

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

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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
JUDGE O. P. CARRILLO

CONTINUED HEARING
VOLUME XIII

BE IT REMEMBERED that on Monday, June 23, 1975, beginning at 1:55 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 June 12, 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, 504 Travis Building, Austin, Texas 78701.



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MEMBERS PRESENT

1 REPRESENTATIVE HALE - CHAIRMAN

2 REPRESENTATIVE LANEY

3 REPRESENTATIVE KASTER

4 REPRESENTATIVE HENDRICKS

5 REPRESENTATIVE NABERS

6 REPRESENTATIVE THOMPSON

7 REPRESENTATIVE CHAVEZ

8 REPRESENTATIVE WEDDINGTON

9 REPRESENTATIVE SLACK

10
11
12
13 APPEARANCES

14 FOR HOUSE SIMPLE RESOLUTION NO. 161

15 REPRESENTATIVE TERRY CANALES, P. O. Box 730,
16 Premont, Texas 78375.

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1 MONDAY, JUNE 23, 1975

2 THIRTEENTH SESSION

3 (The hearing was reconvened at 1:55 p.m., pur-
4 suant to the recess on Tuesday, June 12, 1975.)

5
6 CHAIRMAN HALE: The Committee will come to
7 order and the Clerk will call the roll.

8 (The roll was called by the Clerk.)

9 CHAIRMAN HALE: There is a quorum present.

10 The Chair had a communication from Mr. Maloney
11 to the effect that he was otherwise engaged today and would
12 not be able to make the meeting today, but would be here
13 for the meeting tomorrow.

14 Members of the Committee, as you all know, we have
15 had the statement of facts reproduced through Volume XII,
16 I believe, which was the last volume up until Friday. The
17 Chair was provided with the last three volumes of the
18 statement of facts by the court reporter late last week.
19 Those either or being reproduced now or perhaps have been;
20 the reproduction may have been completed by this time, and
21 as you know from the previous volumes each of you can check
22 out a copy of that from the Sergeant at arms. That will
23 bring the record of the hearings up to date, as far as all
24 the public testimony is concerned.

25 Where we stand at this time is for the Committee

1 to decide at this point—and in that connection let the
2 Chair make a few very brief remarks as to our position as
3 I see it at this point in time.

4 We have completed all of the public testimony
5 that either Mr. Canales or Mr. Mitchell cared to offer
6 to the Committee. We have numerous exhibits and a tre-
7 mendous amount of testimony which has been reduced to a
8 statement of facts. The unfortunate nature of that testi-
9 mony is that it is not organized in any particular form
10 that would be useable or useful to the Committee. The
11 Chair, as you know, has asked Mr. Johnson and the legal
12 staff of the council, who have been assisting us on this
13 matter, to do several things during the past week while
14 the Committee was not in session. One of those things was
15 to start through the statement of facts and attempt to put
16 it in organized form. As I see what we must do is go
17 through the entire statement of facts, plus all the ex-
18 hibits, and reorganize that material either on paper or in
19 our own minds in terms of specific charges that have been
20 made against Judge Carrillo; and then to go back, having
21 determined everything that we have in the way of evidence
22 on each particular charge, and review that evidence to
23 determine several things. One, are there other areas of
24 evidence that we need to obtain on any particular charge?
25 Do we need to subpoena additional records? Are there

1 witnesses available who have knowledge of that particular
2 charge that we need to give the Committee the benefit of
3 their testimony? If so, then the Committee would need at
4 that point to make a decision on another public hearing
5 and to issue whatever subpoenas were necessary to bring
6 that material before the Committee.

7 In addition to that, we need at the same time to
8 be reviewing all of the records before the Committee in
9 terms of each of those charges, in order that the Committee
10 could determine to what extent do we now have hard evi-
11 dence? that is, evidence that is admissible in court that
12 would back up each of those charges in order that each mem-
13 ber of the Committee can make a determination in his own
14 mind as to whether he feels it justifies voting for that
15 particular charge or not.

16 It occurs to me that all of that is going to take
17 a great deal of time on the part of the Committee, and it's
18 my thinking that we can probably move faster in doing all
19 of that work by doing it collectively rather than perhaps
20 individually, although I would hope each member of the
21 Committee would do a great deal of work on his own in re-
22 viewing the record and familiarizing himself along those
23 lines.

24 In addition to that, Mr. Johnson and his staff
25 have also been working with certain financial institutions

1 in South Texas, in an effort to obtain the additional
2 records which the Committee voted to subpoena at our last
3 meeting, and the Chair would expect shortly to have a re-
4 port from Mr. Johnson on the progress that is being made
5 in obtaining those records. Some of the records, I believe,
6 are already in our possession—photocopies of the records—
7 and I believe there are some communications that will be
8 made available to the Committee concerning the status of
9 the additional records which we desire to see. Then from
10 that point on, of course, it will be up to the Committee
11 then, having assimilated all of the evidence that is avail-
12 able, if necessary by additional public hearings. Then
13 we need to move in two directions, or along two paths in
14 the same direction; one, toward drafting a report to the
15 House and, secondly, toward specific articles of impeach-
16 ment on which the Committee would ultimately have to vote
17 "yes" or "no" to recommend those to the House.

