

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

1 TRANSCRIPT OF PROCEEDINGS
2 BEFORE THE
3 TEXAS STATE HOUSE OF REPRESENTATIVES
4 HOUSE SELECT COMMITTEE ON IMPEACHMENT
5 AUSTIN, TEXAS
6

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

10 CONTINUED HEARING

11 VOLUME VIII
12

13 BE IT REMEMBERED that on Thursday, June
14 5, 1975, beginning at 9:00 o'clock a.m., in the Old Supreme
15 Courtroom, State Capitol Building, Austin, Texas, the
16 above-entitled matter came on for hearing, having been
17 continued from Wednesday, June 4, 1975, before the HOUSE
18 SELECT COMMITTEE ON IMPEACHMENT, the HONORABLE L. DEWITT
19 HALE, CHAIRMAN, Presiding, and the following proceedings
20 were reported by Hickman Reporting Service, 205 West
21 Ninth, Austin, Texas 78701.
22

23 **HRS**
24 **HB2**

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MEMBERS PRESENT

1
2
3 REPRESENTATIVE HALE - CHAIRMAN

4 REPRESENTATIVE LANEY

5 REPRESENTATIVE KASTER

6 REPRESENTATIVE HENDRICKS

7 REPRESENTATIVE SLACK

8 REPRESENTATIVE MALONEY - VICE CHAIRMAN

9 REPRESENTATIVE NABERS

10 REPRESENTATIVE DONALDSON

11 REPRESENTATIVE THOMPSON

12 REPRESENTATIVE CHAVEZ

13 REPRESENTATIVE WEDDINGTON

14

APPEARANCESFOR HOUSE SIMPLE RESOLUTION NO. 161

15
16
17 REPRESENTATIVE TERRY CANALES, P. O. BOX 730,
18 PREMONT, 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.

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1 THURSDAY, JUNE 5, 1975

2 EIGHTH SESSION

3 (The hearing reconvened at 9:30 a.m. pursuant
4 to the recess on June 4, 1975.)

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

8 The Clerk will call the roll.

9 (The Clerk called the roll.)

10 CHAIRMAN HALE: There is a quorum present.
11 (Gavel.)

12 (Discussion off the record.)

13 CHAIRMAN HALE: Is there any business to
14 be transacted by members of the Committee before we start
15 taking the testimony?

16
17 MR. ARNULFO GUERRA
18 resumed the witness stand and testified further as
19 follows:

20 BY CHAIRMAN HALE

21 Q Your name is Arnulfo Guerra and you are the
22 District Attorney for the 229th Judicial District. Is
23 that correct?

24 A Yes, sir.

25 Q You are the same Arnulfo Guerra who was

1 testifying before the Committee yesterday and who was
2 sworn at that time. Is that correct?

3 A Yes, sir, I am.

4 Q Mr. Guerra, you have given us a very detailed
5 statement concerning events transpiring in Duval County.
6 The Committee wants to express appreciation to you for
7 that.

8 The Chair has a few questions that I would like
9 to ask you, and I am sure other members of the Committee
10 will also want to interrogate you about certain things.

11 I took a few notes on your testimony to try to
12 refresh my recollection as we go along. According to the
13 notes I took, you took office on December the 2nd, 1974.
14 Is that right?

15 A Yes, sir. That's correct.

16 Q Then you originally took office on appointment
17 by the Governor?

18 A No, sir. After the general election on November
19 5th, according to the statute, I could take office
20 immediately upon my election, because it was to fill an
21 unexpired term. I waited to take office until after
22 certification came in and certification was some time
23 in November 22nd, or 23rd. There were three districts
24 involved. It was a district office. I had to wait
25 until a canvass and certification was made here in Austin

1 by the Secretary of State. So, I wasn't able to take
2 office until December 2nd, to qualify and so forth.

3 Q The statute provides that if there is a vacancy,
4 you can take office before the first of January?

5 A Yes, sir.

6 Q Well, I wasn't aware of that statute. So it
7 was not a Governor's appointment then?

8 A No, sir.

9 Q You qualified after the election on the basis
10 of having been elected?

11 A Yes, sir. That's correct.

12 Q So, you had been District Attorney only about
13 a little over two months when you initiated these investi-
14 gations?

15 A Yes, sir. That's correct.

16 Q On February 10, 1975, I believe is the critical
17 date you gave us yesterday?

18 A I believe that's the correct date. Yes, sir.

19 Q What triggered you? If you didn't get any
20 complaints on these things, what actually triggered your
21 investigation on February the 10th?

22 A Most of the complaints that I had knowledge
23 of came through the "Corpus Christi Caller," through the
24 newspapers. The Sunday preceding the investigation, I
25 had already determined that it would be necessary, because

1 there had been an immense amount of publicity coming out
2 of Duval, aimed primarily at criticism that the local law
3 enforcement agencies had been doing nothing about investi-
4 gating local conditions.

5 There was an editorial in the "Corpus Christi
6 Caller" on the Sunday prior to my proceeding, which was
7 very pointed and attacking the Attorney General and
8 attaching the District Attorney's office that nothing
9 had been done, after a series of articles had been published
10 on wrongdoing in Duval County. I believe the article was
11 entitled "Duval County Revisited," and it again emphasized
12 many areas of wrongdoing and urged that action be taken
13 immediately by those agencies, so that I felt that I should
14 do something immediately.

15 Q You didn't talk to anybody about starting this
16 investigation before February the 10th?

17 A Yes, sir. I did. No, yes, sir, I did. I
18 forget now if the 10th— I think it was on a Tuesday,
19 Monday I mentioned— I think it was on a Monday. I think
20 it was a day or two before. I was in court in Hebronville,
21 Texas and Judge Carrillo was present and I advised him
22 then that it was my intention to proceed with an investi-
23 gation of the three counties, not necessarily Duval
24 County only. I had mentioned that same matter to some of
25 the Hebronville people where I was in court. I mentioned

1 it to the auditor in particular there. I told him that
2 I had wanted to do the same thing in Duval County and the
3 same thing in Starr County: general investigations con-
4 cerning any allegations that had been made public up to
5 that time.

6 Q When you fixed February 10 then as a critical
7 date, then, actually, you had discussed it with others
8 prior to that time?

9 A I had made up my mind that I was going to do
10 it, Mr. Hale, way before that. In fact, I had that in the
11 back of my mind from the beginning, when I ran for office.
12 I knew it was a necessity because in the local political
13 arena in Starr County and everywhere, the implications
14 had been that inasmuch as I had received a lot of support
15 out of Duval County, that I probably would cover up and
16 would never investigate or do anything. I just thought
17 that I should do it and that was the main reason for it.

18 Q When did you first go before the Grand Jury
19 with this investigation?

20 A My fear— I think I told the Committee yester-
21 day, that I was totally unfamiliar with the Grand Jury. I
22 will be very candid with the Committee. I'll be very—

23 Q My question was: When did you first go before
24 the Grand Jury with this investigation?

25 A The Grand Jury did not meet until— Let me

1 explain: I issued the subpoenas myself, signed them my-
2 self as District Attorney, returnable to the Grand Jury.

3 Q When did you sign the subpoenas?

4 A The day before the investigation, the evening
5 before.

6 Q That would be February the 9th?

7 A It was the 9th or the 10th. I forget. It was
8 the day— I don't recall the exact date, but it was the
9 9th or the 10th. They are of record, of course in the
10 Grand Jury Minutes, because they were returnable to the
11 Grand Jury.

12 Q February 10th, for your information, was on
13 Monday. Would you have signed them on a Sunday?

14 A No. Then I prepared them— I'm sorry. Then it
15 was the 11th then when we started the investigation. It
16 was on a Tuesday and I prepared them on a Monday. I
17 prepared them on a Monday and either signed them—but I
18 really did not want to disclose anything ahead of time,
19 because I just felt that it would be better, if I just
20 didn't tell anybody and had little to say about it.

21 Q Did you discuss it with the Grand Jury before
22 you issued the subpoena?

23 A No, sir. I don't think I had to. I didn't
24 feel that I should, because I didn't know the Grand Jury
25 that well. In fact, I don't think I knew any members of

1 the Grand Jury up until that time, because this was a new
2 Grand Jury.

3 Q What did you subpoena on February the 10th?

4 A I subpoenaed the records. Actually, I don't think
5 they were served until the 11th, in the morning. I
6 subpoenaed records from the Benavides Independent School
7 District, from the County and from the Water District. I
8 knew that the Secretary of the Grand Jury was Mr. Aurelio
9 Herrera. He was the superintendent of the San Diego
10 Independent School District, which also would be under
11 scrutiny. The subpoenas were subpoena duces tecum and
12 they were directed to the Business Manager or the
13 President of the different entities. In the case of the
14 County, to Walter Meek, who was the County Auditor. The
15 idea was to obtain all fiscal records they had and to see
16 what they really had.

17 Q Your testimony was that the Grand Jury was and
18 I put quotes around this, because it was your word,
19 "enthusiastic" about this investigation?

20 A When I approached them, before the Grand Jury
21 met, I think it was 9:00 or 9:30 and I advised them what
22 I had done. I think, if I am not mistaken, I may have
23 called Joe Nichols, the foreman, to tell him that I was
24 going to do this. We had a telephone conversation, but I
25 am not sure, because at the time, I didn't want anybody to

1 know. I didn't want it to be— In fact, I even told the
2 Sheriff, I asked him to please not tell anybody until they
3 were served and try to see to it as little publicity came
4 out of it as possible, because I wanted them received
5 and be responsive to the subpoenas right away.

6 Q Did you talk to Mr. Nichols about it before
7 you issued the subpoenas?

8 A I don't recall. If I told him that morning,
9 before the Grand Jury met or not—

10 Q Was he foreman of the Grand Jury at that time?

11 A He was foreman of the Grand Jury, the new
12 Grand Jury.

13 Q Did you know at that time that he was also a
14 foreman for the Ranch out there that Mr. Manges owned?

15 A I had not met Mr. Nichols. If I saw him or
16 met him, I didn't understand his relationship to anybody
17 at the time. The only one in the Grand Jury that I think
18 I knew, and there was a meeting of a few minutes only,
19 just to say, "Hello," and I met at the meeting Leonel
20 Garza, who owns a service station in Freer. I didn't
21 know anybody else on the Grand Jury.

22 Q How did you know they were "enthusiastic" for
23 this investigation then, if you did not know them?

24 A If I gave that impression, the "enthusiasm"
25 that they showed was after I told them what I had done and

1 what kind of subpoenas I had issued and the reason for
2 my asking for the investigation.

3 Q All right.

4 A Then they were all enthusiastic and unanimous
5 in their desire to proceed and everybody wanted to proceed
6 as fast as possible, every member of the Grand Jury.

7 Q And the Grand Jury selected, wanted to select
8 a special prosecutor and selected former Senator Jim
9 Bates. Isn't that correct?

10 A That took place several weeks after we started.
11 I'm sorry if I have misled you, if I indicated that it
12 was done right away, because it was not. We had several
13 sessions in which we had great difficulty in attempting
14 to sift out information; first of all, difficulty in
15 getting the records up to us.

16 Q Did they ever employ Bates and Turner?

17 A The Grand Jury recommended his employment.

18 Q Were they ever employed, Mr. Guerra?

19 A Yes.

20 Q I am trying to shorten your testimony as much
21 as possible. I realize you need to explain these answers
22 on occasion, but I'd appreciate you answering my questions,
23 if you will, so we can move on.

24 A My understanding is that they were employed,
25 subject to being paid by the County.

1 Q Did they ever perform any work?

2 A My understanding is that they did.

3 Q Well, wouldn't you know? You are the District
4 Attorney?

5 A Yes, sir. I know that both of them performed
6 work. They started, but they were acting subject to the
7 approval of the County for payment. I hated to put them
8 on the spot unless the County was going to pay them, but
9 they did perform some work. Yes, sir.

10 Q Did this Grand Jury ever return any indictments
11 as a result of your investigation?

12 A I don't— I think that Mr. Bates' participation
13 was shortlived. I don't think he lasted over a week or
14 ten days.

15 Q My question was: Did the Grand Jury return any
16 indictments as a result of your investigation?

17 A No, sir. There was no time. There was no time.
18 I think this Committee realizes from the testimony you
19 received here how long it takes to even get something
20 out of anybody. There was no time. That's the reason I
21 asked for help.

22 Q I see. So you started an investigation in
23 February and this is June and there still have been no
24 indictments?

25 A Yes, sir. There have been indictments. I thought

1 you were asking me prior to— In reference to what time
2 were you asking about indictments?

3 Q You started an investigation, you said, on or
4 about February 10, 1975, which investigation was
5 enthusiastically embraced by the Grand Jury.

6 A That's correct.

7 Q My question to you is: As a result of that
8 investigation, which was enthusiastically started on
9 February the 10th, have there been any Grand Jury in-
10 dictments?

11 A Yes, sir. There have been Grand Jury indictments.

12 Q Who was indicted?

13 A Mr. Rodolfo Couling was indicted.

14 Q Who else?

15 A That's the only indictment up to now.

16 Q All right. How long have you known Ricardo
17 Garcia?

18 A I knew him when I first took office.

19 Q You did not know him before you took office?

20 A No, sir.

21 Q How long has he been County Attorney of Duval
22 County?

23 A I have no idea.

24 Q You don't practice law in the County Court?

25 A I do not practice in San Diego, Texas. He is in

1 San Diego.

2 Q I see.

3 A He is a County Attorney out of Duval County
4 and that's 100 and some miles away from Starr County.
5 Prior to my taking office or even running for office,
6 I didn't know the gentleman.

7 Q Did you invite him to participate in the Grand
8 Jury investigation?

9 A I advised him that morning of what I was doing.
10 Yes, sir. I did.

11 Q What morning did you advise him?

12 A The morning that I had the subpoenas issued
13 returnable to the Grand Jury.

14 Q What was his reaction to your invitation?

15 A He was all for it.

16 Q Did he work with you later in connection with
17 the investigation?

18 A Up until the time of the letter which I explained
19 yesterday from Attorney Jack Pope out of Corpus Christi.
20 And the Grand Jury decided they did not want him to par-
21 ticipate any more, because of that cloud that was cast
22 on him.

23 Q That letter was in connection with a divorce
24 case, was it not?

25 A It had reference to—

1 Q My question was: That letter was in reference to
2 a divorce case, was it not?

3 A Yes, it was.

4 Q In the case of Parr versus Parr?

5 A It had a connection with it. Yes.

6 Q Mr. Pope was one of the attorneys of record in
7 that case?

8 A I believe so. Yes.

9 Q Obviously, a prejudiced viewpoint with respect
10 to the affairs of Parr?

11 A May have been. I was not familiar with the
12 divorce case or any matters. I imagine if he was against
13 Parr, he would have been prejudiced, of course.

14 Q Let me use the word "partisan," rather than
15 "prejudiced." He certain would be partisan, being an
16 attorney for one of the parties, wouldn't you think?

17 A I would expect so, if he were on the other side.

18 Q And that would influence the content of any
19 letter he would write, the fact that he had a pecuniary
20 interest, representing one of the clients in that case?

21 A Probably so.

22 Q Now, I want to get down to some of these
23 specific events you testified about, Mr. Guerra.

24 When did the idea of removing the Board of
25 Trustees of the Benavides Independent School District

1 first seriously cross your mind?

2 A It was several days before I filed the petitions
3 when I received information that Mr. Turner, who was the
4 auditor we were talking about, that was employed by the
5 Grand Jury, attempted to find some records and was told
6 that the records had been destroyed. At the time, I had
7 already seen—prior to that time, I had seen, as I
8 explained yesterday, some of the checks and so forth which
9 gave rise to one of the grounds for removal. But it was at
10 the time of the searching of the records, when I was
11 advised of that, that I decided that there was definite
12 attempt to obstruct the investigation of the Grand Jury
13 by those trustees.

14 That was a feeling I had and destruction of the
15 records made me feel I was correct in my feeling.

16 Q So you thought the remedy to that would be an
17 immediate removal of those trustees?

18 A I felt that something had to be done, something
19 that would avoid it, stop it.

20 Q Had subpoena duces tecums been issued for those
21 records?

22 A Yes, sir. They had been produced. Those are the
23 records that were destroyed.

24 Q You mean after you took them in custody under
25 subpoena duces tecum, they were destroyed?

1 A The issue was raised in open court. When the
2 subpoenas were first issued, the day they were issued,
3 on the 11th, I guess, it was, and like I say, the record
4 will bear the exact date, I was taken to court on the
5 subpoenas in the form of complaints taken in open court
6 by Mr. Bercau, by Mr. Gilbert Sharpe and by Mr. Walter
7 Meek, to Judge Carrillo in open court, in which they
8 refused to honor the subpoenas. They did not want to
9 bring the records to the Grand Jury.

10 Q What did Judge Carrillo do about it?

11 A After extensive discussion in open court, first
12 of all, with Judge Sharpe, we finally had a session
13 out of the presence of the court and decided that the
14 records would be produced, subject only to having some-
15 body from the particular entity present in the Grand Jury
16 room when the records were being investigated or being
17 checked, because there was a fear that maybe I was— It
18 was stated in open court that maybe my idea was to
19 destroy those records, myself. So, by agreement, we
20 decided that it was best to have a custodian or a repre-
21 sentative within the Grand Jury room at all times with
22 the records and they could return back with him to their
23 respective entities, when we got through. So they were
24 returned back to them.

25 Q So the real truth of the matter in that area of

1 the state is that nobody trusts anybody else. Isn't
2 that a pretty fair statement?

3 A Yes, sir. That was my problem. That's what I
4 had to face.

5 Q You didn't trust the trustees of the Benavides
6 Independent School District with those records. And, by
7 the same token, they certainly wouldn't trust you with
8 them. Isn't that a fair statement?

9 A Probably so. I didn't have reason not to trust
10 anybody at the time, because all I wanted was to see the
11 records.

12 Q You had reason to distrust them when you filed
13 removal actions against them?

14 A That was about a month later, over a month later.

15 Q I understood it was on March the 19th.

16 A This is February 11th, we are talking about.

17 Q Sir?

18 A I am talking about the events that happened—the
19 day that I served the subpoenas.

20 Q That's in February?

21 A Yes, sir. The first day that I started the
22 investigation.

23 Q I see. All right. Now, who told you the records
24 were being destroyed?

25 A I think— You will have to understand there was

1 a massive number of things going on, but it was both
2 Aurelio Herrera and Joe Nichols and they both wanted me
3 to do something. The Secretary of the Grand Jury and the
4 Foreman. They wanted me to do something, because they
5 were destroying the records and "something has to be
6 done immediately."

7 Q Mr. Herrera was the Superintendent of Schools
8 in San Diego?

9 A Yes, sir.

10 Q Is that correct?

11 A Yes, sir.

12 Q He still holds that position?

13 A Yes, sir. He does.

14 Q He was Secretary of the Grand Jury?

15 A Yes, sir.

16 Q Is he still Secretary of the Grand Jury?

17 A Yes, sir. He is.

18 Q And Jose R. Nichols was Foreman of the Grand
19 Jury?

20 A Yes, sir.

21 Q Is he still Foreman of the Grand Jury?

22 A Yes, sir. He is.

23 Q And I believe that he told us that his official
24 job is ranch foreman for the Duval County Ranch Company.
25 Is that correct?

1 A Yes, sir. I found that out when—

2 Q Did Jose R. Nichols ever come to you or call you
3 and complain that some of these records were being
4 destroyed?

5 A Yes.

6 Q Approximately when did he tell you that?

7 A It was some days before I filed the complaint.

8 Q That would have been some days prior to February
9 10th. Is that right?

10 A No, no. No, sir. The destruction of the records
11 did not occur until way after February 10th— February 11th.
12 I'm sorry, if I am not conveying this right.

13 Q I see. There were no records destroyed until
14 you issued subpoenas then?

15 A There were no records destroyed until way after
16 the subpoenas were issued, until about the middle of
17 March. At least, they may have been destroyed, to my
18 knowledge— I do not have knowledge of the destruction
19 until some time the early part of March or the middle of
20 March.

21 Q What records were destroyed?

22 A The records which I was particularly interested
23 in at the time and through the auditor and the auditor
24 had completely weighed— May I explain what we asked the
25 auditor to do, so that you could understand why the

1 concern?

2 Q My question was— I am not trying to cut you
3 off, other than that I don't want you to go into a
4 fifteen-minute discourse on a question that can be
5 answered in ten words, in the interest of time.

6 What records were destroyed?

7 A Specifically, the checks, which were the
8 subject matter of the removal action of the trustees.
9 The checks for \$60,000 and some other checks from the
10 same period of time.

11 Q How do you know those checks were destroyed?

12 A Because the auditor and everybody was told by
13 Mr. Couling and by those responsible for their safekeep-
14 ing that they had been destroyed. That's why.

15 Q Then you know it on the basis of what they
16 told you about it?

17 A That's correct.

18 Q Did you try to subpoena duplicates of those from
19 the bank?

20 A Since then, we have.

21 Q Did you get duplicates of them from the bank?

22 A We have duplicates now.

23 Q So the destruction, while it may have been
24 illegal, didn't seriously hamper your investigation
25 then, did it?

1 A The Act was, in itself, sufficient, in my esti-
2 mation, to cause removals and that was my judgment, Mr.
3 Hale.

4 Q Who made the decision to proceed with the re-
5 moval action?

6 A That was strictly my decision and my responsi-
7 bility.

8 Q Strictly your decision. All right.

9 Did Jose R. Nichols ever, at any time, suggest
10 to you, in person, or by telephone, that these trustees
11 should be removed?

12 A Yes. We discussed it in person and by telephone.

13 Q No. I am talking about, did he ever suggest it
14 to you, or was everything coming from you? Did you
15 suggest it to him?

16 A Well, you see, you have to understand that we
17 just don't walk up to somebody and say, "Remove somebody."
18 We started discussing the great problems that the Grand
19 Jury had and that I had.

20 Q My question again: Did Mr. Nichols ever suggest
21 to you that these trustees should be removed?

22 A During the course of the conversation, yes.
23 He agreed that they should be removed.

24 Q Did Mr. Correa ever suggest to you—

25 A Which Carrillo?

1 Q The superintendent, Aurelio Correa—the
2 Secretary of the Grand Jury.

3 A No—

4 Q Did he ever suggest to you that these
5 trustees should be removed?

6 A Not the trustees. I think he wanted Mr. Meek
7 to, something to be done to Mr. Meek, when he refused to
8 honor the subpoena, but that was before.

9 Q You say that Mr. Nichols did suggest to you
10 that they be removed?

11 A In the process of our conversations, yes.

12 Q Did he identify the specific trustees that
13 he thought should be removed?

14 A No. At the time we discussed the composition of
15 the Board and those who may have participated and I told
16 him the information that I had. And I mentioned there
17 was a discussion on it, because there wasn't only on
18 one short occasion we sat down and discussed this thing.

19 Q Who made the final decision as to which trustees
20 would be removed?

21 A That was my decision, Mr. Hale, because I had
22 to prove it in court.

23 Q Did Mr. Nichols participate in that decision,
24 in any way?

25 A Well, he may have, or he may have an impression

1 that he did. I don't know. I felt that the responsibility
2 should be on my shoulders, because I had to do all the
3 work on it and I had to do the proving.

4 Q Approximately when did you decide that you were
5 going to file removal actions against these four trustees?

6 A Well, the problem was—of course, the problem
7 is that I really can't— I wish I—

8 Q My question is, approximately when did you
9 decide—

10 A It was several days prior— If you want an
11 exact date, I can't precisely fix the exact date, but it
12 was a few days before.

13 Q Prior to March 19th?

14 A Yes, sir.

15 Q Is that correct?

16 A Yes.

17 Q Did you prepare the petitions that were necessary
18 to be filed in court at that time?

19 A I started the preparation, oh, four or five
20 days before. In fact, I think I explained to the
21 Committee that my idea was to proceed against Judge
22 Parr first. But then on the basis of the other allegations
23 that I mentioned yesterday, but because of the destruction
24 of records here, I had to proceed against the school
25 people.

1 Q How many of these petitions did you prepare
2 for removal of school trustees?

3 A There were four petitions prepared.

4 Q How many trustees on the board all together?

5 A There were seven trustees.

6 Q Why did you not prepare seven petitions?

7 A Because the information that I had was that
8 there were two or possibly three members, Mr. Schuenemann,
9 Guajardo and Carrillo who were not participants in the
10 matters concerning the employment of the attorneys for
11 the checks that were involved and also they did not have
12 any knowledge at all of what they were doing with the
13 records. They had nothing to do with the destruction of
14 the records. In fact, they were the ones complaining
15 about it. That's the reason why I proceeded that way.
16 I did not have a case against them.

17 Q Two of those three were related to Judge
18 Carrillo?

19 A Unfortunately so. Yes.

20 Q I don't know about Schuenemann. Was he any
21 relation to anybody?

22 A No, sir. Not to my knowledge.

23 Q How did you know that these three did not
24 participate and did not know anything about the
25 destruction of records?

A Mr. Guajardo, himself, told me. He was the one

1 that raised the issue about the checks. He was the one
2 that raised the issue about their being no meeting
3 authorizing those checks at any time; that no meeting had
4 ever been called to hire any attorneys for such an amount
5 of money and that those amounts were illegal. The Board
6 did not authorize them in any meeting and the minutes
7 so reflected. Also, he had not authorized, he and
8 Carrillo, had not authorized the employment of Mr. Powell
9 for that excessive amount while he was in prison.

10 Q You just accepted their words for it then?

11 A No, sir. I did not accept their words for it.
12 The investigation had gone on for about a month, a month
13 and a half. Their information had been correct, insofar
14 as what the minutes reflect. I had made copies of the
15 minutes already, the school board minutes.

16 Q How did you know M. K. Bercaw had anything to
17 do with the destruction of the records?

18 A My allegation that I made in my removal petition
19 was that either he caused them to be destroyed or per-
20 mitted the destruction of the records. As custodian of
21 those records, I felt that they had the obligation to
22 preserve them inasmuch as Mr. Bercaw himself knew those
23 records had been subpoenaed for the Grand Jury.

24 Q If a member of the Board is going to be charged
25 with permitting the destruction of records, then even a

1 Board member who did not participate in it should be
2 charged equally on that, should he not, if he sits there
3 idly by and does nothing while records are being destroyed?

4 A The Guajardo and the Carrillo Board members, and
5 I understood from them that Mr. Schuenemann did not have
6 any knowledge of the destruction, of how they were
7 destroyed or why they were destroyed and they were trying
8 to help me to determine just what happened to those
9 records, so I knew they had nothing to do with it, from
10 their testimony.

11 Q Was Joe Garcia one of those that you filed a
12 removal on?

13 A Yes, sir.

14 Q How did you know that he had participated?

15 A From the information that I had from Guajardo.

16 Q And Luis Elizondo?

17 A The same answer is true to him.

18 Q And Enrique Garcia?

19 A The same answer is true to him.

20 Q You think those four got together and said,
21 "We are going to destroy records, but we are not going to
22 let Schuenemann or Carrillo or Guajardo know anything
23 about it"?

24 A I think I explained yesterday that apparently
25 since March or April, and I found this out after the Grand

1 Jury investigation started, since March or April of
2 '74, when Oscar Carrillo had his falling out with Archer
3 Parr and with George Parr and the Parr faction, that
4 there had been a conflict in the school raise or some
5 raise and they became the minority members of the Board.
6 Apparently, their participation was limited to matters
7 which were not important, because they claimed they had
8 no knowledge of any of the matters and they were keeping
9 private records of everything that happened, the copies
10 of the minutes of everything that happened, so as to
11 preserve everything that was happening during that year.
12 I didn't know this until the Grand Jury investigation
13 started. I had no idea it had been going on prior to
14 the investigation as such.

