

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

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

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

CONTINUED HEARING  
VOLUME VI

BE IT REMEMBERED that on Tuesday, June 3, 1975, beginning at 1:30 o'clock p.m., in the Old Supreme Courtroom, State Capitol Building, Autin, Texas, the above-entitled matter came on for hearing, having been continued from Tuesday, May 27, 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, 205 West Ninth, Austin, Texas, 78701.



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MEMBERS PRESENT

1  
2  
3 REPRESENTATIVE MALE - 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

APPEARANCESFOR HOUSE SIMPLE RESOLUTION NO. 161

15  
16  
17 REPRESENTATIVE TERRY CANALES, P. O. Box 730,  
18 Prement, Texas 78375.  
19

FOR THE RESPONDENT, JUDGE O. P. CARRILLO

20  
21 MR. ARTHUR MITCHELL, Mitchell, George and Belt,  
22 1122 Colorado, Westgate Building, Austin, Texas 78701.  
23  
24  
25

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1 TUESDAY, JUNE 3, 1975

2 SIXTH SESSION

3 (The hearing was reconvened at 2:00 o'clock  
4 p.m. pursuant to the recess on Tuesday, May 27, 1975.)

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

8 (The Clerk called the roll.)

9 CHAIRMAN HALE: A quorum is present.

10 Let the Chair start the meeting by advising  
11 all Members of the Committee and primarily the Press and  
12 the parties and interested persons in this hearing as to  
13 how our schedule looks for this week.

14 The Committee had an informal meeting a  
15 moment ago during the process of taking a photograph.  
16 The Chair sort of polled the Committee on what our  
17 schedule should be this week. It was the consensus of  
18 the Committee that for the balance of this week, our  
19 schedule will be something like this.

20 Today we will have this afternoon hearing and  
21 possibly continue until 6:00 or 6:30 or 7:00, or some-  
22 where in that general area, wherever there is a conveni-  
23 ent breaking point, and not have a night session tonight.  
24 All Members of the Committee are still a little bit wary  
25 from the events of the past week. Tomorrow, we will

1 convene at 9:00 o'clock in the morning and have a morning  
2 session. We will take a break for lunch at a convenient  
3 breaking point, somewhere in the area of 12:00 to 1:00,  
4 possibly an hour and fifteen minutes or an hour and a  
5 thirty minute break for lunch. Then we will have an  
6 afternoon session, which we would hope would go until  
7 6:30 or 7:00 o'clock, at which time we would break for  
8 the day, and not have a night session.

9 We would repeat tomorrow's schedule each day  
10 this week, to the extent necessary to finish up the  
11 testimony. That is, we are trying to avoid night sessions.  
12 We will have a morning session which will be fairly  
13 normal; afternoon sessions which we will extend and make  
14 them a little bit longer than the normal afternoon  
15 session; then thereby avoid having night sessions.  
16 Hopefully, that will work better for all concerned.

17 The Chair and the Committee hope that we can  
18 finish the testimony this week, but if not, we will re-  
19 sume it next week on a similar schedule, until we have  
20 heard all the testimony.

21 Mr. Mitchell, the Chair has received the re-  
22 quest that you have made for additional subpoenas. We  
23 still have your initial request and the Committee con-  
24 templates Executive Session this afternoon, after we have  
25 finished today's testimony, and the Chair will present



1 those to the Committee at that time and will advise you  
2 accordingly.

3 Are there any other routine matters to be  
4 brought before the Committee before we commence the taking  
5 of testimony today?

6 (No response.)

7 CHAIRMAN HALE: Is Mr. Octavio Hinojosa  
8 here?

9 MR. CANALES: Mr. Chairman, I would like  
10 to inquire if the Rule as it was invoked by Mr.  
11 Donaldson the last time the Committee met would still be  
12 in effect at this time?

13 CHAIRMAN HALE: No, sir. It would not be  
14 in effect at this time, unless reinvoked. As the Chair  
15 understood, it was invoked for a specific purpose at  
16 that particular meeting.

17 Is Mr. Jose R. Nichols here?

18 MR. NICHOLS: Present.

19 CHAIRMAN HALE: Fine. Thank you.

20 CHAIRMAN HALE: Mr. Marvin Foster?

21 MR. FOSTER: Here, sir.

22 CHAIRMAN HALE: Mr. Joe Guerra?

23 MR. CANALES: Mr. Chairman, Mr. Joe  
24 Guerra is on his way from Houston. He is en route and  
25 should arrive some time this evening.

1 CHAIRMAN HALE: Thank you.

2 Arnulfo Guerra. He's the District Attorney,  
3 isn't he?

4 MR. CRAVEZ: Yes, sir.

5 CHAIRMAN HALE: Mr. Hinojosa, the Chair  
6 has been advised that you have returned with some records  
7 that the Committee requested.

8 MR. HINOJOSA: Yes, sir.

9 CHAIRMAN HALE: And that you needed to get  
10 back to your chores. The Chair is going to take you out  
11 of order at this time. If you will come forward, we will  
12 resume your testimony.

13  
14 MR. OCTAVIO HINOJOSA

15 was recalled by the Chair and having been previously  
16 duly sworn, testified further as follows:

17 BY CHAIRMAN HALE

18 Q Mr. Hinojosa, for the record again, would you  
19 state your name and your address?

20 A My name is Octavio Hinojosa, San Diego, Texas.  
21 P. O. Box 392.

22 Q Mr. Hinojosa, you testified before the Committee  
23 on May 21, 1975. Is that correct?

24 A Yes, sir.

25 Q And you are the same Octavio Hinojosa that

1 testified at that time?

2 A Yes, sir.

3 Q Is that correct?

4 A Yes, sir.

5 Q At that time, the Chair advised you as to your  
6 rights before this Committee?

7 A Yes, sir.

8 Q And you are aware of those rights without me  
9 repeating them?

10 A Yes, sir.

11 Q At that time, you were sworn to tell the truth?

12 A Yes, sir.

13 Q Do you understand that you are still under the  
14 oath as you were at that previous time?

15 A I do.

16 Q Do you understand?

17 A Yes, sir.

18 Q I believe you are Assistant County Auditor of  
19 Duval County?

20 A Yes, sir.

21 Q Is that correct?

22 A That's correct.

23 Q I believe at the hearing at which you previously  
24 testified, there was testimony concerning county vehicles  
25 which have exempt license plates and also some questions

1 concerning rental vehicles. It is the recollection of  
2 the Chair that the Committee had asked you to prepare an  
3 inventory or a list of each of those categories of  
4 vehicles. Is my recollection correct?

5 A It is. Yes, sir.

6 Q Have you prepared such inventory, or do you have  
7 such records here?

8 A Yes, sir. I have one. It is not a complete  
9 inventory. I have a list of the county vehicles that  
10 are insured with serial numbers and everything: heavy  
11 equipment, automobiles, trucks. Everything.

12 Q Can you make those available to the Committee?

13 A Yes, sir.

14 MR. CANALES: This is the list, Mr.  
15 Chairman, of the equipment owned, I think. This is a  
16 list of the equipment rented. This is a list of all  
17 county, all vehicles insured by the county, not necessarily  
18 owned, but at least insured by the county. This is not  
19 complete, because they don't have a full inventory of all  
20 the vehicles. Those are the only ones he has.

21 Q Mr. Hinojosa, the Chair has been provided with  
22 three instruments here by you. I shall ask the Court Re-  
23 porter, if he will, to mark each of these three for  
24 identification.  
25

(The lists referred to were marked "Exhibit-38" through "Exhibit-40" for identification.)

1  
2  
3 Q Now, Mr. Hinojosa, what's been marked "Exhibit-  
4 38" is headed at the top, "List of Duval County Heavy  
5 Equipment Owned by Duval County as of May 27, 1975."

6 Is that a list which you prepared?

7 A Yes, sir.

8 Q Is that a complete list of Duval County heavy  
9 equipment as of that date, to the best of your knowledge  
10 and belief?

11 A It is not a complete list. No, sir. We have  
12 some records that were subpoenaed by the Internal Revenue  
13 Service. I believe the County owns more equipment that  
14 is not listed in there, sir.

15 Q Is this the list of everything that is of record  
16 in the County Auditor's Office?

17 A Yes, sir.

18 Q There is one sheet here marked "Exhibit 39,"  
19 which is headed at the top, "List of Duval County's  
20 Rental Equipment on Rental Basis, as of May 27, 1975."

21 Is that a complete list of all the equipment  
22 being rented by Duval County, to the best of your know-  
23 ledge and belief?

24 A That's a complete list of all the rental equip-  
25 ment. Yes, sir.

1 Q Then Exhibit No. 40 consists of 11 pages, and I  
2 believe at least the front page and perhaps every page is  
3 headed at the top, "Schedule of Automobiles."

4 Would you please tell the Committee what this  
5 11-page Exhibit 40 is?

6 A Well, that is automobiles and equipment, heavy  
7 equipment and trucks owned and insured by the County.

8 Q Are all of these vehicles listed on here owned  
9 by the County?

10 A Yes, sir. We have the titles to all those  
11 vehicles.

12 Q But I mean in addition to being insured by the  
13 County, they are County-owned also?

14 A Yes, sir.

15 Q I see. All right.

16 Was there any other information, Mr. Hinojosa,  
17 that the Committee had asked you to bring back, other than  
18 this information?

19 A Not that I recall. No, sir.

20 MR. CANALES: Mr. Chairman, if I recall  
21 correctly, I believe Mr. Donaldson asked for a list or a  
22 code to decipher the numbers that were used on these cards,  
23 as far as what the particular items were used, or what the  
24 payments refer to. Going back to the last Committee meeting  
25 where Mr. Hinojosa testified, he was relating to the

1 Committee by use of these numbers that he could determine  
2 more or less what type of merchandise was purchased. I  
3 think Mr. Donaldson asked for a code, but I don't know  
4 whether Mr. Hinojosa brought it or not.

5 A I have a copy of the code list.

6 CHAIRMAN HALE: Will you make that available  
7 to the Committee.

8 Let the Court Reporter mark it.

9 (The code list referred to  
10 was marked "Exhibit-41" for  
11 identification.)

12 Q Mr. Hinojosa, the Chair has here what's been  
13 marked "Exhibit 41," which consists of nine letter sized  
14 pages. Would you please state for the record what exhibit  
15 information is shown on Exhibit 41?

16 A That is a list of the code system we use for  
17 our bookkeeping purposes in the County Auditor's Office.

18 Q Showing for each office or each item where  
19 money is spent a code number which you use to identify  
20 it on the financial records?

21 A Yes, sir.

22 Q Is that correct?

23 A Yes, sir.

24 MR. CANALES: Mr. Chairman, I believe Mr.  
25 Hinojosa also has some additional information which I  
think was requested in the form of-- I am not sure exactly

1 what they were. Are they the vouchers?

2 A Well, they requested some claims.

3 MR. CANALES: Some claims?

4 A Yes.

5 MR. CANALES: I am sure he can tell you  
6 more what it is than I can.

7 He has some additional information, I think,  
8 which was requested, some examples of the bookkeeping  
9 method that they used for paying the bills which are sub-  
10 mitted to the County Commissioners Court. He has the  
11 packets wherein the name of the payee and the invoice that  
12 was received and the different articles that are accompany-  
13 ing these records with him, I think, for the Committee's  
14 benefit. I am not sure what they are called, but he has  
15 them there for you.

16 Q All right. Would you explain, Mr. Hinojosa,  
17 what additional records you have?

18 A The Committee, I believe, requested some  
19 samples of the way we pay these welfare accounts.

20 Q Yes, sir.

21 A And I have just a few samples here of copies  
22 of the check and the claims that were submitted for pay-  
23 ment for the Welfare Department and the manner that we  
24 write the checks out of these claim forms, you know.

25 For instance, this Cash Store— I have the  
purchase orders here for \$730. This is just a sample,



1 you know. We check the bills and prepare the claim check  
2 and we type the check out of this claim. It has the  
3 amount, the name, the code and I believe that was one  
4 of the requests that they needed here last week, and I  
5 have a sample of the check.

6 CHAIRMAN HALE: What is the relevance of  
7 this, Mr. Canales?

8 MR. CANALES: I think the Committee re-  
9 quested some of this background or some of the information  
10 on some of these foodstamps or payouts. These aren't  
11 necessary-- I don't know. I am not familiar with them  
12 at all. I don't think they include the budget that the  
13 Judge had. I think these are simply the county's  
14 on Precinct 3. I am not familiar with them. They are just  
15 simply examples of how the bookkeeping arrangements were  
16 conducted, I guess.

17 MR. HENDRICKS: Mr. Chairman, could he  
18 furnish us with a copy of every county warrant issued  
19 from Precinct 3 to the Cash Store since January the 1st,  
20 1971?

21 Q Would it be possible, Mr. Hinojosa?

22 A It would be possible from 1973 up to 1975.

23 BY MR. HENDRICKS

24 Q Where are the records back of that?

25 A Part of those records are impounded by Internal

1 Revenue prior to 1973.

2 Q You could furnish us those records from '73  
3 forward?

4 A Yes, sir.

5 I only have one sample, you know. That's all  
6 they asked for, but it's a routine, a monthly routine,  
7 I guess you can call it, to get all of the information.  
8 I have to go back five and a half years and copy all of  
9 these claims and make copies of the checks. That would  
10 take about two or three hours, I guess.

11 MR. CANALES: Mr. Chairman, would it be  
12 possible to request a Xerox copy, because these are the  
13 official records and should be kept by the County Auditor,  
14 I believe—to get a Xerox copy of a sample of how the  
15 County Welfare claims were paid, and some of the signa-  
16 tures and the little files that he has on each one of  
17 these claims? I think he has a few of them with him. It  
18 might be beneficial for the record.

19 CHAIRMAN HALE: Well, whose signature?  
20 The Chair doesn't want to go off on a lot of tangents  
21 in this thing, Mr. Canales. That's why I asked the question  
22 a minute ago, what was the pertinence of this testimony  
23 to the Carrillo inquiry?

24 MR. CANALES: The only thing that I know is  
25 that they were requested by the Committee, if I am not

1 mistaken and they tend to indicate or show the procedure  
2 which was used wherein the Cash Store was paid by the  
3 County for some of the groceries that were extracted  
4 from over there. I don't know what significance it would  
5 have over and above corroborating prior testimony. It's  
6 repetitious in the sense that it corroborates— It's  
7 documented evidence of former testimony, nothing else.

8 MR. KASTER: Mr. Chairman, I believe I am  
9 the one who requested that. That's exactly— We have the  
10 grocery store showing that they received the money and I  
11 am interested in how the County paid it.

12 CHAIRMAN HALE: Mr. Kaster, suppose you  
13 ask some questions then.

14 MR. KASTER: Well, I think it's been  
15 brought out. That's exactly what I want to see. I think  
16 Mr. Hendricks asked for those records to see how the  
17 County paid them. I want to know who authorized those  
18 payments and what method they had of paying them from the  
19 County's point of view.

20 CHAIRMAN HALE: The Chair is recognizing  
21 you to ascertain that information.

22 BY MR. KASTER

23 Q Mr. Hinojosa, do your records indicate who  
24 authorized these payments to the Cash Store?

25 A I have a sample of the orders that were

1 presented, you know. Yes, sir.

2 Q And they indicate who authorized the payment  
3 to the store?

4 A Yes, sir.

5 Q And if you get the other records that you say  
6 that you can furnish from '73 to '75, these would also  
7 indicate who is authorizing the payment to the store?

8 A It would be a repetition of that claim, you know.  
9 It would be the same thing.

10 Q It would be the same thing?

11 A Over and over. Yes, sir. Except for the  
12 amounts. It varies a little.

13 Q Are these charge slips in the envelope? Is  
14 that correct? And it shows who signs them?

15 A They call them a purchase order and they are  
16 signed the by Commissioner.

17 Q And the slips that you get, are any of those  
18 signed by the Elisendes or Carrillo, or do you know, or  
19 who?

20 A I don't think so, but you can see that name there  
21 and it will show the signature. They way they presented  
22 those claims for payment, you know.

23 Q And somebody authorized you to go ahead and  
24 pay it?

25 A We prepare these claim jackets and present them

1 to the Commissioners Court when they meet every second  
2 Monday, in this manner, you know and they approve them  
3 and we write the checks out of these claims.

4 Q Do you have records indicating—one other, and  
5 it's not exactly the same area, but it has to do with  
6 the method of payment of claims.

7 When you pay a county employee, is there a  
8 time card, or how do you know how much to pay that  
9 employee? Are some on a monthly salary? Are they on  
10 an hourly salary, or how?

11 A Well, actually, the employee is hired by the  
12 month. We make out a payroll summary at the end of the  
13 month with all kinds of deductions.

14 Q Does your payroll summary indicate how many  
15 hours they worked, or not?

16 A No, sir.

17 Q On a monthly employee.

18 A Not by hours, no, sir. Just on a monthly basis.

19 Q You don't have any idea how many hours they  
20 work?

21 A No, sir.

22 Q I assume you have the records for Mr. Roberto  
23 Elizondo from the period from January of '72 until  
24 September of '73?

25 A I am not quite sure, sir. Some of the records

1 are in the Internal Revenue Office in either Corpus or  
2 Houston. I might have some records, but not all of them.

3 Q And the same thing for Arturo Zertuche?

4 A Yes, sir.

5 Q Are those records subpoenaed? I mean, does the  
6 Internal Revenue have those, or do you have those?

7 A Well, actually, they were never subpoenaed. I  
8 guess they just pulled them out of the files in the office,  
9 you know. They had been working there for months.

10 Q We can't obtain a copy of them?

11 Do I understand that we can get the copies for  
12 Roberto Elizondo or not?

13 A Prior to the time he was employed by the month  
14 on the payroll summary?

15 Q No. I am interested in January of '72 to  
16 September of '73.

17 A I know for sure that 1972, the Internal Revenue  
18 Service have all these claims.

19 Q So you don't have them?

20 A No, sir. Not for 1972. I might have a few  
21 for 1973.

22 Q Okay. Now, these records here for welfare  
23 claims. What about the payments that were made to the  
24 Cash Store that were paid for— There was testimony that  
25 they were paid for Ramiro Carrillo and O. P. Carrillo?

1           A     I believe I have all the information available  
2 for the years back. Yes, sir.

3           Q     That are different than these. These are for  
4 welfare.

5                     Now, the other payments that you made to the  
6 store, were not welfare, but were made—

7           A     Well, the County actually didn't pay anything  
8 else except welfare, that I can remember.

9           Q     None of your checks to the Cash Store were  
10 for anything except welfare payments?

11          A     That's right. Yes. Just welfare, groceries.

12                     CHAIRMAN HALE: Mr. Hendricks?

13 BY MR. HENDRICKS

14          Q     Do you know Patricio Garza, Mr. Hinojosa?

15          A     Patricio Garza?

16          Q     Yes.

17          A     No, sir. I don't.

18          Q     You don't know whether he's employed by Judge  
19 Carrillo on his ranch or not?

20          A     No, sir. I don't.

21          Q     Do you know whether or not this Mrs. Patricio  
22 Garza that's listed here on a claim on August the 6th,  
23 1973 for \$35 would be the wife of the employee of Judge  
24 O. P. Carrillo?

25          A     I couldn't tell you. I don't know. No, sir.

1 Q These are county welfare. Is that correct?

2 A Yes, sir.

3 Q Let me ask the procedure there. Each Commissioner  
4 gathers up his receipts. Is that correct and turns them  
5 into the Commissioners Court for their approval?

6 A Yes, sir. That's right.

7 Q Now this is done through each Precinct of the  
8 County?

9 A Yes, sir.

10 Q Precinct 1, Precinct 2, Precinct 3 and Precinct  
11 4?

12 A In most cases. Yes, sir.

13 Q When they turn these in, the Commissioners  
14 Court, itself, authorizes you to issue a warrant to who-  
15 ever they say to pay the warrant to. Is that correct?

16 A Yes, sir. That's right.

17 Q Can you tell me on this warrant for \$730 to  
18 Cash Store, which Precinct that came from? Which one  
19 turned that in?

20 A Actually, the only way I can tell is by the  
21 person that signed the orders, which is the Commissioner  
22 of Precinct 3.

23 Q Well, would you look at these, sir, and tell me  
24 who turned those in?

25 A These are signed by Mr. Ramiro Carrillo,



1 Commissioner.

2 Q That's the brother of Judge Carrillo?

3 A Yes, sir.

4 Q He is the Commissioner of Precinct 3. Is that  
5 correct?

6 A Yes, sir.

7 Q Do you know any of these individuals listed  
8 in here?

9 A No, sir. I don't think I do. No, sir.

10 Q Do you know whether or not they are real  
11 persons?

12 A Well, they might be. I don't know.

13 Q Do you know an Isabel Garza, or a Jesus Garza?

14 A No, sir. I don't.

15 Q There is one in here to an E-l-o-y, Eloy  
16 Hinojosa. Is that any relation to you?

17 A Not that I know of. No, sir.

18 Q Do you know the man or woman?

19 A No, sir. I know very few people in Benavides.

20 Q Are there very many people named Hinojosa in  
21 Duval County?

22 A There's quite a few. Yes, sir.

23 Q Are most of them related to you?

24 A Some of them are. Yes, sir. Some others are  
25 not.

1 Q Have you ever received any knowledge that part  
2 of this county check, county warrant going to the Cash  
3 Store, was in the payment for groceries received by the  
4 Commissioner of Precinct 3 and Judge O. P. Carrillo?

5 A Well, I have heard the testimony.

6 Q Other than the testimony you have heard here?

7 A Yes, sir.

8 Q Has that been brought to your attention there  
9 in Duval County?

10 A No, sir. I didn't know anything about it, to  
11 my knowledge.

12 Q Let me ask you this: If you know, was the pay-  
13 ment to the Cash Store somewhere in the neighborhood of  
14 \$730 each month?

15 A Well, I would say it varies from six to eight  
16 hundred.

17 Q And you have no way of checking on whether or  
18 not these were real persons or fictitious people that the  
19 Commissioner turned these slips in?

20 A No, sir. I had no way.

21 Q All you do is what the Commissioners Court tells  
22 you to do?

23 A That's right.

24 Q When they tell you to pay it, you pay it. Is  
25 that correct?

1           A     When approved by the Commissioners, I thought it  
2 was legal to go ahead and make them.

3           Q     Can you furnish us, this Committee, this same  
4 thing, the information you have on this particular voucher,  
5 on each voucher, I believe you said from '73 to date, that  
6 has been paid to the Cash Store?

7           A     Yes, sir.

8           Q     You can get that information for us?

9           A     I have it available. Yes, sir.

10          Q     Would you do that?

11          A     Yes, sir.

12                   MR. KASTER: Thank you

13                   CHAIRMAN HALE: Mr. Maloney?

14 BY MR. MALONEY

15          Q     Mr. Hinojosa, with regards to the rental equip-  
16 ment of the county, how do you handle rental equipment?

17          A     Do you mean about making the payments?

18          Q     Right. Well, let's say to start with: If some-  
19 one has made the decision to rent, rather than to buy,  
20 who makes that decision?

21          A     Well, I believe the Commissioner's Court,  
22 the Commissioners and the County Judge.

23          Q     And then is a contract for the rental entered  
24 into with someone?

25          A     Yes, sir.

1 Q Do these contracts provide an option to buy  
2 at the end of the rental period?

3 A To tell you the truth, they might. I haven't  
4 read the contract. No, sir. I don't know.

5 Q How long are these rental periods, generally?

6 A Well, usually, it depends on what kind of  
7 equipment, I believe. An automobile will be 30 months  
8 or 36 months. I believe a bulldozer or something else  
9 will require more time. I am not sure.

10 Q Do you know of any occasion in which the County  
11 has exercised an option to buy rental equipment?

12 A I am pretty sure they have that kind of contracts.  
13 Yes, sir.

14 Q Do you know of any instances in which the County  
15 has exercised its option to buy?

16 A No, sir.

17 Q Do you know of any instances in which the County  
18 has allowed someone else to exercise that option to buy?

19 A No, sir. I don't.

20 Q On these welfare claims, do those generally run  
21 about the same amount every month? the checks that you  
22 write out?

23 A For different stores?

24 Q Right.

25 A Yes, sir. Anywhere between six and eight thousand

1 dollars.

2 Q It runs about six to eight thousand dollars a  
3 month?

4 A Yes.

5 Q That would be the total then?

6 A On the average. Yes, sir.

7 Q Are these distributed among the Commissioners  
8 or does one Commissioner's Precinct run higher than any  
9 of the others?

10 A Well, I understand they have— I don't know what  
11 amount they do, but I believe Precinct No. 3 has a bigger  
12 amount than Precinct No. 2, because it is small, you know.  
13 But I really don't remember the way they work them out.

14 Q Where does the money come from to pay these  
15 warrants? Is this out of the General Fund?

16 A Yes, sir. The General Fund.

17 Q You've provided us here with a schedule, I  
18 believe you said, of the automobiles that are insured by  
19 the County. Is that correct?

20 A Yes, sir.

21 Q So the County does pick up the insurance on  
22 them. You are not self-insured?

23 A No. For the vehicles, you mean?

24 Q Right.

25 A The liability and collision, whatever it is.  
Yes, sir.

1 Q These are vehicles that are used either for  
2 construction, County business, but are any of them used  
3 for personal business?

4 A Well, I don't know. I don't even know who  
5 drives those automobiles.

6 Q Are you telling us you wouldn't know then, who  
7 it is that drives the 1974 Cadillac El Dorado that the  
8 County is paying insurance on?

