

U. S. DEPARTMENT OF LABOR

IMMIGRATION SERVICE

DISTRICT No. 25

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR
AND REFER TO

OFFICE OF DISTRICT DIRECTOR
EL PASO, TEX.

No.

8091/1081 & 8008/1081

601
670

September 11, 1930.

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

SEP 22 1930

There is transmitted herewith, in quintuplicate, record of investigation covering a gun fight had between Patrol Inspectors Richard A. Bach, Jack Clayton and John W. Colbert, and Mexican smugglers, at the foot of Grampa Street, El Paso, Texas, at about 9:30 P.M. September 8, 1930. The officers, and smugglers so far as is known, escaped injury.

The record herewith clearly indicates that the above named Inspectors were amply justified in returning the fire of their unknown assailants, and it appears were very fortunate in not being injured, and did not violate outstanding instructions relative to the use of firearms.

Incl. No. 24027

G. C. WILSON
District Director
El Paso District

File
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U. S. DEPARTMENT OF LABOR

IMMIGRATION SERVICE

IN ANSWERING REFER TO

No. 4007/3

No.

Office Chief Patrol Inspector
El Paso, Texas,
September 10, 1930.

District Director,
Immigration Service,
El Paso, Texas.

There are transmitted herewith (twelve copies each) statements of Patrol Inspectors Richard A. Rush, Jack Clayton, John E. Colbert, and the Mexican smuggler Fernando Torres, concerning an armed encounter had with unknown smugglers near the foot of Granna street this city at about 9:30 P. M. on the 8th instant. It will be noted that the officers saw several men crossing the line near the foot of Granna street and when challenged to halt threw down their loads and ran back to Mexico; that as the officers approached the scene they were fired upon by unknown persons from the Mexican side of the line. This fire was returned and as the officers were gathering up the several loads of liquor which had been dropped they were again fired upon from the same source which fire was also returned by our officers, approximately ten or fifteen shots were fired by each side. None of our officers suffered any casualties and it is not believed that any of the smugglers were hit.

It will be further noted from the statement of Fernando Torres that a man named Brarreno was believed to be owner of the liquor; that he carried a rifle and that this man took up a covering position in the rear of the smugglers.

Fernando Torres was found lying in the ditch with the abandoned liquor which consisted of 8 quarts of wine, 5 quarts of Tequilla, 18 gallons of Alcohol and 82 pints of Whiskey.

Fernando Torres as well as the above mentioned liquor was delivered to the Mounted Customs Inspector in Charge on the 8th instant and the receipt of G. C. Webb taken for same.

HCH:B

H. C. Horsley
Chief Patrol Inspector

Statement of Patrol Inspector Richard A. Bush as made before
Chief Patrol Inspector H. C. Horsley in his office at El Paso,
Texas, on September 8, 1930.

P R E S E N T

H. C. Horsley
Richard A. Bush
Buford A. Riley

Chief Patrol Inspector
Patrol Inspector
Clerk

Examining officer
Witness
Stenographer

BY THE EXAMINING OFFICER:

You are advised that I desire to take a statement from you concerning a gun fight had at the foot of Granna street this city at about 9:30 P. M. on the 8th instant, between officers of this Service and unknown smugglers.

WITNESS FIRST BEING DULY SWORN TESTIFIED AS FOLLOWS:

- Q. State your name and occupation? A. Richard A. Bush, Patrol Inspector, El Paso, Texas.
- Q. State fully the circumstances surrounding the above mentioned gun fight? A. On this date Patrol Inspectors Jack Clayton, John Colbert and myself were assigned to guard the border in the vicinity of Cordova Island and we were in the vicinity of Granna street about about 9:30 P. M. when we observed a number of men approaching the line from the Mexican side. They were in irrigation ditch that runs parallel with Granna street and when they crossed into the United States we challenged them to halt at which time they dropped their loads and ran. About the same time some one just over the line in Mexico opened fire at us with a rifle firing two or three shots. We returned this fire. When the fire had apparently ^{ceased} we proceeded to where the liquor had been dropped and as we were gathering up the contraband, after apprehending one Mexican alien liquor smuggler Fernando Torres, the snipers again opened fire on us from Mexico, firing several more shots. This fire was also returned. After an exchange of a few shots we gather the contraband up and delivered same together with the captured smuggler to headquarters for disposition.
- Q. What did the liquor seized consist of? A. 6 quarts of wine, 6 quarts of Tequila, 16 gallons of Alcohol and 82 pints of Whiskey.
- Q. About what time did this incident occur? A. About 9:30 P. M.
- Q. Were there any other witness other than the captured smuggler, his companions and the officers? A. No sir, not to my knowledge.
- Q. Approximately how many shots were fired on each side? A. I think the smugglers fired fifteen or twenty shots and about the same number by ourselves.
- Q. Were the snipers in Mexican territory? A. Yes sir.
- Q. Do you know whether or not any one was injured? A. No sir, I do not.
- Q. Have you any information as to whom these snipers might have been? A. Fernando Torres stated to me that the man/ ^{was} carrying the rifle was Jesus Brarreno a well known Mexican smuggler and gunman. He is a fugitive from the United States at this time having killed a peace officer near Lordsburg, N. M. sometime ago.

