

MELCHOR CHAVEZ
House of Representatives
P. O. Box 2110
Austin, Texas 78767

MELCHOR CHAVEZ
House of Representatives
P. O. Box 2110
Austin, Texas 78767

Chavez

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

LOCAL
HIST
353.036
TRA
V.2

For Reference

Not to be taken from this room

TRANSCRIPT OF PROCEEDINGS

BEFORE THE

TEXAS STATE HOUSE OF REPRESENTATIVES

HOUSE SELECT COMMITTEE ON IMPEACHMENT

AUSTIN, TEXAS

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

CONTINUED HEARING

VOLUME II

BE IT REMEMBERED that on Wednesday, the 21st day of May, 1975, beginning at 8:30 o'clock p.m., in the Old Supreme Court Room, State Capitol Building, Austin, Texas, the above-entitled matter came on for hearing, having been continued from Tuesday evening, May, 20, 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, 205 West 9th Street, Austin, Texas 78701.

HRS

HICKMAN REPORTING SERVICE

HBS

THE QUALITY REPORTERS

Austin, Texas 476-5363

HARLINGEN PUBLIC LIBRARY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MEMBERS PRESENT

1
2
3 REPRESENTATIVE HALE - CHAIRMAN

4 REPRESENTATIVE LANEY

5 REPRESENTATIVE KASTER

6 REPRESENTATIVE HENDRICKS

7 REPRESENTATIVE SLACK

8 REPRESENTATIVE MALONEY - VICE CHAIRMAN

9 REPRESENTATIVE NABERS

10 REPRESENTATIVE DONALDSON

11 REPRESENTATIVE THOMPSON

12 REPRESENTATIVE CHAVEZ

13 REPRESENTATIVE WEDDINGTON

14
15 APPEARANCES

16 FOR HOUSE SIMPLE RESOLUTION NO. 161

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

19
20 FOR THE RESPONDENT, JUDGE O. P. CARRILLO

21 MR. ARTHUR MITCHELL, Mitchell, George and Belt,
22 1122 Colorado, Westgate Building, Austin, Texas 78701.

23 FOR THE WITNESS, MR. RODOLFO COULING

24 MR. CHARLES E. ORR, 609 Fannin, Suite 629,
25 Houston, Texas 77001.

INDEX

1
2 SECOND SESSION - WEDNESDAY, MAY 21, 1975 2-04

3 OPENING REMARKS 2-04

4 MR. RUBEN CHAPA

5 Direct - Canales 2-10
6 Direct - Hale 2-16
7 Direct - Maloney 2-27
8 Direct - Slack 2-31
9 Direct - Hendricks 2-34
10 Direct - Nabers 2-41
11 Direct - Kaster 2-43
12 Direct - Donaldson 2-46
13 Direct - Laney 2-56
14 Direct - Thompson 2-59
15 Direct - Weddington 2 2
16 Direct - Chavez 2-69
17 Direct - Hale 2-78
18 Direct - Maloney 2-81
19 Direct - Hendricks 2-91
20 Direct - Kaster 2-94
21 Direct - Thompson 2-97
22 Direct - Slack 2-98
23 Direct - Maloney 2-99
24 Direct - Chavez 2-101
25 Direct - Laney 2-103
Direct - Maloney 2-104

16 MR. FRANCISCO RUIZ

17 Direct - Canales 2-115
18 Direct - Hale 2-118
19 Direct - Maloney 2-122
20 Direct - Hendricks 2-125
21 Direct - Nabers 2-127
22 Direct - Kaster 2-129
23 Direct - Donaldson 2-132
24 Direct - Laney 2-133
25 Direct - Thompson 2-135
Direct - Chavez 2-135
Direct - Canales 2-138

22 MR. OSCAR SANCHEZ

23 Direct - Hale 2-142
24 Direct - Maloney 2-150
25 Direct - Hendricks 2-151
Direct - Kaster 2-153
Direct - Donaldson 2-154
Direct - Chavez 2-154
Direct - Hendricks 2-157
Direct - Canales 2-157

INDEX (Continued)

REMARKS - CHARLES ORR

2-160

MR. RODOLFO M. COULING

Direct - Hale

2-161

Cross - Canales

2-162

Direct - Hale

2-166

Direct - Hendricks

2-169

Direct - Nabers

2-170

Direct - Kaster

2-171

Direct - Donaldson

2-171

Direct - Chavez

2-174

Cross - Canales

2-175

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 WEDNESDAY, MAY 21, 1975

2 SECOND SESSION

3
4 (The hearing was reconvened at 8:30 p.m.,
5 pursuant to the recess on Tuesday, May 20, 1975.)

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

8 The Clerk will call the roll.

9 (The Clerk called the roll.)

10 CHAIRMAN HALE: There is a quorum present.

11 Members of the Committee, Mr. Canales has
12 asked the Chair that we issue three additional subpoenas,
13 which the Chair has in hand, one for Francisco Ruiz,
14 one for Oscar Sanchez, and one for Octavio Hinojosa, Jr.

15 MR. CANALES: Mr. Chairman, if I can
16 indicate to the Chair there, on the one for Mr. Octavio
17 Hinojosa is a subpoena duces tecum also.

18 CHAIRMAN HALE: Yes, it is. Are these
19 witnesses, I understand, here now, Mr. Canales?

20 MR. CANALES: Yes. They are sitting
21 right here on the front row.

22 CHAIRMAN HALE: They are here, present.
23 What is the will of the Committee on the
24 subpoenas?

25 MR. NABERS: I move that they be issued,

1 Mr. Chairman.

2 CHAIRMAN HALE: Mr. Nabers moves that the
3 Chairman be authorized to issue in the name of the
4 Committee subpoenas for the three individuals named,
5 the one for Mr. Octavio Hinojosa being a subpoena deces
6 tecum for certain records. Is there any discussion on
7 the motion?

8 (No response.)

9 CHAIRMAN HALE: All those in favor of
10 the motion will vote "aye," those opposed will vote
11 "no as your names are called.

12 The Clerk will call the roll.

13 (The Clerk called the roll.)

14 CHAIRMAN HALE: There being nine ayes and
15 no nays, the motion is adopted.

16 Mr. Kelly, will you take these three subpoenas
17 and serve them on the witnesses.

18 Mr. Mitchell, let me say to you and to Judge
19 Carrillo, I'm sure I mentioned it the other night, that
20 as you know, the Committee does have subpoena power and
21 we would certainly exercise that power in behalf of any
22 witnesses that you care to call in the same way we would
23 for Mr. Canales.

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

25 CHAIRMAN HALE: If there are any records

1 or witnesses that you can't get here that you want and
2 can be reached only by subpoena if you'll advise the
3 Chair I will certainly recommend that the Committee
4 grant such a request.

5 Mr. Mitchell, let the Chair also state that
6 I'm not sure that you understood it from our previous
7 conversation that while this is, as the Chair stated
8 yesterday, not a prosecution, and as a result we don't
9 anticipate cross examination in the courtroom sense, if
10 there are pertinent questions that you feel should be
11 asked some witnesses, if you will advise one of the
12 members of the Committee we will try to see that those
13 questions are asked.

14 MR. MITCHELL: May I then request that
15 Mr. Cleofus Gonzalez be recalled because I do have some,
16 Mr. Chairman.

17 CHAIRMAN HALL: If he is available we will
18 get him. I don't know if he is still here or not.

19 MR. CANALES: He is available, Mr. Chair-
20 man, and still under subpoena.

21 CHAIRMAN HALL: All right. Fine.

22 The Chair would ask, if you would, Mr. Mitchell,
23 to—perhaps it might be better if you're going to have
24 very many questions if you could prepare them in advance
25 and submit them to us. Then we will be happy to see that

1 those questions are asked.

2 Is there any other business to come before the
3 Committee before we start hearing additional testimony?

4 (No response.)

5 CHAIRMAN HALE: Mr. Canales, will you call
6 your first witness.

7 MR. CANALES: Thank you, Mr. Chairman.

8 My first witness this evening will be a Mr.
9 Ruben Chapa, a resident of Duval County and, among other
10 instances, will testify to one instance that is very
11 clear in his mind which occurred in November of 1974 when
12 Mr. O. P. Carrillo and Mr. Ruben Chapa went to the old
13 City Hall and picked up a backhoe, a piece of equipment
14 belonging to the county, which is a tractor type arrange-
15 ment. From there they went to the front of the Adlai
16 Parr High School. At that point Mr. Tomas Elizondo
17 drove up in a county truck with a trailer and the
18 backhoe was loaded. From there it was taken to Borcas
19 Ranch, which has been indicated to be owned by Judge
20 O. P. Carrillo. And the backhoe was used to load gravel
21 and sand into a cement mixer to make a foundation for a
22 building on the Borcas Ranch, or on the property belong-
23 ing to Judge O. P. Carrillo.

24 At that time, Mr. Tomas Elizondo operated the
25 backhoe and he was an employee of the county.

Additionally, on that same day a truck, a two and a half ton truck, went to the Farm and Ranch Store, or a combination Farm and Ranch Store, Precinct 3 Warehouse, and picked up a substantial amount of concrete which was taken and used in building this foundation.

At this time I would present to the Committee Mr. Ruben Chapa.

CHAIRMAN HALE: All right, Mr. Chapa.

MR. CANALES: Mr. Chapa will testify to this particular incident, among others, but this one is the most vivid in his mind at this time.

CHAIRMAN HALE: Mr. Chapa, it is my duty as Chairman to advise you of your rights with reference to your testimony. You will be sworn to tell the truth and your failure to do so could subject you to a prosecution for perjury.

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

You are privileged to have an attorney of your

1 selection sit with and advise you as to your answers if
2 you desire. The Chair will attempt to protect your
3 rights at all times.

4 Do you understand the advice I have given you?

5 MR. CHAPA: Yes, sir.

6 CHAIRMAN HALE: Are you ready to testify
7 at this time?

8 MR. CHAPA: Yes, sir.

9 CHAIRMAN HALE: Would you stand, please,
10 and raise your right hand and be sworn.

11 (The witness was sworn by the Chairman
12 at this time.)

13 CHAIRMAN HALE: You may be seated.

14
15 MR. RUBEN CHAPA

16 was called as a witness on behalf of the Author and,
17 having been duly sworn, testified as follows:

18 CHAIRMAN HALE: Please state your name
19 and mailing address, if you will, please, for the record.

20 A Ruben Chapa, Box 265, Benavides, Texas.

21 CHAIRMAN HALE: Benavides, Texas. Fine.
22 If you have a prepared statement you wish to make you may
23 proceed. Or, Mr. Canales, if you want to do it in
24 question and answer form you may proceed.

25 MR. CANALES: Thank you, Mr. Chairman.

DIRECT EXAMINATION

1
2 BY MR. CANALES

3 Q Mr. Ruben Chapa, would you state for this
4 Committee your occupation?

5 A I'm the owner of a Texaco Service Station there
6 in Benavides.

7 Q How long have you lived in Benavides, Mr.
8 Chapa?

9 A All my life. 27 years.

10 Q Mr. Ruben Chapa, I would take you back to the
11 time when we interviewed and asked you to relate to
12 this Committee the events which occurred in November of
13 1974 and would ask you to relate to them those events
14 as they pertained to the backhoe incident.

15 MR. CANALES: I would ask, Mr. Chairman,
16 if the entire Committee knows what a backhoe is, or else
17 I'll go into an explanation of what it is.

18 CHAIRMAN HALE: The Chairman doesn't
19 know. So—

20 MR. CANALES: Mr. Chairman, a backhoe is
21 a type of tractor which in the back has an arm type
22 apparatus which is used for digging holes. You see them
23 frequently being used by the Water Departments and what
24 not to dig trenches with. And they are somewhat like a
25 shovel, except they are hydraulically powered.

1 CHAIRMAN HALE: Thank you, sir.

2 A Could I make a correction?

3 Q Yes.

4 A It was November of 1973.

5 Q Okay.

6 A Instead of 1974.

7 Q Go ahead and tell the Committee, would you
8 please, sir?

9 A On November of 1973 I was riding with O. P.
10 in his car and we went to the city hall, the old building
11 there in Benavides. We picked up the backhoe. Tomas
12 Elizondo drove it over in front of the high school, the
13 Adlai Parr High School.

14 Q Mr. Chapa, may I interrupt you. To whom did
15 the backhoe belong?

16 A The backhoe belongs to the Duval County
17 Conservation and Reclamation District.

18 Q Thank you. Continue, please.

19 A From there we took it—Tomas Elizondo—took it
20 over to the front of the high school. Later on he went
21 and got a truck. I guess it belonged to the County; it
22 had an exempt license on it, with a trailer. We loaded
23 it on the trailer, connected everything, and we went
24 over about, I would say, sixteen, eighteen miles from
25 there, to Bortas Ranch. That is on Highway 16.

1 Q Mr. Chapa, let me interrupt you one more time.
2 Mr. Tomas Elizondo, do you know this man personally?

3 A Yes, sir.

4 Q How long have you known Mr. Tomas Elizondo?

5 A All my life.

6 Q At the time that the county-owned truck and
7 trailer arrived at the old, or in front of the Adlai
8 Parr High School to pick up this backhoe that belonged
9 to the Duval Water District or Conservation and Water
10 District, in whose employ was Mr. Tomas Elizondo at that
11 time?

12 A The County, I guess. Duval County.

13 Q Would you go ahead and proceed.

14 A From there we loaded the backhoe, like I said,
15 and we got over to the Bortas Ranch on Highway 16.

16 Q Let me interrupt you. To who does Bortas
17 Ranch belong?

18 A It belongs to District Judge O. P. Carrillo.

19 Q Go ahead.

20 A From there we unloaded the backhoe that in
21 front it's got a scoop also, a two yard scoop, I guess it
22 is. They used it to—Tomas Elizondo was the one that
23 was driving it. He was loading the gravel and sand to be
24 poured into a cement mixer that they were making a
25 foundation for a building or a store or, I don't know

1 what they were going to do, but it was a foundation that
2 was being built.

3 Q Let me interrupt you again, Mr. Chapa, and
4 ask you who was operating the backhoe machinery, this
5 piece of machinery?

6 A Tomas Elizondo was.

7 Q Is it the same Tomas Elizondo who you said was
8 at that time working for the county?

9 A Yes, sir.

10 Q Thank you. Go ahead.

11 A The truck that came over to town, that two and
12 a half ton truck, I guess belongs to District Judge O. P
13 Carrillo, came over to the Farm and Ranch. The boys
14 opened the warehouse there that I guess belongs to
15 Precinct 3 and got some sacks of cement. I don't know
16 if the cement belonged to the county or who it belonged
17 to, but it was loaded and taken back to the ranch.

18 Q Mr. Chapa, do you know which part of this
19 establishment is in fact the county or the precinct
20 warehouse?

21 A On the back of the Farm and Ranch.

22 Q And that is the place from which the cement was
23 loaded and taken away from this precinct?

24 A Yes, sir.

25 Q Thank you. Go ahead.

1 A And then we took it back and they were building
2 the foundation and there was a lot of help there. I
3 don't know where it came from or nothing, but I was
4 there. I was just looking. I was not doing anything.
5 I was just riding around with O. P.

6 Q Let me ask you about the quantity of cement
7 that was loaded. Were you present at the time it was
8 being loaded?

9 A Yes, sir.

10 Q Was it one or two sacks, or did they load the
11 truck down pretty heavily?

12 A Pretty heavily. I can't say what amount because
13 they were not counting. They were just putting it there
14 in the truck.

15 Q Additionally, Mr. Chapa, I would like to ask
16 you if you know a Mr. Patricio Garza?

17 A Yes, sir.

18 Q Where does Mr. Patricio Garza live, Mr. Chapa?

19 A In Benavides.

20 Q Do you know who Mr. Patricio Garza has been
21 employed with in the past?

22 A That I know, he works for the county. I
23 don't know what precinct. Probably Precinct 3. That's
24 the precinct we've got there in Benavides.

25 Q Let me clarify. Does he work for the county or

1 is he paid—

2 CHAIRMAN HALE: Let the Chair interrupt
3 you just a minute. When you keep referring to the
4 "County," are we always talking about Duval County now
5 when we say the "County"?

6 A Yes, sir. Duval County.

7 CHAIRMAN HALE: All right. Thank you.

8 Q Let's clarify this point. Was he working for
9 the county or being paid by the county?

10 A He was being paid by the county because I've
11 seen him once or twice cash his checks, so I guess he's
12 being paid by the county.

13 Q Did you ever see Mr. Patricio Garza when he
14 was working?

15 A Yes, sir.

16 Q Where did he work?

17 A At O. P. Carrillo's ranch.

18 Q Do you know a Mr. Tomas Elizondo?

19 A Yes, sir.

20 Q Do you know a Mr. Tomas Elizondo today?

21 A Yes, sir.

22 Q Where is he working today?

23 A At O. P. Carrillo's ranch.

24 Q Do you know who he is employed by?

25 A Duval County.

1 Q And Mr. Elizondo works on Mr. O. P. Carrillo's
2 ranch?

3 A I guess. He drives his truck every day and
4 he's got the trailers and everything every day.

5 MR. CANALES: Mr. Chairman, I have no more
6 questions of this witness and would submit him as a
7 witness to the Committee.

8 CHAIRMAN HALE: Fine. Thank you, Mr.
9 Canales.

10 QUESTIONS BY THE COMMITTEE

11 BY CHAIRMAN HALE

12 Q Mr. Chapa, when was this backhoe taken from the
13 Duval County Conservation and Reclamation District and
14 delivered to the ranch belonging to Judge Carrillo?

15 A When was it taken?

16 Q Yes.

17 A I cannot tell you the exact date, but it was
18 in November, I know, of '73. But it was not taken from
19 the Duval County Conservation and Reclamation District.

20 Q Where was it taken from?

21 A It was taken from the city hall. I guess they
22 parked it there because— Why it was parked there, I
23 can't know.

24 Q How large a piece of equipment is a backhoe?

25 A It's pretty big. It's like a regular tractor.

1 Q Is it the size of a pickup?

2 A Somewhere around there. It's heavy. It's
3 heavy equipment. It had to be loaded on the trailer
4 because to go eighteen miles driving it at 20 or 25
5 miles an hour takes a long time to get up there.

6 Q It does not have an engine of its own?

7 A Yes, sir, it does.

8 Q Does it? You can operate it without any other
9 equipment?

10 A Yes, sir. It's got a motor in it and every-
11 thing and you can—

12 Q How long did this backhoe stay at the ranch of
13 O. P. Carrillo?

14 A From there I don't know, sir, because I was
15 there that day. And it happens to be that I was there
16 that day. I came back to Bonavides. I came back to my
17 station. From there on I don't know. I was most of the
18 day there because I remember I ate there at the ranch.

19 Q And Tomas Elizondo was with you while you
20 were taking it to the ranch?

21 A Tomas Elizondo went on the truck. I went with
22 District Judge O. P. Carrillo in his car.

23 Q Then the three of you were out there at the
24 ranch at the same time?

25 A Yes, sir.

1 Q And the backhoe was there at the time all
2 three of you were there?

3 A Well, we got it there at the same time.

4 Q At the same time. How did you and Judge
5 Carrillo get out to the ranch?

6 A In his car.

7 Q And Tomas Elizondo was in a truck?

8 A Yes, sir.

9 Q And he had the backhoe loaded on the back of
10 the truck?

11 A Yes, sir.

12 Q Was anyone else out there at the time?

13 A At the ranch?

14 Q Yes.

15 A Well, there were some school kids I guess they
16 hired or something to mix the cement or something. I
17 couldn't give you their names or how many were there.
18 But there were some other kids there that were helping
19 him. It was a weekend, I can recall.

20 Q All right. You testified about some cement
21 being loaded. Was that loaded and delivered to the ranch
22 on the same day that the backhoe was delivered out there?

23 A Yes, sir. That cement was—the truck came over
24 to town with the same kids that were at the ranch, went
25 over to the Farm and Ranch. We opened that warehouse that

1 belongs to Duval County, we loaded cement from there and
2 we went back to the ranch. And they were unloading the
3 cement. As they were needing the sacks, they were
4 unloading it. They didn't unload them all. They just
5 left them on the truck. As they were using them they
6 were unloaded.

7 Q You say "we" went to the warehouse. Who is
8 "we"?

9 A I, myself, and I guess— I'm not too sure.
10 Yes. Judge Carrillo went over and he just told us to
11 load it, and he took off and then later on he came and
12 picked me up again and I went with him.

13 Q Was the warehouse locked?

14 A No, sir.

15 Q Do you have a key to the warehouse?

16 A No, sir. I don't work for the county.

17 Q Was it during regular working hours?

18 A It was a weekend. It was a Saturday.

19 Q It was a weekend. Who opened the warehouse?

20 A I guess they all have keys. I don't know where
21 they got the keys from.

22 Q How did you get into the warehouse?

23 A It was open already.

24 Q It was already opened. Was anybody in the
25 warehouse at the time?

1 A No, sir. It is just a room. It is just a room
2 where they store their things; just a small room. You
3 can't store too many things in there.

