

16 MEX. RAIDERS FREE!

LARRAZOLO EXECRATED BY ALL!

Citizens of Columbus Generally, Americans and Mexicans Alike, Denounce Governor for Unwarranted Interference.

TOO SHOCKED TO PROTEST

Executive, Defeated for Re-election, Disgraced, Fulfills the Fate, and Leaves New Mexico.

LATEST.

SANTA FE, N. M., Nov. 24.—The release of the 16 Villistas from the state penitentiary was hailed temporarily at least, this afternoon when Judge Holman of the district court, on application of Albert W. Glancy of Santa Fe, issued a writ of habeas corpus directed to Floyd Orth, warden of the penitentiary, commanding him to show cause why he should honor the pardons issued by Governor Larrazolo a few days ago. The case was set for hearing December 4, and the convicts cannot be released before that date. They were to have been given their liberty as soon as immigration officials could prepare the necessary papers to have them deported to Mexico.

The day the pardons were issued, Governor Larrazolo left for El Paso en route to Mexico City in attend the inauguration of President-elect Cozuma, and he could not be interviewed regarding the new phase which the case has taken.

Eight Hundred Bandits Strong.

In the sticky air of a March morn—4:30 o'clock, March 16, 1916, while the citizens slept unaware of impending disaster and in their dreams safely guarded by troops of the United States Army under command of Colonel Slemons, there arose out of the hills south of the border 800 bandits under the command of Francisco Villa.

Coming north from down Boca Grande way those 800 riders of the night crossed the border below two troops of cavalry and silently, swiftly crested the western limits of Columbus and then reaching the center of the enormous whorled sharp to the right and in a few minutes—seconds—were in the den of Columbus and then these devil incarnate began the slaughter of the innocent which resulted in the death of seventeen citizens and the wounding of countless others and in an hour the ravens were on their way south into Mexico and from astride their mounts and miles away looked back at the smoldering, smoking hamlet they had wrecked and looted to ruin.

Governor Slanders Court and Jury

And for this damnable outrage upon American citizens and their property rights, just three years ago, six bandits were hung at the county seat and sixteen were sent to the penitentiary to serve what were intended to be life sentences.

And this week, Larrazolo, a republican governor, defeated in and by his own party, boldly pardoned the 16 bandits with the weakest excuse and Wednesday in El Paso, Texas, with an air of finality, this governor who misrepresents the State of New Mexico, says that the execution of the six bandits at Deming was "JUDICIAL MURDER."

Francisco Villa, when questioned by an Associated Press reporter some months ago as to why he had attacked Columbus and if he was personally in command at the time, naively replied:

"What a Laurel Wreath, Eh? Why pick a laund wealth from off my brow?"

If this shameless excuse of a governor for justice and right in New Mexico extends to look his New Mexico know with laurel wreaths he will find them only at the Villa

causal, not at the haciendas of the real Mexicans who hope for a future for their wonderful country not in the hands of Americans in Columbus.

To be sure, Columbus has only one point of view for Villa, his bandits and the "raid." But from ALL editorial columns it is apparent that there is but one viewpoint in America—execration for a senseless mind governor who would never have pardoned these bandits if he had not been defeated for the republican nomination of governor of New Mexico. Larrazolo says he is "out of politics." Of course, he is, and so is El Paso with him.

LARRAZOLO TO PARDON MEN WHO RAIDED COLUMBUS

(El Paso Times.)

Santa Fe, N. M., Nov. 21.—It became known here tonight that Governor A. Larrazolo intends to issue Thanksgiving pardons to the six Villistas held in the state penitentiary here following their conviction of participating in the raid on Columbus, N. M., in which a number of citizens were murdered and their homes burned by a band of outlaws from south of the international line.

Governor Larrazolo takes the position, it is understood, that they were innocent of the fact that they were in the United States. Also, it is stated, the governor is of the opinion that clemency toward the men will tend to promote better feeling in Mexico toward the United States.

The contention is also made that the men, who captured, should have been treated as military prisoners and never should have been tried by the civil authorities, and therefore they were not rightfully confined in the New Mexico penitentiary.

Four prisoners captured with the men about to be pardoned, were found guilty of first degree murder and executed the crime in the gallows in Deming.

LARRAZOLO FREE IS MEXICAN BANDITS

(El Paso Times.)

Santa Fe, N. M., Nov. 22.—Sixteen Mexicans, seeking life sentences for murder committed while taking part in the Villista raid on Columbus, N. M., March 16, 1916, were pardoned by Governor O. A. Larrazolo today.

In a statement issued at the time of the announcement of the pardons the governor declared his action was based solely on the belief that the men were not "criminally responsible."

