The Killing of a New Mexican State Trooper: Ways of Telling a Historical Event

Lawrence J. Evers

Wicazo Sa Review, Vol. 1, No. 1. (Spring, 1985), pp. 17-25.

Stable URL:
http://links.jstor.org/sici?sici=0749-6427%28198521%291%3A1%3C17%3ATKOANM%3E2.0.CO%3B2-4

Wicazo Sa Review is currently published by University of Minnesota Press.

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at http://www.jstor.org/about/terms.html. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Please contact the publisher regarding any further use of this work. Publisher contact information may be obtained at http://www.jstor.org/journals/umnpress.html.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

The JSTOR Archive is a trusted digital repository providing for long-term preservation and access to leading academic journals and scholarly literature from around the world. The Archive is supported by libraries, scholarly societies, publishers, and foundations. It is an initiative of JSTOR, a not-for-profit organization with a mission to help the scholarly community take advantage of advances in technology. For more information regarding JSTOR, please contact support@jstor.org.

http://www.jstor.org
Wed Sep 19 15:02:58 2007

"THE KILLING OF A NEW MEXICAN STATE TROOPER:
Ways of Telling a Historical Event"

by Lawrence J. Evers

> *Do you see what happens when the imagination is superimposed upon the historical event? It becomes a story. The whole piece becomes more deeply invested with meaning.*
> *N. Scott Momaday, "The Man Made of Words"*

On Good Friday in 1952 New Mexico state trooper Nash Garcia was killed and burned in his patrol car twenty miles from McCartys, New Mexico, deep in the Acoma reservation, and the following Monday two Acoma brothers, Willie and Gabriel Felipe, were arrested and charged with the murder. From the outset the killing stirred imagination. Willie Felipe's confession printed on the front page of the *Albuquerque Journal* appeared a forced and inadequate explanation for the charred pile of bones and St. Christopher medal pictured sensationally above on the same page. Motive was the most persistent question in press coverage, the long hearing and trial, through the final psychiatric testimony in the case which gained the brothers a reduced sentence of life imprisonment early in 1953. The press, the court, the psychiatrists all looked for meaning in the event before they allowed it to sink into some slight chapter in the history of New Mexico. The small meanings they found were colored by the expectations of their professions and the majority community which they shared, and it remained for two Pueblo writers, in fictions published some twenty years after, to turn that small line segment of history into circles of form.

As fictions, Leslie Silko's "Tony's Story" and Simon Ortiz's "The Killing of a State Cop" have been noticed and praised.[1] Their editor writes: "It is interesting, and perhaps noteworthy, that two stories in this volume, by two different authors, deal with this same theme of violence and death of the white intruder."[2] The similarities of the stories *are* remarkable, all the more so against the background of N. Scott Momaday's *House Made of Dawn*. And it was initially an attempt to understand the curious relations of these imaginative accounts which took me back round to examine the records of the case on which they were based.[3] Records of the "United States vs. William R. Felipe and Gabriel Felipe" help us to see the role of the individual imagination in the creation of fiction, but they are of interest in their own right as well. Like Browning's Old Yellow Book, they preserve an intriguing variety of perspectives on a single event.

The barest account of the events of Friday, April 11, 1952, come to us through confessions wrung by F.B.I. agents from the Felipes early in the morning of April 14.[4][Both Willie, thirty-two at the time of the killing, and Gabriel, twenty-eight, were born at Acomita, New Mexico, where they were living then—Willie with his wife, Gabriel with his mother and step-father Mariano Vicente. According to Gabriel's confession, the brothers borrowed their step-father's pickup, bought two pints of Tokay wine at Los Ritos bar on Highway 66, and drove with their 30-30's north of Acoma toward Mount Taylor to hunt deer the morning of the killing. After an eerie hunt, Willie returned with a small deer, put it on the floor in the cab, and they returned to Los Ritos to buy sandwiches and more wine. There they turned west to Grants. It was about 2 p.m.

> We headed west on Highway 66 and I was driving. We had driven about 10 miles west from Los Ritos when I saw Nash Garcia parked in his state patrol car beside the highway. We drove on west about one mile and decided we had better not go to Grants with the deer in the pickup. William had deer blood on his pants so we decided to go home instead of going to Grants. I turned around and headed east on Highway 66, and I was driving about 65 or 70 miles per hour when we passed Nash Garcia still parked beside the highway. Garcia honked at us when we passed, and I stepped on the gas. And when we were about ½ mile east of where we passed Garcia, William looked back and said, "that patrol is following us." I looked and could see the state police car in the mirror. I drove on east to the McCarty road and turned south on McCarty road. Garcia followed us at a high rate of speed for about 7 or 8 miles, and I told William that Nash Garcia was the patrol chasing us and that he was the son-of-a-bitch that had put me in jail for drunk driving and for us to ambush Garcia and kill him. William said, "*O.K., let's kill him, but not here as this is not a good place to ambush him.*" We drove on about five miles with Garcia following us until we came up to a hill which had rocks and trees on it, and I said to William, "This is it." I drove the pickup off the road toward the hill and hid it behind a cedar tree. William jumped out of the pickup, took a 30-30 rifle and ran into the ditch about 15 feet from the pickup. Just as Garcia stopped I heard William shoot one shot and then three fast shots and Garcia yelled, "I give up. Don't shoot." Garcia opened the car door and stepped out of his car and fell beside his car.[5]