4 Q Do they keep it locked when it's not being
5 used?

6 A Probably they knew that they were going to go
7 pick up the cement and they unlocked it before. Maybe
8 his brother unlocked it or something. I don't know.

9 Q Mr. Canales asked you about someone named
10 Patricio Garza. Was he involved in taking the backhoe
11 or the cement out there?

12 A No, sir. No, sir. He was at the ranch.

13 Q Was he out there at the same time that you and
14 Tomas Elizondo were out there that day in November?

15 A When we got back over there at the ranch?

16 Q Yes, sir.

17 A Yes, sir.

18 Q What was he doing out there?

19 A He was there and then he went to the ranch
20 and I guess he went and cooked for the boys and everything
21 out there. He's usually the one that cooks when there
22 is some work going on or something.

23 Q Did you eat while you were out there?

24 A Yes, sir.

25 Q Which meal did you eat?

1 A I can't recall.

2 Q Was it the noon meal or an evening meal?

3 A The noon meal.

4 Q The noon meal. How long were you out at the
5 ranch that day?

6 A Like I say, I stayed there till about two
7 or three o'clock. I can't recall. I came back to
8 Benayides and I attended to my business. I was there at
9 the station.

10 Q All right. You say "station."

11 A Texaco.

12 Q Is that a Texaco station that you own and
13 operate?

14 A Yes, sir.

15 Q Have you ever been employed by Duval County?

16 A No, sir.

17 Q Have you ever been employed by the Duval
18 County Conservation and Reclamation District?

19 A Yes, sir.

20 Q When did you work for them?

21 A I'm still working for them.

22 Q You're on the payroll now?

23 A Yes, sir.

24 Q How long have you worked for the Duval County
25 Conservation and Reclamation District?

1 A I started last year in April; April the first
2 of last year, '74, until right now.

3 Q What work do you do for the Conservation
4 District?

5 A I'm the Business Office Manager. I'm in
6 charge of the people, tell them where to go, what to do,
7 what work has to be done. When there is a leak of
8 water, sewage water, I mean sewers leak or something,
9 I send them over to do the job.

10 Q Are you paid a regular salary for that work?

11 A I'm paid \$700 a month.

12 Q \$700 a month?

13 A Yes, sir.

14 Q Is that considered a full-time job or do you
15 just work at it part time?

16 A I'm there at the office and then I go check
17 the people, and I'm around there.

18 Q In addition to that, you run this Texaco
19 Service Station?

20 A I have some workers at the station.

21 Q Sir?

22 A I've got workers at the station, that they run
23 my station. After 5:00 I'm there at the station.
24 Sometimes I go through there and see what they need and
25 then I come back.

1 Q Who employed you to go to work for the Duval
2 County Conservation and Reclamation District?

3 A Let me see. Leopoldo Sepulveda. He is the
4 General Manager.

5 Q Is the Duval County Conservation and
6 Reclamation District governed by a multi-member board
7 that's elected?

8 A Yes, sir.

9 Q Do you know who the members of that board are?

10 A Right now?

11 Q Yes, sir.

12 A The President of the Board is Gape Raymond;
13 the Secretary is F. H. Canales; and the other members are
14 Romero Herrera. He is from Realitos, Texas; and Felipe
15 Perez. He is from La Rosita, Texas. And Gab Raymond
16 and F. H. Canales are from Benavides.

17 Q Five members on the Board?

18 A Four.

19 Q Four members on the Board. Is the Canales
20 that's a member on the Board any relation to Representa-
21 tive Terry Canales?

22 A I don't know.

23 Q Do you know if any of the members of that Board
24 are related to Judge Carrillo?

25 A No, sir. They are not related.

1 Q Do you know if any of the members of that Board
2 are related to Terry Canales?

3 A I don't know.

4 Q You don't know. All right.

5 Did anyone assist you in getting that job?

6 A No, sir. I asked for a job and they gave me
7 that job.

8 Q You didn't go to anybody else and ask them to
9 take you down there and recommend you?

10 A No, sir. I asked for a job and they gave me a
11 job, so I'm still there.

12 Q Have you ever been employed by Judge Carrillo?

13 A No, sir.

14 Q In any way?

15 A I was just a close friend of his.

16 Q Have you ever been employed by any of the
17 partnerships, the businesses of which he is a partner?

18 A No, sir.

19 Q I believe one of which was called the "Farm
20 and Ranch Store." Have you ever been employed by the
21 Farm and Ranch Store?

22 A No, sir.

23 Q Have you ever been employed by the Zertuche
24 General Store?

25 Q Where is the Zertuche General Store located?

1 A I don't know it. Just by name, I guess. It is
2 at the same building of the Farm and Ranch.

3 Q Do they have a sign out there for it?

4 A No.

5 Q What sort of merchandise does the Zertuche
6 General Store have?

7 A I don't know if they have any merchandise.
8 I know Farm and Ranch had some merchandise there.
9 They had filters and all kinds of odds and ends, you
10 know. Plumbing fixtures and everything.

11 Q Did you ever buy anything in the Farm and
12 Ranch Store?

13 A Yes, sir.

14 Q What?

15 A Oh, once I bought something for the commode
16 at the station and little stuff that I needed, you know.
17 Just little things that I needed for the station: paint
18 or something, you know.

19 Q Did you ever buy anything from the Zertuche
20 General Store?

21 A Not that I know of because I always paid
22 cash, or gave them a check.

23 Q The Zertuche General Store wouldn't take cash?

24 A I never made a ticket. I never charged it. I
25 always paid when I went and bought something.

1 Q Well—

2 A In other words, I never—when it was a little
3 thing, you know, a fifty or sixty cents thing, why would
4 I ask for a slip or something, cash ticket or something?
5 I didn't need one.

6 Q Maybe you didn't understand my question.

7 A Did I ever buy something from the Zertuche
8 General Store?

9 Q Did you ever buy any merchandise of any type
10 from the Zertuche General Store?

11 A I don't even know if the store existed or not.

12 Q Did you ever buy anything from it then?

13 A No, sir.

14 Q All right.

15 A How could I buy when they didn't have nothing!

16 Q Are you a married man?

17 A Yes, sir.

18 Q Do you have any children?

19 A Yes, sir.

20 Q How many?

21 A One.

22 Q Have you ever at any time used any food orders
23 through Duval County?

24 A I don't need them. I work.

25 Q Or any governmental agency there?

1 A No, sir.

2 Q Food stamps?

3 A No.

4 Q Have you ever had occasion to use any county
5 equipment?

6 A Me?

7 Q Yes.

8 A No, sir.

9 CHAIRMAN HALE: Mr. Maloney?

10 BY MR. MALONEY

11 Q Mr. Chapa, when did you say that the use of
12 this backhoe occurred?

13 A The backhoe?

14 Q Backhoe.

15 A In November of '73.

16 Q How do you recall that date?

17 A Because I had just bought my truck that month.
18 I bought a '74 GMC. It was brand new. I can recall
19 because it was brand new. It was in that month.

20 Q How did you come to get in touch with Judge
21 Carrillo that day?

22 A We were close friends.

23 Q I beg your pardon. I'm sorry.

24 A We were close friends. I said "We were." He
25 used to come to my station to get gasoline or something,

1 and I would ask him "Where are you going?" and he would
2 say, "I'm going to the ranch." "What are you doing?"
3 "Well, doing this." I would just hop in the car and go
4 with him. I always used to do that.

5 Q Is that what you did on that occasion?

6 A Probably I asked him or probably he told me
7 "Do you want to go?" or something. I can't recall.
8 You know, so many times I'm with him, you know. About
9 every other day, or I would see him every day. He would
10 go to my station every day.

11 Q On this date that we're talking about, you're
12 telling the Committee then that he came by your station?

13 A I saw him there at the station, and I got in
14 the car with him.

15 Q All right. He was in his car?

16 A He was in his car.

17 Q Was anyone with him?

18 A Tomas Elizondo was with him. Later on we came
19 back to town. We went to the ranch, came back to town
20 and picked up that backhoe like I told you. When we
21 went to the ranch I came back to town with Judge Carrillo
22 and I picked up my pickup in town, and I went to the
23 ranch in my pickup?

24 Q Why?

25 A Because like that I could come back whenever I

1 wanted to.

2 Q But why did you go back to the ranch?

3 A To the ranch? Because it was about noon time
4 and I was going to eat.

5 Q At the Judge's ranch?

6 A Yes, sir.

7 Q Was Tomas Elizondo over there?

8 A Elizondo?

9 Q At the ranch?

10 A Yes, sir.

11 Q What was he doing there?

12 A He was operating that backhoe.

13 Q Did you do any work there?

14 A No, sir. I was just looking.

15 Q I believe you said that this was a weekend.

16 Is that correct?

17 A It was a weekend.

18 Q Was it part of Tomas's duties to work on the
19 weekends for the county?

20 A I don't know. I see him work every day.

21 Q Do you know whether he was paid for his work
22 on the Judge's ranch?

23 A I don't know.

24 Q You said that you had bought things from the
25 Farm and Ranch Store. Is that correct?

1 A Yes, sir, I have.

2 Q How recently have you done that?

3 A Well, not too long ago I just went to the
4 Farm and Ranch and I needed a part for my trailer house
5 that I bought. It was closed. So I went over and asked
6 Ramiro Carrillo's son, that's Ramiro Carrillo, Jr., that
7 I needed a part for my trailer because I knew he had
8 some parts at the store. He said, "I can't go over
9 because I'm babysitting, so here's the key to the store."
10 He was that honest. He gave me the key and I went, looked
11 for the part and I couldn't find it. Since then I
12 haven't, you know, I haven't been there but I can't say
13 when I bought something.

14 Q How about prior to March of 1974? Had you
15 bought anything from the Farm and Ranch Store?

16 A In March of 1974?

17 Q Correct.

18 A I don't think so. No. No, I have not.

19 Q All during this time, you're a native of
20 Benavides. Is that correct?

21 A Yes, sir.

22 Q And you had never previous to March of 1974
23 bought anything at the Farm and Ranch?

24 A You're talking before or after?

25 Q Before.

1 A Before March of '74?

2 Q Correct.

3 A Oh, yes. I said a while ago that I had bought
4 some parts. I thought you said—

5 Q Do you recall who you bought them from?

6 A Cleofus Gonzalez.

7 Q You do know Cleofus Gonzalez?

8 A Yes, sir.

9 Q You were buying from the Farm and Ranch Store?

10 A I guess it was the Farm and Ranch.

11 Q And he waited on you?

12 A Yes, sir.

13 Q Did you pay him?

14 A Yes, sir.

15 Q What did he do with the money?

16 A He had a big cash register there. I guess he
17 opened the cash register, marked, you know, the price of
18 the item, and put the money in there, and that's it.

19 VICE CHAIRMAN MALONEY: That's all that
20 I have. Thank you.

21 CHAIRMAN HALE: Mr. Slack?

22 BY MR. SLACK

23 A You said the man that operated the backhoe
24 was Tomas?

25 A His name is Tomas Elizondo.

1 Q Is he normally employed by the county or by
2 the Judge on his ranch? Where was his normal place of
3 employment?

4 A Employment?

5 Q Yes. Where did he work? Where did Tomas work?
6 Did he work for the county?

7 A He got paid by the county. He was at the
8 Judge's ranch most of the time, or somewhere around
9 there in town.

10 Q So far as you know, you don't know who his
11 normal employer was? Was he on the county payroll so far
12 as you know, or did he work for the Judge on the ranch?

13 A I don't know if he was on the county payroll
14 or if he was by claim.

15 Q By claim?

16 A It's a claim that I guess they've got them for
17 people that work a week or two or month, or something
18 like that and, you know, they make a claim for payment.

19 MR. CANALES: I would like to interrupt
20 just a second. These are different from the county
21 payroll. This is what a claim is. They are put in, in
22 this manner. There may be a distinction I'm not familiar
23 with but I was informed that this is a claim and that it
24 is different from a county pay check.

25 MR. SLACK: I see.

1 MR. CANALES: That does not cover Mr.
2 Elizando, not Tomas Elizondo, at least.

3 MR. SLACK: It does not, so far as you
4 know?

5 MR. CANALES: No. That is Roberto
6 Elizondo, a brother or half-brother.

7 CHAIRMAN HALE: Counsel, let the Chair
8 ask you on these claims then. They are handled on a
9 contract basis rather than an employee-employer basis?

10 MR. CANALES: Mr. Chairman, we have the
11 Assistant or the Deputy County Auditor here who will
12 testify as to the employment, and he is more in a position
13 to explain the differences between a county check and the
14 county claim, or whatever. I'm sure he can clear it up
15 to the Committee's satisfaction.

16 CHAIRMAN HALE: But it all comes out of
17 tax payer's money.

18 MR. CANALES: Oh, yes.

19 CHAIRMAN HALE: Okay.

20 MR. CANALES: The root of all evil.

21 Q One more question, please. How did you know
22 that the backhoe, the tractor with the backhoe attach-
23 ment, belonged to the county?

24 A It didn't belong to the county.

25 Q It belonged to the Water District?

1 A The Water District. Duval County Water
2 District.

3 Q How do you know that?

4 A Because one time I asked them for it because
5 I needed to do a job and told—

6 Q You asked the Water District for it?

7 A No. I asked Guadalupe Ruiz, because he was
8 the man that was—the operator, you know, the regular
9 operator that was employed—he is still employed by the
10 Water District. He told me that D. C. Chapa had said
11 that he didn't want for that backhoe to be loaned to
12 anybody. So I said, "Well, thank you very much." And I
13 knew it belonged to the Water District because Guadalupe
14 Ruiz is employed by the Water District and he was the
15 one that used it most of the time for water leaks and
16 everything.

17 Q Thank you.

18 MR. SLACK: I have no further questions,
19 Mr. Chairman.

20 CHAIRMAN HALE: Mr. Hendricks?

21 BY MR. HENDRICKS

22 Q Mr. Chapa, I believe you stated that you did
23 not know whether Judge Carrillo also paid those men in
24 addition to their county employment. Is that correct?

25 A I don't know if he paid them or not. I couldn't

1 tell you.

2 Q Have you ever seen them working on his ranch
3 at any time other than weekends?

4 A Yes, sir. During the week.

5 Q You have seen them there personally during
6 the week working?

7 A Yes. Sometimes I would go with him, like I
8 told you, if they invited me or I tagged along most of
9 the time, whatever it was.

10 Q Have you ever seen them do work for the county?

11 A Not that I know.

12 Q What precinct did this cement belong to, if
13 you know?

14 A I don't know if it belongs to countywide, if
15 it belongs to Precinct 1, 2 or 3 or 4. It might have
16 been countywide. From there they could distribute that
17 cement to whatever precinct needed that cement. I
18 don't know.

19 Q I believe this barn was at the back of the
20 Farm and Ranch Store. Is that correct? The county barn?

21 A It's not a barn.

22 Q A storage barn, or whatever?

23 A It's a store and then it's got a shade on it
24 and then it's got like a storeroom.

25 Q Was the equipment belonging to the county and

1 that belonging to the Farm and Ranch Store intermingled?

2 A I couldn't tell you.

3 Q Do you understand what I mean by that?

4 A Yes. They were together at the same location?

5 Q Yes. Right.

6 A Yes. But I couldn't tell you which one belonged
7 to the county and which one belonged to the—

8 Q Is there any way you have of knowing whether
9 or not the cement belonged to the Farm and Ranch Store
10 or whether it belonged to the county?

11 A At one time they had said that there had been
12 a car load, a train car load, that was ordered I guess
13 by the county of cement. What they were going to do with
14 it, I don't know.

15 Q Of your own knowledge, is there any way you
16 know—can you tell this committee—

17 A I didn't work for the county. I didn't see
18 no—but like I tell you, I had heard that the cement
19 was the county's and they had stored it there because
20 the people from the county had to unload it from the
21 train, or car load, or whatever you want to call it.

22 Q All right. Have you ever serviced county
23 vehicles at your service station?

24 A They would spend about—are you talking about—
25 what precinct?

1 Q Any precinct.

2 A I am still servicing some cars. The Sheriff's
3 Department car and the Precinct 4 car.

4 Q How are you paid for these services?

5 A By the county.

6 Q All right. How do they pay you? Do they
7 issue warrants for it?

8 A By check.

9 Q By check?

10 A Yes, sir.

11 Q Do you turn in a voucher for it or how are you
12 paid?

13 A No. I give the bills to the Commissioner or
14 to the Sheriff's Department at the end of the month.
15 They take them and when they meet they approve the bills,
16 I guess, and the County Commissioner that bought the
17 supplies there, the gasoline or whatever he bought, he'll
18 bring me his check or one of the deputies will bring me
19 the Sheriff's Department's check. But they haven't
20 brought them for two months because they haven't been
21 paying or something. I don't know what's going on.

22 Q This was under the jurisdiction of Judge
23 Archer Parr and the County Commissioners Court. Is that
24 correct?

25 A What?

1 Q These are issued by the Commissioners Court
2 and the County Judge. Is that correct?

3 A Well, the County Judge?

4 Q Yes.

5 A Yes.

6 MR. CANALES: Mr. Hendricks, Archer Parr
7 has been suspended from the Bench.

8 Q Well, whoever is County Judge.

9 A I guess Dan Tobin.

10 Q All right.

11 A Since Dan Tobin went in I haven't been paid.

12 Q Have you ever serviced Judge Carrillo's car?

13 A Yes, sir.

14 Q How are you paid for this?

15 A I don't service them no more.

16 Q How were you paid when you did?

17 A He had a credit card of his own.

18 Q Was the credit card in his name or the county's
19 name?

20 A O. P. Carrillo.

21 Q He was billed direct for this?

22 A If I would pay my gasoline with credit cards
23 then Texaco would send his bills at the end of the month,
24 I guess.

25 Q Let me ask you this: Has the Judge or his

1 brother, the Commissioner, ever cashed a county check or
2 a county voucher that belonged to someone else at your
3 service station?

4 A No.

5 Q Of your own knowledge, is this backhoe that
6 belonged to the Duval County—

7 A Water District.

8 Q —Conservation District, has it ever been loaned
9 to anyone besides the Judge, of your own knowledge?

10 A When are you talking about?

11 Q The backhoe. Has it ever been loaned to any-
12 one besides Judge Carrillo?

13 A Right now or—

14 Q Then.

15 A Then?

16 Q Back in November of 1973.

17 A Like I told you, when I went and asked for it
18 they told me that D. C. Chapa, he was the President of
19 the Board, said that that backhoe could not be loaned to
20 anybody, that the boys could not do any work after four
21 with it. So they probably did before, or something.

22 Q Was this before November of 1973 or after
23 November of 1973?

24 A When I asked for it?

25 Q Yes.

1 A It was before.

2 Q Before?

3 A Yes, sir.

4 Q Prior to the time you asked for the loan of it,
5 had you ever known of anyone borrowing it?

6 A Borrowing it?

7 Q Right.

8 A The only one that I would see after work on
9 the backhoe was that man Guadalupe Ruiz.

10 Q Who is he?

11 A He is the foreman of the gang, you know, the
12 workers, from the Water District.

13 Q From the Water District?

14 A From the Water Department.

15 Q Was he doing private work with the backhoe?

16 A He would ask for it and do it, somebody would
17 have something to be—you know, somebody had it to build
18 the line or something, the water line, at their house
19 or something, and he would go and get five or ten
20 dollars extra. I don't know if they paid him or not.
21 But you know, he was—

22 Q Well, of your knowledge, did they pay him for
23 this work?

24 A I never saw anybody pay him because I would see
25 the tractor working after 4:30 or 5:00, and what he was

1 doing, I don't know.

2 Q But he's the one that told you they didn't loan
3 the backhoe?

4 A Yes, sir.

5 Q Of your knowledge, do you know whether or not
6 Judge Carrillo in November of 1973 had permission to
7 use this backhoe?

8 A I don't know. His daddy was the President of
9 the Water Board. I guess he—

10 Q He was President of the Water Board?

11 A Yes. I guess he could have loaned him the
12 tractor.

13 Q Who were the Board members in November of
14 1973, if you know?

15 A I don't know. They change so often that I
16 don't know.

17 Q Who was President of the Board?

18 A He was.

19 MR. HENDRICKS: I believe that's all I
20 have, Mr. Chairman.

21 CHAIRMAN HALE: Thank you, Mr. Hendricks.

22 Mr. Nabers?

23 BY MR. NABERS:

24 Q How long have you been an employee of the
25 Conservation District?

1 A Since April 1st of '74 to right now.

2 Q So you weren't an employee when you asked if
3 you could borrow the backhoe?

4 A No. That was in '73 when I asked for it.

5 Q Did the backhoe have any identification on it,
6 to your knowledge, that would identify it as being the
7 backhoe that belonged to the Conservation and Reclama-
8 tion District?

9 A None of the equipment that the Water District's
10 got that they had at that time had any identification.
11 When I went into the Water District I bought some stick-
12 ons with the name and I put one on about every— I'm not
13 saying all of the equipment, but I would say most of it.