18 As I see it that is the task before us. The
19 Chair would welcome comments or suggestions from any other
20 member of the Committee, or ideas along that line. Do
21 any of you have any differing ideas?

22 MR. CHAVEZ: Not different ideas, Mr. Chair-
23 man, but I would like to ask Mr. Canales a question. One
24 of the charges I think that probably could come from his
25 testimony, as I remember from some of the testimony, might

1 be the improper make-up of the grand jury, and I under-
2 stood— Maybe you remember, Bob—that somebody mentioned
3 some information either to you or Mr. Maloney about that.
4 Are we going to follow that up and subpoena somebody on it?

5 MR. JOHNSON: I have no idea. We may or may
6 not. It will be up to the Committee to decide. I will
7 discuss it with the Committee.

8 CHAIRMAN HALE: As I see it, Mr. Chavez, that
9 inquiry is exactly the type of inquiry which the Chair en-
10 visions that we will be asking about each of these charges
11 in our deliberations; as to what are the charges, to de-
12 lineate the charges in certain broad areas, and then by
13 reviewing the record in detail determine whether or not
14 there is sufficient evidence to justify the Committee
15 voting to recommend such a charge to the House; or, in
16 the alternative, voting to attempt to obtain further tes-
17 timony with respect to that particular charge, either to
18 prove it or disprove it without having any particular ob-
19 jective in mind.

20 As I see the role of this Committee, contrary to
21 the press release that was issued by Mr. Mitchell, I do not
22 see this Committee in the role of going out and simply
23 digging up evidence to support the charge. What I have
24 tried to do by subpoenas and the recommendations I have
25 made to the Committee is attempt to obtain any evidence

1 that is available on these charges. Whether it is favorable
2 to Judge Carrillo or unfavorable to him is of no conse-
3 quence. What I think the Committee should hear is to
4 determine what are the facts concerning these charges. The
5 Chair would subpoena unfavorable testimony just as quickly
6 as he would subpoena favorable testimony. I think that the
7 Committee needs to learn the facts from the sources where
8 those facts are available, and we have tried to do that up
9 to this point.

10 Are there any other comments or ideas from members
11 of the Committee on our general procedure?

12 (No response.)

13 If not, then it occurs to the Chair that what we
14 need to do at this time is to start this afternoon on our
15 review of where we are; and in that connection I think that
16 we need to go into a conference with Mr. Johnson and his
17 staff on the progress with respect to the subpoenas that
18 have been issued, the progress that they have made with
19 respect to reviewing the record in the case and assimilating
20 it in more useable form, and then probably start with each
21 member of the Committee itself going through and sort of
22 working through the record and putting these things in a
23 little more logical order.

24 I do not know what the pleasure of the Committee
25 is on this. I suggested to the press a moment ago in an

1 interview that I granted in the hall shortly before the
2 Committee meeting, that it was my thought that the Committee
3 would probably want to go into executive session for this
4 purpose; Number one, to review the situation with our
5 lawyers as to what has been done and what hasn't been done,
6 which occurs to me that probably should be an executive
7 session for a number of reasons: One, that it is so easy
8 to bandy names about in these investigations and that most
9 of the people that have appeared here as witnesses before
10 the Committee are innocent in the sense of having any
11 criminal intent on their part. And other people's names
12 that have been brought in are also innocent. The Chair
13 has tried to be extremely careful in trying to protect in-
14 nocent people from being unduly criticized or maligned in
15 the press simply by having their names associated with this
16 investigation. Also it has been my experience on other
17 committees that you cannot get a free discussion among
18 members of the Committee on the matters before us if they
19 are fearful that everything they say is going to be re-
20 corded and reported by the news media, and it occurs to me
21 that we are at the point now in discussing this evidence
22 where a grand jury is after it has finished hearing the
23 testimony of witnesses and is trying to decide on whether
24 to return an indictment or not. They need an area where
25 each member of the grand jury feels completely free to say

1 whatever he thinks about that evidence or about that wit-
2 ness, to say that he either believes or disbelieves that
3 witness without being fearful of being quoted in the news-
4 paper, saying "Somebody lied to the Committee." That is
5 essentially what we have to do with respect to this testi-
6 mony. We've got to decide which of these witnesses we are
7 going to believe and which ones we are not going to believe,
8 and the Chair feels like it would be unfair to the members
9 of the Committee for them to make statements like that and
10 then, under the threat that they are going to be quoted in
11 the news media as having made such statements.

12 I think it is essential that we have complete
13 freedom of discussion on this where the members of the Com-
14 mittee can say whatever they think about any of this tes-
15 timony, evaluate it in any way they want to and then
16 collectively we have to make a determination ultimately
17 on this status of that testimony with respect to these
18 charges.

19 MR. HENDRICKS: Mr. Chairman, is the Chair
20 advised whether or not Mr. Mitchell and his client plan
21 to attend any more sessions of this Committee?

