

12-18-1975

## Interview no. 209

Richard B. Smith

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UNIVERSITY OF TEXAS AT EL PASO

INSTITUTE OF ORAL HISTORY

INTERVIEWEE: Richard B. Smith (1941- )  
INTERVIEWER: Oscar J. Martínez  
PROJECT: \_\_\_\_\_  
DATE OF INTERVIEW: December 18, 1975  
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BIOGRAPHICAL SYNOPSIS OF INTERVIEWEE:

Criminal Investigator for the U. S. Immigration Service.

SUMMARY OF INTERVIEW:

Biography; experiences with the Immigration Service and apprehension of illegal aliens.

1 hour .  
31 pages.

RICHARD B. SMITH

M: This is an Oral History interview with Mr. Richard B. Smith, Criminal Investigator for the El Paso Immigration Service, December 18, 1975. Interviewing is Oscar J. Martínez.

Mr. Smith, let's begin with your background--where you're from, where you grew up.

S: I was born in Brownsville, Texas, in the Río Grande Valley, immediately opposite Matamoros, Tamaulipas. I have lived most of my life in the state of Texas. I lived for a short period in Richmond, Virginia. My father was stationed there for a short time as a Border Patrol agent then. All I can remember is the Immigration Service. My father entered this Service in 1948. He attended the Border Patrol Academy here in El Paso. I have lived in practically every border city between El Paso, Texas, and Brownsville, Texas, and have also lived in some of the interior cities in the state of Texas such as San Antonio, Abilene, Hebbronville, and Falfurrias, to name a few.

M: Now, for the record, when were you born?

S: May 12th, 1941.

M: Where did you attend school?

S: Well, from the time I entered the first grade until I graduated, I attended 19 different public schools. I finished high school at Texas Military Institute in San Antonio. I then went and joined the Naval Service, and was in the Navy from 1960 until the summer of 1964. I then entered college at Santa Monica City College in Santa Monica, California. From there I transferred to Long Beach State College at Long Beach, California. I then did some work on my own in Dallas, Texas. Then after that, I

came to El Paso and entered the Immigration Service in June of 1970.

M: So you've been with the Immigration since 1970?

S: Since 1970.

M: Could you tell me about some of the experiences that you have had in your work as a Criminal Investigator?

S: Well, I entered on service in June of 1970; but when you enter into the Immigration Service, of course, you enter as a Border Patrol agent. I was a Border Patrol agent at Sierra Blanca, Texas, from 1970 until November of 1972, at which time I applied for the Criminal Investigator position that I now occupy. I entered on duty as a Criminal Investigator November 13, 1972, at the District Office, El Paso, Texas. That's the position I hold right now.

M: Going back to your time as a Border Patrolman, where did you serve?

S: I entered on duty at El Paso, actually. My official duty station was Sierra Blanca, Texas. Then after six months of training at the Border Patrol Academy at Fort Isabel, Texas, I then came back to Sierra Blanca and served for about 2 1/2 years there. Sierra Blanca is approximately 90 miles east of El Paso on Interstate 10. It covers an area more or less from the Hudspeth County-El Paso County line east to the Hudspeth County-Culberson County line, and from the Río Grande River north to within five miles of the New Mexico-Texas state line, which is a tremendous area. It's an area that is much larger than many of the states within the United States. At the time that I entered on duty there, I entered with 5 of my classmates who entered on service at the same time I did. At the time that the five of us got to Sierra Blanca, Texas, to actually start work, there were 3 Border Patrol agents there. One was the senior Patrol agent, and there were two journeymen. In other words, for that vast area

they had 3 men to cover it. To say the least [it was] an impossibility. Even with the addition of 5 trainees, it was still an impossibility. We had three basic operations. One is called "line watch"; that is, men are stationed on the border to detect illegals entering the United States and to prevent their entry. The other is "traffic check," which was the main artery Interstate 10. We had to allocate men for that function. The other was "farm and ranch check"; that is, a team is sent out to check local ranches and farms that might hire or are known to have hired illegal aliens in the past, in order to apprehend these illegals. The biggest problem was that within our jurisdiction is the small farming community of Dell City, Texas. It is a vast valley; it's one of the largest, well-irrigated farming areas in the state of Texas. The problem is that it lies approximately 75 miles from Sierra Blanca, Texas; so men had to leave the station in Sierra Blanca, drive the 75 miles to Dell City, then have the responsibility of checking that vast area with one vehicle and two officers. Once the vehicle was full (in other words, they had all of the people in it that they could possibly carry and it would be safe), they then simply turned around and left the rest of the illegals there and came back to Sierra Blanca and processed those that they had apprehended. [They] then called for a bus from El Paso to come and pick them up. So even with 8 men, which is what we had after we arrived, it was still an impossibility. I understand now that there's approximately 30 Border Patrol agents assigned to the Sierra Blanca area, and now the traffic checkpoint on Interstate 10 is manned on a 24-hour basis, seven days a week.

M: What accounts for the increase in personnel? From 8 to 30, that's a big jump.

