

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

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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 -
JUDGE O. P. CARRILLO

9
10 CONTINUED HEARING

11 VOLUME XV

12
13 BE IT REMEMBERED that on Wednesday, July 16,
14 1975, beginning at 9:00 o'clock a.m., in the Old Supreme
15 Courtroom, State Capitol Building, Austin, Texas, the
16 above-entitled matter came on for hearing, having been
17 continued from Tuesday, July 15, 1975, before the HOUSE
18 SELECT COMMITTEE ON IMPEACMENT; the HONORABLE L. DEWITT
19 HALE, CHAIRMAN, Presiding, and the following proceedings
20 were reported by Hickman Reporting Service, 205 West
21 Ninth, Austin, Texas, 78701.

22
23 **HRS**
24 **HBS**

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V. 15

MEMBERS PRESENT

1 REPRESENTATIVE HALE - CHAIRMAN

2 REPRESENTATIVE LANEY

3 REPRESENTATIVE KASTER

4 REPRESENTATIVE HENDRICKS

5 REPRESENTATIVE SLACK

6 REPRESENTATIVE MALONEY - VICE CHAIRMAN

7 REPRESENTATIVE NABERS

8 REPRESENTATIVE DONALDSON

9 REPRESENTATIVE THOMPSON

10 REPRESENTATIVE CHAVEZ

11 REPRESENTATIVE WEDDINGTON

APPEARANCES

12 FOR HOUSE SIMPLE RESOLUTION NO. 161

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

15 FOR THE RESPONDENT, JUDGE O. P. CARRILLO

16 MR. ARTHUR MITCHELL, Mitchell, George and Belt,
17 1122 Colorado, Westgate Building, Austin, Texas 78701.
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1 WEDNESDAY, JULY 16, 1975

2 FIFTEENTH SESSION

3
4 PROCEEDINGS

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

8 (The Clerk called the roll.)

9 CHAIRMAN HALE: There is a quorum present.

10 The members of the Committee will notice that
11 there has been laid in front of each of you, I presume,
12 a two-page instrument signed by Mr. Arthur Mitchell in
13 connection with these proceedings. If there is an extra
14 copy of that I think it should be placed in the record.
15 Do you have an extra copy?

16 MR. MITCHELL: Yes, I do, Mr. Chairman.
17 Thank you for the opportunity.

18 (An instrument was marked
19 "CARRILLO-74" for identifi-
20 cation.)

21 CHAIRMAN HALE: The Chair, having read
22 this exhibit, or pleading filed by Mr. Mitchell, feels
23 that no response is necessary except on one point, and
24 that has to do with the matter of notice on the July 15th
25 meeting. And I think the record is abundantly clear on
that. The July 15th meeting was set at the request of

1 Mr. Mitchell; we had originally scheduled testimony
2 last week. That testimony was delayed at Mr. Mitchell's
3 request and he was the one that selected the July 15
4 date and we complied with his request in an exchange of
5 correspondence which I released to the press and which
6 is a matter of record. So there was adequate notice of
7 the July 15 meeting as far as Mr. Mitchell is concerned,
8 and the Chair construes notice to Mr. Mitchell as notice
9 to Judge Carrillo under the acceptable Rules of Civil
10 Procedure.

11 Other than that, the Chair sees no reason to
12 comment upon the matters contained in this.

13 (Discussion off the record.)

14 CHAIRMAN HALE: Counsel calls my attention
15 to the fact that we do not have any subcommittees of
16 this Committee. Everything that is done on this Com-
17 mittee is done entirely in Committee. The only thing
18 that would anywhere near approach a subcommittee would
19 be the fact that three members did make a trip to Duval
20 for the purpose of checking bank records and one member
21 of the Committee did go to Rio Grande City to check bank
22 records down there. But other than that there are no
23 constituted subcommittees of this Committee.

24 Other than that, the Chair sees no need for
25 comment on the matters contained in this memorandum.

1 The record will speak for itself.

2 Mr. Mitchell has had far more access to
3 records in this hearing than he ever had before any
4 Grand Jury in the State of Texas on any of his clients
5 and if he will find any Grand Jury that will permit him
6 and his clients to sit in there while they are being
7 investigated and listen to all the witnesses, then the
8 Chair will change the procedure of this Committee.

9 The Chair also has lying in front of his desk
10 here five blank subpoenas filled in. I presume these
11 were filed by you, Mr. Mitchell?

12 MR. MITCHELL: Yes, sir.

13 CHAIRMAN HALE: These subpoenas request
14 the Chair to issue a subpoena for District Judge George
15 Hamilton of Corpus Christi, District Judge Joe B. Evans
16 of Edinburg, District Judge Magus F. Smith of McAllen,
17 District Judge Jose R. Alamea of Edinburg and District
18 Judge Darrell Hester of Harlingen.

19 For the information of the Committee those are
20 the five judges who were in attendance at the State Bar
21 meeting in Dallas last week. They are five of many more
22 judges who are a part of the administrative district of
23 which Judge J. R. Alamea is the presiding judge. The
24 Chair would like to make a statement concerning these
25 judges, and then make a recommendation to the Committee

1 with regard to this subpoena request.

2 In the first place, for the benefit of
3 Mr. Mitchell and the press, I think I am reflecting the
4 view of every member on this Committee when I say that
5 what these judges in Dallas may or may not have done is
6 not going to have one iota of influence on the vote of
7 any member of this Committee on the matters pending be-
8 fore us. That is completely extraneous. What these
9 judges do is their business; what the Judicial Qualifi-
10 cations does is its business. What those instrumentali-
11 ties do or perform is not going to have any influence on
12 this Committee. We are basing our entire situation and
13 the results of our work on the basis of evidence pres-
14 ented before this Committee, evidence that we have
15 attempted to obtain as best we could, and evidence which
16 we are still willing to receive this morning, not only
17 from Mr. Mitchell but from his client, if his client sees
18 fit to come in and tell us the truth about these matters.

19 Now, with respect to these judges, I talked
20 with Judge Alamea on the telephone. He advised me that
21 he and these other judges, if we felt that they could be
22 of any value to this Committee, would be happy to come
23 up here without a subpoena. All we'd have to do is pick
24 up the telephone and call them; but that he felt they
25 had nothing to contribute to this Committee which would

1 be of any value to us because of the fact that most of
2 any information which they would have on this would be
3 in the realm of hearsay evidence, as lawyers are well
4 aware. The fact that they have an opinion concerning
5 the conduct of Judge Carrillo's court is basically an
6 opinion which was formed as a result of publicity in
7 the news media, and they formed an opinion on that in
8 the same way that I presume every American at one time
9 or another, whether he had any personal knowledge on
10 it or not, formed an opinion about the impeachment of
11 Richard Nixon. They formed that opinion based upon the
12 news media and the reports which they received. It
13 would not be admissible evidence in court, but it would
14 certainly be adequate for them to form an opinion con-
15 cerning the matter in which that court was conducted.

16 For that reason, in view of the fact that these
17 five judges were the five that were in Dallas, the Chair
18 will state to Mr. Mitchell that this Committee will take
19 judicial knowledge of the fact that these five were the
20 only five in attendance at the caucus in Dallas; that the
21 caucus was called by the presiding judge and only these
22 five judges appeared, so that the resolution which was
23 adopted in Dallas was adopted by a vote, a unanimous vote
24 of the five judges who were in attendance. The other
25 judges in the administrative district had nothing to do

1 with that resolution, other than by whatever press state-
2 ment they have made since that time, and we will put
3 that into the record for whatever value it has.

4 And in view of that, the Chair will certainly
5 recommend to the Committee that we not issue subpoenas
6 for any of these five judges and that this request not
7 be honored. However, in the interest of fairness to
8 Mr. Mitchell, that is only the opinion of one person of
9 this Committee, so at this time the Chair will entertain
10 a motion from any member of the Committee that the Chair
11 be instructed to issue these five subpoenas.

12 Does any member care to make a motion in-
13 structing the Chair to issue subpoenas for these five
14 judges?

15 (No response.)

16 CHAIRMAN HALE: The Chair hears no motion.

17 Is there any further matter to come before the
18 Committee before we start with the testimony?

19 (No response.)