9 A I have seen the ex-County Judge drive a  
10 Cadillac. Yes, sir. That was on rental.

11 Q Are you saying ex-County Judge? Who are you  
12 talking about?

13 A Mr. Archer Farr.

14 Q Do you know what year that would be?

15 A Well, I imagine 1974.

16 MR. MALONEY: That's all I have. Thank you.

17 CHAIRMAN HALE: Mr. Slack is not here.

18 Mr. Hendricks is not here.

19 Mr. Nabers?

20 BY MR. NABERS

21 Q Is this list that you gave us the most up-to-date  
22 or recent list?

23 A It is, I believe, a list that I have of these.

24 Q In other words, you would say then that the  
25 insurance premium on this '74 Cadillac would be paid through

1 what date?

2 A Well, I would say it hasn't been paid for this  
3 year, but I believe that list is for the year ending  
4 1974, I can say that.

5 Q Now, Mr. Hinojosa, this code that you have  
6 given us, I believe indicates that possibly you stated  
7 earlier in your testimony that in regards to the Road  
8 and Bridge Account, it has some code numbers out here  
9 to the right. I believe this is Exhibit No. 41?

10 A Yes, sir.

11 Q Did you put another number in front of this  
12 code number in order to designate the Precinct?

13 A Yes, sir. I didn't include the— The difference  
14 between the County Shop and the Precinct is just another  
15 number, like Precinct 1 has a 1-110.

16 Q Right. Precinct 3 would be 313 or 314, or 320,  
17 or something of that nature. Is that correct?

18 A Yes, sir.

19 Q I notice from looking through this code that  
20 previous information that you have given us showing a  
21 receipt or warrant paid on a claim to the Farm and Ranch  
22 Store for \$3,500 has a code "CO." I have looked through  
23 this list and I did not see a code "CO."

24 Do you know what that code "CO" means?

25 A Yes, sir. That is capital outlay.

1 Q Capital outlay?

2 A Yes, sir.

3 Q Do you have any idea why \$3,500 would go to the  
4 Farm and Ranch Store for capital outlay?

5 A I don't know at the present time, but I can look  
6 up the information.

7 Q Would you make a note there to do that for  
8 us and supply it to the Committee? It would be a warrant  
9 on claim D-693?

10 A Yes, sir.

11 CHAIRMAN HALE: Would someone get him some  
12 paper to write it on, one of our clerks here? Thank you.

13 Q The claim is D-693, dated 3/12/73, in the amount  
14 of \$3,500.

15 A 3,500?

16 Q Yes.

17 This information is from the information that  
18 you have given us previously that you have sworn to as  
19 part of the county records, I believe you will recognize.

20 Has this been filed, Mr. Chairman, as an exhibit?  
21 If it has not, I would so request that these instruments  
22 be filed as a part of our record that is in this folder.

23 CHAIRMAN HALE: The Chair will hand the  
24 Court Reporter to be marked as an exhibit a document  
25 consisting of 13 pages, which we will treat as one exhibit.



1 We will staple all of these together. If we had a  
2 stapling machine here, we can staple it together.

3 (The papers referred to were  
4 marked "Exhibit -42" for  
5 identification.)

6 CHAIRMAN HALE: The Court Reporter has  
7 marked as Exhibit 42, eleven pages of material, starting  
8 with a sequence of events, including a letter from the  
9 Comptroller of Public Accounts, to M. K. Bereaw, B-e-r-e-a-w,  
10 Jr., Attorney-at-Law, Frear, Texas; a certification by  
11 the Comptroller of Public Accounts; photocopies of store  
12 license applications and licenses issued to the Farm and  
13 Ranch Supply with the proper certification; and then  
14 several pages of typed material, which purports to be  
15 lists of warrants issued apparently by Duval County to  
16 Zertuche General Store, to Tomas Elizondo, to Arturo  
17 Zertuche, to Roberto Elizondo, to Farm and Ranch Supply,  
18 to Benavides Cedar Posts, to Benavides Implement and  
19 Hardware Company, and I believe that's all, contained in  
20 this eleven-page exhibit marked Exhibit 42.

21 Mr. Nabers, you may proceed.

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

23 Q Mr. Hinojosa, I would like to ask you what  
24 a Code 11 might be in regards to a warrant issued to the  
25 Farm and Ranch Store, without any designation as to what  
fund— Well, it came from a Road and Bridge Fund, but it

1 did not have any other identification on it. Could you  
2 look at that and possibly tell me what that might be?

3 CHAIRMAN HALL: Let the Chair interrupt  
4 again. For the Members of the Committee, this Exhibit 42  
5 which has been offered in evidence is the same material  
6 as was contained in a black-covered folder, copies of  
7 which were given to each member of the Committee, I  
8 believe the first hearing night. So if each member of  
9 the Committee would take his black folder and label it  
10 as Exhibit 42 for future reference and questions, why it  
11 would facilitate identification in the future.

12 Q Mr. Hinojosa, you have had an opportunity to  
13 look at that. Obviously, I assume that comes from the  
14 Road and Bridge Fund?

15 A Yes, sir. This claim here was paid for lumber  
16 and hardware for the County Shop.

17 Q For the County Shop?

18 A Yes, sir.

19 Q So that would not be charged to a specific  
20 precinct?

21 A No, sir.

22 Q All right, sir. Now then, in looking on that  
23 list, above there is the revenue sharing warrant for  
24 \$3,500 capital outlay, I believe you stated earlier.  
25 Is that correct?

1 A Yes, sir.

2 Q Do you have any idea what that might be for  
3 at this time?

4 A I have to go back and check the claim, but,  
5 evidently, it's either— I would say trailers or some kind  
6 of equipment, but I just can't—

7 Q Some kind of equipment?

8 A Yes.

9 Q Okay.

10 A I can't be sure.

11 Q That's what I would like for you to try to tell  
12 us what that would be, please, sir, whenever you have an  
13 opportunity to review your records. Would you do that  
14 for us?

15 A Yes, sir.

16 Q I believe that list also reflects that Elizondo,  
17 Roberto Elizondo was paid from the County Road and Bridge  
18 Fund. Is that correct?

19 A That's correct. Yes, sir.

20 Q And also Roberto Elizondo?

21 A Roberto? Yes, sir.

22 Q Did you know that one of those gentlemen  
23 happened to be the Court Reporter for the District Court?

24 A Yes, sir.

25 Q Could you explain to me why the Court Reporter's

1 salary would be paid out of the Road and Bridge Fund?

2 A Are you talking about these claims here?

3 Q Yes, sir.

4 A Well, at this time, I didn't know Roberto  
5 Elizondo and he was not a Court Reporter in these years.

6 Q All right. Was he ever a Court Reporter during  
7 that period, those periods of pay sequences that are  
8 reflected by that Document No. 42?

9 A I believe Mr. Elizondo was appointed Court  
10 Reporter some time in September or October of 1973 or  
11 '74. I don't recall.

12 Q Do you know when the Bailiff was appointed?

13 A Tomms?

14 Q Yes.

15 A According to our records, it was some time in  
16 March or April of 1975.

17 Q Prior to that, he worked for the County. Is  
18 that correct?

19 A County? Precinct No. 3. Yes, sir.

20 Q And was paid from the Road and Bridge Fund?

21 A Yes, sir.

22 MR. NABERS: I believe that's all.

23 CHAIRMAN HALE: Mr. Hendricks, the Chair  
24 passed you on the normal routine here, since you were  
25 temporarily out. Do you have any questions?

1 MR. HENDRICKS: Just one or two, Mr.  
2 Chairman.

3 Terry, does he have a copy of this?

4 CHAIRMAN HALE: Is that Exhibit 42?

5 This is Exhibit 42. We have put it in evidence.  
6 Will you mark this entire thing as Exhibit 42. You can  
7 hand him a copy of it, so he will have it. That is the  
8 official copy.

9 BY MR. HENDRICKS

10 Q Do you have the instrument now to which I  
11 was referring, Mr. Hinojosa?

12 A Sir?

13 CHAIRMAN HALE: Let the record show that  
14 he is examining Exhibit 42.

15 Q Would you turn through there and find Arturo  
16 Zertuche and see what the County paid him, and when?

17 A It shows in my records that it was paid in  
18 1970, 1971.

19 Q All right. Are these the complete records on  
20 this individual? I notice in '71, they go through the  
21 first, second, third and fourth months and then it drops  
22 off there and it picks up on the next page with a  
23 Roberto Elizondo in the fifth month and runs through the  
24 end of the year. Could this be an incomplete copy of the  
25 records, or is it a complete copy, or do you know?

1           A     This is a complete copy of the index cards.  
2     They are complete. Yes, sir.

3           Q     They are a complete copy on Arturo Zertuche?

4           A     Yes, sir.

5           Q     And your records reflect that he was paid  
6     County funds on January 12, 1970, February, March, April,  
7     May, June, July, and he got two checks in August of 1970.  
8     Is that correct?

9           A     Yes, sir. He got two checks in August.

10          Q     If he was in school in Denton, from February the  
11     2nd, 1970, until July the 10th of 1970, he couldn't have  
12     been in Duval County employed by the County of Duval,  
13     Precinct 3, could he?

14          A     No, sir.

15          Q     What do your records reflect regarding the  
16     payment to Arturo Zertuche in 1971?

17          A     Well, it shows here that we paid him for the  
18     four months beginning in January of 1971.

19          Q     It shows the payment to him in January,  
20     February, March and April of 1971?

21          A     Yes, sir.

22          Q     If the official records at North Texas State  
23     University in Denton, Texas show that he was in school  
24     from January the 10th, 1971 until August the 14th, 1971,  
25     he couldn't have been in both places at the same time,

1 could he?

2 A I don't think so. No.

3 Q Is Arturo Zertuche a man that— Do you know  
4 where he was born? Do you know him?

5 A No, sir. I don't think I do. I haven't met  
6 Arturo. I don't think I have met Arturo. No, sir.

7 Q You have never met him?

8 A No, sir.

9 Q You don't know whether he was born on October  
10 the 10th, 1946 in Freer, Texas; Social Security No. 449-  
11 78-0163; wife's name, Phyllis R. Zertuche?

12 A No, sir. I sure don't.

13 Q None of that is familiar to you?

14 A No. (The witness shook his head.)

15 MR. HENDRICKS: Thank you, sir.

16 CHAIRMAN HALE: Mr. Kaster?

17 BY MR. KASTER

18 Q Mr. Hinojosa, I have a couple of questions re-  
19 garding these welfare claims that are paid. I believe  
20 you testified that all the rest of them that you have are  
21 just repetitions of the same thing?

22 A It's a repetition except for the amounts.

23 Q The amounts.

24 A It varies \$100 or \$200.

25 MR. KASTER: Would the Sergeant hand this

1 to Mr. Hinojosa.

2 (The document was furnished to the witness.)

3 Q The little slip that came from the store, do  
4 you see that? That first slip there that came from the  
5 Cash Store?

6 A Yes, sir.

7 Q That totals two hundred and something dollars?

8 A \$210.

9 Q Who signed that slip? Can you tell me?

10 A It says "Cash Store, Lauro Yzaguirre."

11 Q And the next one down is?

12 A "\$275, Cash Store, Lauro Yzaguirre."

13 Q The third one?

14 A The third one is not signed.

15 Q Is not signed and has no "Cash Store" or any-  
16 thing? But the slip that is behind it indicates that that  
17 was paid. Right?

18 A Yes, sir.

19 Q Okay. In looking at the number on those slips  
20 that you received from the Cash Store, the red number?

21 A Yes.

22 Q What are the numbers on those three?

23 A 44, 45 and 46.

24 Q So it's 44, 45 and 46?

25 A Yes, sir.



1 Q And there are different dates. There are, what?  
2 August the 6th, August the 10th, August the 20th?

3 A August the 10th, August the 20th, and August  
4 the 6th. Yes, sir.

5 Q Now, in this envelope that I am holding here—  
6 MR. KASTER: I would like to give this to  
7 him.

8 Q —this was the total of all those slips and  
9 somebody issued a check then in payment for all those  
10 slips in there?

11 A Not me. The Commissioners Court approved it.

12 Q They approved it.

13 Does it indicate which Commissioner approved  
14 these? Or how do you know who approved these?

15 A This authorization was signed by Mr. Ramiro  
16 Carrillo.

17 Q Okay. The Commissioner approved payment.

18 A Of Precinct 3.

19 Q Of Precinct 3 for all of those.

20 MR. KASTER: I know those are the official  
21 records, but, Mr. Chairman, I would like to have  
22 one of those, one of that set—and that set right there  
23 that we have been discussing entered into evidence, if it's  
24 all right. I don't think there is any need to tie up all  
25 of them. Can we make copies? How many did he bring?

1 Q Mr. Hinojosa, how many of those did you bring?

2 CHAIRMAN HALE: Will you yield to the  
3 Chair just a moment?

4 MR. KASTER: Yes.

5 BY CHAIRMAN HALE

6 Q These are your official, Mr. Hinojosa?

7 A Yes.

8 Q These welfare, pieces of paper have marked  
9 "Deval County Welfare," these are your official records.  
10 Is that correct?

11 A Yes, sir.

12 Q You would need to take these back with you?

13 A Yes, sir. These are my original claims, for  
14 records.

15 CHAIRMAN HALE: The Chair is going to have  
16 photocopies for every member of the Committee and then we  
17 will introduce the photocopies, rather than the originals.

18 MR. KASTER: That's fine.

19 (Discussion off the record.)

20 (The document referred to was  
21 marked "Exhibit-43" for  
22 identification.)

22 CHAIRMAN HALE: Exhibit 43 has been iden-  
23 tified and the Clerk will get copies of it for all  
24 members of the Committee and interested parties. Then the  
25 Chair will permit one of the photocopies to remain with

1 the Clerk as the official exhibit and allow Mr. Hinojosa  
2 to take his original copies back with him. You may  
3 proceed, Mr. Kaster.

4 BY MR. KASTER

5 Q Now, Mr. Hinojosa, do you have a copy of the  
6 check that was used to pay this particular warrant that  
7 we introduced in evidence, which was in August of 1973,  
8 which would total \$730 to the Cash Store?

9 MR. KASTER: I would like a copy of that  
10 entered in evidence, then.

11 A \$735.

12 MR. KASTER: Okay. I would like that  
13 entered also.

14 CHANDLER HALE: Let's let the Court Reporter  
15 mark it.

16 (The copy of the check was  
17 marked "Exhibit-66" for  
18 identification.)

18 Q Now, moving on to this list that you furnished  
19 us earlier with, it's about ten or eleven pages. It  
20 says "Schedule of Automobiles"?

21 A Yes, sir.

22 Q Does the County own these vehicles?

23 A I can only tell you that I believe you will  
24 find some automobiles dating back to 1961 that I  
25 believe that are in the junk pile. I am not sure, you

1 know. They never tell me.

2 Q Supposedly, at some time, these are lists that  
3 the County owns or has owned?

4 A Yes, sir. We have the titles in the office.

5 Q Okay. I am interested in knowing and I don't  
6 know the page. It's about the third from the back of the  
7 list, on page 9, if you start from the front. There are  
8 two 1974 Ford-LTD's on that particular page, the page I  
9 am looking at. Do you see those?

10 A Yes, sir.

11 Q It's a serial or identification number of  
12 6638 and 6639?

13 A That's the last digits of the motor number.

14 Q Of the motor number?

15 A Yes, sir.

16 Q Do you know who drives those two LTD's?

17 A I believe every Commissioner has a new auto-  
18 mobile and the Sheriff's Department has a couple of  
19 automobiles, 1970 Fords.

20 Q Okay. Now, turning to the last page, you  
21 previously answered to Mr. Maloney that the 1974 Cadillac  
22 El Devado was probably driven by the County Judge or the  
23 ex-County Judge. Now, I would assume that the '74 Ford  
24 LTD 9643 could have been another Commissioner driving that  
25 one?

1 A It could have been one of the Commissioners. Yes,  
2 sir.

3 Q What about the 1973 Ford Thunderbird, with the  
4 identification number 0506?

5 A I don't remember anything about that Thunderbird.  
6 No, sir.

7 MR. KASTER: I believe that's all, Mr.  
8 Chairman.

9 CHAIRMAN HALE: Mr. Donaldson?  
10 BY MR. DONALDSON

11 Q What period of time does this schedule cover?  
12 What year?

13 A I believe this is the end of 1974.

14 Q Is each one of these a separate year? Is this  
15 a total list of all vehicles insured for the year '74?

16 A Yes, sir. 106 vehicles. I imagine they have  
17 heavy equipment in there also.

18 Q All of these were insured for '74?

19 A Yes, sir.

20 Q Do you have any records that you could look to  
21 and tell us to whom or to which precinct each item of  
22 equipment on here is assigned?

23 A No, sir. We don't have an inventory and I  
24 couldn't tell you who drives.

25 Q You don't know who hits them?

A Sir?

1 Q You don't know who has them?

2 A No, sir.

3 Q You have no way of finding out from your  
4 records there in your office?

5 A No, sir. We don't have an inventory. They just  
6 buy them and I guess we pay for them, the office, the  
7 Commissioner.

8 Q Do you know if they are even still there?

9 A Well, like I told Mr. Handricks, I am more than  
10 sure that some of these automobiles are not running, any-  
11 more, you know. They are '61s and '62s. I don't think they  
12 have these automobiles in service.

13 Q Whose responsibility is it to know whether they  
14 should be insured or not?

15 A Well, I guess the company that insures the  
16 vehicle just takes the information from the titles we  
17 have in the office, the titles to the automobiles. No-  
18 body knows who drives what car or anything.

19 Q But you never make an inventory of any kind?

20 A No, sir.

21 Q Do you know this Rafael Garcia?

22 A Yes, sir. I do.

23 Q What does he do? Is he an insurance agent?

24 A He has an insurance agency in San Diego.

25 Yes, sir.

1 Q Who is he kin to?

2 A Sir?

3 Q Is he related to you?

4 A No, sir.

5 Q Is he related to Judge Carrillo?

6 A Not that I think so. No, sir.

7 Q Is he related to any other county official,  
8 that you know of, or to any county official, I beg your  
9 pardon.

10 A I don't think he is related to any one of the  
11 administration. I don't think so. No, sir.

12 Q Now, on this Exhibit 39, you have listed rental  
13 equipment as of May 27, '75.

14 Some of those items of equipment or vehicles,  
15 some of those are shown on this schedule as being insured  
16 by the County?

17 A Yes, sir.

18 Q Others on the rental list are not shown to be  
19 insured. Would you know where those vehicles are insured?

20 A I can't tell you what model. Are they brand new?

21 Q Well, I see a '74 Ford Station Wagon that's  
22 rented, not shown on this schedule as being insured.

23 A I have some new equipment that I imagine will  
24 be in the next billing for the insurance.

25 Q Below that, there are two new '74 Fords that

1 are shown as being insured.

2 A Oh.

3 Q I know that there were several payments made  
4 to Zertuche General Store during 1971 for an item coded—  
5 I believe it's 29. Is that "truck hire"?

6 A Yes, sir. It's rental or truck hire. Yes.  
7 Or tractor hire, truck, or whatever it is. Yes, sir.

8 Q Let me ask you this: When you issue a warrant  
9 payable to Zertuche General Store, or when you did,  
10 currently, I believe there are some similar payments  
11 being made to Benavides Implement and Hardware Company  
12 for the same type of truck hire equipment rental or  
13 whatever.

14 When you make that payment, are you able to  
15 identify the equipment that was rented or leased for the  
16 period paid?

17 A Well, usually, it's just an invoice stating  
18 "rental on tractor" or with no serial numbers or anything.

19 Q I presume that this is an invoice that would  
20 be signed by the Commissioner of the Precinct that rented  
21 the equipment?

22 A Well, I imagine it would have his okay. Yes,  
23 sir.

24 Q They just okay these invoices at their regular  
25 Commissioners meeting, don't they, and then they bring



1 them to you and you issue warrants in payment?

2 A Yes, sir.

3 Q Once they have been stamped and approved by  
4 the Commissioners Court?

5 A Yes, sir.

6 Q Do you all keep those invoices?

7 A Yes, sir. We should have them, unless they are  
8 subpoenaed by the IRS. I guess the only thing I kept  
9 in the office was where I had the cross index cards to find  
10 the claims, but most of this information was subpoenaed.

11 Q But your records are kept in such a manner that  
12 you could take a claim number 1749 on a certain date and  
13 you could go back and find the supporting invoice that  
14 was approved by the Commissioners' Court?

15 A That is the purpose, yes, sir, of having this  
16 card so I can find the claims where I have them filed.  
17 Yes.

18 Q Do you have some of those claims with you?

19 A I have some of them. Yes, sir.

20 Q What years?

21 A They are just the samples for '73 and '74, and  
22 maybe a few of 1975.

23 Q Do you have any for 1971?

24 A No, sir. I don't have anything for 1971.

25 Q You say you have some for 1973?

1 A Yes, sir.

2 Q Did you just pull some out at random for 1973?

3 A Yes. Just at random.

4 MR. DONALDSON: If I could, I would like  
5 to look through those for 1973, Mr. Chairman, and pass  
6 while I am looking through them.

7 CHAIRMAN HALE: All right. That will be  
8 fine.

9 Mr. Laney?

10 MR. LANEY: Pass.

11 CHAIRMAN HALE: Ms. Thompson?

12 MS. THOMPSON: I'll pass, too.

13 CHAIRMAN HALE: Ms. Waddington?

14 I believe she's temporarily absent.

15 Mr. Chavez?

16 BY MR. CHAVEZ

17 Q Mr. Hinojosa, you were here the last night  
18 that Mrs. Yanguirra testified?

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

20 Q You remember that she said that Cleofas  
21 Gonzalez would leave slips and get them signed there at  
22 the grocery store and not pick up any groceries?

23 A I believe I did hear that testimony. Yes, sir.

24 Q And you heard Tomas Elizondo also say that  
25 Judge Carrillo gave him a list of groceries and he would

1 get the groceries for the Judge at the Cash Store?

2 A When Roberto and Tomas testified, I was told  
3 to leave the room, so I didn't hear the testimony.

4 Q All right. Well, let me tell you what I wrote  
5 down from that testimony. Tomas Elizondo testified that  
6 Judge Carrillo would give him a list of groceries and that  
7 he would go to the store, the Cash Store, and get the  
8 groceries and sign Judge Carrillo's name by him, and that  
9 these would then, at the end of the month, would be  
10 submitted on a claim to be paid by the County.

11 Have you ever seen any of those slips?

12 A No. I don't think I have. No, sir.

13 Q Do you check them over, yourself, all those  
14 slips, before you pay the claims?

15 A The only thing I get in the office is what  
16 you saw a few minutes ago: the orders from the Commis-  
17 sioners and those slips of names.

18 Q Well, you get the slips, but you don't check  
19 them out to be sure they are correct or not?

20 A I checked them for corrections in the amounts,  
21 only.

22 Q In the amounts?

23 A Yes.

24 Q But you don't check to see for whom those  
25 groceries are for?

1 A No, sir. I don't.

2 Q If some of those names are fictitious names,  
3 you don't have any way of knowing that?

4 A I wouldn't know. No, sir. I wouldn't have an  
5 idea.

6 Q Don't you think that as many years as you have  
7 been there, that if somebody signed Judge Carrillo's  
8 name on one of those slips, that you would not have  
9 noticed that?

10 A Well, may be. Yes, sir.

11 Q Well, have you ever noticed it?

12 A No, sir. I haven't.

13 Q Okay. You heard Mrs. Yzaguirre testify that  
14 she had been told that Judge Carrillo had an allowance of  
15 \$300 a month.

16 A I heard that testimony. Yes.

17 Q Is that true?

18 A I don't know. No, sir.

19 Q Did you ever receive any instructions from  
20 the County Clerk or the County Judge or anybody telling  
21 you that there was such an allowance for the Judge?

22 A No, sir. I never received instructions to  
23 that effect. No, sir.

24 Q Would anybody in your office have knowledge  
25 of this fact?

1           A     Well, the only one working there is myself,  
2     so I—except the boss, you know and he's not acquainted  
3     with the work in the office.

4           Q     Although he's the boss, he's not there from  
5     day to day?

6           A     Well, he goes there every day, but he's about  
7     74 years old and he more or less just—

8           Q     Did Cleofes Gonzalez ever go to you to get  
9     the slips to give out to the people?

10          A     No, sir. No, sir.

11          Q     Who has those slips? The County Commissioners?

12          A     You are talking about the ones that Mrs.  
13     Yanguirre—I never did see any of those slips. They  
14     never brought them to the office. The only things they  
15     bring to the office are the purchase orders that are  
16     furnished in the claims. Yes, sir.

17          Q     The purchase order is that white paper signed  
18     by the Commissioner?

19          A     Yes, sir.

20          Q     And then they attach it to the charge slip?

21          A     Yes. Uh huh.

22          Q     On some of these charge slips, they have about  
23     five or six names all on the same day. There was nothing  
24     unusual about that, about five or six people going to  
25     buy groceries all at the same time?

1           A     Yes, sir. There are a lot of things unusual,  
2 but my only duty is to prepare the claims for  
3 correctness and let the Commissioners approve or  
4 disapprove these claims. That's the only thing I can do.

5           Q     Okay. Even if you thought there was something  
6 wrong with any one of these charge slips, you didn't  
7 say anything. If the County Commissioner told you to pay  
8 it; you paid it?

