

U. S. DEPARTMENT OF LABOR

IMMIGRATION SERVICE

DISTRICT No. 25

ANSWER YOUR REPLY TO
DISTRICT DIRECTOR
AND REFER TO
SAC-1766

No.

OFFICE OF DISTRICT DIRECTOR
EL PASO, TEX.

March 4, 1930.

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

MAR 17 1930

There is transmitted herewith, in quintuplicate, the record of a gun fight engaged in by Patrol Inspectors Pedro A. Torres, Charles S. Cline and Orin A. Toole on one side, and David Torres' smuggling gang on the other at about 8:00 p.m. on the night of the 26th ultimo at the foot of San Marcial Street (Cordova Island) this city, and during the course of which one Federico Perez (Bureau file No. 55675/420) alias Jose Martinez, alias Felipe Navarrete, was wounded and captured. Eighty two quarts of alcoholic liquors were seized and, together with the wounded smuggler, received for by a responsible official of the Customs Service.

There seems to be some doubt as to which side fired the shot that wounded the captured smuggler but it will be noted that Federico Perez believes, as do the officers, that he was shot by his confederates. The officers are of this opinion due to the fact that Perez fell following the first shots which were fired across the dry river bed, which forms the international line at this point. In any event it seems that in crossing from Mexico at that time and place Perez was committing two felonious acts, to wit: smuggling liquor into this country in violation of the Tariff Act and in returning to this country following deportation in violation of Section one, Immigration Act of 1929.

The record clearly indicates that the officers above named fired in self defense and not in violation of outstanding instructions.

G. C. WILLIAMS
District Director.

Incl. 29392

File ②
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U. S. DEPARTMENT OF LABOR

IMMIGRATION SERVICE

IN ANSWER TO
4028/532
No. 4007/5

Office Chief Patrol Inspector
El Paso, Texas,
March 3, 1930.

District Director,
Immigration Service,
El Paso, Texas.

MAR 4 - 1930
IMMIGRATION SERVICE
EL PASO, TEXAS

There is transmitted herewith transcripts of statements (ten copies) made by Patrol Inspectors Pedro A. Torres, Charles B. Cline and Orin A. Teale and the alien Federico Perez aliases Jose Martinez and Felipe Navarette all concerning a gunfight which occurred at about 8 P. M. on the night of the 26th ultimo at the foot of San Marcial street this city in which the above mentioned alien was wounded.

The officers involved in this encounter were assigned to duty of guarding the border from the Texas Company to Bennett boulevard from 4 P. M. to 12 midnight on the 26th ultimo and having parked their car near the Texas Company Warehouse made their way afoot in an easterly direction. At about 8 P. M. they observed three men crossing the International Boundary at the foot of San Marcial street all being burdened with loads. As our officers commanded these men to halt they were fired upon from the underbrush on the Mexican side of the International line by what they believed to have been a rifle and pistol and they immediately returned the fire. After the cessation of the firing it was seen that one of the smugglers having been in the line of fire was pinned underneath one of the loads of liquor unable to follow his companions in their retreat because of a wound which later proved to be a gun shot hole in the leg above the knee. This man was captured and immediately taken to the City-County Hospital where it was later determined that his wound though painful was not likely to result fatally as no bones were broken.

A perusal of the evidence indicates that Federico Perez, the wounded smuggler, was shot by one of his partners who was concealed in Mexico as he (Perez) was seen to fall at the first shots fired from the Mexican side of the International line.

4013/251
4007/3

March 5, 1930.

Evidence further indicates that the rifleman supporting the liquor smugglers was none other than DAVID TORRES, the owner of the liquor, well known border character, and at this time wanted by this Service for the killing of former Patrol Inspector Benjamin T. Hill on the night of May 30, 1929. The files of this office and of yours are replete with the illegal activities of this most daring border outlaw. None of our officers were wounded or injured in this encounter.