The men, the governor says, are illiterate. They all informed him they were forced or impressed into the service of Villa, against their wishes; that they thought they were to attack the Carranza garrison at Palomas, Chihuahua, a short distance from Columbus, and did not know their objective was an American town. The governor holds that in any event the men were not acting as free agents, but were under military discipline and orders, and were thus forced under duress.

Not Guilty of Murder.

"It is a fact," said the governor, "that, when they in pursuance of superior orders, attacked Columbus, not one of them knew he was slandering on American soil, and attacking an American settlement."

He believes, however, that, had they known they would not be guilty of murder, but "were acting under superior orders which they must obey under penalty of death."

Governor Larrazolo denied his clemency to the Mexicans was "to further friendly relations between the United States and Mexico." "Relations between countries," the governor stated, "no more than friendly relations between individuals can be strengthened by protecting crime or pardoning criminals."

Court's Jurisdiction Questioned.

Pitting out the possibility that a real state of war may have existed between the United States and Mexico at the time, the governor says that in that event the men deserved the consideration given prisoners of war and the civil courts had no jurisdiction in the case. The executive says that he examined each one of the men carefully. He sets forth that they pleaded guilty to second degree murder to escape death, and

were in absolute ignorance of American laws and judicial procedure, and the trial court had no option but to pass sentence.

How Are Their Names

The names of the men who were captured and convicted for this senseless crime are: Ramon Bustillo, Rafael Bustamante, Thomas Camarero, Santos Torres, Pedro Inocencio Jose Tena, Jose de la Luz, Marquez, Lorenzo Gutierrez, Rafael Rodriguez, Pedro Lopez, Mariano Jimenez, Juan Munoz, David Rodriguez, Francisco Solis, Juan Torres, and Jose Rodriguez.

All but Jose Rodriguez pleaded guilty to second degree murder and were given from 70 to 90 years sentences. Jose Rodriguez was found guilty of first degree murder and sentenced to hang, but his penalty was commuted to life imprisonment.

The raid on Columbus cost the lives of 17 Americans, who were shot down in cold blood. All of the 16 men pardoned yesterday were tried and convicted before a jury sitting at Deming, N. M.

The Columbus raid was directly responsible for the formation of Pershing's punitive expedition into Mexico and the issuance of the war department order to "get" Villa. Pershing was recalled from Mexico after a ten months' campaign and before he fulfilled his mission.

Two El Pasos were among the dead at Columbus, both burned to death in the Commercial Hotel fire. They were Dr. H. M. Hart, cattle inspector, and W. A. Davidson, member of Company K, Texas National guard.

The entire business district of Columbus was razed. The bandits poured gasoline on the buildings before they applied the torch.

LARRAZOLO TO LIVE IN EL PASO; DEFENDS PARDONS

Within the next three months it is practically assured that Governor O. A. Larrazolo of New Mexico will become a resident of El Paso and will resume the practice of law, making a specialty of cases involving Mexican law.

The announcement was made by Governor Larrazolo Tuesday morning at the Hotel Sheldon on his arrival from Santa Fe. He will remain in El Paso until he leaves for Mexico City to be present at the inauguration of Gen. Alvarado Obregon as president of Mexico.

"It is not only possible but extremely probable that I will return to El Paso to live," Governor Larrazolo said. "In fact, I may say it is practically certain that I will do so within three months. I am absolutely out of politics, and will be glad to resume the practice of law. I will make a specialty of cases involving Mexican law."

Governor Larrazolo was amused over a report that he might accept some position under President Cozuma in Mexico.

"I wouldn't take any office in the United States," he said, "and, of course, I wouldn't do so in Mexico."

Governor Larrazolo lived in El Paso before going to New Mexico, and at one time was district attorney.

Pardons Called "Closed Incident."

The pardoning of the 16 Villistas in the New Mexico penitentiary is a closed incident, the governor feels. However, he wishes to emphasize the fact that it was not done by any wish to promote good will between Mexico and the United States.

"Of course, I will feel much gratified if I received the approval of the people in my action, but if the whole world were against me I would feel I had done exactly right."

Acting Under Military Orders.

Governor Larrazolo, in his official pardon, made his principal contention that the men were acting under military orders in the battle, and that they were required to obey or suffer punishment.

"Judicial murder" is the term Governor Larrazolo applied to the execution of the six Villistas.

Governor Larrazolo's party included Mrs. Larrazolo, Adjt. General James Hux, Gilberto Mirabel, his private secretary; J. M. Larrazolo, his son; Mrs. Thomas Deane of Santa Fe and Frank Hubert, New Mexican politician. They will all go to Mexico City with him.