Loading the body into the patrol car, the brothers drove the car deeper into the backcountry, hid it in a grove of pinyons, and returned to spend the night at their mother's home. In the morning, Gabriel, carrying Garcia's revolver in his suitcase, went to Albuquerque with his mother and step-father. Willie returned to the hidden patrol car, piled the front seat with dry cedar, and set the wood on fire. The following evening—Easter Sunday—he was arrested at Acomita. Gabriel remained free another day until, ironically, he was arrested on the streets of Albuquerque by a cousin of Garcia's.

The circumstances under which these confessions were obtained were questionable as their very language suggests, a matter I shall return to. However, in terms of the above reconstruction, the central motivation for the killing was clearly an old grudge given circumstantial intensity by alcohol and guilt at poaching a deer. Later in a statement given to psychiatrist Robert Navarre, Gabriel recalled the source of the grudge. He had been working for the railroad near Lincoln, Kansas, and had returned home.

> All of us Acoma Indians come home. I went to Grants to pick up a mattress, I got drunk, and I sit in a car with three other Indian boys. A patrolman come to where we were parked on the side of the street. This is the same patrolman I got in trouble with later (Garcia). He asked us what we were doing. We say, "nothing." He say, "drinking?" We say, "no." He search us and find bottle. He arrest us for drunk driving. This patrol always bother Indians. We were by road, not driving.[6]

Garcia's prior record with Indians in general and Gabriel in particular was of scant interest to the Albuquerque press as they rushed to report the sensational killing and eulogize the first officer slain in line of duty in the state. Garcia, it was reported, had been a popular officer in Grants, and in the pages of the *Albuquerque Journal* and *Star* his stature grew. He entered law enforcement as a deputy sheriff in Albuquerque, joining the state police force about eight years before the killing. Garcia advanced to the rank of Captain and for a time was in charge of state police detachments in the Sante Fe area. Ben Chavez, and Albuquerque city patrolman, former neighbor, and friend of Garcia, praised him to the *Albuquerque Journal*: "When Nash was made Captain in 1948, he won it through merit. He was one of the best men in the district. A good man, a sincere man, faithful to his superiors, he believed in policework as a profession."[7] The remark punctuated two large pictures on the same front page which bore the caption:

> Held in ambush killing—Willie Felipe shows State Police Chief Joe Roach the remains of Patrolman Nash Garcia near Grants. Roach lowers his head and chokes back tears as he views the ashes—all that was left of his fellow officer when Garcia was shot down in a hail of bullets and then burned.

Garcia seems to have come to Grants in exile, though, after being demoted to patrolman. His brother Pete blamed the demotion on politics and jealously and recalled that Garcia "was broken hearted when he was demoted and transferred two years ago."[8] Yet the press was mute about the circumstances surrounding the demotion and transfer, focusing rather on such comments from Garcia's superior officer as "He didn't have a chance to use his gun. They shot him down like a dog."[9] On April 15, a front page picture in the *Albuquerque Journal* showed Garcia with two small children. The caption read: "Nash was their godfather and hero." On April 17 the papers report a hero's funeral for Garcia. His bronze casket approached the church in a 1300 car procession while fifty uniformed state policemen and thirty city policemen and sheriff's deputies gave the final salute. "Hushed citizens along the street removed their hats at the passing of the bier," and "the crowd at the church overflowed onto the front steps." Joseph Montoya spoke at the graveside as the State of New Mexico buried a hero.

Heroes are not created idly. More often than not, they come to being to serve some political cause. So too in this case, though the emotional force generated by the death and memory of Nash Garcia, "godfather and hero," diffused in surprising directions. Sixties liberals might predict lynch mobs and a rebirth of Kit Carson style Indian control programs. But response was not so clear cut, *a reflection of wavering federal Indian policy of the time*. Indians were viewed with increased regard then, we recall, following their dramatic performances in World War II. Navajo was our unbreakable secret code, Ira Hayes toured the country with a Medal of Honor, even Willie Felipe wore a Bronze Star. And federal efforts to reward them with admission to the urban splendors of the fifties through relocation programs were well underway. Yet Indians remained wards. "I have lived with them. I know them. They are children," said one prospective juror during jury selection for the Garcia case.[10] More consistently in the documents of the case the brothers and all Indians are called "boys." They are viewed as possessing a kind of cultural immaturity, so that in assigning responsibility for the killing, the press looked not to the Felipes but rather to those who influenced them, their legal guardians.

