

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

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TRANSCRIPT OF PROCEEDINGS

BEFORE THE

TEXAS STATE HOUSE OF REPRESENTATIVES

HOUSE SELECT COMMITTEE ON IMPEACHMENT

AUSTIN, TEXAS

IN THE MATTER OF HSR NO. 161

JUDGE O. P. CARRILLO

CONTINUED HEARING

VOLUME XVI

BE IT REMEMBERED that on Wednesday, July 16, 1975, pursuant to the morning recess, the Committee reconvened at 2:15 p.m., in the Old Supreme Courtroom, State Capitol Building, Austin, Texas, the above-entitled matter came on for hearing, having been continued from July 15, 1975, before the HOUSE SELECT COMMITTEE ON IMPEACHMENT, the Honorable L. DeWitt Hale, Chairman, Presiding, and the following proceedings were reported by Hickman Reporting Service, 504 Travis Building, Austin, Texas 78701.

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MEMBERS PRESENT

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REPRESENTATIVE HALE - CHAIRMAN

REPRESENTATIVE MALONEY

REPRESENTATIVE CHAVEZ

REPRESENTATIVE DONALDSON

REPRESENTATIVE HENDRICKS

REPRESENTATIVE KASTER

REPRESENTATIVE LANEY

REPRESENTATIVE NABERS

REPRESENTATIVE WEDDINGTON

REPRESENTATIVE THOMPSON

APPEARANCES

FOR HOUSE SIMPLE RESOLUTION NO. 161

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

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VOLUME XVI

WEDNESDAY, July 16, 1975

(Pursuant to the morning recess, the Committee reconvened at 2:15 p.m., and the following transpired.)

CHAIRMAN HALE: The Committee will come to order.

At this time the Chair will lay before the Committee a committee substitute for House Simple Resolution No. 161 in draft form for action by the Committee, copies of which have been circulated among members of the Committee and also members of the press.

Our procedure this afternoon in consideration of this committee substitute, unless there is objection from some member of the Committee, the Chair would like to work through this substitute on an article by article basis, and a paragraph by paragraph basis to see if there are any further changes that need to be made in the committee substitute with respect to form or language or style, without regard to the merits or demerits of the substantive content. What we will be seeking as we go through it article by article at this time is perfection in the draftsmanship so that each article will correctly reflect the language in the charge which the Committee feels is justified for that particular charge. Voting on each of these will come subsequent to the perfection of the draftsmanship.

1 Is there any objection to that procedure? (No
2 response.)

3 The Chair hears none and we will proceed accord-
4 ingly. If each of you would look on page one then we
5 will start on page one there.

6 The "Resolving" clause, I presume, meets with
7 everyone's satisfaction on lines four through eight.
8 Lines 9 through 14 have to do with the Articles of Im-
9 peachment, sort of a preamble to the Article of Impeach-
10 ment. Are there any suggestions for change in that, in
11 the preamble? (No response.)

12 We would go to Article I. Is there any comment
13 or discussion as to the form of the language in Article I?

14 MS. THOMPSON: I have some suggestion as to
15 No. II.

16 CHAIRMAN HALE: On No. I?

17 MS. THOMPSON: No. I'm sorry; I'm ahead of
18 you.

19 CHAIRMAN HALE: Article II. Although the
20 subject heading is on the bottom of page 1, the Article
21 doesn't start until the top of page 2. Is there any dis-
22 cussion on Article II?

23 MS. THOMPSON: I had some concern about
24 section 6 of Article II. I have some concern with the last
25 part of that sentence, "...of state and local advalorem

1 taxes."

2 CHAIRMAN HALE: What page are you on?

3 MS. THOMPSON: I am on page 3.

4 CHAIRMAN HALE: What would be your suggestion?

5 MS. THOMPSON: I would like to delete " and
6 of state and local advalorem taxes."

7 MR. CHAVEZ: Is this the time when you would
8 take motions to delete any part?

9 CHAIRMAN HALE: If there are any changes the
10 Committee wants to make the Chair will entertain motions
11 to make those changes, yes, sir, on each Article as we go
12 down.

13 MS. THOMPSON: I would like to make a motion
14 to delete that part of section 6, Mr. Chairman.

15 CHAIRMAN HALE: The phrase "and of state and
16 local advalorem taxes"?

17 MS. THOMPSON: Yes, sir.

18 MR. HENDRICKS: I have a substitute motion.

19 CHAIRMAN HALE: Let me state the motion.
20 Ms. Thompson has moved that the phrase "and of state and
21 local advalorem taxes" be deleted from subparagraph 6 of
22 Article II. Mr. Hendricks?

23 MR. HENDRICKS: I have a substitute motion,
24 Mr. Chairman.

25 CHAIRMAN HALE: What is your motion?

1 MR. HENDRICKS: I would move to delete sub-
2 paragraph 6 in its entirety.

3 CHAIRMAN HALE: Mr. Hendricks moves as a
4 substitute for the Thompson motion that paragraph 6 of
5 Article II in its entirety be deleted from the committee
6 substitute. Is there any discussion? Do you want to make
7 any statement in connection with your motion, Mr. Hendricks?

8 MR. HENDRICKS: Mr. Chairman, I just don't
9 feel that enough evidence was brought forth. I know what
10 this sales tax refers to in the "state and local advalorem
11 taxes" and "sales tax" regarding that equipment that went
12 to the ranch. I do not feel that even from the preponder-
13 ance of the evidence that this was brought forth to this
14 Committee in such form for the Committee to vote on it.
15 And I would feel the same way regarding the state and local
16 advalorem taxes. If he can't pay his taxes I can't see
17 that that would be an impeachable offense, and I would move
18 to delete subparagraph 6.

19 MR. CHAVEZ: Mr. Chairman, parliamentary
20 inquiry.

21 CHAIRMAN HALE: Mr. Chavez.

22 MR. CHAVEZ? If I desire to move on sub-
23 section 7 also—

24 MR. JOHNSON: Wait until we get to it.

25 MR. CHAVEZ: —Wait until after this motion

1 is over?

2 CHAIRMAN HALE: Yes, sir. I think that would
3 be a separate motion, if you want to make some change in
4 that.

5 MR. CHAVEZ: Yes, sir.

6 CHAIRMAN HALE: Ms. Thompson, do you have
7 anything you would care to say on your motion or about
8 Mr. Hendrick's substitute?

9 MS. THOMPSON: Mr. Chairman, and members of
10 the Committee, I recall from the testimony that we did re-
11 ceive that there were several purchases made by the Farm
12 and Ranch Store, which materials were alleged to have been
13 repurchased by the person who has been— by O. P. Carrillo
14 and which there is no indication that sales taxes were
15 paid nor did Mr. Mitchell ever produce evidence in forms
16 of checks, et cetera, receipts which show he did pay the
17 sales taxes for those materials that he had purchased from
18 the— Morehouse Company was one of the companies, I think
19 I recall. And I was concerned about several of those
20 things that did occur during the course of testimony.

21 CHAIRMAN HALE: Any other comments?

22 MR. HENDRICKS: I would like to comment on
23 that in that there was no evidence, really, that the sales
24 taxes weren't paid. It's a vague area and is strictly, to
25 me, a guess on whether they were or weren't paid. I would

1 think the benefit of the doubt there should be resolved
2 in the Judge's favor.

3 CHAIRMAN HALE: Is there any further dis-
4 cussion? (No response.)

5 Ms. Thompson offers an amendment to delete a
6 portion of paragraph 6. Mr. Hendricks moves as a substi-
7 tute to delete all of paragraph 6. The question will recur
8 on the substitute motion by Mr. Hendricks.

9 All those in favor of the substitute motion by
10 Mr. Hendricks will vote "Aye"; those opposed will vote
11 "No" as your names are called.

12 The Clerk will call the roll.

13 THE CLERK: Maloney.

14 MR. MALONEY: Aye.

15 THE CLERK: Chavez.

16 MR. CHAVEZ: Aye.

17 THE CLERK: Donaldson.

18 MR. DONALDSON: Aye.

19 THE CLERK: Hendricks.

20 MR. HENDRICKS: Aye.

21 THE CLERK: Kaster.

22 MR. KASTER: No.

23 THE CLERK: Laney.

24 MR. LANEY: No.
25

1 THE CLERK: Nabers.

2 MR. NABERS: Aye.

3 THE CLERK: Weddington.

4 MS. WEDDINGTON: No.

5 THE CLERK: Slack.

6 MR. SLACK: (Absent)

7 THE CLERK: Thompson.

8 MS. THOMPSON: No.

9 THE CLERK: Five "ayes" and 3 "noes."

10 CHAIRMAN HALE: There being five "ayes" and
11 three "nays"— Is that correct? That's not right. We
12 have more here than that.

13 THE CLERK: Four "nays." I'm sorry; it is
14 four.

15 CHAIRMAN HALE: There being five "ayes" and
16 four "nays" the Hendricks substitute is adopted.

17 MR. DONALDSON: Mr. Chairman—

18 CHAIRMAN HALE: Just a moment. Is it about
19 this?

20 MR. DONALDSON: No.

21 CHAIRMAN HALE: The question now recurs on
22 the Thompson motion as substituted.

23 All those in favor, let it be known by saying
24 "Aye."

25 (Voice vote.)

1 Opposed, "No."

2 (Voice vote.)

3 The "Ayes" have it and the motion as substituted
4 is adopted.

5 Mr. Donaldson?

6 MR. DONALDSON: I have a motion relating to
7 subsection (3) of Article II. I would move to delete from
8 that specification No. (3) there the language at the end
9 of the sentence which says "...for his own personal and
10 political purposes."

11 I would like to be heard on my motion.

12 MR. CHAVEZ: Where?

13 MR. DONALDSON: To delete the language in
14 specification No. (3) in Article II, the language "...for
15 his own personal and political purposes."

16 CHAIRMAN HALE: Do each of you follow us?
17 On paragraph (3) of Article II beginning at the bottom
18 of page 2, line 25 on page 2, the phrase "...for his own"
19 and then it continues at line 1 of page 3 "personal and
20 political purposes."

21 Mr. Donaldson moves to delete that phrase. The
22 Chair recognizes you, Mr. Donaldson, on the motion.

23 MR. DONALDSON: I think it would be proper
24 to delete that language because if the members of the
25 Committee are satisfied with the evidence that he did

1 conspire with others to influence the membership and pro-
2 ceedings of the grand jury then, as far as I'm concerned,
3 it's makes no difference what the purposes of that con-
4 spiracy was, and it would place a higher degree or burden
5 of proof under that specification, and I would move to de-
6 lete it. If we have sufficient evidence to show the con-
7 spiracy in the tampering with the membership and proceedings,
8 it makes no difference in my opinion as to what his purposes
9 were.

10 MR. CHAVEZ: I agree.

11 CHAIRMAN HALE: Mr. Hendricks.

12 MR. HENDRICKS: Question.

13 CHAIRMAN HALE: Do you yield for a question,
14 Mr. Donaldson?

15 MR. DONALDSON: I yield.

16 MR. HENDRICKS: Mr. Donaldson, is it your
17 intention there that it should thus read, "...for the
18 purpose of whether it was for his personal and political
19 purpose" or "...for the personal and political purpose"
20 of anyone? Is that your intention there?

21 MR. DONALDSON: It would simply read like
22 this if my amendment is adopted: that "he conspired with
23 others to influence the membership and the proceedings of
24 the grand jury of Duval County."

25 MR. HENDRICKS: Whether it be for his purpose

1 or someone else's purpose.

2 MR. DONALDSON: Regardless of what the pur-
3 pose was.

4 MR. HENDRICKS: Thank you.

5 CHAIRMAN HALE: Is there further discussion?

6 MR. MALONEY: Although I recognize the point
7 Mr. Donaldson is trying to make, I believe that if you
8 read specification (3) as he would have it read it becomes
9 a very vague specification. Certainly under the grand jury
10 system as it is provided by law in Texas at this time, it
11 does allow and almost presupposes that a district judge in
12 selecting grand jury commissioners will influence the
13 membership of a grand jury, and any instructions or riding
14 herd on the grand jury in any county of this state would
15 be influencing the proceedings of the grand jury; and I
16 think that without putting a motive in that indicates wrong
17 doing that the specification really has no meaning.

18 MR. DONALDSON: Bob, what about changing the
19 word "influence" to "interfere with"?

20 MR. CHAVEZ: Or "improperly" or "unlawfully."

21 MR. DONALDSON: "tamper."

22 MR. MALONEY: I would rather have "influence."
23 I think the fact that the "influence" was to his personal
24 or political benefit implies the wrong doing. It is not
25 necessarily an interference because the testimony, as I

1 heard it, from start to finish, there was very little inter-
2 ference.

3 MR. DONALDSON: What I am thinking specif-
4 ically about is the testimony we had about the meeting
5 where the secretary of the grand jury was there and, ac-
6 cording to the testimony of the secretary of that grand
7 jury, in his interpretation Judge Carrillo was making a
8 definite recommendation as to whether or not indictments
9 should be returned against one or two or three people.
10 Now, if in fact the evidence is strong enough to substan-
11 tiate that he did make that recommendation in that meeting,
12 then I think that that is a specification that ought to be
13 included, regardless of what his motive was in doing it;
14 because he was discussing and making recommendations on
15 matters pending before the grand jury.

16 MR. CHAVEZ: People weren't as political—

17 MR. MALONEY: Well, I think I'm trying to
18 look at it in perhaps too technical a point of view as to
19 what it is going to say if someone read this Article. And
20 what it says it implies, to me, no wrong doing unless you
21 attach a malicious intent to the word "conspire."

22 MR. CHAVEZ: I think we ought to put in there
23 "improperly" before "influence." "...to improperly in-
24 fluence."

25 MR. NABERS: Well, he conspired to subvert

1 the principles of—

2 MR. DONALDSON: Refer it back to the
3 general Article.

4 MR. JOHNSON: What about "improperly"?

5 MR. MALONEY: That, to me, does it, just
6 what Mel suggested.

7 MR. CHAVEZ: Offer a substitute motion then.

8 MR. DONALDSON: I will withdraw my amendment
9 at this time, Mr. Chairman, and offer a substitute.

10 MR. HENDRICKS: Mr. Chairman, I have an
11 amendment to subparagraph (3).

12 CHAIRMAN HALE: Mr. Donaldson, do you want
13 to withdraw you amendment, you say?

14 MR. DONALDSON: I will withdraw my amendment.

15 CHAIRMAN HALE: Mr. Donaldson withdraws his
16 amendment. Mr. Hendricks?

17 MR. HENDRICKS: Mr. Chairman, I would offer
18 an amendment to that same subparagraph (3) in which it
19 would read "he conspired with others to influence the
20 membership and proceedings of: the grand jury impaneled
21 in February, 1975, in the 229th District Court of Duval
22 County" and so on and so forth. I think we had better pin
23 that down as to what grand jury it is, because if you
24 don't, well— There have been many grand juries down there
25 and I think you should specify which grand jury we are

1 talking about.

2 MR. CHAVEZ: I would offer a substitute
3 motion to that, if I could, Mr. Chairman. He wants to
4 leave this in, doesn't he?