9           A     Well, to me, the Commissioners Court is the  
10 governing body and I have no sayso. The only thing I  
11 can do is just prepare the claims and let them approve  
12 them or disapprove them, whichever.

13                   MR. CHAVEZ: That's all.

14                   CHAIRMAN HALE: Mr. Hendricks has some  
15 more questions, Mr. Hinojosa.

16 BY MR. HENDRICKS

17           Q     You do have in your possession certain copies  
18 of county warrants. Is that correct, Mr. Hinojosa?

19           A     Yes, sir.

20           Q     Do you have a copy of a warrant No. 1838 dated  
21 June 24, 1974, payable to the factory outlet building  
22 materials in the amount of \$878.90, drawn on the Road  
23 and Bridge Fund of Precinct 3, Duval County?

24           A     For 1973?

25           Q     1974, June 24, 1974.

1           A     878. I have the claim for that.

2           Q     All right. What claims were turned in concern-  
3     ing this payment to the Factory Outlet Building Materials?  
4     Also, while you are there, look up No. 2168, dated 15  
5     November '74, payable to the Factory Outlet Building  
6     Materials in the amount of \$3,714.06 and one payable to  
7     the Factory Outlet Building Materials, No. 2610, dated  
8     December 23, 1974, in the amount of \$689.29.

9                     Let's start at the top and tell us what that  
10  \$878.90, what the claims were that were turned in to the  
11  Factory Outlet Building Materials.

12          A     Well, there are itemized invoices.

13          Q     Would you read them off to us, please, sir?

14          A     Their invoice No. 19137 for— I just can't make  
15  out some of the writing on some of these invoices. It  
16  looks like materials, lumber and—

17                     MR. CANALES: Do you want to see it?

18          Q     May I see that, please, sir?

19                     While I am looking at this, will you look up  
20  the invoice on Check No. 2168 in the amount of \$3,714.06,  
21  dated November 15th, 1974.

22                     Do you know of anyone that might interpret  
23  this invoice for us, Mr. Hinojosa?

24          A     I didn't understand the question.

25          Q     Do you know of anyone who might be able to tell

1 us just what this invoice says, there are some abbrevia-  
2 tions; quite a bit of lumber and building materials.

3 A I believe the clerk working in the Factory  
4 Outlet that prepared the invoice, they use a lot of  
5 numbers and codes.

6 Q You don't know what the Precinct 3 had to  
7 build during the months of June and November and December  
8 of '74 that would amount to this much money, do you?

9 A No, sir. I don't.

10 Q Do you have any idea where the Commissioner of  
11 Precinct 3 might use 88 sheets of 4 x 8 quarter inch  
12 rustic pecan paneling in his precinct?

13 A I don't have an idea. No, sir.

14 Q They don't put that on roads and bridges? They  
15 don't use that inside interior paneling, do they?

16 A No, sir.

17 Q Have you got any idea where he might be  
18 using ship lap?

19 A No, sir. I don't.

20 Q Or door knobs?

21 A No.

22 Q Or interior door jambs, or three exterior  
23 door frames?

24 A No, sir.

25 Q That sounds like somebody might be building a



1 house, doesn't it?

2 A It looks that way.

3 Q Huh!

4 MR. HENDRICKS: Mr. Chairman, I'd like to  
5 have these introduced into evidence. And I would also  
6 like for him to pull the invoices on Draft No. 2610,  
7 payable to the Factory Outlet Building Materials.

8 (The invoices referred to were  
9 marked "Exhibit-48" through  
"Exhibit-48" for identification)

10 Q Did you find the invoices on Draft No. 2610  
11 there, Mr. Hinojosa?

12 A I gave them to Mr. Canales.

13 Q Is there some more shiping and paneling in  
14 that and door jambz and interior door casings and so on  
15 and so forth? Can you look through there and tell?

16 A No has them over there.

17 Q Excuse me. To your knowledge, there are not  
18 any bridges down there that are paneled, are there, Mr.  
19 Hinojosa?

20 A No, sir.

21 CHAIRMAN HALE: Wait just a minute. The  
22 Court Reporter can't take this down while he's marking  
23 an exhibit.

24 Q Mr. Hinojosa, what is Buddys, D-u-d-d-y-s, of  
25 Texas? Do you have any idea?

1 A Yes, sir.

2 Q What is that?

3 A It's a tire company from Houston, Texas.

4 Q That is a tire company from Houston. All right,  
5 sir. You can pass that one up.

6 I notice two drafts here payable to the City  
7 Electric Company, but I don't see one for every month.  
8 Do you have to pay the electric bill every month or just  
9 every once in a while down there?

10 A That's not an electric bill, sir.

11 Q What is that for?

12 A It is a bill submitted for electrical repairs.

13 Q Do you have the invoices on three drafts in May,  
14 June and November of '74 to the Alice Concrete Company,  
15 one numbered 1344, one 1887 and one 2207?

16 A Yes, sir. I do.

17 Q May I examine one of them, please, sir?

18 You have no personal knowledge where all this  
19 concrete went, do you, Mr. Hinojosa?

20 A I have no idea. No, sir.

21 Q All right. Then we come to another supply company,  
22 Phoenix Supply Company. I find five county warrants in  
23 here payable to the Phoenix Supply Company. What is the  
24 Phoenix Supply Company?

25 A That is a store in Corpus Christi that sells

1 hardware, like barbed wire, angle iron. I have the  
2 invoices.

3 Q May I examine the invoices? There are five  
4 checks. One of them is \$936.00; one for \$1,279.67; one  
5 for \$3,250; one for \$1,755; one for 1,542.27.

6 This one says it is \$936.00 worth of barbed  
7 wire. I am asking for my own knowledge and information—  
8 I do not know. Do the Commissioners fence their pre-  
9 cincts down there?

10 A No.

11 MR. CHAVEZ: Since the road is in.

12 Q Where would this barbed wire go to in Precinct  
13 3 in Duval County?

14 A The only thing I know, sometimes they have to  
15 fence a little piece of road that procures the right-of-  
16 way for a farm road. But I can't tell you what they do  
17 with the supplies, actually.

18 Q Well, \$936 worth is more than just a little  
19 gap that the might knock down, isn't it?

20 A I imagine it runs to about 50 spools.

21 Q This says, "Quantity, 3,150 at \$45 each." Is  
22 that correct?

23 A I believe that's about right.

24 Q Anyway, it is a lot of barbed wire, isn't it?

25 A Yes, sir.

1 MR. HENDRICKS: I would like this intro-  
2 duced into evidence. It and the contents.

3 CHAIRMAN HALE: All right. The Court  
4 Reporter will mark this "Claim A-482," Claim, Phoenix  
5 Supply Company, the entire envelope and contents.

6 (The envelope referred to was  
7 marked "Exhibit-49" for  
8 identification.)

9 CHAIRMAN HALE: The Court Reporter has  
10 marked his Exhibit 49, Claim A-482, a Claim of Phoenix  
11 Supply Company in the amount of \$936. The Exhibit 49  
12 consisting of an envelope and three pages of other  
13 material, which will be photocopied for the Committee.

14 Mr. Hendricks, you may proceed.

15 Q Looking at the invoices on Draft No. 1432 which  
16 is in the amount of \$1,279.67, it shows \$612.50 more of  
17 barbed wire for Precinct 3 down there in Duval.

18 Did you all have a big rain and washed a bunch  
19 of gaps out or something?

20 A Not that I know.

21 Q What would they do down there with 160 feet of  
22 angle iron, No. 20 feet angle iron, two by a quarter, or  
23 two by two by a quarter?

24 A I don't know what they use it for.

25 Q And 80 feet of angle iron, No. 40, four by three  
by a quarter?

1 A Again, I couldn't tell you. No, sir.

2 Maybe gates, but I am not sure.

3 Q All right. 20 feet of angle iron, No. 44 by 3  
4 by a quarter.

5 A I couldn't tell you, no, sir.

6 Q All right. On that same invoice, we've got  
7 80 feet of No. 40 angle iron, two by two by three-sixteenth;  
8 80 feet, No. 40, two and a half by two and a half by  
9 three-sixteenth; 20 feet, of No. three-inch channel by  
10 20 feet. What is "channel"? What is that? What do you  
11 make out of that?

12 A I don't have any idea. I am not familiar with  
13 this material.

14 Q Then he's got 40 feet of seven-inch channel  
15 by 40 feet.

16 CHAIRMAN HALE: The Court Reporter will  
17 mark this for identification.

18 (The invoice referred to was  
19 marked "Exhibit-30" for  
identification.)

20 CHAIRMAN HALE: The Court Reporter has marked  
21 as Exhibit 30 Claim No. A-882, a Claim of Phoenix Supply  
22 Company, consisting of \$1,279.67. Exhibit 30 consisting  
23 of an envelope and six pages of contents, purporting to  
24 be about six separate invoices.

25 You may proceed, Mr. Hendricks.

1 Q Mr. Hinojosa, I then have a Duval County  
2 warrant No. 1529 in the amount of \$1,542.27, also payable  
3 to Phoenix Supply Company, dated about one month after  
4 the last warrant. It has in it \$241 worth of angle iron;  
5 \$294 worth of rebar. What is rebar? R-e-b-a-r? Do you  
6 know?

7 A I don't have an idea. No, sir.

8 Q Mr. Hinojosa, on the 23rd of October, 1974, there  
9 is a \$3,250 check, made payable to the Phoenix Supply  
10 Company from Duval County, Precinct 3. And it has \$1,625  
11 worth of barbed wire on it. Have you any explanation  
12 of this?

13 A No, sir.

14 Q Is there any explanation of it?

15 A No, sir. They just bought that barbed wire.

16 Q How long have you been employed by Duval County?

17 A I have been in the office 20 years.

18 Q Have you ever seen any precinct or all the  
19 precincts combined use this amount of barbed wire, other  
20 than Precinct 3?

21 A The only thing I have seen is where they buy  
22 it, I mean the invoice.

23 Q Also, on the same voucher and dated a week  
24 earlier, same invoice, is another \$1,625 worth of barbed  
25 wire?

1 A Yes, sir.

2 Q Was there any question, to your knowledge, ever  
3 raised by the Commissioners Court of Duval County before  
4 these payments were made?

5 A No, sir. I just presented them for payment to  
6 the Commissioners.

7 Q I know. You just receive your orders and you  
8 pay them.

9 A Yes.

10 Q But to your knowledge, was any question every  
11 raised about many thousand dollars worth of barbed wire  
12 over a period of just a few months down there?

13 A No, sir. Nobody said anything about it, that  
14 I can recall.

15 Q Well, in addition to all that, this one  
16 draft in October of '74 had over \$3,000 worth of barbed  
17 wire in it?

18 A Yes, sir.

19 Q Do you think somebody might be fencing a ranch  
20 down there, Mr. Hinojosa?

21 A It could be. I don't know.

22 Q The very next month, Draft No. 2209---

23 CHAIRMAN HALE: Mr. Hendricks, if you  
24 would yield to the Chair just a moment.

25 MR. HENDRICKS: All right.

1 CHAIRMAN HALE: Let's get this one marked,  
2 if you want to put it into evidence. Will the Court  
3 Reporter mark this exhibit?

4 (The claim referred to was  
5 marked "Exhibit-51" for  
6 identification.)

7 CHAIRMAN HALE: Exhibit 51 has been  
8 offered into the record, which is Claim No. A-2370,  
9 a claim of Phoenix Supply Company for \$3,250, Exhibit 51  
10 consisting of an envelope and six pages of contents  
11 purporting to be several invoices.

12 Mr. Hendricks, you may proceed.

13 Q Just one further matter, the very next month,  
14 in November of '74, also payable to the Phoenix Supply  
15 Company, your invoice shows Duval County paid Phoenix  
16 Supply Company \$1,755 for barbed wire.

17 Any comment on that?

18 A No, sir. We paid them \$1,700 for barbed wire  
19 again in November.

20 MR. HENDRICKS: I would like to introduce  
21 this other barbed wire into evidence, Mr. Chairman, and  
22 I pass the witness.

23 CHAIRMAN HALE: Will the Court Reporter  
24 mark this for an exhibit?

25 (The claim referred to was  
marked "Exhibit-52" for  
identification.)



1                   CHAIRMAN HALE: The Reporter has marked  
2 Exhibit 52, being Claim No. A-2700, Claim of Phoenix  
3 Supply Company for \$1,755. Exhibit 52 consisting of  
4 an envelope and three pages of contents purporting to be  
5 invoices.

6                   Would you hand that to the witness.

7 BY CHAIRMAN HALE

8                   Q     Mr. Hinojosa, the Chair has handed you two  
9 pages of photocopies which purport to be lists of  
10 warrants. Would you look over those two pages and see if  
11 you can identify what the contents thereof and tell us  
12 what that is?

13                  A     These are claims paid to the Plains Machinery  
14 Company in Corpus Christi, Texas.

15                  Q     What is the Plains Machinery Company?

16                  A     Plains Machinery sells heavy equipment, like  
17 graders and bulldozers, all kinds of heavy equipment.  
18 They either sell it or lease it on a rental basis.

19                  Q     Is that a correct list, to your knowledge,  
20 of disbursements made by Duval County to the Plains  
21 Equipment Company?

22                  A     It is. Yes, sir.

23                  Q     Did you prepare that list or was it prepared  
24 in your office?

25                  A     This photograph?

1 Q The original. That is simply a photocopy that  
2 the Chair has handed you. But it's a photocopy of an  
3 original which exists somewhere.

4 A Yes, sir. It was prepared in my office. Yes,  
5 sir.

6 Q Do you know what those disbursements were  
7 for?

8 A Well, for repairs, machinery rental. It looks  
9 mostly for machines that they rent and repairs to machinery,  
10 for different precincts and the County Shop.

11 Q Would that include all the precincts?

12 A Yes, sir. I see Precinct 2, 4, 1 and 3. Yes,  
13 sir.

14 Q How do you identify that, by the code numbers?

15 A Yes, sir. This code number here, this 314 and  
16 329. That designates Precinct 3. If it is 229, it is  
17 Precinct 2.

18 CHAIRMAN HALE: Thank you.

19 Would you hand that to the Court Reporter and  
20 let me him mark that as Exhibit 53.

21 (The list referred to was  
22 marked "Exhibit-53" for  
23 identification.)

24 CHAIRMAN HALE: The Court Reporter has  
25 marked as Exhibit 53 two pages of material which purport  
to be simply a list of claims and warrants issued by

1 Duval County to Plains Machinery Company over a period  
2 of time beginning in January '74 and ending in March of  
3 1975.

4 Are there further questions of this witness?

5 MR. CHAVEZ: Yes.

6 CHAIRMAN TOOLE: Mr. Chavez has some  
7 further questions.

8 BY MR. CHAVEZ

9 Q Mr. Hinojosa, during the months of October,  
10 November and December of last year, was Archer Parr still  
11 the County Judge?

12 A Yes, sir. He was.

13 Q He was kind of the boss there, wasn't he?

14 A I can only say that he was County Judge and  
15 they have the four Commissioners presiding with him.  
16 Yes, sir.

17 Q And in connection with the purchases of the  
18 lumber for residences, barbed wire and fence posts and  
19 stuff, is it not also possible that some of these might  
20 have been used by him?

21 A I don't have an idea, Mr. Chavez. I really  
22 don't.

23 Q You are not saying that any particular person  
24 made themselves available to this lumber, wire and fence  
25 posts?

1           A     I wouldn't know. No, sir.

2                     MR. CHAVEZ: All right. Thank you.

3                     CHAIRMAN HALE: Thank you.

4                     Are there further questions?

5                     Mr. Maloney has further questions.

6 **BY MR. MALONEY**

7           Q     Mr. Hinojosa, who is the County Treasurer?

8           A     Mr. Manuel Solis.

9           Q     Solis. How long has he been the County  
10 Treasurer?

11          A     I believe since 1960 or '61.

12                     MR. MITCHELL: Mr. Chairman, excuse me for  
13 interrupting— Would it be possible to have all of these  
14 vouchers, invoices and drafts reproduced so that I can  
15 make an effort to prove, at least to Mr. Hendricks'  
16 satisfaction where all this barbed wire went in view of  
17 the fact this was a Parr court, up until very recently?

18                     CHAIRMAN HALE: Mr. Mitchell, if you are  
19 inquiring about the ones that were put in evidence here?

20                     MR. MITCHELL: No, sir. All of them,  
21 because I am going to want— I'd like to have those,  
22 particularly if the Committee grants my permission to  
23 have Mr. Parr subpoenaed and brought up here. I think  
24 maybe I can run some of that barbed wire down.

25                     CHAIRMAN HALE: The Chair has instructed

1 the Clerk to provide you with copies of everything that  
2 we photocopy here, Mr. Mitchell, and what's put in  
3 evidence.

4 MR. MITCHELL: I have, for the Chairman's  
5 information, only Exhibit 44, out of 44 exhibits. It's  
6 been very difficult for me to follow the testimony. I  
7 would like to have all of them, if I could, for the  
8 purpose of cross examining or direct examination of  
9 some of the witnesses that I have subpoenaed, particular-  
10 ly, as Mr. Chavez established through his questioning  
11 that this was a Parr Commissioners Court. And as the  
12 Committee knows, the Commissioners Court is presided over  
13 by the County Judge, who was Mr. Parr.

14 MR. CANALES: Mr. Chairman, on the question  
15 of Mr. Mitchell, if I may direct it to the Chair: Are  
16 we to assume that this is the Carrillo Commissioners  
17 Court now? He was referring to the Parr Commissioners  
18 Court.

19 MR. MALONEY: Point of order. We are  
20 getting off the subject, of this Committee right now.

21 CHAIRMAN HALE: Point of order is well  
22 taken. We are only concerned here, gentlemen, with  
23 attempting to determine whether or not there is any basis  
24 for proceeding with charges against Judge Carrillo. The  
25 Chair doesn't intend to permit this to get into or develop

1 into a trial, either of Judge Carrillo, or anyone else.  
2 That's not the purpose of this inquiry at all. It is  
3 certainly outside the scope of the authority of this  
4 Committee.

5 This Committee is functioning, Mr. Mitchell,  
6 as you are well aware, in a comparable situation to a  
7 Grand Jury. If this were a Grand Jury proceeding, you  
8 would not even be allowed to hear the testimony. You  
9 would not be given any of the exhibits. The Chair is  
10 trying to be overly fair to you and to your client. I  
11 have instructed the Clerk to provide you with photocopies  
12 of all exhibits that are introduced in evidence. Beyond  
13 that, as far as getting all of these records and providing  
14 you with copies of it, it occurs to the Chair, absent  
15 some other decision by the Committee, that that would  
16 certainly be going pretty far afield, as far as our  
17 function is concerned.

18 MR. MITCHELL: The innuendo is obvious  
19 and that is that everything that has been purchased  
20 through these invoices, Judge Carrillo purchased, until  
21 it was established that that Cadillac was owned by Mr.  
22 Parr. They already established that Mr. Manges gave him  
23 one, so it raises the question in my mind, naturally,  
24 that perhaps someone else used this barbed wire.

25 CHAIRMAN HALE: It seems to the Chair that

1 your job, if you intend to offer evidence, that it is  
2 not to prove where the barbed wire went, but simply to  
3 prove to our satisfaction it did not inure to the benefit  
4 of Judge Carrillo. When you have done that, you have  
5 done your job very capably, Mr. Mitchell.

6 We are not concerned with who got the barbed  
7 wire, if it went to someone other than Judge Carrillo,  
8 or insured to his benefit.

9 MR. MITCHELL: That is what I was trying  
10 to do, Mr. Chairman. I was trying, if I could, to take  
11 the rest of these invoices and establish where that  
12 material went.

13 CHAIRMAN HALE: How do you expect to  
14 establish where it went from the invoices?

15 MR. MITCHELL: Well, the invoices, the  
16 purchases and the checks would demonstrate--if I can  
17 get the witnesses up here that I want to subpoena, that  
18 they will say, "Yes, this barbed wire went on my ranch  
19 back in October of last year, or September." It will  
20 certainly establish, to the Committee's satisfaction  
21 that it didn't go on my client's.

22 CHAIRMAN HALE: What pertinence would  
23 these other invoices have on that?

24 MR. MITCHELL: They have been selected,  
25 obviously, and I would like to see them all out of

1 fairness to the record.

2 CHAIRMAN HALE: The only thing that's in  
3 evidence are the ones that we have offered as exhibits.  
4 It occurs to me that you are unduly concerned about any-  
5 thing else that's not before the Committee.

6 Mr. Donaldson?

7 MR. DONALDSON: Mr. Chairman, I am not  
8 sure what the procedure is getting to be here. This  
9 Committee, as far as I am concerned, I know is not going  
10 to be acting in any regard on any window or anything  
11 else. And if we get to the point that we feel like we  
12 need testimony as to where the barbed wire went, well, I  
13 think that's for the Committee to decide. If it becomes  
14 an issue of this Committee, we'll seek additional  
15 evidence on it, if we feel that we need it. I think the  
16 whole discourse at this point in time is uncalled for  
17 and I think we ought to go ahead and proceed.

18 CHAIRMAN HALE: Mr. Mitchell, the Chair  
19 has instructed the Clerk to provide you with photo-  
20 copies of everything offered as an exhibit here before  
21 the Committee so that you will have copies of everything  
22 that the Committee has copies of. Beyond that, it occurs  
23 to me, at least at this time, absent some showing of  
24 pertinence to the nature of our inquiry, that it would  
25 be unnecessary to go any further into these records.



1                   Is there any other comment by any Member of  
2 the Committee?

3                   Mr. Chavez?

4                   MR. CHAVEZ: Mr. Chairman, haven't we,  
5 ourselves, gone into some things that probably are not—  
6 I have been listening to all this testimony and all these  
7 questions, but I fail to see how it is relevant to any  
8 charges that might be brought against Judge Carrillo,  
9 but, nevertheless, we keep on going into it. I could  
10 see myself over there in Mr. Mitchell's seat and if the  
11 Committee keeps going into these things, apparently— He  
12 doesn't know what we are thinking. He might be thinking  
13 that we are inferring or believing that these materials  
14 were purchased for the benefit of Judge Carrillo. Well,  
15 if I were in his position, I would like to also show  
16 that it didn't go to him.

17                   CHAIRMAN HALE: He can certainly show that  
18 at the proper time, Mr. Chavez. But, it occurs to the  
19 Chair that the reason for all these exhibits at this  
20 time is because we have the official here who has custody  
21 of these records. The Chair has assumed that different  
22 members of the Committee wanting to put some of these  
23 documents into evidence, in the hopes that they would  
24 be pertinent to other witnesses who are testifying.  
25 We will not have these records available here at other

1 times.

2 If the evidence doesn't tie together, of course,  
3 then the Committee should disregard these exhibits for  
4 any material purpose to this inquiry, unless some witness  
5 is able to tie it in to Judge Carrillo.

6 Certainly, it's of no concern to this Committee  
7 how much barbed wire Duval County purchased. Our only  
8 concern is, did they purchase the barbed wire and did  
9 that inure to the benefit of Judge Carrillo. If so,  
10 then it's within the concern of this Committee. Other-  
11 wise, this Committee, it occurs to the Chair, could care-  
12 less how much barbed wire Duval County buys.

13 Are there any other questions or comments?

14 (No response.)

15 CHAIRMAN HALE: Mr. Hinojosa—

16 A Yes, sir.

17 CHAIRMAN HALE: —on behalf of the  
18 Committee, the Chair thanks you very much for your  
19 appearance before the Committee.

20 The Chair still has these two claims that I  
21 want to get photocopied, so if you will stand by until  
22 we can do that. The Clerk is photocopying some other  
23 material.

24 The Chair has instructed the Clerks before,  
25 but we apparently haven't done it, that every time we

1 photocopy some of these exhibits, I want a copy for  
2 every member of the Committee, that's eleven copies;  
3 I want a copy to go to Mr. Johnson, the counsel of the  
4 Committee; a copy to Mr. Canales; and a copy to Mr.  
5 Mitchell.

6 Mr. Habers?

7 Unless there is some objection, Mr. Habers,  
8 I see no reason why not.

9 Mr. Habers has suggested that the additional  
10 material that members of the Committee have asked Mr.  
11 Hinojosa to provide the Committee— I believe, Mr.  
12 Hendricks, in your interrogation, you requested him  
13 to supply further documentation, and I believe Mr. Habers  
14 requested you to supply further documentation.

15 Do you have a list of those things, Mr.  
16 Hinojosa?

17 A I have a request from Mr. Maloney, I believe,  
18 for the Claim Deed 693, Farm and Ranch, and I believe  
19 they want all the claims paid to the Cash Store from  
20 1973 to 1975 up-to-date.

21 MR. MALONEY: Mr. Chairman, it is my  
22 understanding that he had no drafts— I mean the Federal  
23 Government had everything back of '73. That's the reason  
24 I made my request, if he has anything back of '73 that was  
25 paid to the Cash Store, I would like to have it. But as

1 I understand it, all the records he has go from '73  
2 forward. Is that correct, Mr. Hinojosa?

3 A That is correct. Yes, sir.

4 CHAIRMAN HALE: All right. Does Mr.  
5 Hinojosa now have on his list there all the documentation  
6 that each member of the Committee has requested?