S: Right. The apprehensions went up drastically. The problem was, of course, that we could not perform the three functions I named adequately. For example, when we were there with 8 men, the traffic check point was manned only one shift a day. And that was from 4 in the afternoon until 12 midnight--one eight-hour shift. That's the only time it was open. Obviously, anyone who found it necessary or profitable to become familiar with our operations simply had to sit up the road a ways and watch us when we opened it and when we closed it. And if they wanted to come through with either smuggled illegal aliens or drugs of any type, all they did was come through when we didn't have it open, which was the majority of the time. OK. So we were not performing that function adequately. The other is that Sierra Blanca lies approximately 15 miles north of the border--the Río Grande River. We had 8 men, but we only had 4 vehicles. One was a sedan, two were jeeps and one was a travel-all. The travel-all went to Dell City on farm and ranch check. The two jeeps, obviously, were for cross-country work, rough duty. The sedan can't be used for anything but traffic check duty. It was a pursuit car, meant for that purpose. So, [we had] one car at Dell City, one on traffic check, and the other two for cross-country. Now I don't know the exact mileage from the El Paso-Hudspeth County line to the Hudspeth County-Culberson County line, but it's a long way; and this is a guess, but 95% of that Río Grande River in that area [does] not even [have] a road there. It is so rugged that you'd have to have mules. As a matter of fact, we used to go fishing at several places down the river; and we could get within three miles of the river, and from there we had to use mules. So, there's the problem. It's so rugged that it's not feasible to even

try to operate close to the river where you could see them coming across and make your presence known, and then they'd turn around and go back. So what would we have to do? We had to wait until they had already entered the United States illegally and crossed the area that we could not enter into with the vehicle. [That] meant that by the time we became aware that they had entered, they were already 10 miles inside the United States. So it boiled down to this. We had drag roads that we maintained. By drag roads I mean that we had sought and obtained the permission of ranchers to build drag roads along side their fence roads, and we dredged them with an old piece of cyclone fence. And we dragged this along behind the jeep to stir up the ground and make it soft so the tracks could be easily seen. Now, I know a lot of people have seen movies, for example, of Indians tracking other Indians or someone, and this sounds a little farfetched. But the Immigration Service still uses the art of tracking as one of its major tools in apprehending illegal aliens. We do it not only from a vehicle, but we also do it from aircraft. Once the art is learned, it's easy to do. But we still use this. It's an antiquated way of doing it, I agree, but can you think of a better way to do this under the circumstances?

M: Don't you use electronic sensor cells?

S: We do now. At that time we didn't. They started using the electronic sensors right after I left there, which would have been the early spring of '73. They are working real well, I understand, although I haven't been involved.

M: How do they work here? I live in the Upper Valley. When I drive in the morning, many times I see people coming across the river

here; and it's so blatant, so out in the open. I've thought many times that the Border Patrol must know that they're there; you must have sensors there. How does that work?

S: What time of the day are you coming?

M: About 8:00.

S: I do know that there are certain times of the day--[actually] evening hours and night hours --that the available men that the Border Patrol has are so thinly spread out that it's impossible for them to even answer the sensors. The man will call on the radio and tell them that one of the sensors has gone off. While they're checking it, three others go off within their area of responsibility; but after all, you can't be everywhere at the same time. This is what causes the situation that you have described. Not only that. These people are not stupid. They have the equal intelligence to ours. They can stand right there and they know that the Border Patrol is undermanned, and they see the jeep pull off to go pick up some illegal aliens that entered 3/4 of a mile up the line from them. So while he's gone, there's nobody there; so in they come, setting off a sensor, yes. But by the time he could get the ones he went after and turn around and come back, they're long gone and out of sight.

M: Do these people wait for a car to come by and pick them up? It seems that way.

S: Sometimes they do. We have apprehended [people] or have seen this happen. We've seen the people standing on the side of the road. Even before we made any determination as to whether or not they were illegal, naturally our suspicions were aroused because the area that they were in [is] known to be a crossing point of illegal aliens. Then a car would pull up and stop and they'll get in the car and



drive away. We've stopped some of these cars and found that the person who's driving it was an illegal alien who had just crossed, and that they among themselves (the day before) had made arrangements for this person to stop at that location and pick [the other people] up. Why? Well, [it's] not always because he's smuggling, and not necessarily because he's going to get something out of it; but they happened to work at the same place. And the guy's giving him a ride for 15¢ a day or 25¢ a day, whatever it might be.

M: What happens to the guy who gives these people a ride under those circumstances?

S: Under those certain circumstances, nothing. Naturally we let him know, "Now look, this is not right; and we have warned you about this thing and we've pointed out to you that this particular person right here that we've taken out of your car is an illegal alien. If we see you do this again, after we've warned you and pointed out the fact to you, then we will contemplate bringing charges against you for aiding and abetting," or whatever the case might be.

M: You described a situation earlier which I find very interesting, there close to the Santa Fe Bridge. Would you talk about that a little more so we could get it on tape?

S: Here in El Paso we have two bridges; they are railroad bridges only. They are not intended for pedestrian traffic nor are they intended for automobile or truck traffic. They're solely intended for the crossing of the train to and from Juárez and El Paso. One of them lies on the west side of the Santa Fe Street Bridge. The other one lies on the east side of the Santa Fe Street Bridge; thus they are referred to as the "west railroad bridge" and the "east railroad bridge." The

illegals refer to them as the "black bridge"--"puente negro." One of the jokes among the illegal aliens and the Immigration officers is that it's the "puente más famoso," because more people, possibly, on some given days, will cross into the United States illegally across the railroad bridge than will cross legally across the Santa Fe Street Bridge. That's the joke.