16 PARDONED VILLISTAS TAKEN TO EL PASO FOR TRIAL FOR DEPORTATION

(El Paso Times.)

The terms of liberty enjoyed by the 16 Villistas present at the Columbus raid in 1916, pardoned yesterday by Gov. Larrazolo of New Mexico will be a brief one.

A party of immigration agents left last evening from El Paso for Santa Fe to arrest the pardoned men and hold them for deportation. They will be brought to El Paso and held by immigration authorities pending deportation proceedings. The ground for deportation will be that they are illegally in the United States.

Usually, ex-convicts are deported on the ground that they have been convicted of a crime involving moral turpitude, but as the Villistas have been pardoned their status is the same as before conviction.

PARDONED RAIDERS TO JOIN VILLA AT CANUTILLO RANCHO

Santa Fe, N. M., Nov. 23.—The sixteen Villista Columbus raiders pardoned by Governor Larrazolo, will not receive their freedom until Thursday. According to present plans they will go from here to Chihuahua via El Paso, escorted to the latter city by Mexican General C. Pabloski Holt, such with a discharged convict's suit and \$5 in his pocket to begin life anew. It is understood the Mexican government will give the men small farms as it has other of Villa's followers.

The text of the pardon follows:

EXECUTIVE OFFICE Santa Fe, New Mexico.

Executive Order.

On the 27th day of August, A. D. 1917, in the district court sitting in and for the county of Luna, in the state of New Mexico, Ramon Bustillo, Rafael Bustamante, Thomas Camarero, Santos Torres, Pedro Inocencio Jose Tena, Jose de la Luz, Marquez, Lorenzo Gutierrez, Rafael Rodriguez, Pedro Lopez, Mariano Jimenez, Juan Munoz, David Rodriguez, Francisco Solis, Juan Torres, all of whom had heretofore pleaded guilty to the crime of murder in the second degree, were duly sentenced to serve a term of imprisonment in the New Mexico state penitentiary of not less than 70 years nor more than 90 years, and Jose Rodriguez, who had heretofore been tried in said court and found guilty of the crime of murder in the first degree, was, on the 28th day of June, A. D. 1918, in the aforesaid court, given the death penalty, and sentenced to hang, which sentence was later, by executive order, commuted to life imprisonment in the state penitentiary.

Those Interested Will Never Forget

The history of these cases is rather fresh in the memories of the people of this state and, in fact, of the people of the whole nation, because these convictions were the result of a most unusual and sensational occurrence that attracted national attention.

History of the Case.

Early in the morning of the 9th day of March, A. D. 1916, a detachment of Mexican soldiers under the command of General Francisco Villa attacked the town of Columbus, in the county of Luna, in the state of New Mexico, which said town is very close to the boundary line between the United States and Mexico; upon the attack being made, a number of United States soldiers, who were stationed in that settlement, quickly came to the defense of the community, and very soon a pitched battle occurred between the forces led by General Villa and his subordinate officers, and our soldiers, under their respective officers; in the engagement several people were killed and others wounded on both sides, and the struggle ended in the hurried retreat of the bandits, who were promptly pursued by our troops, very soon thereafter, on the 10th day of March, A. D. 1916, a formal expedition into Mexican territory was undertaken and carried into effect by United States troops under the command of General John J. Pershing. These troops occupied certain sections of territory in the state of Chihuahua, in the Republic of Mexico, until

about the 20th day of February, A. D. 1917, when the last of our soldiers returned to Columbus, after their execution of Mexican territory.

The defendants above named were all common soldiers, what is generally known as privates, in the ranks of the Villa invading column, and were all subsequently captured in Mexico by our troops, and having been brought into Luna county, New Mexico, were there indicted, charged with the crime of murdering the people that were killed at Columbus at the time of the assault on the morning of March 9, A. D. 1916. All of the above named defendants pleaded guilty of murder in the second degree, except the defendant Jose Rodriguez, who had heretofore been tried by a jury and, as above stated, was found guilty of murder in the first degree, and was sentenced to hang, his sentence being thereafter commuted by the governor of the state.

The above named defendants, acting by and through their attorney, A. B. Benahan, Esq., and also through the Mexican consul, the Honorable Carlos Palacios Rost, have appealed to me as executive of the state to grant them a pardon, the petition being based on the proposition that these defendants are not guilty of the crime for which they were convicted, because at the time of the commission of the crime whereof they stand convicted, they were not responsible agents, in the commission thereof. This brings us to a consideration of the conditions and circumstances under which these men acted.

Were We at Peace With Mexico?