7 MR. HABERS: I had requested two things,  
8 Mr. Chairman.

9 CHAIRMAN HALE: Will you identify it for  
10 him, Mr. Habers?

11 BY MR. HABERS

12 Q Mr. Hinojosa, the two things that I had  
13 wanted, if you will recall, I showed you the document  
14 marked Exhibit 42 which is the Farm and Ranch Store,  
15 where the County paid the Farm and Ranch Store for two  
16 items, one for the \$3,500 out of revenue sharing money  
17 that you said was a capital outlay. I would like to  
18 know what that was.

19 Also, what the claim was for Claim No.— It  
20 looks like A-2581, in the amount of \$394 that was  
21 dated November the 15th of 1974, that has a Code 11 on  
22 it.

23 A For the same store, Farm and Ranch?

24 Q Right. Yes, sir.

25 A Claim 2581, or 82581?

1 Q "A" as in "apple," A-2581, I believe.

2 A Yes, sir.

3 Q Or, if you have any other claims that you have  
4 paid the Farm and Ranch Store or any other warrants, I  
5 would like those.

6 A Okay. Yes, sir.

7 MR. NABERS: Thank you, sir.

8 BY CHAIRMAN HALE

9 Q Now, Mr. Hinojosa, do you have down now every-  
10 thing you are supposed to get for the Committee members?

11 A Yes, sir. I wrote it down.

12 Q If there is no objection by the Committee, in  
13 order to save you another trip up here, Mr. Hinojosa,  
14 if you will simply get photocopies of those requests and  
15 certify to them in some way, and you can mail them to the  
16 Chair, and the Chair then will have copies made and  
17 supplied to the Members of the Committee.

18 A I will do that. Yes, sir.

19 Q You will not have to come back just to bring  
20 these documents.

21 Are you under subpoena to the Committee?

22 A Yes, sir.

23 Q Did we issue a subpoena?

24 A Yes, sir.

25 CHAIRMAN HALE: Is there any objection from

1 any Members of the Committee if we release Mr. Hinojosa,  
2 keep him under subpoena, but allow him to go about his  
3 business with the understanding that if he's needed  
4 again, we can notify him?

5 Is there any objection to that?

6 (No response.)

7 Q Mr. Hinojosa, the Chair will authorize you  
8 to return to your duties and as far as this Committee  
9 is concerned, you may go on about your business, with  
10 the understanding that you still are under subpoena  
11 to the Committee and if we need you again, the Chair  
12 will contact you.

13 Is that satisfactory?

14 A It is. Yes, sir.

15 Q And you understand?

16 A I will mail this information right away.

17 Q I hope we won't need to bring you back again,  
18 but if we do, you will be contacted and so advised.  
19 Absent that, you will not have to come back up here.

20 A Thank you, sir.

21 Q Before you leave this afternoon, if you wait  
22 until the Clerk completes photocopying of these other  
23 two claims, we'll give you the originals of those back.

24 A Yes, sir. I will be around for another few hours.

25 CHAIRMAN HALE: Thank you.

1 CHAIRMAN HALE: We had under subpoena at  
2 the last meeting of the Committee the ranch foreman, Mr.  
3 Jose R. Nichols.

4 Mr. Nichols, would you come forward at this  
5 time.

6  
7 MR. JOSE R. NICHOLS  
8 resumed the witness stand and, having been previously  
9 sworn, testified further as follows:

10 DIRECT EXAMINATION

11 BY CHAIRMAN HALE

12 Q Mr. Nichols, were you sworn at the last  
13 meeting of the Committee?

14 A Yes, sir.

15 Q And did the Chair advise you of your rights  
16 as a witness before this Committee?

17 A Yes, sir.

18 Q You understand those rights?

19 A Correct.

20 Q And you understand that you are under oath and  
21 are testifying under oath here today—

22 A Yes, sir.

23 Q —the oath having been administered to you on  
24 the 27th of May, 1975.

25 A That is correct, sir.

1 Q For the record, Mr. Nichols, again, will you  
2 state your name and your mailing address?

3 A Jose Nichols, Box 709, Freer, Texas.

4 Q What is your capacity, your job, your  
5 occupation?

6 A I'm ranch foreman for Duval County Ranch  
7 Company.

8 Q Who is the owner of the Duval County Ranch  
9 Company?

10 A Clinton Manges.

11 Q How long have you been the ranch foreman?

12 A Well, I went to work for him in 1966.

13 Q 1966?

14 A Yes. March 1st, 1966.

15 Q You have been so employed then slightly more  
16 than nine years?

17 A Yes, sir. I left in '69. I was away for  
18 three years and I came back with him.

19 CHAIRMAN HALE: Members of the Committee,  
20 the Chair is advised that certain exhibits introduced  
21 earlier pertaining to this witness in a lawsuit, The  
22 State of Texas ex rel. Jose A. Nichols vs. M. K. Beresaw  
23 have gone down to be photocopied so that we can get  
24 photocopies of those instruments for every member of the  
25 Committee.



1 Pending the return of those instruments about  
2 which the Committee members would want to interrogate  
3 this witness, the Chair will go ahead and see if there  
4 are any other questions that any members of the  
5 Committee would want to ask.

6 Mr. Maloney?

7 BY MR. MALONEY

8 Q Mr. Nichols, you are the foreman of Duval  
9 County Ranch Company?

10 A Right, sir.

11 Q How extensive an area or ranch is this? How  
12 big is this?

13 A 100,000 acres.

14 Q How many cattle?

15 A Right now we are short of cattle. We have  
16 about 2,500 head right now.

17 Q Do you have any head running on that ranch  
18 that belong to O. P. Carrillo?

19 A I don't know anything about that ranch, sir.

20 Q You don't?

21 A No, sir.

22 Q And you're foreman of it?

23 A Not that ranch. No, sir.

24 Q Which ranch would this be that we're talking  
25 about.

A The Freer. Duval County Ranch in Freer.

1 Q This is a different location than the one that  
2 you are foreman of?

3 A Apparently it is, sir. I first learned about  
4 it in the newspapers about a week ago. I didn't know  
5 anything about it.

6 Q You weren't aware the ranch existed, or you  
7 weren't aware that Judge Carrillo's cattle were on it?

8 A I didn't know that he had any dealings with  
9 Mr. Manges on the ranch other than the Duval Ranch.

10 Q What does Judge Carrillo have to do with the  
11 Duval County Ranch, to your knowledge?

12 A Nothing. Nothing, that I know of.

13 Q Do you know any of the witnesses who have  
14 testified here earlier, either Roberto Elizondo or  
15 Tomas Elizondo?

16 A I've met them in the past couple or three  
17 months, since I was sworn in as a grand jury member there  
18 in Duval County.

19 Q You did not know them previous to that time?

20 A No, sir.

21 Q You did not know them in any other capacity  
22 than the grand jury?

23 A No, sir.

24 Q You were the petitioner in the removal of M.  
25 K. Bercaw. Is that correct?

1           A     That is correct, sir.

2           Q     What caused you to file this petition?

3           A     Back when we started the February Grand Jury,  
4 why, now what I'm going to say here didn't come out of  
5 the Grand Jury room. This was discussed outside of the  
6 Grand Jury room. But I initiated an investigation in  
7 the county, Duval County, and I discussed it with the  
8 District Attorney, Mr. Guerra, and he went ahead with  
9 me, he agreed with me, and we started the investigation  
10 and all of a sudden a bunch of records were burned in  
11 the school district in Benavides and that's what prompted  
12 it.

13          Q     What caused you to begin the investigation to  
14 begin with?

15          A     There was a series of newspaper articles just  
16 previous to us going into session about the county and  
17 the school district, primarily, so we started the  
18 investigation.

19          Q     This would be a Grand Jury investigation?

20          A     Right.

21          Q     As a result of that investigation did this  
22 Grand Jury return any indictment?

23          A     We have recently. Yes, sir.

24          Q     Did you return any indictments prior to or  
25 about the time that you petitioned for removal of these

1 persons from the School Board?

2 A Not prior. No, sir.

3 Q I'm awaiting a copy of your petition, which I  
4 think we have introduced into evidence. Do you recall  
5 whether this petition was sworn to by you?

6 A Yes, sir.

7 Q It was sworn to?

8 A Yes, sir.

9 Q Then you were prepared to offer into evidence  
10 testimony or evidence in this regard at the removal  
11 proceedings?

12 A Right, sir.

13 Q So you did not consider it to be part of  
14 your—any violation of your oath of secrecy?

15 A I felt, as well as the District Attorney felt,  
16 that they either permitted or allow those records to be  
17 burned, trying to impede our investigation.

18 Q Well, did you have proof on that subject as  
19 to who burned the records and for what purpose?

20 A Well, trying to keep us from finding out what  
21 was going on.

22 Q I'll ask you, did you have any proof as to who  
23 burned the records?

24 A Yes, we have.

25 Q What was that proof?

A That the janitor burned the records when we

1 started the investigation.

2 Q What was the janitor's name?

3 A I don't recall his name, sir.

4 Q You allege in your petition that M. K. Bercaw  
5 had actually destroyed or caused to be destroyed  
6 official records of the independent school district,  
7 specifically cancelled checks.

8 A That is correct.

9 Q What evidence did you have that M. K. Bercaw  
10 either destroyed or caused those checks to be destroyed?

11 A I followed the District Attorney's advice on  
12 it. He had information to that effect.

13 Q But you swore under oath that you had the  
14 knowledge that those facts were true and correct, did  
15 you not?

16 A I had information. Yes, sir. From this  
17 District Attorney.

18 Q But you swore that all these allegations of  
19 fact were true and correct, so that means that you had  
20 personal knowledge that you're testifying to, not on  
21 your best information and belief, but that it was  
22 actually true and you were going to be called on to  
23 testify to that.

24 A That is correct.

25 Q What was your testimony going to be in that

1 regard?

2 A That they allowed those records to be burned.

3 Q Well, what was Mr. Bercaw's involvement in  
4 that?

5 A He was President of the School Board and they  
6 had a meeting and after the meeting the records were  
7 burned, or checks.

8 Q How does that prove that Mr. Bercaw caused them  
9 to be burned?

10 A Well, they apparently permitted it because  
11 all those records were under several locks and keys in  
12 safes.

13 Q Did the janitor tell you that they had been  
14 burned?

15 A No, sir. Mr. Couling, the custodian of the  
16 records, told me that.

17 Q Mr. Couling told you that on order of Mr.  
18 Bercaw the records were burned?

19 A No. No, he didn't say on order. They had had  
20 a meeting and after the meeting the janitor burned the  
21 records.

22 Q I'm trying to discover why you decided that  
23 Mr. Bercaw had caused them to be burned.

24 A Well, I believe they permitted those records  
25 to be burned. I strongly believe on it.

1 Q So that was your conclusion, then?

2 A Right.

3 Q It was not anything that you knew of your  
4 own knowledge?

5 A I didn't see them burned. No. I didn't see  
6 them burned.

7 Q You alleged that \$60,000 in attorneys fees  
8 had been paid and that such expenditure was improper.  
9 Is that correct?

10 A That is correct.

11 Q On what facts did you base that allegation?

12 A Well, it goes back to more Grand Jury informa-  
13 tion. I don't know whether I should disclose that or  
14 not.

15 Q But you were prepared to disclose this in court  
16 in your petition.

17 A That is correct.

18 Q So you did not consider it as secret.

19 A Well, the fact that the Minutes didn't show  
20 that that money had been paid out to Mr. Foster here  
21 and another attorney, Mr. Orr, and later found out that  
22 it had been entered into the Minutes later.

23 Q That isn't what your petition says.

24 A That is the way I understand it.

25 Q Your petition says that "Such expenditure was

1 improper and not in the best interest of said District."

2 Now, upon what do you base that?

3 A Well, I'm going back to the Grand Jury infor-  
4 mation, Mr. Maloney.

5 Q But you swore under oath and were prepared to  
6 offer evidence at this quo warranto proceeding.

7 A Yes, sir.

8 Q I want to know what that evidence that you  
9 were prepared to introduce was.

10 A Well, the fact that they paid a couple of  
11 attorneys \$60,000 out of school funds, money that they  
12 didn't earn.

13 Q How do you know that?

14 A It is just very irregular, Mr. Maloney.

15 Q Well, if you don't know what they did you  
16 can't know that it was irregular, can you?

17 A I'm going to go back on Mr. Guerra's, the  
18 District Attorney there, advice on that, Mr. Maloney.

19 Q Is it the District Attorney that had you  
20 file these?

21 A Well, he called me on it and we discussed it  
22 and we agreed on it, and I signed it.

23 Q What do you mean, you agreed on it? You  
24 agreed that you would be the one that would bring the  
25 action?



1 A Yes, sir.

2 Q And you would rely on him to bring the  
3 evidence?

4 A Yes, sir. Because he investigated it.

5 Q Before you filed this, did you talk to Judge  
6 Carrillo?

7 A No, sir.

8 Q Which would be a proper matter to do?

9 A No, sir.

10 Q Did you talk to Mr. Manges?

11 A No, sir.

12 Q Do you have any idea how you came to be  
13 selected as Foreman of this Grand Jury?

14 A No, sir, I don't.

15 Q You hadn't had a conversation with the Judge  
16 or anything—

17 A No, sir.

18 Q —with regards to you sure would like one day  
19 to be foreman of the Grand Jury?

20 A No, sir. The last time I talked to Judge  
21 Carrillo was over a year ago, and I just said "Hi" to  
22 him.

23 MR. MALONEY: Pass the witness.

24 CHAIRMAN HALE: Mr. Slack? Not here.

25 Mr. Hendricks?

1 BY MR. HENDRICKS

2 Q Mr. Nichols, you say you and the District  
3 Attorney discussed this and you reached the decision  
4 that you would be the one to file the lawsuit?

5 A Yes, sir. He asked me to.

6 Q That is what you told Mr. Maloney. Is that  
7 correct?

8 A Yes, sir.

9 Q You were going to file the lawsuit and the  
10 District Attorney was going to supply you with the  
11 evidence in the lawsuit. Is that correct?

12 A He was investigating this information.

13 Q And, as you told Mr. Maloney, you swore to  
14 this petition but you're not willing to divulge to this  
15 Committee what personal knowledge you have. You're  
16 claiming that this would violate the oath you took as  
17 a Grand Juror?

18 A Yes, sir.

19 Q But you were willing to go into court, in  
20 open court, and testify to it?

21 A Well, I was relying on the District Attorney's  
22 investigation.

23 Q Relying on the District Attorney? You signed  
24 a sworn statement that you knew of your own knowledge.  
25 You did not know, did you?

1 A Well, I know—

2 Q You were doing what the District Attorney told  
3 you to do, weren't you?

4 A I know it happened. I know they burned the  
5 records.

6 Q Were you doing what the District Attorney told  
7 you to do?

8 A I guess so.

9 Q All right.

10 A He was heading an investigation.

11 Q And he told you to file a lawsuit and you  
12 filed it, didn't you?

13 A He asked me to. Yes.

14 Q You have no knowledge yourself that Mr.  
15 Barcaw had anything to do with burning any records over  
16 at the school house.

17 A I didn't see him burn the records, Mr.  
18 Hendricks.

19 Q You have no knowledge, no personal knowledge  
20 that he had anything to do with it.

21 A No, sir.

22 Q You're relying on what the District Attorney  
23 told you, aren't you?

24 A That's correct.

25 Q And as far as you know the District Attorney

1 pulled it out of the air. He told you to file the  
2 lawsuit, didn't he?

3 A Well, I've got confidence in him.

4 Q You've got confidence in him? You'll file any  
5 lawsuit he tells you to file, regardless of who you file  
6 it against?

7 A Not anybody. This particular investigation I  
8 would.

9 Q But you had no knowledge whatsoever, but you  
10 swore to this testimony up here and filed a lawsuit  
11 because the District Attorney told you to?

12 A Well, I was the president of this.

13 Q You were president of this, or foreman of this  
14 Grand Jury?

15 A Yes, sir.

16 Q How many relations of Judge Carrillo were on  
17 this Grand Jury?

18 A I don't know, sir.

19 Q How many cousins did he have on there?

20 A There is a Carrillo in the Grand Jury but I  
21 don't know what—how far he is related to him.

22 Q How many employees of your employer, Mr.  
23 Manges, were on the Grand Jury?

24 A One, besides me.

25 Q One besides yourself?

1 A Right.

2 Q Who was he?

3 A Jack Dameron.

4 Q And you have no idea how you all came to be  
5 selected?

6 A I later found out how I came to be selected.

7 Q Tell this Committee just how you found out you  
8 were selected.

9 A About three or four weeks afterwards I found  
10 out from Mr. Ashby—

11 Q Who is Mr. Ashby?

12 A He is the Vice President of the company.

13 Q What company?

14 A Duval County Ranch.

15 Q All right. What did he tell you?

16 A I mentioned the fact that I was—and he said,  
17 "I'm responsible. I appointed you and Jack because I  
18 didn't know anybody else here."

19 Q Was he on the Grand Jury Commission?

20 A Apparently he was. Yes, sir.

21 Q You say you didn't know the court bailiff  
22 down there?

23 A I had seen him but I didn't know the gentleman.

24 Q How long have you lived in Duval County?

25 A A little over two years.

1 Q And the Grand Jury just indicted Mr. Couling,  
2 I believe, down there, didn't it?

3 A That's correct.

4 Q What was he indicted for?

5 A Oh, misuse of public funds.

6 Q They didn't indict Bercaw yet?

7 A No, sir.

8 Q They didn't indict anybody for burning these  
9 records?

10 A Not yet. No, sir.

11 Q I don't guess he has showed any proof on that  
12 yet then.

13 A It's a big investigation and it's going to  
14 take some time to finish it up.

15 Q How many people do you think might get  
16 indicted before this thing is through down there, by  
17 this Grand Jury?

18 A Quite a few, Mr. Hendricks.

19 Q Now, you know, or according to the information  
20 the District Attorney gave you, a janitor burned these  
21 checks down there.

22 A That is correct.

23 Q But you don't know the name of the janitor?

24 A No, sir, I don't. I heard it one time but I've  
25 forgotten it.

1 Q Did you ever talk do the janitor?

2 A No, sir, didn't.

3 Q Did you ever bring the janitor before the  
4 Grand Jury?

5 A No, sir.

6 Q But the District Attorney told you he burned  
7 them?

8 A No, Mr. Couling told me.

9 Q Mr. Couling told you. You have subpoena  
10 power, do you not, before that Grand Jury?

11 A Yes, sir.

12 Q You could have subpoenaed this janitor before  
13 you, could you not?

14 A Mr. Hendricks, we retained the services of  
15 an auditor and an attorney.

16 Q That is not what I asked you. I asked you if  
17 you had subpoena power.

18 A I do have. Yes, sir.

19 Q All right. You could have subpoenaed the  
20 janitor.

21 A Yes, sir.

22 Q You didn't choose to do so.

23 A No, sir.

24 Q You don't care whether he burned these checks  
25 or not, do you?

1 A Yes, sir.

2 Q Well, why don't you try to get to the truth  
3 out of it down there?

4 A We went down there and talked to Mr. Couling.  
5 He is the custodian of the records.

6 Q Is there any investigation going on of any  
7 nature down there concerning misuse of county funds?

8 A Yes, sir.

9 Q Concerning any of the Commissioners or any-  
10 thing?

11 A Yes, sir.

12 Q Do you think there might possibly be any  
13 indictments grow out of that?

14 A Yes, sir.

15 Q Well, that's nice to hear.

16 MR. HENDRICKS: I believe I pass the  
17 witness.

18 CHAIRMAN HALE: Mr. Nabers?

19 BY MR. NABERS

20 Q Mr. Nichols, why didn't you sue all the members  
21 of the School Board? Why did you just pick out M. K.  
22 Barcaw?

23 A Being the President of the School Board and  
24 three other members who were the majority members of  
25 that Board at the time, and I'm also going back to Mr.



1 Guerra's investigation. He questioned two of the  
2 members. I don't even know their names, but they were  
3 of the minority group and they were unaware of what was  
4 going on.

5 Q How come you didn't sue Mr. Garcia or Mr.  
6 Carrillo or Mr. Rogelio— I don't know how you say that  
7 last name— G-U-A—

8 A Guajardo?

9 Q Yes, sir.

10 A Like I said, I don't know those gentlemen.  
11 And Mr. Guerra had talked to them and they were unaware  
12 of what was going on.

13 Q You know, it's amazing to me why you didn't—  
14 if you felt the School Board had had these records  
15 destroyed why you didn't just sue the whole School  
16 Board.

17 A That came to my mind and I asked the District  
18 Attorney about it.

19 Q What did he say?

20 A He told me just what I was just saying, that  
21 those two or three members were in the minority group  
22 and they were unaware of what was going on.

23 Q Why didn't you sue the majority group that  
24 knew what was going on instead of just Mr. Bercaw?

25 A Well, there were three others besides Mr.

1 Bercaw. There were four of them.

2 Q I believe you stated that the janitor burned  
3 the records. Is that correct?

4 A That's what Mr. Couling told me.

5 Q Mr. Couling told you?

6 A Yes, sir.

7 Q Did Mr. Couling tell this to Mr. Guerra?

8 A No. Mr. Guerra was not there present when I  
9 talked to Mr. Couling at the school office.

10 Q Did Mr. Couling testify before the Grand Jury?

11 A He did.

12 Q Did you learn of this outside of the Grand  
13 Jury?

14 A Yes, sir. Yes, sir.

15 Q You went to talk to Mr. Couling?

16 A I took an auditor that we had retained to  
17 check the school records and introduce the gentleman to  
18 Mr. Couling and started looking for the records and he  
19 said, "The checks are burned."

20 Q And he said the janitor burned them?

21 A Uh huh.

22 Q You know, I don't understand why you filed  
23 suit against a man when you knew before you filed the  
24 suit that the janitor did the dirty work. I just don't  
25 understand that. That is just beyond my comprehension.

1       Could you explain that?

2           A     Burning the records came before the filing of  
3       that suit.

4           Q     Yes. But you knew who burned those records  
5       before you filed that suit.

6           A     Certainly I knew who burned the records there,  
7       or rather who I filed on.

8           Q     No, sir. I'm saying that you knew the janitor  
9       burned the records before you filed against Mr. Bercaw.

10          A     That is what Mr. Couling told me, that the  
11       janitor burned them.

12          Q     That is what I'm saying. I say you had  
13       knowledge of who was the culprit before you ever filed  
14       against Mr. Bercaw.

15          A     I understand that they permitted the records  
16       to be burned.

17          Q     But you have no earthly idea how that happened,  
18       how they permitted it, do you?

19          A     No, I don't. I wasn't there, Mr. Nabers.

20          Q     But yet you swore in that petition that you  
21       did.

22          A     Right.

23                   MR. NABERS: I pass, Mr. Chairman.

24                   CHAIRMAN HALE: Mr. Kaster?

25                   MR. KASTER: Yes, sir.

1 BY MR. KASTER

2 Q Mr. Nichols, do you know Mr. Manuel Amaya, Jr.?

3 A Yes, sir.

4 Q Does he have any connection with the Duval  
5 Ranch Company?

6 A No, sir. Not that I know of.

7 Q Do you know if he has ever represented that  
8 ranch company?

9 A No, sir.

10 Q What about Mr. Roberto Elizondo?

11 A No, sir.

12 Q You don't know him?

13 A Well, I have met him. Yes. I know he is  
14 around the courthouse.

15 Q He is what?

16 A I know one is the bailiff and the other one is  
17 the reporter.

18 Q For Judge Carrillo?

19 A Yes, sir.

20 Q And you have already stated that Mr. Ashby,  
21 who is the Vice President of the Duval Ranch Company—

22 A Right.

23 Q So that three of the Commissioners that selected  
24 the Grand Jury either were with—

25 A He was one of them apparently because I think

1 they get four of them out of the county. Four or five.

2 Q Do you know Mr. Santiago Garcia?

3 A Yes, sir.

4 Q What's his position?

5 A He's a member of the Grand Jury.

6 Q He also was appointed to the Benavides School  
7 District by Judge Carrillo?

8 A I understand he was. Yes, sir.

9 Q And you said Mr. Jack Dameron is on the Grand  
10 Jury?

11 A Yes, sir.

12 Q And he works for Mr. Manges also?

13 A Right.

14 Q Do you know Crisanto Garza?

15 A Crisanto Garza.

16 Q Crisanto Garza?

17 A Yes, sir.

18 Q Is he on the Grand Jury?

19 A Yes, sir.

20 Q Do you know if he is any relation to Judge  
21 Carrillo?

22 A No, sir, I don't.

23 Q Would it surprise you if he was an uncle?

24 A Nothing surprises me in Duval County.

25 Q What about Enrique Carrillo?

1           A     That's a Carrillo I know that's on the Jury,  
2 and I don't know what relation he is to the Judge.

3           Q     He couldn't be his first cousin?

4           A     I don't know what relation he is to him.

5           Q     It looks like there's some close ties on that  
6 Grand Jury. I'll say that.

7                     You have a lot of faith in the District  
8 Attorney? Is that what you testified?

9           A     I have.

10          Q     What's his name?

11          A     Arnulfo Guerra.

12          Q     Arnulfo Guerra. How long have you known him?

13          A     Oh, about six or eight months, I guess.

14          Q     Six to eight months.

15                     Are you married or divorced, or what?

16          A     Yes, sir. I've been married once, divorced  
17 and I'm married again.

18          Q     Do you have to pay any child support?

19          A     I'm supposed to. I'm behind in my payments.  
20 Yes, sir.

21          Q     Has the District Attorney ever prosecuted you  
22 for being behind on your child support payments?

23          A     No, sir.

24          Q     He hasn't?

25          A     No, sir.

1 Q How far behind are you?

2 A Quite a bit as far as I know. I did hear  
3 about a letter that came in here just recently. In fact  
4 he asked me about it last week here.