Alcohol provided a convenient focus for search. Early reports of the killing give the bottles of Tokay a special prominence, and liquor is clearly blamed for the act. Even "the grim-faced residents of Grants—where Garcia was well-liked—put part of the blame upon persons who sell liquor to Indians."[11] Accordingly, one of Governor Edwin L. Merchem's first responses to the case was to call State Liquor Director Elfego Baca onto the carpet. And Baca responded quickly. On April 18 charges were filed against Nepomucena Sanchez, owner of El Cerritos Bar, for allegedly selling liquor to Indians as similar investigations spread throughout the state.[12]

The political uses of the murder went well beyond a shakeup in the state liquor commission, however. The *Albuquerque Journal* editorialized in an early news story on the case: "Garcia's brutal slaying flung a challenge at federal and state law enforcement. It boils down to what the officers will do about the problem in Northwestern New Mexico with its complicated troubles of Indian lands and white cities."[13] The problem, of course, derived from the peculiar legal topography of reservation border area where a muddle of federal, state, private, and Indian allotment lands created jurisdiction troubles. Properly, federal officers had jurisdiction over federal and federal trust lands, while state officers (like Nash Garcia) reigned on state and private lands. Customary agreements with tribal officials (in this case the governor of Acoma Pueblo) allowed state officers to respect or ignore the boundaries as convenience dictated. In any case, the "challenge" posed by the press displaced any racial tensions generated by the murder with bureaucratic ones. Governor Merchem suggested that Bureau of Indian Affairs law enforcement efforts "have been nil," and righteously replaced Garcia with two men.[14] Federal officials reacted defensively and in kind. The memory of a heroic Garcia, the need to find influences which made the "boys" go wrong, and a flurry of political bickering suppressed any attempt by the press to deal with the more complex cultural aspects of the case.

The trial of the two brothers opened September 22, 1952, at Sante Fe with the Honorable Carl A. Hatch, U.S. District Judge presiding in open court. U.S. Attorney Maurice Sanchez represented the government; Albuquerque attorneys Phillip Dunleavy and A.T. Hannett—himself a former governor of the state—represented the Felipes. Prior press treatments of the killing were felt in the courtroom. While a number of prospective jurors were excluded because they objected to the death penalty, each of the twelve Anglo males seated admitted freely to having followed the case in area newspapers. Judge Hatch repeatedly overruled Dunleavy's objections to this knowledge as prejudicial. When jury selection was complete, Hatch summarized: "All the jurors stated that they could and would lay aside anything they had read and decide the case solely upon the evidence."[15]

In all, the evidence presented at the trial from which the jurors were charged to decide the case bore striking resemblance to the newspaper accounts they were instructed to disregard. The prosecution labored to tell the events of the killing with gruesome realism. At one point Sanchez introduced a movie taken from a patrol car following the chase route which led to the scene of the killing, as he attempted to paint the crime as the "blackest in the history of the state."[16] Despite a few sensational remarks of their own and despite frequent objections, the defense brought a weary fatalism to the trial, echoing the apologetic motivations proffered in the Albuquerque newspapers.[17] The brothers had killed Garcia, admitted Dunleavy, but they did so possessing a "very low grade intelligence" and under the influence of alcohol. Therefore they were not responsible for their actions; they were temporarily insane.

To establish patterns of alcohol use and the level of Willie's intelligence, Dunleavy called not only expert professional testimony but also members of Felipe's family. He probed Willie's war record at length, as key defense strategy appears to have been to establish the profound change service in the war had on Willie. Pabilita Vicente, Felipe's mother, testified that "when he came back, he was a changed boy. I could not understand that he was so different, that his behavior wasn't good . . . And it seemed like he learned that (to drink alcohol) in the army."[18] Mariano Vicente, Willie's stepfather, similarly testified to a "tremendous change" in Willie on his return from the war.[19] Willie himself recalled that he was reluctant to go into the Army: "I was called by the draftboard and I didn't want to join the Army, and they had a little time in hunting me. But I finally got into the service when they found me."[20] Once inducted, Willie served the Infantry in the 37th Division well. His service earned him a Bronze Star awarded April 28, 1944, for meritorious service at Bougainville, Solomon Islands. The citation, introduced as evidence at the trial, reads in part:

> Throughout enemy attack PFC Felipe was a gunner in light machine gun squad. His pillbox bore the brunt of the enemy's small arms and automatic fire, and was only fifty yards from the nearest enemy held pillbox. PFC Felipe manned his gun throughout the entire battle, delivering steady and murderous fire throughout. He refused all offers of relief. Later he volunteered on ammunition and food carrying parties over a route through open trenches and was subject to enemy sniper and knee mortar fire.[21]

Discharged in October of 1945, Willie re-enlisted within a year to serve as a truck driver. A superior noted on his papers: "likes Army, and would like to make it a career."

Yet a distinguished warrior does not make a distinguished truck driver. Following his re-enlistment, questions were raised about Willie's ability to serve in his new role. In March of 1947 he was discharged for "inaptness." It was on this 'inapt" image that the defense rested its case, coupling it with a final attempt to shift accountability to the brothers' guardians: "The real criminal was the bootlegger who gave these boys the liquor."[22] The whole of the defense argument was ruled irrelevant by Judge Hatch. In his instructions to the jury, Hatch ordered them not to consider drunkenness or mental ability as factors in determining temporary insanity, and the jury quickly found the brothers guilty of first degree murder. On October 17, 1952, Hatch sentenced them to die in the electric chair in Sante Fe.

