

U. S. DEPARTMENT OF LABOR

IMMIGRATION SERVICE

DISTRICT No. 25

ADDRESS YOUR REPLY TO  
DISTRICT DIRECTOR  
AND REFER TO

No. 5002/1069

OFFICE OF DISTRICT DIRECTOR  
EL PASO, TEX.

U. S. DEPT. OF LABOR  
APR 28 1930  
APR 24, 1930.  
MAIL AND FILES

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

Referring to Bureau letter of April 15, 1930, No. 55690/703, there is re-  
turned herewith the printed copy of H. R. 11204 entitled "A BILL TO AMEND  
THE ENTRY OF PERSONS INTO THE UNITED STATES, TO ESTABLISH A BORDER PATROL IN  
THE COAST GUARD, AND FOR OTHER PURPOSES".

Since the writer has been called upon to express his views in the premises,  
it is assumed of course that anything he may say will be accepted at its face  
value as a frank statement of his conscientious beliefs, without any intention  
of placing himself in opposition to those of higher authority having under con-  
sideration measures to consolidate the various units doing border patrol work  
or to replace them by an entirely different agency.

The writer would be without natural human frailties if after several years  
of selecting, organizing and drilling a division of the Immigration Border Pa-  
trol, he did not prefer that specially trained organization for the handling of  
the highly intricate work growing out of the enforcement of the various immigra-  
tion laws; and he takes the liberty of furnishing a brief history of the crea-  
tion, development, methods, and achievements of the Immigration Border Patrol  
in the hope that not only will it prove enlightening but will afford at least a  
measure of justification for his general attitude as to the subject under consid-  
eration.

GENERAL EXPLANATION

For administrative purposes the United States and its possessions are divid-  
ed into immigration districts, with a commissioner or director in charge of each  
district. There are three Mexican border districts, with headquarters at San  
Antonio, Texas, El Paso, Texas, and Los Angeles, California. The El Paso dis-  
trict embraces all of Arizona, with the exception of a forty-mile longitudinal  
strip in the extreme western part of the State, all of New Mexico, and West Texas  
to a point about half-way between Sanderson and Del Rio, with approximately 1110  
miles of international boundary line, according to the last available figures.

At various points on the international border where the volume of traffic is  
heavy enough to justify the same, there are designated immigration ports for the  
entry of aliens after examination by immigrant inspectors. In the El Paso dis-

strict the immigration ports of entry are Presidio, and El Paso, Texas, Columbus, New Mexico, Douglas, Naco, Nogales, Sasabe, and Ajo, Arizona, proceeding from the east to the west; and the limited ports of Fabens and Ysleta, Texas, solely for the accommodation of local crossers.

Figures furnished by the International Boundary Commission indicate the distances between these various ports, following the actual boundary line to be: Presidio to Fabens 322.6; Fabens to Ysleta 30.6; Ysleta to El Paso 23.6; El Paso to Columbus 65.1; Columbus to Douglas 140.6; Douglas to Naco 22.2; Naco to Douglas 58.6; Nogales to Sasabe 35.1; Sasabe to Ajo 83.8.

Aliens denied admission at the regular ports of entry, and those knowing themselves to be inadmissible, seek to effect illegal entry across the vast expanse of boundary between ports, and the necessity of a border patrol to turn back the hordes of illegal entrants--consisting of the indigent, the diseased, the mentally and physically defective, illiterates, prostitutes, procurers and criminals--was indicated.

#### CREATION OF ORGANIZATION

The Immigration Border Patrol came into existence by virtue of authority contained in the Appropriations Act of May 28, 1924, (43 Stat. 240), reading: "Provided, that at least \$1,000,000.00 of this amount shall be expended for additional land border patrol of which \$100,000.00 shall be immediately available".

Immediate plans were made to start the new law enforcing agency and the work of organization was well under way on July 1, 1924, when the appropriation for its operation became available. There was no civil service register of eligibles for the job. Several mounted guards, theretofore engaged in prevention work, formed the nucleus of the organization, to which were rapidly added appointees from the railway mail eligible list after they had been accorded oral examinations by responsible officials of the Immigration Service. Since then vacancies and new positions have been filled from special civil service registers.