14 Q Does the district still own that backhoe now?

15 A Yes, sir.

16 Q Is the sticker on it now?

17 A I guess they took it off because we painted it.
18 We painted the backhoe; it needed some paint so we just—

19 Q There would have been a sticker on it. You
20 did put a sticker on it?

21 A I put one on it and then I took it off because
22 we had to paint it.

23 MR. NABERS: Thank you.

24 CHAIRMAN HALE: Mr. Kaster?

25 MR. KASTER: Yes.

1 BY MR. KASTER

2 Q Mr. Chapa, what size truck was used at the Farm
3 and Ranch Store to load the cement? Was it a pickup?

4 A Two and a half ton pickup.

5 Q Two and a half ton? You don't know when you
6 were there if any arrangements were made to buy the
7 cement? You don't know what arrangements were made on
8 the cement other than to just load it?

9 A All I know is the front gates were opened
10 and the warehouse gate was open. That's all I know.

11 Q When you got there?

12 A That's all I know.

13 Q When you got there?

14 A Yes, sir.

15 Q And you don't know what arrangements Mr.
16 Carrillo had made to get the cement?

17 A No, sir.

18 Q Do you know if the ranch where you went to
19 work with the backhoe, is that in that Water District,
20 or do you know?

21 A What?

22 Q The ranch itself. Does that encompass part
23 of the Water District?

24 A I guess the Duval County Water District covers
25 all of the county, I guess.

1 Q The whole county?

2 A It is supposed to. San Diego, Benavides,
3 Realitos, Concepcion, that I know, you know, that we
4 charge water to the people, except Freer, Texas. They've
5 got their own water district. But I don't know if the
6 whole district under the whole county pays taxes to the
7 water district, to the Duval County Water District. I
8 don't know. I couldn't tell you that.

9 Q You aren't a member of the Water District, as
10 such?

11 A No. No, no.

12 Q Do you know if people that belong to the Water
13 District could borrow this backhoe on weekends when it
14 wasn't being used?

15 A Like I told you, at that time I asked for it
16 and they wouldn't lend it to me.

17 Q But you said you weren't a member of the
18 water district.

19 A No.

20 Q I'm asking you if you know if members of the
21 water district themselves could borrow the backhoe on
22 weekends when it wasn't being used? Apparently this
23 was a weekend. I mean, was it ever done before by any
24 other people?

25 A Like I told you, that boy that worked for the

1 water district, that he would use it after work. I know
2 he was working with the backhoe.

3 Q Well, was it ever used on anybody else's
4 ranch or—

5 A Oh, no. No.

6 Q Where was he working? There in town?

7 A There in town. There in town.

8 Q But whose trailer did you load the backhoe on?

9 A I guess it was the county's. It didn't even
10 have a license on it. The truck did have a license.

11 Q The trailer didn't go with the backhoe? Because
12 that is pretty common to move a backhoe around to use a
13 trailer.

14 A It was a high trailer, you know, one of those
15 big ones.

16 Q It wasn't a low trailer?

17 A It was not a lowboy or one of those with
18 ramps on it. We had to knock off the trailer from the
19 truck to load the tractor up and tie it with chains and
20 booms and everything.

21 Q It's like a cotton trailer or something?

22 A It's a flat trailer with a steel bed on it.

23 Q A float?

24 A Yes, a float.

25 Q Patricio Garza and Tomas Elizondo who were at

1 the ranch, you don't know if Mr. Carrillo had separate
2 arrangements with them and these other high school kids
3 that you saw to help him build the foundation on the
4 weekends?

5 A I don't know if he gave them an extra bonus
6 or whatever he did, I don't know.

7 Q You don't know. But it was on a weekend and
8 they weren't on duty apparently.

9 A He probably hired them. He probably told them,
10 "I'll pay you so much a day to go and mix cement" or
11 something.

12 MR. KASTER: That's all.

13 (Mr. Donaldson is now present.)

14 CHAIRMAN HALE: Mr. Donaldson?

15 BY MR. DONALDSON

16 Q Is this the only occasion that you have ever
17 observed any equipment from the Reclamation District
18 being operated on Judge Carrillo's ranch?

19 A The only equipment? That's about all they
20 had, you know. But equipment, that's about what they
21 had, you know. The rest were pickups, two or three
22 pickups.

23 Q What about county equipment?

24 A I did see county equipment there.

25 Q What specifically?

1 A Well, once I saw—there is a truck that's got
2 one of—like the trucks from TP&L that's got that post-
3 hole diggers. It was bought by the county I guess two
4 or three years ago. I couldn't tell you when. I know
5 it's now. I've seen it there operated by Tomas
6 Elizondo.

7 Q They were digging holes with it?

8 A Yes. They were building a fence. I guess it
9 was a partition fence, you know. He had bought some
10 land or something.

11 Q So I guess they were digging post holes with
12 it?

13 A Yes. Post holes so they could build that fence.

14 Q Is there anything on that digger that identi-
15 fies it as county equipment?

16 A The license plate.

17 Q The license plate? Did it have a precinct
18 number on the side, or anything?

19 A No. They don't have anything.

20 Q But you knew it to be—

21 A I knew it belonged to the county.

22 Q —county equipment? Did you see this on one
23 occasion or more than one occasion?

24 A Several.

25 Q Do you remember about what time period this

1 was?

2 A That could have been from— I can't say the
3 dates because I don't know. I don't know the month,
4 but I can say several occasions from 1973 until three
5 or four months ago.

6 Q Were you on Judge Carrillo's ranch often?

7 A I used to, before.

8 Q Before when?

9 A April the first of last year.

10 Q Of '74?

11 A Yes, sir.

12 Q Prior to that time I believe you have
13 indicated that you and Judge Carrillo were good friends?

14 A Close friends.

15 Q And did you travel with him a lot?

16 A Yes, sir.

17 Q You went to his ranch with him a lot?

18 A Yes, sir.

19 Q Did you ever go to the grocery store with him?

20 A Yes, sir.

21 Q Did you ever see him buy groceries?

22 A Yes, sir.

23 Q Did you ever see him pay for groceries?

24 A Well, the lady would, you know, get the
25 adding machine, you know, and get the total. He would

1 sign the slip, you know, that came out from the adding
2 machine and that was it.

3 Q He didn't pay cash?

4 A No.

5 Q He would sign a ticket for the groceries?

6 A He would sign a ticket. I even went myself.
7 He would send me, you know, "Go buy some meat," "Go
8 buy some cigarettes." Go buy this. I would sign the
9 tickets myself.

10 Q You presumed that he was charging them. Is
11 that right?

12 A Yes. You know, on top, when I would go myself
13 I would get his name on top, you know, put "O. P.
14 Carrillo," signed "By Ruben Chapa."

15 Q Are you familiar with these white food slips?

16 A Welfare orders?

17 Q Welfare orders? Do you know what they look like?

18 A Yes. I've seen people use them, you know,
19 when they go to the doctor. I've seen Mr. Gonzalez,
20 you know, give them to people that sometimes they would
21 go there to his office and ask him for them. I happened
22 to be there because his office is in the same building
23 that I am in.

24 Q Did you ever see Judge Carrillo issue any of
25 those in payment for groceries?

1 A No. I never saw him.

2 Q Do you know whether or not Judge Carrillo
3 owns any caterpillars?

4 A I have seen some at his ranch. I don't know
5 who they belong to because my daddy is a welder.

6 Q Your dad is a welder?

7 A Yes, sir. And he would repair those bulldozers
8 for him, and rakes and whatever.

9 Q Who does your dad work for?

10 A Self employed.

11 Q You don't know of your own knowledge whether
12 or not Judge Carrillo owns any bulldozers?

13 A I don't know if he owns them or who owns them.
14 All I say is I saw them there. That's all.

15 Q Do you know whether or not the Farm and Ranch
16 Store sold cement?

17 A Cement?

18 Q Right.

19 A I don't know.

20 Q You never had occasion to buy any cement
21 there?

22 A No. There were some people that would come
23 sometimes and ask, you know, if I had cement because the
24 roughnecks would bring me some from the rigs. I would
25 tell them, "I don't have any but you can go to the Farm

1 and Ranch." That's the only place people can go and buy
2 things because there was nothing else there in town.

3 Q Your first name is Ruben?

4 A Ruben.

5 Q What are your initials?

6 A "R".

7 (Laughter!)

8 Q Do you have a middle initial?

9 A No.

10 Q I'm sorry. Okay.

11 A Just Ruben Chapa. That's all it is.

12 (Laughter!)

13 Q How do you ordinarily sign your name? Do you
14 sign "Ruben Chapa" as a matter of business, or do you
15 sign "R. Chapa"?

16 A Are you talking about that ticket right there?
17 "Ike Chapa"?

18 Q Yes.

19 A He is my uncle.

20 Q Okay. I was trying to determine whether or
21 not that was the same Chapa.

22 A No. He is a mechanic for the school.

23 Q For the school?

24 A (The witness nodded.)

25 Q Have you ever signed any tickets for the

1 Benavides Independent School District, to your memory?

2 A Not that I know of.

3 Q Have you ever signed any charge tickets
4 to your knowledge at Zertuche General Store?

5 A No.

6 Q I believe you testified earlier that when you
7 bought merchandise—

8 A I paid cash.

9 Q You paid cash.

10 A So there was no use signing any ticket.

11 MR. DONALDSON: Could I get a sergeant
12 over here, please? Take that to Mr. Chapa.

13 Q Is that your signature?

14 A No, sir. This signature is from R. Chapa.
15 He is my uncle Alonzo. He is a brother to this man that
16 signed here also.

17 Q What is R. Chapa's full name?

18 A Renaldo Chapa. He was the foreman of the
19 janitors there in the school. Custodian.

20 Q The Benavides Independent School District?

21 A Yes, sir.

22 Q So that is not your signature on that.

23 A No.

24 Q And your testimony is that you have never
25 charged anything at Zertuche General Store.

1 A No. This is Renaldo Chapa.

2 Q Is the Zertuche General Store—what is the
3 reputation of the Zertuche General Store in the county
4 down there?

5 A What is what?

6 Q If it doesn't have any merchandise how does
7 everybody know about it?

8 A (Laughter!)

9 Q I mean, everybody seems to be familiar with
10 it.

11 A I don't know. Are you familiar with it? You
12 never heard of it?

13 Q I heard something about it last night.

14 A That's how the people here know about it. I
15 guess the only merchandise they had were these invoices
16 to make tickets. (Laughter!)

17 Q You went to work for the Water District in '74?

18 A Yes, sir.

19 Q When was that?

20 A April the first.

21 Q April the first of '74?

22 A Yes, sir.

23 Q And that is also the date prior to that date
24 you were friends of Judge Carrillo?

25 A I was a close friend to him and then all of a

1 sudden he started—he quit going to the station. I said,
2 "Well, I guess he doesn't want to be my friend." All of
3 his relatives quit going to my station. The only one
4 that would go was his daddy until about, oh, I would
5 say about three months ago.

6 Q So he never did come by to take you around
7 with him any more?

8 A No.

9 Q You never did tag along with him any after
10 that?

11 A No.

12 Q You never did go out to his ranch any after
13 that?

14 A No.

15 Q Have you ever worked for the county?

16 A No.

17 Q For the school district?

18 A No.

19 Q And prior to April 1, '74, you had never
20 worked for the Reclamation District?

21 A No.

22 Q Or any of the political subdivisions, the city
23 of anybody else, the political subdivisions?

24 A You mean employed by them?

25 Q Pardon me?

1 A Employed by the county or the school or what-
2 ever it is?

3 Q Right.

4 A No, sir.

5 Q You had been self-employed prior to that?

6 A I came back from the service and then I
7 worked as a roughneck and then I bought the station and
8 I've been there.

9 Q Going back just briefly and then I'm finished.

10 In November of '73 when you observed the use
11 of this backhoe that you have stated to your knowledge
12 you knew to belong to the Reclamation District, did you
13 consider something wrong with that?

14 A I considered something wrong because they
15 didn't want to lend it to me when I asked for it.

16 Q When did you first tell somebody that you had
17 observed Judge Carrillo using this backhoe?

18 A When I tell somebody?

19 Q Right.

20 A I never told nobody.

21 Q Until tonight?

22 A Yes, sir.

23 Q Has something happened since November of '73
24 then that makes it important to you that you should
25 reveal the use of this?

1 A I think how come he used it and I couldn't
2 use it.

3 Q Thank you.

4 A I'm a tax payer like he is. I guess I was
5 obligated to use it also.

6 MR. DONALDSON: Thank you.

7 CHAIRMAN HALE: Mr. Laney?

8 BY MR. LANEY

9 Q Mr. Chapa, before the time the Judge stopped
10 buying gas from you, did he buy all his gas from you?

11 A Most of it. He would spend about, oh, \$700
12 a month that I'm missing now.

13 Q Was that just what he used himself, or was
14 that his workers and all?

15 A Tomas Elizondo and Roberto Elizondo and him-
16 self would go buy, and Patricio Garza and sometimes his
17 nephews would go buy and fill up the car, his car, you
18 know, and sign the ticket.

19 Q What reason do you think that you all's
20 friendship stopped or the reason he stopped trading
21 with you or your friendship stopped?

22 A Well, last year—I can't recall the—April the
23 5th, I guess it was, of last year, I ran for the City
24 Council in Benavides, and I asked him for his support
25 and I asked his brother, Oscar, and the man told me that

1 he was going to help me. I was running for an unexpired
2 tem of Pat Gonzales—he is deceased already; he had died.
3 And they told me that—he had told me that they would
4 help me out.

5 About a year prior to that I had gone to his
6 daddy, D. C. Chapa, and I told him that I wanted to run
7 for Constable of Benavides. He told me "No." He said,
8 "As long as I'm here, the man that's here right now as
9 Constable is going to stay there." So I didn't go to his
10 daddy because I knew he was not going to give me the
11 support. He had failed on me one time so I said what's
12 the use of talking to him again.

13 So I ran for the City Council and I lost. And
14 the man that was running with another friend of mine was
15 running for mayor. They came out tied in the election.
16 So we had a recount. And District Judge Carrillo said
17 that the mayor, the former mayor there that has always
18 been there won the election in the recount. It came out—
19 it was 350/350. So we had a recount and that man,
20 Octavio Saenz, he's the mayor, he's been mayor for I
21 don't know how many years, won.

22 So we started kind of breaking our relationship
23 and everything, you know. Then his brother, Oscar, ran
24 in May last year—it was last year. A month after that
25 election his brother ran. I was a close friend of Oscar

1 too. I was with him sometimes. I would go everywhere
2 with him: Rio Grande, everywhere. When he ran for
3 Representative I would go with him and help him out in
4 his campaigning and everything. So I said that I
5 couldn't support him, you know, in the election this
6 time.

7 Q What election was that?

8 A For Senator. Because he didn't help me
9 either, so I said "I can't help you either." So I
10 said, "You go your way and I'll go my way." And he ran
11 against Senator John Traeger, and he lost for the second
12 time, I guess.

13 Q You were supporting Senator Traeger?

14 A Yes, sir. Then I ran for the school board just
15 this year, April, and since then, since May of last year
16 they just quit going to my station. That's it. They
17 don't go no more.

18 Q You said they signed up for about \$700 worth
19 of gas a month at your station. Did you ever see the
20 Judge or anyone else fill up anywhere else with gasoline?

21 A Anywhere else?

22 Q Yes.

23 A Probably that Gulf service station, or Exxon.

24 Q What about from the county tanks?

25 A I don't know. Either purchased or got it, or

1 whatever they did.

2 Q This Pat Gonzalez that you spoke of a while
3 ago that you— I believe you said you were running for
4 his unexpired term or something. Was he deceased?

5 A Yes, sir.

6 Q Is this the same Pat Gonzalez that we had
7 testimony yesterday that worked at this Farm and Ranch
8 Store?

9 A He was—

10 Q Or Farm Supply?

11 A He was an employee of the county and worked at
12 the Farm and Ranch.

13 Q I notice that— are you and the Judge any
14 relation?

15 A No way.

16 MR. LANEY: That's all, Mr. Chairman.

17 CHAIRMAN HALE: Ms. Thompson?

18 BY MS. THOMPSON

19 Q Mr. Chapa, you indicated that several of your
20 relatives worked for the school system or the Water
21 District and the county.

22 A My relatives?

23 Q Your relatives. Uncles.

24 A No. They work for the school.

25 Q Worked for the school?

1 A At that time they were working for the school.

2 Q They don't work for them now?

3 A There's one. There's Edward Chapa—he's my
4 daddy's brother—and there's Rael Chapa—he's a cousin
5 but I call him an uncle. But he's a mechanic for the
6 school. He has been a mechanic for I don't know how many
7 years. He's got his own shop, his own place where they
8 take the busses, whatever has to be fixed.

9 Q Did he go to anyone for his job to get it or
10 did he just apply like you did?

11 A I don't know. He probably could have gone to
12 Judge Carrillo because he was the President of the Board
13 those years, those back years. I don't know. I don't
14 know how many years he's been mechanic.

15 Q You said earlier that you tagged along some-
16 times and went out to the Judge's ranch.

17 A Yes, ma'am.

18 Q Did you go out to the Judge's ranch on any
19 time that you were supposed to have been at your job?

20 A At my job?

21 Q Yes.

22 A I was not employed them. I had my own station.

23 Q Well, during the time that you were employed.

24 A No. Since April the 1st, from there on, of
25 '74 I never tagged along or they never picked me up any

1 more.

2 Q Since before April.

3 A Before April?

4 Q Yes.

5 A Of '74?

6 Q Yes.

7 A Yes, before April of '74, yes. After April of
8 '74 I never.

9 Q Mr. Chapa, did you ever recommend any of your
10 friends to the Farm and Ranch Store or to Zertuche—

11 A No, I recommended—

12 Q General Store for—let me finish my question,
13 please, sir.

14 Did you ever recommend any of your friends to
15 either of these two stores to go there to get food if
16 they were in need of food and fill out one of those
17 white vouchers that you saw that the Committee had here
18 earlier?

19 A One or two occasions. You're talking about
20 the Welfare?

21 Q Yes, I am.

22 A On one or two occasions I guess I recommended
23 them to go to Cleofus Gonzalez. I guess one time was for
24 medicine and some lady that had to see the doctor or
25 something. I guess he gave them the order. I told them

1 to go to Cleofus to the Farm and Ranch Supply and see if
2 they'll give you one, and I guess he did because they
3 never came back and asked me again.

4 MS. THOMPSON: That's all, Mr. Chairman.
5 Thank you.

6 CHAIRMAN HALE: Ms. Weddington?

7 BY MS. WEDDINGTON

8 Q Mr. Chapa, how much of a discount did you get
9 when you bought your pickup?

10 A When I bought my pickup?

11 Q Yes.

12 A No discount.

13 Q Did you buy it in the Fall?

14 A I bought it in November of '73.

15 Q Isn't that usually when they give discounts
16 on buying pickups?

17 A Yes, but the car that I traded in I still owed
18 on it so they couldn't give me any discount.

19 Q Not even off the purchase price?

20 A Probably they gave me something but it was not
21 too much.

22 Q I'm surprised you can remember so clearly when
23 you bought that pickup. What makes it so clear in your
24 mind that it was November?

25 A Because my truck was new. I had just bought it

1 in November of '73.

2 Q When did you buy the car before that?

3 A A year before, and I had some trouble with it
4 so I traded it in because I still owed—

5 Q What date did you buy it?

6 A My car?

7 Q Yes.

8 A It was bought in December of '72.

9 Q Do you remember what month you bought all your
10 cars in?

11 A Yes. Because, you know, when I don't pay them
12 I still get the coupon book there and I can look at them.

13 Q Okay.

14 A You see, I make monthly payments. I don't
15 pay them cash.

16 Q You said that none of the people who were
17 working who were officers in, I believe you said that
18 Gab Raymond is president of what?

19 A Gab Raymond.

20 Q Is president of what?

21 A The Water District.

22 Q And you said that none of the officers of the
23 Water District currently are related to Judge Carrillo.
24 Is that correct?

25 A Raymond nor Canales nor Herrera nor Perez.

Q They are not related?

1 A They are not related.

2 Q How do you know they are not related?

3 A Because I know they're not related.

4 Q And you know who their family is and who they
5 are—

6 A Whose family?

7 Q Those people who are the officers.

8 A Yes, ma'am.

9 Q Why did you answer a question a while ago
10 that you did not know whether any of those people were
11 related to the Canales family?

12 A They asked me if F. H. Canales was related to
13 Terry Canales, and I said "I don't know."

14 Q How is it that you know he's not related to
15 Judge Carrillo but you don't know whether or not he's
16 related to Terry Canales?

17 A Who, F. H. Canales?

18 Q Yes.

19 A Because I asked him. I asked F. H. Canales
20 if he was related to O. P., and he's not. If he is, he
21 probably lied to me.

22 Q Have you ever asked him if he was kin to Terry
23 Canales?

24 A I never have. He might be.

25 Q Have you asked every member of the Board

1 whether or not they are kin to Judge O. P. Carrillo?

2 A I know who is related there in town and who is
3 not related. It's a small town.

4 Q Then why don't you know whether or not they
5 are related to Terry Canales?

6 A F. H. Canales?

7 Q Any of them.

8 MR. CANALES: Mrs. Weddington, I live in
9 Freemont, which is about 40 miles away from Benavides
10 and I very seldom go to Benavides.