In an effort to substantiate an appeal, the defense had the Felipes transferred to the United States Department of Justice Medical Center in Springfield, Missouri, for psychiatric examinations, and it was there that a deeper cultural context for the killing began to unfold. One of the first matters the federal psychiatrists reviewed were the confessions I have quoted. Dr. George Devereux wrote of the confessions:

> It is absolutely certain that this inmate Willie is materially unable to understand many of the words contained in his confession and the long sentences it contains. Regardless of whether the confessions are true or not, he signed a document which he did not understand as to content, and whose significance for his fate he was unable to evaluate properly.[23]

Trained in both anthropology and psychiatry, Devereux was unusually qualified to examine the brothers, and he pushed beyond the particular problem of the confessions to larger linguistic and cultural considerations which had been ignored in the trial.[24] He pointed out that one had to know Acoma culture to understand what the brothers meant by any given English word, thereby questioning the validity of previous testing of Willie:

> To us a "bear paw" is just a bear paw. To him this expression, which, I understand, appear in one of his Rorschack tests, has a special meaning: bear paws are used in Acoma curing rituals. If he says "mother," he can mean either his mother or his mother's sister, etc.[25]

But more directly related to the killing, argued Devereux, were the brothers dreams and witch beliefs.

He diagnosed Gabriel as a psychopath, one who compensated for a sense of inadequacy in fantasy through persecutory ideas of "being misunderstood," "picked on," and "envied." Gabriel was convinced that people envied him for his large flocks of sheep and therefore sought to harm him by gossip and by witchcraft. This Devereux notes is an "abnormal attitude for an Acoma Indian" in one important respect: Gabriel's feeling that witches had to be dealt with privately, instead of calling in one of the Acoma medicine societies who are supposed to deal with such matters. Gabriel, for example, told stories of his uncle's behavior which he considered normal:

> His uncle saw one night a large and a small fox, the latter being the "guardian" of the large fox, attack his flock. The uncle pursued them, and found two witches in human shape who had beside them foxskins, showing that they had just resumed human shape. (*Real* transformation, not just casting off a foxskin is meant.) They pleaded to be let off, but the uncle shot them.
>
> His uncle saw three deer: one male, two female, whose actions suggested that they were witches. He pursued them and when he saw them in human shape, despite their pleas, he shot them.[26]

These actions Gabriel considered natural, whereas, according to Devereux, a normal Acoma would have called in a medicine society: "The normal Acoma considers witchcraft a public matter. This inmate considered it a private grievance."[27] In addition to regular persecution dreams Gabriel told Devereux that he was bothered by hearing whistling sounds at night which were not heard by others: 'although he was somewhat vague at this point, he seemed to say that ghosts converse by whistling."[28] In view of these factors and his entire examination, Devereux concludes his report on Gabriel with an inferential reconstruction of his state of mind during the killing:

> The evening before (the offense), the inmate was frightened by the ominous hooting of owl-birds of ill omen in Acoma culture. He was also quite drunk. During the hunt (the morning of the killing) he saw at thirty yards a large antlered deer—shot at it—thought he hit it, but the deer disappeared. When he went to the spot he saw no tracks, although he is a good tracker. This suggested to him, quite frighteningly, that he had had an experience with a witchdeer . . . The pursuit itself (by Garcia) startled and frightened him a great deal, since being pursued is one of his principal nightmares. It is interesting to note that although they had outdistanced the police car, they stopped. One of Gabriel's nightmares is that of being pursued and being unable to get away and, for reasons of internal, neurotic motivation, *could* not get away. By the time he stopped the pickup . . . he was temporarily insane.[29]

As in his examination of Gabriel, Devereux argued that Willie Felipe was psychotic on the basis of his transformations of cultural beliefs about witchcraft into private, personal, and paronoiac ideas.[30] People on the Acoma reservation hated and envied him and caused him trouble by witchery. "Sent" illness (witchcraft) killed his child. Foxwitches tore out the throat of several of his sheep but did not eat them. Like Gabriel, he believed that his maternal uncle had trouble with three witchdeer, and that the morning of Garcia's killing Gabriel shot at a witchdeer. But Devereux shows that Willie's problems were more deeply entwined with the psychological history of his family. Willie spoke poignantly of the return of an elder brother from the service:

> He lost his heart. The Indian doctors went out and brought his heart back and he was supposed to swallow it and chew it, but my brother chewed it and he did not get any better. The Indian doctors burned special weeds and my brother swallowed the smoke and then he was supposed to throw up his bad heart and bad spirits and feel better. The Indian doctors did this four times in four days, but he did not get better and he died in the state hospital in Colorado.[31]

Willie believed that his natural father Santiago Felipe, who had died some years before of a fall from a cliff, appeared to his maternal aunt and his sister with the top of his body transformed into a mountain lion, and that the aunt caused his father to die by supernatural means. Willie told Devereux that he knew this because when the corpse of his father was found in the cleft of a rock, he had an "old hole" in his side which had been plugged.