15 Q Did you discuss with Mr. Nichols whether or
16 not removal complaints should be filed against the other
17 three trustees?

18 A Yes. It was in our discussion that was covered.

19 Q Did he express an opinion to you as to whether
20 or not removal actions should be filed against the
21 other three trustees?

22 A He left it up to me. My impression was that
23 it was left up to me.

24 Q So you prepared the removal petitions?

25 A Yes, I did.

1 Q And I believe your testimony yesterday was
2 that you went to the courthouse on the late afternoon of
3 March 19 for the purpose of filing those?

4 A Yes, sir.

5 Q About what time would you say it was in the
6 afternoon?

7 A I left Rio Grande City about 2:00 o'clock and
8 when I finished, or my secretary finished finally pre-
9 paring all the orders and petitions and everything that I
10 had prepared.

11 Q Were those petitions ready to be filed at that
12 time?

13 A They were ready for Mr. Nichols' signature.
14 I didn't want to drag them all the way to Starr County.
15 I had asked Mr. Nichols to be in the courthouse waiting
16 for me so he could go over the petitions to sign them.

17 Q When you got to the courthouse on March the 19th,
18 you found that there was some trouble brewing there?

19 A Yes, sir. Quite a bit.

20 Q Did you go inside the courthouse on March the
21 19th?

22 A My investigator there, Bob Forche, recommended
23 that I not even get out of the car, at the time because—

24 Q My question was: Did you go in the courthouse
25 on March the 19th?

1 A My answer is, "No, sir." My investigator told
2 me not to; it was dangerous in there.

3 Q I would appreciate it if you would answer my
4 questions, counsel.

5 A Yes, sir.

6 Q You are a lawyer, and apparently a good one.
7 I don't appreciate the evasive nature of many of your
8 answers.

9 A I'm sorry. I am not trying to be evasive. I
10 am just trying to convey all that I know to the Committee.

11 Q So on March the 19th, you did not go inside the
12 courthouse?

13 A No, sir. I did not.

14 Q All right. In lieu of that, you drove out to
15 the Carrillo ranch?

16 A I explained, yes, sir, that I did. Yes, sir.

17 Q Who all was at the Carrillo ranch?

18 A I arrived in the automobile that I was in
19 simultaneously almost with the Texas Rangers and Ramiro
20 Carrillo. As best as I can recall, Mr. Gene Powell,
21 Ramiro Carrillo, Clinton Manges, Dan Manges, a man by the
22 name of Barnett, who was supposed to be George Parr's
23 bodyguard or somebody, myself; Tomas Elizondo may have
24 been there, and maybe Robert Elizondo, the Reporter. I
25 am not sure. I don't recall him. There may have been

1 one of the ranchhands, Patricio Garza. If there were
2 other people, I don't remember. I was too excited and
3 there was so much turmoil, but I don't remember.

4 Q What time did you get to the Carrillo ranch
5 on March 19, 1975?

6 A It was between 4:30 or 4:00 and 5:00, sometime.
7 I imagine it took about, I don't know, twenty minutes or
8 so. I really wasn't aware of the time, but it had to be
9 between 4:00 and 5:00.

10 Q You were there, Ranger Powell was there?

11 A Yes, sir.

12 Q Judge Carrillo was there?

13 A Yes, sir.

14 Q Clinton Manges was there?

15 A Yes, sir.

16 Q Ramiro Carrillo was there?

17 A Yes, sir.

18 Q And that meeting was held in the late after-
19 noon of March the 19th?

20 A I don't want to give you the impression it was
21 a meeting. I don't know why Ranger Powell went or how
22 he got to be there, but he was immediately ahead of us
23 in an automobile. Then he was behind us and he passed us
24 and then he arrived there immediately ahead of us and
25 we all practically walked in together into the Judge's—

1 into the living room or one of the rooms, the kitchen
2 or something of the ranch house.

3 Q Was Jose R. Nichols there?

4 A No, sir. He was not.

5 Q Was Aurelio Correrera there?

6 A Correa? No, sir. He was not.

7 Q Were any other members of the Grand Jury there?

8 A No, sir. There were no members of the Grand
9 Jury there at all.

10 Q Had you seen Mr. Nichols at all on that day of
11 March 19, 1975?

12 A He was supposed to be in the courthouse waiting
13 for me and I found out later he was inside the courthouse
14 sitting there in one of the rooms.

15 Q My question was: Did you see Jose R. Nichols
16 on March 19th, 1975? Can you answer that, "Yes," or "No"?

17 A I don't recall that I did. No, sir.

18 Q When did you see him then, to get him to sign
19 these petitions?

20 A The following morning, March 20th.

21 Q So your petitions, if you had gone into the
22 courthouse, your petitions were not ready to be filed
23 on March the 19th, because they lacked the signature of
24 the complaining witness, didn't they?

25 A Yes, sir. But he was there to sign them. That is

1 what I was trying to tell you, on March 19th.

2 Q Did he give you the information that was in
3 those petitions?

4 A Some, he may. Some, he may not have.

5 Q Did you tell him to file those suits?

6 A I think it was an agreed matter between us,
7 sir, that it would be done that way. That was my
8 impression. I certainly felt all along that we were in
9 complete agreement.

10 CHAIRMAN HALE: Let me see Exhibit 6.

11 Q Mr. Guerra, I am looking at photocopies of the
12 records in Cause No. 8884, styled State of Texas on the
13 Relation of Jose R. Nichols versus M. K. Bercau. I assume
14 you are familiar with the pleadings in that case?

15 A Yes, sir, I am. Although, if I could refer to
16 them on any specific matters, I would appreciate it.

17 Q The petition that was filed in that case bears
18 your signature, I presume. Would you look on page 6 of
19 this and advise me whether or not that's your signature
20 or a photocopy of your signature?

21 A Yes, sir. It is.

22 Q The records reflect that that petition was sworn
23 to by Jose R. Nichols on March 20, 1975.

24 A Yes, sir.

25 Q Were you present when Jose R. Nichols swore to

1 the content of that petition?

2 A Yes, sir. They were sworn to in a bank in San
3 Diego.

4 Q At the bank?

5 A Yes, sir.

6 Q Do you know who the Notary Public was that took
7 his acknowledgement?

8 A This was some official there at the bank, some
9 worker at the bank.

10 Q It appears to be something Rodriguez. J. M.
11 Rodriguez or Jim Rodriguez, or I can't read the signature.

12 A I have no idea. It was a gentleman there at
13 the bank.

14 Q But did you sign this in the bank also?

15 A We sat there. They let us have one of the desks
16 and we sat there and prepared everything there with a man
17 present at all times.

18 Q It was not signed at the courthouse?

19 A No, sir. It was too dangerous in the courthouse.

20 Q Too dangerous?

21 A Yes, sir.

22 Q Did you go to the courthouse then on March 20th,
23 after this was signed?

24 A Yes, sir.

25 Q Did Mr. Jose R. Nichols go to the courthouse on

1 March the 20th?

2 A Yes, sir. Yes, sir. He did.

3 Q Did you all go to the courthouse together?

4 A There, from—

5 Q From the bank.

6 A Yes, sir. We did.

7 Q Was anyone else with you?

8 A No, sir. Just he and I.

9 Q Just you and Mr. Nichols?

10 A Now, just a minute. Yes, sir. I think so.

11 Maybe Mr. Bob Forche, the investigator, might have been
12 with us, but I think he drove in his own vehicle.

13 Q Did either you or Mr. Nichols carry a gun when
14 you went to the courthouse?

15 A I had a gun with me that morning. Yes, sir.

16 Q Do you know whether Mr. Nichols had a gun or
17 not?

18 A I don't know whether he did or not, sir. I
19 didn't ask him.

20 Q Did anybody attempt to prevent you from going
21 inside the courthouse?

22 A No, sir.

23 Q Where did you go when you went to the courthouse?

24 A I was in the courthouse before we went to the
25 bank. So do you want me to state before I went to the bank,

1 or after I came from the bank?

2 Q What were you doing in the courthouse before
3 you went to the bank?

4 A I told Mr. Nichols to meet me there. We had
5 agreed to meet there in the courthouse.

6 Q Did he meet you at the courthouse?

7 A Yes, sir. We left together from there.

8 Q Why did you leave the courthouse and go to the
9 bank?

10 A Because I did not want to have any Notary there
11 in the courthouse have to sign those things the way
12 that all hell had broken lose the day before and I thought
13 it might be dangerous to expose anybody there that was
14 working in the courthouse, to the wrath of—

15 Q Did you think it might be dangerous for them
16 to sign an instrument as a Notary Public?

17 A It was dangerous enough for the Judge to be
18 threatened to be killed the day before, Mr. Hale.

19 Q Well, you didn't hear the threat made, did you?

20 A Mr. Archer Parr, himself, told me, when I
21 arrived on the afternoon of the 19th.

22 Q It was hearsay to you. You know what hearsay
23 is, don't you?

24 A Yes, sir. That kind of hearsay, I'm sorry I have
25 to pay attention to, Mr. Hale.

1 Q If I tell you that somebody else threatens to
2 kill you, that's not hearsay?

3 A I am not disputing the hearsay part of it. I am
4 saying that it was hearsay which I certainly believed,
5 had reason to believe.

6 Q Is the only reason you left the courthouse was
7 to go get a Notary Public outside the courthouse?

8 A Yes, sir. That was the only reason.

9 Q You felt like it was okay to endanger the life
10 of the bank's Notary Public, but you didn't want to
11 endanger the life of the Notary Public at the courthouse?

12 A No, sir. I did not feel that. I felt that maybe
13 at the bank, there would be some people who were impartial
14 and would not be charged or accused of anything, or
15 their jobs gotten rid of, or something, for doing what
16 they did.

17 Q Did you think you were impartial at that time?

18 A Yes, sir. I most certainly was.

19 Q All right. So you left the courthouse. You
20 went to the bank and you get the signatures notarized at
21 the bank and then you and Mr. Nichols went back to the
22 courthouse?

23 A That's correct.

24 Q Where did you go inside the courthouse?

25 A We wound up in the Judge's ante-office or the

1 Secretary's office to the Judge.

2 Q Was Mr. Bercaw there?

3 A No, sir. He was not.

4 Q Was Mr. Bercaw aware that you were going to have
5 this meeting with the Judge?

6 A I don't know if he was or not.

7 Q Did you feel that he was an interested party
8 in this lawsuit, he, being the defendant?

9 A Yes. He was an interested party. Yes. I
10 didn't think— He wasn't there. I didn't ask him to be
11 there.

12 Q You didn't think it might be a good idea to
13 let the defendant know that there was a removal proceed-
14 ings being brought against him?

15 A I didn't think that according to the law I was
16 to tell anybody anything, Mr. Hale.

17 Q Did you have a hearing there that morning?

18 A May I explain, or do you want me to say "Yes,"
19 or "No"?

20 Q Well—

21 A Yes, we had a hearing that morning.

22 Q What sort of hearing did you have?

23 A It was an ex parte hearing in the Judge's
24 chambers.

25 Q Who were the witnesses? Were any witnesses

1 sworn in that hearing?

2 A I wanted to put in the record what was being
3 done.

4 Q Was the Court Reporter present?

5 A Yes, sir. He was.

6 Q Were any witnesses sworn?

7 A No, sir. I introduced—as an attorney, I
8 introduced the pleadings that I had and explained them to
9 the Court as I showed the Court what I had.

10 Q You introduced what?

11 A I explained into the record the nature of the
12 proceedings that I was filing, with the Reporter taking
13 everything down. I wanted to create that much of a
14 record.

15 Q Did you have an order prepared for the Judge
16 to sign?

17 A I had prepared the orders in blank.

18 Q I want you to look, again, at Exhibit 6, pages
19 8 and 9 here, which purports to be an order signed by
20 Judge Carrillo.

21 A Yes, sir.

22 Q Would you look at that and tell me whether or
23 not you actually did the legal drafting on that order
24 which bears Judge Carrillo's signature?

25 A Yes, sir. I did.

1 Q Did you have that order prepared before you
2 went to the courthouse on March 20th?

3 A Yes, sir. I had that.

4 Q You took this order already prepared and took it
5 with you to the courthouse?

6 A I had four separate instruments prepared, with
7 each lawsuit. I had a motion for leave to file, a
8 petition or application in quo warranto. I had an order
9 if the court agreed to let me file, an order for him let-
10 ting me file, and also issuing the citation, asking for
11 it to be issued. Then I had an order in the event that
12 he would agree that those people should be suspended.

13 Q Did you also recommend to the Court that he
14 appoint Mr. Morris Ashby as a replacement?

15 A No, sir. I had explained to the Court the morn-
16 ing of the 19th when he was in Rio Grande City— I think
17 I explained yesterday he was there, that I was going to
18 file this removal action and that I was going to ask
19 for temporary suspensions, and I did not recommend then or
20 at the time that I went to the courthouse or at the hearing
21 who to appoint. I didn't think I knew anybody there that
22 I could recommend.

23 Q You knew that if you took these suspension
24 orders in there and Judge Carrillo suspended these four
25 trustees, you were going to automatically change the whole

1 balance of power on the Benavides Independent School
2 District Board. Did you know that?

3 A I knew that whatever, if four were suspended,
4 I knew that it would change the complexion of the Board.
5 Yes, sir. I did.

6 Q And you filed four of these with that knowledge
7 and didn't file the other three?

8 A I certainly had that knowledge when I filed it.
9 I knew what the effect would be, certainly.

10 Q You were testifying yesterday, to your complete
11 innocence in the political combats that go on in Duval
12 and Starr County. By this time, you were well aware what
13 the alignment was, were you not, Mr. Guerra?

14 A Yes, sir. I was. May I explain?

15 Q Yes, sir.

16 A The appointments the Judge made were not persons
17 who were in any way responsible to him politically or, to
18 my knowledge, were even with him politically, or his
19 faction; those four appointments he made, replacing those
20 four people.

21 Q What time of the morning on March the 20th did
22 you have this so-called "hearing" in the Judge's chambers?

23 A I don't recall the exact time. It was after
24 9:00 o'clock—between 9:00 o'clock and 10:00; maybe
25 something like that.

Q Was it before noon?

1 A Oh, yes, sir. It was before noon.

2 Q Well before noon?

3 A Yes, sir. I don't know how much "well before
4 noon," but it was before noon.

5 Q How long were you in the Judge's chambers?

6 A Well, some time was spent trying to analyze
7 with the Ranger and the Judge the wisdom of going upstairs
8 to the second floor to the courtroom to hold an open hearing
9 on the matter, in view of threats which had been made the
10 day before, which are known to the Ranger. There was a
11 great hesitancy on their part, I could notice— I could
12 sense it, certainly on my part, because of the number of
13 people that were there in the courthouse, in the hallways.
14 It appeared to me highly dangerous to go upstairs and the
15 nature of our discussion was such that I finally prevailed
16 upon the Ranger and Judge Carrillo not to go upstairs
17 and I thought it would be more prudent to hold the hearing
18 in chambers as long as we had the District Clerk and the
19 Reporter and everybody present and we conducted the—

20 Q That's very interesting.

21 Now, I will repeat my question: About how long
22 were you in the Judge's chambers on the morning of March
23 20, 1975?

24 A Whatever it took— I don't know how long it
25 took. It must have taken 20 or 30 minutes or maybe more.

1 I wasn't aware of the time, Mr. Hale. At the time, I
2 was more worried about other matters.

3 Q Where did you eat lunch that day?

4 A I didn't eat lunch that day. I got out of
5 Duval County some time after noon, after the Ranger
6 obtained citations and after all of these matters were
7 entered into the record by the District Clerk upstairs
8 and I left and I didn't eat lunch. I wanted to get out
9 of there.

10 Q All right.

11 A I went to Hebbbronville. I stopped briefly
12 there a bit and talked to my assistant there and then I
13 went home from there, or went to Rio Grande City,
14 rather.

15 Q If the record reflects that M. K. Bercaw was
16 not served with a citation in this case until 12:22 p.m.
17 on March 20, 1975, then his removal was accomplished
18 several hours prior to the time he was served with that
19 citation. Is that correct?

20 A Whatever the record shows.

21 Q Well, I am asking you: If he was not served
22 until 12:22, then he was removed prior to the time he
23 was served with that citation?

24 A He may have been.

25 Q Did the Judge sign this order in the Bercaw

1 case before 12:22 p.m. on March 20?

2 A He probably did. Yes, sir.

3 Q Well, "probably." Don't you know what time you
4 left the courthouse, counsel?

5 A I am trying to be as truthful with the Committee
6 as I can.

7 Q I hope so.

8 A I don't recall the exact time, but it was in the
9 morning, I said, but I don't recall the exact time.

10 Q Well, did you leave before noon?

11 A It was around that time. I was not conscious
12 of time then, believe me!

13 Q Was anyone shot around the courthouse there,
14 killed or maimed on March 20th, 1975 in the midst of
15 all this display of guns?

16 A No, sir.

17 Q Did anybody threaten your life during the time
18 you were in the courthouse?

19 A Not that morning. No, sir.

20 Q Was anyone else threatened there that morning?

21 A Not to my knowledge. If there was, they didn't
22 tell me.

23 Q Did Jose R. Nichols testify before Judge
24 Carrillo on the morning of March the 20th?

25 A He was present there.

1 Q Did he testify before Judge Carrillo on the
2 morning of March the 20th?

3 A No, sir. He did not testify.

4 Q Had Mr. Nichols ever seen this petition which
5 he signed prior to the morning of March 20, 1975?

6 A No, sir.

7 Q After you had prepared that petition for his
8 signature, had you ever talked with him about the contents
9 of it, either in person or by telephone, prior to the
10 morning of March 20, 1975?

11 A I don't recall if I talked to him the night
12 of the 19th. I may have. There were many, many phone calls
13 then concerning what had happened in the courthouse. I
14 think I did see him in the afternoon, but I did not
15 explain the petitions then to him or didn't until the
16 morning of the 20th.

17 Q And he didn't even know what was in those
18 petitions at the time he signed them, other than just
19 having sat there and read them at the time?

20 A He knew generally what would be in the petitions,
21 but he is not an attorney and I am sure he would not know
22 as such.

23 Q How would he have known, for instance, about
24 some of the things that were recited in there, that the
25 defendant authorized and approved the payment of the sum

1 of \$60,000 in the form of two checks. How would Mr.
2 Nichols have known that?

3 A I don't want to go into matters which happened
4 in the Grand Jury room, but he was present when those
5 records were first brought into—in fact, I might say
6 this much: He discovered— He is the one that pointed
7 out those checks to the rest—as we were checking, because
8 everybody was assigned different things to do in there,
9 when we first got the records, so he knew about the checks.
10 That was some time on the 11th or 12th of February when—

11 Q Were you here in the Committee room when Mr.
12 Nichols was testifying?

13 A No, sir. I was not.

14 Q Would it surprise you to know that he testified
15 that he didn't know what was in this petition until you
16 called him down to the courthouse to sign it and he read
17 it for the first time there and signed it?

18 A I am sure he didn't know what was in the
19 petition, because I didn't tell him what was in it, until
20 he signed it. But he knew what was going to be in it.

21 Q Would it surprise you to know that he testified
22 that you told him to file these four lawsuits and he did
23 it on your instructions?

24 A If his impression was that I told him, fine.
25 But, we discussed it ahead of time. My impression was

1 that, just like I said it before, that he certainly
2 was in the know on it. He certainly agreed with it. He
3 certainly knew all that was going on. I don't know what
4 he testified to, but that was the way it was. If he
5 felt that I told him to do it, that's fine. But my
6 impression was, of course, that he was a very willing
7 relator in this thing.

8 Q You knew when you took these petitions in
9 before Judge Carrillo on the morning of March 20th, that
10 the effect of his signing that order would be to remove
11 four of the seven trustees and permit the Judge to appoint
12 four replacements. You knew that was the legal effect
13 of those petitions?

14 A Mr. Hale, if there are seven members of the
15 Board and four are removed, certainly it would change the
16 complexion of the Board. Of course I knew that.

17 Q You knew that?

18 A Of course I knew that.

19 Q Now, on one or two other matters and then I
20 am going to pass you to some of the other Committee
21 members that I am sure will have some questions also.

22 You testified yesterday with respect to some
23 election matters in which Judge Carrillo signed some
24 orders of impoundment on ballots in a school election.

25 A Yes, sir.

1 Q Do you recall that?

2 A Yes, sir.

3 Q I believe that you testified that Judge Carillo
4 should not be subject to any criticism for that because
5 that had been the practice for years down there, that you
6 have a contest on practically every election and the
7 ballots are always impounded. Was that your testimony?

8 A If I said "it shouldn't be subject to criticism,"
9 I said that—I don't recall my exact words, but what I
10 was trying to tell you was that the initiation of those
11 impoundment orders were not the Judge's doing in any
12 instance, that I can recall.

13 Q They were initiated by the County Attorney,
14 you tell me?

15 A Some in Starr County. I don't know what the situ-
16 ation is in other counties, but in Starr County, some were
17 initiated by the County Attorney. In fact, when there
18 was no District Attorney, the County Attorney asked for
19 some. I think that if all of them were to be examined,
20 they all probably would be about the same thing. It's
21 been the same for years and years and years and years.
22 It's a precaution taken in every contested election in
23 Starr County. Now, who started it first, I don't
24 know.

25 Q All right. The ballots are impounded by an order

1 signed by the Judge on the request of some prosecuting
2 attorney?

3 A That's correct.

4 Q It is a statutory procedure, is it not?

5 A That's right. Under Article 902 of the
6 Election Code.

7 Q And the requesting authority is normally the
8 County Attorney?

9 A Yes, sir.

10 County or District Attorney.

11 Q Could it be the District Attorney?

12 A Yes. It had been done usually by the District
13 Attorney prior to the absence of a District Attorney for
14 a year.

15 Q Who made the request for impoundment in this
16 particular school board election?

17 A If I remember correctly and from Mr. Guerra's
18 testimony, the original request probably was made by a
19 District Attorney. This request was made way ahead of the
20 election, prior to starting the absentee voting. Usually
21 the recitation of the orders is to the effect that certain
22 that ballots be taken to a certain place and the stubs
23 to another place, so there wouldn't be any danger of
24 anybody getting into the stubs and the ballots at the
25 same time.

1 Q Under the statute, and I am sure you have read
2 up on the statute, would the Judge have any authority to
3 impound the ballots, absent a request from the County or
4 District Attorney?

5 A Article 902 talks of a Court of Inquiry. Now,
6 whether or not that can be interpreted to give the Judge
7 such a power, I don't know. I don't know of such a rule
8 in Starr County, that I can recall. I am not that
9 familiar with the statute to be able to tell you, "Yes,
10 it could be," or "No, it couldn't be." I'm sorry.

11 Q The election contest, according to Mr. Joe
12 Guerra, was delayed approximately 103 days. Did you hear
13 his testimony yesterday?

14 A Yes, sir. I did.

15 Q I think that is, in effect what he said.

16 A That is what—

17 Q "Until 103 days from the time filed until
18 finally disposed of it."

19 A I think he had reference to 1974, not 1973. It
20 was '74.

21 Q Are you familiar with the election contest
22 statutes?

23 A I did participate in the election contests, so
24 I don't know how familiar I am, but I do participate in
25 them.

1 Q Are there time limits in the election contest
2 statutes as to when things must be done?

3 A As to filing? Yes, sir. There are very definite
4 time of filing and appeals and so forth.

5 Q Would you say that the election contest statutes
6 are violated, if it takes 103 days to secure a determina-
7 tion of an election contest?

8 A I am very familiar with what happened during that
9 matter that was discussed yesterday, because I was an
10 attorney in that election contest throughout the whole
11 summer.

12 Q My question was: Did it violate the Election
13 Code by—

14 A No, sir.

15 Q —not determining that for 103 days?

16 A No, sir. There is no violation of any election
17 code or of any rules of procedure or anything else.

18 Q Do you think that it is perfectly permissible
19 under the Election Code to allow an Election Contest to
20 become moot, without ever disposing of it?

21 A The election contest did not become moot.

22 Q After 103 days?

23 A The trial continued all during that time, and I
24 tried to explain yesterday, as best I could, under the
25 circumstances, the reasons for those delays, and I didn't

1 want the impression created that the Judge caused the
2 delays, because I think it was the attorneys on both
3 sides that caused the delays. Certainly, the attorneys
4 that participated in this matter didn't raise any com-
5 plaint, including myself, and including the rest of the
6 attorneys.

7 Q That's not the way I interpreted Mr. Joe
8 Guerra's testimony. Did you interpret it that way?

9 A Mr. Guerra was absent over a month during that
10 time that he was gone to Europe.

11 Q He was complaining about the delay and
12 disposing of that, though, on his testimony yesterday.
13 Would you agree that was the nature of his testimony?

14 A Yes. He wasn't even a party to the lawsuit.

15 Q , You think a 103-day delay on an election contest
16 is perfectly all right?

17 A Under the circumstances, if the Committee cares
18 to look into the court records as to the reasons why, I
19 am sure the Court entries will reflect the reasons for
20 all those delays— I don't know how many occurred, but
21 I am sure there is a reason for each one, because all
22 of the attorneys were present and it was discussed in
23 open court and it was no secret to anybody.

24 Besides that, Mr. Hale, there were about 300
25 or 400 witnesses. It was not a regular trial, as such.

1 It involved three lawsuits, three contests.

2 Q Why do you think that Mr. Guerra, who apparently
3 is a fairly responsible individual, and apparently well
4 respected in the community— He was elected Mayor there
5 in his home town for many years— Why do you think he
6 would consider it serious enough to file a complaint
7 against Judge Carrillo with the Judicial Qualifications
8 Commission for failure to bring that contest to trial?

9 A Mr. Hale, you are opening up something and
10 I've been limited to my answers of "Yes," or "No."
11 If you want to go into a discourse of Starr politics and
12 Mr. Joe Guerra's participation and what he has done,
13 I'd be very glad to oblige. I am not trying to avoid
14 your answer or evade your answer. I happen to have a
15 little problem in regards to answers I might give concern-
16 ing Mr. Joe Guerra.

17 I was his attorney for many years on many matters.
18 The issue of the privilege, the attorney-client relation
19 was then raised in other matters. I have had to answer
20 seven or eight grievance complaints he filed against me,
21 because of his anger with me. I don't want to have to
22 say anything here which might get me into the same situa-
23 tion again. I have cleared those up to the Grievance
24 Committee's satisfaction and I don't want to have to
25 answer, unless the Court, or unless you ask me to do so,

1 and I'll be glad to tell you.

2 Q I don't think this question has anything to
3 do with the attorney-client relationship. I am simply
4 asking you a question, as a lawyer, that if a person is
5 interested enough to prepare papers and file it with the
6 Judicial Qualifications Commission, he must have felt
7 pretty strongly that an injustice was done.

8 A All right, sir—

9 Q Do you agree with that?

10 A Is that your question in reference to what was
11 done in 1972?

12 Q It is in reference to this 103 days delay on
13 which he filed, he testified yesterday, that because of
14 that delay, he filed a complaint with the Judicial
15 Qualifications Commission.

16 A I think he explained to the Committee, if I am
17 not mistaken, that the Commissioner's race was very
18 crucial, because it would have swung control from one
19 party to the other. He was interested in the party that
20 was seeking to assume control. He was very interested
21 and very upset, because they spent a tremendous amount
22 of money in their election contest and it came for naught,
23 because they lost. I think that's where the anger comes
24 from, Mr. Hale.

25 Q That was not his testimony yesterday, Mr.

1 Guerra—

2 A That's my testimony!

3 Q —and you know it was not his testimony yester-
4 day.

5 A He said that the Commissioner's race was
6 crucial, because it would change the complexion of the
7 court.

8 Q That's true. He didn't testify about money.

9 A No, sir. I am.

10 Q He testified here that it took 103 days to get
11 it to trial in violation of the statute and it deprived
12 the contestants of their chance to appeal and that was
13 the nature of his complaint.