11 A I have known him for about two years, I guess,
12 and I have hardly— I just see him once in a while and
13 that's about it. I do see O. P. Carrillo every day in
14 town. I do see F. H. Canales and everybody in town,
15 and I know who is related there in town. I cannot tell
16 you if everybody in town, who is related and not related,
17 but I know those individuals that are not related.

18 Q Are any of the people currently on the Board
19 related to the Parrs?

20 A On the Board of the Water District?

21 Q Yes.

22 A No, ma'am.

23 Q They are not related to either the Carrillos
24 or the Parrs?

25 A They are not related to either one.

1 Q You said that you have been very good friends
2 with the Judge up until April of '74. Is that correct?

3 Q Uh huh.

4 Q And that you were out at his place on a
5 weekend in November of '73?

6 A November of '73. Yes.

7 Q So you all were good friends from November
8 through April?

9 A Yes.

10 Q And during that time did he still continue to
11 pick you up regularly and you would go with him?

12 A From November to April?

13 Q Yes.

14 A Yes, ma'am.

15 Q Did you ever go back out to the same ranch?

16 A Often. I would go often. I would even go
17 hunting at his ranch.

18 Q The same ranch you went to during—

19 A Well, he's got two or three ranches behind
20 there, you know.

21 Q Did you ever go back to the same ranch during
22 that period of time?

23 A Yes. Yes, ma'am. To the ranch house?

24 Q What did they build on that foundation?

25 A They built—they say it's a store. That's what

1 he said he was building, a store, a grocery store.
2 Because it's at an intersection between Hebbronville and
3 Freer and it's about I would say forty miles—there is
4 nothing in between. He was going to open a grocery
5 store. And the people that come from Benavides through
6 that highway, they could stop there and buy something.
7 There are a lot of little ranches around there, you
8 know.

9 Q Have you seen that store since it was finished?

10 A Just the outside.

11 Q But you do know then what was being built on
12 that foundation?

13 A Well, he had told me he was going to build a
14 store when he was building it.

15 Q And then you have seen the store since and you
16 know it is a store?

17 A It doesn't have any signs or anything on it.

18 Q Is it open for business?

19 A No. It was never finished, I guess.

20 Q What do you mean, you guess?

21 A If it was finished it would be open.

22 Q What was it like the last time you saw it?

23 A Well, it's finished through the outside. It's
24 got windows and everything. That's why I know from the
25 outside. It's like any ordinary house that is finished.

1 Q Did you win your seat on the school board?

2 A Ma'am?

3 Q Did you run for the school board?

4 A Yes, ma'am.

5 Q Did you win a seat on the school board?

6 A Yes, ma'am.

7 Q How much do you get paid for being on the
8 school board?

9 A Nothing.

10 Q How much time do you have to spend being on
11 the school board?

12 A Just when they have meetings.

13 Q How often is that?

14 A Well, we've been having a lot lately.

15 (Laughter!)

16 Q Are you still sitting as a member of the
17 school board?

18 A Well, there are two boards. I don't know
19 which one to sit in. (Laughter!)

20 Q Which board are you on?

21 A I couldn't answer that right now.

22 Q Elected or appointed? You were on the elected
23 board then?

24 A Yes, ma'am. I'm on the elected board.

25 Q Who is giving you some trouble about whether

1 or not you are elected?

2 A Who is giving me trouble?

3 Q Yes.

4 A That I'm elected or not elected?

5 Q Yes.

6 A Nobody is giving me trouble that I'm elected or
7 not elected. I'm elected.

8 Q Is anybody giving you any trouble about
9 whether or not you are lawfully serving as a member of
10 the school board?

11 A Not right now. Probably later on.

12 Q Who do you expect that would be?

13 A The Judge sitting here.

14 MS. WEDDINGTON: That's all, Mr.
15 Chairman. Thank you.

16 CHAIRMAN HALE: Mr. Chavez?

17 BY MR. CHAVEZ

18 Q Do I understand you that there are two boards?
19 Two school boards?

20 A There are two boards, that I know.

21 Q That you know? When did the second board
22 come in?

23 A The second board came in I would say about
24 three Fridays ago, when all the suspended or what—they
25 have been suspended, I guess, or—

1 Q Were you removed from office?

2 A That have been removed from office temporarily.

3 Q Have you been temporarily removed from office?

4 A No. Not yet.

5 Q Has anybody on the school board that got
6 elected with you, have they been removed from office?

7 A That have been elected with me?

8 Q Yes.

9 A Not yet.

10 Q Have any of the elected school board members
11 been removed from office?

12 A Four or five of them, I guess.

13 Q They have been removed?

14 A They have been removed.

15 Q By a court order?

16 A By a court order.

17 Q Do you know how these court orders get out?

18 A I don't know. They haven't given me one yet.

19 Q Do you know how a judge, any judge—

20 A I guess somebody goes and signs like a complaint
21 or something to the District Attorney, or somebody, and
22 for some reason or other, and then they take it to the
23 judge and I guess he considers it or something and he
24 signs it, or whatever it is.

25 Q All right. That is what I'm getting at. In

1 it.

2 Q If somebody reports something wrong that
3 somebody has done something illegal it's his duty to see
4 that an investigation is made and do whatever is nece-
5 ssary to carry out any prosectuion?

6 A Yes, sir, I guess. He is in charge of the
7 grand jury or whatever.

8 Q If the district attorney does not go to the
9 judge with any complaint, any petition to remove
10 officers, then the fudgereally can't remove them?

11 A I don't think so.

12 Q I mean he doesn't just on his own some day
13 pick up the phone and say, "I'm going to remove so and
14 so," without anybody coming to him.

15 A I don't know.

16 Q Why is it that you think that the Judge is
17 going to remove you?

18 A I guess he will remove me. He has removed
19 all of them already.

20 Q Do you know the reasons why he has removed
21 them?

22 A For something, just what I read in the papers.

23 Q You don't have any personal knowledge of why
24 he has removed any of these people?

25 A I don't know.

1 Q Have you attended any court sessions as to
2 why, to see what is—

3 A One or two. I was there for a while and
4 then I left.

5 MR. CAÑALES: Mr. Chairman, I'm sure as
6 far as Mr. Chavez' questions are concerned, I have
7 witnesses on this point that the removals began after a
8 press release that was made I believe on March 19th
9 by Judge O. P. Carrillo that he was splitting with the
10 old party and a day or two later they removed four
11 or five members of the school board. The testimony is
12 forthcoming. I don't think this witness can tell you
13 what actually happened. He is not here in that capacity,
14 but you're welcome to cross examine or examine him on
15 that.

16 Q You said that you thought that probably you
17 might be removed or might have some problems with the
18 Judge later on.

19 A Uh huh.

20 Q Has anybody told you this?

21 A No. Just my thinking.

22 Q Nobody has threatened you?

23 A No. Not yet.

24 Q Specifically, Judge Carrillo?

25 A No.

1 Q He hasn't told you, "You've only got a few
2 days left to serve on the school board?"

3 A No, he hasn't told me—yet.

4 Q No one from his office has come to you to tell
5 you?

6 A No.

7 Q He hasn't in any way restricted your activity
8 as a school board member?

9 A No.

10 Q Or has he interfered with you or your family
11 in any other way?

12 A No.

13 Q Either he or any of his agents, friends,
14 employees?

15 A None of them.

16 Q Apparently what I gather is that you and the
17 Judge had a political fight, I guess, or parting?

18 A Split.

19 Q You split. All right. I guess you're not
20 too friendly with the Judge and his party?

21 A He doesn't greet me; I don't greet him.

22 Q All right. Now, if you were still in good
23 graces with the Judge and his political party, would you
24 come down here and testify?

25 A If I was still in his party?

1 Q Yes.

2 A Would I come and testify? Yes.

3 Q Even though you might be getting him in
4 trouble?

5 A It was wrongdoing, wasn't it?

6 Q What was wrongdoing?

7 A Taking the backhoe over there and the cement.

8 Q You don't know if he had permission to take
9 it over there.

10 A How can you get permission to take cement
11 that doesn't belong to you? (Laughter.)

12 Q Do you know that he took—

13 A How's that?

14 Q Who does it belong to?

15 A The county. Duval County.

16 Q And who operates that precinct?

17 A His brother, Ramiro Carrillo.

18 Q Do you think that Ramiro Carrillo has the
19 authority to sell cement?

20 A If he bought it through Zertuche Farm and Ranch
21 or wherever he bought it.

22 Q Where have you gotten this information?

23 A I heard it in town.

24 Q You don't have personal knowledge of these
25 transactions, do you?

1 A I don't have no records, nothing.

2 Q Forget the records. I mean, you weren't there
3 when any of these transactions took place, were you?

4 A When the cement was unloaded?

5 Q When somebody bought something from Farm and
6 Ranch and issued a receipt or an invoice from Zertuche?

7 A Was I there when they went and bought cement
8 and they made it—

9 Q Cement or anything else.

10 A I don't know if they made a ticket, to whoever
11 they made it when it was picked up.

12 Q Were you here last evening, last night?

13 A When it was picked—

14 Q Last night. Were you here last night?

15 A Last night? I was here

16 Q Yes.

17 A Was I here?

18 Q Yes.

19 A Yes, sir. I was here all night.

20 Q You heard the testimony of this man Gonzalez?

21 A Yes, sir.

22 Q These things that he testified about that
23 the county would buy things from Zertuche but actually
24 the merchandise came from Farm and Ranch and Zertuche
25 invoiced the merchandise. Do you have personal knowledge

1 of any of these transactions taking place?

2 A Do I have any personal knowledge? Do you
3 mean that—

4 Q That you know yourself, saw or participated
5 in in any way?

6 A Just what I heard Mr. Gonzalez say.

7 Q Okay.

8 A I guess his word is good, if he says it.

9 Q You also heard that he has testified at some
10 grand jury? Did you hear that last night, that he has
11 appeared before a grand jury?

12 A Yes, he has.

13 Q Have you appeared before a grand jury?

14 A No, sir.

15 Q Are you under subpoena to any grand jury?

16 A No, sir.

17 Q I understand that they were going to start a
18 trial down there in Rio Grande City Monday. Were you
19 subpoenaed to appear in that proceeding?

20 A No. No, sir, I wasn't.

21 Q Are you sure that your appearing here and
22 testifying is not political revenge?

23 A What do you mean, "political revenge"?

24 Q You're not trying to get back at the Judge?

25 A No.

1 Q He's your political enemy but you wouldn't do
2 anything like that to hurt him?

3 A No.

4 Q Intentionally.

5 A Tomorrow or the day after he knows something
6 about me and he thinks I was wrongdoing, let him come
7 and testify here. Do the same.

8 Q Besides that particular ranch, does he own
9 any other property in other counties, for instance,
10 Laredo, Rio Grande City and in that area?

11 A He owns some land in Hebronville, outside of
12 Hebronville, and I don't know of Rio Grande. I know
13 he's got a ranch in Rio Grande because I went once. But
14 I don't know who it belongs to; if it's his, if it's
15 rented or if it's loaned or gave it to him, or what.

16 Q At any of these other places have you seen
17 county equipment being used there?

18 A Where?

19 Q At any of these other ranches?

20 A Not in those ones, but the one outside of
21 Benavides I have.

22 MR. CHAVEZ: Thank you, Mr. Chairman.

23 BY CHAIRMAN HALE

24 Q Mr. Chapa, when did you become a member of
25 the school board?

1 A April, the day I won the election, April 5th.

2 Q Of what year?

3 A This year.

4 Q 1975?

5 A Yes.

6 Q Is that the Benavides Independent School
7 District?

8 A Yes, sir.

9 Q Sir?

10 A Yes, sir. The Benavides Independent School
11 District.

12 Q Had you ever been a member of that school
13 board prior to April of 1975?

14 A No, sir.

15 Q I noticed one or two things that seem to be
16 of coincidence to me. One, you said you were a good
17 friend of Judge Carrillo up until about April 1, 1974,
18 and suddenly you were no longer a friend. Also, you
19 went to work for Duval County Conservation and
20 Reclamation District on April 1, 1974. Are both of
21 those statements correct?

22 A I went to work April 1st, of 1974 for the
23 Water District. And as I said from April 1st, I'm
24 talking from there on, from April 1st, or it could have
25 been the 3rd or 4th, you know, when we just split.

1 Q Did your split with Judge Carrillo result in
2 your getting the job with the Water District?

3 A I guess. His nephews were in the Water
4 District, and some of his relatives were working there
5 at the Water District. I took one of the positions of
6 one of his nephews. The position that I have right now
7 belonged to one of his nephews.

8 Q Was his nephew fired?

9 A No. He quit on himself.

10 Q I believe you stated prior to April 1, 1974
11 that Judge Carrillo and his family traded with you at
12 your Texaco station and averaged about \$700 a month.
13 Is that right?

14 A Just him.

15 Q Just him?

16 A Just him.

17 Q And your salary with the Duval County Conserva-
18 tion and Reclamation District was \$700 a month.

19 A Well, it's \$700.

20 Q Was there any relationship between those?

21 A No.

22 Q How did they arrive at how much salary they
23 would pay you?

24 A How did they arrive what?

25 Q How did they determine how much they would pay

1 you when you went to work for the Water District?

2 A When I went to work for the Water District?

3 Q Yes, sir.

4 A That was the same salary that his nephew was
5 getting in that position so that's the salary I got. I
6 wish I could have gotten more, but that is it.

7 CHAIRMAN HALE: Are there any other
8 questions from the Committee?

9 VICE CHAIRMAN MALONEY: Yes, sir.

10 CHAIRMAN HALE: Mr. Maloney has some
11 other questions.

12 BY MR. MALONEY

13 Q You have told us about one occasion when the
14 backhoe from the Conservation District was being used.

15 A (The witness nodded.)

16 Q You said there were other occasions where
17 county or government property was used on the Judge's
18 ranch. Is that correct?

19 A Yes, sir.

20 Q When were those occasions?

21 A Like I told you, I couldn't give you the
22 exact dates.

23 Q Were they about the same time? Much later?

24 A Like I told you, from '73, or even prior to
25 November. It could have been, you know, '72. I couldn't

1 tell you exact dates or years or anything. The last time
2 I saw something there was about three months ago. Not
3 to recall it, I'll tell you one thing. About a month
4 ago—about a month and a half ago—please don't ask me the
5 date, because I don't know— I was there at my house,
6 the trailer house, outside my trailer house, and the
7 county truck passes to the other street in back of my
8 station loaded with a caterpillar and a root plow on it.
9 And it was taken and I guess the lowboy belongs to the
10 county. I know the truck belongs to the county. And
11 it was driven by Tomas Elizondo. It was taken to O. P.'s
12 ranch.

13 Q How do you know that?

14 A Because I saw it. I went out. Later on I
15 went tagging along.

16 Q Why?

17 A To see where it was going.

18 Q Why?

19 A Because he was using the equipment. A lot of
20 people would like to use that equipment too, you know.

21 Q Why were you so particularly interested in it
22 on that occasion?

23 A Because it was wrongdoing.

24 Q Well, you had seen some wrongdoing some two
25 years before and you hadn't reported it to anyone, had

1 you?

2 A If he's got a big tractor, or whatever he's
3 got, he should have a truck, I guess, of his own to move
4 it.

5 Q Was it part of your job to follow these people
6 around and see where the property is being used?

7 A No, it's not my job but I just happened to go.
8 I went to see where it was going, where it was going to
9 go work at.

10 Q Did you follow on any other occasions any
11 county property out to see where it was going to be
12 used?

13 A No, sir.

14 Q You did see county property in the city,
15 didn't you?

16 A In the city?

17 Q In the city or there about your station.
18 You had seen county property around your station before,
19 had you not?

20 A Well, passing through there.

21 Q Did you follow any of those others?

22 A No. I just wanted to see where that tractor
23 was going, where it was going to go work.

24 Q Well, but you didn't know where these others
25 were going either, did you?

1 A Which other ones? I can't be following every
2 truck that passes through there from the county.

3 Q I was just wondering why.

4 A Well, because I wanted to know, that's why.
5 I wanted to know for myself where it was going. So I
6 followed it and I know where it went.

7 Q Now that you knew where it went, what did you
8 do about it?

9 A I just kept on going. I passed along and
10 then later on I turned back and came back to town.

11 Q Did you then report that to anyone?

12 A No. I just kept it to myself.

13 Q And this is the first time you have told—

14 A I just wanted to know for myself.

15 Q Is this the first time you have told anybody—
16 anyone about it?

17 A I was not going to write.

18 Q Why not?

19 A I saw the tractor going by loaded on that truck.
20 It's a tractor, that is what it is. I said it belongs to
21 the county. It's not his. If you had tractors, wouldn't
22 you like to use some equipment that you wouldn't have to
23 pay for it, save money or something?

24 Q Are you mad because you didn't get to use it?

25 A No. Because there are a lot of people that

1 would like to use it.

2 Q Like whom?

3 A A lot of people there in town that would like
4 to use something, get some benefits out of it. Why
5 does he get benefits when the other people can't get
6 benefits out of it? If it belongs to the county it
7 should stay in the county and that's it.

8 Q Is it your position that if it belongs to the
9 county it should stay in the county, or is it your
10 position that if the Judge is going to use it everybody
11 ought to be able to?

12 A They should lend it to somebody else.

13 Q And you were still a little bit hot because
14 you didn't get to use that backhoe when you wanted to.

15 A No, I'm not hot about the backhoe.

16 Q When was the posthole digger used?

17 A Last year. Please don't ask me dates because
18 I don't know.

19 Q Was it before or after the occasion of the
20 backhoe?

21 A Before the occasion. They were building
22 some partitions of land that he had bought and he was
23 root plowing it and raking it, and it happens to be like
24 I tell you, I would go to his ranch very often. They
25 were making some partitions of land because he had knocked

1 down the brush, raked it and everything, and he had
2 planted some bubble grass. So I guess he didn't want
3 for the cows to go in there so that's why he was making
4 the partition. He had that thing.

5 Q I believe you testified that Tomas Elizondo
6 was an employee of the county. Is that right?

7 A Yes, sir.

8 Q What did he normally do for the county?

9 A For the county?

10 Q Right.

11 A I never seen him work for the county.

12 Q I thought you said he was an employee of the
13 county.

14 A He is an employee of the county and getting
15 paid from the county, but he is an employee at his ranch,
16 at O. P.'s ranch.

17 Q You never saw him doing any work any place
18 else?

19 A Not that I know of.

20 Q Did he work from day to day, or just on odd
21 jobs? Was he there every day?

22 A Where?

23 Q At the Judge's ranch?

24 A I can't say that he's there at the ranch, but
25 he's in his vehicle every day, in the Judge's truck or

1 car or whatever it is.

2 Q How do you know that he was paid by the
3 county?

4 A I know he's paid by the county.

5 Q How do you know?

6 A I got informed.

7 Q How did you get informed?

8 A I went to the County Auditor's office.

9 Q When?

10 A I guess it was about four months ago.

11 Q Four months ago? How long do you know he had
12 been working for the county?

13 A Prior to that I had asked also.

14 Q I beg your pardon?

15 A Prior to that, you know, years before, I had
16 asked.

17 Q Asked whom?

18 A There at the County Auditor's office. The
19 records were public, I guess.

20 MR. CANALES: Excuse me, Mr. Chairman. I
21 have Mr. Octavio Hinojosa here who has with him the
22 county records on payrolls, and he will testify to the
23 effect that Mr. Tomas Elizondo was employed and has been
24 so employed for quite a while. I think the last check
25 is something in '75. He is more familiar with the point,

1 if you would prefer to have someone who is familiar.

2 MR. MALONEY: I wouldn't prefer right now.

3 Q I would like to know why you felt it necessary
4 if you already knew this man was employed by the county
5 that you want to check his records four months ago?

6 A To see if he was still employed by the county.

7 Q Did he do anything that made you think he
8 wasn't?

9 A The Judge could have gotten him on his payroll,
10 with all the ranches he's got, equipment and cattle and
11 everything. I guess he could afford to pay. And I said,
12 well, let me go check and see if he's still on the payroll.

13 Q Do you know Roberto Elizondo?

14 A Yes, sir.

15 Q Is he any relation to Tomas Elizondo?

16 A They're brothers.

17 Q Did he work for the county?

18 A Did he work for the county? Yes, sir. He
19 still does, I guess.

20 Q Did you check his records too?

21 A Yes, sir. I checked both of them.

22 Q Why?

23 A Like I told you, I wanted to know.

24 Q I thought you already knew.

25 A Prior to that when I checked years back I

1 checked Robert Elizondo and he was on the—he had claims
2 or whatever you want to call it.

3 Q You started checking people and you started
4 following county equipment around while you, yourself,
5 were on the county payroll.

6 A I didn't start following people and county
7 equipment. I wanted to check on those two persons, not
8 two, but three, Patricio Garza.

9 Q You were checking on Patricio Garza?

10 A You see, I wanted to know whether they were
11 getting paid, or what. And then I followed that truck to
12 see where it was going. But I was not following county,
13 you know, every day. I followed that one and I checked
14 on those three.