5 CHAIRMAN HALE: What is your substitute?

6 MR. JOHNSON: You don't want to leave in
7 the last—

8 MR. CHAVEZ: I don't understand; I couldn't
9 hear you.

10 MR. HENDRICKS: What I would like to do is
11 to have the staff draw it in such a way that this partic-
12 ular grand jury that is now impaneled in Duval County is
13 specified as the grand jury subparagraph (3) is speaking
14 to; because it doesn't specify any grand jury. It says
15 "of the grand jury." We all know what we are talking
16 about but I don't think you could put that in an indict-
17 ment or charges against anybody without specifically
18 stating what grand jury you are talking about.

19 MR. DONALDSON: What about this, Bob? After
20 "Duval County" put a comma "February term 1975 229th
21 Judicial District Court."

22 MR. HENDRICKS: Well, I wasn't positive what
23 term that was. I do remember the testimony. I believe it
24 was impaneled February the 2nd or 3rd of '75.

25 MR. NABERS: But still take this out.

1 MR. DONALDSON: Yes. Take out the part
2 "for his own personal use and benefit."

3 MR. HENDRICKS: Any way that could be worded
4 I would think would satisfy a glaring error there to me.

5 MR. CHAVEZ: Could I offer a substitute
6 motion, Mr. Chairman?

7 CHAIRMAN HALE: What is your motion, Mr.
8 Chavez?

9 MR. CHAVEZ: I would move to amend subsection
10 (3) to insert between the words "to" and "influence" on
11 line 24 the word "improperly" and strike, beginning on
12 line 25 the words "for his own" and on line 1, page 3
13 the words "personal and political purposes" and insert
14 in lieu thereof "impaneled February 3rd, 1975."

15 MR. DOYLE: That will do it.

16 MR. NABERS: Read the whole thing.

17 MR. CHAVEZ: "he conspired with others to
18 improperly influence the membership and proceedings of
19 the grand jury of Duval County impaneled February 3, 1975."

20 MR. NABERS: I will buy that.

21 MR. HENDRICKS: I will accept the substitute,
22 Mr. Chairman.

23 CHAIRMAN HALE: Would we be better not to
24 say "February 3"? That worries me when you specify that
25 specific date. Why not just "the February term"?

1 MR. MALONEY: "on or about."

2 MR. HENDRICKS: Is it the February term?

3 I don't know.

4 MR. CHAVEZ: I think it would be the February
5 term.

6 MR. MALONEY: It might have been the January
7 term. We could use "on or about."

8 MR. HENDRICKS: It could possibly be "the
9 grand jury term."

10 MR. CHAVEZ: "impaneled on or about."

11 MR. DONALDSON: "on or about" will get it.

12 MR. DOYLE: Leave out the date. Say "im-
13 paneled in February."

14 CHAIRMAN HALE: Are we sure of the month?
15 Are we positive of the month?

16 MR. DOYLE: Yes.

17 MR. DONALDSON: That is my birthday is the
18 reason I remember that.

19 MR. CANALES: Mr. Chairman, may I interrupt
20 the Committee briefly at this point and bring to the atten-
21 tion— I don't know whether it has been overlooked inten-
22 tionally or left out intentionally or whatever. The Chair
23 will notice that in all of the charges the charges or not
24 for acts committed but simply for conspiracy. In talking
25 to Mr. Doyle I was suggesting the possibility of inserting

1 well, taking, for example, subparagraph (3) that is under
2 consideration right now, instead of saying "he conspired
3 with others" simply stating that he conspired with others
4 but also that he conspired and acted with others; not only
5 that he conspired with others but he also acted. They are
6 actually two different offenses; one the conspiracy and
7 one the act. I just throw it out for the consideration
8 of the Committee.

9 MR. MALONEY: Point of order.

10 CHAIRMAN HALE: State your point of order.

11 MR. MALONEY: It is my understanding this is
12 a formal meeting of this Committee and it's my under-
13 standing of the rules of the House only the members of the
14 Committee participate in mark-up sessions.

15 CHAIRMAN HALE: I think that is entirely
16 proper. Under the rules of the House, Mr. Canales, I
17 believe you will find that on the work sessions of the
18 Committee the deliberations should be confined to members
19 of the Committee.

20 MR. CANALES: I will apologize, Mr. Chairman.

21 CHAIRMAN HALE: I think you could readily
22 understand and appreciate the reason for that because if
23 we allow one non-member of the Committee to participate
24 then we have to allow other non-members to participate,
25 and then it becomes totally unmanageable and unwieldy.

1 The Chair would suggest to you that we would— I
2 know all members of the Committee would appreciate any
3 suggestions you have and what the Chair would suggest is
4 that you pass it to some member of the Committee indi-
5 vidually and if he feels it has merit he can then bring
6 it to the attention of the Committee.

7 The point of order is sustained.

8 Mr. Chavez, see if this does what you want, so
9 that Article III would read like this: "he conspired with
10 others to improperly influence the membership and proceed-
11 ings of the grand jury of Duval County impaneled in Febru-
12 ary, 1975."

13 MR. CHAVEZ: Yes, sir.

14 CHAIRMAN HALE: Mr. Doyle, let the Chair ask
15 you a question, and the members of the Committee too.
16 Although with the point of order on Mr. Canales was sus-
17 tained, the idea which he brought forth was one, if you
18 members of the Committee will recall, I raised some ques-
19 tion about during previous deliberations was the continuing
20 use of the word "conspired." My question to you, Mr. Doyle,
21 is on the prosecution, are we unnecessarily limiting our-
22 selves if we are going to confine it to "conspired"? Let
23 me think out loud with you on the alternative. I am
24 thinking everywhere we used the word "conspired" if per-
25 haps we ought not to change the language to read something

1 like this: that "he acted individually or in concert with
2 others to improperly influence the membership" so that
3 whether he had anybody else acting with him or whether he
4 did it all by himself you are covered either way; and then
5 you get away from necessarily the conspiracy. A "con-
6 spiracy" to me implies more or less an agreement, whereas
7 you might well act in concert with others with no pre-
8 -arranged agreement whatsoever. Now, am I thinking hazily
9 and foggily or is there some merit to that?

10 MR. DOYLE: Generally, alleging of con-
11 spiracy broadens what you can introduce into evidence to
12 prove up the misdeed which you are alleging. In this
13 particular instance, on the subparagraph that you are
14 dealing with which is subparagraph (3), it depends on
15 how you interpret the word or the phrases "to influence."
16 It would appear to me by definition "to influence" would
17 take some act, some overt act. You can't influence with-
18 out letting somebody know what your thoughts are. "Con-
19 spiracy" wherever it is alleged—and I have looked it
20 over, and in more than one place I think you could show,
21 you could introduce evidence or that there is ample evi-
22 dence to indicate a conspiracy, as well as an act by the
23 individual acting alone. For instance, the testimony
24 we received yesterday from Mr. Correa indicated that the
25 discussion about indictments took place in the presence of

1 Mr. Manges, Mr. George Parr, and the Judge. Whether or
2 not you would, you know, a proper forum would believe
3 that that was a conspiracy or not would be for them to
4 decide. But to use a phrase of the Chair, "out of an
5 overabundance of caution" it certainly wouldn't hurt the
6 allegations if you put "acted alone" as well as "con-
7 spiring with others" or, you know, "attempted to influence"
8 collectively or alone. I don't think it would hurt a
9 thing.

10 CHAIRMAN HALE: Supposing that the evidence
11 on this particular one, supposing the evidence before the
12 trial tribunal is such that the presiding judge or officer
13 excludes all of the testimony concerning the improper in-
14 fluence of the grand jury except that which Judge Carrillo
15 himself alone did. Now, would that destroy it if you limit
16 it to a conspiracy? My question to you is, does a con-
17 spiracy require that more than one person was involved?

18 MR. DOYLE: Yes.

19 CHAIRMAN HALE: It would have to—

20 MR. DOYLE: Yes.

21 CHAIRMAN HALE: Because you can't conspire
22 with yourself.

23 MR. DOYLE: No.

24 CHAIRMAN HALE: So you are automatically,
25 it seems to me, by use of the word "conspiracy," you are

1 automatically excluding therefrom any act which he may
2 have done on his own initiative and acting by himself,
3 would you?

4 MR. DOYLE: No, not necessarily because that
5 goes to the question of believability of the evidence.
6 That goes to the interpretation of what he did. Was the
7 conversation on the telephone with the witness Correa,
8 while Correa was in the presence of Manges in Manges' auto-
9 mobile, was that enough to get to the conspiracy angle?
10 If the tryer of fact doesn't believe that it was then the
11 evidence is not any good, but I think it is a question on
12 the weight of the evidence and not one of the admissibility
13 of the evidence. But in this particular instance, I think
14 you would probably be improving the document if you put
15 in language such as was suggested, to indicate he acted
16 alone and with others.

17 MR. CHAVEZ: Mr. Chairman, it is my under-
18 standing of conspiracy that a conspiracy doesn't become
19 unlawful until somebody commits an overt act. If we are
20 going to tie the Judge into this, if the evidence is to
21 substantiate this, then he must have committed some overt
22 act for the conspiracy to be unlawful. He might have dis-
23 cussed it with somebody else to improperly influence the
24 grand jury, but that in itself is not unlawful unless
25 they do some act to actually carry out the conspiracy.

1 CHAIRMAN HALE: But the Judge himself would
2 not have to do that act. Anyone of the coconspirators
3 could do the actual act, and all coconspirators would be
4 equally guilty, would they not?

5 MR. CHAVEZ: That is correct.

6 MR. DOYLE: That's correct.

7 CHAIRMAN HALE: If I understand the law of
8 conspiracy—

9 MR. CHAVEZ: Once they had that conversation
10 in the Judge's chambers, I think that is enough to reflect
11 that the conspiracy was carried out.

12 MR. DONALDSON: Terry, as I understand the
13 format of these Articles, we have alleged a general Article
14 in this format considered to be an impeachable offense.
15 Then under that we have stated that the conduct, to the
16 knowledge of the Committee at this time, that would indicate
17 that he had committed that impeachable offense included
18 these specific items. But it is not limited to those. So
19 as I understand the intent of drawing the resolution in
20 this manner you're not limited to proving these specific
21 acts in proving the overall Article of impeachment, so that
22 if in fact one of those where it stated that he conspired
23 if, in fact, he only acted to improperly influence the
24 grand jury or something, don't you think under this Article
25 that you could introduce evidence to prove that?

1 MR. DOYLE: What you are alleging, for in-
2 stance, in Article III, Mr. Donaldson—excuse me; you are
3 working on Article II.

4 MR. DONALDSON: Right.

5 MR. DOYLE: —is that "while holding office
6 as District Judge he used his official powers in a manner
7 calculated to subvert the principles of democratic justice
8 and obstruct the fair and impartial administration of
9 justice." And then by way of example you are saying he
10 did 1, 2, 3 and 4, 5, 6, 7. Now, I am assuming that the
11 presiding officer at whatever stage would allow the intro-
12 duction of evidence which would substantiate that alle-
13 gation. I don't think the presiding officer would keep
14 out evidence that he attempted to influence a grand jury
15 member with someone else or alone. I am really not con-
16 cerned about that.

17 MR. DONALDSON: Of course, we don't really
18 know what the rules are going to be.

19 MR. DOYLE: We don't know what the rules are
20 going to be, but I cannot imagine that being the case.
21 But I think that the point raised by whoever raised it—
22 I don't remember; I think Mr. Canales did first—is perhaps
23 well taken because if the Committee, the House, the Senate
24 or whoever, is at anytime criticized for "shotgunning"
25 this thing, if you put a little— You see, what we are

1 doing in these numbered articles, subsections 1, 2, 3,
2 4, 5, 6 and 7, is giving out some specific examples of
3 what the Committee feels is misconduct to fit within what
4 we have alleged in the broad paragraph that starts off
5 Article II. If you're going to get specific, then you
6 might as well go ahead and get pretty specific.

7 As Mr. Hendricks pointed out, perhaps you ought
8 to say "the February grand jury." I don't think it makes
9 any difference, but it seems to me the reason you would
10 want to do it is just to show that not only do we think he
11 did things that were calculated to subvert the principles
12 of democratic government and obstruct the fair and im-
13 partial administration of justice, we think he did these
14 things, 1, 2, 3, 4, 5, 6, 7. It brings it more in line
15 with the nature of an indictment, although it is not; and
16 it doesn't have to meet those requirements. It will, at
17 least, that portion of the charge—

18 MR. DONALDSON: I would presume this is
19 subject, of course, to some procedural due process.

20 MR. DOYLE: Well, historically, the Senate
21 has passed a resolution which governs, and I would assume
22 the Senate will pass a resolution which governs evidence,
23 allegations and so forth on this occasion.

24 I certainly see no reason, if you're going into
25 specifics, if it will make the Committee members feel a

1 little more comfortable to go into more specifics, I don't
2 think it will do any harm to the instrument.

3 CHAIRMAN HALE: Well, while you all have
4 been talking I have been tinkering around here with lan-
5 guage, and actually I think you could do the entire thing
6 by adding two words to this. As it reads now, "he con-
7 spired with others" to do so and so. All you would have
8 to do would be to add in there "he acted alone or con-
9 spired with others" to do so and so.

10 MR. CHAVEZ: We ought to make up our minds
11 whether he did or didn't. I think he conspired with others.
12 I think that is what the evidence shows.

13 CHAIRMAN HALE: Well, on this particular one
14 I'm thinking in terms of the use of this word "conspiracy"
15 throughout the articles, as we might do.

16 MR. CHAVEZ: Well, I think we ought to take
17 them one at a time.

18 CHAIRMAN HALE: On this particular one, I
19 am inclined to agree it doesn't make any difference.
20 Don't you, Mr. Doyle?

21 MR. MALONEY: A point of inquiry.

22 CHAIRMAN HALE: Mr. Maloney?

23 MR. MALONEY: Mr. Chairman, I am concerned
24 a little bit from the technical point of view when you are
25 switching from "ands" and "ers" just in pleading, you are

1 going back and forth from the disjunctive to the conjunc-
2 tive pleadings, and frankly I have not briefed it enough
3 to give my opinion of what it would be in this. Will we
4 be able, in the event the Committee votes any articles of
5 impeachment, will these be amendable on the floor, from a
6 technical point of view, on the floor of the House.

7 MR. NABERS: Yes.

8 CHAIRMAN HALE: It's the opinion of the Chair
9 that the entire resolution would be subject to any amend-
10 ments on the floor of the House that anyone would care to
11 offer. I think, without attempting to prejudge what the
12 House might do, but from a procedural standpoint it occurs
13 to the Chair that this would be, just as any other resolu-
14 tion, would certainly be subject to floor amendment.

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

16 CHAIRMAN HALE: So that on later study, if
17 we did find some defect in some of these articles, and the
18 Committee votes them out and we reach that point, then
19 amendments could be offered on the floor of the House to
20 correct any errors.

21 MR. DOYLE: Mr. Chairman, were your words
22 "he acted and conspired with others"?

23 CHAIRMAN HALE: "acted alone or conspired
24 with others."

25 MR. DOYLE: "he acted alone to influence."

1 CHAIRMAN HALE: "he conspired with others."
2 In other words, you would have a two-pronged allegation
3 there.

4 MR. DOYLE: You could probably get the same
5 result by just saying "he acted and conspired with others
6 to influence." "He acted to influence and he conspired
7 with others to influence."