14 A Mr. Hale, this is not a correct statement as
15 to what happened in the courtroom when the results of
16 the contest—when the Judge announced his decision.

17 Q Was that a correct statement of Mr. Joe Guerra
18 testified to yesterday?

19 A In regards to the appeal matter, is it incorrect.

20 Q Was it incorrect as to what he testified to
21 yesterday?

22 A Whatever he testified to, the record will
23 reflect. I'm not quarreling as to what he testified to.
24 I am saying that his impression that an appeal was not
25 taken for that reason is not correct.

1 Q Mr. Guerra also testified that you started out
2 as one of his lawyers in this Manges suit. Is that
3 correct?

4 A That's correct.

5 Q You did not finish that suit as his attorney?

6 A The lawsuit had ended for all purposes when my
7 services were terminated. It had been settled.

8 Q Did you resign, or were your services terminated?

9 A By agreement, they were terminated.

10 I was told that since a settlement had taken
11 place— You see, there were seven or eight lawsuits at
12 the time. The last one involved a bankruptcy proceeding
13 in Federal Court. That lawsuit was settled and it
14 appeared to have settled everything except for a final
15 accounting by the receiver or the receiver's accountant,
16 which apparently everybody was in agreement with. They
17 felt that they didn't want to incur any more expense at
18 the time, so it was stopped. I think he testified that
19 he was inactive for a period of time after that, he and
20 his brother. He had no questions. There were no questions
21 concerning their part any more, for a period of time.

22 Q As District Attorney, Mr. Guerra, and as a lawyer,
23 let me ask you: Do you feel that it is the province of a
24 Judge of a District Court to control the docket of his
25 Court?

1 A I think the Court controls the docket. Yes.

2 Q Do you think as an attorney and as a District
3 Attorney that it is the responsibility of the Judge of
4 a District Court to see that cases that have statutory
5 preference are given statutory preference in his court?

6 A Yes, I do.

7 Q Do you think it is the responsibility of the
8 Judge to see that cases get to trial, if they need to be
9 tried, irrespective of motions the lawyers may file in
10 the case?

11 A It is a matter of the Judge's discretion,
12 usually. Yes, sir.

13 Q As a matter of fact, hasn't it been your ex-
14 perience in criminal cases that no criminal case would
15 ever get to trial, if the Judge didn't force it to trial.
16 Isn't that a fair statement, generally?

17 A That is about the conclusion you have to arrive
18 at, usually. Yes, sir.

19 Q Those of us who defend in criminal cases would
20 like to put them off forever, if we could?

21 A Certainly.

22 Q And we never are ready until the Judge forces
23 us to be ready?

24 A That's correct.

25 Q And that's true in many types of cases?

A That's right.

1 Q So the ultimate responsibility for the
2 disposition of the docket of the Court gets back and
3 falls on the shoulders of the Judge in final analysis.
4 Is that a fair statement?

5 A That's correct. Yes, sir.

6 CHAIRMAN Hale: Thank you very much.

7 Mr. Maloney?

8 BY MR. MALONEY

9 Q Mr. Guerra, let me go back in history a little
10 bit: How long have you been practicing law in this area?

11 A In Starr?

12 Q In the geographical area?

13 A My practice has been limited to Starr County
14 and I have been there since 1955.

15 Q What public offices have you held previous to
16 District Attorney or have you been a candidate for?

17 A I was a member of the County Board of Trustees
18 for several years. I don't recall the exact years.

19 Then I was a candidate for the school board in
20 Roma on two or three occasions, but I never held that
21 office. I was elected at one time, but I resigned
22 immediately after getting elected.

23 Q Why would you do that?

24 A At the time, I thought there was a conflict with
25 one of my brothers who was going to work or coming out of

1 school, or something and I resigned.

2 Q Wait a minute. I'm having a little trouble
3 following that one.

4 A I had a brother coming out of school in the
5 teaching profession and there were some summer jobs
6 coming up, or something, and I thought that I didn't
7 want to create a conflict, so I resigned after the
8 election, about a month or so.

9 Q What kind of conflict would this be?

10 A As a member of the Board, he could not work
11 in the Roma schools, the only place of employment there.

12 Q At the time you were a candidate, you did not
13 have any idea he was coming out of school?

14 A No, sir. I wasn't aware of it.

15 Q This was your brother?

16 A Yes, sir.

17 Well, I was aware he was coming out of school,
18 but I wasn't aware of his intentions, and I felt that there
19 was no conflict anywhere and nobody seemed to have minded,
20 so I just resigned. I didn't take office.

21 Q What possible conflict could there be, even if
22 you were a member of the School Board and your brother
23 was employed, as long as he did his job?

24 A It is nepotism, if he were to be hired while I
25 was a member of the Board.

1 Q I beg your pardon?

2 A As long as I would be a member of the Board, he
3 could not be employed without creating a nepotism conflict.

4 Q Let's move on. I am not quite sure I am follow-
5 ing you on that.

6 A All right.

7 Q Have you ever been convicted of any offenses?

8 A Yes, sir. I have.

9 Q What offenses?

10 A I have had a misdemeanor conviction for
11 failure to file an income tax return for the year 1965.

12 Q 1965?

13 A Yes, sir.

14 Q What was the nature of that conviction?

15 A Failure to file; a misdemeanor conviction.

16 Q Where was that?

17 A Right here in Austin.

18 Q What type of sentence or penalty.

19 A I was fined \$5,000 and one-year probated— Well,
20 it was a probation for three years for one year probation.

21 Q When was it that you resigned from the School
22 Board?

23 A It was prior to that time. It was a long time
24 ago.

25 Q Can you recall about when it would have been?

1 A I really— I could go back and look at the
2 records, but I really can't say—but it was way prior
3 to '66 or '67— I'm sorry. You asked me— The question
4 was asked if I ran for another office? I ran for
5 County Judge in 1968, of Starr County, but I lost.

6 Q I believe that you said that when you filed for
7 District Attorney—when did you file for this office?

8 A Some time in January, I think it was, after Nye
9 had resigned.

10 Q When did Nye resign, do you recall?

11 A The early part of January, of '74.

12 Q Do you recall for what reason he resigned?

13 A The reason he gave to everybody was that he
14 had an opportunity for private practice that he decided
15 was better than facing the problems he was facing as
16 District Attorney. particularly in Duval County.

17 Q Was it very soon after that, that you filed
18 for the office?

19 A It was a few days—oh, maybe a week or ten
20 days afterward, in which everybody was— The word was put
21 out that those who were interested for the appointment,
22 that the Governor's Appointment Secretary, George Lorenz,
23 would entertain talking to him about the appointment. I
24 had been convinced to come and— I did not file for the
25 office until I came here to Austin and talked to Mr.

1 Lorenz.

2 Q Did anyone else file for the office?

3 A I thought nobody wanted it at the time that I
4 accepted to come here to Austin. When I was here, there
5 apparently was a large amount of conflict. This would be
6 the case where there is so much political strife. Before
7 long, there were four of us in the running of the thing.
8 Maybe three at the time. Maybe others were being con-
9 sidered, too, more than ourselves.

10 Q How many actually filed for election to the
11 office?

12 A Four.

13 Q Four of you?

14 A Yes, sir.

15 But it wasn't immediately. It was a little after.

16 Q The filing date would have been, I guess, the
17 first Monday in February?

18 A Right, so it was between January 10th or until
19 the 12th, the filing deadline.

20 Q Do you recall who your opponents were?

21 A Yes, sir. The one who remained all the way
22 through the race was Mr. F. A. Cerda, "pancho" Cerda
23 who was the County Attorney out of Hebronville. Then
24 the Assistant District Attorney, who had been an Assistant
25 to Mr. Nye, Ricardo Gonzalez, out of Hebronville also.

1 He filed.

2 Then Marvin Foster also filed.

3 Q Marvin Foster filed for District Attorney?

4 A Yes.

5 Q I believe that you told the Committee that this
6 was a pretty hotly contested race. Is that correct?

7 A It became that way. It wasn't that way when we
8 first got into it. I really didn't think there was going
9 to be anybody wanting it.

10 Q Was the race decided in the first primary?

11 A Yes, sir. It was decided.

12 Q So you received over 50 per cent of the vote?

13 A Yes, sir. I did.

14 Well, pardon me. I don't want to create the
15 wrong impression there. By the time election time came
16 around, only two of us remained. Mr. Foster announced
17 that he withdrew from the race and so too Mr. Gonzalez.
18 Mr. Cerda and I remained.

19 Q Did they give any reason for withdrawing?

20 A Yes. There were reasons given. Mr. Gonzalez
21 was appointed County Attorney, so he withdrew from the
22 race to become County Attorney. Mr. Foster just decided
23 that it was to his best interest not to run.

24 Q Was that his public statement, that it was in
25 his best interest not to run?

1 A I don't recall that he made a public statement
2 on it and I don't recall the exact nature of it, but
3 it was to the extent that he would be withdrawing from
4 the race.

5 Q It was certainly to your advantage for an
6 opponent to withdraw.

7 A If everybody had withdrawn, it would have been
8 much better. Yes, sir.

9 Q But you can't recall what reason he gave for
10 withdrawing?

11 A There was a public announcement made.

12 Q I am sure of that.

13 A I don't recall the exact words. I don't want
14 to say something, because I may not state it the way it
15 was, and I sure don't want to—

16 Q You ended up with your only opponent in the
17 primary being Mr. Cerda?

18 A Cerda. Yes, sir.

19 Q Cerda?

20 A Cerda.

21 Q You said that it was a pretty hotly contested
22 primary?

23 A Particularly in Starr County. Duval and Jim
24 Hogg— I didn't do much campaigning in Duval. I felt it
25 was useless to do any campaigning in Jim Hogg, because he

1 had very firm backing in Jim Hogg. It was his home
2 county and he was popular there.

3 Q What did you do in the way of campaigning for
4 the office?

5 A Well, there were so many little in-fights
6 going on in Starr County. In-fighting is usual there.
7 Most of my campaigning was limited to rallies. I think I
8 had a few car stickers, automobile stickers, and there was
9 no TV, no radio, a very limited campaign. Other than
10 political rallies, that was it; personal contact.

11 Q I notice from your campaign reporting statement
12 that your only expenditures were \$400 filing fee and \$150
13 for bumper stickers?

14 A That's about the extent of it.

15 Q And you received no contributions whatsoever?

16 A I did not accept from anybody. I didn't want
17 them.

18 Q Is that the way a very hotly contested race for
19 District Attorney is run?

20 A That's the way it developed. But I did not want
21 any contributions directed to me or by anybody to me,
22 because I didn't— I just didn't— The thing about it is
23 this: I felt that everybody knew there what the problem
24 was. When I say "hotly contested," I mean because of the
25 rallies and the nature of the accusations and so forth.

1 There was quite a bit of coverage and publicity
2 without having to go into any other expenses. Everybody
3 knew who I was and they certainly knew who my opponent
4 was.

5 Q I am sure that after these hearings are over,
6 many members of the Committee will seek your advice as to
7 how you run a very hotly contested race for \$550.

8 A The problem—it may— You would understand it
9 better, if you were from Starr County. When I say "hotly
10 contested," I mean that there were meetings which didn't
11 cost anything, in each particular area. You see, it's
12 an agricultural area and there are six, seven, or eight
13 communities. Since you express surprise, let me explain
14 to you, because I don't want to leave the wrong impression.
15 There are four Commissioners Precincts: San Isidro,
16 Grulla, Rio Grande and Salineno. There are also little
17 communities within those areas. It is a practice in all
18 Starr County races that are contested, to all become
19 hotly contested, to have meetings just about every night
20 in different areas. That's what I mean by "hotly contested."
21 It doesn't involve any money. It involves just contacts,
22 and talking.

23 Q After you were ultimately elected, I believe you
24 took office in December of '74?

25 A Yes, sir. December 2nd.

1 Q When was it that you first undertook your
2 investigation into the activities of Duval County?

3 A It was February the 11th, I imagine was the
4 first day. It was a Tuesday.

5 Q You had been in office some two months then by
6 this time?

7 A Yes.

8 Q This was the first time you started moving into
9 Duval County?

10 A Yes, sir. There had been a tremendous amount of
11 criticism during my campaign in Starr County. I was
12 accused by Mr. Joe Guerra's faction and himself in political
13 rallies to the effect that the Specter of Duval County
14 was coming to Starr County. That there would be great
15 control out of Duval County for Starr County and that I
16 was a George Parr man and all kinds of insinuations about
17 my going to Duval County, or my covering for Duval County
18 or something or the other. I thought it would be more
19 prudent to start in Duval County—where else—on this
20 investigation, because I had announced publically that,
21 of course, there would be investigations in the three
22 counties . It was no secret that there was going to be
23 an investigation.

24 Q But then, after expiration of two months, you
25 began your investigation?

1 A Yes, sir. I didn't think I was ready then, but
2 the newspaper editorials were very hot and that prompted
3 me to start right away, anyway, and I figured I might as
4 well start as soon as possible and find out just what I
5 was faced with.

6 Q When was your first meeting with the Grand Jury
7 in Duval County?

8 A This Grand Jury was impaneled in February,
9 February the 4th, I think it was. My first meeting with
10 it was on the 11th.

11 Q You were not present when the Grand Jury was
12 sworn in?

13 A No, sir.

14 Q So this would be—

15 A Pardon me. I may have been. I think I was in
16 the courtroom when the Grand Jury came in, as I recall.

17 Q Did you discuss the matter of your proposed
18 investigation into Duval County activities with the
19 Grand Jury at that time?

20 A I did not indicate that I was going to do it
21 to anybody except to Judge Carrillo in Hebronville the
22 morning, or the day before we had a case. I had some
23 criminal matters in Jim Hogg County, in Hebronville, and
24 I mentioned to him that I wanted to start an investigation.
25 That was the extent of it. I felt that I should notify

1 him or tell him, because— I don't know why, but I just
2 felt that I should.

3 Q What was his response to your proposed investi-
4 gation?

5 A I don't think he was very surprised. He said,
6 "Fine. Go ahead."

7 Q What was the next thing that you did, in continu-
8 ing your investigation?

9 A Like I said before, I prepared the subpoenas
10 and I didn't want a lot of people to know, because— I
11 just had fears about the kind of reception that I was
12 going to get for an investigation of that nature. I
13 knew it was a very sensitive area, from what I had read
14 in the papers and the little contact that I had in Duval
15 County.

16 Q Without consulting with the Grand Jury, you
17 began to issue subpoenas?

18 A Returnable to the Grand Jury.

19 Q These were subpoenas duces tecum, I presume?

20 A Yes. Right.

21 Q What records did you subpoena?

22 A All fiscal records of those three agencies or
23 entities that I announced, including, well, first the
24 minute books, vouchers, bank depository contracts or
25 signature cards, any supporting vouchers for any checks

1 that were issued, canceled checks, cash or ledger—any
2 entry ledgers or journals they might have where those
3 checks were written and so forth.

4 Q Was your subpoena limited to the records of any
5 particular dates?

6 A Yes, sir. My idea was—first of all, I was
7 afraid that if I came out with a request for five years'
8 records, that I wouldn't even get to first base with it.
9 So I really felt within me that inasmuch as there had
10 been those convictions in Federal Court against Mr. George
11 Parr and Mr. Archer Parr and there were tremendous investi-
12 gations conducted prior to my taking office, that there
13 really wouldn't be much wrong in '74. I thought that
14 certainly nobody would object if I started at a slow pace
15 in that direction. I was trying to see just how far I
16 could get before somebody stopped me. That's why I
17 selected 1974, for the fiscal year beginning September
18 '73 through the period of time that we were then to
19 February.

20 Q You were aware then that the Internal Revenue
21 Service had already begun investigation in these areas?

22 A I obtained information. I'm sorry if I sound
23 real ignorant about it, but that's the way it was. I
24 really had no knowledge of Duval County, as such, other
25 than the newspapers, prior to my taking office on December

1 2nd. And even in the month of December, I spent most of
2 the time concentrating and getting Starr County and Jim
3 Hogg County, getting organized to proceed with the
4 criminal matters there.

5 I was not familiar with the doings inside the
6 Duval County, except what was reported in the Corpus
7 Christi "Caller-Times," and a little information, very
8 general, that Mr. Nye had given me. I asked him several
9 times what were some of the problems and specifically
10 the reasons why nothing had ever been done.

11 I really went into the investigation not
12 knowing—knowing there was something wrong, because I
13 was sure the newspapers had some reason for publishing
14 what they did, with regards to checks and misappropriation
15 of money and so forth, but I didn't know how extensive
16 it was. I really didn't think it was going to be too
17 bad for '73-'74. I was hoping it wouldn't be.

18 Q You did not check with any Federal authorities
19 before you did that?

20 A I checked with no one, at the time. The
21 criticism had been that no local legislator had ever
22 done anything and I was trying to avoid that criticism
23 for my party, for my office.

24 Q Did you seek to obtain any of these records
25 without a subpoena, before you issued the subpoena?

1 A I gave it some thought, but I thought that
2 this way, everybody—if somebody objected, or something—
3 this way, I used the same procedure for everybody. I would
4 subpoena the records and they would be taken to the
5 Grand Jury and then after we saw what they had or what
6 their response was, then we would go back and not worry
7 with subpoenas any more. I really wanted to know what
8 response they would give to asking for these records.
9 I just wanted to see where I was going to get into.

10 Q I just have a very difficult time understanding
11 why you would issue subpoenas to all the governmental
12 agencies within Duval County and by your own testimony,
13 you didn't think you were going to find anything,
14 because you thought that they would all be straight during
15 that period—

16 A I was hoping—

17 Q —and yet you never made any attempt to go and
18 look at any of them to determine whether there might be
19 cause for such a subpoena.

20 A The newspaper accounts led me to believe that
21 there was something pretty wrong. I considered those to
22 be in the form of complaints, because the editorials and
23 the accounts were directed, in the form of criticism
24 against the Attorney General and the District Attorney's
25 office.

1 Q It seems to be in conflict with the statement
2 that you made that you didn't think you were going to
3 find anything wrong with the year '73-'74.

4 A I thought that in an area that has been investi-
5 gated that much by different agencies, that, certainly,
6 there would be nothing— Everybody should have learned
7 not to do something wrong. By then, that's what my
8 impression was. I'm sorry if I gave another impression.

9 Q Except that if you are going to use the Grand
10 Jury to investigate whether a criminal offense has been
11 committed or not, it would seem to me that you would be
12 interested in those areas where you would find something
13 wrong, not the areas where you expected to find nothing
14 wrong.

15 A I had full intention, as it turned out, as I
16 later did, to notify, to talk to any of the agencies that
17 were involved. Let me explain this and there is a problem.
18 I think everybody—and I am not excluding anybody in Duval
19 County—and I think that the Federal agencies and I think
20 that the State agencies, I think they felt that since I
21 had gotten support completely from the George Parr faction,
22 that I was not going to do anything at all. In fact, Mr.
23 Water Meek, the auditor, so stated in open court, "This is
24 nothing. It's just a coverup. It's a whitewash. Nothing
25 is going to be done." That's what I was faced with in the

1 beginning there. That's why I had to proceed the way I
2 did. I had to proceed with everybody feeling that I was
3 going to cover for somebody there, but, specifically, for
4 George Parr. That was the way I started the investigation
5 with that cloud cast on me.

6 Q I'm afraid that doesn't answer my question—

7 A I'm sorry.

8 Q —as to why you proposed to go into records
9 before a Grand Jury that you, yourself, felt you would be
10 finding nothing wrong with?

11 A No, no. I'm sorry if I gave the impression that
12 I felt there was nothing wrong. There had been newspaper
13 articles pointing out to some wrongdoings during those
14 years. But I didn't think that it would be, frankly, that
15 bad. I never knew the extent of this stuff. I had no
16 knowledge of what the Attorney General had already dug
17 up in the Water District. The only information I had
18 was through newspaper accounts and it was bad enough. If
19 there was one item of theft, it was bad enough, and it
20 should have been cause for an investigation. I certainly
21 didn't realize it was as extensive as it turns out to be,
22 because it's pretty extensive.

23 Q Let me find out then what happened after you
24 issued your subpoenas and they were served?

25 A Judge Carrillo was holding court that morning. I

1 think it was the 11th. There was a jury trial going on,
2 on some civil matter. The subpoenas were returnable.
3 When I was explaining to the Grand Jury and pointing out
4 what my idea was about the investigation and we were
5 discussing this matter, one of the Bailiffs came to the
6 Grand Jury and asked for my presence in the courtroom,
7 that the Judge was calling for me to go to the courtroom.
8 When I got there, Judge Sharpe who was the Conservator
9 of the Water District then by appointment to the Texas
10 Water Commission and the Attorney General, I understand,
11 was complaining bitterly about the subpoena that I issued
12 to the Water District and stating to the Court that he would
13 not honor it. He was instructing the custodian of the
14 records, or the superintendent of the operation, not to
15 honor the subpoena, because he felt that there was danger
16 to those records, if they were brought to the Grand
17 Jury.

18 While this was going on, Mr. Bercaw joined in
19 and said he felt the same way about the School District
20 records. I tried to explain to him that the purpose of
21 the subpoena was not to take over the records, not keep
22 to—but to see them and that he certainly could have them
23 right back, but that I wanted to have a look at them at
24 first, for the Grand Jury and I felt that was the way to
25 proceed. For several hours, some time late in the afternoon,

1 Mr. Bercaw agreed that Mr. Couling should bring the
2 records in from the school provided that Mr. Couling or
3 somebody from the school remained inside the Grand Jury
4 room while we looked at the records.

5 In the meantime, the same agreement was reached
6 later on in the afternoon with the Water District per-
7 sonnel. Then several days later, Mr. Meek would refuse
8 to bring any county records to us. Then we had also a
9 court session and this is when the charges came out about
10 the whitewash and so forth. Finally, it was agreed that he
11 would bring whatever records were required to the Grand
12 Jury.

13 Q So for some period of time, there were open
14 court proceedings regarding Mr. Meek and the County records,
15 Mr. Sharpe and the Water District records, Mr. Bercaw and
16 the School District records?

17 A That's right.

18 Q It was resolved that all three of them would
19 bring their records, if they didn't have them with them
20 at the time?

21 A Yes, sir.

22 Q And the Grand Jury would be allowed to inspect
23 them, if someone from that entity was present in the
24 Grand Jury. Correct?

25 A Yes, sir. One of the complaints that Mr. Meek
raised was that it was too voluminous. He

1 understood the subpoena to request all the records without
2 time limitation. I had then to explain in court why—in
3 open court—why I was proceeding and that I was only
4 proceeding for one year and that there were prior investi-
5 gations and I was sure that these matters would be solved
6 in due time, as to what happened before in prior investi-
7 gations.

8 The complaint was that they were too voluminous
9 to be brought up, so we agreed that we would then bring
10 up, stagger the "bring" so there wouldn't be any call to
11 bring in a whole bunch of records and be carrying them
12 back and forth.

13 Q All of this was determined in open court?

14 A Some of the agreements were finally made in a
15 conference with a different— Well, with Mr. Sharpe, there
16 was a private conference, after the hearing in court.
17 With Mr. Meek also, there was a private conference after
18 the hearing in court and we worked out the manner in which
19 the records should be brought up and so forth.

20 Q All of this, at least a major portion of what
21 you testified to was in open court?

22 A Yes, sir. There were hundreds of people there,
23 because there was a trial proceeding—there was a jury
24 trial proceeding at the time.

25 Q My question is: Was the Court Reporter present?

1 A Yes, sir.

2 Q Did the Court Reporter take down the proceeding?

3 A My impression was that he did.

4 Q So these proceedings would be available to
5 this Committee?

6 A They should be. Yes, sir. I am sure the Court
7 Reporter was present at all times. They should be
8 available.

9 Q When did you begin testimony in the Grand Jury
10 on these records?

11 A I think the 11th— I haven't checked the minutes,
12 the Grand Jury Minute Book. But by virtue of a photo-
13 graph that appeared in the Corpus paper on that article
14 about Mr. Couling, there's a photograph there which is
15 supposed to have been taken on the 11th, so I imagine
16 they were the first to produce their records. So we
17 started examining those records on the 11th; the school
18 records.

19 Q All right. Without going into any of the
20 testimony that was adduced at the Grand Jury hearings,
21 what happened to those records? Were any copies made of
22 any records?

23 A There were limited— I think that the only
24 record at the time— There were some records made of some
25 of the entries involving four or five areas where there

1 were large checks. There were some checks for five or
2 seven thousand or six thousand— They were big amounts
3 and they caught the eye of— Let me explain this and I
4 hope I am not giving away any Grand Jury secrecy, but to
5 expedite matters, everybody in the Grand Jury took certain
6 parts of the records and everybody got a pad and they
7 decided that since they were more familiar with the
8 people and so forth, whatever areas that they thought that
9 they might see something which didn't appear right to
10 them to call it to my attention, because I was really
11 blind at the time as to who was what. That's the way it
12 was done mostly. They called my attention to certain
13 items and then we would jot it down.

14 But, in the meantime, I think the minutes—there
15 were copies made of the minutes, or the Minute Books.

16 Q My question was: Were any copies made of the
17 records?

18 A No, sir. They were too voluminous and it would
19 be quite an ordeal to copy all of the records.

20 Q Did you copy any of the records?

21 A A very limited amount.

22 Q You did copy some of them then?

23 A Very limited. Yes.

24 Q Who has custody of those records at this time?

25 A The Attorney General, I imagine.

1 Q The Attorney General?

2 A Yes.

3 Q What was the Attorney General doing there at
4 that time?

5 A No, sir. Whatever was had at the time of the
6 investigation— Let me say this: Whatever the Grand Jury
7 copied should be in the Minute Book. Any other records
8 which, since April 1st, and all the custody of any records
9 are in the custody of the Attorney General, of the Task
10 Force, and the Co-coordinator of the Task Force which is
11 Mr. John Blanton, of the Attorney General's Office.

12 Q At the time that you were having the hearings
13 before the Grand Jury in February, in March, were any
14 copies made of any of the records that were produced
15 before the Grand Jury?

16 A Yes. Of the Minute Books and there were copies
17 made of some of the checks and some of the vouchers
18 involving some of the people.

19 Q Were any copies made, to your knowledge, of
20 any checks payable to attorneys?

21 A Yes, sir. There were.

22 Q Were any copies made of any checks that may
23 have been paid to School Superintendent?

24 A Yes, sir. There were.

25 Q What was the third thing that you alleged in

1 your petition?

2 A The pulling of the file came afterwards, I think

3 Q So you did make copies of those?

4 A Not only made of those, but there were copies
5 made of different— There were seven or eight names which
6 appeared strange to members of the Committee, of the
7 Grand Jury. I wish you would have all been there, so you
8 would appreciate what I am trying to convey to you. It
9 was an incredible sight, trying to have ten or eleven or
10 twelve people sift through material that way.

11 Q I take it from your testimony that no indictments
12 were returned against anyone during the period that you
13 had this under investigation until this hearing took
14 place?

15 A There were no indictments returned from February
16 the 11th, or whenever we started, until the first indict-
17 ment, which was returned at the instance of the Attorney
18 General here last week, I imagine it was. There were
19 preparations made for—quite numerous presentations to
20 the Grand Jury.

21 Q During this period, you did work with the Grand
22 Jury then, did you not?

23 A Between February and the appointment of Jim
24 Bates— I think Jim Bates went two or three times before
25 the Grand Jury. Then what happened was this: The Grand

1 Jury determined there was about a two-week period there
2 in which the Grand Jury felt that it was useless to pro-
3 ceed the way we were doing to require the records to
4 be brought in there, for either myself or for the Grand
5 Jury to go to the entities themselves to get those
6 records when our knowledge of bookkeeping was so limited.
7 We soon realized that that approach was not going to get
8 us anywhere, because they were such voluminous records
9 that it's impossible to start tracking items and then to
10 start looking and, frankly, we were lost.