The wounded man who at this time gave the name of Felipe Navarette was apprehended by officers of this Service on July 22, 1929, under the name of Joe Martinez together with Generaro Arrieta and Tomundo Vasquez at the same place as in this encounter as the three were walking away from a car which had at that time (4:45 A.M.) just been loaded with contraband liquor. All three were held for violation of the Tariff and National Prohibition Acts and an indictment returned against them by the Grand Jury but the case was lost by the Government as sufficient connection between these men and the car loaded with liquor could not be made. Martinez or Navarette, which ever he his name, after serving a sentence for violation of section 8 of the Immigration Act of March 2, 1929, was released from jail and deported to Mexico on the 15th day of December 1929, at El Paso, Texas.

The liquor consisting of nine gallons of Sotol, nine gallons and five quarts of Alcohol, six pints of tequila, one quart of wine and one quart of eggnog was delivered to the office of the local Customs Inspector in charge and the receipt of Grover C. Webb taken for same on the 27th ultimo and at the same time a receipt was taken for the wounded smuggler.

OUL/R

H. C. Horsley
Chief Patrol Inspector

Statement of Patrol Inspector Pedro A. Torres, as made before Chief Patrol Inspector H. C. Horley in his office at El Paso, Texas, on February 27, 1930.

H. C. Horley
Buford A. Riley
Pedro A. Torres

CHIEF PATROL INSPECTOR
CLERK
PATROL INSPECTOR

EXAMINING OFFICER
STENOGRAPHER
WITNESS

BY THE EXAMINING OFFICER:

You are advised that I desire to take a statement from you concerning a gunfight had between yourself, Patrol Inspectors Orin A. Toolé and Charles P. Cline with liquor smugglers at the foot of San Marcial street this city at about 9 P. M. on the evening of the 26th instant in which the Mexican alien Federico Perez was wounded and approximately twenty gallons of liquor seized.

WITH THIS STANDING I WOULD TESTIFY AS FOLLOWS:

- Q. State your name and occupation? A. Pedro A. Torres, Patrol Inspector U. S. I. S. Border Patrol, El Paso, Texas.
- Q. What was your duty assignment on the 26th instant? A. I was assigned to work from 4 P. M. to 12 midnight in charge of a detail with Patrol Inspectors Toolé and Cline and we were to work from The Texas Company to Bennett Boulevard (Cordova Island).
- Q. Describe fully the circumstances surrounding the above mentioned gunfight? A. At about 7 P. M. we parked our car near The Texas Company and proceeded on foot down along the International line toward San Marcial street when at about 9 P. M. I saw three men crossing the International line just ahead of us at the foot of San Marcial street, all carrying loads on their backs, upon commanding them to halt someone on the Mexican side of the line opened fire upon us with a rifle and pistol and we returned the fire. At the outbreak shots from the Mexican side of the line one of the smugglers was seen to fall as if killed, one escaped to the Mexican side of the line and the other staying on the American side of the line. After things had quieted down I detailed Inspector Toolé to go to a nearby telephone and call headquarters and report the matter to the Chief Patrol Inspector. Within a few minutes the Chief Patrol Inspector arrived and took charge of the situation. The man that was seen to fall however was not killed but seriously wounded, he was immediately removed to the hospital and the liquor conveyed to headquarters.
- Q. Who fired the first shot? A. The gunmen of the smugglers just over the line in Mexico.
- Q. Do you know whether or not this smuggler was wounded by our officers or by the smugglers gunmen? A. I am of the opinion that he was wounded by the smugglers gunmen from the Mexican side of the line as he fell when the first three shots were fired by them; he was picked up exactly in line with the fire of the smugglers.
- Q. Did he appear to have been carrying a load of liquor? A. Yes, when he was picked up a load of liquor had to be moved off him before he could be placed in the car.

Pedro A. TORRES

JANUARY 27, 1950.

- Q. Approximately how many shots were fired? A. About fifteen from each side I judge.
- Q. Were any of our officials wounded? A. No sir.
- Q. Were there any known witnesses other than our officers and the
propagandist that was captured? A. Not that I know of.