8 MR. MALONEY: Say what you mean.

9 MR. CHAVEZ: It is the same thing. If he
10 acted he conspired. It is proving the conspiracy.

11 CHAIRMAN HALE: I am constrained to say in
12 this particular one it doesn't make any difference.

13 MR. DOYLE: I agree.

14 CHAIRMAN HALE: Because I don't recall any
15 evidence where he acted alone on this particular one, but
16 there may be others of these articles where there was some
17 act alone.

18 Mr. Hendricks had offered an original amendment
19 here and you were going to accept it. Why don't you just
20 withdraw yours, Mr. Hendricks?

21 MR. HENDRICKS: Yes, sir.

22 CHAIRMAN HALE: Mr. Hendricks withdraws his
23 amendment and Mr. Chavez submits the following amendment:

24 That we strike paragraph (3) and substitute in
25 lieu thereof, the following: "he conspired with others

1 to improperly influence the membership and proceedings of
2 the grand jury impaneled in February, 1975."

3 Is there any discussion on the Chavez amendment?

4 (No response.)

5 All those in favor of the adoption of the Chavez
6 amendment, let it be known by saying "Aye."

7 (Voice vote.)

8 Opposed, "No."

9 (Voice vote.)

10 The "Ayes" have it and the Chavez amendment is
11 adopted.

12 CHAIRMAN HALE: Mr. Johnson, who is going to
13 keep a running tabulation on all of these amendments? Do
14 you want these where they are in writing, shall I give
15 them to you so we can incorporate them in their proper
16 place?

17 MR. JOHNSON: Yes, sir.

18 MR. CHAVEZ: I move to amend Article II by
19 deleting subsection (7) thereof.

20 CHAIRMAN HALE: Mr. Chavez moves to amend
21 Article II by deleting paragraph (7).

22 MR. CHAVEZ: The way the Article or the subsec-
23 tion is written it says that "he handled his financial
24 affairs in a manner that caused him to be indicted." I
25 don't know that the manner in which any individual conducts

1 his financial affairs would be an impeachable offense. Of
2 course, he hasn't been convicted of that offense and it
3 seems to me that people that are tried and acquitted,
4 then for all practical purposes we would have a judicial
5 finding that he didn't commit a violation. But still
6 this "financial affairs" I think is what this thing speaks
7 to, the manner and type of business man he might be, and
8 I think that is not an impeachable offense. At least the
9 testimony we have here, in my opinion, would not substan-
10 tiate such a charge.

11 CHAIRMAN HALE: Is there any further dis-
12 cussion?

13 MR. MALONEY: I am in agreement with Mr.
14 Chavez. I think that (7) would move into an area in
15 which there really has been very little testimony before
16 this Committee, and the fact that a person has been in-
17 dicted under our system of law has never been any evidence
18 per se of him being guilty of what he is charged with. I
19 really think that it would be going too far to hold that
20 simply being indicted and handling your affairs in such a
21 way that you were indicted was any type of impeachable
22 offense. Because if that were to be the case—the Judge
23 has been criticized in one article for influencing the
24 grand jury and in the other case where you had a grand
25 jury that just didn't like a district judge they could

1 return an indictment and that would be the end of him. I
2 tend to agree with Mr. Chavez

3 CHAIRMAN HALE: Mr. Kaster.

4 MR. KASTER: Mr. Chairman, I disagree with
5 Mr. Chavez. I think the predicate was laid in the Judge's
6 actions in removing various officials because one of the
7 reasons given in the testimony was that they were under
8 indictment, so if it is fair enough for him to remove
9 people because they are under indictment I feel then it
10 is fair enough to consider this in the same light.

11 MR. CHAVEZ: Mr. Chairman, I think he is
12 referring to the removal of Judge Parr, but in that case
13 there was a conviction. He was tried and he was found
14 guilty. That goes a little bit further and in every charge,
15 criminal charge, there is an instruction from the court
16 to the jury that the indictment is no evidence of guilt.

17 MR. MALONEY: In addition to that, there is
18 a specific statute that says a county judge can be removed
19 if he has been convicted of a felony by a petit jury which
20 is undisputed in the evidence we have.

21 MR. CHAVEZ: That's right. So that is a
22 little different from this situation.

23 CHAIRMAN HALE: Is there further discussion?

24 (No response.)

25 Is there further discussion on the Chavez motion?

1 (No response.)

2 Mr. Chavez moves that Article II be amended by
3 deleting paragraph (7) in its entirety.

4 All those in favor of the motion will indicate
5 by voting "Aye"; those opposed to the motion will vote
6 "No" as your names are called. The Clerk will call the
7 roll.

8 THE CLERK: Maloney.

9 MR. MALONEY: Aye.

10 THE CLERK: Chavez.

11 MR. CHAVEZ: Aye.

12 THE CLERK: Donaldson.

13 MR. DONALDSON: Pass, right now.

14 THE CLERK: Hendricks.

15 MR. HENDRICKS: Aye.

16 THE CLERK: Kaster.

17 MR. KASTER: No.

18 THE CLERK: Laney.

19 MR. LANEY: Aye.

20 THE CLERK: Nabers.

21 MR. NABERS: Aye.

22 THE CLERK: Waddington.

23 MS. WEDDINGTON: No.

24 THE CLERK: Slack.

25 MR. SLACK: (Absent.)

1 THE CLERK: Thompson.

2 MS. THOMPSON: Aye.

3 THE CLERK: Donaldson.

4 MR. DONALDSON: Aye.

5 THE CLERK: Seven "ayes" and two "nays."

6 CHAIRMAN HALE: Seven to two. There being
7 seven "ayes" and two "nays," the amendment is adopted.

8 Mr. Hendricks.

9 MR. HENDRICKS: Mr. Chairman, I would move
10 to amend Article II by striking in its entirety subpara-
11 graph (5).

12 I would like to be heard on my motion.

13 CHAIRMAN HALE: The Chair recognizes you.

14 MR. HENDRICKS: It is my feeling that this
15 matter covered by paragraph (5) here is sufficiently
16 covered in another article— I can't put my finger on it
17 right now; in the Parr trial is the one I am speaking of.

18 MR. MALONEY: (2) of Article II.

19 MR. HENDRICKS: (2) of Article II. Yes.
20 Well, I was trying to go faster. I feel like it is suffi-
21 ciently covered in paragraph (2) of Article II and it
22 should be deleted at this point since we have covered it
23 sufficiently.

24 MR. CHAVEZ: Which one do you think covers
25 it? I couldn't hear you.

1 MR. HENDRICKS: Article II, paragraph (2).
2 I am moving to delete subparagraph (5) in that I feel like
3 it's covered in subparagraph (2).

4 CHAIRMAN HALE: Let the Chairman ask you a
5 question. Subparagraph (2) speaks to his refusal to re-
6 cuse and disqualify himself. Paragraph (5) speaks to a
7 conspiracy to dominate control. Those are two separate
8 and distinct matters, aren't they?

9 MR. HENDRICKS: I feel that's true, but I've
10 got a personal feeling that is just mine that maybe what
11 he did was right but I just don't appreciate the way he
12 did it.

13 MR. KASTER: Mr. Chairman, I disagree with
14 this motion. Specifically, I think that no. 2 deals with
15 his conduct in judging a case which he had already acted
16 on. I didn't think it was proper for him to be listening
17 to a case when he made public pronouncements that he was
18 a political enemy now of Mr. Parr. Article V deals with
19 his method of arbitrarily suspending and removing from
20 office a political opponent and very specifically re-
21 appointing one of his allies from the court which gave
22 him another chance to replace that commissioner that he
23 elevated to the county judge with another ally, effectively
24 giving him control of the court. I think they are two
25 separate and distinct offenses and I think that they should

1 both be in there.

2 MR. HENDRICKS: I would like to respond to
3 that, Mr. Chairman.

4 CHAIRMAN HALE: Any other discussion? (No
5 response.)

6 MR. HENDRICKS: It is just my feeling that
7 we have not received concrete testimony concerning the
8 actual removable of Judge Parr from his bench down there.
9 The only thing we have received is the fact that they had
10 a fight in the papers; they were enemies, and he presided
11 at his trial. I feel like we are on concrete ground in
12 subparagraph (2) and that we are not in (5) and we have
13 not received the testimony to back this up and we would
14 just be guessing on it.

15 CHAIRMAN HALE: Mr. Kaster.

16 MR. KASTER: I would respond to that, Mr.
17 Chairman, that the evidence certainly did show that there
18 are, in fact, two county commissioner's courts. The bank
19 refused to honor the drafts down there because of the
20 chaotic condition caused by this arbitrary removal and
21 the manner in which he held it, and the people couldn't
22 qualify. They are holding dual offices. I think there is
23 ample evidence and Article V should be in there just from
24 the evidence, and I would disagree with Mr. Hendricks.

25 CHAIRMAN HALE: Is there any further

1 discussion? (No response.)

2 MR. CHAVEZ: Could I ask Mr. Kaster a ques-
3 tion?

4 CHAIRMAN HALE: Yes.

5 MR. CHAVEZ: Wasn't most of the testimony
6 concerning removals with respect to the trustees, school
7 trustees? There was hardly any real concrete testimony
8 on Archer Parr that I remember.

9 MR. KASTER: I think no. 5 demonstrates the
10 testimony showing that the people down there haven't been
11 paid for a couple of months; that there are not warrants
12 being honored by the bank because of this situation. I
13 certainly do think it was arbitrary and I think that no. 2
14 deals with an entirely different matter. It deals with
15 his conduct in hearing the case, which he shouldn't have
16 done, in my opinion.

17 MR. CHAVEZ: But this subsection speaks to
18 dominating and controlling the county.

19 MR. KASTER: That's right.

20 MR. CHAVEZ: Well, most political organiza-
21 tions—isn't that the purpose, to try to control the—

22 MR. KASTER: I don't think that a district
23 judge can be dominating and controlling anything.

24 MR. DONALDSON: Mr. Chairman, will Mr.
25 Kaster yield?

1 MR. KASTER: Yes, sir.

2 MR. DONALDSON: Mr. Kaster, don't you think
3 under that paragraph (5) when you say "he conspired with
4 others to dominate and control the county by arbitrarily
5 suspending and removing from office a political opponent,"
6 which I presume to be Archer Parr, that if he did that
7 arbitrarily that presupposes that he had no valid reason
8 for doing it when, in fact, Archer Parr had been convicted
9 of a perjury and that that is specifically stated in the
10 statutes ~~for~~ proper reason for removal from office. So
11 it was not arbitrary, to that extent. That would be the
12 way I would look at that. And the way he handled it, I
13 think that is a different thing and I think it is covered
14 under (2).

15 MR. KASTER: I think (2) speaks only to
16 the method of his handling the trial—

17 MR. DONALDSON: I agree with that, too.

18 MR. KASTER: —but it is the situation, the
19 dog and pony show he ran between Hebronville and wherever
20 else he was running it.

21 CHAIRMAN HALE: Mr. Maloney.

22 MR. MALONEY: It is my feeling that since
23 there is a specific statute that does give the district
24 judge the power to remove a judge, a county judge, under
25 these circumstances that we pretty well have to be

1 governed by that. You can not say that a man who followed
2 the statute has done something wrong regardless of polit-
3 ical reasons behind it. The fact that he appointed a
4 political ally, reprehensible though that may be, I think
5 we are ignoring political realities. A person who is
6 going to appoint a political ally is not going to appoint
7 an enemy.

8 I would agree that it is covered in (2), the
9 damage that he has done to the judicial system, which is
10 by and large the heading for Article II is amply covered
11 in subsection (2).

12 CHAIRMAN HALE: Is there any further dis-
13 cussion? (No response.)

14 Mr. Hendricks has moved to amend Article II by
15 deleting in its entirety paragraph (5).

16 All those in favor of the motion will vote "Aye"
17 and those opposed will vote "No" as your names are called.
18 The Clerk will call the roll.

19 THE CLERK: Maloney.

20 MR. MALONEY: Aye.

21 THE CLERK: Chavez.

22 MR. CHAVEZ: Aye.

23 THE CLERK: Donaldson.

24 MR. DONALDSON: Aye.
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THE CLERK: Hendricks.

MR. HENDRICKS: Aye.

THE CLERK: Kaster.

MR. KASTER: No.

THE CLERK: Laney.

MR. LANEY: Aye.

THE CLERK: Nabers.

MR. NABERS: Aye.

THE CLERK: Weddington.

MS. WEDDINGTON: Aye.

THE CLERK: Slack.

MR. SLACK: (Absent)

THE CLERK: Thompson.

MS. THOMPSON: Aye.

THE CLERK: Eight "ayes" and one "no."

CHAIRMAN HALE: There being eight "ayes" and one "nay," the Hendricks amendment is adopted.

Are there further amendments to Article II? (No response.)

Let's move on to Article III then. Are there amendments to Article III?

MR. HENDRICKS: Yes.

CHAIRMAN HALE: Mr. Hendricks.

MR. HENDRICKS: There in the first paragraph, "While holding office as district judge for the 229th

1 Judicial District of Texas, O. P. Carrillo conspired with"
2 and so on and so forth, I feel like maybe here we should
3 insert the words "acted or" conspired with others. To
4 divert the services. I don't feel like it would do damage
5 to the Article and would—

6 MR. CHAVEZ: What—

7 MR. HENDRICKS: Add the word after "O. P.
8 Carrillo" "acted or" "conspired with others."

9 MR. CHAVEZ: Why couldn't you say "conspired
10 with others—"

11 MR. HENDRICKS: "acted or conspired with
12 others."

13 MR. CHAVEZ: Well, I was going to suggest
14 another way to say "conspired with others" to "and did
15 convert the services of governmental employees."

16 MR. DONALDSON: Then you would have to prove
17 the conspiracy any time—

18 MR. DOYLE: That wouldn't change the burden.

19 MR. CHAVEZ: That's okay. I withdraw my
20 suggestion.

21 MR. HENDRICKS: You point specific conduct
22 in that second paragraph. I think it is covered down
23 there when you start pointing out the specifics that he
24 did it, if it's voted, and then you point out the specific
25 instances of when he did it.

1 CHAIRMAN HALE: Wouldn't we get back there,
2 Mr. Hendricks, on the same discussion we had before? You
3 have two possibilities; one, he either acted alone in
4 doing certain things or he conspired with others to do
5 certain things.

6 MR. HENDRICKS: That is correct.

7 CHAIRMAN HALE: I would get back to that
8 phrase I had a minute ago, "acted alone." In other words,
9 "O. P. Carrillo acted alone or conspired with others."

10 MR. HENDRICKS: Well, if you just used the
11 word "acted," doesn't that necessarily mean acted alone?

12 CHAIRMAN HALE: If you said, "acted or con-
13 spired with others," the "with others" might be inter-
14 preted to apply to 'acted' too. "Acted with others" or
15 "conspired with others."