Q. Have you any further statement to make? A. No sir.

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

(signed) Buford A. Riley
Stenographer

Statement of Patrol Inspector Jack Clayton as made before Chief Patrol Inspector H. G. Horsley in his office at El Paso, Texas, on September 6, 1930.

P R E S E N T

H. G. Horsley
Jack Clayton
Buford A. Riley

Chief Patrol Inspector
Patrol Inspector
Clerk

Examining officer
Witness
Stenographer

BY THE EXAMINING OFFICER:

You are advised that I desire to take a statement from you concerning a gun fight had at the foot of Granna street this city between officers of this Service and unknown gunmen at about 9:30 P. M. on the 6th instant.

WITNESS FIRST BEING DULY SWORN TESTIFIED AS FOLLOWS:

- Q. State your name and occupation? A. Jack Clayton, Patrol Inspector, Immigration Border Patrol, El Paso, Texas.
- Q. State fully the circumstances surrounding the above mentioned gun fight? A. I was assigned to duty on this date with Patrol Inspectors Richard A. Bush and John Gilbert and we were to patrol the border in the vicinity of Cordova Island. At about 9:30 P. M. we were in the vicinity of Granna street when we saw several men crossing the line into the United States with loads on their backs, we commanded them to halt at which time they dropped their loads and ran; when at about the same time someone opened fire on us with a rifle from Mexico, firing two, three or four shots. This fire was returned by us and we three proceeded to where the liquor had been dropped and there apprehended the Mexican liquor smuggler Fernando Torres. As we made preparations to gather up the contraband the smugglers opened fire on us again from the Mexican side of the line and this fire was also returned. After the firing ceased we collected the contraband liquor and brought same to Border Patrol Headquarters with Mexican smuggler Fernando Torres.
- Q. How much liquor was seized at this time? A. 6 quarts of Wine, 8 quarts of Tequilla, 18 gallons of Alcohol and 82 pints of Whiskey.
- Q. About what time did this fight occur? A. About 9:30 P. M.
- Q. About how many shots were fired by each side? A. I should judge about twenty-five or thirty by the smugglers and fifteen or twenty by our officers.
- Q. Were there any witnesses other than the captured smuggler, his companions and the officers? A. No sir.
- Q. Approximately how many smugglers were in this gang? A. I could not tell exactly but I think there were three or four. We picked up what appeared to be four loads of contraband liquor.
- Q. Did all these smugglers, with the exception of Fernando Torres, escape back to Mexico? A. I could not say exactly but I believe they did.
- Q. Was anyone injured in this encounter? A. Not to my knowledge.
- Q. Have you any further statement you wish to make? A. No sir.

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

(signed)

Buford A. Riley
Stenographer

Statement of Patrol Inspector John W. Colbert as made before Chief
Patrol Inspector H. C. Horeley in his office at El Paso, Texas, on
September 8, 1930.

H. C. Horeley
John W. Colbert
Buford A. Riley

P R E S E N T
Chief Patrol Inspector
Patrol Inspector
Clerk

Examining officer
Witness
Stenographer

BY THE EXAMINING OFFICER:

You are advised that I desire to take a
statement from you concerning a gun fight had at the foot of Grampa
street this city between officers of this Service and unknown smugglers
at about 9:30 P. M. on the 6th instant.