#### PLAN OF ORGANIZATION

##### (1) Size and Distribution of Force:

To the El Paso Immigration District there are assigned at this time 75 patrol inspectors, 33 senior patrol inspectors, 3 chief patrol inspectors, 4 clerks, 3 motor mechanics, 3 laborers and 1 Assistant Superintendent, distributed as follows:

##### SUBDISTRICT NO. 1. (Headquarters Tucson, Arizona):

- 1 Chief
- 12 Seniors
- 28 Patrol Inspectors
- 1 Clerk
- 1 Motor Mechanic
- 1 Laborer

SUBDISTRICT NO. 2 (Headquarters El Paso, Texas):

- 1 Chief
- 14 Seniors
- 33 Patrol Inspectors
- 1 Clerk
- 1 Motor Mechanic
- 1 Laborer

SUBDISTRICT NO. 3 (Headquarters Marfa, Texas):

- 1 Chief
- 7 Seniors
- 14 Patrol Inspectors
- 1 Clerk
- 1 Motor Mechanic
- 1 Part-time Laborer

DISTRICT HEADQUARTERS (El Paso, Texas):

- Assistant Superintendent
- 1 Clerk

X The officers of Subdistrict No. 1 guard the Arizona border against the illegal entry of aliens. This part of the Southwest consists largely of desert and mountainous country, and by placing some of the men at strategic points which must be passed, fewer officers are required to control the situation than would be needed were all of them working directly on the international line.

X A part of the force works on or close to the line at points such as Nogales, Naco, and Douglas, where a considerable number of illegal entries occur. Most of the roads and trails from the southern Arizona boundary converge at or near Tucson, and the largest units of the force in the subdistrict work south from Tucson to intercept those headed for that place or intending to go around it. Some patrol inspectors are maintained at carefully selected spots between the border and Tucson, and when conditions justify doing so temporary back-up stations are established from time to time at advantageous points.

X Subdistrict No. 2 includes all of New Mexico and west Texas as far east as Sierra Blanca, approximately 100 miles east of El Paso. In this subdistrict most of the smuggling of aliens is done in the vicinity of El Paso, hence the major portion of the force is deployed on the river at well-known crossings. The force at El Paso proceeds east, west, and north in pursuit of aliens who break through the line, and back-up stations are maintained in New Mexico and in Texas, along the Rio Grande, to Sierra Blanca.

The force of Subdistrict No. 3 operates in what is generally known as the Big Bend section, extending east and west between Sierra Blanca and Dryden--about 40 miles east of Sanderson on the Southern Pacific Railroad--and north and south between the Rio Grande and the Texas & Pacific Railroad. A distance of 70 to 100 miles separates the border and the Southern Pacific Railroad. The country between

is wild, desolate, and sparsely settled, and on the theory that whoever crosses the Rio Grande in the Big Bend section must either return to Mexico or cross the Southern Pacific tracks the officers have been stationed at various points along that railroad, to cover the highways from the border and intercept arrivals who succeed in passing beyond the El Paso subdistrict.

However, the country along the river in that section has become more settled; aliens who cross the river remain on adjacent American farms; a larger number of aliens from the interior of Mexico have arrived at the Border because of the completion of the Orient Railroad between Chihuahua and Ojinaga, the Mexican town opposite the port of Presidio, Texas; and more of them have crossed surreptitiously in the vicinity of Presidio; for all of which reasons we have had to assign more of the officers to river work in that subdistrict.

(2) Amount and Distribution of Equipment:

The three patrol subdistricts have an average boundary line of approximately 370 miles to cover, and in each subdistrict the officers do the work on foot, on horseback and in automobiles. The authorized equipment at this time is as follows:

SUBDISTRICT NO. 1, TUCSON, ARIZONA:

17 Sedans and Trucks  
8 Saddle horse allowances  
3 Pack horse allowances

SUBDISTRICT NO. 2, EL PASO, TEXAS:

20 Sedans and Trucks  
4 Saddle horse allowances  
2 Pack horse allowances

SUBDISTRICT NO. 3, MARFA, TEXAS:

10 Sedans and Trucks  
2 Saddle horse allowances

DUTIES OF PATROL INSPECTORS

X The primary functions of immigration patrol inspectors are to prevent the illegal entry of aliens, to apprehend them in the act of effecting illegal entry, and thereafter when they are in travel status. In general it is not contemplated that patrol inspectors will handle domiciled aliens unless and until they in effect abandon their domicile and are in the act of traveling when encountered by the officers.