11 So, it was decided that Mr. Turner, the auditor
12 who was appointed and approved by everybody apparently
13 would proceed in making an audit concerning all checks
14 and vouchers to see if there were any errors that he
15 thought had some wrongdoing to it, and then the Grand
16 Jury would accept it and would report it to Mr. Bates and
17 myself, or whoever was there at the time.

18 Q Did Mr. Turner ever present an audit?

19 A He reported on part of—on part of it— I think
20 it took him about ten or twelve days or more, as I recall.
21 That's when he was going back to reget records when this
22 matter of the lost checks came up and the destruction
23 of the records came up.

24 Q Did he prepare an audit?

25 A I did not see any report as such. He had

1 individual reports, but he did not prepare a complete
2 audit. It was impossible to prepare a complete audit.
3 It's just an extensive undertaking.

4 Q Is this the time that you became familiar with
5 Mr. Jose Nichols, Joe Nichols?

6 A My familiarity with the members of the Grand
7 Jury developed from February 11th on. Prior to that, I
8 had no knowledge about them. I didn't know anything
9 about them. I still don't, most of them. In fact, I
10 don't know them that well.

11 Q Was it ever brought to your attention that Mr.
12 Nichols had a case pending against him in Judge Carrillo's
13 court involving \$3,000 back payments, or delinquent payments
14 in out-of-state child support?

15 A My first notice of such a case was here in this
16 courtroom when somebody brought it up. I think Mr.
17 Bercau or somebody brought it up—for the first time. I
18 have since checked and I'd like to explain to the Committee
19 that reciprocal cases of that nature in Starr County— It
20 is Starr County, and I had the same assumption in Duval
21 and Jim Hogg Counties were handled by the County Attorney
22 by agreement. Nobody ever called my attention to it and
23 I didn't inquire. I didn't know. If I had known, I
24 would certainly have taken some action on it.

25 Q You know it at this time? Do you not?

1 A Yes, sir. Now I know. In fact, I did ask
2 Mr. Nichols what the problem was. Apparently there was a
3 divorce in Minnesota or some place and his wife was up
4 there.

5 Q You are aware that failure to pay out-of-state
6 child support is a felony?

7 A I am fully aware of that. What I am trying to
8 tell you is that I didn't know about the case.

9 Q Wait just a moment. You are aware that that is
10 a felony?

11 A Yes. It is a felony.

12 Q Are you aware that Mr. Nichols admitted that he
13 does this and that he is delinquent in it?

14 A No, sir. I wasn't here when Mr. Nichols
15 testified. I'm sorry.

16 Q Have you prepared any motions for the removal
17 of Mr. Nichols as foreman of this Grand Jury?

18 A No, sir. I have not. I have not had occasion
19 to go deeply into that matter yet. I was trying to see
20 what the nature of the case was. I have not had the
21 knowledge that you have. I'm sorry. But I am— I have
22 already told my investigator who is there now, to check
23 into it and to get me copies of all the pleadings that
24 were filed and get everything so I can study it when I
25 get back.

1 Q It does not concern you since one of the quali-
2 fications for a Grand Juror is that he not be under any
3 type of indictment?

4 A I am very concerned. I am very concerned about
5 any—I didn't ever think that I would be so worried about
6 a Grand Jury as I am about that Grand Jury. I am concerned
7 about every one of them. This certainly concerns me and I
8 am very concerned about the implications.

9 Q But this Grand Jury is supposedly continuing its
10 actions, isn't it?

11 A Up until now, there is no indication of anyone—
12 There are some other problems that I hope I don't have
13 to get into concerning the Grand Jury, in the sense of—
14 Let me state this that I am—at a prior investigation in
15 Duval County, the reason why nothing ever came out of it
16 was because of the composition of the Grand Jury. That has
17 been foremost in my mind and the Attorney General's
18 staff also, as to this matter, so we are fully aware of
19 that. Yes.

20 Q But the things that you alleged in your petition
21 for removal of the School Trustees were the payment of
22 some attorneys' fees somewhere in the middle of last
23 year? Correct?

24 A It was August 27th, I think it was, the 13th, or
25 something like that. I don't recall the exact date.

1 Q It was a transaction that had already been
2 completed at any rate?

3 A Yes, sir.

4 Q The hiring of a school superintendent who was
5 going to have to go into imprisonment?

6 A Yes, sir.

7 Q An action which had already been completed?
8 Is that correct?

9 A Yes.

10 Q School records that you maintained had been
11 destroyed?

12 A Yes, sir.

13 Q Which had already been completed?

14 A Yes, sir.

15 Q But you needed immediate removal of these
16 trustees without delay, without notice to them, and you
17 moved as fast as you could move in that area, did you not?

18 A Yes, sir. I did.

19 Q Yet now you have information that the Foreman
20 of the Grand Jury that is continuing its deliberations
21 is subject to felony indictment and you are not doing
22 anything about it?

23 A I think I have told you that immediately after
24 this information came out here, I have already set the
25 proper machinery going to check into it. And the Attorney

1 General's Staff which is conducting the major part of
2 this investigation is also checking into it. We are all
3 checking into it. I am not trying to— I am just trying
4 to tell you that something is being done and we are very
5 concerned. Believe me.

6 Q Well, what more checking does it take when the
7 person admits here before this Committee that he is
8 guilty of this felony?

9 A Apparently there is a conflict. I am not
10 sitting here and agreeing with you, because I am not that
11 familiar with the facts of the case, to say that he is
12 subject to indictment for what you say. But the information
13 which he gave me was that even a few days ago, the subject
14 matter of the support for the children who are here with
15 him and who are attending college here and apparently there
16 is a conflict some place. So whether or not the effect
17 which you project is true or not, I cannot agree with,
18 so that is why I said we are investigating. If it is,
19 something will be done. Then we will proceed immediately.
20 That is being checked, Mr. Maloney. I'm sorry. I'm not
21 disagreeing with you, I am just telling you it's a
22 factual matter which is being investigated.

23 Q Very well. Let's go back to the time that you
24 were preparing these petitions.

25 When did you decide to prepare your petitions

1 for removal, as regards these school trustees?

2 A It was the day that— It was the evening that
3 I was advised that the auditor could not proceed any
4 more in getting some of the records that were destroyed.
5 That's when it was, a few days before the filing of the
6 petition.

7 Q Now, I believe that you said that you had
8 learned earlier of the payment of this \$60,000 to these
9 attorneys?

10 A Yes, sir. Yes, sir, I did. I learned that in
11 the beginning of the investigation.

12 Q And you had learned that Mr. Powell who had
13 had a Federal felony conviction against him, had been
14 retained by the School District?

15 A My knowledge of all these matters did not
16 come all at the same time. I hate to keep on adding
17 things, but there were other matters involving some of
18 the trustees that were removed, which are under investi-
19 gation and which are in a subsequent amendment which I
20 intend to file and I would have included some other
21 allegations.

22 Q I want to know why you didn't file your
23 petition immediately on finding these things?

24 A Well, I didn't think that the matter of the
25 check alone would have justified removing him. But then,

1 when an effort was made and obviously when records which
2 had been under subpoena by the Grand Jury were destroyed,
3 which related directly to those matters, then, of course,
4 the suspicion and the need to do something became real
5 urgent and that's when I decided.

6 Q Will you tell me how you obtained your knowledge
7 that the records had been destroyed?

8 A Mr. Correa and Mr. Nichols, both, or either one
9 or the other— I think they both called me. It was not—
10 It was either a Friday or before the filing of the— It
11 was the weekend prior to the filing of the petitions.
12 And they were very, very concerned about it, because
13 apparently Mr. Turner or some members of his firm had
14 just been told that there were, that their records had
15 been destroyed; they weren't available.

16 Q Will you tell me who it was that told you that
17 the records had been destroyed?

18 A Both of them did. I am trying to— I don't
19 recall who was the one who first told me, but both of
20 them did, and then Mr. Turner told me also.

21 Q Did they tell you who had destroyed the records?

22 A Well, they had all received and then there were
23 other people that started getting into the act and check-
24 ing, as I say, the investigator—

25 Q Who told you who destroyed the records?

1 A Well, Mr. Forche, who was my investigator, who
2 was on the scene most of the time. Mr. Turner, Correa,
3 and Nichols. Specifically, those were the ones that
4 initially started the— They were very upset over the
5 records being—

6 Q Who told you the records had been destroyed?

7 A They did. Pursuant now— They were the ones who
8 at different times told me.

9 Q Who told you first?

10 A My impression was that it was either Mr. Correa
11 or—because I think they called simultaneously on the
12 same phone. I think they were both talking at the same
13 time that night. It was at night when they called.

14 Q Did they tell you who had destroyed the records?

15 A Well, they were giving different versions as to
16 what happened to the records. That's why the suspicion
17 came in. One of the versions they received by the
18 people in the superintendent's office was that the janitor
19 had thrown them inadvertently. Then somebody said they
20 had been put in a shredder. One of them said, "Well,
21 we just destroy them automatically." Then somebody else
22 said they were taken and burned. There were three or four
23 versions. When this runaround was being given, this one,
24 obviously, it became a more planned thing than just
25 somebody saying, "The records are destroyed, as a matter

1 of course." This reason of being destroyed "as a matter
2 of course," came afterwards.

3 Q Do you recall who told you that janitor had
4 destroyed the records?

5 A I think Mr. Turner was the one who gave me
6 that information. Now, whether he got it directly or through
7 one of his firm, he was the one who was most concerned,
8 because he was the one who discovered it at the time.

9 Q When was this that he told you that?

10 A He was— It was either a Thursday or a Friday
11 prior to the filing of the petitions. It was six or seven
12 days before, I imagine, or five or six days.

13 Q Why didn't you file your petition at that time?

14 A My knowledge— I knew that people would be re-
15 moved. I had checked it before, you know, in Starr County
16 on local matters years before. But it took me a little
17 time to do the research and I had no library in Rio Grande
18 City to really do any research, so we went to the courthouse
19 in Edinburg and did some research there. I started research-
20 ing and it wasn't an easy thing for me to finally determine
21 how to proceed.

22 Q Let me ask you: Who on the school board you
23 called as regards these records being destroyed?

24 A I didn't call anybody. I felt that it would be
25 useless for me to call and try to get information. In the

1 first place, I don't think I would have found anybody to
2 talk to. I felt that, in my mind, especially the way
3 things had been going, it was an obvious attempt to
4 interfere with the investigation and I just wasn't going
5 to allow it to happen any more. It was very frustrating
6 at the time.

7 Q Perhaps I'm wrong, but it would seem unusual
8 to me that the District Attorney upon receiving this in-
9 formation wouldn't immediately pick up the telephone and
10 call some school board member and ask about this
11 situation.

12 A By that time, it became apparent that there were
13 other matters wrong, besides what we had initially seen,
14 Mr. Maloney. I didn't think there was going to be any
15 cooperation or anything from anybody any more from that
16 area. That was the reason why I had to act.

17 Q That is what you assumed. You didn't call any-
18 one to seek an explanation of this?

19 A My assumptions were pretty well based on what
20 I had heard already in the Grand Jury room and what I had
21 already seen.

22 Q All right.

23 A I'm sorry—

24 Q Did you then discuss this with Mr. Nichols?

25 A One of the areas, the subject of removing people

1 or getting or trying to be put in jail for non-compliance
2 and so forth came on the 11th or 12th, the first time
3 Mr. Meek was so severely attacking the Grand Jury and
4 attacking me.

5 Q I beg your pardon?

6 A We were attacked. The Grand Jury and myself,
7 our motives were attacked quite a bit. The idea was that
8 we were going to protect George Parr or we were protecting
9 somebody, in the beginning, when I started. So, those
10 attacks were still pretty raw and pretty much in my mind.
11 They came from very many different sources and areas.
12 That's why when you pull something out of context, it
13 doesn't give you the correct picture. You have to take
14 everything as it happened, because it was all mushrooming.

15 I really felt that the only way that I could
16 present it. By that time, the Grand Jury composition was
17 also, as far as I could see, we were checking— There
18 were some areas where some members of the Grand Jury were
19 affected.

20 Q Let's get back to the conversation with Mr.
21 Nichols when you decided he was going to be the relator
22 in this petition.

23 A All right.

24 Q How did you decide that Mr. Nichols was to be
25 the relator?

1 A Frankly, the only reason I thought he would be
2 the best one was that he had sufficient knowledge of what
3 was going on. Apparently, he appeared to me in the Grand
4 Jury not to be afraid. His past experience as a police-
5 man, apparently I had learned that he had had that ex-
6 perience. I thought he would be the least one subject to,
7 of all that I knew, and I knew a very limited number of
8 people, and since he was on the Grand Jury, that he
9 certainly would be the best one, if something was going
10 to be done, for him to do it.

11 Q When did you decide that he would be the relator?

12 A After our initial discussion, either four or
13 five days before. I really didn't think of anybody else.
14 It seemed to me like he would be the best choice.

15 Q After you had made your decision that he would
16 be the best choice, when did you discuss it with him that
17 he was your choice?

18 A It was some time between their call about the
19 destruction of records and my final preparation of the
20 petition. In between, why, we talked about it once or
21 twice.

22 Q Would this be hours before you prepared the
23 petition or days or weeks, or what?

24 A No. I am trying to narrow it down to that period
25 only. That was— It was a few days before. We had— I am

1 trying to recall the exact time, but I really can't. I
2 know that we discussed it a few days before. We discussed
3 it outside the Grand Jury room, walking into the ante-room
4 or into the courtroom, which is right near the Grand
5 Jury room and had a brief discussion there also. I asked
6 him if he would be willing to sign as relator and he said
7 he would.

8 Q Then you prepared petitions?

9 A Yes, sir. I had already started working on
10 the petitions. I had started working on the mechanics
11 of it. It took me four or five days before I could
12 get what I was going to do. Even then, I didn't think I
13 was doing it the way that I wanted to, but I had nobody
14 to turn to.

15 Q And you prepared the orders at the time you pre-
16 pared the petition?

17 A I used the necessary form books. I used, as a
18 guide, a case out of Houston, Texas that happened about
19 1962, the Tectenawn case— I don't know if I am pronouncing
20 it right. It's a case out of Aldine School District or
21 something in Houston and it involved a very similar
22 situation. I read and reread the case over to see if I
23 was complying with statutory requirements and so forth.
24 I tried to track that case. It was very much in point.

25 Q Then you made arrangements with Judge Carrillo

1 and Mr. Nichols to file the petitions on the 19th of
2 March?

3 A Yes.

4 Q And you had asked them to meet you at the
5 Duval County Courthouse. Is that correct?

6 A Yes. I was still working on the petitions.
7 Now, I had been under great pressure from—

8 Q Is it correct that you were going to file them
9 on the 19th of March?

10 A Yes, sir. Yes, sir.

11 Q So you had them all prepared with you, when
12 you went to the courthouse?

13 A Yes, sir. That's correct.

14 Q And you were expecting to find Judge Carrillo
15 at the courthouse?

16 A Yes, sir.

17 Q You were expecting to find Mr. Nichols at the
18 courthouse?

19 A Yes, sir.

20 Q What did you find when you went to the court-
21 house?

22 A When I stopped the car, I had taken this man
23 who works in my office through a Federal Program— I had
24 taken him as a— Actually I guess he is listed as an
25 investigator, but he is not paid out of my staff. He is

1 paid through the Federal Funding Program, a local program.
2 I had taken him with me. When we were descending from
3 the car, I had noticed that there were people sitting or
4 standing in front of the courthouse, facing the front of
5 the courthouse and there were some on the side. There
6 were little clumps of people here and there. I had never
7 seen that before, the times I had been there and then
8 Mr. Bob Forche—

9 Q Just a moment, if I may interrupt you. The first
10 you knew of any trouble at the courthouse was when you
11 arrived at the courthouse?

12 A It looked— There were too many people around
13 there. It didn't look right.

14 Q That is the first you knew of any trouble at
15 the courthouse?

16 A That's right. I left Rio Grande City— I told
17 you it was a two-hour drive. I had left at 2:00 o'clock
18 out of Rio Grande City and arrived there a little before
19 4:00, I imagine it was.

20 Q Expecting to find the Judge, expecting to find
21 Mr. Nichols?

22 A That's right.

23 Q Did you have your gun with you at that time?

24 A No, sir.

25 Q When you got to the courthouse, you find there

1 was some trouble. Is that correct?

2 A That's right, sir.

3 Q You were told that Mr. George Parr was inside
4 the courthouse?

5 A Yes. That he had been there since 2:30 waiting
6 for the Judge to come, to kill him.

7 Q Did you find at that time that Mr. Nichols
8 was in the courthouse?

9 A I asked immediately. I asked Bob Forche who
10 had run over from one of the clumps to tell me not to get
11 out of the car. I asked him where Joe Nichols was and
12 he said, "Well, he's in there somewhere in the courthouse."

13 Q Did you ask him where Judge Carrillo was?

14 A Yes. While we were talking Archer Parr came
15 over and started talking.

16 Q Did you learn where Judge Carrillo was?

17 A Not at the time from Forche, I did not learn
18 that, nor from Archer Parr.

19 Q When did you first learn where Judge Carrillo
20 was?

21 A While we were standing there talking to Archer
22 Parr, Clinton Manges, this man by the name of Barnett who
23 was sitting on the front seat and his brother Chick Manges
24 who I have known, because he lives near Roma, drove in the
25 car and came over and they were very excited about what

1 was going on. During the very brief conversation, it
2 was pointed out that the Judge had been warned and that
3 he was at his ranch. I really didn't know what the
4 location was, but that's where he was.

5 Q I believe you said that the Judge's ranch is
6 some 30 miles from the courthouse?

7 A Well, it's about— Benavides is about 16
8 miles from San Diego. His ranch is about 14 miles, I
9 imagine, in another direction from there, but I didn't
10 know that at the time. I didn't know where it was. I
11 wasn't aware of it.

12 Q Was it then at this time that Mr. Manges and
13 his brother and Mr. Barnett were going to Judge Carrillo's?

14 A There was great concern expressed—

15 Q Was it at this time that they were going to
16 Judge Carrillo's?

17 A Yes. They were concerned and that's the reason
18 why— It was all in a hurry, making up your mind what
19 to do in a hurry.

20 Q But it was determined that Judge Carrillo was
21 not in the courthouse?

22 A That's right. He had never entered the court-
23 house.

24 Q So what did you do next?

25 A Well, the invitation was made about going over

1 to see where he was. At the time, I felt it prudent to
2 go also.

3 Q Why?

4 A I really don't know. I just felt that I should
5 go. I felt that he was in danger and I felt that some-
6 thing should be done about it. I was the District
7 Attorney.

8 Q If his danger was from someone who was within
9 the courthouse— Right?

10 A I didn't know the extent of the danger. All I
11 knew was that part, but I knew that if one individual
12 could have been more, I felt that it might be more serious
13 than that. It looked like a very serious thing.

14 Q As far as you knew, his danger was from George
15 Parr who was within the courthouse?

16 A No, sir.

17 Q The Judge was some thirty miles away from the
18 courthouse.

19 A No, sir. That's not what I knew. My impression
20 was that there was danger from— There was just great
21 danger. That's all, based on the fact that if George Parr
22 was out with a gun, I felt I didn't know how many supporters
23 he had. I felt that it might be— I really felt that it
24 might be much bigger than that and I knew there was great
25 trouble. I felt like there was great trouble there.

1 Q I believe you told the Committee yesterday that
2 you are not a man of great courage?

3 A I don't think I am.

4 Q But you were going to go to Judge Carrillo's
5 aid against these unknown, undetermined people who were
6 out to get him some thirty miles from the courthouse. Is
7 that correct?

8 A I wasn't going necessarily to his aid. I wanted
9 to go see what had happened. I thought it was my obliga-
10 tion to go. I wanted to go see what had happened.

11 Q As far as you knew at that time, there was a
12 danger inside the courthouse, was there not?

13 A Yes, sir.

14 Q And you were the chief law enforcement officer
15 for that district, at that time, were you not?

16 A Yes, sir. That's right.

17 Q Why did you leave the scene?

18 A Archer Parr when he came over and talked to
19 me, I asked him why somebody didn't go in and get George
20 out of there. He made some remarks about he had nothing
21 to do with it and he was angry with him also. I asked him
22 where the Sheriff was and he said the Sheriff was there,
23 too. The Sheriff was around there.

24 My chief investigator, Bob Forche, remained
25 there with my other investigator to determine, to see

1 what was happening. By that time, apparently, George Parr
2 had subsided, because he wasn't coming out. He wouldn't
3 do anything, but nobody wanted to go in and face him. I
4 certainly didn't want to go in and face him.

5 Q But you knew that Mr. Manges, Mr. Manges's
6 brother, Mr. Barnett and perhaps even Texas Rangers were
7 going to protect Judge Carrillo?

8 A That's one of the reasons why I felt that I
9 shouldn't go in there, because the remark came out that
10 he had called the Rangers to come in and I thought it
11 would be more prudent to wait until they came, before
12 anything was done about it.

13 Q But you were not concerned that Mr. Parr was
14 in the courthouse with a gun threatening to shoot someone?

15 A The threat was against Judge Carrillo, as such.
16 Since he wasn't there, I figured that the investigation
17 could continue in that area by either the Rangers or by
18 my assistants or by the Sheriff. But I felt I should go
19 where the Judge was.

20 Q But you claim you are no close friend of the
21 Judge's?

22 A Well, when we talk about "friendship," I don't
23 eat with him. I don't associate with him. I don't drink
24 with him. I don't drink much anyway. I don't party with
25 him. I have no social life with him at all. My contacts

1 with him are strictly mostly in the courtroom and that's
2 it. I do like him. He's always been very cordial, very
3 friendly and very nice to me, since I knew him in law
4 school days.

5 Q Then I believe that you testified that you did
6 go to the Judge's ranch in the company of Mr. Manges,
7 Mr. Manges's brother and Mr. Barnett?

8 A Yes, sir. That's correct.

9 Q When you arrived there, you found the Judge
10 safe and sound?

11 A Yes, sir. While we were proceeding, the Ranger,
12 Gene Powell and a person who later— I didn't know who
13 he was, but I identified him as Ramiro Carrillo, was with
14 him and they passed us and they got to the ranch right
15 before we did.

16 Q Who did you find at the ranch, besides the
17 people we have just named?

18 A The Judge was there. I believe Tomas Elizondo
19 was there. I thought I saw Patricio Garza and I had
20 seen only—

21 Q Who is Patricio Garza?

22 A One of the men that was mentioned here before.
23 I have seen him one time before I have been to the ranch,
24 one time before, and I thought I recognized him.

25 Q I believe that you told us before that he was a

1 ranchhand. Is that correct?

2 A That was my understanding. Certainly he was
3 there at the prior time I had been there a few months
4 before, during the election contest involving some other
5 people.

6 Q Just because someone's there it would seem
7 difficult for me to assume that they are a ranchhand,
8 unless you had some other information.

9 A Well, he looked to me like he was a ranchhand,
10 the way he was dressed and the way he was acting and
11 so forth, and so I thought he was a ranchhand.

12 Q You had seen him once before?

13 A Right. Yes, sir.

14 Q How did you know his name?

15 A He was introduced and everybody called him
16 by "Patricio," and so— I didn't know his last name.
17 I knew him as Patricio.

18 Q But you know his last name now?

19 A Now, I do. I think I learned it after that.
20 I certainly know it now, after the Committee hearings.

21 I think that's all who were there at the
22 time, or at least that's whom I can recall.

23 Q You say you really had no discussion with the
24 Judge as regards these removal petitions at that time
25 then?

1 A All I asked him was, well, first, I inquired
2 about his safety. He looked like he was really—because
3 he looked pretty bad, worried and very concerned. I asked
4 how he felt, if he was all right and if I should do
5 something. And he said, "The Rangers are coming." "The
6 Rangers are here and they are going to get some more
7 help." I asked him what his wish was on this matter that
8 I had and he said, "Well, I'll be in court tomorrow,
9 and I want to do it in open court," he said.

10 Q He said he was going to do it in open court?

11 A Yes, sir.

12 Q Did he give you a time for you to be in open
13 court?

14 A He said to be there at 9:00 o'clock in the
15 morning, I think he said, or 9:30, or something like that.

16 Q Were you there?

17 A Yes, sir. I went back home and then I brought
18 the same investigator with me and was there a little before
19 that time.

20 Q Did you talk to anyone that night regarding
21 these petitions?

22 A I don't think— I may have gotten some calls
23 from the Press or somebody, but other than that, I don't
24 think that I received any calls. Maybe Joe Nichols called
25 me, but I really don't recall. There was such confusion

1 and such a very emotional state at the time. When I
2 said I wasn't a brave man, those things can—

3 Q Did Joe Nichols call you, or didn't he call you?

4 A I think he did. I really can't recall, but
5 there were quite a few number of phone calls, but when
6 you are talking about in relation to removal petitions,
7 I don't think much was said about them at that time.

8 Q You don't think much was said about the
9 removal petitions?

10 A No, sir. Most of the people were wanting to
11 know what had happened. It was more sensational to talk
12 about somebody getting killed than removals at the time.

13 Q May I ask you how Mr. Nichols knew to be at
14 the courthouse the next day?

15 A I sent— I either— I think I had Robert Forche
16 call him, my investigator, who lives in Freer, but who
17 works in San Diego call him. Either he did, or my secre-
18 tary did, called him and told him to be there.

19 Q You were there about 9:30?

20 A He was earlier than that. It was before 9:00.

21 Q Did you go into open court at that time?

22 A I walked into the courthouse corridor and
23 there were just a great number of people there, including
24 Mr. Parr and some people—maybe it was the state of mind
25 that I was in, but it sure didn't look like it was a

1 friendly gathering there, although Mr. Parr was cordial
2 and greeted me and we shook hands and I tried to shake
3 hands with everybody who was in the hallways.

4 Q Did you go into open court?

5 A No, sir. By that time, the feeling got pretty
6 heavy and we did not go into open court.

7 Q But the Judge was in court waiting for you?

8 A No, sir. He was in his chambers. He was in his
9 private office on the first floor of the courthouse.

10 Q Where was Mr. Nichols at this time?

11 A He was waiting in the ante-room.

12 Q When you got to court, you had Mr. Nichols and
13 yourself and the Judge?

14 A There were some other people there. I think
15 the Court Reporter was sitting in another one of the
16 offices, prior to getting to the Judge's chambers. I
17 walked and after talking briefly with Mr. Nichols, then
18 we went back and went to the bank.

19 Q So you were there, Mr. Nichols was there and
20 the Judge was there and you had your papers with you?

21 A Are we talking now in chambers?

22 Q You've gotten to the courthouse and you have
23 decided to go to the Judge's Chambers. You are there.
24 Mr. Nichols is there and the Judge is there. Right?

25 A Before we went to the Judge's chambers, I, of

1 course, wanted to explain to Mr. Nichols about the
2 signing and so forth. Those three had to be notarized,
3 had to be sworn to.

4 I asked Mr. Forche and Mr. Nichols if they knew
5 of a Notary there before we could swear to the petitions
6 and I think the general consensus was we should get out
7 of the courthouse to do it. We shouldn't do it there, so
8 we went to the bank.

9 Q This is something that I am concerned about.
10 You said that the Court Reporter was there.

11 A The Court Reporter has a little office adjacent
12 to the Judge's chambers, but that's another office. There
13 is a waiting room, a secretary-receptionist area. There
14 is another room where the Court Reporter has a typewriter
15 and his own stuff and there is a private office of the
16 Judge's chambers.

