

U. S. DEPARTMENT OF LABOR

IMMIGRATION SERVICE

DISTRICT No. 25

ADDRESS YOUR REPLY TO
DISTRICT DIRECTOR
AND REFER TO

No. 5091/1070 & 5002/1051

OFFICE OF DISTRICT DIRECTOR
EL PASO, TEX.

January 14, 1931.

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

JAN 27 1931

There is transmitted herewith, in quintuple, the record of an exchange of shots between Senior Patrol Inspector Ammon M. Tenney, Patrol Inspector Charles Askins, Jr. and unknown liquor smugglers at 6:30 a.m. on the 10th instant, during the course of which none of the officers (or smugglers so far as is known) was injured.

From the record herewith it appears that the officers involved merely returned the fire of the smugglers and were amply justified in so doing.

It will be noted that the vehicle involved was the property of the Mistletoe Creamery Company of this city. For years information has been received that the delivery trucks of this firm have been engaged in hauling liquor, but this is the first one seized.

G. C. WILSON
District Director of Immigration
El Paso District.

Incl. 23198

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U. S. DEPARTMENT OF LABOR

IMMIGRATION SERVICE

IN ANSWERING REFER TO

No. 4007/3

Office Chief Patrol Inspector
El Paso, Texas,
January 13, 1931.

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

There is transmitted herewith transcript of statements made by Senior Patrol Inspector Ammon M. Tenney, concurred in by Patrol Inspector Charles Askins, Jr. and statement of Hermenijildo Alday, Mexican alien, concerning an exchange of shots had with unknown liquor runners in an alley between 5th, 6th, St. Vrain and Hill streets this city at about 8:30 A.M. on the morning of the 10th instant in which approximately twelve shots were fired. None of our officers were injured and it is not believed that any of the liquor runners were.

At about 8:30 A. M. on the date mentioned Senior Patrol Inspector Ammon M. Tenney and Patrol Inspector Charles Askins, Jr. while patrolling along the border in South El Paso encountered a truck coming out of an alley between 5th and Tays streets; the truck showing signs of trying to get away (it being near the international line) gave chase in government car and after considerable zigzagging through alleys and streets the truck came to a halt in an alley between 5th, 6th, St. Vrain and Hill streets. Three of the four occupants of the truck jumped from same before it came to a stop and ran East toward Hill street and as they came to the corner turned and fired five or six shots at our officers. The fire was returned by our officers with revolvers. The driver of the truck, Hermenijildo Alday, was apprehended and it was found that the delivery truck which he was driving, a model "A" Ford, with a Mistletoe Creamery sign painted on the side of it, which contained 27 gallons of Alcohol, 9 gallons of Sotol in four and one-half gallon cans, 12 quarts of Cognac and 12 pints of Tequila.

The above mentioned Mexican alien together with truck and liquor were delivered to the office of the local Mounted Customs Inspector in Charge, on the 10th instant and receipt of G. R. Rogers, Mounted Customs Inspector, taken.

H. G. Harsley
Chief Patrol Inspector

Statement of HERMENIJILDO ALDAY, Mexican alien, as made before Senior Patrol Inspector G. W. Linnenkohl, in the office of the Chief Patrol Inspector, El Paso, Texas, January 10, 1932.

P R E S E N T

G. W. Linnenkohl
Ammon M. Tenney
Hermenijildo Alday
Buford A. Riley

Senior Patrol Inspector
Senior Patrol Inspector
Mexican alien
Clerk

Examining Officer
Witness
Witness
Stenographer

EXAMINING OFFICER ADDRESSING HERMENIJILDO ALDAY:

You are advised that I am a Senior Patrol Inspector in the service of the United States Government and that I desire to take a statement from you concerning your apprehension and the seizure of a Ford delivery truck and a quantity of Alcoholic liquors at about 6:30 A. M. at 6th & Hill streets this city even date. Are you willing to make such a statement? A. Yes sir.

EXAMINATION CONDUCTED IN THE ENGLISH LANGUAGE:

HERMENIJILDO ALDAY FIRST BEING DULY SWORN TESTIFIED AS FOLLOWS:

- Q. State your name and occupation? A. My name is Hermenijildo Alday, I am a route foreman for the Mistletoe Creamery, this city.
- Q. What is your age? A. I am 34 years old.
- Q. Where were you born? A. I was born in San Louis Potosi, Mexico.
- Q. When and where did you last enter the United States? A. I was four years of age when my parents left San Louis Potosi, Mexico, they coming directly to the United States and I have been here ever since.
- Q. State in your own words the circumstances surrounding your apprehension? A. At about 6 A. M. this date I left the Mistletoe Creamery and drove to 7th & Tays streets to meet one of our other truck drivers who I knew would pass that point within a few minutes. While waiting for this driver a man approached me and asked for a ride. He then asked me to haul some "stuff" for him and directed me to an alley between 9th and Tays streets where we found two other men waiting with a number of sacks. The man who had approached me warned me not to leave the truck while he and the other two men loaded the sacks of "stuff" in the back of the truck. When they had loaded the sacks in the truck and as we drove out of the alley I was told by the leader of these men to drive fast and where directed. The man directed me through alleys and streets and again told me to drive faster that we were being "watched". This man finally directed me to drive into any alley between 5th & 6th streets where he and the other two me jumped from the truck and made their escape.
- Q. Did you know the names of either of these three men who made their escape? A. No sir, this was the first time I ever saw them.
- Q. Did you witness the shooting between these three men and our officers? A. Yes sir.
- Q. Who fired the first shot? A. I saw the flashes from these men guns as they turned the corner at Hill street but I couldn't say who fired the first shot as I couldn't see the officers and the motor of the truck was running and I could not hear the shots plainly.
- Q. Did you see either of the three men who were in the truck with you carrying a gun? A. Yes. The man who approached me had a gun in his hand.

