

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

THE STATE LAW LIBRARY

1 TRANSCRIPT OF PROCEEDINGS
2 BEFORE THE
3 TEXAS STATE HOUSE OF REPRESENTATIVES
4 HOUSE SELECT COMMITTEE ON IMPEACHMENT
5 AUSTIN, TEXAS

6
7 IN THE MATTER OF HSR NO. 161
8 CONTINUED HEARING -
9 JUDGE O. P. CARRILLO,
10 DUVAL COUNTY, TEXAS.

11 CONTINUED HEARING

12 VOLUME XIV

13 BE IT REMEMBERED that on Tuesday, July 15,
14 1975, beginning at 10:00 o'clock a.m., in the Old Supreme
15 Courtroom, State Capitol Building, Austin, Texas, the
16 above-entitled matter came on for hearing before the
17 HOUSE SELECT COMMITTEE ON IMPEACHMENT, the HONORABLE L.
18 DEWITT HALE, CHAIRMAN, Presiding, and the following pro-
19 ceedings were reported by Hickman Reporting Service, 205
20 West Ninth, Austin, Texas, 78701.

21
22
23
24
25
HSR
HR2

HICKMAN REPORTING SERVICE

THE QUALITY REPORTERS

Austin, Texas 476-5363

KFT
8782
CB74

V.14

MEMBERS PRESENT

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

APPEARANCES

FOR HOUSE SIMPLE RESOLUTION NO. 161

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

FOR THE COMMITTEE

17 MR. TERRY DOYLE

FOR THE RESPONDENT, JUDGE O. P. CARRILLO

20 MS. JAN FOX, Mitchell, George and Belt, 1122
21 Colorado, Westgate Building, Austin, Texas 78701.

FOR THE WITNESS, MR. J. H. SAENZ

23 MR. ELILIO DAVILA, Laredo, Texas.

INDEX

1			
2	FOURTEENTH SESSION, TUESDAY, JULY 15, 1975		14-04
3	OPENING REMARKS - CHAIRMAN HALE		14-04
4	WITNESSES CALLED BY THE COMMITTEE		
5	SGT. SILVERIO VALADEZ	Hale	14-09
6		Doyle	14-11
7		Maloney	14-23
8		Hendricks	14-24
9		Kaster	14-24
10		Donaldson	14-25
11		Chavez	14-26
12		Doyle	14-28
13		Hendricks	14-30
14	MR. AURELIO CORREA	Hale	14-33
15		Doyle	14-34
16		Hendricks	14-76
17		Nabers	14-77
18		Kaster	14-79
19		Thompson	14-80
20		Chevez	14-81
21		Donaldson	14-85
22		Hendricks	14-91
23		Maloney	14-94
24		Chavez	14-98
25		Doyle	14-99
		Canales	14-102
		Hale	14-112
		Nabers	14-116
	LUNCHEON RECESS		14-118
	<u>FOR THE COMMITTEE</u>	<u>EXHIBIT INDEX</u>	<u>IDENTIFIED</u>
	Exhibit 73	Letter from Mitchell to Chairman Hale dated 7/10/75	14-04
	Exhibit 74	Letter from Hale to Mitchell dated 7/10/75	14-05
	Exhibit 75	Log of Roberto Elizondo's attendance at National Guard meetings	14-23

INDEX CONTINUED

1
2 FOURTEENTH SESSION, TUESDAY, JULY 15, 1975

3 AFTERNOON SESSION 14-119

4 OPENING REMARKS - CHAIRMAN HALE 14-119

5 WITNESSES CALLED BY THE COMMITTEE

6 MR. J. H. SAENZ Hale 14-124
7 Doyle 14-126
8 Maloney 14-161
9 Kaster 14-164

10 MRS. ZENADIA MONTEMAYOR Hale 14-169
11 Doyle 14-170
12 Hale 14-190
13 Maloney 14-197
14 Nabers 14-201
15 Kaster 14-202
16 Thompson 14-203
17 Canales 14-204
18 Maloney 14-205
19 Doyle 14-207

20 MR. J. H. SAENZ Hale 14-210
21 Maloney 14-210
22 Hendricks 14-213
23 Kaster 14-214
24 Canales 14-218
25 Maloney 14-219
Donaldson 14-225
Hendricks 14-227
Doyle 14-230
Kaster 14-231
Maloney 14-232

20 FOR THE COMMITTEE EXHIBIT INDEX IDENTIFIED

21 Exhibit 76 Record of Telephone Calls 14-195

22 Exhibit 77 Record of Telephone Calls 14-195

23 Exhibit 78 Record of Telephone Calls 14-195

24 Exhibit 79 Record of Telephone Calls 14-195

25 Exhibit 80 Record of Telephone Calls 14-195

PROCEEDINGS

1
2
3 CHAIRMAN HALE: The Committee will come to
4 order.

5 The Clerk will call the roll.

6 (The Clerk called the roll.)

7 CHAIRMAN HALE: There is a quorum present.
8 (Gavel!)

9 Members of the Committee, at the last meeting
10 the Chair read to you an exchange of correspondence
11 with Mr. Mitchell. However, I feel that it might be
12 pertinent to the record to get that correspondence
13 officially into the record other than just to the members
14 of the Committee. For that reason, the Chair would
15 like to put into evidence a letter dated July 10, 1975,
16 addressed to the Chair from Mr. Arthur Mitchell and
17 signed by Jan Fox, and put that in as an exhibit. That
18 is a letter in which Mr. Mitchell requests the hearing
19 last week to be postponed until Tuesday, July the 15th in
20 order that he could be here to represent his client.

21 (The letter referred to was
22 marked "Exhibit 73,"
for identification.)

23 CHAIRMAN HALE: In response to that letter,
24 by letter dated July 10, the Chair advised Mr. Mitchell
25 that at his request the hearing that was scheduled last

1 week would be postponed until Tuesday, July the 15th, and
2 in the same letter we again, for about the third or fourth
3 time, made known to Mr. Mitchell and with a copy to Judge
4 Carrillo that if he cared to testify before this
5 Committee his testimony would be welcome.

6 The Chair would like to put the reply letter into
7 evidence.

8 (The letter referred to was
9 marked "Exhibit 74," for
10 identification.)

11 CHAIRMAN HALE: On the instructions of the
12 Committee at our last meeting, the Chair issued
13 subpoenas for six people to appear here today for the
14 purpose of testifying before the Committee. And I believe
15 that all of these people are here. The Chair would like
16 to see for sure.

17 Sgt. Silverio Valadez?

18 MR. VALADEZ: Here.

19 CHAIRMAN HALE: And Mr. Aurelio Correa?

20 MR. CORREA: Here.

21 CHAIRMAN HALE: Mr. Hector Zertuche?

22 MR. HECTOR ZERTUCHE: Here.

23 CHAIRMAN HALE: Mr. Arturo Zertuche?

24 MR. ARTURO ZERTUCHE: Here.

25 CHAIRMAN HALE: Mr. J. H. Saenz?

MR. SAENZ: Here.

1 CHAIRMAN HALE: Mrs. Zenaida Montemayor?

2 MRS. MONTEMAYOR: Here.

3 CHAIRMAN HALE: And Mr. Ramiro Carrillo?

4 MR. RAMIRO CARRILLO: Here.

5 CHAIRMAN HALE: On behalf of the
6 Committee, the Chair expresses appreciation to all of you
7 for your presence here in response to the subpoenas. We
8 are glad to have you.

9 I think each of the witnesses has signed, with
10 the possible exception of Mr. Carrillo, has signed one of
11 these witness affidavit forms. Let the Chair also state
12 to each of you who are under subpoena that you are
13 entitled to mileage and reasonable expenses for your trip
14 up here. If you will contact anyone connected with the
15 Committee: the Clerk here, Mr. Johnson, or our Committee
16 Clerk, they will arrange for you to have the forms that
17 you can fill out and claim your reimbursement for your
18 travel expenses.

19 Is there any other business to come before
20 the Committee before we proceed with the taking of
21 testimony?

22 (No response.)

23 CHAIRMAN HALE: The Chair did receive a
24 call from Mr. Mitchell's office this morning. The note
25 is dated 8:30 a.m. However, I did not take the call until

1 some time subsequent to that. And the Chair was
2 advised that Mr. Mitchell was unavoidably detained on his
3 out-of-town trip and would not be back into Austin until
4 this afternoon; that as a result of his not being here
5 that in all probability Mr. Ramiro Carrillo and possibly
6 one or more of the Zertuches who he represents would
7 probably not want to testify until he was here. I under-
8 stand that he will be here late this afternoon or possibly
9 for the Committee purposes tomorrow morning.

10 The Chair took the liberty of advising Mr.
11 Mitchell's office that the Chair, as one member of the
12 Committee, was not disposed to delay these hearings any
13 further waiting for Mr. Mitchell. But the Chair will
14 leave it up to the Committee. If any member of the
15 Committee desires to make a motion to postpone these
16 hearings for that reason, the Chair would entertain that
17 motion at this time.

18 (No response.)

19 CHAIRMAN HALE: I take it no one cares to
20 make such a motion.

21 Are you Jan Fox?

22 MS. FOX: I certainly am.

23 CHAIRMAN HALE: Have you anything further
24 to add to that, Ms. Fox?

25 MS. FOX: No. I believe you covered it all.

1 CHAIRMAN HALE: This is Jan Fox, who is
2 associated with Mr. Mitchell.

3 MS. FOX: Excuse me, sir. The only other
4 thing I would have to say is that Judge Carrillo is
5 available to be before the Committee, but he has asked me
6 to inform the Committee also that he chooses to withhold
7 his appearance until Mr. Mitchell can make it to town.

8 CHAIRMAN HALE: We can understand that,
9 and we appreciate your giving us that information.

10 At this time then, the Chair would ask Sergeant
11 Silverio Valadez if you would, please, to take the
12 witness stand.

13 First you may be seated. Let me give you a
14 warning.

15 Sergeant Valadez, I'm sure it's probably not
16 necessary; you're probably familiar with these types of
17 proceedings, but it's my duty as Chairman to advise you of
18 your rights with respect to your testimony.

19 You will be sworn to tell the truth and your failure
20 to do so could subject you to a prosecution for perjury.
21 After you have completed your statement, members of the
22 Committee may ask questions concerning your testimony.
23 You must answer these questions 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 answer might incriminate you, or tend to incriminate you,
2 in some way.

3 You are privileged to have an attorney of your
4 selection sit with and advise you as to your answers if
5 you desire. The Chair will attempt to protect your rights
6 at all times.

7 Do you understand the advice I have given you?

8 SGT. VALADEZ: Yes, sir.

9 CHAIRMAN HALE: Are you now ready to
10 testify?

11 SGT. VALADEZ: Yes, sir.

12 CHAIRMAN HALE: Would you stand and raise
13 your right hand.

14 (The witness was sworn by the Chairman.)

15
16 SGT. SILVERIO VALADEZ
17 was called as a witness by the Committee and, being duly
18 sworn by the Chairman, testified as follows:

19 EXAMINATION

20 BY CHAIRMAN HALE

21 Q Would you please state your name.

22 A Sir, my name is 1st Sgt. Silverio Valadez.

23 Q Are you a member on active duty with the
24 Armed Forces of the United States?

25 A No, sir. I am a member of the Texas Army

1 National Guard and I'm a full-time technician for the
2 Guard.

3 Q Where are you stationed?

4 A I am stationed in Alice, Texas.

5 Q And you are here in response to a subpoena?

6 A Correct, sir.

7 Q And I believe that the subpoena asked you to
8 bring certain records?

9 A Yes, sir.

10 Q These records were concerning the attendance,
11 the morning reports that would show the attendance at
12 various meetings of your unit?

13 A Yes, sir.

14 Q Is that correct?

15 A Yes, sir.

16 Q Fine. Do you have those records with you?

17 A Yes, sir.

18 Q That we requested you to bring?

19 A Yes, sir.

20 Q We appreciate you bringing them.

21 Thank you.

22 CHAIRMAN HALE: Mr. Doyle, do you want to
23 pick up from there?

24 MR. DOYLE: Yes, Mr. Chairman.

1 BY MR. DOYLE

2 Q Mr. Valadez, would you inform the Committee of
3 what your functions are as a member of that unit?

4 A Yes, sir. I'm the 1st Sergeant of the unit.
5 Also, I am, like I said, I am the full-time technician.
6 I work on a full-time basis.

7 Q So, you're a member of the unit and you are
8 also an employee of the unit?

9 A Yes, sir. I'm employed.

10 Q You're one of the hired hands?

11 A Yes, sir.

12 Q And in the course and scope of your employ-
13 ment for the unit, do you maintain and keep the records
14 that we have asked you to bring this morning?

15 A Yes, sir.

16 Q Do those records reflect that one Roberto
17 Elizondo is a member of that unit, or was a member?

18 A Was a member of the unit. Yes, sir.

19 Q Do your records reflect when he joined?

20 A He joined on 17 April 1969.

21 Q April the 17th, 1969?

22 A Yes, sir.

23 Q And is he still a member?

24 A No, sir. He is not a member any more.

25 Q When did he cease to be a member?

1 A On 16 April 1976.

2 Q Okay. 1976 hasn't gotten here yet.

3 A I mean '75, sir.

4 Q So, he just got out a couple of months ago?

5 A Yes, sir. He just got out.

6 Q Sergeant, I would like to refer you
7 specifically to the time beginning in January of 1972,
8 and ending in September 1973.

9 A Yes, sir.

10 Q The records that you have with you, are they
11 the records that you keep in the normal course of
12 business—

13 A That is true, sir.

14 Q —for the unit that you work for and belong to?

15 A Yes, sir.

16 Q And the records that you have here with us
17 this morning specifically from January of '72 until
18 September of '73, are they the original of those records?

19 A Yes, sir.

20 Q Could you tender those records for that period
21 of time to the Clerk and allow her to make copies of them
22 for us?

23 A I have talked to the Adjutant General here in
24 Austin, sir, and they requested—well, they told me that
25 if you needed records that they could make the records for

1 you there at the Adjutant General Department.

2 Q That's fine. They can send us certified copies?

3 A Yes, sir.

4 Q Okay. That will be fine.

5 Now, the questions that I'm fixing to ask you
6 about pertain to a specific period of time. Have you
7 looked over your records?

8 A Yes, sir.

9 Q With that period of time in mind?

10 A Yes, sir.

11 Q Was Roberto Elizondo a member of that unit
12 in January of 1972?

13 A Yes, sir, he was.

14 Q Did that unit have a meeting or a drill
15 during the month of January 1972?

16 A Yes, sir. A meeting was held on the 8th and
17 9th of January of 1972.

18 Q Is that a weekend?

19 A That is a weekend. Yes, sir.

20 Q Would that have been a Saturday and Sunday?

21 A It would have been a Saturday and Sunday.

22 Q Where would that meeting have been held? Do
23 your records reflect that, or were they all held in the
24 same place?

25 A The meeting was held at that time, but

1 Elizondo was a member or was attending an NCO Academy
2 at that time, and he was not present for that particular
3 drill. He was present on the 4th and 5th of December,
4 '71 in Robstown.

5 Q In Robstown, Texas?

6 A Yes, sir.

7 Q And the records of your outfit indicate that
8 he was present at Robstown on December the 4th and 5th?

9 A Yes, sir.

10 Q Was that in lieu of the January meeting?

11 A That is true, sir.

12 Q I see.

13 Do your records reflect that he attended a
14 meeting somewhere in the month of January 1972?

15 A No, sir. The thing was that back in September
16 of '71 when they originally started the NCO Academy,
17 they had already performed two assemblies during that
18 month and they were already one assembly ahead. So, in
19 the month of December he will have automatically made the
20 one for January.

21 Q I see.

22 A And then in February he would have made—the
23 one in January, he made it for the one in February.

24 Q Okay. On the 15th and 16th of January?

25 A Of January he was again at Robstown attending the

1 one for the 12th and 13th of February.

2 Q So, in the month of January of 1972, for two
3 days he was at Robstown, Texas attending meetings?

4 A Yes, sir.

5 Q And your records reflect that was on the 15th
6 and 16th of January?

7 A That's true.

8 Q How about the month of February, '72?

9 A Well, like I explained, see, in February he
10 made—

11 Q That was the January 15th, 16th meeting.

12 A On the 15th and 16th he made the one for
13 February.

14 Q He took care of y'all's meetings for February
15 of '72?

16 A Yes.

17 Q Did he attend your meeting in March of '72?

18 A Yes, sir, he did.

19 Q When was it held?

20 A On the 11th and 12th of March.

21 Q A weekend?

22 A It was a weekend and it was at Camp Bullis in
23 San Antonio, Texas.

24 Q So, it was at San Antonio?

25 A Yes, sir. It was an annual firing for the

1 unit.

2 Q Would you have gone down like early Saturday
3 morning and come back Sunday night, or something like
4 that?

5 A Come back Sunday noon.

6 Q Sunday noon?

7 A Yes, sir.

8 Q How about April of '72?

9 A In April of '72 he made that meeting in
10 Robstown again on the 8th and 9th of April in lieu of the
11 15th and 16th.

12 Q Where is Robstown?

13 A Robstown is located 28 miles east of Alice.

14 Q Sergeant, how far is Robstown from San Diego?

15 A About 38 miles.

16 Q Thank you. Now, did he attend a meeting with
17 the unit in April of '72?

18 A Yes, sir. On the 29th and 30th of April he
19 attended a meeting with the unit.

20 Q Okay. And where was that held?

21 A That was held there in Alice.

22 Q How far is Alice from San Diego?

23 A Ten miles.

24 Q How about in June of '72?

25 A In June, on the 3rd and 4th, we held another

1 assembly there in Alice, and he was also present.

2 Q And that was again a weekend meeting?

3 A Yes, sir.

4 Q Did you have a summer camp that summer?

5 A Yes, sir. We had a summer camp on the 17th of
6 June through the 2nd of July, but Mr. Elizondo was not
7 present at that particular period. He attended on the
8 13th of August of '72 to the 26th of August. He attended
9 the NCO Academy which was held at Fort Wolters, Texas.

10 Q Where is Fort Wolters? Or do you know?

11 A I don't know, sir. It is close to Lubbock—
12 somewhere around there.

13 CHAIRMAN HALE: Mineral Wells.

14 A Mineral Wells?

15 Q Does Mineral Wells sound familiar to you?

16 A Yes, sir.

17 Q Did he attend a meeting in July of '72?

18 A In July of '72 he attended a meeting on the
19 15th and 16th of July.

20 Q Was that at Alice?

21 A That was at Alice.

22 Q And in August?

23 A In August he attended a meeting on the 12th
24 and he was reported to annual training on the 13th.

25 Q For two weeks?

1 Q And in September did he attend a meeting in
2 Alice?

3 A In September he attended on the 9th and 10th of
4 September.

5 Q How about October?

6 A In October on the 14th and 15th.

7 Q November?

8 A The 4th and 5th of November.

9 Q Both of these meetings in Alice, both weekend
10 type meetings?

11 A No, sir. I don't have the information there.
12 I would have to go back and find out whether they were
13 over night or they were just—

14 Q But you did have a meeting on those two days
15 and your records reflect that he was present?

16 A Yes, sir.

17 Q How about in December?

18 A On the 9th and 10th of December.

19 Q And your records reflect that he was present?

20 A He was present. Right.

21 Q And in January of '73?

22 A On the 20th and 21st of January of '73.

23 Q And your records reflect that Mr. Elizondo was
24 present for those meetings?

25 A Yes, sir..

1 Q And how about February?

2 A On the 10th and 11th of February.

3 Q And in March?

4 A In March he was there. We had a meeting on
5 the 17th and 18th, and he was present.

6 Q And April?

7 A The 7th and 8th, April '73.

8 Q He was present again?

9 A Yes, sir.

10 Q How about in May?

11 A May on the 5th and 6th, '73.

12 Q He was present again?

13 A He was also present. Yes, sir.

14 Q Did you have a summer camp that summer, the
15 summer of '73?

16 A Yes, sir. We had our summer camp 17 June to
17 1 July.

18 Q Was Mr. Elizondo present for that summer camp?

19 A Yes, sir.

20 Q Where did it take place?

21 A At Fort Chaffee, Arkansas.

22 Q Did you go with the unit?

23 A Yes, sir.

24 Q Did you all leave Alice and travel to Fort
25 Chaffee, Arkansas and stay there for two continuous weeks?

- 1 A Yes, sir.
- 2 Q Didn't come home on a weekend or anything?
- 3 A No, sir.
- 4 Q You worked through the weekend?
- 5 A I don't know if he came home, but on that
6 short a period of time, I don't know.
- 7 Q How much time did you have off, for instance?
- 8 A We had Saturday and Sunday off.
- 9 Q Okay.
- 10 When did you all leave for that summer camp?
- 11 A We left on a Saturday morning, sir.
- 12 Q And when did you come back?
- 13 A We came back on a Sunday morning.
- 14 Q So, actually you messed up three weekends?
- 15 A Yes, sir.
- 16 Q Did you continue to have meetings in the
17 summer of '73? Did you have a meeting in July?
- 18 A Yes, sir. We had a meeting on the 14th and
19 15th of July. He was present.
- 20 Q Was Mr. Elizondo present for that meeting?
- 21 A Yes, sir.
- 22 Q How about in August?
- 23 A In August on the 11th and 12th.
- 24 Q Was Mr. Elizondo present for that meeting?
- 25 A Yes, sir.

1 Q How about September?

2 A In September, he was present on the 15th and
3 16th of September.

4 Q That meeting, as far as your records show, was
5 a weekend type meeting in Alice, Texas?

6 A Yes, sir.

7 Q Do you know Mr. Elizondo other than through
8 your connection with him in the National—

9 A I have known him only there in the National
10 Guard, sir.

11 Q You don't visit in his home or anything?

12 A No, sir.

13 Q You don't play golf with him or go to movies
14 with him or anything like that?

15 A (The witness shook his head.)

16 Q You have delivered to me a few moments ago
17 your notes that you made concerning Mr. Elizondo's
18 appearance at various meetings. Is that what you handed
19 me a while ago?

20 A Yes, sir.

21 Q Would you just initial that copy. I'm going to
22 introduce it. Just write your name on each page.

23 A (The witness complied.)

24 Q Now, Sergeant, does this that you have just
25 handed me that you have written your name on reflect the

1 attendance of Mr. Roberto Elizondo?

2 A Yes, sir.

3 Q From the months, or for the period of time
4 January of '72 to September of '73?

5 A Yes, sir. That information has been
6 extracted from the morning reports that I have here, sir.

7 Q The instrument you gave me shows the date on
8 the left, the type of assembly next—

9 A Yes, sir.

10 Q Whether Mr. Elizondo was present or absent?

11 A Yes, sir.

12 Q What does this last column indicate?

13 A That indicates where he attended drills in
14 lieu of his scheduled drill.

15 Q What does your notation at the top, "ET" stand
16 for?

17 A Equivalent training.

18 Q Equivalent training. And this was taken
19 directly from the records that you maintain—

20 A Yes, sir.

21 Q —in the course of your employment for the
22 unit that you belong to, the National Guard unit you are a
23 member of and an employee.

24 A Yes, sir.

25 MR. DOYLE: I believe that's all.

1 Mr. Chairman, I tender this into evidence.

2 CHAIRMAN HALE: Hand it to the Court
3 Reporter and have him mark it.

4 (The instrument referred to was
5 marked "Exhibit 75," for
6 identification.)

7 MR. DOYLE: That's all the questions I
8 have, Mr. Chairman.

9 CHAIRMAN HALE: Thank you, Mr. Doyle.

10 Mr. Maloney?

11 BY VICE CHAIRMAN MALONEY

12 Q Sergeant, where do you live?

13 A I live in Alice, Texas, sir.

14 Q How long have you lived there?

15 A I have lived there for twelve years.

16 Q I believe you told Mr. Doyle that you did not
17 know Mr. Elizondo in any other capacity other than as
18 National Guard.

19 A That is true.

20 Q Do you happen to know his brother, Tomas
21 Elizondo?

22 A No, sir.

23 VICE CHAIRMAN MALONEY: Thank you. That's
24 all I have.

25 CHAIRMAN HALE: Mr. Slack is not here.

Mr. Hendricks?

1 BY MR. HENDRICKS

2 Q Sergeant, when a person attends the weekend
3 drills you mentioned here—

4 A Yes, sir.

5 Q —are most of the daylight hours taken up
6 with the drills themselves?

7 A Yes, sir. There are different occasions where
8 we start our drills around 7:30 in the morning and they
9 go through 5:00 o'clock in the afternoon, and then there
10 are others that we start at 5:30 in the morning and it
11 goes through the whole weekend until about 5:00 o'clock
12 Sunday afternoon.

13 Q Most of the daylight hours in the weekend would
14 be taken up with the drills. Is that correct?

15 A Yes, sir.

16 MR. HENDRICKS: I believe that's all I
17 have, Mr. Chairman.

18 CHAIRMAN HALE: Mr. Nabors?

19 Mr. Kaster?

20 BY MR. KASTER

21 Q Sergeant, when a person is in the National
22 Guard who has an obligation and signed up to be in the
23 National Guard, what happens if they do not attend these
24 meetings?

25 A If a member is an obligated reserve, sir,

1 there is an A.R. 13591 that governs the satisfactory
2 participation of the individual. If he does not attend
3 for a period of five scheduled drills in a one-year
4 period, then he is priority inducted into the Armed
5 Forces.

6 Q Is Mr. Elizondo under that type of obligation?
7 Is that why he is serving in lieu of going on active duty?

8 A He was an obligated reservist up until the 16th
9 of April of '75.

10 Q So that if he had not fulfilled these duties
11 he would have been inducted into active duty?

12 A That is true, sir.

13 Q So it was important if he didn't want to go
14 into active duty to fulfill this?

15 A Yes, sir.

16 MR. KASTER: Thank you. I believe that's
17 all I have.

18 CHAIRMAN HALE: Mr. Donaldson?

19 BY MR. DONALDSON

20 Q Sergeant, can you check your records there and
21 tell me whether or not he served a period of active
22 duty, six months active duty, and if so, when?

23 A Yes, sir.

24 He entered active duty on the 1st of July of
25 1969, and he was released on 10 November 1969.

1 Q Where did he serve his active duty?

2 A Fort Ord, California.

3 Q For the entire period?

4 A Yes, sir.

5 MR. DONALDSON: Thank you.

6 CHAIRMAN HALE: Mr. Laney?

7 MR. LANEY: Pass.

8 CHAIRMAN HALE: Mrs. Thompson?

9 MRS. THOMPSON: Pass.

10 CHAIRMAN HALE: Mrs. Weddington?

11 Mr. Chavez?

12 BY MR. CHAVEZ

13 Q Sergeant, during the time that these people
14 are attending their meetings, are they required to
15 remain at the camp, wherever the exercises are being
16 conducted?

17 A Yes, sir.

18 Q And they are not permitted to leave the
19 premises to engage in any employment?

20 A No, sir.

21 Q During this particular time, from January of
22 '72 through September of '73, did you know where Mr.
23 Elizondo was residing?

24 A Yes, sir.

25 Q Where?

1 A Benavides.

2 Q Were you aware, or did you receive any infor-
3 mation to the effect that he was also attending college?

4 A I'm not aware of that, sir.

5 Q You're not aware that he was at North Texas
6 State?

7 MR. DOYLE: No. Court Reporter School.

8 Q I'm sorry. Court Reporter School in Houston.

9 A No, sir.

10 Q You all don't maintain those records as to
11 where they might be in the event you need to obtain their
12 presence?

13 A He might have been, but I don't remember, sir,
14 exactly if he was.

15 Q This information is not necessarily noted in
16 their records?

17 A No, sir. We have their permanent home address
18 and if the individual moves to another location he can
19 furnish us with a different address, you know, where he
20 wants to get his mail, or whatever. And I don't ever
21 recall ever receiving a change of address for this
22 purpose.

23 Q In other words, it is not a mandatory require-
24 ment that they furnish you with any additional or
25 separate address?

1 A (The witness shook his head.)

2 Q So long as they are maintaining their
3 attendance at these meetings.

4 A That is true, sir.

5 MR. CHAVEZ: Thank you. That's all,
6 Mr. Chairman.

7 CHAIRMAN HALE: Are there any further
8 questions of the Sergeant?

9 MR. DOYLE: Only one, Mr. Chairman.

10 CHAIRMAN HALE: Mr. Doyle?

11 BY MR. DOYLE

12 Q Do your records reflect any notations about
13 what Mr. Elizondo said he was doing for a living at this
14 time, or would it just show what he was doing when he
15 joined?

16 A Yes, sir. That's all it showed; that he was a
17 student when he first enlisted.

18 Q When was that that he first enlisted?

19 A On the 17th of April of 1969.

20 Q Does it show where? High school or college?

21 A No, sir, it doesn't say.

22 Q What does it show as his residence in '69 when
23 he joined?

24 A Box 153, Benavides, Texas.

25 Q Could I see that application?

1 A (The witness furnished the document to counsel.)

2 Q Is that what he filled out?

3 A That is his personal history.

4 Q On the back page of the form where it's listed
5 on the lefthand side about halfway down, where it makes
6 reference to—no, I'm sorry.

7 A Here?

8 Q That would your right.

9 A Yes, sir.

10 Q I'm sorry.

11 A Yes, sir.

12 Q Where it makes reference to what he does in
13 civilian life, is that your handwriting or his?

14 A Mine.

15 Q Is that from information he furnished you?

16 A Yes, sir.

17 Q What does it show? Would you read that into
18 the record?

19 A It shows that he is a laborer.

20 Q What does it show under that?

21 A That he performs all types of manual labor.

22 Q And that would have been from information he
23 gave you, I assume?

24 A Yes, sir.

25 MR. DOYLE: I believe that's all.

1 CHAIRMAN HALE: Are there any further
2 questions?

3 Mr. Hendricks has a question, Sergeant.

4 A Yes, sir.

5 BY MR. HENDRICKS

6 Q Sergeant, from that he told you he was a
7 laborer, does it state who he was a laborer for?

8 A No, sir. It is just a remark that we usually
9 put down there. If a man is not employed at the time, if
10 he so states that he is attending school, or if he is
11 just unemployed, we just make a remark that he is a
12 laborer.

13 Q If we assume that the records of a court
14 reporting school in Houston show that Roberto Elizondo
15 was a full-time student from January of 1972 until
16 September of 1973—

17 A Yes, sir.

18 Q —and the records reflect that he attended
19 classes and got his degree in court reporting, but the
20 County records also reflect that all during this period
21 of time he was an employee of Duval County serving under
22 Judge Carrillo and his office, then there is a conflict
23 in the testimony somewhere, isn't there, in the records?

24 A Yes, sir.

25 Q There is no way the man could have been

1 attending school in Houston full time and working for
2 Judge Carrillo in Duval County, and making the drills on
3 the weekends. Would he have any time left to work for
4 Judge Carrillo, Sergeant?

5 A I don't know, sir.

6 Q He couldn't have worked for him on the weekends
7 he was attending drills, could he?

8 A Unless he was off at 5:00, you know, and he
9 could work at night. But during the day I think he would
10 have plenty on his hands there at the National Guard.

11 MR. HENDRICKS: Thank you, Sergeant.

12 CHAIRMAN HALE: Are there further
13 questions?

14 (No response.)