15 Q Now, I'm sorry, but I cannot recall what work
16 you said Patricio Garza did.

17 A He is a ranch hand, repairs windmills. He's
18 a cook at the ranch. You call it, he does it.

19 Q As far as you know he doesn't work any place
20 else but at the Judge's ranch?

21 A Well, there at the ranch or whether in town if
22 he is needed. I guess he's got a barn or something
23 there in town, the Judge. I guess when they need him
24 there, or wherever they need him he'll go.

25 Q How long had Pat Gonzalez been on the City

1 Council before he passed?

2 A I don't know. He could have been there for
3 years. He could have been there four, six, eight years.
4 I don't know. I know he had been on the City Council
5 years back.

6 Q Was he on the City Council at the same time that
7 he was working at the Farm and Ranch Store?

8 A Yes, sir. When he died he was at the Farm and
9 Ranch and he was on the City Council.

10 Q When did he die, Mr. Chapa?

11 A Oh, I couldn't tell you. I don't know. I
12 don't know. I sure don't know when he died.

13 Q But that's the same time you ran for his
14 unexpired term.

15 A Yes, but his office was—the seat, you know, was
16 vacant.

17 Q It became vacant when he died.

18 A It became vacant when he died and then—

19 Q And that's when you ran for the City Council?

20 A Then some months later they said they had a
21 meeting there at the City Hall and I attended the
22 meeting to see what was going on, and it came up that
23 there was a vacant seat, you know, on the City Council.
24 So I told them that I wanted to run. I told them I
25 would see if I could run or something, and I did, and I

1 lost and that was it.

2 Q Is the City Council in Benavides a paying job?

3 A Not that I know of, sir. I don't know.

4 VICE CHAIRMAN MALONEY: Thank you.

5 CHAIRMAN HALE: Mr. Hendricks, do you
6 have some more questions?

7 MR. HENDRICKS: Just one subject I would
8 like to touch on, Mr. Chairman.

9 BY MR. HENDRICKS

10 Q Mr. Chapa, you said you knew Cleofus Gonzalez.

11 A I know him.

12 Q You were present here when he testified last
13 evening?

14 A Last night?

15 Q Yes, sir.

16 A Yes, sir, I was here.

17 Q Have you ever in the past ever reported Judge
18 Carrillo's misusing county equipment or any kind of
19 government equipment?

20 A Yes, sir. I guess Cleofus Gonzalez mentioned
21 it last night.

22 Q Were you with Cleofus Gonzalez at any time
23 when he made a report of the misuse of the equipment?

24 A Of the misuse of the equipment? I was there
25 when he called.

1 Q When was this?

2 A It was last year in the grain season. You
3 know, the grain season is—

4 Q In '74?

5 A Yes, sir.

6 Q Where did you go? Did you go with him some-
7 where?

8 A No. We were there at his office.

9 Q At Gonzalez' office?

10 A Cleofus. Yes. And my office is in the same
11 place.

12 Q And your office. All right. What did you do?

13 A We called the Highway Patrol.

14 Q Are you familiar with the Highway Patrolman
15 there in Benavides?

16 A No. He is not from Benavides. He's from
17 Alice. We have to call Alice.

18 Q Do you know who you talked to?

19 A I don't remember if it was Highway Patrolman
20 Mora or who it was, or Allala.

21 Q What did you think his name was?

22 A Mora or Allala. I don't know what. I was the
23 one that Gonzalez called and then I got the phone and
24 started talking too.

25 Q You also talked to the Highway Patrolman?

1 A Yes, sir.

2 Q Was the call long distance?

3 A Yes, sir.

4 Q It was a long distance call?

5 A Yes, sir. It was a long distance.

6 Q What did you tell the Highway Patrolman?

7 A I told the Highway Patrol that there was a
8 county truck, and I gave him the color and the model and
9 everything, the license plate number.

10 Q Did you know the license plate number?

11 A I had seen it before. That's why.

12 Q What was the license number? Do you remember
13 it now?

14 A No, I don't recall. But it's an International
15 truck, a yellow one, and it's got an exempt license.
16 And the trailer—the grain trailer it's got on it had
17 just a regular license plate, you know, like any other
18 regular license plate. So there were some people, you
19 know, farmers, that had been, you know, I had been
20 talking to them.

21 Q All right. Did anyone enter this conversa-
22 tion besides you and Gonzalez?

23 A Was anybody else there?

24 Q Yes.

25 A No. Just him and I.

1 Q But you do know it did take place?

2 A Yes.

3 MR. HENDRICKS: All right. Thank you.
4 That's all I have, Mr. Chairman.

5 CHAIRMAN HALE: Mr. Kaster has another
6 question.

7 BY MR. KASTER

8 Q Mr. Chapa, were you here last night when Mr.
9 Gonzalez was testifying about the Farm and Ranch Store
10 and the common knowledge that Mr. Carrillo owned the Farm
11 and Ranch Supply Company?

12 A Was it common knowledge?

13 Q Did you know who owned the store?

14 A They did.

15 Q The Carrillos?

16 A O. P. and R. D. Carrillo.

17 Q They owned the store? Did the people in town
18 know they owned the store?

19 A I don't know.

20 Q You knew?

21 A I knew because on the store license it was,
22 you know, hanging, and I had—

23 Q What I am getting at, when you went to the
24 store to pick up the cement that you were testifying to
25 that was loaded onto the truck to go out to the ranch,

1 did you know that the Carrillos owned the store then?

2 A Yes, sir. I knew they owned the store for
3 five, six, seven years.

4 Q So when they went and got cement they could
5 have been very well hauling off cement that they owned,
6 because you said you didn't know who was the county's and
7 who was their own. Isn't that right?

8 A I didn't say I didn't know what was the
9 county's. I said on the vehicles; I didn't say about
10 the cement.

11 Q I asked you earlier about the cement, or
12 somebody did, and you said you didn't know if the cement
13 belong to the county or to the Farm and Ranch Store. You
14 didn't know.

15 A I didn't know if it belonged to the county, but
16 like I told you, hearsay. I heard that it belonged to
17 the county. Probably later on you can investigate and
18 somebody might know that the county bought it.

19 Q You know they owned the store and—

20 A I know they owned the store.

21 Q —and you got cement from them.

22 A I didn't. I was just looking.

23 Q Somebody was getting cement from them.

24 A Yes, sir. Somebody was getting cement.

25 Q Of your own knowledge you don't know if the

1 store owned it or the county owned it?

2 A I think the store didn't own it because it
3 was lots of sacks of cement and it's a large quantity of
4 sacks to be bought and a lot of money you're talking
5 about.

6 Q But you don't know if maybe the Farm and Ranch
7 Supply bought some of the cement and the county bought
8 the rest of the car load?

9 A Probably they bought a car load and split it,
10 but how can you tell when the sacks are there who used
11 what? I don't know.

12 Q But you don't know.

13 A I don't know. Probably somebody can later on
14 say that an employee of the county, if they bring some-
15 body, they might say that the cement belonged to the county.

16 A I know what other people can say, but of your
17 own knowledge you don't really know.

18 A Like I said, I didn't see no invoice, I
19 don't have no records or nothing. I said it a while ago.

20 MR. KASTER: Thank you.

21 CHAIRMAN HALE: Are there any further
22 questions?

23 MS. THOMPSON: Yes, sir. I would like to
24 ask some.

25 CHAIRMAN HALE: Ms. Thompson?

1 BY MS. THOMPSON

2 Q Mr. Chapa, you indicated that you made a long
3 distance call to the Highway Department to report the
4 use of a truck to haul grain.

5 A Yes, ma'am.

6 Q What month was that in?

7 A I told you it was in grain season. I can't
8 recall the month but I can ask Mr. Gonzalez probably
9 and we'll check later on. It was made from his office.

10 Q Was it made on the county telephone?

11 A No. It was made from the Benavides Implement
12 phone. It was not a county phone.

13 Q Who now?

14 A Benavides Implement. It was a phone that
15 belongs to Benavides Implement.

16 Q Oh, "Implement." Benavides Implement.

17 A Benavides Implement.

18 Q Is that a city owned telephone?

19 A It belongs to the owner of the store. He has
20 it there for his business.

21 Q But you don't know whether or not the county
22 pays the telephone bill?

23 A I don't know.

24 Q Was the long distance call charged on that
25 telephone?

1 A Charged? I dialed direct.

2 Q Sir?

3 A I dialed direct.

4 Q You dialed direct. So that means the call
5 was actually charged to that telephone number.

6 A Charged to that number. Yes, ma'am.

7 MS. THOMPSON: Thank you.

8 A You're welcome.

9 CHAIRMAN HALE: Are there any further
10 questions?

11 Mr. Slack has one.

12 BY MR. SLACK

13 Q Had your replacement been selected before—you
14 say there are two school boards?

15 A Yes, sir.

16 Q And have all of you—one elected and one
17 appointed? Is that it?

18 A Well, there's been four or five appointed by
19 District Judge O. P. Carrillo and Hilda— Mrs. Adlai Parr
20 and myself have been elected. We're the only ones that
21 have been elected right now.

22 Q And you have not been removed by court order
23 and a replacement selected for you?

24 A Not yet.

25 MR. SLACK: All right. Thank you.

1 CHAIRMAN HALE: Mr. Maloney?

2 BY MR. MALONEY

3 Q Did you say that you made the phone call to
4 the Highway Patrol on the Benavides Implement telephone?

5 A Yes, sir.

6 Q Who owns the Benavides Implement and Hardware?

7 A R. M. Couling.

8 Q R. M. Couling?

9 A Yes, sir.

10 Q And you were in the company of Cleofus Gonzalez
11 at that time?

12 A We were there at the same place.

13 Q Why were you there?

14 A Because my office is in there also. He's got
15 a store there and he rents this office to the Water
16 District, but it's in the back. My office is in the
17 back. And he's got his desk and everything and office
18 and everything there at one side also. So the phone
19 was around there, so we grabbed that phone.

20 Q Does the Benavides Implement and Hardware
21 Company carry any inventory?

22 A Yes, sir.

23 Q What do they carry?

24 A Oh, lots of things: pipe, paper towels, toilet
25 paper, paint.

1 Q Cement?

2 A Cement. Horse and mule—you call it, they
3 might have it there.

4 Q Do you keep any of the equipment or the
5 supplies for the Reclamation District there on those
6 premises?

7 A Inside the building?

8 Q Well, on the premises or inside the building.

9 A Okay. Inside the building, with the office,
10 there is a space leased—you know, there is a piece
11 leased to that office where we keep the machine that is
12 for the sewer lines. And like it's an expensive
13 machine so we keep it inside, you know, so it won't get
14 rusted or anything. We clean it up and we store it in
15 there.

16 Q Any other equipment?

17 A Janitor supplies that we have and everything
18 for our janitor.

19 Q Does the Benavides Implement and Hardware
20 Company do any work for the county or sell anything to
21 the county or the school district or any governmental
22 agency?

23 A Do they sell to the county or anybody?

24 Q Uh huh.

25 A They sell to the Water District and to the
county, I guess, or to the school, whoever it is.

1 Q Do you do any work for them whatsoever?

2 A For who?

3 Q Do you do any work for the Benavides Implement
4 and Hardware Company?

5 A No, sir.

6 Q Have you ever been paid by them for anything
7 that you have ever done?

8 A By the Benavides Implement?

9 Q Yes.

10 A No, sir.

11 Q Is Mr. Couling the only owner of that?

12 A I think he is.

13 Q Is he a friend of Mr. Parr's?

14 A I guess.

15 MR. MALONEY: That's all.

16 CHAIRMAN HALE: Are there any further
17 questions of Mr. Chapa?

18 BY MR. CHAVEZ

19 Q In connection with this political split we
20 talked about a while ago, when you split off from Judge
21 Carrillo's party, where were the Zertuche brothers? On
22 which side?

23 A When I split?

24 Q Yes.

25 A Well, the Zertuche brothers don't live there in

1 Benavides no more. One of them is in Laredo, the other
2 one is in—well, eventually Arturo was teaching in—

3 Q In Harlingen?

4 A No. I don't know if he was in Harlingen or
5 if he was in Freer at that time. And Hector, he is in
6 Welfare, he works for the Welfare Department. He lives
7 in Alice.

8 Q What about Couling? Couling?

9 A What is that?

10 Q Did he take sides in this thing? Whose party
11 does he belong to?

12 A He is taking my side.

13 Q He's taking your side? Now, prior to the split
14 he was also with the Carrillos?

15 A We were all together.

16 Q All together. You and Couling and—

17 A And Carrillos and Zertuches and everybody.

18 Q Gonzalez?

19 A Everybody. It was a party.

20 Q Parrs?

21 A Yes, sir.

22 Q And the Parrs too? All together?

23 A Yes, sir.

24 Q Then, of course, there was this split and now
25 Gonzalez and Couling and you are on the same side and the

1 Parrs are on the same side?

2 A You can say we're on the same side.

3 Q All of these people that have been removed
4 are also on what we might call your side?

5 A Yes, sir.

6 MR. CHAVEZ: Okay. That's all. Thank
7 you.

8 CHAIRMAN HALE: Are there further questions?

9 Mr. Laney?

10 BY MR. LANEY

11 Q Mr. Chapa, was it common knowledge, or would
12 the public have known about this county equipment being
13 used by the Judge? I mean did you all have a coffee
14 shop or a bar or anything you go to and talk about
15 things?

16 A You don't have to go to a bar. You hear it
17 all around town.

18 Q Was it common knowledge around town that the
19 Judge was using this equipment for his own use?

20 A It's been there in town. You'll hear it
21 around town. You know it.

22 Q Did it seem that most people would say, you
23 know, "That's fine," or did people talk about that he
24 shouldn't be doing it? In other words, did they approve
25 of it?

1 A I don't think the people would say "Fine," you
2 know. Like I said, there were a lot of people that
3 would like to use that equipment and have personnel from
4 the county in their houses. I would like to have it
5 too, if I could.

6 Q So they didn't really approve of it. Nobody
7 said anything about it except to each other?

8 A Well, what could they say?

9 Q Just talk about it to each other?

10 A Just talk about it to each other.

11 MR. LANEY: Thank you, Mr. Chairman.

12 CHAIRMAN HALE: Are there further
13 questions?

14 MR. MALONEY: One short one.

15 CHAIRMAN HALE: Mr. Maloney has another
16 question.

17 BY MR. MALONEY

18 Q Where do you bank, Mr. Chapa?

19 A The Bank of South Texas in Alice.

20 Q Do you have a checking account there?

21 A Yes, sir.

22 Q Do you have a savings account there?

23 A No. Just checking.

24 Q What was the name of that bank?

25 A Bank of South Texas.

1 MR. MALONEY: Thank you.

2 CHAIRMAN HALE: Any further questions?

3 (No response.)

4 CHAIRMAN HALE: Mr. Canales, do you have
5 anything further of this witness?

6 MR. CANALES: No, Mr. Chairman.

7 CHAIRMAN HALE: Thank you very much.

8 A Thank you, ladies and gentlemen.

9 CHAIRMAN HALE: We appreciate your
10 attendance.

11 (The witness, Mr. Ruben Chapa, was
12 excused.)

13 CHAIRMAN HALE: Mr. Canales, do you want
14 to call your next witness?

15 Mr. Mitchell, do you want to submit any
16 questions for this witness?

17 MR. MITCHELL: Mr. Chairman, may I state
18 to the Committee that I'm not prepared to. And may I
19 state to the Committee why I'm not prepared?

20 CHAIRMAN HALE: Yes, sir.

21 MR. MITCHELL: I'm not prepared because
22 I have not received any Bill of Particulars other than
23 that contained in HSR No. 161, nor have I received any
24 Bill of Particulars applying to any misappropriation of
25 county funds or the misuse of county property. I have

1 had no advance notice of the witness, Mr. Chairman, or
2 the subject matter to be covered. Consequently, I
3 don't know whether I can intelligently submit questions.

4 In addition, I have not gone beyond the date
5 of November 22nd, '74, which is the date of the
6 Certificate of Election of Mr. Carrillo.

7 I do have some questions, and with that
8 background I would like to put them to the witness
9 through whatever vehicle the Committee sees fit.

10 CHAIRMAN HALE: Do you wish to do that
11 now?

12 MR. MITCHELL: May I?

13 CHAIRMAN HALE: Yes, you may.

14 MR. MITCHELL: And could the Chairman
15 blueprint for me the procedure that I'm to use?

16 CHAIRMAN HALE: Well, normally—this is
17 the first one of these committees that I've ever been
18 associated with involving impeachment, Mr. Mitchell and
19 we're all—

20 MR. MITCHELL: It's mine too.

21 CHAIRMAN HALE: —feeling our way
22 procedurewise. Let the Chair state that you had as much
23 advance notice about what this witness would testify to
24 as all the members of the Committee did. None of us
25 knew what he was going to testify to until he took the

1 oath and started talking, with the possible exception of
2 Mr. Canales, who is not a member of the Committee.

3 I would say that this is more or less a grand
4 jury type of proceeding and, as you are well aware, it is
5 not adversary in nature.

6 MR. MITCHELL: I understand.

7 CHAIRMAN HALE: And for that reason we
8 have normally never permitted cross examination on
9 investigative committees. In this type of proceeding, I
10 discussed it with members of the Committee and we felt
11 in fairness to you and your client that possibly we might
12 permit you to ask some questions if it would tend to
13 bring out material evidence to this inquiry. We would
14 hope that you would not attempt to abuse that privilege
15 by unnecessarily prolonging and going into an extensive
16 cross examination as you would do if this were a trial.
17 This is not a trial. You understand that?

18 MR. MITCHELL: Yes. I understand, Mr.
19 Chairman.

20 CHAIRMAN HALE: With that admonition,
21 supposing you just ask whatever questions you have and
22 I'll ask the witness if he'll take the stand again.

23 MR. CANALES: Mr. Chairman, I would like
24 to make a suggestion. The members that are present here
25 or the witnesses that are present here are under

1 subpoena, and the Committee is entitled to keep them
2 here until such time as—well, they are here at the
3 Committee's leisure. The only ones that can lift the
4 subpoena from them would be the Committee itself.

5 If it would be agreeable with the Committee, I
6 would prefer to present my case in its entirety and if
7 Mr. Mitchell would like to ask them questions I would
8 think it would then fall into the system that we had
9 originally discussed, where I would present my
10 witnesses and then he would present his. He is perfectly
11 willing or able to call these people as his own
12 witnesses. They will be here at such time as he wants
13 to call them. They are under subpoena.

14 CHAIRMAN HALE: Would that be satisfactory,
15 Mr. Mitchell?

16 MR. MITCHELL: Whatever the pleasure of
17 the Committee is, certainly. And may I state, Mr.
18 Chairman, so that my previous statement doesn't appear
19 to be a non sequitur, when I stated I did not have
20 notice, I didn't mean, of course, an advance notice of
21 what the questions put to the witness would be, or the
22 witness's answer. The fact is that HSR No. 161 states
23 simply that Mr. Carrillo has been indicted by a Grand
24 Jury of the United States of America on multiple counts
25 for violations of Federal Income Tax Law, and it's most

1 difficult for me to anticipate what the alleged use of a
2 backhoe has to do with the indictment by a Federal Grand
3 Jury of Mr. Carrillo. That's my problem, Mr. Chairman.

4 CHAIRMAN HALE: Mr. Mitchell, of course,
5 you understand, as any Grand Jury, once a Grand Jury
6 has a complaint and starts an interrogation it has
7 plenary power to go into whatever fields of misconduct
8 are developed before the Grand Jury, and this Committee
9 is in that same position.

10 MR. MITCHELL: Yes.

11 CHAIRMAN HALE: We don't know where the
12 testimony will lead any more than you do.

13 MR. MITCHELL: I was aware of that and I
14 was consequently faced with a provision from Article 5429(f)
15 Section 7 of Special Committees, which are governed, of
16 course, by the Resolutions creating such committee, and
17 bound by and limited to the verbiage in the Resolution.
18 Consequently, I'm hard-put, if it please the Chairman,
19 to determine precisely how far afield these witnesses
20 are going to go. This is where I'm having my problem.
21 I am afraid I can't shed any light or assist the
22 Committee.

23 MR. CANALES: Mr. Chairman, I think I
24 can shed some light on it if the Chair will permit.

25 CHAIRMAN HALE: The Chairman is not going

1 to allow the testimony to go any further afield than is
2 necessary to develop whatever facts there may be con-
3 cerning any possible misconduct. I think I called to
4 your attention I believe the Articles 5961—

5 MR. MITCHELL: Yes. On the removal.

6 CHAIRMAN HALE: —and the other Articles
7 under Title 100 of the Vernon's Annotated Civil
8 Statutes, Mr. Mitchell, with which I'm sure you have
9 since read. And if you read Article 5962 that the
10 "House, at the time it undertakes that investigation,"
11 why, it has pretty much plenary power to pursue whatever
12 lines of fact are developed before the Committee. And
13 that certainly has been true in the two impeachment
14 cases that have been before the Legislature in the last
15 half century.