20 CHAIRMAN HALE: Mr. Hector Zertuche.

21 Mr. Zertuche, it's my duty as Chairman to
22 advise you as to your rights with reference to your
23 testimony. You will be sworn to tell the truth and your
24 failure to do so could subject you to a prosecution for
25 perjury. After you have completed your statement, members

1 of the Committee may ask questions concerning your
2 testimony. You must answer these questions truthfully
3 and your refusal to do so could subject you to punish-
4 ment for contempt. You can refuse to answer questions
5 only on the ground that such answers might incriminate
6 you or tend to incriminate you in some way. You are
7 privileged to have an attorney of your selection sit
8 with and advise you as to your answers if you desire,
9 and the Chair is under the impression that you have an
10 attorney with you this morning. Is that correct?

11 MR. ZERTUCHE: Yes, sir.

12 CHAIRMAN HALE: Mr. Mitchell, Mr. Arthur
13 Mitchell is your attorney?

14 MR. ZERTUCHE: Yes, sir.

15 CHAIRMAN HALE: And you have asked him
16 to sit with and advise you this morning?

17 MR. ZERTUCHE: Yes, sir.

18 CHAIRMAN HALE: Thank you.

19 The Chair will attempt to protect your rights
20 but with your counsel here I'm sure that he will assert
21 any and all rights which you have.

22 Do you understand the advice I have given you?

23 MR. ZERTUCHE: Yes, sir.

24 CHAIRMAN HALE: Are you now ready to
25 testify?

Zertuche - Hale

1 MR. ZERTUCHE: Yes, sir.

2 CHAIRMAN HALE: Would you stand and raise
3 your right hand, please?

4 (The witness was sworn by the Chairman at this
5 time.)

6 CHAIRMAN HALE: You may be seated.

7
8 MR. HECTOR ZERTUCHE

9 was called as a witness by the Committee and, having been
10 duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY CHAIRMAN HALE

13 Q Would you please state your name?

14 A Hector Zertuche.

15 Q Where do you live?

16 A Alice, Texas.

17 Q How long have you lived there, approximately?

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

24 Q Are you a brother of Arturo Zertuche?

25 A I respectfully decline to answer and refuse to

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

6 CHAIRMAN HALE: Mr. Mitchell, I assume
7 he is going to use this answer repeatedly and the Chair
8 will honor the answer if he will state only the first
9 sentence. It won't be necessary for him to use that
10 second sentence every time. The Chair will assume that
11 he has repeated the entire statement if he uses the
12 first sentence in the interest of time.

13 MR. MITCHELL: Do you understand Mr. Hale's
14 explanation?

15 MR. ZERTUCHE: Yes, sir.

16 MR. MITCHELL: Thank you, Mr. Chairman.

17 CHAIRMAN HALE: That will shorten his
18 answers somewhat.

19 Mr. Doyle, do you want to take over at this
20 point and ask a few questions?

21 MR. MITCHELL: May I ask the Chair a
22 question as to Mr. Doyle's participation?

23 CHAIRMAN HALE: Yes.

24 MR. MITCHELL: When I last left here I
25 did not have the privilege of meeting Mr. Doyle and I'd

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1 like to know if the rules have been modified, changed,
2 etcetera, Mr. Chairman, if it's proper for me to just
3 ask the question, who is he and by what authority is
4 he questioning and so forth.

5 CHAIRMAN HALE: Mr. Doyle, Mr. Mitchell—

6 MR. MITCHELL: If you care to—

7 CHAIRMAN HALE: —has been employed by
8 the Committee as counsel, in the same way that Mr. Bob
9 Johnson has been sort of an advisor and consultant to
10 the Committee from the time we started. It was the
11 feeling of the Committee last week or whenever the action
12 was taken that we had reached a point in our proceedings
13 where we felt that we needed outside legal assistance
14 in various phases of the Committee work and the Committee
15 saw fit to employ Mr. Doyle at that time.

16 So he is now officially counsel for the Com-
17 mittee.

18 MR. MITCHELL: May I ask if I will be
19 permitted then, if he is to act as Committee for counsel,
20 will I be permitted to act as counsel for the various
21 people that I represent, or are those rules going to
22 remain the same as regards cross examination, etcetera?

23 CHAIRMAN HALE: Mr. Mitchell, the rules
24 with respect to cross examination will remain the same.
25 We have no intentions of changing those. As the Chair

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1 has explained to you on several occasions in the past,
2 this is not a trial; it's simply an investigation. What
3 we're trying to do is develop basic facts and in the
4 same manner and same context that a Grand Jury does not
5 permit cross examination. You are not permitted to
6 cross examine witnesses in the Grand Jury because their
7 function is different. They are not attempting to de-
8 termine guilt or innocence and this Committee is not
9 attempting to determine guilt or innocence. We simply
10 want to determine if there is enough evidence, enough
11 smoke here to cause some reasonable belief that there
12 might be a fire somewhere. And if there is a fire some-
13 where, then it is somebody else's job to determine the
14 nature and extent of that fire, not this Committee.

15 MR. MITCHELL: Thank you.

16 CHAIRMAN HALE: All we're looking at now
17 is the smoke, and we've seen a lot of it.

18 Mr. Doyle?

19 BY MR. DOYLE

20 Q Mr. Zertuche, are you presently employed by
21 Drillco in Alice, Texas?

22 A I respectfully decline and refuse to answer the
23 question on the grounds that the answer might tend to
24 incriminate me.

25 Q Are you presently on leave of absence from the

Zertuche - Doyle

1 Texas Department of Public Welfare?

2 A I decline to answer the question on the
3 grounds that it might tend to incriminate me.

4 Q Were you regularly employed by the Texas De-
5 partment of Public Welfare until August of last year
6 at which time you took a leave of absence of one year?

7 A I decline to answer the question on the
8 grounds that it might tend to incriminate me.

9 Q Are you the brother of Arturo Zertuche?

10 A I decline to answer the question on the
11 grounds that it might tend to incriminate me.

12 Q Were you at any time the proprietor of an
13 establishment in Benavides, Texas?

14 A I decline to answer the question on the
15 grounds that it might tend to incriminate me.

16 Q Were you at any time the proprietor of a
17 business establishment in Benavides, Texas, known as
18 Benavides Hardware—excuse me, Benavides General Store?

19 A I decline to answer the question on the
20 grounds that it might tend to incriminate me.

21 Q Mr. Zertuche, are you married?

22 A I decline to answer the question on the
23 grounds that it might tend to incriminate me.

24 Q Mr. Zertuche, do you have any children?

25 A I decline to answer the question on the

1 grounds that it might tend to incriminate me.

2 Q Mr. Zertuche, do you think the fact that
3 whether or not you are married and have children might
4 tend to incriminate you?

5 A I decline to answer the question on the grounds
6 that it might tend to incriminate me.

7 Q Mr. Zertuche, do you have any knowledge of an
8 arrangement whereby Mr. O. P. Carrillo and his brother,
9 Mr. Commissioner Carrillo, operated the Zertuche General
10 Store as a sham transaction for the purpose of doing
11 business through Zertuche General Store with the various
12 governmental entities of Duval County through their farm
13 and ranch store?

14 A I decline to answer the question on the grounds
15 that it might tend to incriminate me.

16 Q Mr. Zertuche, are you presently under indictment
17 or do you presently stand charged with any criminal
18 offenses in any court in the State of Texas or the United
19 States of America?

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

22 Q Mr. Zertuche, do you have any knowledge about
23 who may have owned the building out of which the Zertuche
24 Hardware Store was operated in Benavides, Texas, in the
25 middle 1960's, 1964, 1965, 1966, perhaps even 1967, or

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1 the Benavides Hardware Store, Benavides General Store?

2 A I decline to answer the question on the grounds
3 that it might tend to incriminate me.

4 Q Do you have any knowledge, Mr. Zertuche, as to
5 whether or not the Zertuche Store in 1965, 6, 7 or even
6 later, perhaps '69 and '70, owned any equipment which
7 was capable of being rented to governmental entities or
8 any other persons?

9 A I decline to answer the question on the grounds
10 that it might tend to incriminate me.

11 Q Did you at any time during the middle 1960's
12 own any equipment, individually or any corporate setup,
13 which was capable of being rented or leased to govern-
14 mental entities?

15 A I decline to answer the question on the grounds
16 that it might tend to incriminate me.

17 Q Mr. Zertuche, I'm going to hand you a copy of
18 what's been marked as Carrillo's Exhibit No. 2, which
19 was introduced into evidence by Mr. Mitchell, your
20 counsel, and ask if that is an accurate copy of your
21 1965 Federal income tax, for the year 1965, Mr. Zertuche?

