

Memory of a statement I made in 1974 included in this publication:

The Struggle for Justice and Redress in Northern New Mexico (1974)

A Report to the United States Commission on Civil Rights

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 MESSINA Attorney at Law
1015 Tijeras, N.W.
Albuquerque, New Mexico 87101

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