Patrol inspectors working on or near the international line are expected to seize contraband of various kinds brought into the United States in violation of the Federal Tariff Act, and to apprehend the smugglers. Such contraband consists of goods, merchandise, articles, and things of any sort brought across the international line

at other than a customs port of entry, and includes intoxicating liquor, animals, and narcotics, the latter being covered by a special law as well as the Federal Tariff Act.

Patrol inspectors also observe violations of the Plant Quarantine Laws, involving the illegal bringing in of seed, fruit, cotton, vegetables, and other plants; and violations of the Neutrality Laws of the United States, consisting of the attempted passage of armed bands to Mexico, there to engage in revolutionary activities, and of the smuggling from the United States into Mexico of arms and ammunition, to be used in carrying on such activities. The officers are expected to make arrests and seizures in such cases.

The Patrol inspectors working any distance from the international line are likely to encounter intoxicating liquor being transported within the United States; violators of the so-called Dyer Act, that is, persons driving stolen cars from one state to another; violators of the so-called White Slave Traffic Act, transporting women and girls (whether aliens or citizens) from one State to another for immoral purposes; deserters from the United States Army and Navy; violators of various State Laws; and they have made and are expected to make arrests and seizures in such cases.

#### AUTHORITY OF LAW TO ACT

The right of immigration patrol inspectors to arrest aliens, with and without warrant, is to be found in the Appropriations Act of February 27, 1925, ( 43 Stat. 1049), reading as follows:

\* "Provided further, That hereafter any employee of the Bureau of Immigration authorized so to do under regulations prescribed by the Commissioner General of Immigration with the approval of the Secretary of Labor, shall have power without warrant (1) to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission of aliens, and to take such alien immediately for examination before an immigrant inspector or other official having authority to examine aliens as to their right to admission to the United States, and (2) to board and search for aliens any vessel within the territorial waters of the United States, railway car, conveyance, or vehicle, in which he believes aliens are being brought into the United States; and such employee shall have power to execute any warrant or other process issued by any officer under any law regulating the admission, exclusion, or expulsion of aliens."

It is believed that the expression "entering the United States" should not be given a narrow construction, as in some cases (See *Lew Moy et al vs. the United States*, 237 Fed. 50), the Courts have held in effect that an alien is in the act of entering the United States until he reaches his interior destination.

Sec. 26 of the National Prohibition Act reads as follows:

\* "When the Commissioner, his assistant, inspectors, or any officer of the law shall discover any person in the act of transporting in violation of the law, intoxicating liquors in any wagon, buggy, automobile, water or air craft, or other vehicle it shall be his duty to seize any and all intoxicating liquors found therein being transported contrary to law. Wherever intoxicating liquors transported or

possessed illegally shall be seized by an officer he shall take possession of the vehicle and team or automobile, boat, air or water craft, or any other conveyance, and shall arrest any person in charge thereof."

There is no Federal law specially authorizing immigration patrol inspectors to make other seizures and arrests of the character enumerated. In acting in that connection they do so under the generally recognized common law rights applicable to local peace officers and citizens alike. Those rights in so far as applicable to our officers may be summarized as follows:

- (1) To take the necessary steps to prevent the commission of a felony;
- (2) To arrest without a warrant persons who commit or attempt to commit a felony (or for that matter a breach of peace) in their presence, or whom the officers have reasonable grounds to suspect of having committed a felony.

