

U. S. DEPARTMENT OF LABOR

IMMIGRATION SERVICE

DISTRICT No. 25

IN ANSWERING REFER TO

NO. 5091/838

OFFICE OF DISTRICT DIRECTOR

EL PASO, TEX.

August 23, 1928.

SEP 10 1928

Commissioner General of Immigration, OCT 25 1928
Washington, D. C.

There are inclosed herewith three copies of a report submitted by the Chief Patrol Inspector, El Paso, Texas, under date of the 18th instant concerning the arrest of JIM S. YOUNG and the seizure of his automobile and contraband near Tres Jacales Crossing in the vicinity of Fabens, Texas, on the 16th instant by Sr. Patrol Inspector Lester R. Dillon and Patrol Inspector Roland A. Fisher; three copies of the transcripts of statements made by the Patrol Inspectors named, concerning the arrest, and three copies of a report submitted to the Chief Patrol Inspector under date of the 18th instant by Sr. Patrol Inspector Joseph F. Thomas.

It will be noted from the statements of Patrol Inspectors that at the time the car containing the contraband liquor was searched at Border Patrol Headquarters, it was noticed that the spare tire had been punctured by a bullet and that the Patrol Inspectors claimed that no shooting was done by them. From the report of Sr. Patrol Inspector Thomas it is apparent that the shooting was done by Mexican Fiscal Guards near Fabens, Texas, at the time Jim Young was attempting to smuggle the liquor, which he had in his possession, into the United States.

EC
Incl. 91320.

(SIGNED) R. B. MATHEWS

Acting District Director.

For original letter
above see 55606.

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COPY

STATEMENT OF ROLAND A. FISHER as made before Senior Patrol Inspector Harrison C. Pugh, in the office of the Chief Patrol Inspector, U. S. I. S. Border Patrol Headquarters, El Paso, Texas, on August 17, 1928.

P R E S E N T

Harrison C. Pugh.....Examining Officer
Roland A. Fisher.....Witness
Buford A. Riley.....Witness & Typist

EXAMINING OFFICER ADDRESSING FISHER:

You are advised that I am a Senior Patrol Inspector, in the Service of the United States Government and that a statement is desired from you regarding the arrest of Jim S. Young and the seizure of one Buick Sedan loaded with contraband liquor, near Tres Jacales Crossing in the vicinity of Fabens, Texas, at 11 PM the 16th instant.

WITNESS, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

- Q. What is your name and occupation? A. Roland A. Fisher, Patrol Inspector, U. S. I. S. Border Patrol, El Paso, Texas.
- Q. Fisher state fully the circumstances surrounding the arrest of Jim S. Young and the above mentioned automobile and liquor? A. Senior Patrol Inspector Lester R. Dillon and myself were on duty near the International Boundary line at Tres Jacales Crossing which is in the vicinity of Fabens, Texas. We saw a closed car coming from the American side to a point very close to the International line where two men got out of the car, these men we supposed to be "Spotters" the car then proceeded into Mexico, approximately one-fourth mile or more. In about one-half hour we saw the lights of two cars proceeding from Mexico in the direction of the United States we then decided that the first car would be running the road and consequently empty and we decided to let it pass unmolested. About 40 or 50 yards behind the first car the second car crossed the International Boundary line, at which time both Inspector Dillon and myself run to the side of the car and advised the driver that we were Federal Officers and to halt, the driver of this car (Jim S. Young) paid absolutely no attention to our commands and proceeded faster, I stepped on the running board and again advised him that we were Federal Officers and to halt, no attention was paid to this command. I opened the door of the machine and sat down beside the driver with my rifle in his stomach at the same time advising him again that I was a Federal Officer and for him to halt. Jim S. Young grasped the barrel of my rifle and kept on running the car, I then laid the rifle on the floor of the car and drew my pistol, advising him to halt, at the same time trying to stop the car myself, all the time Jim Young trying to gain possession of my pistol, finally seeing that I could do no good otherwise, I hit Jim Young a glancing blow on the head with my pistol and brought the car to a halt, we had then traveled about one-half mile from the spot where we had first commanded him to halt, after this we proceeded to El Paso and found this car loaded with contraband liquor.
- Q. About how far were you from the International line when you were in hiding near Tres Jacales Crossing? A. About twenty-five or thirty feet.
- Q. Was the car that the two men got out of the same car that was seized by you and Senior Patrol Inspector Dillon, about thirty minutes later? A. I do not know.