15 CHAIRMAN HALE: Sergeant, thank you very
16 much for your attendance here.

17 The Chair will release you to go back to your
18 responsibilities, wherever they are, with the under-
19 standing that you are under subpoena to the Committee and
20 if we should need you again we will notify you.

21 A Yes, sir.

22 CHAIRMAN HALE: Otherwise, you are free
23 to go about your business.

24 A Thank you, sir.

25 CHAIRMAN HALE: Thank you very much for

1 your attendance.

2 (The witness, Sergeant Silverio Valadez,
3 was excused.)

4 CHAIRMAN HALE: Mr. Aurelio Correa.

5 Mr. Correa, it's my duty as Chairman to
6 advise you of your rights with reference to your testimony.
7 You will be sworn to tell the truth and your failure to
8 do so could subject you to a prosecution for perjury.

9 After you have completed your statement,
10 members of the Committee may ask questions concerning your
11 testimony. You must answer these questions truthfully
12 and your refusal to do so could subject you to punishment
13 for contempt. You can refuse to answer questions only on
14 the ground that such answers might incriminate you, or
15 tend to incriminate you, in some way.

16 You are privileged to have an attorney of your
17 selection sit with and advise you as to your answers if
18 you desire. The Chair will attempt to protect your
19 rights at all times.

20 Do you understand the advice I have given you?

21 MR. CORREA: Yes, I do.

22 CHAIRMAN HALE: Are you now prepared to
23 testify?

24 MR. CORREA: Yes, sir.

25 CHAIRMAN HALE: Would you stand and raise

1 your right hand, please.

2 (The witness was sworn by the Chairman.)

3
4 MR. AURELIO CORREA

5 was called as a witness by the Committee and, being duly
6 sworn by the Chairman, testified as follows:

7 EXAMINATION

8 BY CHAIRMAN HALE

9 Q State your name, please.

10 A My name is Aurelio Correa.

11 Q Where do you live?

12 A San Diego, Texas.

13 Q What is your occupation or business?

14 A I'm a school administrator.

15 Q Were you Superintendent of Schools there at
16 one time?

17 A Yes, sir.

18 Q Are you still Superintendent of Schools?

19 A I'm the Assistant Superintendent at this time.

20 Q You're Assistant Superintendent at this time.

21 Do you hold any other position for profit or
22 trust under any of the governmental agencies at this time?

23 A No, sir.

24 Q Are you in any way connected with the Duval
25 County Grand Jury?

1 A Yes, sir. I am a member of the Duval County
2 Grand Jury, Secretary on the Grand Jury.

3 Q You are the Secretary of that Grand Jury?

4 A Yes, sir.

5 Q And that is the Grand Jury which is now in
6 term time there in Duval County?

7 A Yes, sir.

8 Q Is that correct?

9 A Yes, sir.

10 CHAIRMAN HALE: Mr. Doyle?

11 BY MR. DOYLE

12 Q Mr. Correa, how long have you lived in San
13 Diego?

14 A I moved to San Diego in July of 1974.

15 Q And where did you live—

16 A 1964. Pardon me.

17 Q So you have been there some eleven years?

18 A Yes, sir.

19 Q Were you in the school business before that?

20 A Yes, sir. I was in school business one year
21 in the Corpus Christi area.

22 Q As a teacher or as an administrator?

23 A As a football coach and teacher.

24 Q And when you came to San Diego, did you come as
25 a teacher or an administrator?

1 A I came there as a high school principal.

2 Q And you have been in administration ever since?

3 A Yes, sir.

4 Q In that school system?

5 A Yes, sir.

6 Q What is the name of the school district?

7 A San Diego Independent School District.

8 Q And you were principal of the high school
9 until when?

10 A Until July 1, 1973, at which time I was
11 named Superintendent, or Acting Superintendent.

12 Q Were you ever actually Superintendent, or only
13 Acting Superintendent?

14 A It was my impression that I was Superintendent,
15 but apparently the records show that I was only Acting
16 Superintendent.

17 Q Well, have you seen these records?

18 A Yes, sir.

19 Q And they reflect that you were appointed
20 Acting Superintendent in July of '73?

21 A Correct.

22 Q And you became Assistant Superintendent when?

23 A Effective July 1, 1975.

24 Q So that just happened here a few weeks ago?

25 A Yes, sir. It happened on, to be more specific,

1 it happened at the Board meeting of May 29, 1975.

2 Q Were you at that meeting?

3 A Yes, sir.

4 Q This was, I take it then, a demotion for you?

5 A In a sense. In position, yes, sir. Definitely.

6 Q Did they reduce your pay?

7 A No, they didn't.

8 Q Who is the Superintendent?

9 A Mr. R. H. Tanguma.

10 Q So, he has been the Superintendent for a few
11 days now?

12 A Some fifteen days. Yes.

13 Q Was he an employee of the school system prior
14 to that time?

15 A Not immediately prior, but had been an
16 employee of the school system on two different occasions
17 before.

18 Q In what capacity had he been employed previously?

19 A With the San Diego Independent School District?

20 Q Yes, sir. Since you have been there, if you are
21 familiar with it.

22 A All right. At one time he was a teacher in
23 the high school in which I was principal, and then later
24 on he became a Director of Federal Programs and worked
25 with the Federal Programs under Mr. B. P. Taylor who was

1 then Superintendent.

2 Q But immediately prior to him becoming
3 Superintendent, he was not an employee?

4 A No, sir. Not of the San Diego Independent
5 School District.

6 Q Right. Do you know if he was an employee of
7 some other school system?

8 A Yes, sir. He was an employee of the Austin
9 Independent School District, here in Austin, Texas.

10 Q And has taken over duties now at San Diego?

11 A Correct.

12 Q Now your superior officer?

13 A Right.

14 Q Were you give any reason for your demotion, or
15 were you just informed that you had always been Acting and
16 that they were about to make somebody permanent?

17 A I was never given any reasons for my demotion.
18 I never asked any reasons. I just kind of felt that it
19 was coming for one reason or another— I can't really say
20 why. But I felt that it was coming.

21 Q Were all of the members of the School Board
22 present at the May 29th meeting?

23 A I believe that that is correct. Six members
24 of the School Board were present, and that's all we have
25 on our School Board.

1 Q May 29th is the correct date, I believe.

2 A Right. That is correct.

3 Q Okay.

4 A Now, you were asking me if I had previous
5 knowledge that this was going to happen. No, I didn't.
6 This was in a sense a total surprise, but yet a feeling
7 had been there, and I had made statements to several people
8 I probably was going to lose my job.

9 Q What made you think that? You hadn't read it
10 in the paper or heard it on the street or at the barber
11 shop or anything?

12 A No, sir. I just had had several conversations
13 with members of the School Board that led me to believe
14 that perhaps that was going to happen.

15 Q Mr. Correa, the Chair asked if you were at the
16 present time a member of the Grand Jury in Duval County.
17 You indicated you were.

18 A Yes.

19 Q When did you become a member of that Grand Jury?

20 A I think that we were impaneled on the 3rd day of
21 February, 1975. I believe that day is correct. If that
22 is a Monday, that's the correct date.

23 Q Was the Grand Jury impaneled in Duval County
24 for a six month period, a three month period?

25 A That's correct. A six month period.

1 Q Does that correspond with the term of court
2 there, or do you know?

3 A I'm not familiar with the term of court.

4 Q Right. You were just informed that this
5 Grand Jury would function for six months, beginning on
6 the 3rd day of February?

7 A Right.

8 Q Are you familiar enough with the law of Texas
9 to understand that we use the Commissioners system in
10 selecting grand juries?

11 A Yes, sir.

12 Q A judge appoints a commissioner.

13 A That's right.

14 Q The commission members select names, and from
15 those names a grand jury is selected.

16 A Correct.

17 Q You were impaneled on the 3rd day of February?

18 A Correct.

19 Q Obviously, at some time prior to that somebody
20 asked you if you would be willing to serve on the Grand
21 Jury.

22 A No, sir. I was never asked if I was willing to
23 serve on the Grand Jury. I have served on Grand Juries
24 in Duval County on two previous occasions, and they felt
25 quite sure that I would serve, and I was informed prior to

1 the 3rd day of February that I had been selected as one of
2 the twenty members that would be selected from for the
3 twelve-man jury.

4 Q Who informed you?

5 A Manuel Amaya, Jr., who was a Jury Commissioner.

6 Q And how did he go about informing you? Where
7 were you when he informed you?

8 A Manuel Amaya, Jr. at the time was working for
9 the San Diego Independent School District and—

10 Q In what capacity?

11 A He was the Director of Follow-through, which is
12 a federal program. Headstart Follow-through.

13 Q How much money did Manuel Amaya make in this
14 job?

15 A Well, roughly, I think that last year his
16 salary was sixteen thousand—between fifteen and sixteen
17 thousand dollars a year.

18 Q Is he still an employee of the school system,
19 to your knowledge?

20 A No, sir. He resigned on the 1st day of April,
21 1975.

22 Q And took other employment, I believe.

23 A He was appointed by the District Judge to— I
24 take it back. He was appointed by the Commissioners
25 Court and the County Judge to serve as a Commissioner for

1 Duval County.

2 Q So, he is now one of the County Commissioners?

3 A Right.

4 Q A few days probably prior to February 3rd,
5 Mr. Amaya told you that you had been picked out as one of
6 the twenty people who were going to be—

7 A Correct. Not only did he tell me that I was
8 going to be—that I was one of twenty, but that my name
9 was at the top of the list and that in all probability
10 would be picked and that I was to serve as Secretary of
11 the Grand Jury.

12 Q When did this conversation take place, Mr.
13 Correa?

14 A Prior to February 3rd.

15 Q Well, I mean a day before, or two days
16 before, or can you give us any hint as to how long before?

17 A I would say that it was at least two or three
18 days before.

19 Q Do you remember where the conversation took
20 place? Was it at your office?

21 A That particular conversation took place on the
22 campus. I'm not going to say it was in my office, but it
23 was on the campus.

24 Q At work?

25 A Right.

1 Q You said that particular conversation—are we
2 to take it that there was more than one conversation
3 about this subject prior to you being impaneled?

4 A Concerning being a member of the Grand Jury
5 and perhaps even being named Secretary of the Grand Jury?

6 Q Yes.

7 A Yes, sir, there was.

8 Q Where was the other? How many other conversa-
9 tions were there?

10 A I recall one more.

11 Q And where was it?

12 A At Jerry's Diner, which is a restaurant at
13 San Diego.

14 Q Who was present at that conversation?

15 A Mr. Manuel Amaya, Jr. and Mr. Clinton Manges.

16 Q Mr. Clinton Manges?

17 A Right.

18 Q What time of day did this conversation take
19 place?

20 A It was in the evening. I had been to church
21 at 7:00 o'clock that evening. So possibly between 8:00
22 and 8:30, after church.

23 Q After you left church did you go home, or did
24 you meet them at church, or what?

25 A No, sir. After I left church I went home.

1 Q And did they come to your home or call you, or
2 did you call them?

3 A No, sir. Mr. Manges called me on the phone.

4 Q Mr. Manges called you?

5 A Right.

6 Q And for what purpose did Mr. Manges call you?

7 A He wanted to meet with me.

8 Q This was some two or three or four days prior
9 to February 3rd?

10 A On or about February the 2nd. I'm not real
11 sure.

12 Q So this was immediately prior to you being
13 impaneled?

14 A Correct.

15 Q Just a day or so?

16 A Correct.

17 Q What day of the week do you go to church?

18 A On Sunday.

19 Q Could we take it that it was the Sunday before
20 you were impaneled?

21 A At the risk of perjuring myself, I would like
22 to say on or about February the 2nd, because I don't know
23 if it was the Sunday before February the—

24 Q Let's get a calendar.

25 CHAIRMAN HALE: The Chair has a calendar.

1 Let the record reflect that in February 1975, February
2 1 was on a Saturday, February 2 was on a Sunday, and
3 February 3 was on a Monday.

4 A Mr. Chairman, my only concern is that it
5 could have been the Sunday prior to February 2.

6 Q That's all right. That's not important.

7 A Okay.

8 Q On a Sunday evening you received a telephone
9 call from Mr. Clinton Manges after you returned home from
10 church?

11 A That is correct.

12 Q This would have been in early evening hours,
13 probably 8:00 or 8:30?

14 A Between 8:00 and 8:30.

15 Q Did he request that you meet with him at that
16 time?

17 A Yes, sir. He said, "What are you doing?"
18 And I said, "I just got in from church." He said, "Could
19 you meet me at Jerry's?" And I said "Yes, sir." And he
20 said, "Before you come over there would you call Manuel
21 Amaya, Jr. and have him come with you."

22 Q Did you call Mr. Manuel Amaya, Jr.?

23 A Yes, sir. And he told me he would meet us
24 there.

25 Q Did he indeed meet you there?

1 A Yes, sir.

2 Q Were any other persons present at this
3 conversation except you three gentlemen?

4 A The conversation was just the three of us.

5 Q Okay.

6 A There were other people present at the cafe, but
7 the conversation was just with the three of us.

8 Q Right. Would you relate to us the tenor of
9 that conversation, please, sir?

10 Well, let me first ask you this.

11 A I believe I can do that.

12 Q Let me ask you this first, Mr. Correa.

13 A Okay.

14 Q Was this before the conversation with Mr.
15 Amaya on the campus, or after?

16 A After the conversation with Mr. Amaya on the
17 campus.

18 Q All right. Okay. So, you would have seen
19 Mr. Amaya at the regular course of your job and his job
20 on a regular basis, I assume.

21 A That's correct. Every day.

22 Q Okay. But this Sunday evening you went to
23 Jerry's and you met with Mr. Manges and Mr. Amaya?

24 A Correct.

25 Q And what was the--when did you first learn why

1 Mr. Manges wanted to meet with you?

2 A It was quite obvious why he wanted to meet with
3 me. I had already learned that Joe Nichols was going to
4 be the Foreman of the Grand Jury, and that I was going to
5 be the Secretary of the Grand Jury.

6 Q How did you learn these two things?

7 A Mr. Amaya had indicated it to me.

8 Q In this same earlier conversation?

9 A Right.

10 Q This was at a time before the Grand Jury had
11 been impaneled?

12 A We had not met yet.

13 Q Before it was even a thing. It wasn't even in
14 existence.

15 A Mr. Doyle, you know a heck of a lot more about
16 law than I do because I don't know any at all, and I hope
17 you're not going to destroy anything we have done with
18 that Grand Jury already.

19 Q No, sir.

20 A Mr. John Hill would be very upset with me.

21 Q That's not it at all. It is just somewhat
22 surprising to me as an attorney that some third person,
23 be he a Commissioner or whatever, has knowledge prior to
24 the creation of the thing, the make-up of the thing,
25 particularly when it's a grand jury.

1 A We do strange things in Duval County, Mr. Doyle.
2 (Laughter!)

3 Q Okay. So at the first conversation then, Mr.
4 Amaya had informed you that you were going to be the
5 Secretary and that Mr. Nichols was going to be the
6 Foreman?

7 A Correct.

8 Q Okay. Now, you met with Mr. Manges. And would
9 you relate to us that conversation?

10 A When I first sat down with him, Mr. Amaya had
11 not gotten there, and Mr. Manges and I discussed the work
12 of the Grand Jury, and we discussed—he discussed the
13 idea that he wanted things cleaned up in Duval County,
14 and it sounded like a good idea. He was very interested
15 in making sure that some of the people that were involved
16 in the wrongdoings or in the system, if you call it, were
17 given some type of protection. I was immediately con-
18 cerned about some of my friends who have been a part of
19 the Duval County system for a number of years, and who
20 at that particular time some of them were serving on the
21 School Board. And I asked very specific questions like
22 "What happens to Mr. Dan Tobin, Jr." who is a Commissioner,
23 and also the President of the School Board? I'm very
24 concerned about him. He's a friend of mine.

25 Q You mean he is a Commissioner now?

1 A I guess now he is the Judge.

2 Q And he is also a member of the School Board?

3 A Not any more. He resigned.

4 Q Okay. Go ahead.

5 A And I asked very specifically about him because
6 I was very concerned. And he said, "Well, those people
7 that we feel we can grant immunity to—" this is Mr.
8 Manges speaking—"Those people that we feel we can grant
9 immunity to, we will grant immunity to."

10 Q Is Mr. Manges a member of the Grand Jury?

11 A No. But this was Mr. Manges speaking.

12 Q Yes, sir. Go ahead.

13 A I just acted like, well, okay, you know. If
14 this is what needs to be done. We discussed the—about
15 that time Mr. Amaya came in. We discussed the possibility
16 of indicting here, as you put it, this thing was not even
17 a thing yet, but we were discussing the possibility of
18 indicting a Rena Martinez who had allegedly stolen some
19 pipe from Mr. Manges. This is Mr. Manges' conversation.

20 Q Had you read anything in the newspaper about—
21 is it Mr. Martin?

22 A Martinez.

23 Q Martinez?

24 A Uh huh.

25 Q Had you read anything in the paper about Mr.

1 Martinez?

2 A Mr. Martinez had been indicted by a previous
3 Grand Jury on stealing of some pipe from the Duval County—

4 Q Mr. Manges was discussing with you the
5 possibility of the Grand Jury—

6 A No. Mr. Amaya brought this up. Mr. Manges at
7 the time— Mr. Amaya was not at all happy with the idea
8 that Mr. Martinez had not been indicted the second time.
9 And I could sense this, and I'm just saying it as some-
10 thing that I have sensed personally. I knew that Mr.
11 Martinez had engaged in a fist fight with Mr. Amaya
12 at Jerry's Cafe at a previous time and had whipped Mr.
13 Amaya pretty bad, and that he was probably unhappy and
14 would like to see him indicted, which makes good sense.
15 But be that as it may—

16 Q Did either of these gentlemen suggest to you
17 that perhaps Mr. Martinez needed to be indicted for any-
18 thing?

19 A Mr. Manges immediately stopped Mr. Amaya and
20 he said, "No, we're not going to indict." These are
21 probably his exact words. "We're not going to indict
22 Martinez. I've worked out a deal with George." Mr. Parr.
23 "And he is going to pay me that pipe because, after all,
24 Martinez is doing some ranch work for him right now,
25 knocking down some brush, and he owes him some money so he's

1 going to pay me the pipe. We worked out a deal. We're
2 not going to indict Martinez."

3 Q Mr. Martinez doesn't work for the county too,
4 does he?

5 A I don't know who he works for. I know that
6 his wife worked for the school district.

7 Q Okay. Go ahead.

8 A This was very interesting to me because I
9 thought that both of them wanted Mr. Martinez indicted
10 and I was, you know, I was just waiting for the thing to
11 become real so I could go ahead and oblige them. But as
12 it turned out, Mr. Manges was not in favor of that. But
13 Mr. Manges did indicate at that time that he wanted the
14 situation cleaned up and that all the records from the
15 Benavides Independent School District, the Duval County
16 and the Water District would be subpoenaed and would be
17 picked up that following morning, or whenever we were
18 impaneled. I don't remember what particular day, but he
19 indicated this to me. I became a little concerned about
20 what they were going to do about the San Diego Independent
21 School District records mainly because it takes a lot of
22 work to put them together and deliver them. And I asked
23 him. I said, "What about my school district records?"
24 He said, "No. We're not going to touch yours."

25 Q This is Mr. Manges or Mr. Amaya speaking?

1 A This is Mr. Manges speaking.

2 Q Does any of Mr. Manges' ranch lie within the
3 boundaries of your school district?

4 A I don't think so.

5 Q The other two districts that you mentioned,
6 both I believe—

7 A Yes, sir.

8 Q —encompass parts of the Duval County—

9 A Or all of the ranch.

10 Q —or Mr. Manges' ranch?

11 A Right.

12 Q I'm sure the records of the District Clerk
13 down there would reflect that subpoenas were executed.
14 I'm not attempting to, and I don't want you to answer me
15 if it will entail anything that happened within the
16 Grand Jury.

17 A Fine.

18 Q But do you know whether or not the records of
19 the District Clerk would reflect that subpoenas were
20 indeed issued for those two school systems?

21 A I think that the records will now reflect that
22 on that particular day subpoenas were issued to the
23 Duval County, to the Water District, and to the Benavides
24 Independent School District. As a matter of fact, I
25 know that the District Clerk's records will reflect that.

1 Q Right. Now again, I don't want you to— I'm not
2 suggesting or even—and I don't want you to answer it if
3 it will in any way divulge anything that happened in the
4 Grand Jury. But will the records of the District Clerk
5 reflect that those subpoenas were executed?

6 A Yes, sir.

7 Q The records of the District Clerk would like-
8 wise reflect any indictments which were returned to the
9 District Court by the Grand Jury that you're a member of.

10 A Yes, sir.

11 Q Would the records of the District Clerk in
12 Duval County reflect indictments which had to do with
13 mishandling or tinkering with any of these records of
14 these three entities that you just mentioned?

15 A You're talking specifically about the indict-
16 ment?

17 Q Yes. Was John Doe indicted for doing something
18 bad with the records of the school district?

19 A No, sir. Not for tinkering with the records.

20 Q All right.

21 A No, sir.

22 Q All right. Your Grand Jury that you're a
23 member of at this time has returned indictments?

24 A Yes, sir.

25 Q Has it returned indictments which, as a matter

1 of public record, would indicate wrongdoing with respect
2 to the school districts in question or the county in
3 question?

4 A I believe that in almost all cases it would
5 reflect misappropriation and theft.

6 Q From each of these entities, or just one or
7 two?

8 A I think that in this particular—at this
9 particular time the entity only that has been—that has
10 reflected any indictments is the Benavides Independent
11 School District.

12 Q Were you informed at this meeting at Jerry's
13 by Mr. Manges or Mr. Amaya who might be your cohorts on
14 this Grand Jury?

15 A Yes, sir. I knew that Juan Martinez was going
16 to be on the Grand Jury and I knew that Maria Aguayo, who
17 is incidentally the first woman grand juror in Duval
18 County, was going to be on the Grand Jury.

19 Q Is she any kin to the other Amaya?

20 A No, sir. I said "Aguayo." A-G-U-A-Y-O.

21 Q I'm sorry.

22 A I also knew that Jack Damron was going to be
23 on the Grand Jury. As a matter of fact, I probably knew,
24 and as I say, "probably knew," who the majority of the
25 Grand Jury would comprise, if they were to pick the top

1 twelve, which they normally do.

2 Q So you not only had the list—

3 A I didn't have a list, Mr. Doyle, but I—

4 Q They had a list.

5 A Someone had a list and I had been told who they
6 were going to be.

7 Q By those two gentlemen?

8 A Mr. Amaya.

9 Q At your first conversation?

10 A Right. I don't think that Mr. Manges knew
11 exactly who the other people were.

12 Q Did either of them indicate that they had
13 received this information from third persons? Specifically,
14 did either of them indicate that the Judge of the 229th
15 District Court had related any such information to them?

16 A No, sir, they didn't indicate it.

17 Q Didn't relate anything about any conversation
18 with the District Judge?

19 A Not at that particular conversation.

20 Q Did they at any other later conversation with
21 respect to this Grand Jury?

22 A Yes, sir.

23 Q Would you tell us about that conversation?

24 A I had several conversations with Mr. Manges,
25 and on one occasion—

1 Q This was prior to being impaneled, or after.

2 A Subsequent.

3 Q After you were impaneled?

4 A Right.

5 Q Okay.

6 A I believe I have the dates on those that I
7 could be sure of.

8 Q That would help a great deal.

9 A Once again, Mr. Chairman, I would like to say
10 on or about. I would like— I'm very cautious since
11 serving on grand juries. I've seen what has happened to
12 Watergate people and whatever on perjury, and I by nature
13 do tell a few lies, but I think I could quote our illustrious
14 Grand Jury Foreman by saying that "Never under
15 oath."

16 On or about February the 14th Mr. Manges
17 and I, Mr. Carrillo— Mr. O. P. Carrillo—, Mr. George
18 B. Parr, and possibly Mr. Morris Ashby, had a meeting in
19 Judge O. P. Carrillo's office. This meeting was prompted
20 by a telephone call. I was on campus when my office
21 secretary called and said that I was needed at the office
22 on an emergency basis. I got kind of shook up. But then
23 I found out that it wasn't near as big an emergency as
24 people would like to think that it was. It was Mr. Amaya
25 who needed to see me. He had just come from somewhere

1 downtown and had visited with Clinton Manges, and his
2 exact words to me, he said, "Clinton wants to see you
3 right away. He is madder than hell." And I said, "What
4 is Clinton mad about?" He says, "That you're dragging
5 your feet on the Grand Jury and he wants to see you. He
6 is really mad. He wants to come up and see you right
7 now." I said something to this effect: "You go over
8 there and tell Clinton Manges to go to hell. I'm not
9 running from Clinton Manges. I'm not afraid of him. I've
10 known him since I was a kid. I can tell you right now
11 that he's not going to run me. Now, if he wants to talk
12 to me as a friend—" and I think that at that time and
13 perhaps even now I would like to consider him my friend—
14 "I'll talk to him. But I will not run up there for him
15 to chew my tail out. I'm not made that way and Clinton
16 is not going to do it. If I have to, why, we'll get in a
17 fist fight over it. We're not going to chew each other's
18 tail. We're too grown for that and I know I can whip him
19 anyway, so what the hell."

20 So, after I made these kind of statements to
21 Mr. Amaya he realized that perhaps what he had better say
22 is, "Come on up and let's go talk to Clinton," which is
23 what he said, and we went over to see Clinton.

24 Q Where did you go to see Clinton?

25 A I was very surprised that the meeting was to be

1 held in Judge O. P. Carrillo's office. I don't know why I
2 was surprised, but I was surprised.

3 I learned after I got there that Clinton was
4 in there and Mr. Amaya and I had seen George, Mr. Parr,
5 at the service station, the Texaco Service Station, and
6 Mr. Amaya made it known to Clinton that Mr. Parr was at
7 the service station and he said, "I'll be right back.
8 I've got to talk to George."

9 So, I walked inside Judge Carrillo's office
10 and Morris Ashby was in there. And we sat down and
11 visited.

12 Q Morris Ashby, isn't he an employee of Mr.
13 Manges?

14 A He claims that he is Executive Vice
15 President of the Duval County Ranch.

16 Q Okay.

17 A I don't know what his job description is. But,
18 yes, I would say that he is an employee.

19 Q Is he on the Grand Jury?

20 A No, sir. He is not on the Grand Jury.

21 Q Okay.

22 A He is President of one of the school boards in
23 Benavides.

24 After about fifteen or twenty minutes of waiting
25 on Mr. Manges, he and Mr. Parr showed up, and Mr. Ashby

1 and Manuel Amaya, Jr. and myself were in the Judge's
2 office, personal office, and they closed the door to the
3 outer office and they conversed just outside the outer
4 office. And I couldn't hear what Clinton was saying.
5 I could hear a lot of what George was saying, because
6 George spoke real loud and clear. And one of the things
7 that he said—and incidentally, I think I have that in my
8 billfold because I wrote it down. I thought it was
9 interesting, and with your permission, Mr. Chairman, I
10 would like to look for it. This was at 4:05 in the
11 afternoon, according to my watch.

12 Q Do you have the date noted?

13 A Of the 14th day of February, 1975.

14 George said, "I'll promise you that anything
15 you want is going to get done." Talking to Clinton
16 Manges.

17 Morris Ashby was in the office with me.

18 Manuel Amaya was in the office with me.

19 Q You say this conversation took place outside
20 the office?

21 A In the outer office.

22 Q The only two persons that were in that room
23 were Mr. Manges and Mr. George Parr?

24 A I cannot say that for sure, because I can't—

25 Q But the only two you saw in there were those two?

1 A Those were the only two that I heard. However,
2 when the office door opened and they came in to Mr.
3 Carrillo's office, the Judge walked in with them. So, I
4 cannot say for sure that they were the only two there.

5 Q Okay. Go ahead.

6 A Mr. Ashby and Mr. Amaya saw me write this down
7 and I showed it to them, and Mr. Amaya wanted to keep it,
8 but I wouldn't let him.

9 They walked in to the office and Clinton
10 greeted me for the second time.

11 Q Could you tell from the conversation what it
12 was that Mr. Manges was wanting done, or was there any
13 indication?

14 A I feel certain that what it was that he wanted
15 done was that he wanted some indictments to be returned
16 and the scuttlebutt was that George was against any
17 indictments being returned. As a matter of fact, I have
18 reason to believe, from conversations with Mr. Parr,
19 that this is exactly what the situation was.

20 They walked inside, and Mr. Carrillo walked in
21 with them, and at this time Mr. Amaya left. Now, I cannot
22 recall if Mr. Ashby remained in the office with us. But I
23 know that the Judge, Mr. George Parr, Mr. Clinton Manges
24 and myself were in that office. And we immediately
25 started discussing the idea of indictments. It was very

1 obvious that Clinton and the Judge were very much alarmed
2 at the amount of money that had been paid to two attorneys
3 by the Benavides Independent School District; Marvin
4 Foster and Charles Orr, and they were indicating that
5 perhaps these two people should be indicted as well as
6 Rudy Couling. Mr. Parr was very much opposed to the idea
7 of any indictments. And he looked at O. P., or Mr.
8 Carrillo, if you please, and he said, "Why is it that you
9 want Mr. Couling indicted", or Rudy, I think he called
10 him the "Green Devil," or "Diablo Verde" "indicted?"
11 And then Mr. Carrillo looked at me and says, "Aurelio,
12 will you tell George or Mr. Parr how much money was taken
13 from the Benavides Independent School District?" And I
14 think that this is not divulging from Grand Jury informa-
15 tion because it is a matter of public records, and if
16 you're asking me which side of the ledger I got it from,
17 I got it from the open meeting, not from the Grand Jury.

18 I said, "I think it is somewhere in the neigh-
19 borhood of \$60,000 in two days." And the Judge said,
20 "You didn't know that, Mr. Parr"? At which Mr. Parr just
21 kind of looked at him, and he had a real possum way of
22 looking at people when he had something smart to say. And
23 he said, "O. P., who taught them how to steal?" And that
24 was the end of that conversation.

25 Mr. Parr took me to my office, and on the way

1 out he told me, "You go along with Clinton, but, damnit,
2 he's an unreasonable man. Let's see what we can do about
3 not indicting anybody."

4 He had a long conversation afterwards that did
5 not relate to the Grand Jury work; it related to personnel
6 that needed to be hired at the school district. Mr. Parr
7 at the time was a member of the school board, or perhaps
8 we could truthfully say, "was the school board."

9 Q At San Diego?

10 A Yes, sir.

11 Q Okay. Now, that was one conversation. You
12 indicated there were some others.

13 A Yes, sir. On the 19th, on or about the 19th
14 of February, which I believe was a Monday evening.

15 CHAIRMAN HALE: The 19th of February
16 would have been a Wednesday according to the calendar.

17 A Perhaps that's correct. Okay.

18 On the 19th of February Mr. Amaya and myself
19 were at Wayne's Restaurant in Alice. We went there to
20 meet a consultant that had driven in or flew in from New
21 Mexico that was visiting our Follow-through Project.
22 And while sitting there visiting with him and a couple of
23 other ladies that were working on the Follow-through
24 Project, we noticed that Mr. Manges was having supper
25 and that Mr. Ashby and a gentleman named Jack Butler were

1 sitting with him and they were all eating supper.