"In the first place, the first question that arises in my mind, and which creates a very serious doubt as to the actual condition of things is this: Were we at peace with the republic of Mexico on the 9th day of March, A. D. 1916, when the assault on Columbus took place, or did a state of war exist between the United States and Mexico? It is a fact of contemporaneous history known to all of us that on or about the 21st day of April, A. D. 1914, our troops, under the leadership of our navy, occupied the Mexican port of Vera Cruz, and in the taking of military possession thereof, a battle took place between our troops and navy on the one side, and the Mexican soldiers defending the port, in which struggle several lives were lost on both sides. When the struggle ended our troops had the port and City of Vera Cruz, and we retained such possession until about the 22nd day of November, A. D. 1915, being a period of about seven months; this act on our part certainly created a state of war between us and the republic of Mexico, even though no actual declaration of war was made; under the authorities of a state of war may, and oftentimes does, exist between nations, without any declaration of war being made by either.

(Be Arce et al., vs. the State of Texas, 202 U. S. W. page 601.)

I am not in possession of data and information that will enable me to tell whether the relations between our country and Mexico, which were certainly broken and interrupted by our taking the port of Vera Cruz, and which action on our part certainly did create a state of war between the two countries, had been composed at the time the assault upon Columbus was made by the Mexican troops as to have changed that condition of a state of war between the two countries into one of amity and cordial relations. If such change had taken place, this phase of the case now under consideration is not applicable, and becomes absolutely inconsequential and unimportant in deciding it. If, on the other hand, our relations with Mexico had not been reinstated, but the state of war still continued to exist, then this point becomes very material and essential because in that case it is plain to see that these defendants would have been prisoners of war, and should have been treated and dealt with as such according to the rules of civilized warfare, and certainly our civil courts would have no jurisdiction whatever in the case.

Were Private Soldiers.

On this as it may, however, the

conviction of this point is not essential, according to my views, to the proper determination of the petition for pardon involved in this proceeding, because, under the views that I hold in this case, there is another point, which to my mind is absolutely conclusive in the determination of the proposition of whether or not these defendants are guilty of the crime for which they stand convicted. It is another undisputed fact that all of these men were, as above stated, private soldiers in the ranks of the army commanded by General Francisco Villa. I have examined each one of these men and I find them, with possibly three or four exceptions, to be illiterate, belonging to the common laboring class of the people of that country; they all state that they were forced and impressed into service against their will, and by force. If this be true, it would make their plea still more meritorious; but granting for the sake of argument, and for the purpose of maintaining the sovereignty and sanctity of the law, that that were not true, and that they were volunteers in Villa's army, how would the case stand on this assumption?

"Their But to Do and Die."

It is a fact known to the average layman, and even to the most ignorant of us, that under military discipline, the common soldier, known as a private in the ranks is never told what the objective of any military movement is, particularly when actually engaged in hostilities. The absolute, unconditional and passive obedience of the common soldier to his superior officers is so commonly known, so well established, and so heartily enforced, that it is afforded a theme for the poet, who, speaking of this soldier's obedience to superior officers, says:

"It is not for him to ask the reason why."

It is for him to obey, and die."

What information superior officers may have touching the maneuvers and movements of troops, is never communicated to the rank and file of the army; the common soldier is told to march, and he must march; and when he is called upon to fire, it is his duty to fire without asking the reason why; a blind obedience by the common soldier to the orders of his superior officer is so unconditionally enforced that his failure in compliance will subject him to court-martial and oftentimes to suffer the death penalty. Such was the condition of these men. It is a matter of current history known to everybody in this country that for a great many years General Francisco Villa has kept an army fighting on one side or the other of the many revolutions and counter-revolutions that have convulsed Mexico for the past ten years. That Villa may have been on one side or the other is quite immaterial, the main fact in the case, which cannot be denied, is that he kept an army regularly officered, as all armies are officered, maintaining and enforcing therein that degree of military discipline that requires and compels the rank and file thereof to obey the orders of superior officers; the above named defendants belonged to that army, and in obedience to the orders given to them by their superior officers, they marched to a point of destination unknown to them, and for a purpose of which they were equally ignorant, except that, in a general way, as they understood it, they were "going to fight the enemy." These men say that although they did not know where they were going that the impression prevailed among their number that they were going to attack Carranza's garrison at the border town of Palomas, in the state of Chihuahua, Mexico. It is a fact that when they in pursuance of superior orders, attacked the town of Columbus, not one of them knew that he was standing on American soil and attacking an American settlement; this phase adds further merit to their defense, and I use the words "further merit" advisedly, because, although they had known that they were attacking an American settlement, still they would not be guilty of murder, because, as above stated, they were not responsible agents; they were acting under superior orders which they must obey under