

U. S. DEPARTMENT OF L. B. R
IMMIGRATION SERVICE

DISTRICT No. 25

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR
AND REFER TO
5091/961

No.

OFFICE OF DISTRICT DIRECTOR
EL PASO, TEX.

April 14, 1930.

6001
670

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

APR 23 1930
SEP 5 1930



There is transmitted herewith, in quadruplicate, the record of investigation made in connection with the fatal shooting of one Lorenzo Galindo in a gun fight between Senior Patrol Inspector Joseph F. Thomas and Patrol Inspector Tom P. Isbell at about 8:30 p.m. on the 2nd instant.

The record herewith indicates that the officers were justified under outstanding instructions in taking the life of the person in question, and it will be noted that Coroner R. B. Rawlins found that Lorenzo Galindo was "killed by Border Patrol Officers in fight with rum runners while in the discharge of their duty and in self-defense."

It will be further noted that the liquor seized was delivered to the Customs Service and receipted for.

R. B. MATHEWS
Acting District Director.

Incl. 82553

File
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A. L. S.
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U. S. DEPARTMENT OF LABOR

IMMIGRATION SERVICE

IN ANSWER TO
1007/5, 1000/45-A,
4002/155-A, & 4015/381.

Office Chief Patrol Inspector
El Paso, Texas,
April 5, 1930.

RECEIVED
OFFICE OF DISTRICT DIRECTOR

APR 8 - 1930

District Director,
Immigration Service,
El Paso, Texas.

IMMIGRATION SERVICE

There is transmitted herewith eight copies of statements made by Senior Patrol Inspector Joseph F. Thomas, Patrol Inspector Tom P. Isbell and the Mexican alien liquor smuggler Pablo Ortiz concerning a gunfight had between the officers mentioned and the dead liquor smuggler LORENZO GALINDO the companion of Ortiz in a smuggling venture at a point about one mile west of monument No. 5 West one the International line at about 8:30 P. M. on the 2nd instant.

Our officers have had several encounters in this general vicinity with liquor smugglers in the past few months and judging from the statement of Ortiz wherein he states that he (Ortiz) was new in the smuggling business; that he was not aware of the liquor's destination but that Galindo had made other trips with liquor, it is quite probable that Galindo was one of the gunmen who has been shooting at our officers in the "sandhills region" recently. Ortiz in his statement denies that he was aware of the fact that Galindo was armed with a pistol and such denial (in view of Ortiz's predicament in being apprehended in the act of transporting liquor in a state which fixes the maximum penalty of ten years in prison for persons who transport liquor while in the possession of fire arms), is very natural.

The person of Pablo Ortiz, the apprehended liquor smuggler, together with the 4½ gallons of Sotol seized were delivered to the Chief Mounted Customs Inspector in Charge and the receipt of G. C. Webb taken on the 3rd instant.

The body of the dead liquor smuggler was delivered by the writer and Inspector Linnenkohl to Peck-Hagedorn Undertaking Company at El Paso, Texas, at 1:30 A. M. on the 3rd instant and the receipt of Barry Hagedorn taken.

April 8, 1930.

Senior Patrol Inspector Joseph F. Thomas and Patrol Inspector Tom P. Isbell appeared before Coroner R. B. Hawlins, in the latter's office, in the County Court House at El Paso, Texas, on the 3rd instant where they testified to facts pertaining to the death of Lorenzo Galindo. The verdict arrived at was "Killed by Border Patrol Officers in fight with run runners while in the discharge of their duty and in self-defense. The pistol found near the body of the dead smuggler and the extra cartridges in his possession were turned to the Coroner as evidence in the case."

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Neither of the officers involved in this encounter were injured and the writer believes that their judgment in the killing of Galindo and in refraining from the killing or wounding of Ortiz in the excitement and in the milling around in the darkness was commendable.

IMMIGRATION SERVICE
EL PASO, TEXAS

GWL:R

H. C. Horsley
Chief Patrol Inspector

Statement of Senior Patrol Inspector Joseph F. Thomas as made before Chief Patrol Inspector H. C. Horsley in his office at El Paso, Texas, on April 3, 1930.

P R E S E N T

H. C. Horsley
Buford A. Riley
Joseph F. Thomas

Chief Patrol Inspector
Clerk
Senior 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 8 and 9 P.M. on the night of the 2nd instant, about one mile West of monument No. 3, West, in which Pablo Ortiz, Mexican alien, was captured together with four and one-half gallons of Sotol and in which LORENZO GALINDO, Mexican alien about 35 years of age was killed.

