

Office of District Director
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El Paso, Texas

District Director,
Immigration and Naturalization Service,
El Paso, Texas.

There are transmitted herewith statements of Patrol Inspectors Curtis D. Mosley and Louis A. Smith, with those of Ramon Rico, Carlota Montes, Eulalia Gasea, Maria Lopez de Estrada, Concepcion Chavez, Ruben Rico, Refugio Molina and Agustina Chavez, together with a sketch showing the location of the United States boundary, the position of the fight, and newspaper clippings and editorials appearing in the El Paso papers, all concerning a gun fight had by Patrol Inspectors Mosley, Smith and Walthall with the Mexican smugglers Jose Estrada, Ramon Rico and Fidel Ortega at the foot of Raynor Street, Cordova Island, at about 9:00 P.M. December 27, 1933, resulting in the death of Inspector Walthall and the smuggler Jose Estrada, and the wounding of Patrol Inspector Smith and the smugglers Ramon Rico and Fidel Ortega.

Inspectors Mosley, Walthall and Smith were assigned to patrol the Cordova Island section with Inspector Mosley in charge of the party. This section of the boundary is in the south eastern extremity of the city of El Paso and comprises a fan shaped area with its apex extending into the United States. It is marked by fifteen concrete monuments placed in a dry river bed at irregular intervals throughout its length of approximately three and one half miles. That part of the Island near which the fight occurred, is, on the Mexican side, covered with brush fringes and on the American side with adobe houses and hovels extending to within a few yards of the monumented line. The files of these headquarters are replete with reports of armed encounters between our officers and Mexican criminals in this section since the organization of the Border Patrol in 1924.

At about 8:45 P.M., while these officers were driving through an alley parallel to the International line between San Marcial and Estrella Streets, they saw two men carrying loads on their backs cross the line from Mexico into the United States at the foot of Raynor Street. While driving towards these men the officers saw an automobile acting in a suspicious manner which was apparently attempting to pick up the two men who had just crossed the line. As they approached the car, which they attempted to stop by blowing their horns, the car dashed past the officers and proceeded up Raynor Street leading away from the International boundary. The officers followed and after going approximately a block and a half the smugglers' car pulled off the center of the road and stopped. Our car ran along side and also stopped, Inspector Mosley driving. Inspector Walthall was on the front seat with Mosley and Inspector Smith in the rear seat. Both of these officers got out on the right side next to the smugglers' car and Inspector Mosley on the left. As they alighted the men in the smugglers' car opened fire, being at the time not more than four or five feet distant from our car. As Inspector Mosley alighted he saw the smugglers bring guns into a firing position and shouted to his companions to look-out. The smugglers opened fire almost instantly, their shots striking Walthall and Smith at the same time while they were still in the act of getting out of the car doors.

Inspector Walthall was apparently killed instantly, not having had an opportunity to fire his gun, while Inspector Smith fired one shot before being struck in the head and stunned. Inspector Mosley immediately passed around to the right side of the car and opened fire, emptying his rifle and pistol into the car which had begun moving away, zig-zagging northward on Raynor Street. Inspector Mosley at this time turned his attention to his brother officers and found Walthall in a dying condition with a gun shot wound in the right side of his face and Inspector Smith groggy from the gun shot wound in the head. He called these headquarters from a nearby telephone and when aid arrived Inspectors Walthall and Smith were removed to the hospital where it was found that Walthall upon arrival was dead and that Smith was apparently not seriously wounded. Opposite the right front door of where the smugglers' car had stood was found a blood covered rifle with several splashes of blood on the ground around it. The rifle had evidently fallen or been thrown from the right front door of the smugglers' car. The El Paso Police Department notified these headquarters by telephone that two cars had been reported wrecked at the intersection of Magoffin and Raynor Streets and that it might have some bearing on the officers' fight. Inspector Mosley, who was still at the scene of the fight was notified by phone to proceed with other officers to that point where he arrived at about the same time as a police patrol car. They found that a Studebaker Sedan had crashed into another car. The Studebaker was immediately recognized by Inspector Mosley as the car which had contained the smugglers. On the front seat was a dead Mexican, subsequently identified as Jose Estrada, and in the rear seat a Winchester rifle and several sacks of liquor. The car was completely riddled with bullets and showed evidences that the other occupants who had escaped were apparently wounded as blood stains appeared inside of the car and upon the right running board. Constable Dan Brungardt recognized the dead man as Jose Estrada and led the officers to his home hoping to find there the wounded man, as witnesses had testified that two men had jumped out of the car after colliding with another and had run in that direction. The officers found in this house (3210 Manzana Street) bloody floors and several highly excited Mexican women who stoutly denied that anyone had been in the house. While at this place Patrol Inspector Don G. Foster, who had been left at the wrecked car with Constable Frank F. Woodburn overheard a Mexican woman remark that a wounded man had been carried to 2710 N. Piedras Street, and that one of the wounded men lived at 171 Madison Street. Several officers proceeded to 2710 N. Piedras Street, the residence of a Mr. Hale, and as nothing could be found there, the officers proceeded to 171 Madison Street where three men were found crouching in a small back room who were subsequently identified as Fidel Ortega, Ramon Rico and Ruben Rico, the first named having a bullet wound through his temple and the second a wound in his right hand. Ramon and Ruben Rico were rushed to Border Patrol headquarters while Fidel Ortega was carried to the City County Hospital and appeared to be in a very bad condition. All officers were notified of this arrest and directed to bring in the women found at 3210 Manzana for questioning. These women were Carlota Montes, a concubine of Jose Estrada, ^Eulalia Gascen, concubine of Ramon Rico and Maria Lopez de Estrada, the mother of Jose Estrada. Ramon Rico, after some questioning, admitted that he, in company with Fidel Ortega, had gone to Juarez, Mexico on the afternoon of the 27th of December for the purpose of bringing over a quantity of liquor and that they were to be met at the line by Jose Estrada in an automobile; that he was an occupant of the car at the time the officers were fired upon, and that the other two occupants were Jose Estrada and Fidel Ortega. He stoutly denied, however, that he had fired any shots. He also stated that Jose Estrada arrived with the car at the boundary with two rifles; that when they entered the car with the liquor that Ortega assumed the seat next to the driver, Estrada, and that he, Rico, climbed into the rear seat with the liquor; that after firing on the officers' car their car had proceeded up Raynor Street to the intersection of