22 A I decline to answer the question on the grounds
23 that it might tend to incriminate me.

24 Q Did you authorize Mr. Mitchell to introduce
25 a copy of your 1965 Federal income tax return? Did you

Zertuche - Doyle

1 authorize him to introduce this into evidence in this
2 proceeding?

3 A I decline to answer the question on the grounds
4 that it might tend to incriminate me.

5 Q The exhibit that I have introduced, Mr. Zer-
6 tuche, on the second page of that return, reflects under
7 "Part 2" of the income tax return, which covers income
8 from all sources other than wages, salaries and so forth,
9 reflects a fee "Duval County, \$2,700." Would you please
10 advise the Committee as to what services you rendered to
11 Duval County to receive this money or, in fact, whether
12 or not you received the money at all?

13 A I decline to answer the question on the grounds
14 that it might tend to incriminate me.

15 Q Mr. Zertuche, I'm going to hand you again the
16 same instrument I just handed you which also contains a
17 copy of what was introduced as, by Mr. Mitchell, your
18 1966 income tax return and ask you to look at it, please.
19 The portion of the return that I'm handing you is open
20 to the "profit or loss from business or profession"
21 which is known as "Schedule C."

22 A I decline to answer the question on the grounds
23 that it might tend to incriminate me.

24 MR. MITCHELL: May I also, Mr. Chairman,
25 add that the question, this one and the preceding are

Zertuche - Doyle

1 beyond the scope of the resolution and are irrelevant
2 and immaterial to the inquiry before the subcommittee.

3 CHAIRMAN HALE: I'm sorry. The Chair
4 was in a conference here and didn't hear the question.
5 What was the question?

6 MR. DOYLE: I just simply asked him to
7 identify a portion of his 1966 Federal income tax return,
8 namely "Schedule C" which has previously been introduced
9 into evidence by his counsel.

10 CHAIRMAN HALE: If it is immaterial,
11 Counsel, why did you put it into the record of this
12 Committee?

13 MR. MITCHELL: At that particular point,
14 the Chair will recall I introduced it as part of the
15 documentary. At the particular structuring at that time,
16 Mr. Zertuche wasn't under any type of inquiry. I intro-
17 duced it as a part of Judge Carrillo's defensive posture,
18 Mr. Chairman.

19 CHAIRMAN HALE: Wouldn't verification of
20 an exhibit you put in be pertinent to the exhibit if we
21 were trying to verify the authenticity of the exhibit
22 which you presented to the Committee?

23 MR. MITCHELL: That's true, but a question
24 as to what an item of income is on this man, who is not
25 a party to these proceedings, in 1966, I submit,

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1 Mr. Chairman, is beyond the scope of the resolution and
2 certainly irrelevant and immaterial.

3 MR. DOYLE: Might I point out to the Chair,
4 Mr. Chairman, that that is not what Mr. Mitchell objected
5 to. He did not object to that question when I asked it.
6 He objected to me asking the gentleman to identify
7 "Schedule C" of what Mr. Mitchell has introduced as his
8 1966 Federal income tax return.

9 MR. DONALDSON: Parliamentary requirement,
10 Mr. Chairman.

11 CHAIRMAN HALE: Mr. Donaldson?

12 MR. DONALDSON: My question is by what
13 authority does the Chair recognize objections to evidence
14 from the counsel for the witness?

15 CHAIRMAN HALE: Well—

16 MR. DONALDSON: I think it's a waste of
17 time.

18 CHAIRMAN HALE: The Chair is of the opinion
19 that we should attempt to confine the testimony to mat-
20 ters which are certainly within the jurisdiction of the
21 Committee and which are pertinent to our inquiry, and to
22 the extent that Mr. Mitchell has ideas on that, I think
23 it's within the province of the Chair to entertain those
24 ideas for whatever merit they might have in aiding us in
25 deciding what is pertinent and what is not pertinent to

1 this inquiry. For that reason the Chair recognized
2 Mr. Mitchell for that purpose.

3 Mr. Maloney?

4 MR. MALONEY: Mr. Chairman, since
5 Mr. Mitchell seems to be representing so many of the
6 parties or witnesses before this Committee, and he is
7 going to make objections to questions, I would like—
8 I think it would be proper for him to tell us on whose
9 behalf he is making the objection. Since he offered this
10 income tax return on the basis of Judge Carrillo, as
11 representing Judge Carrillo, now he is objecting. I
12 would like to know if he is objecting on the basis of
13 representing Judge Carrillo or on the basis of repre-
14 senting Mr. Zertuche, because it seems to me that if he
15 is offering the testimony for one client and objecting
16 to it on behalf of another client, we have a conflict
17 of interest.

18 CHAIRMAN HALE: The Chair will permit that
19 inquiry if you care to answer.

20 MR. MITCHELL: Yes. I think the claim of
21 privilege is a personal privilege, Mr. Maloney, and I
22 claim it on behalf of the man I represent at this point,
23 which is Mr. Hector Zertuche. At the time that I offered
24 the documentary several weeks back during the course of
25 that labor I was not representing this client. This is

1 a personal claim that this witness alone can make and
2 I'm asking him to make it in his behalf. The question
3 of the conflict, the very same question has arisen
4 previously in the Federal District Court in Corpus
5 Christi and we, upon motions, briefs were submitted
6 and because of a recent ruling of the Fifth Circuit it
7 was held in effect that there was no conflict under the
8 particular structure of the Zertuche-Carrillo indict-
9 ments, and I felt there would not be the conflict here
10 that I was faced with, for example, in representing
11 Mr. Clinton Manges at which time I respectfully with-
12 drew, Mr. Maloney, if you will recall.

13 MR. MALONEY: My question— I don't believe
14 this was the question that was presented to the Fifth
15 Circuit.

16 MR. MITCHELL: No.

17 MR. MALONEY: That you had introduced
18 evidence on behalf of one client and objected to it on
19 behalf of another client. I don't believe they reached
20 that point.

21 MR. MITCHELL: No. That is true.

22 MR. MALONEY: And that would appear to me
23 to be some type of conflict.

24 MR. MITCHELL: They reached the question
25 of whether or not I could represent multiple—they didn't

1 reach the point in my specific case. It was a case out
2 of Laredo, but our case was in tandem to it. The Fed-
3 eral District Judge of the Southern District solved the
4 question of potential conflict by simply severing the
5 Zertuche case from the Carrillo case and permitted me
6 to represent all the parties.

7 MR. MALONEY: But it was not a question
8 of evidence that you had introduced before that tribune.

9 MR. MITCHELL: No. Because of the poten-
10 tial conflict, Mr. Maloney, we hadn't gotten into the
11 trial posture and the Court was trying to be sure there
12 wasn't a conflict.

13 CHAIRMAN HALE: Let the Chair state this:
14 It seems to me that we are arguing on a real remote
15 tangent here to the work of this Committee in any event.
16 It seems if Mr. Zertuche is going to continue to take
17 the Fifth Amendment, then it's immaterial, it seems to
18 the Chair, whether the question was proper or improper
19 if he's going to take the Fifth Amendment on it.

20 Counsel, let the Chair ask you this question:
21 Is it going to be your recommendation to Mr. Hector
22 Zertuche that he take the Fifth Amendment on every ques-
23 tion propounded to him by the Committee today?

24 MR. MITCHELL: Every question, yes, that
25 tends to incriminate him, and the way I read the cases

1 I have to be very careful, Mr. Hale.

2 CHAIRMAN HALE: I'm not asking that
3 question in criticism of you. You must do your duty
4 as counsel for your clients. In the interest of time,
5 the Chair is seeking inquiry, so that we won't prolong
6 a lot of unnecessary questioning. I'm sure the witness
7 is going to follow your recommendation and that is why
8 the Chair asked you, will it be your recommendation to
9 your client that he invoke the Fifth Amendment in answer
10 to all of these questions?

11 MR. MITCHELL: Yes, sir.

12 CHAIRMAN HALE: Thank you very much.

13 MR. DOYLE: Mr. Chairman?

14 CHAIRMAN HALE: In view of that, the Chair
15 would suggest to counsel and the member of the Committee
16 that we might want to shorten this interrogation con-
17 siderably.

