

U. S. DEPARTMENT OF LABOR

IMMIGRATION SERVICE

DISTRICT No. 25

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR
AND REFER TO
5891/962

No.

OFFICE OF DISTRICT DIRECTOR
EL PASO, TEX.

March 3, 1930.

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

There is transmitted herewith, in quadruplicate, the record of investigation made in connection with the fatal shooting on the afternoon of the 23rd ultimo of one Pedro Rodriguez by Senior Patrol Inspector Irvin H. Cone.

The record herewith indicates that Mr. Cone was justified under outstanding instructions in taking the life of the person in question, and it will be noted that Coroner R. B. Rawlings found that Pedro Rodriguez was "killed by Senior Patrol Inspector Cone while resisting arrest and while deceased was attempting to kill the officer."

It will be difficult for a person not familiar with the type of outlaw encountered along this border to understand the reasoning employed by one who engages in mortal combat with an officer when a short penitentiary sentence, or jail sentence is all he fares. It appears that Rodriguez was liable to criminal charges only for having violated Section two of the Immigration Act of 1929. He doubtless was either under the influence of the Narcotic Weed known along the border as "Marihuana" or was under the influence of liquor - or, and this is not improbable, was merely a "bad hombre." In any event he quite evidently met a fate which he richly deserved. Again the necessity for furnishing first class weapons to patrol inspectors is brought forcibly home to the writer.

In this connection it may be stated that Mr. Cone was using a personally owned Smith & Wesson revolver which proved reliable - in contra distinction to a great many of the Colt revolvers which are at present furnished this Service by the War Department. This office has heretofore recommended that such Colt revolvers be replaced with .45 caliber automatic pistols and this recommendation is renewed with the suggestion that if they cannot be secured by transfer from the War Department, they be purchased by our Department under the War Department contract with the manufacturer.

G. C. WILMOTH
District Director.

Incl. 29388

U. S. DEPARTMENT OF LABOR
IMMIGRATION SERVICE

IN ANSWERING REFER TO

No.

4007/3
4000/105-A

Office Chief Patrol Inspector
El Paso, Texas,
February 25, 1930.

District Director,
Immigration Service,
El Paso, Texas.

There is transmitted herewith transcripts of statements (eight copies) made by Senior Patrol Inspector Irvin H. Cone, Francisco Delgado and Ajacoba Rodriguez concerning an encounter had between Inspector Cone and the Mexican alien Pedro Rodriguez at about 5:30 P. M. on the 23rd instant in the Standpipe District this city.

Inspectors Cone and Carpenter were assigned to patrol this district between the hours of 5 and 9 P. M. on the date mentioned. Shortly after 5 P. M. they observed a man crossing the river from Mexico opposite Charles street--Inspector Carpenter was directed to proceed toward him on foot thru the railroad yards while Inspector Cone, approached with the car from the opposite direction arriving ahead of his companion and located the Mexican hiding behind an outhouse. Upon Cone's approach the Mexican stepped from his place of concealment and struck him with a pistol inflicting a deep cut over the right cheek bone. Cone attempted to ward off the blows with his rifle and succeeded in causing the Mexican's only shot to pass over his head--as the scuffle proceeded Cone drew his pistol and fired five shots, two of which struck the assaulter in the chest and two in the abdomen.

In response to a telephone call the writer with other Inspectors proceeded to the scene--the wounded man was transferred to the City-County Hospital where he died at 6 P.M. He stated that his name was Pedro Rodriguez and that he resided in Juarez, Mexico. The remains were transferred to the Peak-Hagedorn Undertaking Establishment for final disposition.

Inspector Cone was treated at the Police Emergency Hospital and his wounds pronounced not to be serious.

2/25/20

At the inquest on the 24th instant before Coroner H. B. Hawkins Inspector Cone was exonerated the verdict being that Pedro Rodriguez was "Killed by Senior Patrol Inspector Cone while resisting arrest and while deceased was attempting to kill the officer."

The alien's revolver was turned to the Coroner.

MCH:R

H. C. Horsley
Chief Patrol Inspector

Chief Patrol Inspector H. C. Moraley in his office on February 24, 1930, and concurred in by Patrol Inspector Taylor C. Carpenter.