17 Q And the Court Reporter is a Notary Public?

18 A Yes, sir. I imagine he is. He should be.

19 Q Did it ever occur to you to have the Notary
20 Public witness the signatures?

21 A No, sir. At that time, I really felt that we
22 shouldn't get anybody from the courthouse to notarize
23 anything.

24 Q Even the Judge's Court Reporter?

25 A Certainly not the Judge's Court Reporter. I

1 didn't think specifically of him. I just didn't think
2 that I should involve anybody in view of what happened
3 the day before there in the courthouse.

4 Q You were involved. Right?

5 A I had no choice.

6 Q Mr. Nichols was involved?

7 A By that time, I think he had no choice either.

8 Q The Judge was involved?

9 A Yes.

10 Q But at this point, you had a great concern as
11 to who was to be the Notary Public and do nothing more
12 than witness a person's signature on a document. Is
13 that correct?

14 A Well, it may seem like a small thing to you
15 now, Mr. Maloney, but at the time, it was important enough
16 for us to figure that it might be best to just go to the
17 neutral place, to the bank and do it at the bank. Some-
18 body had said there was a notary at the bank.

19 Q How far is this bank from the courthouse?

20 A About two blocks, something like that.

21 Q Did you all walk to the bank?

22 A No, sir. We drove.

23 Q You all piled in the car?

24 A I don't recall now if we went in two separate
25 vehicles or not, but we may have gone in Mr. Forche's

1 pickup. I don't recall. I wasn't too worried about those
2 things at the time. I was more worried about getting--

3 Q What was the name of this bank that you went to?

4 A It is the First State Bank of San Diego.

5 Q What did you do after you arrived there?

6 A Walked in and Mr. Forche, apparently knew the
7 people at the bank. I had never been in that bank before
8 in my life. He asked one of the officials there, "Do
9 you have a Notary?" and he asked this young man to come
10 over and he told him that we had some papers to execute
11 and so forth. They said, "Fine," and they cleared one
12 of the desks there inside one of the little areas and
13 we sat there for about 25 or 30 minutes—well, not that
14 long, but while he notarized everything and everything
15 was sworn to.

16 Q After you had notarized the papers, where did you
17 go?

18 A We immediately went back to the courthouse.

19 Q Went back to the Judge's chambers?

20 A That's right.

21 Q Was the Court Reporter there at that time?

22 A I don't recall. He wound up there, but he
23 usually is there in his little office there.

24 Q Was he there at that time in the Judge's
25 chambers?

1 A When I arrived, I don't recall, but after we
2 started the proceedings, he was called in and he brought
3 in his recording machine and so forth and he came in.

4 Q Did he record that?

5 A Yes, sir.

6 Q So that would be available to this Committee?

7 A I am sure it would be.

8 Q Was any testimony offered at this hearing?

9 A No, sir, other than my presentation of the
10 documents of the instruments that I was presenting.

11 Q When you say your "presentation," was this
12 physically presenting the documents to the Judge or
13 did you give some argument and some reasons for your
14 petition to the Judge?

15 A I just presented and explained briefly to the
16 Judge what each document, what it was.

17 Q At that point, did the Judge sign the order?

18 A The Judge proceeded to sign some of the orders.
19 He said that— He indicated that he would— Well, you see,
20 you have to file a motion for leave to file, which is
21 required in the statute.

22 Q Yes.

23 A So I presented that first to him and told him
24 what I had and he said he would grant the motion to file
25 and I had an order for that. He signed that order and then

1 we proceeded with the rest of the proceeding.

2 Q I assume in preparing your petition, you had
3 briefed the law from your testimony?

4 A I tried to.

5 Q Then why did you overlook the little problem
6 that a person has to have notice of this, before the
7 Judge signs the order?

8 A What notice?

9 Q Notice to the people you are going to remove?

10 A The statute does not require that.

11 Q Why did you put that in your order that the
12 people had received notice?

13 A I used the same form that had been used in
14 the other case. That is what I used.

15 Q You prepared the order that said, "And it
16 appearing to the court that an order has been issued
17 herein for the issuance of citation and certified copy
18 of the petition herein to be served upon the said M. K.
19 Bercaw and that said citation and certified copy have
20 been served upon him."

21 That was in the order you prepared for the
22 Judge's signature, is it not?

23 A Yes, sir. I had everything prepared, in com-
24 pliance with whatever the statutory requirements were.
25 At the time when all of this was happening, why it was

1 handled that way.

2 Q And you were well aware that no citation had
3 been issued and that no citations had been served upon
4 any of the parties?

5 A To be very frank with you, I didn't even re-
6 member the recitation in the orders when I prepared the
7 orders. If it's there, I am sure it was put in there by
8 me, because I am the one that prepared them.

9 Q Did the Judge read the order?

10 A Although he appeared real shook up and excited
11 about what had been happening, I think he probably read
12 them. He looked at them.

13 Q Who filled in the names appointing the substi-
14 tute trustees?

15 A The Judge did all of that.

16 Q Are you familiar with the Judge's handwriting?

17 A No, sir. Not that much, but I know that he's
18 the only one that I know that the orders were in blank.
19 When I prepared that order— I didn't really expect that
20 these matters would be expedited the way they were. I
21 think that that is why— You have to understand under what
22 conditions we were working in at that time.

23 Q Just a minute. You say you were not prepared for
24 things to be moving this fast, and yet, in your order,
25 that you are preparing for the Judge, it leaves a blank

1 for a substitute trustee to be appointed.

2 A I used exactly the same forms which I discovered
3 in the law books in the different forms and so forth.
4 What I am saying is that I didn't expect to have to be
5 acting under those conditions at the time, ex parte and
6 so forth, trying to avoid the problem of threats. That is
7 what I am referring to. And if something was overlooked
8 at that time, I could have overlooked a lot of other
9 things, too, because I certainly wasn't the most calm
10 person in the world there.

11 Q Is it your testimony before this Committee that
12 the Judge filled in the names of the substitute trustees?

13 A Yes, sir. He is the only one. He and I were the
14 only ones that touched the instruments—maybe the Reporter,
15 if he marked some exhibits, I don't recall—but, other
16 than that, why, he was the one that filled out the blanks.

17 Q Was there any discussion with you at the time
18 as to who was to be named?

19 A I didn't know anybody from there, so I left
20 them blank and I think I told him that I had no offers
21 to make as to names. I didn't know anybody.

22 Q And the Judge just filled in the names?

23 A He sat there and he started filling out the
24 papers.

25 Q You have mentioned several times, Mr. Forche.

1 What is his position in this?

2 A He is a Chief Investigator for my district.
3 He works out of the San Diego office and he handles most
4 of the heavy investigations.

5 Q He is attached to your office?

6 A Yes, he is.

7 Q He is not an employee of the County Attorney?

8 A He started off as an employee of the County
9 Attorney, but when I took office, he approached me if he
10 could work for me and I told him that I would hire him
11 and I did.

12 Q When had you hired him?

13 A Actually, he started with me on December 2nd.
14 He started working for me.

15 Q And I assume you know where he lives?

16 A He lives in Freer.

17 Q So he lives on Clinton Manges's ranch?

18 A No, sir. He has a trailer house right in the
19 middle of Freer, right at the crossroads. He doesn't
20 live at the ranch.

21 Q Is he on the county payroll then?

22 A He is on the county— Yes, he is paid out of
23 the county funds.

24 Q What is his salary from the county?

25 A \$700 per month is the Duval County amount and

1 \$700 out of the other counties, out of the other three
2 counties.

3 Q He makes \$1,400 a month?

4 A Yes, sir.

5 Q How much do you make as District Attorney?

6 A My total is about \$1,600 or \$1,700.

7 Q \$1,600 or \$1,700 a month?

8 A Right. Taking into account mileage.

9 MR. MALONEY: That's all I have right now.

10 CHAIRMAN HALE: Members of the Committee,
11 it is right at 12:00 o'clock. We can proceed with further
12 interrogation or shall we take a noon break at this time.

13 What is the pleasure of the Committee?

14 1:30 or 2:00. Will 1:30 be satisfactory?

15 Mr. Hendricks moves that the Committee stand
16 in recess until 1:30 this afternoon. Is there objection?

17 The Chair hears none. We stand in recess until 1:30.

18 (Gavel.)

19 (Whereupon at 12:00 o'clock noon, the luncheon
20 recess was taken, to reconvene at 1:30 p.m.)

1 THURSDAY, JUNE 5, 1975

2 AFTERNOON SESSION

3 (The Committee was reconvened at 1:45 p.m. pur-
4 suant to the luncheon recess.)

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

8 Mr. Guerra, if you will resume the witness
9 chair.

10 Mr. Mitchell, did you have some sort of an
11 announcement that you wanted to make to the Committee
12 at this time?

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

14 Mr. Chairman and Members, my client has the
15 flu. We got him to a local doctor this morning at
16 10:30. He's been given a prescription and ordered to bed
17 and hopefully will be back in the morning.

18 I ask leave to make clear to the Committee
19 that his absence is not planned or out of disrespect
20 to the Committee. He has also authorized me to note to
21 the Committee that you may proceed in his absence.

22 CHAIRMAN HALE: Thank you. We sincerely
23 hope that the Judge has a speedy recovery.

24 When we recessed at noon, Mr. Maloney had just
25 completed his questioning of the witness. The Chair

1 recognizes Mr. Hendricks.

2
3 MR. ARNULFO GUERRA

4 resumed the witness stand and testified further as
5 follows:

6 EXAMINATION BY THE COMMITTEE (Continued.)

7 BY MR. HENDRICKS

8 Q Mr. Guerra, what counties comprise your
9 district?

10 A Duval, Jim Hogg and Starr Counties.

11 Q And you are a native of Starr County. I be-
12 live that's correct. That's your home?

13 A No. I was born in Hidalgo County at Mission.

14 Q Hidalgo County.

15 A I have been living in Starr practically all
16 my life.

17 Q You assumed this office after the election in
18 December of 1974?

19 A December 2nd. Yes, sir.

20 Q I believe about the first statement you made
21 to us was that in this election, you were not supported
22 by the Carrillo family. Is that correct, sir?

23 A May I explain, sir?

24 Q Isn't that what you told us?

25 A Yes. I did not get open or active support from

1 the Carrillo family.

2 Q You did not get the support of the Carrillo
3 family?

4 A That's right.

5 Q And you won this election against a man by the
6 name of Cerda?

7 A Cerda. Yes, sir. C-e-r-d-a.

8 Q C-e-r-d-a. Now, it ended up, I believe, as
9 you told us, that Cerda and yourself were in the first
10 primary, the only two left in the primary?

11 A Yes, sir.

12 Q And you won this. There wasn't any runoff or
13 anything else?

14 A Yes, sir. Correct.

15 Q How did you fare in this election your home
16 county?

17 A I won by some 400 and some odd votes.

18 Q You carried Starr County?

19 A Yes, sir. I did.

20 Q By how many votes?

21 A 400 and some odd votes.

22 Q How did you fare in Jim Hogg County?

23 A I lost by I think about 1,500.

24 Q 1,500 votes you lost. That would throw you
25 behind then some 1,100 votes then by your own calculation.

1 Is that correct?

2 A Yes, sir.

3 Q How did you fare in Duval County without the
4 support of the Carrillos?

5 A I was supported by the George Parr faction, by
6 the Old Party and openly and they were the ones that
7 were—

8 Q That's not what I asked you. I asked you how
9 you did in Duval County? How many votes did you carry?

10 A 2,500. I didn't think you asked for a total.

11 Q 2,500. What town really put you over there
12 in Duval County?

13 A I imagine San Diego was the one.

14 Q What was the vote there in San Diego?

15 A I don't have it.

16 Q Do you have the votes?

17 A I don't have those figures with me. I'm really
18 not that familiar with it.

19 Q Wasn't it a rather overwhelming vote?

20 A As it turned out, yes, it was.

21 Q Was that box 13?

22 A No, sir. I don't think it was box 13. I'm sorry.

23 Q Did it come in on time or was it late?

24 (Laughter.)

25 CHAIRMAN HALE: For the record, box 13 was

1 in Jim Wells County.

2 A That is somebody else's territory.

3 Q Did this box come in on time, Mr. Guerra?

4 A The returns were coming in, as usual. I don't
5 know if they were fast or not.

6 Q Your sworn testimony is that the Carrillos did
7 not support you. That isn't exactly the truth, is it,
8 Mr. Guerra?

9 A The spokesman for the Carrillo faction was
10 Oscar Carrillo.

11 Q Oscar Carrillo did not support you. The Judge
12 did, didn't he?

13 Answer "Yes," or "No."

14 A I don't know if the Judge supported me or not.
15 The Judge wasn't at the—

16 Q The Judge and George Parr were not split at
17 that time, were they?

18 A When you are saying "support me," I am talking
19 about active party support.

20 Q I am talking about "support," and you know
21 what I am talking about. Did the Judge support you in
22 this election?

23 A The Judge may have voted for me, but he did not
24 support me.

25 Q When did George Parr and Judge Carrillo split?

1 A According to the information that has been
2 given here and I imagine it's correct, some time in
3 March, March 18 or March 19th, or something like that.

4 Q March 19th. Is that correct?

5 A Yes, sir. I guess that's what the date was.

6 Q And they were still together then? Well, we
7 must assume then that Judge Carrillo supported you, if
8 he and George Parr were still together back in December.

9 A What I am trying to tell you, Mr. Hendricks,
10 is that the announcement, as parties, the way I received
11 it all along, and I am telling you what is a known fact
12 to everybody, was that Oscar was heading the Carrillo
13 faction and his faction did not support me.

14 Q I realize that Oscar didn't support you. I
15 know Oscar quite well. He's a good friend of mine. But
16 the Judge supported you, did he not?

17 A The Judge made announcements all through—

18 Q Is it your sworn testimony to this Committee that
19 Judge Carrillo did not support you in this election?

20 A What I am trying to—

21 Q Just answer "Yes," or "No."

22 A I cannot answer your question "Yes," or "No."
23 I'm sorry. The question you asked me, I cannot answer
24 "Yes," or "No."

25 Q Then he didn't support you?

1 A I don't know that he did or not. All I know
2 is that the Judge announced that he would not take
3 active part in the election.

4 Q But San Diego put you over in the election,
5 didn't it?

6 A Why is San Diego Judge Carrillo?

7 Q San Diego put you over in the election?

8 A Duval County did.

9 Q Now, they split in March. Is that correct?

10 A I believe that's correct.

11 Q How long did they build up to this split?
12 They split at the school board race. How long was that
13 in the mill, before they actually split?

14 A What split?

15 Q How long did it build up before they actually
16 split? I am sure it was building.

17 A I really don't know how long it built up. All
18 I knew is that an announcement came out and I read it in
19 the paper like everybody else did, about the split.

20 Q That's the first you had heard of it?

21 A Of any split between them? Yes.

22 Q When did you initiate this investigation?

23 A February the 10th or the 11th.

24 Q You don't think that the split started in
25 February and culminated itself in this school board

1 election on March 19th?

2 A It was not reflected at any time that I was in
3 Duval County proceeding with the Grand Jury.

4 Q It was reflected in this election, was it not?

5 A That came afterwards. What election are you
6 talking about? I don't know what election you are
7 talking about.

8 Q The school board race down there.

9 A Of 1975?

10 Q Yes. March 19, 1975.

11 A Yes. Yes, it did. Or April of '75, rather.

12 Q Now, you have told this Committee that you had
13 at your disposal John Hill, the Attorney General to
14 help you down there. Is that correct?

15 A Well, if I said "at my disposal," he was—

16 Q You told the Committee that he was available
17 to you. You passed out information that you could use
18 his office in your investigation. Isn't that correct?

19 A I am only trying to explain the word "disposal"
20 here.

21 Q Did you, or didn't you?

22 A Did I not what?

23 Q Pass out information that Attorney General
24 John Hill would support you in your investigation?

25 A Oh, yes, definitely.

1 Q All right. That's what I wanted to know.

2 A He is not at my disposal, sir. That's what the
3 problem is.

4 Q But he is supporting you on the election. Can
5 you tell this Committee why you think ex-Senator Jim
6 Bates is more qualified to come down there and help you
7 in that than the Attorney General's office and his staff?

8 A I believe that maybe I didn't make myself
9 clear in the beginning. I do not believe—

10 Q You have given us a jury argument over every
11 witness that we have had up here, all afternoon yesterday.
12 But did you or didn't you bring Jim Bates before your
13 Grand Jury and sat there with the Grand Jury and discussed
14 the matter of a fee with him?

15 A I did not bring Jim Bates before the Grand Jury,
16 sir.

17 Q Who brought Jim Bates before the Grand Jury?

18 A I'm sorry to differ with you. The Grand Jury
19 itself recommended it.

20 Q If you didn't do it, who did?

21 A The Grand Jury.

22 Q The Grand Jury itself?

23 A Yes, sir. They were the ones who suggested his
24 name.

25 O Which one of the Grand Jurors asked you to

1 contact Jim Bates?

2 A I did not contact Jim Bates. They did.

3 Q Which one of them contacted him?

4 A Mr. Correa, the Secretary and Mr. Nichols.

5 Q Mr. Enrique S. Carrillo?

6 A No, sir. Mr. Aurelio Correa, the Secretary of
7 the Board, or the Grand Jury.

8 Q C-o-r-r-e-a.

9 A In fact, may I say something concerning that?

10 Q Well, wait. That's Aurelio Correa?

11 A Aurelio Correa, C-o-r-r-e-a.

12 Q If we bring him in here, he's going to tell
13 us that he's the one that contacted Senator Bates and it
14 was his idea to bring him down there to help you in this
15 investigation. Is that correct, sir?

16 A Yes, sir. That is exactly what happened.

17 Q All right. I believe you were present, if we
18 can believe Mr. Nichols, who is the foreman of that
19 Grand Jury, at the time a fee was discussed with Jim
20 Bates and the Grand Jury?

21 A Yes, sir. I should have been.

22 Q You were there. I believe Mr. Nichols told
23 us that you recommended that they hire Jim Bates. Is
24 that correct?

25 A I accepted the recommendation.

1 Q Wait a minute. Mr. Nichols told this
2 Committee yesterday or day before yesterday, whenever he
3 testified, that you recommended to the Grand Jury tha
4 they hire Jim Bates. Is that correct, or isn't it
5 correct?

6 A I was asked— Not in the way you are putting it.
7 I want to explain, because I don't want later on to be
8 quoted as saying something I didn't say.

9 Q Is he wrong, if he made this statement?

10 A I don't know what statement he made, if he
11 made it. If he made it that way and he made it to appear
12 that it was on my recommendation that it was done, then
13 his statement was—

14 Q Then he's not telling the truth. I just want
15 to know who is telling the truth.

16 A I don't know what he said, sir. I am telling
17 you.

18 Q If he says that you recommended that he be
19 hired, then he is incorrect?

20 MR. CHAVEZ: Mr. Chairman, I'd like to
21 call a point of order.

22 I am not taking sides on this thing. I think
23 in order to make the record perfectly clear that the wit-
24 ness ought to be permitted to make his full explanation
25 on his answers.

1 I think the way the questions are being
2 framed has the effect of almost putting words in the
3 witness's mouth and I don't think it's fair to him. I
4 don't think it's fair to anybody.

5 CHAIRMAN HALE: The Chair feels the witness
6 certainly ought to be allowed to answer the questions,
7 but we would hope the answers would be as brief as con-
8 sistent with the facts, Mr. Guerra, so we can move on.

9 THE REPORTER: And one at a time.

10 CHAIRMAN HALE: The Chair would ask that
11 all members of the Committee as well as the witness, let's
12 proceed in an orderly manner. If you both talk at the
13 same time, the Court Reporter can't get either one of
14 your words down. History will be the loser!

15 You may proceed, Mr. Hendricks.

16 BY MR. HENDRICKS

17 Q One thing we know is that Correa contacted Jim
18 Bates.

19 A And Nichols.

20 Q You have added Nichols now?

21 A I never added him. I was trying to explain to
22 you how it happened.

23 Q I didn't hear you.

24 A I'm sorry. I've been trying to explain.

25 Q I'm sorry.

1 A I'll just go along with you.

2 Q All right. And Nichols also told this Committee
3 that you recommended they pay the fee requested by Jim
4 Bates. Is that correct?

5 A Yes, sir. I accepted his fee statement.

6 Q Will you tell this Committee what that fee
7 was?

8 A \$250 per day.

9 Q What?

10 A \$250 per day.

11 Q It wasn't something like \$45,000?

12 A No, sir. There was no mention of any total
13 amount. I'm sorry. He was basing it on actual work to
14 be performed on a daily amount.

15 Q If Mr. Nichols said he heard that figure kicked
16 around, then he must be mistaken. Is that correct?

17 A I imagine that there were estimates made as to
18 how much time would be involved in this thing and the
19 figure was mentioned.

20 Q Did anybody estimate the figure of \$45,000?

21 A I don't recall that there was any such figure
22 as a final figure or any figure that was accepted.

23 Q Could it have been estimated at \$45,000?

24 A It could have been, but I don't recall, sir.

25 Q You are bringing Jim Bates in here with a figure

1 estimated as high as \$45,000 to tell you all that a
2 \$60,000 fee paid to your school board is unreasonable.
3 Is that correct?

4 A No, sir. That is not correct at all.

5 Q To pay Jim Bates \$45,000?

6 A If I am going to have to listen to these
7 accusations in the questions, fine. But I should at
8 least be allowed to answer, please, sir, huh?

9 Q All right.

10 A I don't mind answering a factual question, but
11 I am not sitting here as a public official—

12 Q You did hire Jim Bates—

13 A I did not hire Jim Bates, sir.

14 Q The Grand Jury hired him?

15 A Yes, sir.

16 Q And you recommended that they pay his fee?

17 A Certainly, sir. As a lawyer, he should be paid.

18 Q And the Commissioners Court since then has
19 refused to pay that fee. Isn't that correct?

20 A The Commissioners Court had agreed to pay.

21 Q Since that time, they have refused to pay it,
22 have they not?

23 A Mr. Parr sort of objected later on and they
24 wouldn't pay.

25 Q All right. Are you still operating with the

1 Grand Jury that was chosen right after the first of the
2 year?

3 A It's the same Grand Jury that you are speaking
4 about. Yes, sir.

5 Q Is this the first Grand Jury you have ever
6 operated?

7 A No, sir. There was a Grand Jury in operation
8 in December when I went in, and then in February—

9 Q How long did that Grand Jury stay in while you
10 first took the oath of office?

11 A They were there through their regular six-month
12 term which ended January the 31st.

13 Q They went out January 31st?

14 A That's correct.

15 Q Then this Grand Jury came in and you correct me
16 if I am wrong, the Jury Commissioners were Roberto
17 Elizondo, who is Judge Carrillo's Court Reporter. Is
18 that correct?

19 A Sir, I'm sorry. I did not know who the Grand
20 Jury Commissioners were.

21 Q Do you know now who they were?

22 A I've heard something to the effect here, but
23 I didn't know then and I, certainly, until the time I
24 came to this Committee, I didn't know who they were.

25 Q If I told you that Roberto Elizondo, the Court

1 Reporter and Morris Ashby, an ex vice president of Duval
2 County Ranch Company, second vice president and now he's
3 president of the school board by appointment of Judge
4 Carrillo, and Manuel Amaya, who has presently been
5 appointed to the Commissioner of Precinct 1 comprise that
6 Jury Commission, you couldn't argue with that statement,
7 could you?

8 A No, sir. If those are the ones who are appointed,
9 I certainly would not argue with it. I didn't know.

10 Q Anyway, the Grand Jury selected— Jack Damron's
11 on there, isn't he?

12 A I don't understand the question.

13 Q Jack Damron is a member of the Grand Jury?

14 A Oh, Jack Damron?

15 Q Yes.

16 A Yes. He is a member of the Grand Jury.

17 Q Who is he employed by?

18 A I understand he works as a range guard or
19 something for the Duval County Ranch Company. I didn't
20 know it at the time.

21 Q Who is the Duval County Ranch Company?

22 A It's a corporation, I understand owned by
23 Clinton Manges.

24 Q Who owns most of the stock in it?

25 A I understand Clinton Manges.

1 Q That's what I wanted to know. All right. Now
2 Mr. G-a-r-- Is that Garcia. You've got a Santiago Garcia
3 on there?

4 A Yes, sir.

5 Q He's been appointed to the School Board, hasn't
6 he, by Judge Carrillo?

7 A I understand that's correct.

8 Q Leonel Garza is on there, isn't he?

9 A Leonel Garza. Yes, sir.

10 Q He's been appointed to the School Board, has he
11 not?

12 A He was, but I think he resigned. He was appointed
13 but he resigned.

14 Q Yes, sir.

15 A That's my understanding.

16 Q Enrique Carrillo's on the Grand Jury, isn't he?

17 A Yes, sir.

18 Q He's the Judge's first cousin, isn't he?

19 A So I found. Yes, sir.

20 Q Jose Nichols is on there, isn't he?

21 A Yes, sir.

22 Q He's the foreman out there at that Duval
23 County Ranch Company, isn't he?

24 A Yes, sir. He is.

25 Q Crisanto Garza's on there, isn't he?

1 A Yes, sir.

2 Q He's the Judge's uncle, isn't he?

3 A I don't know.

4 Q You wouldn't argue with me if I told you he
5 was the Judge's uncle?

6 A If you say he is, I am not going to argue with
7 you, sir. As I say, of my own knowledge, I do not know.

8 Q And is there a Rolinas on there?

9 A Who?

10 Q Rolinas, P-a-l-r-e-i-z, or something like that?
11 Who is that?

12 A Beats me! I'm learning things every day here.

13 Q Oh, Palacios. Do you know a Palacios?

14 A Palacios. Yes.

15 Q Does he have a relative working for Judge
16 Carrillo?

17 A I don't know, sir.

18 Q That is six out of— How many does it take to
19 give a bill on a Grand Jury, to return a true bill?

20 A Nine, sir.

21 Q It takes nine. Well, if somebody had six
22 members of the Grand Jury tied up, there couldn't be a
23 bill returned, could there?

24 A I imagine not.

25 Q Do you know Cleofas Gonzalez?

1 A I didn't know the gentleman until I was here
2 at this Committing hearing.

3 Q Is that the first time you have ever seen him?

4 A I have seen his name in the process of the
5 investigations being conducted, but that's about the
6 extent of it.

7 Q Do you know Mrs. Lauro Yzaguirre?

8 A Yzaguirre? Yes. But only by virtue of her
9 name appearing in the reports of the investigations that
10 were being conducted.

11 Q Are they under investigation for anything to
12 your office?

13 A The Task Force has received information from
14 them.

15 Q Has received information. Are they under in-
16 vestigation?

17 A I presume that at this stage of the game, they
18 have been giving information. I don't know if they are
19 under investigation themselves. It may turn out to be
20 that way.

21 Q You don't have anything derogatory or any reason
22 to tell this Committee that they are not believable
23 witnesses, do you?

24 A I am not trying to tell the Committee anything,
25 sir, with respect to any witness.

1 Q Have you heard most of the testimony up here
2 before this Committee?

3 A I was absent I think only part of an
4 evening, part of a late morning and then Monday afternoon.
5 I wasn't able to come here.

6 Q Now, this Mr. Forche, he's your investigator?

7 A Forche, yes, sir.

8 Q Forche. You said he has a trailer house where?

9 A I don't know if it is his or not. He lives in
10 a trailer house.

11 Q Where is that trailer house located?

12 A It's—in Freer, Texas there are cross highways.

13 Q In Freer?

14 A Freer is about a block from where those highways
15 intersect in Freer.

16 Q Tell this Committee where he keeps his airplane?

17 A I don't think he has an airplane right now.

18 Q Where does he keep it?

19 A If he doesn't have one, I wouldn't know where he
20 kept it, sir.

21 Q Has he ever had one?

22 A I imagine he did, but I have no idea—

23 Q Do you know of your own knowledge that he had one

24 A I understood he had one when he was in San
25 Antonio and he may have had one when he was there—

1 Q Has he ever kept it on Clinton Manges's ranch
2 out there? of your knowledge.

3 A No, sir. To my knowledge, because I have never
4 been on Clinton Manges's ranch.

5 Q What do you know about him? How long was it
6 before you went in office that you hired him?

7 A I knew him since some time in May. I think he
8 visited me and asked me if I would employ him. He wanted
9 to apply, because he said he knew I would be needing
10 investigators and he applied. So I have known him briefly
11 during that time, from about, oh, I would say May or a
12 little prior to May, 1974.