16 MR. CANALES: Mr. Chairman, with your
17 permission—

18 CHAIRMAN HALE: Mr. Canales?

19 MR. CANALES: In dealing with violations
20 of the Internal Revenue, Mr. Chairman, Mr. Mitchell, the
21 Internal Revenue Code provides that: all income from
22 whatever source it is derived, be it monetary or
23 services rendered or whatever, it is supposed to be
24 reported and recognized as income. I believe the
25 testimony that these people are presenting reflects

1 services received or benefits received, and consequently
2 would fall within the purview even if that were a
3 limitation on the particular resolution at hand.

4 The resolution itself is couched in very
5 broad language and the terms of it are merely that a
6 committee should investigate impeachment against Judge
7 O. P. Carrillo. And the fact that just one charge
8 was made in the resolution I don't think would limit the
9 scope of the investigation itself.

10 CHAIRMAN HALE: The Chair certainly
11 doesn't think that this Committee is limited by the
12 terms of the resolution, Mr. Mitchell.

13 MR. MITCHELL: All right.

14 CHAIRMAN HALE: Once the Committee has
15 convened under an impeachment resolution it's the
16 opinion of the Chair that we have authority to go into
17 any area that might be the subject of misconduct.

18 MR. MITCHELL: I have gathered that, Mr.
19 Chairman, but I wanted to make that observation.

20 CHAIRMAN HALE: The Chair sees the
21 responsibility of this Committee to do two things. One,
22 to develop all facts pertinent to the conduct of the
23 office of the Judge of the 229th Judicial District, and
24 if those facts warrant, it's the task of this Committee
25 to draw the specifications and recommend them to the

1 House of Representatives which would in effect be the
2 Grand Jury in this case.

3 MR. MITCHELL: And may I make one more
4 observation and then I'll sit down. This is not—Judge
5 Carrillo is not charged with evasion, under 7202. He is
6 charged with, under 7206, simply impeding or impairing
7 or obstructing the Treasury Department in computing or
8 assessing the tax. Consequently, Mr. Canales'
9 observation as regards the value conferred by the use of
10 county equipment would not be relevant to that 7206
11 charge, Mr. Chairman.

12 CHAIRMAN HALE: Well, with your permission,
13 Mr. Mitchell, the Chair feels it might be better if we
14 pursue our original line of inquiry here; that Mr.
15 Canales—we will permit him to present whatever evidence
16 he has for the consideration of the Committee that in
17 the opinion of the Committee is pertinent to this
18 inquiry, and following which, as the Chair has told you
19 on more than one occasion, we would welcome any or a
20 similar presentation on your part on behalf of your
21 client.

22 MR. MITCHELL: Thank you.

23 CHAIRMAN HALE: And at that time the
24 subpoena power of this Committee will be available to
25 you and your client in whatever capacity you need it.

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

2 Then I'll put Mr. Chapa on notice that I will
3 want him back some time next week for some cross
4 examination.

5 CHAIRMAN HALE: That will be fine.

6 MR. MITCHELL: Thank you.

7 CHAIRMAN HALE: We will have him here.

8 Mr. Canales, would you present your next
9 witness.

10 MR. CANALES: Mr. Francisco Ruiz.

11 CHAIRMAN HALE: Mr. Canales, do you want
12 to make any preliminary statement about this witness?

13 MR. CANALES: Mr. Chairman, and members of
14 the Committee, Mr. Francisco Ruiz in previous times, I
15 don't know if up to this date, but I'm sure he'll
16 clarify it to your liking, was employed by the county
17 and will testify that he was instructed by, if not O. P.
18 Carrillo, his brother, R. D., to work on O. P.'s ranch,
19 and he will testify to the use and possibly—I get him and
20 Mr. Sanchez' confused as to their testimony—will testify
21 to using county equipment which was put at their dis-
22 posal by O. P. Carrillo.

23 CHAIRMAN HALE: That's fine.

24 Mr. Ruiz, it is my duty as Chairman to advise
25 you of your rights with reference to your testimony. You

1 will be sworn to tell the truth and your failure to do
2 so can subject you to a prosecution for perjury.

3 After you have completed your statement, members of the
4 Committee may ask questions concerning your testimony.

5 You must answer these questions truthfully and your
6 refusal to do so could subject you to punishment for
7 contempt. You can refuse to answer questions only on
8 the ground that such answers might incriminate you or
9 tend to incriminate you in some way.

10 You are privileged to have an attorney of your
11 selection sit with and advise you as to your answers if
12 you desire. The Chair will attempt to protect your
13 rights at all times.

14 Do you understand the advice I have given you?

15 MR. RUIZ: Yes, sir.

16 CHAIRMAN HALE: Are you ready to testify?

17 MR. RUIZ: Yes, sir.

18 CHAIRMAN HALE: Will you please stand and
19 raise your right hand.

20 (The witness was sworn at this time by
21 the Chairman.)

22 CHAIRMAN HALE: You may be seated.
23
24
25

1 MR. FRANCISCO RUIZ

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

4 CHAIRMAN HALE: Please state your name
5 and address if you will, please, for the record.

6 A My name is Francisco Ruiz, Box 365, Benavides,
7 Texas.

8 CHAIRMAN HALE: Fine. You may proceed
9 with any statement you have or, Mr. Canales, you may
10 pursue a question and answer, as you wish.

11 MR. CANALES: Thank you, Mr. Chairman.

12
13 DIRECT EXAMINATION

14 BY MR. CANALES

15 Q Mr. Ruiz, you live in Benavides, you say?

16 A Yes, sir.

17 Q Would you tell me who you are presently
18 employed by?

19 A By the Duval Water District.

20 Q Who were you employed by previous to being
21 employed by the Water District?

22 A Duval County.

23 Q Mr. Ruiz, did you on any occasion work on a
24 ranch belonging to Mr. O. P. Carrillo?

25 A Yes, sir.

1 Q Were you in the employ of the county at that
2 time?

3 A Yes, sir.

4 Q Who instructed you, Mr. Ruiz, to go out and
5 work on Judge O. P. Carrillo's ranch when you were
6 working for the county?

7 A Sometimes his brother, sometimes he would
8 come over and tell me to go to his ranch and work on his
9 tractors.

10 Q Did you think at this time that if you didn't
11 comply with his request that you would be fired?

12 A I think so.

13 Q Mr. Ruiz, was this on one occasion, two
14 occasions, or was it relatively frequent that you were
15 asked to go out and work on Judge O. P. Carrillo's
16 ranch?

17 A Well, it was many times.

18 Q And all this time you were in the employ of
19 the county?

20 A Yes, sir.

21 Q Did Judge O. P. Carrillo ever pay you for the
22 labor you performed on his ranch?

23 A No, sir.

24 Q Did R. D. Carrillo personally pay you for any
25 work that you were doing out there on that ranch?

1 A No, sir.

2 Q Mr. Ruiz, did you ever see any county vehicles
3 being used on Judge O. P. Carrillo's ranch?

4 A Yes, sir. I was driving one.

5 Q Who brought you that truck, or did you pick it
6 up at the county yard, or how did you acquire it?

7 A I was working there. I had used that truck
8 every time.

9 Q The truck was kept there at the ranch?

10 A Sir?

11 Q The truck was kept at the ranch?

12 A Oh, no. No. I was driving the truck. Whenever
13 he called me or Mr. Ramiro Carrillo sent me I would
14 drive that county truck to the ranch.

15 Q Where did you pick up the truck?

16 A Right there at the county shop.

17 Q What did you do with the truck?

18 A I would drive it and pull a trailer type
19 welding machine.

20 Q And you did welding work, then?

21 A Yes, sir.

22 Q Who did the welding machine belong to?

23 A To the county.

24 Q What other type of work did you do, Mr. Ruiz,
25 on Judge O. P. Carrillo's ranch?

1 A Just welding. That's all.

2 Q Did you ever get paid by Judge O. P. Carrillo?

3 A No, sir.

4 Q Never?

5 A (The witness shook his head.)

6 Q Do you remember seeing any other county
7 equipment being used on Judge O. P. Carrillo's ranch
8 besides the truck that you used and the welding machine?

9 A Not that I can recall of.

10 Q Just those two?

11 A Just those two.

12 MR. CANALES: Mr. Chairman, I have no
13 further questions of this witness.

14 CHAIRMAN HALE: Thank you.

15

16 QUESTIONS BY THE COMMITTEE

17 BY CHAIRMAN HALE

18 Q Are you employed by Duval County?

19 A Not presently. I was employed by Duval County.

20 Now I am employed by the Duval County Water District.

21 Q How long have you been with the Water District?

22 A About a year.

23 Q How much are you paid by the Water District?

24 A \$700.

25 Q \$700?

- 1 A Yes, sir.
- 2 Q Per month?
- 3 A Yes, sir, I'm a welder.
- 4 Q Did you work for Duval County prior to going to
5 work for the Water District?
- 6 A Yes, sir.
- 7 Q As a welder?
- 8 A Yes, sir.
- 9 Q How much were you paid by the county?
- 10 A Three twenty twenty-five.
- 11 Q When were you first sent out to do work on the
12 Carrillo ranch?
- 13 A Whenever I started working for Ramiro Carrillo,
14 O. P. Carrillo.
- 15 Q Was this while you were employed by the Water
16 District?
- 17 A No, no.
- 18 Q While you were employed by the county?
- 19 A By the county.
- 20 Q How long did you work for the county?
- 21 A Since 1968 or '69 until the middle of 1974.
- 22 Q Was it during this period of time that you
23 were sent out to do work on the Carrillo ranch?
- 24 A Yes, sir.
- 25 Q What is the latest time you were sent to do work

1 on the Carrillo ranch?

2 A It was some time between January and June of
3 1974.

4 Q All of the work that you did out there was
5 welding work?

6 A Yes, sir.

7 Q Did you always use county equipment?

8 A Yes, sir.

9 Q Did you ever see any other welding equipment
10 on the Carrillo ranch?

11 A No. Not while I was out there.

12 Q What sort of welding work did you do on the
13 Carrillo ranch?

14 A I worked on the root rakes and the root plow
15 and the caterpillars, tractors.

16 Q And the only compensation you ever received
17 for that was your salary that you received from Duval
18 County?

19 A Yes, sir.

20 Q Is that correct?

21 A (The witness nodded.)

22 Q Did you ever receive any other benefits from
23 the Carrillo ranch?

24 A No, sir.

25 Q Food?

1 A Food.

2 Q Gasoline?

3 A No.

4 Q Cash?

5 A (The witness shook his head.)

6 Q Were you ever given any cash?

7 A Never.

8 Q Did you ever have any employment relationship
9 with the Farm and Ranch Store?

10 A No.

11 Q Or the Zertuche General Store?

12 A No.

13 Q Have you ever been in either of those places
14 of business?

15 A I have been in the Farm and Ranch, but I
16 don't know—

17 Q Have you ever been in the Zertuche General
18 Store?

19 A No.

20 Q Where is it located?

21 A I don't know.

22 CHAIRMAN HALE: Thank you.

23 Mr. Maloney?

24

25

1 BY MR. MALONEY

2 Q Mr. Ruiz, you were making \$325 a month when—

3 A That's take-home pay. Take-home pay.

4 Q I beg your pardon?

5 A Take-home pay.

6 Q Take-home pay?

7 A Yes, sir. After deductions for social security
8 and—

9 Q How much was your gross salary?

10 A \$375, I guess.

11 Q When did you cease receiving that? When did
12 you stop receiving \$375 a month?

13 A When I quit working with the county.

14 Q Take a guess. Would that have been about
15 April 1st of 1974?

16 A No. It was in June or July.

17 Q What were your duties as a welder with the
18 county?

19 A Repair county equipment.

20 Q Did you repair county equipment?

21 A Yes, sir.

22 Q What are your duties with the Reclamation
23 District?

24 A I repair their equipment.

25 Q About the same type of work?

1 A Yes, sir.

2 Q What is it you do that now makes you worth
3 \$700 a month?

4 A Will you repeat that again?

5 Q You're now making \$700 a month. Is that
6 correct.

7 A Yes, sir.

8 Q What do you do now that you didn't do before?

9 A Nothing. Just welding. That's all.

10 Q Where do you go to work in the morning?
11 Where do you report?

12 A To the Water District Shop.

13 Q Where is that?

14 A Right there in town. Benavides.

15 Q Benavides Implement and Hardware Company?

16 A On the back; there's another shop.

17 Q Who works with you there?

18 A There are about eight or nine workers.

19 Q All of you there?

20 A Yes, sir.

21 Q On the premises?

22 A Yes, sir.

23 Q Do you ever work for the Benavides Implement
24 and Hardware Company?

25 A No, sir.

1 Q Do any of the Reclamation District employees
2 work for them?

3 A Not that I know of.

4 Q How many people do they have there working
5 for them?

6 A Where?

7 Q At the Benavides Implement and Hardware
8 Company?

9 A One, I guess.

10 Q Is that a very large place?

11 A Pretty good size.

12 Q They just have one employee?

13 A Yes.

14 Q And there are eight or nine people there of
15 the Reclamation District?

16 A Yes.

17 Q How did you come to change your job from
18 working for Duval County and start working for the
19 Reclamation District?

20 A I asked for the job and I knew I would get more
21 money.

22 Q Who did you ask for the job?

23 A The Board members.

24 Q Who was that, in particular?

25 A Gab Raymond and Mr. Canales and Mr. Perez, and

1 there's another member; I've forgotten his name.

2 Q Had someone quit or did you just need a job?

3 A I needed a job.

4 Q At the time you applied for the job were you
5 still working for the Duval County?

6 A Yes, sir.

7 Q You weren't laid off then?

8 A No, sir.

9 Q Or anything like that?

10 A No, sir.

11 Q Do you do any other work other than working
12 for the Reclamation District?

13 A No, sir.

14 Q Do you do anything on anybody else's ranch
15 now?

16 A No. Except my own.

17 MR. MALONEY: That's all that I have.

18 CHAIRMAN HALE: Mr. Slack?

19 MR. SLACK: I have no questions.

20 CHAIRMAN HALE: Mr. Hendricks?

21 BY MR. HENDRICKS

22 Q Mr. Ruiz, did Judge Carrillo himself ever send
23 you out to his ranch or instruct you to go out there?

24 A Yes, sir. He would come and say, "Will you
25 go?" He wouldn't use any force or anything.

1 Q I got from your testimony previous that two
2 of his brothers were the ones telling you you had to go
3 out there. Did the Judge himself tell you you had to go
4 out there?

5 A He told me quite a few times.

6 Q And he never paid you anything?

7 A No, sir.

8 Q Did he hold any position with the county
9 government that issued you your check, your monthly
10 check? He wasn't a Commissioner or wasn't the county, was
11 he?

12 A He asked permission of the County Judge.

13 Q Who did you work for, what Commissioner?

14 A Mr. Ramiro Carrillo.

15 Q His brother?

16 A Yes, sir.

17 Q Have you ever bought food with those county
18 checks, or go up and get food on county checks?

19 A No, sir.

20 Q Warrants?

21 A No, sir.

22 Q Have you ever had a county check that wasn't
23 made out to you that you cashed at the Farm and Ranch
24 Store?

25 A No.

1 Q Have you ever bought county equipment for the
2 precinct at the Farm and Ranch Store?

3 A No.

4 Q Have you ever bought equipment at the Farm and
5 Ranch Store for Judge Carrillo?

6 A No, sir.

7 MR. HENDRICKS: I believe that's all I
8 have.

9 CHAIRMAN HALE: Mr. Nabers?

10 BY MR. NABERS:

11 Q Did you ever see any bulldozers out on Judge
12 Carrillo's ranch?

13 A Yes, sir.

14 Q Do you know who they belonged to?

15 A No, sir.

16 Q Have you ever seen a backhoe from the Water
17 District?

18 A No.

19 Q Do you all own a backhoe? Does the Water
20 District have a backhoe?

21 A Yes, sir.

22 Q Have you ever seen it out on Judge Carrillo's
23 ranch?

24 A Not me.

25 Q What?

1 A Not me.

2 Q I'm kind of curious, Mr. Ruiz, why would you
3 go to the ranch and do work out there on the county
4 equipment? I assume that is what you were working on
5 out at the ranch is welding on county equipment? Is
6 that right?

7 A Not on county equipment.

8 Q What were you welding on out there?

9 A On his tractors.

10 Q Okay. Farm tractors?

11 A No. Bulldozers.

12 Q Bulldozer tractors?

13 A Right.

14 Q But you don't know whose they were?

15 A No, sir.

16 Q Why would you go out there, I'm curious to know
17 why you would go out there and work on those tractors?

18 A Well, I was afraid I would get fired or
19 something.

20 Q Why would you feel that? Judge Carrillo
21 couldn't fire you.

22 A No. But his brother would.

23 Q Okay. So maybe his brother said, "You go out
24 there and work on Judge Carrillo's ranch." Is that
25 right?

1 A He told me a few times.

2 Q But you're also saying that Judge Carrillo
3 told you to go?

4 A Yes, sir.

5 Q Can you remember any specific times?

6 A No.

7 MR. NABERS: That's all.

8 CHAIRMAN HALE: Mr. Kaster?

9 BY MR. KASTER

10 Q Mr. Ruiz, since you have been working for the
11 Water District, have you seen that backhoe used on other
12 people's property or on other jobs other than just the
13 Water District jobs?

14 A No.

15 Q In the year since you've been there it's only
16 been used in the town there?

17 A Just on the jobs, on the Water District.

18 Q When you were working for the county did you
19 ever go to anybody else's ranches and weld their
20 equipment?

21 A No.

22 Q The only ranch you ever went to and welded—

23 A I used to go to the Commissioner's ranch and
24 weld.

25 Q Anybody else's ranch in the entire county?

1 A No.

2 Q Do you know if the county ever had any
3 equipment that was used on anybody else's ranch other
4 than just the Commissioner's or Judge Carrillo's?

5 A No.

6 Q You mean there was never any road graders
7 used or equipment used—

8 A Yes.

9 Q There was? Did they grade roads on guys'
10 ranches?

11 A Yes, sir.

12 Q Did these ever break down and you would go out
13 and weld them?

14 A Yes, sir.

15 Q So you did weld on other people's places?

16 A Yes, sir.

17 Q That was county equipment?

18 A Yes, sir.

19 Q And they were doing some kind of work out
20 there and it would break and they would call you to
21 come weld it, or how did that work? How did you know to
22 go out and weld it? Did somebody tell you to go out
23 and fix the equipment?

24 A Sure.

25 Q And you would go wherever they told you. You |

1 would just go ahead and weld it?

2 A Yes, sir.

3 Q So you went on places other than Judge
4 Carrillo's to weld equipment?

5 A Like I say, on the Commissioner's ranch.

6 Q Just the Commissioner's ranch, or other
7 people's ranches?

8 A No, not other people. No.

9 Q Well, I'm confused then because I thought you
10 just got through saying that there was equipment used
11 building roads or doing something on other people's
12 places and if they broke down you had to go weld it.

13 A They don't break very often, you know, not
14 all the time. They go close to somebody place and
15 they don't break. I have seen them in other places.

16 Q The road graders and stuff?

17 A Yes, sir.

18 Q Were the road graders ever used at the
19 Carrillo's ranch?

20 A Yes, sir.

21 Q And it was used at other people's ranches too?

22 A Not on other people's.

23 Q The road grader was not ever used on anybody
24 else's ranch?

25 A No.

1 MR. KASTER: Okay.

2 CHAIRMAN HALE: Mr. Donaldson?

3 BY MR. DONALDSON

4 Q About Benavides Hardware, are you familiar
5 with that place?

6 A Benavides Hardware? Yes, sir.

7 Q Have you been in there often?

8 A Yes, sir.

9 Q What do they sell?

10 A Hardware.

11 Q What kind of hardware?

12 A Barbed wire, ropes, wire cutters, bolt cutters,
13 bolts.

14 Q Is it a big store?

15 A Yes. Bigger than this.

16 Q Bigger than this room?

17 A About the size of this building.

18 Q Where is the Water Reclamation office?

19 A Right on the back, in an office in that
20 building.

21 Q Does the Water Reclamation District have
22 materials and supplies and everything stored there?

23 A Just the janitor supplies.

24 Q Just the janitor supplies?

25 A Yes, sir.

1 Q Where do you get your welding materials?

2 A From Crane Welding Supplies.

3 Q Do you buy those yourself?

4 A Yes, sir. And I sign a ticket.

5 Q You sign a ticket to the Water District?

6 A Yes, sir.

7 Q But it's your testimony that Benavides Hardware
8 Supply has a big inventory of hardware, barbed wire,
9 ropes and that kind of thing?

10 A Yes.

11 Q Do they sell cement?

12 A No, sir.

13 Q Do they sell stuff to the county?

14 A I don't know.

15 Q Do they sell stuff to the Water District?

16 A Yes.

17 CHAIRMAN HALE: Mr. Laney?

18 BY MR. LANEY

19 Q Where did you say you bought your welding
20 supplies when you worked for the county?

21 A Crane Welding Supplies.

22 Q Did you buy those supplies yourself? I mean
23 did you sign a ticket for the county?

24 A For the Water District. I worked for the
25 Water District.

1 Q For the Water District. Yes, now, but I mean
2 when you worked for the county, and you welded for the
3 county, right? You were a welder for the county?