M: That's far-fetched though.

S: Sure. That's not true. We're just being ridiculous.

M: But the numbers are considerable?

S: The numbers are considerable. I can't give you any exact figure, but on several instances in the recent past I myself have observed in the early morning hours, usually around 7:00, great numbers of illegal aliens crossing on foot over the west railroad bridge. Now the east railroad bridge has had constructed in the middle of it, about midriver some gigantic steel doors. They were constructed by the Immigration Service by our maintenance people. These doors are solid. They're not screen wire or expanded metal; they're solid steel doors, and they come together in the middle of the tracks and lock with a bar. I have never been out there to look at it, but they lock. Now, I might be mistaken, but I don't recall ever having seen any on the west railroad bridge. Why? I don't know. Like I say, I might be mistaken; but I don't recall ever having seen them. And if they were there, you would see them. If you want to see what they look like, go to the east railraod bridge. They're gigantic. These railroad bridges have a solid railing that goes down each side, and that railing is a little bit higher than a man's head. These steel doors are painted silver, and they're better than twice as high as the railings along the side of the bridge. So they're easy to see. I'd say around

7:00 in the morning I have seen 50 at one time, 100 at another; and on one particular morning at least 120 people came across that bridge at one time, in one group, and spread out among the buildings and the parking lots there on the west side of the Santa Fe Street Bridge. I drove into this, and they recognized the car; not that it's a green and white--it is not a green and white. The one I was driving on that particular morning was a 1974 white four-door Torino.

M: Unmarked?

S: Unmarked. Even the antenna looks like an ordinary commercial radio antenna on the right front fender. But I've been down there enough that a lot of them recognized me. Obviously I couldn't get all 120--that's obvious. I had a partner--just he and I in one car. So, when we saw what was happening, I just sat down on the horn and drove right into the middle of it. Those that were closest to the railroad bridge that they had come across turned around and ran back across it; others who were closer to the turnstyles on the return lane of the bridge ran through the turnstyles. I picked up 4 and put them in the back seat. Approximately 35 who had already made it almost to the foot of El Paso Street broke and ran toward El Paso. Once they hit South El Paso Street [they] simply scattered out and were undetectable. And besides that, I had a carload--we couldn't do anything about it anyway. Now, this is caused from a lack of personnel on the part of the Border Patrol. This is about the time that a shift change occurs. Therefore, there's no one to relieve the shift that's on while he leaves and takes his car, which will be used again (the engine [is] possibly never shut off) by the oncoming shift. So, while he's gone to deliver his car to the oncoming shift, there's nobody on the bridge.

M: How long does it take?

S: About 15 minutes.

M: And the illegals know this?

S: Oh yes, certainly.

M: Do many of these people cross every day at the same point?

S: At the same point.

M: Do they have regular jobs over here? Are they supposed to be there by 8:00 and keep a schedule?

S: They're friendly with one another, naturally; they have their little groups. I recall one group of four women, for example, that I caught at the same time, in the same place, three mornings running--the same four women! They came across together. They obviously all have jobs that start about the same time, but they don't necessarily work in the same place; but obviously they all start about the same time. They're friends, so they all get together on the Juárez side and they come across the west railroad bridge. They enter together and they walk down to the Plaza, and they get on the bus and go to work. And 3 mornings running I caught these same four women in a group.

M: What happened to them the second time you caught them?

S: The same thing that happened the first time. I wrote them up on a standard illegal alien form and then took them back to the bridge and let them return to Juárez voluntarily.

M: And the third time?

S: The third time the same thing.

M: And if you catch them again it will be the same thing?

S: Well, after a while it gets to be a little aggravating, to say the least. But, here's your problem with females. The Immigration Service has no facility in El Paso equipped to handle female aliens.

Therefore we have no recourse but to place them in the county jail.

The county jail, per person, costs the government \$9 a day. We don't have the funds to spend \$9 a day on illegal females in the county jail.

M: Few people realize that situation. I didn't know that. So you have no recourse but to just release these people?

S: I have no recourse but to release them, or we can do this: If they're caught early in the morning we can take them to the office, process them, serve them with an order to show cause why they should not be deported from the United States, and serve them with a warrant of arrest. Then [we] take them before the Immigration judge and he holds a hearing right then, at which they have the right of counsel. They have every right that a United States citizen has and which is allowed them if they so wish. It is determined, first of all, of what country they're a citizen. If it's México, it's then determined whether or not they entered the United States legally. If they did not, then the allegations made against them in the order to show cause will be this: That they are citizens of México; that they are not citizens of the United States; that they have never been admitted to the United States legally; and that they did enter the United States without being inspected by an Immigration officer. That's not exactly the wording, but basically that's what they would be charged with. Then they're simply asked, "Do you understand the charges?" If they do, "How do you plead--guilty or not guilty?" In the majority of cases it's obvious, and they're no fools; and they know we're not either. They're not going to sit there and argue with you. You caught them in the United States illegally. They know it and they know you know it, so they plead guilty. They're then ordered deported from the United

States. Now, a lot of people think [that] something's really going to happen to them. In actuality, the same thing happens to them under this situation as what happened if I had given them voluntary departure, because they're ordered [to be] deported by the judge. They draw up a very formal form; their thumbprint is put on the form. They're taken to the bridge; they're given a set of directions as to what will happen to them if they reenter the United States without first obtaining permission from the Attorney General of the United States. Then I allow them to go back to México. All this happened on the same day, and they were never detained in a facility such as the County Jail or the Alien Detention facility out on Montana. They were never in a detention facility. So someone says, "So, what's the big deal about being deported then?"