Magoffin Avenue, where they had crashed into another car; that he and Fidel Ortega jumped out and ran to the house at 3210 Manzana Street, leaving Jose Estrada in the front seat dead; that fearing arrest at this place, (3210 Manzana) on account of it being a bootleg joint, after getting first aid from women there had proceeded to 171 Madison where they were captured. Although Ruben's clothing was blood stained, Ramon Rice, his brother, denied Ruben's participation in the smuggling venture. It was found, however, that both Ruben and Ramon were subject to prosecution under Section 1-a of the Act of 1929 and Ruben was therefore held. Jose Estrada and Fidel Ortega are believed to be of American birth. Both have long criminal records. Carlota Montes and Eulalia Gasea subsequently admitted that the two wounded men had been at the house on 3210 Manzana Street and had left there shortly before the officers' arrival. These women were subsequently turned to the State authorities as material witnesses and were released the following day. Fidel Ortega in the hospital, while admitting being present in the car, denied all knowledge of what had transpired, claiming he was very drunk. The dead Mexican Jose Estrada was removed to the Easter and Maxson Mortuary, where it was on the following day claimed by his relatives, and the Studebaker Sedan with the seized rifle, ammunition and liquor were brought to these headquarters, all being subsequently turned to the El Paso County Sheriff with the witnesses and prisoners for further disposition. Patrol Inspector Walthall's body was removed from the hospital to the Peak Hagden Mortuary and on the 29th funeral services were held prior to the shipment on the following day of his body to Thatcher, Arizona for burial. His remains were accompanied by his father-in-law on the train and his wife was conveyed in a Government owned automobile by several of our officers who acted as pall-bearers at the interment of the body. Inspector Smith, after receiving first aid at the local hospital and his condition not found to be serious, was removed to the dormitory of these headquarters. His wounds are still being treated by the Public Health Service.

At the preliminary hearing before Justice Ward on the 2nd instant Ramon Rice and Fidel Ortega were held without bond for the action of the Grand Jury on the following day on a complaint charging them with voluntarily and with malice aforethought killing Bart G. Walthall by them and there shooting him with a gun. On the 3rd instant the case having been presented to the Grand Jury they were indicted as charged and held for trial, without bond. The case has not been set for trial, but it is probable that it will come up during the present term of State District Court beginning on the 8th instant. At the preliminary hearing before Justice Ward the women occupants of the house at 171 Madison, i.e., Concepcion Chavez, R. fugio Molina and Agustina Chavez, testified that the wounded men, i.e., Ramon Rice and Fidel Ortega, had come to the house and were arrested there; that both were wounded, and that Fidel told them that he had shot at some Federal officers, and that Jose had also shot at the Federal officers; that he had seen a Federal officer fall, and that Jose Estrada, his companion, had been killed. All of these women witnesses were released after the preliminary hearing by the District Attorney.

The Police having been notified of the fight immediately directed all of their Patrol cars to the scene by radio with instructions to report to the patrol officers for any assignments or help that they might request. The El Paso Sheriff, his deputies, the Constable and his deputies likewise extended very valuable aid, particularly Constable Brungardt and Deputy Constable Woodburn in picking up clues leading to the arrest of the murderers. In this case their very prompt response to the radio broadcast and subsequent arrival at the scene strongly emphasizes the

the advisability of equipping our own patrols in a similar manner.

After the first shots had been fired by the smugglers Inspector Wooley was left alone to cope with this very dangerous situation. To say that he did splendid work would be putting it mildly. His fire was very accurate and deadly and it appears to be a miracle that any of them escaped instant death after viewing the bullet riddled murderers' car. He was calm and collected throughout the operation and was present at the capture of the murderers.

There appears to be but one way to adequately cope with this dangerous situation along the boundary in the outskirts of the city of El Paso, and that is to place adequate fence along the boundary from the vicinity of the Shelter on the western outskirts of El Paso to the foot of Hammett Boulevard on the eastern outskirts of El Paso, a distance of approximately six miles. It is estimated that a suitable fence would cost about \$8,000.00 per mile and there can be no doubt that it would immediately stop the numerous killings that have occurred in this area since the organization of the Border Patrol, and force these international criminals to the open spaces beyond the city limits where they could be adequately and safely handled. This part of the International Boundary, it is understood, will not be affected by the international agreement to rectify the Rio Grande River course now about to be undertaken. There is another alternative, however, that would probably save the lives of some of our officers and instill a respect for them in the minds of these criminals, and that is equipping our officers with Thompson Sub-Machine guns, at least that part of the force patrolling this area. It is urgently recommended that either or both of these measures be adopted.

H. C. MORGLEY,
Chief Patrol Inspector