16 MR. HENDRICKS: Well, I will amend my motion
17 to say "acted alone" then.

18 CHAIRMAN HALE: I mean that is the danger,
19 I think, in not putting the word "alone" in there.

20 MR. HENDRICKS: When we get down to these
21 specific things I think the word "acted" should go in
22 there.

23 CHAIRMAN HALE: Mr. Hendricks moves that
24 Article III be amended, in the opening paragraph there,
25 immediately following the words "O. P. Carrillo" by

1 adding the phrase "acted alone or" so that if the amend-
2 ment were adopted the opening paragraph would read:

3 "While holding office as district judge for
4 the 229th Judicial District of Texas, O. P. Car-
5 rillo acted alone or conspired with others to
6 divert the services of governmental employees,"
7 and so forth.

8 Does everyone understand the amendment? (No
9 response.) Is there any further discussion on the amend-
10 ment? (No response.)

11 All those in favor of the adoption of the amend-
12 ment let it be known by saying "Aye."

13 (Voice vote.)

14 Opposed, "No."

15 (Voice vote.)

16 The "ayes" have it. The amendment is adopted.

17 Mr. Hendricks.

18 MR. HENDRICKS: Mr. Chairman, I would move
19 to delete both paragraph (6) and paragraph (7) of Article
20 III. I would like to be heard on my motion.

21 CHAIRMAN HALE: Mr. Hendricks moves to amend
22 Article III by deleting paragraphs (6) and (7).

23 The Chair recognizes you on the motion.

24 MR. HENDRICKS: My reason is that both
25 Tomás Elizondo and Roberto Elizondo testified before the

1 Committee and there was no contradiction in their testi-
2 mony that both of them ran cattle on the Judge's ranch,
3 and we had no way of contradicting and it wasn't contra-
4 dicted. Thereby, there would be consideration passing
5 from the Judge to them for any work they might have done
6 on the ranch, and I do not feel like they belong in this
7 article of impeachment.

8 CHAIRMAN HALE: Is there further discussion
9 on the motion? (No response.)

10 Mr. Hendricks moves Article III be amended by
11 deleting in their entirety paragraphs (6) and (7).

12 All those in favor of the motion let it be known
13 by saying "Aye."

14 (Voice vote.)

15 Opposed "No."

16 (No response.)

17 CHAIRMAN HALE: Let's do that again. All
18 those in favor of the motion let it be known by saying
19 "Aye."

20 (Voice vote.)

21 Opposed "No."

22 (No response.)

23 The "ayes" have it and the amendment is adopted.

24 MR. CHAVEZ: Mr. Chairman?

25 CHAIRMAN HALE: Mr. Chavez.

1 MR. CHAVEZ: I would move to amend Article
2 III by deleting subsection (5) thereof.

3 CHAIRMAN HALE: The Chair recognizes you on
4 the motion.

5 MR. CHAVEZ: The reason I say that, there
6 is testimony on Patricio Garza that he did work for the
7 county of Duval but for the last year and a half he was
8 employed with the Judge and was being paid by the Judge.
9 I don't think that we can really tie that in as the tes-
10 timony would tie in the other fellows up above that, and
11 I know that in the event this thing is going to be tried
12 that the prosecutor is going to have enough trouble proving
13 up the others without being saddled with proving something
14 that I don't think all the evidence is there. I think
15 there is too much doubt on Patricio Garza and I don't
16 know of anybody that testified he was out there all the
17 time prior to the year and a half ago. I think there was
18 some inference and inuendo, but I don't think there was
19 concrete evidence like there was on Ruiz and Pat Gonzalez
20 and Cleofas Gonzalez.

21 CHAIRMAN HALE: Mr. Hendricks.

22 MR. HENDRICKS: Mr. Chavez, we did have tes-
23 timony, I believe, from Mr. Saenz that he was making up
24 these warrants or claims to the county for Patricio Garza,
25 and my memory is vague right now but was the only witness

1 testifying definitely he worked on that ranch the lady
2 that testified yesterday?

3 MR. CHAVEZ: No. She never went out to the
4 ranch and she only met him once, and that was—

5 MR. HENDRICKS: She testified it was her
6 understanding or general knowledge that he worked on the
7 ranch. I believe that's correct, was the testimony yes-
8 terday.

9 CHAIRMAN HALE: Mr. Chavez, will you yield
10 to the Chair long enough to get the microphone over a little
11 closer to you? On these things I am fearful we may not be
12 getting all of this on tape and history will be the loser.

13 MR. CHAVEZ: (laughing) I doubt it.

14 MR. HENDRICKS: In addition to her, Cleofas
15 testified he worked on the ranch. Isn't that correct?

16 MR. CHAVEZ: I don't think any of those people
17 definitely testified that he worked on the ranch prior to
18 a year and a half past. Now, he has been on the ranch for
19 the last year and a half, that's true, and Garza told us
20 that. Then, as I recall his testimony, these claims that
21 were notarized by Saens—and I think that Mr. Hale asked
22 him specifically the six months in '73 that he did not
23 recognize as his having signed before Saenz, but that he
24 was working for the county during that time. That is why
25 I say that I don't—

1 MR. HENDRICKS: Well, it's my recollection—
2 I don't have the transcript in front of me—that Cleofas
3 Gonzalez testified that he definitely worked on the Judge's
4 ranch while he was drawing county money.

5 MR. CHAVEZ: I think we are assuming that
6 Cleofas was testifying that he worked at the same time
7 he was employed by the county, and I don't think that
8 transcript reflects that.

9 MR. KASTER: I disagree with Mr. Chavez. I
10 think there was testimony given, in fact all testimony
11 given other than Mr. Garza's and Mr. Garza never worked
12 anywhere other than the ranch; in fact, he never did work
13 and perform services for the county with the exception of
14 Mr. Garza saying he worked for the county. I think Mr.
15 Gonzalez made it clear; I think, as I vaguely remember,
16 Mrs. Ysaguirre said that Mr. Garza came and picked up
17 groceries to take them out to the ranch for many years
18 past, and not for just the eighteen months, but he has
19 been with the Judge since 1971, and I recollect, I draw
20 the impression from the testimony that Mr. Garza had
21 worked at the ranch since 1971.

22 MR. CHAVEZ: I think if you will review Mrs.
23 Ysaguirre's testimony she did not say "for many years past."
24 She testified he did pick up groceries, and this can be—
25 I don't disagree he picked them up in the past year and a

1 half. He admitted that. I just also just, from the de-
2 meanor of Mr. Garza— You know, he's an old gentleman
3 came up here and testified, and I don't really think he
4 mislead the Committee; I think he was honest, and I don't—

5 MR. KASTER: I think Mr. Garza works for
6 the Judge, has worked for the Judge and is not going to
7 say anything that would hurt the Judge, but I think there
8 was other ample testimony that he never worked for the
9 county and always worked for the ranch, as far as I'm
10 concerned, and I think the evicence—

11 MR. CHAVEZ: Who testified to that effect?

12 MR. KASTER: I don't know of anybody that
13 ever said he worked for the county other than Mr. Garza.

14 MR. CHAVEZ: Well, who said he worked for—

15 MR. KASTER: Mr. Garza said.

16 MR. MALONEY: Mr. Chairman.

17 CHAIRMAN HALE: Mr. Maloney.

18 MR. MALONEY: Mr. Chairman, I would call the
19 Committee's attention to Volume V of the transcript, page
20 169 in the testimony of Tomas Elizondo. He was asked:

21 "Did you say that Mr. Patricio Garza, you
22 don't know if he has any cows out there either?

23 Answer. No, he don't.

24 Question. He doesn't?

25 No.

1 Question. Where does he work?

2 Answer. There at the ranch.

3 Question. At the ranch?

4 Yes, sir.

5 Question. How long has he worked there at the
6 ranch?

7 Answer. Ever since I have known him.

8 Question. Ever since you have known him?

9 I mean ever since I have been there at the ranch."

10 I think there is enough testimony by Tomas Elizondo
11 himself that showed that Patricio Garza worked at the ranch.

12 MR. CHAVEZ: Well, it's just like Tomas and
13 Roberto. They worked there on weekends and have for many
14 years past, but that doesn't reflect that they were doing
15 it at the time that—

16 MR. DONALDSON: He said he had been working
17 there ever since he had—

18 MR. CHAVEZ: Well, he was working there on
19 weekends. Isn't that the testimony by Tomas?

20 MR. DONALDSON: He said he had been working
21 there ever since the Judge took office. He said Patricio
22 had been working there all that time.

23 MR. CHAVEZ: All right.

24 CHAIRMAN HALE: Any further discussion? (No
25 response.)

1 Mr. Chavez sends up an amendment to amend Article
2 III by deleting in its entirety paragraph (5).

3 The question recurs on the Chavez amendment.
4 All those in favor of the amendment will vote "Aye"; those
5 opposed will vote "No" as your names are called. The
6 Clerk will call the roll.

7 THE CLERK: Maloney.

8 MR. MALONEY: No.

9 THE CLERK: Chavez.

10 MR. CHAVEZ: Aye.

11 THE CLERK: Donaldson.

12 MR. DONALDSON: No.

13 THE CLERK: Hendricks.

14 MR. HENDRICKS: No.

15 THE CLERK: Kaster.

16 MR. KASTER: No.

17 THE CLERK: Laney.

18 MR. LANEY: No.

19 THE CLERK: Nabers.

20 MR. NABERS: No.

21 THE CLERK: Weddington.

22 MS. WEDDINGTON: No.

23 THE CLERK: Slack.

24 MR. SLACK: (Absent)
25

1 THE CLERK: Thompson.

2 MS. THOMPSON: No.

3 THE CLERK: One "aye," eight "no's."

4 CHAIRMAN HALE: There being one "aye" and
5 eight "nays," the amendment fails of adoption.

6 Are there further amendments to Article III? (No
7 response.)

8 Are there further amendments to Article III? (No
9 response.)

10 Article IV.

11 MS. THOMPSON: Mr. Chairman.

12 CHAIRMAN HALE: Ms. Thompson.

13 MS. THOMPSON: I would like to be recognized
14 for an amendment to delete No. (1) of Article IV.

15 CHAIRMAN HALE: Ms. Thompson moves to amend
16 Article IV by deleting paragraph (1). The Chair recog-
17 nizes you on the motion, Ms. Thompson.

18 MS. THOMPSON: According to the testimony
19 we received in this Committee, Mr. Chairman and members,
20 I don't feel like we have sufficient testimony to substan-
21 tiate this part of this Article.

22 CHAIRMAN HALE: Is there further discussion?
23 (No response.)

24 Is there any further discussion on the motion?

25 MR. MALONEY: I'm sorry, Mr. Chairman, what

1 was the motion?

2 CHAIRMAN HALE: The motion was to delete
3 from Article IV all of paragraph (1).

4 MS. WEDDINGTON: Mr. Chairman, I think the
5 evidence that we can substantiate that the grain owned by
6 Carrillo was delivered to the warehouse by county employees,
7 but I don't think we could substantiate for sure it was
8 county vehicles used to deliver it. We couldn't seem to
9 get evidence of that, mostly because the trucks didn't
10 have any license plates on them.

11 MS. THOMPSON: And they said it was trans-
12 ported by A and R.

13 MS. WEDDINGTON: Yes, by somebody in A and
14 R.

15 CHAIRMAN HALE: Is there any further dis-
16 cussion on the amendment? (No response.)

17 Ms. Thompson moves that Article IV be amended by
18 deleting in its entirety all of paragraph (1).

19 All those in favor of the motion, let it be known
20 by saying "Aye."

21 (Voice vote.)

22 Opposed, "No."

23 (Voice vote.)

24 The "ayes" have it and the amendment is adopted.

25 Are there further amendments to Article IV? (No
response.)

1 Are there any further amendments to Article IV?

2 MR. NABERS: Mr. Chairman?

3 CHAIRMAN HALE: Mr. Nabers.

4 MR. NABERS: Mr. Chairman, I would like to
5 move that we strike the word "heavy" out of section (3).

6 CHAIRMAN HALE: Paragraph (3)?

7 MR. NABERS: Paragraph (3). To where it
8 would read "the use of equipment" rather than "heavy equip-
9 ment."

10 CHAIRMAN HALE: Mr. Nabers moves to amend
11 the paragraph (3) by deleting the word "heavy."

12 Is there any discussion? (No response.)

13 All those in favor of the motion, let it be known
14 by saying "Aye."

15 (Voice vote.)

16 Opposed, "No."

17 (No response.)

18 The "ayes" have it and the amendment is adopted.

19 Mr. Kaster.

20 MR. KASTER: Mr. Chairman, I would move to
21 delete paragraph (7). I think that there was evidence
22 given that he did in fact lease some bulldozers and he
23 produced the leases. I do think that the county fixed
24 his bulldozers, but that is not in this particular Article,
25 and I am not sure that we could sustain that, based on the

1 evidence that we were given.

2 MR. HENDRICKS: Mr. Chairman, I would like
3 to add the further reason that subparagraph (7) is vague
4 and indefinite. I don't know what "private purposes" is.

5 MR. DONALDSON: It may be prejudicial.

6 CHAIRMAN HALE: Is there any further dis-
7 cussion on the amendment by Mr. Kaster? (No response.)

8 Mr. Kaster has moved to amend Article IV by de-
9 leting in its entirety all of paragraph (7).

10 All those in favor of the motion, let it be known
11 by saying "Aye."

12 (Voice vote.)

13 Opposed, "No."

14 (Voice vote.)

15 All those in favor of the motion by Mr. Kaster
16 will vote "Aye," those opposed "No," as your names are
17 called.

18 The Clerk will call the roll.

19 THE CLERK: Maloney.

20 MR. MALONEY: Aye.

21 THE CLERK: Chavez.

22 MR. CHAVEZ: Aye.

23 THE CLERK: Donaldson.

24 MR. DONALDSON: No.

25

1 THE CLERK: Hendricks.
2 MR. HENDRICKS: Aye.
3 THE CLERK: Kaster.
4 MR. KASTER: Aye.
5 THE CLERK: Laney.
6 MR. LANEY: No.
7 THE CLERK: Nabers.
8 MR. NABERS: No.
9 THE CLERK: Weddington.
10 MS. WEDDINGTON: Aye.
11 THE CLERK: Slack.
12 MR. SLACK: (Absent)
13 THE CLERK: Thompson.
14 MS. THOMPSON: Aye.
15 THE CLERK: Six "ayes," three "nays."
16 CHAIRMAN HALE: Six-three?

17 There being six "ayes," three "nays," the amend-
18 ment is adopted.

19 Are there further amendments to Article IV? (No
20 response.)

21 Are there further amendments to Article IV? (No
22 response.)

23 Let's move on to Article V. Are there any amend-
24 ments to Article V?
25

1 MR. HENDRICKS: Question, Mr. Chairman.

2 CHAIRMAN HALE: Mr. Hendricks?

3 MR. HENDRICKS: In the second paragraph,
4 "What other close relative was there, in a governmental
5 entity?" His father, D. C. Chappell, was he head of the
6 school board, is that what that paragraph refers to?