January 10, 1931.

- Q. What kind of a gun did he have? A. A black pistol one of the other men had a flashlight.
- Q. What remuneration were you to receive for hauling this liquor?
- A. I don't know exactly. The man who approached me said that if I would move the stuff fast that he would pay me two or three dollars; that I would not do the work for nothing.
- Q. How long have you been employed by the Mistletoe Creamery? A. About one and one-half years and before that I was employed by the "None-Bicer" people.
- Q. Have you ever been arrested before? A. Yes sir, four or five times.
- Q. On what charges? About twice for being drunk and fighting and two or three times for speeding.
- Q. Approximately how many shots were fired by the smugglers and how many by our officers? A. I judge four or five by the smugglers and six or seven by the officers.
- Q. Were there any witnesses to this encounter other than yourself, the officers and the three men who made good their escape? A. No sir.
- Q. Have you any further statement to make? A. No sir.

RECEIVED

OFFICE OF INSPECTOR GENERAL

JAN 14 1931

IMMIGRATION SERVICE
EL PASO, TEXAS

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

(Signed) Buford A. Riley
stenographer

Statement of Senior Patrol Inspector Ammon M. Tenney, concurred in by Patrol Inspector Charles Askins, Jr. as made before Senior Patrol Inspector G. W. Linnenkohl, in the office of the Chief Patrol Inspector, El Paso, Texas, January 10, 1931.

P R E S E N T

G. W. Linnenkohl
Ammon M. Tenney
Charles Askins, Jr.
Buford A. Riley

Senior Patrol Inspector
Senior Patrol Inspector
Patrol Inspector
Clerk

Examining officer
Witness
Witness
Stenographer

BY THE EXAMINING OFFICER:

You are each advised that I desire to take a statement from you relative to a shooting affray which occurred at about 6:30 A. M. even date at 6th & Hill streets this city in connection with the apprehension of the Mexican Hermenijildo Alday and the seizure of a Ford delivery truck and a quantity of Alcoholic liquors.

WITNESS FIRST BRING DULY SWORN TESTIFIED AS FOLLOWS:

- Q. State your name and occupation? A. Ammon M. Tenney, Senior Patrol Inspector, Immigration Border Patrol, El Paso, Texas.
- Q. What was your duty assignment on this date? A. I was assigned to duty with Patrol Inspector Charles Askins, Jr. from 6 A. M. until 2 P. M. and we were to patrol the boundary in a scout car in South El Paso.
- Q. State what you know about the above mentioned shooting affray? A. At about 6:20 A. M. on this date Inspector Askins and myself were scouting in the southeast part of El Paso and upon arriving at 9th and Toys streets we saw a truck pull out ahead of us from an alley going in a northerly direction toward town. As this truck showed signs of trying to get away from us and as it was so near the boundary we followed it for some twenty blocks thru alleys and streets. As this truck seemed to have no particular destination and apparently was trying to "shake us off" we finally came closer as it entered an alley between 5th & 6th and St. Vrain and Hill streets. At this point we saw three men jump out of the car, while it was still in motion, run east toward Hill street and as these men neared the corner of Hill street they turned and fired five or six shots in our direction. The fire was returned by us with revolvers. The truck which we had been following had come to a stop, during the firing, and Inspector Askins who had left our car approached the driver to question him and upon doing so looked through the window of the left door of the truck and saw a number of sacks which later proved to contain six four and one-half gallon cans of Alcohol, two four and one-half gallon cans of Sotol, twelve quarts of Cognac and twelve pints of Tequila. The driver of the truck, Hermenijildo Alday, was taken into custody and delivered to Border Patrol Headquarters together with the truck and liquor.
- Q. Approximately how many shots were fired by the smugglers and how many by our officers? A. The smugglers fired five or six shots, Inspector Askins fired four shots and I fired three shots.

- Q. As far as you know was anyone injured during this encounter? A. No sir, neither Inspector Askins or my self were injured and it is not believed that any of the smugglers were hit.
- Q. What kind of a truck do you refer to in your statement? A. It is a model "A" Ford delivery truck with a "Wistletoe" Butter and Ice Cream sign painted on the side of it.
- Q. At the time of apprehension of this truck did it contain any milk bottles, bottle crates or anything that would indicate that it was being used as a dairy delivery truck? A. No sir, it contained only sacks of liquor.
- Q. Who fired the first shot during the above mentioned encounter? A. The Mexican liquor smugglers who escaped.
- Q. Were there any witnesses to this encounter other than the officers and smugglers involved? A. No sir not that I know of.
- Examining Officer addressing Inspector Askins:
- Q. You have heard the statement of Inspector Tenney, is it true in every respect? A. Yes sir.
- Q. With respect to the time you approached the truck, when were the shots fired? A. The shots were fired before I reached the truck.
- Q. Did you see the liquor before you apprehended the driver? A. Yes, I saw the liquor through the window, which was rolled down, of the left door of the truck.
- Q. After discovering the liquor what did you do? A. I placed the driver under arrest and delivered him together with the truck and liquor to Border Patrol Headquarters.

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

(Signed) Buford A. Riley
Stenographer