Willie believed that the killing of Garcia was not an act of the free will, but the result of having been witched. He had recurring anxiety dreams about being pursued. Sometime before the killing, he reported to Devereux that he had had a terrible dream of being pushed off a cliff. He considered this dream to be an omen of something terrible to happen.[32] Devereux recreated what did happen in Willie's mind on April 11, 1952, as follows:

> Each human being has a touchy point little related to reality. In this case of this man being pursued was about the worst thing that could happen to him, especially when it came on top of an anxiety dream and an encounter with a witchdeer and under the influence of alcohol. On top of all this, he was pursued by a *black car*, which he related to the ominous black car which he had hallucinated sometime earlier near a salt lake. At this time the patient was in a state of *insane fear*, to such an extent that he is convinced that the black car was *flying* after him. (I carefully ascertained that he meant 'flying" literally, and not in the sense of "going fast.") To the inmate this pursuit was a witch experience, triggering off temporary insanity. In reply to what he saw when he aimed, looking down the barrel, he replied, in obvious confusion: "Something black, just a black car, something black." When asked the color of the trooper's uniform he hesitated and had great trouble recalling that it was black. As far as the inmate knows now, he shot simply at something black: a black car which pursued him.[33]

In sum, Devereux argued in his report to the court that previous legal tellings of the killing were culturally blind, as they ignored the compelling psychic factors which moved the Felipes to kill Nash Garcia. He cautioned that while Indian beliefs are sometimes mistaken for delusions, in this case the danger was the reverse: that the delusional character of Indian beliefs, as held by the Felipes, might be mistaken for "normal" Acoma belief. The degree and manner of the brothers' witch beliefs marked them as psychotic rather than cultural in character.

Devereux's report was offered to Judge Hatch in an effort to obtain another trial for the Felipes. The new evidence of a supernatural context for the murder gained the Felipes not a second trial but a final headline and a reduced sentence.[34] On March 3, 1953, Judge Hatch spared them the electric chair and sent them to prison for life.

Writers of fiction and storytellers are united in their need to imagine historical events. Even as the pages of the *Albuquerque Journal* yellowed and the Felipe brothers' trial record slipped into the federal storage center in Denver, memories of the Nash Garcia case lived in rumor along Highway 66. The rumors solidified into a legendary image of Garcia very different from the journalistic image I have reviewed. Leslie Silko recalls:

> This one rumor was that he hated Indians and that he'd been transferred to the Laguna area from near Cuba or Sante Fe because his superiors already knew he was psychotic about Indians. Another story was that his own family admitted that there was something haywire with him, and he got what was coming to him.[35]

In a recent visit to Laguna-Acoma High School, Silko found that well over half the children she read to were aware of this image of Garcia. Five years old when the Felipe brothers were sent to prison, what Silko knows of the case is based on these tellings of the killing she heard as she grew up at Laguna. The rumor image of an Indian-hating Garcia is evident in "Tony's Story," as are the bare bones of the event which we have viewed in newspaper accounts and the trial record: the returned veteran, the wine, the chase, the 30-30, the burning of the body. Throughout it is clear that Silko has very consciously shaped the event in her own mold.

A parched summer landscape is integral to Silko's design, and she shifts the time of the action from early spring to San Lorenzo Day late in summer. From the opening of the story, life on the reservation withers as the pueble awaits overdue summer rains. But it is only as the brutal state trooper appears behind him on the highway that Antonio Sousea "knew why the drought had come that summer."[36] In the story's climactic scene Antonio is moved to act on that recognition, and he shoots the trooper. The sand soaks up the trooper's blood even as it had Leon's on the carnival grounds in the opening scene of the story.

> The tumbleweeds and tall yellow grass were sprayed with glossy, bright blood. He was on his back, and the sand between his legs and along his left side was soaking up the dark, heavy blood—it had not rained for a long time, and even the tumbleweeds were dying. (77)

As the trooper and his car burn, the story closes with rain clouds gathering in the west.

Silko also shapes her characters carefully. The Felipe brothers of fact become types no less a pair for their lack of a blood relation. Tony is the younger, yet a traditionalist, deferential even in his final action. Leon is aggressive, a war veteran. He talks too loudly, shakes hands like a whiteman, and drinks boldly in defiance of the whiteman's law. In conflict with the trooper, Leon looks to his 'rights" and "letters to the BIA" for support; Tony to old Teofilo's stories and chants and arrowheads. As the "he" becomes an "it" for Tony, the trooper remains "a big Bastard" and a "state cop" to the end for Leon. Similarly, the historic Nash Garcia undergoes a transformation to become the state cop in "Tony's Story." Silko draws him as purely symbolic as the albino in N. Scott Momaday's *House Made of Dawn*. Like the albino, the state cop hides behind prominent dark glasses and speaks in a high pitched voice. And like the albino he is perceived as a witch.