7 CHAIRMAN HALE: And Ramiro Carrillo—

8 MR. HENDRICKS: Well, I know the Commission-
9 er, but Zertuche is related to him, too?

10 MR. CHAVEZ: I think they're nephews.

11 MR. HENDRICKS: That answers my question.

12 Thank you.

13 CHAIRMAN HALE: Are there any amendments to
14 Article V?

15 (No response)

16 We'll move on to Article VI. Are there any
17 amendments to Article VI?

18 (No response)

19 No amendments to Article VI? We'll move on
20 to Article VII.

21 MR. CHAVEZ: I have an amendment.

22 CHAIRMAN HALE: Mr. Chavez?

23 MR. CHAVEZ: I move to amend Article VII
24 by deleting Subsection 3—

25 MR. DONALDSON: And 2?

1 MR. CHAVEZ: I'll just go on 3 first. I'll
2 just go on 3 myself, Mr. Chairman.

3 That's the cement, and I think Reynaldo Guerra
4 explained that situation, that he sold the cement to the
5 Judge and he showed the invoices I don't think there is
6 any evidence to contradict that. For that reason, I move
7 that that be deleted from the Article.

8 CHAIRMAN HALE: Is there any discussion on
9 the amendment? Mr. Laney?

10 MR. LANEY: I've got a substitute I would
11 like to add, add to that Section, make it 1, 3 and 5—
12 delete Sections 1, 3 and 5.

13 MR. KASTER: Why don't we do it one at a
14 time?

15 CHAIRMAN HALE: Well, why don't we take
16 them a paragraph at a time, and that way we won't get into
17 a lot of substitutes here.

18 The Chair recognizes you for a motion and delete
19 these others, Mr. Laney, if you want, at the proper time.

20 MR. LANEY: Do you want to recognize him
21 for a substitute motion first?

22 CHAIRMAN HALE: All right.

23 MR. HENDRICKS: Mr. Chairman, I would like
24 to offer a substitute motion, and strike Article VII in
25 its entirety, and would like to be heard on my motion.

1 CHAIRMAN HALE: Mr Hendricks moves as a
2 substitute, that Article VII in its entirety be deleted.
3 The Chair recognized you, Mr. Hendricks, on the motion.

4 MR. HENDRICKS: Well, you can go right
5 down the list and I feel like I'm the one that should do
6 this because I was after that wall panelling and barbed
7 wire probably as much as anybody, but I don't think any-
8 thing has ever definitely been proved. There is some
9 testimony, not enough, on the fuel. There is some testi-
10 mony regarding goods owned by Duval County, but if you
11 remember, Cleofas even himself, on his second testimony,
12 backed up a little bit on that. I don't think we're on
13 sound ground there.

14 Subparagraph 3, there is contradicting testimony
15 regarding the cement. Also, the Judge has introduced
16 into evidence some invoices on which he purchased cement.
17 We never could find where the barbed wire went, and they
18 panelled that city hall down there at Benavides with that
19 panelling. And for that reason, I would move to strike
20 the entire Article.

21 CHAIRMAN HALE: Is there any further dis-
22 cussion? Ms. Thompson?

23 MS. THOMPSON: I don't remember Mr. Gonzalez
24 backing up on the fuel. He actually admitted that he did
25 fill the Judge's trucks up, and I don't remember him

1 taking any of that testimony back, or hedging, to a degree
2 that would substantiate the removal of Number 1 under
3 this article.

4 CHAIRMAN HALE: Is there further discussion?

5 Mr Chavez moves that Paragraph 3 of Article VII
6 be deleted; Mr. Hendricks moves as a substitute, that all
7 of Article VII, in its entirety, be deleted. The question
8 recurs on the substitute motion by Mr. Hendricks.

9 All those in favor of the substitute will vote
10 "aye"; those opposed will vote "no" as your names are
11 called. The Clerk will call the roll.

12 THE CLERK: Maloney.

13 MR. MALONEY: Aye.

14 THE CLERK: Chavez.

15 MR. CHAVEZ: Aye.

16 THE CLERK: Donaldson.

17 MR. DONALDSON: No.

18 THE CLERK: Hendricks.

19 MR. HENDRICKS: Aye.

20 THE CLERK: Mr. Kaster.

21 MR. KASTER: No.

22 THE CLERK: Laney.

23 MR. LANEY: Aye.

24 THE CLERK: Nabers.

25

1 MR. NABERS: No.

2 THE CLERK: Weddington.

3 MS. WEDDINGTON: No.

4 THE CLERK: Slack.

5 MR. SLACK: (Absent)

6 THE CLERK: Thompson.

7 MS. THOMPSON: No.

8 THE CLERK: Four "ayes" and five "nays."

9 CHAIRMAN HALE: Being four "ayes and
10 five "nays" the Hendricks' substitute motion fails of
11 adoption.

12 The question now recurs on the original motion
13 by Mr. Chavez to delete Paragraph 3.

14 Mr. Nabers?

15 MR. NABERS: I guess I would have to wait
16 to offer a substitute to that, would I not?

17 CHAIRMAN HALE: Is it dealing with another
18 paragraph?

19 MR. NABERS: Yes.

20 CHAIRMAN HALE: Supposing we take these
21 paragraphs one at a time?

22 MR. NABERS: What I would like to do, to
23 save some time voting on 2, 3, 4, and 5, taking them out,
24
25

1 leaving 1.

2 CHAIRMAN HALE: All right. The Chair will
3 recognize you for that motion.

4 MR. NABERS: I move that we strike 2, 3,
5 4 and 5 and leave Subparagraph 1.

6 CHAIRMAN HALE: Do you want to make any
7 explanation, Mr Nabers?

8 MR. NABERS: No. I think everybody knows
9 what's in their mind.

10 MR. CHAVEZ: Thank you.

11 CHAIRMAN HALE: Mr. Kaster?

12 MR. KASTER: I tend to go along with Mr.
13 Nabers, but it bothers me on Number 4, the barbed wire
14 and fence posts. On our trip down to Benavides, we went
15 out to the ranch and saw a nice brand new fence with new
16 posts, new barbed wire stays that ran as far as I could
17 see, and there was no evidence—I think that evidence
18 could be developed that this was in fact part of the barbed
19 wire and fence posts that Mr Hendricks was asking about.
20 And I don't feel strongly about it, but I think there
21 would need to be more evidence developed to prove it, but
22 I think there is a reasonable doubt in my mind, at least
23 in regard to the fence. It was not along a road; it was
24 down the middle dividing two pastures, and there is an
25 element of doubt in my mind. But I don't feel strongly

1 about it.

2 CHAIRMAN HALE: Is there further dis-
3 cussion?

4 Mr. Chavez moves to delete Paragraph 3; Mr.
5 Nabers offers a substitute to delete Paragraphs 2, 3, 4
6 and 5. The question recurs on the Naber's substitute.

7 All those in favor of the substitute motion by
8 Mr. Nabers will vote "aye"; those opposed will vote "no,"
9 as your names are called.

10 The Clerk will call the roll.

11 THE CLERK: Maloney.

12 MR. MALONEY: Aye.

13 THE CLERK: Chavez.

14 MR. CHAVEZ: Aye.

15 THE CLERK: Donaldson.

16 MR. DONALDSON: Aye.

17 THE CLERK: Hendricks.

18 MR. HENDRICKS: Aye.

19 THE CLERK: Kaster.

20 MR. KASTER: No.

21 THE CLERK: Laney.

22 MR. LANEY: No.

23 THE CLERK: Nabers.

24 MR. NABERS: no.
25

1 THE CLERK: Weddington.

2 MS. WEDDINGTON: No.

3 THE CLERK: Thompson:

4 MS. THOMPSON: Aye.

5 THE CLERK: Six "ayes" and three "nays."

6 CHAIRMAN HALE: Being six "ayes," three
7 "nays," the Naber's substitute is adopted.

8 The question now recurs on the Chavez amend-
9 ment as substituted by the Nabers' substitute. All those
10 in favor of the adoption of the Chavez amendment as sub-
11 stituted, let it be known by saying "aye"; opposed, "no."

12 (The motion, being put to a vote, was carried.)

13 CHAIRMAN HALE: The "ayes" have it, and the
14 amendment is adopted, as substituted.

15 Counsel calls to the Chair's attention that in
16 view of that amendment that went on, where we're deleting
17 four of the five paragraphs, that we need to make a
18 corrective change in the preamble part of the Article,
19 where it says,

20 "This conduct included, but was not limited to
21 one or more of the following:"

22 We would have to delete the words,

23 "One or more of,"

24 so it would read,

25 "included, but not limited to the following:"

1 MR. JOHNSON: And strike the "one".

2 MR. MALONEY: And take the "one" off.

3 CHAIRMAN HALE: That's what I say.

4 Mr. Maloney moves, then, to delete the phrase,
5 "one or more of" from lines 22 and 23, lines 22 on page 6
6 and line 1 on page 7. Does everyone understand the amend-
7 ment?

8 MR. JOHNSON: And the numeral one.

9 CHAIRMAN HALE: Where is the numeral one?
10 Oh, on the paragraph, yes. The numeral one on line 2.

11 Does everyone understand the amendment by Mr.
12 Maloney to correct that language, deleting "one or more
13 of" and the figure 1.

14 All those in favor of the adoption of the Maloney
15 amendment, let it be known by saying "aye"; opposed "no."

16 (The motion, being put to a vote, was carried.)

17 Are there further amendments to Article VII?

18 (No response)

19 We'll move on to Article VIII. Are there
20 amendments to Article VIII?

21 MR. DONALDSON: I'd like to ask Terry a
22 question.

23 CHAIRMAN HALE: Mr. Donaldson?

24 MR. DONALDSON: Terry, on VIII, do you
25 think there's any necessity for including in that Article

1 the fact that that benefitted him directly by virtue of
2 the—of his ownership in Farm and Ranch Supply, or any
3 other business entity?

4 MR. DOYLE: No. I think "charge and col-
5 lect" is enough You do need probably to make that word
6 in line 18 "governmental" instead of "government."

7 MR. DONALDSON: "Governmental"?

8 MR. DOYLE: Instead of "government entities,"
9 "governmental entities."

10 MR. DONALDSON: I so move, Mr Chairman.

11 CHAIRMAN HALE: Mr. Donaldson moves to
12 amend Article VIII by substituting the word "governmental"
13 for the word "government."

14 MR. DOYLE: It's just a typographical
15 error, I think, Mr Chairman.

16 MR. DONALDSON: On line 18.

17 CHAIRMAN HALE: It would be on line 18,
18 page 7.

19 MR. DOYLE: You might want to say "monies
20 for rentals of equipment." That might make it a little
21 bit more clear.

22 CHAIRMAN HALE: Let's get Mr. Donaldson's
23 amendment first. Mr. Donaldson has moved to amend the
24 Article to change the word "government" to the word
25 "governmental" on line 18, page 7. Is there any discussion

1 on that motion?

2 (The motion, being put to a vote, was carried.)

3 MR. MALONEY: Mr. Chairman?

4 CHAIRMAN HALE: Mr. Maloney?

5 MR. MALONEY: Not in the nature of a motion,
6 but if any member of the Committee can help me, I would
7 certainly appreciate it. I do not recall any specific
8 testimony that substantiated Article VIII, other than
9 just some general inferences, or implications that were
10 made.

11 MR. LANEY: Mr. Chairman, I think probably
12 most of it came from those records, didn't it, where
13 there was leasing of equipment and such as this, that
14 was never, according to Elizondo, had never been owned
15 by the store.

16 CHAIRMAN HALE: Is there further discussion
17 on Article VIII? Any amendments to Article VIII, further
18 amendments?

19 (No response)

20 Article IX—

21 MR. HENDRICKS: Did you want that "monies"
22 in there, Terry?

23 MR. DOYLE: I think it would make it a
24 little bit more clear. I don't think there is any question
25 about what they received and collected.

1 MR. HENDRICKS: I would move to amend
2 Article VII and place the word after "entities," "monies,"
3 and then pick it up "for rentals."

4 CHAIRMAN HALE: Wouldn't it come after
5 "collect"?

6 MR. DOYLE: After "collect."

7 MR. HENDRICKS: That would be fine. And
8 "collect monies from governmental entities for rentals
9 of equipment that did not exist."

10 CHAIRMAN HALE: Mr. Hendricks has moved to
11 amend Article VIII by inserting the word "monies" follow-
12 ing the word "collect" on line 18, page 7. Is there any
13 discussion?

14 (No response)

15 (The motion, being put to a vote, was carried.)

16 CHAIRMAN HALE: The amendment is adopted.

17 Article IX. Mr Hendricks?

18 MR. HENDRICKS: Mr. Chairman, I move to
19 strike Article IX and would like to be heard on my motion.

20 CHAIRMAN HALE: In its entirety?

21 MR. HENDRICKS: In its entirety.

22 CHAIRMAN HALE: Mr. Hendricks moves to
23 strike Article IX in its entirety. The Chair recognizes
24 you on the motion, Mr. Hendricks.

25 MR. HENDRICKS: Mr. Chairman, there is not

1 a doubt in my mind, or of that of any of the Committee,
2 that our thoughts probably agree with Article IX, but I
3 can only go by the evidence presented to the Committee
4 and try to connect that, if it be connected, or is to be
5 connected with Judge Carrillo regarding Arturo Zertuche.
6 He was an employee of the Commissioner of Precinct 3,
7 paid by the County. I find nothing that would convince
8 me that we should vote an article of impeachment showing
9 the connection of Judge Carrillo with this, even though
10 vouchers may have been signed in the Judge's office. There
11 is no testimony that ties Judge Carrillo himself with Arturo
12 Zertuche, only the Commissioner.

13 CHAIRMAN HALE: Mr. Kaster?

14 MR. KASTER: Mr. Chairman, I disagree. I
15 think this Article was amply proved, not only by the
16 warrants and the amount of monies that were paid to him,
17 but I suppose you take your pick of two conflicting wit-
18 nesses. You can either believe Mr. Saenz in that the
19 Judge didn't know what was going on, even though it was
20 done immediately outside his office over a great period
21 of time, or you can believe the testimony of Mrs. Monte-
22 mayor, who said that the Judge had to remind Mr. Saenz,
23 through Mrs. Montemayor, several times to make sure that
24 the warrants were turned in to the County for payment.

25 I think, also, that the conspiracy would be

1 dealing in that Mr. Zertuche is a cousin to Judge Carrillo,
2 that his brother, under whose precinct the money was
3 coming from, was also his brother, so I think there is
4 ample evidence that a conspiracy was perpetrated in regard
5 to paying Arturo Zertuche, particularly while he was away
6 to school.

7 And on top of that, there was the close business
8 affiliation with the Zertuche General Store, and I think
9 there is ample evidence that they were very involved in
10 the matter.

11 CHAIRMAN HALE: Is there further discussion?

12 MR. HENDRICKS: I'd like to reply to that.

13 CHAIRMAN HALE: Mr. Hendricks.

14 MR. HENDRICKS: I don't doubt anything Mr.
15 Kaster says. What I'm saying is whether or not we've got
16 the evidence to present an article of impeachment, whether
17 we're going to sit up here and judge this on justiciable
18 evidence that's been presented, or whether we're going
19 to guess it on circumstantial evidence.

20 Now, Arturo Zertuche headed up the Zertuche
21 General Store. That is his connection with Judge Carrillo.
22 He attended school at North Texas. He drew a county
23 paycheck from Precinct 3. I think when he took the Fifth
24 Amendment this morning it was well taken, and I so advised
25 him of it. If in my legal mind, I thought we had evidence,

1 I'd be the first one to vote it, but I just do not feel
2 like the evidence is there on this particular instance.
3 He didn't work for the Judge.

