criminal civil rights investigations in the State of New Mexico. As of January 1974, 29 of these had been closed without any action being taken, and 7 were still pending. Of the 61 cases which were closed by the Criminal Section of the Civil Rights Division in 1972 and 1973, 54<sup>16</sup> involved allegations of physical mistreatment on the part of law enforcement officers.

With respect to the courts, the issues are more complex. From many points of view, the redress of grievances through the courts has a major influence on the quality of justice produced by the entire criminal justice system. For many people, however, the courts do not offer effective redress. Information received by the State Advisory Committee and Commission staff indicated that some segments of the

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15. The New Mexico Advisory Committee on June 22, 1972, asked the U.S. Commission on Civil Rights to recommend to the U. S. Department of Justice that it convene a special grand jury and appoint a special prosecutor to take appropriate action on the three incidents which resulted in the deaths of Roy Gallegos, James Bradford, Antonio Cordova, and Rito Canales. This request was subsequently denied by the Justice Department. (See Appendix E.)

16. Correspondence from William L. Gardner, deputy chief, Criminal Section, U.S. Department of Justice, Washington, D.C., to Lucy Edwards, staff attorney, U. S. Commission on Civil Rights, Southwestern Regional Office, Dec. 28, 1973.

population, especially the poor and minorities, have a pervasive sense of futility about redress through the courts. Witnesses at the open meeting in Santa Fe expressed the belief that even if they were to bring a police brutality action before the courts, they would not get a proper hearing let alone any kind of redress. The legal structure, as presently constituted, they said, is not set up for poor people or minorities to receive an adequate response in cases concerning police misconduct.

In response to a question concerning the courts and their role in redress in cases alleging police brutality and other forms of police misconduct, Elizabeth Martinez, editor of El Grito del Norte, stated:

In general, we find that the police abuse poor people--people whom they believe have no influence --repeatedly, usually with a view to collecting ticket fines which they know people will pay because it's cheaper than hiring a lawyer. Any hope for redress calls for services of an attorney. Those services for years have been unavailable to poor people. (pp. 212, 213)

She also said that the community, especially the Chicano community, is convinced of four things:

First of all, that there is widespread police abuse, including police brutality. Second, that the police are used for political surveillance, political control, and political punishment. Third, poor people have no influence; and fourth, there is no hope of redress up to and including the office of the Governor and the Federal Government. (p. 220)

One aspect of this lack of response by local law enforcement agencies and the courts is the disjointed nature of the criminal justice



system including the whole judicial system. Mary C. Walters, former district judge of Division 4, Second Judicial District, State of New Mexico, said that people tend to concentrate solely on the words "criminal" and "justice." In many instances, she said, the idea of a criminal justice system is nonexistent, and the various police departments, district attorney offices, and courts tend to work only within their own "niche." Because of this failure to recognize the interrelationships within the criminal justice system, "police officers believe that their job is not [solely] to arrest and to appear as a witness in court, but...to convict as well, and they are very resentful if there is no conviction." (p. 344)

H. Vern Payne, district judge of Division 8, Second Judicial District, State of New Mexico, commented that the courts have -- at least in theory -- always been available for citizens to seek redress of grievances. Most people, however, lack the financial resources to take a case through the courts on their own. In many instances, Judge Payne said, people do not feel competent or confident enough to present their own cases. Many people simply cannot afford to hire an attorney, and a large number of complaints never reach the district court level. The ones that do are usually so serious that they cannot be set aside. One major factor that tends to reduce confidence in the courts, especially among the poor and minority groups, is their lack of representation on juries. Judge Payne stated:

By and large, our juries are not composed of many people from the lower economic strata. Our jury lists are picked at random by computer ...from the voter registration lists, and there is perhaps a lower voter registration amongst the low economic groups.... Another part of the problem, especially in Albuquerque, is that a great percentage of the community in this city is made up of people who are retired or in government service. They are usually in the middle to higher income groups. The end result is that you get a jury panel with a relatively good mix on a racial basis, percentagewise, but you don't get a very good mix on an economic basis. Consequently, you may have a jury that has at most one or two individuals that have any real empathy for the problems of the plaintiffs in that kind of a case. (pp. 363, 364)

Judge Payne suggested two possible courses of action to regain the confidence of the poor and minority groups. First, the defendants have to know that the judge is not going to be partial. Second, some consideration has to be given to the idea of providing better assistance to the defendant or complainant at an earlier stage in the process so a more evenly balanced case is presented to the courts. (pp. 367, 368)

In the specific area of complaints alleging police brutality, Judge Payne admitted that few juries will convict officers of any kind of misconduct. One reason for this, he said, is that most jurors, while usually very diligent in trying to do what they think is right, often have preconceived notions of what is right and wrong. This in itself is not improper. What happens, however, is that a Chicano, black, or American Indian alleging police brutality is immediately placed at a disadvantage.

In terms of the responsiveness of the legal structure to the needs of the poor and minorities, Judge Payne said he felt that the present

system is responsive to their needs. He did point out that in some instances citizens lack the credibility, or they are not articulate enough to express themselves in order to utilize this structure.

Judge Payne also noted that if this is the case, the courts should place themselves in a better position to help them utilize the structure and the legal standards that already exist. He stated:

The standards that are applied by the courts are to be applied equally to everyone. It is not that we should have a double standard, or lower the standard when someone has alleged police brutality...[However] we must also help the person who thinks he is entitled to redress to present and prepare his case in a way that will be effective and equivalent to the manner in which the opposite point of view is presented.  
(p. 380)

In view of the importance, complexity, and delicacy of police work, the responsiveness of the police and the judicial system towards grievances emanating from the minority community is critical for effective police action. It is also important in relation to building public trust. Without this trust, the entire administration of justice process is obstructed, and the roles of the police and the courts reduced or negated entirely.

The most significant observation made by witnesses at the Santa Fe open meeting was their lack of confidence in officials who administer the laws of New Mexico. Many segments of the community are convinced that law enforcement officials are not sufficiently responsive to the needs of Chicanos, blacks, and American Indians. This lack of confidence is also directed at the courts. The feeling voiced by many of

the witnesses was perhaps best expressed in the State attorney general's report to the Governor on the Cordova-Canales investigation:

...we are immersed in an atmosphere of suspicion of such proportions that there is a crisis in confidence between a considerable segment of the community and law enforcement officials.<sup>17</sup>

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17. See Appendix C, p. 11.

## CHAPTER IV

### CONCLUSIONS

The conclusions and recommendations which the New Mexico Advisory Committee makes after studying the information available are based on the understanding that police agencies are servants of the people. They are servants of all the people -- poor, affluent, Chicano, black, Indian, and Anglo. The basic function of the police is to protect life and property, in that order of priority, as provided by the U. S. Constitution. Prosecuting attorneys, grand juries, and courts exist, at least in part, to assure that police work in this regard is effective in assuring justice.

In 1970 the U. S. Commission on Civil Rights published a report, Mexican Americans and the Administration of Justice in the Southwest. In its investigation in northern New Mexico, the State Advisory Committee found that many grievances presented by Mexican Americans concerning police misconduct were similar to those documented in that previous and more extensive report. Police misconduct is still perceived as a major problem. The sense of hopelessness expressed by minority citizens to the Commission in 1967-68 is still very much in evidence today.

In general, the New Mexico Advisory Committee concludes that the police and some segments of the population in this State view each other with suspicion. Many people fear the police and see them as external and hostile to the minority community. Many believe that the police function in ways which violate guaranteed freedoms. The police, in turn, see their primary function as one of maintaining law and order, and, consequently, they often exert power and authority with little or no regard for individual rights and liberties. The courts, on the other hand, have not responded to the needs of the poor and minorities. In fact, many Chicanos, blacks, and American Indians look upon the judicial system in the State with suspicion if not outright distrust. The State Advisory Committee comes to these conclusions with a grave sense of alarm. These conclusions imply a state of hostility between the police and a considerable portion of the population which, if allowed to continue, can only increase in intensity and result in further conflict.

