

U. S. DEPARTMENT OF LABOR

IMMIGRATION SERVICE

IN ANSWERING REFER TO

No. 5091/819

OFFICE OF DISTRICT DIRECTOR
EL PASO, TEX.

July 20, 1928.

Commissioner-General of Immigration,
Washington, D. C.

JUL 30 1928

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There are transmitted herewith copies of a report made by the Chief Patrol Inspector at El Paso, Texas, under date of the 18th instant, and copies of the enclosures therewith, concerning an encounter had by Patrol Inspectors William A. Holt and Herschel W. Patterson with liquor smugglers at a point southwest of El Paso, Texas, on the early morning of the 17th instant, at which time the smugglers shot at the officers, who returned the fire, wounding one of the smugglers who subsequently died after being conveyed to a local hospital. The shooting in this instance apparently was absolutely justified and the officers were exonerated at the inquest.

(Signed) G. J. O'NEILL

District Director

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Incl. 27383.
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4000/120A & 120A

Office Chief Patrol Inspector

El Paso, Texas.

July 19, 1928.

District Director
U. S. Immigration Service,
El Paso, Texas.

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IMMIGRATION SERVICE
EL PASO, TEXAS

In transmitting herewith transcript of statements made by Patrol Inspectors William A. Holt and Bertrand T. Patterson, you are advised that these officers were assigned to duty in the mountain region Northwest of the Smelter this city on the 16th instant. This locality is known to be a favorite exit for smugglers of aliens and contraband liquors.

About 12:15 AM the 17th instant a telephone message was received at this headquarters from Inspector Holt at the Brick Plant near the Smelter stating that he had been fired upon by liquor smugglers and that one Mexican had been wounded and a pack animal captured. The writer upon being informed of this message instructed the Patrol Inspector on office night duty to make arrangements with the County ambulance to proceed to the Brick Plant and await further instructions. Accompanied by Senior Patrol Inspectors Pugh, Pyatt and Patrol Inspector Goss, I proceeded to the scene of the fight and upon arrival found Inspectors Holt and Patterson in a rough canyon about one-fourth mile north of monument #2, West, guarding a loaded pack animal and a wounded Mexican. An investigation showed that the officers had been fired upon from two points by four smugglers, two of whom escaped south toward Mexico, one-fourth mile distance, one was wounded and the other escaped north toward the river. The wounded Mexican was lying where he had fallen and his gun a .38 cal. revolver lay at his right side. The pack animal was found to be heavily loaded with liquor.

Senior Patrol Inspector Pyatt and Patrol Inspector Goss were detailed to remain in this vicinity with the pack animal until daylight and make further investigations. Myself and the other inspectors placed the wounded smuggler on a stretcher and after much difficulty carried him to the Brick Plant where we found the ambulance waiting. At the hospital the attending surgeon stated that the man was seriously wounded in the right shoulder apparently with buck shot and later notified this office that he had died at 4:30 AM the 17th instant.

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July 19, 1928.

His condition at no time was such that a statement could be taken from him, however, he did state that his name was "Refugio Sanchez, that he was a Mexican citizen and resided at Old Ft. Bliss, Texas." A search of the records of the Customs and Police offices, this city show that he was arrested at RENOVED
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Customs Officers and charged with violation of the tariff act, he was tried at Santa Fe, New Mexico the result being unknown. He again was arrested in July 1925 by Custom Officers in company with a woman with whom he was living and charged with transportation of liquor, the woman owned the car and entered a plea of guilty to the offense and no bill was found against Sanchez. He was shot by an El Paso Policeman named, Wallace, during October 1925 in the Smelter district this city when he resisted arrest attempting to stab the officer. At the inquest held by Justice of Peace R. R. Rawlins this date, it was found that "Refugio Sanchez was killed in a gun fight between Border Patrolmen and run runners while resisting arrest. The brother of this man on the 17th instant claimed the body and conveyed it to his home in the Smelter district.

The writer is satisfied after a thorough investigation that the conduct of Inspectors Holt and Patterson in this action are highly commendable.

(SIGNED) H. C. HORSLEY

HCH:R

Chief Patrol Inspector.

CC-Holt
CC-Patterson

STATEMENT OF WILLIAM A. HOLT as made before Chief Patrol Inspector H. C. Horsley
in the office of the Chief Patrol Inspector, U. S. I. S. Border Patrol Headquarters,
El Paso, Texas, on July 18, 1928.