WITNESS FIRST BEING DULY SWORN TESTIFIED AS FOLLOWS:

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- Q. State your name and occupation? A. Joseph F. Thomas, Senior Patrol Inspector, U.S.I.B. Border Patrol, El Paso, Texas.
- Q. State fully the circumstances surrounding the above mentioned gunfight?
- A. In company with Patrol Inspector Tom P. Isbell, while patrolling the border West of monument No. 3, on this date we saw two Mexican smugglers cross the International line into the United States. One of them was carrying a load on his back. We approached them and called to them to halt; that we were Federal Officers, in Spanish. The man with the load on his back turned, threw up his hands and came running back towards us, the man that was in the load turned and ran toward Mexico; ran about fifteen steps, whirled and fired one shot at us and we immediately returned the fire, firing two shots each and the man was seen to fall. We then approached him and found that he was badly wounded and he died within about two minutes. The Chief Patrol Inspector was immediately notified and the captured Mexican liquor smuggler together with the liquor seized was delivered to Border Patrol Headquarters and the body of the dead smuggler to Peak-Hagedorn Undertaking establishment.
- Q. How was Lorenzo Galindo armed? A. With a .38 caliber, pearl handle, Smith & Wesson pistol.
- Q. How many shots had been fired from his gun? A. Only one.
- Q. How many shots were fired by you and Inspector Isbell? A. We fired two shots each.
- Q. Was Pablo Ortiz armed? A. No sir.
- Q. How far was Pablo Ortiz from Galindo when the firing commenced? A. He was about thirty steps from Galindo with his back turned to him running with his hands up toward us and calling to us not to shoot him.
- Q. Ortiz states that six or eight shots were fired in all, how do you account for this? A. Ortiz was badly frightened and probably did not know just how many shots were fired.
- Q. What did the seized liquor consist of? A. 4½ gallons of Sotol, which was being carried by Ortiz.
- Q. Have you any further statement to make? A. No sir.

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

(Signed) Buford A. Riley
Stenographer

Statement of Patrol Inspector Tom P. Isbell and before Chief
Patrol Inspector H. C. Horsley in his office at El Paso, Texas, on
April 3, 1930.

P R E S E N T

H. C. Horsley
Buford A. Riley
Tom P. Isbell

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 8 and 9 P.M. on the night of the 2nd instant, about one mile west of monument No. 3, West, in which Pablo Ortiz, Mexican alien, was captured together with four and one-half gallons of Sotol and in which LORENZO GALINDO, Mexican alien about 35 years of age was killed.

WITNESS FIRST BEING DULY SWORN TESTIFIED AS FOLLOWS:

- Q. State your name and occupation? A. Tom P. Isbell, Patrol Inspector U.S.I.S. Border Patrol, El Paso, Texas.
- Q. What was your duty assignment on the 2nd instant? A. I was assigned to duty with Senior Patrol Inspector Joseph F. Thomas to guard the border in the vicinity of monuments 3 & 4, West.
- Q. State fully the circumstances surrounding the above mentioned gunfight? A. At about 8:30 P.M. on this date we saw two men coming out of Mexico and enter the United States. We ran toward them and when we were close enough we commanded them to halt. One of the men was carrying a load of liquor on his back and immediately turned, threw up his hands and came towards us, the man that was in the lead upon being challenged by us turned and ran toward Mexico; ran a few steps and turned again and fired at us, we immediately returned the fire, Inspector Thomas and myself firing two shots each. The man was seen to fall mortally wounded, he died within two or three minutes. The Chief Patrol Inspector was immediately notified and the body of the dead smuggler taken to Peak-Hagedorn Undertaking parlor. The captured smuggler and liquor seized was delivered to Border Patrol headquarters.
- Q. How was Lorenzo Galindo armed? A. He was armed with a .38 caliber, pearl handle, pistol.
- Q. Did you have occasion to examine this gun? A. Yes sir.
- Q. How many shots had been fired from this gun? A. Just one.
- Q. How many shots were fired by Inspector Thomas and yourself? A. Four, we fired two each.
- Q. Was Pablo Ortiz armed? A. No, sir.
- Q. Ortiz has stated to me in a sworn statement that six or eight shots were fired? A. How do you account for this? A. Ortiz was badly frightened and did not know the actual number of shots that were really fired.
- Q. What/Relative positions of these men at the time of the shooting? A. Ortiz was about fifteen feet in front of us and coming toward us, Galindo was about forty or fifty feet in front of us and back of Ortiz when he turned and fired at us.
- Q. What did the liquor seized consist of? A. 4½ gallons of Sotol.
- Q. Have you any further statement to make? A. No, sir.

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

(Signed) Buford A. Riley
Stenographer

Statement of PABLO ORTIZ; male Mexican liquor smuggler, made before Chief Patrol Inspector H. C. Horsley in the office of the Chief Patrol Inspector, El Paso, Texas on April 3rd, 1930, at 2:30 A. M.