5 Q Who did?

6 A Mr. Guerra.

7 Q About your child support?

8 A Yes. I said, "Yes. I heard a letter came in,  
9 but I hadn't been approached on it."

10 Q Where do your children live? In Texas, or  
11 somewhere else?

12 A I have some here in Texas and my x-wife has  
13 some in Minnesota.

14 Q How far behind are you on your child support  
15 payments? Is it a month or a year or two years?

16 A Probably a couple of years.

17 Q A couple of years?

18 A Yes, sir.

19 Q And the District Attorney has just recently  
20 mentioned it to you?

21 A He asked me if I had heard about it. I said,  
22 "Yes, I have heard about it," but that's as far as it  
23 went.

24 Q So you have great confidence in this District  
25 Attorney to file lawsuits because he tells you to file

## Nichols - Kaster

1 lawsuits?

2 A Well, apparently he wasn't aware of it either.  
3 He told me he didn't know about it.

4 Q When was the last time you saw Mr. Manges?

5 A A week ago Friday night.

6 Q That was in Laredo?

7 A Yes, sir. That's right.

8 Q Have you talked to him since then?

9 A Yes, sir. I talked to him on the phone.

10 Q He was in Houston then?

11 A I don't know where he was at. He called me  
12 Saturday night, I believe, it was.

13 Q This past Saturday night?

14 A Yes. But I didn't ask him where he was at. I  
15 never do that.

16 Q Did you mention that it would be— I think  
17 when you were here last I asked you if you talked to him  
18 to have him give us a call.

19 A Well, I—

20 Q Or did that slip your mind?

21 A He asked me, "How's things going"? And I  
22 said, "Well, I didn't get to testify too long." And  
23 he said, "No. I don't want to know nothing about that."  
24 He said, "About the ranch." So we went to talking about  
25 ranch work. He wanted me to hire some school kids, which



1 I did.

2 Q Well, that's nice of him. But you didn't  
3 mention that we were interested in contacting him?

4 A No. I forgot all about it.

5 Q Like we asked you to? Oh, you forgot all  
6 about it.

7 A I didn't mention it.

8 Q Slipped your mind. I know.

9 You don't know where he is right now?

10 A No, sir. I don't.

11 Q And you don't know when you'll see him again?

12 A No, sir. I don't.

13 Q All right. Well, I guess you understand I'm  
14 not surprised.

15 I'm a little confused about this ranch where  
16 you're foreman. You say it is a 100,000 acre ranch  
17 with 2,500 head of cattle, but now then you indicate  
18 you're not foreman of that ranch, or am I confused? Where  
19 are you the foreman of a ranch?

20 A Duval County Ranch in Freer, Texas.

21 Q Did you testify that has a hundred thousand  
22 acres at that ranch?

23 A That's what I've been told several times.

24 Q And now you're running 2,500 head of cattle  
25 on that ranch?

1           A     That's my guess.

2           Q     Well, I mean about.

3           A     Mr. Kaster, I was away from the ranch about  
4 three months recently, and he brought cattle back to the  
5 ranch and I didn't keep count of it. So from what  
6 I've seen in the last few days, I figure about  
7 2,500 head.

8           Q     Where were you gone for three months?

9           A     I was in the hospital with a back injury.

10          Q     With a back injury?

11          A     Right.

12          Q     When did you return to the ranch then?

13          A     The last of January.

14          Q     And then amazingly, after being gone for  
15 three months, you're appointed to the Grand Jury?

16          A     Yes, sir.

17          Q     Did you ever have any conversation with Mr.  
18 Manges about going on the Grand Jury, to get his  
19 permission or talk to him about it or anything?

20          A     No, sir. I mentioned it to him one night at  
21 the cook house, and he says, "Get with it." He said,  
22 "Just do what's right. That's all you do."

23          Q     So you had mentioned that you were on there  
24 or going on there, or what?

25          A     That we were on the Grand Jury, Jack and I.

1 Q So two of his employees now, one the Vice  
2 President of his company, and his ranch foreman, were  
3 going to be tied up on the Grand Jury and that's okay  
4 with him?

5 A I guess so.

6 MR. KASTER: I pass the witness.

7 CHAIRMAN HALE: Mr. Donaldson?

8 MR. DONALDSON: I pass.

9 CHAIRMAN HALE: Mr. Laney?

10 BY MR. LANEY

11 Q You testified, I believe you referred to it  
12 as the "minority group" on the School Board?

13 A Yes, sir.

14 Q Is that the way you referred to it?

15 A (The witness nodded.)

16 Q Did the Grand Jury subpoena any of this minority  
17 group?

18 A No, sir. Not yet.

19 Q Do they plan to?

20 A We plan to subpoena lots of witnesses.

21 Q Are any of these what you call the minority  
22 group, are they any relation to the Judge, Judge  
23 Carrillo?

24 A I don't know, Mr. Laney. I'm going by what  
25 the District Attorney told me. I don't know what

1 relation there is. I don't know any of those people.

2 Q You say that you've known the District Attorney  
3 about a year? Is that what you said?

4 A More or less.

5 Q Or about six months?

6 A More or less.

7 Q Did you say a year or six months?

8 A About six or eight months.

9 Q And three months of that you were in the  
10 hospital?

11 A Right. Oh, I knew of him, so actually since  
12 we've been on the Grand Jury, well, I've been closer  
13 to him now.

14 Q So really you weren't well acquainted with  
15 him until you get on the Grand Jury?

16 A Right.

17 Q And your testimony has been that most of  
18 what you have testified to has been the results of  
19 what he has told you?

20 A That's correct.

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

22 CHAIRMAN HALE: Ms. Thompson?

23 BY MS. THOMPSON

24 Q How long have you served on the School Board,  
25 sir?

1 A I have never been on the School Board.

2 Q You have never been on the School Board at all?

3 A No, ma'am.

4 Q Do you own any property in Duval County?

5 A No, ma'am.

6 Q You don't own any property.

7 MS. THOMPSON: That's all I would like to  
8 ask. I pass.

9 CHAIRMAN HALE: Ms. Waddington? I guess  
10 she is temporarily absent.

11 Mr. Chavez?

12 BY MR. CHAVEZ

13 Q Mr. Nichols, in connection with the child  
14 support somebody asked you about, you haven't been  
15 filed on recently?

16 A No, sir. I haven't, sir.

17 Q I think Mr. Bercaw was the one that brought a  
18 certified copy of a transcript showing that complaint  
19 for child support had been filed against you and that  
20 the case had been passed on several occasions.

21 A I didn't know about that.

22 Q You haven't been served with any papers?

23 A No, sir, I haven't.

24 Q And you have not employed any attorney to  
25 represent you in connection with these proceedings?

1 A No, sir.

2 Q You haven't discussed those proceedings with  
3 the Judge, Judge Carrillo?

4 A No, sir.

5 Q Now also, I think Mr. Bercaw testified to the  
6 fact that, or attempted to infer that the Grand Jury,  
7 this Grand Jury, was a political type Grand Jury  
8 appointed by the Judge to investigate his political  
9 enemies. Have you discussed that with the Judge?

10 A No, sir. I never have, sir.

11 Q Has anybody given you any information or  
12 suggested to you that the purpose of your being  
13 appointed to the Grand Jury is so that you might  
14 investigate Judge Carrillo's political enemies?

15 A No, sir.

16 Q And in particular Archer Parr and George Parr?

17 A No, sir. Never have.

18 Q Has any of this been discussed with other  
19 members of the Grand Jury?

20 A Just what we discussed there that we're going  
21 to go right down the line, regardless of who it is.

22 Q There has been some testimony here from some  
23 other witnesses that perhaps Ramiro Carrillo might be  
24 involved in either misapplication or misappropriation of  
25 funds. If that turns out to be the fact in connection

1 with your investigation, are you telling us here that  
2 you would pursue an indictment against him?

3 A I certainly would. What's good for the goose  
4 is good for the gander.

5 Q Now, there has also been some testimony here  
6 which might infer that the Judge might have mis-  
7 appropriated some county funds. Would you be prepared  
8 to make an investigation into that in the event such  
9 facts come to light?

10 A Yes, sir.

11 Q In connection with the investigation of the  
12 school district, is the District Attorney with the  
13 Grand Jury at the time the evidence is being presented?  
14 I'm not asking you to disclose whatever he has  
15 presented, but the mechanics.

16 A He has been up until the time that the  
17 Attorney General's office furnished some men to help us  
18 with the investigation.

19 Q Then the Task Force— I think that is what  
20 they call it—

21 A Right.

22 Q The Task Force, do they present evidence to  
23 you?

24 A They do.

25 Q Do they suggest who should be indicted or

1 anything like that?

2 A No, sir. They just present the evidence.

3 Q Now, there were, I understand, about five  
4 indictments returned, along with Mr. Couling?

5 A Yes, sir.

6 Q Have those been made public?

7 A I believe they have. Yes, sir.

8 Q Who were the other indictees?

9 A The other nineteen?

10 Q The other indictees. The other people that  
11 were indicted with Rodolfo Couling.

12 A So far that's the only one involved in the  
13 school that has been indicted.

14 Q I see. Has the Grand Jury investigated Mr.  
15 Bereaw's activities in connection with the payment of  
16 this \$60,000 attorney fees?

17 A They are working on it right now, sir. The  
18 Task Force is working on it.

19 Q In other words, that particular thing has not  
20 yet been abandoned?

21 A No. Nothing has been abandoned. No, sir.  
22 We've got lots of irons in the fire right now, and the  
23 Task Force is busy. They work every day and, like I  
24 said, the investigation has been impeded in different  
25 ways. As far as threatening our lives--and that includes



1 me and the District Attorney and Mr. Manges and the  
2 Judge—and I know of twice they've called me and told  
3 me not to leave the ranch and if I did to take somebody  
4 with me.

5 Q Who called you to tell you that?

6 A One time Mr. Manges called me. I don't know  
7 where he was at, and I don't know where he got the  
8 information from, but he told me not to leave the ranch;  
9 that they were after me, and another time the District  
10 Attorney, and they called me from Roma.

11 Q Who was after you?

12 A I don't know. But they said my life had been  
13 threatened and not to leave the ranch unless I had two  
14 or three men with me. And if I went to San Diego to  
15 have somebody with me.

16 Q Has anybody threatened you or given you any  
17 indication that you should not come and testify before  
18 this Committee?

19 A No. Not to this Committee. No, sir.

20 Q Now, where does Manges lie on this political  
21 situation?

22 A I talked less to that man, and I hardly see  
23 him. When he calls me, he calls me on the phone, and  
24 that's it.

25 Q Did you testify at that case in Rio Grande City—

1 I think the Guerras were involved in it—in which there  
2 was some discussion or testimony about a Cadillac?

3 A Not about a Cadillac. No, sir.

4 Q About the fact that Clinton Manges had given a  
5 Cadillac to Judge Carrillo?

6 A No, sir.

7 Q Does the Judge come out to Clinton's farm any?

8 A Will you please repeat that question?

9 Q Does the Judge come out to visit Mr. Manges at  
10 his ranch any?

11 A If he does, I've never seen him. Like I said,  
12 I saw the Judge one time—that was winter before last—  
13 and I just said— I just greeted him. That was all.  
14 That's the only time I ever saw the Judge on the ranch.

15 MR. CHAVEZ: That's all.

16 CHAIRMAN HALE: Mr. Nichols, let the  
17 Chair ask you a few questions.

18 BY CHAIRMAN HALE

19 Q I'm looking at some photocopies of the papers  
20 that were filed with the District Clerk in this lawsuit,  
21 the State of Texas on the relation of Jose R. Nichols  
22 vs. M. K. Bercaw, Number 8884, in the District Court of  
23 Duval County 229th Judicial District. Is Jose R.  
24 Nichols you?

25 A Yes, sir.

1 Q And the instrument which was filed in this  
2 case, although it is not labeled, it purports to be  
3 what lawyers would call the plaintiff's original  
4 petition, is signed by Arnulfo Guerra, District Attorney,  
5 Duval County. Are you familiar with that document?

6 A Yes, sir.

7 Q And then on page 4 of that instrument it's  
8 signed by Jose R. Nichols, Relator, and sworn to  
9 before--it looks like somebody Rodriguez, Notary Public  
10 in and for Duval County, Texas, on the 20th day of  
11 March, 1975. Would you look at that instrument and tell  
12 the Chair if that is your signature? This, of course,  
13 is only a photocopy of the original.

14 A That's correct, sir.

15 Q Is that your signature?

16 A Yes, sir.

17 Q And you signed that instrument on the 20th day  
18 of March, 1975?

19 A That's right.

20 Q As is indicated by the Notary's affidavit.

21 Now, were you aware at the time you signed that,  
22 that an order was going to be entered on that same date  
23 removing Mr. Barcaw as Trustee of the Benavides  
24 Independent School District?

25 A No, sir, I didn't.

## Nichols - Hale

1 Q Do you know that that's what you asked the  
2 Court to do in this petition that you signed?

3 A That is correct.

4 Q Sir?

5 A That's right.

6 Q You knew that you were asking the Court to do  
7 that?

8 A Right.

9 Q That in the petition which you swore to you  
10 asked the Court, "That defendant be temporarily suspended  
11 from office pending the hearing."

12 A Right.

13 Q And did you know that an order was going to be  
14 entered on that same date, March 20, 1975, removing  
15 Mr. Bercaw?

16 A No. I didn't know it was going to be the same  
17 date.

18 Q Are you aware that it was the same day?

19 A Yes, sir.

20 Q Were you aware at the time you filed that, that  
21 if the Judge entered that order that he was going to  
22 appoint a replacement for Mr. Bercaw on the same day?

23 A No, sir, I didn't. I wasn't aware of it.

24 Q Were you aware of who the Judge was going to  
25 appoint as a replacement for Mr. Bercaw?

1 A No, sir, I didn't.

2 Q Do you know who the Judge appointed as a  
3 replacement for Mr. Bercaw?

4 A Mr. Ashby, I believe.

5 Q And Mr. Ashby is your boss. Is that right?

6 A He is the Executive Vice President of the  
7 company.

8 Q Of the Duval County Ranch Company?

9 A Right. Uh huh.

10 Q He is the gentleman who secured your  
11 appointment as foreman of the Grand Jury?

12 A Right.

13 Q And did you talk to him about this petition  
14 removing M. K. Bercaw?

15 A No, sir.

16 Q Did you talk to anybody about that petition  
17 before you signed it, other than the District Attorney?

18 A No, sir.

19 Q The only person then you talked to about it  
20 was the District Attorney?

21 A Right.

22 Q And the District Attorney asked you to sign  
23 it and you did sign it?

24 A Right.

25 Q And you did not know that Mr. Ashby was going

to be appointed as his replacement?

A No, sir, I didn't.

Q But the chain of events are such that Mr. Ashby appoints you Foreman of the Grand Jury; then the District Attorney asks you to sign this petition; you signed this petition and immediately thereafter Bureau is removed and Mr. Ashby who initiated the entire proceeding is appointed as a replacement.

A As far as I know. Yes, sir.

Q Is that correct?

A That's correct.

Q And all of this happened on one day, on the 20th of March, 1973.

A (No response.)

Q I want to hand you this exhibit book again. I'm referring to Exhibit 6. This is Exhibit 6, page 9 of Exhibit 6. And I'll ask you if that is the Order of Removal which was apparently signed by Judge Carrillo. Are you familiar with Judge Carrillo's signature?

A No, sir, I'm not.

Q Would you be able to tell us whether that's Judge Carrillo's signature on that?

A No, sir, I don't.

Q Okay. Thank you.

Whether that is the Judge's signature or not,

1 you do know that Mr. Barcaw was temporarily suspended  
2 on March 20 and Mr. Ashby was appointed to replace him  
3 on March 20?

4 A That's right.

5 Q And that was done at the order of Judge  
6 Carrillo?

7 A Right, sir.

8 Q Now, we have three other exhibits before the  
9 Committee in addition to this Exhibit 6. Exhibit 7  
10 are photocopies of the court papers on another lawsuit,  
11 Number 8885, State of Texas on the relation of Jose R.  
12 Nichols vs. Enrique Garcia. Who is Enrique Garcia?

13 A He is one of the school members, one of the  
14 Trustees.

15 Q Did you sign and swear to that petition also?

16 A Likewise. Yes.

17 Q And that was on the same date?

18 A On the same date.

19 Q March 20, 1975?

20 A Yes, sir.

21 Q And you signed that one with the knowledge  
22 that the occupant, Mr. Garcia, would be temporarily  
23 suspended from the Benavides Independent School District?

24 A I didn't know it at that time that he was going  
25 to be suspended. No, sir.

1 Q You knew you were asking for it, didn't you?

2 A I was asking for it. Yes.

3 Q And Exhibit 8 before the Committee is the  
4 State of Texas on the relation of Jose R. Nichols vs.  
5 Luis Elizondo, Number 8886. Did you sign that petition?

6 A Yes, sir.

7 Q Likewise asking for the removal of Luis  
8 Elizondo?

9 A Yes, sir.

10 Q And in that petition you requested his  
11 immediate suspension.

12 A I filed the petition. Yes, sir.

13 Q And you knew the effect of it would be his  
14 immediate suspension?

15 A Right, sir.

16 Q And Exhibit 9 before the Committee is the  
17 State of Texas on the relation of Jose R. Nichols vs.  
18 Joe Garcia, Number 8887. Who is Joe Garcia?

19 A I believe he is one of the Trustees. Or was.

20 Q And you signed that?

21 A Yes, sir.

22 Q You're not sure whether or not he was a  
23 Trustee?

24 A I think he was a Trustee.

25 Q Well, you signed a petition asking for his



1 removal and you didn't know whether he was a Trustee  
2 or not?

3 A There are four of them. I know that.

4 Q So on the same date you signed and swore to  
5 four petitions, one against each of the four Trustees of  
6 the Benavides Independent School District?

7 A Right, sir.

8 Q Four out of seven?

9 A Yes, sir.

10 Q And you knew that the effect of each of  
11 those petitions would be the immediate suspension of  
12 those four Trustees?

13 A I had an idea.

14 Q And you knew that on their immediate  
15 suspension Judge Carrillo had the authority to appoint  
16 replacements for all four of them?

17 A I guess. I didn't know what he was going to  
18 do, but I knew he was going to dismiss them or suspend  
19 them.

20 Q And you know that if Judge Carrillo could  
21 name four out of the seven trustees, he would have  
22 control of the School Board.

23 A I never went that deep into it.

24 Q You didn't think that deeply?

25 A No.

1 Q Why didn't you file seven of these petitions  
2 instead of four?

3 A Well, like I explained to Mr. Maloney, or the  
4 gentleman over there, I was going by what Mr. Guerra  
5 had found out; that the minority group weren't aware of  
6 what was going on, so I followed his advice.

7 Q Is it true that the other three Trustees were  
8 all either related to Judge Carrillo or financially  
9 identified with him?

10 A I don't know, Mr. Hale. I don't know.

11 Q You don't know?

12 A I don't know.

13 Q But you picked these four because the District  
14 Attorney told you to pick those four?

15 A No. He is the one that picked them. I just  
16 signed them. He had information sufficient for removal.

17 Q I see. Did he have these petitions already  
18 prepared and typed when you went to his office?

19 A No. He called me and he said he was pre-  
20 paring them and to meet him at the Courthouse. And I  
21 did.

22 Q All right. And when you got down there he  
23 had the petitions ready for your signature?

24 A I don't know whether he had them ready or he  
25 had them typed while I was there. But I met him and he

1 presented them to me and I signed them.

2 Q Did you know what was in them before you  
3 signed them?

4 A Yes, sir. I read them.

5 Q Was that the first time you knew what was in  
6 those petitions was when you read them there at the  
7 Courthouse?

8 A Well, I believe he discussed it with me. I'm  
9 sure he discussed it with me before that. I don't  
10 remember whether he had them typed up or whether he  
11 had them typed there at the Courthouse while I was  
12 waiting.

13 Q Did you ask him any questions as to why he  
14 was only trying to remove four trustees instead of  
15 removing all seven?

16 A I did ask him.

17 Q What was his reply?

18 A The same thing I told the gentleman. He said  
19 the minority group was unaware—

20 Q Did you know that the four Trustees you were  
21 removing—let me ask you, were the four Trustees that  
22 you're removing identified with the group down there  
23 known as the "Parr Group"?

24 A No, sir. I didn't know that.

25 Q You didn't know that?

1 A No, sir.

2 Q Did you know that the three that were left  
3 on there were identified with the group known as the  
4 "Carrillo Group"?

5 A No, sir, I didn't.

6 Q They may not use that term, but I think they  
7 call it the Old Party and the New Party. Is that  
8 right, or do you know?

9 A I've heard that, but I didn't know they were  
10 related to them.

11 Q And Mr. Ashby never suggested that you get  
12 involved in these lawsuits?

13 A No, sir.

14 Q Mr. Manges never suggested you get involved?

15 A Never.

16 Q Judge Carrillo never suggested you get  
17 involved?

18 A No, sir.

19 Q No one except the District Attorney—

20 A Right.

21 Q —ever suggested that you get involved?

22 A Right.

23 Q Is there any relationship between the District  
24 Attorney and Judge Carrillo?

25 A I don't know if there is.

1 Q Is there any relation between the District  
2 Attorney and Mr. Ashby?

3 A I don't know. I don't think so.

4 Q Is there any relation between the District  
5 Attorney and Mr. Manges?

6 A No, sir.

7 CHAIRMAN HALE: Any further questions?

8 Mr. Hendricks?

9 BY MR. HENDRICKS

10 Q You haven't got any body guards with you today,  
11 have you?

12 A No. I never had. I never carried any with me.  
13 I lived pretty much under threat most of my life, and I  
14 didn't.

15 Q How is this Grand Jury divided between the Old  
16 Party and the New Party, Mr. Nichols?

17 A I've never discussed that with the members of  
18 the Grand Jury, Mr. Hendricks.

19 Q Well, you can tell by how they vote, can't  
20 you? How are they divided? Is it six and six, or  
21 nine/three, or what is the numerical figures on how they  
22 are divided?

23 A I know the last indictments we had we got nine  
24 votes.

25 Q You got nine votes. Well, there are at least

1 three of the Old Party then on the Grand Jury, aren't  
2 there?

3 A Apparently there is.

4 Q All right. Now, you say that Judge Carrillo  
5 hasn't been on the Manges ranch since winter before  
6 last. That is your sworn testimony?

7 A No. That's the last time I saw him. And that's  
8 the only time I saw him.

9 Q All right. I'll ask you whether or not you  
10 weren't present when Judge Carrillo, Clinton Manges,  
11 Texas Ranger Powell, were present on the Manges Ranch  
12 and discussed the removal of the School Board and Judge  
13 Parr?

14 A What day was that?

15 Q I'll ask you if you weren't present when that  
16 discussion took place on the Manges ranch?

17 A I don't recall. I don't recall it.

18 Q Do you recall them being there, Texas Ranger  
19 Powell, Clinton Manges, Judge Carrillo, and you were  
20 present when they entered that discussion, were you not?

21 A I don't recall it, Mr. Hendricks.

22 Q You don't recall being there?

23 A I don't recall being there. No, sir.

24 Q Do you know Texas Ranger Powell?

25 A Yes, sir.

1 Q He has been on the ranch, has he not?

2 A Yes, sir.

3 Q And Judge Carrillo has been on the ranch  
4 when Ranger Powell was there, has he not? And you  
5 have seen them together there.

6 A I've seen Gene Powell out there but it's been  
7 over a year ago.

8 Q Well, was Judge Carrillo with him at the time?

9 A I don't recall seeing Judge Carrillo out there.

10 Q If he had been there would you remember it  
11 today?

12 A I think I would.

13 Q And if Texas Ranger Powell says you were  
14 present there then who is mistaken? You or Texas  
15 Ranger Powell?

16 A It might be me because the only time I  
17 remember seeing Judge Carrillo was winter before last,  
18 and he was hunting for a wounded deer, and that's the  
19 last time I remember seeing him out there on the ranch.

20 Q Is that the only time you have ever seen him  
21 out there?

22 A That's the only time I remember seeing him out  
23 there, Mr. Hendricks.

24 Q Have you ever been on his ranch?

25 A No, sir.

1 Q I believe it takes nine, under our system of  
2 Jurisprudence, to bring a true bill, does it not, Mr.  
3 Nichols?

4 A Right.

5 Q In other words, if you didn't have nine votes  
6 you couldn't vote an indictment, could you?

7 A That's right.

8 MR. HENDRICKS: I believe that's all I  
9 have.

10 CHAIRMAN HALE: Mr. Maloney?

11 BY VICE CHAIRMAN MALONEY

12 Q When you filed your petition for the removal  
13 of these people from the School Board, did you say that  
14 you went down to the Courthouse?

15 A Yes, sir.

16 Q You went to the District Attorney's office?

17 A Yes, sir.

18 Q And you signed these before a Notary Public?

19 A Yes, sir.

20 Q And you signed it right there in the Court-  
21 house?

22 A Right.

23 Q Where did you go after you signed them?

24 A I went back to work.

25 Q You did not even go into the courtroom?



1 A I don't believe I did.

2 Q Did you offer any testimony in that case  
3 whatsoever?

4 A No, sir. I signed— I believe I signed those  
5 in the Judge's chambers.

6 Q You signed them in the Judge's chambers?

7 A Yes, sir.

8 Q Was the Notary Public there at the time you  
9 signed them?

10 A Yes, sir.

11 Q Was the Judge present at the time you signed  
12 them?

13 A Yes, sir.

14 Q Did he ask you any questions?

15 A No, sir.

16 He asked me if I knew what I was signing.

17 Q All right. And what did you say?

18 A I said, "Yes, sir. Petitions to ouster the  
19 school members," and I started to leave. And he said,  
20 "Just remain here."