2 Mr. Amaya got up and went up and visited with
3 Mr. Manges, and I stayed there with the consultant and
4 the two ladies until such time as Mr. Manges waved at me
5 and asked me to come over. And we went over there and we
6 started visiting.

7 He asked me what I was going to do the rest of
8 the evening. I said, "Well, you know, it's about 9:30.
9 I'm going home." He said, "Why don't you come and go with
10 me." I said, "Where to, Clinton?" Because I know
11 Clinton and I know that he can get you in the car and you
12 can stay in it for two days sometimes. However, I've
13 never been in a car with him two days. I would like to
14 clear that.

15 I said, "Where to, Clinton?" He said, "Well,
16 come go with me. Have you got time?" I said, "Look,
17 I've got to be in Dallas tomorrow." I really didn't
18 have to be there. The American Association of School
19 Administrators were having their national convention in
20 Dallas and I never had attended one as a superintendent;
21 I wanted to be there. I said, "I've got to be in Dallas
22 tomorrow, and am I going to get back in time to go to
23 Dallas?" He said, "Well, we're going to Rio Grande City,
24 but first we're going to the ranch." I said, "Well, I'll
25 go with you but let me stop by and tell my wife where

1 we're going?"

2 So, I drove my car or my pickup, whatever the
3 case might have been, to my house, and I informed my wife
4 that I was on my way to Rio Grande City with Mr. Manges.

5 We got in his car and we left, and there was
6 just Clinton and myself. We left San Diego going to
7 Freer. While in the car—he has a mobile telephone—while
8 in the car—and incidentally, this was probably one of
9 the few times that he wasn't speeding—or maybe he was.
10 While in the car Mr. Manges indicated to me that we
11 should call Judge Carrillo. And he was very concerned
12 about one particular witness that did not want to turn
13 over some records from the Duval County Treasury Office.

14 Q This was records that the Grand Jury was
15 interested in?

16 A Right.

17 Q Did Mr. Manges explain to you how he had knowledge
18 of this?

19 A It was in the "Corpus Christi Caller."

20 Q Okay.

21 A And I said, "Why do you want to call the Judge?"
22 He said, "Well, we've got to get some kind of a writ—" I
23 don't know the terminology—"so we can make Mr. Meeks
24 turn over the records." So, he picked up the phone,
25 and I was very impressed because of the fact that he

1 "direct dialed" without asking them a number or anything,
2 which indicated to me that perhaps he had called him at
3 least once before and remembered the number.

4 He called the Judge. And after he got him on
5 the line he handed the phone to me and I talked to the
6 Judge. And I indicated to him that Mr. Meeks was
7 rebelling and what could we do? And he said, "Well, get
8 in touch with Arnulfo," or Mr. Guerra, Arnulfo Guerra, our
9 District Attorney, "and see what procedure we can follow
10 inasmuch as putting together a writ of attachment, or
11 whatever." So, I visited with the Judge for a little
12 bit and he said, "If you need to get back in touch with
13 me, well, call me."

14 I hung up the phone. Mr. Manges picked it up
15 and he dialed once again, by memory—it impressed me very
16 much—Mr. Arnulfo Guerra's office. He didn't get an
17 answer. He dialed the home and then he got an answer.
18 And I talked to Arnulfo and I told him what the situation
19 was; that I was in the car driving to Freer with Clinton
20 and that Clinton was concerned about Mr. Meeks not making
21 the records available and that he had been quoted as saying
22 that the Grand Jury was playing games; that I had just
23 talked to the Judge and he indicated that perhaps we
24 could put together a writ of attachment and make him
25 bring the records. And he said, "Well, okay. Let me get

1 it together and you all call me back. I'll be at the
2 office." I don't recall whether he said he would be at
3 the office in Roma or whether he would be at the office
4 in Rio Grande City.

5 The gist of the conversation was that somehow
6 or another we were going to get Mr. Meeks to produce the
7 records.

8 I hung up the phone and from there he dialed
9 Joe Nichols' number, and I talked to Joe Nichols and told
10 him to meet us at the cookhouse there on the Duval County
11 Ranch. He said, "What time is it?" And I said, "It's
12 10:30." I remember that very distinctly because Joe
13 thought it was something like three or four o'clock in
14 the morning. He had been asleep for a couple of hours
15 he said.

16 We hung up the phone, and then he picked up
17 the phone and he called Robert Forsche, who lives in Freer.
18 And he told him, he said, "We're going to pick you up.
19 We're going to come up by your trailer and pick you up.
20 Get ready, we're going to the ranch. We've got to go to
21 work."

22 So, I had had an occasion to be around Robert
23 Forsche, but I didn't know that Clinton told him when to
24 go to work. We pulled up at the trailer and Robert
25 Forsche, "Bob," as we call him, came out of the trailer,

1 and he had a pistol in one hand and what looked to be like
2 a sub-machine gun in the other hand. And he took the
3 pistol and put it in his belt and then he looked inside
4 the car and said, "Clinton, are we going anywhere where
5 I'm going to need anything bigger than this?" And he
6 showed him the sub-machine gun. And I said, "Oh, hell!"
7 Clinton assured him that we didn't need the machine gun
8 so he took it back in the trailer and then we went on out
9 to the ranch and we had a meeting at the cookhouse.

10 In front of the cookhouse I called Arnulfo
11 Guerra. After being unable to reach him at the Roma
12 office I was once again—

13 Q What was the subject of the meeting at the
14 cookhouse?

15 A Trying to put together a writ of attachment
16 so that Mr. Meeks could produce the records. Mr. Mangés
17 was very concerned because the records had not been
18 produced.

19 Q What records did Mr. Meeks possess that were
20 so—

21 A He is the County Auditor.

22 Q So you were looking for Duval County records?

23 A Right. That's correct.

24 Q Okay.

25 A But that was the gist of that particular

1 conversation. Finally, about 3:00 o'clock, we decided
2 that we should call all the Grand Jury members, and the
3 records will reflect the next morning we met at 8:00
4 o'clock in the morning so that we could instruct the
5 District Attorney to send out a writ of attachment and
6 forcefully, if it need be, bring in Mr. Meeks with the
7 records.

8 Q And so did you make the phone calls to the
9 Grand Jury members?

10 A Yes, sir.

11 Q And you did this from Mr. Manges's ranch?

12 A From the cookhouse.

13 Q At his ranch?

14 A Correct.

15 Q Your list, from what I can see of it, indicates
16 you perhaps had another meeting.

17 A Yes, sir. I had one other conversation with
18 Mr. Manges on March 25, and actually that was not a
19 conversation. I had an occasion to listen in on a
20 conversation with Mr. Manges. This was a telephone
21 conversation. On March 25— I believe it was a Wednesday—
22 1975. We always meet on the last—the School Board meets
23 on the last Thursday of the month, but because of something
24 coming up on the 26th I believe we met on Wednesday. Is
25 that correct, Mr. Chairman? I know you're looking at a

1 calendar.

2 CHAIRMAN HALE: March the 25th was a Tuesday.

3 A Okay. Well, I was close.

4 On March the 25th, on or about March the 25th,
5 after a school board meeting, we, Mr. Parr, George Parr,
6 who was a member of the school board then, revealed to
7 us that the ousted school board members from Benavides
8 were being replaced and that one particular member, Mr.
9 Bill Ham, who had been appointed as a member of the
10 school board by Judge O. P. Carrillo, in violation of
11 the Texas Education Code, particularly Bulletin 620 which
12 indicates that the members of the school board are
13 supposed to appoint their own members, was not going to be
14 allowed to serve on the school board because he had made a
15 statement in the press that he was a George Parr man.
16 And the scuttlebutt was that Mr. Carrillo was not going to
17 allow him to serve; that he in effect was not going to let
18 him qualify, and that somebody else, a gentleman by the
19 name of E. V. McMichaels, was going to serve.

20 And Mr. Parr was telling us this. And I asked
21 the question, I said, "Do you really believe that this is
22 going to happen?" And he said, "I don't know, but this is
23 what is being said." And he said, "If there is any way
24 in the world that I can find out it would probably be to
25 talk to Clinton Manges."

1 Well, I tried to reach Mr. Manges and they
2 told me that he was at the First State Bank, and I'm not
3 sure of the name. Harlingen? Mr. Chaves, is that it?

4 MR. CHAVES: No. I think it's the First
5 National Bank.

6 A First National? Whatever. In Harlingen?
7 And I called the Harlingen bank and luckily— I don't know
8 how— I found Mr. Manges. And I indicated to him that
9 Mr. Parr wanted to talk to him. And Mr. Parr asked him if
10 it was true that they were not going to let Bill Ham
11 qualify? And he said, "No. I don't know anything about
12 it." And he said, "Well, Clinton, tell me the truth."
13 And he said, "I don't know anything about it. But I
14 understand that he doesn't want to serve. He hasn't
15 taken the oath yet so apparently he doesn't want to serve."

16 Well, it became very obvious then to Mr. Parr
17 that there might be some truth to the situation. And he
18 answered, he said, "Well, I understand that a fellow
19 named E. V. McMichaels has been asked to serve." And, of
20 course, I was on the other line and I heard him say, "Well,
21 E. V. McMichaels is a friend of mine." And Mr. Parr came
22 back and he said, "Yes, but Bill Ham is a friend of mine."
23 And it became obvious to us that Clinton was trying to
24 tell George that E. V. McMichaels was going to replace
25 Bill Ham.

1 Q Did that come about?

2 A Yes, sir. We immediately tried to get ahold
3 of Mr. Ham. And he was in Laredo at the time and I
4 managed to reach him in Laredo. We ran up the school
5 phone bill a little bit but we managed to reach him in
6 Laredo. And we told him what the situation was. He
7 said, "I'll be in there some time this evening to qualify,
8 to take the oath."

9 Mr. Parr was very happy about that. And so we
10 reached Clinton again and told him that Mr. Ham was
11 willing to serve; that he had just talked to Mr. Ham
12 and that he had said he was willing to serve and he
13 would come to the Courthouse and qualify that night.
14 And that evening about 7:00 o'clock, as I think the
15 District Clerk's records will reflect, Bill Ham took the
16 oath.

17 Also that evening the District Clerk records
18 will reflect that the sheriff served him with an ouster
19 order. And also the next morning Mr. E. V. McMichaels
20 qualified. And I think that Mr. McMichaels served on
21 the school board for one meeting and became disenchanted
22 or perhaps became worried or something, and resigned, and
23 somebody else was placed in his place. But that conver-
24 sation with Mr. Manges. And, like I said, it wasn't me
25 personally talking to him. I did reach him. I did listen

1 in on the conversation.

2 Q Did Mr. Amaya indicate to you in your first
3 conversation or in the conversation at the Diner how he
4 knew who the Grand Jury was going to be?

5 A No, sir, but it was quite obvious that the
6 Jury Commission had—I have been trying to find out who
7 was on the Jury Commission, and I can't remember. I know
8 that there were three different people on the Jury
9 Commission, and I think there were as many as five, and
10 each one named four. It was quite obvious that he had
11 sat in as a Jury Commissioner and they knew approximately
12 who the top twelve were and who was going to serve on the
13 jury.

14 Q Isn't it a fact that Morris Ashby was a Jury
15 Commissioner with Mr. Amaya?

16 A Yes, sir. Mr. Ashby was a Jury Commissioner.

17 Q And Roberto Elizondo was—

18 A Roberto Elizondo, Manuel Amaya and Mr. Ashby—
19 and I do not know who the other two were.

20 Q Morris Ashby is an employee of Mr. Manges, I
21 believe?

22 A That is correct.

23 Q And Robert Elizondo, I believe, is an
24 employee of Judge Carrillo. Is that correct?

25 A I couldn't answer that question, sir.

1 Q Isn't he the court reporter in that court?

2 A Yes, sir. I guess he is. Yes, sir.

3 CHAIRMAN HALE: Mr. Correa, you say you
4 can't answer that question. Do you mean you don't know
5 the answer?

6 A I don't know the answer. Yes, sir. I'm sorry,
7 Mr. Chairman. I don't know the answer to that question.
8 From what I've read in the papers and some of the testimony
9 that has been presented here, I would say that that is a
10 correct statement.

11 Q Yes. He is the court reporter in that court.

12 On the night of the 10:30 to 3:00 a.m. meeting,
13 did you end up doing anything where the fellow needed
14 anything bigger than that machine gun?

15 A No, sir.

16 Q At 3:00 o'clock in the morning, or whatever
17 time, you went on home, I assume?

18 A Yes, sir. At 3:00 o'clock in the morning Joe
19 Nichols— I believe it was Joe Nichols that took me home.

20 Q And you say you spent most of this time worried
21 about a writ of attachment. Are any of these gentlemen
22 lawyers?

23 A No, sir. Not to my knowledge.

24 Q Mr. Correa, previously in the testimony
25 received by this Committee, Mr. Arnulfo Guerra, your D.A.,

1 indicated that he had received information from you or from
2 some third person, I believe Mr. Nichols, about some
3 school records being destroyed. Do you remember a con-
4 versation with Mr. Guerra about that?

5 A No, sir, I don't recall that conversation.
6 As a matter of fact, when I found out that— I haven't
7 read the testimony, and I'm sure you've got plenty of
8 volumes of it, but when I found out that he had used my
9 name here—I believe that Mr. Terry Canales indicated this
10 to me; perhaps Marvin Foster indicated it to me, he had
11 said that we had pressured him in to the ouster because
12 of the fact that some of the records of the Benavides
13 Independent School District had been destroyed. I think
14 perhaps Mr. Guerra confused my emotions, or perhaps my
15 statements, with those of Mr. Nichols. Because I did not
16 at any time indicate that anybody needed to be ousted.
17 I did indicate on several occasions that they shouldn't
18 destroy the records, and I did know, because the
19 accountant, Mr. Ed Turner, had indicated to me that the
20 records had been destroyed, or some of the records: the
21 checks, had been destroyed.

22 But at no time did I—goodness, you know, to
23 oust people is a pretty serious thing. At no time did I
24 indicate that these people—the severity of what they had
25 performed or done could be, or whoever had performed it,

1 could be related to the actions taken by the Board itself.
2 And I was very concerned about the statement that was made
3 before this Committee, and I would like to say that Mr.
4 Arnulfo Guerra perhaps was mistaken in using my name.
5 Which this could actually easily happen. He probably
6 didn't do it intentionally.

7 Q Have any third persons met with you or any other
8 persons met with you as a member of the Grand Jury at,
9 let's say, unusual times?

10 A No, sir.

11 Q Except on this occasion with Mr. Manges and
12 the others at Mr. Manges' ranch?

13 A That is correct. I had one other brief
14 meeting with Mr. Manges which I think this Committee
15 could probably profit from hearing the gist of that
16 conversation. It happened right after Mr. Jim Bates had
17 been hired as special prosecutor for the Grand Jury.
18 Without divulging anything, I think this is a matter of
19 record.

20 The Grand Jury was concerned about how Mr.
21 Bates was going to be paid. Mr. Archer Parr, who at that
22 time was the County Judge, had indicated that the County
23 had not budgeted for a special prosecutor; that the
24 Grand Jury funds did not have that kind of money, and that
25 perhaps the County Commissioners were not going to approve

1 Mr. Bates' salary.

2 I stepped down from the Grand Jury room,
3 which is upstairs in the Duval County Courthouse, and ran
4 in to Mr. Manges in the outer office of Judge O. P.
5 Carrillo. And I asked him, "What's going on in there?"
6 Because the Commissioners Court was meeting and there was
7 a tremendous amount of commotion and reporters, and what
8 have you. And he says, "I think Archer is balking at
9 the idea of paying Bates, but if he does that, I'm going
10 to see to it that he's ousted," or a similar statement of
11 that nature was made to me.

12 Q When was this, to the best of your knowledge?

13 A Mr. Doyle, I can't recall except that it had to
14 be right after Mr. Bates was hired as special prosecutor
15 by the Grand Jury. And I think that probably the records
16 of the Grand Jury, the Minutes, would reflect the exact
17 time.

18 Q What day of the week, if you know, does the
19 County Commissioners Court normally meet?

20 A Mondays, I believe. But at that time I think
21 that they were meeting more regularly than just on
22 Mondays.

23 Q And you indicated that you had had a conver-
24 sation with Mr. Manges. That was with Judge Carrillo.
25 Is that what you said?

1 A That was with Mr. Manges.

2 Q Oh, that was with Mr. Manges?

3 A Right. Just in the outer office of Judge
4 Carrillo's office.

5 Q Oh, I see. I'm sorry. I misunderstood you.
6 I thought you were relating a conversation that you had
7 with Judge Carrillo. It was not; it was with—

8 A On the ousting?

9 Q Yes.

10 A No, it was Mr. Manges that said, "I'll see to
11 it that he's ousted." It became a very popular word.
12 Most of us learned to spell it right after that.

13 Q It became a fact, too.

14 A Yes, sir.

15 MR. DOYLE: I believe that's all the
16 questions I have at this time, Mr. Chairman.

17 CHAIRMAN HALE: Mr. Maloney?

18 VICE CHAIRMAN MALONEY: No questions.

19 CHAIRMAN HALE: Mr. Slack?

20 Mr. Hendricks?

21 BY MR. HENDRICKS

22 Q Mr. Correa, you mentioned Bob Forsche?

23 A Forsche, I believe is the way you pronounce it.

24 Q Is that the District Attorney's investigator?

25 A Special investigator. Yes, sir.

1 Q Special investigator? And you mentioned
2 picking him up at his trailer?

3 A Right. He lives in a mobile home in Freer.

4 Q Where is that mobile home located?

5 A In Freer.

6 Q In Freer?

7 A Right.

8 Q Do you know whether or not he maintains an
9 airplane?

10 A I've heard him talk on occasions of owning an
11 airplane.

12 Q Have you ever seen the airplane?

13 A No, sir, I have not.

14 Q Do you know of your own knowledge where he
15 keeps the airplane?

16 A No, sir, I do not, Mr. Hendricks.

17 MR. HENDRICKS: Thank you, sir.

18 CHAIRMAN HALE: Mr. Nabers?

19 BY MR. NABERS

20 Q Mr. Correa, I'm almost afraid to ask this
21 question, but you stated that Mr. Parr said something
22 about, asked the question, "Who taught the auditor to
23 steal?" Is that right?

24 A No, sir. The question was, "Who taught him
25 how to steal?" And he was talking about the— I believe

1 his correct title is the Tax Assessor and Collector, or
2 Business Manager for the Benavides Independent School
3 District, Mr. Rudy Couling.

4 Q Okay. Mr. Couling. In other words, the
5 question was, "Who taught Mr. Couling how to steal?"

6 A Right.

7 Q I don't understand who was supposed to have
8 been the teacher.

9 A I don't either.

10 Q By the inference, I assume there was a
11 teacher.

12 A Yes, sir. In the sneaky way in which Mr. Parr
13 asked the question, it inferred that it was somebody in
14 that room.

15 Q I see. Who was the County Judge when Amaya
16 was appointed a Commissioner?

17 A Mr. Dan Tobin had been appointed County Judge.

18 Q So, he was the County Judge at the time Amaya
19 was appointed?

20 A That very same day.

21 Q All right. Both of them took office the same
22 day?

23 A That is probably disputed by some attorneys as
24 to whether they took office or not, but yes, sir, to answer
25 your question. But they both assumed that role that same

1 day.

2 Q Did you have any conversations with Judge
3 Carrillo about the functions of the Grand Jury?

4 A None, other than that particular conversation
5 in which we discussed the possibility of indicting Mr. Mar-
6 vin Foster, Charlie Orr and Rudy Couling.

7 Q Do you have an opinion as to whether or not
8 Judge Carrillo is a good judge and should be continued
9 in office?

10 A I have an opinion.

11 CHAIRMAN HALE: I think the Chair is
12 going to interrupt there. That is a conclusion which the
13 Chair feels like the Committee ought to reach and let's
14 try to hold the questions to the witness to facts.

15 A Thank you, Mr. Chairman.

16 MR. NABERS: Pass.

17 CHAIRMAN HALE: Mr. Kaster?

18 BY MR. KASTER

19 Q Mr. Correa, this meeting on February 2nd in
20 the cafe where you and Mr. Manges and Mr. Amaya were
21 discussing the Grand Jury and you had stated that there
22 was the possibility of reindicting René Martinez, did Mr.
23 Manges or Mr. Amaya indicate that, when Mr. Manges said he
24 wanted the situation cleared up, did he indicate any
25 people who the Grand Jury might go after or any allusions

1 toward that fact, or not?

2 A I don't think so. First of all, I would like
3 to clarify that by saying, "not reindicting, but indicting
4 again." Maybe that is redundant and synonyms, but he had
5 already been indicted by a previous Grand Jury, talking
6 about Martinez. We talked about indicting him again. Or
7 Mr. Amaya talked about indicting him again by this Grand
8 Jury on a different charge, of course. No, sir, at that
9 particular time we did not discuss who we were going after
10 except that all these records were going to be brought in.

11 Q When did it come after, or come out that you
12 were going after Mr. Orr and Mr. Foster?

13 A In the meeting in Mr. Carrillo's office. I
14 believe I gave that date.

15 Q Yes. I have it.

16 MR. KASTER: Fine. That's all.

17 CHAIRMAN HALE: Mr. Donaldson?

18 MR. DONALDSON: Pass.

19 CHAIRMAN HALE: Mr. Laney?

20 MR. LANEY: Pass.

21 CHAIRMAN HALE: Mrs. Thompson?

22 BY MRS. THOMPSON

23 Q Mr. Correa, you indicated that Mr. Bates
24 represented the Grand Jury.

25 A For a very brief period. Yes, ma'am.

1 Q Who recommended his name for consideration?

2 A It came from Joe Nichols.

3 Q Is he also the attorney for Clinton Manges?

4 A I have known that— I have knowledge that he
5 has represented Mr. Manges. As a matter of fact, I
6 think he was his attorney before this hearing.

7 Q You stated that you attended a Board meeting on
8 the 29th of May. What School Board are you talking about?

9 A The San Diego Independent School District.

10 Q Which one?

11 A We just have one San Diego Independent School
12 District.

13 Q Oh, I see. Okay.

14 MRS. THOMPSON: Thank you, Mr. Chairman.

15 CHAIRMAN HALE: Mrs. Weddington?

16 Mr. Chavez?

17 BY MR. CHAVEZ

18 Q Mr. Correa, you indicated that you have
19 previously served on Grand Juries?

20 A Yes, sir. In the eleven years that I have
21 lived in San Diego, this is the third time that I have
22 served in the Grand Jury.

23 Q The previous times, have they been since 1971,
24 or not?

25 A I cannot recollect, Mr. Chavez.

1 Q Do you know whether you have served—can you
2 give me an idea as to when?

3 A Possibly I've served— an idea would be that
4 in the last six years I have served on the Grand Jury three
5 times. It is just an estimate.

6 Q Yes, sir. On these other occasions that you
7 served as a member of the Grand Jury, have you had
8 similar experiences with any citizen of Duval County
9 with respect to who might be indicted or who might be
10 appointed to different offices?

11 A No, sir. No, sir.

12 Q Have you ever had any conversations with the
13 District Judge of that judicial dictrict in connection
14 with any possible indictments?

15 A Never before.

16 Q Up until this time?

17 A Correct.

18 Q Then I would take that to mean that the
19 situation that occurred during this particular time has
20 been unusual.

21 A To say the least, Mr. Chavez.

22 Q Now, you also, in testifying about conversa-
23 tions, and particularly with respect to Mr. Manges, that
24 on occasion he used the word "we" like at that time that
25 you were at Jerry's, and that Mr. Nichols brought up that

1 "we want to reindict," or "indict" Mr. Martinez, and Mr.
2 Manges had said, "Well, we don't want that." Do you know
3 who he intended to encompass in that word?

4 A No, sir, I don't. And I kind of believe that
5 perhaps it is a very customary thing to say "we" in
6 situations like that. I can recall the late President
7 Lyndon B. Johnson saying "We are going to be operated
8 on a certain day." And it was just him that was going
9 to be operated.

10 Q Was it in connection with any conversations
11 Mr. Manges might have had with you on things he might
12 have wanted done or people indicted? Is there any
13 indication in there that might reflect that this was
14 something by agreement that he might have had with the
15 District Judge?

16 A Obviously, any indictment would probably have
17 to come with the cooperation of the District Attorney's
18 office and the District Judge. Certainly by the District
19 Attorney's office. The Judge just receives the indictment.

20 Q That takes me to my next question. Prior to
21 the time that you were appointed to the Grand Jury, had
22 you had any conversations with the District Attorney
23 about the work that you all would be conducting?

24 A No, sir. I met Mr. Guerra on a day that I
25 believe we were impaneled.

1 Q And Mr. Manges indicated to you that some records
2 were going to be subpoenaed. Did he indicate to you that
3 this was what the District Attorney wanted to do, or
4 whether this was to be initiated by the Grand Jury itself?

5 A I believe that the investigation belongs to
6 the Grand Jury, and certainly the whole idea would have to
7 be with the approval of the Grand Jury, but of course, the
8 District Attorney doing the actual work of issuing the
9 subpoenas.

10 Q In other words, when the Grand Jury meets, at
11 least in Duval County, the Grand Jury decides what they
12 are going to do without waiting for the District Attorney
13 to present cases that he might have?

14 A No, sir, that is not true. In many instances
15 they return subpoenas to the Grand Jury that have been
16 issued by the District Attorney, in this instance by the
17 Attorney General's office, are being returned to the Grand
18 Jury without us having knowledge of them being issued.

19 Q Right. But the investigation concerning the
20 school, this was supposed to be on the initiative of the
21 Grand Jury?

22 A Of the Grand Jury and the records were brought to
23 the Grand Jury room and we, the Grand Jury members, looked
24 at the records.

25 Q There was no other, aside from the District

1 Attorney, were there any individual citizens that themselves
2 on their own initiative requested formally of the Grand
3 Jury that the investigation be conducted in this area?

4 A At that time I don't think so, Mr. Chavez. At
5 later dates through the Attorney General's office, the
6 citizens of the county have requested that certain wrong-
7 doings or what they felt were wrongdoings, be investigated.
8 And they have proven to be very fruitful, or disastrous,
9 if you please.

10 Q To some people.

11 A To some people. Right.

12 Q But specifically, at least—and I don't
13 particularly care what Mr. Manges might have been doing
14 with the Grand Jury, but what I'm interested in is, has
15 the District Judge himself in any way interfered with the
16 makeup or the work of the Grand Jury?

17 A Not to my knowledge, sir.

18 MR. CHAVEZ: Thank you.

19 MR. DONALDSON: Mr. Chairman?

20 CHAIRMAN HALE: Mr. Donaldson?

21 BY MR. DONALDSON

22 Q I want to direct your attention back once
23 more to the meeting in Judge Carrillo's office when you
24 were present, George Parr, and I believe you said Amaya,
25 and you thought Ashby might have been there. Were those

1 the four people that were present?

2 A No, sir. Mr. Amaya left.

3 Q Okay.

4 A And I believe what I said, the four people
5 that were present, and possibly a fifth one. Mr. George
6 Parr was there, Judge Carrillo was there, Mr. Manges was
7 there, and I was there. So of those four I am positive.

8 Q Right.

9 A And it appears to me that Mr. Ashby was still
10 in the office with me, but I cannot recollect for sure.

11 Q Okay. And at that time you were Secretary
12 of the Grand Jury—

13 A Correct.

14 Q —which was functioning. Right?

15 A Correct.

16 Q At that time, was Mr. Ashby on the Grand Jury?

17 A No, sir.

18 Q Okay.

19 Now, the general tenor of that meeting was to
20 discuss, number one, as you have related Mr. Parr's
21 position, that no indictments should be returned. Is
22 that correct?

23 A No, sir. To begin with, the general tenor of
24 the meeting, if I may use your words, was to call Correa
25 on the carpet and chew his tail out for dragging his feet

1 on the Grand Jury. But we did not at that time realize, or
2 no one realized at that time, that Mr. Parr was going to be
3 present at the meeting. If you will recall, I was asked
4 to go see Clinton Manges.

5 Q Okay. But the point I'm getting at is, in that
6 meeting, the four of you, or the five of you, did discuss
7 the question of indictments. Right?

8 A We discussed the question and the possibility
9 of indicting Charlie Orr, Marvin Foster and Rudy Couling.

10 Q All right. Now, who specifically, in that
11 conversation, mentioned the possibility of indicting
12 those three people?

13 A I believe it was Mr. Manges. And I say that
14 without really knowing. But I believe it was Mr. Manges.
15 I know it was not the Judge, to begin with.

16 Q All right. At that time, didn't you also talk
17 about some money that had been taken from the school
18 district?

19 A I believe that the only reference to the money
20 was the \$60,000 that were paid in attorneys fees.

21 Q Okay. I believe you stated that you knew of
22 the amount of money and you knew of that amount of money
23 independently of the Grand Jury proceedings. You had
24 seen the ledgers. Right?

25 A It's a matter of record, yes, that this money

1 had been paid to these individuals.

2 Q Now, I believe you said that Mr. Manges is the
3 one that specifically mentioned those three people.

4 A What I said was that I believed it was Mr.
5 Manges.

6 Q Right. Okay.

7 Now, as I recall what you had stated earlier,
8 Mr. Parr either said, or left you all with the impression,
9 that he didn't feel like any of them should be indicted.
10 Is that correct?

11 A I believe that I had—let me go back and say
12 this: Mr. Parr had indicated this to me, yes, and I had
13 indicated this to Mr. Amaya, which I felt probably prompted
14 Mr. Manges to become aware of Mr. Parr's situation.

15 Q Okay.

16 A And this is why I was called on the carpet for
17 dragging my feet by, supposedly.

18 Q I believe you mentioned that Judge Carrillo,
19 Judge O. P. Carrillo, turned to you and asked you a
20 specific question.

21 A Definitely.

22 Q In reference to money.

23 A Yes, sir.

24 Q What exactly was that question? As best you
25 can recall.

1 A All right. I know that it's on record already,
2 but the best I can recall, the question was, or he said--
3 it was a statement. He said, "Correa, you tell Mr. Parr--"
4 and I'm not sure if he called him George or Mr. Parr--
5 "how much money we're talking about." And George turned
6 to me and I said, "Mr. Parr, as near as I can remember,
7 it is \$60,000 which were paid to these attorneys in a
8 matter of two days," I believe is what I said.

9 Q All right. Now, what else, if anything, can
10 you recall that Judge O. P. Carrillo stated during that
11 meeting?

12 A I believe he said to Mr. Parr, "You didn't
13 know it was this much." And that's about all that I
14 can remember.

15 Q And that discussion was in the framework of a
16 debate, so to speak, of whether or not this individual
17 should be indicted by this Grand Jury. Right?

18 A I think that we could assume that. Yes, sir.

19 Q And if--and I don't want you to divulge anything
20 here that would violate your oath as a grand juror, but if
21 at that time there was an investigation pending before the
22 Grand Jury in reference to that money, or anything else,
23 Judge Carrillo then was discussing in your presence as
24 Secretary of that Grand Jury the question of whether or
25 not an individual should be indicted.

1 A That is correct.

2 Q Now, as a member of that Grand Jury, were you
3 left with an impression from that conversation as to
4 whether or not Judge O. P. Carrillo was making a
5 recommendation in reference to that indictment?

