

U. S. DEPARTMENT OF LABOR

IMMIGRATION SERVICE

IN ANSWERING REFER TO

No. 4007/3

Office Chief Patrol Inspector  
El Paso, Texas,  
September 21, 1929.

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

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There is transmitted herewith transcript of statement made before the writer by Senior Patrol Inspector Ammon M. Tenney in which Inspectors Charles T. Birchfield, Irvin H. Cone, Richard A. Bush and Francis A. Scott concur, together with statement of Inspector David L. Scoles who acted in this case as an observer and rear guard. In connection with this fight attention is invited to report of July 31st last concerning a gun fight in this same locality in which a large quantity of liquor was seized. In the instant case information had been received from a friendly Mexican Official that a quantity of barreled liquor was stored on Cordova Island near the Peyton Packing Plant. This gang of smugglers is without a doubt the same as those encountered on July 22nd last and reported to your office in the above mentioned report.

It appears that the smugglers profiting by the encounter in July had placed at least two riflemen in the rear of their loading zone to attack officers who might attempt to interfere with the loading operations and it is believed that had not Inspector Scoles, who had been left in the rear, had not attacked and driven away these riflemen, our officers would have been placed in an exceedingly embarrassing and dangerous position.

In planning this action similar tactics as used in the July encounter with slight variations were employed. It is believed that this attempt to smuggle liquor by this gang in the Packing House area is the first attempt since their July escape.

It is not known whether the smugglers suffered any casualties. None were suffered by our officers.

The Mexican alien Abraham Rodriguez together with the old model Ford sedan, seven ten gallon barrels and 27 pints of Whiskey apprehended were delivered to the local Mounted Customs Inspector in Charge and his receipt taken for same on the 20th instant.

*F. L. C.*  
H. C. Horsley  
Chief Patrol Inspector *[Signature]*



STATEMENT OF SENIOR PATROL INSPECTOR AMMON M. TENNEY and concurred in by Senior Patrol Inspector CHARLES T. BIRCHFIELD, Patrol Inspectors IRVIN H. CONE, RICHARD A. BUSH, and FRANCIS A. SCOTT as made before Chief Patrol Inspector H. C. Horsley in the office of the Chief Patrol Inspector, El Paso, Texas, on September 20, 1929.

PRESENT

H. C. Horsley	Chief Patrol Inspector	Examining officer
Ammon M. Tenney	Senior Patrol Inspector	Witness
Charles T. Birchfield	Senior Patrol Inspector	Witness
Irvin H. Cone	Patrol Inspector	Witness
Richard A. Bush	Patrol Inspector	Witness
Francis A. Scott	Patrol Inspector	Witness
Buford A. Riley	Clerk	Stenographer

BY THE EXAMINING OFFICER TO WITNESSES:

You are advised that I desire to take a statement from each of you concerning a gun fight had between yourselves and liquor smugglers on the evening of the 19th instant near Peyton Packing Plant this city, at about 7 PM.

WITNESSES, FIRST BRING DULY SWORN, TESTIFIES, AS FOLLOWS:

Examining officer addressing Inspector Tenney:

- Q. State your name and occupation? A. Ammon M. Tenney, Senior Patrol Inspector, Immigration Border Patrol, El Paso, Texas.
- Q. State fully the circumstances surrounding the above mentioned gun fight? A. Inspectors Cone, Bush and myself were in an automobile last night and Inspectors Birchfield and Scott in another car, watching for a signal from Inspector Scoles who had taken up a position in the Union Stock Yards tower, this signal was to be given and we were to go to the vicinity of Peyton Packing Plant where we had information that liquor was about to be crossed. We were stationed in our automobiles at about 1st & Cotton Avenue, about twelve blocks from the Peyton Packing Plant. Upon receipt of the signal we went out 1st street until we came to the Texas & Pacific Railroad tracks and from there south to the Peyton Packing Plant. Upon arrival at the Peyton Packing Plant we saw a man getting out of an automobile and walk toward us, Inspector Bush apprehended him and Inspector Cone and myself climbed over the Chute fence and over the second fence where we saw bundles and sacks lying along the side of this fence and looking south thru an open space we observed three men under some trees and immediately one of them fired upon us, firing three shots. At this outburst of shots Inspector Cone and myself returned the fire. At about the same time firing became general from the East of us, from the direction of Cordova Island. We lay down on the ground and returned the fire. About this time Inspectors Birchfield and Scott arrived and also began to return the fire of the smugglers. How many shots were fired by the smugglers I cannot say but there were a great number.