The witch perception lies at the very center of Silko's telling of the event, giving it an eerie likeness to the Devereux report. The presence of the big cop lingers with Tony as he returns from the San Lorenzo Day carnival:

> Stillness breathed around me, and I wanted to run from the feeling behind me in the dark; the stories about witches ran with me. That night I had a dream—the big cop was pointing a long bone at me—they always use human bones, and the whiteness flashed silver in the moonlight where he stood. He didn't have a human face—only little, round, white-rimmed eyes on a black ceremonial mask.(72)

Later when Tony looks at the cop he sees only "the dark image of a man" which he avoids, remembering his parents' caution "not to look into the masked dancers' eyes because they would grab me, and my eyes would not stop." (73-4) Pursued by the cop in the final scene, Tony must look at the cop and his eyes do not stop until the cop's (body) is in flames. Disposal of the witch-cop by burning is one of the few supernatural motifs Silko uses which Devereux does not mention in his analysis of Willie Felipe. Just as Willie Felipe has ominous dreams which foreshadow the killing of Garcia, so too Tony. As Felipe felt pursued by a black object and saw only a black object when he shot, so too Tony doesn't remember aiming and kills not a cop but a witch in a "strange form." But Silko was unaware of the Devereux report until well after publication of the story, and despite similarities, the two accounts of the killing are profoundly different. As I have noted, Devereux interpreted the Felipes' witch beliefs as aberrant by Acoma standards, as evidence of their psychosis. Linking the witch motif with the drought setting, Silko creates a psychological and cultural context in which Tony is drawn irreversibly to the killing. Tony's witch perception gives evidence of the persistence of cultural belief. By force of characterization and setting, Silko casts the act which rises from that belief in an affirmative tone.

If Leslie Silko's telling of the event gives form to Devereux's psychological telling, Simon Ortiz's "The Killing of a State Cop" does the same for journalistic accounts. Twelve years old at the time of the killing and a resident of the reservation on which it occurred, Ortiz's experience with the event was more immediate that Silko's. Accordingly, his story is more faithful to the "facts" of the case. "The Killing of a State Cop" reflects the rumor image of Garcia, but not to the exclusion of the tone of journalistic accounts. In fact, Ortiz's description of the murder of Luis Baca rivals the tellings of the *Albuquerque Journal* and prosecutor Sanchez in its graphic detail. He emphasizes the deliberate fashion in which the brothers lured Baca to the murder scene and evokes a sort of pathos for Baca as he dies: "He called something like he was crying. 'Compadre,' he said. He held up his right hand and reached to us."(107)

But while Ortiz describes the murder with a chilling realism, like Silko he shapes our reaction to it through his art. One example of this is the way in which he handles motivation. As in newspaper and trial accounts, blame for the killing is most explicitly placed on the wine Felipe drank and the craziness it created in him. Yet Ortiz's Felipe recognizes in some fey sense Baca *wanted* to die:

> Aiee, I can see stupidity in a man. Sometimes even my own. I can see a man's drunkenness making him do crazy things. And Luis Baca, a very stupid son-of-a-bitch, was more than I could see. He wanted to die. And I, because I was drunken and *muy loco* like a Mexican friend I had from Nogales used to say about me when we would play with the whores in Korea and Tokyo, wanted to make him die.(106)

The psychological bond between Felipe and Baca suggested here is given a faint supernatural tone by other details in the story. Felipe sees the same disguised fear in Antonio while they wait to ambush Baca as when they "were kids and he used to pretend not to be scared of rattlesnakes."(107) After they shoot, Baca's car continues on in a preternatural way.

A key device Ortiz uses to mitigate our response to the killing is point of view. The story is told by a young Acoma who like Ortiz was twelve years old at the time of the killing. Felipe brothered the narrator. He took him hunting and fishing and shared his plans with him. More importantly, Felipe told the boy stories, and, as a story, the telling of the killing was special for Felipe wanted the narrator "to remember what he said always."(101) Felipe's purpose in telling the killing to the boy was clearly didactic: "(Felipe) told me I better learn to be something more than him, a guy who would probably die in the electric chair up at Sante Fe."(103)

Ortiz uses the boy's comments on Felipe to frame the story much as Silko uses setting to frame hers. The boy's opening comments give depth to the "inapt" Felipe of press and legal tellings at the same time they place the killing in another political context entirely: "That was one trouble with him (Felipe). He was always thinking about what other people could do to you. Not the people around our place, the Indians, but other people."(101) *The remark turns the paranoia assigned the brothers Devereux into too deep a concern with oppression*. Baca's Indian-hating becomes but an explicit and extreme case of a more general and constant pressure, a case answered by an extreme act.

But Ortiz does not let us off so easily. The narrator's closing comments reveal that fact and fiction are blurred in his mind. Did the murder happen or was it but another of Felipe's stories? Even after his parents confirm the story's reality—perhaps the more so—the boy is left with a feeling of vague hopelessness. Appropriately, the narrator's initial response to this malaise is vaguely Christian: "Every night, for quite a while, I prayed a rosary or something for him."(108) The veneer of Christian hope gives little solace, and it is finally the telling of the story itself which is the narrator's best response to his experience with Felipe not as a polemic or an apology, but as a culturally sensitive documentary.

There is one other imaginative account which may be based in part on the Nash Garcia case. N. Scott Momaday has on occasion remarked that portions of the plot of his novel *House Made of Dawn* were loosely based on an actual case history.[37] He recalls reading of a young Indian who when brought to trial for murdering a man testified that he killed the man because he was a witch. Witch murders have occurred periodically throughout the history of the American Southwest and only a speculative link may be made between the newspaper account Momaday noticed and reports on the supernatural aspects of the Garcia case[38]

Nonetheless, links between Momaday's novel and the case are provocative.