21 Q All right. And you remained there. What  
22 happened then?

23 A Well, we stayed there a few minutes.

24 Q Who is "we"?

25 A There was Gene Powell was there, the Ranger;

1 the Judge; the District Attorney; the Notary Public and  
2 I believe the District Clerk was there. Or they called  
3 the District Clerk in. I believe he was there.

4 Q Did the Judge sign the order there in your  
5 presence then?

6 A Yes, sir. I believe he did.

7 Q And you didn't—

8 A I believe he signed them right there.

9 Q And you didn't offer one word of testimony?

10 A Just the fact that I knew what I was signing.

11 Q Then it wouldn't surprise you then that the  
12 Judge entered his order on March the 20th, the same day  
13 you filed this lawsuit?

14 A No, sir.

15 Q Are you aware that in the Judge's Order he  
16 states that Mr. Joe T. Garcia has been served with  
17 citation and a copy of this petition, of your petition?

18 A I didn't know that. He has been served, you  
19 say?

20 Q That the Judge stated that in his Order that  
21 he signed.

22 A No, I didn't know that.

23 Q Are you aware that Gene Powell certified that  
24 he did not serve Mr. Garcia until the 31st of March,  
25 some eleven days later?

1           A     I heard that. Yes. Because he was supposed  
2 to have been out on a rig, on the ocean somewhere.  
3 That's what I understood.

4           Q     Mr. Nichols, I wish to make one thing per-  
5 fectly clear for you, and I think this would go for all  
6 witnesses. It is not particularly directed to you,  
7 but I'm not sure that the Chair made it perfectly  
8 clear that if there is any testimony that is inaccurate  
9 or perjurous, any indictment ~~or~~ this would be  
10 referred to the Travis County Grand Jury, not the Duval  
11 County Grand Jury.

12          A     I understand well, Mr. Maloney.

13          Q     When was the first that you found out that  
14 your wife in Minnesota was suing you for child support?

15          A     Oh, it must have been a couple of months ago,  
16 I guess.

17          Q     How did you find out?

18          A     Mr. Bob Forshey, Investigator for the District  
19 Attorney, told me that he had a letter from the attorney  
20 up in Minnesota involving the support.

21          Q     This would be an Assistant District Attorney  
22 under Mr. Guerra?

23          A     Under Mr. Guerra. Yes, sir.

24          Q     Are you aware that failure to pay child support  
25 out of state is a felony offense in this state?

1           A     Yes, sir. Yes, sir.

2           Q     And you knew that you were liable for being  
3 prosecuted for a felony offense?

4           A     Yes, sir.

5           Q     And it didn't bother you then to sit on the  
6 Grand Jury that would have to hear the case if it were  
7 brought before the Grand Jury?

8           A     I guess not, sir.

9                     MR. MALONEY: Pass the witness.

10                    CHAIRMAN HALE: Are there other questions?

11                    Mr. Kaster?

12 BY MR. KASTER

13           Q     Yes, sir, Mr. Nichols, along the line of Mr.  
14 Maloney, I have here Exhibit Number 14, which is a copy  
15 of the civil docket where Bernice Margaret Nichols was  
16 against Joe R. Nichols. I assume that's you?

17           A     Right.

18           Q     And Bernice Margaret Nichols is your wife?

19           A     Right.

20           Q     And under this civil docket it shows that the  
21 attorney representing Bernice Margaret Nichols is the  
22 District Attorney. Now, according to this also, this  
23 was filed in the 229th Judicial District, Deval County.  
24 Now, you are good friends with the District Attorney and  
25 he just said, "There's been an action filed," and the

1 date of this filing is October 21, '74, and you hadn't  
2 heard anything about it?

3 A No, sir. That's the first time I heard about  
4 it. About that.

5 Q Now you also were stating that as a member of  
6 the Grand Jury you were going to go down the line and if  
7 somebody asked you in regards to Judge Carrillo that if  
8 you found him guilty of misappropriating funds you  
9 wouldn't hesitate to indict him because—

10 A I took an oath. I took an oath, sir.

11 Q I believe you said "what's good for the goose  
12 is good for the gander."

13 A Right, sir.

14 Q Now, since you're behind three years in child  
15 support payments and that's a felony and punishable by  
16 imprisonment, I would assume that if that's good for the  
17 goose it's good for the gander.

18 A That's correct.

19 Q Now, there seems to be a little conflict when  
20 you're carrying the District Attorney's filings here—  
21 signing it for him. I don't see that there's a conflict  
22 about him then turning around and prosecuting you and  
23 putting you in jail for failure to pay child support.

24 A That's the first time I heard about that, sir.

25 Q You didn't know you could go to jail for child

1 support—failure to pay child support?

2 A Oh, yes. I knew that. Yes, sir.

3 Q It seems inconsistent to me.

4 One other matter: when you're at the ranch,  
5 and you say Mr. Manges is not at the ranch too much?

6 A No. He's on the road most of the time.

7 Q He is very seldom at the ranch?

8 A I live on the same ranch, but I seldom see him.

9 Q Who handles the mail when it comes to the  
10 ranch?

11 A He has an office there in Freer.

12 Q That's where the mail goes?

13 A Right.

14 Q So you don't know about the business dealings  
15 of the ranch?

16 A No, sir.

17 Q Did Mr. Manges ever discuss with you what  
18 taxes he may owe the county or the School District?

19 A No. He never has.

20 Q Never has?

21 A Never has.

22 Q You don't know whether he owes any or not?

23 A No, sir.

24 Q Okay.

25 MR. KASTER: I'm through, Mr. Chairman.

1 CHAIRMAN HALE: Are there further  
2 questions of this witness?

3 Mr. Nabers?

4 BY MR. NABERS

5 Q Mr. Nichols, have you ever been indicted?

6 A Me?

7 Q Yes, sir.

8 A No, sir.

9 Q Or had any complaints or anything filed  
10 against you?

11 A No, sir.

12 Q When is your term of Grand Jury up?

13 A August the 4th.

14 Q Of this year?

15 A Yes, sir.

16 CHAIRMAN HALE: Mr. Chavez?

17 BY MR. CHAVEZ

18 Q Who is Uresa? U-R-E-S-A?

19 A U-R—

20 Q U-R-E-S-A? Do you know any part of that name?

21 A (No response.)

22 Q Mr. Nichols, a while ago I asked you if there  
23 were any political implications by you being appointed  
24 as Foreman of that Grand Jury. This civil docket shows  
25 that this child support complaint was filed in October

1 of 1974. It was filed by the District Attorney. It  
2 says here "Attorneys for the Party, D. A." District  
3 Attorney. It shows that on February 3, '75 it was passed.  
4 It shows that it was filed in the 229th Judicial  
5 District. Don't you think it is a little strange or a  
6 little unusual?

7 A It seems that way, but this is the first time  
8 I knew about that, Mr. Chavez.

9 MR. CHAVEZ: Mr. Chairman, is this all  
10 they brought?

11 CHAIRMAN HALE: I beg your pardon?

12 MR. CHAVEZ: Is this all they brought  
13 from the District Attorney's office? Just the docket  
14 sheet?

15 CHAIRMAN HALE: The Chair is not aware  
16 of where the docket sheet came from.

17 MR. CHAVEZ: Mr. Bercaw brought it. What  
18 I'm wondering, Mr. Chairman, if somehow or another we  
19 could check with the District Clerk to get a certified  
20 copy of all the instruments in that particular case  
21 to determine whether or not service was perfected on  
22 Mr. Nichols.

23 MR. CANALES: Mr. Chavez, I think I may  
24 have a certified copy of that file in my office.

25 MR. CHAVEZ: Could you send somebody for



1 it?

2 CHAIRMAN HALE: While we're waiting on  
3 that, Mr. Nichols, let the Chair ask you a question.

4 BY CHAIRMAN HALE

5 Q Were you ever served with any papers in  
6 connection with this child support matter?

7 A I don't recall, sir, ever having been served.  
8 I don't recall.

9 Q A Deputy Sheriff or a Deputy Constable didn't  
10 come around and hand you some papers and say "You're  
11 being sued for child support"?

12 A No, sir.

13 CHAIRMAN HALE: Does that indicate a  
14 civil action or a criminal action?

15 MR. CHAVEZ: Civil action.

16 CHAIRMAN HALE: Civil action.

17 Q When did you say you first knew about this  
18 child support case?

19 A About a couple of months ago when Mr. Forscha  
20 told me he had a letter from Minnesota in regards to  
21 child support. I said, "I'm behind." And that's all  
22 there was to it.

23 Q That would have been in April, two months  
24 ago?

25 A Something like that. Yes, sir.

1 Q And at the time—this suit was filed in  
2 November, so it was—

3 MR. CHAVEZ? October 21.

4 CHAIRMAN HALE: October?

5 Q So it has been on file about six months and  
6 you didn't know about it?

7 A No, sir.

8 CHAIRMAN HALE: Go ahead, Mr. Chavez  
9 BY MR. CHAVEZ

10 Q Mr. Nichols, you said Bob Forschs? What is  
11 his position?

12 A He is Investigator for the District Attorney's  
13 Office.

14 Q How long has he been there?

15 A As long as I've been on the Grand Jury. I  
16 don't know when he started to work.

17 Q Is he the one that serves these papers?  
18 Do you know?

19 A He just showed me a letter. He said, "I've  
20 got a letter," and he showed me a letter from some  
21 attorney in Minnesota.

22 Q Mr. Nichols, you have been in the Police  
23 Department before, have you not?

24 A Yes, sir.

25 Q And so has Forschs?

1 A Yes, sir.

2 Q You knew each other from way back a number of  
3 years?

4 A Yes, sir.

5 Q You don't think the he might have been holding  
6 back by reason of that friendship?

7 A I don't know what he had in his mind. He just  
8 showed it to me.

9 Q You don't think that it is possible that  
10 someone from the Judge's office might have passed on to  
11 you somehow the word that since you were subject to  
12 criminal prosecution that you would be appointed to the  
13 Grand Jury as Foreman to pursue an investigation of the  
14 Judge's political enemies?

15 A No, sir.

16 Q You don't think that inference can be made—

17 A I don't think so.

18 Q —in view of all the things that have happened  
19 since then, the chronological order of these things?

20 A I figures they would probably bring that up.  
21 In fact, I've heard that quite frequently, trying to  
22 implicate my boss.

23 Q You don't think that Forsche might have told  
24 you that he had this letter back in October of last year?

25 A No, sir.

1 Q And what this is, this is just a transcript  
2 of some orders, petitions from Minnesota. It really  
3 doesn't reflect whether or not service was obtained  
4 upon you.

5 MR. CANALES: Mr. Chairman.

6 (Mr. Canales furnished the Chairman a file  
7 of documents."

8 Q Mr. Guerra took office in January of this year?

9 A I don't know when he took office. I don't  
10 know whether he was in before or whether—

11 Q There was another District Attorney, or  
12 County Attorney?

13 A I don't know that.

14 CHAIRMAN HALE: Mr. Chavez, you had  
15 asked for a complete file from the District Clerk's  
16 office in the child support matter. Here are certified  
17 copies apparently of all instruments in the file.

18 MR. CANALES: Mr. Chairman, would it be  
19 proper to request that it be entered into the evidence  
20 at this time?

21 CHAIRMAN HALE: You have a copy of it  
22 then. Exhibit 14 is complete.

23 It is already in evidence, Mr. Canales.

24 MR. CHAVEZ: That's all I have, Mr.  
25 Chairman.

1 CHAIRMAN HALE: It's already in evidence,  
2 Mr. Canales. This entire packet of dockets on the child  
3 support matter has already been introduced as Exhibit  
4 14.

5 MR. CANALES: All right, sir.

6 CHAIRMAN HALE: Are there further  
7 questions?

8 Mr. Maloney has further questions.

9 BY VICE CHAIRMAN MALONEY

10 Q Mr. Nichols, how much do you make as foreman  
11 of the Duval County Ranch?

12 A Oh, six hundred dollars a month.

13 Q How much?

14 A Six hundred.

15 Q That's \$7,200 a year is all you report as  
16 income?

17 A Yes, sir.

18 Q Is that correct?

19 A (The witness nodded.) That's all I get.

20 Q Mr. Nichols, have you ever considered going to  
21 work for the County of Duval?

22 A No, sir. I wouldn't have no city or government  
23 job.

24 Q Even if it paid a little bit better than what  
25 you're making?

1 A I wouldn't. I had plenty of that in my time.

2 CHAIRMAN HALE: Are there any further  
3 questions?

4 Mr. Hendricks has some questions.

5 BY MR. HENDRICKS

6 Q What is your full name, Mr. Nichols?

7 A Jose R. Nichols.

8 Q What does the "R" stand for?

9 A Reason.

10 Q Raymon? R-A-Y-M-O-N?

11 A R-A-M-O-N.

12 Q R-A-M-O-N? What is your date of birth?

13 A 12-25-26.

14 Q And where were you born, sir?

15 A Mission, Texas.

16 Q Mission, Texas?

17 A Right.

18 MR. HENDRICKS: That's all.

19 CHAIRMAN HALE: Are there any further  
20 questions of this witness?

21 Mr. Nichols, thank you on behalf of the  
22 Committee.

23 Mr. Canales, do you have some questions?

24 MR. CANALES: Yes, sir, please.

25 CHAIRMAN HALE: Mr. Canales has a few

1 questions.

2 BY MR. CANALES

3 Q Mr. Nichols, in working for the Duval County  
4 Ranch Company, would you tell me what your activities  
5 are?

6 A Working cattle, building fences, oh, numerous  
7 other things. I've got several crews working that I've  
8 got to look after.

9 Q Do you purchase the merchandise that you use  
10 for repairing fences, or is it—

11 A Yes, sir. I have done it. Yes, sir.

12 Q Some has been delivered to you?

13 A Yes, sir. And I have bought some here in San  
14 Antonio.

15 Q Do you all have any heavy equipment being  
16 used on the ranch at this time?

17 A We have a backhoe that we bought recently.

18 Q Is that the only heavy equipment that you  
19 have on the ranch?

20 A Yes, sir. We have some heavy equipment  
21 there that belongs to Mr. Rome. He has been cleaning  
22 some brush for us, some odds and ends that he has left  
23 on the ranch.

24 Q It belongs to Mr. Rome? That's the equipment  
25 that's presently located on the ranch doing some work?

1           A     Right.

2           Q     And the backhoe, you said you bought one  
3 recently for the ranch?

4           A     Right. I didn't buy that one. Mr. Manges'  
5 brother bought it.

6           Q     Mr. Nichols, have you ever seen equipment  
7 working on the ranch that you don't know who it belongs  
8 to?

9           A     Oh, yes. I've seen lots of equipment, but a  
10 lot of oil companies work there on the ranch. And  
11 they're taking their equipment in and out.

12          Q     Have you ever seen any equipment that belongs  
13 to any governmental entity of Duval County?

14          A     No, sir.

15          Q     You've never seen a backhoe being used on the  
16 ranch that belongs to the Duval Water and Conservation  
17 District?

18          A     No, sir.

19          Q     You say you know Ranger Powell?

20          A     Yes, sir, I do.

21          Q     You were asked if you were present at any  
22 meeting on the Duval County Ranch earlier in which Mr.  
23 Ranger Powell was present with Judge Carrillo and Mr.  
24 Manges and possibly Mr. Morris Ashby. You replied that  
25 you weren't. Have you ever been present at any meeting



1 at which any combination of those people took place? With  
2 Mr. Manges, Mr. Ashby, Judge Carrillo, Mr. Elizondo, the  
3 Court Reporter, Roberto Elizondo?

4 A I don't recall any meeting like that.

5 Q At any place at any time?

6 A I remember, oh, about a year ago Mr. Powell  
7 and one of the cattle inspectors were there.

8 Q No, but I'm talking about this little group  
9 here.

10 A No, sir.

11 Q You've never been at any meeting?

12 A I don't recall it. No, sir.

13 Q You don't recall. And you say you have never  
14 been on Judge Carrillo's ranch?

15 A I don't know where his ranch is at.

16 Q Do you know where his home is?

17 A Yes, I know it's in Benavides.

18 Q You have never been in his home?

19 A I think I went there one time. I believe I  
20 went there one time.

21 Q Who did you go with?

22 A About a year ago.

23 May I ask, have you got a two-story building  
24 at your home? Could I ask the Judge this?

25 CHAIRMAN HALE: Surely.

A Have you got a two-story building at your

1 home? A garage apartment or something?

2 JUDGE CARRILLO: At the ranch?

3 A At the house.

4 JUDGE CARRILLO: Yes.

5 A I believe I went there.

6 Q Who did you go with, Mr. Nichols?

7 A I don't recall who I went with.

8 Q You say about a year ago. Twelve months, or  
9 more than twelve months, less than twelve months?

10 Could you give us a more exact date?

11 A I don't recall. It's been about a year ago.

12 Q Mr. Nichols, I would like to ask you, was  
13 there a scheduled meeting of the Grand Jury for this  
14 past week?

15 A Yes, sir.

16 Q Did you have a quorum?

17 A The last Thursday?

18 Q Thursday, yes, sir, if I'm not mistaken.  
19 Were there any Grand Jury deliberations that occurred  
20 last Thursday when there was a scheduled meeting of the  
21 Grand Jury?

22 A No. We didn't have a quorum.

23 Q Who was missing?

24 A We had three members missing.

25 Q Who might those three members have been?

1 A Mr. Jack Damron was out on the ranch, stuck.

2 Q Okay. Stuck.

3 A Yes. And Mr. Garza, Leonel Garza—

4 Q Leonel Garza.

5 A —had an appointment with a doctor, and Mr.  
6 Saenz had a death in the family.

7 Q Those were the only three members that were  
8 absent?

9 A Right.

10 Q Which Mr. Saenz was this?

11 A Fidencio, I believe it is.

12 Q Fidencio Saenz.

13 Do you know whether or not Fidencio Saenz has  
14 ever been on the payroll of Precinct 3?

15 A No, sir, I don't. I didn't know the gentleman  
16 until he got on the Grand Jury.

17 Q You testified earlier that you hired some  
18 auditors to conduct investigations of the Benavides  
19 Independent School District books. Is that correct?

20 A Yes, sir.

21 Q Who did you hire as auditor?

22 A Mr. Ed Turner from Harlingen.

23 Q Is that the only one?

24 A Yes, sir.

25 Q Did you all employ counsel?

1 A Yes, sir. Mr. Jim Bates from Edinburg.

2 Q Is that the same Jim Bates that acted as  
3 Receiver in the M. A. Guerra vs. Clinton Manges case?

4 A I don't know what business he had with Mr.  
5 Manges.

6 Q Would it surprise you if I told you he was the  
7 Receiver in that particular case?

8 A No. Nothing would surprise me.

9 Q Nothing surprises me either.

10 Has Jim Bates been to the Grand Jury meetings  
11 frequently?

12 A Not since the Attorney General's men went to  
13 work with us.

14 Q Who suggested hiring Mr. Jim Bates?

15 A I did.

16 Q You have known Mr. Jim Bates for a long time?

17 A Yes, sir. Many years.

18 Q Do you know if he represents Mr. Clinton Manges?

19 A I don't believe he does.

20 Q You don't believe or you don't know?

21 A Well, I don't know. I don't think he does,  
22 though.

23 Q I can tell you that he does. Let me ask you,  
24 Mr. Nichols, did you all discuss any fees when you had  
25 considered the hiring of Mr. Jim Bates?

1 A Yes, sir.

2 Q Was it \$50,000?

3 A No, I believe that's—

4 Q Maybe a thousand over. What fees did you  
5 discuss and who recommended the fees?

6 A Ah—

7 Q I'll remind you, you're under oath.

8 A Yes. It was in the Grand Jury room that we  
9 discussed that.

10 Q You recommended him? You just said. Right?

11 A I recommended Mr. Bates. Yes.

12 Q You discussed fees. Who recommended the fees?

13 A We asked for his fees.

14 Q You asked who?

15 A Mr. Bates.

16 Q He was present when you all were discussing  
17 the hiring of Mr. Bates, his employment?

18 A Yes.

19 Q Did you have a full quorum of the Grand Jury?

20 A Yes, sir.

21 Q Was the Grand Jury in session?

22 A Yes, sir.

23 Q You had twelve members present?

24 A We have eleven members.

25 Q They were all present the day that you—

A Yes, sir. I think they were.

1 Q Did everybody unanimously approve the hiring  
2 of Jim Bates?

3 A Yes, sir.

4 Q Now, let's get back to the fees. How much  
5 was determined that it was going to be paid to Mr. Bates?

6 A You know I don't recall that.

7 Q Would it surprise you if I refresh your memory  
8 and said it was to the tune of about \$45,000 or \$30,000?

9 A No, it wouldn't surprise me.

10 Q It shouldn't.

11 Do you know how much Mr. Arnulfo Guerra  
12 makes as District Attorney, full-time District Attorney?

13 A No, sir, I don't.

14 Q How much were you going to pay the auditor  
15 that you hired to audit the school's books?

16 A You know, I've got it written down but I don't  
17 recall, Mr. Canales.

18 Q Mr. Nichols, would it surprise you if the  
19 auditors that you hired—well, who recommended the  
20 auditors? Let me ask you.

21 A I did.

22 Q You recommended them. Would it surprise you  
23 if they had any business relationships with Judge  
24 Carrillo?

25 A No, sir.

1 Q Do you know if they are in fact his auditors?

2 A No, sir. I don't know.

3 Q I would like to ask you about the discussions  
4 that you had with Mr. Arnulfo Guerra, the District  
5 Attorney of the 229th in which he advised you that there  
6 was a minority on the School Board which was unaware of  
7 what was going on. What did he tell you to indicate  
8 that they were unaware, that they never went to School  
9 Board meetings or what?

10 A That they didn't know about it. That is what  
11 he told me.

12 Q Did he tell you that they were not present  
13 when these members were hiring attorneys was discussed?

14 A That they didn't know about it. That's what  
15 he told me.

16 Q Nothing else?

17 A That's right.

18 Q Just that they didn't know about it?

19 A That's right.

20 Q And you took his word for it?

21 A Yes, sir.

22 Q And filed suit to remove four of the School  
23 Board?

24 A That's correct.

25 Q Mr. Nichols, what was your employment before

1 you began working with Mr. Manges?

2 A I was Chief Police in Raymondville, Texas.

3 Q How come you left that employment, Mr. Nichols?

4 A I went to work for Mr. Manges.

5 Q Did you quit?

6 A No. I got fired.

7 Q Have they built any fences lately on the Duval  
8 County Ranch Company?

9 A Yes, sir. I'm building some right now.

10 Q You're building some right now. Are any of  
11 them on the highway?

12 A Yes, sir.

13 Q Are any of them being financed by the County?

14 A No, sir.

15 Q All of the equipment has been bought by you?  
16 Or the Duval County Ranch?

17 A I got the barbed wire. I bought most of the  
18 barbed wire.

19 Q "Most of it," you say?

20 A Yes, sir.

21 Q Where did the rest of it come from?

22 A I don't know. They ordered—

23 Q Somebody brought it to you?

24 A They delivered it, but I don't know—

25 Q You don't know where it came from?



1 A No, sir.

2 Q Did you see who delivered it?

3 A No, I don't. They just— I found it in the  
4 shed. They just delivered it.

5 Q You found it in the shed?

6 A Yes.

7 Q It might not have been delivered, or it could  
8 have been delivered by a county truck?

9 A I don't know that.

10 Q You're not sure.

11 Do you have a posthole digger on the ranch?

12 A Yes. I've got one on the back of the tractor.

13 Q Who does it belong to?

14 A It belongs to the ranch.

15 Q Have you ever seen one that belongs to Duval  
16 County or one of the governmental entities of that county  
17 being used on the Duval County Ranch?

18 A No, sir.

19 Q Have you ever seen the Water District heli-  
20 copter on the Duval County Ranch?

21 A I don't know. I don't know the helicopter.  
22 I've seen helicopters working cattle out there, but—

23 Q You don't know who it belonged to?

24 A No, sir. I don't know.

25 Q Is it possible that it might belong to the

1 Water District?

2 A It is possible. I don't know.

3 Q Did they have a wreck on the Duval County  
4 Ranch with the Water District helicopter?

5 A I don't know if it's the Water District  
6 helicopter.

7 Q Well, did they have a wreck on the ranch  
8 with a helicopter?

9 A Yes, sir.

10 Q And you don't know who it belonged to?

11 A No, sir.

12 Q What was the helicopter doing when it was out  
13 there when it had the wreck?

14 A They were working cattle.

15 Q They were working cattle?

16 A I think they were. I wasn't there, but I  
17 heard one dropped down.

18 Q One dropped down.

19 A Yes.

20 Q Then why would you think they were working  
21 cattle? Were you all having a roundup at that time?

22 A I wasn't.

23 Q What are your activities on the Duval County  
24 Ranch?

25 A Ranch foreman.

1 Q Nobody tells you when they have a roundup?

2 A Yes.

3 Q Then if there was a roundup you would know  
4 about it?

5 A Mr. Ashby was in that helicopter when it  
6 dropped down but I don't know whose helicopter it was.

7 Q Okay. But I'm asking you, was there a  
8 roundup of cattle going on at the time of the crash of  
9 the helicopter? You were the ranch manager. I assume  
10 that they would let you know if there was a roundup  
11 going on.