The Advisory Committee believes that many of the problems stem from the absence of clear-cut guidelines for handling abrasive, sensitive situations which daily confront police officers in the field. In many cases, these situations are aggravated by the fact that police are often too isolated from the rest of the community. The Advisory Committee feels that this situation can be improved by:

- (1) improving the screening of police applicants  
to prevent the hiring of unsuitable persons;

- (2) developing guidelines to ensure use of discretion and minimum force in handling potentially explosive situations;
- (3) establishing independent review boards within the law enforcement agency with an investigative capacity to review complaints of dishonest or unethical acts by police officers;
- (4) establishing a responsive procedure to process citizens' grievances against the police;
- (5) establishing special citizen advisory groups in those communities where there are problems between the police and the public; and,
- (6) making mandatory that every police officer and agent in New Mexico be required to take no less than 40 hours of human relations training.

This report reveals, overall, a grim picture of the police and the administration of justice in northern New Mexico. The New Mexico Advisory Committee believes, however, that sincere efforts on the part of various community groups and the police can result in progress. The final section of this report expands on the suggested improvements listed previously, and makes specific recommendations for action. Implementation of these recommendations would go far toward alleviating the conditions summarized in this report.

## CHAPTER V

### FINDINGS AND RECOMMENDATIONS

Finding 1: The New Mexico Advisory Committee, in its investigation of police-community relations in several communities in the northern part of the State, found extensive evidence that the police use their authority to harass and intimidate minority citizens. On occasion, law enforcement officials have used force with indiscretion and excessively. The Advisory Committee also found that Federal and State remedies for redress of grievances against police conduct are, for the most part, ineffective. This corroborates the findings made by the U. S. Commission on Civil Rights in its 1970 report on the administration of justice in the Southwest.<sup>18</sup>

Many cases are closed by the U. S. Department of Justice because of inadequate evidence to support the plaintiff's complaint. Often, however, this results from insufficient investigation by the Federal Bureau of Investigation (FBI). In many cases, a full investigation might well result in corroboration of the allegations.

#### RECOMMENDATIONS:

The New Mexico Advisory Committee recommends to the Congress that it amend 42 U.S.C. § 1983, which provides Federal civil remedies for police malpractice, to make the governmental bodies that employ police officers jointly liable with those officers who deprive persons of their civil rights. Police departments, like other employers, bear some responsibility for the actions of their employees. This would also reinforce corrective action taken by police authorities to prevent further violations.

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18. U. S. Commission on Civil Rights, Mexican Americans and the Administration of Justice in the Southwest, Mar. 1970 pp. 91-98.



The State Advisory Committee also recommends that the U. S. Department of Justice review, and revise accordingly, procedures for ascertaining whether there have been violations of 18 U.S.C. 241; 18 U.S.C. 242; and Title I of the Civil Rights Act of 1968. These statutes impose criminal penalties for misconduct of police officers towards citizens. Such measures should include:

- (a) the requirement of a full investigation by the FBI, rather than merely a preliminary investigation, of all cases involving police misconduct;
- (b) increased supervision of the FBI's investigative practices by the Civil Rights Division of the U. S. Department of Justice in cases involving police misconduct towards citizens; and
- (c) additional staff added to the Criminal Section of the Civil Rights Division of the U. S. Department of Justice for prosecuting violations of 18 U.S.C. 241 and 242.

The Advisory Committee recommends that the State attorney general immediately issue a statement to all State and local law enforcement agencies clearly defining the law regarding the use of force. This statement should also clearly delineate the obligation of law enforcement officers to protect the civil rights of all citizens. These policies should be clearly stated to every police officer, and they should be made known to the citizens of the State. Each law enforcement agency should require a written report from any officer whose use of force is alleged to exceed the degree of force necessary to perform his duty. A copy of this report should be sent for review to the State attorney general's office.

The Advisory Committee recommends that the Governor's Council for Criminal Justice Planning urge the various law enforcement agencies in the State to require all police officers and agents to undergo intensive training in appropriate techniques for handling citizens under stress. Such training should emphasize courtesy and respect for the dignity of minority citizens.

Finding 2: The State Advisory Committee found that the police, in many instances, have maintained unnecessary and often extensive surveillance over individuals and organizations involved in legitimate political action which poses no threat to local, State, or National government.

RECOMMENDATION: The New Mexico Advisory Committee recommends that the State attorney general take immediate steps to assure that intelligence units of all State police agencies confine their activities to individuals and organizations whose activities clearly threaten the general welfare and refrain from surveillance of citizens and organizations whose activities do not pose such a threat.

Finding 3: Existing procedures and mechanisms for redress of grievances against police misconduct at the local level are generally inadequate. In some local jurisdictions, such procedures and mechanisms do not exist, and existing State remedies are ineffective.

RECOMMENDATIONS:

The New Mexico Advisory Committee recommends that the State legislature enact legislation which would require police agencies at every level in the State to establish procedures for full and fair processing of grievances about police action and about individual officer's conduct. A complainant should receive written verification within 48 hours that the complaint is being processed by the police agency. Every person who files a complaint should be notified of its disposition, and personal discussion regarding this disposition between the complainant and the police should be encouraged. To ensure accountability in grievance procedures, penalties should be established for failure to make an adequate response within the specified period of time.

Each police officer involved in a complaint should be required to submit a written report to the chief of the police force in question and to the complainant. This procedure should be an integral part of the grievance procedure.

The State Advisory Committee also recommends that internal complaint procedures of local law enforcement agencies be handled by independent agencies, or an independent board within the existing law enforcement agencies. These boards should have an independent investigative staff and power to recommend appropriate disciplinary action against officers who are found to be guilty of misconduct. It should be noted that similar recommendations were made by the President's Commission on Law Enforcement and Administration of Justice and endorsed by the National Advisory Commission on Civil Disorders (the Kerner Commission).

Finding 4: The New Mexico Advisory Committee found that there is little or no opportunity for citizens to participate in the policy-making processes of police departments. Citizens do not appear on police review boards, nor are minority citizens represented in sufficient numbers on the regional councils funded by the Law Enforcement Assistance

Administration (LEAA). The Advisory Committee agrees with the State attorney general's conclusion:

...that the only way to bridge the widening credibility gap between the police and the community is to institute citizen participation in law enforcement. We do not suggest that citizens should be in every patrol car. We do believe that community representatives should actively participate in major policy decisions of local law enforcement agencies in hearing and acting on police and citizen complaints. (See Appendix C.)

RECOMMENDATIONS:

The State Advisory Committee recommends that police agencies at every level take immediate action to insure that the needs of citizens, especially minority citizens, are actively considered in the establishment of police policy and the delivery of police services.

The Advisory Committee also recommends that every law enforcement agency institute a citizen's advisory group consisting of local public officials and private citizens representing every segment of the community, including adequate minority representation. The advisory group should help develop and define police policy, serve as a link between the community and the police agency, and act as an instrument for developing priorities for local law enforcement agencies.

The State Advisory Committee recommends that the Governor's Council for Criminal Justice Planning do more to encourage the development of community advisory groups at the local level. The Council should also seek to develop a broader base among its own membership with greater representation from minority communities.

The Advisory Committee further recommends that police agencies throughout the State be required by law to divulge to the public those policies which directly affect the citizen.

Finding 5: The State Advisory Committee found that police-community relations programs have not been effective. There is a general lack of public understanding of police objectives, operations, problems, and needs. This is due, in part, to insufficient interaction between the police and the community in general, particularly minority communities.