Springfield psychiatrist Robert Navarre's "Report of a Neuropsychiatric Examination of William Felipe" contains the following summary of Felipe's psychic history:

> After his discharge he returned to his old life on the Acoma Reservation. The patient was now no longer contented with his old life. . . He became quite restless and frequently had an urge to leave the reservation, and "go someplace." He became increasingly irritable and found it difficult to control himself. He had difficulty sleeping at night, had nightmares about his Army experiences, and relived his experiences during which artillery shells and mortar shells hit the ground very close to him. At night he would shake and tremble when he heard a sudden noise. His heart would beat fast, his hands would shake, he would have difficulty in getting his breath, and would sweat all over and feel chilly. At night he would awake suddenly: "It feels like somebody is standing there right beside me, right behind me and I start to get scared after that." He would then have great difficulty in going back to sleep. He became apprehensive of some impending disaster, and had a strong urge to do something about this, but he did not know what to do. He had dreams in which snakes tried to kill him . . . The only relief that he was able to obtain from all these difficulties was from drinking alcohol.[39]

The report reads as a summary of Abel's return to Walatowa after World War II in *House Made of Dawn*. The dream-like memory of combat and a mysterious threatening presence come together for him at the end of Part One of that novel when he kills an albino who he perceives as a snake-witch outside a bar.[40] Momaday turns in the rest of the novel from perspective to perspective to give us glimpses of the motivation of that act. Abel himself views the act as simple: "A man kills such an enemy if he can."[41] Father Olguin, curate at Walatowa, argues at Abel's trial "that in his own mind it was not a man he killed, but something like an evil spirit," and adds: "I believe that this man was moved to do what he did by an act of imagination so compelling as to be inconceivable to us."[42] The court responds to Olguin with facts: "He committed a brutal and premeditated act which we have no choice but to call by its right name."[43] But the cultural enigma posed by the murder is most memorably expressed in the novel by Tosamah, Kiowa Priest of the Sun, in a typically sardonic burst:

> And do you know what he said? I mean, do you have any *idea* what that cat said? A *snake*, he said. He killed a goddam *snake*! *The corpus delicti*, see, *he threatened to turn himself into a snake*, for crissake, and rattle around a little bit. Now ain't that something, though? Can you *imagine* what went on at that trial? There was this longhair, see, cold sober, of sound mind, and the goddam judge looking on, and the prosecutor trying to talk sense to that poor degenerate Indian: 'Tell us about it, man. Give it to us straight.' 'Well, you honors, it was this way, see? I cut me up a little snake meat out there in the sand.' Christ, man, that must have been our finest hour, better than Little Bighorn. That little no-count cat must have had the whole Jesus scheme right in the palm of his hand. Think of it! *What's-His-Name v. United States.* I mean, where's the legal precedent man? When you stop to think about it, due process is a hell of remedy for snakebite.[44]

Like Silko and Ortiz, Momaday, through Tosamah, makes painfully visible the tension between the "facts" and the illusive cultural realities in a single murder case. But Momaday makes explicit what is only implied in the short stories. The murder typifies life at the friction point between cultures.

In a tantalizing forward to his fictionalized account of a Chicago murder, *Compulsion*, Meyer Levin proposes that certain crimes become emblems for the era in which they occur. Dostoevski's *Crime and Punishment* evokes the "feverish soul-searching" of nineteenth century Russia, An American Tragedy the "sociological thinking" of Dreiser's America.[45] Similarly, my colleague John Hollowell suggests that "*In Cold Blood* exemplifies the seemingless crime that has become symptomatic of America in the last decade."[46] From a more restricted vantage, journalistic, legal, and psychiatric records, taken together with the imaginative accounts of Silko, Ortiz, and Momaday, refract the killing of Nash Garcia in a varicolored emblem of post-war Indian-white relations.

Paper presented at RMMLA, Sante Fe, 1976, and at MLA Seminar on Native American Literature, Flagstaff, 1977. Lawrence J. Evers, Department of English, University of Arizona, Tucson, Arizona 85721

Footnotes

1. The stories were published in Kenneth Rosen, ed. *The Man to Send Rain Clouds: Contemporary Stories by American Indians* (New York: Viking, 1974). Two notable reviews of the book are Peter G. Beidler's published in the *Arizona Quarterly* 30 (1974), 357-359, and Mick McAllister's in the *American Indian Quarterly* 1 (1974), 210-211.
2. Rosen, xi.
3. I should like to acknowledge the help of my students Kathleen Cohill, Glenn Dick, and Marlene Hoskie in gathering information on the case. Ms. Ann Neff in the Office of the Clerk, United States District Court, District of New Mexico, kindly arranged to have the file of the "United States vs. William R. Felipe and Gabriel Felipe" transferred from the Federal Records Center in Denver, Colorado, to United States District Court in Tucson for my review. The file includes transcripts of the trial, the Court's correspondence regarding the case, and many of the exhibits introduced, which include the Felipe's confessions, reports of their psychiatric examination, photos of the scene of the killing, and other materials.
4. Plantiff's exhibits 10 and 16, "U.S. vs. William R. Felipe and Gabriel Felipe," –16902 criminal.
5. Plantiff's exhibit 16, 4-7.