4 Now, Roberto worked in the Judge's office.
5 You've got a connection there. But on this one, there is
6 no connection like that with the Judge.

7 MR. DONALDSON: Bob, will you yield a
8 second?

9 MR. HENDRICKS: Yes, I'll yield.

10 MR. DONALDSON: I'm trying to think, in
11 my own mind, the lady that testified yesterday, saying
12 that the Judge had instructed Saenz to prepare these
13 claims. Was Arturo's claims included among those?

14 MR. HENDRICKS: I believe it was. But that
15 still does not show a conspiracy from the Judge, to me.
16 It may to you. I mean, I'm voting my conscience.

17 MR. DONALDSON: Yes. Well, I'm having
18 some difficulty with it myself, and that's the only thing
19 that I can think of in my mind that might conceivably
20 tie Judge Carrillo to this by way of conspiracy.

21 MR. HENDRICKS: She did say he reminded
22 here on Patricio Garza, Arturo and Roberto. But Roberto,
23 to me, is the only one that worked in that Judge's office.
24 The other guy worked on his ranch. This guy didn't.

25 That's my reasoning. I mean, you vote it up or

1 down. It's immaterial to me. But that's just my thoughts
2 on the matter, and I wanted to let you know them.

3 CHAIRMAN HALE: Is there further discus-
4 sion?

5 Mr. Hendricks offers an amendment to delete all
6 of Article IX from the Resolution. All those in favor
7 of the motion will vote "aye"; those opposed will vote
8 "no." The Clerk will call the roll.

9 THE CLERK: Maloney.

10 MR. MALONEY: no.

11 THE CLERK: Chavez.

12 MR. CHAVEZ: Aye.

13 THE CLERK: Donaldson.

14 MR. DONALDSON: Pass.

15 THE CLERK: Hendricks.

16 MR. HENDRICKS: Aye.

17 THE CLERK: Kaster.

18 MR. KASTER: No.

19 THE CLERK: Laney.

20 MR. LANEY: No.

21 THE CLERK: Nabers.

22 MR. NABERS: No.

23 THE CLERK: Weddington.

24 MS. WEDDINGTON: No.
25

1 THE CLERK: Thompson.

2 MS. THOMPSON: Aye.

3 THE CLERK: Donaldson.

4 MR. DONALDSON: No.

5 THE CLERK: Three "ayes" and six "nays."

6 CHAIRMAN HALE: There being three "ayes,"
7 six "ayes" the amendment fails of adoption.

8 Is there any further discussion on Article IX?

9 Article X. Is there any discussion or amend-
10 ments on Article X?

11 MR. DONALDSON: Mr Chairman, I have.

12 CHAIRMAN HALE: Mr. Donaldson.

13 MR. DONALDSON: I've got an observation.

14 In looking at Article X, and IX, which as I
15 read those, they're identical in wording, except they
16 name two different individuals. Is that correct?

17 CHAIRMAN HALE: Well, I haven't read them word
18 for word, and compared them, but they appear to do that,
19 yes.

20 MR. DONALDSON: In view of the previous dis-
21 cussion on Article IX, it appears to me that it might be
22 better to have one article and say that he conspired with
23
24
25

1 others to defraud Duval County by causing County funds
2 to be paid to individuals who are not entitled to receive
3 them, and then list, specifically, including but not limit-
4 ed to, Arturo Zertuche, Roberto Elizondo and the third
5 one. Who was the other one he prepared claims for?

6 CHAIRMAN HALE: Patricio Garza?

7 MR. CHAVEZ: I think I'd leave them sepa-
8 rate. They're two separate transactions.

9 MR. DONALDSON: Well, if you all don't like
10 it, that's fine.

11 CHAIRMAN HALE: Is there any discussion on
12 Mr Donaldson's suggestion?

13 MR. DONALDSON: Terry, what do you think?

14 MR. DOYLE: Our thinking was that the pay-
15 ment of claims to Arturo Zertuche and Roberto Elizondo
16 were—the monies they received were by virtue of claims,
17 and not salary. And the Arturo situation was different,
18 as is obvious by the previous motion, wherein three people
19 thought it ought to be taken out, than Roberto's. Roberto,
20 you have a direct connection with O. P. Carrillo who
21 benefitted ultimately directly from, you know, Roberto
22 going on the payroll as his court reporter, and you have
23 the Judge benefitting directly from Arturo Zertuche in
24 an entirely different context, by what appeared to be the
25 use of Arturo's name and signature and perhaps other

1 functions in his efforts to get money out of the county
2 through the Zertuche Store arrangement.

3 And that was the reason we pled it separately,
4 because they just didn't seem to fit well together. The
5 evidence, to prove up what occurred with respect to
6 Arturo is going to be drastically different than the
7 evidence on Roberto. That's why it was done.

8 We also felt, as evidenced by the previous vote,
9 that there might be some folks that felt like we had a
10 somewhat weaker position on Arturo than we did on Roberto.

11 MR. MALONEY: Mr. Chairman?

12 CHAIRMAN HALE: Mr. Maloney.

13 MR. MALONEY: In the format you have, where
14 you have a different article on Arturo Zertuche, a differ-
15 ent article on Roberto Elizondo, it appears to me that the
16 proper thing, since in Article III we referred to Patricio
17 Garza, "while employed and being paid by Duval County,
18 worked on O. P. Carrillo's ranch," to maintain that he
19 was actually not employed by the county, to get out from
20 under Subsection 5 of Article III, then he certainly
21 would come under it, the fact that he was not employed
22 by the county, not entitled to any money, and it was
23 fraud to pay him.

24 And if you have an article on Arturo and on
25 Elizondo, you should have one on Garza.

1 CHAIRMAN HALE: Similar to Articles IX
2 and X?

3 MR. MALONEY: Right.

4 MR. DOYLE: Make it Number XI.

5 MR. MALONEY: Number XI, that would read
6 the same, substituting his name.

7 MR. DONALDSON: I was thinking about that
8 a minute ago. I think there is one distinction. Under
9 Article II, or III, the one you're referring to, Patricio
10 Garza, his services, paid for by the county, were being
11 diverted to the personal use of O. P. Carrillo; whereas
12 in the case of Arturo Zertuche and Roberto Elizondo, you
13 don't have that strong a connection as diversion of ser-
14 vices. Don't you agree, Terry?

15 MR. MALONEY: What is the position? You
16 take the position that you didn't divert his services from
17 the county, because he never was a county employee?

18 MR. CHAVEZ: He was being paid for his
19 labor and it was being diverted over to the Judge's—

20 MR. MALONEY: Or, was he under the same
21 situation as Zertuche and Elizondo? He was not being em-
22 ployed by the county at all; he was just being paid some
23 money by the county.

24 MR. CHAVEZ: Well, we've got more testi-
25 mony that he might have been at some time working for the

1 county, because he testified to that, at least. So he
2 must have been performing services. He acknowledged to
3 having been on the payroll. So he was being paid for
4 purposes of delivering services to the county. Now, those
5 services were diverted somewhere else.

6 Now, on Roberto Elizondo, this was a separate
7 deal. He was supposed to be working for the Judge, but
8 the Judge apparently, according to the testimony, created
9 the situation as an excuse to get him money.

10 MR. MALONEY. No. But remember Roberto
11 Elizondo was receiving money at a different time, too, at
12 a time when he was not a court reporter.

13 MR. CHAVEZ: But he created the situation
14 of helping him through school. He never really—

15 MR. MALONEY: You're saying if you're going
16 to take Garza's testimony that he did work for the county,
17 Elizondo testified that he did work for the county, too.
18 He did work in the Judge's office.

19 MS. WEDDINGTON: I think the difference
20 is that we don't have the testimony on Elizondo and
21 Roberto; that they actually did work for the Judge at the
22 time they were getting the money. They were just getting
23 the money free and clear, and then later they did some
24 things for him. But at that time, he was paying them for
25 other reasons, whereas Garza, I think, really was working.

1 It just happened he was doing the work on the Judge's
2 ranch when he was being paid by the county. And that's
3 the differentiation to me: what the people receiving the
4 money were actually doing at the time they were receiving
5 it.

6 MR. MALONEY: Well, is there testimony
7 outside of Garza's own testimony that he actually worked
8 for the county?

9 MS. WEDDINGTON: Yes. Not that he worked
10 for the county, but that he was doing work on the Judge's
11 ranch. Ruben Chapa, Cleofas Gonzalez—several people
12 testified that he was doing work on the ranch at the
13 time that he was getting paid by the county, whereas
14 there is no testimony that either Arturo or Roberto were
15 working either for the county or the Judge at the time
16 they were getting the money.

17 MR. CHAVEZ: He was benefitting by the
18 services that these guys were rendering—as opposed to
19 testimony. The Judge was benefitting from the services
20 that Garza was performing. He wasn't benefitting person-
21 ally by the services that Roberto Elizondo was rendering
22 because if he was rendering service, he was rendering
23 them in his capacity as a clerk for the Judge.

24 MR. MALONEY: I'm not suggesting that you
25 delete V. I'm saying you need an additional article that

1 covers both situations.

2 MS. WEDDINGTON: We're saying the two situ-
3 ations are different; that Garza is covered by the kind
4 of situation of Article II of the impeachment, whereas
5 Roberto and Arturo are not within that situation, because
6 we don't have the same evidence that they were rendering
7 personal services to the Judge at the time that they were
8 getting the money from the county.

9 MR. CHAVEZ: He was stealing those services.

10 MS. WEDDINGTON: He was conspiring to see
11 that they got money they didn't deserve. We don't have
12 testimony that they were doing personal work for the Judge,
13 or personal work on his ranch or something, at the time
14 they were getting the money.

15 CHAIRMAN HALE: All right. Neither Article
16 IX nor Article X alleges that it was for his personal
17 benefit.

18 MS. WEDDINGTON: Yes, but the one where
19 Garza is involved does.

20 MR. CHAVEZ: That's the distinction.

21 CHAIRMAN HALE: Well, what difference
22 would it make in the context—I'm curious as to what
23 difference it would make in the context of the allegations
24 in the form of Article IX or X where you're just saying
25 that he conspired to defraud the county by causing county

1 funds to be paid to him when he wasn't entitled to receive
2 them, regardless of who got the benefit.

3 MR. DONALDSON: Well, as I understand it,
4 Maloney is suggesting that we put Garza under that cate-
5 gory, too. Isn't that right, Bob?

6 MR. MALONEY: That's right. That's it's
7 covered both ways.

8 MR. DONALDSON: I might agree with you
9 if you don't delete it from Article III.

10 MR. MALONEY: No. I don't want to delete
11 it.

12 MR. DONALDSON: Then you've got him both
13 ways under Article IX and X, although I agree with Sarah
14 and—

15 MR. MALONEY: Mr. Chairman, I move to add
16 an Article XI that would read,

17 "While holding office as District Judge for
18 the 229th Judicial District of Texas, O. P.
19 Carrillo conspired with others to defraud Duval
20 County by causing county funds to be paid to
21 Patricio Garza, who was not entitled to receive
22 the funds."

23 CHAIRMAN HALE: All right. Mr. Maloney
24 has moved to add a new article, designated Article XI,—
25 all these numbers may change later. I've forgotten

1 whether we deleted anything in its entirety now—which
2 would read identical to Article X, except that the words
3 "Patricio Garza" would be substituted for "Roberto
4 Elizondo" in this Article XI.

5 Ms. Weddington?

6 MS. WEDDINGTON: Is Mr. Maloney then
7 going to move that we have a separate identical paragraph
8 on Cleofas Gonzalez, Pat Gonzalez, Francisco Ruiz, and
9 Oscar Sanchez, and if not, what is the distinction between
10 those people? Because none of those people were entitled
11 to get the money they were receiving from the county.

12 MR. DONALDSON: They were working for the
13 county. They were actually performing work for the county.

14 MS. WEDDINGTON: But—no. Well, maybe to
15 a very small degree, but most of it was just for the
16 Judge. That's why we're alleging they shouldn't have
17 gotten the money, and it's an impeachable offense.

18 MR. DONALDSON: Who are you talking about
19 now?

20 MS. WEDDINGTON: The other people that
21 are covered in Article III.

22 MR. DONALDSON: Francisco Ruiz? Francisco,
23 we're alleging that he just worked as a welder on O. P.'s
24 property. He was a regular welder for the county.

25 MS. WEDDINGTON: Okay. What I'm saying is,

1 if he wants to have a new article on Patricio Garza, is
2 he also going to have a new article on all those other
3 people?

4 MR. DONALDSON: No. The distinction is
5 this: is that in his opinion, Garza never worked for the
6 county, period. He was always working on the ranch for
7 Carrillo.

8 MR. MALONEY: That's correct.

9 MR. DONALDSON: Whereas Ruiz and those
10 other individuals, we're talking about specific instances
11 where we had testimony that although working for the
12 county in regular employment, they went out to the Judge's
13 ranch on isolated times and performed services for him.

14 MS. WEDDINGTON: I don't see that distinc-
15 tion, but I don't think we need to take up Committee time
16 with it.

17 CHAIRMAN HALE: That is what the Committee
18 is here for, Ms. Weddington, to take the time to discuss
19 these matters.

20 Is there any further discussion on the Maloney
21 motion?

22 Mr. Maloney moves that a new Article XI be
23 added to the Articles of Impeachment, to read identical
24 to Article X, except that it would apply to Patricio Garza,
25 rather than to Roberto Elizondo. All those in favor of

1 the motion will vote "aye"; those opposed will vote "no"
2 as your names are called. The Clerk will call the roll.

3 THE CLERK: Maloney.

4 MR. MALONEY: Aye.

5 THE CLERK: Chavez.

6 MR. CHAVEZ: No.

7 THE CLERK: Donaldson.

8 MR. DONALDSON: Aye.

9 THE CLERK: Hendricks.

10 MR. HENDRICKS: Aye.

11 THE CLERK: Kaster.

12 MR. KASTER: No.

13 THE CLERK: Laney.

14 MR. LANEY: No.

15 THE CLERK: Nabers.

16 MR. NABERS: Aye.

17 THE CLERK: Weddington.

18 MS. WEDDINGTON: No.

19 THE CLERK: Thompson.

20 MS. THOMPSON: Aye.

21 THE CLERK: Five "ayes" and four "nays."
22
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1 CHAIRMAN HALE: There being five "ayes"
2 and four "nays" the Maloney amendment is adopted.

3 Are there further amendments, or discussion?

4 How about the concluding paragraphs of the Reso-
5 lution? Is There any discussion or amendments posed
6 to the concluding paragraph of the Resolution?

7 Mr. Johnson suggests that the Chair read it in
8 full. Well, we might read through it together then.

9
10 "In all of this, O. P. Carrillo has acted
11 in a manner contrary to the trust reposed in him
12 as District Judge and is guilty of gross viola-
13 tions of the Constitution and Statutes of this
14 State, and of the duties of his office, and of the
15 Code of Judicial Conduct. By such conduct he has
16 rendered himself unfit to hold the office of Judge
17 of the District Court for the 229th Judicial
18 District of Texas, and he warranted trial and
19 conviction, removal from office, and disqualifi-
20 cation from holding any future office in this
21 State, and the House of Representatives, saving
22 to itself the liberty to exhibit additional
23 Articles of Impeachment against O. P. Carrillo
24
25

1 at any future date, if it decides any are neces-
2 sary, request that O. P. Carrillo be required to
3 answer the Articles of Impeachment against him."