6 A I think that I could say that he was trying to
7 convince Mr. Parr that he should let the Grand Jury
8 function.

9 Q He should let the Grand Jury function?

10 A Right. Correct.

11 Q And the tenor of that conversation was that
12 that indictment should probably be returned. Right?

13 A I think that that is a correct assumption.

14 Q Do you know of anybody that had discussed
15 the Grand Jury proceedings with Judge O. P. Carrillo
16 prior to that time?

17 A No, sir.

18 Q In the context of that money, that \$60,000,
19 we were talking about the two attorneys that received the
20 attorneys fees. Right?

21 A Correct.

22 Q And also, who is the third gentleman? What is
23 his name?

24 A Rudy Couling?

25 Q Who was the Tax Assessor Collector. Right?

1 A Right. Or Business Manager. I think he carries
2 those titles, or did.

3 Q Let me ask you this question: would the records
4 currently reflect whether or not Couling has been
5 indicted?

6 A The District Clerk records would reflect that
7 Mr. Couling has been indicted.

8 Q Would the District Clerk's records indicate
9 whether or not Mr. Foster, or who is the other one
10 involved in this?

11 A Mr. Orr.

12 Q —or Mr. Orr, whether or not either of those
13 have been indicted?

14 A The District Clerk records would show no
15 reflection.

16 MR. DONALDSON: All right. Thank you.

17 CHAIRMAN HALE: Mr. Hendricks?

18 BY MR. HENDRICKS

19 Q Mr. Correa, this first conversation at Jerry's
20 Diner with Clinton Manges and Mr. Amaya, was there any
21 statement made, or did either one of them use any weapon
22 to display an emotion or make any statement—

23 A Yes, sir.

24 Q —with the display of any weapon? Will you
25 tell the Committee what happened on that occasion.

1 A It's funny that I had forgotten. Mr. Amaya
2 walked into the Diner with a little briefcase. He
3 carries a briefcase often. And he got very emotional in
4 our conversation over some of the things that Mr. Manges
5 was saying. Mr. Manges, most of you have not had an
6 opportunity to listen to him other than to invoke the
- Fifth Amendment, is a very persuasive individual, a very
8 interesting individual to talk to. And he just comes
9 across real strong.

10 Mr. Amaya got very emotional and he opened
11 up his little briefcase and he says— I think that he was
12 a little irritated at the fact that Mr. Martinez was not
13 going to be indicted, even though the Grand Jury had not
14 been impaneled. And he said, "We're going to do what you
15 say, Clinton, because you're the boss." And he opened
16 up his little briefcase and pulled out a gun, a pistol.
17 And he said, "If we don't get them that way, we'll get
18 them like this." And I said "Put that damn thing away.
19 It scares me."

20 And, yes, sir, he did show a gun in Jerry's
21 Diner.

22 Q All right, sir. I get the impression from your
23 testimony, all though your testimony, that Mr. Manges is
24 fairly well calling the shots on what is taking place
25 down there. Is that the impression you intend to leave

1 before the Committee?

2 A I think a more correct impression would be that
3 Mr. Manges is trying to call the shots, and he has very
4 notably called them with some people. This is correct.

5 Q Well, you say he made a statement that if
6 Archer Parr didn't pay Jim Bates that he would see that he
7 was ousted.

8 A That is correct. He made that statement to me.

9 Q All right. And Archer Parr has been ousted.

10 A That is also correct.

11 Q What two people would he have to use influence
12 on to oust the County Judge?

13 A I believe it would be more complete to say
14 three people, Jose Nichols, the Grand Jury Foreman; the
15 District Attorney, Arnulfo Guerra; and the District
16 Judge, Mr. Carrillo.

17 Q To file a civil suit you wouldn't need the
18 Grand Jury, would you? You would merely file that?
19 What two people would—

20 A The District Attorney and the Judge, I assume.

21 Q Yes, sir.

22 A I would like to make one thing clear, that in
23 all cases, and possibly this is due to reflections from
24 the press, in all cases it appears that the Grand Jury was
25 in on the ousting because it says that the initial order

1 was asked by the Grand Jury Foreman, Jose R. Nichols.
2 And this is incorrect. The Grand Jury never discussed—
3 and this is at the risk of divulging, but I don't think it
4 is divulging because it didn't happen. We never discussed
5 ousting.

6 MR. HENDRICKS: I believe that's all I have,
7 Mr. Chairman.

8 CHAIRMAN HALE: Mr. Maloney?

9 BY VICE CHAIRMAN MALONEY

10 Q Mr. Correa, do you know the Superintendent of
11 Schools at Freer?

12 A Would you be more specific? There have been
13 so many.

14 Q The present Superintendent of Schools.

15 A Mr. Fancher?

16 Q Is he any relationship of Mr. Manges?

17 A It is my understanding he is his brother-in-law.

18 Q This meeting that took place in Judge Carrillo's
19 office, I believe you said, was on February the 14th?

20 A I believe that's correct. Yes.

21 Q And the Grand Jury had been sworn in on
22 February the 3rd.

23 A Right.

24 Q So, the Grand Jury, if you just counted every
25 day, had only been working eleven days.

1 A Right.

2 Q And you say that someone keeps talking about
3 that you were dragging your feet on indictments.

4 A This is correct.

5 Q What were you doing that would create the
6 impression in someone's mind you were dragging your feet?

7 A I did one thing very specifically. I made
8 Manuel Amaya, Jr. aware of the fact that George was not
9 in favor of indictments. That was one thing specifically
10 that prompted that statement I was dragging my feet.

11 Q When did you make Manuel Amaya aware of this?

12 A Some time between February 3rd and February
13 the 14th. And if I'm not—well, I'm not mistaken—it
14 was in the presence of Dan Tobin, Jr., at Mr. Tobin's
15 house.

16 Q What was the occasion for being there?

17 A We visited, drank coffee at his house from
18 time to time, not very often. But we might have had some
19 school business. He was the President of the School
20 Board at the time. We might have had some school
21 business, too.

22 Q Some time between February the 3rd and
23 February the 14th you had at least we'll call it a social
24 visit with Manuel Amaya and Dan Tobin, Jr.?

25 A That's correct, at Mr. Dan Tobin's house—

1 residence.

2 Q At which time you had made the statement to
3 Manuel Amaya that, I assume this would be Mr. George Parr
4 that you're talking about, was not in favor of any
5 indictments.

6 A That is correct.

7 Q And you feel this is what caused Clinton
8 Manges to send for you?

9 A This is correct.

10 Q Now may I ask how you became aware that George
11 Parr was not in favor of any indictments?

12 A He told me himself.

13 Q On what occasion was this?

14 A Gosh, I saw George almost on a daily basis.

15 Q Well, will you tell the Committee what the
16 conversation was where he told you he didn't want any
17 indictments?

18 A He told me—and this happened several times,
19 but the gist of any one of those conversations would be
20 that Clinton wanted this thing cleaned up and that it
21 looked like it was probably a good thing; that after all,
22 they were going to go after records, not preceding, or
23 not to go back any further than January 1, 1974, so let's
24 get with it, let them look through the records and, hell,
25 we'll keep the indictments from coming. He also indicated

1 to me that it was very important, mind you, it was very
2 important that I, as Secretary of the Grand Jury, did not
3 reveal to the members of the Grand Jury, and certainly to
4 the District Attorney's office, that I was not going to be
5 in favor of indictments; that I would go ahead and reveal
6 that I was all in favor of indictments so possibly this
7 would keep them off the San Diego Independent School
8 District. I listened to it. I did my own thing. I
9 think I made a lot of enemies over it. I know that Mr.
10 Couling felt very, very bad about the way that I con-
11 ducted my own investigation.

12 Members of the Carrillo family, I feel
13 certain, were very hurt. But I did my own thing. And
14 since I became Assistant Superintendent I tendered a
15 letter of resignation effective August 31, 1975, and I'm
16 going to continue to do my own thing.

17 Q I'm still not very clear on why Manuel Amaya
18 and Clinton Manges would think that you were dragging
19 your feet because George Parr didn't think there should
20 be any indictments.

21 A I'm not real sure that why--- I guess they had a
22 feeling that since I had made that statement that I was
23 going to vote against indictments---

24 Q Are you saying that you had the feeling that
25 they felt that you were a George Parr man?

1 A There was no question in their minds.

2 Q Were you?

3 A Yes, sir.

4 VICE CHAIRMAN MALONEY: That's all.

5 CHAIRMAN HALE: Mr. Chavez?

6 BY MR. CHAVEZ

7 Q Did I understand you to say that you had made
8 a statement that you were going to vote against
9 indictments?

10 A No. I think that they had the feeling that I
11 was going to vote against indictments. I never told any-
12 body whether I was going to vote for or against
13 indictments. Not even George Parr.

14 Q Okay. When George Parr indicated to you that
15 not to go past January 1, '74, and that in that way, "We
16 could hold off the indictments," did he indicate to you
17 how that was going to take place, how he was going to
18 prevent any indictments from being returned?

19 A It was very obvious that there were members
20 of the Grand Jury that he could talk to, but I was not one
21 of them. He could talk to me but he didn't want me to be
22 a part of no indictments.

23 Q Do you know whether Mr. Manges or Parr or the
24 Judge had been talking to any other members of the Grand
25 Jury?

1 A There is no question in my mind that they had
2 great opportunities to. I know Mr. Manges had a great
3 opportunity to talk to the Grand Jury Foreman and to Mr.
4 Damron. At that time Mr. Juan Martinez was working for
5 the County and under the direct supervision of Mr. George
6 B. Parr, and he's a member of the Grand Jury.

7 Q Yes. Well, outside of the Grand Jury room,
8 did any of these people talk to you about the possibility
9 of indictments or who they ought to get after, or anything
10 like that?

11 A No, sir, they didn't.

12 MR. CHAVEZ: Thank you.

13 CHAIRMAN HALE: Any further questions?

14 MR. DOYLE: Mr. Chairman?

15 CHAIRMAN HALE: Mr. Doyle?

16 MR. DOYLE: No members of the Committee
17 do. I have a couple of areas I would like to explore
18 with this witness just for a moment.

19 BY MR. DOYLE

20 Q Mr. Correa, you were a principal of a school
21 in the San Diego system from '65 or so up until you took
22 the position of the Temporary Superintendent?

23 A Yes, sir. From the summer of 1964 until the
24 summer of 1973.

25 Q Did you ever have an occasion during that period

1 of time to do business with the Zertuche General Store?

2 A I never knew that one existed.

3 Q Have you ever had occasion at any time during
4 your tenure down there to know of or be a party to the
5 school district doing business with the Benavides
6 Implement and Hardware?

7 A No, sir. Benavides is sixteen miles from
8 San Diego, and I go through there on occasions going to
9 Hebbronville, or I go to Benavides to—

10 Q But you don't know of your school district
11 buying anything?

12 A No, sir. No. None whatsoever. Not since I
13 have been Superintendent. And I have no knowledge of
14 them ever doing business with them prior to the time that
15 I became Superintendent.

16 Q Are you familiar with the Benavides Implement
17 and Hardware? Do you know of its existence?

18 A No, sir, I don't. I don't even know where
19 it's located.

20 Q You don't know that Mr. Couling owns it?

21 A I think I would be divulging.

22 Q Okay.

23 A Is that fair to say, Mr. Chairman?

24 CHAIRMAN HALE: That is fair enough.

25 Q Yes, sir. Let me ask you this: Have you ever

1 had an occasion to talk to Mr. Commissioner Carrillo or
2 Mr. Judge Carrillo about Benavides Implement and Hardware?

3 A No, sir.

4 Q Do you have any independent knowledge of their
5 connection with this entity?

6 A Am I to assume that independent knowledge
7 would be not—

8 Q I don't want you to give us things that you
9 feel would be divulging Grand Jury—

10 A I think that anything that I give you— I
11 think that any information that I might give you around
12 or in relation to the Benavides Implement Company would
13 come under the secrecy of the Grand Jury. So I would
14 rather not.

15 Q All right.

16 In other words, prior to your service as a
17 Grand Jury member during this term, you did not know
18 anything about that sort of thing.

19 A I did not know anything about that sort of
20 thing.

21 Q Okay. And you have no knowledge of your school
22 system doing business with Zertuche or Benavides Implement
23 and Hardware?

24 A No, sir.

25 Q How about the Farm and Ranch Store? Are you

1 familiar at all with it, or would that come under the same
2 category?

3 A It would come under the same category.

4 Q That's fine.

5 Do you know if the records of the District
6 Clerk would reflect indictments in connection with
7 wrongdoings of Benavides or Zertuche?

8 A Stores?

9 Q Yes, sir.

10 A I don't think they would reflect anything at
11 this point.

12 Q Yes, sir.

13 MR. DOYLE: Thank you, Mr. Correa.

14 CHAIRMAN HALE: Mr. Canales?

15 BY MR. CANALES

16 Q Mr. Correa, I would like to ask you questions
17 in two areas, one very briefly. At the time that—well,
18 prior to Dan Tobin's assuming the County Judgeship, he
19 was a County Commissioner, was he not?

20 A Of Precinct 1. Yes, sir.

21 Q Was he serving at that time also on the San
22 Diego Independent School District, or School Board?

23 A Yes, sir. He was President of the San Diego
24 School District.

25 Q At the same time he was County Commissioner?

1 A Yes, sir.

2 Q The second area of questioning I would like to
3 go into this conversation or the trip from Wayne's
4 Restaurant in Alice, Texas back through San Diego all
5 the way to the cookhouse at the Duval County Ranch
6 Company. Could we go into a little bit more detail?
7 You mentioned something to the effect that Clinton had
8 read in the paper or was otherwise apprised of the fact
9 that the County Auditor was reluctant to release some
10 of the records, claiming that the investigation was a
11 sham. You say at that time he called Judge Carrillo?

12 A That is correct.

13 Q At home?

14 A Yes. Well, no. I don't know where he called
15 him. I assume it was at home. This was late in the
16 evening and he dialed him from inside his car and I
17 talked to him personally but, to answer your question more
18 specifically, I just assumed that he was at home.

19 Q At this point is where I want to be a little
20 more detailed. What actually did you hear Clinton
21 ask Judge Carrillo?

22 A Nothing. He handed me the phone and I talked
23 to the Judge.

24 Q You talked to the Judge?

25 A That is correct.

1 Q What did you ask the Judge?

2 A I just asked the Judge if he was aware of the
3 fact that Walter Meeks was being reluctant, or was
4 reluctant to produce the records and what could we do to
5 make him produce? And, you know, it was a very brief
6 conversation. He said to get in touch with Arnulfo and
7 I think we can send out a writ on it and we'll get him
8 to bring in the records.

9 Q You were driving down the highway. Clint
10 was discussing the fact, I would assume, that Mr. Meeks
11 was reluctant to produce the records?

12 A Correct.

13 Q And he decided or recommended or just picked
14 up the phone and called the Judge?

15 A Right.

16 Q And told you to talk to him?

17 A Right.

18 Q And ask him what could be done?

19 A That is correct. I think, Mr. Canales, I
20 could probably expedite what you're trying to bring out
21 by saying that it is my impression that had Mr. Clinton
22 Manges not picked me up that evening and had he not
23 initiated the phone calls that the next morning the Grand
24 Jury would not have met and sent out a writ of attachment
25 for the records; that it was wholly and entirely on the

1 initiative of Clinton Manges that this was done.

2 Q The Judge was acting at the instance or at the
3 request of Mr. Clinton Manges?

4 A Certainly the District Attorney.

5 Q The District Attorney?

6 A Well, it was the District Attorney who, you
7 know, had to do the research.

8 Q Well, I understand and I was going to get to
9 that. You picked up the phone at the—well, you received
10 the phone from Mr. Clinton Manges. You talked to the
11 Judge. He indicated what your remedy would be if you
12 needed to obtain these particular records, possibly a
13 writ of attachment. At such time you hung up the
14 conversation terminated and Mr. Clinton Manges called
15 Arnulfo Guerra.

16 A From his car. That is correct.

17 Q In fact, he made two telephone calls, his
18 first one not being successful.

19 A Right.

20 Q And reached him at home?

21 A Yes. I feel certain we reached him at home.

22 Q Did you comment to Mr. Manges about his ability
23 to recall phone numbers at that time?

24 A Definitely. And I'm still very impressed.
25 I commended and I'm still very impressed by his ability to

1 recall.

2 Q Did he reply?

3 A He said it was just something he could do easily.

4 Q Did Mr. Manges talk to Arnulfo Guerra, or
5 did you talk to Arnulfo Guerra?

6 A He talked to him briefly and then handed the
7 phone to me one more time.

8 Q What did Mr. Manges tell Arnulfo Guerra?

9 A "Here is the Grand Jury Secretary. He wants to
10 talk to you."

11 Q Indicating that you were going to tell him
12 what he was going to need or what you all were going to
13 need?

14 A That's correct.

15 Q And you told Arnulfo that the Judge had
16 indicated to you that you needed a writ of attachment?
17 Is that a fair statement?

18 A I told Arnulfo that I had already visited with
19 the Judge on the phone and that he felt that we should do
20 something to make Mr. Meeks produce the records, and that
21 a writ of attachment was probably the answer. I also told
22 Arnulfo that I was willing to drive to Rio Grande City
23 and pick it up and bring it to the Sheriff's Office, if
24 that need be.

25 Q What did Arnulfo tell you?

1 A He said, "Well, let me research this and find
2 out how to write one up."

3 Q Not being familiar with the process of a writ
4 of attachment he said he was going to brief it?

5 A Right.

6 Q That night?

7 A That same night. And he told me then, he
8 said, "I'm leaving the house now and I'm on my way to the
9 office at Roma or at Rio Grande City." And I asked him
10 where I could reach him and he gave me--no, he didn't
11 give me the numbers. He just said "the office, or the--
12 one office or the other."

13 Q Okay. From there you proceeded on the highway
14 to Freer, picked up the armed entourage and continued
15 out to the ranch.

16 A Yes, sir, after making two more phone calls.
17 My testimony will reflect that we called Joe Nichols.

18 Q Joe Nichols, and told him to get up and to go
19 to the cookhouse?

20 A To meet us at the cookhouse.

21 Q Okay.

22 A And we also called Bob Forsche.

23 Q Mr. Forsche. That is the special investigator
24 for the District Attorney's office?

25 A Yes, sir. Some people call him the Reverend

1 Forsche.

2 Q The Reverend.

3 Oh, yes. He's the one that owns the Corrasco
4 car, or had possession of the Corrasco car?

5 A I believe customs owns the car, but he had
6 parked it under one of Mr. Parr's sheds up there at
7 security.

8 Q But it was held in the name of some church.

9 A Southern Calvary, to be exact.

10 Q When you reached the ranch, was Mr. Nichols
11 there at the cookhouse?

12 A No. Mr. Nichols was half asleep during our
13 conversation and he thought that he was supposed to meet
14 us at Pecks. And it took him about fifteen or twenty
15 minutes. I called him at Pecks, which is a restaurant in
16 Freer. I called him at Pecks and told him that we were
17 at the cookhouse, and he came on over then.

18 Q What transpired enroute from Freer to the
19 cookhouse between yourself, Mr. Manges and Mr. Forsche?
20 Were there any conversations, any phone calls?

21 A No, sir.

22 Q None at all?

23 A We just visited. There were a number of deer
24 on the road and we shined the light on them, looked at
25 them, and this type of thing, the headlights from the car.

1 We didn't shoot them, even though we were properly armed.

2 Q When you arrived at the cookhouse, were there
3 any conversations between yourself, Mr. Forsche and
4 Mr. Manges prior to the arrival of Mr. Nichols?

5 A Other than the fact that we had to get ahold
6 of Joe Nichols and we had to get ahold of Arnulfo and
7 get this thing going, no, sir.

8 Q There were no conversations?

9 A No, sir.

10 Q And no telephone calls?

11 A I believe I tried to call Arnulfo from the
12 cookhouse before Joe Nichols got there. But I didn't
13 reach him.

14 Q Once Mr. Nichols arrived there, were there any
15 conversations at that time?

16 A The gist of the conversation was that we had
17 to get this writ of attachment and that if need be that
18 we would go pick it up in Rio Grande City; that if it
19 need be that Mr. Nichols would go with me so he could
20 sign it as Foreman of the Grand Jury. And that probably
21 was the whole gist of the conversation. We did not dis-
22 cuss indicting anybody.

23 Q No. I'm just trying to get in to a little more
24 detail to find out who was talked to and what not.

25 And after this conversation, you finally did

1 contact Arnulfo in Roma, or Rio Grande City?

2 A I finally got in touch with him.

3 Q And what did he tell you?

4 A He told me he would be in San Diego, to go
5 ahead and call the Grand Jury together, which we did, and
6 that he would be in San Diego the next morning at 8:00
7 o'clock.

8 Q And he would be armed with his writ of
9 attachment?

10 A Correct.

11 Q And no more conversations took place out at
12 the ranch?

13 A That's right.

14 Q Then how did you return home, and when?

15 A Joe Nichols took me home.

16 Q Joe Nichols.

17 A It was about 3:00 o'clock in the morning when
18 I got home.

19 Q Were there any discussions between yourself
20 and Joe Nichols at that time? Obviously they weren't in—
21 well—

22 A No, sir. You know, we probably discussed what
23 we were doing and that was about the extent of it. I
24 don't remember any. I was really sleepy.

25 Q Let me ask you, Mr. Correa, all these phone

1 calls that you made to the District Attorney, were they
2 made direct distance dialing where they would be a matter
3 of record, or were they placed—

4 A They were direct dialed.

5 I'm not sure whether Freer has a direct
6 dialing system or not. Maybe somebody here in the—

7 Q The one to Roma was a direct distance call?

8 A I'm not sure whether they have a direct dialing.

9 Q It wasn't a credit card call is what I'm saying.

10 A Oh, no. It was not a credit card call. They
11 would be charged to the cookhouse phone.

12 Q Did you call the members, or were the members
13 of the Grand Jury called that night to meet the next
14 morning?

15 A That is correct.

16 Q They were all called from the cookhouse?

17 A Correct.

18 Q And all of those phone calls were charged to
19 Clinton Manges's ranch?

20 A To that particular phone, I'm sure.

21 Q Would it be a fair statement to say that Mr.
22 Manges has participated well in the investigation of the
23 Grand Jury?

24 A Financially? Definitely. He even at one time
25 indicated that Jim Bates didn't have to worry about where

1 that money was going to come from. That he would be paid.

2 Q That he would pay him if the County—

3 A He didn't say that. He just said that he
4 didn't have to worry about.

5 Q He didn't have to worry about.

6 MR. CANALES: Thank you, Mr. Correa.

7 A You're welcome.

8 CHAIRMAN HALE: Mr. Correa, let the Chair
9 ask you one or two questions.

10 BY CHAIRMAN HALE

11 Q As I understood from your testimony, that Mr.
12 Manges and Judge Carrillo both expressed concern there at
13 the meeting in Carrillo's office at the amount of
14 attorneys' fees that were committed to Mr. Foster and Mr.
15 Orr. Is that correct?

16 A Yes, sir.

17 Q And at least Mr. Manges indicated that he
18 wanted those two lawyers indicted?

19 A That was my impression, I believe, of his
20 conversation. It came from Mr. Manges that those people
21 should be indicted.

22 Q Did Judge Carrillo make any expression with
23 respect to that?

24 A I can't recall. No, sir.

25 Q And yet on a subsequent date concerning a

1 subsequent attorney, namely Mr. Bates, who was to be
2 hired as special prosecutor for the Grand Jury, Mr.
3 Manges indicated to you that if Parr didn't approve the
4 payment by the Duval County, that he, Mr. Parr, would be
5 ousted?

6 A That is correct.

7 Q Mr. Manges was very concerned on the one
8 instance that attorneys fees not be paid; he was very
9 concerned on the other instance that attorneys fees be
10 paid. Is that correct?

11 A That is a correct assumption. I think that in
12 all fairness to Mr. Manges, he probably was more
13 concerned with the nature of the service that had been
14 rendered by the two previous attorneys, and whether that
15 should have been paid. He was well convinced that the
16 nature of the services rendered by Jim Bates merited pay.

17 Q Why did he want to indict the attorneys? Did
18 he make any expression on that?

19 A No, sir. I know that he doesn't like Marvin.
20 Marvin killed a doe on his ranch just prior to this, and
21 it upset him a great deal.

22 Q And during all of these conversations that you
23 have related, the numerous conversations between you and
24 various people and between Mr. Nichols and various people,
25 all of these conversations occurred while you were

1 Secretary of the then existing Grand Jury and while Mr.
2 Nichols was Chairman of the then existing Grand Jury?

3 A Yes, sir. As a matter of fact, I had not— Joe
4 and I renewed acquaintances the day that the Grand Jury
5 was impaneled, if that is correct to say. We had known
6 each other. He at one time served as the Chief of
7 Police from Raymondville, and I'm from that part of the
8 country. And we had not seen each other since then.
9 Any conversation that I had with Mr. Nichols is definitely
10 after we had been impaneled. That is correct.

11 Q And during these conversations with people who
12 were not members of the Grand Jury, most of these conver-
13 sations that you have related involving Mr. Morris
14 Ashby and involving Mr. Manges and involving Judge
15 Carrillo and involving George Parr, none of them were
16 members of the Grand Jury. Is that right?

17 A No, sir. That is correct.

18 Q And all of those people were taking and carrying
19 on conversations with you and with Mr. Nichols, or with
20 both of you, concerning the functions and work of the
21 Grand Jury?

22 A Definitely.

23 Q Is that right?

24 A That's correct.

25 Q And on some of those occasions, Judge Carrillo

1 personally participated in the conversation.

2 A On one occasion.

3 Q And on other occasions he, as District Judge,
4 was aware that outsiders were talking to the Grand Jury
5 about the functions of the Grand Jury.

6 A I don't think I can answer that question, sir.

7 Q All right. Did Judge Carrillo ever instruct
8 you or ever instruct Mr. Nichols in your presence that
9 you as members of the Grand Jury were not to discuss these
10 matters with people not members of the Grand Jury?

11 A The day that we were impaneled. Yes, sir.

12 Q In open court?

13 A Right.

14 Q Did he ever on any other occasions of these
15 subsequent converstaions ever give you any such
16 instructions?

17 A No, sir.

18 Q For example, when the phone call from Mr.
19 Manges' car to Judge Carrillo concerning the work of the
20 Grand Jury, did Judge Carrillo at that time say anything
21 to you about that you shouldn't be out in the middle of
22 the night talking to Mr. Manges about the work of the
23 Grand Jury?

24 A No, sir, he didn't.

25 Q Have you ever served on any other Grand Jury

1 where outsiders were contacting individual members of the
2 Grand Jury in an attempt to influence them in the
3 official performance of their duties?

4 A I cannot recollect any such occasion before.

5 CHAIRMAN HALE: Are there other questions?

6 Mr. Nabers?

7 BY MR. NABERS

8 Q Did you give us, or do you know briefly the
9 names of all of the members of the Grand Jury?

10 A Yes, sir. I think I could probably give you
11 the names of all of them. Would you like to have that?

12 MR. CHAVEZ: We have them already.

13 MR. NABERS: Do we have them?

14 MR. CHAVEZ: The first day, I think.

15 MR. JOHNSON: It is in the record.

16 THE CLERK: I have them.

17 MR. NABERS: Nothing else, Mr. Chairman.

18 CHAIRMAN HALE: Are there further
19 questions?

20 (No response.)

21 CHAIRMAN HALE: Is there any need to hold
22 Mr. Correa here this afternoon?

23 (No response.)

24 CHAIRMAN HALE: Mr. Correa, the Chair will
25 advise you again that you are under subpoena to the

1 Committee. With that understanding, and with the
2 knowledge that you are subject to recall in the event
3 something should develop that we need your further
4 testimony, subject to that limitation, the Chair will
5 advise you that you are free to go. You can leave
6 Austin and go back to your business. Just don't leave
7 the State of Texas or get out of pocket, because you are
8 still under subpoena to the committee and there is always a
9 possibility on any of the witnesses that we might want to
10 recall you at a later date.

11 A Yes, sir.

12 CHAIRMAN HALE: But subject to recall by
13 the Committee, you are free to go about your business.

14 A Thank you, Mr. Hale.

15 CHAIRMAN HALE: On behalf of the Committee,
16 let me express to you our appreciation for your testimony
17 here today and for your obviously frank and honest
18 answers.

19 A Thank you, sir.

20 CHAIRMAN HALE: I think the Chair advised
21 all the witnesses here earlier—and I'm sure you heard
22 it—that if you will contact the clerk you can get your
23 travel voucher and get your expenses paid for this trip.

24 (The witness, Mr. Aurelio Correa, was
25 excused.)

1 CHAIRMAN HALE: Members of the Committee,
2 it's about 20 minutes to 1:00 now. How much time do we
3 need? Say, would 2:15 be adequate?

4 MR. CHAVEZ: 2:00 o'clock.

5 MR. DONALDSON: 2:00 o'clock.

6 CHAIRMAN HALE: 2:00 o'clock?

7 All right. Mr. Donaldson moves the Committee
8 stand recessed until 2:00 o'clock this afternoon. Is
9 there objection? The Chair hears none. The Committee
10 will stand recessed until 2:00 o'clock this afternoon.

11 (Whereupon, at 12:40 p.m., the hearing was
12 recessed, to reconvene at 2:00 o'clock p.m.)

1 TUESDAY, JULY 15, 1975

2 AFTERNOON SESSION

3 (The hearing was reconvened at 2:10 p.m., pur-
4 suant to the luncheon recess.)

5
6 CHAIRMAN HALE: The Committee will come
7 to order.

8 Mr. Hector Zertuche? Are you represented by a
9 lawyer?

10 MR. ZERTUCHE: Not yet, sir. I haven't
11 talked to my lawyer yet.

12 CHAIRMAN HALE: Do you intend to, before
13 you testify?

14 MR. ZERTUCHE: Yes, sir.

15 CHAIRMAN HALE: I was told that some of the
16 witnesses here—is Mr. Mitchell going to represent you?

17 MR. ZERTUCHE: Yes, sir.

18 CHAIRMAN HALE: Well, we'd probably better
19 hold him until in the morning then.

20 MR. DOYLE: Mr. Chairman, may I ask him
21 a couple of questions before we decide to turn him loose?

22 CHAIRMAN HALE: Well, we're not going to
23 turn him loose, exactly.

24 I understood you to say, Ms. Fox, that Mr.
25 Mitchell wouldn't be here until tomorrow morning?

1 MS. FOX: That's right. He is due here
2 late this afternoon and will be here in the morning.

3 CHAIRMAN HALE: That's what I understood
4 you to say.

5 Mr. Doyle, without even swearing the witness,
6 if you want to ask him one or two questions—

7 MR. DOYLE: I just wanted to be sure. Mr.
8 Zertuche, you have already retained Mr Mitchell to repre-
9 sent you in this matter?

10 MR. ZERTUCHE: I haven't talked to him yet.

11 MR. DOYLE: So you haven't—you don't know
12 whether he is going to agree to represent you or not. Is
13 that correct?

14 MR. ZERTUCHE: I'm sure that he will. I
15 feel that he will.

16 MR. DOYLE: You've not discussed the matter
17 with any other attorney?

18 MR. ZERTUCHE: No, sir.

19 MR. DOYLE: When were you subpoenaed?

20 MR. ZERTUCHE: Thursday evening, I believe.

21 MR. DOYLE: Okay.

22 CHAIRMAN HALE: The Chair is disposed to
23 give the witness the opportunity to talk with Mr. Mitchell
24 before we put him on the witness stand.