4 A When I worked for the county I never signed
5 a bill for the welding material.

6 Q Where did you get your welding rods and
7 things like that?

8 A I got them from Crane, but Mr. Cleofus
9 Gonzalez was the one that signed the tickets.

10 Q He signed the tickets for you?

11 A Yes.

12 Q Is this in the same town, this Crane Welding
13 Supply?

14 A Oh, no. It's from Alice.

15 Q This welding supply firm, did they deliver
16 you acetylene and oxygen and stuff?

17 A Rods.

18 Q And they delivered it to you there in
19 Benavides?

20 A Yes.

21 Q Did you use this material, the acetylene and
22 welding rods and stuff like that, did you use this on
23 the Judge's ranch?

24 A Yes, sir.

25 MR. LANEY: No further questions.

1 CHAIRMAN HALE: Ms. Thompson?

2 BY MS. THOMPSON

3 Q Mr. Ruiz, you said that you have gone into the
4 Farm and Ranch Store?

5 A Yes, ma'am.

6 Q Have you ever bought any marijuana there?

7 A Bought any what?

8 Q Marijuana there.

9 A No. I don't smoke it.

10 Q Do you know whether or not the Judge has ever
11 sold any there?

12 A No.

13 Q Or whether or not he has ever gotten any to
14 come into his ranch?

15 A I don't know.

16 MS. THOMPSON: Thank you.

17 CHAIRMAN HALE: Ms. Weddington?

18 MS. WEDDINGTON: No questions, Mr.
19 Chairman.

20 CHAIRMAN HALE: Mr. Chavez?

21 BY MR. CHAVEZ

22 Q Mr. Ruiz, did you also break politically
23 with the Judge last year?

24 A Yes, sir.

25 Q So that you and Ruben Chapa and Cheofus

1 **Gonzalez and all these other fellows broke with the**
2 **Judge politically?**

3 **A Yes, sir.**

4 **Q These other gentlemen that were given**
5 **subpoenas here tonight, they also broke with the Judge**
6 **politically?**

7 **A I guess so.**

8 **Q Octavio— I forgot his last name.**

9 **A I don't know.**

10 **Q Well, if they were on your side politically**
11 **you would know, would you not?**

12 **A (No response.)**

13 **Q Would you, or not?**

14 **A Yes.**

15 **Q Are they on your side?**

16 **A I guess so.**

17 **Q Have you appeared before a Grand Jury to**
18 **testify?**

19 **A No, sir.**

20 **Q Nobody has asked you? You're not under**
21 **subpoena?**

22 **A No, sir.**

23 **Q You don't have a criminal record or anything**
24 **like that?**

25 **A No.**

1 Q This thing that you're doing here tonight,
2 this isn't politically motivated?

3 A I don't think so.

4 Q Back when all these things that you were doing,
5 these things on county time and county pay, did you
6 know that this might be wrong?

7 A Yes.

8 Q Did you ever report it to anybody?

9 A No.

10 Q Was it the commonly accepted thing for county
11 employees to go to the Judge's ranch and do work for
12 him on county time and on county pay?

13 A Yes, sir.

14 Q Do you know if the other County Commissioners
15 and the County Judge knew that this was going on?

16 A I don't know.

17 Q Well, certainly Ramiro Carrillo knew that this
18 was going on, did he not?

19 A Sure. He was the Commissioner from the
20 precinct.

21 Q Did you do work on Ramiro's ranch also?

22 A Yes.

23 Q Did you do any on the Judge's—on Judge Parr's?

24 A No. I went one weekend one time.

25 Q Did you get paid extra for that?

1 A Yes, sir.

2 Q But you say that what you and these other
3 fellows are doing here is not politically motivated?

4 A I don't think so.

5 Q Well, of course, you're the only one that
6 knows; I don't. You say you think, I mean are you sure,
7 or don't you know?

8 A I don't know.

9 MR. CHAVEZ: That's all, Mr. Chairman.
10 Thank you.

11 CHAIRMAN HALE: Are there further
12 questions of this witness?

13 (No response.)

14 CHAIRMAN HALE: Mr. Canales, do you
15 have anything further of this witness?

16 MR. CANALES: Just two brief questions,
17 Mr. Chairman.

18 BY MR. CANALES

19 Q I would like to know if he knows Tomas
20 Elizondo, the man we have been discussing here previously?

21 A Yes, sir, I know him.

22 Q Have you ever seen him working on Judge O. P.
23 Carrillo's ranch?

24 A Yes.

25 Q On occasions, or frequently, or as a general

1 rule he was always there?

2 A Mostly every time I went out there to pick
3 up those tractors he was there.

4 Q What was he doing out there?

5 A Just kind of pushing the people around, you
6 know.

7 Q Do you know who he was—

8 A I mean pushing the people, you know, taking
9 care of people that they do their work.

10 Q Do you know who Mr. Elizondo is employed by?

11 A No, sir.

12 Q Do you know of anybody else that might have
13 worked with the county that was working out on Judge
14 O. P. Carrillo's ranch?

15 A No, sir.

16 MR. CANALES: Thank you.

17 CHAIRMAN HALE: Anything further with
18 this witness?

19 (No response.)

20 CHAIRMAN HALE: Thank you very much.

21 A Thank you, sir.

22 (The witness, Mr. Francisco Ruiz, was
23 excused.)

24 CHAIRMAN HALE: Do you want to call your
25 next witness, Mr. Canales.

1 MR. CANALES: I would like to call Mr.
2 Oscar Sanchez. His testimony would be similar to this
3 and the only thing I would ask for the Committee, I
4 will not ask him any questions. His testimony will be
5 similar. If you want to, the testimony was offered
6 before and I'm sure the Committee can go
7 through it asking their own questions and save my time.

8 CHAIRMAN HALE: Did he work out on the
9 Carrillo ranch also?

10 MR. CANALES: Yes. The only thing is
11 I would like the Committee to consider the fact that he
12 is not that proficient in English and need to put
13 the questions slowly to him so he can well understand
14 them.

15 MS. THOMPSON: I would like to ask the
16 Chair a question.

17 CHAIRMAN HALE: Did we get an interpreter?
18 Call and see if we can get the young lady up here. We
19 have a young lady who is— I think it might be better
20 if we had the young lady here in case there is anything
21 he doesn't understand in English, Mr. Canales, and we
22 can have it translated.

23 MR. CANALES: And as far as I'm concerned,
24 the Chair could pose the questions. They are similar
25 to the ones before, if he has ever worked out there and

1 if he has ever seen anyone working out there with county
2 equipment. It's the same story.

3 CHAIRMAN HALE: Mr. Sanchez, you may be
4 seated. Do you understand English?

5 MR. SANCHEZ: Just a very little.

6 CHAIRMAN HALE: Very little.

7 We want to be completely fair with everybody
8 here and it might be better to have an interpreter.
9 Would you feel better to have it interpreted in
10 Spanish?

11 MR. SANCHEZ: Yes.

12 CHAIRMAN HALE: I think it would be
13 desirable.

14 MR. : Mr. Rene Ramirez is
15 proficient in Spanish and English. He might be able to
16 help us out.

17 MR. RAMIREZ: I'll be glad to help out.

18 CHAIRMAN HALE: Would you be willing to
19 help us on this thing? Could you come forward, if you
20 would?

21 What is your name, please?

22 MR. RAMIREZ: Rene Ramirez.

23 CHAIRMAN HALE: Rene Ramirez. Fine.

24 Mr. Ramirez, will you be sworn then. I want
25 to swear you as an interpreter for this Committee.

5139
gt1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(The witness was sworn through the interpreter by the Chairman at this time.)

CHAIRMAN HALE: Would you be seated.

MR. OSCAR SANCHEZ

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

CHAIRMAN HALE: Mr. Ramirez, I'll read this and will you interpret it to him.

Mr. Sanchez, it's my duty as Chairman to advise you of your rights with reference to your testimony.

Would you speak loud enough, Mr. Ramirez, so that we can all here, if you don't mind.

MR. RAMIREZ: (Interprets.)

CHAIRMAN HALE: You will be sworn to tell the truth.

MR. RAMIREZ: (Interprets.)

CHAIRMAN HALE: And your failure to do so could subject you to a prosecution for perjury.

MR. RAMIREZ: (Interprets.)

CHAIRMAN HALE: After you have completed your statement, Members of the Committee may ask questions concerning your testimony.

MR. RAMIREZ: (Interprets.)

1 CHAIRMAN HALE: You must answer these
2 questions truthfully.

3 MR. RAMIREZ: (Interprets.)

4 CHAIRMAN HALE: And your failure to do
5 so could subject you to punishment for contempt.

6 MR. RAMIREZ: (Interprets.)

7 CHAIRMAN HALE: You can refuse to answer
8 questions only on the ground that such answers might
9 incriminate you.

10 MR. RAMIREZ: (Interprets.)

11 CHAIRMAN HALE: Or tend to incriminate
12 you in some way.

13 MR. RAMIREZ: (Interprets.)

14 CHAIRMAN HALE: You are privileged to have
15 an attorney of your selection sit with and advise you
16 as to your answers.

17 MR. RAMIREZ: (Interprets.)

18 CHAIRMAN HALE: If you desire.

19 MR. RAMIREZ: (Interprets.)

20 CHAIRMAN HALE: The Chair will attempt to
21 protect your rights at all times.

22 MR. RAMIREZ: (Interprets.)

23 CHAIRMAN HALE: Do you understand the
24 advice I have given to you?

25 MR. RAMIREZ: (Interprets.)

1 CHAIRMAN HALE: Are you now ready to testify?

2 MR. RAMIREZ: (Interprets.)

3 Sir, he says that he understands that.

4 CHAIRMAN HALE: Do you solemnly swear that
5 the testimony you will give on matters pending before the
6 Committee will be the truth, the whole truth and nothing
7 but the truth, so help you God?

8 A Yes, sir.

9 CHAIRMAN HALE: You may be seated.

10 MR. CANALES: Mr. Chairman, if I may suggest
11 to the Committee, to expedite matters, the questions can
12 be put to the witness. If he understands it, I would
13 suggest that he answer it. If he has trouble understand-
14 ing, then we can employ the interpreter, if the Committee
so wishes.

CHAIRMAN HALE: Is that satisfactory with
you?

MR. RAMIREZ: (Interprets.)

A All right.

20

21 BY CHAIRMAN HALE

22 Q If you don't understand any of these questions,
23 you ask Mr. Ramirez to tell you in Spanish.

24 A Okay.

25 Q Will you do that?

1 A Yes, sir.

2 MR. MALONEY: Before we get into the
3 testimony— I don't know Mr. Ramirez. Could he introduce
4 himself to the Committee?

5 CHAIRMAN HALE: Mr. Ramirez, where do you
6 live?

7 MR. RAMIREZ: I live in Austin, sir. I am
8 originally from Hebronville, Texas, 26 miles from
9 Benavides, Texas. I live here in Austin now.

10 CHAIRMAN HALE: Could I ask a question?
11 Did you play football for the University of Texas at one
12 time?

13 MR. RAMIREZ: About three years ago.
14 57, '8 and '9. Yes, sir. (Laughter.)

15 CHAIRMAN HALE: Mr. Maloney seems con-
16 cerned as to why you are here. Were you just accidentally
17 here as a spectator? Do you have any interest in this
18 proceeding, Mr. Ramirez?

19 MR. RAMIREZ: I am curious, sir. I am
20 just curious as to what's going on. I know a lot of the
21 people involved in this thing. I am not going to follow
22 any trucks or trailers, but I am just here for the fun.

23 CHAIRMAN HALE: All right.
24
25

1 DIRECT EXAMINATION

2 BY CHAIRMAN HALE

3 Q Mr. Sanchez, for the record, would you please
4 state your name and address?5 A My name is Oscar Sanchez, Box 502 Benavides,
6 Texas.

7 Q Are you employed at the present time?

8 A Employed for the Water District.

9 Q For?

10 A For the Water District.

11 Q For the Water District? Is that the Duval
12 County Conservation and Reclamation District?

13 A Yes, sir.

14 Q What work do you do for the District?

15 A I just work on the backhoes. That's all the
16 jobs there are.

17 Q How much are you paid?

18 A \$600.

19 Q Sir?

20 A \$600.

21 Q \$600 a month. How long have you worked for the
22 Water District?

23 A About a year.

24 Q Where did you work before you worked for the
25 Water District?

1 A Duval County.

2 Q How long did you work for Duval County?

3 A Well, I don't remember.

4 Q Many years?

5 A Yes, sir.

6 Q Sir?

7 A Yes, sir.

8 Q What were you paid when you were working for Duval
9 County?

10 A \$275.

11 Q What type of work did you do for Duval County?

12 A Operator.

13 Q Of what?

14 A Of a bulldozer or heavy equipment.

15 Q Heavy equipment operator?

16 A Yes, sir.

17 Q Did you do similar type of work for the Water
18 District?

19 A Sir?

20 Q Did you do that same type of work for the
21 Water District?

22 A On the backhoe. Yes, sir.

23 Q All right. Have you ever worked on the Carrillo
24 Ranch?

25 A Well, sometime.

1 Q When was the last time?

2 A Well, I don't remember.

3 Q Recently?

4 A Well, about 1971, I guess was the last time I
5 did that.

6 Q Who told you to work on the Carrillo ranch?

7 A Well, the Commissioner, Mr. Ramiro Carrillo.

8 Q What type of work did you do on the Carrillo
9 ranch?

10 MR. RAMIREZ: On the water tank, sir. He
11 was building a water reservoir. Dig out the dirt, you know.

12 Q Did that involve heavy equipment?

13 A Sir?

14 Q Did you use heavy equipment on that work?

15 A Yes, sir.

16 Q Where did you get the heavy equipment?

17 A From the County.

18 Q Was the equipment owned by the County?

19 A Yes, sir.

20 Q This was while you were employed by Duval
21 County?

22 A Yes, sir.

23 Q Did Judge Carrillo ever tell you to go out
24 on the ranch and perform any work?

25 A No. He didn't ask me, but his brother told me.

- 1 Q Ramiro Carrillo?
- 2 A Yes, sir.
- 3 Q Does he hold any position in the government
4 there?
- 5 A Who?
- 6 Q Ramiro Carrillo?
- 7 A Yes. He is Commissioner.
- 8 Q What is he?
- 9 A He was a Commissioner there.
- 10 Q County Commissioner?
- 11 A Yes, sir.
- 12 Q What Precinct?
- 13 A Three. Precinct Three.
- 14 Q Did you receive any pay for the work which you
15 did on the Carrillo ranch?
- 16 A No, sir.
- 17 Q Did Judge Carrillo ever pay you any money?
- 18 A No, sir. Not that I remember.
- 19 Q Did Ramiro Carrillo ever pay you any money?
- 20 A No.
- 21 Q Did you receive any other benefits for this
22 work—
- 23 A No, sir.
- 24 Q —such as food, gasoline, tires?
- 25 A No, sir.

1 Q No other compensation of any kind?

2 A No, sir.

3 Q The only compensation you received during that
4 period of time was \$275 a month that you were paid by
5 Duval County?

6 A Yes, sir.

7 Q Is that correct?

8 A Yes, sir.

9 Q How many times did you perform work on the
10 Carrillo ranch?

11 A Maybe a couple of times, two times. That's all.

12 Q And the last one was in 1971?

13 A Yes, sir.

14 CHAIRMAN HALE: Mr. Maloney.

15 BY MR. MALONEY

16 Q Mr. Sanchez, you worked for the Reclamation
17 District now?

18 A Yes, sir.

19 Q Do you do any other work, other than work on the
20 Reclamation District?

21 A Where I am working now? No, sir.

22 Q Do you work on any one else's property?

23 A No, sir.

24 Q Are you paid by anyone else?

25 A No, sir.

1 MR. MALONEY: That's all that I have.

2 CHAIRMAN HALE: Mr. Slack?

3 MR. SLACK: I have no questions.

4 CHAIRMAN HALE: Mr. Hendricks?

5 BY MR. HENDRICKS

6 Q Mr. Sanchez, this heavy equipment, does that
7 use diesel?

8 A Yes, sir.

9 Q The diesel in the machine, did you get that
10 from the County?

11 A Some use gasoline on it.

12 Q Did they bring the diesel to you, or did you
13 go by and get the fuel before you went to the ranch?

14 A We would get the fuel before we went to the
15 ranch.

16 Q And it was County fuel you were using?

17 A Yes, sir.

18 Q Did you ever operate this County's backhoe?

19 A The County?

20 Q The County backhoe?

21 A Yes. The County's got a backhoe, too.

22 Q Did you ever operate the Benavides School
23 District backhoe on the Judge's ranch?

24 A Not on the Judge's ranch.

25 Q Not on the Judge's ranch?

1 A No, sir.

2 Q Do you operate that backhoe now for the Benavides
3 School District? Do you operate it now?

4 A Yes. I operate it.

5 Q As part of your job now?

6 A Yes, sir.

7 Q Have you ever used it on any other property--

8 MR. CANALES: I think he is confusing
9 your question.

10 MR. RAMIREZ: For the Water District.

11 A Not the school district.

12 Q Have you ever seen the Benavides School
13 District backhoe used on anybody's property, other than--

14 A The Benavides School District doesn't own a
15 backhoe.

16 Q Does the Water District own a backhoe?

17 A Yes, sir.

18 Q Has it been used off the Water District property?

19 A Not that I know of.

20 Q Not to your knowledge?

21 A No, sir.

22 Q Have you ever bought any equipment, county
23 equipment at Farm and Ranch Store and charged it to the
24 County?

25 A Not that I know of. No, sir.

1 Q Have you ever bought any equipment for Judge
2 Carrillo at Farm and Ranch Store?

3 A No, sir.

4 Q Have you ever cashed any checks made out to
5 some other individual at the Farm and Ranch Store?

6 A No, sir.

7 Q Have you ever been given food vouchers for
8 the County?

9 A No, sir.

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

11 CHAIRMAN HALE: Mr. Nabers?

12 MR. NABERS: No questions.

13 CHAIRMAN HALE: Mr. Kaster?

14 BY MR. KASTER

15 Q Mr. Sanchez, how long did you work for the
16 County?

17 A Since 1961 to 1973, I believe.

18 Q Eleven or twelve years you worked for them?

19 A Yes, sir.

20 Q Did you ever build a tank on anybody else's
21 ranch with the equipment?

22 A No.

23 Q Did you ever do any work on anybody else's
24 ranch in that area, like—

25 A No.

1 Q The only ranch you ever worked on—

2 A I—just the two times on that tank. That's all.

3 Q Pardon me?

4 A Just that water tank in there. That's all.

5 Q And that was all?

6 MR. KASTER: Thank you.

7 CHAIRMAN HALE: Mr. Donaldson?

8 BY MR. DONALDSON

9 Q Did you go to work for the Water District in
10 April of '74?

11 A No, maybe in June, I believe.

12 Q It was in 1974?

13 A '74. That's right.

14 MR. DONALDSON: Okay. Thank you.

15 CHAIRMAN HALE: Mr. Laney?

16 MR. LANEY: Pass.

17 CHAIRMAN HALE: Mr. Thompson?

18 MR. THOMPSON: I pass.

19 CHAIRMAN HALE: Ms. Weddington?

20 MS. WEDDINGTON: No questions.

21 CHAIRMAN HALE: Mr. Chavez?

22 BY MR. CHAVEZ

23 Q Mr. Sanchez, it seems that most of these other
24 fellows also that have testified before you, also work
25 for the County and then sometime around April, May, June,

1 they started leaving the County?

2 A Uh huh.

3 Q Were you laid off or were you fired?

4 A No, sir. I quit the County.

5 Q Did you get involved in this political race with
6 Mr. Chapa?

7 A No, sir.

8 Q Politics didn't have anything to do with that?

9 A No.

10 Q It seems to me like I read somewhere that— Do
11 you remember me asking Mr. Chapa about this political
12 split of the parties?

13 A Yes.

14 Q It seems to me that there was also, I read
15 somewhere, a split within the Carrillo family. Is that
16 right?

17 A A split with the Carrillo family?

18 Q Yes. Even within the Carrillo family, when
19 this break took place—and I am just trying to remember
20 this from what I have read in the papers. It seems
21 like the Parrs and the Carrillos broke.

22 A Well, maybe the Carrillos and Parrs. I don't
23 know about the Carrillo family.

24 Q All the Carrillo family stayed together?

25 A Probably.

1 Q Do you know, or not?

2 A I don't know if they stayed together or not.

3 Q Some of the nephews are over there in the Water
4 District, aren't they?

5 A No. They used to work there.

6 Q Are any of the Board members related to the
7 Carrillos?

8 A Not that I know of.

9 Q That's a little political—the other party that
10 has control of that district?

11 A The other party.

12 Q Most of these fellows that worked for the County
13 and then left there and went with the Water District—

14 A Yes, sir.

15 Q —and you that were working with the County
16 were making, it seems to me, real low salaries, \$275,
17 \$325 and something like that?

18 A Yes, sir.

19 Q And then you go to work for the other District,
20 that is controlled by this other political party, and all
21 of a sudden your salaries go up about two or three
22 hundred dollars?