4 Is there any discussion on the concluding para-
5 graph, or any amendment to the concluding paragraph?

6 (No response)

7 There is now pending then before the Committee,
8 as amended, a complete substitute for House Simple Reso-
9 lution No. 161. Is there any further discussion or any
10 amendment to any part of it that any member of the Com-
11 mittee cares to offer at this time? Any amendment or
12 any comments or discussion?

13 (No response)

14 Members of the Committee, that concludes the
15 work of the Committee with respect to the proposed sub-
16 stitute for HSR 161, and I presume at this time we have
17 reached the point where we will need to make some deci-
18 sions.

19 The Chair has a few remarks that I would like
20 to make at this time as a predicate to that.

21 This afternoon we are approaching the end of a
22 long and difficult journey. I know that each of you has
23 travelled this tortuous road with some reluctance and
24 some misgivings, yet with courage to do what is right
25 and conviction that our work will be received by our

1 peers with confidence and good faith. We began this
2 journey together on March 20, 1975. At that time the
3 Chair outlined our challenge in these words.

4 "The proposition before us imposes upon this
5 Committee a heavy responsibility and a solemn duty.
6 For more than a century and a half— "
7 May the 20th, yes sir.

8 "For more than a century and a half Texas has
9 been blessed with many great men serving in the
10 judicial branch of our government. These men
11 have maintained high standards of courage,
12 honesty and integrity. We are all dedicated to
13 the protection of the honor of the judicial branch
14 of government.

15 To do this we must leave no stone unturned
16 in our efforts to uncover any misconduct that
17 would tarnish the reputation of the judiciary,
18 and simultaneously we must strive to protect the
19 innocent of any charges which are not well founded
20 in fact.

21 I think each member of this Committee is
22 fully cognizant of the gravity of the charges
23 which we consider. I am confident that each of
24 you will approach the charges before us with a
25 completely open mind, dedicated to the development

1 of facts and firm in the conviction that any
2 decisions made by this Committee will be amply
3 supported by the evidence which we now begin to
4 hear."

5 Since May the 20th, the Select Committee on
6 Impeachment has held 21 meetings, and has spent a total
7 of 90 hours, 30 minutes in Committee session. We have
8 heard testimony from 32 witnesses, which required 69
9 hours, 30 minutes of public hearings. Members have
10 studied a Statement of Facts which has already extended
11 to twelve volumes, with more to come, from hearings yes-
12 terday and today. Approximately 166 documents have been
13 introduced into evidence. Every person desiring to pre-
14 sent evidence to the Committee has been afforded that
15 opportunity, including Judge O. P. Carrillo.

16 The Chair has conducted all sessions of the
17 Committee as fairly as possible under accepted rules of
18 parliamentary procedure. I have exercised the power of the
19 Chair to protect the rights of parties and witnesses,
20 yet preserving the integrity of the Committee functions at
21 all times. We have moved deliberately, yet with dispatch,
22 in striving for the truth without doing violence to the
23 sacred rights of due process. In that process, we have
24 developed a record which will amply vindicate whatever
25 action the Committee may take today.

1 Likewise, I know that each member of the Com-
2 mittee undertook our journey with a completely open mind.
3 I know that you, too, have been fair and impartial in all
4 of your work. You have listened to the testimony; you
5 have studied the record; and you have arrived at your
6 conclusions, based on the knowledge that history will be
7 a harsh judge of our actions if we are not entirely proper
8 in our procedures and totally justified in our decisions.

9 At our first meeting on May 20, the Chair further
10 outlined our responsibilities under the as follows:

11 "The Supreme Court has defined the function
12 of this Committee as judicial in character, rather
13 than legislative. Our responsibility is neither
14 that of prosecutor nor jury. Our sole function
15 is to conduct an investigation to determine
16 whether or not there are sufficient grounds to
17 justify the presentment of charges, and if so, to
18 adopt appropriate Articles of Impeachment and
19 recommend such Articles for the consideration
20 to the House of Representatives."

21 We have fulfilled that responsibility to the
22 letter. We have not prosecuted; we have not judged. We
23 have only searched for the truth, for it is the truth as
24 we see it that must be the basis for any decisions which
25 this Committee makes.

1 The Chair is proud of the members of this
2 Committee. None of you sought this assignment, yet none
3 of you have shirked the responsibility when duty called,
4 and each of you has dedicated his or her talents and
5 energies in a way that more than justified the confidence
6 of the Speaker in appointing you. By our labors together,
7 the House as an institution has been strengthened in its
8 public image.

9 We now come to the moment of truth. It is not
10 an easy task to vote on matters of the gravity we consider,
11 yet I am supremely confident that each of you will have
12 the courage to vote your convictions, whatever they be,
13 firm in the belief that right and justice will be achieved
14 thereby.

15 Perhaps Winston Churchill said it best:

16 "It is not enough that we do our best.

17 Sometimes we have to do what's required."

18 What's required today is a decision on the
19 matters committed to our consideration.

20 With those remarks, the Chair lays before the
21 House—before the Committee, the Committee substitute
22 for HSR 161, as amended. If there is no objection, the
23 Chair will divide the question and take a separate vote
24 on each of the Articles of Impeachment.

25 Is there any objection to that procedure?

1 (No response)

2 The Chair hears none, and the question will be
3 divided by Article.

4 The Chair lays before the Committee at this time
5 Article I of the Articles of Impeachment, and the question
6 recurs on the adoption of Article I. Is there any dis-
7 cussion?

8 (No response)

9 All those in favor of the adoption of Article I
10 will vote "aye"; those opposed will vote "no" as your
11 names are called. The Clerk will call the roll.

12 THE CLERK: Maloney.

13 MR. MALONEY: Aye.

14 THE CLERK: Chavez.

15 MR. CHAVEZ: Aye.

16 THE CLERK: Donaldson.

17 MR. DONALDSON: Aye.

18 THE CLERK: Hendricks.

19 MR. HENDRICKS: Aye.

20 THE CLERK: Kaster.

21 MR. KASTER: Aye.

22 THE CLERK: Laney.

23 MR. LANEY: Aye.

24 THE CLERK: Nabers:

25 MR. NABERS: Aye.

1 THE CLERK: Weddington.

2 MS. WEDDINGTON: Aye.

3 THE CLERK: Slack.

4 MR. SLACK: (Absent)

5 THE CLERK: Thompson.

6 MS. THOMPSON: Aye.

7 THE CLERK: Nine "ayes."

8 CHAIRMAN HALE: Before the Chair announces
9 the vote, there is one other thing that should be said.
10 The Chair was in communication today with a member of this
11 Committee, Mr. Richard Slack of Pecos, who is not here
12 for this series of votes. Due to circumstances beyond
13 his control, it was impossible for Mr. Slack to be here
14 today, and it was his statement that the Chair express
15 to the Committee his regrets at not being here at this
16 significant meeting, to state his complete confidence in
17 whatever decisions the balance of the Committee made,
18 and to authorize the Chair, on the final adoption of the
19 Resolution to cast his vote with the majority of the Com-
20 mittee. Not to cast his vote, but to indicate that that
21 would have been the way he would have voted had he been
22 here at this meeting.

23 Show the Chair voting "aye."

24 There being nine "ayes" and zero "nays" Article
25 I is adopted. Ten, I'm sorry—ten.

1 The question recurs on the adoption of Article II.
2 Is there any discussion?

3 MR. DONALDSON: As amended.

4 CHAIRMAN HALE: All of these are as amended,
5 as we have previously amended them. Article II as amended.

6 All those in favor of the adoption of Article II,
7 as amended, will vote "aye"; those opposed will vote "no"
8 as your names are called. The Clerk will call the roll.

9 THE CLERK: Maloney.

10 MR. MALONEY: Aye.

11 THE CLERK: Chavez.

12 MR. CHAVEZ: Aye.

13 THE CLERK: Donaldson.

14 MR. DONALDSON: Aye.

15 THE CLERK: Hendricks.

16 MR. HENDRICKS: Aye.

17 THE CLERK: Kaster.

18 MR. KASTER: Aye.

19 THE CLERK: Laney.

20 MR. LANEY: Aye.

21 THE CLERK: Nabers.

22 MR. NABERS: Aye.

23 THE CLERK: Weddington.

24 MS. WEDDINGTON: Aye.

25 THE CLERK: Slack.

1 MR. SLACK: (Absent)

2 THE CLERK: Thompson.

3 MS. THOMPSON: Aye.

4 THE CLERK: Nine "ayes."

5 CHAIRMAN HALE: Show the Chair voting "aye."

6 There being ten "ayes" and no "nays," Article
7 II is adopted.

8 The question recurs on the adoption of Article
9 III, as amended. Is there any discussion on Article III.

10 The question recurs on the adoption of Article
11 III. All those in favor of its adoption will vote "aye";
12 those opposed will vote "no" as your names are called.
13 The Clerk will call the roll.

14 THE CLERK: Maloney,

15 MR. MALONEY: Aye.

16 THE CLERK: Chavez.

17 MR. CHAVEZ: Aye.

18 THE CLERK: Donaldson.

19 MR. DONALDSON: Aye.

20 THE CLERK: Hendricks.

21 MR. HENDRICKS: Aye.

22 THE CLERK: Kaster.

23 MR. KASTER: Aye.

24 THE CLERK: Laney.

25 MR. LANEY: Aye.

1 THE CLERK: Nabers.

2 MR. NABERS: Aye.

3 THE CLERK: Weddington.

4 MS. WEDDINGTON: Aye.

5 THE CLERK: Thompson.

6 MS. THOMPSON: Aye.

7 CHAIRMAN HALE: Show the Chair voting "aye."

8 There being ten "ayes" and no "nays," Article
9 III is adopted.

10 The question recurs on the adoption of Article
11 IV. Is there any discussion?

12 (No response)

13 All those in favor of the adoption of Article
14 IV will vote "aye"; those opposed will vote "no" as your
15 names are called. The Clerk will call the roll.

16 THE CLERK: Maloney.

17 MR. MALONEY: Aye.

18 THE CLERK: Chavez.

19 MR. CHAVEZ: Aye.

20 THE CLERK: Donaldson.

21 MR. DONALDSON: Aye.

22 THE CLERK: Hendricks.

23 MR. HENDRICKS: Aye.

24 THE CLERK: Kaster.

25 MR. KASTER: Aye.

1 THE CLERK: Laney.

2 MR. LANEY: Aye.

3 THE CLERK: Nabers.

4 MR. NABERS: Aye.

5 THE CLERK: Weddington.

6 MS. WEDDINGTON: Aye.

7 THE CLERK: Thompson.

8 MS. THOMPSON: Aye.

9 CHAIRMAN HALE: Show the Chair voting "aye."

10 There being ten "ayes" and no "nays," Article
11 IV is adopted.

12 The question recurs on the adoption of Article
13 V. Is there any discussion.

14 (No response)

15 All those in favor of the adoption of Article V
16 will vote "aye"; those opposed will vote "no" as your
17 names are called. The Clerk will call the roll.

18 THE CLERK: Maloney.

19 MR. MALONEY: Aye.

20 THE CLERK: Chavez.

21 MR. CHAVEZ: Aye.

22 THE CLERK: Donaldson.

23 MR. DONALDSON: Aye.

24 THE CLERK: Hendricks.

25 MR. HENDRICKS: Aye.

1 THE CLERK: Kaster.

2 MR. KASTER: Aye.

3 THE CLERK: Laney.

4 MR. LANEY: Aye.

5 THE CLERK: Nabers.

6 MR. NABERS: Aye.

7 THE CLERK: Weddington.

8 MS. WEDDINGTON: Aye.

9 THE CLERK: Thompson.

10 MS. THOMPSON: Aye.

11 CHAIRMAN HALE: Show the Chair voting "aye."

12 There being ten "ayes" and no "nays," Article V
13 is adopted.

14 The question recurs on the adoption of Article
15 VI. Is there any discussion on Article VI?

16 (No response)

17 All those in favor of the adoption of Article
18 VI will vote "aye"; those opposed will vote "no" as your
19 names are called. The Clerk will call the roll.

20 THE CLERK: Maloney.

21 MR. MALONEY: Aye.

22 THE CLERK: Chavez.

23 MR. CHAVEZ: Aye.

24 THE CLERK: Donaldson.

25 MR. DONALDSON: Aye.

1 THE CLERK: Hendricks.

2 MR. HENDRICKS: Aye.

3 THE CLERK: Kaster.

4 MR. KASTER: Aye.

5 THE CLERK: Laney.

6 MR. LANEY: Aye.

7 THE CLERK: Nabers.

8 MR NABERS: Aye.

9 THE CLERK: Weddington.

10 MS. WEDDINGTON: Aye.

11 THE CLERK: Thompson.

12 MS. THOMPSON: Aye.

13 THE CLERK: Nine.

14 CHAIRMAN HALE: Show the Chair voting "aye."

15 There being ten "ayes" and no "nays," Article
16 VI is adopted.

17 The question recurs on the adoption of Article
18 VII, as amended. Is there any discussion?

19 (No response)

20 All these articles are being adopted as amended,
21 if there were any amendments, whether the Chair neglects
22 to say that or not, let the record speak clearly on that.

23 Is there any discussion on Article VII?

24 All those in favor of the adoption of Article
25 VII will vote "aye"; those opposed will vote "no" as your

1 names are called. The Clerk will call the roll.

2 THE CLERK: Maloney.

3 MR. MALONEY: No.

4 THE CLERK: Chavez.

5 MR. CHAVEZ: No.

6 THE CLERK: Donaldson.

7 MR. DONALDSON: Aye.

8 THE CLERK: Hendricks.

9 MR. HENDRICKS: No.

10 THE CLERK: Kaster.

11 MR. KASTER: Aye.

12 THE CLERK: Laney.

13 MR. LANEY: No.

14 THE CLERK: Nabers.

15 MR. NABERS: Aye.

16 THE CLERK: Weddington.

17 MS. WEDDINGTON: Aye.

18 THE CLERK: Thompson.

19 MS. THOMPSON: Aye.

20 THE CLERK: Five "ayes" and four "nos".

21 CHAIRMAN HALE: There being five "ayes"

22 and "four "nays," Article VII is adopted.

23 The question recurs on the adoption of Article
24 VIII, as amended. Is there any discussion on Article
25 VIII?

1 All those in favor of the adoption of Article
2 VIII will vote "aye"; those opposed will vote "no" as
3 your names are called. The Clerk will call the roll.

4 THE CLERK: Maloney.

5 MR. MALONEY: Present.

6 THE CLERK: Chavez.

7 MR. CHAVEZ: No.

8 THE CLERK: Donaldson.

9 MR. DONALDSON: Aye.

10 THE CLERK: Hendricks.

11 MR. HENDRICKS: Aye.

12 THE CLERK: Kaster.

13 MR. KASTER: Aye.

14 THE CLERK: Laney.

15 MR. LANEY: Aye.

16 THE CLERK: Nabers.

17 MR. NABERS: Aye.

18 THE CLERK: Weddington.

19 MS. WEDDINGTON: Aye.

20 THE CLERK: Thompson.

21 MS. THOMPSON: Aye.

22 THE CLERK: Seven "ayes," one "nay," and
23 one "present."

24 CHAIRMAN HALE: And one "present." There
25 being seven "ayes," one "nay," one "present and not voting,"

1 Article VIII is adopted.

2 The question recurs on the adoption of Article
3 IX. Is there any discussion on Article IX?

4 (No response)

5 All those in favor of the adoption of Article
6 IX will vote "aye"; those opposed will vote "no" as your
7 names are called. The Clerk will call the roll.

