

**TRANSCRIPT OF PROCEEDINGS**  
**BEFORE THE**  
**TEXAS STATE HOUSE OF REPRESENTATIVES**  
**HOUSE SELECT COMMITTEE ON IMPEACHMENT**  
**AUSTIN, TEXAS**  
**VOLUME X**

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TRANSCRIPT OF PROCEEDINGS

BEFORE THE

TEXAS STATE HOUSE OF REPRESENTATIVES

HOUSE SELECT COMMITTEE ON IMPEACHMENT

AUSTIN, TEXAS

IN THE MATTER OF HSR NO. 161  
CONTINUED HEARING -  
JUDGE O. P. CARRILLO

CONTINUED HEARING

VOLUME X

BE IT REMEMBERED that on Tuesday, June 10, 1975, beginning at 1:40 o'clock p.m., in the Old Supreme Courtroom, State Capitol Building, Austin, Texas, the above-entitled matter came on for hearing, having been continued from Friday, June 6, 1975, before the HOUSE SELECT COMMITTEE ON IMPEACHMENT, the Honorable L. Dewitt Hale, Chairman, Presiding, and the following proceedings were reported by Hickman Reporting Service, 205 West Ninth, Austin, Texas 78701.

**HRS**  
**HR2**

**HICKMAN REPORTING SERVICE**

THE QUALITY REPORTERS

Austin, Texas 476-5363

KET  
8782  
CBTY

V.10

**MEMBERS PRESENT**

1  
2 REPRESENTATIVE HALE - CHAIRMAN  
3 REPRESENTATIVE LANEY  
4 REPRESENTATIVE KASTER  
5 REPRESENTATIVE HENDRICKS  
6 REPRESENTATIVE MALONEY - VICE CHAIRMAN  
7 REPRESENTATIVE NABERS  
8 REPRESENTATIVE DONALDSON  
9 REPRESENTATIVE THOMPSON  
10 REPRESENTATIVE CHAVEZ  
11 REPRESENTATIVE WEDDINGTON

**APPEARANCES****FOR HOUSE SIMPLE RESOLUTION NO. 161**

12  
13  
14  
15 REPRESENTATIVE TERRY CANALES, P. O. Box 730,  
16 Fremont, Texas 78375.

**FOR THE RESPONDENT, JUDGE O. P. CARRILLO**

17  
18  
19 MR. ARTHUR MITCHELL, Mitchell, George and Belt,  
20 1122 Colorado, Westgate Building, Austin, Texas 78701

**FOR THE WITNESS, MR. CLINTON MANGES**

21  
22  
23 MR. JIM BATES, 310 South Clawsner, Edinburg,  
24 Texas

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1 TUESDAY, JUNE 10, 1975

2 TENTH SESSION

3  
4 (The hearing was reconvened at 1:40 p.m., pur-  
5 suant to the evening recess on Friday, June 6, 1975.)

6 CHAIRMAN HALE: The Committee will come to  
7 order. The Clerk will call the roll.

8 (The Clerk called the roll.)

9 CHAIRMAN HALE: A quorum is present.

10 Members of the Committee, you will recall that  
11 Mr. Clinton Manges had appeared briefly before the Com-  
12 mittee at one of our previous meetings, and because of  
13 the absence of his counsel, who was engaged in court work  
14 elsewhere and could not be here until today, we released  
15 Mr. Manges until two o'clock this afternoon. Mr. Manges,  
16 we're glad to have you back, and glad to see you're accom-  
17 panied with counsel.

18 Senator, it's a pleasure to have you back in  
19 the halls of the Legislature.

20 MR. BATES: First name, Mr. Chairman.

21 CHAIRMAN HALE: Mr. Bates, if you would,  
22 state into the record, since this is being taped, your  
23 name and address and the capacity in which you appear  
24 here.

25 MR. BATES: My name is Jim Bates. I'm an

1 attorney. I live at McAllen, Texas. My office address  
2 is 310 South Clawsoner in Edinburg, Texas.

3 CHAIRMAN HALE: And you're here represent-  
4 ing Mr. Manges, as his attorney?

5 MR. BATES: That's correct.

6 CHAIRMAN HALE: We're delighted to have you.  
7 Mr. Manges, I believe the Chair swore you the  
8 other day, did I not?

9 (Mr. Manges nodded.)

10 CHAIRMAN HALE: Thank you. So that you are  
11 under oath with respect to your testimony which you give  
12 here.

13 And since your counsel was not here the other  
14 day, Mr. Manges, I shall repeat the warning which I gave  
15 to you, advising you as to your rights so that counsel will  
16 be aware of what went on the other day also.

17 It's my duty as Chairman to advise you of your  
18 rights with reference to your testimony. You will be  
19 sworn to tell the truth and your failure to do so could  
20 subject you to a prosecution for perjury. After you have  
21 completed your statement, members of the Committee may  
22 ask questions concerning your testimony. You must answer  
23 these questions truthfully, and your refusal to do so  
24 could subject you to punishment for contempt. You can  
25 refuse to answer questions only on the ground that such

1 answers might incriminate you, or tend to incriminate you  
2 in some way You are privileged to have an attorney of  
3 your selection sit with and advise you as to your answers  
4 if you desire. The Chair will attempt to protect your  
5 rights at all times.

6 I asked you the other day, and I'll repeat it  
7 again. Do you understand the advice I've given you?

8 MR. MANGES: Yes, sir.

9  
10 MR. CLINTON MANGES

11 was called as a witness by the Committee and, having been  
12 previously sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY CHAIRMAN HALE

15 Q Mr. Manges, the Chair will ask you a few ques-  
16 tions, and then other members of the Committee will like-  
17 wise ask whatever questions they deem pertinent to the  
18 inquiry.

19 You understand that the purpose of this inquiry,  
20 and Mr. Bates, particularly for your information, is  
21 strictly to determine facts. We're not prosecuting any-  
22 body. We're not defending anybody. Our responsibility  
23 under the Constitution and Statute is crudely comparable  
24 to a Grand Jury, to attempt to collect facts and determine  
25 whether or not those facts are sufficient to justify any

1 further proceedings. And to the extent that it's possible  
2 to do so, the Chair is trying to keep out all tangent  
3 matters and try to confine the matters to those pertinent  
4 to the conduct of the judgeship of the 229th Judicial Dis-  
5 trict.

6 MR BATES: Might I ask a question right  
7 there, Mr. Chairman?

8 CHAIRMAN HALE: Yes, you may.

9 MR. BATES: Would you, since I have not  
10 been blessed with a copy of the Resolution about which  
11 your roughly Grand Jury investigation is attempting to  
12 conduct, would you be so kind as to furnish me with a  
13 copy of it before Mr Manges is asked to answer any  
14 question?

15 We sent to the House Journal Clerk a little  
16 while ago for one and got the wrong information. Might  
17 I have a copy of the Resolution and the Amendment thereto?

18 CHAIRMAN HALE: We'll be happy to get you  
19 a copy of it.

20 Mr. Bates, there were three Resolutions pertain-  
21 ing to the inquiry, and the Chair is happy to provide  
22 you with copies of each one of them.

23 One is HSR 161, the other is HSR 167, and the  
24 third is HSR 221.

25 MR. BATES: Thank you.

1                   CHAIRMAN HALE: If you would like a moment  
2 to look over those, the Chair will be happy to accommodate  
3 you.

4                   MR. BATES: It won't take but a couple of  
5 minutes, Mr. Chairman.

6                   Mr. Chairman, I have read all three of the Reso-  
7 lutions, and I have called to Mr. Manges' attention the  
8 guts of HSR 161, which says that:

9                   "Judge O. P. Carrillo has been indicted by  
10 a Grand Jury of the United States of America on  
11 multiple counts for violations of Federal Income  
12 Tax laws . . . "

13 And if that's what you all are investigating, I have  
14 just advised Mr Manges to plead his right to incrimination,  
15 which I'm assuming that he will do, and to answer no  
16 questions by this Committee.

17                   CHAIRMAN HALE: Counsel, that's fine. Are  
18 you ready for us to proceed then?

19                   MR. BATES: Yes, sir.

20 BY CHAIRMAN HALE

21                   Q     Would you state your name, please?

22                   A     I respectfully decline and refuse to answer the  
23 questions put to me by the Committee, on the grounds that  
24 the answer might tend to incriminate me. I claim this  
25 right under the provisions of the Fifth Amendment, the

1 Constitution of the United States, Article I, Section 10,  
2 Constitution of Texas.

3 Q Where do you live?

4 A I respectfully decline and refuse to answer the  
5 question put to me by the Committee, on the grounds that  
6 the answer might tend to incriminate me. I claim this  
7 right under the provisions of the Fifth Amendment, the  
8 Constitution of the United States, and Article I, Section  
9 10, Constitution of Texas.

10 Q Do you know Judge O. P. Carrillo?

11 A I respectfully decline and refuse to answer the  
12 question put to me by the Committee on the grounds that  
13 the answer might tend to incriminate me. I claim this  
14 right under the provisions of the Fifth Amendment, the  
15 Constitution of the United States, and Article I, Section  
16 10, Constitution of Texas.

17 CHAIRMAN HALE: Have the Court Reporter,  
18 Mr. Johnson, mark this for identification.

19 (A document was  
20 marked "EXHIBIT 70"  
21 for identification.)

22 BY CHAIRMAN HALE

23 Q Mr. Manges, I hand you Exhibit No. 70, which  
24 purports to be a photocopy of a check, and ask you if  
25 that is a check that was drawn on your bank account?

A I respectfully decline and refuse to answer the

1 question put to me by the Committee on the grounds that  
2 the answer might tend to incriminate me. I claim this  
3 right under the provisions of the Fifth Amendment, the  
4 Constitution of the United States, and Article I, Section  
5 10, Constitution of Texas.

6 Q Do you maintain a checking account in the First  
7 State Bank and Trust Company of Rio Grande City, Texas?

8 A I respectfully decline and refuse to answer the  
9 question put to me by the Committee on the grounds that  
10 the answer might tend to incriminate me. I claim this  
11 right under the provisions of the Fifth Amendment, the  
12 Constitution of the United States, and Article I, Section  
13 10, Constitution of Texas.

14 Q Did you give a check dated January 27, 1971,  
15 in the amount of \$6,915 55 in payment for a Cadillac  
16 automobile delivered to Judge O. P. Carillo?

17 A I respectfully decline and refuse to answer the  
18 question put to me by the Committee on the grounds that  
19 the answer might tend to incriminate me. I claim this  
20 right under the provisions of the Fifth Amendment, the  
21 Constitution of the United States, and Article I, Section  
22 10, Constitution of Texas

23 MR. BATES: Mr. Chairman, in order to save  
24 the State and taxpayers money, at least to the Court  
25 Reporter, could we just simply in the future answer



1 "I refuse to answer" and be accorded the same reasons  
2 for answering as he has been reading ever since you asked  
3 him his name?

4 CHAIRMAN HALE: I think that could certainly  
5 ly be adequate, Counsel.

6 MR. BATES: Thank you.

7 BY CHAIRMAN HALE

8 Q Do you have a telephone at your place of  
9 residence, Mr. Manges?

10 A I refuse to answer.

11 CHAIRMAN HALE: "On the grounds that it  
12 may incriminate me," Counsel. He'd better put that on  
13 each answer, I would think.

14 MR BATES: Why can't you just let the  
15 Court Reporter write it in? We stipulate that he will  
16 answer, and you may put in the record the full answer  
17 when he answers "I refuse to answer."

18 CHAIRMAN HALE: I would think that the  
19 witness should say, at least the minimum, "I refuse to  
20 answer on the grounds that it may tend to incriminate  
21 me." And if he can make that answer, then we will accept  
22 that as claiming his full rights under the Fifth Amend-  
23 ment.

24 MR BATES: You wouldn't just take the  
25 same answer? All right. Go right ahead.

1 CHAIRMAN HALE: Well, it's not going to be  
2 that prolonged. We do not intend to wear him out on the  
3 Fifth Amendment questions

4 BY CHAIRMAN HALE

5 Q Is the telephone number 394-7386 issued in your  
6 name?

7 A I refuse to answer on the grounds that it might  
8 incriminate me.

9 Q Is the telephone number 394-7129 assigned in  
10 your name?

11 A I refuse to answer on the grounds it might  
12 incriminate me.

13 Q Over a period of time, beginning in November  
14 1974, up to the present time, have you received a great  
15 number of telephone calls to one or the other of those  
16 two numbers from Judge O. P. Carrillo?

17 A I refuse to answer on the grounds it might  
18 incriminate me.

19 Q Have you made any telephone calls during that  
20 period of time to Judge O. P. Carrillo?

21 A I refuse to answer on the grounds it might  
22 incriminate me.

23 Q Are you personally acquainted with Judge O. P.  
24 Carrillo?

25 A I refuse to answer on the grounds it might

1 incriminate me.

2 CHAIRMAN HALE: Mr. Maloney, do you have  
3 any questions?

4 BY MR. MALONEY

5 Q Do you know O. P. Carrillo?

6 A I refuse to answer on the grounds it might  
7 incriminate me.

8 Q Are you the Plaintiff in a lawsuit styled  
9 Clinton Manges vs. M. A. Guerra, et al?

10 A I refuse to answer on the grounds it might  
11 incriminate me.

12 Q Did you testify in that lawsuit?

13 A I refuse to answer on the grounds it might  
14 incriminate me.

15 Q Do you know Mr. Perry Shankle of San Antonio?

16 A I refuse to answer on the grounds it might  
17 incriminate me.

18 Q Do you know Mr. Oscar Carrillo?

19 A I refuse to answer on the grounds it might  
20 incriminate me.

21 Q Do you know Mr. Ramiro Carrillo?

22 A I refuse to answer on the grounds it might  
23 incriminate me.

24 Q Do you know Mr. Arnulfo Guerra?

25 A I refuse to answer on the grounds it might

1       incriminate me.

2               Q       When did you first become a resident of Duval  
3       County?

4               A       I refuse to answer on the grounds it might  
5       incriminate me.

6               Q       Are you married?

7               A       I refuse to answer on the grounds it might  
8       incriminate me.

9               Q       Were you served with a subpoena to appear before  
10       this Committee?

11              A       I refuse to answer on the grounds it might  
12       incriminate me.

13                               MR. MALONEY: I pass the witness.

14                               CHAIRMAN HALE: I guess Mr. Slack isn't  
15       here    Mr. Hendricks?

16                               MR. HENDRICKS: No questions.

17                               CHAIRMAN HALE: Mr. Nabers?

18       BY MR. NABERS

19              Q       Do you own any land in Duval County?

20              A       I refuse to answer on the grounds it might  
21       incriminate me.

22              Q       Do you owe any back taxes on any property owned  
23       in Duval County?

24              A       I refuse to answer on the grounds it might  
25       incriminate me.

1 MR. CANALES: Mr. Chairman?

2 CHAIRMAN HALE: Mr. Canales.

3 MR. CANALES: I'll direct myself to the  
4 Chair. Counsel for Mr. Manges indicated at the beginning  
5 that as far as questions regarding income tax evasion  
6 charges, he was going to instruct his client not to answer.  
7 There are several other charges, or allegations that have  
8 been brought before this Committee, and I was curious as  
9 to whether Mr. Manges would also refuse to testify as to  
10 those on the grounds that he might be incriminated.

11 CHAIRMAN HALE: Mr Canales, apparently  
12 he intends to invoke the Fifth Amendment on all questions.  
13 But the Chair will advise Mr. Bates—of course this  
14 Committee, under the Constitution and Statutes, is not  
15 confined to the matters specified in that initial Resolu-  
16 tion. I think the law is abundantly clear that once an  
17 impeachment proceeding gets under way, that the facts  
18 such as whatever they are in any area of misconduct are  
19 pertinent to the inquiry. So that if you are basing your  
20 instructions to your witness solely on the grounds that  
21 it is involving a Federal Income Tax charge, then there  
22 are many other charges pending before the Committee.

23 MR. BATES: Yes, Mr. Chairman, I thoroughly  
24 understand that, and I leafed through five volumes of  
25 this Committee's previous work this morning and all I

1 found, since about the second or third day of the Hear-  
2 ings, that you've been after a man by the name of Clinton  
3 Manges, and not a man by the name of O. P. Carrillo.  
4 And on that basis, and because I see nothing but this—  
5 I've read a couple of court cases about what this Committee  
6 could or could not do legally—that, taking the whole  
7 picture into consideration, and I did not make a statement  
8 and the reflect will reflect, that because this involved  
9 income tax matters; I said that's all I read in it.

10 But, based on the reading of the previous ques-  
11 tions by members of this Committee, previous testimony  
12 before this Committee, and what Clinton Manges' use of  
13 a roll of wire, if that ever happened, that might have  
14 been owned by Duval County has to do with either Judge  
15 Carrillo's impeachment or his income tax evasion thing,  
16 I don't know. But I know that it could be directed to  
17 Mr. Manges, and for that reason I have instructed him  
18 not to answer any more questions because I think you're  
19 investigating him; I don't think you're investigating  
20 Judge Carrillo.

21 CHAIRMAN HALE: Mr. Bates, we're certainly  
22 not investigating Mr Manges, but I can appreciate his  
23 caution and your caution—

24 MR. BATES: Yes sir, thank you.

25 CHAIRMAN HALE: —in the way he answers

1 the questions.

2 MR. BATES: We have not changed our position.

3 CHAIRMAN HALE: Thank you.

4 Mr. Nabers, do you have any more?

5 MR. NABERS: I think it's a waste of time.

6 CHAIRMAN HALE: Mr. Kaster?

7 MR. KASTER: I have a parliamentary inquiry,  
8 Mr. Chairman. I would assume that when the Committee is  
9 through with the witness that we can either retain them  
10 or let them go on about their business. Now, in the past  
11 we have let certain other witnesses go, but I would  
12 expect this Committee hearing to last maybe two, three  
13 more weeks, and I'm going to move that we retain Mr.  
14 Manges, because there might be other questions we want  
15 to ask as the proceedings go on, and I would—if it takes  
16 two or three weeks, it takes two or three weeks. At the  
17 time, would that be proper to move?

18 CHAIRMAN HALE: Well, let's think about  
19 that for a minute, Mr. Kaster. The Chair doesn't have  
20 any desire to cause any inconvenience to any witness.  
21 Mr Manges is entitled to assert his rights under the  
22 Constitution of the United States and the State of Texas  
23 which he's doing, and I don't think—

24 MR. KASTER: I'm not denying that.

25 CHAIRMAN HALE: —I don't think that the

1 Committee should attempt to punish him in that regard.  
2 Our recourse is to either accept his plea of incrimination  
3 and release him from further appearance before the Commit-  
4 tee, or subject to recall as we've done all the other wit-  
5 nesses, or grant him immunity and then compell him to  
6 answer. That would be our recourse on that, and the  
7 Chair would certainly not recommend the grant of immunity  
8 at this time. We can cross that bridge later on in the  
9 hearing if we have to. That would be my thinking on it.

10 MR. BATES: I would state to the entire  
11 Committee that, with any sort of reasonable notice, as  
12 much as 18 hours, 24 would be appreciated, that we can  
13 make Mr. Manges available, and with some leeway to my  
14 schedule in Federal Court in Brownsville, which starts  
15 rather heavily next week, I think Judge Garza was most  
16 cooperative this week, we would make ourselves available  
17 on very short notice to the Committee.