18 MR. DOYLE: Mr. Chairman, I have one
19 comment to make and one more question to ask of the
20 witness.

21 CHAIRMAN HALE: Thank you.

22 MR. DOYLE: Mr. Chairman, I think that
23 without question Mr. Hector Zertuche has waived his
24 Fifth Amendment privileges by virtue of his counsel
25 having introduced into evidence a copy of his income

1 tax return, and I think without question he has waived
2 any privileges of the Fifth Amendment with respect to
3 questions concerning the evidence introduced by his
4 attorney. However, in view of the fact that the only
5 method by which this Committee can force Mr. Zertuche
6 to testify is a method that would put into question
7 the question of immunity from further prosecution. I
8 am not going to ask the Committee to take that step,
9 but will simply sit here and wait and see if the Com-
10 mittee wishes to run that risk or not.

11 I would think that the Committee would be
12 running very little risk in forcing Mr. Zertuche to
13 answer questions concerning an exhibit introduced into
14 evidence by his counsel.

15 With that thought I have but one further
16 question for Mr. Zertuche.

17 BY MR. DOYLE

18 Q Mr. Zertuche, do you have any evidence that
19 you wish to offer this Committee at this time which
20 would tend to show that O. P. Carrillo is not a party
21 to or involved in any wrongdoing, criminal acts, or
22 other such activities which have come before this Com-
23 mittee? Is there anything you wish to testify to before
24 this Committee at this time which would tend to indicate
25 that the subject before this Committee, that is, the

1 conduct of the Judge of the 229th District Court? Is
2 there anything you wish to tell this Committee?

3 CHAIRMAN HALE: Counsel, your question
4 even confuses me. Can you shorten it just a little?

5 Q Mr. Zertuche, do you have any evidence, do
6 you have anything you wish to say which would tend to
7 indicate that the conduct of O. P. Carrillo was other
8 than has been indicated by previous witnesses?

9 A I refuse to answer the question on the grounds
10 that it might tend to incriminate me.

11 MR. DOYLE: That's all the questions I
12 have, Mr. Chairman.

13 CHAIRMAN HALE: Mr. Maloney?

14 BY MR. MALONEY

15 Q Mr. Zertuche, are you an honest man?

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

18 Q Mr. Zertuche, are you a truthful man?

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

21 MR. MALONEY: No further questions.

22 CHAIRMAN HALE: Mr. Slack? Mr. Hendricks?
23 Mr. Nabors? Mr. Kaster? Mr. Donaldson? Mr. Laney?
24 Ms. Thompson? Ms. Weddington? Mr. Chavez?

25 (The above named members passed.)

1 CHAIRMAN HALE: Mr. Zertuche, the Chair
2 will advise you at this time, while you are under sub-
3 poena to the Committee, the Chair sees no reason to re-
4 tain you around here any further, and will release you
5 from further attendance on the Committee, with this ad-
6 monition and instruction, that you are still under sub-
7 poena to the Committee and that in the event we do
8 require your attendance for any other reason not known
9 to the Chair at this time, we will notify your counsel
10 and he will arrange for you to be here. Is that satis-
11 factory, Mr. Mitchell?

12 MR. MITCHELL: Thank you very much,
13 Mr. Hale. Yes.

14 CHAIRMAN HALE: With that understanding
15 you will be released and you can go about your business.

16 (The witness, Mr. Hector Zertuche, was ex-
17 cused.)

18 CHAIRMAN HALE: The Chair advised all of
19 the witnesses yesterday, all of those, Mr. Zertuche, you
20 and the others who are under subpoena are entitled to
21 claim reimbursement for your travel and expenses for
22 coming up here and if you will contact the Clerk of the
23 Committee you will get the necessary form.

24 Mr. Nabors?

25 MR. NABORS: Mr. Chairman, parliamentary

1 inquiry.

2 CHAIRMAN HALE: State your inquiry.

3 MR. NABORS: At what time will the mem-
4 bers of the Committee be recognized to make motions and
5 recommendations of contempt proceedings be initiated by
6 the House with regards the witnesses before this Com-
7 mittee?

8 CHAIRMAN HALE: I presume those motions
9 would be in order at any time, Mr. Nabers. However, it
10 would be the thinking of the Chair that it might be
11 better in line with the similar question that Mr. Hendricks
12 propounded yesterday concerning certifying portions of
13 the record to the Travis County District Attorney for
14 possible prosecutions for perjury, that it might be
15 better for us to take up all of those matters at the
16 conclusion of the testimony and do them all at one time.

17 MR. NABERS: Thank you.

18 CHAIRMAN HALE: Mr. Arturo Zertuche?

19 Mr. Zertuche, it is my duty as Chairman to
20 advise you of your rights with reference to your testi-
21 mony. You will be sworn to tell the truth and your
22 failure to do so could subject you to a prosecution for
23 perjury. After your have completed your statement, mem-
24 bers of the Committee may ask questions concerning your
25 testimony. You must answer these questions truthfully

1 and your refusal to do so could subject you to punishment
2 for contempt. You can refuse to answer questions on the
3 ground that such answers might incriminate you or tend
4 to incriminate you in some way. You are privileged to
5 have an attorney of your selection sit with and advise
6 you as to your answers, and it is the opinion of the
7 Chair that—it has been suggested to me that you do have
8 your attorney here. Is Mr. Arthur Mitchell your attorney?

9 MR. ZERTUCHE: Yes, sir.

10 CHAIRMAN HALE: And you have asked him
11 to sit with and advise you here today?

12 MR. ZERTUCHE: Yes, sir.

13 CHAIRMAN HALE: The Chair will attempt
14 to protect your rights but with your counsel here, I'm
15 sure that he will adequately take care of that.

16 Do you understand the advice I have given you?

17 MR. ZERTUCHE: Yes, sir.

18 CHAIRMAN HALE: Are you prepared to
19 testify?

20 MR. ZERTUCHE: Yes, sir.

21 CHAIRMAN HALE: Would you stand and raise
22 your right hand?

23 (The witness was sworn by the Chairman at this
24 time.)
25

MR. ARTURO ZERTUCHE

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

DIRECT EXAMINATION

BY CHAIRMAN HALE

Q Would you state your name, please?

A Arturo R. Zertuche.

Q Where do you live, Mr. Zertuche?

A Harlingen, Texas.

Q How long have you lived in Harlingen?

A I respectfully refuse to answer the question put to me by the Committee on the grounds that any answer I give might tend to incriminate me. I claim this right under the provisions of the Fifth Amendment, the Constitution of the United States, Article I, Section X, of the Texas Constitution.

CHAIRMAN HALE: And Counsel, the Chair will make the same statement with respect to his answers that we did to Hector Zertuche. Having made his full and complete answer, the Chair will interpret, if he will give the first sentence only that he is repeating the entire statement and give him the benefit of it in the interest of time.

MR. MITCHELL: Thank you, Mr. Chairman.

Zertuche - Hale

1 BY CHAIRMAN HALE

2 Q Are you a brother of Hector Zertuche?

3 A I respectfully decline to answer the question
4 on the grounds that any answer I give might tend to
5 incriminate me.

6 CHAIRMAN HALE: Mr. Doyle, do you want
7 to take over at this time?

8 BY MR. DOYLE

9 Q Mr. Zertuche, were you born on October 10,
10 1946 and are you presently employed by the State of
11 Texas at the Texas State Technical Institute at Harlin-
12 gen, Texas?

13 A I respectfully decline to answer the question
14 on the grounds that any answer I give might tend to
15 incriminate me.

16 Q Mr. Zertuche, are you a school teacher under
17 any employment of the State of Texas and is your salary
18 at this time being paid by the taxpayers of the State of
19 Texas?

20 A I respectfully decline to answer the question
21 on the grounds that any answer I give might tend to
22 incriminate me.

23 Q Mr. Zertuche, how long have you been an employee
24 of the State of Texas and had your salary paid by the
25 taxpayers of the State of Texas?

1 A I respectfully refuse to answer the question
2 on the grounds that any answer I give might tend to
3 incriminate me.

4 Q Mr. Zertuche, I'm going to hand you a folder
5 which is marked on the flap as "CAR-3" which was intro-
6 duced by your counsel, Mr. Mitchell, at a previous
7 hearing of this Committee, and was introduced as a copy
8 of your income tax return for the years 1967 through
9 1970, and ask if it is an accurate copy of your income
10 tax return for those years?

11 A I respectfully refuse to answer the question
12 on the grounds—

13 Q Mr. Zertuche, if you might permit me to
14 interrupt, you haven't even looked at it and I would
15 very much appreciate it if you would look at it before
16 you give us an answer.

