U. S. DEPARTMENT OF LABOR

IMMIGRATION SERVICE

DISTRICT NO. 26

IN REPLYING REFER TO

No. 9016/10

RECD. BU. OF IMMIGRATION
AUG 2 9 1924
MAIL AND FILES

DISTRICT HEADQUARTERS
INSPECTOR IN CHARGE
SPOKANE, WASH.

August 19, 1924.

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Commissioner General of Immigration,
Washington, D. C.

Not being familiar with the provisions of the Congressional Act establishing the Border Patrol and having received no definite information from the Bureau, considerable doubt and uncertainty exists as to the authority vested in the border patrol officers and the scope of their duties. It would therefore seem that the work would be greatly facilitated, and more in conformity in the different Districts, if the Bureau would issue some specific instructions regarding same.

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In this connection I am enclosing for the information of the Bureau a copy of memorandum of "Instructions and Suggestions for the Assistance and Guidance of Border Patrol Inspectors", which was prepared by Inspector Thos.M.Fisher, who has been designated as representative of the District Director of this District in connection with the border patrol work in the eastern part of this District. These instructions and suggestions are very comprehensively and intelligently prepared and will be utilized in this District for the guidance of the patrol inspectors pending receipt of definite instructions from the Bureau.

Alfred Hampton

District Director.

AH-G
CC for Second Assistant Secretary.

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Immigration Service.

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Instructions and Suggestions for Assistance and Guidance of Border Patrol Inspectors.

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Patrol Inspectors should remember that they are no longer private citizens, that they are now officers of the United States Government. That it will be in the capacity of a representative of the Government that they will come in contact with the general public. Officers will undoubtedly notice that the public, with whom they come in contact in an official way, will follow instructions, look up to them, tender them more respect, etc., than they have been accustomed to prior to entering the Service. This is occasioned by reason of the knowledge that the officer is acting in behalf of the United States. Let all officers bear this in mind when dealing with the public. Do not by word or action belittle your office, rather dignify it. Treat the public with courtesy and fairness and use a little diplomacy and common sense at all times.

DUTIES IN GENERAL.

The Service which you have entered is new. Many questions and details will arise from time to time which have not, and cannot be covered by specific instructions at this time. Do not hesitate to ask for specific instructions from time to time as various matters confront you wherein the instructions you have received do not apply. It is impossible to foresee the many questions and difficulties which are bound to arise during the course of your work. Just remember this rule at all times: "IF YOU WANT TO KNOW SOMETHING, ASK SOMEONE WHO KNOWS."

It will be the duty of Patrol Inspectors to question persons whom they have reason to believe MIGHT be in the United States in violation of law, persons they have reason to believe MIGHT have recently crossed the international boundary from Canada, persons whom they have reason to believe MIGHT be engaged in bringing in, or assisting in the bringing of aliens to the United States in violation of law. While Patrol Inspectors should study the Immigration law, should obtain as good a working knowledge of the law as possible, at the same time they should keep in mind that it is not for them to decide as to whether or not an alien is admissible to the United States. It is not for them to order the expulsion or deportation of an alien from the United States; those things are to be taken care of by others. There are some very important questions for the Patrol Inspectors to decide, questions which in many cases, he, and he alone will have to decide, the most important of which are as follows:

First: Is the party questioned an alien; if so, of what nativity and citizenship?
Second: If an alien, when and where did he enter the United States and by what means?
Third: Was he regularly inspected and admitted to the United States through some Port of Entry for aliens?

If it is shown, or you have reason to believe, that the alien questioned was not regularly admitted, as set forth above, then the question must arise as to what steps you will take. In deciding this question several things must be taken into consideration, among which are the following:

The citizenship of the alien. The Country from whence he entered the United States. Whether or not he admits having been refused admission to the United States from Canada. The particular location in which the alien is apprehended and questioned by you.

If you have apprehended him within a reasonable distance from a port of entry for aliens, say 50 to 75 miles, if he has just entered the United States from Canada, then he should be taken, sent or returned to said port of entry for formal inspection. The words "taken", "sent" or "returned" are used for the reason that different classes of cases will require different means of handling. Therein the Patrol Inspectors must use judgment. For instance:

An alien who has walked over the line, or anyone who has apparently gained illegal entry intentionally, or anyone you have reason to doubt as to whether or not he would proceed to a port of entry unaccompanied, should be taken to said port for inspection.