M: What's the penalty?

S: The penalty is this: if that particular alien who has been deported from the United States then wishes to enter the United States legally, before he applies for admission he must receive written permission from the Attorney General of the United States to reapply for admission. Now, you have to write those words down and look at them to really understand what that means. That means that that alien cannot even come to that bridge and say, "I want to come into the United States" unless he's first got that written permission. Now, to say the least, it's a slight inconvenience.

M: Yes, for people who are used to crossing illegally.

S: But what does it mean if he crosses illegally again after he's been deported? It's very serious. It becomes much more serious than a simple charge of entering the United States illegally. Then he's charged with having reentered the United States illegally, after

being deported, and without having received the permission of the Attorney General of the United States. Then we would charge him under a federal law, which is a felony, not a misdemeanor; and he could receive up to 2 years' imprisonment for having done this. The difference between that and being charged before the federal government with simply having entered illegally (not after deportation but having simply entered illegally) is that [the first is] a misdemeanor for which he could receive six months. There's the difference--the difference between six months and two years.

M: And having a felony on your record.

S: Right. Now the other thing that you should not confuse is that when I talk about taking the person up and filing a felony on them, I'm not talking about taking them before that Immigration judge who deported them. I'm talking about two different courts. The Immigration judge can only hear administrative matters, administrative proceeding--that's what a deportation hearing is, it's an administrative proceeding; it's not a criminal proceeding. If you're going to bring criminal charges against the alien, you have to take them before the Magistrate to be arraigned; and then, if necessary, before the federal judge.

M: Let me ask you a question regarding the apprehension of women. Several stories have appeared in the papers in Juárez regarding the abuse of some women, and often times I hear these charges from women themselves--that they have been mishandled and raped by Border Patrolmen. How much truth is in some of those stories?

S: Well, I have never had such charges brought against me, and I've never had to investigate such an allegation. That is, I've never had to look into any such allegation that was made against an Immigration officer. I'm speaking only of El Paso, because that's the only

place I'm familiar with that I could speak in those terms; I don't recall a single instance of an officer being accused in the El Paso sector who was found guilty. Several have been accused, and I can think of at least two who have had to go to court because of it. Their case was dismissed, if I'm not mistaken. I don't even remember the officers' names. This was even before I came to El Paso as an Investigator. I was still a Border Patrol agent out in Sierra Blanca. But I do recall that two officers were brought up on rape charges by an illegal female alien, and the case was dismissed. I don't remember why now, whether it was a technicality or whether there was simply insufficient evidence; but it was dismissed. As far as I know, no officer has been found guilty of such charges.

M: Could you tell me about experiences that stand out in your mind that you've had since joining the Immigration Service, both on the humorous side and on the tragic side?

S: Well, of course, on the tragic side--we see this quite often--are the illegal aliens, of course. The Immigration officer is expected to uphold the letter of the law. Now, our agency has been depicted by some as the Service with a heart--meaning that we attempt to enforce the law, but with understanding and with compassion. And we do do that, because after all, you have to realize that we don't enforce the law like a police officer. We're dealing with human beings who have families, who have family ties, who have possibly been here long enough to establish roots. If you find such a family unit that has had sufficient time to establish itself to some degree, and then you come along and find out that they're illegal, the law says that you will take them into custody and that you will immediately



arraign them before the nearest Magistrate. Well, of course, not every alien who is apprehended is taken before a Magistrate; because we have what we call the voluntary departure, which by far the majority of illegal Mexican aliens are granted--voluntary departure to their home country. But, here you have this family; and even if they have requested and have been granted a voluntary departure, what have you done to this family? You have taken them out of the home they have had time to establish; the children are in public schools, the father has a good job, the mother has cultivated friends in the neighborhood and in the community. And it's in the middle of the day on a schoolday, and you go from school to school to school picking up the children; and all the other children want to know, "What's wrong, what's going on, what's happening?" It's very embarrassing for the children--especially the teenagers, and especially the female teenagers. It's literally horrible for them--especially if the Immigration Service officer happens to be in uniform. After all, anyone who's lived in the Southwest for any period of time can spot a Border Patrolman a mile away. In that situation, nobody needs to ask any question [about] what's happening. Immediately this young teenage girl, all of her friends in the classroom know what the problem is--she's an illegal alien. And many times a lot of them didn't even know it. And as she leaves the room she hears "pss,pss, pss" behind her, and it's degrading.

M: Have you gone through that?

