

Statement made by Patrol Inspector Louis A. Smith before Chief Patrol Inspector Herbert C. Hensley at Border Patrol Headquarters December 29, 1933.

Present:

H. C. Hensley	Chief Patrol Inspector	Examining Officer
G. W. Linnenkohl	Asst. Chief Patrol Inspr.	
L. A. Smith	Patrol Inspector	Witness
W. R. Lockett	Clerk	Stenographer

Examining officer addressing witness:

You are advised I desire to take a statement from you concerning the gun-fight had with smugglers at about 9:00 PM on the 27th instant near the foot of Raynor Street, Cordova Island, El Paso, Texas, in which Patrol Inspector Bert C. Walshall was killed and you were wounded.

Witness after being first duly sworn testified as follows:

- Q. State your name and occupation. A. Louis A. Smith, Patrol Inspector.
- Q. What was your duty assignment on the 27th instant? A. I was assigned to duty from 4:00 PM to midnight accompanying Patrol Inspectors Mosley and Walshall scouting and guarding the International Boundary in the vicinity of Cordova Island.
- Q. Relate fully circumstances surrounding the above mentioned fight. A. We left headquarters at 4:00 PM, making a round of our territory and watching various activities on Cordova Island. About dusk we left our car and took a position near the International Line between Cobada and Luna streets for the purpose of watching some suspicious activity we had observed on the Mexican side. After staying in this position for something like an hour we went back to our car and resumed the scouting of our territory. At approximately 8:45 PM we noticed an automobile acting in a very suspicious manner in the vicinity of the foot of San Marcial street. At the time we were in an alley between Central and Finlay streets just to the west of San Marcial street. This suspiciously acting car pulled out, going in the direction of the International Boundary. We pulled out into a position in an alley between Estrella and San Marcial Streets, this alley running down to the International Line. After being in this position a short time two men were observed to cross the International Boundary from Mexico into the United States, each carrying double loads, that is, one load on their back and one on front, crossing the line apparently in the vicinity of Raynor Street. We proceeded to the point where we had seen them cross the line and upon arriving at the point where we had seen them cross we observed a light or lights from an automobile apparently in an alley off and to the west of Raynor street. We immediately proceeded in our car to the point where the smugglers had apparently gone with their loads to the car in the alley. The smugglers' car left the alley almost simultaneously with our arrival there, in fact Inspector Mosley who was driving our car was compelled to almost stop the Government car in order to avoid a collision. Inspector Mosley endeavored to halt the car by blowing our horn but the smugglers' car immediately swerved into Raynor street and proceeded at a rapid rate up Raynor street towards the north. We immediately gave chase

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and overtook the smugglers' car at about the corner of Raynor and Findley streets, a distance of about a block and a half away, where they had stopped near the right hand side of the street, apparently waiting for us to come up. Inspector Mosley drove our car up alongside of the smugglers' car approximately six feet from it parallel and a little ahead of their car. We all three immediately started to get out of the Government car to apprehend the smugglers when I heard Inspector Mosley call out "Look out for their guns". Almost immediately it seemed to me before he had hardly finished saying the words a blast of fire came out of the front window as Inspector Walthall stepped out on the running board of the car and I saw him lurch. It seemed to me that at about the same time a blast of fire struck me in the face from the rear window and I felt a stinging burning sensation on the top of my head and fell back on to the seat of the car from my position in the door where I was trying to get out. I raised up and fired my automatic pistol through the door into the rear door of the smugglers' car. My gun seemed to refuse to fire any more and I was in a daze. Before I recovered the smugglers car had started to move away and I saw Inspector Mosley standing on the right side of our car firing at the fleeing car. After the smugglers' car had made its escape I heard Inspector Mosley call "Smith, where are you?" I replied "I am shot, I am in the car." He said "My God, and Walthall's down too." About that time some men or boys came running up and I heard Inspector Mosley asking if they would help him and they replied they would and he instructed them to call the police and the hospital, that two Federal officers had been shot. In the meantime some people came out of the house right adjacent to where the fight had taken place and asked if they could be of any help, the man telling Inspector Mosley that there was a telephone in the house he was free to use, and Inspector Mosley immediately went into the house and called Border Patrol headquarters. Inspector Mosley asked me if I was badly hurt and I told him I was shot in the head, I did not know how bad. He asked me if I could wait a few minutes until we could get help and I replied that I could. He said further that he believed Inspector Walthall was dead. He assisted me from the rear seat into the front seat of our car and was in the act of getting Walthall's body into the rear seat with the assistance of the people present to take us both to the hospital when a border patrol and a police car arrived about the same time and the streets suddenly filled up with automobiles coming from all directions. I was placed in the police car and taken to the City-County Hospital where my wound was dressed and found to be a scalp wound. On the way to the hospital the car drove through a crowd of people on Magoffin a short distance from where we had the fight but did not stop. On our return from the hospital taking me back to Border Patrol headquarters we came back the same way and I asked the policeman to slow up and see what the crowd was about. They immediately slowed up to a position where we could see there were two wrecked cars and I stated "Why, there's the car we had the fight with". He stayed there a few minutes, ascertaining that one Mexican had been found dead at the seat of this car and that there was two loads of liquor in the back of the car and a rifle on the back seat. After talking to various officers in the vicinity for a few minutes the police car proceeded to Border Patrol headquarters with me where I was put in bed.

Q. Did you see any men get out of the smugglers' car at the time of the fight? A. No sir.



- Q. Did you see the bloody rifle and blood on the ground at the scene of the fight?  
A. I saw the rifle lying on the ground and saw someone pick it up but I don't know who picked it up. I did not inspect the rifle nor the place where it was found.
- Q. You have stated that shot was fired from the front seat and one from the rear seat of the smugglers' car. How many men were on the front seat? A. Two men in the front seat and I could only see one face peering out the window at the rear when I was fired upon and at that time I distinctly recall seeing a rifle barrel sticking out over the window of the rear door.
- Q. Did you see the shot fired from the front door? A. I saw a blast of fire apparently from the front door followed almost simultaneously by a blast from the rear.
- Q. Could you tell whether it was the driver firing this shot from the front or his companion on his right? A. No sir.
- Q. Who fired first? A. The smugglers.
- Q. In your opinion, did the shot fired from the front seat or the rear seat kill Inspector Walthall? A. It is my belief that the shot fired from the front seat was the shot that killed Inspector Walthall because as I have previously stated upon the first blast I saw Inspector Walthall apparently lurch a little.
- Q. Could you positively identify the car you saw wrecked on Mageffin Street as the one that had fired upon you? A. Yes sir, I identified it as soon as I saw it as we were driving along returning from the hospital.

I certify above to be a true transcript of the record.

(Sgd) Wm. H. Lockett  
Stenographer.