#### PERSONNEL

##### (1) Selection:

Those applicants who succeed in passing a written intelligence test are accorded an oral examination as a further aid to determine their general fitness. A regular Civil Service examiner holds the oral examinations with the assistance of one or more responsible immigration officers--preferably those whose duty it is to make recommendations for appointment. In the El Paso district the director or the assistant director or the assistant superintendent of the border patrol, or two of these officials, generally manage to sit on the board of examiners. When a list of eligibles is supplied to fill a vacancy a further independent inquiry is conducted in an effort to learn whether any applicant is disqualified for any reason. The papers of the several applicants are then carefully studied and compared to insure, in so far as humanly possible, that the very best prospect available is selected.

We have fixed and maintained a very high standard of conduct for our officers, and despite the preliminary sifting process, many officers have been appointed who could not measure up to the requirements. If their unfitness is demonstrated they are dropped during their six months' probation. If there is any question about the matter at the end of the probationary period the Government is given the benefit of the doubt.

There is no abatement of the process of weeding out the unfit. This course has produced a large percentage of turnover, but the ultimate result is an unusually high type of law enforcing officers. The force numbers in its ranks former army officers, peace officers, cowboys, farmers, carpenters, painters, mechanics, writers, and even ex-ministers. They are far from being job seekers; most of them want to be immigration patrol inspectors because of the opportunity the position offers for worthwhile public service. They have an intense pride in the organization; they seek to maintain its goodrepute so that their wives and children will be proud of them for their connection with it. As one illustration, the senior officer at a distant patrol station, upon learning of misconduct of a patrol inspector of such character as to reflect upon the good name of the organization, instructed the offender to make a full written report of the occurrence to the chief patrol inspector, and when the report was not forthcoming, conveyed the offender more than a hun-

dred miles for personal report to the chief, whereupon a resignation was submitted.

(2) Training:

An immigration officer does not attain his maximum of usefulness on the Mexican Border unless he has a good working knowledge of the Spanish language. If he does not have this at the time of his appointment he is expected to acquire it during the period of probation. He is also expected to learn the excluding, deporting and criminal provisions of the various immigration laws, and the several laws and Court decisions dealing with citizenship. He is also required to learn some of the more important rules of evidence in criminal procedure. It is my belief that in order to properly perform his work, with a maximum of efficiency and a minimum of friction and legal complications, a patrol inspector should know as much about those several matters as does an immigrant inspector, and a well informed immigrant inspector has been regarded as a specialist in his field of endeavor.

Classes of instructions are held for the discussion of various questions arising under the several subjects enumerated, and as an additional incentive for the officers to study, promotions to the position of senior patrol inspector are based upon knowledge of Spanish and the immigration laws as well as upon general qualities of leadership.

When a patrol inspector first enters the service he is given to understand that the watchword of the organization is "HONOR FIRST". He is instructed to tell the truth at all times, whatever the consequences; not to drink, or gamble, or grumble, or watch the clock, or live beyond his means, or engage in loose talk about brother officers or others, or divulge official matters, or swashbuckle, or fraternize with aliens or law violators. He is instructed to be neat in his appearance and above all to be ethical, moral, law-abiding and courteous, polite, gentlemanly and considerate at all times in both private and official conduct, whether dealing with aliens or citizens. The officers are constantly lectured about these several things by the chief patrol inspector, the assistant superintendent and the district director. The following epitomizes the instructions given them from time to time as to their conduct on the witness stand: "Oftentimes officers prejudice the Government's or state's case by their demeanor as witnesses, -their biased attitude giving the impression that they are 'persecuting' instead of prosecuting the defendant. Officers should give their testimony in a calm, dispassionate way; should fairly and truthfully state only what they know, without 'coloring' their evidence, without exaggeration, and without attempting to state an inference or conclusion as a fact; and should never permit an attorney to 'badger' them into a display of feeling against a defendant. They should maintain their equanimity, whatever the provocation. When the individual officers are constantly fair and impartial in their official acts the organization gains an enviable reputation for fairness that possesses manifold advantages. Naturally we desire to secure convictions in proper cases but we do not want to make a record of any sort at the expense of honor or reputation."

The selective processes and the training of the immigration patrol inspectors undoubtedly are largely responsible for their being in general public favor as evidenced by the numerous requests of various communities that such officers be assigned to duty thereat. It is gratifying to note that other law enforcing agencies of the Federal Government have adopted those methods of selecting and training officers.