RECOMMENDATIONS:

The State Advisory Committee recommends that local law enforcement agencies promote police and minority group understanding through

carefully designed and implemented community relations programs. Implementation of each program should incorporate the following elements:

- (1) A long-range, comprehensive effort to acquaint the police and the community with each other's problems and to stimulate action to solve those problems.
- (2) Emphasis on community relations as a function of the entire police department which touches on all aspects of police work.

The Advisory Committee acknowledges that the Governor's Council for Criminal Justice Planning, in its broad mandate, has responsibility to assist in the development of police-community relations programs and services. However, it has not met this essential need.

The State should enact legislation and appropriate sufficient funds, or seek funds through LEAA, to establish a special State unit under the jurisdiction of the attorney general's office to develop community relations programs in conjunction with local law enforcement agencies. This agency would be a clearinghouse at the State level to fund, develop, and help implement local community relations programs. It would also provide technical assistance to law enforcement agencies, advise the attorney general, the legislature, and the Governor, and undertake research in police-community relations.

Finding 6: The New Mexico Advisory Committee heard testimony indicating a general lack of public confidence in the judicial system in New Mexico. Certain segments of the community, especially the poor and minority groups, are convinced that the courts are not responsive to their needs. Judges at all levels appear to lack sufficient sensitivity to the needs of the minority communities they serve. In many instances, there is a crisis in confidence between a considerable segment of the community and those who administer the laws of the State.

RECOMMENDATIONS:

The State Advisory Committee recommends that the State attorney general provide additional training to judges to make them more responsive to the needs of the community, especially to the needs of the poor and minorities.

The Advisory Committee further recommends that the State bar association and/or the Governor's Council for Criminal Justice Planning develop means to provide assistance to the complainant at an early stage in the judicial process so that a balanced presentation will be made to the courts in police misconduct cases. Legal assistance should be made available to every indigent complainant who wishes to pursue his/her complaint against police misconduct into the courts. Funds may be sought from LEAA to implement such a program.

APPENDIX A

Affidavit filed by Antonio Cordova with  
the attorney general of the State of New  
Mexico on July 20, 1971.

AFFIDAVIT

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(This is an exact copy of the affidavit filed by Antonio Cordova with the Attorney General of the state of New Mexico on July 20, 1971.)

I, Antonio Cordova of Espanola, New Mexico, do hereby state that on the early morning of Sunday, July 18, 1971 at about 3:40 A.M., I was walking home from the office of El Grito del Norte on Riverside Drive (the Taos highway). I am a photographer and reporter on the El Grito staff and had been working late on an article. When I had just passed the Standard Station at the Big Rock Shopping Center, I was almost hit by a police car as it turned into the parking area of the Big Rock Center and sped toward the Standard station. I stopped to watch and saw several other police cars arrive with red lights flashing. I walked back to the station to see what was happening, as a journalist. I saw that three police cars had stopped a 1968 Chevrolet behind the Standard station, and the officers were approaching the car with shotguns pointed at it. I walked to the rear of the station and watched three men climb out of the car with their hands up. Then police officers began searching the car. I then walked to the front of the gas station, where I observed that police officers were also making some arrests. I did not approach the police closely. There were half a dozen or more other people, not police, watching the incident. I observed that the police already had three men in their car. I approached a man who was standing close to the police car and asked him what was happening. He said, "I don't know, I just got here."

Then Espanola police officer Baltasar Archuleta came out of the gas station with another officer whom I did not recognize. He saw me and asked me, "What are YOU doing here?" (with emphasis on the "you"). I said, "Nothing, I was just watching." Baltasar then asked me who I was with and I said, "Nobody, I'm alone." He then said, "You come here, I'm going to arrest you too." Officer Archuleta did not inform me of the charge against me or why I was being arrested. He opened the door of the police car and I climbed in with the three other prisoners. I was sitting on the rear seat. Baltasar Archuleta climbed in the car on the front seat and said to me: "I'm going to find out what you're up to, taking all those pictures of us." (He

was apparently referring to the fact that I had been photographing the disturbance in Espanola on July 11. At that time, he stopped me and threatened to arrest me. I told him I was a journalist. He said that "taking pictures is against the law." He finally did not arrest me, but said "I'm going to check on you." On the present night, July 17-18, I did not have any camera with me.)

Another officer climbed in the car and drove toward the police station. As we passed the Valley National Bank, I noticed that the outside clock said 3:51 A.M. At the police station in Espanola, Baltasar Archuleta opened the rear door of the car and said "Get out." I did, and was directed into the station, followed by the three other men. Officer Archuleta came in and told the officer behind the desk to open the door to the inside room (next to where the radio dispatcher and other personnel are located). We walked into that inside room and stood waiting for the police to book us. At this point, some of the men who had been at the Standard station when we were arrested came in to the police station and asked to bail out one of the three men who had been in the car with me. The man that they asked for was released and I was told by Archuleta to step back and wait for last. So I waited while the two remaining men were searched and booked, then taken to the jail block.

Archuleta then locked the door to the jail block and came back and ordered me to empty my pockets on the counter. I took out of my left front pocket a Chapstick, three keys, a fingernail clip and one stick of Dentyne chewing gum. From my right front pocket I took out a one-dollar bill and a dollar and two cents in change. I was in the process of counting the change when Archuleta, then standing to my left, hit me on the left side of my head on the ear. He said something that I could not hear, since he had hit me on the ear. I acted as though nothing had happened and went on counting my change. I told the booking officer, Isaac Romero, that I had two dollars and two cents. Archuleta then removed my glasses roughly and threw them on the counter and hit me in the right eye with his left fist. He was wearing black leather gloves. Officer Romero,



who was writing down the articles in my pockets, said "Two dollars and one cent." "No, sir," I said, "there is two dollars and two cents there." Baltasar Archuleta hit me again on the left cheek with a right punch. He said: "You guys from El Grito have been on us for a long time. You're coming from out of state and causing trouble here. Well, we don't want you here anymore." Then he said in a threatening tone: "You better leave here." Then he hit me again on the right side of my face and then again on the left side of my face. I had my hands on the counter throughout all this. There were about five other police officers inside the small office and one standing on my right. I said "You gentlemen can see that I am not trying to resist or doing anything to cause this." They simply stared at me. Isaac Romero asked my name and I said, "Antonio Cordova." Then I added, "James Antonio Cordova," as is written on my driver's license. Archuleta then pulled my wallet and comb out of my left back pocket and threw them on the counter. He stepped up close to me and said, "You guys have your way but we have ours." He tried to stomp down on my left foot with his right heel, but he missed and stumbled against me. Then he hit me again on the right side of my face with his left fist. I thought he had broken my nose, but I later found out he had not. Isaac Romero then asked me to sign a piece of paper. I asked him, "Can I put my glasses on? I'm not going to sign anything unless I read it." Archuleta pushed me and said: "Go ahead and put your fucking glasses on, you're not worth a damn with your glasses on or without them, anyway." So I put on my glasses and read the statement that listed the articles taken from me at the time of booking. I signed it. Then an officer whom Archuleta called "Ben" (Ben Martinez, I believe), grabbed me by the right arm and was leading me toward the cell door. Archuleta stepped up behind me and kicked me at the bottom of my spine. It hurt very badly, but I said nothing at this time or at any other time, because I did not want to do anything that could be interpreted as aggressive behavior.

The booking took place at 4:11 A.M. on July 18. At 5 A.M., I was allowed to make a telephone call. I asked Archuleta what the charge against me was, and he said "Drunk." This was the first time I heard the charge against me or any mention of drunkenness on my part from the police. I had not been drinking at all that night. I was released on a \$25.00 bond at about 7 P.M. on Sunday, July 18.