25 Mr. Zertuche, you are under subpoena to the

1 Committee, and the Chair is not releasing you from that
2 subpoena. Do you understand?

3 MR. ZERTUCHE: Yes, sir.

4 CHAIRMAN HALE: But I will release you
5 until tomorrow morning at ten o'clock. You're welcome
6 to stay in here this afternoon and watch the proceedings
7 if you want to, or you're free to go until ten o'clock
8 tomorrow morning. In the meantime, I would urge you to
9 contact Mr Mitchell. This is one of his associates here,
10 this Ms. Fox. I presume you know that.

11 MR. ZERTUCHE: Yes, sir.

12 CHAIRMAN HALE: And you can make arrange-
13 ments with her to make contact with Mr. Mitchell tonight,

14 MR. ZERTUCHE: I will.

15 CHAIRMAN HALE: —so that you can appear
16 here tomorrow morning. So you are released until ten
17 o'clock tomorrow morning.

18 MR. DOYLE: Mr. Chairman?

19 CHAIRMAN HALE: Mr. Doyle.

20 MR. DOYLE: Could I ask that you inform
21 Mr. Zertuche, since I understand that previously there
22 has been a question of conflict of interest between Mr.
23 Carrillo, Mr. Judge Carrillo and his counsel, with respect
24 to his counsel representing somebody else in this investi-
25 gation, I would appreciate it if you would advise Mr.

1 Zertuche that if Mr. Mitchell sees fit not to represent
2 him, and that if he finds that out today, to please let
3 us know as quickly as possible, because we do need to
4 move along and perhaps we can work somebody else in in
5 the morning, and perhaps give him time to seek other
6 counsel in the morning if Mr. Mitchell declines to repre-
7 sent him.

8 CHAIRMAN HALE: I suspect Mr. Mitchell
9 will represent him, would be my guess. Wouldn't it be
10 yours, Ms. Fox?

11 MS. FOX: It would.

12 CHAIRMAN HALE: I think we can be pretty
13 confident Mr. Mitchell will represent him.

14 In the remote contingency he is not agreeable
15 to representing you, Mr Zertuche, that Chair would urge
16 you, if you are going to get a lawyer, that you make
17 contact with somebody and have them here at ten o'clock
18 in the morning if that is possible. Okay?

19 MR. ZERTUCHE: Yes, sir.

20 CHAIRMAN HALE: You're free to go until
21 ten o'clock in the morning, or you're free to stay if you
22 like.

23 Is Mr. Arturo Zertuche—does that same situation
24 apply to you?

25 MR. ZERTUCHE: Yes, sir.

1 CHAIRMAN HALE: Fine. The Chair will
2 excuse you until ten o'clock in the morning, too then,
3 or you are free to stay. Mr. Mitchell is already repre-
4 senting you, I believe, isn't he?

5 MR. ZERTUCHE: Yes, sir. He is my lawyer
6 right now, sir.

7 CHAIRMAN HALE: And Mr. Ramiro Carrillo, is
8 that same thing true with you?

9 MR. CARRILLO: That's correct.

10 CHAIRMAN HALE: Mr. Mitchell is going to
11 represent you?

12 MR. CARRILLO: He is already representing
13 me.

14 CHAIRMAN HALE: Well, fine. That will be
15 fine. Well, we'll—I'll tell you the same thing I did
16 them. You're free to stay if you want; if you want to
17 leave, the Chair will excuse you until ten o'clock in the
18 morning.

19 Mr. J. H. Saenz. Let the record reflect that
20 Mr Saenz is represented by Mr. Emilio Davila, an attorney
21 of Laredo, Texas.

22 Mr. Saenz, you have previously testified before
23 the Committee, I believe. You were here on one previous
24 occasion, and I think it's probably unnecessary for the
25 Chair to give you the customary warning since you have

1 your counsel with you, and he can advise you as to all
2 your rights.

3 Out of a superabundance of precaution, would
4 you let the Chair, permit the Chair to swear you again,
5 although you were sworn before?

6 (The witness was administered the oath by the
7 Chairman.)

8
9 MR. J. H. SAENZ

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

13 EXAMINATION

14 BY CHAIRMAN HALE

15 Q State your name, please.

16 A Jose H. Saenz.

17 Q And you live in San Diego?

18 A That is correct, sir.

19 Q And do you hold any official position there?
20 At this time?

21 MR. DAVILA: Mr. Chairman, may I make a
22 statement?

23 CHAIRMAN HALE: Yes, sir, Mr. Davila.

24 MR. DAVILA: As you well know, and the
25 other members of this Committee, Mr. Saenz has testified

1 here before, and as a result of evidence that has come
2 out of these hearings, Mr. Saenz is charged with a criminal
3 complaint now in Duval County, which is pending. So
4 out of an abundance of caution, I don't want to delay or
5 impede your work here today, but out of the abundance
6 of caution and of self-preservation, every question that
7 you will propound to Mr Saenz, when he sees fit to consult
8 me, he is going to do so. I just wanted you to know
9 that.

10 CHAIRMAN HALE: Well, I would hope that
11 he would consult with you. Are you telling me that he is
12 going to take the Fifth Amendment on every one of them?

13 MR. DAVILA: No. No. I'm saying that we
14 are not going to impede the work of this Committee. I am
15 just saying that on several questions, I am sure, he is
16 going to consult with me before answering, and that will
17 delay the work a little. But—

18 CHAIRMAN HALE: That's perfectly all right.

19 MR. DAVILA: —the reason is because
20 heretofore the evidence that has come out here in his
21 testimony has resulted in a criminal complaint having
22 been charged against him, and is pending in Duval County
23 now.

24 CHAIRMAN HALE: What is the nature of that
25 complaint?

Saenz - Doyle

1 MR. DAVILA: I believe it is a false
2 acknowledgement. The Attorney General's office, or one
3 of the Texas Rangers filed a complaint.

4 CHAIRMAN HALE: In county court, or
5 district?

6 MR. DAVILA: I believe so.

7 CHAIRMAN HALE: Misdemeanor?

8 MR. DAVILA: Yes.

9 CHAIRMAN HALE: Counsel, of course the
10 Chair and the Committee expects you to advise and counsel
11 with your client as you see fit, and if it impedes the
12 work of the Committee it will just have to impede the
13 work of the Committee. That's what you're here for.
14 We will certainly accord him the right to confer with you
15 on any of the questions that he feels is necessary.

16 Mr. Doyle?

17 BY MR. DOYLE

18 Q Mr. Saenz, you testified earlier that you, at
19 one time, worked for Judge O. P. Carrillo. Is that cor-
20 rect?

21 A Yes, sir. That's correct.

22 Q Are you presently employed by the Judge, or
23 Duval County in any capacity?

24 A Yes, sir.

25 Q How are you employed now?

1 A I'm a clerk for the Judge.

2 Q And you still work for Judge Carrillo?

3 A That is correct.

4 Q Are you paid by the Duval County, or are you
5 paid by more than one county?

6 A My check comes from Duval County.

7 Q Okay. You're just paid by one check a month,
8 or some—the only governmental entity that you receive
9 pay from is the county of Duval. Is that correct?

10 A Sir, there are sometimes I do extra work for
11 the Commissioner's Court, and I get an extra check for
12 that.

13 Q Okay. But you're regularly employed as a clerk
14 in the 229th Judicial District Court of the State of
15 Texas?

16 A That's correct.

17 Q And how much are you paid for your services?

18 A \$750.

19 Q Per month?

20 A That's correct.

21 Q Were you so employed in January of 1973?

22 A Yes, sir

23 Q How long have you been employed as the clerk,
24 or a clerk, in the 229th District Court of the State of
25 Texas?

1 A Since Judge Carrillo took office, I believe in
2 1971.

3 Q January of '71?

4 A That's correct.

5 Q Are you familiar with the process that Duval
6 County uses to pay people on a contract basis, wherein
7 the individual files what's called a "Claim for Payment"?

8 A Will you repeat that question, please?

9 Q Are you familiar--let me ask it this way of
10 you, Mr. Saenz: The Committee has been informed that it
11 is rather a common practice in Duval County to pay cer-
12 tain laborers or other individuals on a contract basis,
13 daily or weekly or monthly. They do a little work; they
14 get a little pay. They do a little more work; they get
15 a little more pay. They're not on a regular salary. And
16 they do this on what they call the basis of "Claims" and
17 they file what is called a "Claim for Payment." Are you
18 familiar with this system that is used?

19 A Yes, sir.

20 Q You are familiar with it?

21 A Yes, sir.

22 Q Has it traditionally been among your duties,
23 assigned to you by Judge Carrillo, that you handle certain
24 of these claims?

25 A Claims for other people, or for myself?

1 Q No, sir. You're paid a salary, I understand?

2 A Yes.

3 Q You don't fill out a claim each month. You
4 get paid by the—don't they hold income tax out of your
5 check?

6 A Yes, sir.

7 Q No, sir. What I have reference to is claims
8 that people file on a weekly basis, or even a daily
9 basis, I understand sometime they do it.

10 A If I have been instructed by Judge Carrillo—

11 Q No, sir I'm asking you if part of your duties
12 in your capacity as clerk is to handle any of these
13 claims, process them, type them up, see that they get to
14 the right spot, and that sort of thing?

15 A It is not my duty, no sir.

16 Q Okay. We have exhibits that have been intro-
17 duced in evidence in this hearing, in this cause, which
18 indicate that you signed certain of these claims only as
19 a Notary; you know, taking an acknowledgement. I'm try-
20 ing to determine whether you did this in just a few iso-
21 lated instances, or whether it was part of your regular
22 routine that you did for the Judge, or for whoever.

23 A I refuse to answer that on the grounds that it
24 might tend to incriminate me.

25 MR. MALONEY: Mr. Chairman?

1 CHAIRMAN HALE: Mr. Maloney.

2 MR MALONEY: I move that the Committee
3 insists upon an answer to that question.

4 CHAIRMAN HALE: Just to that specific
5 question, or do you want to develop this a little further?

6 MR. MALONEY: Let's have that question
7 answered, and go from there.

8 A I invoke the privilege of--I believe I'm en-
9 titled to that.

10 MR. DOYLE: Mr. Chairman, I might suggest
11 that is the Committee is going to take up Mr. Maloney's
12 motion, the Committee perhaps should consider taking up
13 Mr. Maloney's motion with the idea of a line of questions
14 which I would like to propose to Mr Saenz, concerning
15 a series of claims notarized by him in behalf of Roberto
16 Elizondo and Patricio Garza, wherein it appears as though
17 these two individuals submitted claims for payments to
18 Duval County and ultimately were paid by Duval County.
19 And if the Committee sees fit to take such action as
20 would require Mr. Saenz to answer the questions, I would
21 suggest that the Committee do so for the entire series
22 of questions, so we wouldn't have to go through this process
23 on each question.

24 CHAIRMAN HALE: That was the reason that
25 the Chair had said "about this question," or did we want

1 to wait. It occurs to me, the motion is going to be
2 required, of course, is the motion to grant this witness
3 immunity as a result of the testimony, and in order not
4 to enlarge on that area of immunity, it occurs to the
5 Chair that what we should do is lay out the questions that
6 you want answered first. Let him take the Fifth on each
7 of those questions. Then we will, the Chair will accept
8 the motion as to those specific question for a grant of
9 immunity. And then we can repeat the questions.

10 MR. DOYLE: I think that's the way we
11 ought to proceed, Mr. Chairman. Do you want me to start
12 asking the questions?

13 CHAIRMAN HALE: How is that?

14 MR. MALONEY: Well, Mr. Chairman, the way
15 I understand the law on this is that the question is
16 asked, the witness invokes the Fifth. At that time the
17 Committee may decide whether it wishes to have the ques-
18 tion answered or not. If they insist upon an answer to
19 that question, he gets transactional immunity for any-
20 thing arising from that answer. And until you have the
21 answer, I don't know whether you want to ask another
22 question. So I certainly don't want to grant immunity
23 in areas that we haven't even asked the question yet.

24 MR. DOYLE: That's fine, Mr. Chairman. We
25 can proceed on that basis. Mr. Maloney is probably

1 correct.

2 CHAIRMAN HALE: That's going to require
3 a motion on every question then, if you proceed along
4 those lines.

5 MR. DONALDSON: Let's do it that way.

6 MR. DOYLE: It won't take that long.

7 CHAIRMAN HALE: All right. Mr. Maloney
8 moves that the witness be instructed by the Chair to
9 answer the question, and that as a result of such answer
10 the Committee is thereby granting him immunity from fur-
11 ther prosecution for this testimony under the provisions
12 of Section 13 of Article 5429-F. Is there any discussion
13 on the motion?

14 MR. CHAVEZ: Mr. Chairman, could I ask a
15 question? What about—he's got these pending charges.
16 Is this immunity going to protect him as to those pending
17 charges?

18 MR. MALONEY: Yes.

19 MR. DOYLE: Yes, sir.

20 MR. CHAVEZ: Are you sure?

21 CHAIRMAN HALE: Well, it will protect him
22 only to the extent that the questions on which he testi-
23 fies are pertinent to the charges that have been filed
24 against him.

25 MR. CHAVEZ: No, sir. Charges haven't

Saenz - Doyle

1 been filed.

2 MR. DOYLE: If he answers truthfully.

3 CHAIRMAN HALE: Of course, the charges
4 weren't filed as a result of his testimony up here,
5 because he didn't testify to any of those things on which
6 the charges were made..

7 MR. DAVILA: No, Mr. Chairman. I said,
8 of the evidence that came out of these hearings.

9 CHAIRMAN HALE: Yes, sir.

10 MR. DAVILA: Those charges were filed, and
11 it is my understanding that it involves these two specific
12 claims.

13 CHAIRMAN HALE: Well, it might be to the
14 interest of your client that this proceeding go along the
15 way we're thinking then, Mr. Davila.

16 MR. DAVILA: It may be.

17 CHAIRMAN HALE: That's for you to decide.
18 The Chair doesn't want to prejudice you in your advice
19 to your client.

20 Is there any discussion on the motion?

21 MR. MALONEY: Just a statement, Mr. Chair-
22 man. I don't believe that it will be necessary to go
23 through a motion every time an answer is--a question is
24 asked and an answer is desired, by the Committee. It's
25 simply a matter of the Committee, or the Chairman,

1 insisting upon the answer. The immunity is automatic
2 under 5429-F at that point.

3 CHAIRMAN HALE: I think that's probably
4 true. We did specifically include it in the motion on
5 every occasion where I've been involved with committees
6 where we granted immunity. We made it abundantly clear
7 that we were doing that as a matter of protection to the
8 witness.

9 MR. MALONEY: But I would have the Chair
10 advise him that it will be necessary for him to claim
11 his privilege before any answer is given, to give him
12 his immunity.

13 CHAIRMAN HALE: That's true, and the Chair
14 will so advise you and counsel, that on each of these
15 questions that will be propounded, it will be necessary
16 for your client to invoke the Fifth Amendment. Having
17 invoked the Fifth Amendment, the Chair will then instruct
18 him to answer the question, notwithstanding his objection.
19 And if he answers under that instruction, he thereby
20 acquires immunity under the provisions of this statute
21 from further prosecution.

22 In order that we not have to take a motion on
23 every one of these, why don't we—let the Chair rephrase
24 the motion then.

25 Mr. Maloney moves that the Chair be authorized

1 and directed on a question-by-question basis to instruct
2 the witness to answer notwithstanding his claim of Fifth
3 Amendment immunity, Fifth Amendment privilege, and that
4 on such instruction by the Chair on a question-by-question
5 basis, that we are thereby according to him the immunity
6 granted under Section 13 of Article 5429-F.

7 MR. DONALDSON: Parliamentary inquiry, Mr.
8 Chairman.

9 CHAIRMAN HALE: Mr. Donaldson?

10 MR. DONALDSON. Under that motion, any
11 subsequent question asked by our counsel or anyone else,
12 which invokes the Fifth Amendment, would any member of
13 this Committee then be in order to seek recognition from
14 the Chair to suspend the authority of the Chair to grant
15 immunity as to that question?

16 CHAIRMAN HALE: Yes, sir. That would
17 certainly be in order. You can just make it by an ob-
18 jection. If there is any objection, we will certainly
19 discuss it further.

20 Is there any discussion on the motion? All
21 those in favor of the motion will vote "Aye"; those op-
22 posed will vote "No." The Clerk will call the roll.

23 (The motion, being put to a vote, was carried.)

24 CHAIRMAN HALE: Being eight Ayes and no
25 Nos, the motion is adopted.

1 Mr. Doyle, you may proceed.

2 MR. DOYLE: Counsel, are you ready?

3 MR. DAVILA: Yes, Mr. Doyle.

4 BY MR. DOYLE

5 Q Mr. Saenz, was it part of your regular duties
6 to fill out and prepare and acknowledge "Claims for Pay-
7 ment" made by individuals in Duval County?

8 A I respectfully decline to answer on the grounds
9 it might tend to incriminate me.

10 MR. DOYLE: Mr. Chairman, I would request
11 that you instruct him to answer this question.

12 CHAIRMAN HALE: Is there any objection?

13 (No response)

14 CHAIRMAN HALE: Mr. Saenz, the Chair in-
15 structs you, notwithstanding your claim of privilege
16 under the Fifth Amendment to the U. S. Constitution, that
17 you answer this question and provide this Committee with
18 the information it seeks, and thereby you will acquire
19 immunity from prosecution from that under the provisions
20 of Article 5429-F, and you are so instructed.

21 MR. DAVILA: Mr. Chairman, may I make a
22 statement?

23 CHAIRMAN HALE: Yes, Mr. Davila.

24 MR. DAVILA: While this Article 5429-F,
25 Mr. Chairman, states that it will grant immunity, that is

1 for prosecution in a state forum. Am I correct?

2 CHAIRMAN HALE: Well, it doesn't say that.
3 Of course, the Texas Legislature, I'm sure, can't grant
4 immunity to prosecution in federal courts. However, I'm
5 sure counsel is aware of the very liberal attitude that
6 all of the federal courts have taken in the last ten or
7 fifteen years in zealously protecting individual rights,
8 and it would seem to me to be certainlay a reversal form
9 for a federal court to allow prosecution of anyone who
10 was compelled to testify in any forum after he had once
11 invoked the Fifth Amendment.

12 MR. DAVILA: Nevertheless, Mr. Chairman,
13 I feel it a duty to advise my client that the immunity
14 is good as far as state prosecution is concerned, and
15 that the federal jurisdiction or courts may prosecute on
16 any answer you may give to this Committee.

17 MR. DOYLE: Counselor, are we to take it
18 that you're advising this gentleman to still not answer
19 our questions?

20 MR. DAVILA: No, no.

21 MR. DOYLE: Or do you just want to pro-
22 tect yourself in the record to the extent that you have
23 advised him?

24 MR. DAVILA: That is correct.

25 MR. DOYLE: Okay.

1 BY MR. DOYLE

2 Q Mr. Saenz, you've heard my question. You've
3 heard the Chairman's direction which has ordered you to
4 answer the question, and you've heard your counsel's
5 statement. We're waiting.

6 CHAIRMAN HALE: Let me ask Counsel a ques-
7 tion. Counsel, what conceivable federal offense could
8 be involved in a false acknowledgement involving only
9 funds coming from a county?

10 MR. DAVILA: Mr. Chairman, I'm sure that
11 you are also well aware that counties and cities now are
12 recipients of federal funds in a million ways. And what
13 if just one of these claims, on which he will be asked,
14 federal funds were used to pay that claim? Then, the
15 federal government would have grounds to prosecute him.

16 CHAIRMAN HALE: Well, you're probably right

17 MR. DAVILA: And that is the reason that
18 I am so advising my client, because I feel that to be a
19 duty. And I don't want to be later on charged as having
20 been ineffective.

21 CHAIRMAN HALE: Well, the Committee would
22 not want you to be in that position, Mr. Davila. We would
23 certainly expect you to do your duty as an attorney
24 before the Bar.

25 MR. DOYLE: Mr. Chairman, for the Chair's

1 information, as well as that of Counsel, all of the claims
2 that I've looked at indicate that the monies were paid
3 from the County Road and Bridge Fund.

4 MR. DAVILA: Mr. Doyle, the Road and Bridge
5 Funds of many counties in this state—and I speak of
6 Webb County—have transferred revenue-sharing funds into
7 that fund. So I do not believe that this Committee can
8 grant immunity to this man, or say that no federal question
9 will arise as a result of these particular claims, because
10 federal funds have found themselves into many entities of
11 government, specifically County Commissioner's Court.

12 MR. MALONEY: Mr. Chairman?

13 CHAIRMAN HALE: Mr. Doyle, do you have any
14 further comment?

15 (No response)

16 CHAIRMAN HALE: Mr. Maloney.

17 MR. MALONEY: Mr. Chairman, I would advise
18 Counsel to look at Murphy vs. Waterfront Commission, 322
19 U.S. 487, 64th Supreme Court 1082, 1964 case, in which it
20 holds that we would be able to grant him immunity. We
21 would be able to compel his testimony and failing his
22 testimony, hold him in contempt of the Legislature; that
23 the Collateral Rule would apply, and that they would not—
24 federal would not be able to use his testimony against
25 him if they were able to show that their prosecution came

1 from other sources than his testimony. And so your
2 advice to your client would still subject him to con-
3 tempt of the Legislature.

4 MR. DAVILA: Well, that may be true, Mr.
5 Maloney. Would you defer to me the opportunity to read
6 that case?

7 MR. MALONEY: Certainly.

8 MR. CHAVEZ: Why don't we give them some
9 time to talk it over?

10 MR. DOYLE: There is a line of cases. He's
11 as safe as he can be.

12 MR. JOHNSON: Want a recess for about ten
13 minutes?

14 MR. DAVILA: May we recess for ten minutes?
15 Don't you have another witness?

16 CHAIRMAN HALE: I think we only have one
17 other witness here this afternoon.

18 MR. DONALDSON: I move that we call him
19 and let him come back in later.

20 CHAIRMAN HALE: There was a sequence in
21 these witnesses.

22 Members of the Committee, there is only one
23 other witness for this afternoon, and for reasons which
24 will be obvious, I think, as we move along, the Chair
25 feels it would be advisable to finish the testimony of

1 Mr. Saenz before we call this other witness. And at the
2 same time, we probably should give Counsel an opportunity
3 to read this case to satisfy himself on what the immunity
4 would be in the federal court.

5 MR. DONALDSON: Mr. Chairman, in lieu of
6 taking a recess, would it be in order for me to make a
7 motion that the Committee convene in Executive Session to
8 consult with our counsel.

9 CHAIRMAN HALE: That would be fine, but
10 for the purposes of the public hearing, we need to give
11 Mr. Davila some time element—

12 MR. DONALDSON: Thirty minutes.

13 CHAIRMAN HALE: —thirty minutes?

14 MR. DAVILA: That will be fine, Mr. Chair-
15 man.

16 CHAIRMAN HALE: It's now a quarter of
17 three. About 3:15, Mr. Davila. Why don't we just recess
18 for thirty minutes, and then the Chair will advise all of
19 the Committee members to stand by for an executive session.

20 (Whereupon, at 2:40 p.m., a brief recess was
21 taken.)

22 CHAIRMAN HALE: The Committee will please
23 come to order.

24 Mr. Doyle, where do we stand now?

25 MR. DOYLE: Mr. Chairman, I was attempting

1 to have Mr. Saenz answer a question concerning duties
2 assigned to him by Judge O. P. Carrillo, in connection
3 with filling out "Claims for Payment" which were submitted
4 to Duval County by persons who did work on a contract-type
5 basis. The Committee had just voted to give the Chair
6 authority to instruct Mr. Saenz, or to direct Mr. Saenz,
7 to answer those question on a question-by-question basis
8 with the clear understanding that each time the Chair so
9 instructed Mr. Saenz, that the Committee was thereby
10 granting Mr. Saenz immunity from prosecution in connec-
11 tion with those answers.

12 CHAIRMAN HALE: Mr. Davila, have you had
13 an opportunity to read this Murphy case?

14 MR. DAVILA: Yes, Mr. Chairman, and Mr.
15 Maloney is correct in his interpretation of the law.

16 CHAIRMAN HALE: I think it's a pretty clear
17 cut decision.

18 MR. DAVILA: Yes, sir.

19 CHAIRMAN HALE: They overrule all the
20 prior cases, holding the evidence admissible, and as the
21 Chair reads that case, even the fallout or the fruits of
22 that testimony would be protected.

23 MR. DAVILA: Yes, sir.

24 I want to thank you for the opportunity to get
25 an education.

1 MR. NABERS: We're always just practicing.

2 MR. DAVILA: Thank you, Mr. Nabers.

3 CHAIRMAN HALE: Mr. Saenz, in order to—
4 I'm sure you've had an opportunity to confer with your
5 very able counsel during the thirty-minute recess, not-
6 withstanding, and out of a superabundance of precaution,
7 the Chair is going to also give you a warning. It is your
8 right to assert the privilege against self incrimination
9 and refuse to answer questions directed to you by this
10 Committee, on the grounds that they might tend to in-
11 criminate you. However, after asserting that privilege,
12 you will be required to answer any questions that the
13 Committee insists that you answer, and must answer them
14 truthfully. Should you give truthful answers to any
15 questions directed to you by this Committee that tend to
16 incriminate you, you will be deemed to have been granted
17 immunity by this Committee for the transactions about
18 which those statements are made.

19 If you answer questions untruthfully, you may
20 subject yourself to a prosecution for perjury in Travis
21 County. If you refuse to answer, you may subject yourself
22 to confinement in jail upon a finding of contempt by the
23 House or to a prosecution in Travis County for contempt
24 of the Legislature.

25 With this admonition, the Chair will instruct

1 you from time to time to answer questions, and notwithstand-
2 ing that these questions would otherwise tend to incrimi-
3 nate you.

4 The Chair would further call to your attention
5 that the penalty under Article 5429*F, for contempt of
6 the Legislature, is spelled out in the statute at a fine
7 of not less than one hundred nor more than one thousand
8 dollars and by imprisonment in jail for not less than thirty
9 days nor more than twelve months. And I would emphasize
10 the word "and" between those two penalties. It's not
11 "or"; it's "and."

12 So, with that warning, and counsel that has
13 been given to you by your lawyer, I'm sure you will be
14 able to judge for yourself then how you should conduct
15 yourself in answering future questions.

16 Will you repeat the question, Mr. Doyle?

17 MR. DOYLE: As best I remember, Mr. Chair-
18 man, my question was something like this.

19 BY MR. DOYLE

20 Q Mr. Saenz, was it part of your regular duties
21 as assigned to you by the court—that's who you worked
22 under, I understand?

23 A That's correct.

24 Q Was it part of your regular duties to prepare
25 "Claims for Payment" for individuals, which were later

Saenz - Doyle

1 submitted to Duval County?

2 A I respectfully refuse to answer on the grounds
3 that it might tend to incriminate me.

4 CHAIRMAN HALE: Notwithstanding, Mr. Saenz,
5 your assertion of your Fifth Amendment privilege, and in
6 an effort to overrule that, the Chair, by action of the
7 Committee, as authorized by the Committee, directs you
8 to answer this question and thereby acquire immunity as
9 a result of your answer.

10 A Yes, sir. It was not my actual duties, but I
11 would do it in the office.

12 Q Now, Mr. Saenz, I'm going to hand you two folders
13 which have been marked with the numbers "30 to 37" and
14 the number "66" and the number "69". Now, these folders
15 contain exhibits that have been introduced into evidence
16 previously in these hearings. And these folders, the
17 content of the folders, are what purport to be "Claims
18 for Payments" by individuals seeking funds from Duval
19 County. And I'm going to ask you if you're familiar with
20 the ones that I hand you.

21 A I respectfully decline to answer on the grounds
22 it might tend to incriminate me.

23 MR. DOYLE: Mr. Chairman, I would request
24 that you instruct the witness to answer that question.

25 CHAIRMAN HALE: Mr. Saenz, notwithstanding

1 your claim of Fifth Amendment privilege, by authority of
2 the Committee and as authorized by the Committee, the
3 Chair hereby instructs you to answer the questions and
4 thereby acquire immunity from prosecution by virtue of
5 your truthful answers thereto.

6 A Yes, sir. I am familiar with those claims
7 for payments.

8 Q Mr. Saenz, each of the ones that I handed you
9 appear to bear your signature as Notary Public, indicat-
10 ing that you have taken, that you have certified the sig-
11 nature of the claimant. Is that indeed your signature?

12 A I respectfully decline to answer on the grounds
13 that it might tend to incriminate me.

14 MR. DOYLE: Mr. Chairman, again I would
15 request that you direct him to answer that question.

16 CHAIRMAN HALE: Mr. Saenz, notwithstanding
17 your claim of privilege under the Fifth Amendment to the
18 U.S. Constitution, the Chair, by authority of the Committee,
19 directs you to answer this question and thereby acquire
20 immunity from prosecution for your truthful answers there-
21 to.

22 A Yes, sir.

23 Q Yes sir, they are your signature?

24 A That is correct.

25 Q Mr. Saenz, on any, or all, of these claims—well,

1 let me rephrase—I'm trying to hold it down to as few
2 questions as I can, Mr. Saenz. These claims all bear
3 the signature of two persons, Roberto Elizondo and
4 Patricio Garza. On any of these that you just looked at,
5 did Mr. Elizondo not sign his own name, or Mr. Garza not
6 sign his own name?

7 A I respectfully decline to answer on the grounds
8 it might tend to incriminate me.

9 MR. DOYLE: Again, I would request that
10 you direct the witness to answer, Mr. Chairman.

11 CHAIRMAN HALE: Mr. Saenz, notwithstanding
12 your claim of privilege under the Fifth Amendment, and
13 as authorized by the Committee, the Chair instructs you
14 to answer the question and thereby acquire immunity from
15 prosecution for your truthful answers thereto.

16 A They did not sign any of those claims.

17 Q Who signed the statements?

18 A I respectfully decline to answer on the grounds
19 it might tend to incriminate me.

20 MR. DOYLE: Mr. Chairman, I would again
21 ask that you direct him to answer that question.

22 CHAIRMAN HALE: Mr. Saenz, notwithstanding
23 your claim of privilege under the Fifth Amendment, and
24 by authority of the Committee, the Chair instructs you to
25 answer the question and thereby acquire immunity from

1 prosecution for your truthful answers thereto.

2 A I signed those claims myself.

3 Q For both the individuals, Patricio Garza and
4 Roberto Elizondo?

5 A That is correct.

6 Q Was it with their knowledge?

7 A I respectfully decline to answer on the grounds
8 that it might tend to incriminate me.

9 MR. DOYLE: Mr. Chairman, I would ask that
10 you direct him to answer that question.

11 CHAIRMAN HALE: Mr. Saenz, notwithstanding
12 your claim of privilege under the Fifth Amendment, and
13 by authority of the Committee, the Chair instructs you
14 to answer the question and thereby acquire immunity from
15 prosecution for your truthful answers thereto.