18 CHAIRMAN HALE: Thank you, Counsel. Would  
19 you express to Judge Garza the appreciation of this Com-  
20 mittee for his courtesy in permitting your appearance  
21 here.

22 MR. BATES: I will.

23 CHAIRMAN HALE: We realize that it dis-  
24 rupts other activities when we subpoena people to come  
25 before this Committee, and we try to accommodate them the



1 best we can. And it would be the thinking of the Chair  
2 that Mr. Manges should be treated no differently from  
3 other witnesses under subpoena. When we have completed  
4 what testimony they have to offer, we have allowed them  
5 to go about their business, with the instruction from the  
6 Chair that they are still under subpoena and still subject  
7 to recall on reasonable notice.

8 MR. BATES: Yes, sir.

9 CHAIRMAN HALE: Your statement on that  
10 would certainly be acceptable to the Chair.

11 MR. BATES: Thank you, sir.

12 CHAIRMAN HALE: Do you have any questions,  
13 Mr. Kaster?

14 BY MR. KASTER

15 Q Is your name Clinton Manges?

16 A I refuse to answer on the grounds it might  
17 incriminate me.

18 MR. KASTER: Well, now, if you can answer  
19 me, Mr. Chairman, how that incriminates anybody by divulg-  
20 ing their name, then instead of invoking the Fifth  
21 Amendment I get the feeling of uncooperativeness, of not  
22 helping us to seek our Constitutional duty under the State  
23 in trying to resolve these matters, and—

24 CHAIRMAN HALE: Well, I don't believe you  
25 could construe the witness as cooperative, Mr. Kaster, if

1 that's what you're saying.

2 MR. KASTER: Well, until we decide the  
3 matter of immunity, then, I'm going to probably not—  
4 you know, there are allegations made that it was diffi-  
5 cult to serve a subpoena, and I'm sure that as Mr. Bates  
6 has indicated, he would have his client here on short  
7 notice, and I can appreciate the inconvenience, but I  
8 would also advise the Chair that maybe the members of the  
9 Committee have been inconvenienced by having to be here  
10 when everybody else got to go home. So, it's a two-way  
11 street.

12 BY MR. KASTER

13 Q Mr. Manges, do you know Governor Dolph Briscoe?

14 A I refuse to answer on the grounds it might  
15 incriminate me.

16 MR. KASTER: I don't believe I have any  
17 more questions, Mr. Chairman.

18 CHAIRMAN HALE: Mr. Donaldson?

19 MR. DONALDSON: I pass.

20 CHAIRMAN HALE: Mr. Laney?

21 MR. LANEY: Pass.

22 CHAIRMAN HALE: Mr. Thompson?

23 BY MR. THOMPSON

24 Q Do you have a driver's license?

25 A I refuse to answer on the grounds it might

1 incriminate me.

2 CHAIRMAN HALE: Ms. Weddington?

3 MS. WEDDINGTON: Pass.

4 CHAIRMAN HALE: Mr. Chavez?

5 MR. CHAVEZ: No questions.

6 CHAIRMAN HALE: Mr. Hendricks?

7 BY MR. HENDRICKS

8 Q Has the Governor returned your fifteen thousand  
9 dollars, Mr. Manges?

10 A I refuse to answer on the grounds it might  
11 incriminate me.

12 CHAIRMAN HALE: Is there anything further,  
13 members of the Committee, with respect to this witness?

14 (No response)

15 Mr. Manges, as we have done on other witnesses,  
16 the Chair will excuse you from testimony at this time  
17 with your Counsel, with the instruction to you that you  
18 are still under subpoena to the Committee, and that you  
19 are subject to recall by the Committee at a later date if  
20 the Committee feels that it is necessary and anything  
21 would be gained by recalling you.

22 Just one second.

23 (Bench conference with Mr. Canales, Mr. Johnson  
24 and the Chairman and Vice-Chairman.

25 CHAIRMAN HALE: Mr. Bates, let the Chair

1 ask you a question.

2 MR. BATES: I know Mr. Manges.

3 MR. NABERS: Is that really him?

4 MR. BATES: All right, sir. I'm sorry.

5 CHAIRMAN HALE: Mr. Bates, if the Chair  
6 could humorously say, you don't know how much grief you've  
7 caused Mr. Mitchell by the fact that he wasn't going to  
8 be able to earn this fee for representing Mr. Manges  
9 here today.

10 MR. BATES: We discussed that this morn-  
11 ing over his coffee.

12 CHAIRMAN HALE: The subpoena that was  
13 served on Mr Manges was a subpoena duces tecum requesting  
14 in addition to his appearance here that he also produce  
15 personal check number 152, dated January 27, 1971, in  
16 the amount of \$6,915.55 drawn on the First State Bank  
17 and Trust of Rio Grande City and signed by Clinton Manges.  
18 Has he produced that check? Has he brought that check  
19 with him?

20 MR. BATES: We would refuse—you might  
21 as well go ahead and say it, you refuse to produce the  
22 check.

23 A I refuse to produce the check on the grounds it  
24 might incriminate me.

25 CHAIRMAN HALE: Fine. You did not bring

1 the check then, Counsel? Is that correct?

2 MR. BATES: (No response)

3 CHAIRMAN HALE: Thank you.

4 Mr. Manges, you will be excused, then, subject  
5 to recall by the Committee.

6 MR. JOHNSON: How do we get in touch,  
7 with him?

8 MR. BATES: Call me. The lines are all  
9 broken in Freer.

10 CHAIRMAN HALE: Mr. Bates, will you be in  
11 touch with your client at all times?

12 MR. BATES: At all times that are necessary  
13 at the direction of the Chair.

14 CHAIRMAN HALE: And we can contact you in  
15 order to secure his reappearance?

16 MR. BATES: I'm listed in both towns,  
17 Edinburg and McAllen.

18 CHAIRMAN HALE: Thank you.

19 (The witness, Mr. Clinton Manges, was excused.)

20 (Brief recess)

21 CHAIRMAN HALE: The Committee will come  
22 back to order.

23 Mr. Mitchell, the Chair is ready to recognize  
24 you at this time, if you are prepared to proceed along  
25 the lines we discussed last week.

1 MR. MITCHELL: Fine. Mr. Chairman, I have  
2 70 exhibits that have been marked, and I would like, with  
3 the permission of the Chair—I don't have returned to me  
4 but the first 28. If I could get from 28 to 61, I can  
5 proceed. I believe the Committee has been furnished  
6 with those first few exhibits, and if it's all right, I  
7 would like to follow the format unless someone has some  
8 objections to identifying them and giving them some rele-  
9 vancy to the proceedings. I don't have all of them,  
10 though. I thought maybe I might ought to have them before  
11 I commenced.

12 I would like also, Mr. Chairman, to request  
13 what the desires of the Committee will be as regards to  
14 the possibility that I can have certain witnesses here.  
15 Maybe we can expedite that. I'd like to have, for example,  
16 the Ranger for whom I have originally requested to subpoena  
17 and whom the Committee hasn't subpoenaed, and to testify.  
18 I would like to have him for the purpose of bringing a  
19 list of the equipment that was finally determined to be  
20 owned by the Duval County and where it was located. I  
21 think perhaps maybe just that list, maybe five or ten  
22 minutes of his time would be ample.

23 I would like to have Mrs. O. D. Barrington, who  
24 is in a position to identify the county employees from  
25 Freer, in connection with some questions that were put to

1 some of the witnesses Friday. That is Precinct 3 at  
2 Freer.

3 I would like to have Mr. Ronald Guerra, who I  
4 believe is here, in connection with the matter of the  
5 cement sale and the identification of an exhibit that will  
6 be offered to the Committee.

7 And I would like to have Gabriel Gonzalez, who  
8 is a witness who will identify, who did the work on the  
9 store job for Judge Carrillo, as well as the city hall  
10 job and hopefully we can trace some of that panelling  
11 down for some of the members of the Committee.

12 In addition, I would like to have Mr. Cleofas  
13 Gonzalez as regards certain testimony that he gave earlier,  
14 and further as to authenticate some of the documentary.

15 And if I understood, Mr. Chairman, there was  
16 no question— or if there was I'd like to know—I had sub-  
17 poenaed several of the attorneys in the area with regard  
18 to testimony on official delinquencies by Judge Carrillo  
19 or maladministration during the time he was in the course  
20 of office, and I understood there had been no question  
21 raised. Consequently, I have no need for Mr. Nye and  
22 two or three of those attorneys, there won't be any need.  
23 But if there is some question, and the Committee desires  
24 to question them, I would certainly like to have them up  
25 here.

1                   CHAIRMAN HALE: The Committee discussed  
2 that in executive session, Mr. Mitchell, and I think that  
3 while there was no official action taken on it, I think  
4 I can express basically the feeling of the Committee was  
5 that those would be more or less in the nature of what  
6 you would call a character witness in a trial, and I  
7 just don't see the relevance of that, nor the necessity  
8 for it, at this time.

9                   MR. MITCHELL: Uh-huh Well, fine. If  
10 I could put down a laboring oar, I sure will. But in  
11 reading the cases, on the ultimate issue as regards im-  
12 peachment, I have extracted those ultimate issues which  
13 I thought to offer testimony on. But if it's not the  
14 Committee's wish, certainly there's no question in the  
15 Committee's minds as to either his maladministration or  
16 official delinquencies, I certainly don't want to bore  
17 the record with that. But if there is, I would like to  
18 offer that testimony.

19                   CHAIRMAN HALE: Well, of course, to the  
20 extent that any of these attorneys would have information  
21 bearing upon the specific matters that have been charged,  
22 then they would be pertinent witnesses. If their testi-  
23 mony is going to be simply that they have tried cases  
24 in Judge Carrillo's court, and as far as they could tell  
25 they got a fair trial, if that's the nature of their



1 testimony, the Chair fails to see the relevance of that  
2 testimony to anything under investigation. Now, if any  
3 of those attorneys have knowledge of the automobile trans-  
4 action with Mr. Manges, or of the groceries, the Zertuche  
5 General Store, or any of the specific matters, then they  
6 would be witnesses above and beyond character witnesses.  
7 And in that sense their testimony would be pertinent.

8 MR. MITCHELL: Well, Mr. Speaker, members  
9 of the Committee, we admit the indictment, the subject  
10 matter of HSR 161. There never has been any—it's a  
11 matter of official record, and in the arraignment we've  
12 plead not guilty. We have admitted that, and we will ad-  
13 mit it. It's pending and the case is tentatively set for  
14 trial.

15 CHAIRMAN HALE: Let the Chair say this:  
16 one of the attorneys on which you requested a subpoena—  
17 there's no point in my naming him—but one of those on  
18 whom you requested a subpoena apparently found out through  
19 the newspaper that you had requested the subpoena for  
20 him, and he called me on the telephone and told me that  
21 he hoped that he would not be called; that he knew nothing  
22 about this case of any kind and his testimony would strict-  
23 ly be in the nature of a character witness because he knew  
24 nothing about any of the details of any of the matters  
25 under investigation by the Committee. So, if that's true

1 of these other attorneys, the Chair sees no reason why  
2 they should be called.

3 MR MITCHELL: Mr. Hale, maybe if I go  
4 through my documentation, maybe we can squeeze that water  
5 out of the sponge and then make a determination. I would  
6 like to have—I think Mr. Hickman told me at the outset  
7 that the exhibits numbered 1 through 60 are being repro-  
8 duced. Am I right, Mr. Hickman? If I could have those,  
9 then I could proceed with the presentation.

10 MR. CANALES: Mr. Chairman?

11 CHAIRMAN HALE: Mr. Canales.

12 MR. CANALES: Mr. Mitchell has made a com-  
13 ment to the effect that he's going to introduce this  
14 documentation. I'd like to request, as the Chair has in-  
15 dicated, there's no necessity for bringing in the care-  
16 taker of the records, and I concur. I don't see any  
17 necessity for it. But would it be possible to have Mr.  
18 Mitchell read into the record the name of the custodian  
19 of these records or whoever it is that provided them, so  
20 in case we do need cross references we will be able to  
21 obtain them?

22 CHAIRMAN HALE: Yes. The Chair will cer-  
23 tainly want to know where all these records came from.  
24 And the reason for the Chair's feeling that it would not  
25 be necessary to prove up all of these documents by the

1 custodian, Mr. Canales, is the fact that again we're not  
2 conducting a trial.

3 MR. CANALES: That's right.

4 CHAIRMAN HALE: If this matter ever pro-  
5 ceeds to the trial stage, then as Mr. Mitchell well knows,  
6 at that point he would be governed by the rules of  
7 evidence and would of necessity have to prove up the authen-  
8 ticity of each of these documents as he goes along in  
9 order to get it admitted into evidence.

10 For the purposes of our inquiry, the Chair  
11 didn't feel that that was necessary, unless there is some  
12 reason on some document for us to question it, in which  
13 event we might want to call the custodian in.

14 MR. MITCHELL: Mr Chairman, members of  
15 the Committee, may I proceed?

16 CHAIRMAN HALE: Yes, you may proceed, Mr.  
17 Mitchell.

18  
19 PRESENTATION ON BEHALF OF THE RESPONDENT  
20

21 MR. MITCHELL: I have as Carrillo 1—

22 CHAIRMAN HALE: Let the Chair ask a ques-  
23 tion. I notice the list of exhibits, starting on June the  
24 10th, are marked on the list by Mr. Mitchell here as  
25 CAR-1. I presume the CAR is an abbreviation for Car-11-2

1 REPORTER: Yes

2 CHAIRMAN HALE: We were trying to figure  
3 out a little earlier what the CAR in front of those  
4 exhibit numbers were, and I believe you've just identified  
5 it. So for the record then, they will be exhibits which  
6 you are offering at this time?

7 MR MITCHELL: Yes. CAR-1 and CAR-62 are  
8 in tandem. CAR-62 is the Certification of Authenticity  
9 from the Comptroller of Public Accounts, which encloses  
10 the application for State Sales Tax application question-  
11 naire signed by Arturo Zertuche for the issuance of sales  
12 tax numbers to Zertuche General Store, giving the name,  
13 the address and it, that is, CAR-62 and CAR-61 are to be  
14 taken in tandem.

15 I would like to have Mr. Cleofas Gonzalez re-  
16 called to establish the fact that it was filled out by  
17 him, notwithstanding his testimony that he did not know  
18 of existence of the store.

19 (Documents referred to were  
20 marked "CAR-1" and "CAR-62"  
for identification.)

21 MR. MITCHELL: Source and rule of evidence  
22 under which it is offered is the basic authentication  
23 rule, Article 3737E, being an authenticated copy of docu-  
24 ments appearing with the State Agency.

25 CAR-3—2 and 3—first CAR-2, Hector Zertuche's

1 tax return for '65 -'66, with special emphasis on Schedule  
2 C, showing profit or loss from business or profession,  
3 Zertuche General Store gross sale figures, cost of sale,  
4 net income, '65-'66.

5 (The document referred to  
6 was marked "CAR-2"  
7 for identification.)

8 MR. MITCHELL: CAR-3, Arturo R. Zertuche's  
9 1040 Tax Return, '67, '68, '69 and '70, with emphasis on  
10 Schedule C in each, showing gross sale, cost of sale, in-  
11 come, tax paid.

12 (The document referred to  
13 was marked "CAR-3"  
14 for identification.)

15 CHAIRMAN HALE: That's '67 through '70?

16 MR. MITCHELL: '67 through '70, yes sir.

17 CHAIRMAN HALE: And No. 2 was '65 and '66?

18 MR. MITCHELL: Yes, sir.

19 CHAIRMAN HALE: Was there any reason for  
20 that grouping?

21 MR. MITCHELL: Yes. The first two were  
22 for Hector Zertuche, reported on his 1040 form, Schedule  
23 C, and Exhibit No. 3 was for Arturo Zertuche, showing  
24 sole proprietorship of the same business through the years  
25 '68, '69 and '70, showing the sole proprietorship, and  
of course, showing his various other sources of income.  
I have not censored these, Mr. Chairman. These are the

1 tax returns as they appeared.

2 MR. DONALDSON: Mr. Chairman, I have a  
3 question.

4 CHAIRMAN HALE: Okay. I was going to say,  
5 Mr Mitchell, possibly we might have some questions—the  
6 Committee might have questions as we go along.

7 MR MITCHELL: I'll attempt to answer them,  
8 Mr. Chairman

9 MR. DONALDSON: Mr. Mitchell, in regard  
10 to these tax returns, particularly as it relates to Arturo  
11 Zertuche, do you have available, or can you make available  
12 to the Committee the supporting documents?

13 MR. MITCHELL: Yes. That was the next  
14 exhibit, Mr. Donaldson. Maybe if I—

15 MR. DONALDSON: All right.

16 MR. MITCHELL: In line with Mr. Donaldson's  
17 question, Exhibit CAR-4 are the checks input into the  
18 gross sales figures on Schedule C, Zertuche General Store,  
19 1970.

20 CHAIRMAN HALE: What Exhibit is that?

21 MR. MITCHELL: CAR-4.

22 MR. DONALDSON: Mr. Chairman, I don't have  
23 Exhibit 4.

24 CHAIRMAN HALE: I don't believe we have  
25 received that.

1 CLERK: Exhibit 4 would not reproduce,  
2 nor would Exhibit 6.

3 CHAIRMAN HALE: They would not reproduce?

4 CLERK: No, sir.

5 MR. HENDRICKS: Mr. Chairman, do you have  
6 anything after January 1st, 1971? I'm limiting my con-  
7 sideration of anything here from the time the Judge took  
8 the bench forward; nothing backward.

9 MR. MITCHELL: Mr. Hendricks, I have known  
10 from some of your questions that that was your position.  
11 There are no tax returns for Zertuche Store after that  
12 year, the store going out of existence and closing out  
13 December 31st. And that's the full scope of that.

14 MR. HENDRICKS: Well, Arthur, I fail to  
15 see, really and truly, the relevance, because I don't see  
16 that we can go into anything that happened prior to  
17 January 1st, 1971; at least that's my position.

18 MR. MITCHELL: Yes, Mr. Hendricks, I agree  
19 of course. I agree in fact to go a step further, that  
20 the Certificate of Election under which he is elected is  
21 January 1st, '75, but out of an abundance of precaution I  
22 want to tender this material to the Committee and will  
23 tender, incidentally, all of the input, all of the checks—  
24 if the Committee wants them I can have them brought here  
25 within about three minutes—all of the checks into '65, '66,

1 '67, '68, '69 and '70. That's the input checks. I have  
2 also all of the output checks. That is, where Zertuche  
3 General Store by either Hector Zertuche or Arturo Zertuche  
4 as drawor have those that I will tender if the Committee  
5 desires them, plus all of the checks reflecting the de-  
6 ductions, cost of sales, both to Farm and Ranch Supply  
7 for purchase of merchandise and to other places for pur-  
8 chase of merchandise. But of necessity, they terminate  
9 December 31st, 1970. Zertuche was out of existence.

10 MR. HENDRICKS: I'm directing my attention  
11 to the county warrants which were issued after January  
12 1st, 1971, to the Zertuche General Store, and we have no  
13 records of it after January the 1st, 1971.