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

(Signed) Edward A. Riley
Clerk Typewriter

Statement of Patrol Inspector Charles B. Cline as made before Chief Patrol Inspector H. C. Horriley in his office at El Paso, Texas, on February 27, 1900.

H. C. Horriley
Buford A. Riley
Charles B. Cline

P. H. M. E. H.
Chief Patrol Inspector
Clark
Patrol Inspector

Examining Officer
Stenographer
Witness

BY THE EXAMINING OFFICER:

You are advised that I desire to take a statement from you concerning a gunfight had between yourself, Patrol Inspectors Torres and Toolie with liquor smugglers at the foot of San Marcelo street this city at about 8 P. M. on the evening of the 16th instant in which the Mexican alien Federico Torres was wounded and approximately twenty gallons of liquor seized.

WITNESS THIS SWORN STATEMENT AS FOLLOWS:

- Q. State your name and occupation? A. Charles B. Cline, Patrol Inspector U. S. I. C. Border Patrol, El Paso, Texas.
- Q. State fully the circumstances surrounding the above mentioned gunfight? A. Patrol Inspectors Pedro A. Torres, Orin A. Toolie and myself were detailed to work from 4 P. M. to 10 midnight on this date in the vicinity of Bennett Rd., and the Texas Company this city. At about 8 P. M. we were on duty near the foot of San Marcelo street when I saw two men carrying loads on their backs crossed the International line. Upon our command for them to halt we were fired upon from the Mexican side of the line by some unknown parties. We returned this fire and one of the smugglers was seen to fall and the other escape back to Mexico. We waited a few minutes after the firing ceased to let things quite down and then Inspector Toolie went to a telephone and called headquarters. Within a few minutes the City of Patrol Inspector accompanied by other inspectors arrived and took charge of the situation. Upon investigation it was found that one of the smugglers had been wounded and he was immediately transferred to the hospital about twenty gallons of liquor was seized which was conveyed to headquarters.
- Q. You are advised that Inspector Pedro A. Torres has stated to me that three men were seen to cross the line with loads on their backs, what have you to say in regard to this statement? A. Inspector Torres was a short distance ahead of me and probably saw three men but I only saw two.
- Q. Who fired the first shot? A. Unknown persons from the Mexican side of the line.
- Q. Approximately how many shots were fired? A. I judge between twenty-five and thirty.
- Q. Do you know whether or no the wounded man also was hit by our officers or by the smugglers gunmen? A. I think he was hit by the gunmen from the Mexican side of the line as he fell when first shots were fired by the gunmen from the Mexican side of the line.
- Q. Did you see this wounded man bring a load of liquor across the line? A. Yes sir. I certify that the above is a correct and complete transcript of my notes in the above case.

(Signed) Buford A. Riley
Stenographer

Statement of Patrol Inspector Orin A. Tucke as made before Chief Patrol Inspector H. C. Haraloy in his office at El Paso, Texas, on February 28, 1926.

H. C. Haraloy
Buford A. Miller
Orin A. Tucke

CHIEF PATROL INSPECTOR
CLERK
PATROL INSPECTOR

Remaining officer
Hendry
V. J. Stone

BY THE EXAMINING OFFICER:

You are advised that I desire to take a statement from you concerning a gunfight had between yourself, Patrol Inspectors George A. Tucke and Charles H. Clark with liquor smugglers at the foot of San Marcial Street this city at about 8 P. M. on the evening of the 26th instant in which the Mexican alien Federico Perez was wounded and approximately twenty gallons of liquor was seized.