PRESENT

H. C. Horsley	Chief Patrol Inspector	Examining Officer
Richard R. Coscia	Patrol Inspector	Acting Spanish Interpreter & Act. Stenog.
Pablo Ortiz	Mexican alien	Witness

EXAMINING OFFICER, ADDRESSING WITNESS, PABLO ORTIZ:

You are advised that I desire to take a statement from you relative to your apprehension with a quantity of liquor and the incidents which resulted in the death of your companion. This statement, if made, must be voluntary on your part and may be used against you in any subsequent proceedings. Are you willing to make such a statement? A. Yes, sir.

WITNESS, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS: (in Spanish)

Q. State your name, age, race and nationality.

A. Pablo Ortiz, 21 years old, Mexican and a citizen of Mexico.

Q. Where do you reside?

A. Juarez.

Q. When and where did you last enter the United States?

A. I entered at about 7 o'clock tonight at a point about four miles west of the Smelter.

Q. What was your purpose in coming to the United States?

A. I came because a man had paid me to bring this load of liquor here.

Q. Did anyone accompany you?

A. Yes, I came with another man.

Q. What is the name of this other man?

A. LAURENÇO GALINDO.

Q. Where does he live?

A. Juarez.

Q. How long have you known him?

A. I met him about five months ago in Chihuahua.

Q. When and where did you next see him after you left Chihuahua?

A. About nine days ago in Juarez.

Q. Has he a family in Juarez?

A. No.

Q. How long has he lived in Juarez?

A. About two months.

Q. How long have you lived in Juarez?

A. Nine days.

Q. How much liquor were you and he bringing into the United States tonight?

A. We were bringing one (1) four-and-a-half-gallon can of setol.

April 3rd, 1930.

- Q. To whom did this sotol belong?
A. Antonio Martinez.
Q. Where does he live?
A. Juarez.
Q. Did he hire you and Galindo to bring it over to the United States?
A. Yes, he hired us to bring it over.
Q. How much did he promise to pay you?
A. He promised to pay us three dollars each in American currency.
Q. Where were you going to deliver this liquor?
A. This is my first time. Galindo knew where we were going.
Q. Did Galindo tell you that he had made other trips over with liquor?
A. Yes.
Q. Then he was showing you the way?
A. Yes.
Q. Who was carrying the liquor at the time the officers approached you?
A. I was carrying the liquor at that time.
Q. Had Galindo been carrying it also?
A. Yes. We were bringing it over together and carried it by turns.
Q. What were your relative positions at the time you were halted by the officers?
A. I was about fifteen yards back of Galindo and the officers were about fifteen yards back of me when the officers ordered us to halt.
Q. Were either of you armed?
A. No sir.
Q. State in your own words what occurred when the officers halted you tonight.
A. When we were halted by the officers I immediately stopped and threw up my hands. Laurence ran and the officers shot at him. Then one of the officers came up to me and told me to talk to Laurence. I called to him and he answered saying, "Here I am, I'm wounded".
Q. How many shots were fired in all?
A. About six or eight.
Q. You are advised that this pistol (indicating .32 calibre Smith and Wesson pistol) was found by his side with one cartridge exploded and that at the mortuary cartridges were found in his pockets to fit this gun. How does it come that you do not know anything about it?
A. I do not know anything about the pistol because Laurence did not show me anything or tell me anything about it.
Q. You state that you heard six or eight shots. Our officers fired four shots. Whom, do you suppose, fired the other shots?
A. I was excited and do not know who fired the shots.
Q. Were you very much frightened at this time?
A. Yes, I was frightened.
Q. Where does Galindo live in Juarez?
A. He lives at 318 Donato Guerra Street.
Q. With whom did he live?
A. Alone.

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IMMIGRATION SERVICE
EL PASO, TEXAS

April 3rd, 1930.

- Q. Can you read or write?
A. Yes, in Spanish.
Q. What is your occupation?
A. I am a laborer.
Q. Were you ever in jail?
A. No, sir.
Q. What was Galindo's occupation?
A. He was a rug maker.
Q. Was Galindo ever in jail?
A. I believe not.
Q. Did he ever live in the United States?
A. I believe not.
Q. Were you and Galindo accompanied by anyone else?
A. No, sir. Only we two.

The above statement has been read and interpreted to me and is true.

Witness:

(Sgd.) E.M. REEVES

(Signed)

PABLO ORTIZ

/Witness/

I certify that the above is a true and complete statement in this case and has been read and interpreted to Pablo Ortiz and that he immediately signed his name thereto.

(Signed) H. C. MORSEY

Examining Officer.

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

(Signed)

RICHARD H. COSCIA

Acting Stenographer and Acting
Spanish Interpreter.