- Q. About what speed was the car traveling when it crossed the International Boundary line from Mexico to the United States? A. I should say about five or six miles per hour as the road is very rough.
- Q. About how far were the cars in Mexico when you first saw them coming to the United States from Mexico? A. As near as I could judge about one-fourth mile.
- Q. At what time did you first inform the driver of the car that you were Federal Officers? A. When we first ran along beside the car.
- Q. About how far had the car proceeded into the United States when you ran along beside it? A. I judge about twenty-five or thirty feet.
- Q. Were the windows in this car open or closed? A. The windows in the right front was open and the window in the right back door closed.
- Q. When you ran along beside the car were you on the right or left of the car? A. I was on the right side of the car.
- Q. Where was Senior Patrol Inspector Dillon at this time? A. I could not say because I was not paying any attention to him.
- Q. Were the doors of the car locked from the inside? A. Yes, because I remember reaching in an unlocking it before I could get in the machine.
- Q. When the driver of the car was commanded to halt did he make any attempt whatsoever to stop or check the speed of the car? A. No, he attempted to increase the speed of the car.
- Q. After entering the car did you make any attempt to stop the car? A. Yes, I turned the ignition off twice and threw it out of gear and each time he got the car in motion again.
- Q. After entering the car did you make any attempt to let him know that you were a Federal Officer? A. Yes, I informed him several times that I was a Federal Officer.
- Q. Were you in uniform at this time? A. Yes, I was in uniform but I had on a oil skin coat as a protection from the mosquitoes.
- Q. Would the coat that you were wearing completely hid your insigna? A. No, because my coat was unbuttoned and my insigna plainly visible and the dash light in the car was lighted.
- Q. Did the driver of the car at any time try to secure your gun? A. Yes, each time that I placed it into his stomach.
- Q. Did the driver of the car at any time show evidence or having or attempt to use any weapons? A. No.
- Q. Was the attitude of the driver that of one who was resisting arrest? A. Yes, very much so.
- Q. Did you strike the driver as a last resort to bring him and the car under control? A. Yes sir, I did.
- Q. When the car was brought under control how far was it from where you first entered the car? A. I judge about one-half mile, during which time I had repeatedly informed the driver that I was a Federal Officer commanding him to stop the car.
- Q. When you had struck the driver and had brought the car to a halt, did he show any evidence of being very badly hurt? A. No, it was a glancing blow and inflicted no injury.

- Q. Did the driver of the car make any statement at this time? A. "He said he thought we were trying to bob him."
- Q. When did you next see Senior Patrol Inspector Dillon? A. Very shortly after the car had been brought to a stop.
- Q. Did Senior Patrol Inspector Dillon make any statement as to his whereabouts during the time you were in the car? A. No, but he showed signs of having followed the car a foot, as he was very much winded.
- Q. How is the International Boundary designated at the point where the car entered the United States from Mexico? A. By a wire fence in the center of the old river bed.
- Q. Was there a gate in the fence at this point? A. No, not that I know of.
- Q. Is the point in the fence through which the car passed designated as a port of entry? A. No.
- Q. You are advised that the car seized by you and Senior Patrol Inspector Lester R. Dillon shows evidence of having been hit by a bullet, did you fire or hear any shots fired at this time? A. No, I did not.
- Q. Did the car have a flat tire at the time it was brought to a halt? A. Yes, Mr. Dillon called it to my attention soon after it had halted.
- Q. On which wheel of the car was the flat tire? A. The right front tire.
- Q. You are advised that while searching this car for Narcotics at this office the spare tire was found to have been punctured by a bullet, do you know the circumstances under which the bullet got into the tire? A. No, I do not.
- Q. Was the tire changed at that time? A. We drove from where the car was stopped to Ed Ivy's house and made the driver of the car change the tire at this time in order that we might drive to Fabens, Texas.
- Q. Were any other persons present at that time? A. Mr. Ivy and another gentleman came out of his house and talked to us while the driver was changing the tire.
- Q. Did you hear any shooting on the Mexican side prior to the time the car entered the United States from Mexico? A. No.
- Q. When the car entered the United States from Mexico did it look as if it was being driven on a flat tire? A. I do not know, as I was not looking for such details.
- Q. Have you any other statement you wish to make at this time? A. No, sir.

I hereby certify that the foregoing is a correct transcript of the hearing in this case.

(Signed) Buford A. Riley
Witness & Typist

COPY

STATEMENT OF LESTER R. DILLON as made before Senior Patrol Inspector Harrison C. Pugh, in the office of the Chief Patrol Inspector, U. S. I. S. Border Patrol Headquarters, El Paso, Texas, on August 17, 1928.

P R E S E N T

Harrison C. Pugh.....Examining Officer
Charles T. Birchfield.....Witness
Lester R. Dillon.....Witness
Buford A. Riley.....Witness & Typist

EXAMINING OFFICER ADDRESSING DILLON:

You are advised that I am a Senior Patrol Inspector, in the Service of the United States Government and that a statement is desired from you regarding the arrest of Jim S. Young and the seizure of one Buick Sedan loaded with contraband liquor, near Tres Jacales Crossing in the vicinity of Fabens, Texas, at 11 PM the 16th instant.