An apparently legitimate tourist or pleasure party or person who shows you conclusively that he is a responsible person on legitimate business, who has entered the United States at a place other than a port of entry, either through lack of knowledge of the requirements of law, or lack of knowledge of the highways, persons who convince you beyond all reasonable doubt that they had no intent to evade the law and concerning whom your judgment tells you will keep any agreement made with you should be SENT to the nearest port of entry for formal inspection. Of course if the port is not far distant, and you have no other plans and time sufficient to do so, you can accompany them to the port. This is a matter for your judgment. Care should be taken in making your decision and circumstances be taken into consideration not always relying entirely on all that the alien may state. The following may help to illustrate the last mentioned point:

There are many Customs Ports of Entry that are not ports of entry within the meaning of the Immigration Act. Possibly the party you are questioning

will claim to have entered through one of the Customs Ports referred to. Possibly they will claim to have regularly entered in so far as Customs laws are concerned. If they have done so and are traveling in a Canadian car they will have in their possession a Customs entry certificate applying to their car. If they have properly cleared through a Canadian Customs Officer they will also have a Canadian Customs certificate. Compliance with Customs laws does not mean that they have complied with the Immigration laws. They may enter their car through a Customs Port of entry, but the Customs laws apply to the car, not to the persons. Therefore proof that they have been passed by Customs Officers at a Customs Port can only be considered as a circumstance to determine whether or not there was any intent on their part to evade the laws of the United States, and also to assist in determining whether or not the party would report at an Immigration port for inspection if they were SENT rather than be TAKEN. If entry has been made without reporting to either an Immigration or Customs port of entry, that should also be considered as a circumstance to be use in determining what action you should take. In the last mentioned possibility, the circumstance that the party failed to report to either Customs or Immigration should, perhaps, be taken as an indication that there was reasonable doubt as to whether or not they would report for inspection if they were SENT to a port of entry.

CASES HANDLED UNDER WARRANT PROCEEDINGS.

If an alien has entered the United States illegally, if he is apprehended at a distance from a port of entry, or has not just entered but has been in the United States more than a few days, he should be taken into custody and held for Warrant proceedings. The Inspector in Charge of the Sub-district should be advised at once of all material facts, name and age of alien, point and date of entry, nationality of alien, etc. This should be done by telephone wherever possible, otherwise by telegraph. A telephone can usually be secured by Patrol Inspectors without traveling very far from point of apprehension. Appropriate instructions to fit the individual case will then be given the Patrol Inspector as to what the Inspector in Charge desires done in connection with detention, etc., of the alien. This does not mean that you run the chance of losing him while awaiting instructions. Most of the towns in this District have a jail or lock up, of some sort. If you are satisfied that the case is one for deportation, for warrant proceedings, then you are authorized to hold the alien. Peace Officers, County and Town, are always willing to cooperate and can undoubtedly furnish a place for detention until definite instructions can be received by you from your superior.

Your Inspector in Charge will attend to applying for a warrant of arrest after you have furnished him with the particulars of the case. He will also attend to the formal hearing to be given the alien under said warrant, the payment of board for the alien while detained, etc. It is possible that families will be apprehended wherein warrant proceedings should be instituted. Possibly there will be no place of detention, suitable to the circumstances, available near the place of apprehension. It may be necessary

to keep them in a hotel or lodging house until instructed where to take them. In such cases receipts for their room and meals should be taken and the expenditures will be refunded. In such cases every step possible to prevent escape should be used, the measures used depending on the parties, the place where they are held, the means of transportation from said place, etc.

Should you apprehend a party of aliens whom you have reason to believe are being, or just have been smuggled, or brought into the United States by, say a driver of an automobile, all parties, including the party smuggling, or bringing them in, should be held and the entire matter reported immediately to your superior officer by telephone or telegraph, the first if possible.

Under NO CIRCUMSTANCES should the party be taken to a port for entry for inspection, but should be handled under warrant proceedings. You should bear in mind that the main object in a case of the kind outlined, is the prosecution and conviction of the smuggler or party bringing the aliens into the United States.

In a case of the kind described, bear in mind that statements made both by the aliens and the party bringing them in, are very material. Care should be taken to obtain all details possible. Memorandum should be made containing details of statements made. Where possible aliens should be questioned out of hearing of each other and the driver or party bringing them in. This probably could not be done until they were at some point, a place of detention was available or assistance at hand, without the chance of an escape. The statements of the aliens brought in are material as showing what evidence would be available in event of a prosecution. Statements of the party bringing them in are material evidence against him in a prosecution. In order to be able to testify as to what he said, memorandum of any statement made by him is important. Many parties bringing in or smuggling aliens into the United States, will claim when apprehended, that they had no intent of doing wrong, that they were just helping the aliens, etc., A showing that the aliens were paying for transportation to the United States, that perhaps the driver of the car had told them before they started that he could get them across the line without trouble to them, or some such statement, is very material. If anything of the kind took place, details should be developed by questions. The amount of the money paid by the aliens, just what the driver said about getting them across, whether he said, or they knew of his making previous trips, etc. All these things should be made of record so they could be later used as evidence. The automobile in which aliens being smuggled to the United States are brought in, should be held for a later disposition, possibly seizure and sale by the Government under Customs laws.