I swear that the above statements are true and correct to the best of my knowledge.

(SIGNED AND NOTARIZED) Antonio Cordova

APPENDIX B

Investigation into the allegations by James Antonio Cordova of police brutality in Espanola, New Mexico, July 18, 1971, by David L. Norvell, attorney general of New Mexico.

TO: BRUCE KING, GOVERNOR OF NEW MEXICO  
FROM: DAVID L. NORVELL, ATTORNEY GENERAL  
SUBJECT: INVESTIGATION INTO THE ALLEGATIONS BY JAMES ANTONIO CORDOVA OF POLICE BRUTALITY IN ESPANOLA, July 18, 1971.

#### INTRODUCTION

Since July of last year we have received five different complaints concerning alleged police brutality or other misconduct in Espanola. Consequently the Governor asked us to investigate the total situation. As you know, we had hoped to combine these into one comprehensive report. However, the information on one of the incidents, that occurring at Stacey's Bar, has proven so elusive that we are still some time away from completing the overall investigation. This being the case, I feel it desirable to make public those portions which we have finished -- namely, the complaints of Antonio Cordova and Eliseo Martinez. It is particularly appropriate that we issue the Cordova report now, in light of his recent violent death. Herewith, the Cordova report; the Martinez report will follow in a few days.

In order to assure that our investigation be objective we have had with us on approximately 90% of the interviews a representative of the Santa Fe Organizacion de Barrios; the lack of participation in the remaining 10% was due merely to problems of coordination and scheduling. The participation of the Organizacion de Barrios has proven useful, and I am grateful that they have taken the time to cooperate with us in this way.

Whenever possible tape-recorded statements were taken. Where not, the interviewers relied upon extensive note-taking. For most of the interviews between two and four members of the Attorney General's staff were present, in addition to the representative of the Organizacion de Barrios. In most cases Declarants' names are omitted to protect them; only where it appears necessary are actual names used.

This report will be divided into four sections: (1) circumstances prior to the incident which led to Cordova's arrest; (2) circumstances surrounding Cordova's arrest itself; (3) occurrences at the police station; and (4) miscellaneous background information.

### I. Prior Circumstances

Cordova claimed in his formal statement that he had been "working late on an article" in the office of "El Grito del Norte." He said he "had not been drinking at all that night." According to him, it was as he was walking home from "El Grito" at approximately 3:40 A.M., July 18, 1971 that the incident occurred during which he was arrested.

Another declarant, Civilian A, states that "on the night of Saturday, July 17, 1971, I was in the presence of Antonio Cordova at all times until he departed the following morning, Sunday, July 18 at about 3:30 A.M." Civilian A stated that they were each doing their "respective work." Civilian A stated further, "at no time did I see him drink any alcoholic beverage but rather saw him drink coffee all night long."

### II. The Arrest Itself

Cordova claimed that as he was walking along he observed police cars with flashing red lights speeding toward the Standard (Chevron) Station at the Big Rock Shopping Center. He walked to the station "to see what was happening as a journalist." He claimed he observed officers searching a car and making arrests. According to Cordova's statement, one of the officers, Baltazar Archuleta, said to him, "What are YOU doing here," with emphasis on the "You." After Cordova said, "Nothing, I'm just watching," Archuleta allegedly said "You come here, I'm going to arrest you

too," without informing him of the charge. At that point Cordova got into one of the police cars.

We have talked to ten other individuals involved in the events at the Chevron station. Four of these are policemen, three are individuals who were arrested, and three are bystanders. There is agreement that there was a disturbance near the Chevron station at approximately 3:40 A. M. The exact nature of the disturbance is not clear, but there were apparently several cars in front of the station and at least one in back of the station with individuals drinking inside and outside of the cars. The service station attendant was sufficiently alarmed by this that he called the police station to ask for assistance. Shortly thereafter several police cars arrived containing Officers Baltazar Archuleta, Isaac Romero, Ben Martinez, Joe Trujillo and Florencio Archuleta.

According to several witnesses, Antonio Cordova walked up shortly after the police arrived. The police began arresting people for drunkenness in public, drunk driving, possession of marijuana and "party to a crime." (There are reports that a total of seven individuals were arrested, but despite numerous attempts we have been unable to locate three of them; we will continue to try.) As part of the same incident Baltazar Archuleta arrested Cordova. Two individuals (one a policeman and one a civilian) claim that Archuleta gave Cordova a chance to leave before arresting him. There is agreement that there was no unnecessary force used in carrying out these arrests.

There are several points of minor disagreement concerning the events at the Chevron station. For example, one witness said Cordova had a camera with him, another said that Cordova had a tablet of paper and indicated he was going to report the

events; neither of these recollections are substantiated by Cordova or by the other witnesses. Also, there is disagreement on whether Baltazar Archuleta informed Cordova of the charges against him at the time of the arrest and as to what words were said between Cordova and Baltazar Archuleta at the moment of the arrest.

The one area of disagreement which seems to be especially significant is as to whether or not Cordova was drunk or drinking at the time. Various of the policemen involved claim that he (1) was carrying a can of Coors beer, (2) was staggering, (3) had the odor of alcohol on his breath, and (4) that his clothes were dishevelled.

One of the non-police witnesses testified that Cordova appeared to be drunk. Two of the non-police witnesses, Civilians B and F, said that they felt Cordova definitely was not drunk; three of them said that he did not have a drink in his hand. According to the police report, Cordova's arrest was for public drunkenness.

Cordova claimed that Baltazar Archuleta said, on climbing into the front seat of the car, "I'm going to find out what you're up to, taking all those pictures of us" (apparently, according to Cordova, referring to his having taken pictures of the police in the disturbance which erupted during the Onate Fiesta in Espanola, July 11, 1971). One of the non-police witnesses states that Archuleta said to Cordova, just before putting him in the car, "I'm tired of this, you always trying to take pictures of me."

### III. Events at the Police Station

Cordova claimed that of the prisoners brought in together he was the last to be booked because Baltazar Archuleta told him to wait 'til last. According to Cordova, while Isaac Romero was

booking him in, Archuleta hit him six times in the facial area and tried to stomp on his toes. Cordova also claimed that Archuleta kicked him at the base of his spine as he was being taken to the cell by Ben Martinez.

During the booking, according to Cordova, Archuleta said "You guys from El Grito have been on us for a long time. You're coming from out of state and causing trouble here. Well, we don't want you here anymore." "You better leave here." "You guys have your way but we have ours." "Go ahead and put your fucking glasses on, you are not worth a damn with your glasses on or without them anyway." Cordova claimed that during all this he offered no resistance and that at one point he said to the other officers present, "You gentlemen can see that I am not trying to resist or doing anything to cause this."

The officers at the station at the time of the booking were Florencio Archuleta, Baltazar Archuleta, Ben Martinez, and Isaac Romero of the Espanola Police Department; and Miguel Armenderiz, Manuel Martinez and A. B. Whitehouse of the State Police. Dispatcher Joe Montoya of the Espanola Police Department was also present. All of these police officials claim that they neither saw nor heard any signs of violence during the period when Cordova was being booked. They also say they didn't hear or cannot recall any dialogue between Cordova and Archuleta. Three of them say they recall Cordova looking like he was at least slightly intoxicated. One claims he recalls Cordova staggering and his clothes being in disarray.

Some of the officers go on to say that Baltazar Archuleta was not even in the same room where the booking took place. Officer A said that Baltazar Archuleta "was not there." Officer B said that Baltazar Archuleta was called outside to talk to friends of two of the men arrested, during the booking of Cordova.