16 A They knew about it.

17 Q How do you know that they knew about it?

18 A I respectfully decline to answer on the grounds
19 it might tend to incriminate me.

20 MR. DOYLE: Again, I would ask that you
21 direct him to answer the question, Mr. Chairman.

22 CHAIRMAN HALE: Mr. Saenz, notwithstanding
23 your claim of privilege under the Fifth Amendment, and by
24 authority of the Committee, the Chair instructs you to
25 answer the question and thereby acquire immunity from

1 prosecution for your truthful answers thereto.

2 A Mr. Elizondo would ask me to do it for him; he
3 wouldn't have time to come by the office. And I would so
4 do, and submit the claim. The same with Mr. Garza.

5 Q Are these the only claims that you ever filled
6 out for individuals who submitted claims for payment to
7 Duval County, or did you do it for other persons?

8 A I respectfully decline to answer on the grounds
9 it might tend to incriminate me.

10 MR. DOYLE: Mr. Chairman, I respectfully
11 ask that you direct him to answer that question.

12 CHAIRMAN HALE: Mr. Saenz, notwithstanding
13 your claim of privilege under the Fifth Amendment, and
14 by authority of the Committee, the Chair instructs you
15 to answer the question and thereby acquire immunity from
16 prosecution for your truthful answers thereto.

17 A No, sir. I notarized several other claims for
18 other people.

19 Q Was this part of your regular duties assigned
20 to you by the court?

21 A I respectfully decline to answer on the grounds
22 it might tend to incriminate me.

23 MR. DOYLE: I again need this answer, Mr.
24 Chairman.

25 CHAIRMAN HALE: Mr. Saenz, notwithstanding

1 your claim of privilege under the Fifth Amendment, and
2 by authority of the Committee, the Chair instructs you
3 to answer the question and thereby acquire immunity from
4 prosecution for your truthful answer thereto.

5 A It was like I said a while ago, I was there in
6 the office, I'm a notary public, and people come in and
7 ask me to notarize a claim for them and I will do it.

8 Q Now, Mr. Saenz, I think you misunderstood my
9 question. You have advised us that you filled out these
10 claims and signed the names of the claimants and then took
11 the acknowledgment, wrote your own name. Now my question
12 is: Did you do this—well, was handling claims a part
13 of your duties?

14 A I respectfully decline to answer on the grounds
15 it might tend to incriminate me.

16 MR. DOYLE: Again, Mr. Chairman, I would
17 request that you direct him to answer the question.

18 CHAIRMAN HALE: Mr. Saenz, notwithstanding
19 your claim of privilege under the Fifth Amendment, and
20 by authority of the Committee, the Chair instructs you
21 to answer the question and thereby acquire immunity from
22 prosecution for your truthful answer thereto.

23 A To answer that question, like I said, it was
24 not my—that was the only thing I did. I would do it,
25 like I say, for anybody that asked me to sign one for them

1 I was there when they had their meetings. It was not
2 part of my duties in the office, but I would do it.

3 Q I don't think this is one he needs to worry
4 about, Counselor, but: Were your duties not assigned to
5 you by Judge Carrillo?

6 A I respectfully decline to answer on the grounds
7 it might tend to incriminate me.

8 MR. DOYLE: Mr. Chairman, I need to know
9 who assigned him his duties.

10 CHAIRMAN HALE: Do you want to rephrase
11 your question in that way then, Counsel?

12 BY MR. DOYLE

13 Q Who assigned you your duties? You were working
14 for Duval County. That's who was paying your salary?

15 A That's correct.

16 Q You were assigned as a clerk to the 229th Dis-
17 trict Court?

18 A That's correct.

19 Q I would assume that some person directed your
20 efforts, told you what to do?

21 A Yes, sir. Like there in the office, as far as
22 that goes, but not on the claim part of it. My duties
23 were as a clerk there in the office. This was just some
24 mails that I did while I was there. Like I say, it was
25 not a part of my duties in the office.

1 Q Mr. Saenz, in the exhibits that I handed you a
2 moment ago, marked 30 through 37, if you will remember,
3 all of those exhibits were claims for payment made by
4 Roberto Elizondo. I'm going to hand those back to you
5 again so you can look at that and verify that that is
6 the case before I ask the question.

7 (The witness looked at the exhibits.)

8 Q First, the dates on these claims run from
9 January of '73 through September of '73. Although the
10 signatures are those of yourself, signing Mr. Elizondo's
11 name and then your own signature where you certify that
12 it's his signature, are the dates accurate? Were the
13 claims indeed submitted in January of '73, February of
14 '73, March of '73?

15 A I really wouldn't know. I didn't keep tract
16 of the dates or anything. So I would assume that they
17 are.

18 Q Well, when you made out these claims, Mr. Saenz,
19 would you do a bunch of them at a time, or did you do them
20 just once a month?

21 A Once a month.

22 Q So if the date indicated is January the 5th,
23 '73, in all likelihood that's the date the claim was sub-
24 mitted to the county for payment, in January of '73?

25 A Yes.

1 Q Now, who approved these claims? Did they go
2 to anybody before they went to the Commissioner's Court?

3 A They would go to the Commissioner's Court.

4 Q Do you know of your own knowledge what Roberto
5 Elizondo's duties were for the county?

6 A I understand that he would do work in the office.

7 Q Now, you worked in that court on a daily basis,
8 isn't that correct?

9 A That is correct.

10 Q Now, this is the period of time when Mr. Elizondo
11 was a student at a Court Reporter school in Houston, ac-
12 cording to his own testimony. Did you ever see him
13 around the courthouse during this period of time when you
14 were signing these claims for him?

15 A Yes, sir. I couldn't think of any specific
16 date, but I would see him there once in a while.

17 Q Once in a while?

18 A Yes.

19 Q Do you know—this is a question for information*
20 al purposes. These claims would be submitted to the
21 Commissioner's Court and the Commissioner's Court then
22 would respond to the claim with a warrant. Isn't that
23 correct?

24 A A check, yes sir.

25 Q Now, on these claims that I showed you earlier,

1 for Elizondo and Garza, did you ever see the warrants?

2 A No, sir.

3 Q So you don't know what happened to the money?

4 A No, sir.

5 Q Was Judge Carrillo aware that Elizondo and Garza
6 were on the county payroll?

7 A I would imagine so.

8 Q Did Judge Carrillo ever direct you to fill out
9 these claims or any other claims for any other individuals?

10 A No, sir.

11 Q How did it come to pass that you filled out
12 claims for Roberto Elizondo at a time when he was attend-
13 ing school in Houston?

14 A Like I say, he asked me to do it; that he was
15 working for the Judge part-time, and if I could do it
16 for him as a favor, and I told him I would.

17 Q To your knowledge, did Judge Carrillo have any
18 knowledge of the fact that you were filling out these forms
19 for Elizondo or for Garza?

20 A Not to my knowledge, sir. No.

21 Q Do you know what sort of work Garza was supposed
22 to have been doing for Duval County?

23 A I think he was working at the County Shop in
24 Benavides, or Precinct No. 3, I believe.

25 Q Now, in response to an earlier question, you

1 said that you had notarized claims for others who worked
2 for--who did work for the county and got paid by virtue
3 of claims and warrants. Can you give us the names of
4 any of those persons?

5 A I respectfully decline to answer on the grounds
6 it might tend to incriminate me.

7 MR. DOYLE: Mr. Chairman, I would urge
8 that you direct him to answer that question.

9 CHAIRMAN HALE: Mr. Saenz, notwithstanding
10 your claim of privilege under the Fifth Amendment, by
11 authority of the Committee the Chair instructs you to
12 answer the question and thereby acquire immunity from
13 prosecution for your truthful answer thereto.

14 A There have been so many, offhand—let me try
15 to think. People would come in and have a bill for posts
16 or caliche or whatever, and I would have to see them to
17 really, you know—

18 Q No, sir. What I have reference to was those
19 that you had filled out the claim on, and signed their
20 name to and certified that they signed it. That is
21 what my question was about.

22 A I refuse to answer the question in that form
23 because it might tend to incriminate me.

24 MR. DOYLE: Mr. Chairman, I respectfully
25 ask that you direct him to answer that question.

1 CHAIRMAN HALE: Mr. Doyle.

2 (Bench conference between Mr. Doyle and the
3 Chairman.)

4 Q It has been suggested, Mr. Saenz, that perhaps
5 my question wasn't too clear. You have explained to us
6 that you signed the name of Roberto Elizondo and Patricio
7 Garza to claims, and then certified those claims and
8 forwarded them for payment to the Commissioner's Court.

9 A That is correct.

10 Q I want the names of any other persons that you
11 performed the same service for.

12 A I respectfully decline to answer on the grounds
13 it might tend to incriminate me.

14 MR. DOYLE: That I would ask that you
15 direct him to answer, Mr. Chairman.

16 CHAIRMAN HALE: Mr. Saenz, notwithstanding
17 your claim of privilege under the Fifth Amendment, by
18 authority of the Committee the Chair instructs you to
19 answer the question and thereby acquire immunity from
20 prosecution for your truthful answer thereto.

21 A I believe so. Several years ago,—I wouldn't
22 remember exactly when,— I believe that I did sign some
23 also for Mr. Arturo Zertuche at one time, also at his
24 request, and he got the money. I didn't. But I don't
25 remember when it was.

Saenz - Doyle

1 Q And he did what, please?

2 A He received the money, he got the check. That
3 was---

4 Q Zertuche, and who else?

5 A That's the only one I can think of right now.

6 Q You mentioned another name. I didn't catch
7 it.

8 A No, I said Arturo Zertuche. That was, oh,
9 I don't remember how many years ago.

10 Q Was this at a time when Mr. Zertuche was away
11 at college?

12 A Like I say, it's been so long ago, I really
13 don't remember. It's been some time back.

14 Q The claims that I have given you, the ones that
15 you looked at just when we first started these questions,
16 as well as the claims that we have that Arturo Zertuche
17 submitted, all indicate they were paid out of the funds
18 from Precinct 3. Is it your recollection that this is,
19 all of the ones you have ever handled, were all paid out
20 of Precinct 3?

21 A I respectfully decline to answer on the grounds
22 it might tend to incriminate me.

23 MR. DOYLE: Mr. Chairman, would you direct
24 him to answer that question.

25 CHAIRMAN HALE: Mr. Saenz, notwithstanding

1 your claim of privilege under the Fifth Amendment, by
2 authority of the Committee the Chair instructs you to
3 answer the question and thereby acquire immunity from
4 prosecution for your truthful answer thereto.

5 A I really would not know. I know they were
6 paid by the county, but I don't know what fund they were
7 paid from.

8 Q The claims that I showed you of Roberto Elizondo
9 and Patricio Garza indicate that in Elizondo's case,
10 for instance, this practice went on for some ten months.
11 Can you give us any idea, did this practice go on for a
12 longer period of time than that, or are the claims that
13 we have, and that I've shown you, do they cover pretty
14 much all of the claims that were handled in this manner,
15 as far as you know?

16 A As far as I know—like I didn't keep a record
17 of it, so if that's what you have that's what's there.

18 Q You indicated that when people would bring you
19 claims for fencing or fence posts, I believe was the
20 example you cited—is that correct?

21 A Yes sir, that's correct.

22 Q —that you would take their acknowledgement and
23 prepare the claims. Is that correct?

24 A Half the time, or most of the time, they would
25 already have the claim made. They just wanted a notary,

1 to notarize the signature.

2 Q Now, would they leave the claim with you, or
3 would they just have you sign as notary and take it with
4 them and go on about their business?

5 A They would take it with them.

6 Q So you didn't do anything other than just sign?

7 A That's correct.

8 Q Now, in the ones that were in the packages that
9 I handed you earlier, the exhibits that we identified
10 earlier that you looked at, what would you do with those
11 once you had signed and certified the instruments? Did
12 you personally deliver them to the Commissioner's Court's
13 representative, or did you turn them over to the Judge, or
14 what did you do with the instrument after you signed
15 and certified?

16 A I would take them to the County Auditor's office
17 and from there they would process them to take them to
18 the Commissioner's Court.

19 Q And you never saw the checks or warrants?

20 A No, sir. Well, I have seen copies of them now,
21 but not then, at the time.

22 Q Mr. Saenz, do you ever remember filling out or
23 signing and certifying such a claim for Tomas Elizondo?

24 A I respectfully decline to answer on the grounds
25 it might tend to incriminate me.

1 MR. DOYLE: I would ask that you direct
2 him to answer that question, Mr. Chairman.

3 CHAIRMAN HALE: Mr. Saenz, notwithstanding
4 your claim of privilege under the Fifth Amendment, under
5 authority of the Committee the Chair instructs you to
6 answer the question and thereby acquire immunity from
7 prosecution for your truthful answer thereto.

8 A I think so.

9 Q For Tomas?

10 A Yes, sir.

11 Q Who directed you to do that one for Tomas
12 Elizondo?

13 A I respectfully decline to answer on the grounds
14 it might tend to incriminate me.

15 MR. DOYLE: I would ask that you direct
16 him to answer that question, Mr. Chairman.

17 CHAIRMAN HALE: Mr. Saenz, notwithstanding
18 your claim of privilege under the Fifth Amendment, under
19 authority of the Committee the Chair instructs you to
20 answer the question and thereby acquire immunity from
21 prosecution for your truthful answer thereto.

22 A I believe he did, sir. If I can say this: I
23 don't remember if I signed his name or if he brought them
24 in to me, but I remember that there were some with his
25 name also at one time, some time back.

1 MR. DOYLE: I believe that's all the ques-
2 tions I have, Mr. Chairman.

3 CHAIRMAN HALE: Thank you, Mr. Doyle. Are
4 there questions by the Committee? Mr. Maloney?

5 BY MR. MALONEY

6 Q Mr. Saenz, in preface to my testimony to you,
7 or my questions to you, I will advise you that Mr. Roberto
8 Elizondo testified before this Committee, when asked by
9 me, "Did you sign any of those claims for payment?" his
10 answer was "No, sir." My question: "Yet each one of
11 them is notarized?" Answer: "Yes, sir." Question: "Do
12 you have any idea who signed these?" Answer: "No, sir.
13 I sure don't."

14 Now, my question to you is: Did Roberto
15 Elizondo tell you to sign those for him, even though he
16 testified before this Committee he didn't know you signed
17 his name?

18 A I respectfully decline to answer on the grounds
19 it might tend to incriminate me.

20 MR. MALONEY: Mr. Chairman, I insist on
21 the answer.

22 CHAIRMAN HALE: Mr. Saenz, notwithstanding
23 your claim of privilege under the Fifth Amendment, under
24 the authority of the Committee the Chair instructs you
25 to answer the question and thereby acquire immunity from
prosecution for your truthful answer thereto.

Saenz - Maloney

1 A He did ask me to sign his name.

2 Q When?

3 A At the time. I don't know the dates.

4 Q Mr. Saenz, Roberto Elizondo submitted claims
5 notarized by you from May 1971 every month, until October
6 1973. Did he ask you each and every time, or only the
7 first time?

8 A Only the first time, sir.

9 Q How did you know when to quit?

10 A When he told me.

11 MR. DOYLE: Who told you?

12 A No more claims.

13 BY MR. MALONEY

14 Q And he told you he was doing this work for the
15 Judge?

16 A Yes, sir.

17 Q Did you ever ask the Judge if he was doing the
18 work for him?

19 A No, sir.

20 Q Is it your testimony that all it took was some-
21 body to come to you and tell you they were doing some
22 work and you would sign their name without checking to
23 see if the work was done?

24 A I respectfully decline to answer on the grounds
25 it might tend to incriminate me.

1 MR. MALONEY: Mr. Chairman, I insist on
2 the answer.

3 CHAIRMAN HALE: Mr. Saenz, notwithstanding
4 your claim of privilege under the Fifth Amendment, under
5 the authority of the Committee the Chair instructs you
6 to answer the question and thereby acquire immunity from
7 prosecution for your truthful answer thereto.

8 A I would, if they would tell me to do it, I
9 would do it. And then if the Commissioner's Court approved
10 it, that was their business. I didn't approve anything.

11 Q And you never checked with the Judge to see if
12 any of this work was ever done?

13 A No, sir.

14 Q Mr. Saenz, you were employed by Judge Carrillo,
15 is that correct?

16 A That is correct.

17 Q What days of the week did you work?

18 A Monday through Friday.

19 Q Did you ever work on a weekend?

20 A Not to my recollection.

21 Q Do you ever recall seeing Roberto Elizondo
22 working at the Judge's office any time during this period
23 you signed these warrants for him?

24 A No, sir. Not to my recollection.

25 Q During this time, who was the Court Reporter

1 for Judge Carrillo?

2 A I believe his name was Jerry Parmer, sir.

3 Q Do you recall when Mr. Parmer ceased to be the
4 Court Reporter for Judge Carrillo?

5 A No, sir.

6 Q Was Roberto Elizondo hired as the Court Reporter
7 immediately subsequent to Mr. Parmer's leaving?

8 A Yes, sir.

9 Q Were you ever a notary public in Nueces County?

10 A No, sir.

11 Q Were you ever a notary public in any other
12 county than Duval County?

13 A No, sir.

14 MR. MALONEY: Mr. Chairman, I pass the
15 witness at this time.

16 CHAIRMAN HALE: Mr. Slack? Mr. Hendricks?

17 MR. HENDRICKS: I have no questions.

18 CHAIRMAN HALE: Mr. Nabers?

19 MR. NABERS: Pass.

20 CHAIRMAN HALE: Mr. Kaster?

21 MR. KASTER: Yes, sir.

22 BY MR. KASTER

23 Q Mr. Saenz, I want to preface this question
24 with some previous testimony that Mr. Roberto Elizondo
25 gave before this Committee when he stated that when he

1 went to Court Reporter school that he continued to receive
2 his monthly county check because the Judge Carrillo
3 authorized it and said that he wanted to help Roberto
4 out while he went to school, to the Court Reporter's
5 school. Now, with that basis, from what Mr. Elizondo
6 said, are you now telling this Committee that it's your
7 feeling that the Judge was unaware that you were signing
8 Mr. Elizondo's warrants?

9 A Yes, sir, as far as— I don't know whether the
10 Judge knew that I was doing it or not. That, I do not
11 know, sir.

12 Q Are you aware that the Judge knew that Mr.
13 Elizondo was away at school?

14 A Oh, yes sir.

15 Q It was common knowledge?

16 A Yes, sir.

17 Q Did you know he was away to school?

18 A Yes.

19 Q Did the other people around the courthouse
20 know he was away to school?

21 A Well, that—

22 Q I guess that's right. You knew and as far as
23 you know, the Judge knew?

24 A That's correct.

25 Q Where is your office, or where do you work in

Saenz - Kaster

1 relation to the Judge's quarters?

2 A We have a three-room office. The first room is
3 where the receptionist is. The back room is where I am,
4 and then the Judge is in the last office.

5 Q Well, where is your office in relation to the
6 Judge's office?

7 A It's right next to it.

8 Q Right next to it?

9 A Yes, sir.

10 Q When you notarized and signed these names, was
11 it done in your office?

12 A That is correct.

13 Q And this went on for a number of months while—
14 well, you've already testified to it. And it's your
15 testimony that during all that time the Judge was never
16 aware that you were signing Mr. Elizondo or Mr. Garza's
17 warrants?

18 A I couldn't answer that because I don't know
19 whether he knew or not, sir.

20 Q Now, you're telling us that you don't know if
21 he knew or not?

22 A That's right.

23 Q Mr. Saenz, did you ever work personally for the
24 Judge in other work, other than your duties as clerk?

25 A I don't believe so, sir.

1 Q You don't believe so?

2 A No.

3 MR. KASTER: I believe that's all.

4 CHAIRMAN HALE: Mr. Donaldson? Mr. Laney?

5 MR. LANEY: Pass.

6 CHAIRMAN HALE: Ms. Thompson? Ms. Wedding-
7 ton?

8 MS. WEDDINGTON: No questions. .

9 CHAIRMAN HALE: Mr. Chavez?

10 MR. CHAVEZ: No questions.

11 CHAIRMAN HALE: Any further questions of
12 this witness?

13 (No response)

14 CHAIRMAN HALE: Mr. Saenz, there will be
15 one other series of questions, I think, that Mr. Maloney
16 will have as soon as we get some other documents here.
17 The Chair would ask if you would just to please stand
18 by. We're going to try to get to it this afternoon,
19 Counsel, and we appreciate your cooperation up to this
20 point. So if you will just stand by until we can get
21 prepared for this, we're going to move on to another
22 witness. Thank you very much.

23 (The witness, Mr. J. H. Saenz, was temporarily
24 excused.)

25 CHAIRMAN HALE: Mrs. Montemayor?

1 Mrs. Montemayor, it's my duty as Chairman to
2 advise you as to your rights with reference to your tes-
3 timony. You will be sworn to tell the truth and your
4 failure to do so could subject you to prosecution for
5 perjury. After you have completed your statement, members
6 of the Committee may ask questions concerning your testi-
7 mony. You must answer these questions and your refusal
8 to do so could subject you to punishment for contempt.

9 You can refuse to answer questions only on
10 the grounds that such answers might incriminate you or
11 tend to incriminate you in some way. You are privileged
12 to have an attorney of your selection sit with and advise
13 you as to your answers if you desire. The Chair will
14 attempt to protect your rights at all times.

15 Do you understand this advice I have given you?

16 MRS. MONTEMAYOR: Yes.

17 CHAIRMAN HALE: Are you now ready to testi-
18 fy?

19 MRS. MONTEMAYOR: Yes.

20 CHAIRMAN HALE: I don't mean this question
21 the way it may sound, but do you understand the English
22 language perfectly?

23 MRS. MONTEMAYOR: Yes, sir.

24 CHAIRMAN HALE: All right. Would you stand
25 and be sworn, please?

1 (The witness was administered the oath by the
2 Chairman.)

3
4 MRS. ZENAIDA MONTEMAYOR
5 was called as a witness and, having been duly sworn, tes-
6 tified as follows:

7 EXAMINATION

8 BY CHAIRMAN HALE

9 Q Please state your name, please?

10 A Zenaida Montemayor.

11 Q Where do you live?

12 A In San Diego, Texas.

13 Q What business or occupation do you follow?

14 A Now I work for the Tax Collector's office. I
15 am a Deputy in the Tax Collector's office.

16 Q In Duval County?

17 A Right, sir.

18 Q How long have you been so employed?

19 A I have been with the Tax Collector's office for
20 it will be two months tomorrow. No, one month tomorrow.

21 Q What was your occupation prior to that time?

22 A I used to be Judge Carrillo's receptionist.

23 Q How long did you work for Judge Carrillo?

24 A For approximately five years, I think.

25 Q Was this during the time he was District Judge?

1 A Before. I started working for him before he
2 was a District Judge.

3 Q And then continued after he was District Judge?

4 A Right.

5 Q And did that work continue up until about two
6 months ago?

7 A Until April the 16th, when he fired me.

8 Q I see. And that was this year?

9 A This year. April the 16th of this year.

10 Q And then shortly thereafter you went to work—

11 A I stayed out for a month because he gave me a
12 thirty-day vacation.

13 Q Fine. Thank you.

14 CHAIRMAN HALE: Mr. Doyle?

15 BY MR. DOYLE

16 Q Mrs. Montemayor, the first thing I want to
17 ask you about is, counsel for Judge Carrillo tendered
18 certain exhibits to the Committee on a previous hearing,
19 one of which contains several checks which they allege
20 were payments for labor done on the Judge's ranch in
21 the year 1971, and I'm going to hand you a copy of what's
22 been marked as Carrillo 12, Carrillo's Exhibit No. 12,
23 the Judge's exhibit, which contains on the second page
24 a check made out to you. Unfortunately, he didn't tender
25 the back side of the checks—a check made out to you in

1 December of 1970, and ask if you are familiar with it?

2 A Yes. That was my Christmas bonus, twenty-five
3 dollars. Yes.

4 Q That's a check on what appears to be the per-
5 sonal account of Judge Carrillo, and not an account having
6 to do with the county. Is that—

7 A Right, sir.

8 Q It was sort of a gift?

9 A Right. That was my Christmas gift.

10 Q Okay. If you will look on the front of that
11 exhibit—just turn back that first page—doesn't that
12 thing up at the top indicate that was for labor?

13 A Yes. It sure does. But there was no labor.

14 Q Now, I'm going to hand you another one which
15 was tendered to the Committee as "Ranch labor, 1973."
16 Did you ever do any work on Judge Carrillo's ranch?

17 A No, sir. I've never been to his ranch.

18 Q I'm going to ask you if you remember receiving
19 the check, which is dated—I believe it's October 16th.
20 It could be April.

21 A On October, no. Usually, when Judge Carrillo
22 gave me some money, I mean a check, it would be my
23 Christmas bonus.

24 Q Do you remember getting that check in October?
25 That's his handwriting, which you're more familiar with

1 than I am.

2 A Yes, it is.

3 Q Is that October or April?

4 A It looks like October.

5 Q Do you remember receiving a hundred dollar
6 check from him in October of '73?

7 A I didn't in October. No, sir. I don't remember
8 receiving this check.

9 Q And if you did ever receive a check, was it for
10 farm labor?

11 A No, sir.

12 Q Now, you worked for Judge Carrillo even before
13 he was a Judge, I understand?

14 A Yes, sir.

15 Q You went to work for him while he was County
16 Attorney?

17 A Right.

18 Q And worked for him for a time as County Attorney
19 and then stayed with him as secretary after he went on
20 the behcn?

21 A Receptionist. Right.

22 Q When did you go to work for him when he was
23 County Attorney?

24 A I think it was a few months before he resigned
25 as County Attorney. I don't remember the exact date.

1 Q In '69 or '70, perhaps?

2 A Right.

3 Q And you worked for him until just a few months
4 ago?

5 A April the 16th.

6 Q Now, you were present in the audience while
7 I was asking questions of Mr. Saenz, and some of the other
8 Committee members were asking questions of Mr. Saenz.

9 A Yes, sir.

10 Q Is that correct?

11 A Yes, sir.

12 Q Now, Mr. Saenz described the office arrange-
13 ment in a situation where you were kind of in the recep-
14 tion area?

15 A Right.

16 Q And then his office?

17 A Right. In the middle.

18 Q And then the Judge's office?

19 A The Judge's chambers, right.

20 Q So you officed next to Mr. Saenz?

21 A Uh-huh. Right.

22 Q You heard me ask him a series of questions
23 about claims?

24 A Correct.

25 Q You saw me hand him exhibits which appeared to

1 be claim forms?

2 A Uh-huh.

3 Q Are you familiar with those claim forms?

4 A Yes. I have seen them.

5 Q How did you come to know what a claim form
6 looked like?

7 A Oh, we used to issue claims for stamps from the
8 office. You know, we had to issue one every months, so
9 we could get some stamps in the office.

10 Q Now, in the normal course of business, who would
11 prepare the claims for the office?

12 A Mr. Saenz.

13 Q Mr. Saenz would do that?

14 A Uh-huh.

15 Q Do you know if Mr. Saenz prepared claims for
16 persons other than Mr. Elizondo, Mr. Garza, and perhaps
17 claims for stamps and such for the office?

18 A For stamps and for Elizondo and Mr. Garza. Yes.
19 I would see him type them out and write them out.

20 Q Did your office handle claims as a matter of
21 routine for other persons?

22 A Not to my knowledge, no.

23 Q You didn't know about it if it occurred?

24 A No. If it occurred, I didn't know.

25 Q Did you have personal knowledge before today

1 that Mr. Saenz was handling claims for Mr. Elizondo and
2 Mr. Garza?

3 A Yes. I would see him making them out.

4 Q Did you just see him making them out, or did
5 you have knowledge about it from some other source?

6 A No, I would see him.

7 Q Done in plain view?

8 A Yes.

9 Q Now, your office is on one side of Mr. Saenz?

10 A Uh-huh.

11 Q And Judge Carrillo's office is on the other
12 side?

13 A It's in the back. Right.

14 Q And do you know if Judge Carrillo was aware
15 that Mr. Saenz was making these claims for Mr. Elizondo
16 and Mr. Garza?

17 A Judge Carrillo would sometimes call in and
18 remind us not to forget to make out those claims for
19 those persons.

20 Q Did you on occasion do the actual typing of the
21 claims?

22 A No. I don't type.

23 Q You do not?

24 A No, sir.

25 Q So you have had occasion to have the Judge

1 remind both you and Mr. Saenz not to forget Elizondo's
2 claim and Garza's claim?

3 A To remind Mr. Saenz.

4 Q He would tell you to remind Mr. Saenz?

5 A Yes, sir.

6 Q Now, this took place over, according to the
7 exhibits I showed Mr. Saenz, over a ten-month period of
8 time according to the records which we have obtained from
9 the county, over about a two-year period of time with
10 respect--in fact, more than two years—with respect to
11 Mr. Elizondo. Is that the way you remember it? That it
12 was a continuing thing and not just a casual once in a
13 while—

14 A It was a continuance. It was monthly. Every
15 time we were going to have Commissioner's Court.

16 Q And did the Commissioner's Court normally meet
17 once a month?

18 A Once a month.

19 Q And he would remind you to tell Mr. Saenz to
20 be sure and get Elizondo and Garza's claims ready?

21 A Not every month, but once in a while he would
22 call in and tell me.

23 Q Now, did you work for the Judge when Mr. Arturo
24 Zertuche was being paid by claims?

25 A Yes.

1 Q Did you have knowledge about Mr. Zertuche sub-
2 mitting such claims for payment?

3 A Yes. Occasionally. It wasn't every month that
4 I remember Mr. Sanchez doing it, no. But occasionally,
5 yes.

6 Q Was Mr. Saenz also in the Judge's employ while
7 he was County Attorney?

8 A Yes, he was.

9 Q And even then, did he take care of, for instance,
10 Mr. Zertuche's claims?

11 A (The witness nodded.)

12 MR. MALONEY: Please answer for the record.

13 A Yes, sir.

14 Q Now, you worked in that office, I assume,
15 Monday through Friday. Is that correct?

16 A Right.

17 Q While he was the Judge?

18 A Correct.

19 Q Now, during this period, were you familiar with
20 the fact that Roberto Elizondo was going to Court Reporter
21 school and living down in Houston and so forth?

22 A Yes.

23 Q That was common knowledge at the office?

24 A Yes.

25 Q Did you also at that same time have knowledge

Montemayor - Doyle

1 that he was being paid each month by the county?

2 A Yes, sir.

3 Q Did you ever inquire as to what he was doing
4 to earn that money?

5 A No, sir.

6 Q Okay. Now, when you came to work on Mondays,
7 for instance, was there ever any evidence that Mr.
8 Elizondo had done any work over the weekend?

9 A No. Mr. Elizondo never came in to do any
10 work during the weekend. It was Jerry Parmer that would
11 do all the work. He would even hire extra help to help
12 him type.

13 Q Did you ever see during this period of time
14 while Mr. Elizondo was in school—it was some eighteen
15 to nineteen months—from January of '72 to September of
16 '73—during this period of time did you ever see Mr.
17 Elizondo at the Courthouse?

18 A No, sir.

19 Q Did you ever see anything that indicated to
20 you that he had done any work at the Courthouse?

21 A No, sir.

22 Q Any letters he had typed?

23 A No, sir.

24 Q Any transcripts he had worked on?

25 A No. Jerry would do everything.

1 Q Nothing to indicate to you that Elizondo had
2 performed any function for Duval County?

3 A No, sir.

4 Q Do you have any knowledge about Mr. Elizondo
5 perhaps doing some other work to justify this \$225 a
6 month he was receiving?