17 A I respectfully decline to answer the question
18 on the grounds that any answer I give might tend to
19 incriminate me.

20 Q Mr. Zertuche, there has been evidence before
21 this Committee from previous witnesses that you are a
22 graduate of North Texas State University and I'd very
23 much like to know when you graduated from that institu-
24 tion.

25 A I respectfully decline to answer the question

Zertuche - Doyle

1 on the grounds that any answer I give might tend to
2 incriminate me.

3 Q Mr. Zertuche, I'm going to hand the reporter
4 a series of copies of checks which have been furnished
5 to us by the First State Bank of San Diego, Texas, and
6 ask him to mark those checks, mark those copies, for
7 the purposes of identification. Then I'd like to ask
8 you some questions about that.

9 (The checks referred to were
10 marked "COMMITTEE-81" through
11 "COMMITTEE-86" for identifi-
12 cation.)

12 Q Mr. Zertuche, I'm going to hand you now these
13 checks, copies of these checks, which have been furnished
14 to us by the bank and ask if you would identify the
15 checks which bear your signature.

16 A I respectfully decline to answer the question
17 on the grounds that any answer I give might tend to
18 incriminate me.

19 Q Mr. Zertuche, do you own a ranch or any other
20 type of property in Hebbronville?

21 A I respectfully decline to answer the question
22 on the grounds that any answer I give might tend to
23 incriminate me.

24 Q How about in Benavides?

25 A I respectfully decline to answer the question

Zertuche - Doyle

1 on the grounds that any answer I give might tend to
2 incriminate me.

3 Q Down in that part of Texas, Mr. Zertuche,
4 isn't CP&L, the initials CP&L, the common way to refer
5 to Central Power and Light, the utility company down
6 in that part of Texas?

7 A I respectfully decline to answer the question
8 on the grounds that any answer I give might tend to
9 incriminate me.

10 Q Mr. Zertuche, I'm going to hand you a copy
11 of what has been marked as Exhibit No. 84, which appears
12 to be a check for \$79.30 bearing your signature with
13 the notation "HEBB" which I assume stands for Hebron-
14 ville, and "BDS" which I assume stands for Benavides,
15 and ask you to identify that.

16 A I respectfully decline to answer the question
17 on the grounds that any answer I give might tend to
18 incriminate me.

19 Q In truth and in fact, Mr. Zertuche, isn't this
20 check, doesn't this check represent a payment in the
21 amount of \$79.30 to Central Power and Light for utilities
22 furnished to a ranch owned by O. P. Carrillo and others
23 at Hebronville and Benavides, Texas?

24 A I respectfully decline to answer the question
25 on the grounds that any answer I give might tend to

Zertuche - Doyle

1 incriminate me.

2 Q Mr. Zertuche, I'm going to hand you what's
3 marked as Exhibit No. 81, which is a photocopy of two
4 checks drawn on the account—actually it's a photocopy
5 of three checks, two of which are signed by Arturo
6 Zertuche, one, May 1, 1969 in the amount of \$30.00;
7 the other, May 1, 1969 in the amount of \$50.00, both
8 of which are made out to you. And the second page of
9 Exhibit No. 81 is a photocopy of the backside of those
10 two checks, both of which bear the signature "Arturo
11 Zertuche" as endorsement, and ask if you would identify
12 those.

13 A I respectfully decline to answer the question
14 on the grounds that any answer I give might tend to
15 incriminate me.

16 Q Mr. Zertuche, I'm going to hand you what's
17 been marked as Exhibit No. 83, a portion of which is a
18 photocopy of a check in the amount of \$500.00, dated
19 November 14, 1969, which bears your signature, and is
20 made out to one Oscar Carrillo. The second page of
21 said exhibit is a photocopy of the—a portion of that
22 is a photocopy of the backside of that check which
23 appears to be an endorsement for Oscar Carrillo by
24 Mrs. Oscar Carrillo, Rebecca Ann Carrillo, and ask if
25 you would identify that check, please.

Zertuche - Doyle

1 A I respectfully decline to answer the question
2 on the grounds that any answer I give might tend to
3 incriminate me.

4 Q Mr. Zertuche, I'm now going to hand you what's
5 been marked as Exhibit No. 82 which appears to be a
6 photocopy of a check made out to Mobil Oil Corporation
7 on May 22, 1969, in the amount of \$154.76, signed by
8 one Arturo Zertuche, check drawn on the account of Zer-
9 tuche General Store, which carries with it the notation
10 "Ranch, Gas and Oil" and ask you to identify the check
11 and answer the question as to whether or not you now or
12 at any time ever owned a ranch.

13 A I respectfully decline to answer the question
14 on the grounds that any answer I give might tend to
15 incriminate me.

16 Q Mr. Zertuche, do you have any knowledge of an
17 arrangement whereby O. P. Carrillo and others systematic-
18 ally took money from governmental entities of Duval County
19 through the Zertuche General Store?

20 A I respectfully decline to answer the question
21 on the grounds that any answer I give might tend to
22 incriminate me.

23 Q One more question, Mr. Zertuche. Do you have
24 anything you wish to say, any evidence that you wish to
25 offer which would tend to show that O. P. Carrillo was

Zertuche - Doyle

1 not implicated in any manner in any of the allegations
2 which have been made previously to this Committee by
3 other witnesses?

4 A I respectfully decline to answer the question
5 on the grounds that any answer I give might tend to
6 incriminate me.

7 MR. DOYLE: Thank you, Mr. Zertuche. I
8 have no further questions.

9 CHAIRMAN HALE: Thank you, Mr. Doyle.
10 Mr. Maloney?

11 MR. MALONEY: No questions.

12 CHAIRMAN HALE: Mr. Slack? Mr. Hendricks?

13 MR. HENDRICKS: Just one question.

14 BY MR. HENDRICKS

15 Q Mr. Zertuche, can you tell this Committee and
16 for that matter the people of the State of Texas, how
17 you can simultaneously run a hundred thousand dollar a
18 year business in Benavides, work for and receive monthly
19 a check from Duval County and attend North Texas State
20 fulltime?

21 A I respectfully decline to answer the question
22 on the grounds that any answer I give might tend to
23 incriminate me.

24 . MR. HENDRICKS: I tend to agree with you.
25 Thank you, sir.

1 CHAIRMAN HALE: Mr. Nabers?

2 MR. MABERS: Pass.

3 CHAIRMAN HALE: Mr. Kaster?

4 MR. KASTER: Pass.

5 CHAIRMAN HALE: Mr. Donaldson?

6 MR. DONALDSON: Pass.

7 CHAIRMAN HALE: Mr. Laney?

8 MR. LANEY: Pass.

9 CHAIRMAN HALE: Ms. Thompson?

10 MS. THOMPSON: Pass.

11 CHAIRMAN HALE: Ms. Weddington?

12 MS. WEDDINGTON: Pass.

13 CHAIRMAN HALE: Mr. Chavez?

14 MR. CHAVEZ: Pass.

15 CHAIRMAN HALE: Mr. Zertuche, the Chair

16 at this time is going to release you from further
17 attendance on the Committee with this admonition and
18 these instructions. You are under subpoena to the Com-
19 mittee and that subpoena is a continuing one, so that
20 you are subject to recall at any time by the Committee
21 in the remote contingency that we should desire to have
22 you back here again, with the understanding that the
23 Chair can notify your counsel in the event that contin-
24 gency is necessary and counsel will produce you here on
25 reasonable notice. The Chair will release you at this

1 time from further attendance on the Committee.

2 Is that agreeable, Counsel?

3 MR. MITCHELL: Thank you, Mr. Chairman.

4 Yes, sir.

5 (The witness, Arturo Zertuche, was excused.)

6 CHAIRMAN HALE: Ramiro Carrillo?

7 Mr. Carrillo, it's my duty as Chairman to
8 advise you of your rights with reference to your testi-
9 mony. You will be sworn to tell the truth and your
10 failure to do so could subject you to a prosecution for
11 perjury. After you have completed your statement, mem-
12 bers of the Committee may ask questions concerning your
13 testimony. You must answer these questions truthfully
14 and your refusal to do so could subject you to punish-
15 ment for contempt. You can refuse to answer questions
16 only on the ground that such answers might incriminate
17 you or tend to incriminate you in some way. You are
18 privileged to have an attorney of your selection sit
19 with and advise you to your answers. It's the under-
20 standing of the Chair that you do have an attorney. Is
21 that correct?