14 MR MITCHELL: Mr. Hendricks, may I answer  
15 that? Yes. I have on Exhibit No. 6, Mr. Hendricks, which  
16 are Zertuche Store checks, with this explanation: The  
17 Zertuche Store terminated December 31st, '70, and I have  
18 tendered here and marked CAR-6, which are the checks from  
19 January, February and March to Zertuche Store, but  
20 deposited to Farm and Ranch because Zertuche Store's exis-  
21 tence terminated December 31st, 1970. And these are all  
22 those checks. And they were deposited by deposit slips,  
23 which I have also included in Exhibit No. 6, Mr. Hendricks,  
24 the deposit slips showing the Zertuche Store checks going  
25 into the—



1 MR. HENDRICKS: We don't have Number 6, Mr.  
2 Mitchell. At least I don't.

3 CLERK: It wouldn't reproduce.

4 CHAIRMAN HALE: The Clerk has said that  
5 Exhibit 4 and Exhibit 6, both of which were big bundles,  
6 would not reproduce for some reason on the machine. That  
7 is why the set of Exhibits which each member has does not  
8 contain either Exhibit 4 or Exhibit 6. We will have to  
9 apparently find some other reproduction means other than  
10 the Xerox in order to get copies of those.

11 Mr Mitchell, let the Chair ask you a question.  
12 Is the documentation which you are presenting to us going  
13 to establish that Zertuche General Store went out of legal  
14 existence on December 31, 1970? Is that correct?

15 MR. MITCHELL: Yes, sir. And there were  
16 three months, Mr Hale, as pointed out by Mr Hendricks,  
17 there were three months of checks, January, February and  
18 March, which I admit, I have the checks here, that were  
19 payable to Zertuche Store, the tax, the year was cut off  
20 December 31st of 1970, so that these checks, January, Feb-  
21 ruary and March, went into Farm and Ranch Supply and those  
22 are the facts. They were deposited there, labelled  
23 "Zertuche Store," and then after March- I have examined  
24 them right on up, there may be one or two, but I can  
25 almost say none after that period of time. I have those

1 checks, plus the checks—that is, from December 31st,  
2 1970, on old Zertuche Store from January, February and  
3 March, including the deposit slips with the notations  
4 clearly identified to be Zertuche Store and a complete  
5 phase-out in March of 1971.

6 CHAIRMAN HALE: Well, if there is documen-  
7 tation showing disbursements to Zertuche General Store,  
8 or business conducted in the name of Zertuche General  
9 Store, subsequent to December 31, 1970, then it is ob-  
10 viously a fraud and a deal with a non-entity. Is that  
11 correct?

12 MR. MITCHELL: Well, no. Of course, I  
13 take the word "fraud" very seriously. I say that those  
14 checks were issued for 90 days. Those facts are there.  
15 They were deposited in Farm and Ranch because as the  
16 Committee knows, Mr. Carrillo was elected the first time  
17 and took office January 1st, 1971,—

18 CHAIRMAN HALE: '71.

19 MR. MITCHELL: —so that if that's fraud,  
20 that's fraud. The facts are there for January, February  
21 and March. They terminated, however, at that period of  
22 time.

23 CHAIRMAN HALE: Well, maybe the word "fraud"  
24 was maybe a rather loose use by the Chair. It would be  
25 in the same category as a warrant issued to a fictitious

1 person, in that there was no Zertuche Store subsequent  
2 to that time.

3 MR. MITCHELL: I don't know what the Com-  
4 missioner's Court or the governing body had in mind, Mr.  
5 Chairman, when they issued them, but these are the facts.  
6 They are there, the checks are there. We picked them up  
7 on the Farm and Ranch Supply and then they terminated  
8 some time in March, and that's my Exhibit No. 6

9 MR. KASTER: Mr. Chairman—

10 CHAIRMAN HALE: Mr. Maloney had a question.  
11 Yes?

12 MR. KASTER: I have a parliamentary in-  
13 quiry. This witness is testifying and I don't remember  
14 your swearing him in. I don't know that it's necessary,  
15 he's the attorney. But everybody else has been sworn in.

16 CHAIRMAN HALE: Well, I don't know that  
17 Mr. Mitchell is a witness in this. He was putting his  
18 exhibits in.

19 MR. KASTER: Well, he's answering questions.

20 CHAIRMAN HALE: It was my feeling that he  
21 was answering questions pertinent to the exhibits, and  
22 actually, I have the feeling that Mr. Mitchell, everything  
23 he's going to tell us is probably hearsay as to him, since  
24 he was not an active participant in any of these things  
25 and that was the reason why the Chair hasn't sworn him.

1 If you feel it is necessary, we can put him under oath,  
2 but it's like any other attorney, he has dug out this  
3 stuff and he knows only what other people have told him  
4 about it. But I think the information which he has accu-  
5 mulated here is pertinent to our inquiry to give us the  
6 documentation, plus possible leads for further testimony  
7 we might want to take, as members of this Committee.

8 MR. MITCHELL: That's right. And Mr.  
9 Chairman, in light with Mr Kaster's inquiry, I hope that  
10 my statements are taken in the form of predicate ques-  
11 tions in regards to the authentication of the documents;  
12 as the Chair noted quite pointedly, I was not there and do  
13 not have personal knowledge. I certainly am not going to  
14 mislead the Committee.

15 But I will—such as Mr. Hendricks, I know that  
16 has bothered him all along, and he has in mind the Certifi-  
17 cate of Election of '71 which I think is proper, and I  
18 do know those checks, they're here and I wanted the Com-  
19 mittee that we do have them for their examination.

20 MR. DONALDSON: Mr. Chairman?

21 CHAIRMAN HALE: Mr. Donaldson.

22 MR. DONALDSON: Would it be possible for  
23 me to get the original copy of 6?

24 CHAIRMAN HALE: Yes, sir.

25 MR. MITCHELL: I have all of them. Those

1 that cannot reproduce, Mr Chairman, I would like to  
2 deliver with the understanding they're my only copies, and  
3 of course I have a Federal 7206 case coming up and this is  
4 all I've got. So I'd be glad to deliver 4—

5 MR DONALDSON: 4 is the one I want, I  
6 guess.

7 MR MITCHELL: Yes. And Mr. Donaldson, I  
8 also have the comparable input checks for every year. And  
9 they are at my office, and if the Committee wants them I  
10 certainly want them to see them, that back up those tax  
11 returns

12 CHAIRMAN HALE: The Chair is advised,  
13 members of the Committee,—and you'll notice that the list  
14 of exhibits provided you by the Clerk indicates this  
15 information. I hadn't noticed it and perhaps you hadn't.  
16 On Carrillo-6, if you will notice, that has to do with the  
17 Zertuche General Store, statements, transactions and can-  
18 celled checks, and part of that material is the same as  
19 Exhibit 28, which you do have. So there is apparently  
20 some overlapping between Exhibits 6 and 28 by the Com-  
21 mittee—not Carrillo 28. Exhibit 28 that was previously  
22 introduced before the Committee.

23 MR. MITCHELL: I don't have 8 through 29.

24 CHAIRMAN HALE: Could the Chair ask you a  
25 question, Mr. Mitchell, about this exhibit 4. Everything

1 that is in Exhibit 4 is apparently a Xerox copy or some  
2 type of reproductive process, —

3 MR. MITCHELL: Yes.

4 CHAIRMAN HALE: —and many of them are  
5 so dim that apparently they will not reproduce on Xerox.  
6 Could the Chair ask, if you have other copies of this same  
7 reproduction, or is this your only copy of this reproduc-  
8 tion?

9 MR. MITCHELL: Those are my only copies,  
10 Mr Hale, of the checks, unfortunately. Wait a minute, I'll  
11 take it back. Just a minute.

12 CHAIRMAN HALE: Do you have the actual  
13 checks of which these are photostatic copies?

14 MR MITCHELL: Wait a minute. I do have—  
15 yes, I have a copy here.

16 CHAIRMAN HALE: The Chair is very reluctant  
17 to take your only copy of this, knowing your situation in  
18 Federal Court.

19 MR. MITCHELL: Yes.

20 CHAIRMAN HALE: Or if the original docu-  
21 ments which were used to make these copies were available  
22 to the Clerk, we could make copies for everyone from the  
23 documents themselves.

24 MR. MITCHELL: Mr. Hale, those were fur-  
25 nished me by my accountant in preparation for my defense

1 in the Federal case. I assume he got them from the bank.  
2 I do have—I made a Xerox copy of that exhibit, which I  
3 just noted I have an extra copy, which I'll trade with  
4 the Chair.

5 CHAIRMAN HALE: Is that Number 4?

6 MR. MITCHELL: Yes, sir. It should be a  
7 copy of what the Chair has.

8 CHAIRMAN HALE: I don't see any difference  
9 in these two, as far as quality is concerned. Is there  
10 any difference in the two copies?

11 MR MITCHELL: No sir, not that I can tell.  
12 I made them with the permission—earlier I did try to  
13 reproduce two sets—

14 CHAIRMAN HALE: Can we keep one of the  
15 sets then?

16 MR. MITCHELL: Yes.

17 CHAIRMAN HALE: Supposing I take the front  
18 page off of your set which has the exhibit on it and trade  
19 front pages and give you your set back.

20 MR MITCHELL: That's fine. Mr. Hale, I  
21 state this to the Committee: I do have all of the checks  
22 for all of the returns, both going into the Zertuche Store  
23 for all of the years. I have those at my office. I'll  
24 be glad reproduce those for examination by the Committee.

25 Now, I have next CAR-5, which is the Cause No.

1 8357---

2 CHAIRMAN HALE: Mr. Mitchell, would you  
3 yield to the Chair just a minute?

4 MR MITCHELL: Yes, sir.

5 CHAIRMAN HALE: Members, the Clerk is hand-  
6 ing out now some additional photocopies here, which starts  
7 with Carrillo 27 and goes through Carrillo 44, which you  
8 will just add at the bottom of your stack of material  
9 which had previously been put at each member's desk.

10 Excuse me, Mr. Mitchell.

11 MR. MITCHELL: That's all right.

12 I have next, if it please the Committee, the  
13 official record from Cause No. 8357 styled O. P. Carrillo  
14 vs. Republic Insurance Company, which is on the docket  
15 of the District Court, having been filed some time in the  
16 late sixties, which is to recover on an insurance policy,  
17 which I also have attached to the record, for the des-  
18 truction of the store building in which the Zertuche Store  
19 was located. The record speaks for itself. Carrillo 5.

20 (The document referred to  
21 was marked "CAR-5" for  
22 identification.)

23 CHAIRMAN HALE: Mr. Kaster has a question  
24 on that.

25 MR. KASTER: Mr. Mitchell, did you say the  
store was destroyed, in this Cause 8357,---



1 MR. MITCHELL: Yes, sir?

2 MR. KASTER: What did you say was located  
3 in that store?

4 MR. MITCHELL: The Zertuche Store, the  
5 Zertuche General Store up to the date reflected in the  
6 record, Mr. Kaster.

7 MR. KASTER: It doesn't say so on this  
8 petition what was located in the store; it just said that  
9 there is a store—

10 MR. MITCHELL: Yes. The policy of insurance  
11 covers the destruction which formed the basis for the law-  
12 suit, which I'm just reproducing the record as it is, and  
13 the Committee can of course draw its own—I intend to have  
14 further testimony, Mr. Kaster, on the existence of it,  
15 people who bought goods in it and so forth.

16 MR. KASTER: It seems to me that earlier  
17 you stated, in one of your statements—I don't remember  
18 when it was, I was trying to look through my notes—that  
19 the Zertuche Store had gone out of existence in '67 when  
20 this hurricane appeared and now then you've introduced  
21 testimony, or documents, showing that it did continue  
22 until December the 31st, 1970.

23 MR. MITCHELL: It went out of existence at  
24 that one location because of the destruction of the  
25 building. It thereafter moved and continued business on

1 up into December 31st, 1970.

2 MR. KASTER: You will have testimony telling  
3 us where it moved to.

4 MR. MITCHELL: Yes. Hopefully.

5 CHAIRMAN HALE: This lawsuit was then for  
6 the contents rather than the building structure itself?

7 MR. MITCHELL: Yes. It speaks for itself,  
8 Mr Hale I don't really choose to characterize it for  
9 the Committee because of, again, the position I am--

10 CHAIRMAN HALE: And it was settled for two  
11 thousand dollars?

12 MR. MITCHELL: Yes, sir.

13 CHAIRMAN HALE: I noticed the judgment was  
14 entered here for two thousand dollars.

15 MR MITCHELL: Now, I have pictures also  
16 of the destruction of the building. I would like to  
17 reserve a sub-number, if I might, to introduce those, and  
18 that would be Carrillo 5-A.

19 (CAR-5A reserved for  
20 identification.)

21 CHAIRMAN HALE: Mr. Donaldson has a ques-  
22 tion.

23 MR. DONALDSON: I'm still back on CAR-4.  
24 You mentioned some checks that were issued to Zertuche  
25 in, as I understood it, January, February and March of '71.

1 Are those contained in 4, or or they in a different one?

2 MR. MITCHELL: They're in 6, Mr. Donaldson,  
3 which I'm up to right now.

4 MR CHAVEZ: Mr. Mitchell, did you say the  
5 lawsuit was for the contents or for the building?

6 MR. MITCHELL: Whatever the record speaks  
7 of.

8 MR. CHAVEZ: I thought you said the contents.

9 MR. MITCHELL: Yes, I thought it was to  
10 the building and Mr. Hale observed that it might have been  
11 for the contents, and rather than get into the position  
12 of characterizing the nature of the lawsuit, I produced  
13 the Plaintiff's Petition, the Defendant's answer, and the  
14 Policy and let the folks draw whatever conclusions they  
15 want from it.

16 CHAIRMAN HALE: The Chair would suggest  
17 that this exhibit no. 4 be stapled with an ACCO-press  
18 binder so we can keep the sequence of all the pages and  
19 not lose any of them.

20 You may proceed, Mr. Mitchell.

21 MR. MITCHELL: Thank you. Carrillo No. 6,  
22 Mr. Chairman, now constitute those checks, the subject  
23 matter of Mr. Donaldson's inquiry, January, February and  
24 March, that were issued to Zertuche Store and show the  
25 statements and the deposit slips and they are comparable

1 and tie in to the exhibit, prior Exhibit 28, that has  
2 been previously introduced. They are there for those  
3 fraction of a year, the tax year having ended, however,  
4 on December 31st, 1970. And I offer it as Carrillo-6.

5 (The document referred to  
6 was marked "CAR-6"  
7 for identification.)

8 CHAIRMAN HALE: Those are the checks for  
9 January, February and March of '71, now?

10 MR. MITCHELL: Yes, sir.

11 CHAIRMAN HALE: After the store went out  
12 of business?

13 MR. MITCHELL: Yes, sir. I don't know the  
14 accounting aspect of it, Mr. Hale, if the Accountant chose  
15 to close his tax year in March, or as he did, he chose to  
16 close the calendar year basis for the Zertuche Store  
17 December 31st, '70 and then report these into Farm and  
18 Ranch and they're there. They're there; the deposit slips  
19 are there and I have so produced them for the Committee.

20 Carrillo 7—

21 MR. DONALDSON: Question on that,—

22 CHAIRMAN HALE: May we see 6 for a moment?  
23 Where is Carrillo 6?

24 Now, Mr. Mitchell, are these the only copies  
25 you have of Exhibit 6? Is that in the same category as  
Exhibit 4?

1 MR. MITCHELL: Hopefully, I'll be given  
2 a copy of the entire record and the Committee is welcome  
3 to keep that one, Mr. Hale. I'm thinking I'm going to  
4 get a full copy of all of the exhibits anyway. Am I not?

5 CHAIRMAN HALE: Well, these were the ones  
6 that --this 4 and 6 are the ones that the Clerk said that  
7 they would not reproduce on the Xerox machine. That's  
8 why I was concerned about No. 6

9 MR. MITCHELL: Yes I have an extra set  
10 of those, Mr. Hale. They're Zertuche Store, limited  
11 existence only during these months, sales that prior  
12 to that time went into Zertuche general account went into  
13 Farm and Ranch, attached to the deposit slips for those  
14 months identifying deposits from the various county agents.  
15 I can let the Committee have the copy that it has. I'll  
16 just keep this one.

17 CHAIRMAN HALE: That will be fine. Mr.  
18 Donaldson, did you have a question?

19 MR. DONALDSON: Do you have any tax returns  
20 for either Zertuches, Arturo or the other one, for the  
21 tax year '71?

22 MR. MITCHELL: No, I don't, Mr. Donaldson.  
23 They were not available to me because they were not rele-  
24 vant. There was no way I could tie them into that.

25 MR. DONALDSON: Do you have any exhibit or

1 any evidence you intend to offer to answer this teasing  
2 little question that has been posed by those checks?

3 MR. MITCHELL: Well, tease me and I'll see.  
4 I mean, I don't understand.

5 MR. DONALDSON: Well, there has to be some  
6 rationale by way of accounting or otherwise for the  
7 deposit of those checks in the account of Farm and Ranch  
8 during '71.

9 MR. MITCHELL: Yes.

10 MR. DONALDSON: Which as I understand, the  
11 evidence that we have had before us to this point is that  
12 Judge Carrillo owned an interest in Farm and Ranch Supply.

13 MR. MITCHELL: No question about it.

14 MR. DONALDSON: So we do have three months  
15 of county warrants deposited to that account.

16 MR. MITCHELL: That's right, Mr. Donaldson.  
17 Those are the facts. As I say, those are the facts and  
18 I'll have to live with them. January, February and March,  
19 those checks—

20 MR. DONALDSON: You don't have any further  
21 documentation by way of accounting procedures, by tax  
22 returns for the Zertuches for '71, or anything else that  
23 would cast any light on the reason for that procedure  
24 of handling those checks?

25 MR. MITCHELL: No. But I do have the

1 O. P. Carrillo tax return to show that the income reflected  
2 from the Farm and Ranch, which was a partnership return,  
3 was picked up on the individual O. P. Carrillo, and that's  
4 my 7th and 8th.

5 MR. DONALDSON: Referring back then to my  
6 original question on the other tax returns, in reference  
7 to that tax return for Judge Carrillo for '71, you would  
8 have the supporting documents for the partnership return  
9 filed on Farm and Ranch?

10 MR. MITCHELL: That's right.

11 MR. DONALDSON: That should reflect whether  
12 or not those were accounted in income for that partnership?

13 MR. MITCHELL: Income. That's right.

14 MR. DONALDSON: Okay.

15 Mr. Chairman, I would certainly like to have  
16 those made available to the Committee for—

17 MR. MITCHELL: Well, I'm going to make  
18 them as an exhibit. I've already marked them, Mr. Donald-  
19 son.

20 My next exhibit is Carrillo No. 7, which is the  
21 individual tax return for 1972, reporting '71 income, Mr.  
22 O. P. Carrillo, showing income of Mr. Carrillo, '71,  
23 which would include the distributive share of the partner-  
24 ship, Farm and Ranch, on the appropriate schedule provided  
25 for in the return, and I likewise, just out of abundance

1 of precaution, have Carrillo 8, which is his '73 return,  
2 which shows the continuation of the picking up of that  
3 income from Farm and Ranch. But the cessation, except  
4 perhaps with one or two minor exceptions, of any income  
5 from the county agencies there after the March 1971 date.  
6 I offer 7 and 8.