6. "Report of Neuropsychiatric Examination Felipe," November 11, 1952, Medical Center for Federal Prisoners, Springfield, Missouri. Gabriel Felipe's drivers license was revoked February 1, 1952, following his conviction January 25, 1952, for driving while intoxicated.
7. "Laud Slain Officer," *Albuquerque Journal,* April 15, 1952, 1.
8. "Job Came First," *Albuquerque Journal*, April 16, 1952, 13.
9. "Nash Garcia is Ambused," *Albuquerque Journal*, April 14, 1952, 1.
10. Transcripts of "United States vs. William R. Felipe and Gabriel Felipe," 40.
11. *Albuquerque Star*, April 15, 1952, 1.
12. The same issue of the *Albuquerque Star*, April 18, 1952, disclosing Baca's actions reports, for example; that "Farmington's new mayor Tom Bolack vows drive to stamp out bootlegging," 24.
13. *Albuquerque Journal*, April 15, 1952, 1.
14. *Albuquerque Star*, April 19, 1952, 10.
15. Transcripts, 96.
16. Ibid., 221.
17. For example, Dunleavy to Captain White, head of the New Mexico state police: "Are you familiar with the fact that less than two years ago the chief of the state police was convicted of putting a bicycle lock on the testicles of an accused person?" transcripts, 168.
18. Transcripts, 362.
19. Ibid., 368.
20. Ibid., 380. Compare Ortiz's "Kaiser and the War," Rosen, 47-60.
21. Citations of military documents are from copies introduced as evidence at the trial.
22. Transcripts, 167.
23. "Summary Psychiatric Evaluation of Gabriel Felipe," December 26, 1952, 4.
24. One of Devereux's best known contributions in the area is *Reality and Dream: Psychotherapy of a Plains Indian* (N.Y.: International Universities Press, 1951).
25. "Summary Psychiatric Evaluation of William Felipe," December 22, 1952, 4.
26. "Evaluation of Gabriel Felipe," 1.
27. Ibid.
28. Ibid., 3.
29. Ibid., 5.
30. Unless otherwise noted the following material is taken from Devereux's "Summary Psychiatric Evaluation of William Felipe."
31. Robert Navarre, "Report of Neuropsychiatric Examination of William Felipe," December 16, 1952, 2.
32. ". . . we must remember that his father was found dead in a cleft rock, after having fallen from a cliff. . . Falling into a cleft rock also occurs in a rather terrible contest in one of the chief Acoma myths." Devereux, "Summary Psychiatric Evaluation of William Felipe," 3.
33. Ibid., 6.
34. "'Delusions of Witchcraft' Cited in New Psychiatric Report on Felipe Brothers," *Albuquerque Journal*, February 27, 1953, 8.
35. Personal communication, March 30, 1976, Laguna, New Mexico.
36. Rosen, *The Man to Send Rain Clouds*, 73; hereafter cited parenthetically.
37. Personal communication, October 18, 1971, Omaha, Nebraska.
38. See Marc Simmons, *Witchcraft in the Southwest: Spanish and Indian Supernaturalism on the Rio Grande* (Flagstaff: Northland Press, 1974).
39. 3-4.
40. For a more extended treatment of the significance of the albino, see my essay "Words and Place: A Reading of *House Made of Dawn, Western American Literature*," (1977), pp. 296-320.
41. *House Made of Dawn* (N.Y.: New American Library, 1969), 95.
42. Ibid., 94.
43. Ibid.
44. Ibid., 136.
45. *Compulsion* (N.Y.: Simon and Schuster, 1956), ix.
46. *Between Fact and Fiction: The New Journalism and the Nonfiction Novel* (University of North Carolina Press, 1976).

http://www.jstor.org

LINKED CITATIONS

- Page 1 of 1 -

You have printed the following article:

The Killing of a New Mexican State Trooper: Ways of Telling a Historical Event
Lawrence J. Evers
Wicazo Sa Review, Vol. 1, No. 1. (Spring, 1985), pp. 17-25.
Stable URL:
http://links.jstor.org/sici?sici=0749-6427%28198521%291%3A1%3C17%3ATKOANM%3E2.0.CO%3B2-4

This article references the following linked citations. If you are trying to access articles from an off-campus location, you may be required to first logon via your library web site to access JSTOR. Please visit your library's website or contact a librarian to learn about options for remote access to JSTOR.

Footnotes

[1] **Review: [Untitled]**
Reviewed Work(s):
The Man to Send Rain Clouds: Contemporary Stories by American Indians by Kenneth Rosen
Mick McAllister
American Indian Quarterly, Vol. 1, No. 3. (Autumn, 1974), pp. 210-211.
Stable URL:
http://links.jstor.org/sici?sici=0095-182X%28197423%291%3A3%3C210%3ATMTSRC%3E2.0.CO%3B2-S

NOTE: *The reference numbering from the original has been maintained in this citation list.*