23 A Uh huh. Yes, sir.

24 Q That's why I have been asking these fellows
25 about whether or not all this is a political fight, the

1 political rivalry. Is this why you are here too?

2 A I don't know. It's not political.

3 Q You are here because you were asked to come to
4 give testimony?

5 A Yes, sir.

6 Q And you don't have anything personally against
7 the Judge, or anything like that?

8 A No, sir.

9 MR. CHAVEZ: Thank you very much, Mr.
10 Sanchez.

11 CHAIRMAN HALE: Are there further questions?
12 Mr. Hendricks?

13 BY MR. HENDRICKS

14 Q One. If all of the former County employees are
15 now working for the Water District, where are the former
16 Water District employees? Are they working for the
17 County now?

18 A I don't know where they are working at.

19 (Laughter.)

20 CHAIRMAN HALE: Any further questions?

21 (No response.)

22 CHAIRMAN HALE: Mr. Canales, do you have
23 anything further from this witness?

24 BY MR. CANALES

25 Q I would simply like to ask the witness whether

1 he saw any people or any other Duval County equipment
2 out on the ranch while you were in the process of working
3 out there?

4 A Only maintainers. That's all I saw.

5 Q County maintainers?

6 A That's right.

7 Q Did you see any people that were employed by
8 the County working out there?

9 A No.

10 Q Do you know Tomas Elizondo?

11 A Yes. I know him.

12 Q Did you see Tomas Elizondo out there?

13 A No, sir. He was probably somewhere else, but
14 I didn't see him while I was working there.

15 CHAIRMAN HALE: Would you speak into the
16 mike, please, Mr. Sanchez, so that the Reporter can get
17 your testimony?

18 Q You didn't see any other County employees
19 working out there?

20 A Not the day when I was working there.

21 Q Who was driving the maintainer that belonged
22 to the County?

23 A Probably the one operator, operating all the
24 time.

25 Q Did you know him?

1 A Carlos Herrera. Yes, sir.

2 Q Carlos Herrera?

3 A Yes, sir.

4 Q He was working for the County, too?

5 A Yes, sir.

6 MR. CANALES: Thank you. I have no
7 further questions.

8 CHAIRMAN HALE: Fine. Thank you very much
9 for your testimony.

10 (The witness, Mr. Oscar Sanchez, was excused.)

11 CHAIRMAN HALE: Mr. Canales, do you have a
12 witness we could finish in ten or fifteen minutes? Or
13 are your witnesses going to be much longer than that?

14 MR. CANALES: Mr. Chairman, the next
15 witness I anticipated calling was Mr. Rodolfo Couling
16 and I have no idea how long his testimony will be,
17 because Mr. Couling is accompanied by counsel and the
18 questions I have put to him have been very brief. Maybe
19 his counsel has advised him not to answer the questions.
20 I don't know. I would imagine it would be very brief.

21 CHAIRMAN HALE: Shall we take him?

22 THE COMMITTEE: Yes.

23 CHAIRMAN: You may call your next witness.
24
25

1 MR. ORR: Mr. Chairman, I am Charles Orr.
2 I am an attorney in practice in Houston. My address is
3 609 Fannin, Suite 629.

4 CHAIRMAN HALE: Charles Orr? O-r-r?

5 MR. ORR: Yes. Initial E, and I represent
6 Mr. Couling, the witness.

7 CHAIRMAN HALE: Fine. We are delighted to
8 have you here, counsel.

9 MR. ORR: Thank you, sir.

10 CHAIRMAN HALE: Mr. Couling, it is my
11 duty as Chairman, to advise you of your rights with
12 reference to your testimony. You will be sworn to tell
13 the truth, and your failure to do so could subject you
14 to prosecution for perjury.

15 After you have completed your statement, members
16 of the Committee may ask questions concerning your
17 testimony. You must answer these questions truthfully.
18 Your refusal to do so, could subject you to punishment
19 for contempt. You can refuse to answer questions only
20 on the ground that such answers might incriminate you
21 or tend to incriminate you in some way. You are
22 privileged to have an attorney of your selection sit
23 with you and advise you as to your answers, if you desire.

24 The Chair will attempt to protect your rights
25 at all times.

1 Do you understand the advice I have given you?

2 MR. COULING: Yes, sir.

3 CHAIRMAN HALE: Are you now ready to
4 testify?

5 MR. COULING: Yes, sir.

6 CHAIRMAN HALE: Would you please stand and
7 be sworn.

8 (The witness was sworn by the Chairman.)

9
10 MR. RODOLFO M. COULING
11 was called as a witness by the Author, and being first
12 duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. HALE

15 Q For the record, would you please state your
16 name and your address?

17 A Rodolfo M. Couling. Drawer "M", Benavides,
18 Texas.

19 CHAIRMAN HALE: Fine. Mr. Canales, do you
20 have a prepared statement or do you want to proceed with
21 questions and answers?

22 MR. CANALES: Mr. Chairman, this man's
23 answers will be as completely impromptu, as far as I am
24 concerned as it will be for the Committee. I have no
25 idea, and I would like to take him on cross before the

1 Committee takes him.

2 CHAIRMAN HALE: You may ask whatever
3 questions. We won't go into whether it's direct or cross.

4
5 CROSS EXAMINATION

6 BY MR. CANALES

7 Q Mr. Couling, you state that you have lived or
8 you live in Benavides?

9 A Yes, sir.

10 Q How long have you lived there, Mr. Couling?

11 A Close to fifty years.

12 Q What business are you engaged in, Mr. Couling?

13 A On advice of my counsel, I respectfully claim
14 the privilege accorded to me by the Fifth Amendment of
15 the United States Constitution, Article I, Section 10 of
16 the State of Texas and decline to answer on the ground
17 that my answer might tend to incriminate me.

18 Q Mr. Couling, do you own the Benavides Implement
19 and Hardware Store?

20 A I claim the same privilege.

21 MS. THOMPSON: Mr. Chairman, would you ask
22 him to speak into the microphone.

23 CHAIRMAN HALE: If you would, Mr. Couling,
24 speak into the mike, so we can hear you.

25 A Yes, sir.

1 Q Mr. Couling, do you know where the Benavides
2 Implement and Hardware Store is?

3 A I'm sorry. I still claim the same privilege.

4 Q That it would tend to incriminate you?

5 A Yes, sir.

6 Q If you knew where the Benavides Implement and
7 Hardware Store was?

8 A (No response.)

9 Q Do you know Mr. Cleofas Gonzalez?

10 A I still claim the same privilege, sir.

11 Q Have you ever heard of the Zertuche General Store?

12 A I still claim the same privilege.

13 Q Mr. Couling, where do you bank?

14 A I still claim the same privilege.

15 Q It would tend to incriminate you if you disclosed
16 what bank you made your deposits in?

17 A I still claim the same privilege.

18 (Conference with counsel.)

19 A In the First State Bank of San Diego.

20 Q You bank at the First State Bank of San Diego.

21 Mr. Couling, have you ever held any political
22 or elected offices?

23 A I still claim the same—

24 MR. ORR: Answer that question.

25 A No, sir.

1 Q Is there a high school in Benavides, Texas,
2 Mr. Couling?

3 A I still claim the same privilege.

4 Q It would incriminate you to admit there is a
5 high school in Benavides?

6 A Yes, sir. There is a high school there in
7 Benevides.

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

9 A Yes, sir.

10 Q How long have you known Judge O. P. Carrillo?

11 A I still claim my same privilege.

12 Q It would incriminate you to disclose to this
13 Committee how long you have known Judge O. P. Carrillo?

14 A Yes, sir.

15 Q Is there a water district in and surrounding
16 Benavides?

17 A I still claim the same privilege.

18 Q Mr. Couling, have you ever written any checks
19 payable from you personally or from the Benavides
20 Implement and Hardware to a Zertuche General Store?

21 A I still claim the same privilege.

22 Q Mr. Couling, have you ever given any checks
23 or cash or any other type of currency to Mr. O. P.
24 Carrillo?

25 A I still claim my same privilege of incriminating

1 myself.

2 Q It would incriminate you to state that you
3 have given—

4 A I still claim the same privilege.

5 Q Mr. Couling, do you have a checking account
6 in the Rio Grande City Bank?

7 A I still claim the same privilege.

8 Q It would incriminate you to tell this
9 Committee if you had a checking account in the Rio
10 Grande State Bank?

11 A I still claim the same privilege.

12 Q Do you know if there is a bank in Rio Grande
13 City?

14 A I still claim the same privilege.

15 MR. CANALES: Mr. Chairman, it proved to
16 be a very short examination, and I have no further
17 questions.

18 CHAIRMAN HALE: Fine.

19 Mr. Orr, let the Chair state to you that the
20 Chair has been advised of the sensitive situation of
21 your client, and we are sympathetic with his problem.

22 Could I ask you a question? I assume in view
23 of the responses to the questions that have been asked
24 by Mr. Canales that your advice to your client is going
25 to be the same on any questions propounded by members of

1 the Committee. Is that correct?

2 MR. ORR: Any questions along the same
3 lines, Mr. Chairman.

4 CHAIRMAN HALE: Yes, sir.

5 I ask you that in an attempt to shorten our
6 proceeding here. There is no point in us going through
7 a large number of questions and getting a refusal to
8 answer on the grounds of incrimination on every one of
9 them, as we don't have any desire to subject your client
10 to any more embarrassment than necessary.

11 MR. ORR: Yes. Well, of course, I cannot
12 advise him to refuse to answer any questions, period, that
13 the Committee might ask.

14 CHAIRMAN HALE: I understand.

15 Mr. Couling, let the Chair ask you one or two
16 questions, and you may answer them or not.

17
18 QUESTIONS BY THE COMMITTEE

19 BY CHAIRMAN HALE

20 Q Do you now, or did you at any time, hold an
21 official position in any governmental agency in Duval
22 County?

23 A Yes, sir.

24 MR. ORR: Would you ask the question again,
25 please, sir?

1 Q Do you now hold an official position in any
2 governmental agency in Duval County?

3 A Not now.

4 Q Have you ever held an official position in any
5 governmental agency?

6 MR. ORR: Mr. Chairman, might I have a
7 clarification? You're going behind an elected position.
8 Is that the thrust of your question?

9 CHAIRMAN HALE: Yes, sir. Did he ever
10 hold any type of official position there? I'm told he
11 was a tax collector at one time for one of these agencies.

12 A Yes, sir.

13 Q Is that true?

14 A Yes, sir.

15 Q Which agency?

16 A Benavides Independent School District.

17 Q Benavides Independent School District. You
18 were appointed to that and not elected.

19 A Yes.

20 Q Is that correct?

21 A Yes.

22 Q Who makes that appointment?

23 A I claim the same privilege, sir.

24 Q Were you paid for that service?

25 A Yes, sir.

1 Q Were you paid a monthly salary, or was it on a
2 per work basis?

3 A By the month, sir.

4 Q By the month. How long did you hold this
5 position?

6 A Since 1962 until this year.

7 Q 1975?

8 A Yes, sir.

9 Q When did you terminate this employment
10 relationship with the Benavides Independent School
11 District?

12 A I claim the same privilege, sir.

13 Q Did you resign this position, or were you
14 terminated by your employer?

15 A I still claim the same privilege.

16 Q During the time you were working for the
17 Benavides Independent School District, was that a
18 full-time occupation for you?

19 A Yes, sir.

20 Q During the period of time that you were
21 working for the Benavides Independent School District,
22 did you receive any compensation for services rendered
23 from any other source other than the Benavides Independent
24 School District?

25 A I claim the same privilege, sir.

1 Q Did you ever perform any services of a
2 business or a professional nature for Judge O. P.
3 Carrillo?

4 A I claim the same privilege, sir.

5 Q Did you ever perform any business or pro-
6 fessional services for a business entity known as Farm
7 and Ranch Store?

8 A I claim the same privilege, sir.

9 Q Did you ever perform any business or pro-
10 fessional services for a business entity known as
11 Zertuche General Store?

12 A I still claim the same privilege, sir.

13 CHAIRMAN HALE: Mr. Maloney?

14 MR. MALONEY: If I may, I would like to
15 direct my question to counsel. Is your client under a
16 formal accusation?

17 MR. ORR: No, he is not.

18 MR. MALONEY: I have no questions.

19 CHAIRMAN HALE: Mr. Slack?

20 MR. SLACK: I have no questions.

21 CHAIRMAN HALE: Mr. Hendricks?

22 MR. HENDRICKS: Just one question.

23 BY MR. HENDRICKS

24 Q Is there currently a store licensed in your
25 name in the State of Texas?

1 A I claim the same privilege, sir.

2 MR. HENDRICKS: No questions.

3 CHAIRMAN HALE: Mr. Nabers?

4 BY MR. NABERS

5 Q Are you under subpoena to this Committee
6 tonight?

7 A Yes, sir.

8 Q Where were you when that subpoena was issued?

9 A Would you repeat the question?

10 Q Were you served with your subpoena here in
11 Austin?

12 A Yes, sir.

13 Q Why were you here in Austin?

14 A I just happened to come along with the rest of
15 the boys that came over.

16 Q Were you planning on testifying before this
17 Committee?

18 A I had not consulted with my attorney.

19 Q Sir?

20 A I had not consulted with my attorney.

21 Q Oh, you hadn't consulted with your attorney
22 when you came to austin?

23 A (The witness shook his head.)

24 Q Since that time you have consulted with him
25 and obtained his advice. Is that correct?

1 A Yes, sir.

2 Q You had planned to testify to this Committee
3 prior to consultation with your attorney. Is that
4 correct?

5 A No, sir.

6 Q You just came along for the ride?

7 A Yes, sir.

8 MR. NABERS: No further questions.

9 CHAIRMAN HALE: Mr. Kaster?

10 BY MR. KASTER

11 Q Mr. Couling, do I understand you came to
12 Austin and then after you received the subpoena then you
13 consulted with your attorney. Is that correct?

14 A Yes, sir.

15 MR. KASTER: Thank you.

16 CHAIRMAN HALE: Mr. Donaldson?

17 BY MR. DONALDSON

18 Q Had you employed counsel prior to the time you
19 were served with the subpoena?

20 A Yes, sir.

21 Q Have you been subpoenaed by any other
22 investigative body?

23 A I decline to answer. I claim my same privilege,
24 sir.

25 Q Have you given testimony before any other

1 investigative body?

2 A I claim the same privilege.

3 CHAIRMAN HALE: Mr. Laney?

4 MR. LANEY: No questions.

5 CHAIRMAN HALE: Ms. Thompson?

6 MS. THOMPSON: I pass.

7 CHAIRMAN HALE: Ms. Weddington?

8 MS. WEDDINGTON: No questions.

9 CHAIRMAN HALE: Mr. Chavez?

10 MR. CHAVEZ: Mr. Chairman, I would like
11 to direct a question to counsel.

12 You haven't appeared with him at some
13 proceeding before this, and if so, if he has been
14 interviewed or given testimony, hasn't he in fact waived
15 his privilege?

16 MR. ORR: I think the answer would be
17 "No."

18 MR. CHAVEZ: No to which one?

19 MR. ORR: No to whether he has waived
20 any privilege by any conceivable appearance before any
21 body other than this Committee.

22 MR. CHAVEZ: Has he been interviewed by
23 the Attorney General's Office?

24 MR. ORR: I'm going to decline to answer
25 that on the ground of attorney-client privilege.

1 MR. CHAVEZ: I'm not asking about whether
2 or not or what his testimony might have been. I'm just
3 asking whether or not—

4 MR. ORR: I understand.

5 MR. CHAVEZ: —you appeared at that
6 certain place to speak with a representative of the
7 Attorney General's office or the U. S. Attorney's
8 office.

9 MR. ORR: You see, my problem is that
10 I feel your line of questioning might go to, by
11 enumerating the various entities that he might have
12 discussed something with, that by that process you would
13 go into matters that would be covered by the attorney-
14 client privilege, and I feel that I should invoke it at
15 this point.

16 MR. CHAVEZ: Well, but if—

17 CHAIRMAN HALE: Mr. Orr, would you pull
18 the mike over, please.

19 MR. CHAVEZ: If he has appeared before some
20 investigative body or some officer with counsel, or even
21 without counsel, I think, and has been warned about his
22 rights and has in fact given testimony, are you telling
23 us that that testimony is not available to us?

24 MR. ORR: I certainly am not.

25 MR. CHAVEZ: Then why wouldn't you be in

1 a position to tell us whether or not he has appeared
2 before somebody?

3 MR. ORR: I don't believe that I as his
4 attorney should be required to state where he might have
5 given testimony or where he has not.

6 MR. CHAVEZ: Then I'll ask him.

7 BY MR. CHAVEZ

8 Q Mr. Couling, have you or have you not spoken
9 to any representative of the Attorney General's office
10 of the State of Texas?

11 A I still claim my privilege, sir, the same
12 privilege.

13 Q Have you spoken to any officer of the Internal
14 Revenue Service of the United States?

15 A I still claim my privilege, sir.

16 Q Have you spoken to any representative of the
17 United States Attorney General's office?

18 A I still claim my same privilege.

19 Q How are you politically aligned with Judge
20 Carrillo?

21 A I still claim the same privilege.

22 MR. CHAVEZ: Mr. Chairman, would you be
23 inclined at some time to determine whether or not this
24 witness might be considered to be in contempt of the
25 Committee or the House?

1 CHAIRMAN HALE: Mr. Chavez, the Chair
2 wouldn't think there would be any possible contempt
3 as long as he refuses to answer on the grounds that his
4 answers might tend to incriminate him. I think we
5 would have no basis for a contempt proceeding then.
6 That is his right to do that.

7 MR. CHAVEZ: Even if he has in fact given
8 testimony to some investigative body and waived that
9 privilege?

10 CHAIRMAN HALE: I think it is immaterial.
11 I think he has the right to claim his privilege under
12 the Fifth Amendment regardless.

13 MR. CHAVEZ: Thank you, Mr. Chairman.

14 CHAIRMAN HALE: Are there any other
15 questions?

16 Mr. Canales?

17 BY MR. CANALES

18 Q Mr. Couling, do you know what my name is?

19 A I still claim the same privilege, sir. Oh,
20 Mr. Canales.

21 CHAIRMAN HALE: Mr. Canales, let the
22 Chair say as a sidebar remark, knowing you might
23 incriminate somebody here tonight.

24 Q Mr. Couling, not saying that you know the
25 Sheriff of Duval County, but do you know what the name of

1 the Sheriff of Duval County is?

2 A Yes.

3 Q Would you tell the Committee what the name of
4 the Sheriff of Duval County is?

5 A Raul Serna.

6 Q Do you know a Mr. Clinton Mangus from Freer,
7 Texas?

8 A I claim the same privilege.

9 Q It would incriminate you to admit that you
10 know Mr. Clinton Mangus?

11 A I claim the same privilege.

12 MR. CANALES: Mr. Chairman, I have no
13 further questions.

14 CHAIRMAN HALE: Fine.

15 Any further questions from any members of the
16 Committee?

17 (No response.)

18 CHAIRMAN HALE: Mr. Couling, we appreciate
19 you being here before the Committee. We recognize your
20 situation.

21 Mr. Orr, thank you for appearing before the
22 Committee. Let the Chair state that you are obviously
23 doing a very able job for your client.

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

25 MR. CANALES: Mr. Chairman, I think we

1 hit 12:00 o'clock on the nose, unless the Committee
2 would like to hear my next witness.

3 CHAIRMAN HALE: Fine. No, I don't think
4 we'll undertake another witness tonight.

5 (The witness, Rodolfo M. Couling, was
6 excused.)

7 CHAIRMAN HALE: We appreciate all of you
8 in the audience. You have been very attentive and
9 very orderly. We're glad to have you at these hearings
10 as long as this type of decorum prevails. The Chair
11 apologizes for getting the meeting started late tonight,
12 but it was beyond our control, as many of you probably
13 know from watching the House session.

14 We will resume this at 8:00 o'clock tomorrow
15 night.

16 MR. NABERS: Can we start it at 7:00
17 o'clock?

18 CHAIRMAN HALE: Do you want to change it
19 to 7:00?

20 MR. NABERS: Yes, sir.

21 MR. DONALDSON: Change it to 6:00. Let's
22 start at 6:00 and stop at 10:00.

23 MR. NABERS: Let's start at 7:00.

24 CHAIRMAN HALE: Let's take a show of hands
25 on it. How many on the Committee would prefer to start

1 at 6:00 o'clock? We'll start at 6:00. One, two.

2 How many would prefer to start at 7:00? Three.

3 How many would prefer to start at 8:00? Three.

4 We've got a pretty general assortment here.

5 How about 7:30?

6 MR. SLACK: I so move.

7 CHAIRMAN HALE: Okay. 7:30 then. Mr.

8 Slack moves the Committee stand recessed until 7:30
9 p.m. tomorrow night, or until the call of the Chair,
10 whichever is earlier. Is there objection?

11 The Chair hears none. We'll stand in recess.

12 (Whereupon, at 12:05 a.m., the Committee
13 was recessed to reconvene on Thursday, May 22, 1975, at
14 7:30 o'clock p.m.)