13 Q Do you know anything about his past or anything?

14 A I have investigated his background.

15 Q But he's never mentioned owning an airplane to
16 you?

17 A Yes, he did, but your question was where he
18 kept it.

19 Q He never told you where he kept it?

20 A No, sir.

21 Q He never invited you to fly with him or any-
22 thing?

23 A No, sir. He never did. We talk about flying,
24 but we haven't discussed about his plane. I'm sorry.

25 Q Do you own an airplane?

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

2 Q He has never asked you to fly with him or never
3 told you that he keeps his plane out there on Manges's
4 strip?

5 A No, sir. He has never told me. He's talked
6 about flying, but I don't think he ever discussed about
7 his airplane.

8 Q When Mr. Maloney was questioning you, I just
9 couldn't get it through my head exactly where you say
10 you got the information on who was guilty in this school
11 board thing and who wasn't guilty and how you reached
12 that conclusion, that you ought to put four of them off,
13 or however many you put off, and keep three of them on
14 there.

15 Who did you say gave you that information?

16 A It came from several sources and it came as
17 a part of the investigation we were conducting, sir.

18 Q Who gave you the information?

19 A Well, I received the information from Rogelio
20 Guajardo.

21 Q Who is he?

22 A He was a member of the School Board.

23 Q Is he one of the ones that didn't participate
24 in the burning of the checks?

25 A He didn't participate in the loss or destruction

1 of the checks. That's correct.

2 Q And he wasn't there to vote on hiring
3 attorneys to represent them?

4 A That's right. He claimed that no meeting ever
5 took place.

6 Q And he gave you the information on the rest
7 of them?

8 A He provided some of the information. Yes, sir.

9 Q Who else gave you information on that?

10 A The other information came through my checking
11 the records and checking the materials which were presented
12 to me as part of the investigation. That information
13 from Fred Turner who was the auditor doing the auditor
14 work for the Grand Jury. He provided most of the details
15 as to the loss of the records. Then I had calls—

16 Q Now then, these records that were lost, were they
17 all checks?

18 A The concern was because they were checks and
19 supporting vouchers.

20 Q Checks and supporting vouchers. Of course, you
21 knew, being an attorney, that you could go down there to
22 the bank and that they photostat every check that comes
23 through there and get you a copy of every check that had
24 been cashed, didn't you?

25 A I knew there was a route that could be taken.

1 Yes, sir, but we were talking about---

2 Q You knew that of your own knowledge?

3 A Of course.

4 Q There wasn't any great loss, was there, because
5 you had those microfilms of that?

6 A It me it was a great loss, sir, when records
7 that are under investigation are destroyed and very
8 pertinent records.

9 Q When did this Task Force start getting infor-
10 mation from Cleofas Gonzales and Mrs. Yzaguirre? Was it
11 before this testimony here in the Capitol or during the
12 investigation that is going on now?

13 A The truth of the matter is that we were not as
14 fortunate as you gentlemen were to receive information
15 that readily from some people. The Task Force, as I
16 explained has two co-coordinators, but the---

17 Q Well, I asked you when you started getting it.

18 A My answer is that insofar as I am concerned,
19 I don't think I can give you the exact answer, because
20 Mr. John Blanton, Assistant Attorney General is the
21 one who has been coordinating all of the investigation
22 and there are at least ten or twelve persons assigned
23 to talk to people. I think Mr. Powell here is one of
24 those that talked to Mrs. Yzaguirre or has been around
25 when she has been talked to. I have not talked to her,

1 or to Cleofas Gonzalez.

2 Q Let me repeat my question: When did you start
3 getting the information?

4 A My answer is that I don't know the exact date,
5 because members of the Task Force are getting it—

6 Q Well, can you pin it down to before this
7 investigation started or during this investigation?

8 A I don't know about Mr. Cleofas Gonzalez, but I
9 do know that I think Mrs. Yzaguirre had been approached
10 before, or Mr. Yzaguirre.

11 We get information and phone calls and tips
12 and anonymous phone calls from different people who
13 don't— It isn't as easy. We don't have this freedom of
14 getting information the way you all did here.

15 Q Well, you've got a Grand Jury in down there.
16 They've got subpoena power, haven't they?

17 A It's been used. People have been called before
18 the Grand Jury. There's been quite an extensive investi-
19 gation, Mr. Hendricks.

20 Q I hope so. Before I get through, I am going
21 to try to help you with your investigation.

22 A I certainly hope so.

23 Q I am going to give you some information that
24 might help in cleaning up Duval County down there.

25 A I appreciate it, whatever you have to offer,

1 I'll be glad to take it.

2 Q You filed this suit against these people on the
3 School Board. You got Mr. Nichols to sign the petition.
4 You went before the Judge in chambers. He swore that they
5 had been served. You drew the papers and they hadn't
6 been served and you knew they hadn't been served.

7 A He swore or I swore?

8 Q Mr. Nichols swore that they had been served.

9 A No, sir.

10 Q You drew the papers.

11 A No. No.

12 Q Am I incorrect in that— Well, somebody did.
13 It has been a petition, or the order that the Judge
14 signed that they had been served.

15 A I'm sorry. But I don't think anybody swore to
16 that at all.

17 Q Okay. We will leave that there then.

18 Now, I believe you told them that you hadn't
19 discussed this school matter with Judge Carrillo. Is
20 that correct?

21 A I don't understand the question.

22 Q You hadn't discussed this suit, the pending
23 suits to remove the school board, with Judge Carrillo?

24 A I explained to you that I did discuss it.

25 Q When did you discuss it with him? Maybe I

1 missed that.

2 A The morning before they were filed and I may have
3 mentioned it to him before this in one of the sessions
4 we had in court a few days before, but I definitely recall
5 telling him that I was hoping—

6 Q Did you go into detail with him and sit down
7 and explain every little detail of it and get his advice
8 on it, or did you just mention it to him?

9 A No, sir. I just mentioned that the records had
10 been destroyed and that I felt that the investigation of
11 the Grand Jury was being impeded and—

12 Q All right. Now, we've got that. You say that
13 you just mentioned it to him and said records had been
14 destroyed. Then did you file your suit, or had Mr. Nichols
15 file it?

16 A No, sir. This information was given to Judge
17 Carrillo in the morning in Rio Grande City.

18 Q How soon before the time he signed the order,
19 did he have the information that you are talking about?

20 A The definite information that I was going to
21 file them?

22 Q Yes.

23 A It was the morning of the 19th.

24 Q The morning of the 19th. When did he sign the
25 order?

1 A The 20th.

2 Q The 20th. All right. When he got the informa-
3 tion that you were going to file them, did you ever sit
4 down again and go into detail? Did you ever sit down
5 and go into detail and go over the evidence with him?

6 A No, sir.

7 Q That was never done, was it?

8 A No, sir.

9 Q Then the morning he signed this order, you
10 took the papers up there and I believe you said you
11 introduced a petition is what you first said. Of course,
12 that was in evidence to start with, wasn't it?

13 A I explained it as I presented it to the court
14 before the Reporter.

15 Q You presented a petition to the Judge?
16 Is that correct?

17 A Yes. The motion for leave to file first and
18 then—

19 Q Then you had Mr. Nichols there who had sworn
20 to all of this?

21 A He was present. Yes.

22 Q You did not swear him and put him on the stand
23 and let him testify to Judge Carrillo, did you?

24 A No, sir. The petition was verified.

25 Q And he signed the orders?

1 A The Judge signed the order. Yes.

2 Q These people that were put out of their office
3 had no notice; nobody testified against them, other than
4 what you gave the Judge and mentioning it as hearsay. It
5 would be hearsay to you, wouldn't it, Mr. Guerra?

6 A I fully expect to prove it in court.

7 Q It would be hearsay as far as you are concerned
8 and not admissible in court, would it not?

9 A The petition was verified, sir.

10 Q You didn't put the man that swore to it on the
11 stand?

12 A No, sir.

13 Q And the Judge signed the order?

14 A That's right.

15 Q And took them off the bench?

16 A And did what, sir?

17 Q Took them out of their office, off the School
18 Board?

19 A That's right.

20 Q With no hearing, no notice or anything else?

21 A That's correct.

22 Q They did not have "their day in court," did they

23 A No, sir. Not in that way you describe it. No,
24 sir.

25 Q You heard the testimony regarding Judge Carrillo

1 grocery bill down here at the Cash Grocery Store, didn't
2 you?

3 A Yes, sir. I have.

4 Q Have you started an investigation of this?

5 A Yes, sir. I have.

6 Q Now, Cleofas Gonzalez states that he carried
7 these welfare checks down there, or chits, or whatever
8 you want to call them and Mrs. Yzaguirre says that she
9 put false names on them. Cleofas Gonzalez said that he
10 carried them to the Commissioners Court and they were
11 approved and you got a copy of a check \$700 and something
12 which we have shown you and her testimony that this was
13 done month, after month and only stopped recently. I
14 believe she said in April—

15 A Yes, sir.

16 Q —and that the County each month was paying
17 \$300 on Judge Carrillo's groceries bill.

18 A Yes, sir. I heard it.

19 Q Did you get all that testimony?

20 A I made summaries of all the testimony and I
21 presented it to the Task Force for investigation.

22 Q You are not going to present it to this Grand
23 Jury, are you?

24 A At whatever the Task Force decides to do, it
25 will be done.

1 Q This Grand Jury is not on your Task Force, is it?

2 A If the case is ready for the Grand Jury, it
3 will be presented to whatever Grand Jury is in session,
4 sir.

5 Q Mr. Guerra, what do you think this Grand Jury
6 would do with information against Judge Carrillo?

7 A Hopefully, it would present enough information,
8 against anybody to call for an indictment. I hope they
9 indict.

10 Q With six people on it that are either related
11 to him or work for Mr. Manges?

12 A I don't know if we are now going to accuse him
13 of anything, sir. I am not going to accuse of anything.
14 I am just going to wait and see what they do, sir.

15 Q Would it be an unbiased Grand Jury to present
16 the matter to?

17 A Up to this stage of the game, I cannot claim
18 that any of them have shown any bias. I will just have to
19 wait and see what happens, sir. I am just as concerned,
20 and probably more so than anybody else about the investi-
21 gation and about the indictments.

22 Q You do want to clear matters up down there in
23 Duval County?

24 A That is my intention, sir.

25 Q And you are telling this Committee that if this is

1 true, you are certainly going to prosecute and let the
2 chips fall where they will?

3 A That is exactly what is going to happen.

4 Q All right. We will be looking down there.

5 A I certainly hope so. In fact, I invite anyone
6 who would like to come there and assist me to come down.

7 Q Well, you had "Diamond Jim," and evidently
8 they wouldn't pay him. Maybe Mr. Hill will come down
9 there and help you.

10 A We will just have to see.

11 Q Were you here when we went over these building
12 materials that went from the Factory Outlet to the Judge's
13 brother, the Commissioner of Precinct 3, Ramiro Carrillo?

14 A I was here during all the testimony that was
15 presented by—

16 Q Do you think that a Commissioner— Well, let me
17 ask you this: Where is the Commissioner of Precinct
18 3's office?

19 A I am not familiar with that office. I have
20 never been there.

21 Q Ordinarily the Commissioner is in the courthouse.
22 Does he have his office in the courthouse?

23 A I do not know that he does have it in the
24 courthouse. I don't know that's another—

25 Q He hasn't built another office down there, to

1 your knowledge, has he?

2 A I have no knowledge of where the Commissioner
3 has an office in Duval County.

4 Q Would it be normal for a Commissioner to buy
5 and charge to the county and have the county pay for
6 88 sheets of rustic pecan paneling?

7 A For what purpose?

8 Q Rustic pecan paneling, 88 sheets of it.

9 A Well, for what purpose were they ordered? I
10 don't know.

11 Q Well, it was billed to the County. It doesn't
12 say just for what. It was billed from the Factory Outlet
13 Building Materials at San Diego and paid for by Duval
14 County, through the Commissioner of Precinct 3.

15 A I don't know.

16 Q Don't you think that this is a matter that
17 might need looking into?

18 A Any item— Let me explain—

19 Q Would you like to— What's that?

20 A I am not arguing with you about it. Whatever
21 has been given here, I have already submitted summaries
22 of everything to the Task Force. And if you have any-
23 thing else that you want to emphasize. Fine.

24 Q Yes. We've got colored nails on here. There are
25 about 17 boxes of those. They use those to put up this

1 rustic pecan paneling.

2 A I am not arguing with you. In fact, I can
3 duplicate anything you are telling me about 50 times
4 over on other things that have been going on in Duval
5 County that we are investigating, too, including these
6 matters that you speak about. It doesn't surprise me.

7 Q 68 foot of doorstep?

8 A That is quite a bit. (Laughter.)

9 Q Let me just glance through here and call a
10 few items out. Yes, and 27 bales of celotex ceiling.
11 But now he returned 6 bales of that for credit at \$88.32.

12 Have you got any idea of what a Commissioner
13 would be using celotex for?

14 A I have no idea what anybody used anything in
15 Duval County. All I am saying is—

16 Q But you will look into it for us?

17 A I don't know how many assurances you want from
18 me, sir, but I would assure you that I am not playing
19 games with this Committee or with Duval County, or other-
20 wise, I would not expose my life the way I did up there.
21 So, if you want me to investigate anything, give it to
22 me, and I'll assure you now that I'm doing something
23 about it.

24 Q This comes from the records down there. You
25 can get it just as well as we can.

1 A Then don't offer it to me.

2 Q It's on file there in Duval County.

3 A Let me state this, Mr. Hendricks, for the
4 record: If you are trying to give the impression that I
5 am not doing anything, or the Attorney General is not
6 doing anything about it, we invite you to come down and
7 watch the way we operate up there and get a first clear
8 picture.

9 Q I'd be afraid to come down there.

10 A I was afraid, too, except that I did it. I am
11 not arguing with you. I am just getting tired of giving
12 the impression that I am not doing anything about it.

13 Q You volunteered your testimony, Mr. Guerra.

14 A I am offering every answer that I can give, but
15 I don't want to be accused when there is no place for
16 accusation.

17 Q I'd like to call your attention to just a few
18 months period of time there and there are bills here
19 from the Phoenix Supply Company in Corpus Christi, billed
20 to Precinct 3 and paid for by Duval County. I totaled
21 it up here. There were \$6,553.50 worth of barbed wire
22 that was paid for by Duval County through Precinct 3.

23 These are matters on record down there in
24 Duval County.

25 A Yes, sir. I am familiar. What I am trying to

1 say— I am not surprised, because we have been checking
2 these matters out; not only those items you speak of,
3 but hundreds of other items, including equipment, tractors,
4 helicopters, root plows and what have you, from nails
5 all the way to helicopters. So, it doesn't surprise me
6 any. The Task Force is not surprised by anything. We
7 are checking it and we are trying to track it down. We
8 are in the process of tracking down hundreds of pieces
9 of equipment that nobody inventoried and nobody knows
10 was there.

11 Q Who did you say destroyed these records at
12 school?

13 A I stated in my petition that the Board either
14 caused to be destroyed, or permitted the destruction of
15 those records.

16 Q Who did you tell Mr. Maloney, though? I am
17 not talking about what you said in your petition.

18 A The information that was given to the witness
19 that I have was that either a janitor had burned them;
20 somebody had shredded them; or they were destroyed as
21 a matter of course, because they were always destroyed
22 after they got through with them.

23 Q One version you got was that they were destroyed
24 in the matter of the business. Is that correct?

25 A That was the final one that came out. That was

1 the final.

2 Q That was the final one that came out. In other
3 words, the final interpretation you got, they didn't do
4 anything wrong then to begin with?

5 A Well, of course, sir, there are statutory
6 requirements for the preservation of records.

7 Q If they always do this, and you say that's
8 the final version you have that they did this in the
9 course of business?

10 A No. That's the final explanation that was
11 given to me. I am not accepting that version.

12 Q If we can give you information, do you know
13 Arturo Zertuche?

14 A I have never met the gentleman.

15 Q You know whom I am talking about?

16 A He has been mentioned here, but I don't know
17 him.

18 Q If I can give you information that will show
19 you in your office— You are the person to reports things
20 like this to, down there, aren't you?

21 A (The witness nodded.)

22 Q If I can give you information that Arturo
23 Zertuche who was the one that was head of this company
24 that the Farm and Ranch Supply sent all their stuff to
25 that was billed to the County, or so the testimony says,

1 that when he was a student in North Texas, he was on the
2 county payroll. Do you think there might be a violation
3 of law there?

4 A I certainly feel there is something wrong about
5 it, and I would like—

6 Q Let me give you that now.

7 A Certainly.

8 (A document was presented to the witness.)

9 A Are you giving me this copy?

10 Q Yes. You can have that and would you look
11 at Exhibit 42, please?

12 A I don't have any exhibits.

13 Q Someone furnish him Exhibit 42.

14 Now, find a sheet in it at the bottom in it
15 that has the pay record of Arturo Zertuche. It is
16 about four or five sheets from the back, or six or seven.

17 A From the back, sir?

18 Q About two pay records from the bottom, you will
19 find "Arturo Zertuche."

20 Do you find the name "Arturo Zertuche"?

21 A Yes, sir. On the bottom.

22 Q Will you take those, with the sheets I've got
23 that shows Mr. Zertuche's enrollment at North Texas State
24 University and see if there is any discrepancy when he was
25 in school and when he was on the Duval County payroll?

- 1 A Offhand, I would say that dates seem to coincide.
- 2 Q I beg your pardon?
- 3 A The dates appear to coincide.
- 4 Q Then, he couldn't have been working in Duval
5 County and going to North Texas at the same then, could
6 he?
- 7 A It doesn't appear that way.
- 8 Q Would you find in that same thing, Mr. Roberto
9 Elizondo.
- 10 A Just a moment, please. Does the Committee
11 have copies of those claims that I can get also?
- 12 Q It is one sheet back from where you are
13 looking.
- 14 A I mean the claims that are by Arturo Zertuche,
15 that are drawn by him? And the warrants.
- 16 MR. CANALES: They are a matter of record
17 in the courthouse.
- 18 A I know they are, sir, but if the records are
19 available, it would certainly speed up what we are
20 do ing.
- 21 Q They are available at Duval County courthouse.
- 22 A Well, we'll track them down. I hope they are
23 not the ones that were destroyed.
- 24 Q If they do, we've got copies of them.
- 25 A All right, sir.

1 Q Okay. Now, one sheet toward the front from where
2 you are there, find Roberto Elizondo.

3 A All right, sir.

4 Q Have you got him?

5 A Yes, sir. Let me get one more data here, please.

6 Q Write down the dates, January 8, 1972 through
7 September 1973.

8 A Okay.

9 Q If Roberto Elizondo testified under oath before
10 this Committee that he was— Well, who is Roberto Elizondo
11 to start with?

12 A He is the present Court Reporter for the 229th.

13 Q The present Court Reporter in whose court?

14 A Judge Carrillo's 229th.

15 Q Judge Carrillo's court?

16 A Right.

17 Q If he testified under oath to this Committee that
18 he was in Court Reporters School at McMann in Houston
19 from January the 8th, 1972 through September of 1973,
20 do you find any conflicts with when he was on the county
21 payroll in Duval County?

22 A The dates appear to coincide, sir.

23 Q In other words, he was on the County payroll
24 and attending school also?

25 A That was my understanding from the testimony I

1 heard here today.

2 Q Possibly, there might have been a law violation
3 there somewhere?

4 A Yes, sir. And that's a matter which I have
5 already referred to the Task Force, after I left for the
6 first time here.

7 Q I just wanted to bring that to your attention.

8 A I have that information, thanks to the Committee.

9 Q Anyway we can help you, we will be glad to do
10 it.

11 A I appreciate it.

12 MR. HENDRICKS: Mr. Hale, I believe that's
13 all I have.

14 A You might get some other witnesses that I have
15 been trying to subpoena.

16 CHAIRMAN HALE: Mr. Nabers is not here.

17 Mr. Kaster?

18 BY MR. KASTER

19 Q Mr. Guerra, I'm going back to some of your
20 previous testimony.

21 A Yes, sir.

22 Q It is not pleasant to do so, but I feel that
23 for my own information, I would like to have some infor-
24 mation on it.

25 A Yes, sir.

1 Q You stated that you were either convicted or
2 pleaded guilty to a failure to file an income tax? Is
3 that correct?

4 A Yes, sir. A nolo contendere plea.

5 Q A nolo contendere which is a misdemeanor offense?

6 A Yes.

7 Q I was not clear in my mind, this nolo contendere
8 plea was in 1965 or was it—

9 A No, sir. It was in 1970.

10 Q It was in 1970?

11 A Yes. The failure to file was 1965, that par-
12 ticular counter-charge.

13 Q But the determination was made in 1970?

14 A Yes, sir.

15 Q That you did not pay your tax in 1965?

16 A Yes, sir. July 1970 was the date of the pro-
17 ceeding.

18 Q Before that, you paid a fine of \$5,000, plus the
19 tax?

20 A Yes, sir.

21 Q How much tax was there due in 1965 that you
22 didn't file?

23 A There were some other years involved, some tax
24 charges and the whole amount of the taxes that I had to
25 pay back and penalty and interest was close to forty and

1 some odd thousand dollars.

2 Q \$40,000?

3 A By the time all the determinations were made.
4 Yes, sir.

5 Q Did you have that much money on hand, or did
6 you have to borrow it?

7 A No, sir. I had to pay it off as I went along.

8 Q Pardon?

9 A I paid it off during a couple of years after-
10 wards.

11 Q You made arrangements with the Internal Revenue
12 to pay it off in a couple of years?

13 A That's right.

14 Q You didn't have to pay it all at once?

15 A No, sir.

16 Q You didn't have to borrow the money to pay it,
17 or anything like that?

18 A No, sir. I was fortunate enough that I didn't
19 have to do that.

20 Q Now, when you were convicted in July of 1970,
21 were you allowed to continue to practice law?

22 A Yes, sir. I went before the Grievance Committee
23 and the Committee reprimanded me and that was it.

24 Q You weren't prohibited from practicing law for
25 a period of time?

1 A No, sir. I was not.

2 Q Do you know Woodrow Bean in El Paso?

3 A I think he was here in the House, wasn't he,
4 at one time?

5 Q That's right.

6 A Yes. I remember his name. I didn't know him.

7 Q He was convicted of the same offense and was
8 not allowed to practice law for three years. I wonder
9 what's the difference?

10 A I don't know. The Grievance Committee acted
11 and they had a hearing on it and that was the determina-
12 tion.

13 Q Now, if you were to file a false return, that
14 would have been a felony?

15 A Yes, sir. That would have been a felony.

16 Q Just not filing is a misdemeanor?

17 A That is correct.

18 Q What kind of oaths do attorneys take when they
19 are admitted into practice?

20 A To uphold the laws of the State of Texas and
21 the laws of the United States.

22 Q To uphold the laws. So that you knew you were
23 disobeying the law in 1965 when you didn't file. You
24 knew that?

25 A Yes, sir. I did.

1 Q Now you are a District Attorney and you take
2 a similar oath to uphold the law?

3 A Yes, sir. I am trying to do the best that I
4 can, under the circumstances.

5 Q Now we get down to the reason for the investi-
6 gation in Duval County. It's my understanding that you
7 testified that there were critical newspaper stories
8 about Duval County and about the officials not prosecuting
9 the situation in Duval County. Is that correct?

10 A And about my prior conviction also and all those
11 matters were brought out, quite extensively.

12 Q So that you base your investigations on whatever
13 you read in the newspapers?

14 A No, sir. Not necessarily. But there was one of
15 the— I think that, if I might explain, that the coverage
16 of the Archer and George Parr cases disclosed a tremendous
17 amount of information as to wrongdoing involving funds
18 and so forth. It was obvious that such investigations
19 were deep and quite extensive and that there was some
20 substantial amount of wrongdoing involved.

21 Q Now, there were some newspaper articles about
22 the alleged wrongdoings of Judge Carrillo.

23 A Yes, sir.

24 Q Are you investigating that?

25 A I don't know if I have given the impression—what

1 impression I have given to this Committee, what impression,
2 but the investigation is covering every aspect of
3 governmental operation in Duval County, including Judge
4 Carrillo and everybody else.

5 Q Now the foreman of your Grand Jury is a Mr.
6 Jose Nichols? Right?

7 A Yes, sir.

8 Q What would be the effect of indictments returned
9 by the Grand Jury if the foreman of the Grand Jury was
10 convicted of a felony?

11 A We are researching those possibilities, not
12 necessarily because of Mr. Nichols, but because other
13 members of the Grand Jury may be subject to this investi-
14 gation we are conducting also.

15 Q But if a man admitted a felony that was committed
16 prior to his serving as foreman of a Grand Jury, you don't
17 know what the legal effect would be of any indictments or
18 any instruments issued by that Grand Jury, do you?

19 A When you are talking about admission to a
20 felony, I don't know whether Mr. Nichols admitted to the
21 committing of a felony or not. It is a conclusion which
22 I certainly cannot today pass judgment on. I assure you
23 that the point, the question of whether or not a Grand
24 Jury member becomes disqualified for that reason, or for
25 whatever reason has come to the attention of the Task

1 Force and the Attorney General's office and there has
2 been extensive investigation and rather research in that
3 regard, because an indictment will be useless. It will
4 probably be subject to attack later on and all of this
5 investigation will be useless and all the efforts wasted.
6 So it is under very serious consideration, sir.

7 Q You say that you uphold the law, and you didn't
8 know that in October, 1974, on October the 21st, that
9 there was an action filed listing the District Attorney
10 as the attorney for child support.

11 A I'm very sorry that the impression was given
12 that the District Attorney had jurisdiction over that
13 matter. I had no knowledge of that case, until I came
14 to this Committee hearing and it was mentioned by Mr.
15 Bercaw or somebody. The fact is that those matters were
16 being handled by the County Attorneys for the respective
17 county.

18 Q The County Attorney normally handles these. Is
19 this correct?

20 A That's correct. And I certainly had no knowledge
21 of it, until then. But it is being investigated, sir, if
22 it's any satisfaction to you all.

23 Q Now, I would like to get back to the removal
24 of the school board people. Again, it's your testimony
25 that these records were being destroyed and you felt that

1 you had to move then to remove to protect I guess whatever
2 remaining records there were.

3 A Yes, sir. Pardon me. Let me say this: There
4 was also a question about some of those records being
5 under subpoena in Federal Court. There were many con-
6 siderations, sir. I don't want to get off on any tangent.

7 Q All right. You had subpoenaed these records and
8 this check in February, February the 10th or 11th.

9 A Not the checks as such. We had subpoenaed all
10 checks, canceled checks for a certain period of time,
11 and those checks were included in those.

12 Q They were brought before the Grand Jury in
13 February?

14 A Yes, sir.

15 Q And you saw them, including the \$60,000 checks
16 or whatever?

17 A Yes, sir, those checks—there were quite a
18 few numerous checks.

19 Q And you actually saw them in the Grand Jury
20 room?

21 A Yes, sir.

22 Q Did you all make a copy of them or anything?

23 A We made— There were copies made of some of
24 the checks, and those that were pointed out as interest-
25 ing to some members of the Grand Jury, and also copies of

1 the Minutes and some other matters.