Officer C said Baltazar was outside the whole time. Another police official said that Baltazar was outside sitting in a car during Cordova's booking. Baltazar himself said he was in the lobby and on the sidewalk talking with Civilian B during this period. The police report which Baltazar Archuleta, Ben Martinez and Isaac Romero wrote, said that Baltazar "left the police department with another subject" before Cordova was taken into the jail itself. Officer D remembers Baltazar being present during this period, however.

Of the six non-policemen (four prisoners and the two men who came to pick up one of the prisoners) who were apparently in the station at the time of, or just prior to Cordova's booking, we have statements from all but one (Eloy Martinez -- we will continue to try to locate him). Civilian C remembers nothing about the incident. Civilian D said he was the first one of the three (he, Civilian E and Cordova) to be booked. Civilian E remembers that Cordova was brought in to be booked after him. Neither Civilian D nor Civilian E heard or saw any violence; Civilians B and F also recall no indications of violence. It is not completely clear if any of these civilians were in or near the booking area when Cordova was being booked, however.

The officers' claim that Baltazar Archuleta was not present during Cordova's booking does not appear to be altogether substantiated by these non-police witnesses. Apparently the "booking sequence" was Civilian D, Civilian E, Cordova. Civilian D said that Baltazar called him from the booking room to the anteroom when his two friends arrived. One of the friends, Civilian B, confirms that Baltazar brought Civilian D from the booking room to the anteroom. Civilian B goes on to say that he talked with Baltazar in the anteroom for 3-4 minutes.



Civilian E claims, however, that Baltazar was the one who took him to his cell. Thus it appears that even though Baltazar did leave the booking room with Civilian D he was back there to take Civilian E into the jail itself; and Civilian E was apparently taken to jail just prior to Cordova. Also, lending support to the idea that Baltazar was present is the fact that at one point in our interview with him, Baltazar said, referring to Cordova, "When I booked him in. . ."

With regard to the claim that Baltazar left the building to talk to Civilians B and F, Civilian B said that Baltazar did not leave the building while he was there. Civilian F, who was with Civilian B at the time, also said that Baltazar did not go out to the sidewalk to talk to them.

#### IV. Miscellaneous Background

Baltazar Archuleta has been the object of other complaints of brutality. One declarant stated that one one occasion he had seen Baltazar Archuleta hitting people "just for nothing." Another states that Baltazar Archuleta gave him 5-6 electric shocks (with a baton commonly used for riot control) for no apparent reason. We have not investigated these allegations nor has any evidence other than the statements themselves been offered to support them. One of the ex-chiefs of police of Espanola said that he as chief had received several complaints (none of which were proven) of brutality by Baltazar. A representative of the State Police said that Baltazar had applied for a job but that the State Police would not hire him because of his "being too quick with his fists."

A related issue about which there is a clear inconsistency of testimony among Baltazar's superiors is that of the reason for his resignation from the police department. One official stated

that Baltazar was asked to resign because of possible danger<sup>67</sup> to his life. Another said that Baltazar's resignation was not due to pressure or danger to his life. A third, however, claims that Baltazar was transferred out of the police department to another section of the city government "till things blew over." He went on to say that Baltazar was unhappy in this new job, and so therefore quit. According to this person, Baltazar "wanted to be a cop." (Baltazar himself would not give the reason for his resignation, saying only that he did not resign under pressure or because of threats).

Another interesting point is that the Espanola Police Department told us they had already investigated Cordova's complaint. It appears, however, that this investigation was limited to finding out the officers' side of the story.

#### CONCLUSION

There are a number of issues of fact which this investigation has been unable to resolve. The first concerns whether or not the police officers had reason to arrest Cordova in the first place. If, as they say, Cordova was drunk in public, the arrest was authorized under Section 8 of the Espanola Penal Code. The statements of Civilians A, B, and F and of Cordova himself cast doubt on this, however.

On the question of brutality toward Cordova at the police station all of the evidence which we have tends to discredit Cordova's assertions. It should be noted that most of this evidence comes from police personnel; there were apparently no civilians in close proximity to that part of the station where the booking occurred at the time of the booking.

The statements by the police that Baltazar Archuleta was not even present during Cordova's booking do not seem to be beyond question. (See above discussion.)

With regard to Archuleta's possible tendency toward violence, some of the evidence is hearsay. However, there are two statements by individuals who say they either personally experienced or saw what they considered unnecessary brutality by Baltazar on other occasions. As noted above, these statements have not been investigated.

Finally, the Espanola authorities apparently were not completely candid concerning the reasons for Baltazar's resignation. The statements of the three officials interviewed regarding this do not coincide. The story that Baltazar was transferred "till things blew over" and then chose to resign because "he wanted to be a cop," appears plausible. Once again, however, it is impossible to determine conclusively.

#### RECOMMENDATION

Since the burden of proof would be on the State, I do not think there is enough evidence to warrant either recommending that the District Attorney prosecute or prosecuting ourselves.

However, I feel that we should make this report public. The purpose of this would be both (1) to show that we have conducted a good faith, albeit somewhat inconclusive, investigation, and (2) to demonstrate to the Espanola Police Department that, even though we are not going to prosecute, there is reason to question whether the arrest was valid and whether the statements that Baltazar Archuleta was not present during Cordova's booking are accurate; that we believe we have not been told the entire truth concerning Archuleta's resignation; and that there is evidence that Baltazar Archuleta has on occasion utilized unnecessary force in his police duties.

## APPENDIX C

Report of David L. Norvell, attorney general  
of New Mexico to Governor Bruce King concerning  
the shooting of Antonio Cordova and Rito Canales.

METHOD AND SCOPE OF THE INVESTIGATION

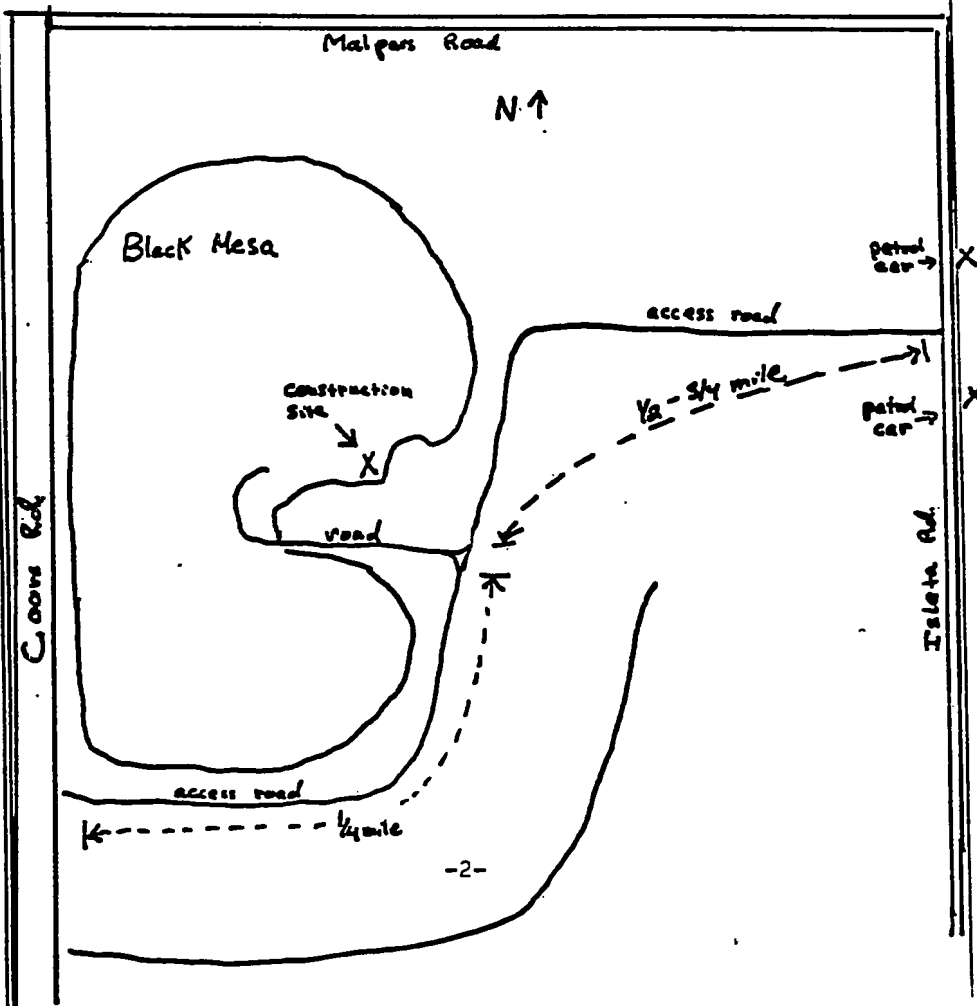
Three staff attorneys and three investigators conducted the investigation. They interviewed all of the law enforcement officers involved in both the shooting and in the investigation of the shooting. All the physical evidence and the reports and tests made upon it were reviewed, and those who had made the reports were interviewed when that was possible. An additional research team conducted a survey of the law on the use of force by peace officers. When the factual and legal research was completed, each of our staff attorneys reviewed a summary of the facts and wrote a commentary on the evidence and the legality of the officers' actions. This report is a product of all the foregoing input.