### CHECKING TRAFFIC

On this important subject the officers have been instructed substantially as follows: The promiscuous checking of traffic on the public highways is not permissible and may lead to serious consequences. Vehicles should not be stopped on the public highway unless the officers are reasonably certain that contraband aliens or liquor is being transported thereby or that they are otherwise being used to violate the law or to transport law violators. When officers have advance information as to such unlawful use of an automobile, but because of darkness or other reason it is difficult to identify the particular car while in motion, they will exercise ingenuity instead of attempting to hold up traffic generally. For example, one officer will station himself at a spot on the highway where there is illumination and upon identifying the car under suspicion will signal officers ahead, by flashlight or telephone as the case may be; the officers will take position in the vicinity of a federal or state horticultural checking station or at other points where cars are required to stop or are compelled to check their speed, etc.

### UNIFORMS

From the beginning, Immigration Patrol Inspectors have worn uniforms on duty, unless exempted by competent authority for some special reason. The uniforms are of a pleasingly distinctive design and color; the officers wear ~~hat~~ ~~cap~~ cap insignia, shoulder ornaments, and a badge prominently displayed. Any traveler who encounters an Immigration Patrol Inspector on the public highway immediately knows the officer's identity.

### USE OF FORCE

The question is presented as to the measure of force, if any, that may be employed in enforcing the laws immigration officers are specifically authorized to as well as other laws for which they must rely upon their common law rights. The statutory law and court decisions offer many fine distinctions as to excusable and justifiable homicide, some of which are confusing to attorneys and would be even more so to the average layman. For a law enforcing officer to attempt to learn those distinctions and govern his conduct by them might result in his indictment on a murder charge, without a legal defense to save him from execution or life imprisonment.

In this matter there is but one safe rule to follow:

SHOOT ONLY IN DEFENSE OF SELF OR OF A BROTHER OFFICER OR OF ANOTHER PERSON (not engaged in violating the law), WHOSE LIFE IS IMPERILED. If an officer performing a lawful act shoots under those circumstances, he need feel no apprehension as to the consequences. The rule stated is the unalterable one promulgated by our Bureau and Department, and any deviation therefrom not only would place an officer in unnecessary jeopardy but might easily detract from the good reputation enjoyed by our organization. This rule has been stated and often reiterated.

"Self defense" does not necessarily mean that an officer must actually wait to be fired upon before he shoots. If he has good reason to believe that he or a fellow officer is about to be attacked, and he conscientiously deems such action necessary for the safety of either, he may shoot at the person about to make the attack. Each officer must decide for himself whether such a drastic measure is necessary on any occasion.

#### COMPARISON OF WORK WITH THAT OF OTHER OFFICERS

There are officers of various other Bureaus and Departments doing smuggling prevention work on the international line. Without intending any reflection on any of them, it may be stated as a fact that they apprehend comparatively few aliens. Those officers are on the lookout for contraband liquor and goods. If they disclose their presence to take into custody empty-handed aliens, they are more than likely to lose a big "catch" of liquor or goods, with which they are naturally more concerned than they are with aliens. On the other hand the number of liquor smugglers apprehended by immigration patrol inspectors, as merely incidental to their alien work, has added materially to the record of prohibition enforcement.

#### ACCOMPLISHMENTS

During the three fiscal years ended June 30, 1929, the Immigration Border Patrol in the El Paso district with a force averaging considerably less than the authorized number of officers produced tangible results, as follows:

	Fiscal Years	1927	1928	1929	TOTAL
Aliens captured		5,422	7,174	10,159	22,755
Smugglers of aliens captured		33	92	41	166
Persons apprehended & delivered to:					
Immigration		5,455	7,104	9,980	22,539
Customs		284	216	190	690
Prohibition		80	60	52	192
Narcotics		3	11	4	18
Agriculture		5	1	0	6
Justice		23	12	13	48
Army and Navy		82	44	54	180
State and Municipal		96	157	151	404
Total persons apprehended		6,028	7,605	10,444	24,077
Alcoholic liquors seized (Gals.)		5,340 $\frac{3}{4}$	3,781-7/8	3,404	12,526-5/8
Estimated value of liquors seized		\$33,254.95	\$28,465.61	\$28,171.80	\$89,892.36
Vehicles seized		101	58	91	250
Est. value of vehicles seized		\$32,410.00	\$24,020.00	\$28,275.00	\$84,705.00
Total Est. value of seizures (Liquors & Vehicles)		\$65,664.95	\$52,485.61	\$56,446.80	\$174,597.36