8 THE CLERK: Maloney.

9 MR. MALONEY: Aye.

10 THE CLERK: Chavez.

11 MR. CHAVEZ: No.

12 THE CLERK: Donaldson.

13 MR. DONALDSON: Aye.

14 THE CLERK: Hendricks.

15 MR. HENDRICKS: No.

16 THE CLERK: Kaster.

17 MR. KASTER: Aye.

18 THE CLERK: Laney.

19 MR. LANEY: Aye.

20 THE CLERK: Nabers.

21 MR. NABERS: Aye.

22 THE CLERK: Weddington.

23 MS. WEDDINGTON: Aye.

24 THE CLERK: Thompson.

25 MS. THOMPSON: Aye.

1 THE CLERK: Seven "ayes" and two "nays."

2 CHAIRMAN HALE: There being seven "ayes,"
3 two "nays," Article IX is adopted.

4 The question recurs on the adoption of Article
5 X. Is there any discussion on Article X?

6 All those in favor of the adoption of Article X
7 will vote "aye"; those opposed will vote "nay" as your
8 names are called.

9 THE CLERK: Maloney.

10 MR. MALONEY: Aye.

11 THE CLERK: Chavez.

12 MR. CHAVEZ: Aye.

13 THE CLERK: Donaldson.

14 MR. DONALDSON: Aye.

15 THE CLERK: Hendricks.

16 MR. HENDRICKS: Aye.

17 THE CLERK: Kaster.

18 MR. KASTER: Aye.

19 THE CLERK: Laney.

20 MR. LANEY: Aye.

21 THE CLERK: Nabers.

22 MR. NABERS: Aye.

23 THE CLERK: Weddington.

24 MS. WEDDINGTON: Aye.

25 THE CLERK: Thompson.

1 MS. THOMPSON: Aye.

2 THE CLERK: Nine.

3 CHAIRMAN HALE: Show the Chair voting "aye."

4 There being ten "ayes" and no "nays," Article X
5 is adopted.

6 The question recurs on the adoption of Article
7 XI. Is there any discussion?

8 All those in favor of the adoption of Article
9 XI will vote "aye"; those opposed will vote "nay" as your
10 names are called. The Clerk will call the roll.

11 THE CLERK: Maloney.

12 MR. MALONEY: Aye.

13 THE CLERK: Chavez.

14 MR. CHAVEZ: No.

15 THE CLERK: Donaldson.

16 MR. DONALDSON: Aye

17 THE CLERK: Hendricks.

18 MR HENDRICKS: Aye.

19 THE CLERK: Kaster.

20 MR. KASTER: No.

21 THE CLERK: Laney.

22 MR. LANEY: No.

23 THE CLERK: Nabers.

24 MR. NABERS: Aye.

25 THE CLERK: Weddington.

1 MS. WEDDINGTON: No.

2 THE CLERK: Thompson.

3 MS. THOMPSON: Aye.

4 THE CLERK: Five "ayes" and four "nays."

5 CHAIRMAN HALE: There being five "ayes"
6 and four "nays," Article XI is adopted.

7 The question will now recur on the adoption of
8 the Committee substitute for House Simple Resolution No.
9 161 as amended. Is there any discussion on the adoption
10 of the complete substitute for the Simple Resolution?

11 (No response)

12 The question then recurs on the adoption of the
13 Committee substitute for HSR 161. All those in favor
14 of the adoption of the Committee substitute will vote "aye";
15 those opposed will vote "no" as your names are called.
16 The Clerk will call the roll.

17 THE CLERK: Maloney.

18 MR. MALONEY: Aye.

19 THE CLERK: Chavez.

20 MR. CHAVEZ: Aye.

21 THE CLERK: Donaldson.

22 MR. DONALDSON: Aye.

23 THE CLERK: Hendricks.

24 MR. HENDRICKS: Aye.

25 THE CLERK: Kaster.

1 MR. KASTER: Aye.

2 THE CLERK: Laney.

3 MR. LANEY: Aye.

4 THE CLERK: Nabers.

5 MR. NABERS: Aye.

6 THE CLERK: Weddington.

7 MS. WEDDINGTON: Aye.

8 THE CLERK: Thompson.

9 MS. THOMPSON: Aye.

10 THE CLERK: Nine.

11 CHAIRMAN HALE: Show the Chair voting "aye."

12 There being ten "ayes" and no "nays," the
13 Committee substitute is adopted.

14 The question now recurs on reporting HSR 161
15 to the House as substituted.

16 MR. CHAVEZ: I so move.

17 CHAIRMAN HALE: Is there any discussion?

18 All those in favor of reporting House Simple
19 Resolution 161 to the House as substituted, with a recom-
20 mendation that it do pass, I suppose would be the recom-
21 mendation, that it do be adopted, that the Articles of
22 Impeachment contained therein do be adopted, all those
23 in favor of the motion will vote "aye"; those opposed will
24 vote "no" as your names are called. The Clerk will call
25 the roll.

1 THE CLERK: Maloney.

2 MR. MALONEY: Aye.

3 THE CLERK: Chavez.

4 MR. CHAVEZ: Aye.

5 THE CLERK: Donaldson.

6 MR. DONALDSON: Aye.

7 THE CLERK: Hendricks.

8 MR. HENDRICKS: Aye.

9 THE CLERK: Kaster.

10 MR. KASTER: Aye.

11 THE CLERK: Laney.

12 MR. LANEY: Aye.

13 THE CLERK: Nabers.

14 MR. NABERS: Aye.

15 THE CLERK: Weddington.

16 MS. WEDDINGTON: Aye.

17 THE CLERK: Thompson.

18 MS. THOMPSON: Aye.

19 THE CLERK: Nine.

20 CHAIRMAN HALE: Show the Chair voting "aye."

21 There being ten "ayes" and no "nays," House
22 Simple Resolution No. 161 is reported to the House with a
23 recommendation that it be adopted as Articles of Impeach-
24 ment.

25 Let the record reflect, pursuant to the previous

1 statement the Chair made, that Mr. Slack, as a member of
2 this Committee, had he been present, would have voted
3 "aye" on the adoption of the Committee substitute, and
4 would have voted "aye" on the reporting of HSR 161.

5 Now, members of the Committee, let the Chair
6 take a deep breath for a moment and thank all of you for
7 all of your work on this Committee, in addition to what's
8 been said before. I think you have all done yoemen's
9 service in a very thankless task, and each member of the
10 Committee is to be commended.

11 We do still have other work to be done. As you
12 are all aware, we must prepare some type of narrative
13 report, or order to give the membership of the House the
14 benefit of the weeks of labors that this Committee has
15 been through, to give them the benefit of at least summar-
16 ies of the evidence supporting the Resolution.

17 Mr. Kaster?

18 MR. KASTER: Mr. Chairman, prior to—if you
19 are getting ready to adjourn us—I would like to say, on
20 behalf of the Committee, that I appreciate the judicious
21 manner and the fair manner in which you have conducted
22 these hearings. I feel that I have been afforded the
23 opportunity to ask any question that I might, and I
24 particularly appreciate your ability to place into the
25 record pertinent material that a person without legal

1 training, I would never have thought of, and I think the
2 record will be one that will withstand the test of his-
3 tory, primarily because of the manner in which you, as
4 the Chair, has handled this Committee. I personally
5 wish to thank you for the manner in which you have con-
6 ducted these hearings.

7 CHAIRMAN HALE: The Chair thanks you for
8 your kind remarks.

9 I'll get that in writing for my next campaign.

10 In order that we can work on the report, as the
11 Committee members are well aware, there has been some in-
12 formal discussion about the next meeting of the Committee.
13 What the Chair would like to suggest at this time is that
14 those of you who would care to do so—I see no reason
15 for the Committee to meet tomorrow or Friday. It's going
16 to be necessary that the staff have a little time to pre-
17 pare these summaries that we want to include in the
18 narrative report, and some of the background material on
19 impeachment and other matters that we think will be help-
20 ful to the members of the House to have it in summary form
21 in a written report.

22 Since there is going to be some little time
23 required in order to get all of that material together,
24 it occurs to the Chair that probably, perhaps Tuesday
25 of next week, or Wednesday of next week might be the

1 best suitable time for the Committee to reconvene for that
2 purpose. Obviously we will be hearing no more testimony;
3 that is not the purpose. The purpose of the meeting will
4 be to work on the draft of the narrative report and to put
5 it in a form where all of the members of the Committee
6 find it acceptable.

7 MR. KASTER: Mr. Chairman, I hope that it
8 will be Tuesday, because I think we need to complete this
9 work as quickly as possible to let the rest of the House
10 have the opportunity of reading this report prior to the
11 convening of the House, which will probably be August the
12 4th, now that we have completed our labors on the impeach-
13 ment charges.

14 CHAIRMAN HALE: It is the understanding
15 of the Chair, and would any member of the Committee or
16 any member of the staff take issue with me if they think
17 what I'm about to say is not entirely correct? It is
18 the understanding of the Chair that with the filing of
19 HSR 161 with the Chief Clerk, which will probably be
20 done tomorrow—we will get it typed up in the morning,
21 the Chair will sign the Committee report on it, and file
22 it with the Chief Clerk probably tomorrow. If that is
23 done, that event is the contingency provided for in—
24 what was our other resolution?

25 MR. JOHNSON: 167.

1 CHAIRMAN HALE: —221. Under the provisions
2 of HSR 221, the resolution provides that the report con-
3 taining the recommendations with respect to impeachment
4 be filed with the Chief Clerk, and that if the impeachment
5 is recommended by a majority report, then the House of
6 Representatives shall be reconvened at ten a.m. on the
7 third Monday following the date that the Committee report
8 is filed with the Chief Clerk.

9 It's the interpretation of the Chair that the
10 filing of the Committee report on HSR 161 is the con-
11 tingency which will trigger automatically the recall pro-
12 visions of HSR 221. So, if that interpretation is correct,
13 and the Chair signs and files the Committee report on HSR
14 161 tomorrow, that would mean that the House would be
15 automatically reconvened on Monday, August the 4th at
16 ten o'clock a.m.

17 Is there anyone on the Committee or on the staff
18 who has a differing interpretation on that chain of
19 events? Are we all agreed that that's what the resolution
20 provides?

21 I say that because I think that it is the Com-
22 mittee report on HSR 161 which is the event and contingency
23 which will trigger the automatic recall, not the narrative
24 report, which is nothing more than an appendix, so to
25 speak, to the formal Committee report, the formal Committee

1 report being HSR 161, which is the only thing committed
2 to the jurisdiction of this Committee.

3 So the Chair would state to you that barring any
4 unforeseen contingency, of which I'm not aware of any at
5 this time, the Committee report on HSR 161 will be signed
6 by the Chair and filed with the Chief Clerk tomorrow, in
7 which event then I think you can anticipate that the
8 House will reconvene on Monday, August 4th at ten a.m.

9 Now, that leaves unresolved the work on the
10 narrative report. Mr. Kaster, you suggest Tuesday?

11 MR. KASTER: Yes, sir.

12 CHAIRMAN HALE: —as being an acceptable
13 date. Is there anyone, before we take a formal motion on
14 it, is there anyone that has any differing ideas?

15 MS. WEDDINGTON: As I indicated earlier,
16 I have a trial set for that day, but I can try in between
17 trial to be here.

18 CHAIRMAN HALE: Well, it's the hope of the
19 Chair that we can get some rough draft material to you
20 from the staff between now and next Tuesday, so that hope-
21 fully, although that, too, is a pretty tight time sched-
22 ule, but hopefully we can get you some material you can
23 be reviewing in advance of the meeting.

24 MR. CHAVEZ: What time?

25 CHAIRMAN HALE: Next Tuesday, about ten

1 o'clock in the morning? Next Tuesday? Or would you
2 prefer to have it a little later?

3 MR. NABERS: That's fine.

4 CHAIRMAN HALE: Those of you that want to
5 drive in that morning. Those of you that have a full
6 day scheduled Monday might want to come in Tuesday morning,
7 we could—

8 MR. CHAVEZ: One or one-thirty.

9 CHAIRMAN HALE: —supposing we—one or
10 one-thirty Monday afternoon?

11 MR HENDRICKS: Yes, sir. Tuesday after-
12 noon.

13 CHAIRMAN HALE: Tuesday afternoon.

14 Before the Chair takes a motion on that, is
15 there any further business that we need to transact here
16 today? Mr. Doyle, do you know of anything further?
17 Mr. Johnson, is there anything further that we need to do
18 here today?

19 (No response)

20 In view of certain other matters of which I
21 think all members of the Committee have been advised, the
22 Chair would like to take the motion in the form for
23 next Tuesday, for say 1:30, or on call of the Chair,
24 whichever is earlier, in the event something should
25 transpire which might occasion a more hasty recall of the

1 Committee. If there is no objection to that proceedings.

2 Is there anything further to come before the
3 Committee?

4 (No response)

5 Let the Chair also state, which I overlooked
6 in my little formal statement a moment ago, on behalf of
7 the Committee, the Chair wants to express our sincere
8 appreciation, Mr. Johnson, to you and the staff of the
9 Counsel, the staff members that you've had working with
10 us, they have done extremely able work in helping the
11 Committee on this.

12 We've had an outstanding court reporter and we
13 are grateful to you for your work and your punctuality
14 and your attendance here here in getting the reports to
15 us very timely.

16 COURT REPORTER: Thank you, Mr. Chairman.

17 CHAIRMAN HALE: For all of those who came
18 and testified, of course, we're indebted to all of them
19 for the testimony which they gave.

20 And to the press, I can certainly say that this
21 has been the best covered Committee in the news media on
22 which I have ever had the privilege of serving, and on
23 behalf of the Committee, let the Chair thank each of you,
24 of the press and the news media, radio, television and
25 the newspapers, for doing an outstanding job in reporting

1 to the people of Texas on the work of this Committee.

2 It is the type of work in which there should be
3 publicity on it, because it's the type of work on which
4 the people of Texas are entitled to be kept informed,
5 and you are the vehicle by which we can achieve that,
6 and the only vehicle by which we can keep open those lines
7 of communication.

8 And to you, Laura, thank you for your outstand-
9 ing work as Clerk of our Committee. You've done a very
10 fine job.

11 Is there anything further to come before the
12 Committee?

13 (No response)

14 Mr. Maloney moves that the Committee stand in
15 recess until one-thirty o'clock on Tuesday, July 22, 1975,
16 or on the call of the Chair, whichever is the earlier
17 date. Is there any objection?

18 (No response)

19 The Chair hears none and the Committee stands
20 recessed pursuant to that motion.

21 (Whereupon, at 4:45 p.m., the Committee was
22 recessed.)
23
24
25