As has been our practice in other investigations of this nature, a community citizen observed the investigation. Mr. L. Michael Messina was the observer. He is an Albuquerque attorney. We felt Mr. Messina would be a credible observer because his work has brought him into contact with various community groups.

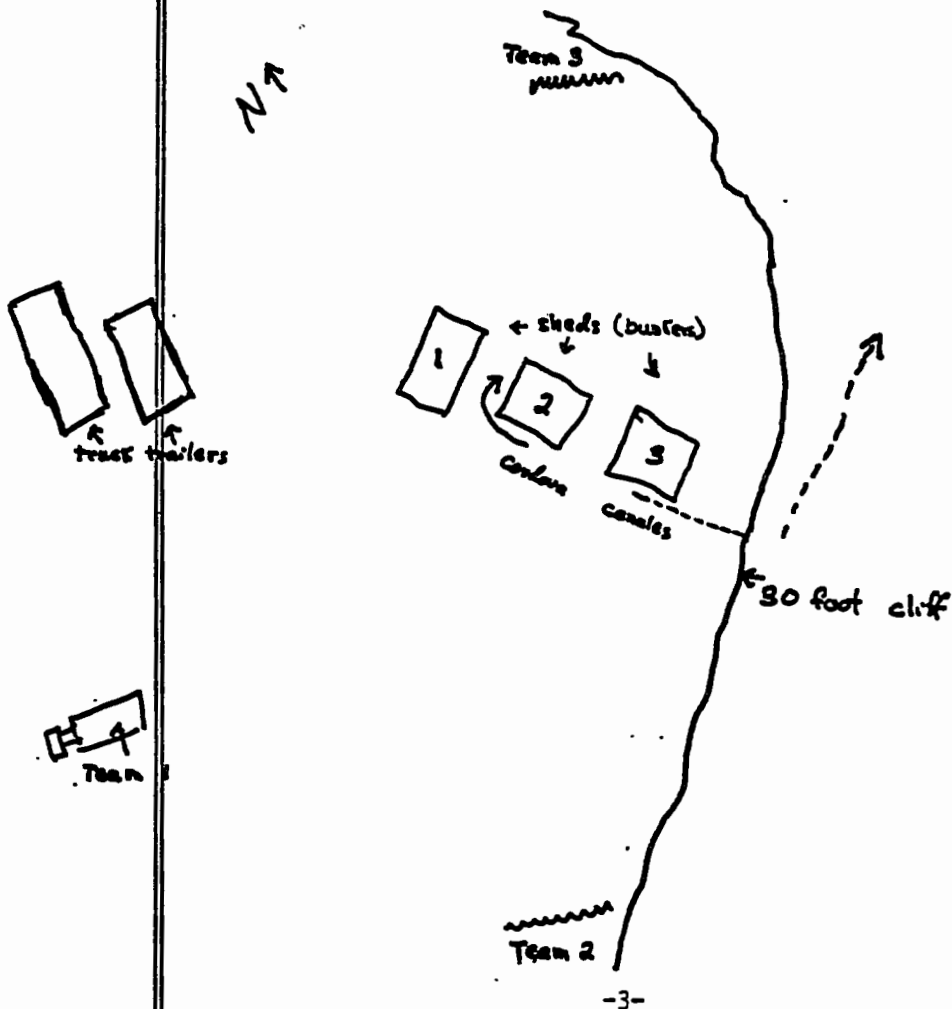
We preface this report with a warning about interpreting it. This report must be read in its entirety. Any quote out of context renders the report meaningless and misleading.

SYNOPSIS OF THE FACTS

At approximately 11:00 P.M. on January 28, six officers of the State and City Police forces prepared a stake-out of a construction site at which dynamite sticks and blasting caps were stored. They had earlier received an anonymous phone call warning them that a burglary would be attempted. The construction site was located on a mesa south of Albuquerque between Coors and Isleta Roads, and south of Malpais Road. The terrain surrounding the mesa is flat and treeless. It is traversed by two or three irrigation ditches. There are some homes about one mile northeast of the mesa on Malpais and Isleta Roads. There are one or two houses southeast and southwest of the mesa at about 1/4 mile. An illustration of the mesa and highways follows:



The officers divided into two-man teams and positioned themselves as follows: two men were under a caterpillar tractor 40 yards due west of the storage bunkers (team 1); two men were hidden in some rocks 50 yards southwest of the bunkers (team 2); two men were hidden on a ledge 70 yards northeast of the bunkers (team 3). Four other officers were positioned on Isleta Road in two patrol cars. There were no patrol cars on Coors Road. The cars were in radio contact with the officers on the mesa. An illustration follows:



Two officers were armed with M-1 Carbine rifles; two had shotguns, and two carried high-speed rifles. All men carried hand guns and handcuffs. Only the men in teams 1 and 2 could observe the storage bunkers. The men in team 3 were screened from the bunkers by a ledge.

At 12:50 A.M. on January 29, 1972 the four officers in teams 1 and 2 observed a man standing by the south side of the caterpillar. The officers of team 1, who were under the tractor, were within 10 feet of the man. An officer in team 2 was observing him with a 7-power scope on his rifle. The other officer in team 2 observed him with binoculars. All four officers observed the man was carrying a carbine. The man was plainly visible because there was a full moon directly overhead. The man, who was later identified as Cordova, proceeded cautiously to the bunkers and surveyed the area.

Shortly thereafter, the four officers observed another man standing by the tractor where Cordova stood. All four officers observed an automatic pistol in one of the man's hands and bolt cutters in the other. An officer in team 2 positively identified this man as Canales at that time. An officer in team 1 told his partner that he thought the second man was Canales after Canales had approached the bunkers. The officer in team 2 followed Canales' movements on his rifle scope from that moment on. Canales joined Cordova at the bunkers.

The officers observed Cordova and Canales flash a small flashlight five or six times from the rear of the bunkers. The men signaled toward the southeast -- in the direction where the access roads from Coors and Isleta meet the road which ascends the mesa. Canales then attempted to cut the locks on bunker #3 but failed to do so. Both men conferred, returned to



the rear of the bunkers, and signaled in the same direction again. They returned to the front of the bunkers. Canales went to bunker #3, and Cordova stood in front of bunker #2 facing west toward the hidden officers.