We returned the fire of the smugglers until they ceased shooting. At about this time Senior Patrol Inspector G. W. Linnenkohl arrived from Border Patrol headquarters with reinforcements and a skirmish line was formed, the battle ground thoroughly beat out but no wounded or dead smugglers could be found. The liquor was gathered up, placed in a truck and brought to Border Patrol headquarters, together with the Mexican and car captured.

- Q. What was the name of the man apprehended? A. Abraham Rodriguez.  
Q. What kind of a car did he have? A. An old two door Ford sedan of very ancient model.  
Q. What did the liquor consist of? A. Seven ten gallon kegs of Whiskey and 27 pints of Whiskey.  
Q. Was it yet dark when the battle commence? A. Yes sir, it was just getting dark.  
Q. How many men do you estimate there were of the smugglers? A. From the flashes of their guns, I judge there must have been at least ten of them.

Examining officer addressing Inspector Birchfield:

- Q. You have heard the statement of Inspector Tenney is it true in every respect? A. Yes sir.  
Q. Is there anything that you might add thereto? A. Nothing that I know of.  
Q. Approximately how many shots were fired by the smugglers? A. I arrived about two minutes after the battle started and I judge there must have been at least fifty shots fired by them.

Examining officer addressing Inspector Cone:

- Q. You have heard the statement of Inspectors Tenney and Birchfield, is there anything that you want to add thereto? A. No sir, I believe they cover the circumstances of the case.

Examining officer addressing Inspector Bush:

- Q. You have heard the statements of Inspectors Tenney, Birchfield and Cone, are they true in every respect? A. Yes sir.  
Q. Is there anything that you might add to them? A. Yes, while making this run to the Peyton Packing Plant a large sedan automobile tried to crowd us off the road but failed in this attempt.

Examining officer addressing Inspector Scott:

- Q. You have heard the statements of Inspectors Tenney, Birchfield, Cone and Bush, are they true in every respect? A. Yes sir.  
Q. Have you any further statement to make? A. Yes, I would like to state that a large Coupe, what appeared to be a Dodge, tried to force myself and Inspector Birchfield off the road while enroute to Peyton's Packing Plant after receiving the signal that smugglers were crossing. I might also state that there were a large number of automobiles in this vicinity at that time.

I certify that the above is a full, true and correct transcript of my notes as taken in the above case.

(Signed) Buford A. Riley  
Stenographer



Statement of Patrol Inspector DAVID L. SCOLES, as made before Chief Patrol Inspector H. C. Horsley in the office of the Chief Patrol Inspector, El Paso, Texas, on September 20, 1929.

PRESENT

H. C. Horsley	Chief Patrol Inspector	Examining officer
David L. Scoles	Patrol Inspector	Witness
Buford A. Riley	Clerk	Stenographer

BY THE EXAMINING OFFICER:

You are advised that I desire to take a statement from you concerning your observations from the Union Stock Yards tower on the evening of the 19th instant just prior to a gun fight had between officers of this Service and liquor smugglers at about 7 PM in the vicinity of Peyton's Packing Plant.

WITNESS, FIRST BEING DULY SWORN, TESTIFIES, AS FOLLOWS:

- Q. State your name and occupation? A. David L. Scoles, Immigration Border Patrol, El Paso, Texas.
- Q. State fully your observations as mentioned above? A. At about 2:45 PM, Senior Patrol Inspector Charles T. Birchfield and Patrol Inspector Francis A. Scott left Border Patrol Headquarters and went to a point on Overland street where we could observe the Union Stock Yards tower. We then left this position on Overland street and I lay down in the back of the car and Senior Patrol Inspector Birchfield drove to the Union Stock Yards tower where I stepped from the car to the tower and went up the ladder as fast as I could. As soon as I had gained the platform of this tower I lay down facing Peyton's Packing Plant, Inspector Birchfield driving away in the car. Immediately after the car had left four men came out of the vicinity of the Stock Yards and examined the tracks of the automobile going in and coming out and for foot prints or anything they could find. These four men then went to the Stock Yards barn and I could see them thru the window of this barn apparently searching for anyone that might have taken up their position there. After finishing this job they again disappeared in the Stock Yards. About this time I observed two men coming down the levee from the direction of the Rio Grande Oil Company, one of them driving a bunch of goats, the other carrying a fishing pole and they appeared to be examining the surrounding territory. At about 4 PM the Goat herder with his Goats left the vicinity but the fisherman remained in this vicinity until dark. He was located approximately one-half way between the Stock Yards and Peyton's Packing Spillway and at all times where he could command a view of both the river and the land side of the levee that runs along the river. Outside of two or three men that could be seen working around the Stock Yards there were no more spotters working in this vicinity. At about 6 PM I observed a man crossing the two wooden fences just back of the Scheniders Packing Plant and which joins the tin fence around the Peyton Packing Plant, going in the direction of same.