S: Oh, yes. I've gone through such a thing right here in the city of El Paso; I've done this sort of thing. And how do you do that? How do you satisfy the law, and yet do it without causing someone to be hurt, without causing embarrassment, and without giving people an opportunity to make disparaging

remarks about you--"Gestapo" for example? How do I go and pull children out of a school without appearing to some degree to be a Gestapo-type individual? It's extremely difficult. To say the least, I'm damned if I do, I'm damned if I don't. If I don't do my job I should be fired. If I do do my job, I'm going to make enemies. Of course, when I took this job I didn't expect anyone to come over and pat me on the back and tell me what a great fellow I was. I did not at all expect that. But you've got to agree, there aren't too many other law enforcement officers that have to face this particular situation. There is a painting that hangs on the wall over my desk in the office. It is a picture taken in the late evening hours as the sun is setting, and it depicts an elderly gentleman--Mexican obviously--his son and his daughter-in-law. On the shoulders of his son is a small child. And the elderly gentleman is helping what is obviously his wife out of the water. And they're coming across the Río Grande River, about to come up on the United States bank side. It is a pitiful picture to say the least, but it's a picture that was taken by an Immigration officer for the Immigration Service. If there's anyone who thinks that the Immigration Service doesn't genuinely feel the responsibility that is upon their shoulders, come look at that picture. There's no way you can look at that picture...

M: Is that genuine?

S: It's a photograph, it's not a painting.

M: Long distance lens or is it close up?

S: No, no. It's close up.

M: These people didn't know they were being photographed?

S: Oh yeah, they knew they were being photographed. The elderly man, for example, is leading the way in the picture. You can see that he's leading, and he's not looking at the camera; he's looking off

to the right of the cameraman, which would seem to indicate that he was looking at another Patrol agent who was there. You can tell he's looking at something or somebody. But anyone who thinks that the Immigration Service is hard, that we take pride in hurting people or that we intend to hurt people and embarrass people, and disrupt their family life and displace them just to cause them misery should come look at that picture. It tells a story.

M: Can you recall a specific instance where you were involved in this kind of situation that involved bad feelings on the part of the person being apprehended, that affected you emotionally?

S: Not too many where the apprehended subject had bad feelings toward me. It's amazing. In the majority of the cases, the illegal aliens are extremely understanding. They understand their own situation and the situation of the Immigration officer better than our own citizens do. For example, you spoke a few minutes ago of some of the bad publicity that appeared in the Juárez papers some time back, not completely confined to the abuse of females. It went into a lot of other things, like maltreatment at the bridges and so on and so forth. Specifically, now, I have in mind the maltreatment that was alleged at the bridges. Well, at that particular time I had a friend who was Immigrant Inspector down on the bridges. He made it his practice to occasionally ask some of the aliens that he was doing business with there, "Have you read the news in the newspapers?" "Oh yes," the alien would say, "I read the news." "Well, have you been maltreated at our bridges, have you been pushed around and shown disrespect and treated [as being] less than a human being?" "No." "Well then, why do you think your newspaper would print such a thing?" And the answer was, "They're full of a lot of trash." Now, that came from their people, not ours--theirs. So, my point is this: Their understanding many

times far surpasses our own of the whole situation. They realize that it is necessary to have some sort of an organized immigrant policy; and because of the circumstances of the Mexican people and the prosperity that we enjoy here, they realize that we cannot allow anyone and everyone that wants to come flooding into this country [to do so] because of the disastrous effects that it would have upon our economy. So they do not hold it against the Immigrant Inspector on the bridge who has to cause them to abide by those rules, or the Immigration officer who arrests them after they have entered the United States illegally. A thing that I thought was rather amusing a few years back [was] when this business came out about advising people of their rights, because this became one of the things in court. The first thing they'd ask [was], "Were you advised by this officer of your rights?" And I have nothing against this. I think this is right and it should be this way. But when we started doing this with the aliens, we ran into a very funny situation--answers we would get from these people. We had this thing mimeographed or written up on a standard form that states their rights in Spanish, word for word--very good Spanish, easily understood. The standard rule is that you allow the individual to read it for himself and then you take it and read it to him, and then ask him, "Do you understand your rights under the Constitution of the United States?" Well, when we first started doing this, and you would ask this person, "Do you understand your right under the Constitution of the United States?" some of them, especially the older men, would get the oddest look on their face. And many of them would answer you this way: "Those are the rights that are inherent to all human beings given by God, why do you read them to me?" And this is from an uneducated, poor, ignorant

man. When you get those kind of answers from people like that it says an awful lot for their understanding of the problem.

M: Can you recall any humorous instances that you yourself have been involved in or some other Border Patrolmen that you know, in apprehending illegals?

S: Yes, yes. [There's] one I always think of; I still smile when I think of it. This was when I was Border Patrol agent in Sierra Blanca. Down south of Sierra Blanca, approximately 8 or 9 miles, I guess, there is a pass through the Whitman Mountains that has probably been used by people coming from México for centuries, literally. On the eastern slope of this pass, it's easy to climb up or easy to climb down, either way. But on the western slope it's extremely steep and [it's] necessary for a human being to actually go up the last few hundred feet on both hands and feet--that's how steep it is. Anyone around here who's familiar with our mountains realizes that it's just pure rock, and I mean rugged as can be. I have climbed to the top of that pass, and on both sides looking down the path is pure rock. It's about 4 inches deep and it's just about a foot and a half wide, and the bottom of it has been ground to white, white powder, but it's in rock. Cattle won't go up there--they can't get up there. A few deer, sure, but they wouldn't go that high because there's no vegetation. That trail was put there and made and worn out of that rock by people coming across. So, it's a major crossing point. I can remember one instance when I had checked all of the drag roads in that area and I found no fresh tracks, which was rather odd for that time of year. It was the summer months--it was nice to travel either by day or by night, especially since the moon was full at that particular time. But [there were] no tracks. I found that rather unusual; so I decided to go into this canyon to see if possibly any