12 A Well, it was a roundup, I guess.

13 Q There was a roundup going on when this  
14 helicopter crashed?

15 A They were working some cattle but—

16 Q They were working in the cattle with the  
17 helicopter?

18 A Yes.

19 Q Okay. And you say you've never seen any  
20 equipment that to your knowledge belonged to the county  
21 or any governmental entity, which would include the  
22 Water District or the School District?

23 A I don't know that.

24 Q You've never seen any county employees working  
25 out there?

1 A No, sir. Never.

2 Q Have you ever discussed the removal of the  
3 School Board with Mr. Jim Bates?

4 A No, sir. I discussed it with Mr. Guerra.

5 Q You never discussed it with Mr. Jim Bates?

6 A No, sir.

7 Q Do you know Mr. Hendricks? Not this Mr.  
8 Hendricks, Mr. Jim Bates' law partner.

9 A Yes, sir.

10 Q Did you ever discuss it with him?

11 A I don't remember. I don't recall.

12 Q Have you ever seen Mr. Jim Bates on the  
13 Duval County Ranch?

14 A Yes, sir.

15 Q Were you present at any conferences between  
16 him and Mr. Clinton Manges?

17 A No, sir.

18 Q Do you know what he was doing on the ranch  
19 at that time?

20 A No, sir.

21 Q Was he hired at that time by the Grand Jury?

22 A I don't believe so. I think I saw him there  
23 some time before that.

24 Q Just a little bit before everybody got  
25 removed?

1           A     No. No, no, no. Before I was even on the  
2     Grand Jury.

3           Q     Before?

4           A     Yes. I saw him come by. But I didn't visit  
5     with him.

6           Q     Mr. Nichols, were you also a relator in the  
7     removal suit of Judge Archer Parr?

8           A     Yes, sir.

9           Q     What information did you have in order to  
10    cause you to instigate this action? Or was it brought  
11    at the request also of the District Attorney?

12          A     Yes, sir.

13          Q     Yes, sir, what?

14          A     It was.

15          Q     Also brought at the request of the District  
16    Attorney?

17          A     Yes, sir.

18          Q     And was it filed the same day that all the  
19    other ones were filed?

20          A     I don't recall. I don't think it was. I  
21    think it was a couple of weeks afterwards.

22          Q     A couple of weeks afterwards.

23          A     That's my guess.

24          Q     Did you discuss this removal suit of Judge  
25    Parr at the time that you filed the other four?

1           A     With Mr. Guerra?

2           Q     With Mr. Guerra.

3           A     Uh huh. Yes, sir.

4           Q     Did you discuss it with the Judge in his  
5 office?

6           A     I don't believe I did.

7           Q     You're not sure, though?

8           A     No.

9           Q     You could have?

10          A     I'm sure I didn't. I never had no discussion  
11 with the Judge.

12          Q     Do you remember what date you signed this  
13 thing?

14          A     No, sir, I don't remember.

15          Q     Is it possible that they might have all been  
16 signed on the same day?

17          A     I don't believe they were on the same day.

18          Q     That is not my question, Mr. Nichols. Is it  
19 possible that they might have all been signed on the  
20 same day?

21          A     By me, they weren't.

22          Q     By you, they weren't. Let me ask you, what  
23 did Mr. Arnulfo Guerra tell you in relation to Judge  
24 Archer Parr when you signed this document?

25          A     It was in regards to a conviction over here in

1 San Antonio in Federal Court.

2 Q Not a conviction. A judgment of guilt. Okay.  
3 He told you that Archer Parr had been convicted?

4 A Right. It was common knowledge.

5 Q Then why did he go to you particularly to  
6 sign the relation?

7 A Well, I had been the relator in the other  
8 four cases, and he asked me and I said "Certainly."

9 Q He didn't discuss your child support suit at  
10 this time?

11 A No, sir.

12 Q Never discussed it—

13 A This is the first time I heard about it.

14 Q He never discussed it with you before?

15 A No, sir.

16 Q Where was this thing signed? Was it also  
17 signed at the County Courthouse?

18 A Right.

19 Q Where were you at the time that you were  
20 contacted to sign this thing?

21 A At the ranch.

22 Q The Duval County Ranch?

23 A Right, sir.

24 Q You were working at the time that he called  
25 you?

1           A     I think he called me at night from Roma, to  
2 meet him at the office the next day.

3           Q     The next day?

4           A     Uh huh.

5           Q     You had never before considered filing this  
6 suit until he called you?

7           A     Well, he discussed it and I said, "I'll go  
8 ahead with it."

9           Q     You're not answering my question, Mr. Nichols.  
10 You had not ever discussed it before with him other  
11 than the time that he called you?

12          A     I don't remember discussing it with him before.

13          Q     Then he called you and told you to meet him  
14 the next morning, to come over to the Courthouse and  
15 sign the petition for the removal of County Judge Archer  
16 Parr?

17          A     That's correct.

18          Q     Was there any mention made as to who was going  
19 to be appointed to replace Judge Parr?

20          A     No, sir.

21          Q     Nobody ever discussed it with you?

22          A     No, sir. I didn't know nothing.

23          Q     Do you know Dan Tobin?

24          A     I've met him since he was appointed Judge,  
25 County Judge.



1 Q Do you know if he is indebted to Mr. Clinton  
2 Manges or not?

3 A No, sir.

4 Q Where do you do your banking?

5 A In San Antonio.

6 Q Would it be at the Gross National Bank?

7 A No, sir.

8 Q What Bank?

9 A Central Park Bank.

10 Q Do you do any banking at all at the Rio Grande?

11 A No, sir.

12 Q Do you do any banking at all at the Gross Bank?

13 A No, sir.

14 Q Do you owe Mr. Clinton Manges any money?

15 A No, sir.

16 Q Do you owe the Judge any money?

17 A No, sir.

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

20 CHAIRMAN HALE: The Chair has one or two  
21 more questions.

22 BY CHAIRMAN HALE

23 Q You filed four lawsuits as relator on four  
24 School Trustees. Is that right?

25 A That's correct, sir.

1 Q And you were the relator in the Archer Parr  
2 suit?

3 A Yes, sir.

4 Q That is Number five.

5 A Right, sir.

6 Q Are there any other lawsuits that you're  
7 relator in?

8 A No, sir.

9 Q Nobody else is going to be removed down there  
10 on your sworn affidavit?

11 A No, sir.

12 Q Who told you to file the Archer Parr suit?

13 A The District Attorney and I discussed it  
14 when he called me, and I agreed to sign the papers.

15 Q And your testimony is that you have never  
16 discussed any of these removal suits, either before you  
17 signed those petitions or afterward, with Mr. Clinton  
18 Manges?

19 A No. I never discussed it with Mr. Manges.

20 Q Did you know that Mr. Manges is the one that  
21 posted a \$50,000 bond on George Parr?

22 A Yes, sir. I knew of it.

23 Q And you signed the petition to remove his son,  
24 Archer Parr, as County Judge without even letting him  
25 know about it?

1 MR. CANALES: Nephew.

2 Q Nephew?

3 A When I signed those papers, Mr. Hale, Mr.  
4 George Parr met me outside in the hallway and he asked  
5 me if I had signed the papers and I said "Yes." And he  
6 patted me on the back and he said, "You're doing a good  
7 job." He said, "Stay with it."

8 Q That's not my question. You're working for a  
9 man as his ranch foreman.

10 A Right, sir.

11 Q And you're going down here and getting involved  
12 in the politics of the county where his ranch is located,  
13 signing petitions removing school trustees and the  
14 county judge and you don't even discuss it with your  
15 boss?

16 A I haven't discussed it. He has never suggested  
17 or implied anything about these politics over there to  
18 me, Mr. Hale.

19 Q Does he own land in Duval County?

20 A I guess he does.

21 Q Does he pay taxes on it?

22 A I guess he does.

23 Q Is he subject to the taxing authorities of  
24 Duval County?

25 A I suppose he is.

1 Q And he doesn't care that his ranch foreman is  
2 getting involved in civil suits down there? Doesn't  
3 even bother to ask you about it?

4 A He never has asked me anything about it. The  
5 only time he ever mentioned it to me, he told me, he  
6 said, "Just go down the line," he said.

7 Q "Go down the line." What did you interpret  
8 that to mean?

9 A Well, I told him we were investigating the  
10 county agencies. And he said, "Just do what's right."

11 Q Go down the line on what, now?

12 A On everything. The investigation.

13 Q I thought you told me you had never discussed  
14 it with him.

15 A I said before that the only time that I ever  
16 discussed it with Mr. Manges was when I mentioned that I  
17 was on the Grand Jury and we were investigating it. I  
18 mentioned it before, to one of the members here. And he  
19 said, "Just go down the line."

20 Q All right. Let me ask you one or two other  
21 questions. I'm interested in this fee the Grand Jury  
22 paid Jim Bates. In fact, I'm getting interested in all  
23 these legal fees down there. (Laughter.)

24 What did you all hire Mr. Bates to do?

25 A Special prosecutor for the Grand Jury.

1 Q To prosecute who?

2 A Well, it was on our investigation.

3 Q Well, who?

4 A To lead us.

5 Q Who was he going to prosecute?

6 A We had this investigation. We knew there were  
7 irregularities and we needed some advice. Mr. Guerra had  
8 a heavy work load in Starr County on some murder cases  
9 and he wasn't able to be with us every time we met, so  
10 at my suggestion we— I recommended Mr. Bates.

11 Q How much did you agree to pay Mr. Bates?

12 A I don't have the least idea, I don't recall  
13 what the fee was, Mr. Hale.

14 Q Well, now, Mr. Canales said something about  
15 forty to forty-five thousand dollars. Does that sound  
16 right to you?

17 A No, it doesn't sound right to me. No.

18 Q How much work has Mr. Bates done for the Grand  
19 Jury?

20 A Well, he only came up there about three or  
21 four times, and the Attorney General took over.

22 Q Well, have you all already paid him his fee?

23 A No. I don't believe he has been paid.

24 Q In other words, you file a complaint here to  
25 remove some school trustees because they paid a \$35,000

1 fee to one lawyer and a \$25,000 fee to another lawyer,  
2 and yet you turn around and think it's all right for  
3 you on the Grand Jury to hire a third lawyer and pay him  
4 thirty-five, forty or forty-five thousand dollars?

5 A Mr. Bates was not retained at the time that we  
6 signed those papers.

7 Q That's not my question. I'm asking you if you  
8 think it's out of line for a School Board to hire a  
9 lawyer and pay him \$25,000, isn't it also out of line  
10 for a Grand Jury to hire a lawyer and pay them \$25,000?

11 A I would say it depends on the work.

12 Q I see. Well, do you know what Mr. Foster  
13 and Mr. Orr did for this fee they were paid?

14 A No, sir.

15 Q How do you know it was excessive then?

16 A I don't know that it was, sir.

17 Q Well, you alleged that in your petition, and  
18 you swore to it.

19 A Yes, I did.

20 CHAIRMAN HALE: Are there other questions?

21 MR. MALONEY: Not of this witness.

22 MS. THOMPSON: I would like to ask one  
23 question.

24 CHAIRMAN HALE: Ms. Thompson has a  
25 question.

1 MS. THOMPSON: I would like to know  
2 whether or not he discussed the fees with anybody, or  
3 whether he discussed it with his boss and asked him  
4 whether or not it was excessive.

5 BY MS. THOMPSON

6 Q You indicated that you did not know whether or  
7 not those fees were excessive. Did anybody tell you that  
8 they were excessive? Did the District Attorney tell you  
9 that they were excessive?

10 A No. No. No, ma'am.

11 Q Did you discuss it with the District Attorney,  
12 since you had complete confidence in him in filing  
13 against these persons?

14 A You will have to repeat that, please.

15 Q Okay. You indicated that you had faith in  
16 this District Attorney.

17 A Yes, ma'am.

18 Q When you filed these complaints against these  
19 four Trustees, did he indicate to you, or did you ask  
20 him, whether or not these fees that were paid to  
21 Attorney Orr were excessive?

22 A We discussed that, the District Attorney.

23 Q You did discuss it. And what did he tell  
24 you? He told you he felt like that they were excessive?

25 A Right.

1 MS. THOMPSON: Thank you very much.

2 CHAIRMAN HALE: Mr. Donaldson has some  
3 questions.

4 BY MR. DONALDSON

5 Q When you discussed the employment of an  
6 attorney, who was there? Was this before the full  
7 Grand Jury?

8 A Yes.

9 Q Was the District Attorney there?

10 A Yes.

11 Q Is he the one that told you all you all could  
12 hire an attorney if you wanted to?

13 A It was my suggestion. I requested it.

14 Q Who told you—

15 A Who told me?

16 Q Who told you that you had the authority to  
17 hire an attorney?

18 A Well, he did because he couldn't be with us  
19 all the time. The District Attorney couldn't be with us  
20 all the time.

21 Q I understand that. Who told you that the  
22 Grand Jury had the authority to hire an attorney?

23 A He did.

24 Q Who?

25 A Mr. Guerra said we could hire a special



1 prosecutor.

2 Q Was he there when Mr. Bates came up and you  
3 all discussed the fee and what he was going to do?

4 A I believe he was. I know he was there a  
5 couple of times.

6 Q Was he there or was he not?

7 A I'm pretty sure he was.

8 Q Do you know if he was?

9 A Well, he was there one time. I remember that.

10 Q When Bates was there?

11 A Yes. Uh huh.

12 Q And you were in the Grand Jury room?

13 A No. No. No, no. Mr. Bates was in by himself.

14 Q He was where by himself?

15 A Mr. Bates was in with the Grand Jury.

16 Q All right. Was the District Attorney there?

17 A No. Not at that time.

18 Q Well, when was it that he was with you all when  
19 you discussed hiring him and discussed the fee?

20 A I believe we were out— I believe it might  
21 have been in the Judge's chambers or in the hallway  
22 there in the Courthouse.

23 Q In the Judge's chambers?

24 A Uh huh.

25 Q Was Judge Carrillo there when you discussed it?

1 A No. I don't think he was.

2 Q You were just using his office?

3 A We used his office. Yes. That hallway is  
4 pretty active there.

5 Q But the District Attorney was in on the  
6 negotiations establishing the fee?

7 A I'm pretty sure he was. Yes.

8 Q And the District Attorney is the one that  
9 prepared this petition saying that the fees were  
10 excessive paid by the School Board. Right?

11 A Right.

12 Q Do you have any idea what the agreed fee was?

13 A No. I don't— I don't recall. I don't  
14 recall. I'm serious about it.

15 Q Well, I hope you're serious about it.

16 A Well, I am.

17 Q Do you recall whether it was more than ten  
18 thousand dollars?

19 A I'm not going to say "Yes" or "Nay," Mr.  
20 Donaldson.

21 Q Was it a flat dollar amount fee or per hour  
22 or what?

23 A I don't recall whether it was on a daily  
24 basis or what.

25 Q Didn't you say you had it written down

1 somewhere?

2 A I had the figures written down on Mr. Ed  
3 Turner, the auditor. I had the figures written down  
4 on Mr. Ed Turnaer, the auditor, and—

5 Q And you recommended the auditor too. Right?

6 A Yes, sir.

7 Q Where is he from?

8 A He is from Harlingen.

9 Q Did you know him?

10 A Yes, sir.

11 Q How did you get to know him?

12 A Well, I was an officer down in the Valley and  
13 I knew him. He is a very nice fellow, very straight.

14 MR. DONALDSON: That's all the questions  
15 I have.

16 CHAIRMAN HALE: Are there further  
17 questions?

18 Mr. Hendricks?

19 BY MR. HENDRICKS

20 Q Mr. Nichols, at the present time, your  
21 Commissioners Court has refused to pay Jim Bates. Isn't  
22 that correct?

23 A I understand that is correct. Yes.

24 Q They felt the fee excessive and they have  
25 refused to pay him, have they not? That is the truth,

1 isn't it?

2 A I understand they have, but I don't know what  
3 the figures are, Mr. Hendricks.

4 Q But you don't remember what fee?

5 A No, sir.

6 Q You just brought him and agreed to pay him.

7 A Yes, sir.

8 MR. HENDRICKS: Thank you.

9 CHAIRMAN HALE: Are there further  
10 questions of Mr. Nichols?

11 MR. HENDRICKS: Mr. Chairman?

12 CHAIRMAN HALE: Is there any objection  
13 to allowing Mr. Nichols to go under the same conditions  
14 that we did the other witnesses?

15 (No response.)

16 CHAIRMAN HALE: Mr. Nichols, you are  
17 under subpoena to the Committee and the Chair will  
18 authorize you to go on about your business with the  
19 understanding that you are under subpoena and if we need  
20 you for further testimony you will be notified.

21 A All right, sir.

22 CHAIRMAN HALE: Do you understand my  
23 instructions?

24 A Yes, sir.

25 CHAIRMAN HALE: Don't get out of pocket

1 without letting the Chairman know where you are, in  
2 case we need you again.

3 A All right, sir.

4 CHAIRMAN HALE: Thank you very much. On  
5 behalf of the Committee, I thank you for your testimony.

6 A Thank you.

7 (The witness, Mr. Jose R. Nichols, was  
8 excused.)

9 MR. HENDRICKS: Mr. Chairman?

10 CHAIRMAN HALE: Mr. Hendricks?

11 MR. HENDRICKS: With your permission, I  
12 would like to recall Mr. Hinojosa for a couple of  
13 questions.

14 CHAIRMAN HALE: All right. Mr. Hinojosa,  
15 would you take the witness stand again, please.

16 Have all of these official documents been  
17 returned to Mr. Hinojosa after the photocopying?

18 Mr. Hinojosa, have all your official documents  
19 been returned to you?

20 MR. HINOJOSA: I believe I need a couple  
21 of claims, I believe. I'm not too sure.

22 CHAIRMAN HALE: Let's find the originals  
23 of all those claims. All of them have been introduced  
24 in evidence and should have been photocopied now. Mr.  
25 Reporter, do you have photocopies of every one that's

1 been introduced in evidence?

2 THE REPORTER: I do not have.

3 CHAIRMAN HALE: All right. Mr. Hendricks  
4 has some questions.

5  
6 MR. OCTAVIO HINOJOSA

7 resumed the witness stand and testified further as  
8 follows:

9 DIRECT EXAMINATION

10 BY MR. HENDRICKS

11 Q Mr. Hinojosa, to your knowledge, has the  
12 Commissioners Court of Duval County ever authorized the  
13 payment of attorneys fees for Judge O. P. Carrillo?

14 A Not as an attorney's fees. No, sir.

15 Q Has Duval County ever paid Morris Atlas a  
16 fee, an attorney by the name of Morris Atlas?

17 A No, sir.

18 Q Have they ever paid Mr. Mitchell a fee?

19 A Mr. Mitchell submitted a claim one time, but  
20 later on he mailed the auditor a letter explaining that  
21 he withdrew his claim for the meantime and we never did  
22 pay.

23 Q Never did pay it.

24 MR. HENDRICKS: Okay. That's all I have.  
25 Thank you, sir.

1 CHAIRMAN HALE: Mr. Maloney has a  
2 question.

3 BY VICE CHAIRMAN MALONEY

4 Q Has Mr. Jim Bates ever submitted a claim for  
5 payment?

6 A Mr. Bates has not submitted a claim for  
7 payment. No, sir.

8 MR. MALONEY: Thank you.

9 CHAIRMAN HALE: Any further questions?

10 BY MR. CHAVEZ

11 Q What about any of these other lawyers?  
12 Foster and Orr?

13 A Mr. Foster or Mr. Orr haven't submitted no  
14 claims to the county. No, sir.

15 CHAIRMAN HALE: Do you have anything  
16 further?

17 MR. CHAVEZ: No, sir.

18 CHAIRMAN HALE: That one question brings  
19 up another, Mr. Hinojosa.

20 BY CHAIRMAN HALE

21 Q In these removal suits on these School  
22 Trustees—well, I'm sorry. That would be Benavides  
23 Independent School District. You don't audit the  
24 records on those?

25 A No, sir. Just Duval County.

1 Q Just the Duval County?

2 A No. That would be the school district. No,  
3 sir.

4 CHAIRMAN HALE: I'm sorry. Are there any  
5 other questions?

6 MS. THOMPSON: I would like to know,  
7 does he remember how much fees Mr. Mitchell was asking  
8 for?

9 Q How much fees did Mr. Mitchell submit a  
10 claim for, if you remember?

11 A His claim was for \$5,000.

12 Q What was it for? Did the claim state what the  
13 fee was for?

14 A Yes, sir. It was specified but I don't  
15 recall what case it was or anything. I just remember  
16 the amount. I don't know what case it was.

17 MS. THOMPSON: Can we get that later,  
18 Mr. Chairman?

19 MR. MITCHELL: Yes. I'll be glad to  
20 testify what it was or to state to the Committee, if  
21 the Committee permits me.

22 MS. THOMPSON: Mr. Chairman, I would  
23 like to request for this Committee that date.

24 CHAIRMAN HALE: Do you have the data  
25 available, or in your office?



1 A The claim is in the office. Yes, sir. It  
2 hasn't been processed.

3 MR. CANALES: Mr. Chairman, may I  
4 interrupt momentarily. I think I have certified copies  
5 of the Commissioners Court's minutes in which the claim  
6 was approved.

7 MS. THOMPSON: Very good then.

8 CHAIRMAN HALE: It was approved?

9 MR. CANALES: The claim was approved  
10 for Mr. Mitchell and I believe the claim was also  
11 approved for Mr. Atlas. A \$10,000 fee for Mr. Atlas  
12 for two days' work and \$5,000 for Mr. Mitchell.

13 MR. HENDRICKS: I would like to comment,  
14 he's down into our class!

15 MR. MITCHELL: I would like to state to  
16 the Committee the amount of work I did for it in view  
17 of the fact—if I could have the permission. I haven't  
18 been paid, I might add. I don't think it appropriate  
19 under the circumstances, but I would like the Committee  
20 to understand in view of the fact of the testimony that's  
21 been offered.

22 MR. CHAVEZ: Mr. Chairman, I would ask  
23 that Mr. Mitchell be permitted to state to the Committee  
24 whatever he wants to state in connection with that fee.

25 CHAIRMAN HALE: I think that would

1 certainly be in order, Mr. Mitchell.

2 MR. MITCHELL: Mr. Chairman and members  
3 of the Committee, I was asked by the District Attorney  
4 and by the other officials in that county to institute  
5 answer applications for Writs of Mandamus which had been  
6 filed by Mr. Foster to accelerate the setting on the  
7 cases down in—the removal cases. I filed a brief and  
8 appeared before the Court of Civil Appeals, and the  
9 Court of Civil Appeals rendered an opinion granting the  
10 Writ of Mandamus. Thereafter, Writs of Mandamus were  
11 filed before the Supreme Court. I then also made an  
12 appearance there and the Supreme Court, in effect,  
13 sustained the Court of Civil Appeals.

14 Prior to that time, I had been employed in  
15 connection with the removal actions themselves; had  
16 amended several of the pleadings, and did so on the  
17 request of the District Attorney and the other officials  
18 there in the county.

19 I think I had a total— I could submit the  
20 billing and the work done in that connection. I  
21 thereafter submitted a bill to the Commissioners Court  
22 and was notified that there was some question who the  
23 Commissioners Court was. I thereupon wrote a letter to  
24 the Commissioners Court and stated to them that I did  
25 not want that fee paid, either one of them, until it

1 was determined who the lawful Commissioners Court was,  
2 and that the Commissioners Court would, of course, have  
3 to be recognized as the lawful Commissioners Court,  
4 and that being recognized as the lawful Commissioners  
5 Court then it would be necessary for them to adopt a  
6 resolution authorizing the payment of those fees.  
7 Otherwise, I didn't want them. I had just gone through  
8 the same procedure, I might add to the Committee, with  
9 Bell County. I represented the Commissioners Court in  
10 Bell County in the case of Bell County vs. Ramfield.

11 And I thereupon—when these proceedings  
12 commenced, I insisted that no fee be paid until it was  
13 determined who is the lawful Commissioners Court of  
14 that county and that that fee be approved by that  
15 Commissioners Court.

16 There are some additional pleadings, and I'm  
17 sorry I can't call them off the top of my head. But  
18 I recall that in addition to the work I've outlined  
19 that there were mandamus actions and prohibitions filed  
20 prior to the mandamus in the Court of Civil Appeals  
21 with the Supreme Court of the State of Texas. I  
22 prepared answers to— Mr. Foster filed them and he  
23 could tell us. I prepared answers to, I believe, two  
24 Writs of Prohibition and four Writs of Mandamus in these  
25 School Board cases, and the Supreme Court denied the two

1 Writs of Prohibition and the Writs of Mandamus. That's  
2 the first piece of work.

3 Then I came back in and picked it up on the  
4 Application for Writ of Mandamus in the Court of Civil  
5 Appeals which I have already told the Committee about  
6 and then following that, the Supreme Court, I believe  
7 last week, denied the last Application for Writ of  
8 Mandamus filed by Mr. Foster in connection with the  
9 School Board cases.

10 I think I have had two Writs of Prohibition,  
11 about four Writs of Mandamus, reply to one Writ of  
12 Mandamus in the Court of Civil Appeals, and another  
13 Writ of Mandamus to try to offset that Court of Civil  
14 Appeals action in the Supreme Court.