7 A Not at the office he wouldn't do it. He might
8 have done it at the ranch, but not at the office.

9 Q Now I asked Mr. Saenz, and frankly I'm not
10 sure Mr. Saenz and I ever got on the same wave length,
11 but other than the claims that you saw Mr. Saenz work on
12 for Elizondo and Garza, and your regular office claims
13 for stamps and stationery and such, were there other
14 claims prepared in your office or by Mr. Saenz?

15 A Not to my knowledge. I never saw them.

16 Q You never saw them?

17 A No.

18 Q Did the Judge ever remind him or you or anyone,
19 discuss with you or he or anyone, any other claims by
20 any other persons or entities?

21 A No, sir.

22 Q You were in the Judge's employ up until a few
23 months ago?

24 A Right.

25 Q And have been since back in '69 or '70?

Montemayor - Doyle

1 A Yes, sir.

2 Q Did you ever have an occasion to do any work
3 at the Judge's direction in connection with the Zertuche
4 Store?

5 A No, sir.

6 Q Did you ever have an occasion to overhear or
7 witness discussions by the Judge with any third persons
8 concerning that store?

9 A No, sir.

10 Q How about the Farm and Ranch Store? Were you
11 familiar with the fact that he and his brother owned
12 that store?

13 A I knew they owned it.

14 Q Did you ever have an occasion to do any work
15 at the Judge's direction in connection with his ownership
16 or operation of the Farm and Ranch Store?

17 A No, sir.

18 Q Were you familiar with the existence even of
19 the Zertuche arrangement whereby monies were taken from
20 the county and placed into Zertuche and subsequently
21 into the Judge's and other bank accounts?

22 A No, sir.

23 Q You never were privy to that information?

24 A No, sir.

25 Q Were you ever advised or did you ever hear

Montemayor - Doyle

1 discussed the arrangement with Judge Carrillo and his
2 brother, the Commissioner, and perhaps others, in con-
3 nection with Benavides Implement and Hardware Company?

4 A No.

5 Q You never saw any evidence of— Did you do,
6 for instance, the Judge's banking? Did he ever say,
7 "Here, make this deposit for me," and that sort of thing?

8 A Yes.

9 Q Did you ever notice checks from Benavides
10 Implement and Hardware to Judge Carrillo as he made
11 deposits to his account?

12 A No. I would handle some of his accounts but
13 not all of them.

14 Q Yes, ma'am. So you never had any knowledge
15 about that arrangement?

16 A No. No, sir, I didn't.

17 Q There has been testimony that Garza, Patricio
18 Garza, was paid by the county for activities performed
19 in Judge Carrillo's court. What were his duties?

20 A I know he was a ranch hand.

21 Q I made a mistake. Garza worked, I believe, at
22 the garage. Tomas Elizondo was, I think— We have informa-
23 tion that indicates for a time he was paid as a bailiff
24 in that court. Were you familiar with his duties?

25 A Tomas Elizondo became a bailiff this year.

1 Q This year.

2 A This year. I think it was before I was fired
3 or during the time that I was fired that he became the
4 bailiff.

5 Q Are you familiar with what functions he per-
6 formed around the courtroom?

7 A Before he became a bailiff?

8 Q Or after.

9 A Well, after he became a bailiff he was just
10 named as a bailiff, but he did not perform the duties of
11 a bailiff. The deputy sheriff's office are the ones
12 that perform the duties of a bailiff.

13 Q Did you ever see him at the courthouse even,
14 say, the last month before you got fired? Was he a
15 bailiff in the court or performing any duties that you
16 could tell?

17 A He would go with Judge Carrillo to the court-
18 house but he usually stayed down in my office. He
19 wouldn't go up to the courtroom. I even left him some-
20 times answering my phone so I could go hear some of the
21 cases upstairs.

22 Q Now your duties were primarily that of a
23 receptionist?

24 A Right.

25 Q Did you take care of such matters as setting

Montemayor - Doyle

1 the docket and that sort of thing?

2 A No, sir.

3 Q Who did that for the Judge?

4 A The Judge would do it in the District Clerk's
5 office.

6 Q I see. So the matter of, for instance, calling
7 attorneys and telling them when they were getting ready
8 to go to trial and that sort of thing, did you perform
9 that function?

10 A Well the settings usually, the court reporter
11 would. Sometimes I would fill out the cards. They have
12 cards made out and we would fill them out, you know,
13 giving them the date and the hour when they could come
14 in to hear the cases.

15 Q Well now, you performed essentially the duties
16 of a receptionist and clerk. What duties did it appear
17 to you that Mr. Saenz carried out?

18 A Well, Mr. Saenz would sometimes type things
19 for the Judge when the court reporter was busy. He would
20 type up some letters or things like that at the office.

21 Q There has been testimony earlier today about
22 a meeting attended by Judge Carrillo, a witness, Mr.
23 Manges and others, at Judge Carrillo's office in February
24 of this year. Do you remember that occasion?

25 A Yes.

Montemayor - Doyle

1 Q Do you remember that meeting?

2 A Yes.

3 Q The witness testified that he overheard a good
4 bit of a conversation between the now deceased Mr. Parr
5 and Judge Carrillo. Were you in a position such that
6 you might be able to add anything to what he told us?
7 I believe you were present when he testified.

8 A Yes, sir, I was present, but I didn't hear
9 anything.

10 Q He indicated that in the room at the time the
11 conversation became somewhat heated, perhaps, was at
12 least Mr. Manges and the Judge, and perhaps Judge Carrillo.
13 Could you shed any light on that?

14 A No, sir.

15 Q You were not in a position that you could see
16 that or overhear that?

17 A No, sir.

18 Q Was it uncommon for Mr. Manges to be in the
19 Judge's office?

20 A Oh, yes. Yes.

21 Q It was uncommon or common?

22 A It was common.

23 Q Common?

24 A It was common.

25 Q Was it perhaps more common in February or

Montemayor - Doyle

1 perhaps late January or March that it had been on
2 previous occasions? Or did he come and go pretty much?

3 A He would come and go.

4 Q This was what, over the entire period of time
5 that you worked there?

6 A Yes.

7 Q Were you familiar with any business dealings
8 between Mr. Manges and Judge Carrillo?

9 A No, sir.

10 Q You indicate that you were not at all familiar
11 with the Judge's participation in Farm and Ranch or
12 Benavides or Zertuche. Were you familiar with any of
13 the Judge's business other than just what took place
14 within the confines of the 229th District Court?

15 A I wasn't familiar with the Zertuche, no, nor
16 the implement.

17 Q Is it a fact, Mrs. Montemayor, that you pretty
18 well had your activities or your duties outlined in
19 connection with running the courtroom and not participat-
20 ing in the Judge's business dealings at all?

21 A Right.

22 Q Did it appear to you that anyone who officed
23 there with you, Mr. Saenz or any of the bailiffs or
24 anyone else, did that sort of work for the Judge? You
25 know, took care of his ranch operations or assisted him

1 in any of his other personal business dealings which
2 were unconnected with the running of the court?

3 A Well, Mr. Elizondo, Tomas Elizondo, would
4 handle a lot of his things.

5 Q Now, Mrs. Montemayor, I want to call your
6 attention to something that probably really doesn't—
7 I probably really don't need to call your attention to
8 it; you probably recall it vividly. Do you remember
9 the hullabaloo that arose over the removal suit in
10 connection with the school board members and so forth?

11 A Yes.

12 Q I understand there was quite a lot of activity
13 around your office during and immediately prior to that.
14 Is that correct?

15 A The removal of the board?

16 Q Yes.

17 A Of the Benavides—

18 Q Right.

19 A Yes. Uh-huh.

20 Q Now, the day before that, there has been some
21 testimony and lots of things in the newspaper about Mr.
22 George Parr's activities in connection with certain
23 threats he may or may not have made towards Judge Carrillo.

24 A Correct, sir.

25 Q I assume you've read about those things?

1 A I was there.

2 Q Okay. There has been some indication that
3 Mr. Parr threatened serious harm to the Judge. Threatened
4 to kill him, I believe. Did you overhear any of that?

5 A Correct, sir. I did.

6 Q Did you hear Mr. Parr make such threats?

7 A Yes, sir.

8 Q Was he armed?

9 A I never saw the run.

10 Q And you were present when—

11 A He came to me and told me to call Judge Carrillo,
12 that he wanted to kill him.

13 Q How was he dressed, ma'am? Was there any
14 ability for him— Did he have a gun hidden on him?
15 That's what I want to find out about.

16 A If he did I never saw it. I was so nervous—

17 Q Did he have on an overcoat or anything, long
18 sleeve shirt, short sleeves?

19 A I really don't remember what he was wearing.
20 I've tried to remember whether he had on a suit or just
21 a shirt. I was so nervous I really don't remember.

22 Q I can well understand that, ma'am. That would
23 have made me and most everybody else nervous.

24 Was Mr. Manges around the day that you overheard
25 this threat?

Montemayor - Doyle

1 A Yes.

2 Q Where was Mr. Manges?

3 A Mr. Manges and Mr. Parr and Archer Parr, before
4 coming into my office were talking outside the courthouse,
5 and I saw them, saw that they were outside, through the
6 window, but I didn't know what was going on. A few
7 minutes later Mr. Parr walks in and tells me, you know,
8 points at me like that with his finger.

9 Q What did he tell you?

10 A He said, "Where is Olivero?" because he didn't
11 call him "O.P." He called him "Olivero." And I said,
12 "Mr. Parr, we're waiting for him. He's supposed to come
13 in. We're supposed to have a hearing." And he said,
14 "You get him on the phone right now." I said, "We're
15 waiting for him." He says, "He's not coming in." And
16 I said, "All right, I'll call him." So I called the
17 house and his father answered the phone, and I asked for
18 Judge Carrillo. His father said that he was on his way
19 to San Diego.

20 Q Which is where you were.

21 A Right. That's where we were waiting for Judge
22 Carrillo to come in because he had been holding court in
23 Rio Grande City that week.

24 Q Did he come on in ultimately?

25 A Oh, no, sir. At that time when I closed the

Montemayor - Doyle

1 phone I told Mr. Parr, I said, "He's on his way." And
2 Mr. Parr said, "He's not coming because Manges already
3 met him on the highway and told him that I was waiting
4 for him."

5 Q Did Mr. Parr indicate to you what he was upset
6 about?

7 A No, sir. I found that out later.

8 Q How did you find out later?

9 A Oh, through here and there hearsay. I asked
10 around why he was so mad. I didn't know why he was so
11 mad.

12 Q Were you ever told specifically why you were
13 fired?

14 A Well, yes. When Judge Carrillo called me that
15 morning he said, "I hear that you and Judge Parr and
16 Mrs. Yzaguirre were having a party at Jerry's Diner."
17 I said, "It wasn't a party." He says, "I want you out
18 of my office for thirty days." "I don't want you in my
19 office." "You get a thirty day vacation." I said,
20 "Thank you, Judge." And he closed the phone on me, and
21 so I went ahead and went to the office and packed up
22 my belongings and took off. Thirty days later I called
23 him. But by that time he had already hired the lady that
24 was with me, having coffee with Judge Parr.

25 Q She is still there I guess.

Montemayor - Doyle

1 A Oh, yes. She sure is.

2 Q And you're up here testifying?

3 A Right.

4 MR. DOYLE: I believe that's all, Mr.
5 Chairman.

6 BY CHAIRMAN HALE:

7 Q Mrs. Montemayor, let me ask you a few questions
8 about the telephone. There was a telephone in the
9 Judge's office?

10 A Two, sir.

11 Q Two phones?

12 A Two phones. Two different numbers.

13 Q Was one of those numbers 279-3957?

14 A 279-3957. Correct.

15 Q What would the other one be?

16 A 279-3829.

17 Q Why was there two phones there?

18 A One was supposed to be an unlisted number,
19 a private line. The 279-3829 was supposed to be an
20 unlisted.

21 Q An unlisted number?'

22 A Right.

23 Q Were both of those paid for by Duval County?

24 A Correct.

25 Q And they were invoiced not to Judge Carrillo

1 personally but to the County of Duval by Southwestern
2 Bell Telephone?

3 A Correct.

4 Q Now, did you make any of the phone calls for
5 the Judge?

6 A Most all of them.

7 Q For instance, if Judge Carrillo wanted to talk
8 to me, would he say to you, "Get Mr. Hale on the tele-
9 phone"?

10 A Correct, sir.

11 Q You would actually do the dialing; look up the
12 number and do the dialing?

13 A Correct.

14 Q Did you have occasion to frequently dial Mr.
15 Clinton Manges at the Judge's request?

16 A Oh, yes, sir.

17 Q Do you know offhand what telephone you would
18 dial if you wanted Mr. Clinton Manges?

19 A Yes, sir. The 394-7386. That is the Duval
20 County ranch.

21 Q That is a listing in Freer, Texas?

22 A Correct.

23 Q Is there also an unlisted number there?

24 A I don't know about the unlisted number at that
25 office, but he has an unlisted number at home.

Montemayor - Hale

1 Q Do you know that number?

2 A I think I remember it. It is 394-7128 or 29.

3 Q Would 7129, would that be correct?

4 A Right.

5 Q I have here a few records from—photocopies
6 of records from Southwestern Bell Telephone Company,
7 for a few selected months, and these all reflect a
8 billing to number 512, which is the area code, 512-279-
9 3957. That would be one of the numbers in Judge Carrillo's
10 office?

11 A Correct, sir.

12 Q I noticed here, for instance, from November 19
13 to December 19, and that would have been '74, there was
14 \$179.70 in long distance telephone calls. Does that
15 sound reasonable?

16 A Could be possible. Yes, sir.

17 Q The month from January 19 to February 19,
18 \$162.84.

19 A Correct.

20 Q February 19 to March 19, \$250.21.

21 A (The witness nodded.)

22 Q March 19 to April 19, \$235.15.

23 May 19 to June 19, \$400.75.

24 Did you make most of those telephone calls?

25 A Correct, sir.

Montemayor - Hale

1 Q Did he have that much judicial business that
2 he was making long distance telephone calls on?

3 A I don't think they were judicial.

4 Q For instance, this is the one from January
5 19 to February 19, and it shows here—these are telephone
6 calls to Freer, Texas, either 394-7129 or 394-7386.
7 Both of those would be Mr. Manges' number. Is that
8 correct?

9 A Correct, sir.

10 Q There is a call on January the 16th, four on
11 January the 17th, two on January the 15th, two more on
12 January the 16th, another one on January the 17th,
13 and then these others go back into December. There is
14 one January the 2nd, two on January the 3rd, one on
15 January the 4th, and a number back in December, and I
16 won't go into those. Did you make most of those calls?

17 A Correct, sir.

18 Q Does that sound like a reasonable number of
19 calls from your recollection of having made them?

20 A Correct.

21 Q Does that sound like the billing would be
22 proper?

23 A (The witness nodded.)

24 Q Do you have any idea why he was calling Mr.
25 Manges so much?

1 A No, sir.

2 Q Mr. Manges wasn't employed by the 229th
3 District Court in any capacity, was he?

4 A No, sir!

5 Q Does Mr. Manges practice law in the 229th
6 District Court?

7 A No, sir.

8 Q Did he have any cases pending in the 229th
9 District Court?

10 A Yes. He had one. I think it was in 1973;
11 I think December, 1973; November or December of 1973,
12 if I recall the date right.

13 Q In going through these it would appear that
14 there are—I'm just guess-estimating at this now. I
15 haven't counted them, but it would appear to be that
16 there are somewhere between five and fifteen phone calls
17 every week emanating from this number going to one or
18 the other of the two numbers of Mr. Manges. How would
19 you account for so many telephone calls on county
20 business as being charged to Duval County, going from
21 the Judge to Mr. Manges?

22 A I don't know, sir.

23 Q Did you ever listen in on the telephone calls
24 that the Judge made?

25 A No.

Montemayor - Hale

1 Q I don't mean surreptitiously. I mean, did
2 he occasionally tell you to listen in and make notes
3 or anything?

4 A No, sir.

5 Q He never did instruct you to listen in on his
6 phone calls?

7 A No, sir.

8 Q You have no idea what he was talking to Mr.
9 Manges about on all these phone calls?

10 A No, sir. I would only place the call and walk
11 out of the office. If I was in his office and placed
12 the call I would walk out.

13 CHAIRMAN HALE: Are these phone records
14 in evidence? Have we ever put those in evidence?

15 THE CLERK: No, sir.

16 CHAIRMAN HALE: For whatever value they
17 might be, let's put them in evidence. Label them as
18 different exhibits, each package there.

19 (The record of telephone calls
20 referred to were marked "EXHIBIT-76"
through "EXHIBIT-80.")

21 Q Do you know if Judge Carrillo ever reimbursed
22 Duval County for any of these long distance phone calls
23 that were billed to his office number there and paid by
24 Duval County?

25 A No, sir.

1 Q You know he did not or, no, you don't know?

2 A No, he did not.

3 Q He did not ever reimburse them?

4 A Not to my knowledge, sir.

5 Q Was Mr. Manges a frequent caller to Judge
6 Carrillo's office?

7 A Yes, sir, he was.

8 Q Daily?

9 A Well, I could say daily, or every two or three
10 days. He would call once or twice during the day; if
11 I couldn't find Judge Carrillo, couldn't get in touch with
12 Judge Carrillo he'd keep on calling until I could get
13 in touch with Judge Carrillo.

14 Q All of these calls I've asked you about were
15 calls that Judge Carrillo placed to Mr. Manges. In
16 addition to those, did Mr. Manges call Judge Carrillo
17 frequently?

18 A Yes, sir.

19 Q Would you say that he called about as much as
20 the Judge did?

21 A Correct, sir.

22 Q So that whatever the total number of calls
23 shown on here are, if you just about doubled that to
24 get accrued figure would be the number of times they
25 talked on the telephone?

Montemayor - Hale - Maloney

1 A To my knowledge.

2 CHAIRMAN HALE: Thank you.

3 Mr. Maloney?

4 BY MR. MALONEY:

5 Q Mrs. Montemayor, you said that you were fired
6 by Judge Carrillo because he accused you of having a
7 party with Judge Parr?

8 A Correct, sir.

9 Q What were the circumstances actually under
10 which you were fired? What actually happened?

11 Q It was after five and I was taking Mrs.
12 Yzaguirre to pick up her car at the garage. It was at
13 the Texaco.

14 Q Is that near the courthouse?

15 A About a block from the courthouse. And I drove
16 her to pick up her car. While we were there Judge Parr
17 walks out of the Texaco and says, "Would you all like to
18 go have some coffee with us, or don't they let you go
19 have some coffee with me?" I said, "Nobody tells me
20 what to do; come on, hop in, let's go."

21 Q Did you go somewhere then?

22 A Right. We went around the corner and that's
23 where Jerry's Diner is. We stopped and went in and we
24 sat down and ordered, and then a few more friends came
25 in and sat with us; a couple from Benavides, and the

Montemayor - Maloney

1 county attorney from San Diego, and a deputy sheriff
2 from Jim Wells County in Alice, from Alice, and Leo
3 Casis from San Diego. Then three ladies came in, and
4 one of them was a lady from Benavides that is very close—
5 her husband is very close to Judge Carrillo. I had a
6 feeling that she was going to go tell, you know, Judge
7 Carrillo, and she did go tell Judge Carrillo.

8 Q Did you feel you were doing anything wrong'
9 by having coffee with Judge Parr?

10 A No, sir. I was hired by Judge Parr. When
11 I was given a job at the courthouse I was hired by Judge
12 Parr. I don't have anything against Parr, and I don't
13 have anything against Judge Carrillo either. So I didn't
14 see anything wrong by having coffee with Judge Parr.

15 Q Did you say then you received a call at home
16 that night or—

17 A No, sir. When Mrs. Yzaguirre and I left she
18 said, "Will you please go with me to Concepcion?" She
19 lives about 37 miles from San Diego. Because it was
20 late. It was about six-thirty by that time. "They're
21 going to get after me." And I said, "I'll go with you."
22 When we got there Judge Carrillo had already called Mrs.
23 Yzaguirre, but not to ask her about me; to tell her that
24 the Commissioners' Court was going to meet and for her
25 to tell Mr. Real not to go meet with the rest of the

Montemayor - Maloney

1 Commissioners' Court because he would hold him in
2 contempt, contempt of court.

3 Q Did Mrs. Yzaguirre work for him?

4 A Yes. She was his secretary. She was Mr.
5 Leal's secretary. But Mr. Leal had already left. I
6 think he was on his way to San Antonio that afternoon.

7 Q Well, how did you know that you were fired?

8 A The following morning by seven o'clock in the
9 morning, Judge Carrillo calls her to clarify what that
10 lady had told him, and Mrs. Yzaguirre said, "It's true.
11 We were having coffee." He said, "I don't care about
12 you having coffee, but you can go tell Zenaida this,"
13 and she didn't finish the sentence because she said,
14 "You tell her. She's right here." That's when she
15 handed the phone to me, and I got the phone and that's
16 when he told me, "You were having a party." I said,
17 "No, Judge, it wasn't a party." He said, "I want you
18 out of my office." When the thirty days got there I
19 called him three times and he never returned my call.

20 Q And Mrs. Yzaguirre was working for—

21 A Right. A week later Mrs. Yzaguirre came to
22 work for him.

23 Q You had mentioned earlier that Judge Carrillo had
24 called in— I believe you said called in—but at least
25 he told you on several occasions to remind Mr. Saenz to

Montemayor - Maloney

1 make the claim payments for Patricio Garza and Roberto
2 Elizondo.

3 A Correct.

4 Q Is that correct?

5 A Yes.

6 Q Did he tell you personally or did he phone in?

7 A Sometimes he would walk in and remind us.

8 Q On these occasions when the Judge would call
9 and tell you to remind Mr. Saenz, did you remind Mr.
10 Saenz?

11 A Correct, sir.

12 Q What would you tell him?

13 A "The Judge said not to forget the claims."

14 Q And what would Mr. Saenz say about that?

15 A He wouldn't say anything. He would go ahead
16 and make them out.

17 Q Did you ever actually see him sign any of
18 these names?

19 A Yes, I did.

20 Q Did he ever explain to you why he signed these
21 names exactly the same each time, even though the signa-
22 tures would vary from person to person, they were always
23 exactly the same for a particular person?

24 A No. He never explained to me and I never asked.

25 Q You heard Mr. Saenz say that no one ever told

Montemayor - Maloney

1 him to do these claim payments. Were you here during
2 his testimony?

3 A Yes, sir. I heard him say that.

4 Q And you've just testified that on several
5 occasions that you reminded him per instructions of
6 Judge Carrillo.

7 A Correct, sir.

8 Q I cannot reconcile those two statement in my
9 mind. One of you doesn't seem to be telling us the
10 truth. Is your statement correct?

11 A Correct, sir.

12 Q You understand that you are under oath?

13 A I do.

14 MR. MALONEY: Thank you.

15 CHAIRMAN HALE: Mr. Hendricks?

16 MR. HENDRICKS: Pass.

17 CHAIRMAN HALE: Mr. Nabers?

18 BY MR. NABERS:

19 Q Was Patricio Garza also one of the ones that
20 claims were filed on, that Mr. Saenz filled out claim
21 payments for?

22 A Correct, sir.

23 Q Do you know him?

24 A I met him once. He went to the office once.
25 In five years that I worked for Judge Carrillo I met him

1 once.

2 Q Did the Judge remind you also for Mr. Saenz to
3 make out his claim payments?

4 A Correct, sir.

5 Q Do you know what he did?

6 A Patricio?

7 Q Yes.

8 A Patricio would work at the ranch. He was a
9 laborer at the ranch.

10 Q At Judge Carrillo's ranch?

11 A At Judge Carrillo's ranch.

12 MR. NABERS: That's all.

13 CHAIRMAN HALE: Mr. Kaster?

14 BY MR. KASTER:

15 Q I just want to verify again what Mr. Maloney
16 said. These claims to your knowledge were filled out
17 at the direction of Judge Carrillo because he reminded
18 you to remind Mr. Saenz to do it, to make sure that they
19 were done in time to present to the Commissioners' Court?

20 A Correct, sir. That's right.

21 Q And he would do it when it got time to present
22 to the Commissioners' Court?

23 A Usually on Fridays before Monday or Monday
24 morning before Commissioners' Court.

25 Q And you knew and you think other people knew

1 that Mr. Elizondo was away to school in Houston part of
2 this time?

3 A Right.

4 Q It is further your testimony that he didn't do
5 anything during that period of time?

6 A Oh, no, sir. Not to my knowledge he didn't.

7 Q And it was also to your knowledge that Mr.
8 Garza worked out at the ranch full time?

9 A To my knowledge, he did.

10 MR. KASTER: I think that's all.

11 CHAIRMAN HALE: Ms. Thompson?

12 BY MS. THOMPSON:

13 Q Did you ever buy groceries for the Judge?

14 A No, ma'am, I never did.

15 Q Did Mr. Saenz ever make out any claims for
16 the \$300 grocery bill for the Judge each month?

17 A No, ma'am. Not that I know of. Not to my
18 knowledge.

19 Q You testified that you did make some deposits
20 for him in the bank?

21 A Yes.

22 Q Did you ever make a deposit and send it to
23 Mexico, to the bank in Mexico?

24 A No, ma'am.

25 MS. THOMPSON: Thank you.

1 CHAIRMAN HALE: Ms. Weddington?

2 MS. WEDDINGTON: No questions.

3 CHAIRMAN HALE: Mr. Chavez?

4 BY MR. CHAVEZ:

5 Q Did the Judge ever instruct you to call over
6 at the Cash Store to find out any balance he might have
7 over there?

8 A No, sir.

9 Q He never did cause you to deliver any checks
10 to that store?

11 A No, sir.

12 MR. CHAVEZ: That's all.

13 CHAIRMAN HALE: Are there any further
14 questions?

15 Mr. Canales?

16 BY MR. CANALES:

17 Q Mrs. Montemayor, you made a comment that
18 created or raised a doubt in my mind or raised a question
19 at least. You said that Mr. Saenz occasionally did
20 typing. How often did Mr. Saenz come in to the office?

21 A Well, when Jerry Parmer was there Mr. Saenz
22 didn't come in to the office every day, and there was
23 not too much typing that he did. Now that Robert
24 Elizondo came in as a court reporter, Mr. Saenz has
25 been at the office more often and has done some work,

1 or did some work while I was there.

2 Q Let's put it on this basis. While Mr. Parmer
3 was there, assuming a five day working week, how many
4 days would he generally show up?

5 A Maybe once a week or twice a week.

6 Q Once or twice on the average?

7 A (The witness nodded.)

8 Q And now that Mr. Elizondo is the court reporter,
9 he comes how often, or came how often?

10 A He came more often, maybe three or four times
11 a week, or maybe the whole week.

12 Q Now, regarding that check, I think it was in the
13 amount of a hundred dollars. Could that possibly have
14 been a loan or an advance on your salary or something
15 that you don't remember at all?

16 A (The witness shook her head.)

17 Q You don't remember it at all?

18 A At all.

19 MR. CANALES: Okay. Thank you.

20 CHAIRMAN HALE: Mr. Maloney?

21 BY MR. MALONEY:

22 Q You said that you knew that Mr. Garza, Patricio
23 Garza, worked at the ranch?

24 A Correct, sir.

25 Q How did you know that?

1 A Because every time they mentioned that Patricio
2 was at the ranch. You know, everything, Patricio would
3 ask for something, and they'd say, "Take it to the ranch
4 to Patricio," you know. He needed some fence or wire
5 or something, "Take it to Patricio at the ranch."

6 Q Who would say that Patricio is at the ranch,
7 take something to Patricio at the ranch?

8 A Judge Carrillo, Tomas Elizondo, the ones that
9 worked for Judge Carrillo.

10 Q Would tell Elizondo to take something to
11 Patricio at the ranch?

12 A Right. Correct, sir.

13 Q Was this during the entire time that the Judge
14 was on the bench or would it have been only during the
15 last eighteen months?

16 A The entire time the Judge was at the bench.

17 Q How long have you known Patricio Garza?

18 A I only met him once.

19 Q How long ago would that have been?

20 A Maybe about three or four years ago. He came
21 to the office to meet me.

22 Q Was this during the time that the Judge was
23 telling people to take things to Patricio Garza at the
24 ranch?

25 A Correct, sir.

1 Q Did you ever know him to work anywhere else
2 but at the ranch?

3 A No, sir. I never knew of him working anywhere
4 else.

5 Q There is no phone at the ranch is there?

6 A No, there isn't. Not to my knowledge there
7 isn't.

8 MR. MALONEY: Thank you.

9 CHAIRMAN HALE: Are there further questions?

10 MR. DOYLE: Mr. Chairman, I need to ask
11 her one question.

12 BY MR. DOYLE:

13 Q There is no telephone at the ranch, I believe
14 you said?

15 A No, sir.

16 Q Did you ever have an occasion to have the Judge
17 tell you or anyone else to take a message out to the
18 ranch to Patricio?

19 A I don't recall. I really don't.

20 Q But you do recall the Judge sending supplies
21 out or instructing people to bring supplies out and that
22 sort of thing?

23 A Correct, sir.

24 Q Was that a common occurrence?

25 A Oh, yes, sir.

1 Q Daily, weekly?

2 A Weekly.

3 Q Now, are you familiar with Tomas Elizondo?

4 A Yes, sir.

5 Q What is your understanding about what his
6 duties were?

7 A At the ranch?

8 Q Well, if that's what he did.

9 A Well, I know that he worked for him at the
10 ranch. Ran errands for him.

11 Q Did you ever know him to work at the courthouse?

12 A Well, for this past year, yes. That's when
13 he became the bailiff.

14 Q Right. Now, prior to the time he became
15 bailiff?

16 A No, sir.

17 Q You never saw him around there, never saw him—

18 A He would come in with Judge Carrillo once in
19 a while, and he would run errands from the courthouse
20 to Alice, to Corpus, for Judge Carrillo.

21 Q You never knew of him to work for the county
22 in some other capacity? Always at the ranch?

23 A Right. Correct, sir.

24 Q Again, was this the same way: "Take this out
25 to the ranch to Tomas," or something like that?

1 A Tomas would run the errands.

2 MR. DOYLE: That's all, Mr. Chairman.

3 CHAIRMAN HALE: Any further questions?

4 (No response.)

5 CHAIRMAN HALE: Mrs. Montemayor, thank
6 you very much for your appearance here today.

7 As the Chair advised you earlier, if you will
8 see the Clerk, you can get a form for claiming your
9 travel and expenses for coming up here for this meeting.

10 You are under subpoena to the Committee, but
11 the Chair will authorize you to go about your business.
12 You're free to go with the understanding you are still
13 under subpoena to the Committee. In the event we need
14 you for additional testimony we will call you.

15 A Yes, sir.

16 CHAIRMAN HALE: Unless you hear from us to
17 the contrary, you can consider your chore here completed.

18 A Thank you, sir.

19 CHAIRMAN HALE: Thank you for your appear-
20 ance.

21 (The witness, Mrs. Zenaida Montemayor, was
22 excused.)