22 MR. CARRILLO: That's correct.

23 CHAIRMAN HALE: Is Mr. Arthur Mitchell
24 your attorney?

25 MR. CARRILLO: Yes, sir.

Carrillo - Hale

1 CHAIRMAN HALE: And he is sitting here at
2 your request to advise you with respect to your answers
3 today. Is that correct?

4 MR. CARRILLO: Yes.

5 CHAIRMAN HALE: The Chair will attempt to
6 protect your rights at all times. However, since you
7 have counsel here I'm sure he will adequately take care
8 of that legal situation.

9 Do you understand this advice that I have
10 given you?

11 MR. CARRILLO: Yes.

12 CHAIRMAN HALE: Are you now ready to
13 testify?

14 MR. CARRILLO: Yes, sir.

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

17 (The witness was sworn by the Chairman at
18 this time.)

19 MR. RAMIRO CARRILLO

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

22 DIRECT EXAMINATION

23 BY CHAIRMAN HALE

24 Q What is your name, please?

25 A Ramiro D. Carrillo.

1 Q Where do you live?

2 A Benavides, Texas.

3 Q How long have you lived in Benavides?

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

10 Q Are you a member of the Commissioners' Court
11 of Duval County?

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

18 CHAIRMAN HALE: Counsel, as with the
19 other two witnesses, the Chair will advise you that if
20 the witness will simply repeat the first sentence of his
21 statement, the Chair will interpret that as a repetition
22 of the entire statement and a full claim of privilege
23 under the Fifth Amendment.

24 MR. MITCHELL: Thank you, Mr. Hale.

25 CHAIRMAN HALE: Mr. Doyle?

Carrillo - Doyle

1 BY MR. DOYLE

2 Q Mr. Carrillo, do you have an account at the
3 Gross National Bank in San Antonio, Texas?

4 A I respectfully decline and refuse to answer
5 the question put to me by the Committee on the grounds
6 that the answer might tend to incriminate me.

7 Q Mr. Carrillo, are you a partner in the Farm
8 and Ranch Supply Store in Benavides, Texas?

9 A I respectfully decline and refuse to answer
10 the question put to me by the Committee on the grounds
11 that the answer might tend to incriminate me.

12 Q Mr. Carrillo, are you a married man?

13 A I respectfully decline and refuse to answer
14 the question put to me by the Committee on the grounds
15 that the answer might tend to incriminate me.

16 Q Do you have any children, Mr. Carrillo?

17 A I respectfully decline and refuse to answer
18 the question put to me by the Committee on the grounds
19 that the answer might tend to incriminate me.

20 Q Mr. Carrillo, do you have any knowledge of a
21 systematic venture whereby O. P. Carrillo and others
22 over a period of several years took money from Duval
23 County and other governmental entities through a sham
24 transaction known as the Zertuche General Store and Farm
25 and Ranch Supply Company in Benavides, Texas?

Carrillo - Doyle

1 A I respectfully decline and refuse to answer
2 the question put to me by the Committee on the grounds
3 that the answer might tend to incriminate me.

4 MR. DOYLE: Mr. Reporter, would you please
5 mark these for introduction? You can clip them together
6 and just mark one of them if you wish.

7 (Some chits were marked
8 "COMMITTEE-87" for
 identification.)

9 Q Mr. Carrillo, I'm going to hand you and ask you
10 to identify what has been marked as Exhibit 87, which
11 appears to be chits used by Duval County in its program
12 whereby people were allowed to obtain groceries and have
13 those paid for by the County's welfare fund.

14 A I respectfully decline and refuse to answer
15 the question put to me by the Committee on the grounds
16 that the answer might tend to incriminate me.

17 Q Can you identify the signature or the initial
18 on the appropriate line of those exhibits as that of
19 O. P. Carrillo?

20 A I respectfully decline and refuse to answer
21 the question put to me by the Committee on the grounds
22 that the answer might tend to incriminate me.

23 Q Since you have been a Commissioner of Precinct
24 3, Duval County, has Hector Zertuche or Arturo Zertuche
25 or Cleophus Gonzales ever been an employee of Precinct 3,

1 Duval County?

2 A I respectfully decline and refuse to answer
3 the question put to me by the Committee on the grounds
4 that the answer might tend to incriminate me.

5 Q Could you describe for the Committee the duties
6 of Cleophus Gonzales while he was an employee of Duval
7 County, Precinct 3?

8 A I respectfully decline and refuse to answer
9 the question put to me by the Committee on the grounds
10 that the answer might tend to incriminate me.

11 Q Could you advise the Committee of the duties
12 of Hector or Arturo Zertuche while they were obtaining
13 funds from Duval County?

14 A I respectfully decline and refuse to answer
15 the question put to me by the Committee on the grounds
16 that the answer might tend to incriminate me.

17 Q Is Elvira Rodriguez an employee of Precinct 3,
18 Duval County, Texas?

19 A I respectfully decline and refuse to answer
20 the question put to me by the Committee on the grounds
21 that the answer might tend to incriminate me.

22 Q Does she, in fact, work in the Farm and Ranch
23 Store and obtain monies from Duval County in exchange for
24 working for the Farm and Ranch Store at the present time?

25 A I respectfully decline and refuse to answer

Carrillo - Doyle

1 the question put to me by the Committee on the grounds
2 that the answer might tend to incriminate me.

3 Q Are you familiar with Oscar Carrillo?

4 A I respectfully decline and refuse to answer
5 the question put to me by the Committee on the grounds
6 that the answer might tend to incriminate me.

7 Q Is O. P. Carrillo, who is the Judge of the
8 229th Judicial District Court of the State of Texas
9 your brother?

10 A I respectfully decline and refuse to answer
11 the question put to me by the Committee on the grounds
12 that the answer might tend to incriminate me.

13 Q Mr. Carrillo, you appear to be an intelligent
14 man and are represented by able counsel and I would
15 assume that you have read the newspapers and watched
16 television and heard the radio over the last several
17 weeks. Is there anything you wish to tell the Committee
18 that would tend to indicate O. P. Carrillo was not in-
19 volved as previous witnesses indicate he has been in-
20 volved in certain alleged wrongdoings in Duval County?

21 A I respectfully decline and refuse to answer
22 the question put to me by the Committee on the grounds
23 that the answer might tend to incriminate me.

24 MR. DOYLE: I have no further questions,
25 Mr. Chairman.

1 CHAIRMAN HALE: Thank you, Mr. Doyle.

2 Mr. Maloney?

3 MR. MALONEY: No questions.

4 CHAIRMAN HALE: Mr. Hendricks?

5 MR. HENDRICKS: Just one question,
6 Mr. Chairman. I presume the Commissioner would be the
7 one to answer. I have been worried. What in the world
8 do you do with some barbed wire in Precinct 3 down there?

9 A I respectfully decline and refuse to answer
10 the question put to me by the Committee on the grounds
11 that the answer might tend to incriminate me.

12 MR. HENDRICKS: Thank you.

13 CHAIRMAN HALE: Mr. Nabers?

14 MR. NABERS: Pass.

15 CHAIRMAN HALE: Mr. Kaster?

16 MR. KASTER: Pass.

17 CHAIRMAN HALE: Mr. Donaldson?

18 MR. DONALDSON: Pass.

19 CHAIRMAN HALE: Mr. Laney?

20 MR. LANEY: No questions.

21 CHAIRMAN HALE: Ms. Thompson?

22 MS. THOMPSON: Pass.

23 CHAIRMAN HALE: Ms. Weddington?

24 MS. WEDDINGTON: Pass.

25 CHAIRMAN HALE: Mr. Chavez?

1 (Not present.)

2 MR. DOYLE: Mr. Chairman, if I haven't
3 made it clear by now, I want necessary exhibits intro-
4 duced into evidence.

5 THE CLERK: They are.

6 CHAIRMAN HALE: Mr. Carrillo, let the
7 Chair ask you one or two questions.

8 BY CHAIRMAN HALE

9 Q The subpoena that was served on you was issued
10 by the Chair and served on you, was what is known in
11 legal parlance as a subpoena duces tecum, which in lay
12 language simply means that the witness is required not
13 only to attend the meeting of the Committee but is re-
14 quired to produce certain documents. The portions of
15 the documents that were requested by the subpoena that
16 you bring with you, one was the trust agreements and any
17 amendments thereto and a list of all assets regarding
18 Ramiro Carrillo and brothers, O. P. Carrillo, Trustee,
19 and the D. C. Chapa Trust. Have you brought those
20 records with you in response to the subpoena?