WITNESS, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

- Q. What is your name and occupation? A. Lester R. Dillon, Senior Patrol Inspector, U. S. I. S. Border Patrol, El Paso, Texas.
- Q. Dillon state fully the circumstances surrounding the arrest of Jim S. Young and the seizure of the above mentioned automobile and liquor? A. Patrol Inspector Roland A. Fisher and myself were lying in wait near International Boundary at the Tres Jacales road, near Fabens, Texas, when we observed two automobiles coming from Mexico one car being approximately 30 or 40 yards ahead of the other. Previous to this time about 30 minutes a large Sedan crossed the International line going into Mexico at this point and a two men got out of the car when it came to a fence and they apparently tried to knock the fence down so that they could cross. The fence above referred to is the fence that runs in prolongation of the Tres Jacales road and for them to get to that fence, they first had to cross a fence that runs along the International line and which was already knocked down. Failing to get through the fence first referred to they returned to the U. S. and went through this fence in a gate or gap and drove over further into Mexico. The men that got out of the car walked around back to the gap on the American side and I didn't see them get back in the car. We judged that it was impossible to apprehend both cars so we attempted to halt the second and let the first car pass. We ran over and called to the second car to halt, stating that we were Federal Officers. The car did not stop as it went by me I saw Patrol Inspector Fisher hanging on the running board and I saw him step inside the car. The car then proceeded up the road for approximately half a mile and I followed it on foot. When I arrived at the car Inspector Fisher and the Mexican were sitting in the front seat. We took the Mexican out and searched him and put him in the rear seat and I got in and sat down beside him. Fisher drove the car to the Ivy Ranch where our car had been left and from there we proceeded to El Paso, there was no contraband liquor in sight and the liquor that was found was found by Patrol Inspectors Martin and Patterson in the upholstery of the car, after we arrived at Border Patrol Headquarters.

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- Q. How far was your place of hiding from the International line? A. About twenty-five or thirty feet.
- Q. In what general directions does this 'Tres Jacales road run? A. It runs in a northeasterly and southwesterly direction.
- Q. On which side of the road were you lying? A. The east side.
- Q. About how far were the two cars in Mexico when you first observed them approaching?
- A. About one-fourth mile, or so.
- Q. Approximately at what speed was the car traveling when it entered the U. S. from Mexico? A. It was traveling very slow due to the conditions of the road as it is impossible for any car to travel at any speed at that place.
- Q. At what time did you first inform the driver of the car that you were Federal Officers? A. When we first ordered him to halt, his car had fully cleared the line and it was approximately twenty-five or thirty feet in the U. S.
- Q. Could you tell whether the windows of the car were open or closed at this time?
- Q. I could not, but I am of the opinion that they were down on the right hand side of the car due to the fact that Patrol Inspector Fisher was standing on the side of the car when it passed me and it seems to me that they would necessarily be down. I remember distinctly that the front windows on each side of the car were down after the car had been halted by Inspector Fisher.
- Q. How is the International line designated at the point where the car entered the U. S. ? A. By a barb wire fence.
- Q. Is there a gate in this fence? A. There is an opening where the Tres Jacales road enters Mexico, which I would call a gate.
- Q. Is this point designated as a port of entry? A. No.
- Q. Did the driver of the car make any statement at the time of his apprehension? A. "He said he was a good boy that he was a stranger in the country, that his home was in Los Angeles, California; that he was lost, that he was very foolish to try to run away from us and that he knew that if we had been Mexican Officers that he would have been killed, that he was not in possession of any contraband liquor; and that he did not know the occupants in the car in front of him.
- Q. You are advised that the car seized shos evidence of having been hit by a bullet, did you fire or hear any shots fired at this time? A. I did not fire and I did not hear any shots.
- Q. Did the car have a flat tire at the time it was brought to a halt? A. When I came up to the car I believe that some mention was made as to the tire but we drove it on to the Ivy ranch.
- Q. On which wheel of the car was the flat tire? A. The right front.
- Q. Was the tire that was taken off placed on the back of the car? A. It was changed at the Ivy ranch and placed on the back of the car.
- Q. You are advised that while searching this car for Narcotic at this office the spare tire was found to have been punctured by a bullet, do you know the circumstances under which the bullet got into the tire? A. No, I do not.
- Q. Approximately how far is it from where the car was halted to Ed Ivy's ranch? A. Approximately a mile or more.

Lester R. Dillon

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- Q. When the car entered the United States from Mexico did it look as though it was being drive on a flat tire? A. I don't know, when the car came through the gate it was traveling very slowly but I do not know what rate of speed it was traveling in Mexico.
- Q. Did you hear any shooting prior to the time the car entered the U. S. On the Mexico side? A. No.
- Q. Have you any further statement you wish to make at this time? A. I was advised last night after arriving in El Paso by an El Paso Policeman that that car had been seized by U. S. Customs a few months previous and that the driver of the car, (Jim Young) was the driver of the car at the time and that he bought the car when it was sold at the Government sale. I also was informed that Jim Young is known by members of the El Paso Police Department as a noted criminal and it was no unusal circumstance that he should be caught by us. The name of the police man referred to is (Mac Cafferty),

I hereby certify that the foregoing is a correct transcript of the hearing in this case.

(Signed) Buford A. Riley
Witness & Typist