7 CHAIRMAN HALE: Let the Chair as a question  
8 on that.

9 From your examination of these, did Judge  
10 Carrillo report his income on a calendar year basis?

11 MR. MITCHELL: Yes, sir.

12 CHAIRMAN HALE: Thank you. Mr. Kaster has  
13 a question.

14 MR. KASTER: Mr. Mitchell, in regards to  
15 Exhibit 7, which is the 1040, and I specifically refer  
16 to Schedule C, it shows "services of attorney" with  
17 depreciation shown on the next page, and he was depreciat-  
18 ing a Cadillac apparently used in—

19 MR. MITCHELL: Yes.

20 MR. KASTER: —as an attorney in his  
21 business as attorney.

22 MR. MITCHELL: Yes.

23 MR. KASTER: It shows a net profit from  
24 services as an attorney as sixteen fifty-one, forty-three.

25 MR. MITCHELL: Yes



1 MR. KASTER: This was shown on the financial  
2 statement filed with the Secretary of State—

3 MR. MITCHELL: I understand.

4 MR. KASTER: Now, it was testified just a  
5 little while subsequent to that, that that was a mistake,  
6 that there really were no income from attorney, and yet  
7 here it is showing up here on this income tax return.

8 MR. MITCHELL: Yes. I have—

9 MR. KASTER: Now, is this a mistake, too?

10 MR. MITCHELL: No. Mr. Kaster, I have  
11 talked to the accountant specifically about those items,  
12 and hopefully we'll have either a statement from him or  
13 him personally, his explanation. If you'd care for me  
14 to repeat what he said as accurately as I can, his explana-  
15 tion was that quite frequently after an attorney goes to  
16 a public office, such as a judgeship, that there is income  
17 that comes in, and in this particular case because he  
18 felt like it was income earned prior to the time that he  
19 became a judge, he carried it over as attorney's fees.  
20 And I told him, well, it was very embarrassing that you  
21 made that label. If you were going to characterize it  
22 more accurately, would you please do so for the Committee.  
23 And he's in the process of doing it, and I was hopeful  
24 of having that exhibit, Mr. Kaster.

25 MR. KASTER: Yes, because the income was

1 almost six thousand dollars before the depreciation of  
2 the Cadillac.

3 MR. MITCHELL: Yes, I understand. I will  
4 hopefully have an exhibit from the accountant on the  
5 precise method by which he chose to label those, and of  
6 course, not knowing that there would be a question raised  
7 at this end of the funnel, so to speak, as regards those  
8 characterizations, he loosely characterized them as "attor-  
9 ney's fees." But it's quite possible that he will be  
10 able to determine they were attorney's fees earned during  
11 the year 1970-'69, and so forth, that were collected  
12 during the first year that Judge Carrillo took the bench.

13 May I offer 7 and 8? Oh, I'm sorry, Mr. Kaster.

14 MR. KASTER: Well, in '73 the same thing  
15 shows up,—

16 MR. MITCHELL: Yes.

17 MR. KASTER: —except there was no income  
18 shown, but depreciation. Then he showed a loss from  
19 attorney's fees. I can't see what the figure is—six  
20 hundred and something dollars.

21 MR. MITCHELL: Yes. I haven't chosen to  
22 edit these at all, Mr. Kaster. They are the facts and  
23 hopefully we will clear them up as the questions arise.  
24 And that question didn't arise until about Thursday, and  
25 I visited with him Friday, and so I hopefully will have

1 that.

2 If I could offer 7 and 8, which will be the indi-  
3 vidual tax returns, '72, '73 for O. P. Carrillo, Mr.  
4 Chairman.

5 CHAIRMAN HALE: That will be fine.

6 (The documents referred to  
7 were marked "CAR-7" and "CAR-8"  
8 for identification.)

9 CHAIRMAN HALE: Both of these returns show  
10 a rubber stamp on the return, on page one of the return,  
11 "Kirkland and Smith, CPAs, Alice, Texas." The Chair  
12 would ask if the application for automatic extension of  
13 time was signed by Oscar D. Kirkland. Is Oscar D. Kirk-  
14 land the member of that firm who actually prepared these  
15 returns?

16 MR. MITCHELL: Yes. And he has been  
17 throughout the period of the returns that I have offered  
18 to this Committee. He has been the accountant. May I  
19 state to the Committee that there are various taxable enti-  
20 ties. In addition to those, there are of course the  
21 R. Carrillo and Sons; there are the Zertuche Store;  
22 there are the O. P. Carrillo individual; there are the  
23 Ramiro Carrillo individual. All these returns were pre-  
24 pared by the same man.

25 CHAIRMAN HALE: So that if we needed testi-  
mony with respect to these, Mr. Kirkland would be the

1 proper individual.

2 MR. MITCHELL: Yes. And if the Chairman  
3 will note, I requested a subpoena of him, to have him  
4 available in the event that there were questions that  
5 would arise by reason of these documents.

6 CHAIRMAN HALE: Thank you. You may proceed.  
7 Are there any questions? Mr. Donaldson.

8 MR. DONALDSON: These cover '72 and '73,  
9 Mr. Mitchell. Do you have '71?

10 MR. MITCHELL: Yes, I have them all, Mr.  
11 Donaldson, and I'll make them all available, including  
12 as I say, the check input and check output on all of them,  
13 and I'll be very glad to furnish them to the Committee.

14 MR. DONALDSON: We would like to see the  
15 '71, I'm sure.

16 MR. MITCHELL: The tax return for '71?

17 MR. DONALDSON: Tax year '71.

18 CHAIRMAN HALE: Well now, the '71 calendar  
19 year would be reported in the 1972 return—

20 MR. MITCHELL: Right.

21 CHAIRMAN HALE: —which you have.

22 MR. MITCHELL: Which you have.

23 MR. DONALDSON: But the way I read these  
24 returns, the one marked '72 is for the calendar year end-  
25 ing December 31, '72.

1 MR. MITCHELL: Well, I should have pro-  
2 duced the one for the critical months that you have in  
3 mind, Mr. Donaldson. I thought the '71—the '72 return  
4 would report the '71 income. And if it hasn't—

5 MR. DONALDSON: According to the informa-  
6 tion at the top of the form, it says for the year January  
7 1 through December 31, 1972, or other taxable year, and  
8 there's no indication that it would be any other taxable  
9 year. So I think it would probably be the one for the '71—

10 MR. MITCHELL: Right. I'll produce the  
11 tax return showing the income January 1, 1971—December  
12 31st, '71.

13 MR. DONALDSON: Right.

14 CHAIRMAN HALE: Can you produce that one  
15 then, Mr. Mitchell?

16 MR. MITCHELL: Yes, sir.

17 MR. KASTER: Again, Mr. Mitchell, returning—  
18 that brings an interesting question. I notice the date  
19 it was filed was sometime in 1973. That's Carrillo Exhibit  
20 No. 7, which would have been then, for income during 1972.  
21 Is that correct?

22 MR. MITCHELL: I'm sorry, Mr. Kaster. I  
23 was writing down a note to produce Mr. Carrillo's January  
24 1st, '71—December 31st—I missed the first part of your  
25 question. I'm sorry.

1 MR. KASTER: Your exhibit, Carrillo No. 7.

2 MR. MITCHELL: Yes, sir.

3 MR. KASTER: I want to establish this now,  
4 and I turn to the second page where it says "Form 1040,  
5 1972," and looking just above the rubber stamp "Kirkland  
6 and Smith" I see a date, looks like 4-6-73, as best as I  
7 can see that.

8 MR. MITCHELL: Yes. It appears to be that.

9 MR. KASTER: So that income then is for  
10 income in 1972. Is that correct?

11 MR. MITCHELL: I thought I had pulled the  
12 income for '71 until Mr. Donaldson questioned me, and  
13 now I'll have to examine it, if you'll give me just a  
14 minute.

15 MR. KASTER: Well, if that's the case, I'll  
16 let you determine that first.

17 MR. MITCHELL: I'm going to produce the  
18 '71, January 1st to December 31st.

19 MR. KASTER: If in fact this is income  
20 for 1972, then I again refer to Schedule C, "attorney's  
21 services" in 1972, of income of \$5,880.22, and then  
22 there's depreciation taken, a net income of sixteen hun-  
23 dred and fifty-one, forty-three in the year of 1972.

24 MR. MITCHELL: Yes. That's what the  
25 schedule states, Mr Kaster.

1 MR. KASTER: That's a year after he became  
2 District Judge.

3 MR. MITCHELL: Yes. I understand it.

4 MR. KASTER: And Mr. Kirkland is going to  
5 explain that?

6 MR. MITCHELL: Well, yes, and I might  
7 point out, for example, Mr. Kirkland, being an accountant,  
8 of course is not acquainted I'm sure with the niceties as  
9 regards these designation as it appears. He reports them  
10 as an attorney, period, on his occupation, which the  
11 correct designation probably should be judge.

12 MR. KASTER: The point is the Judge signs  
13 the return, when he's satisfied.

14 MR. MITCHELL: I understand. Oh, I under-  
15 stand that.

16 MR. KASTER: Okay.

17 MR. MITCHELL: Mr. Kaster, may I, in  
18 statement of that, that question has been bothering some  
19 of the members of the Committee, and I would like, without  
20 being inappropriate, I would like to submit a brief on the  
21 question of the rights of a District Judge to practice  
22 law during the term of his office, under certain limita-  
23 tions. It is not, of course, illegal for him to practice  
24 law under certain limitations. Not that I'm saying that  
25 that's—but it does seem to be a question, and appropriately

1 so, that's concerning some of the Committee—but there  
2 are instances when he can practice law and can do it  
3 ethically and appropriately. And if I could have leave  
4 of the Chair to do so, I would like to submit a brief on  
5 that matter.

6 CHAIRMAN HALE: We would be happy for you  
7 to submit anything you want on it, Counselor.

8 MR. MITCHELL: May I proceed; Mr. Chairman?

9 CHAIRMAN HALE: Yes.

10 MR. MITCHELL: I'm going to produce the  
11 January 1, '71 to December 31st, '71 tax return.

12 I have now Carrillo 9 through and including 42  
13 certain checks which I would like to offer into the  
14 record and then hopefully be able to tie in at a later  
15 date. They include ranch labor, Rogelio Garcia, Fred  
16 Pilon, Patricio Garza, commencing the years 1967, coming  
17 forward. Carrillo 10 being the same as regards 1969,  
18 Carrillo 11, 1970; Carrillo 12, 1971; Carrillo 13, being  
19 1972; Ranch Labor, Carrillo 14, showing checks to Patricio  
20 Garza. These are checks on his personal account, Judge  
21 Carrillo's personal account, payable to Pat Garza, Fred  
22 Pilon and the various members of the cast of—that have  
23 come before this Committee. Pilon checks also appear in  
24 Carrillo 15, personal checks, 1973, Carrillo 16, '74, '75;  
25 Ranch Labor, being to Pilon, Garza, and the various



1 gentlemen whose name have been before the Committee.

2 Building materials, Carrillo 17. Eighteen is  
3 gasoline; 19, butane, ranch purchases '73, '74, '75;  
4 building materials, Carrillo 20, '74; Carrillo 21, building  
5 materials and supplies. Store carpentry work, that is  
6 for the building of a store that has been part of the evi-  
7 dence, and I have in that connection requests for subpoena  
8 for Gabriel Gonzalez, the gentleman who built it, hopefully  
9 to tie in that exhibit.

10 Ranch groceries—

11 CHAIRMAN HALE: What exhibit is that?

12 MR. MITCHELL: 22. Carrillo 23 being  
13 ranch groceries, '74; Carrillo 24, ranch gas, '73; Carrillo  
14 25 being ranch gas, '72; Carrillo 26 being gas, '72;  
15 Carrillo 27 being ranch groceries, '72, all on personal  
16 checks; Carrillo 28 being butane for '72; Carrillo 29  
17 being ranch supplies, '72; Carrillo 30 being ranch sup-  
18 plies, '71; Carrillo 31 being gas, '71; Carrillo 32 being  
19 groceries, '71, Carrillo individual; Carrillo 34 being  
20 ranch lumber and materials; Carrillo 35 being gas, 1970;  
21 Carrillo 36 being ranch repairs, '69; ranch supplies '69  
22 is Carrillo 27; gasoline is Carrillo 38; groceries, Car-  
23 rillo 39 for '69; ranch groceries, Carrillo 40, for '67,  
24 1967; Carrillo 42, gasoline for 1967—and may I hand these  
25 to the Reporter for introduction, Mr. Chairman?

1 CHAIRMAN HALE: Yes, you may.

2 (Documents referred to were  
3 marked "CAR-9" through "CAR-42"  
4 for identification.)

5 CHAIRMAN HALE: In connection with Exhibits  
6 1 through 42, Mr Mitchell, the Chair was trying to keep  
7 up with your remarks as we went along. It's your feeling  
8 that we would need testimony from Oscar D. Kirkland and  
9 from Gabriel Gonzalez with respect to those exhibits?

10 MR. MITCHELL: I think the Chairman and  
11 the members would have some questions of the accountant,  
12 and I really want him up here as much for my benefit as  
13 for the Committee's benefit, to ask any questions. And  
14 Mr Gonzalez will hopefully identify the store job that  
15 is pictured and has been introduced into evidence as  
16 distinct from all of this paneling that Mr. Hendricks has  
17 been very curious about with those pretty nails, as dis-  
18 tinct from a municipal job, a city hall job that was done  
19 a year later, and I think I would like to have the Com-  
20 mittee make that distinction. It will tie in with some  
21 exhibits that I have that are purchases for the material  
22 going into that one building. Yes, sir?

23 CHAIRMAN HALE: Are there other witnesses  
24 that would have information that you think we should call  
25 with respect to Exhibits 1 through 42?

MR. MITCHELL: Cleofas Gonzalez, I would like

1 to question him as regards the structuring of some of  
2 those tax returns, if the Committee wants to hear about  
3 them. I would like to clarify some misimpressions he  
4 might have left in his testimony.

5 CHAIRMAN HALE: Is that the Cleofas Gonzalez  
6 that previously testified?

7 MR. MITCHELL: Yes, sir.

8 MR. KASTER: One question. Mr. Mitchell  
9 said there was a repair job, or some paneling work done  
10 on a city hall?

11 MR. MITCHELL: Yes, sir.

12 MR. KASTER: Where is the city hall? What  
13 town?

14 MR. MITCHELL: I understand it's there in  
15 Benavides. Yes, Benavides, Mr. Kaster.

16 MR. KASTER: The city hall in Benavides?

17 MR. MITCHELL: Some municipal building.

18 MR. KASTER: Somebody will be able to answer  
19 the question, where is the city hall?

20 MR. MITCHELL: Yes.

21 MR. KASTER: Because when I was down there  
22 yesterday, I didn't see any city hall. I was curious.

23 MR. MITCHELL: Mr. Kaster, you're probably  
24 more informed than I am, and I'm probably violating on the  
25 basic rules that a lawyer shouldn't violate, but I'm just

1 saying to the Committee that I want to offer a witness  
2 that will—

3 MR. KASTER: Answer those questions?

4 MR. MITCHELL: Right. And then I also  
5 have in connection with that an auditor's certificate that  
6 was not brought up here with those checks, that I under-  
7 stand is a part of the record. And there again, that's  
8 hearsay. That the materials, those specific materials  
9 were to be delivered to that job. And those are the lists  
10 that the Committee members went through.

11 MR. KASTER: I'm curious about it because  
12 a county fixing a city hall is something my city would  
13 like to have done.

14 MR. MITCHELL: Well, either that or it  
15 was denominated city hall in the title within the county.  
16 Of course, Mr. Kaster, my position is if they're spending  
17 it on the city hall, as long as Judge Carrillo doesn't  
18 have a deed to that city hall, I'm in good shape.

19 MR. KASTER: If he does, you're in bad  
20 shape.

21 MR. MITCHELL: I am. That's right.

22 CHAIRMAN HALE: Does he have a deed to the  
23 city hall?

24 MR. MITCHELL: He doesn't that I know of.

25 MR. DONALDSON: Mr. Chairman, could I ask

1 Mr. Mitchell just one general question.

2 CHAIRMAN HALE: Mr. Donaldson has a question.

3 MR. DONALDSON: In relation to these exhibits,  
4 particularly those that relate to expenditures for groceries,  
5 ranch supplies, labor, and those kind of things, now, I'm  
6 curious as to just to what extent do you intend that as  
7 proof that he did in fact make some expenditures for gro-  
8 ceries, for labor, or is it your purpose in introducing  
9 these documents that that was his total expenditures for  
10 those years, and that he didn't buy any other groceries?  
11 I assume that those are introduced to refute previous tes-  
12 timony that we have heard concerning grocery bill accounts.

13 MR. MITCHELL: Right. Partially.

14 MR. DONALDSON: And my question is, to  
15 what extent do you offer these checks relating to the  
16 groceries, for example?

17 MR. MITCHELL: Let's take, Mr. Donaldson,  
18 the Pilon checks. Mr Fred Pilon—testimony had been  
19 introduced by the Starr County contingency, was an employee,  
20 interpreter, I believe, of the court in Starr County, and  
21 that there was some waterhauling. Well, the reason for  
22 my introducing of those checks is that there was work done  
23 by Mr. Pilon that was private work done, but that the work  
24 was not done at the expense of the county, but was paid  
25 for by the Judge.

1 MR. DONALDSON: Okay.

2 MR. MITCHELL: Moving up the ladder,  
3 Patricio Garza, the gentleman who spoke through the inter-  
4 preter, testimony very confusing as to whether he was or  
5 wasn't an employee. The county paid him. He worked  
6 weekends for the Judge. Those checks coincide with his  
7 employment with the county, will reflect work done, paid  
8 for by Judge Carrillo, at the time he testified to, were  
9 paid for by Judge Carrillo. As to his testimony, that  
10 for the year 1973 that he worked for Judge Carrillo, full  
11 time and that his testimony was that his salary was \$225  
12 a week, those checks are there.

13 Now, as to the grocery bills, is precisely—I  
14 offered those to show that Judge Carrillo paid his own  
15 grocery bills, and I'm just as much curious about the  
16 checks going to Cash Store as the Committee is, but that  
17 the checks, as the Committee will note, not only go to  
18 the Cash Store, but about three or four other grocery  
19 stores.

20 MR. DONALDSON: Right.

21 MR. MITCHELL: Then, in addition, there's  
22 always been the over-reaching implication of the use of  
23 county labor, equipment, etc , and then the offer of those  
24 others are to show that the gasoline, the man bought and  
25 paid for his own gasoline, large bills there showing—and

1 that of course is sort of negative testimony to establish  
2 the positive fact that he wasn't sucking that county tit,  
3 you see.

4 MR. DONALDSON: Right.

5 MR. MITCHELL: Now, on Carrillo 43, if I  
6 might continue, Mr. Hale, this is the store, now. This  
7 is the little store that pictures have been introduced in.

8 MR. KASTER: I have one further question  
9 on Exhibit 23, which I think Mr. Donaldson was asking  
10 about, about those checks to the Cash Store into other  
11 grocery stores. I'm curious that all those to the Cash  
12 Store are in even amounts, \$25, \$75, \$25, \$100, \$50, \$15,  
13 \$50; but here is Ben's Grocery Store, \$92.98, Kroger's  
14 \$84.14. How come the other stores there are pennies in-  
15 volved, and to the Cash Store, I'm curious as to why it's  
16 all even amounts.

17 MR. MITCHELL: I'm sorry, Mr. Kaster, I  
18 have no personal knowledge and I would have the same curi-  
19 osity as on those little slips that many of the members  
20 asked about, why they were in 20 and why they were in 15  
21 and why they were in 5. I just don't know. Those are  
22 the records.

23 CHAIRMAN HALE: Mr. Hendricks?

24 MR. HENDRICKS: Just in looking at that,  
25 these might corroborate another witness, Mr. Mitchell,

1 being in even figures like that.