21 MR. MITCHELL: Yes, we have, Mr. Chairman,
22 but in fairness to the Committee we'll make the same
23 claim of privilege as regards the production of those
24 documents.

25 Excuse me, may I confer with my client?

Carrillo - Hale

1 CHAIRMAN HALE: Yes, you may.

2 (Discussion off the record.)

3 CHAIRMAN HALE: My question then,
4 Mr. Mitchell, to the witness was, have you brought these
5 instruments and documents as requested by the subpoena?

6 A I respectfully decline and refuse to answer
7 the question put to me by the Committee on the grounds
8 that the answer might tend to incriminate me.

9 Q Will you make these records available to the
10 Committee?

11 A I respectfully decline and refuse to answer
12 the question put to me by the Committee on the grounds
13 that the answer might tend to incriminate me.

14 Q The second block or set of materials that
15 was requested by the subpoena was "all bank statements,
16 cancelled checks, deposit slips regarding Ramiro Carrillo
17 and Brothers from January 1, 1970, to December 31,
18 1975." Did you bring these records here today in re-
19 sponse to the subpoena?

20 A I respectfully decline and refuse to answer
21 the question put to me by the Committee on the grounds
22 that the answer might tend to incriminate me.

23 Q Will you make these records available to the
24 Committee?

25 A I respectfully decline and refuse to answer

1 the question put to me by the Committee on the grounds
2 that the answer might tend to incriminate me.

3 CHAIRMAN HALE: Are there any further
4 questions of this witness?

5 (No response.)

6 CHAIRMAN HALE: Mr. Carrillo, let the
7 Chair advise you at this time concerning your status
8 before the Committee. The Chair will release you from
9 further attendance on the Committee at this time, with
10 the instructions and admonition to you that the subpoena
11 that was served on you is a continuing subpoena and it
12 is entirely possible that we might require your atten-
13 dance at some future meeting of the Committee. If so,
14 the subpoena would be in effect, but however, the Chair
15 intends to release you from further attendance on the
16 Committee at this time with the understanding that
17 should we require your presence at a future date, we
18 can obtain your presence by notifying your counsel and
19 giving him reasonable notice on it and he can get in
20 touch with you. Is that satisfactory with you?

21 A Yes.

22 CHAIRMAN HALE: Is that satisfactory,
23 Mr. Mitchell?

24 MR. MITCHELL: Thank you, Mr. Chairman.

25 CHAIRMAN HALE: Mr. Davila, yesterday

1 when we were interrogating your client, Mr. Saenz,
2 shortly before the close of the meeting the Chair in-
3 dicated to you and to your client that the Committee
4 would give him an opportunity, again, if he cared to
5 make any further statement or evidence before the Com-
6 mittee, and without attempting to embarrass you or your
7 client in any way, but in simply following up on that
8 offer yesterday, the Chair wants to publicly state now
9 that if you care to put your client back on the stand
10 for any further testimony in response to that, now is
11 the time, and the Chair would recognize you for that
12 purpose at this time, if you care to do so.

13 MR. DAVILA: Mr. Chairman, number one,
14 I would like to let the record reflect that I am here
15 this morning because I was told to be here.

16 CHAIRMAN HALE: Yes, sir.

17 MR. DAVILA: Because I'm supposed to be
18 in the 49th District Court this morning. Let me ask my
19 client if he so desires.

20 CHAIRMAN HALE: The Chair will give you
21 a certification of attendance here, Mr. Davila, if it
22 will help you with your Judge down there.

23 MR. DAVILA: Thank you.

24 (Counsel conferred with his client.)

25 MR. DAVILA: Mr. Chairman, I have

1 approached my client and he nodded his head sideways,
2 so apparently he has nothing to say.

3 CHAIRMAN HALE: Nothing further. Fine.

4 Thank you, Mr. Davila.

5 MR. DAVILA: May I be excused now?

6 CHAIRMAN HALE: Yes, you may.

7 MR. DAVILA: And may my client be?

8 CHAIRMAN HALE: Let the Chair state,
9 Mr. Saenz, to you as the Chair did to the other witnesses.
10 The Chair will release you at this time from further
11 attendance on the Committee, with the understanding and
12 admonition as you have heard me say to the other wit-
13 nesses, that the subpoena to appear before the Committee
14 is a continuing one and if we should for any reason re-
15 quire your attendance in the future, we will notify
16 Mr. Davila and give you reasonable notice and you will
17 have to be here. Is that agreeable, Mr. Davila?

18 MR. DAVILA: Thank you, Mr. Chairman.

19 CHAIRMAN HALE: With that understanding,
20 the Chair would release you from further attendance on
21 the Committee at this time. Thank you very much. We're
22 sorry we had to hold you over this morning.

23 MR. DAVILA: All right.

24 (The previous witness, Mr. Ramiro Carrillo,
25 was excused.)

1 CHAIRMAN HALE: Mr. Davila, if you have
2 any difficulty on your case before the Judge, tell the
3 Judge to call me and I'll explain to him what an excel-
4 lent job you did for your client here yesterday and
5 today.

6 MR. DAVILA: Thank you, Mr. Chairman. I
7 appreciate that.

8 MR. MITCHELL: Mr. Chairman, may I make
9 a statement, please, to the Committee that my client is
10 not here out of a matter of disrespect. He is in the
11 Court of Civil Appeals in San Antonio in a mandamus
12 action, Archie Parr vs. O. P. Carrillo, and argument is
13 set for 10:00 o'clock this morning. I want the Com-
14 mittee to know that he is down there while I'm up here.

15 CHAIRMAN HALE: Mr. Mitchell, the Chair
16 appreciates that comment. I presume you are talking
17 about Judge O. P. Carrillo.

18 MR. MITCHELL: Yes, sir.

19 MR. DOYLE: You have several.

20 MR. MITCHELL: Yes, sir. The case is
21 styled Archie Parr vs. Judge O. P. Carrillo, Mr. Chair-
22 man.

23 CHAIRMAN HALE: Could the Chair inquire,
24 is the Judge represented by counsel at that hearing down
25 there, or is he representing himself?

1 MR. MITCHELL: No. We have an attorney
2 with him in the event it is required, but we were in-
3 formed by Judge Barrow that we had to have someone there
4 this morning at 10:00 o'clock for argument, Mr. Chairman.

5 CHAIRMAN HALE: It's a little unusual for
6 a client to appear in the Court of Civil Appeals. That
7 was the reason for my comment. Normally only the lawyers
8 appear in the Court of Civil Appeals, as you are well
9 aware.

10 But Mr. Mitchell, in line with that, the Chair
11 is going to make a statement at this point in our pro-
12 ceedings, in any event, and your statement simply gives
13 me a excellent opportunity to do it at this time.

14 One of the first things that the Chair did
15 following the appointment of this Committee was to
16 notify Judge Carrillo by telegram, a copy of which went
17 to you, that the hearing was to be initiated and that
18 we would welcome his testimony and/or any evidence he
19 cared to present to the Committee. That offer has been
20 renewed on at least two, and perhaps, three other
21 occasions here publicly in open session of the Committee.
22 It was also renewed in the letter which I wrote to you
23 last week, a copy of which was sent to Judge Carrillo,
24 and which again the Chair stated on behalf of the Com-
25 mittee that we would welcome the testimony of Judge

1 Carrillo and/or any evidence he cared to offer pertaining
2 to the matters under inquiry. The Chair again, this
3 morning, and for what will apparently be the last time,
4 again renews that offer on behalf of the Committee to
5 you, since Judge Carrillo is not here personally. The
6 Chair is stating again that we do not intend to call
7 Judge Carrillo and attempt to compel him to testify, but
8 we want it patently clear that the Committee is ready,
9 willing and able to hear Judge Carrillo out and have him
10 give any explanation that he cares to pertaining to any
11 of the charges made against him before this Committee or
12 otherwise. And so that offer is renewed at this time.
13 Do you intend to produce Judge Carrillo and have him
14 testify before the Committee?