### CONCLUSIONS

Without discussing the possible effect upon international relations of stationing on the Borders what would generally be regarded as an armed military force, the writer takes the opportunity to make the following observations:

Theoretically every apprehension by a border patrol officer should be made at the Border, at the time and place the offense is committed. In actual practice such is not done and the prediction is ventured that never in history will a sufficient number of officers be provided to stop all border crossers at the international line. There are involved, then, the very delicate questions of pursuit, search, seizure, interrogation, detention and arrest, and the further from the line the pursuit takes an officer the more complicated become the legal entanglements he is apt to encounter. The immigration patrol inspectors are specially trained in those several matters and as previously stated, are required to learn considerable about the general rules of evidence and criminal law, and, on the Mexican Border, to possess a good working knowledge of Spanish.

The patrol officers of this Service work largely upon their own resources, initiative and responsibility, instead of under close supervision, and to insure that, and to handle situations such as that outlined in the last preceding paragraph, we must have officers of a high degree of intelligence, resourcefulness and ability. In this organization most of the men of military training rank as commissioned officers, ranging from second lieutenant to a major. Those men, be it remembered, constitute the rank and file of the Immigration Border Patrol.

For the successful enforcement of the immigration laws we are dependent in a large measure upon public good will, support and active assistance. Most of our officers are married and live in the community where they perform their duties. They and their families attend church; their children go to school; they patronize the home stores, and in all proper respects are identified with the community interest, -which they would not be if they were single men living in barracks.

In this district at least--and it is assumed that the statement is true of the entire Service--the immigration patrol inspectors have the general reputation of being not only efficient but of doing efficient work in a courteous, considerate and law-abiding manner. It is generally known that they shoot only in self-defense, and while they have been forced to kill several smugglers, in each instance they have been subject to civil trial under the state laws, as any other citizens; and this is one of the principal reasons why the general public and the press are solidly behind them. If, in the instances of the use of firearms, the officers had been exonerated by a court-martial, the impression would develop and grow that the shootings or killings were not justified and that the line men were being protected by their superior officers.

The writer's bias in favor of his own organization is not so exaggerated as to lead him to believe that no other than the immigration patrol inspectors could be educated and trained to perform the required work. In the last analysis the crux of the situation is one of "salary". The work requires men of not less than a certain standard of intelligence, resourcefulness, initiative and responsibility. We secure those qualities in men to the extent that we pay for them. We offer patrol inspec-

tors an entrance salary of \$1800.00 a year, or \$150.00 a month, with a chance to advance to \$2200.00 a year, and while that is not a munificent salary it enables us to secure "commissioned officers" instead of "enlisted men", who are drawn to the Coast Guard for the initial base pay of \$21.00 a month, -understood to be the amount received by "non-rated men, third class".

In work of this kind the element of "responsibility" cannot be underestimated. Our officers have a standing in the community; they want to maintain it. The fact that their wives and children want them to be connected with an organization of which they can justly be proud will cause them to strive to maintain high standards for the organization.

It is assumed that the present personnel of the Coast Guard is no more than sufficient for seacoast work and that to extend its activities to the two Borders would require appropriate additions thereto. If this be so, and it should be decided to get away from the enlisted personnel idea for the Borders and to pay a salary that will attract men of the degree of intelligence and other qualities required, the inquiry suggests itself, why go out into the open market for such men when carefully selected and specially trained officers, having a Civil Service status, are available and in fact are now on the job?

(The figures as to personnel and equipment do not agree with the figures set forth in a somewhat similar statement prepared for the House Immigration Committee, for the reason that that statement was intended to represent conditions of about two years ago, since which time there has been some increase in both the authorized personnel and authorized equipment).

*G. C. Wilmoth*  
G. C. WILMOTH,  
District Director.

Incl. 81438.