23 CHAIRMAN HALE: Mr. Saenz, would you take
24 the witness stand again.

MR. J. H. SAENZ

1
2 previously called as a witness, was recalled by the
3 Committee, and testified further as follows:

EXAMINATION

4
5 BY CHAIRMAN HALE:

6 Q Your name is J. H. Saenz?

7 A That is correct, sir.

8 Q You're the same J. H. Saenz that testified
9 here earlier today in this case?

10 A That is correct.

11 Q And were sworn to tell the truth at that time?

12 A That is correct.

13 Q You understand you're still under that oath,
14 with the same warnings and the same admonitions.

15 CHAIRMAN HALE: Mr. Maloney has a few
16 questions.

17 BY MR. MALONEY:

18 Q Mr. Saenz, you were present during Mrs. Monte-
19 mayor's testimony. Is that correct?

20 A That is correct.

21 Q Now as I understand your testimony to this
22 Committee previously, it was that on one time, and one
23 time only, each of these people, Arturo Zertuche, Patricio
24 Garza, Tomas Elizondo, Roberto Elizondo, told you to file
25 a claim for them, and you continued to file those claims

1 for them each month without any further direction from
2 anyone. Do I understand your testimony correctly?

3 A Yes, sir. That's correct.

4 Q Is that the truth?

5 A Yes, sir.

6 Q Do you understand that any testimony for which
7 you are receiving immunity from this Committee must be
8 truthful testimony or it is no holds barred, all bets
9 are off?

10 A I'm answering to the best of my recollection.
11 I mean, I think it's true to the best of my recollection.

12 Q And that you are still subject to the pains
13 and penalties of perjury?

14 A Yes, sir.

15 Q Who is telling the truth, you or Mrs. Monte-
16 mayor, as regards the fact that she says that on occasions
17 she reminded you, her instructions of Judge Carrillo, to
18 file these claims?

19 A I do not remember that, sir.

20 Q You do not remember on any occasion her ever
21 reminding you to file these claims?

22 A No, sir.

23 Q You did it as a matter of course?

24 A That's correct, sir.

25 Q Every month before the Commissioners' Court met,

1 you started filing claims for people?

2 A That is correct.

3 Q No one told you to do it; you just did it?

4 A That's correct.

5 Q I asked you once before, and I don't remember
6 what your answer was. How did you know when to quit
7 filing the claims? Who told you to stop filing claims?

8 A Robert told me to stop when he started working
9 with the Judge.

10 Q What did he say to you?

11 A Just, "I'm on the payroll now," or whatever.
12 And the other one, I don't remember, sir. And that is
13 the truth.

14 Q Who told you to stop filing claims for Arturo
15 Zertuche?

16 A That's been so long ago, I also do not remember,
17 sir.

18 Q But someone must have told you. Is that correct?

19 A Yes, sir. That's correct.

20 Q Who told you to stop filing claims for Tomas
21 Elizondo?

22 A I think it was him, sir. When he also went
23 on the payroll he said to.

24 Q Who told you to stop filing claims for Patricio
25 Garza?

Saenz - Maloney

1 A I think it was— I'm not sure. I think it was
2 him, sir.

3 Q How did he do it? Did he come into the office
4 or did he send you a letter or what?

5 A Like I said, I don't remember that, sir.

6 Q Would you have just continued to file these
7 claims if no one had told you to stop?

8 A I would imagine.

9 Q Would you still be filing them today?

10 A I would imagine so.

11 MR. MALONEY: No further questions.

12 CHAIRMAN HALE: Are there any further
13 questions?

14 Mr. Hendricks?

15 BY MR. HENDRICKS:

16 Q Your personal knowledge is that Patricio Garza
17 worked on the ranch for the Judge. Is that correct?

18 A Not when he was receiving the claims, sir. No.

19 Q Where did he work?

20 A My understanding was that he was working at
21 the county shop in Benavides. That's what I understood.

22 Q Who told you this?

23 A Like I say, I don't— The County shop is in
24 Benavides and I work in the courthouse in San Diego.

25 Q All right. The previous witness testified that

1 it was common knowledge around the office there that
2 Garza worked on the judge's ranch.

3 A He works on the Judge's ranch now.

4 Q She testified, as I understood her testimony,
5 that at the time he was drawing these county warrants
6 he worked on Judge Carrillo's ranch. That isn't correct?

7 A I don't know. I know that he is there now
8 because I hunt on the place occasionally.

9 Q But he's not drawing the warrants now. You're
10 not drawing them for him now?

11 A No, sir.

12 MR. HENDRICKS: That's all I have, Mr.
13 Chairman.

14 CHAIRMAN HALE: Mr. Kaster?

15 BY MR. KASTER:

16 Q Mr. Saenz, the previous witness testified
17 that while Mr. Parmer was the court reporter, you didn't
18 go to work every single day in the courthouse. Is that
19 correct?

20 A I didn't put in my eight hours a day. That's
21 true. Sometimes I did and sometimes I didn't.

22 Q So you would go infrequently into the office.
23 Is that correct?

24 A When I had something to do I would go in and do
25 it.

Saenz - Kaster

1 Q You're now testifying that you were never
2 reminded to fill out these warrants; that you had such
3 a good knowledge of this that you just did it automatical-
4 ly?

5 A That's correct, sir.

6 Q You were never reminded?

7 A Not that I remember. No.

8 Q You don't remember ever being reminded?

9 A That's correct, sir.

10 Q It is possible you could have been?

11 A I could have been, yes, but I don't remember.

12 MR. KASTER: Thank you.

13 CHAIRMAN HALE: Are there further questions?

14 Mr. Doyle?

15 BY MR. DOYLE:

16 Q Did you ever have occasion to make deliveries
17 of anything to Patricio Garza at the ranch?

18 A I don't think so. No.

19 Q Tomas Elizondo at the ranch, did you ever make
20 deliveries to him?

21 A I don't think so. No.

22 Q Did you have any knowledge of the Judge's
23 ownership of the Farm and Ranch supply company?

24 A I knew he had an interest in it. Yes.

25 Q Did you know that he had an interest? Did you

Saenz - Doyle

1 have any knowledge at the time that he had an interest
2 in the Zertuche Store arrangement?

3 A No, sir.

4 Q Did you have any knowledge of the Judge's
5 arrangement with Benavides Implement and Hardware Company?

6 A No, sir.

7 Q None of that rings a bell?

8 A No, sir.

9 Q Did you ever have an occasion to see Tomas
10 Elizondo performing duties as bailiff in the court?

11 A Yes, sir.

12 Q Recently?

13 A I think since the Judge took office.

14 Q What did he do there?

15 A He would just sit there like the rest of the
16 bailiffs.

17 Q There is more than one bailiff assigned to
18 that court?

19 A All of the deputy sheriffs are bailiffs.

20 Q Is he a deputy sheriff?

21 A No, sir.

22 Q So while court was in session he would be
23 there sometimes?

24 A Yes, sir.

25 Q As well as other bailiffs?

Saenz - Doyle

1 A That's correct.

2 Q We have a check which I showed Mrs. Montemayor
3 from the judge to her on the judge's personal account.
4 Did you ever receive any such checks?

5 A I used to get a bonus, or we get a bonus every
6 year. Sometimes he's give us checks; sometimes he'd
7 give us cash.

8 Q And that was all?

9 A Yes, sir.

10 Q You weren't a farm laborer either?

11 A No, sir.

12 Q You didn't perform any services as farm labor
13 or on his ranch?

14 A No, sir. No, sir.

15 Q So any notation to that effect would not be
16 correct as applied to you?

17 A If it's that way, I mean, I don't know anything
18 about it, sir.

19 Q In other words, if he wrote you off as an
20 expense on his ranch it was an incorrect notation as far
21 as what you performed for the Judge. Is that correct?

22 A That's about the size of it. Yes, sir.

23 MR. DOYLE: I believe that's all.

24 CHAIRMAN HALE: Mr. Canales?
25

1 BY MR. CANALES:

2 Q Mr. Saenz, you said that some days during the
3 period that Mr. Parmer was working as a court reporter
4 you didn't put in an eight hour day. I would presume
5 you didn't come to the office is what you meant, on some
6 days. Some days you would put in a short day?

7 A I would leave early. Yes, sir.

8 Q A rough "guesstimate" on your part, during
9 those days Mrs. Montemayor said you'd come in on an
10 average of once or twice a week. What would be your
11 guess as to how many days you came in?

12 A I was there I would say every day, not the
13 whole day, but every day. Maybe I would stay in the
14 morning and leave at noon, but I was there just about
15 every day. There were days I was sick that I would stay
16 home.

17 Q But you would spend almost every day there?

18 A Yes, sir.

19 Q Even if it was a short brief visit?

20 A That's right.

21 Q You had occasion to go into the courtroom every
22 day that you were there?

23 A Yes, sir.

24 Q And you would see Mr. Elizondo there every day
25 acting in the capacity of a bailiff?

1 A Only when we were holding court.

2 Q Only when you were holding court there?

3 A That's correct.

4 Q And he was there every time?

5 A As far as I can remember. Yes.

6 Q And he would sit up in the front part of the
7 courtroom with the Judge?

8 A Yes, sir.

9 MR. CANALES: Okay.

10 CHAIRMAN HALE: Any further questions?

11 Mr. Maloney?

12 BY MR. MALONEY:

13 Q Mr. Saenz, I notice in preparing your claims
14 for Arturo Zertuche and the others that you always filled
15 these claims out in the amount of \$225. What was your
16 reason for picking that figure?

17 A They would tell me to make them out for that
18 amount.

19 Q I beg your pardon?

20 A They would tell me to make them out for that
21 amount.

22 Q Now I thought they only told you on one occasion
23 to make these.

24 A Well, I mean that was going to be the monthly—

25 Q But did they tell you when they told you to fill

1 these out to "fill it out every month for me for \$225"?

2 A I think that's the way it is. Yes.

3 Q That a person would come to you and say, "Fill
4 out a claim for me for \$225 for this month and \$225
5 for every month thereafter." Is that correct?

6 A To the best of my recollection, yes, sir.

7 Q And you would continue to do that until some-
8 body told you to stop?

9 A That is correct, sir.

10 Q Then why did you fill one out for Arturo
11 Zertuche on August the 10th of 1970 for \$680?

12 A I don't remember about that one, sir.

13 Q Are you saying you did not do that?

14 A I say I do not remember.

15 Q When you'd fill out a claim, was there ever
16 any supporting document that went with it as to what
17 the person was supposed to have done that was submitted
18 along with the claim?

19 A On some, yes.

20 Q Where did you get those from?

21 A They would bring them in to me.

22 Q Who would bring them in to you?

23 A However the person, the claim was to be made
24 out to.

25 Q Well, did Arturo Zertuche ever bring you in any?

1 A I don't remember. I would have to see it. I
2 might remember something but right offhand I don't.

3 Q Do you remember any of these people that we've
4 been discussing here ever bringing you in something that
5 showed you what it was that they were supposed to have
6 done?

7 A Only when on reimbursements, or, like I say,
8 posts. They'd bring a bill and the bill would be
9 clipped on to the claim.

10 Q Do you ever remember filling any claims out
11 for anyone in any amount other than \$225?

12 A Not the names. It's like I say, people come
13 in to make out the claim forms. Some would already
14 have them and I would just notarize them. Offhand,
15 I would have to see them. I don't remember.

16 Q These were all filled out in the Judge's
17 offices. Is that correct?

18 A Most of them. Yes.

19 Q Well, do you recall any that were not filled
20 out in the Judge's offices?

21 A Sometimes right in the Commissioners' Courtroom.

22 Q You would do your deed in the Commissioners'
23 Courtroom?

24 A Right. Right there at the meeting. Yes, sir.

25 Q Sign the person's name right there?

Saenz - Maloney

1 A No, sir. No, sir. I mean people that— I
2 would notarize the name for somebody and they would
3 present the bill right there.

4 Q I'm trying to confine ourselves to these four
5 people that we're talking about.

6 A Oh, no, sir. No, sir.

7 Q You never filled those out in the Commissioners'
8 Courtroom?

9 A No, sir.

10 Q Did Commissioner Ramiro Carrillo ever tell you
11 to fill out any claims?

12 A I don't remember offhand, sir.

13 Q Do you remember any other persons that you
14 filled in and signed the names for other than the four
15 people we've talked about?

16 A I will respectfully decline to answer on the
17 grounds it might tend to incriminate me.

18 MR. MALONEY: Mr. Chairman, I would insist
19 on the answer.

20 CHAIRMAN HALE: Mr. Saenz, notwithstanding
21 your claim of privilege under the Fifth Amendment, under
22 the authority of the Committee, the Chair instructs you
23 to answer the question and thereby acquire immunity from
24 prosecution for your truthful answer thereto.

25 A I don't remember. No, sir.

1 Q The fact that you didn't remember you felt
2 was incriminating to you. Is that correct?

3 A No, sir. No, sir. If you show me any bills
4 I will admit that they are mine, or whatever, but I don't
5 remember.

6 Q Could there have been others?

7 A There could have been. Yes.

8 Q How many of these would you fill out in a
9 month's time in the Judge's office?

10 A To the best of my recollection, it was only
11 Garza and the—

12 Q I'm sorry. I didn't hear you.

13 A Garza and the Zertuches.

14 Q I still didn't hear your answer.

15 A I mean, to the best of my recollection I would
16 submit the Pat Garza and the Robert Elizondo claims
17 every month. Those two were every month, until they
18 were stopped.

19 Q Where did you get these forms?

20 A From the county auditor's office, sir.

21 Q Did you go down and get them or did someone
22 bring them to you?

23 A I would go and get them myself.

24 Q Would you go and get them each month or did
25 you keep a pad of them in your office?

1 A I always had--

2 Q I beg your pardon?

3 A I always had several of them there.

4 Q Were any of these checks ever delivered back
5 to the office to be distributed to the people?

6 A To our office?

7 Q Correct.

8 A No, sir.

9 Q So you never handled any of these checks in
10 payment of any of these claims?

11 A No, sir.

12 Q Did you ever fill out any claim forms for
13 supplies for the Judge?

14 A The only claim for the office was for stamps.
15 That's the only ones.

16 Q Stamps?

17 A Yes, sir.

18 Q How about office supplies?

19 A No, sir.

20 Q Where did you all get your office supplies?

21 A Salesmen would come in and we'd order whatever
22 we had to order, and they would bill the county auditor.

23 Q When you would make a claim for stamps, what
24 would happen? Would you get stamps or would you get a
25 check to go to the post office and buy stamps?

1 A No, sir. They would issue a check made out
2 in the Judge's name. He would endorse it, and we would
3 bring in the stamps.

4 Q Now, you would get a check?

5 A Yes, sir.

6 Q Made out to the Judge?

7 A Yes, sir.

8 Q And then what would you do with it?

9 A The secretary would have the Judge endorse it,
10 and she'd go out and buy the stamps. Cash the check
11 and buy the stamps.

12 Q She would take that check made payable to the
13 Judge and go cash it and then buy stamps with it?

14 A That's correct.

15 Q How much were those claims for? Did they vary
16 or were they in the same amount each time?

17 A It was twenty dollars a month.

18 Q Twenty dollars per month?

19 A That's correct.

20 MR. MALONEY: Thank you.

21 CHAIRMAN HALE: Mr. Donaldson has a
22 question.

23 BY MR. DONALDSON:

24 Q What do your duties consist of other than
25 filling out claims? What else do you do?

1 A The work that has to be done in the office
2 that is not the court reporter's work.

3 Q Like what?

4 A Answering mail, filing, running errands, whatever
5 has to be done in the office.

6 Q What did the secretary do?

7 A The receptionist would answer the phone.

8 Q Did you type the letters whenever you answered
9 correspondence? Would you type the letters yourself?

10 A Yes, sir.

11 Q You would do filing?

12 A Yes, sir.

13 Q Did you ever fill out any claims for Judge
14 Carrillo for groceries?

15 A No, sir.

16 Q I believe as I have understood your testimony
17 before this Committee, you've told us, you're telling
18 us now under oath, that it was not—that this was just
19 a courtesy that you provided these gentlemen in filling
20 out these claim forms.

21 A That's correct. That is the way I look at it,
22 as a favor.

23 Q How well did you know Roberto Elizondo?

24 A I have known him for maybe three or four
25 years.

Saenz - Donaldson

1 Q What about Patricio Garza?

2 A Pat, I've known longer. He is an older man.
3 I don't know exactly how long.

4 Q All this time you worked for Judge O. P.
5 Carrillo. Right?

6 A That's correct.

7 Q You still work for Judge O. P. Carrillo?

8 A That's correct.

9 Q And you said you knew Tomas Elizondo for about
10 three years or four years? Roberto—

11 A No.

12 Q Roberto Elizondo.

13 A Three or four years.

14 Q And you're telling us that you filled out those
15 claim forms for these men while you were working for
16 Judge Carrillo and he didn't know about it, and he
17 didn't authorize, and you're telling us it was okay.
18 Is that right?

19 A The Judge, he would have to answer that.
20 I don't know whether— He would have to answer that.

21 MR. DONALDSON: That's all.

22 CHAIRMAN HALE: Mr. Hendricks?

23 BY MR. HENDRICKS:

24 Q How old are you, Mr. Saenz?

25 A I'm 36, sir.

Saenz - Hendricks

1 Q What education do you have?

2 A High school.

3 Q Any college?

4 A One semester of college.

5 Q Where at?

6 A A&I in Kingsville.

7 Q You do type?

8 A That's correct.

9 Q You do filing work?

10 A Yes.

11 Q Apparently well versed in the English and
12 Spanish languages.

13 All right. These four people come to you.
14 Did they come all at once and tell you to fill these
15 forms out, and fill them out for \$225 a month or come
16 in individually?

17 A At separate times, sir. They weren't all
18 at the same time.

19 Q All right. Who sent them up? Who told them
20 to come talk to you?

21 A I don't know, sir.

22 Q Well, now you know somebody sent them up there.
23 Who sent them to you?

24 A Like I say, I don't know, sir.

25 Q You don't remember or you don't know?

1 A I don't know.

2 Q All right. Now, let me ask you this: Every
3 claim was \$225 per month. Is that correct?

4 A Yes, sir.

5 Q What if Tomas would say, "Make that out for
6 \$525 a month every month." Would you have made it out
7 for \$525 a month?

8 A Yes, sir.

9 Q In other words, you didn't want anyone in
10 authority, just whatever that man said to make that
11 draft out, that's what you were going to make it out?
12 You talked to no commissioner or the District Judge or
13 anybody else? You just took their word?

14 A The claims had to be approved by the commis-
15 sioners.

16 Q What if I had come in and asked you to make
17 me out a check for \$500 a month until I tell you to
18 stop, would you have made it out?

19 A Not a check.

20 Q Well, a warrant, a county warrant.

21 A If you'd say, "do this for me"— I don't know.

22 Q And you're asking this Committee to believe
23 that, Mr. Saenz?

24 A Pardon me?

25 Q Is there anything you'd like to correct on

Saenz - Hendricks

1 your testimony, sir?

2 A No, sir.

3 Q You're positive of that?

4 A Yes, sir.

5 MR. HENDRICKS: Thank you, sir.

6 CHAIRMAN HALE: Mr. Doyle?

7 BY MR. DOYLE:

8 Q Mr. Saenz, prior to the time you were in effect
9 granted immunity and began to answer questions about
10 these claims, had you ever discussed them with anybody
11 other than the claimants?

12 A No, sir, I don't believe so. My wife, my
13 attorney.

14 Q Right. For instance, did you discuss Roberto
15 Elizondo's \$225 a month with Arturo Zertuche?

16 A No, sir, I don't think so.

17 Q You never discussed it with the Judge?

18 A No, sir.

19 Q Well now, in the morning when the Judge reads
20 the newspaper he's going to find out about these deeds
21 of yours, isn't he?

22 A No. He already knows about it. It's already
23 in when those people said they were getting them and
24 they hadn't signed them. It's been in the paper.

25 Q Well now, you and I are both aware that he

1 is the judge of the 229th Judicial District Court in the
2 State of Texas. Right?

3 A That's correct.

4 Q Well, hasn't he discussed with you your
5 resignation?

6 A No, sir.

7 Q Has he indicated to you that he was going to
8 dismiss you because of these misdeeds?

9 A No, sir.

10 Q You don't anticipate being dismissed for this
11 activity?

12 A I don't know what's going to happen, sir.

13 Q Well, Mr. Saenz, can you imagine any district
14 judge in the state of Texas keeping you on the payroll
15 after you telling this story up here to, oh, everybody
16 in the state of Texas?

17 A I don't know, sir.

18 MR. DOYLE: No further questions.

19 CHAIRMAN HALE: Mr. Kaster?

20 BY MR. KASTER:

21 Q In line with what Mr. Doyle said, do you know
22 if the Judge knew, has knowledge of these deeds? Did
23 you say he already knows about them from reading in the
24 paper or in some way?

25 A I imagine so.

Saenz - Kaster

1 Q You imagine so. But the Judge fires Mrs.
2 Montemayor because she had coffee with Judge Parr, and
3 yet he knows of these deeds you're doing and you're
4 still on his payroll. Is that correct?

5 A That's correct, sir.

6 MR. KASTER: Thank you.

7 CHAIRMAN HALE: Mr. Maloney?

8 BY MR. MALONEY:

9 Q Mr. Saenz, I'm just having a hard time under-
10 standing exactly how this would happen each month. Now,
11 say the Commissioners' Court is going to meet next
12 Monday. Do you sit down and start writing out these
13 claims then for next Monday on these four people, or
14 whoever it is you're going to put the claims in for this
15 month?

16 A Yes, sir.

17 Q Do you put them all in? You sit down, "I'm
18 going to spend my next fifteen minutes writing claims
19 here for people," and you write all your claims. Is
20 that right?

21 A I do it any chance I had.

22 Q Well, I mean, if you're sitting down, you've
23 got your claims pad out, and your notary seal, and your
24 pencil, and your typewriter that you're going to write
25 all these claims with, because you don't require anybody

1 to be there, is there any reason why you don't write
2 them all out at the same time?

3 A I would write the ones that were—

4 Q Well, let's just take Patricio Garza, and
5 Roberto Elizondo. Let's just take those two people
6 that you're writing claims for, that you've already told
7 us neither one of them ever signed the claim; you just
8 filled them out to get them to Commissioners' Court on
9 time?

10 A That's right, sir.

11 Q Now, did you do those together, those two
12 together each time?

13 A Yes, sir.

14 Q All right. Then, why is it on January the 5th,
15 1973, when you put in a claim for Patricio Garza you
16 didn't put in a claim for Roberto Elizondo until January
17 8th, '73?

18 A (The witness shrugged.)

19 Q Why was it not the same day?

20 A I don't remember.

21 Q Why is it on February 9th, '73, when you put in
22 a claim for Patricio Garza, you didn't put in a claim
23 for Roberto Elizondo until February 14th, '73?

24 A I don't remember, sir.

25 Q Why on March 9th, '73, when you put in a claim

1 for Patricio Garza, you didn't put in a claim for Roberto
2 Elizondo until March 12th, '73?

3 A I don't remember, sir.

4 Q Why on April 6th, 1973, when you put in a claim
5 for Patricio Garza, you didn't put in a claim for Roberto
6 Elizondo until April the 18th, '73?

7 A Again, I don't remember, sir.

8 Q Why on May 11th, 1973, when you put in a claim
9 for Patricio Garza, you waited until May the 14th to put
10 one in for Roberto Elizondo?

11 A Again, I don't remember, sir.

12 Q Why on June 8th when you put in a claim for
13 Patricio Garza, you didn't put in one for Roberto Elizondo
14 until June the 12th?

15 A I don't remember, sir.

16 Q Why, when you put in a claim on July 6th, '73
17 for Patricio Garza, you waited until July 17th to put
18 one in for Roberto Elizondo?

19 A Again, I don't remember, sir.

20 Q Why did you skip the months of August and
21 September for Roberto Elizondo before you gave him another
22 one in October?

23 A I don't remember, sir.

24 Q Well, is that the reason you had to be reminded
25 all the time to get these claims in; you missed two months

1 on Roberto Elizondo?

2 A I still say I do not remember, sir. I used to
3 do it and that's—

4 MR. MALONEY: That's all.

5 CHAIRMAN HALE: Is there any further
6 questions?

7 MR. HENDRICKS: Mr. Chairman?

8 CHAIRMAN HALE: Mr. Hendricks.

9 MR. HENDRICKS: Would you recognize me
10 for a motion?

11 CHAIRMAN HALE: Let me ask what motion
12 you make before I pass on the decision.

13 MR. HENDRICKS: Mr. Chairman, I'm com-
14 pletely in accord with what the Committee has done
15 regarding immunity from prosecution for a witness who
16 will come up here and be truthful with this Committee,
17 but I do not feel, and I do not think the Committee feels,
18 that this witness has been truthful with us. I would
19 certainly recommend that this Committee refer the matter
20 to the Travis County Grand Jury for the purposes of
21 contempt of this Committee and perjury.

22 CHAIRMAN HALE: Let's think outloud for
23 just a moment on that, Mr. Hendricks.

24 Does the Committee Members think that there
25 may be other areas of testimony that we've heard in the

1 last six weeks wherein we might want to also refer to
2 the Travis County Grand Jury?

3 MR. MALONEY: Yes, sir.

4 MR. HENDRICKS: Yes, sir.

5 CHAIRMAN HALE: I'm wondering if it wouldn't
6 be better if we did it all at one time, if we're going
7 to refer anything, and enumerate the areas specifically
8 for the benefit of the district attorney.

9 MR. HENDRICKS: I'll withhold my motion
10 at this time, Mr. Chairman.

11 CHAIRMAN HALE: The Chair would be inclined
12 to take a motion at the proper time with respect to the
13 perjury aspect of it. I'm not so sure that the contempt
14 portion of it would be valid in view of our grant of
15 immunity on it.

16 Are there any further questions of the witness?

17 (No response.)

18 Mr. Saenz, let the Chair make one statement to
19 you, and I think it should be obvious to you and to your
20 counsel that there are members of this Committee who
21 have some degree of doubt concerning the truth of some
22 of your answers here today, and without attempting in
23 any way to prejudge what the Committee might do with
24 respect to your testimony, as Chairman I feel compelled
25 to suggest to you that you give some serious thought to

Saenz

1 this testimony, and if any of the areas on which you've
2 testified are not the truth, the Chair would certainly
3 give you an opportunity to make any corrections in your
4 testimony that you might want.

5 I may say this more for the benefit of counsel,
6 Mr. Davila, than Mr. Saenz, because I think you could
7 appreciate the importance of it. If you'll recall, the
8 immunity is applicable only to the extent that the
9 testimony is truthful, and it certainly doesn't cover
10 the area of perjury at the time. That's a complete new
11 offense if committed subsequent to the grant of immunity.
12 So it could be you might want to confer with your client
13 on it and advise him.

14 MR. DAVILA: Mr. Chairman, may I say
15 something?

16 CHAIRMAN HALE: Mr. Davila? Yes, sir.

17 MR. DAVILA: I think that before Mr.
18 Saenz would have an intelligent opportunity to look at
19 his testimony, we would have to get a transcript of his
20 answers and questions. After he sees them, if he should
21 see that he wants to change his testimony, then that
22 would be the proper time to do so. But as far as letting
23 him go on his own mind now as to what he wants to change
24 or not, I don't think he can do that intelligently.

25 CHAIRMAN HALE: Well, it's a decision we

1 don't have to make right at this moment, Mr. Davila.
2 The Chair was just expressing out of a superabundance
3 of precaution, giving you opportunity to confer with him.

4 I'm not passing judgment on whether he's
5 telling the truth or not. I think it should be obvious
6 to you there are some doubters on the Committee, and
7 it's those doubts, of course, that make for lawsuits,
8 I suppose.

9 You will have opportunity tonight. In view
10 of the fact that we are going to hear additional testi-
11 mony tomorrow morning, in view of the fact that there are
12 possibly in view of that testimony, there may be
13 additional questions that we might want to ask Mr. Saenz,
14 the Chair is going to instruct you, Mr. Saenz, to be
15 back here again at ten o'clock in the morning. We may
16 or may not have occasion to call you again tomorrow,
17 but the possibility exists, and I would ask that you
18 stand by and be here tomorrow morning.

19 A If I might say so, sir, I answered all of those
20 questions to the best of my recollection. I do not have
21 records of dates or anything. I answered what I thought
22 was the truth, or, you know, what I remember.

23 CHAIRMAN HALE: Well, if you're satisfied
24 with your testimony, then the Chair is not questioning
25 you. That's all you can do, to do your best.

1 You may be excused now until ten o'clock
2 tomorrow morning.

3 Mr. Davila, thank you for your appearance here.
4 You've been very helpful.

5 (The witness, Mr. J. H. Saenz, was excused.)

6 Members, we have no further witnesses this
7 afternoon. There are three witnesses that are potential
8 witnesses tomorrow morning: Hector Zertuche, Arturo
9 Zertuche, and Ramiro Carrillo.

10 At our executive session during the break a
11 moment ago it was the thinking of the Committee, as we
12 discussed these matters with counsel, that we needed to
13 do some additional work with the counsel in working on
14 the specific Articles of Impeachment, and also in attempt-
15 ing to sort of review and organize our thinking for the
16 remaining witnesses tomorrow. And the suggestion was
17 made that the Committee meet tonight in executive
18 session. If that is the will of the Committee, the
19 Chair now has ten minutes until six. Should we meet at
20 seven-thirty or eight? Eight o'clock? Is that too
21 much time? Eight o'clock.

22 Ms. Weddington, also, one other matter we were
23 discussing was to attempt to have everyone here tomorrow.
24 Do you know of any reason you could not be here tomorrow?

25 MS. WEDDINGTON: No. I will be here.

1 CHAIRMAN HALE: The Chair will attempt
2 to contact Mr. Slack. Has anybody seen him? Does
3 anyone know if he is in Austin or not?

4 MR. JOHNSON: I will have him called.

5 CHAIRMAN HALE: Okay. Fine. If you'll
6 take care of that, Bob, I'd appreciate it.

7 Is there anything further that we need to do
8 at this point?

9 (No response.)

10 If not, is there any objection to an executive
11 session at eight o'clock tonight? Any objection to an
12 executive session?

13 The Chair hears none. We will meet in Executive
14 Session here in the Supreme Courtroom.

15 Mr. Maloney moves the Committee stands recessed
16 until eight p.m. tonight.

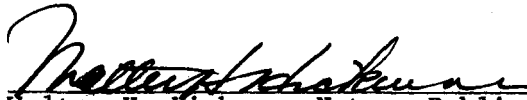
17 (Whereupon, at 5:55 p.m., the hearing was
18 recessed to reconvene in public session at 10:00 o'clock
19 a.m.. on Wednesday, July 16, 1975.)

CERTIFICATE

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

I, Walter H. Hickman, a Notary Public in and for Travis County, Texas , do certify that on the 15th day of July, 1975, the foregoing proceedings before the TEXAS STATE HOUSE OF REPRESENTATIVES HOUSE SELECT COMMITTEE ON IMPEACHMENT were reported by me and that the foregoing pages constitute a full, true, and correct transcription of my stenograph notes.

GIVEN under my hand and seal of office this 18th day of July, 1975.


Walter H. Hickman, Notary Public
in and for Travis County, Texas.