WITNESS FIRST BEING DULY SWORN TESTIFIED AS FOLLOWS:

- Q. State your name and occupation? A. John W. Colbert, Patrol Inspector,
Immigration Border Patrol, El Paso, Texas.
- Q. State fully the circumstances surrounding the above mentioned
gun fight? A. I was assigned to duty with Patrol Inspectors
Bush and Clayton and were to patrol the border in the vicinity of
Cordova Island. About 9:30 P. M. we were in the vicinity of Grampa
street when we saw three or four men approaching the line from
Mexico with loads on their backs. When they crossed the line we
challenged them to halt and upon doing so someone fired three or
four shots at us from Mexico. The smugglers dropped their loads
and ran, we returned the fire of the gunmen and proceeded to where
the liquor had been dropped and captured the smuggler Fernando Torres,
the other smugglers escaped. While we were gathering up the contra-
band dropped by the smugglers we were again fired upon by gunmen
from Mexico, this fire we also returned. The smuggler and contraband
seized were delivered to Border Patrol Headquarters.
- Q. About what time did this fight occur? A. About 9:30 P. M.
- Q. About how many shots were fired by each side? A. I judge about
twenty or twenty five shots were fired from each side.
- Q. Was anyone injured in this encounter? A. Not that I know of.
- Q. Were there any witnesses other than the captured smuggler, his
companions and our officers? A. No sir, not that I know of.
- Q. Did all the smugglers, with the exception of Fernando Torres,
escape into Mexico? A. It would be hard for me to say, it is
possible that one of them escaped into the United States.
- Q. How much contraband liquor was seized at this time? A. 6 quarts of
wine, 8 quarts of Tequila, 18 gallons of Alcohol and 32 pints of
Whiskey.
- Q. Have you any further statement you wish to make? A. No sir.

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

(signed) Buford A. Riley
Stenographer

Statement of FERNANDO TORRES as made before Chief Patrol Inspector
H. G. Moreley in his office at El Paso, Texas, on September 8, 1930.

P R E S E N T

H. G. Moreley	Chief Patrol Inspector	Examining officer
Ammon E. Tenney	Br. Patrol Inspector	Acting Spanish Interpreter
Buford A. Niley	Clerk	Stenographer
Fernando Torres	Mexican alien	Witness

BY THE EXAMINING OFFICER:

You are advised that I desire to take a statement from you concerning your arrest on the 6th instant at the foot of Gramma street this city at about 9:30 P. M. You are further advised that this statement, if made, must be voluntary on your part and may be used against you in any future proceedings. Are you willing to make such a statement under oath? A. Yes sir.
WITNESS FIRST BEING DULY SWORN TESTIFIED AS FOLLOWS:

- Q. State your name and occupation? A. My name is Fernando Torres and I am an office clerk.
- Q. Of what country are you a citizen and to what race do you belong? A. I am a citizen of Mexico and of the Mexican race.
- Q. Where do you reside? A. In Juarez, Mexico.
- Q. When and where did you last enter the United States? A. On last Saturday night on Cordova Island.
- Q. What was your object in coming to the United States at that time? A. To bring two cases of liquor.
- Q. Who accompanied you at this time? A. I came with three other boys.
- Q. What are their names? A. The only one I knew personally was Hilario Gomez. I heard the other boys call another one of them Brarrreno.
- Q. To whom did this liquor belong? A. Brarrreno seem to be in charge of the party and it is possible that the liquor belonged to him, I am not sure who owned it.
- Q. Were any of these men armed? A. Yes, Brarrreno carried a rifle, I do not know whether any of the others were armed or not. I did not see them with any guns.
- Q. Did Brarrreno cross the line with you? A. No sir, he stayed behind and did not cross the line.
- Q. Relate the circumstances surrounding your arrest? A. As we approached the line with our loads a man came from the American side of the line and told us everything was ready and that he was going back after the car. As we crossed into the United States we were halted by the officers and Brarrreno evidently saw the officers as he fired at them. We dropped our loads and ran. I was the only one that was apprehended.
- Q. About how many shots did Brarrreno fire? A. I do not know but I am sure he emptied his rifle.
- Q. Were any of the tother smugglers firing? A. I do not know, I could not tell.

- Q. Where were you when the firing started? A. I was in third place behind. The officers grabbed me before I could escape. One of the boys escaped into the United States and the other ran back to Mexico.
- Q. Were any of these men mounted on horses? A. No sir. I did not see anyone mounted on a horse. We brought the liquor across the river in a little express wagon.
- Q. Do you know David Torres? A. No sir, I do not.
- Q. Describe this man who carried the rifle? A. He was of medium build but it was so dark I could not see him very well and cannot describe him.
- Q. When was the first time you saw this man? A. Saturday night, he was in charge of the wagon that brought the liquor across the river.
- Q. About what time was it when you were arrested? A. I judge it was between nine and ten o'clock.
- Q. Do you know Patricio Rodriguez? A. No sir, I never heard of him before.
- Q. Were there any other witnesses to this battle beside yourself, companions and the officers? A. No sir. I did not see any.

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

(Signed) Ruford A. Riley
Stenographer