22 MR. JOHNSON: He was here this morning. He
23 came by my office. He thought the meeting was at 9:00
24 o'clock. He came by my office immediately after that and
25 I advised him that I did not anticipate that he would be

1 needed here today; that we weren't going to take any tes-
2 timony; that if we did—

3 MR. HENDRICKS: The main point I wanted to
4 make, I sure wanted him to have the opportunity to place
5 the Judge on the witness stand if he so desired.

6 MR. JOHNSON: That wasn't the topic of our
7 conversation this morning. I advised him this morning if
8 we were going to do anything, take any action or anything
9 in open session today, I would call him immediately, but
10 I was advised by the Chair he didn't think we would today,
11 so he is available at the pleasure of the Committee.

12 MR. NABERS: Mr. Johnson, did he indicate to
13 you when he would be filing his suit in federal court?

14 MR. SLACK: Mr. Chairman, I would like to
15 say in connection with what the Chair has said previously,
16 I feel that I speak for the entire Committee when I say
17 I should like to commend the Chair on not only a thorough
18 but the eminently fair manner in which the Chair has pre-
19 sided over this sensitive area of investigation. I can't
20 see how there could possible be any criticism of the way
21 the Chair has presided.

22 And with that remark, I would like to move the
23 executive session.

24 CHAIRMAN HALE: Mr. Slack, had the Chair
25 known you were going to make a complimentary remark like

1 that I would have had it on tape. I'd have had the tape
2 going if I had known you were going to make a statement
3 like that. But I do appreciate your remark. I will say
4 this, despite Mr. Mitchell's criticism, I don't see— I
5 have presided over lots of Committee meetings and I don't
6 see anything, looking back over the record, I don't see
7 anything that I would have changed in the way this Com-
8 mittee has been handled. I have tried to be as completely
9 fair and unbiased toward Mr. Mitchell and his client as I
10 conceivably could, consistent with the work of the Commit-
11 tee.

12 I did not intend to allow Mr. Mitchell or anyone
13 else to make a circus out of this proceeding. It is a
14 serious matter; it has far reaching consequences not only
15 for Judge Carrillo but the State of Texas. It has his-
16 torical implications, and I simply want the entire Com-
17 mittee proceedings to be conducted in such a way that what-
18 ever footnote in history this impeachment proceedings has
19 it will be looked on by future legal scholars as having
20 been done in a completely legal, ethical, honorable and a
21 fair manner. I have tried to conduct it in that way, and
22 I think it has been conducted in that way.

23 Mr. Slack moves that the Committee now go into
24 executive session for the purposes mentioned.

25 MR. JOHNSON: May my staff remain?

1 CHAIRMAN HALE: Yes, sir. Of course, your
2 staff, Mr. Johnson, is a part of this Committee meeting.
3 We need to go over with them the work they have been doing
4 and the status of their analysis of the records.

5 Is there any discussion on the motion?

6 (No response.)

7 All those in favor of the motion will vote "Aye"
8 and those opposed will vote "No" as your name is called.

9 (The motion was put to a voice vote and carried
10 unanimously.)

11 CHAIRMAN HALE: There being eight "Ayes" and
12 no "Nos" the motion prevails. The Committee will go into
13 executive session at this time.

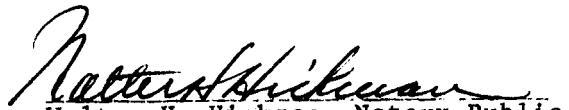
14 MR. CANALES: Mr. Chairman, are there any
15 plans for any additional meetings at which we will be able
16 to participate?

17 CHAIRMAN HALE: That will be up to the Com-
18 mittee to decide. Again, in response to Mr. Hendrick's
19 question a moment ago, let the Chair state my position
20 on that. I would say any time before our final report is
21 written if Mr. Mitchell wants to bring Judge Carrillo in,
22 the Chair would recommend to the Committee that we let him
23 take the stand and say whatever he wants to at any time.
24 I have made that clear to Mr. Mitchell, but in view of Mr.
25 Mitchell's taking the Fifth Amendment on behalf of his

1 client at our last meeting with respect to numerous doc-
2 uments and so forth, and subpoenas, I seriously doubt that
3 he will ever put Judge Carrillo on the stand.

4 The Committee will meet again tomorrow, but
5 probably it may all well be in executive session also. We
6 will keep the press advised as to if and as and when there
7 will be any more public hearings; and Mr. Michell and Mr.
8 Canales will be advised also.

9 (Whereupon, at 2:15 p.m. the Committee went into
10 executive session.)

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2
3 CERTIFICATE4 THE STATE OF TEXAS §
5 §
6 COUNTY OF TRAVIS §7 I, Walter H. Hickman, a Notary Public in and
8 for Travis County, Texas, do certify that on the 23rd
9 day of June, 1975, the foregoing proceedings before the
10 HOUSE SELECT COMMITTEE ON IMPEACHMENT were reported by
11 me and that the foregoing 15 pages constitute a full,
12 true and accurate transcription of my Stenograph notes.13 GIVEN under my hand and seal of office this
14 7th day of July, 1975.15 
16 Walter H. Hickman, Notary Public
17 in and for Travis County, Texas.
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