When Cordova and Canales resumed their positions in front of the bunkers, the officer in charge, who was in team 1, shouted, "Freeze, police officers." Cordova immediately fired twice and moved toward bunker #1. An officer in team 1 fired his shotgun once at Cordova, and Cordova went down between bunkers #1 and #2. An officer in team 2 also fired at Cordova. Simultaneously, Canales ran toward the 30 foot cliff and either fell or leaped over the edge. The other officer in team 1 fired two or three low shots at Canales before Canales disappeared and continued to fire in that direction because he was not sure if Canales had taken cover or had gone over the cliff. The officers of team 2 also fired at Canales. One officer in team 2 thought he hit Canales as he reached the edge of the cliff. Both officers of team 2 saw a pistol in Canales' hand as he ran toward the edge of the cliff.

The officers remained in their positions for a minute or so after the shooting stopped. The officers of team 2 saw Canales running east in a crouched position and disappear over a sandy embankment. They tried briefly to follow but returned when the officer in charge ordered them to the top of the cliff. In the meantime, team 1 had circled around to the north of the bunkers, and one officer from team 3 had approached the bunkers from his position. One officer moved cautiously around the northeast side of bunker #1, another was behind him and to his left. The two officers looked between bunkers #1 and #2. They saw Cordova reclining on his elbow or leaning against

the bunker holding the carbine across his chest. Cordova raised the carbine and the two officers fired -- one twice and one once. Cordova was dead when the officers examined him seconds later.

The four officers then proceeded cautiously to the edge of the cliff to look for Canales. One officer first looked directly below because he thought that Canales would be injured from the fall. Another officer began to search the area below with a flashlight. Two of the officers were kneeling or crouched at the edge of the cliff to protect themselves from possible gun shots. The other two made no attempt to conceal themselves but stood upright while one used the flashlight to search. One of these men said he had the idea that Canales had escaped or was hiding since they hadn't been fired upon immediately.

Someone spotted Canales and shouted "There he is." Canales was about 100 yards from the men and 20-30 yards below them, near the base of the mesa. One officer saw Canales running among the rocks and then briefly disappear before the other officers saw him. The officer in charge shouted, "Halt." At that time Canales was moving on all fours up an embankment which leads back to the top of the mesa at a point several hundred yards from the officers' position. He did not stop or shoot but continued to move up the embankment. The officer who shouted halt said he waited 10 seconds while Canales travelled about 25 feet; then he said "Shoot" or "Use your rifle." The order was intended for one officer who had a high speed rifle, but the officer's name was not spoken. Three officers fired on Canales. One officer fired one shotgun blast. One officer fired four times with a high speed rifle, aiming low on Canales'

body. The other said he placed the cross-hairs of his scope on Canales' chest and shot to kill. Canales stopped moving. Three officers went down to check the body and found Canales dead.

The officers described their emotional states at the time they spotted Canales as states of excitement and concern for their lives. None of the officers said he was as scared at that moment as he was when Cordova had first fired on them. All of the officers thought Canales was either trying to escape or hide. Each of the men said he would have been unwilling to go down the mesa and look for Canales because he would not want to risk being shot. The terrain on the side of the mesa is rocky and marked by gullies and ledges. No attempt was made to radio the two patrol cars stationed east of the mesa to aid in the capture of Canales. The pistol which Canales was allegedly carrying has never been found.

CONCLUSIONS

We found no evidence of any conspiracy either to kill the two men or to cover up actions of the police. There are still questions, however, about the identity of the informant. We are continuing our efforts to learn the identity of this person.

A brief review of the legal standards applicable to these facts will hopefully illuminate the bases for our conclusions on the legality of the officers' acts. Our laws allow a police officer to use deadly force only in case it appears reasonably necessary to do so to effect an arrest or prevent an escape of a felon. A police officer may not shoot a felon merely because he attempts to run. The officer must not only believe that it is necessary to use deadly force, but the facts and circumstances known to him at the time must justify his belief as being a reasonable one.

In order to judge the necessity of deadly force, we must examine the alternative courses of action available to the officers. There are certain kinds of alternatives which the law does not consider, however. The fact that the officers could have formulated a better plan for trapping the felons is not material. Our State Supreme Court has said, in effect, that it is not proper to consider alternative plans for the capture of criminals which could have been formulated before the attempt to capture was made. The only alternatives which are legally relevant are those available to the officer at the moment he attempts the capture. If there are alternative means of capture which do not substantially increase the risks to the officer's life, then use of deadly force is not justified.

When these legal principles are applied to the shooting of Antonio Cordova, it is clear that the officers were justified in using deadly force against him. Cordova had already

fired on the officers. When they saw him the second time, Cordova moved his rifle in a way that was reasonably interpreted as a threatening gesture. A reasonable man would conclude, as did the officers, that it was apparently necessary to shoot Cordova in order to protect oneself and to effect the arrest.

The shooting of Rito Canales is more problematic. In the first place there is some confusion about what felony Canales committed. He never succeeded in cutting the lock to the dynamite shed; consequently, he was only guilty of attempted burglary. Attempted burglary of a building other than a dwelling house is a misdemeanor. Police may not use any deadly force against a fleeing misdemeanor. The facts of this case, however, do indicate that Canales was guilty of another crime which is a felony. It is clear from the evidence that the officers had probable cause to believe Canales was conspiring with Cordova to commit the felony crime of burglary. Conspiracy to commit a felony is itself a felony. Thus, the police had reason to believe that Canales was a fleeing felon.

The most difficult question is whether it was reasonably necessary to apply the kind and amount of deadly force used to stop Canales' flight. There is evidence which suggests that the use of such force was not justified. There is also evidence which suggests the use of such force was justified. There is some evidence from which a reasonable man might draw either conclusion. In short, it is a difficult question about which reasonable men could disagree. Given the substantial evidence suggesting that the shooting was justified and given the heavy burden of proof which the state must sustain in a criminal prosecution, we conclude that the officers should not be prosecuted for any criminal offense. The officers could not be

convicted of any crime. Prosecution would only harden community attitudes and subject the officers and the State to expensive litigation.

The difficulty in proving beyond a reasonable doubt that shooting Canales was not necessary is not the only reason for not prosecuting. Even if one were to conclude that the shooting was clearly unnecessary, there would be a serious question as to what charges could be brought against which officers. Although we know that Canales' fatal wound was a perforation of a large artery, the bullet which caused that wound was not found. It evidently passed through his body. The bullets which were recovered from his body are so fragmented and splintered that it would be extremely difficult to prove which of the officers' guns did fire them. Thus, assuming that the evidence showed the shooting was clearly unnecessary the only charges which could probably be filed would be aggravated assault, a fourth degree felony. These problems of proof are an additional indication that prosecution of these officers is not warranted.

Our concern with this case must not end with a conclusion that the State should not prosecute the police, however. Events of the past year, the shooting itself, and the events following the shootings have demonstrated that this State is on the verge of a crisis with potentially tragic consequences for the community, the police, and law enforcement as a whole.

We must examine this controversy in light of the events of the past twelve months. Since May of 1971, this State has witnessed the murders of a District Attorney and a State Police Officer; in addition, six young people (including Canales and Cordova) have been slain by the police under controversial circumstances. We have also witnessed two riots -- one in

Albuquerque, one in the penitentiary -- the indictment of a high ranking prison official for battery, and numerous complaints of police brutality and a substantial increase in the crime rate.

It is fair to infer from these facts, we think, that the result of these events has been a hardening of attitudes by nearly all segments of the community. Many of the police and their most loyal supporters are more convinced that "militants" and many of the young in general would destroy the moral and social fabric of this country. Other segments of the community are just as convinced that the police and public officials generally are morally bankrupt oppressors. Many people of moderate convictions have become more skeptical of law enforcement officials.