P R E S E N T

H. C. Moraley	Chief Patrol Inspector	Examining officer
Buford A. Riley	Clerk	Stenographer
Irvin H. Cone	Senior Patrol Inspector	Witness
Taylor C. Carpenter	Patrol Inspector	Witness

BY THE EXAMINING OFFICER:

You are each advised that I desire to take a statement from each of you concerning a gunfight had at the foot of Charles street this city in which the Mexican alien PEDRO RODRIGUEZ was killed at about 5:30 P. M. on the 23rd instant.

WITNESSES FIRST BEING DULY SWORN TESTIFIED AS FOLLOWS:

Examining officer addressing Inspector Cone:

- Q. Please state your name and occupation? A. Irvin H. Cone
Senior Patrol Inspector Immigration Border Patrol, El Paso, Texas.
- Q. State fully the circumstances surrounding the above mentioned gunfight? A. On the 23rd instant Inspector Carpenter and myself were detailed to work what is known as the Standpipes district from 3 P.M. to 9 P. M. and we were in a government owned car upon the viaduct just above the standpipes watching the river when we saw a man carrying something in his arm crossing the river just opposite the standpipes. We immediately started for that vicinity and as it is farther around in a car and takes more time than on foot to reach this spot Inspector Carpenter left the car at 2nd & Chihuahua streets and went across the railroad tracks to apprehend the alien before he got into a house. I drove on around to Charles street in the car and made better time than Carpenter and when I reached the intersection of Canal & Charles streets I saw a wet trail leading from the irrigation canal indicating that someone had just passed that way. I followed this trail a short ways and saw a man about one-half block ahead of me and after chasing him a short ways he turned into a gate thru the yard of a house owned by JOSE PINEDO and as this Jose Pinedo is a fugitive from justice at this time and a known leader of alien smuggling and narcotic rings I naturally supposed the man was carrying a load of narcotics or other contraband. I followed him thru the gate and he stepped out from behind an outhouse that was to my right and rear; struck me on the right cheek with his pistol. I threw up my rifle to prevent his blows and he fired a shot over my shoulder and head; he caught the barrel of my rifle with his left hand and clubbed me with his right hand in which he held his pistol I stepped in closer to him to prevent his firing at me again and tried to disarm him and he continued to strike at me. At this time he struck me on the left wrist and thumb and as I was becoming bloody, dizzy and blinded from his blows I drew my pistol and fired ^{five} times very rapidly at him and he staggered and fell about 6 or ten feet away from me.

At this time Inspector Carpenter arrived and we got in touch with the office and shortly Chief Patrol Inspector H. C. Hensley arrived accompanied by several other officers who took charge of the situation. An ambulance was called and the alien sent to the City-County Hospital for treatment. I was taken to the police emergency hospital where my wounds were dressed.

- Q. What kind of a gun did the alien have? A. A .32 caliber double action, Harrington & Richardson.
- Q. Did he appear to be under the influence of liquor or narcotics? A. Yes, he appeared to be very wild.
- Q. Were there any witnesses to this shooting? A. Yes, one Mrs. Agathe Rodriguez the wife of Jesus Martin who lives at 443 1/2 Charles street.
- Q. Has the coroner completed his verdict in this case? A. Yes sir.
- Q. What was his verdict? A. "Killed by Senior Patrol Inspector Irvin H. Cone while resisting arrest and while deceased was attempting to kill the officer."
- Q. Has the alien been identified? A. Before he died at the hospital two hours after the fight he gave his name as Pedro Rodriguez.
- Examining officer addressing Inspector Carpenter:
- A. You have heard the statement of Inspector Cone, is it true as far as you know? A. Yes sir.
- Q. Were you present at the time of his struggle with this alien? A. No sir, I did not arrive until after he had shot the alien.

I certify that the above is a correct and complete transcript of my notes as taken by me in the above mentioned hearing.

(Signed) Buford A. Riley
Stenographer

Statement of FRANCISCA DELGADO as made before Chief Patrol Inspector
H. C. Horsley at 443¹/₂ Charles street, El Paso, Texas, on February
24, 1930.