had crossed and laid up in the canyon to rest during the hot hours of the day and then intended to walk on during the cool hours of the afternoon and evening, which many of them did. So I got up in there and I was by myself, on foot because you can't even get in there with a jeep. I walked back up in there and I had gone in for about half a mile. Along this canyon, where the water runs out during the spring thaw from the top where the snow melts, are gigantic old, old cedar trees. They stay green the year round, and illegals have a habit of crawling up under these old cedar trees and laying up during the hot hours of the day. This one particular tree that I remember, for several yards all the way around it, it had a real thick thicket of mesquite bushes that you couldn't see through. They were just a little higher than a man's head, so that standing outside of all of that, you could not see underneath of that big cedar tree. I was on a major trail and had just topped a little rise, when all of a sudden faintly I heard men talking in Spanish, and I could hear one laugh occasionally. Because of the stillness of the day--it was about 1:00, 1:30 in the afternoon--it was difficult to tell where it was coming from, because it was bouncing off all the different walls in the canyon there. Finally I decided that it was over near this big tree and I began walking over there. I was watching the ground as I walked--and sure enough I came up on fresh tracks where they had walked into this thicket. I got in there, and low and behold there were no less than 15 illegal male aliens lying around under this tree. They had been eating lunch there; they had a habit of carrying sardines and Premium crackers and corn tortillas and green chiles in the small can, and limes by the hundreds. And this is their diet when they're crossing the country on foot.

M: Water?

S: Water naturally; yeah, water. Water, believe it or not, is plentiful in that country. Usually you can see another windmill in the distance from the one you're at, getting water, and most of them have in their group a man who has crossed that country before, so that he knows the waterholes. At any rate, I walked over there and many of them were asleep. [I] walked right up the middle of them before any of them really knew that I was there. They didn't do anything [because] they probably thought I was one of them; but eventually one of them turned and looked at me. Naturally [he] knew what I was; and when he got quiet the rest of them turned and looked. We got them all awake, and got their gear together, and I got them in single file. Now mind you, there's 15 men here, and we began walking down the wash.

M: Were you armed?

S: I was armed, yes, [but] I didn't have to pull the pistol or anything. I have never had to pull my pistol in all my [years of] Service. But at any rate, I got them in single file there; we began walking.

M: No resistance?

S: No resistance whatever. I was about in the midway of the line. At some points the wash would take such a sharp turn [that] they had begun to scatter out, to the extent that the head of the line or the tail of the line would be out of sight ~~from~~ me. But, after all, there was nothing I could do about it. If they wanted to run, what are you going to do? Are you going to leave the 90 and 9 to go get the one? No, you're going to stay with the 90 and 9. So, I didn't worry about it. When I got to the jeep I still had 15 male aliens. And here I was with one jeep, by myself, and 15 illegal aliens; and I couldn't get anyone on the radio. So, I put the aliens in every available

spot--I lowered the tailgate, filled up the interior of the jeep, put some on the tailgate, I put 3 in the cab with myself, I put one on each front fender so they could rest their feet on the bumper, and I put 3 on the roof right above the windshield. And very slowly we started down the county road. I'll never forget one old gentleman; he was sitting right over me on the roof. He began singing; and a little of the song I could understand, but some of it didn't make sense to me. But he was singing about Chicago. So I asked him if he knew Chicago. He said, "Oh yes, I know Chicago real well. It's a good town--plenty of work, a good life--swim in the lakes." And he just went on and on and on about the things you could do in Chicago. So finally he says, "Let's go to Chicago," meaning me and the jeep and all of the illegal aliens. I was kidding with him and I said, "But I don't have enough gasoline." And he said, "Oh, we'll buy gasoline." I said, "But I don't have much money." He said, "Oh, I've got plenty of money." And this old man, who was illiterate and uneducated, reached in his pocket and held it down inside the cab through my window so that I could see it--a roll of money about 2 inches thick. I didn't bother to count it or look at it; but it wasn't Mexican currency, it was U.S. currency. And he laughed, and [was] very jovial about this thing. And all of the rest of them were laughing and kidding. It hit me [about] the spirit of these people. When you realize that they had come from the interior of México, for the most part they walked from their hometown to the border, then I know they walked from there to where I caught them because there are no roads and there's no transportation; they put up with all of that dirt and filth and discomfort and cold nights (and it's cold in the night out in the desert out there any way) and all of this. And then after all of



this, here comes an Immigration officer and snatches them up, throws them in a jeep, and they know he's going to take them back to El Paso and shove them right back across the river; and all of this will have been for naught. And yet, they can laugh and kid and carry on. To me, I thought it was very humorous, yet a situation that you could learn something from.

M: Did you feel apprehensive during any of that time? You were one against 15. Did any thoughts come across your mind that they might just overpower you and take over?