He went down the fence going East toward Cordova Island and returned empty handed in about ten minutes. Shortly there after a Ford sedan left Scheniders Packing Plant and drove up 12th street in the direction of Park street and disappeared, this was at about 6:15 PM. At 6:30 PM cars were passing up and down 12th street and the traffic was noticeably heavy at this time and apparently increasing. There were eight cars that made a number of trips up to the Stock Yards, up to Peyton's Packing Plant then turned and went back in the direction of 12th street or else turned and went down the Texas & Pacific railroad along a road leading into the city of El Paso. One truck in particular made six trips to the Scheniders Packing Plant, drove in the yard, stopped for a few moments, then drive out again and back toward town. At this time it had begun to grow dark. At this time I saw four men coming out from the corner of Peyton's Packing Plant and each appeared to be carrying a rifle, I was using field glasses. These men crossed to the Stock Yards and disappeared but within a few minutes I observed two of them standing about onehundred yards West of the point of action. At this time cars had turned on their lights and from then on I had to judge largely from the motion of these lights. A car drove to where I had seen these two men and stopped stayed a few minutes and drove out. Another car came down from Park street passed these two men and was signaled by them and sped on toward Peyton's Packing Plant. About this time another car stopped beside these two men, it appeared to be a Buick sedan and similar to the one which was captured a few weeks ago and I believe it was driven by Tomas Montes and then sped off in the direction of Park street. About this time I saw a car drive around the Schenider Packing Plant and back up to the tin fence that surrounds the Peyton Packing Plant. As this car drove in the yard of the Schenider Packing Plant its lights fell along the tin fence and I observed several moving objects that appeared to be carrying loads, I then signaled our officers. As soon as I had signaled our officers I descended from the tower and ran towards the road but before I reached the road I observed one of our cars going in the direction of Peyton's Packing Plant. I also noticed another car back into the road in front of our officers car but our driver managed some way to go around it. At about this time the car that was being driven by Senior Patrol Inspector Birchfield, our second car going in the direction of Peyton's, passed and another car that could be seen coming from the direction of Peyton's Packing Plant tried to crowd this second car off the road but failed to do so. At this time I reached the road and seeing this car coming in my direction, I had a hunch and stepped behind a telephone pole, as the car passed me someone with an automatic or two persons with guns opened fire upon me, I returned the fire with my gun and succeeded in putting at least one bullet in the car which proceeded on down the road. After this car had passed I then proceeded on down the road in the direction of Peyton's Packing Plant.



My idea being to get between the two riflemen I had seen between the Stock Yards and the point of action. When I reached a position opposite them I observed that they were not there but I saw moving figures going in the direction of Peyton's Packing Plant down the Stock Yards fence. I approached them on a run and as I did so my flashlight which was inside of my shirt lighted, I tried to knock it out, finally my shirt came open and the light fell out but in the meantime these two men had spotted me and started firing in my direction. I returned their fire with my .45 automatic, they being at close range, one of the men apparently retreated while the other covered his retreat and I saw the last man disappear in the stockyards. I then proceeded on down to Peyton's Packing Plant and remained there to guard any further attack that the smugglers might try from the rear of the other officers. Within a few minutes Senior Patrol Inspector Linnenkohl arrived with reinforcements but the firing at this time had ceased.

- Q. You spoke of seeing a Ford sedan at about 6:15 PM going in the direction of Park street, was it the same car that was apprehended?
- A. Yes sir, I believe so as it appeared to be a car of rather old model.

I certify that the above is a full, true and correct transcript of my notes as taken by me in the above mentioned case.

(Signed) Buford A. Riley  
Stenographer