HOURS OF WORK

Patrol Inspectors must know that violators of the law, smugglers and the like, do not have a Union. They are not bound by regulation hours of work. They operate at any and all hours. Hours when they figure the Officers will least expect them. Hours when they figure the officers will not be on the job.

In order to have any degree of success in apprehending these people, officers must be where they are least expected, when they are least expected, and in fact must out-guess the other party. The Patrol Service is decidedly limited when the great length of the Border is taken into consideration. There are not enough men in the Service to place them at all the points that should be covered, without trying to make shifts, so officers could work only regulation hours.

If you expect to make a success of your work, try to work with the idea that you are on duty 24 hours out of every 24. That whenever there is work to do, regardless of what the hour may be, you are there to do it. Do not plan to have a regular Patrol or beat which you cover every day at the same hour. Plan to be here today, there tomorrow. Work in the daytime today, in the early night another day, in the late night and early morning another day, etc. Try to know what is going on in your particular territory. What the traffic is by day and what it is by night. These matters, as well as many details concerning your work must be left to you. Remember you are working on your honor. Whatever you do, do not report that you have done something or been some place when you have not. Do not hesitate to admit if you have made a mistake of judgment, if you have fallen down on something. It takes experience and patience and lots of it, to learn the game and make good. Remember all your superior officers are depending on you. That without we all pull together the Service can not make good. Give the Government a square deal.

TRANSPORTATION OF ALIENS.

Where aliens are to be conveyed to various points by train Transportation requests are to be used. Their use has been explained verbally. Remember that the loss of one may be costly to the officer to whom it was issued as he will be held responsible for any amount lost by the Government by unauthorised use of a request.

Automobiles have been furnished to some points. All for which cars have been allowed. These cares are to be used by the Patrol Inspectors as their judgment tells them they should be used. Remember the cars are new. Break them in carefully so they will give Service and can be depended on for service later on. Points where no automobiles are assigned must depend on trains to transport aliens apprehended.

LAYING WIRES FOR INFORMATION.

Recall the statement at the first of this, "WHEN YOU WANT TO KNOW SOMETHING, ASK SOMEONE WHO KNOWS". There are many sources where you may obtain information and tips of value. Get acquainted with peace officers, railway men, garage men, men at gasoline filling stations, hotel men, cultivate them. Let them know who you are, what you are doing, where they can reach you. Ask their cooperation, tipsyete. In the case of others than peace officers, tell them anything they may be able to tell you will be held strictly confidential, and hold it so.

Examine hotel registers and garages from time to time, ask questions concerning parties shown to be from Canada. Much of the seed you sow will amount to nothing but if a small part of it brings results you are paid for your time and trouble.

It is impossible at this time to cover every point, to plan for every situation that may arise. Whenever you are not certain what to do, ask. If the matter is of importance and will not stand the delay, TELEPHONE the Inspector in Charge. Place your telephone call COLLECT. Have you r facts before you when you phone so you can readily place them before the Inspector in Charge and so he may at once grasp them fully and advise you accordingly.

These instructions and suggestions are given you to assist you. Others will undoubtedly be given you from time to time. Keep them where you can find them when you need them.

When you arrive at the station to which you have been assigned, get located, advise the Inspector in Charge just where he can find you if he looks you up. Arrange about receiving mail. Arrange with the Telegraph and Telephone people where telegrams can reach you and where you can be best reached if called by long distance phone.

A few individual instructions will be given each of you in addition to these general ones. Individual instructions having to do with your individual station and territory.

It is not the intention to put you at a station and leave you, like placing you on the limb of a tree to drop off or hand on as best you can. Some one will call at your stations as soon as possible and see how you are getting on. Assist you in sizing up local conditions, etc., also call on you and consult and advise with you from time to time. Keep headquarters advised of what you are doing, what you have to suggest, what you need. Remember we have few mind readers in the Service. Keep headquarters posted.

In conclusion let us all pull together.

GOOD LUCK.