15 That is about, I think, the full scope of the  
16 work, Mr. Chairman.

17 CHAIRMAN HALE: You were representing  
18 Judge Carrillo in—

19 MR. MITCHELL: No, I wasn't. I was not.

20 CHAIRMAN HALE: —in his capacity as  
21 District Judge in those cases?

22 MR. MITCHELL: I was representing the  
23 District Attorney and I believe—yes. I believe one of  
24 the clients was the Judge and one of the clients was the  
25 District Attorney.

1 CHAIRMAN HALE: I presume the Mandamus  
2 would have had to have been against the Judge.

3 MR. MITCHELL: Yes. That's true.

4 CHAIRMAN HALE: In other words if it's  
5 a mandamus to the Judge to do something, was it not?

6 MR. MITCHELL: That's right. To set those  
7 cases up.

8 CHAIRMAN HALE: The Writ of Prohibition  
9 was to stop him from doing something.

10 MR. MITCHELL: Yes. Those Writs of  
11 Prohibition were filed at the instance of persons named  
12 in those petitions for removal to stop the filing of  
13 those. Those Writs of Prohibition were filed with the  
14 Supreme Court to stop, and the Supreme Court denied the  
15 Writs and proposed to allow those writs to go to trial.  
16 Therefore, the persons named then moved for accelerated  
17 trial by mandamus and that's when the Court of Civil  
18 Appeals set those cases for May 19th. Those cases were  
19 postponed so Judge Carrillo could be here on the 20th  
20 to commence these hearings. Thereafter, Mr. Foster  
21 moved on behalf of the same parties before the Supreme  
22 Court to further accelerate them, and that's the one  
23 the Supreme Court denied, I think within the last week or  
24 ten days.

25 CHAIRMAN HALE: Were you supposed to have

1 been paid for these services in both the Parr case and  
2 the School District cases—

3 MR. MITCHELL: Yes.

4 CHAIRMAN HALE: —by Duval County?

5 MR. MITCHELL: I understood that the—well,  
6 I didn't really know. I had understood— I asked  
7 information as to who I would send my bill to and they  
8 said send the bill to the Commissioners Court. I sent  
9 the bills. In fact I believe Mr. Foster called me and  
10 mentioned the fact that there was some question as to  
11 who the Commissioners Court were. And I said, "Well,  
12 Lord, I don't want to get into all that foolishness."  
13 So I just wrote them a letter and said I just don't  
14 want to be paid at all. I would rather have con-  
15 tributed my work than to get checks from a public  
16 agency without being assured of who the public agency  
17 was, and consequently I have not been paid. And I stand  
18 on that at this point. I will not be paid until somebody  
19 makes a determination who they are and that a proper  
20 resolution is adopted by the Commissioners Court that is  
21 the Commissioners Court, and then I will then receive the  
22 check under these circumstances. But I have been in the  
23 business too long to be fooling around with that kind of  
24 stuff.

25 CHAIRMAN HALE: The Chair has in his hands

1 a document furnished to me by Mr. Canales here, which  
2 is a certified copy of the Minutes of the meeting of the  
3 Commissioners Court on the 17th day of April, 1975,  
4 San Diego, Duval County, Texas, with the following  
5 members present and constituting a quorum: Dan Tobin, Jr.,  
6 County Judge; Manuel Amaya, Jr., County Commissioner  
7 Precinct 1; Ramiro Carrillo, Jr., County Commissioner  
8 Precinct 3. And among other things, the following  
9 action transpired.

10 "On motion made by Commissioner Amaya  
11 and seconded by Commissioner Carrillo, that  
12 an attorney's fee of \$5,000 be paid Mr. Arthur  
13 Mitchell, Attorney at Law, Austin, Texas, in  
14 the Writ of Mandamus suits filed Archer Parr  
15 vs. O. P. Carrillo. Motion carried with all  
16 members voting 'aye' against none."

17 MR. MITCHELL: As I understood, Mr.  
18 Chairman, that's the affirmative action taken but there  
19 being some question or some doubt about the constitution  
20 of that Commissioners Court I refused to—and I would  
21 like to have somebody order somebody to pay my fees, you  
22 understand, but I don't want to—it would not be  
23 appropriate to take it under the circumstances and  
24 consequently I have not taken it.

25 CHAIRMAN HALE: Did they mail you a check

1 for that \$5,000?

2 MR. MITCHELL: No. I have—no.

3 CHAIRMAN HALE: You have never received  
4 anything from the county in response?

5 MR. MITCHELL: The action was taken as  
6 the Chairman has indicated and I determined that there  
7 was some question and I sent a letter. I think my  
8 letter is after that date, Mr. Chairman— I don't have  
9 my file—saying that I would not accept the check.

10 CHAIRMAN HALE: Does anybody have any  
11 questions of Mr. Mitchell on this matter?

12 MR. HENDRICKS: Mr. Chairman, I don't  
13 think it would be proper to question him. I would raise  
14 a point of order unless he wants to be sworn and  
15 testify.

16 CHAIRMAN HALE: It is strictly on this  
17 fee thing, to elaborate on his explanation.

18 Mr. Mitchell, thank you for your explanation.

19 Let me ask the witness a question, if I might.  
20

21 DIRECT EXAMINATION (Continued)

22 BY CHAIRMAN HALE

23 Q Mr. Hinojosa, I'm reading further from this  
24 Commissioners Court Minutes here on April 17, 1975 and  
25 I want to ask you if you are aware of this:



1 "On motion made by Commissioner Amaya and  
2 seconded by Commissioner Carrillo, that this  
3 Court hire and pay the legal service of Mr.  
4 Gary Gurwitz, Attorney at Law, for representing  
5 said Court as post—"

6 whatever that is. P-O-S-T.

7 "—hearings in the amount of \$10,000. Motion  
8 carried with all members voting 'Aye' against  
9 none. It is hereby ordered that Duval County  
10 pay the above Mr. Gary Gurwitz \$10,000 for  
11 legal services for the County of Duval."

12 Are you aware of that?

13 A Yes, sir. It's in the Minutes of the  
14 Commissioners, but they did pass an order ordering the  
15 payment of these attorneys, but the county was already in  
16 financial difficulties and we never did write a check  
17 for these attorneys.

18 Q I see. Is Mr. Gary Gurwitz associated with  
19 Mr. Morris Atlas?

20 A I don't know. No, sir.

21 Q Is he from McAllen?

22 A I don't remember his address. No, sir.

23 CHAIRMAN HALE: Any other questions?

24 Ms. Thompson, do you still want to—in view of  
25 the explanation, do you think it necessary to get copies

1 of what you requested a minute ago?

2 MS. THOMPSON: I am sufficiently satisfied  
3 at this time.

4 CHAIRMAN HALE: All right. Thank you.  
5 Thank you, Mr. Hinojosa.

6 (The witness, Mr. Octavio Hinojosa, was  
7 excused.)

8 CHAIRMAN HALE: Members of the Committee,  
9 in view of our previous decision not to have a night  
10 meeting tonight the Chair feels that, it now being  
11 approximately 6:30, that we should not call another  
12 witness, unless there is some strong objection from  
13 the members of the Committee.

14 The Chair would like—before any of you leave  
15 though, we do need to have a session here, an  
16 Executive Session shortly on subpoenas and one or two  
17 other matters. In the meantime, let me ask you, Mr.  
18 Canales, as to our testimony tomorrow. Do you have  
19 witnesses ready to go in the morning at 9:00 o'clock?

20 MR. CANALES: One or two. That's all.

21 CHAIRMAN HALE: Mr. Foster is here and  
22 we have—

23 MR. CANALES: I'm not sure whether—

24 CHAIRMAN HALE: —an affidavit from him.  
25 And Mr. Joe Guerra, is he going to—

1                   MR. CANALES: He asked to testify, Mr.  
2 Chairman. I don't know whether he will or not. He was  
3 supposed to be enroute today. I don't know what his  
4 testimony will be.

5                   CHAIRMAN HALE: Did we issue a subpoena  
6 for him?

7                   MR. CANALES: He is not under subpoena.

8                   MR. FOSTER: He was in Houston at a  
9 doctor's appointment. He is on the way.

10                  CHAIRMAN HALE: And Arnulfo Guerra.  
11 That's the District Attorney. He wanted to testify.  
12 Apparently he filed an affidavit with the Chairman.

13                  MR. CANALES: He is here at his own  
14 request, I think.

15                  CHAIRMAN HALE: Do you know, is he  
16 planning to be here? Do you know? Do you have any  
17 information on it?

18                  MR. CANALES: I don't know that.

19                  CHAIRMAN HALE: Do you have any informa-  
20 tion on it, Mr. Foster, as to whether he's planning to  
21 be here?

22                  MR. FOSTER: They have a meeting of the  
23 Grand Jury scheduled in Duval County tomorrow morning  
24 at 9:00 o'clock. I don't know whether he will be here  
25 or there.

1                   **CHAIRMAN HALE:** Mr. Canales, from the  
2 standpoint of time, what would you give your best  
3 estimate to the Chair as to the length of time you  
4 think you will be using in putting on additional  
5 evidence?

6                   **MR. CANALES:** Mr. Chairman, my testimony  
7 as far as Mr. Foster is concerned I think will be less  
8 than an hour. What the Committee will take in asking  
9 him questions I could not even begin to anticipate.  
10 Mr. Joe Guerra's testimony I'm sure will be very brief.  
11 I don't think he is going to go into much of the  
12 activity of Duval County as he is a resident of Starr  
13 County.

14                   So I would anticipate that as far as my  
15 presentation is concerned it should terminate tomorrow  
16 unless the Committee decides to go into some of these  
17 matters in greater depth. It just depends on what is  
18 brought to light at the time of the presentation.

19                   I could give you a brief synopsis of what I  
20 intend to prove tomorrow, or what the witness will have,  
21 or what Mr. Foster will testify to in light of those  
22 certified copies of records.

23                   **CHAIRMAN HALE:** In the meantime, tonight,  
24 could the Clerk make copies of these and have ample  
25 copies here for everybody, of this entire folder?

1 In view of the rather extensive questioning  
2 by members of the Committee on most of these witnesses,  
3 Mr. Canales, would the Chair be, in your judgment,  
4 fairly safe in assuming that we would take most of  
5 tomorrow on the rest of your witnesses?

6 MR. CANALES: I would assume that we would  
7 be finished tomorrow. What time do we anticipate  
8 starting?

9 CHAIRMAN HALE: 9:00 o'clock in the  
10 morning.

11 MR. CANALES: I would guess that we should  
12 be through before 3:00 o'clock tomorrow. I would guess.  
13 Now that is just a guess.

14 MR. HENDRICKS: Assuming it takes all  
15 day--

16 MR. CANALES: I would like to brief the  
17 Committee slightly on these things that you're going to  
18 have reproduced, which are certified copies of the  
19 records from Deval County so if any members of the  
20 Committee go over them they will know more or less what  
21 they deal with this evening and be able to put the  
22 questions to Mr. Foster a little bit more intelligently  
23 tomorrow.

24 CHAIRMAN HALE: I don't anticipate we'll  
25 have copies of this until in the morning for members of

1 the Committee unless they hang around here pretty late  
2 tonight.

3 MR. CANALES: Very well.

4 CHAIRMAN HALE: Mr. Mitchell, could the  
5 Chair ask you, absent subpoenas which you have requested  
6 from the Chair, which we intend to take up here in a  
7 few moments, could you give the Chair some idea about  
8 the amount of testimony that you would have before the  
9 Committee, or do you have any testimony absent these  
10 subpoenas?

11 MR. MITCHELL: Yes, sir. I have, Mr.  
12 Chairman, and I perhaps might pose this question now— I  
13 have the flow of the presentation that I want or would  
14 desire to make, would be first of all documentary.  
15 Now, the documentary is relevant to questions that have  
16 been raised up to this point.

17 Now, if I'm going to be required to bring in  
18 witnesses to authenticate them I have one problem.  
19 Otherwise I have, for example, such as checks payable  
20 to various people, certificates showing payment of  
21 taxes, numerous documents which I would like to start  
22 off with by making available to the Committee and putting  
23 them in the record.

24 And then I have, for example, the tax returns  
25 of the Zertuche—or to Hector Zertuche and Arturo

1 Zertuche which are matters of public record. I have  
2 those that I would like to introduce. It would  
3 facilitate if I wouldn't have to bring Mr. Kirkland up,  
4 for example, to authenticate them. I would like to be  
5 able to just lay them all out and if there are any  
6 questions of the authenticity that we could perhaps  
7 reserve and I could bring the witnesses in.

8 CHAIRMAN HALE: Who is Mr. Kirkland?

9 MR. MITCHELL: The accountant who  
10 prepared the Zertuche Store accounts.

11 And then I have the backup data, the input  
12 data, on those accounts, such as the data dealing with  
13 sales, checks, et cetera. Then I have numerous checks  
14 signed by Judge Carrillo on his accounts that will be  
15 tied in with the testimony.

16 I can get way down the road rapidly. I have  
17 it pretty well organized on that.

18 Then as to the witnesses, the Committee will  
19 note that Kirkland is one of the witnesses. I have  
20 several attorneys in the area because I'm speaking—I  
21 will speak to the point of the Judge's mal-administration  
22 and the inability to perform the function of his office  
23 which I determined or ascertained from the cases is  
24 relevant on the question of impeachment. We can bring  
25 these in sort of like character witnesses in a trial, Mr.

1 Hale. Those can be brought in. And I can probably  
2 get them on the phone without the necessity of the  
3 issuance of a subpoena.

4 CHAIRMAN HALE: I would hope that there  
5 would be a minimum of those, Mr. Mitchell.

6 MR. MITCHELL: Yes, there will be, I  
7 assure you.

8 CHAIRMAN HALE: Because really I don't  
9 think there is any question been raised here, at least  
10 not to the satisfaction--not to my satisfaction there's  
11 raised any question as far as Judge Carrillo's ability  
12 to run the courtroom.

13 MR. HENDRICKS: Or his character.

14 CHAIRMAN HALE: Or his character either.  
15 That certainly hasn't been brought into focus in my  
16 way of thinking on it. It seems to me that we're dealing  
17 here with some specific allegations of various types of  
18 misconduct which go beyond just simply a character  
19 reference or a general trial of a lawsuit, you know. I  
20 assume the Judge does a fine job of trying an XYZ lawsuit.

21 MR. MITCHELL: Then I'm faced with this  
22 problem, and with attorneys on the Committee, and I  
23 don't mean not to speak to the non-attorneys, but they will  
24 appreciate that Resolution 161 speaks to impeachment  
25 because of indictment. I will admit that indictment now.



1 Yes, they are indicted. The trial has been set tentatively.

2 I don't know, with that statement by the Chair  
3 and joined in by the member, Mr. Hendricks, on the  
4 question of the performance of his duties, that eliminates,  
5 of course, what I consider is relevant under impeachment.

6 Then I don't know how much of this other I'm  
7 charged with the responsibility, and I will undertake it,  
8 but as the Chair is well aware, the evidence has flowed  
9 rapidly and I am having to sort of catch these balls  
10 as they are coming over the fence. I think I can take  
11 care of most of it with documentation.

12 CHAIRMAN HALE: At this point, we don't  
13 need to determine the extent of the testimony you're  
14 going to offer. I was anticipating if we finish up here  
15 at 3:00 o'clock tomorrow afternoon, as he optimistically  
16 predicted—

17 MR. MITCHELL: I would like to have—excuse  
18 me, Mr. Hale—the District Attorney, I have him sub-  
19 poenaed. I would like to have him and have permission  
20 to call him. He does have some other duties, but I would  
21 like him to commence his and then perhaps the Committee—  
22 in the face of Mr. Nichols' testimony.

23 CHAIRMAN HALE: Is that Mr. Guerra?

24 MR. MITCHELL: Arnulfo Guerra. Yes, sir.

25 CHAIRMAN HALE: Is he under subpoena? Have

1 we subpoenaed him?

2 MR. MITCHELL: I have requested that he  
3 be subpoenaed. As I understand from comments by the  
4 Chair, he has requested to appear. Of course, I want  
5 him to appear anyway.

6 CHAIRMAN HALE: I have a signed affidavit  
7 from him. He was here before but I haven't seen him  
8 today, I don't believe.

9 MR. MITCHELL: He is not here.

10 CHAIRMAN HALE: I'm not sure that I  
11 would recognize him when I see him.

12 MR. MITCHELL: I would like to have him.  
13 I would make efforts to bring him here to testify  
14 tomorrow afternoon. Then I can fill in with the  
15 documentation that we have.

16 MR. KASTER: I think we ought to plan to  
17 have him start Thursday.

18 MR. LANNY: He can start his documentation  
19 beginning at 3:00.

20 MR. MITCHELL: Fine.

21 MR. LANEY: Whatever he wants.

22 CHAIRMAN HALE: Of course, again, Mr.  
23 Mitchell, in response to the remark you made just then,  
24 you didn't know exactly how far to go in—

25 MR. MITCHELL: Yes, sir.

1 CHAIRMAN HALE: —in putting on evidence.  
2 Let me emphasize again that this is not a trial.

3 MR. MITCHELL: Oh, I understand. Yes.  
4 The Chairman has mentioned the fact that it's like unto  
5 a Grand Jury proceeding. Of course, I know the cases,  
6 but the Grand Jury proceeding doesn't result in the  
7 dismissal of this man from the office. And I think  
8 there is a difference. So I feel the duty as an  
9 attorney to refute whatever I can.

10 MR. HENDRICKS: Mr. Chairman, this  
11 proceeding doesn't result in his dismissal from office.  
12 The trial would be over in the Senate if we voted the  
13 Articles of Impeachment. The trial wouldn't be here.  
14 It would be in the Senate.

15 CHAIRMAN HALE: He would be suspended.  
16 If the House votes the impeachment he is automatically  
17 suspended until the trial.

18 MR. HENDRICKS: That's right.

19 CHAIRMAN HALE: I believe that's what  
20 Mr. Mitchell was referring to.

21 MR. MITCHELL: That's right.

22 CHAIRMAN HALE: He would not be automatically  
23 suspended as a result of any action that this Committee  
24 took.

25 MR. MITCHELL: That's right.

1                   **CHAIRMAN HALE:** But if the House itself,  
2 on the recommendation of this Committee, or overruling  
3 the recommendation of this Committee, should vote  
4 impeachment, then it's my understanding of the law he  
5 would be suspended, not removed; but he would be  
6 suspended from performing the duties of his office until  
7 the trial by the Senate sitting as a Court of Impeachment.

8                   **MR. MITCHELL:** I'll do all I can to keep  
9 the flow, Mr. Chairman, and I appreciate the opportunity  
10 to present that.

11                   **CHAIRMAN HALE:** Again, what the Chair's  
12 concern is, Mr. Mitchell, not only with character  
13 witnesses, but I don't see the necessity for you going  
14 into a tremendous presentation in trying to cover every  
15 tangent and every avenue here, and I'm not trying to  
16 tell you how to run your case other than we just don't  
17 want this to drag on and on and on.

18                   **MR. MITCHELL:** I'll withdraw the request  
19 then for the subpoenas of the attorneys Nye and two or  
20 three others that I had. I'll give those names. There  
21 will be no need for me to have them.

22                   **CHAIRMAN HALE:** Really, in fact, some of  
23 the questioning up to now has gone pretty far afield,  
24 as you are well aware, and I think the Committee recog-  
25 nizes that, but I think the reason for it is that none of

1 us were familiar with these transactions, and we weren't  
2 sure in what direction we were heading until we started  
3 asking some questions.

4 MR. MITCHELL: I see.

5 CHAIRMAN HALE: And I think, as you can  
6 see today, I think today's testimony began to focus on  
7 certain things much more definitely than the testimony  
8 last week did. And the Chair attributes that to the  
9 fact that each of us is becoming a little more familiar  
10 with this whole chain of circumstances and we really  
11 know more in what direction we're moving. So for that  
12 reason I would hope that we could eliminate a lot of  
13 the potential testimony that you had originally contem-  
14 plated. In my judgment, it is probably not necessary.

15 MR. MITCHELL: I'll go to work with that  
16 in mind, Mr. Chairman. I think we can.

17 CHAIRMAN HALE: With that in mind then,  
18 we'll plan on Mr. Canales, proceeding with your case  
19 tomorrow and possibly finishing your presentation. If  
20 not, of course, we'll continue it Thursday morning. And  
21 then with that in mind, Mr. Mitchell, you can sort of  
22 plan on starting your presentation either late tomorrow  
23 afternoon or Thursday morning.

24 MR. CANALES: Mr. Chairman?

25 CHAIRMAN HALE: Mr. Canales?

1 MR. CANALES: On an inquiry as far as  
2 the bank records of the San Diego First State Bank, or  
3 whatever its name may be, I was under the understanding  
4 that the Chair was going to subpoena the records. It has  
5 been brought to my attention they have not been sub-  
6 poenaed; that a subcommittee will be going down there to  
7 look at them?

8 CHAIRMAN HALE: That decision hasn't been  
9 firmly made, Mr. Canales. The Committee did vote to  
10 authorize the Chair to subpoena the bank records. We  
11 have held up on that. The Chair has held up on it  
12 after consulting with the members of the Committee, not  
13 with the thought that we were not going to issue that  
14 subpoena, but with the thought that we didn't know yet  
15 exactly what we wanted to subpoena out of the bank. And  
16 none of us wanted to issue a blanket subpoena to the  
17 bank to bring all these records on any particular part of  
18 it concerned. Our thinking was, and we're going to go  
19 into Executive Session again this afternoon here shortly  
20 to discuss this matter of subpoenas, but our thinking at  
21 the last discussion of the Committee was that we would  
22 hear all the evidence first, and then we would be able to  
23 sort of sit down and pinpoint what the bank might have  
24 that would either prove or disprove certain testimony.  
25 Then we would be able to phrase the subpoena in a little

1 bit more specific terms, and perhaps send a subcommittee  
2 down there to go through the records with the officers  
3 of the bank and determine which instruments are pertinent  
4 and which ones are not.

5 MR. CANALES: Simply for the Chair's  
6 consideration, first, it's been brought to my attention  
7 that the bank does have certain records already avail-  
8 able as they have already been prepared before, at least  
9 once before for the Internal Revenue, and they kept a  
10 copy of certain records up until that date. I believe  
11 it would be the years of '70, '71 and '72 they already  
12 have, possibly the informatica which was included in  
13 the original draft of the subpoena.

14 Secondly, for the Chair's consideration, I  
15 don't know that a subpoena would be sufficient to allow  
16 a Committee member to go through and scan the records  
17 through the viewer that the banks generally have for  
18 reviewing their microfilm because there will be many  
19 more transactions listed on this particular film than  
20 are related to the case in point. And I think it might  
21 be a violation of the confidence of the bank and its  
22 clientele to allow somebody who is not authorized to go  
23 into these different transactions. I think we might  
24 find a problem as far as them going into—

25 CHAIRMAN HALE: No, Mr. Canales, I think

1 you misunderstood what the subcommittee would do. What  
2 the subcommittee would do, if we go that route, would  
3 be to go down there. An officer of the bank would scan  
4 the microfilm and every time he comes across an instru-  
5 ment on the Zertuche Ranch, or whatever it was, Farm  
6 Store, or the Farm and Ranch Store, or these areas where  
7 we're looking for something, he would tell the Committee,  
8 "Here is one on Zertuche." And they would look at that  
9 and see what it was. "Well, we don't need a photocopy  
10 of that one. It's not pertinent to the hearing," and  
11 go on. And he would scan and go to the next one. The  
12 only ones the Committee would look at would be those  
13 on legal persons or firms that are pertinent to this  
14 inquiry.

15 MR. CANALES: I believe that possibly  
16 would work. The only thing I was concerned about was  
17 the possible problem of viewing checks that might  
18 otherwise not be pertinent to this hearing.

19 CHAIRMAN HALE: Otherwise, the only  
20 thing we could subpoena from the bank would be to say  
21 "Send us photocopies of everything pertaining to Zertuche."  
22 Well, out of that there are probably 99 per cent of those  
23 that may not be pertinent to the inquiry.

24 MR. DONALDSON: Mr. Chairman, I move that we  
25 convene in Executive Session and we get off the



1 record. This is costing five bucks a page, I understand.

2 CHAIRMAN HALE: I agree.

3 Anyway, Mr. Canales, to answer your question,  
4 the Committee has not given up the idea of subpoenaing  
5 the bank records. We intend to subpoena whatever  
6 records are necessary and are available at the bank to  
7 prove or disprove any of the allegations that are made.

8 With that in mind, then, the Chair, after our  
9 Executive Session, will take a motion that the  
10 Committee stand recessed until 9:00 o'clock tomorrow  
11 morning. So all those of you who are interested in  
12 this matter, parties, witnesses or spectators, can be  
13 advised that the Committee will convene at 9:00 o'clock  
14 tomorrow morning.

15 Mr. Donaldson moves that the Committee now go  
16 into Executive Session in order to discuss the matter of  
17 these subpoenas and other proceedings pertinent to the  
18 Committee.

19 Is there objection?

20 (No response.)

21 CHAIRMAN HALE: The Chair hears none and  
22 the Committee unanimously votes to go into Executive  
23 Session.

24 (Whereupon, at 6:40 p.m., the hearing was  
25 recessed, to reconvene at 9:00 a.m. Wednesday, June 4, 1975.)