

U. S. DEPARTMENT OF LABOR
IMMIGRATION SERVICE
DISTRICT No. 25

IN ANSWERING REFER TO

No. 5091/913

OFFICE OF DISTRICT DIRECTOR
EL PASO, TEX.

August 10, 1929.

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

AUG 29 1929



There are transmitted herewith copies of a report made by the Acting Chief Patrol Inspector at El Paso, Texas, under date of the 9th instant and copies of the statements therewith concerning an encounter between patrol inspectors and liquor smugglers on the night of the 9th instant, which resulted in a gun fight and the seizure of a quantity of alcohol and whiskey by the officers. No casualties resulted to the officers and so far as is known, none resulted to the smugglers, although the patrol inspectors are inclined to believe that one or more of the smugglers was injured or killed.

G. C. WILMOTH,

District Director.

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U. S. DEPARTMENT OF LABOR

IMMIGRATION SERVICE

IN ANSWERING REFER TO

No. 4007/3

Office Chief Patrol Inspector
El Paso, Texas,
August 9, 1929.

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

There are being transmitted herewith statements made before the writer by Patrol Inspector CHARLES W. HAYES, concurred in and added to by Patrol Inspector RICHARD R. COSCIA, concerning a gun fight had between these officers on one hand and unknown liquor smugglers on the other, which occurred at the foot of Stevens street and Cordova Island, this city, at about 9:30 PM on the 8th instant after which 18 gallons of Alcohol and 86 pints of whiskey were seized.

This fight occurred about one city block from the point at which Patrol Inspector Benjamin T. Hill was killed on the night of May 30th and it was from this identical spot on the line that his killer came just prior to that shooting. This place was also the scene of a gun duel between Patrol Inspectors Eugene W. David and Lee I. Kennedy on one hand and liquor smugglers on the other on the morning of April 27, 1929. This territory has been the favorite "smuggling grounds," in the past, for the well known CRUZ ACUNIA and DAVID TORRES gangs and from the methods employed in this most recent operation it is believed that one of the two gangs were involved.

Although the testimony of both officers strongly indicates that one or more of the smugglers were injured or killed in the battle no trace of such persons was found. Owing however, to the denseness of the under-growth and to the fact that if any smugglers were hit that they fell in Mexican territory, no rigid search of the terrain could be made and it is very probable that the killed or injured persons were carried by their comrades to some point further in Mexico during the night.

The seized liquor was delivered to the Chief Mounted Inspector of Customs on even date and the receipt of Grover C. Webb taken.

GWL/R

G. W. Linnenkohl
Acting Chief Patrol Inspector

Statement of Patrol Inspector CHARLES W. HAYES concurred in by Patrol Inspector RICHARD R. COSCIA, as made before Acting Chief Patrol Inspector, G. W. Linnenkohl, in the office of the Chief Patrol Inspector, El Paso, Texas, on August 9, 1929.

PRESENT

G. W. Linnenkohl	Acting Chief Patrol Inspector	Examining officer
Charles W. Hayes	Patrol Inspector	Witness
Richard R. Coscia	Patrol Inspector	Witness
Buford A. Riley	Clerk	Stenographer

BY THE EXAMINING OFFICER:

Your are advised that I desire to take a statement from each of you concerning a gun fight between yourselves on one hand and liquor smugglers on the other at the junction of Stevens street and Cordova Island at about 9:30 PM on the 8th instant, at which time 18 gallons of Alcohol and 86 pints of Whiskey were seized by you.

WITNESSES, FIRST BEING DULY SWORN, TESTIFIES AS FOLLOWS:

EXAMINING OFFICER ADDRESSING INSPECTOR HAYES:

- Q. Please state your name and occupation? A. Charles W. Hayes Patrol Inspector, U. S. I. S. Border Patrol, El Paso, Texas.
- Q. What was your duty assignment on the 8th instant? A. I was assigned to patrol the border between Luna street and Hammett Boulevard on Cordova Island with Patrol Inspector Coscia.
- Q. State fully the circumstances surrounding the seizure of the above mentioned liquor and gun fight. A. At about 9 PM we went into a position at the foot of Stevens street and after waiting for about fifteen minutes we decided to move. We walked about one hundred yards toward Grammar street and changed our minds and returned to the foot of Stevens street and concealed ourselves in the brush. Within a very few minutes two men were observed crossing the boundary line going into Mexico and disappearing in the brush. I immediately assigned Inspector Coscia a position where he could observe anyone crossing the International line in that vicinity and I assumed a position about fifty feet to his rear in the hope of apprehending the prospective smugglers. Shortly after assuming my position I observed a smuggler coming from the brush on the Mexican side of the line and toward us, watching closely I counted five smugglers coming out of the brush and on toward us. I let them pass me and waited for Inspector Coscia to halt them, which he did. I immediately started toward the smugglers who dropped their loads and one of them opened fire with what appeared to be a pistol. Immediately returned the fire. At the time of my endeavour to apprehend these men three of them disappeared in the direction of Inspector Coscia. As I fired at the smuggler who had opened fire upon me, he and another rushed toward the brush on the Mexican side of the line.

Charles W. Hayes

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8/9/29.

In another second two of the men who had gone in the direction of Inspector Coscia returned toward me joining their companions after crossing an old river bed and going over the levee, they disappeared in the brush on the Mexican side. I waited some ten minutes in my position, Inspector Coscia remaining on the other side of the brush from me on the American side. I then crawled to where Inspector Coscia was, left him with the liquor that had been dropped by the smugglers and went to a telephone and called Border Patrol Headquarters. Within about fifteen minutes Senior Patrol Inspector Reeves and Patrol Inspector Scoles arrived upon the scene and very shortly thereafter Acting Chief Patrol Inspector G. W. Linnenkohl. The ground was thoroughly gone over and the brush beat out but no dead or wounded smugglers were found. The liquor was loaded in the truck and brought to Border Patrol Headquarters. Neither Inspector Coscia or myself were injured in this exchange of shots.

- Q. Do you believe that any of the smugglers were killed or injured in this exchange of shots? A. Yes, because I could hear someone crying as if in intense pain over in the brush on the Mexican side. Also the smuggler that fired at me was seen to fall before going over the levee, he was either hit or just falling on the ground to keep from getting hit, before going over the levee.
- Q. How far do you consider your position was from the International boundary line? A. I judge about thirty or forty yards.
- Q. How many shots were fired by you and Inspector Coscia and by the smugglers? A. I fired five times, Inspector Coscia fired three or four shots and the smuggler that fired at me fired two or more times I do not know just how many.
- Q. **EXAMINING OFFICER ADDRESSING INSPECTOR COSCIA:**
You have heard the statement of Patrol Inspector Charles W. Hayes is it true in every respect? A. Yes sir.
- Q. Have you anything further to state regarding your observations in addition to the statement of Inspector Hayes? A. Yes, I believe there six men engaged in this smuggling operation as I heard someone on the Mexican side of the line calling to the five smugglers to come on back and fight.
- Q. Inspector Hayes states that he only saw four men cross the line back into Mexico can you account for the fifth man? A. Yes, he escaped into the settlement on the American side.
- Q. How many shots were fire by you? A. I fired three shots from my rifle.
- Q. From your point of view is it your opinion that some of the smugglers were injured in this exchange of shots? A. Yes sir, because while Inspector Hayes had gone to the telephone to call Border Patrol Headquarters I could hear someone crying as if in pain on the Mexican side of the International line.

I certify that the above is a true, full and correct transcript of my notes in the above mentioned hearing.

Stenographer