P R E S E N T

H. C. Horsley
Buford A. Riley
Ammon M. Tenney

Chief Patrol Inspector
Clerk
Senior Patrol Inspector

Examining officer
Stenographer
Acting Spanish
Interpreter.
Witness

Francisca Delgado

BY THE EXAMINING OFFICER:

You are advised that I desire to take a
statement from you concerning a fight had between a Federal Officer
and a Mexican man in your back yard on the evening of the 23rd instant.

Q. Are you willing to make such a statement under oath? A. Yes.

EXAMINATION CONDUCTED IN THE SPANISH LANGUAGE:

WITNESS FIRST BEING DULY SWORN TESTIFIED AS FOLLOWS:

Q. Please state your name? A. Francisca Delgado.

Q. Where do you reside? A. I reside at 443 Charles street.

Q. State just what you know of the above mentioned fight? A. My
neighbor and I were standing in the back yard yesterday evening.
when we saw a Mexican man wading the Canal. He crossed the Canal
and stopped at Charles street and talked to some boys then he
walked over to the fence and tried to open the gate to our yard
but could not; he jumped over the fence and hid in the toilet just
as a Federal Officer came up. The officer asked where the man went
and we told him he went into the toilet. The officer then walked
over to the toilet and the Mexican jumped out and began fighting
him and trying to take the officer's rifle. At this time my neighbor
and I ran in the house so we would not see the fight.

Q. After you ran in the house, did you hear any shooting? A. Yes I
heard three shots.

Q. Did you know this man? A. No sir.

Q. Did you see him after he was shot? A. Yes I saw him after he was
shot.

Q. Did you see him with a gun at any time? A. No sir.

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

(Signed) Buford A. Riley
Stenographer

C O P Y

H. C. Horsley in the alien's home at 443 $\frac{1}{2}$ Charles street, El Paso, Texas, on February 24, 1930.

P R E S E N T

H. C. Horsley	Chief Patrol Inspector	Examining officer
Buford A. Riley	Clerk	Stenographer
Ammon M. Tenney	Senior Patrol Inspector	Acting Spanish Interpreter
Ajacoba Rodriguez	House wife.	Witness.

BY THE EXAMINING OFFICER:

You are advised that I desire to take a statement from you concerning a fight had between a Federal Officer and a Mexican man in your back yard on the evening of the 23rd instant. Q. Are you willing to make such a statement under oath? A. Yes sir.

EXAMINATION CONDUCTED IN THE SPANISH LANGUAGE:

WITNESS FIRST BEING DULY SWORN TESTIFIED AS FOLLOWS:

- Q. Please state your name and occupation? A. Ajacoba Rodriguez and I am a house wife.
- Q. Where do you reside? A. I reside here at 443 $\frac{1}{2}$ Charles street.
- Q. Tell me in your own words just what happened? A. Yesterday afternoon at about 3:30 P.M. my neighbor and I were standing in the back yard and I saw a Mexican man wading the Canal into Charles street and stop and talk to some boys. At about the same time I saw a car drive into Charles street and I knew it to be a Federal Officer's car and I called to the boy that the "Federalies were coming," but he did not pay any attention to me but when he looked and saw the car coming toward him he started to walk toward our back yard. He tried to open the gate but I told him not to come in, if he did the officer would follow in fater him. He then jumped over the fence and hid in an outdoor toilet and when the officer came up he asked where the Mexican had gone and I told him he was in the toilet. He then walked over to the toilet and when he did the Mexican jumped out and began fighting him and trying to take the officer's rifle. My neighbor and I then got frightened and ran in the house.
- Q. What is the name of your neighbor? A. Francisca Delgado.
- Q. Did you hear any shooting? A. Yes, I heard three or four shots after I ran in the house.
- Q. Were there any other witnesses to this fight that you know of? A. No sir, there was another woman who was there at first but she ran away when she saw the officer.
- Q. What was her name? A. Parajedes Porras but she did not see the fight.
- Q. Did you know this man that was killed? A. No sir.
- Q. Had you ever seen him before? A. No sir.
- Q. Did you hear anyone saw where he lived? A. Some one told me that he lived with his family in Juarez, Mexico.
- Q. Did you see this Mexican with a gun at any time? A. No sir, he just hid in the toilet and when the officer came up he jumped out and they began fighting and I ran in the house.

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

(Signed) Buford A. Riley
Stenographer

C O P Y