2 MR. MITCHELL: I understand.

3 MR. HENDRICKS: There's only one person  
4 that could testify according to this and put it on a  
5 defensive basis. Do you plan to call that person?

6 MR. MITCHELL: Well, that's the reason I'm  
7 offering the testimony, Mr. Hendricks, as I stated, and  
8 as the Committee is astute enough to understand the posi-  
9 tion—I'm producing the material and there it is.

10 MR. HENDRICKS: Thank you.

11 MR. MITCHELL: Mr. Chairman, may I proceed?  
12 Now, 43 deals with the store. I tried to extract the  
13 purchase of the cement by check dated September 3rd, '73.  
14 This is Carrillo 43. That's the purchase of the cement.

15 CHAIRMAN HALE: Do we have copies of 43?  
16 I don't believe the Committee has been supplied with  
17 copies of 43 yet.

18 MR. MITCHELL: Well, it has the balance  
19 of the checks, showing the total expenditures in connec-  
20 tion with the store. That is, the construction of the  
21 store. And if I might be permitted, I have a witness in  
22 the hearing room that will give me the invoice of the deliv-  
23 ery of that cement. May I be permitted to get the invoice  
24 and have it reproduced and make it a part of Carrillo 43,  
25 Mr. Hale?



1 CHAIRMAN HALE: Yes.

2 MR. MITCHELL: Mr. Hale, I have Carrillo 43  
3 that I will offer in connection with the cement, labor, etc.,  
4 and also I've been handed by Mr. Ronnie E. Guerra, the  
5 seller of the cement, of his Invoice No. 28186, which I  
6 would like to have made a part of Carrillo's No. 43, with  
7 permission that it would be reproduced and returned to  
8 him, showing the shipment of the cement to the Farm and  
9 Ranch Store, and for which the check in the amount of a  
10 thousand and fifty dollars was made payable to Mr. Ronnie  
11 Guerra, September 3rd, 1973. The two transactions tie  
12 in together.

13 (The document referred to  
14 was marked "CAR-43" and "CAR-43A"  
for identification.)

15 (A letter was marked  
16 "COMM-60" for  
identification.)

17 MR. MITCHELL: Mr. Chairman, I have the  
18 originals of the photographs, 5A, that show the damage  
19 to the store out of which the lawsuit arose. And these  
20 are the only ones I have. I would like to offer them as  
21 5A and have the Committee look at them if they desire and  
22 return them to me, if they don't mind.

23 (Photographs referred to  
24 were marked "CAR-5A"  
for identification.)

25 CHAIRMAN HALE: That would be fine.

1 Mr. Mitchell, when were these pictures taken?

2 MR. MITCHELL: I've been informed—they  
3 were taken in connection with the trial itself.

4 CHAIRMAN HALE: What year was chat? Do  
5 you recall?

6 MR. MITCHELL: It should be there on the  
7 photographs. I don't have them in front of me.

8 CHAIRMAN HALE: Was it prior to 1970?

9 MR. MITCHELL: Yes.

10 CHAIRMAN HALE: Prior to 1970.

11 Well, the Chair will admit those photographs  
12 in evidence for whatever value they may have. If they  
13 were taken back prior to 1970, I'm not sure exactly what  
14 value they have, but whatever value they have, they will  
15 be admitted in evidence.

16 (The exhibit marked "CAR-5A"  
17 for identification was  
received in evidence.)

18 MR. MITCHELL: May I offer Carrillo No. 44,  
19 Mr. Chairman. The Carrillo No. 44 are the checks for the  
20 purchase of a 1966 diesel water truck by Judge Carrillo,  
21 his personal checks being of April of 1975, along with the  
22 purchase of wheels for the truck and two gas tanks for the  
23 truck, along with pictures of the truck.

24 (Documents referred to  
25 were marked "CAR-44"  
for identification.)

1 CHAIRMAN HALE: Mr. Kaster?

2 MR. KASTER: Mr. Mitchell, do you know if  
3 there are any exterior shots of the building, Exhibit 5A?

4 MR. MITCHELL: I don't. I can ask my  
5 client, and if there are I can produce them.

6 MR. KASTER: Because these could be any  
7 building in the world. I mean, we don't have any way to  
8 identify them.

9 MR. MITCHELL: That was the reason I made  
10 the statement, or requested the information that they  
11 were introduced in connection with the trial and so they  
12 could have been authenticated as a predicate for the intro-  
13 duction at the trial. If I could have permission just  
14 to ask my client.

15 MR. KASTER: If we could have some exterior  
16 shots, we could see what the building looked like.

17 MR. MITCHELL: I've been informed there  
18 are no exterior shots, but they were made in connection  
19 with the trial.

20 May I proceed, Mr. Hale?

21 CHAIRMAN HALE: You may proceed, Mr. Mitch-  
22 ell.

23 MR. MITCHELL: The next exhibit is Carrillo  
24 45, and it is a—it's a composite exhibit. It shows  
25 checks payable to Mr. Ken Bercaw from the Duval County

1 Ranch Company, November 15th, 1972 through February 29th,  
2 1974, indicating that Mr. Bercaw was paid a retainer of  
3 six hundred dollars per month by the Duval County Ranch  
4 Company, and one of the services for which he was employed  
5 was that he was on a retainer to negotiate reduction in  
6 taxes to Duval County and the Benavides Independent  
7 School District; partially as a result of his efforts,  
8 the taxes due to both Duval County and Benavides Inde-  
9 pendent School District were reduced, as evidenced by  
10 the minutes of Commissioner's Court for February 14th,  
11 '75, and the tax receipts dated February 12th, 1975,  
12 issued by the Benavides Independent School District as  
13 evidence for the payment for the 1973-1974 taxes by the  
14 Duval County Ranch Company.

15 I have here in Carrillo's No. 45, the checks  
16 payable to Mr. Ken Bercaw from Duval County Ranch Company,  
17 beginning and ending the dates that I mentioned; that is  
18 November 15, 1972, February 29, 1974, and a letter from  
19 the Executive Vice President of the Duval County Ranch  
20 Company on that stationery, and that is Exhibit 45.

21 (Exhibit 5A was returned to Mr. Mitchell.)

22 (The documents referred to  
23 were marked "CAR-45"  
for identification.)

24 CHAIRMAN HALE: Do any of the members of  
25 the Committee want to see those photographs which were

1 submitted as Exhibit 5-A?

2 (The photographs were presented to Ms. Wedding-  
3 ton.)

4 CHAIRMAN HALE: If there is no objection,  
5 the Chair is going to permit Mr. Mitchell to withdraw  
6 those photographs, since those are the only photographs  
7 he has on 5-A, with the understanding they will be avail-  
8 able to the Committee if we need them for any purpose,  
9 Mr. Mitchell.

10 MR. MITCHELL: Thank you.

11 CHAIRMAN HALE: It's the interior of the  
12 store, taken back in connection with the lawsuit of which  
13 you have a complete set of papers on in one of these  
14 exhibits, Exhibit CAR-5.

15 Mr. Mitchell, from this point, starting with  
16 Exhibit 44, none of these exhibits have yet been repro-  
17 duced to members of the Committee. Rather than delay  
18 our proceedings here, the Chair is going to instruct the  
19 Clerks to do that tonight after the Committee has recessed  
20 so we can go ahead and not delay our proceedings today.

21 MR. MITCHELL: Well, the next one I think  
22 will be of interest to the Committee. It's Carrillo No.  
23 46. It's the records of the Duval County Ranch Company,  
24 reflecting that all taxes due the Benavides Independent  
25 School District by the Duval County Ranch Company are

1 paid through the year 1974. As evidence of the payment,  
2 there is a tax certificate from the Tax Collector for the  
3 Benavides Independent School District, certifying that all  
4 the taxes through the year 1974 are duly paid, tax for the  
5 years 1973 and 1974 were paid by Duval County Ranch Com-  
6 pany Check No. 2428, dated February 11th, 1975, in the  
7 amount of \$34,724.26. Tax receipts no. 2889, 2890 and  
8 510, are for the payment of the 1973 taxes, and tax receipts  
9 800, 801 and 3767 are for the years 1974.

10 Carrillo's 46 has a copy of the checks to the  
11 Tax Assessor-Collector for \$88,060, February '73; Tax  
12 Collector, 1975, of 12,058; Tax Collector, sixty-two  
13 thousand, five hundred and thirty-nine, forty-three.  
14 Plus the Commissioner's Court Docket, reflecting the pay-  
15 ment of those taxes, plus a tax certificate for the entire  
16 period of time, showing the taxes are paid as indicated  
17 by the opening statement.

18 (The documents referred to  
19 were marked "CAR-46"  
20 for identification.)

21 MR. MALONEY: I haven't seen that exhibit  
22 yet I don't know whether we've got it or not. Can you  
23 tell me, are those documents obtained from the tax office  
24 or from Duval County Ranch?

25 MR. MITCHELL: No. Some of those are the  
official Commissioner's Court minutes, and some of them

1 I got from calling the Executive Vice President—that is,  
2 the checks, returned checks. It was a composite, the  
3 returned checks and the statement I got through the  
4 Executive Vice President, and his name appears on the  
5 letter that I read.

6 MR. MALONEY: What is his name?

7 MR. MITCHELL: Morris E. Ashby, Executive  
8 Vice President.

9 MR. MALONEY: Is that the same Morris  
10 Ashby that was appointed to the School Board or what was  
11 it, Grand Jury?

12 MR. MITCHELL: I don't know. I think he  
13 was everything. I think the testimony indicates—I don't  
14 know.

15 MR. MALONEY: He was appointed to the School  
16 Board, wasn't he, to take Mr. Bercaw's place?

17 MR. MITCHELL: And he was also on the Grand  
18 Jury, Commissioner and President of the School Board, the  
19 testimony indicated.

20 MR. MALONEY: Could I see that a second,  
21 as soon as the Reporter has marked it. The one on the  
22 taxes.

23 MR. MITCHELL: There are two on the taxes,  
24 Mr. Maloney, 45 and 46.

25 MR. MALONEY: Mr. Mitchell, on this latest

1 draft that was drawn on February 10th, 1975 for \$62,000—

2 MR. MITCHELL: Yes.

3 MR. MALONEY: —I notice that this is not a  
4 check. This is a copy of the check that supposedly was  
5 sent. But it is not a copy of the check itself.

6 MR. MITCHELL: Yes. As the statement re-  
7 flects, the check was returned because of the necessity  
8 of the Comptroller's approval of the reduction of those  
9 taxes, and pending of the receiving of the Comptroller's  
10 ruling that the reduction of the Commissioner's Court was  
11 accurate. From the statement there, the check was with-  
12 held, and hopefully when that Comptroller's approval of  
13 the reduction is received, as I understand their procedure,  
14 is that it will be paid.

15 MR. MALONEY: Do you know whether this  
16 check, when it was sent in in '75, bounced?

17 MR. MITCHELL: I read an account on it in  
18 the Corpus Christi paper, and I read the followup account  
19 that it was not. It was actually intentionally stopped—  
20 stop payment was made because, as I understood the law,  
21 if it were negotiated without the Comptroller's acceptance  
22 of the reduction in tax, that would not have constituted  
23 payment of the tax, without that reduction.

24 MR. MALONEY: Well, wasn't it returned,  
25 payment stopped, because Mr. Manges wanted it to be payment



1 in full, and the receipt that was sent to him said "par-  
2 tial payment"?

3 MR. MITCHELL: I don't know.

4 MR. MALONEY: Of course, you wouldn't  
5 know about that. You weren't present at any of those.

6 MR. MITCHELL: No, I don't.

7 MR. MALONEY: But you don't intend, in your  
8 offer of proof on these, for this to indicate that the  
9 taxes have been paid for 1975, do you?

10 MR. MITCHELL: No, I don't, Mr. Maloney.

11 MR. MALONEY: But that a tender had been  
12 made.

13 MR. MITCHELL: The minutes from the meeting,  
14 which are to be read in connection with the offer, indi-  
15 cate that there was such a matter brought before the  
16 Commissioner's Court, and that the tax was in fact reduced  
17 by the Commissioner's Court. But as I understand the  
18 procedure, that reduction of tax has to be approved by the  
19 Comptroller, so that there are documents there which would  
20 indicate official action by the Commissioners, or the  
21 School District.

22 MR. MALONEY: All right. That was my next  
23 question. The ones we're talking about here are county  
24 taxes, and not school district taxes?

25 MR. MITCHELL: That's right. The documents

1 speak to that point.

2 CHAIRMAN HALE: Mr. Kaster.

3 MR. KASTER: Mr. Mitchell, when you're  
4 referring to the Comptroller approving these, is that—

5 MR. MITCHELL: That one item, yes sir.

6 MR. KASTER: That's the Comptroller—is  
7 that Bob Bullock?

8 MR. MITCHELL: Yes. That's the State  
9 Comptroller has to approve, as I understand the procedure,  
10 Mr. Kaster, he has to approve that reduction made by the  
11 Commissioner's Court before it is binding.

12 MR. KASTER: He was the former attorney  
13 for Mr. Manges?

14 MR. MITCHELL: I don't know.

15 MR. MALONEY: This was a matter that is  
16 pending now before Mr. Bullock, is that what you're saying?

17 MR. MITCHELL: Right.

18 MR. MALONEY: I believe Mr. Bullock former-  
19 ly represented Mr. Manges. Isn't that correct?

20 MR. MITCHELL: In answer to the question  
21 from Mr. Kaster, I do not know whether he did or not.

22 CHAIRMAN HALE: Do you want to proceed,  
23 Mr. Mitchell?

24 MR. MITCHELL: Thank you.

25 The next series of exhibits deal with the

1 question of the testimony as regards the influence,  
2 supposedly influence, that was exercised by Judge Carrillo  
3 in his official capacity. First I want to offer—these  
4 are all official records of the Duval County. First is  
5 the Duval County Ranch Company vs. Judge J. W. Baumgartner.  
6 The attorney for Duval County Ranch Company was the  
7 ubiquitous Mr. M. K. Bercaw, Jr. again.

8 The docket sheet reflects that the suit was  
9 filed by Mr. Bercaw for the Duval County Ranch Company,  
10 Cause No. 8707, July 5th, '73, and reflects a docket  
11 entry date of 9-13-73, wherein Judge Carrillo recused  
12 himself from the case.

13 (The document referred to  
14 was marked "CAR-47"  
for identification.)

15 MR. MITCHELL: The next is Cause No. 8591,  
16 civil docket, case filed May 2nd, 1972, Duval County  
17 Ranch Company vs. the Speedman Oil Company, et al.  
18 Complete docket, Carrillo No. 48 reflects Judge Carrillo  
19 recused himself 9-24-73, and Judge Alamia, the Adminis-  
20 trative Judge for that District, appointed a successor  
21 judge who continued with the case.

22 (The document referred to  
23 was marked "CAR-48"  
for identification.)

24 MR. MALONEY: May I see that, please?

25 Thank you.

1 MR. MITCHELL: May I go out of order for  
2 one, Mr. Chairman, to Carrillo 50?

3 Carrillo 50 is a statement signed by Manuel  
4 Amaya, Jr., and a statement signed by the Executive Vice  
5 President of the Duval County Ranch Company, Mr. Manuel  
6 Amaya, Jr., stating he has never received any money or  
7 anything else of value from the Duval County Ranch Company  
8 or Clinton Manges. "Neither have I requested nor have  
9 been promised any money or anything else of value from  
10 the Duval County Ranch Company or Clinton Manges. I  
11 presented a request to the Duval County Reclamation and  
12 Conservation District to have a water line installed for  
13 the Duval County Ranch Company as a favor for a taxpayer,  
14 and I did not receive any fee or promise of a fee for this  
15 favor."

16 The corresponding documentation is from the  
17 Executive Vice President of the Duval Ranch Company. He  
18 checked the records from July of '73 to November of '73,  
19 he was Assistant Secretary for the company, as as such he  
20 had charge of the books and records of Duval County Ranch  
21 Company, and those of Mr. Clinton Manges. He has examined  
22 the books and records of the Duval County Ranch Company  
23 and Mr. Clinton Manges for the years, 1972, '73, '74, '75  
24 to date, to the best of his knowledge. Mr. Manuel Amaya,  
25 Jr. is not now and has never been an employee of the Duval

1 County Ranch Company or Mr. Clinton Manges and no payments  
2 of any kind have been made to Mr. Manuel Amaya, Jr. for  
3 the Duval County Ranch Company or Clinton Manges during  
4 the years 1972, 1973, 1974 and 1975 to date.

5 Neither has Mr. Manuel Amaya, Jr. ever presented  
6 any request for payment to the Duval County Ranch Company  
7 or Clinton Manges during the period examined. Carrillo  
8 No. 50.

9 (The documents referred to  
10 were marked "CAR-50"  
11 for identification.)

12 MR. MITCHELL: Carrillo No. 49, I took  
13 out of order. It simply shows purchase of equipment by  
14 Judge Carrillo and will hopefully tie into the Schedule  
15 of Depreciation on the tax returns which I have furnished,  
16 to show his own equipment, Mr. Chairman. May I have it  
17 marked Carrillo 49?

18 (The document referred to  
19 was marked "CAR-49"  
20 for identification.)

21 MR. MITCHELL: Carrillo No. 51 is a letter,  
22 Judge J. R. Alamia, presiding judge, 5th Administrative  
23 Judicial District, dated May 23, 1973, with reference to  
24 Cause No. 3953, Clinton Manges vs. M. A. Guerra, et al,  
25 wherein Judge Alamia states Judge Carrillo disqualified  
himself to serve in the above captioned cause, and he has as-  
signed Judge Harville. May I offer Carrillo 51?

1 (The document referred to  
2 was marked "CAR-51"  
3 for identification.)

4 MR. Maloney: May I see that exhibit,  
5 please? Did you accidentally mistate the letter from  
6 Judge Alamia where it said Judge Carrillo has disqualified  
7 himself. That's not technically correct, was it? He  
8 was disqualified by a hearing at which he opposed. Isn't  
9 that correct?

10 MR. MITCHELL: Mr. Maloney, I was quoting  
11 Judge Alamia's letter. Judge Alamia's letter—I was being  
12 terrible, as a matter of fact. Judge Alamia says he has  
13 disqualified himself and I think the evidence showed that  
14 there was a motion to disqualify in the hearing pursuant  
15 to which he disqualified, and I, of course, knew that  
16 testimony but this was Judge Alamia's—

17 MR. MALONEY: The way I read the letter is  
18 The Honorable O. P. Carrillo was disqualified to serve in  
19 the above captioned cause. I don't see anything here that  
20 says he disqualified himself.

21 MR. MITCHELL: Well, I don't want to get  
22 in a semantic argument with you, Mr. Maloney.

23 MR. MALONEY: Well, I was wondering if I  
24 had heard you correctly.

25 MR. MITCHELL: As a matter of fact, motions  
for disqualification are quite frequently filed. I have

1 about two pending now on the judges, as a matter of prac-  
2 tice, to hear their own motions, and they determine on  
3 their own whether they are disqualified or not, and the  
4 only remedy we have is on appellate review. There, as  
5 the Committee knows there was a hearing because the minutes  
6 of that hearing are here, and I have part of the minutes  
7 I want to introduce; but he was disqualified there, I  
8 believe, by the judge, pursuant to the hearing.

9 CHAIRMAN HALE: That's correct. Let the  
10 Chair ask a question. Was this the one in which Judge  
11 Magus Smith conducted a hearing?