2 Q And you made copies of them then?

3 A Yes, sir.

4 Q When you finished with those records, did you
5 tell them— Did you give them any instructions then, when
6 you returned the records to them?

7 A The agreement that was arrived at with all of
8 the custodians of the records that were subpoenaed that
9 was in order not to obstruct their normal conduct of
10 their offices, that we would arrange to have, if we
11 needed something for the special Grand Jury, they would
12 be notified in time, so that they could bring it to the
13 Grand Jury. And, if not, arrangements would be made for
14 somebody to go and inspect them in their respective
15 offices.

16 Q Were they told specifically not to harm these
17 records, or not?

18 A I cannot say that they were specifically warned
19 not to destroy them, because we certainly weren't
20 accusing anybody of trying to destroy records then. But
21 I am sure that everybody understood that those records
22 are still subject to investigation. And it was a
23 convenience—it was a convenience to return—

24 Q You did not specifically tell them, "We don't
25 want any of these records destroyed"?

1 A No—

2 Q That was not given, specifically?

3 A I doubt that a specific warning was given, as
4 such. No, sir.

5 Q So maybe their understanding might have been
6 different than your understanding, if nothing was said
7 verbally to the different— You told them to go ahead and
8 conduct the normal course of their business.

9 A Those are questions of fact, which an interpreta-
10 tion might be given, or maybe that's the argument that
11 we gave, but it didn't appear that way from the nature
12 of the records that were lost.

13 Q In previous testimony from other witnesses,
14 they indicated that these records were destroyed in the
15 normal course of their business.

16 A You see, that reason was given much afterwards.
17 The reasons given at the time were that the janitor had
18 inadvertently destroyed them, or that they had been left
19 and somebody burned them.

20 Q This information came from Mr. Rogelio Guajardo?

21 A He was concerned about this matter. Apparently,
22 we had a situation where somebody was out—just like we
23 have here. One side is bringing a whole bunch of stuff
24 against the other. The same thing over there, too.
25 Frankly, the ones who are benefitted from it are those of

1 us who are investigating, because we are getting informa-
2 tion from everybody now.

3 Q So one side is bringing information against
4 the other?

5 A Somebody had to start.

6 Q Right. And those bringing the information then
7 were Mr. Carrillo, Mr. Guajardo and Mr. Schuenemann at
8 that time?

9 A Mr. Schuenemann did not bring any information.
10 The way the information was presented, it appeared like
11 he was not involved in some of this.

12 Q Mr. Carrillo and Mr. Guajardo were bringing
13 you this information?

14 A I imagine Mr. Carrillo participated in it with
15 Mr. Guajardo. Mr. Guajardo was the main source of
16 information.

17 Let me explain. He is under very close scrutiny
18 right now on other matters I cannot disclose, before the
19 Task Force, but I don't want it to appear that if he
20 receives any treatment for his information— We received
21 the information and acted on it.

22 Q And proceeded to remove those that they had
23 accused?

24 A I had seen the minutes, the copies of the
25 minutes and his information was correct.

1 Q Now, you didn't subpoena these men to bring
2 before you to ask them if they had destroyed records?
3 You just, summarily, based on the testimony of two men
4 who happened to be Judge Carrillo's nephew, that you just
5 summarily, because of this information, decided to remove
6 them from the suit?

7 A No, sir. Mr. Turner, who is an auditor, who
8 is not from Duval County is the one who was most concerned,
9 because, there was no way he could continue his investi-
10 gation and no way— He could have taken— He started
11 asking the bank to provide a couple of hundred or three
12 hundred or four hundred checks or whatever it was and
13 it would have taken a tremendous amount of time to go back
14 and check dates and you have to get a specific date. It
15 would certainly have taken him much more time.

16 Q Your testimony earlier was that Carrillo and
17 Guajardo and Schuenemann had fallen into the minority.

18 A No, sir. Carrillo and Guajardo.

19 Q All right, were in the minority?

20 A Yes, sir. That's correct. That was my under-
21 standing. As it developed, I didn't know from my own
22 knowledge—

23 Q Based on what Mr. Guajardo told you?

24 A The information that he gave concerning that
25 there was no meeting held for the payment of the money for

1 the attorneys. This information about the destruction of
2 the records and his information about the hiring of the
3 superintendent who was going to the penitentiary in a
4 few days, all turn out to be correct upon investigation.
5 But the serious aspect and the serious incident that
6 triggered the action for removal came as a result of the
7 destruction of records. I considered it highly—well,
8 it was—

9 Q You knew the makeup of the School Board, as
10 you testified you knew you were drastically changing the
11 makeup of it by removing four members of it?

12 A Anybody would know that if any four members of
13 a board or five, or whatever it is, the majority number
14 was removed, that you are going to have different
15 composition on the board. I knew that, but there was
16 nothing that could be done. I didn't choose to do what
17 was done there. It was done by somebody else.

18 Q You chose to leave Judge Carrillo's nephews on
19 the Board as two trustworthy members of the Board?

20 A They had not participated in these particular
21 allegations that had been made before me.

22 Q You didn't ask Mr. Bercaw if he had allegations
23 against Mr. Carrillo and Mr. Guajardo, did you?

24 A It didn't take but two or three days later for
25 them to go to the—the same day or two to go to the County

1 Attorney and make the allegations. They didn't come to
2 me.

3 Q Did Mr. Guajardo and Mr. Carrillo go to the
4 County Attorney and make allegations against the others,
5 or did they go to you?

6 A They came to me.

7 Q They came to you?

8 A You are asking me why. They could have come
9 to me as well as they could have gone to the County
10 Attorney. All the County Attorney did was to copy the
11 petition and file it. There is certainly no evidence as
12 to those charges that are filed against them.

13 Q They were asking for their day in court and
14 wanted to hurry it up, and apparently there was—

15 A No, sir. I think they were asking— I think the
16 main thrust, they knew they were going to be out in two
17 weeks, of office, because they were running for re-election,
18 or something like that. And I think the whole idea was
19 to try to disqualify the Judge.

20 Q Who was going to be out of office in two weeks?

21 A The terms of Guajardo and Carrillo expired on
22 April 5th, two weeks after they were removed—after the
23 others were removed.

24 I keep trying to point out that the appointments
25 the Judge made were not for Carrillo men. At least, as it

1 turned out.

2 Q The appointments the Judge made were what?

3 A To replace those people that were supposedly
4 not Carrillo men, or as Carrillo party men.

5 Q Mr. Ashby wasn't a Carrillo man?

6 A No, sir. I don't think so.

7 Q He worked for Mr. Manges, but he wasn't a
8 Carrillo man?

9 A At the time, Mr. Manges had been providing all
10 the money for George Parr and Archer Parr for bonds
11 totaling hundreds of thousands of dollars and everything
12 else. Why would he be friendly with the Carrillos, or
13 Morris Ashby.

14 Q Do you think that Mr. Carrillo is going to
15 appoint members of the School Board who are opposed to
16 him?

17 A I don't know what the intention was in
18 appointing those people, but all I know is that Morris
19 Ashby, if he worked for Clinton Manges, that if Clinton
20 Manges was giving all the money to Archer Parr and George
21 Parr, certainly there must have been some friendship
22 there.

23 Q You didn't know that there was a big conflict
24 between the Carrillos and the Parrs?

25 A That's right, but you are talking about Manges

1 now, a Manges man.

2 Q You didn't know where Manges fit--

3 A He certainly wouldn't tell me and I wouldn't
4 ask him and I cared less.

5 Q But you knew that Judge Carrillo was going to
6 be able to appoint these members of the School Board and
7 you didn't care who he appointed?

8 A What I wanted, sir, was to have a Board that
9 would at least comply with what they were supposed to do,
10 to try to provide the information and to run the school
11 the way it was supposed to be run. That's all. My main
12 concern was about the destruction of records. Also, there
13 were some other matters in the investigation which did
14 not look good and I think a lot of them have come out
15 in this Committee, but not all. There is quite a lot more.

16 Q And the records that you have previously seen
17 in the Grand Jury?

18 A That's right. And involving other amounts of
19 money.

20 Q And you had an opportunity to make copies of?

21 A No, sir.

22 Q You testified that you did make copies of
23 certain records that were in the Grand Jury?

24 A Whatever was spotted first, the first day, records
25 were made. It was a very casual checking by several members

1 of the Grand Jury.

2 Q Did you make a copy of the \$60,000 checks?

3 A I think those copies were made—there were
4 seven or eight large checks and everybody pointed out,
5 "Now, why this check?" because the minutes didn't reflect
6 any— On some of those, they didn't reflect the reasons
7 why. It was part of the normal course of the investigation

8 Q Now, one of the reasons that you discharged them
9 was for the misappropriation of funds by paying excessive
10 attorney's fees?

11 A In this case, it was not only excessive attor-
12 ney's fees, but there were non-authorized fees in huge
13 amounts. There were no minutes, or nothing in the regular
14 minute book to reflect those expenses and no basis for
15 spending such money.

16 Q You testified that there was a sheet that you
17 found in the Minutes that indicated that there was a
18 meeting to authorize that?

19 A It was a loose sheet of paper which said some-
20 thing to the effect that, "Let the record show that there
21 is a correction," or something to the effect, "there is
22 a correction to the minutes that reflected there was an
23 Executive meeting after. And at the Executive meeting,
24 attorneys were hired." It didn't specify who, what
25 amounts, or anything else. Nothing was specified.

1 Q They hired at about on the same basis as the
2 Grand Jury hired Mr. Bates?

3 A The matter of the hiring of Mr. Bates and the
4 auditor was done in open court in front of everybody.
5 I don't know how many hundreds of people were there, how
6 many people were over there trying a lawsuit. None of
7 it was done in open court.

8 Q You don't know when this paper was put into
9 the book?

10 A That's where Guajardo and Carrillo came into
11 play, because they were the ones that said they had
12 copies of the agenda which were filed for the meetings
13 and there was nothing on the agenda to reflect that
14 anything was mentioned about attorneys being hired or
15 anything about attorneys being considered for any type
16 of work.

17 Q And you didn't ask the others that you removed
18 about that?

19 A No, sir. Not then, I did not. By that time—

20 Q Based on their testimony, that was one of the
21 reasons you just dismissed the other four?

22 A Based on that and the Grand Jury investigation
23 and the investigation we had conducted up until then, sir,
24 which was quite extensive by then already. If it
25 appeared and it looked that way from the auditor's
report.

1 Q We have already had testimony about the makeup
2 of the Grand Jury, so there could be some bias that
3 Carrillo's nephews tell something to the Grand Jury which
4 has "ties to the Judge," that didn't cross your mind?
5 that's not possible?

6 A When you start putting out six people like that
7 who are pro-Carrillo, and you mentioned Leonel Garza— I
8 don't know whether he is pro-Carrillo or pro-what, the
9 information that has developed through the Attorney
10 General's staff is that there were seven who were pro-Parr
11 men, so I don't know. I guess somebody is claiming some-
12 body there.

13 The truth of the matter is that except for
14 maybe two or three persons there, I really don't know
15 how they are, because they have made remarks which led
16 me to believe that they are on one side or the other. But,
17 other than that, I don't want to cast any aspersions
18 on the Grand Jury or on any member. Up to now, they have
19 not shown me that they have done anything for which they
20 should be castigated publicly. They've got a very
21 difficult task ahead of them and I don't think that it is
22 fair to sit here and by implication make them a part of
23 something they haven't done. I am waiting to see what they
24 do.

25 Q Mr. Nichols, who admits he hasn't paid child

1 support payments, doesn't cast any aspersion on his
2 ability?

3 A We are talking about the political implications,
4 sir. There are several members of the Grand Jury who
5 have been working for the County or receiving money from
6 the County or getting some from the County, and they are
7 also— The investigation is covering them too.

8 Q If there was a prosecution for the child support,
9 who would prosecute that, you, or the County Attorney?

10 A The County Attorney has been prosecuting here-
11 tofore on those matters, but if it assumes that importance
12 now, I am going to look into it.

13 Q Doesn't that matter have to go to the Grand
14 Jury first?

15 A Not necessarily. This starts off as a civil
16 matter. It's a reciprocal matter. Now, there may be
17 some other wrongdoing about it, and I have already started
18 checking on it and I intend to fully check it out,
19 because it does affect the allegation Mr. Maloney made.
20 It would be correct and I have no reason to doubt his
21 word. I am very worried about it does. I am not
22 worried about Mr. Nichols. He can take care of himself.
23 I know nothing about his personal life, but I am con-
24 cerned about what it might do to the Grand Jury. And
25 there are some other matters which involve the Grand Jury

1 which are in the same similar lines.

2 Q You have been in and out of politics, either
3 for minor posts, since you got out of law school. You
4 testified you ran for the School Board on what, a couple
5 of occasions?

6 A Yes. In a small area like that, everybody is
7 involved in politics and I am one. I always have been.

8 Q So you are interested in politics and you keep
9 up with what's going on?

10 A In my area. Yes. I try to.

11 Q Now, one other question: The afternoon of
12 March the 19th when you tried to go to the courthouse
13 and then you went to the Judge's ranch and had the
14 meeting out there, where did you spend the night of the
15 night of March 19th?

16 A I returned to the courthouse. I don't think I
17 was at the ranch for over 25 or 30 minutes, at the most.
18 I left the same way that I got there, in Manges's car
19 with his brother and with Barnett. They returned me to
20 the courthouse where my car was. They left me there.
21 My two investigators were still waiting there and started
22 checking some information about what had happened. The
23 man from my office that had gone with me, returned with
24 me. I drove to Rio Grande City and left him there. I
25 spent the night at my home. Early in the morning, we

W-1

1 left from Roma. He came to my house, to my office in
2 Roma, from my house, and from there we proceeded to go back
3 to San Diego to try to get there by a quarter of 9:00 or
4 something like that.

5 Q How far is it from San Diego to Roma?

6 A It's 126 miles more or less.

7 Q So you drove 126 miles and spent the night and
8 then turned around and came back 126 miles?

9 A Yes, sir. I felt much safer at home.

10 MR. KASTER: I believe that's all.

11 CHAIRMAN HALE: Mr. Laney?

12 BY MR. LANEY

13 Q Mr. Guerra, are any of the School Board members,
14 the ones that you didn't file on, are any of those under
15 investigation now?

16 A Yes, sir.

17 Q How many of them?

18 A Well, the three that I didn't file on are
19 under investigation.

20 Q They are under investigation now?

21 A Yes, sir. They have been since April.

22 Q By the Grand Jury?

23 A Yes, sir. By the Task Force and, of course,
24 the Grand Jury.

25 Q You didn't instigate any proceedings against

1 them until the Task Force came?

2 A The information that was being received at the
3 time— You see, the Task Force— I sought help on Good
4 Friday, I think it was. It was prior to April 1st. There
5 was only about a week after the removals were begun. And
6 from there on, the Task Force assumed the major role
7 of developing the investigation. But they are under
8 investigation. Yes, sir.

9 Q Mr. Jose Nichols said that you are the one
10 who told him that the records were being destroyed and
11 you are saying that he told you that the records were
12 being destroyed in the School Board. Right?

13 A I don't know what he said, but I do know that
14 he had knowledge probably from the same source that I
15 did, from the auditor and the auditor reported to them.
16 So, I don't know if I told him first or not. But, I know
17 that he knew and that he discussed it with me.

18 Q He testified, I believe, if my memory serves
19 me correctly that you told him that they were being
20 destroyed by the janitor. Did you ever talk to the
21 janitor to find out if he burned or destroyed them?

22 A The auditor talked to the people; talked to
23 them there.

24 Q You never, as DA?

25 A No. I, personally, did not talk to them.

1 Q Even though it was indicated that the janitor
2 was the one that actually destroyed the record, you didn't
3 subpoena him before the Grand Jury or talk to him or
4 anything?

5 A No, sir. They were not subpoenaed before the
6 Grand Jury.

7 Q And you never went and talked to the janitor
8 or anything?

9 A I did not. There were three or four versions.
10 I'm sorry. One was the janitor men. Of course, they
11 were destroyed by office personnel. There were three or
12 four stories told to the auditor that was there to look
13 at the records on the appointed day.

14 Q Did you ever know Jose Nichols' wife?

15 A I didn't know Jose Nichols until the time I was
16 on the Grand Jury.

17 Q So you never knew his wife either?

18 A I didn't know he was divorced. I don't know
19 anything about his personal life.

20 Q I believe you testified that there were
21 discussions, in answer to Mr. Kaster's question, that the
22 discussion was held in open court as to the hiring of
23 Jim Bates, as attorney?

24 A Yes, sir.

25 Q I thought you testified before that the Grand Jury

1 was the one that hired the attorney. Was the Grand Jury
2 held in open court?

3 A May I explain. I have been trying to explain
4 all day how those hirings took place. I received a
5 call from Mr. Correa and from Mr. Nichols one evening,
6 one night about 11:00 o'clock, concerning precisely those
7 records and the nature and the way the investigation was
8 being stalled. They apparently felt that the investiga-
9 tion was being stalled on purpose. I don't know if they
10 thought that I was doing it, but they called and wanted
11 to know if I could meet with them that night to
12 discuss assistance for keeping the investigation going,
13 because I think I had a matter or something in Duval
14 County, because I couldn't go on that particular date to
15 Duval County, to San Diego for the Grand Jury.

16 They were very concerned because I said I was
17 not going to be able to go and keep up with this thing
18 and that we should get help. I was very concerned. In
19 fact, I got excited about it, and I said, "Well, I am
20 doing the best that I can on it and there is just so
21 much time that can be devoted to this thing."

22 And they said, "Well, we have been talking and
23 thinking about getting some help for you." Then they
24 thought up this matter.

25 Q This was done in open court?

1 A No, no. This was there, when the suggestion
2 first came up by them. Then they reported to the Grand
3 Jury the next morning.

4 Q But this was held in open court?

5 A First of all then the Grand Jury man talked
6 about it. Then at my suggestion on the merits or demerits
7 of hiring or not hiring, then this has to be approved
8 by the court. So then we proceeded to go into open
9 court and discuss this, but the auditor came first, before
10 the appointment of the special prosecutor.

11 Q What is the population of your District Court
12 area? What are the three counties?

13 A Over 50,000, I imagine.

14 Q Is that a small court, a larger court?

15 A Well, the problem I think is the distance
16 between population centers. I think that's what the
17 problem is. You spend more time traveling back and forth.

18 Q I believe your testimony was, talking about
19 your staff, "pitiful as it was," how many investigators,
20 Assistant DA's?

21 A At the time, I had a brand new graduate of
22 law school as my Assistant DA. I had one secretary and
23 I had three investigators.

24 Q Three investigators?

25 A Yes, sir, to cover the three counties.

1 Q You have three investigators, the secretary—
2 What do you have at this time, not counting the Task
3 Force.

4 A I have the same thing.

5 Q One Assistant DA, three investigators and a
6 secretary?

7 A I have one other investigator which was pro-
8 vided through a Federal Program that hired by the—

9 Q So there are four investigators?

10 A Four now. Yes.

11 Q What is the Staff of the District Court?
12 The Judge's staff?

13 A I think he has a secretary in his office in
14 San Diego.

15 Q And two Bailiffs?

16 A And a Bailiff.

17 Q Do you know how many Bailiffs he has?

18 A I don't know how many he's got now.

19 Q You mentioned that Ricky Garcia had been
20 appointed County Attorney?

21 A Ricardo Garcia has been County Attorney for
22 I don't know how long.

23 Q Is he the same one that's on the School Board?

24 A No, sir. I don't think he's on the School Board.

25 Q Appointed to the school board?

1 A I found that in Duval County, the Sheriff and
2 everybody belongs to the School Boards and to— I don't
3 know. It's a mess. That develops as you go along. You
4 suddenly will find somebody being a member of the School
5 Board and being a public official in some other capacity.

6 Q When you were going through these records, the
7 school records, did you run across these Zertuche General
8 Store or Zertuche Store, or whatever it was accounts or
9 anything, when you were going over all those records
10 with your four investigators?

11 A I recall that the particular names— You see,
12 that's the disadvantage of not knowing your Grand Jury
13 and not knowing their affiliations, because everybody
14 was pulling out what was interesting to them. The
15 name Zertuche, I don't know in what capacity, but the
16 name "Zertuche" was picked out as one of them and then
17 Diego Saenz and the name—various names were picked out,
18 some Carrillo names and some store names and so forth
19 were picked out.

20 Q Since you took over, have you filed on any—
21 You refer to the parties and I am just now getting down
22 to the New Party, Old Party and New New Party and Old
23 Old Party, but have you filed—have you ever filed with
24 this Grand Jury filed on any of the Judge's Party?

25 A I filed on nobody for political—for this

1 type of—

2 Q I am not talking about politically. As a matter
3 of circumstances?

4 A No, sir. No matter has gone to the Grand Jury
5 for indictments on— Well, there may be, as of today, but
6 I don't know.

7 Q The infamous day when the courthouse was taken
8 over, did George Parr ever threaten you or talk to you
9 about these petitions you were going to file?

10 A The following morning he did.

11 Q No. I am talking about before.

12 A Not that afternoon.

13 Q The day you didn't get out of the car because
14 your investigator said, "Don't get out."

15 A And I didn't get to see him at all. And I
16 might say—well, go ahead.

17 Q He never interefered? You didn't even know. Did
18 he know that you had the petitions ready to file?

19 A It appeared like everybody knew, from the way
20 the people—

21 Q Maybe somebody in the bank, whenever you went
22 down there? No. That was before.

23 A I don't know, but apparently the word was out,
24 because everybody seemed to know.

Q This was, I believe, before even the foreman of

1 the Grand Jury even had signed. Is that right?

2 A That's right. He may have told that somebody
3 he was going to do it. He knew that he was supposed to
4 sign them.

5 Q I believe you testified earlier that the next
6 morning, George Parr's anger had subsided, I believe
7 were your words; yet, you say you didn't even see him
8 the day before, so you don't know whether he was
9 angry or not. Right?

10 A One of the newspaper reporters, Joe Coudert
11 from the "Caller-Times" told me how he was acting and so
12 I knew he wasn't friendly with Joe Coudert and some of the
13 other people the afternoon before.

14 Q You took the word of a newspaper reporter whether
15 somebody was mad or not?

16 A Joe Coudert is a very reliable reporter and I
17 certainly learned. I didn't know him that well then,
18 but I certainly know— They are all fine reporters.

19 Q But the next morning you said his anger had
20 subsided and you just got through testifying that next
21 morning he threatened you.

22 A No, sir. I said he appeared he was subdued
23 so his anger was subsided. He was subdued in his
24 approach. He didn't tell me anything other than we
25 greeted each other and he was very—

1 Q When I asked you if he had ever threatened you,
2 you said, not until the next morning. Wasn't that what
3 you said?

4 A No.

5 Q You talked to him the next morning?

6 A I talked to him the next morning. Mr. Parr
7 did not threaten me at any time, sir.

8 Q In your statement that said that the only time
9 you had discussed the investigation with Clinton Manges,
10 he told you to go straight down the line. Is that right?
11 Is that what you said yesterday?

12 A I think Clinton— My remarks usually are,
13 when I see somebody like that, I think, "Now I know
14 why Randle Nye resigned." "Now I know why somebody—"
15 Well, just go down the line. You have no problems,
16 because apparently the implication was that Randle might
17 have been—

18 Q This is what Clinton Manges said to you?

19 A Yes. "Just go down the line." "Just don't
20 look back."

21 Q He said the same thing to you he said to Jose
22 Nichols then, "Go straight down the line."

23 A I saw him once or twice in Rio Grande City.
24 I saw him going into the bank in Rio Grande City and I
25 saw him in San Diego one time, but it was afterwards, about

1 a couple weeks afterwards. I saw him that day, but I
2 don't think I discussed with him anything about the
3 petitions the day of the 19th.

4 Q I believe you testified that when you first
5 saw the Grand Jury that you thought six or seven of them
6 were Parr people and that worried you. Why did that
7 worry you?

8 A No, sir. I didn't— When I first saw them, I
9 didn't know who was who.

10 Q When did you find out they were__

11 A After sitting there and talking to people,
12 I tried to ask, you know, whenever I thought I could
13 find somebody that I could ask, that I thought might
14 give me the— I might not be asking one of his brothers
15 or someone. I tried to ask who so-and-so worked for and
16 what he did, like I found Juan Martinez, one of the
17 members of the Grand Jury. He is a Shop Foreman and he's
18 one that filed one of the taxpayer's suit against the
19 Tobin Court. So he is a member of the Grand Jury. You
20 soon start getting the feel of who is with whom there,
21 apparently just from their silence or from their actions.
22 At least, I thought I was.

23 Q Does the District Judge have the right to cut
24 people from the Grand Jury, the panel that is called?

25 A No, sir.

1 Q The District Judge has no right to cut anybody
2 from a panel?

3 A Once it's impaneled, then—

4 Q I mean before they are impaneled, the ones they
5 choose from?

6 A The twelve that come up, come up by numerical
7 order and they are the first twelve in order. They are
8 selected by the Commission, the ones that go through.

9 Q And if they are not disqualified, the Judge
10 can't disqualify any of them?

11 A That's right. That's right. The ones they admit
12 to qualifications and they are in the proper sequence,
13 they go that way.

14 Q I believe we've had testimony here that there
15 are 64 Cadillacs on the insurance roles of the County
16 and the County owns all kinds of vehicles. Do any of the
17 Counties furnish you a car or pay insurance on it, or
18 anything?

19 A Duval County didn't pay my office staff their
20 share of the expenses. I don't think they have paid yet.

21 Q That isn't what I asked you. I asked you if
22 they furnished you a car.

23 A They haven't furnished me with anything. Nothing.
24 And I haven't asked, either, for that matter, but they
25 haven't furnished me anything.

1 Q You are saying that they do not furnish you
2 with a car? No county furnishes you with a car?

3 A No, sir. I don't think there is any such
4 authority for anybody to furnish me with anything.

5 Q That's what I thought, too, until I saw those
6 records.

7 A I know I haven't received any. I don't expect
8 to, either.

9 Q They don't furnish your groceries either?

10 A No, sir. I have been accustomed to buying my
11 own.

12 MR. LANEY: Thank you.

13 CHAIRMAN HALE: Ms. Thompson?

14 MS. THOMPSON: I pass.

15 CHAIRMAN HALE: Ms. Weddington?

16 MS. WEDDINGTON: Pass.

17 CHAIRMAN HALE: Mr. Chavez?

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

19 BY MR. CHAVEZ

20 Q First of all, Mr. Guerra, I know that you have
21 been questioned extensively about Mr. Nichols and the
22 possibility that he has committed a felony. Now, can you
23 tell us here with any certainty that you have adequate
24 evidence at this time to recommend to the Grand Jury
25 that this man be indicted for a felony?

1 A No, sir. I was asked to assume that Mr. Maloney's
2 question concerning if it was a felony or not was
3 correct and I said I was going on the assumption that it
4 could be a felony. I turned the information over to my
5 investigator to determine, first of all, the facts and
6 then to see just what it is. I am not going to sit here
7 and judge the man on something that I am not familiar with,
8 but it's being investigated.

9 Q This matter that came from Minnesota came from
10 the County Court up there and it was sent to the Clerk
11 of the County Court in Duval County. I presume that the
12 County Attorney is the one that handles the matters in
13 the County Court?

14 A That's the way it's been handled in Starr and
15 everywhere else. I have never handled any reciprocal
16 matters.

17 Q I have and it's always my understanding, at
18 least in the cases that I have been involved in, that when
19 these matters come, they come first through the civil
20 process.

21 A That's right.

22 Q The Court in the other state sends the certified
23 copy of the complaint and an order from the court and they
24 send it to the County Clerk and then the County Attorney
25 in turn contacts the Respondent and brings him in and
tells him what the situation is. Now the individual

1 has a right to contest the proceeding.