S: Not really. You see, like I said previously when we began the interview, my father has always been in the Immigration Service. I can remember one instance when I was a kid, when I was not in the Immigration Service myself, I was in the 7th grade. We lived in a little town called Falfurrias, Texas. It's about 85 or 90 miles east out of Laredo, Texas. We lived on a small farm of about 125 acres outside of town. There was a road that led right through the middle of our property from front to back. One evening I was on the horse that I owned, and I was just behind the house riding toward the windmill. On my right was a tall stand of cedar trees, and on the other side of that [was] a small strip of brush; and then this road that I was speaking of. I had the horse at a trot. All of a sudden he came to a stop and he would not move. His head was real high and his ears were very tense, and I could tell he could see something or hear something; but I couldn't see a thing. Finally, I tried to get him to turn and go back toward the house, which he did. Now the road began at the soft cedars, and went around them and around the end of this small strip of brush where I was in the road. And I turned and looked up the road, and here was nothing but illegal aliens.

The lead man was almost on me; and they were just single file--kids, women, men, carrying everything they owned on their backs clear down this road as far as I could see. I turned and hollered to my father who was down in the barn that these illegal aliens were coming up the road. So he walked--he didn't run--to the house and put on his pistol and came back, came out there to where I was. When he got there, no one had run or anything. Some of them had stopped and were just looking at me. Others continued walking. But no one had started running away or trying to hide. But when they saw my father and saw his gun, two men crawled through the barbed wire fence and started running across an open field that was on the opposite side of the road from the soft cedars. He told me to take the horse and go down there and stop them. Here I am just a punk kid, a little bitty boy, 7th grade. And I rode down there on my horse. I didn't even have a saddle, I was riding bareback. I didn't know how to speak a word of Spanish. These two men turned; [they had] a big smile on their face. They weren't scared; they knew I wasn't going to run over them with a horse. [They] turned and looked at me and smiled real big, stopped, turned around, walked back over the fence, crawled through the fence back on the road. Now this all happened about 250 yards from where my dad was standing and he had a pistol on his hip. There's no way he could have shot any one of them with that pistol from that distance--impossible. Yet those two men, it didn't even enter their mind to even resist this little kid on this horse. And as long as I have been in the Service, I have never had to pull my pistol; and I've only had to physically subdue one alien, and that alien was drunk.

M: How do you account for lack of resistance?

S: I account for it in that these people are not criminals, after all, in that sense of the word. They have not murdered, the majority have not stolen; they have not done any of these sorts of things. After all, if you have committed such a crime as that, the urge to run is there--or the urge to resist is there--because of the severity of the crime committed. In this instance, the severity of the crime, to say the least, is minimal. They've violated the law, yes; but they're not a criminal as such. After all, why do we call this facility we have on Montana Street out here a "detention" facility? Because it was never intended to house hardened criminals. It is only a place where we detain them in a minimal security facility until such time as we can provide transportation to the border and return them to México. That's all it's intended for. They realize that we have common sense enough to treat them commensurate with the crime that was committed.

M: There are a couple of other areas that I'd like to get into. One deals with what you were talking about before, the influence of politicians that prevent the Immigration Service from doing its job. Could you elaborate on the influence that is found in the El Paso region that keeps the personnel of the Border Patrol at a level where it can't really do the job?

S: Well, without being specific (which I won't be), I'll present a couple things [that] are facts and everybody knows. The Rodino Bill is still pending before Congress. The Chamber of Commerce of El Paso is very outspoken and has publicly stated that they're against it. To be fair with them, they're talking about only the border area--that's all they're talking about. And they say that within the border

area there is a need for unskilled labor, which is what most of these people [who] enter into the border area [are]. Therefore, it's unfair to penalize the employer who hires them, which would happen under the Rodino Bill, when he is not able to obtain either citizen or legal alien help to do the same job. I had one gentleman (I'll not name him) tell me that [this is so] especially when we have a federal agency who is making welfare payments to these people, many times equal to the pay that they could get for doing these unskilled jobs. So why should legal or citizen help take a job that doesn't pay any more than they would get on welfare anyway? That was his comment. As a citizen, as my own private, personal opinion--speaking other than [as] an Immigration officer--that's my opinion. As set up at present, the welfare system we have encourages this very thing. I only have to offer the list of jobs advertised in the local newspapers that go begging day in and day out, and then compare that with the jobless rate which is derived from the number of people on the welfare roles, and I ask the question, "Why don't we put those on this welfare role over here into these jobs that go begging day in and day out?" Because those people are not willing to work at those jobs for what they pay when they can obtain that welfare check. No, a lot of people say, "Yes, but they were laid off, or fired (or what have you) from this or that or the other." These are all political pressures put upon the Immigration Service any way you look at it. In the final analysis, it creates pressure on the Immigration Service. Why? Because we now have illegal aliens on the welfare roles. And that can be proven and documented. And you have the Chamber of Commerce locally in the border area who opposes the Rodino Bill, which the Immigration Service

feels would give them a very good enforcement tool. How about the Senators and Congressmen who live in states that derive the majority of their income from agricultural work which because of its nature requires a lot of unskilled labor? I give you, for example, the states of Texas, Oklahoma, Arkansas, Southern California--these are all states that have this very problem. Where do you find these Senators and Congressmen voting? For more appropriations for the Immigration Service? No. For legislation that would help us enforce the law? No. These are all political problems. Another political problem that the Immigration Service created for itself is the lack of publicity on the part of the Immigration Service about the illegal alien problem. For so many years we said nothing. We didn't tell the people what was happening. We didn't tell the people the number of illegal aliens we were apprehending, we didn't tell the public that we were operating on substandard equipment, and that we were undermanned and had insufficient funds. We didn't tell any of this. As a matter of fact, we had one high official in the Washington office who was giving a portion of our appropriations back to Congress each year, when [at the same time] our Border Patrol agents in Southern California were siphoning gasoline out of their own personal cars to put in government vehicles so that they could do their job. And I also found out, to my own astonishment, that not until Commissioner Chapman took over had the Immigration Service ever had on its payroll a Public Relations man.