12 MR. MITCHELL: I think it is.

13 CHAIRMAN HALE: And an order was entered.  
14 I believe we had some previous testimony concerning that.  
15 This is on Clinton Manges versus M. A. Guerra. There was  
16 a hearing held on this, and Judge Alamia assigned Judge  
17 Magus Smith to conduct the hearing.

18 MR. MITCHELL: I have the full transcrip-  
19 tion of that hearing, Mr. Chairman, but not to burden the  
20 record unnecessarily I have extracted from it data in  
21 connection with other matters that are before the Committee  
22 particularly as to gifts, etc.; I'll be glad to tender  
23 the entire transcript after I have offered the transcripts  
24 that relate to Judge Garrillo's testimony, the Committee  
25 desires additional I have that. I'm representing to the

1 Committee I do, and I'll be glad to produce it

2 The next exhibit is Carrillo No. 52, which is  
3 composed of conditional sales contracts, security agree-  
4 ment, and checks for payment of a DA Cat Tractor with  
5 cable dozer and power unit No. 36A143 by Judge Carrillo,  
6 and the purchase of a DA Cat Tractor with cable dozer  
7 and power unit 36A-470. The exhibit is the conditional  
8 contract, the security agreement, the insurance agreement,  
9 the checks for payment—\$6,000.00, May 3, 1974 and  
10 \$2,549.00 April 22nd, 1975, etc. It's exhibit No. 52.

11 (The document referred to  
12 was marked "CAR-52"  
13 for identification.)

14 I now have—these are going to have to be broken  
15 up. I now have Carrillo's Exhibit No. 53, which is composed  
16 of an order for the purchase of a 1971 Cadillac dealer's  
17 order 11-1070, San Antonio. The name of O. P. Carrillo.  
18 I have a deed from O. P. Carrillo to Clinton Manges and  
19 wife filed of record, public record, in the appropriate  
20 county. I have also the certificate of the clerk of the  
21 filing of that deed and correction deed, and I also have  
22 check from Clinton Manges to Carrillo, 1-27, the date  
23 is illegible on mine, but it's \$6,915.55. Plus, I have  
24 extracts from the record, the official record, and I have  
25 extracted Judge Carrillo's testimony and his examination  
by Mr. Smith, in connection with the same matter, same



1 subject matter in this qualification hearing before the  
2 court as regards prior testimony that has been submitted  
3 to the committee, and I represent to the Committee I have  
4 the entire record. I have not extracted it selectively  
5 or qualitatively, I have simply taken Judge Carrillo's  
6 testimony and if the Committee is interested in the entire  
7 record I have it. That's Carrillo's 53, related to the  
8 stock, that is the qualifying shares in the bank, balance,  
9 the Cadillac transaction, the grazing lease transaction,  
10 and the disqualification No. 3953.

11 (The document referred to  
12 was marked "CAR-53"  
for identification.)

13 May I also offer, in connection with the pre-  
14 vious exhibit Number 53, Exhibits 57, 58, and 59, which  
15 are the exhibits reflecting bankruptcy cause No. 69-B-9  
16 pending in the Southern District of Texas Brownsville  
17 Division, in re: the matter of M. Guerra and sons, a limited  
18 partnership, showing that the matter was pending in the  
19 bankruptcy court up and to and through January 6, 1971  
20 and the order of transfer. And, of course, the significant  
21 date being January 1, 1971 when Judge Carrillo has his  
22 first certificate of election. And the date of the  
23 order of the gift, of course, being November of 1970.

24 (Some documents were marked  
25 "CAR-57" through "CAR-59"  
for identification.)

1                   CHAIRMAN HALE: What is the purpose of the  
2 Exhibits 57, 58 and 59?

3                   MR. MITCHELL: As relates to the gift of  
4 the Cadillac, they indicate that there was a purchase in  
5 November of 1970, and that at that time, of course, the  
6 Judge had not taken his office, but at that time there  
7 was no way of anyone to know if there was any indication  
8 or intimation in the record that there was an exercise of  
9 influence on Judge Carrillo after he took office that the  
10 case was going to be transferred out and terminated in  
11 the Federal District Court, Mr. Chairman. The documents  
12 show that as a matter of fact the order of transfer  
13 occurred after Judge Carrillo took the bench and there  
14 was no way in the world for him or anybody, except maybe  
15 the Lord above, to know what that Federal referee in  
16 bankruptcy was going to do in that Guerra matter. And  
17 that's the reason we offer it.

18                   CHAIRMAN HALE: Is that the M. Guerra and  
19 Sons—

20                   MR. MITCHELL: Versus.

21                   CHAIRMAN HALE: --are those the same ones  
22 who were the defendants in this case of Clinton Manges  
23 versus M. A. Guerra, et al?

24                   MR. MITCHELL: Yes, sir. I guess they are.  
25 They are all the same, Mr. Hale, and that's the one he

1 reclused himself from. And I guess that's the same  
2 breed of cats as the Mr. Guerra that has testified here  
3 previously. They are all kin to each other.

4 May I proceed with the next exhibit?

5 CHAIRMAN HALE: You may proceed.

6 MR. MITCHELL: The next exhibit, if per-  
7 mitted by the Chair and the Committee, is Carrillo's 53-A,  
8 which deals with the petitions for removal, Mr. Chairman,  
9 and the members of the Committee. The evidence shows  
10 that upon relation of an individual of Duval County at  
11 the instance of the District Attorney, petitions for re-  
12 moval were prepared and filed and, of course, I don't  
13 want to go through all of that testimony.

14 Thereafter, March 31, 1975, the persons named  
15 in those petitions for removal instituted Motions for  
16 Leave to File Petitions for Writs of Mandamus and a  
17 prohibition with the Supreme Court of the State of Texas  
18 being Cause No. B-5195. I have those for the Committee's  
19 examination, and the Order of the Supreme Court, dated  
20 shortly thereafter wherein the Motion for Petition to  
21 Leave, Writ of Mandamus, and prohibition were denied.  
22 In addition, I have Motion for Leave to File an Additional  
23 Petition for Mandamus. This one was on May 21st, while  
24 this hearing was going on, as a matter of fact. Mr. Archie  
25 Parr and some of those tandem persons named in those removal

1 actions filed, application for Leave to File Petition  
2 for Mandamus, Supreme Court, and I have as a part of  
3 Carrillo's Exhibit No. 53-A, a notation of the Clerk of  
4 the Supreme Court case of Parr v. Carrillo, Motion for  
5 Leave to File Petition for Mandamus this day overruled.

6 Also I would like to tender as part of that  
7 record, application by the same group on the docket of  
8 the Court of Civil Appeals of San Antonio, which pre-  
9 ceded the last filing with the Supreme Court about a  
10 week, to accelerate the trial, and that the Court of  
11 Civil Appeals ordered the case tried May 19th. Judge  
12 Carrillo presented himself to try it on May 19th and  
13 that I would like to offer the record in that case to  
14 indicate that Mr. Marvin Foster, attorney for those  
15 very parties, asked that the case be postponed and then  
16 we presented ourselves up here the following day.

17 (Some documents were marked  
18 "CAR-53-A" for identifi-  
19 cation.)

19 I have now, in addition, Carrillo's No. 54. I  
20 would like to offer as part of the record, their official  
21 records, letter from Judge Joe R. Greenhill to Honorable  
22 Wesley Dice assigning him to try Cause No. 8898, Archie  
23 Parr vs. Dan Tobin, and the official docket sheet. This  
24 was the injunction suit. Archie Parr represented by  
25 Mr. Marvin Foster and that testimony, I think, indicated

1 that Judge Wesley Dice, who was assigned by Judge Green-  
2 hill, refused to issue the injunction.

3 In addition, I have a letter, May 5, '75,  
4 Judge Joe Greenhill, the Supreme Court, to Wesley Dice,  
5 assigning him to try 8901, First State Bank of San Diego  
6 vs. County of Duval, the docket sheet showing the pendency  
7 of that case; Judge Carrillo reclusing himself from the  
8 trial in that case.

9 I have also Cause No. 8896, Juan Martinez, rep-  
10 resented by Marvin Foster again, injunction suit against  
11 Dan Tobin, Jr., et al; case being assigned to Judge  
12 Wesley Dice, Wesley Dice presiding, and the docket sheet  
13 reflecting Judge Wesley Dice's refusal to issue the in-  
14 junction and notice of appeal given by the agreed parties.  
15 Carrillo's No. 54, if it pleases the Committee.

16 (Some documents were marked  
17 "CAR-54" for identifi-  
18 cation.)

19 MR. MITCHELL: The next exhibit is  
20 Carrillo's No. 55. It's taken in connection with Ex-  
21 hibit 55, previously introduced through the witness,  
22 Marvin Foster, who hesitated to testify as to its  
23 authenticity, but it was one handed to him by Mr. Guerra  
24 on the M & R Motor Company, Hebbronville, Texas, dealing  
25 with a Pontiac. It shows a purchase by O. P. Carrillo,  
a Pontiac, personal check \$5,631.60 and Carrillo's 55 is

1 that check. \$5,631.60. I offer 55.

2 (The check referred to  
3 was marked "CAR-55" for  
4 identification.)

5 CHAIRMAN HALE: Could I see No. 55?

6 MR. MITCHELL: I would like to offer, if  
7 I might be permitted, Carrillo's No. 56.

8 CHAIRMAN HALE: This was on the Pontiac  
9 automobile now?

10 MR. MITCHELL: Yes, sir. That's the best  
11 I could ascertain, Mr. Hale.

12 Mr. Chairman, Carrillo's 56 is a letter from  
13 the State Judicial Qualifications Commission. It's  
14 signed by Mr. Morris S. Pipkin, Executive Director and  
15 Director of the State Judicial Qualifications Commission  
16 dated May 2, 1975, addressed to Judge Carrillo and it  
17 speaks for itself and it states that there has been in-  
18 formation communicated to him that he had accepted an  
19 expensive gift, that he had accepted bank stock and had  
20 entered into an open leasing agreement, etcetera, and  
21 that if these facts were now to be taken into the procedure,  
22 so to speak, of the State Judicial Qualifications Com-  
23 mission and that he would like—that is Mr. Pipkin, would  
24 Judge Carrillo to comment on these matters in writing  
25 and would like to have an answer filed within fifteen  
days of the receipt of that letter, which letter is dated

1 May 2, 1975, and enclosures are the rules for the removal  
2 or retirement of judges. I have attached to Carrillo's  
3 No. 56 Judge Carrillo's answer within the fifteen days  
4 provided for by the Commission, by the letter, and en-  
5 closure of supplementary material, tax returns for the  
6 year '73, tax returns for '74, etcetera, which were re-  
7 quested by Mr. Pipkin in behalf of the State Judicial  
8 Qualifications Commission. That's Carrillo's No. 56.

9 (The documents referred to  
10 were marked "CAR-56" for  
11 identification.)

12 I would like to skip over to Carrillo's No. 63,  
13 if I might, Mr. Chairman. They are yard orders or supply  
14 orders on behalf of the Ranch and Supply Company to B. L.  
15 Morehouse Company, dated May of '74, right on through to  
16 January, showing order of materials delivered to the job  
17 site of the construction of the building, the photograph  
18 of which is before the Committee, showing the paneling,  
19 showing the pine, the siding, the job site delivery being  
20 twelve miles from the store on the Benavides Highway,  
21 that is, twelve miles from the Ranch and Supply. And a  
22 list of— I have marked some, but not to prejudice the—  
23 that would be, incidentally, Carrillo's 63, 64, 65, 66,  
24 67, 68, 69, and they show COD payment on delivery. These  
25 went directly to the job site. That is to where the store  
was built and then that testimony is taken in tandem with

1 and conjunction with the cement testimony and the material  
2 testimony. I think you can pretty well build a store  
3 building out of it all. They run for a period of time.

4 (Some documents were marked  
5 "CAR-63" through "CAR-69"  
6 for identification.)

7 Mr. Chairman, I had previously asked to have  
8 Gabriel Gonzales in who did some of the work on that job  
9 and to get a divorce from my other paneling I want also  
10 that auditor's certificate as well as Mr. Gabriel Gon-  
11 zales. Hopefully we can satisfy the Committee on where  
12 that paneling and all them pretty nails went.

13 Mr. Chairman, may I offer Carrillo's No. 60?  
14 Carrillo's No. 60 is the application for mandamus in  
15 Cause No. 8888 in the District Court, 229th Judicial  
16 District, styled Joe Coudert, et al versus Rudolfo  
17 Couling, Business Manager and Tax Assessor-Collector,  
18 Benavides Independent School District, filed sometime  
19 after March the 20th, 1975, and while I don't intend to  
20 characterize the pleadings, they speak for themselves,  
21 they are an attempt by Joe Coudert and the Caller-Times  
22 Publishing Company to secure a mandamus ordering the  
23 Business Manager and Tax Assessor-Collector of the Bena-  
24 vides Independent School District, Mr. Rudolfo Couling,  
25 to deliver, to make available under Article 6252-17a, the  
Revised Civil Statutes, governmental bodies, that is,



1 Access to Information Act, the public records, the records  
2 of the Benavides School District. As I understand it,  
3 the mandamus was granted, but this is offered in connection  
4 with the testimony of the District Attorney previously  
5 offered as to the status of records, documents, etcetera,  
6 and the precipitating cause for which he testified was  
7 one of the precipitating causes for the institution of  
8 the actions to remove this gentleman named in this. In  
9 addition, I have been informed, although I do not have a  
10 copy, which I would like to reserve probably 60-A to get  
11 a copy of the application for writ of mandamus filed by  
12 the same party, Joe Coudert, et al, the Caller-Times  
13 Publishing against Mr. Manuel Solis, for an attempt to  
14 issue and secure issuance of a mandamus to get the public  
15 records of the School District.

16 (The documents referred to  
17 were marked "CAR-60" for  
18 identification. "CAR-60-A"  
reserved.)

19 I have Carrillo's No. 61 which is a copy of an  
20 article appearing in Corpus Christi Caller-Times Saturday,  
21 March 29, 1975, along with a photograph of Judge Carrillo  
22 leaving the courthouse under the protection of the Rangers,  
23 Captain John Wood and Gene Powell, offered in connection  
24 with previous testimony as to the conditions that were  
25 existent in the county at the time stated in the article

1 at or about the time the application for removal of those  
2 gentlemen that the testimony show kind of resisted.

3 (The article referred to  
4 was marked "CAR-61" for  
5 identification.)

6 I offer, Mr. Chairman, Carrillo 70 which  
7 is also an article from the same newspaper by Joe Coudert  
8 which shows at the time depicted in the article the  
9 searching of various persons by Sheriff Ramiro Perez,  
10 Constable Alonzo Lopez, including the Judge, showing  
11 again bearing upon the conditions existing in the county  
12 at the time that the District Attorney upon the relation  
13 of Jose Nichols sought to file petitions of removal under  
14 the Texas statutes. That is Carrillo's No. 70.

15 CHAIRMAN HALE: What is the date on that  
16 article, Counsel?

17 MR. MITCHELL: Saturday, March 29, 1975.  
18 I believe the testimony showed that the petitions were  
19 filed, I believe, on the afternoon or sought to be filed  
20 on March 19th, were not filed until March 20th, so it  
21 would be within nine days conditions still existing neces-  
22 sitating searching of the various people in and out of the  
23 courthouse.

24 (The article referred to  
25 was marked "CAR-70" for  
identification.)

I also have now for Carrillo's No. 69 a letter

1 of agreement between Marvin Foster, Board of Trustees,  
2 addressed to the Board of Trustees, Benavides Independent  
3 School District, Benavides, Texas. "In accordance with  
4 our agreement"—this is signed by Marvin Foster, the  
5 statement is undated—"this bill is submitted as statement  
6 for services rendered and to be rendered relative to  
7 investigation by the IRS and Grand Jury of the district  
8 and the School Board. This statement contains three  
9 agreements only, fee for services, \$60,000. Please issue  
10 your checks payable as follows: One, Marvin Foster,  
11 \$35,000; two, Charles E. Orr, \$25,000. And I have also  
12 attached to Carrillo's 69, checks \$25,000, Charles Orr,  
13 \$35,000 to Marvin Foster. And another one, \$347.94 to  
14 Marvin Foster, "Expenses to Brownsville." Carrillo No.  
15 69.

16 (The letter referred to  
17 was marked "CAR-69" for  
18 identification.)

19 Mr. Chairman, to be sure I comply with the  
20 requests of the various members of the Committee, I will  
21 produce Judge Carrillo's individual 1040 Tax Form that's  
22 been filed to show the income from January 1, 1971 to  
23 December 31, 1971.

24 I will produce for the Committee all of the  
25 input data on all of those Zertuche tax returns and, of  
course, the only portion of the tax returns that are

1 relevant are the Schedule C's. If the Committee wants  
2 me to produce those I will produce those. I will produce  
3 the entire record of the proceedings in that disqualifi-  
4 cation matter.

5 I believe that concludes my documentary pres-  
6 entation, Mr. Chairman.

7 CHAIRMAN HALE: Counsel, do you have live  
8 witnesses this afternoon that you would want to present?

9 MR. MITCHELL: I have one witness,  
10 Mr. Ronald Guerra, who will verify the authenticity of  
11 that one check for the purchase of the cement, and will  
12 tie it in, Mr. Chairman, and I will make him available  
13 for questioning by the Committee.

14 I think there was a point made earlier in the  
15 testimony some week or two ago about cement and who it  
16 belonged to, etcetera, etcetera. So, I have gone to the  
17 trouble to dig him up. He sold it; he sold it to the  
18 Judge and got a check for it. He is here.

19 CHAIRMAN HALE: Fine. Do you want to  
20 call him at this time, then?

21 MR. MITCHELL: If I might.

22 CHAIRMAN HALE: Mr. Guerra, it's my duty  
23 as Chairman to advise you of your rights with reference  
24 to your testimony. You will be sworn to tell the truth  
25 and your failure to do so could subject you to prosecution

1 for perjury. After you have completed your statement,  
2 members of the Committee may ask questions concerning  
3 your testimony. You must answer these questions truth-  
4 fully and your refusal to do so could subject you to  
5 punishment for contempt. You can refuse to answer ques-  
6 tions only on the ground that such answers might incrimi-  
7 nate you or tend to incriminate you in some way. You  
8 are privileged to have an attorney of your selection sit  
9 with and advise you as to your answers if you desire.  
10 The Chair will attempt to protect your rights at all  
11 times. Do you understand the advice I have given you?

12 MR. GUERRA: Yes, sir.

13 CHAIRMAN HALE: Are you ready to testify?

14 MR. GUERRA: Yes, sir.

15 CHAIRMAN HALE: Would you stand and raise  
16 your right hand?

17 (The witness was sworn by the Chair.)

18  
19 MR. RONALDO E. GUERRA

20 was called as a witness by Committee and, having been duly  
21 sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY CHAIRMAN HALE

24 Q Please state your name and your mailing address.

25 A My name is Ronaldo E. Guerra and my mailing

1 address is Post Office Box 656, Roma, Texas.