STATEMENT FIRST SWORN JULY TWENTY SEVEN STATED AS FOLLOWS:

- Q. State your name and occupation? A. Orin A. Tucke, Patrol Inspector
W. C. L. S., Border Patrol, El Paso, Texas.
Q. State fully the circumstances surrounding the above mentioned fight?
A. At about 8 P. M. on this date I was on duty with the Inspectors mentioned above when we observed three men crossing the International line into the United States with loads on their backs. Upon our command for them to halt unknown persons on the Mexican side of the line opened fire upon us and we returned the fire. At about the same time one of the smugglers was seen to fall, one escape back to Mexico and the other to the American side of the line. After a few shots the gunmen on the Mexican side of the line ceased firing and we waited a few minutes and then Inspector Tucke instructed me to go to a telephone and called headquarters and report the fight. After a few minutes Chief Patrol Inspector Haraloy arrived on the scene with other inspectors and took charge of the situation. One smuggler was found wounded and was removed to the hospital and the liquor seized was brought to headquarters.
Q. Who fired the first shot? A. Unknown persons from the Mexican side of the line.
Q. What kind of guns did they appear to be using? A. A rifle and a pistol.
Q. About how many shots were fired in all? A. About twenty-five I guess.
Q. Did you see the man that was wounded bring a load of liquor across the line? A. Yes.
Q. Do you know whether or not the wounded man was hit by our fire or by the unknown gunmen from the Mexican side of the line? A. I could not say exactly but I believe he was hit by the first shot fired by the gunmen from the Mexican side of the line as he was soon to fall during first few shots that were fired. Q. Is the sheriff or any other patrol officer present when the fight took place? A. No.
Q. Were there any other witnesses to this gunfight? A. No, except myself.
Q. What is your opinion of the fight? A. It was a robbery.

Statement of FEDERICO PEREZ alias "JOSE MARTINEZ" alias "FELIPE NAVARRETTE" as made before Chief Patrol Inspector H. C. Horsley in the City-County Hospital of El Paso, Texas, on February 27, 1930.

P R E S E N T

H. C. Horsley	Chief Patrol Inspector	Examining officer
Buford A. Riley	Clerk	Stenographer
G. W. Linnenkohl	Senior Patrol Inspector	Witness
Ammon M. Tenney	Senior Patrol Inspector	Witness
Federico Perez	The Alien	Witness

EXAMINING OFFICER ADDRESSING FEDERICO PEREZ:

You are advised that I am a Chief Patrol Inspector in the Service of the United States Government and that I desire to take a statement from you concerning your right to be and remain in the United States and other matters pertaining to your arrest on the night of the 26th instant. You are further advised that this statement should be voluntary on your part and may be used against you in subsequent proceedings. Are you willing to make this statement?

A. Yes. EXAMINATION CONDUCTED IN THE ENGLISH LANGUAGE:

- Q. Please state your name? A. Joe Martinez.
Q. When and where did you last enter the United States? A. I last entered the United States at about 8 P. M. on the evening of the 26th instant at the foot of San Marcial street this city.
Q. Were you accompanied by other persons, if so, whom? A. Yes, I was accompanied by Jose Montes and David Torres.
Q. Were either of these two men armed? A. Yes, David Torres was armed I do not know whether the other man was or not.
Q. How was David Torres armed? A. He was armed with a 30-30 rifle.
Q. How were you armed? A. I was not armed.
Q. Did David Torres come across the line into the United States? A. Yes.
Q. Who brought the liquor across the line that was seized by our officers? A. The other two men, I came ahead of them.
Q. How many loads of liquor did they have? A. Three.
Q. How much liquor did you bring over? A. I didn't bring any liquor over I came ahead of the other men.
Q. Who fired upon our officers from the Mexican side when they commanded you to halt? A. I don't know, I guess it was David Torres's gang.
Q. About how far was David Torres and his partner behind you? A. I don't know but I think they were about five hundred feet behind me.
Q. Do you know who shot you in the leg when the smugglers fired upon our officers? A. I think I was hit by one of David Torres gang as I was in the cross fire.
Q. How was this liquor brought across the river from Juarez? A. In a wagon.
Q. Did David Torres ride in this wagon with the liquor? A. No, he rode a horse beside of the wagon.

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

(Signed) Buford A. Riley
Stenographer

C O P Y