The events following the shooting prove these inferences. That there was a great public controversy is common knowledge. What is especially significant is that the community groups calling for a thorough investigation were not just the so called "militants" but included several moderate to conservative groups -- groups which do not in anyway sympathize with violent attempts to change society. In short, we are immersed in an atmosphere of suspicion of such proportions that there truly is a crisis in confidence between a considerable segment of the community and law enforcement officials.

The crisis can only be resolved by insuring community respect for the police and police respect for the law. Many attitudes must be changed in order to accomplish this. Those who consider the police "pigs" must discard their stereotype and realize that the police officer's job is society's most difficult and that he often labors under the severe handicaps of poor training, poor salary and poor work conditions. Those

who say "the police right or wrong" must realize that police do make mistakes and when they break the law they should be punished. The police must realize that their critics are not necessarily their enemies and that they, like all public servants, must submit to public scrutiny and criticism.

We are convinced that the only way to bridge the widening credibility gap between police and community is to institute citizen participation in law enforcement. We do not suggest that civilians should be in every patrol car. We do believe that community representatives should actively participate in major policy decisions of local law enforcement agencies and in hearing and acting on police and citizen complaints.

This suggestion should not be considered as any sort of attack on presently existing law enforcement agencies. We have attempted to apply this suggestion to this office by including community observers in our investigations of controversies like the present one. Of all the officials who administer the laws of this State, the prosecutors and police are unique in the almost totally unfettered discretion with which they perform their duties. Other administrative officials are subject to a variety of limits on their power: administrative and judicial appeals, legal requirements of openness and equal treatment. That other administrative officials retain the public's confidence is partly a product of public knowledge that the officials' power is subject to outside controls. We believe the best way to encourage confidence in law enforcement agencies is to treat them the way we treat all other administrative agencies.

The best way to increase public confidence in law enforcement agencies is to institute community participation at the



policy making level of law enforcement agencies. This will not only make law enforcement agencies more aware of and responsive to community problems, it will instill confidence in the police because citizens will know they have a voice in the exercise of police power. Institutionalized community participation in law enforcement is a uniquely appropriate solution in a nation whose government is founded on a system of checks and balances.

Our major conclusion and recommendation then, is that we work to encourage citizen participation in local law enforcement either through assisting those communities who wish to make such changes on their own or through legislative changes. Our immediate concern in making these recommendations is the safety of our police. The crisis of confidence in law enforcement is much more severe in several of our large cities than in New Mexico. In those cities many police have been killed by men so totally disillusioned with our system that they believe senseless violence is the only solution. The crisis has not achieved those proportions in New Mexico, and we believe that we can avoid the senseless deaths of police officers and civilians by acting to restore confidence in the law now.

APPENDIX D

Statement of L. Michael Messina, independent  
observer to attorney general's investigation  
of the shooting of Antonio Cordova and  
Rito Canales.

STATEMENT OF L. MICHAEL MESSINA  
INDEPENDENT OBSERVER TO  
ATTORNEY GENERAL'S INVESTIGATION  
OF THE SHOOTING OF  
ANTONIO CORDOVA AND RITO CANALES

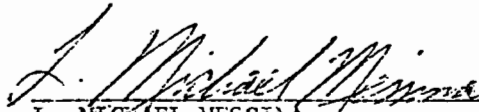
As independent observer to this investigation I feel compelled to remark concerning the report of David Norvell, Attorney General of New Mexico, to Governor King. I disagree with the decision of the Attorney General not to prosecute because, in my opinion, there is no excuse, legal or otherwise, for the killing of Rito Canales.

Let me first clarify exactly what my role was. I was allowed to sit and observe the taking of statements from certain of the police officers. In the case of three of the six principal police officers involved at the scene, I was not permitted to be present when their statements were taken. This was a result of their refusal to give a statement in my presence. In addition, I was kept abreast of the progress of the investigation by the Assistant Attorney General in charge.

The Attorney General's Report fails to reach a definite conclusion as to whether or not the killing of Rito Canales was justifiable. Based upon the evidence adduced by the Attorney General's investigation it is my opinion that the killing of Rito Canales was not justifiable and that the police officers involved should be prosecuted. Indeed, the Attorney General's Report concedes that there is "probable cause" to believe that the officers murdered Mr. Canales. Why the Attorney General should depart from this traditional standard of law enforcement in this particular case is, at the least, perplexing. If he is truly concerned about the impact on the community, the responsible exercise of his discretion in this case is to proceed against these police officers as against any other citizen. Certainly, the attitude of the Mexican-

American community will be hardened when the police are given this preferred position and two of their people are dead. Furthermore, I note with alarm Attorney General Norvell's concern with the expense of litigation. Certainly, no expense has been spared in connection with the death of Officer Rosenblum.

Finally, I concur with the Attorney General's remarks concerning community participation in police policy, but submit that his suggestions fall far short of what is necessary to avoid this kind of incident in the future. The conclusion reached by the Attorney General is unacceptable in a twentieth century democracy. He has a greater responsibility than to haul out the old saw of police-community relations. In terms of the moral and human values which the public has a right to expect and which the law demands, we cannot permit police officers, or anyone, to stand on the edge of a mesa thirty feet above and a hundred yards away from a man crawling on his hands and knees in a pile of dirt and rocks and annihilate him.

  
L. MICHAEL NESSINA  
Attorney at Law  
1015 Tijeras, N.W.  
Albuquerque, New Mexico 87101

APPENDIX E

Statement from the U. S. Department of Justice  
concerning the disposition of the Roy Callegos,  
James Douglas Bradford, James Antonio Cordova,  
and Rito Canales cases.

## UNITED STATES COMMISSION ON CIVIL RIGHTS

December 4, 1973

## SOUTHWESTERN REGIONAL OFFICE

New Moore Building, Room 231  
 106 Broadway  
 San Antonio, Texas 78205  
 Telephone: (512) 223-6821

Mr. Frank Allen  
 Deputy Chief  
 Criminal Section  
 Civil Rights Division  
 U. S. Department of Justice  
 Washington, D.C. 20530

Dear Mr. Allen:

Pursuant to our telephone conversation earlier today, I am requesting status reports on the following cases referred to you for investigation by the Commission or other sources:

|                        | <u>Date of Death</u> | <u>Place</u>                                  |
|------------------------|----------------------|---|
| ROY GALLEGOS           | 6-21-71              | Santa Fe, N.M.                                |
| JAMES DOUGLAS BRADFORD | 4- 1-71              | Albuquerque, N.M.<br>(possibly Kirkland, AFB) |
| JAMES ANTONIO CORDOVA  | 1-29-72              | Espanola, N.M.                                |
| RITO CANALES           | 1-29-72              | " "   |

Each case involved shooting deaths of the named individuals by police. If special recommendations or follow-up activity is planned by your office, please advise of this or any other information relevant to our concerns.

Sincerely,

LUCY R. EDWARDS  
 Staff Attorney

JAN 2 1973



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

DEC 27 1973

Address Reply to the  
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and Refer to Initials and Number  
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144-49-519  
144-49-534

Ms. Lucy R. Edwards  
Staff Attorney  
U.S. Commission on Civil Rights  
Southwestern Regional Office  
New Moore Building, Room 231  
106 Broadway  
San Antonio, Texas 78205

Dear Ms. Edwards:

This is in response to your correspondence of December 4, 1973, requesting the status of several matters referred to this Division by your Commission.

All of the matters referred to in your letter have been closed without prosecution. No further action will be taken by this Division in any of these matters.

Sincerely,

J. STANLEY POTTINGER  
Assistant Attorney General  
Civil Rights Division

By:

*Maceo W. Hubbard*  
MACEO W. HUBBARD

Supervisory Trial Attorney  
Criminal Section

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