2 Q What business or occupation are you engaged in,  
3 Mr. Guerra?

4 A I am a custom house broker.

5 Q What do you broke?

6 A Imports and exports.

7 Q Any particular type of merchandise?

8 A No, sir.

9 Q Building materials?

10 A Yes, I do, occasionally.

11 Q And the occasion for your appearance here had  
12 to do with some cement. Is that correct?

13 A Yes, sir.

14 Q Would you explain to the Committee, if you will,  
15 please, what the situation was with respect to this cement?

16 MR. MITCHELL: Mr. Chairman, may I give  
17 him Exhibit No. 43 so that his testimony—

18 CHAIRMAN HALE: Counsel, if you would like  
19 to sort of ask him questions that you think would be  
20 pertinent, it might be helpful.

21 DIRECT EXAMINATION

22 BY MR. MITCHELL

23 Q I hand you what's been previously marked and  
24 introduced as Carrillo No. 43, Mr. Guerra. Do you recog-  
25 nize the exhibit or copy of the exhibit?

1 A Yes, sir. I do.

2 Q All right. Tell the Committee, please, sir, in  
3 your own words first of all starting specifically with a  
4 check dated September 3, 1973, for \$1,050.00.

5 A This is a check given to me by Mr. O. P.  
6 Carrillo in payment for 500 bags of cement. I received  
7 the check approximately on September 3, 1973 and I have  
8 a deposit slip showing my deposit of that check to my  
9 account in the First State Bank and Trust Company in  
10 Rio Grande City on September 4, 1973.

11 Q As part of that exhibit, Carrillo No. 43, there  
12 is a document and I think I perhaps miscalled it. It's  
13 labeled for identification purposes, Carrillo 43-A. I  
14 have it in front of you. Do you see it?

15 A Yes, sir.

16 Q Tell the Committee, please, what it is and what  
17 it purports to be.

18 A This is a memorandum copy of a bill of lading  
19 showing the delivery of the 500 sacks of cement to Farm  
20 and Ranch Store on Main Street, Benavides, Texas, on  
21 August 15, 1973. This was given by the carrier to show  
22 delivery of the merchandise.

23 Q And you are stating under oath to the Committee  
24 that you received an order for the cement; that you caused  
25 the cement to be delivered—

1 A Yes, sir.

2 Q —you caused the billing to be made to Judge  
3 Carrillo and Judge Carrillo issued his check for which  
4 you deposited the check in your account?

5 A Yes, sir.

6 Q You don't know anything about whether it went  
7 out to a store or nothing else about it after it got to  
8 the Farm and Ranch Store? You have no personal knowledge  
9 of any of the facts?

10 A No. I just know it was delivered there. That's  
11 all I know.

12 MR. MITCHELL: The Committee might have  
13 some further questions of the witness.

14 BY CHAIRMAN HALE

15 Q Mr. Guerra, this transaction occurred in 1973?

16 A Yes, sir.

17 Q Is this the only business transaction which you  
18 had with Judge O. P. Carrillo?

19 A As far as I can recall, yes. It's the only one  
20 I have ever had.

21 Q How did this transaction originate?

22 A I'm going to give you an explanation of how I  
23 got involved in this transaction.

24 Q Mr. Guerra, could I ask you to pull the mike  
25 over a little closer?



1 A Yes, sir.

2 Q That's fine.

3 A In the summer of 1973, the price of cement in  
4 Mexico was substantially less than the price of cement  
5 in the United States, and since I'm a broker and I deal  
6 in imports and exports, I had the opportunity to be able  
7 to buy cement in Mexico and resell it in the United States.  
8 Now, sometime in July of '73, through a mutual friend,  
9 Mr. Fred Pilon, I was asked if I could purchase cement  
10 in Mexico and import it for resale in the United States.  
11 Now, at that time the price of cement in Mexico was  
12 rising and by the time we finally negotiated the trans-  
13 action the price in Mexico and the price in the United  
14 States was substantially the same, so instead of going  
15 to the trouble of importing cement from Mexico, which  
16 does involve considerable problems, I went to a friend  
17 of mine who works for Pablo Pena, Jr. and Son Construction  
18 Company in Rio Grande City and asked him if he could ob-  
19 tain cement for me at a good price, which he did. He  
20 quoted me \$2.00 a sack which was just a few cents more  
21 than what the cement would cost in Mexico. I went ahead  
22 and negotiated for the purchase of that cement and cement  
23 for other persons with Mr. Gustavo Escobar and I have a  
24 check here showing the payment of the cement to Pablo  
25 Pena, Jr. and Sons Construction Company of Rio Grande City

1 and I have deposit slips showing the deposit of the O. P.  
2 Carrillo check on September 4, 1973.

3 Q My question went more to your relationship with  
4 Judge Carrillo. How did you know that Judge Carrillo was  
5 in the market for cement?

6 A Through Mr. Fred Pilon who is a good friend of  
7 mine, and knows my business.

8 Q What was the relations—what negotiations went  
9 on between you and Judge Carrillo prior to the time the  
10 purchase was completed?

11 A Practically none at all. I just took Mr. Pilon's  
12 word that Mr. Carrillo wanted the cement and that I would  
13 get paid for it.

14 Q Did you know who Mr. Pilon was?

15 A Oh, sure. Yes. I did.

16 Q Who is he?

17 A Well, to begin with, he is a personal friend of  
18 mine and as far as I know he works as a court interpreter  
19 in Rio Grande City.

20 Q And he told you that Judge Carrillo wanted 500  
21 bags of cement?

22 A Yes, sir, he did.

23 Q Did Judge Carrillo ever tell you he wanted 500  
24 bags of cement?

25 A I never had any personal order from Mr. Carrillo.

1 No.

2 Q On the basis of Mr. Pilon telling you that, you  
3 purchased the cement and shipped it to Judge Carrillo?

4 A Yes, sir.

5 Q Where did you deliver the cement?

6 A I have the bill of lading here showing. I  
7 instructed Mr. Gustavo Escobar, who works in this con-  
8 struction company in Rio Grande City, through which I  
9 bought the cement, to have the cement delivered in Bena-  
10 vides at the Farm and Ranch Supply Store, which I don't  
11 know what it was. That's where I had the instructions  
12 for the cement to be delivered.

13 Q Did you submit a bill to Judge Carrillo for  
14 the cement?

15 A It was more like, I just told him what the  
16 amount was, since by the time we got through negotiating  
17 for the cement I wasn't going to make anything on it. I  
18 just paid Mr. Pablo Pena the same amount that I got from  
19 Mr. Carrillo for the cement.

20 Q You paid \$1,050.00 for the cement?

21 A Yes, the \$50.00 was for some demurage due on  
22 the trailers that were hauling the cement. Apparently  
23 they were delayed for half a day or a day on delivery  
24 and we had to pay \$50.00 demurage on it.

25 Q So you actually disbursed \$1,050.00 from your

1 account in payment for the cement?

2 A I disbursed more than that. There was other  
3 cement that I paid for with the same check.

4 Q But on these particular 500 bags—

5 A \$1,050.00. Yes, sir.

6 Q —as far as your accounting records show you  
7 paid \$1,050.00 for this cement?

8 A Yes, sir.

9 Q And you turned around and delivered it to  
10 Farm and Ranch Supply in Benavides and for that you were  
11 only paid \$1,050.00?

12 A Yes, sir. That's correct.

13 Q Do you have many transactions like this in  
14 your business?

15 A No, I don't. I have others where I do make  
16 money.

17 Q Why did you sell this to Judge Carrillo for the  
18 same price that you paid for it?

19 A That was not the intention to begin with. I  
20 had quoted \$2.00 a sack because I had thought that I could  
21 get it in Mexico at a price where I could make some money  
22 on it. But since at the time the transaction was finally  
23 negotiated, the price of cement in Mexico went up and I  
24 stood by my first quotation. I finally was able to get  
25 it for \$2.00 a sack from Mr. Escobar. I broke even on

1 the transaction.

2 Q What was the time differential between the day  
3 that Mr. Pilon told you that Judge Carrillo wanted 500  
4 bags of cement and the date of delivery?

5 A I would say it was about three weeks.

6 Q How much cement is in each bag of cement?

7 A I believe the ones that were delivered to  
8 Mr. Carrillo were 95 pounds net, which would be approxi-  
9 mately 47,000 pounds of cement.

10 Q Well, I don't know much about cement. How big  
11 a building will that build?

12 A Well, it's 24 tons of cement so I imagine it  
13 would be sizeable. I don't know myself.

14 Q Do you have many orders of cement in that  
15 magnitude?

16 A No. I had a few at that time.

17 Q Did you get anything in writing from Mr. Pilon  
18 to confirm this order for Judge Carrillo?

19 A No, sir. I did not.

20 Q And you knew Mr. Pilon only as a court inter-  
21 preter?

22 A As a personal friend. I know he is a court  
23 interpreter but he has been a friend of all of the family  
24 for a long, long time.

25 Q Do you know whether he does a lot of other work

1 for Judge Carrillo outside of interpreting in the court-  
2 room?

3 A I don't have any idea whether he does or whether  
4 he doesn't.

5 Q But you made a commitment to buy over \$1,000  
6 worth of cement simply on his verbal statement to you  
7 that the Judge wanted to buy some cement?

8 A That's correct.

9 Q And on a transaction in which you did not make  
10 a dime of profit?

11 A I had intended to make money to begin with. No,  
12 I did not make a dime of profit on this transaction.

13 CHAIRMAN HALE: Mr. Maloney?

14 BY MR. MALONEY

15 Q Mr. Guerra, are you any relation to Arnulfo  
16 Guerra?

17 A I'm his brother.

18 Q You say this \$50.00 on top of the \$1,000 was  
19 for a demurage charge?

20 A Yes, sir.

21 Q And who was it that was to deliver this cement  
22 to Mr. Carrillo?

23 A The carrier specified on the bill of lading is  
24 "Cement Cargo." I guess that's the name of the freight  
25 line.

1 Q Who paid the freight line?

2 A I paid Pablo Pena and Sons. I imagine Pablo  
3 Pena and Sons paid the freight line. Or maybe Capitol  
4 Cement paid the freight line. I don't know. I just got  
5 a delivered price on the cement.

6 Q Who paid the sales tax on the cement?

7 A Pablo Pena and Sons.

8 Q So who did they bill?

9 A They billed me for it.

10 Q So then you ended up paying another \$50.00 on  
11 top, so this is going to turn out to be a loss transaction.

12 A No. I got \$1,050.00. Whatever I put into the  
13 transaction I got out of it. I got \$1,050.00 from Judge  
14 Carrillo.

15 Q I thought you said the \$50.00 was for a demurage  
16 charge.

17 A That's right. It was included. The price of  
18 the cement was \$1,000 and \$50.00 for the demurage. I got  
19 a check for \$1,050.00.

20 Q I'm sorry. I'm having a little difficulty—

21 A 500 bags at \$2.00 a bag would give you \$1,000.

22 Q Right.

23 A Plus \$50.00 demurage.

24 Q Now what do you mean by demurage?

25 A Demurage is down time charged by the carriers

1 whenever they have to remain at a location and cannot be  
2 unloaded through situations beyond their control. In  
3 other words, if the consignee fails to unload the carrier  
4 on time, any demurrage or any expenses incurred by the  
5 carrier have to be paid by the consignee, which was the  
6 case here.

7 Q So you then paid the \$50.00?

8 A Yes. Yes, I paid it to Pablo Pena and Sons.

9 Q And you billed Judge Carrillo for the \$1,050  
10 that you were out?

11 A Yes.

12 Q So then somewhere there should be a bill for  
13 another \$50.00 as regards this cement for sales tax. Is  
14 that correct?

15 A Yes. I'm sure that Pablo Pena and Sons paid  
16 for it.

17 Q So the Judge only paid you the \$1,050.00 that  
18 you billed him?

19 A Right.

20 Q So there should be a bill then for another  
21 \$50.00 from Pena?

22 A Yes. Well, Pena, everything was included in  
23 the price of \$2.00 a sack. I don't know if he paid the  
24 sales tax on it or not. It was a delivered price.

25 Q You said that you paid Mr. Pena then, including



1 this \$1,050.00 in some other check that you sent--

2 A Yes, sir.

3 Q --how much did you pay Mr. Pena in total?

4 A \$4,450.00.

5 Q Do your records reflect in any way who this  
6 other \$4,000 worth of cement went to?

7 A Yes.

8 Q Who did that go to?

9 A 1,500 bags went to Mr. Dan Manges and 200 bags  
10 went to Mr. Ernesto Trevino at \$2.00 a bag.

11 Q Where were those delivered?

12 A I have the bill of lading receipts here.  
13 1,980 were delivered at Duval Cattle Company in Freer,  
14 Texas, and 500 bags were delivered at Falcon Heights,  
15 Texas.

16 Q Who ordered the cement for Mr. Don Manges?

17 A Mr. Dan Manges.

18 Q Dan Manges. Who ordered it?

19 A He did, himself.

20 Q Did Mr. Pilon make that order with you also?

21 A No, sir.

22 Q Who made that order?

23 A Mr. Dan Manges.

24 Q Personally?

25 A Personally. Yes, sir.

1 Q Had you ever met him before?

2 A Oh, sure. Many times.

3 Q Do you do business with them?

4 A I have had a couple of transactions, maybe three  
5 transaction, in about three or four years.

6 MR. MALONEY: That's all I have.

7 BY MR. KASTER

8 Q Mr. Guerra, you said that Mr. Pilon has been a  
9 friend of the family for a long time?

10 A As far as I can remember.

11 Q Approximately how many years?

12 A Twenty some. Twenty odd years.

13 Q Now as I understand from the testimony that  
14 you ended up, you did not get the cement from Mexico;  
15 that you ended up buying American made cement?

16 A Yes, sir.

17 Q What was the brand name of the cement?

18 A They had some from Capital Cement at Longhorn,  
19 Texas, and the other came from San Antonio, Portland  
20 Cement Company. There were two companies involved in  
21 the sale of the cement.

22 Q It was Capital Cement Company from where?

23 A Longhorn, Texas, wherever that is.

24 Q And the other one was what?

25 A San Antonio, Portland Cement Company, from

1 Cementville, Texas.

2 Q Was there any from Corpus Christi, Texas?

3 A No, sir. That is not what the bills of lading  
4 show so I guess not. I just contracted with Pablo Pena  
5 and Sons. He took care of the rest of it.

6 Q Was it legal to export cement from Mexico during  
7 this time? They go periodically, I think, where you  
8 can't export different items.

9 A It's legal on the American side. That's all I  
10 worry about.

11 Q It's legal on the American side?

12 A Yes, sir.

13 Q Is it legal on the Mexican side to export  
14 cement?

15 A I don't know if it is or not. There are not  
16 too many things that are legal in Mexico.

17 Q What was the price of cement when this was  
18 originally being thought about, where you thought you  
19 could make some money?

20 A At the beginning I think the price of cement  
21 was about \$1.40 a sack for Mexican cement. By the time  
22 we got through making the arrangements the price had  
23 gone up to about \$1.90 or \$1.95, so it wasn't economically  
24 feasible to bring it into the United States. At that  
25 price, it wouldn't be worth it. So I just went ahead and

1 bought it on the American side.

2 Q Mexican cement has Mexican labels and Mexican  
3 and Spanish language on it?

4 A Oh, yes. It's required by U. S. Customs.

5 Q It would be easily identified?

6 A It surely would.

7 Q I would assume that sacks of cement from Capital  
8 Cement would have a distinctive wrapper as well as that  
9 from San Antonio Portland Cement would have.

10 A I'm sure it would. It would have their brand  
11 name on it for one.

12 Q I would assume that your brother, Arnulfo, also  
13 knows Mr. Pilon?

14 A I'm sure he does.

15 Q At that time your brother was what, practicing  
16 law? In '73?

17 A Yes. Yes.

18 Q Do you know which cement went to which? Of  
19 the Capital cement?

20 A It was Capital cement that went to the Farm  
21 and Ranch Supply Store.

22 Q Capital cement. You are positive?

23 A Yes, I'm positive. On August 15th of '73.

24 Q You wouldn't know whereabouts in the Farm and  
25 Ranch Supply that they unloaded it?

1 A No, sir.

2 Q You don't know what building, if there was  
3 more than one building?

4 A No, I sure wouldn't.

5 MR. KASTER: That's all.

6 CHAIRMAN HALE: Mr. Donaldson?

7 MR. DONALDSON: Pass.

8 CHAIRMAN HALE: Mr. Laney?

9 BY MR. LANEY

10 Q You said that Mr. Pilon asked you to buy this.  
11 Did you—were you already going to get this for Mr. Manges  
12 and this other guy, Mr. Trevino, I believe?

13 A Yes. At the time I had an order for about  
14 2,200 bags. That's the reason I was interested in the  
15 transaction. If I had bought at the Mexican price, I  
16 would have made maybe \$1,000 on the transaction. As it  
17 was, I didn't make anything on it.

18 Q Then Mr. Pilon said the Judge needed some, too.  
19 Is that how it was?

20 A Yes. That's how it was.

21 Q Did you ever ask Mr. Pilon what the Judge was  
22 going to do with this concrete or anything?

23 A I imagine it was for building, but I didn't ask  
24 him.

25 Q But you never had dealt in concrete before— I

1 mean, in cement before?

2 A No. No, I hadn't. This was just a situation  
3 that arised where I could make money on and unfortunately  
4 this was not one of them.

5 Q And it didn't seem strange to you that—it  
6 didn't occur to you that 500 sacks of cement for one  
7 building was a lot of cement?

8 A Nobody told me it was for one building. I  
9 didn't know what it was for. I had no idea what it was  
10 for. I said I imagined it was for building.

11 Q Oh, I'm sorry.

12 MR. LANEY: All right. That's all.

13 CHAIRMAN HALE: Ms. Weddington?

14 BY MS. WEDDINGTON

15 Q Did Mr. Pilon ever later tell you what the  
16 cement had been used for?

17 A No, ma'am.

18 Q Have you ever been to Judge O. P. Carrillo's  
19 ranch?

20 A I don't even know where it is.

21 Q Have you ever sold any cement to Duval County?

22 A No. I sold some to Duval County Ranch Company.

23 Q But this is the only transaction you have ever  
24 had in cement?

25 A That's the only one. With Mr. Carrillo, you

1 say? That's the only one I've ever had with Judge  
2 Carrillo.

3 Q Have you ever had a cement transaction with  
4 Duval County?

5 A No, ma'am.

6 MS. WEDDINGTON: No further questions.

7 CHAIRMAN HALE: Mr. Chavez?

8 MR. CHAVEZ: No questions.

9 CHAIRMAN HALE: Mr. Maloney?

10 BY MR. MALONEY

11 Q I believe you said that you had quoted a price  
12 to either Mr. Pilon or Judge Carrillo at \$2.00 a bag. Is  
13 that correct?

14 A Yes, sir.

15 Q And that was about what American cement was  
16 selling for anyway, wasn't it?

17 A It was less. I think American cement was going  
18 for about \$2.20 a bag or so.

19 Q So it was less then?

20 A It was less than what American cement was. Yes,  
21 sure.

22 Q So then American cement must have gone down?

23 A No, it didn't go down; I just got a good price  
24 on it.

25 Q How many brothers do you have?

1 A Seven.

2 Q How many?

3 A Seven.

4 Q Seven. Do any of your brothers other than I  
5 know Arnulfo is a District Attorney, do any of your  
6 brothers work for any governmental agencies?

7 A No. No, they don't.

8 Q Have they ever?

9 A I don't recall that they have.

10 MR. MALONEY: That's all I have.

11 CHAIRMAN HALE: Did you have something  
12 else, Mr. Mitchell?

13 MR. MITCHELL: Yes.

14  
15 REDIRECT EXAMINATION

16 BY MR. MITCHELL

17 Q Mr. Guerra,—

18 CHAIRMAN HALE: While you are asking him  
19 that question, Counsel, could we see your little folder  
20 that you brought with you there?