EXHIBIT

H. C. Horsley Examining Inspector
William A. Holt Witness
Buford A. Riley Stenographer.

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IMMIGRATION SERVICE
EL PASO, TEXAS

WITNESS, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

BY THE EXAMINING INSPECTOR:

- Q. State your name and occupation. A. William A. Holt, Border Patrol Inspector, U. S. Immigration Border Patrol Service, El Paso, Texas.
Q. What was your assignment the 16th instant? A. Covering the district in the mountains west of the Smelter, near monument #2.
Q. What time did you go on duty? A. At 4 PM that afternoon.
Q. Please state the circumstances surrounding the gun battle you had with Mexican liquor smugglers on the night of the 17th instant. A. We got in a position up on top of the mountain about dark but it was so windy that we could not hear any thing and we moved down into the canyon. About 11 PM a man whom I knew to be a spotter came from the direction of the Railroad over the trail used by the smugglers, he passed close to us and went on into Mexico and approximately one-and-one-half hour later the smugglers, four men and one pack animal returned, I waited until they got opposite us approximately thirty feet away and called to them to halt, (in the Spanish language). They immediately opened fire on us and ran, we immediately returned the fire one man was seen to fall as they ran in two directions firing as they ran. I immediately captured the (burro), pack animal and tied him to a bush and instructed Inspector Patterson to remain with the man and contraband while I went to the Brick Plant to telephone Border Patrol Headquarters. I returned to the scene of the shooting and soon afterwards, Chief Patrol Inspector, H. C. Horsley, Senior Patrol Inspectors, Hugh and Pyeatt and Inspector Cone came upon the scene and took charge. We packed the Mexican on stretcher through the mountains down to the Brick Plant where we were met by an ambulance. At daylight Patrol Inspector Metcalfe and myself returned to the scene on horseback where we were met by Patrol Inspectors Pyeatt and Cone who had been detailed to remain at the scene until daylight. Inspector Cone had found a large knife open that had been dropped presumably by the man who was wounded. A .38 Cal. revolver was also found near him, it had been fired once and unsped three times. The smugglers fired about 15 shots, I fired 4 shots and Inspector Patterson fired 5 shots.
Q. You know this particular locality to be a favorite place for Pack trains and smugglers to work do you not? A. Yes, sir.
Q. You also know that on frequent occasions our officers have been fired on by smugglers in that vicinity? A. Yes, sir on most every occasion.
Q. Was this in the vicinity of the spot where Inspector Pippen was killed? A. Yes, sir.

I certify the foregoing to be a true, full and correct transcript of my notes as taken by me in the above entitled case

Buford A. Riley
Stenographer

STATEMENT OF HERSCHEL W. PATTERSON as made before Chief Patrol Inspector H. C. Hersley, in the Office of the Chief Patrol Inspector, U. S. I. S. Border Patrol Headquarters, El Paso, Texas on July 17, 1928.

PARAGRAPH

H. C. Hersley.....Examining Inspector
Herschel W. Patterson.....Witness
Buford A. Riley.....Stenographer

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JUL 19 1928

WITNESS, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

BY THE EXAMINING INSPECTOR:

- Q. State your name and occupation. A. Herschel W. Patterson, Patrol Inspector, U. S. Immigration Service, Border Patrol, El Paso, Texas.
- Q. What was your duty assignment yesterday and with whom were you assigned? A. Guarding the border near monument #2, west with Inspector Holt.
- Q. What time did you go on duty? A. At 4PM.
- Q. State fully what happened during your tour of duty particularly in respect to an encounter had with certain Mexican smugglers. A. We took a position about 8:30 or 9 PM about one-fourth mile north east of monument #2 west, and about 11:30 we observed a spotter working in that vicinity which indicated to us that smuggling operations were about to occur. About 12:00 midnight, or a little after we heard the sound of steps coming down the hill, we waited until the smugglers were a little past and then Inspector Holt shouted, "alte federales" (half Federal Officials). The smugglers immediately opened fire those having passed and those approaching our position, we returned the fire, they fired about twelve or fifteen shots and we fired I should judge about eight shots. After a bit we investigated and found one man wounded, we captured a burro loaded with contraband liquors, one-hundred and seven bottles. The wounded man was found to be armed with a .38 revolver it was lying near his right side.
- Q. Was this the revolver, (indicating revolver found by Chief Patrol Inspector near the alien's right side)? A. Yes, sir. One man escaped going north the other men escaped going back toward the Mexican line. Inspector Holt instructed me to remain with the man and contraband while he proceeded to the Brick Plant approximately one-half mile away for the purpose of telephoning Border Patrol Headquarters, he returned in about one-half hour and later the Chief Patrol Inspector Senior Patrol Inspectors Pyeatt and Pugh and Inspector Goss arrived and still later Assistant Chief Patrol Inspector, G. V. Linnenkohl and Inspector Fitzgerald arrived with an ambulance. The wounded Mexican, (Refugio Sanchez) appeared to be suffering from gun shot wounds in the right shoulder and was conveyed on a stretcher to a point near the Brick Plant where he was placed in the ambulance and taken to the County Hospital, I accompanied him to the hospital in the ambulance.

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- Q. The position that Inspector Holt was occupying is known to be a notorious exit for smugglers of contraband is it not? A. Yes, Sir. Inspectors Cone and Pyatt were detailed to stay with the contraband until day-break and Inspectors Martin, Metcalfe, Holt, Fitzgerald and I returned to see if we could find more contraband following the trail of one smuggler Inspector Cone and I found a Bowie knife. We found where the smuggler who ran north fell over a rock down the steep side of the hill losing his hat. One of the smugglers who ran back toward the line was the one who lost the knife. I left the scene of the fight about 6:30. Inspectors Martin and Metcalfe brought the contraband to Border Patrol Headquarters and counted it.

I certify the foregoing to be a true, full and correct transcript of my notes as taken by me in the above entitled case.

Buford J. Riley
Stenographer