15 MR. MITCHELL: Thank you, Mr. Chairman.

16 As the Committee knows, we have, of course, made use
17 of that offer by the introduction of a considerable
18 amount of documentary. However, I have advised my client
19 as his attorney I would not allow him to testify, and I
20 do that knowing that notwithstanding the fact that we
21 have got tons and tons of law on the question of the
22 right to refuse to testify as it might incriminate the
23 negative inuendo from the invocation as that right un-
24 fortunately carries with it stigma. Knowing that, I
25 still decline to offer testimony through my client,

1 Mr. Hale. But I do appreciate the opportunity. I have,
2 as the Committee knows, introduced a tremendous amount
3 of documentary, and I'm still of the opinion that he will
4 not testify before the Committee.

5 CHAIRMAN HALE: Let the Chair ask you
6 another question. In view of the fact that on certain
7 documentary evidence that was attempted to be obtained
8 by the Committee from you with respect to Judge Carrillo,
9 you invoked or attempted to invoke the Fifth Amendment
10 privilege for Judge Carrillo with respect to that docu-
11 mentation, and without passing upon the validity of
12 counsel being able to invoke the Fifth Amendment, the
13 Chair decided to accept that at face value from your
14 standpoint rather than attempt to test the legality of
15 it. I think there may be some serious question as to
16 whether counsel can invoke the Fifth Amendment for a
17 client. I'm inclined, without having briefed the point,
18 to be of the opinion that the client himself must invoke
19 that privilege. I think it's probably a personal privi-
20 lege to the individual. However, the Committee decided
21 not to press the point, since it was a very significant
22 legal question. But my question to you now would be that
23 if the Committee were to call Judge Carrillo under sub-
24 poena and force him to take the witness stand, would it
25 be your advice to him to invoke the Fifth Amendment

1 privilege with respect to all questions propounded to
2 him?

3 MR. MITCHELL: First, I want to thank the
4 Committee for that consideration, Mr. Hale, and secondly,
5 yes, it would be.

6 CHAIRMAN HALE: It would be your recom-
7 mendation to him?

8 MR. MITCHELL: Yes.

9 CHAIRMAN HALE: And since he has followed
10 your recommendations all the way up to now, we have no
11 reason to doubt but what he would follow your recommenda-
12 tion in that regard.

13 MR. MITCHELL: Yes, sir.

14 CHAIRMAN HALE: Thank you very much.

15 MR. MITCHELL: Thank you, Mr. Hale.

16 CHAIRMAN HALE: Mr. Mitchell, that con-
17 cludes.

18 Also let the Chair state that to the best of
19 the knowledge of the Chair we have no further testimony
20 that will be taken by this Committee, unless some other
21 members of the Committee have any other requests for
22 testimony or recommendations.

23 The Chair might make inquiry. Is there any-
24 one in the audience that is here for the purpose of
25 offering testimony before this Committee? If so, the

1 Chair would invite you to come forward at this time.

2 (No response.)

3 CHAIRMAN HALE: Mr. Mitchell, as the Chair
4 stated to you in the letter which I sent you last week
5 that the hearings Tuesday and, as it turned out, Wednes-
6 day of this week, July 15 and July 16, will be in all
7 probability the last public testimony that—the last
8 testimony, public or otherwise. We have taken no testi-
9 mony except in public hearing—will be the last testimony
10 taken by this Committee and the last opportunity which
11 you or your client would have to present evidence to this
12 Committee. In followup on that letter, the Chair would
13 make inquiry of you at this time, have you anything
14 further to present to the Committee in the way of evi-
15 dence with respect to your client?

16 (No response.)

17 CHAIRMAN HALE: When I say, "your client",
18 I'm referring to Judge O. P. Carrillo. He is the only
19 one really of your clients that this Committee is con-
20 cerned with, of course.

21 MR. MITCHELL: I had, Mr. Chairman, several
22 questions that I had requested in written form for cross
23 examination of some of those early witnesses, and, of
24 course, I haven't put those questions to the witnesses.
25 Then I had those of several attorneys which I believe

1 because of statements made in the record that obligated
2 the necessity of bringing them. I have no other than I
3 have presently other than some of those cross examination,
4 but I think they might have been washed out, Mr. Hale.
5 I don't know.

6 CHAIRMAN HALE: The Chair went through
7 all of those questions which you submitted to me with
8 respect to cross examination and after viewing the
9 record, it was the opinion of the Chair that the subject
10 matter of those interrogations have been pretty well
11 covered by the record. So from that standpoint, the
12 Chair did not see the necessity of recalling those wit-
13 nesses.

14 MR. MITCHELL: Well, I think with that
15 statement then—

16 CHAIRMAN HALE: Again, with the statement
17 that has been offered repeatedly that this again is not
18 a trial; we are not attempting to determine guilt or
19 innocense; we are not attempting to exhaust all of the
20 interrogation that is possible on these witnesses, but
21 simply attempting to determine if there are enough hard
22 facts, and by that the Chair interprets that to mean ad-
23 missible evidence in court to justify a recommendation
24 by this Committee that the impeachment proceeding should
25 go any further than this Committee.

1 In view of that limited scope of our function,
2 it was the opinion of the Chair that recalling those
3 witnesses was not justified.

4 MR. MITCHELL: I think with that state-
5 ment then, Mr. Hale, that I have about exhausted my
6 available evidence documentary and verbal.

7 CHAIRMAN HALE: Is there anything further
8 that we need to take up this morning in open session?
9 Mr. Kaster?

10 MR. KASTER: I would just like to give
11 Mr. Mitchell the opportunity— I read in the newspaper
12 article, and I want to give him the opportunity to clear
13 it up—that he consider this Committee, according to the
14 newspaper article, that we are a bunch of SOB's and I
15 didn't really feel he felt that way and wanted to give
16 him the opportunity to say it.

17 CHAIRMAN HALE: Well, Mr. Kaster, let's
18 not give him an opportunity to prove it.

19 MR. MITCHELL: May I state—

20 CHAIRMAN HALE: The Chair takes judicial
21 knowledge of the fact that Mr. Mitchell is an attorney
22 and a very able attorney and he is representing his client
23 and that in the process of doing that, Mr. Kaster, an
24 attorney does and says lots of things that everyone else
25 must take with a grain of salt, and with tongue in cheek.

1 MR. MITCHELL: I want to say also,
2 Mr. Chairman, I got quoted in the newspaper for some
3 two weeks after the last time I talked to any newspaper
4 reporter and I've gotten a lot of credit for a lot of
5 things I didn't say. So I didn't want to break your
6 temper with that statement, Mr. Kaster.

7 MR. KASTER: Well, I agree he's an ex-
8 cellent attorney and he may think we are SOB's and I
9 don't care because I do respect his ability very much.
10 But I never really think that he thought we are a bunch
11 of SOB's.

12 CHAIRMAN HALE: Well, on behalf of that
13 statement to the Committee by Mr. Mitchell, the Chair
14 would enter, although it's no longer permissible under
15 rules of civil procedure, the Chair on behalf of the
16 Committee would enter a general demurrer which for the
17 benefit of the lawyers means that even if it's true, so
18 what?

19 MR. KASTER: Well, I didn't think it was
20 fair to the women to be excluded from that.

21 CHAIRMAN HALE: Mr. Mitchell probably did
22 get in dutch with the equal rights advocates by his
23 limitation of that statement, of only nine of the eleven
24 members of this Committee.

25 Is there any further business to come before

1 the general meeting this morning?

2 (No response.)

3 CHAIRMAN HALE: Let the Chair state to
4 the members of the Committee if you will stand by when
5 we recess the meeting, the Chair is going to first enter-
6 tain a motion that we go into executive session again
7 to continue our meeting last night on the drafting of
8 these articles and conferring with counsel on any
9 possible future action by the Committee. I would like
10 to do that now before we recess for lunch.

11 And then at the conclusion of that meeting,
12 the Chair would entertain a motion that we recess until
13 this afternoon. What do you think the time element on
14 that ought to be?

15 (Discussion off the record.)

16 CHAIRMAN HALE: All right. The Chair,
17 at the conclusion of the executive meeting of the Com-
18 mittee, will entertain a motion that the Committee stand
19 recessed until 2:00 o'clock this afternoon at which time
20 we will again meet in public hearing and the press and
21 the audience will be welcome at that time.

22 As for the immediate present now, there is a
23 need for an executive session of the Committee and
24 Mr. Nabers moves that the Committee now resolve itself
25 into executive session to confer with our attorney on

1 future actions of the Committee.

2 Is there any objection?

3 (No response.)

4 CHAIRMAN HALE: The Chair hears none.

5 (Whereupon, at 11:30 a.m., the public hearing
6 was concluded.)

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