21 A Yes, sir.

22 CHAIRMAN HALE: Is there anything confi-  
23 dential in that that we shouldn't see?

24 MR. MITCHELL: No. I was going to ask him  
25 some questions.



1 Q Mr. Guerra, has anything about the testimony  
2 that you have given under oath, has it been falsified,  
3 trumped up, in any way prepared for the sole purpose of  
4 doing anything but presenting the facts as they are and  
5 were to this Committee?

6 A No, sir. These are the facts as they happened  
7 and that's what I'm testifying on.

8 Q You have before you a folder that apparently  
9 documents the transaction about which you have testified.  
10 Is that correct?

11 A Yes, sir.

12 Q I'll ask you if that, if I counted correctly,  
13 that single transaction about which you have been ques-  
14 tioned, is Document 1? Is that part of the documentation?

15 A Yes. I wrote the facts as they happened.

16 Q 1, 2, 3, 4, 5, 6, 7, 8, 9 ways. Is that correct?

17 A Yes, sir.

18 Q Are any of those documents forged, altered,  
19 fabricated, or in any manner not authentic?

20 A No, sir. They are authentic documents.

21 Q Are you a citizen of Starr County, Texas?

22 A Yes, sir.

23 Q How long have you been a citizen of that County?

24 A Thirty-three years.

25 Q Are you a businessman engaged in a lawful and

1 legitimate occupation?

2 A Yes, sir. We are licensed by the Bureau of  
3 Customs to be brokers, custom house brokers.

4 Q I was going to ask you that. You, as a matter  
5 of fact, have to secure a license to engage in the busi-  
6 ness that you are in and you pass a specific license test  
7 provided for by the Federal Government.

8 A Yes, sir, and a character investigation to be  
9 able to obtain the license.

10 Q And if anybody has testified that's got the  
11 stamp of "U.S. Choice Beef" on them, you would have,  
12 wouldn't you?

13 A Yes, sir.

14 Q Do you know anything about the squabble going  
15 on up here with Judge Carrillo and the Parrs and all of  
16 them folks up in Duval County?

17 A Yes. Mostly what I have read in the papers  
18 and what I have seen here.

19 Q Have you attempted to answer the questions that  
20 have been put to you by members of the Committee to tell  
21 the truth about the transaction?

22 A Yes, sir. I have.

23 MR. MITCHELL: I have no further questions.  
24 Thank you, Mr. Chairman.

25 CHAIRMAN HALE: Would you have any objection

1 to us reproducing all of those documents in your file?

2 A No, sir.

3 MR. MITCHELL: Mr. Chairman, I do have  
4 part of them reproduced in Carrillo 43, if we might have  
5 them made as a part of that package. I think I have them  
6 all.

7 A I would like the records back, though, for my  
8 own—

9 CHAIRMAN HALE: Yes. We will give them  
10 back to you.

11 BY CHAIRMAN HALE

12 Q Mr. Guerra, I noticed one of the documents in  
13 your file there is a little narrative summary in type-  
14 written form. When did you prepare that?

15 A I was reading in the Corpus Christi paper about  
16 two weeks ago about one of the allegations made against  
17 Judge Carrillo involving the use of cement. I recall that  
18 I had made a transaction approximately around that time  
19 when he was supposed to have used county cement or some-  
20 thing. So I went back and checked my records and to be  
21 able to get all the facts together I just typed out a  
22 little narrative of the way it happened so I could have  
23 it handy.

24 Q Did you talk to anyone about that before you  
25 typed out the narrative?

1           A     Yes. When I read in the paper about this  
2 allegation made against the Judge, I think I saw my  
3 brother, Arnulfo, about the following weekend, and I  
4 mentioned to him that I felt there was a possibility  
5 that the cement mentioned in this room might be the same  
6 that I had sold to Judge Carrillo. He asked me if I  
7 would be willing to testify and I said "Yes."

8           Q     Did he assist you in the preparation of that  
9 little narrative summary?

10          A     No. Not at all.

11          Q     Did anyone else assist you in the preparation  
12 of that narrative summary?

13          A     No, sir.

14          Q     Did you use any other documentation to refresh  
15 your memory other than the contents of that file which  
16 you have delivered to the Committee Clerk?

17          A     No. I just checked my records on deposits.  
18 The bills of lading I got from Pablo Pena and Sons Con-  
19 struction Company about two weeks ago, because they had  
20 not given me any bills of lading. I was billed by them  
21 on a statement form, which I mailed back to them when I  
22 paid them. I don't know what my check number is, but I  
23 have got the check there. So I had no documents from  
24 Pabro Pena and Sons. I went to Pablo Pena and Sons about  
25 two or three weeks ago and obtained those bills of lading.

**CHAIRMAN HALE: Any further questions?**

1 BY MR. KASTER

2 Q Mr. Guerra, do you know anything about the uses  
3 for the cement that you sold, the gray type of just or-  
4 dinary Portland cement?"

5 A Yes. It was ordinary gray cement.

6 Q It was all the same kind. It wasn't a mixture  
7 like a white cement.

8 A As far as I know, I was paying for gray cement,  
9 and I think that's what it was.

10 Q Do you know anything about the building business  
11 that you could testify to?

12 A No.

13 CHAIRMAN HALE: Are there further questions?

14 Do you have anything further, Mr. Mitchell?

15 MR. MITCHELL: No. Thank you, Mr. Chairman.

16 CHAIRMAN HALE: Is there any objection to  
17 excusing this witness? You'll be excused. Thank you for  
18 your testimony.

19 As soon as the clerks have photo copied those  
20 materials, we'll have you your originals back—have you  
21 your file if you'll stand by.

22 MR. MITCHELL: Mr. Chairman, may he have  
23 a subpoena so that he can get paid for his trip up here?  
24 I understand that that's the name of the game.

25 CHAIRMAN HALE: We'll take it up in committee

1 meeting later.

2 Do you have further witnesses today?

3 MR. MITCHELL: I don't have any that are  
4 present. Mr. Chairman, I do have, as the Chair knows, a  
5 request for subpoenas and I think I can narrow them down  
6 if I could get the ranger back with a duces tecum on a  
7 list of equipment that I understand they finally determined  
8 was owned by the county and the record of where the equip-  
9 ment was located, and I'd like to have Mrs. O. D. Bairring-  
10 ton, in connection with the identification of a list of  
11 the county employees for Freer, and her identification—  
12 the witness was previously here, was asked whether or not  
13 he knew a series of employees and, of course, he being  
14 from one county wouldn't know them from the other county,  
15 so I want to bring in a witness from the other county who  
16 would recognize those he didn't recognize and erase any  
17 impression that might have been left that those folks were  
18 figments of someone's imagination and someone ripping off  
19 their salary.

20 Then I'd like to have Mr. Cleofas Gonzalez, if  
21 I might.

22 Precincts, not counties. I'm sorry.

23 And Mr. Gabriel Gonzalez, who I hope we can tie  
24 in Mr. Carrillo's '63 building of that building, and the  
25 use of the material there. Hopefully, I have a witness

1 who will separate that from the job that appeared on the,  
2 through Mr. Hinojosa that was charged to the county.  
3 Course on that, naturally, you'd separate the two, so  
4 my client didn't use county funds or labor or materials.  
5 I don't think that's too far a field, but that's up to  
6 the discretion of the Chair.

7 CHAIRMAN HALE: What would Mrs. Bairrington  
8 testify to?

9 MR. MITCHELL: She would testify to the  
10 employees from Freer, that they were from Precinct 3,  
11 Freer. I believe Mr. Kaster went down the line and some  
12 of the other members went down the line, and one of the  
13 witnesses last week, at the tail end of the week; Friday,  
14 I believe. There were some he knew and some he didn't  
15 know, and I don't know whether I am getting paranoid after  
16 25 years of this business, but there is sort of the impli-  
17 cation left that there might not have been in existence.  
18 Course one of them from one city wouldn't have known the  
19 other one, and I'd like to bring her in just to have that  
20 same list read; see if she recognizes them, that they are  
21 real live eating, breathing folks.

22 And I believe that that's about all there would  
23 be. The Committee has been very exhaustive and very com-  
24 plete in their subpoenaing of witnesses and testimony.  
25 I believe that that will about do it.

1 CHAIRMAN HALE: You mentioned—

2 MR. MITCHELL: I'd like to have Mr. Archer  
3 Parr. I don't know whether I'm going to get him, but I  
4 would like to have him up here and see if I can't put some  
5 fence posts around his fence and bob wire around his  
6 ranch, equipment on his place. Mr. Carrillo's gotten the  
7 blame for it. I would love to have him—don't think I'll  
8 get him, but I would love to have him. Take about four or  
9 five days, I'm afraid.

10 CHAIRMAN HALE: And Mr. Kirkland.

11 MR. MITCHELL: Yes, sir. If the Committee  
12 wants him, I'd like for him to be here. He's prepared  
13 and, Mr. Hale, I have him on standby.

14 CHAIRMAN HALE: He's actually here, is he  
15 not?

16 MR. MITCHELL: Mr. Kirkland. No, sir.

17 CHAIRMAN HALE: I was told he was here in  
18 the courtroom today

19 MR. MITCHELL: Well,

20 CHAIRMAN HALE: Is he in Austin. Do you  
21 know if he's in Austin.

22 MR. MITCHELL: No, sir, I don't. I haven't  
23 seen him. I have seen once or twice in my life-  
24 time, Mr. Hale, and I wouldn't want—but he's their ac-  
25 countant, and whatever he testifies to, I'll let the chips



1 fall where they may. I do want him if I can get him. I  
2 think it would help the committee.

3 CHAIRMAN HALE: Can you find out later  
4 today, if you can, find out whether he's in Austin?

5 MR. MITCHELL: Yes. I will try.

6 CHAIRMAN HALE: The Chair was told earlier  
7 today that he was seen in the courtroom. I don't know him  
8 when I see him, so I have no knowledge of this.

9 MR. MITCHELL: No, he hasn't been here.  
10 I talked with him, Mr. Hale. Yesterday, I had him on  
11 the standby about two or three weeks now, and he wanted  
12 to go fishing. I said if you'll wait and the Chair wants  
13 you; if the Committee wants you I'd like to have you here,  
14 so he's on telephonic standby.

15 CHAIRMAN HALE: Fine. Maybe we should have  
16 him here in the morning. Could you notify him to be here  
17 in the morning then?

18 MR. MITCHELL: Yes, I could and I'd like  
19 to have a little time, not necessarily to woodshed him,  
20 but I'd like to at least orient him where we are. We're  
21 not going to be talking about the sinking of the Titanic  
22 or something, so he'll know about where we're going.

23 CHAIRMAN HALE: That would be Mr. Kirkland,  
24 Mr. Gabriel Gonzalez, Mr. Cleofas Gonzalez, Mrs. O. D.  
25 Bairrington, possibly Mr. Archer Parr—you mentioned some

1 officer a minute ago.

2 MR. MITCHELL: The ranger.

3 CHAIRMAN HALE: What was his name?

4 MR. MITCHELL: Mr. Powell.

5 CHAIRMAN HALE: Powell.

6 MR. MITCHELL: It's the one who's conducted  
7 the inventory in the last forty-eight some odd hours, or  
8 a little more, Mr. Hale; finally has put together an  
9 equipment inventory that belongs to the county, and I'd  
10 like to also—I think it would be significant for him to  
11 tell the Committee where he found it all.

12 CHAIRMAN HALE: I believe he's under sub-  
13 poens to the Committee. Isn't he?

14 MR. MITCHELL: Yes, sir. He is, Mr. Hale.

15 MR. MALONEY: Who all does Mr. Kirkland  
16 keep the tax records for in the Carrillo famil?

17 MR. MITCHELL: The whole spectrum, Mr.  
18 Maloney.

19 CHAIRMAN HALE: Would he be keeping it for  
20 Ramiro Carrillo and brothers trust account, also.

21 MR. MITCHELL: The whole spectrum.

22 CHAIRMAN HALE: As Farm and Ranch?

23 MR. MITCHELL: Yes, sir.

24 CHAIRMAN HALE: Would it be too much to  
25 ask him to bring his records on all of those, each one

1 that he keeps for Oscar Carrillo, Ramiro Carrillo, O. P.  
2 Carrillo, Farm and Ranch—

3 MR. MITCHELL: You mean just the tax re-  
4 turn, the accounting input data, because it's a truck load,  
5 I'm sure.

6 CHAIRMAN HALE: I'm sure it is. Unless a  
7 question arises that we'd need other information, if he  
8 could bring those with the tax returns up to date.

9 MR. MITCHELL: Fine. I had a chart—

10 CHAIRMAN HALE: You do read a chart?

11 MR. MITCHELL: The very first day I said  
12 there is a complex picture; there are some thirty some odd  
13 tax returns, all total. Yes, we'll ask them to bring it  
14 all.

15 CHAIRMAN HALE: We certainly would appreciate  
16 it. That would include Mr. Chappa. D. C. Chappa.

17 MR. MITCHELL: I suppose so. Yes.

18 Mr. Maloney, those, of course, are beyond the  
19 scope of the 7206 indictment. That's the only reason we  
20 don't have them available. The only ones I have are those  
21 that are relative to that indictment, but we'll have them  
22 all brought and I think we'll give you—appreciate that  
23 fact.

24 MR. MITCHELL: Mr. Hale, may I ask per-  
25 mission of the Chair to make the reproduction of Mr.

1 Guerra's file 43A so it rides in tandem with the documents  
2 that I have already previously introduced, and that the  
3 testimony and 43 and 43A will correlate.

4 CHAIRMAN HALE: You already have a 43A:  
5 it will have to be 43B. 43A was that invoice.

6 MR. MITCHELL: Mr. Kirkland, Mr. Chairman,  
7 we tried to get him at his office; he's gone home. We'll  
8 make an effort to get him and I'll report, hopefully, to  
9 the Committee Chairman sometime within the next hour and  
10 a half if we can run him down.

11 CHAIRMAN HALE: All right. Let the Chair  
12 ask just for planning purposes; other than the names  
13 that we have just discussed, Mr. Kirkland, Gabriel Con-  
14 zalez, Cleofas Gonzalez, Mrs. O. D. Bairrington, and Mr.  
15 Powell. Do you plan any other witnesses before the Com-  
16 mittee?

17 MR. MITCHELL: No, sir. I believe that  
18 it has run its gamut. I believe that that's the testimony  
19 that I feel is relevant, Mr. Hale. I'm trying to think  
20 off the top of my head, my other subpoena requests. I  
21 believe that's all that we have that relates to the matters  
22 that are before the Committee, and I've tried to point up  
23 the relevancy so that we don't get far a field.

24 CHAIRMAN HALE: Well Cleofas Gonzalez is  
25 under subpoena to the Committee, I believe.

1 MR. MITCHELL: That's right.

2 CHAIRMAN HALE: And Powell is under sub-  
3 poena to the Committee. We can get those two here by a  
4 telephone call. Gabriel Gonzalez, I don't believe is  
5 under subpoena at this time. Is he?

6 MR. MITCHELL: No, sir. Not that I know of.

7 CHAIRMAN HALE: And Mr. Kirkland we can get  
8 up by telephone call.

9 MR. MITCHELL: There won't be any need to  
10 subpoena him.

11 CHAIRMAN HALE: So that would leave Mrs.  
12 Bairrington and Gabriel Gonzalez would be the only two  
13 that we need to get subpoenas out and served, I presume.  
14 Does your client know Gabriel Gonzalez? Do you suppose  
15 we could get him by telephone call with the understanding  
16 that we'd serve a subpoena on him when he gets here?

17 MR. MITCHELL: Yes, sir. I'll attempt to  
18 do so.

19 We'll call Mr. Kirkland, Mr. Hale, and  
20 Mr. Gonzalez, and I don't know how to get Mrs. Bairrington  
21 but we'd like to have her to have a list of the employees.  
22 I am informed that she is a foreman of Precinct 3 at Freer.  
23 She would have a list of those employees. I believe, Mr.  
24 Kaster, they will coincide with the list, hopefully, from  
25 the exhibits, which I believe I recall your question,

1 specifically. You could ask her the questions: she knows  
2 the people, and so forth.

3 CHAIRMAN HALE: Do you want her to bring  
4 a list of all of the employees of Precinct Number 3?

5 MR. MITCHELL: The Freer division.

6 CHAIRMAN HALE: The Freer division.

7 MR. MITCHELL: Yes.

8 (Brief recess.)

9 CHAIRMAN HALE: The Committee will come  
10 back to order.

11 The Chair has been in consultation with members  
12 of the Committee and staff in an attempt to determine what  
13 our schedule could be for tomorrow and the remainder of  
14 this week, in view of the present state of the testimony,  
15 and it would now appear that there will be about six or  
16 seven other witnesses that will have some type of testi-  
17 mony to give to the Committee. Due to the lateness of  
18 the hour today, and the fact that all of these witnesses  
19 are located several hundred miles from Austin, the Chair  
20 feels it would be rather unreasonable to try to compel  
21 any of these people to be here tomorrow morning. We have  
22 reason to believe that about three or four of them can be  
23 here at 1:00 o'clock p.m. tomorrow afternoon, and so the  
24 Committee could resume the testimony on those witnesses  
25 tomorrow afternoon at 1:00 o'clock, and on Mr. Kirkland

1 and Mr. Gabriel Gonzalez, the Chair is advised by Mr.  
2 Mitchell that he will arrange to have those two witnesses  
3 here Thursday morning so that we could have those witnesses.  
4 That would give us testimony tomorrow afternoon and Thurs-  
5 day morning, and possible Thursday afternoon if it should  
6 go that long. Is that in accordance with your under-  
7 standing, Mr. Mitchell?

8 MR. MITCHELL: It is, Mr. Chairman. Yes.

9 CHAIRMAN HALE: And as of this point then,  
10 you do not anticipate that you would put on any additional  
11 evidence other than those. Is that correct?

12 MR. MITCHELL: That is correct.

13 CHAIRMAN HALE: I take it from that, and  
14 I ask this question not to embarrass you in any way, but  
15 I assume from your statement that Judge Carrillo does not  
16 intend to testify before the Committee.

17 MR. MITCHELL: No. It is my decision, and  
18 made in his behalf as an attorney, that he will not tes-  
19 tify.

20 CHAIRMAN HALE: Thank you. We respect your  
21 opinion on this.

22 We do, Members of the Committee, need to have  
23 an executive session for t  
24  
25

1 stand by for just a moment after we formally recess the  
2 Committee, we will have an executive session.

3 Thank you. Mr. Maloney moves that the Committee  
4 now resolve itself into executive session for the purpose  
5 of discussing the issuance of further subpoenas by the  
6 Committee. Is there any objection to that motion? The  
7 Chair hears none and the motion prevails. We will have  
8 an executive session now.

9  
10 EXECUTIVE SESSION

11 (At the conclusion of the executive session,  
12 Mr. Maloney moves that the Committee stand recessed until  
13 1:00 o'clock p.m. tomorrow.)

14 CHAIRMAN HALE: The Chair hears no objection  
15 so we will resume public hearing tomorrow at 1:00 o'clock  
16 p.m.

17 (Whereupon the hearing was recessed at 5:50 p.m.  
18 to resume Wednesday, June 11, at 1:00 o'clock p.m.)  
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