M: That has changed now.

S: That has changed now. We now have a Public Relations Department.

M: And there's more of an effort to get out the information to the public and so forth?

S: Right.

M: Here in the El Paso region, you mentioned that there are some powerful farmers that seem to exert a lot of pressure and support this illegal system that we have that Dr. Stoddard talks about in his paper. What is your experience with that?

S: It's true; it's happened. As a matter of fact, I personally had one of these farmers file a grievance against me. He contacted his Congressman, who then contacted the officials in Washington, who then contacted my immediate supervisors here in El Paso, who then got hold of my senior patrol agent in Sierra Blanca, who then got me on the carpet because of a conversation that this farmer and I had. I didn't apprehend a single alien. It was because of a conversation that he and I had. In essence, he told me that I had no business on his property. Well, of course, I can support my having been there with authority granted me under the law. That is, all I had to do was submit the records that we keep on the number of illegal aliens apprehended on one piece of property as my reason for being there in the first place, since that proves that it is a place that is known to hire illegal aliens. And as a matter of fact, it turns out that this particular farmer was the most serious violator of this very thing. He probably hired more illegal aliens than any other farmer in that area. A lot of people will say, "Yeah, but he's the biggest." Well, that doesn't have anything to do with it. He still hires illegal aliens. So, this is political pressure.

M: Let me end this interview with a question on the light side. Can you think of any jokes about the illegal problem that are current with the Border Patrol people?

S: Yes. One that I mentioned is this business of the west railroad bridge. When you ask any alien who's crossed this bridge where he crossed, he refers to it as the "puente negro" because it's painted black--it's a steel black bridge. And the Border Patrolman then sometimes returns with "puente más famoso," which simply means that it's the most famous bridge of all the bridges--even more famous than the bridges where the legal people go back and forth. [This is] intimating that more people cross illegally across the black bridge than cross the legal bridges, which of course is not true; but [it is] simply put forth as a joke. One thing I want to bring out, though, that will make you, personally, get a better feel for this problem is this: You work for the University system in the state of Texas. Last year the appropriations granted by the state legislature of Texas for the operation of the University were \$400 million. Last year the Immigration Service of the United States, to conduct its operations world-wide, was allocated by the Congress of the United States less than \$300 million.

M: We have more money than you do.

S: That's right.

M: Any other jokes that are standard with Immigration people about the situation here?

S: No. We try, of course, to keep our sense of humor. It's necessary in a situation such as this. But [there aren't] what I would consider standard jokes; no. None come to mind at any rate at the moment, except for that one about the black railroad bridges. And one need only go down there about 7:00 in the morning on any weekday, and then you'll see.

M: I think I'll take you up on the invitation and go down there some Saturday.

S: It's an eye-opener; it really is.

M: I'd like to see that.

S: Monday morning especially, because on Monday morning the maids are all coming to work. Those that are live-in [maids] who went back home to Juárez for the weekend will be coming back, and those that simply have a daily job will be coming over. For example, I don't know whether you read the article last Tuesday, but we picked last Monday to check the City Line buses which, naturally, the illegal aliens use to get to their jobs in various neighborhoods. The first bus runs on the East side I think at 7:30. Between 7:30 and 10:30 in the morning we apprehended 135 illegal aliens on City Line buses. That's just a drop in the bucket really. But how often do we do that? Not very often. Why? We don't have the time and we don't have the personnel.

M: What's the purpose of these raids once in a while?

S: To be honest with you, the purpose of such a thing is to bring it to the attention of the public--make the public aware of it. That's the only thing. The public, after all, is your greatest help in any situation such as this. Like I pointed out to you before, up until General Chapman became Commissioner, we told the public nothing. When he came in, it was the first time that we ever published any annual apprehension records to the public; for example, the traffic checkpoint on Interstate 10 when I was a Border Patrol agent. During the summer months when people are vacationing and driving everywhere, we would get people from the Midwest, the East, the Northwest, the northern border, even some from the central Western states--Nevada and so forth--who would drive up to that checkpoint. I would tell them, "Good evening, I'm a United States Immigration officer. Would you please state your citizenship?" "When did I cross into México?"



they'd say. They didn't even know what I was. They had never even heard of the Immigration Service, much less a Border Patrolman. Or they would sit there and stare at that little sign on the front door of the sedan, and they would stare at it and stare at it, and they would know that that map on there was a map of the United States, but they still had the feeling that they were talking to a foreign government official. Somehow they got into México, because they had never heard of the Immigration Service, much less the Border Patrol. "I never heard of any such thing." And I've had people not even answer me; they just drive off.

M: That's interesting. Well, Mr. Smith, I want to thank you very much. This has been a very interesting and enlightening conversation for me. I appreciate your taking the time to do this.

S: Well, I'm glad you asked me.