2 A Certainly. Yes.

3 Q Or he can agree that he is delinquent and
4 begin making payments.

5 A That's right.

6 Q And if he makes payments, then he has complied
7 with the civil proceeding?

8 A That's correct.

9 Q And as I understand it, at least, in the
10 situation I have been involved in, this is always the
11 normal procedure and criminal proceedings are not
12 initiated until such time as the Respondent refuses to
13 comply with the civil order.

14 A That's correct.

15 Q I got a copy of the Reciprocal Support Act
16 and that also is what, at least I interpret the process
17 to be.

18 A I believe you're correct, sir. I wasn't
19 quarreling with Mr. Maloney, or with your position. I
20 am just saying that we are investigating, to be sure
21 that Mr. Nichols will not be disqualified, to serve on
22 the Grand Jury. And, also, if he has done something
23 wrong, that preparation can be taken. I am neither
24 agreeing or disagreeing. I am just certainly checking
25 into the matter.

1 Q So that in the event that Mr. Nichols were
2 to be cited into court on this civil proceeding and he
3 told the Judge, "Yes, I am delinquent. I am going to
4 pay up, or start paying," then that's the end of that
5 civil proceeding, is it not?

6 A That's correct.

7 Q And he has not committed a felony and he has
8 not disqualified himself from serving on the Grand Jury?

9 A That's right.

10 Q Would that be correct?

11 A Yes, sir. I think that is generally correct.

12 Q Now, I'll admit that initially, before you
13 testified, I was also having some doubts and some
14 questions were in my mind as to the extent of your in-
15 volvement in this proceeding, because I always— At least,
16 the way we practice law in Cameron County, the lawyers
17 are the ones to prepare instruments, petitions and even
18 orders for the Judge to sign.

19 A That's correct, sir. The same way.

20 Q Every time I've gone down to get a restraining
21 order, I've got the order, certain blanks for the Judge
22 to fill in, but I've got the order prepared for him to
23 sign.

24 A Yes, sir. I've always hoped that the Judge
25 would sign the order that you are requesting. That was

1 my hope, too.

2 Q Right. And this is why you did it?

3 A Yes, sir.

4 Q This was nothing unusual?

5 A No, sir. The proceeding that I use is
6 statutory and I try to comply as much as I could, under
7 the circumstances. I'm sorry I can't convey the true
8 feeling of what happened there.

9 Q I think you have to live in that area or have
10 been in there to understand the conditions. I have been
11 there and so I can appreciate what you have been telling
12 us.

13 In that connection, when Mr. Bercaw was here,
14 and he was saying that he had been improperly removed
15 and that Joe Nichols had filed this thing and he didn't
16 have any business doing it and it was him that removed
17 him and all that sort of stuff, I asked him about that.
18 And I'll read some of the transcript from my questions
19 to him. I said:

20 "Now, you know, as an attorney, Mr. Bercaw,
21 that no District Judge acts without someone
22 initiating some litigation, don't you?"

23 His answer: "That's right."

24 "Who initiated the litigation on you?"

25 "Joe R. Nichols, who works for Clinton

1 Manges."

2 "Is he an attorney?"

3 "No, sir. He is the foreman of the Grand
4 Jury and chosen to by on the Grand Jury by Mr.
5 Morris Ashby, who took my place, and also works
6 for Clinton Manges."

7 "Question: Maybe I misunderstood you. I
8 thought you said you were served with a citation
9 and a petition."

10 "Answer: On the relation of Joe R. Nichols."

11 "Question: Who filed that for Mr. Nichols?
12 Did he file it, himself, or did somebody?"

13 "Answer: No. Certainly not. The District
14 Attorney filed it."

15 "All right. So the District Attorney."

16 "Answer: He is the attorney in the case."

17 "Question: Do you think he might have made
18 some investigation or something and listened to
19 the complaint, or are you also accusing the District
20 Attorney of some impropriety?"

21 "Answer: I am not accusing the District
22 Attorney of a thing."

23 A I appreciate that.

24 Q You understood? You were here when—

25 A Yes, sir. And I so understood.

1 Q So, as far as— Now, Bercau is an attorney.
2 He was removed. He has been in this thing all the way
3 through and he was here and up until that time, which I
4 think was May 22nd, he had not yet found any reason to
5 accuse you of any impropriety?

6 A That was my understanding, sir.

7 Q That's what I understood from him also. And
8 all this had already taken place.

9 Now, there was also some, or at least some
10 inferences made, or at least I understood them as
11 inferences, that perhaps you might have connived with
12 the Judge in the appointment of these people to the
13 School Board. Did you have anything to do with that?

14 A No, sir. Well, I didn't know anybody to even
15 approach the court with suggestions on it.

16 Q That really did not fall within the realm of
17 your jurisdiction, did it?

18 A That's right, sir. And I really did not want
19 to get involved to that extent.

20 Q As far as your jurisdiction extended, was it
21 if someone had done something wrong and should be removed,
22 then it was your job to file the petition and request a
23 removal?

24 A Yes, sir. That was my feeling on it.

25 Q And whatever had to be done after that removal,

1 that was beyond your responsibility?

2 A That's right, sir. That's correct. Except
3 that I was worried about whatever I filed that I should
4 be able to prove it up. I am not talking about techni-
5 calities now. I may have missed doing something, because
6 of the nature of the circumstances, the way these things
7 arose. But insofar as a proof aspect of my accusations,
8 I expected to be able to fully prove everything that I
9 accused in court.

10 Q Mr. Bercaw was asked about whether or not these
11 fellows were Carrillo people or Parr people, or whatever
12 it is. He brought some newspaper articles and read some
13 portions to us. Some questions he didn't answer, or at
14 least to my satisfaction. He was asked:

15 "What happened to Mr. Hamm after he stated
16 that he was a George Parr man?"

17 And his answer was: "I'll let the record
18 speak for itself. It's in the case."

19 He never did say whether he considered Hamm a
20 Parr man or a Carrillo man. He brought us an article
21 that is dated March 25 that appeared in the "Corpus
22 Christi Caller," and actually the people that we probably
23 ought to call as witnesses are probably Mr. Pearson and
24 Mr. Couder, because apparently they know more about this
25 thing than anybody else.

1 A I think that's correct.

2 Q In Mr. Pearson's article he says that:

3 "Three of them, Morris Ashby, Pete Hunter
4 and Leonel Garza said that they are independent
5 or neutral. The fourth man, Bill Hamm said, 'I
6 am a George Parr man.'"

7 So he publicly acknowledged that he is a George
8 Parr man.

9 A Yes.

10 Q If we are to believe the accusations made
11 against Judge Carrillo, that it was he who removed these
12 people for purposes of eliminating his political enemies
13 from these offices and replacing them with his
14 political allies, then, we would have to assume that
15 Bill Hamm was not telling the truth to Mr. Pearson when
16 he said that he was a George Parr man.

17 A That's correct.

18 Q Would that be right?

19 A Yes, sir. That's right.

20 Q But he acknowledged publicly that he was a
21 George Parr man?

22 A That was my understanding at the time, sir.

23 Q So, Judge Carrillo, I am sure would have known
24 that Bill Hamm was a George Parr man.

25 A I presume he knew all those people, because I

1 sure didn't know them. I knew Morris Ashby.

2 Q Carrillos and Parrs being from that county,
3 they sure know who's on their side and who isn't?

4 A That's right.

5 Q So if Carrillo was, in fact, trying to replace
6 these people with his own man, he would not have used
7 Bill Hamm, at least for one.

8 All right. Mr. Pearson continues in his
9 article:

10 "It was believed, at least by some, that
11 the four men were Carrillo supporters when they
12 were appointed Thursday by District Judge O. P.
13 Carrillo to replace four Parr supporters, who were
14 suspended by Carrillo."

15 And he quotes here. He said, "I don't
16 know where they all got that," said Ashby.

17 "I'm not a supporter of anybody." And Hunter
18 also says, "I'm not grinding anybody's ax,"
19 and he operates the Exxon Service Station in
20 Freer.

21 A It's my understanding he is a very independent
22 person.

23 Q Garza also said, "You can say I'm neutral."
24 And they all said that their appointments came as a
25 surprise.

1 A I imagine it did, because, like I say, I
2 certainly didn't know it myself.

3 Q Well, this would indicate that Judge Carrillo
4 did not conspire or solicit the appointments for the
5 people he was going to replace?

6 A That's right.

7 Q This, at least to me, kind of goes hand-in-glove
8 with what you have told us about the manner in which you
9 were conducting these removal suits. On the 19th, you
10 were going to San Diego, expecting to find the Judge there
11 and Mr. Nichols, for purposes of filing that complaint.
12 But when you got there, things were not as you expected
13 them to be.

14 A That's right.

15 Q They were in a little turmoil.

16 A A big turmoil.

17 Q So the following day, you had to proceed ex
18 parte and rather expeditiously?

19 A Yes, sir. That's correct. That's what I was
20 trying to convey to this Committee, but I guess I have
21 been unable to do so.

22 Q Then also, since you acted expeditiously,
23 apparently the Judge also acted expeditiously, because
24 he apparently didn't notify these people that they were
25 going to be appointed and that apparently is verified by

1 what they have told Mr. Pearson. Okay.

2 But even as much as Mr. Pearson and Mr. Couder,
3 as much as they have been doing, apparently they've got
4 a little problem with Mr. Manges also, because Mr.
5 Pearson in his article says:

6 "The mystery man in the picture is
7 Clinton Manges."

8 So apparently Mr. Pearson can't really put
9 him on either side, which is no reflection on Mr. Pearson.
10 Mr. Manges is rather an elusive gentleman. He says:

11 "Manges, millionaire, rancher, oilman and
12 banker who owns the Duval County Ranch Company
13 and who has been closely associated with the
14 Parrs and the Carrillos."

15 A That's correct.

16 Q He has done favors for George Parr, his
17 nephew, County Judge Archer Parr, and for Judge Carrillo.

18 So, I guess Mr. Manges has been playing all
19 his cards. He knows somebody is going to lose, but who-
20 ever wins, he's done him a favor, so he's going to be
21 all right. At least that would be my interpretation.

22 A It appears that is what I was trying to explain
23 that I couldn't understand how I could assume that he
24 was a pro-Carrillo as against the Parrs, when it was a
25 matter of public information all the huge amounts of money

1 that were being provided for their defense and for their
2 support and for bail bonds and for fines and all of
3 that, so I couldn't really understand, if there was any
4 such split, as between him. I don't know about the
5 Carrillos and Parrs, but certainly as to Manges, and that
6 was my impression at the time. I really couldn't fathom
7 it out.

8 Q This, of course, happened this year. Now, a
9 year before, Oscar Carrillo had split openly and publicly
10 with Parr?

11 A That's correct.

12 Q And Ramiro and O. P., at least had not
13 publicly broken with him?

14 A I don't think anybody could really know. I
15 tried to explain that in answer to a question a little
16 earlier. To my mind, I didn't really know what they were
17 going to do, because the newspaper accounts— And that was
18 all you had to go on, most of the time. They were not
19 clear as to just where they stood, or how bad it was, or
20 their break, or if there was one, or just how bad it was.

21 Q Somebody was asking you earlier how well did
22 Judge Carrillo help you.

23 A The Judge did not help me. I was trying to
24 amplify or give an answer, because the Judge announced in
25 Rio Grande City to a group of people there in the courthouse

1 out in the corridor one time that he was not going to
2 get involved in that election, because it involved his
3 brother and it involved a whole bunch of friends and he
4 just wasn't going to get involved.

5 So, if he voted for me, if that amounts to
6 support, then he supported me. But I know that there
7 was no— He did not appear for me to do anything for me,
8 so that's why I had to answer the way I did.

9 Q He didn't make any public announcement; didn't
10 attend any rallies and speak in your behalf; didn't
11 distribute stickers or cards or call anybody, as far as
12 you know, to get them to vote for you?

13 A That's right. He did not. My information that
14 I received from the Parr people was that Oscar Carrillo
15 and Joe Guerra were my direct opponents. That is what I
16 proceeded under. There was my impression, throughout
17 my election.

18 Q And Oscar, I think you said, was the spokesman
19 for the family?

20 A That was my understanding.

21 Q And quoting another article in the "Caller,"
22 and this one is by Mr. Couder? Is that his name?

23 A Joe Couder.

24 Q He is talking about the final split. This is
25 when Judge Carrillo openly and publicly split with Parr

1 and so did Ramiro. In this Couder says:

2 "Last year, both Ramiro Carrillo and
3 O. P. Carrillo had at least visibly supported
4 Parr and his candidates."

5 So, whether or not they might have been un-
6 decided whether to go with a brother or stay with Parr
7 or ride the fence, nothing was really actually definite,
8 was it?

9 A That's correct. I did not approach any of
10 the Carrillos for support directly.

11 Q Now this fellow, Mr. Guerra, that testified
12 yesterday, he was and I presume, your political enemy?

13 A Yes, sir. He certainly is, to the extent of
14 quite personal and quite serious.

15 Q Okay. I've had some experiences in that area
16 also. I can see where if a man has some personal ani-
17 mosity towards you or towards anybody else that's run
18 for public office, he's going to try to let it all out
19 and whether it's true or false, he's going to try to
20 smear you in some way, isn't he?

21 A Yes, sir. I have the tremendous advantage
22 that the attorney-client privilege is something which
23 rides on me and I cannot answer, most of the time.

24 Q But all these allegations and things that he
25 made against you were submitted to a Grievance Committee?

1 A That's correct, sir.

2 Q And the Grievance Committee— Did they hold
3 hearings?

4 A Yes, sir. They had hearings and I was cleared
5 completely, except for the latest one, which he filed
6 some time in November, pursuant to testimony given in a
7 deposition in a Federal court case civil rights suit
8 which arose out of a 1972 election contest that he was
9 talking about to this Committee.

10 Q What District is that Grievance Committee?

11 A It's the Valley Committee. It's the same one
12 that you come under.

13 Q Okay. The 15th District?

14 A 15th District.

15 Q All right.

16 A Mr. Morgan Talbot is Chairman.

17 Q Morgan Talbot at that time was the Chairman of
18 the Grievance Committee?

19 A He still is.

20 Q He still is?

21 A Yes.

22 Q I guess Marshall Graham, was he at that hearing?

23 A Some of the members disqualified themselves
24 and others acted, either because of some connection or
25 some views.

1 Q But these were attorneys from other counties?

2 A That's right. They were not from my county.
3 They were all from outside the county.

4 Q These were impartial people that heard the
5 complaint and heard your explanation. And after hearing
6 all these things, completely cleared you of any wrongdoing
7 as far as the Rules and Canons of Ethics of the Bar
8 Association were concerned?

9 A Yes, sir. Insofar as any complaint which Mr.
10 Guerra filed, that's true. There were quite a few. They
11 were numerous and they were staggered and it was just a
12 continuous process.

13 Q Did the disagreement between you and Mr. Guerra
14 come out as a result of the lawsuit that he had with his
15 brothers?

16 A No, sir. None of his complaints go into any
17 allegations concerning my contact as to attorney,
18 attorney-client relationship, third party complaints with
19 the assumption that I threatened somebody. None of them
20 concerned my conduct professionally with respect to a
21 client. The anger stemmed in my running for the School
22 Board in 1972 against his wishes.

23 Q Against whom?

24 A Against his wishes.

25 Q I see.

1 A There were two ladies and myself who ran for
2 three positions, and apparently this triggered this
3 tremendous animosity to the extent that after that
4 election eleven teachers were summarily dismissed from
5 the School Board—from the school for employment, or not
6 rehired or punished, including two members of my immediate
7 family, two brothers. And as a result of that there is
8 a Federal suit which will probably go on trial some time
9 later on this summer in Brownwood.

10 Q That leads me up to my next question and
11 observation, that the Judge very proudly, I guess you
12 would say, indicated that he served as Mayor of Roma for
13 a number of years and that nobody would run against him.
14 I presume that nobody ran against him because they didn't
15 want to suffer under the same circumstances that you
16 eventually suffered when you ran on the School Board
17 against his wishes.

18 A Yes, sir. That's correct.

19 Q Some of these people down there that hold
20 these offices for years and years control politics to
21 the extent that people are just virtually afraid of
22 challenging these people.

23 A It's an iron-steel-fisted control, and it
24 involves the school district and the city, and everything
25 else.

1 Q Unbelievable to some people outside of that
2 area, but well known to people in South Texas. Isn't
3 that right?

4 A It certainly—when eleven teachers who had
5 nothing to do with the political aspects of any political
6 fight are punished that way it becomes real serious.
7 It affected eleven out of seventy some odd teachers of
8 the school district. So it becomes serious. It was
9 serious enough to go to Federal Court with it, and not
10 to go to Judge Carrillo's court where, presumably, I'm
11 supposed to be friendly with. Or to Grand Juries.

12 Q Now, there's been made a lot of to do about
13 the fact that you didn't file against Guajardo and
14 Schuenemann and Carrillo at the time that you filed
15 against Bercau and his people. Are you saying that you
16 didn't file against them because you did not have any
17 evidence to sustain such a removal suit?

18 A That is correct. If I felt that I had any
19 evidence at all I would have certainly filed. But for
20 the reasons that I knew then, and the only ones that I
21 had then, at the time, which were concrete and provable,
22 I could not proceed against them. I just didn't have it.
23 There was just nothing there.

24 Q If during the investigation of the Task Force
25 evidence comes up that reflects that Carrillo, Schuenemann,

1 and Guajardo have in fact committed some felonies and
2 they are indicted, will you feel confident that you can
3 prosecute them as well as you would prosecute anybody
4 else that would come under indictment?

5 A I think that Miss White furnished the
6 Committee with a copy of the statement made by the
7 Attorney General concerning what the policy of the Task
8 Force is, and I'm a member of it. The Judge himself
9 heard the words in open court as were pronounced by the
10 Attorney General, and when you say "let the chips fall
11 where they may," that is exactly what it means.
12 Whoever is found to have committed any offense, an
13 indictable offense, will be tried, and I will find no
14 difficulty in proceeding against anybody. It is my
15 obligation and I will certainly do so. Now, the only
16 reason I didn't— I may have later on proceeded against
17 those three individuals, but the County Attorney pro-
18 ceeded against Schunemann. And when he tried to dismiss
19 that proceeding, I asked that I be substituted and be
20 allowed to continue for the State in presenting that
21 particular removal. But the Carrillos went out of
22 office two weeks later, or Guajardo and Carrillo. Their
23 terms expired.

24 Q So, when their terms expired, the removal
25 proceedings were moot?

1 A They were moot, to begin with. I didn't have
2 any information up until that time which would have
3 given me grounds to file suits against them.

4 Q The civil proceeding is moot but certainly if
5 they have committed any felony, those things are not
6 moot.

7 A I think within a short time this Committee
8 will find out there are no favorites with regards to
9 this investigation.

10 Q You indicated that on the 19th when you went
11 to San Diego, in Duval, that Archer Parr came out to the
12 car.

13 A Yes, sir.

14 Q And I think the words that you used yesterday
15 were that he "mouthed off."

16 A That was the way that I felt.

17 Q Could you repeat as far as you recollect the
18 exact words that he used?

19 A He was---there was a greeting and then he
20 started saying what I was doing by fighting the removal
21 actions, and being very, very critical of the removal
22 actions. And just kept talking. So I asked him if he
23 would go on and try to control his uncle and see what he
24 was doing. He said he would do it. He said, "He's
25 angry with me, too." But he was talking in such a manner

1 that I felt that the expression that I used was correct.

2 Q Was he talking in a normal calm voice?

3 A No. No, he was much more excited than I
4 was during some periods of questioning here before this
5 Committee. Quite excited and quite—

6 Q Did he use any foul language?

7 A If he did, it wasn't directed at me.

8 Q At you?

9 A I think maybe it was just part of his
10 conversation. But he was very agitated about the fact
11 that I was going to file the removal actions.

12 Q Well, the way he told it to you, was it in
13 such a way that it was a believable story that his
14 uncle was up there with a gun?

15 A He confirmed it. He confirmed it; he was in
16 there. I asked him why he didn't do something about it
17 and he said he was angry at him, too.

18 Q Not too many people in Duval County, at least
19 during the time that George Parr was in his power, crossed
20 him, did they?

21 A I'm afraid that up to the last day nobody did,
22 except the law enforcement, outside law enforcement
23 agencies.

24 Q I think probably the only ones he ever really
25 paid any attention to was probably the Rangers.

1 A That's correct. And believe me, I've never
2 been so glad to see a Ranger in my life as I was the
3 19th.

4 Q And even they have had some problems in the
5 past with—

6 A Yes, sir. They sure have.

7 Q It hadn't been easy for them.

8 Again, I'm just bouncing back and forth. I
9 take it—was it Joe Guerra? Is that his first name? Joe?

10 A Yes.

11 Q —that from what he testified yesterday, or the
12 tenor of his testimony was such that he was trying to
13 either embarrass you and the Court, in some way connect
14 you— I take it this is because he is on opposite sides
15 of both you and the Judge, politically.

16 A Yes. He would fall on the other side. He
17 has always indicated he was being crossed with the Judge,
18 or against the Judge.

19 Q The only one that has really accused you of
20 anything is Marvin Foster when, I think I asked him
21 yesterday whether you were involved in this thing and he
22 said "Yes."

23 A That's why I've been sitting here waiting to
24 see what the nature of the involvement was. I sure would
25 like to know.

1 Q He certainly hasn't been inhibited from going
2 to the Grand Jury or to the Texas Rangers to report any
3 improprieties on your part, has he?

4 A Nobody has been.

5 Q You haven't told the Task Force not to talk
6 with Mr. Foster to let him present any evidence that he
7 might have?

8 A My instructions to the Task Force have been
9 that I do not want to assume any active roll in the
10 investigation, as such, so there will be no accusation
11 that I either aimed the investigation one way or the
12 other. They should use their judgment. They are all
13 experienced attorneys with the Attorney General's
14 office. In fact, some of them conducted very serious
15 investigations in other counties concerning wrongdoing
16 also. And they are all experienced and quite capable,
17 I think. We've got a very good Task Force. And I
18 don't think anybody is going to influence their judgment
19 one way or the other. They are very serious people.

20 Q About that time that you started looking into
21 this thing, and apparently people started facilitating
22 you with some information, things began to get a little
23 hectic.

24 A That's correct.

25 Q And you were uncertain of what might result

1 after removal suits might be filed, after people might
2 be investigated.

3 A That's correct.

4 Q People don't take too kindly to being
5 investigated in Duval County, do they?

6 A That's right. I had that apprehension and it
7 was based on information that I had received concerning
8 my own safety.

9 Q And in Duval County, people take these things
10 pretty personal.

11 A Well, in that area, apparently that's what
12 happens. I don't know if it is true elsewhere, but
13 it certainly is true there.

14 Q They take these things pretty personal and
15 they don't look to someone else to protect them. They
16 usually take care of these things themselves.

17 A That is what worried me. And it was of great
18 concern to me.

19 Q I know that it is difficult for people that
20 have never lived down there and have never seen the way
21 the process works to fully comprehend these things. I
22 know that, or at least it looked to me like you were
23 frustrated in trying to explain some things, some
24 conditions, to the members of the Committee, and were
25 unable to do so because—well, frankly, some of these

1 things sound a little incredible, don't they?

2 A They appeared incredible to me when they were
3 happening. But one of the incredible things is the
4 feeling that I get from some of the questions that were
5 asked, that there was a meeting for conspiracy purposes
6 at the Judge's ranch on the 19th, and that could be
7 nothing further from the truth.

8 Q I think yesterday in your testimony you
9 mentioned that after having been here last week and
10 listening to the testimony of a number of witnesses
11 and things that you learned, that Monday morning
12 quarterbacking was pretty good because you didn't make
13 mistakes then. And it would seem that for us anyway,
14 sitting up here in the safe and comfort of this old
15 courtroom, that we can look at things a little differently
16 and under different conditions than you experienced at
17 that time in Duval County and in Starr County at the
18 time that you were making the investigations and pre-
19 senting these things to the Grand Jury.

20 A That is correct. I don't think anybody can
21 really duplicate the feelings that I had and maybe Ranger
22 Gene Powell, or maybe some of the people that are
23 involved can explain it better than I did. But the
24 feeling is a pretty sad and pretty rotten feeling when
25 you are there.

1 Q Well, of course, Ranger Powell, I'm sure-- I
2 don't know the man-- I'm sure--

3 A He's bigger than I am.

4 Q I don't think it is too strange to him. I'm
5 sure he has been in other circumstances where he might
6 have experienced a little danger. But did you, in your
7 own mind, really feel that there was danger to you?

8 A I received information from two sources, and
9 I would hope that I'm not asked to disclose the names
10 because they might get into trouble, but they are
11 reliable persons whom I have known for a long, long
12 time. One was not necessarily a friend, but he knew
13 me from past experiences. But he warned me not to take
14 the same route that I was taking; that he had heard some
15 discussions to the effect that my life was in danger
16 and that he thought they meant it. And that the mafia
17 of Starr County, who has an extensive drug mafia, had
18 been warned that I wasn't friendly any more to certain
19 people, and that I should be aware. And although I
20 didn't try to make that public, I did announce it to the
21 drug enforcement people in some other areas and tried to
22 take as much precaution as I could. That was prior to
23 the filing of the petition against Judge Parr. But I
24 felt that I had to do it, so I did it.

25 Q In Austin or Houston or Dallas, or some other

1 place, threats like that might not be very meaningful,
2 but down there they are not made just a matter of—they
3 are not routinely made, are they?

4 A I felt that the circumstances, if there was
5 any fear of the investigation the way it was being
6 conducted, I felt that the easiest way to stop the
7 investigation was either to proceed against the Judge
8 or, better yet, to proceed against me. And if there is
9 no District Attorney then the County Attorney would take
10 over and then the County Attorney would then have to
11 ask the Attorney General or somebody else to come, if
12 they chose. So, I felt that for that reason maybe my
13 life would be in danger more than anything else.

14 Q Now, in going back to your friend, Couling,
15 he also apparently had a little conversation with some
16 of the reporters in connection with some of the records.
17 Apparently he wanted the reporters to specifically
18 indicate what records they wanted before he would show
19 them the records; otherwise, he would refuse. I think
20 that was in one of the stories. Let's see, I think this
21 is Coudert's story, talking about Couling. "Asked if
22 the records would be available after the Grand Jury was
23 finished with them, Couling said, 'Only when specific
24 items were identified and requested.'" Mr. Couling is
25 quoted. He says, "I want you to specify what you are

1 looking for, or otherwise I will refuse." And, again,
2 apparently Mr. Bercau was contacted about obtaining
3 records, and his quote was that, in talking to the
4 reporter, apparently, "You understand I have no
5 authorization to do this, but it must be action taken by
6 the Board at a Board meeting, but I don't envision any
7 problems." If somebody wants to look at public records,
8 does this application have to be made to the Board
9 meeting at the Board meeting and the Board has to pass
10 on it?

11 A Certainly the law doesn't require that at all.
12 They are public records and are public records.

13 Q So they were also apparently trying to in some
14 way inhibit the press from looking at these records.

15 A I think that as a result of the denials that
16 the "Corpus Christi Caller" had to go to the expense of
17 filing a lawsuit in Judge Carrillo's court to try to
18 see if they could avail themselves of some of those
19 records, and I think they did file the lawsuit. I don't
20 recall the date, but some time in March or April of this
21 year, after we were—

22 Q So these fellows weren't making things easier
23 for anybody?

24 A That was the impression I soon got after my
25 initiation of the investigation.

1 Q When you were advised that some of the records
2 were being destroyed, not being able to rely on some of
3 these members that you were investigating, you took the
4 only course of action available to you: when in doubt
5 just get a hold of everything and kick them out and try
6 to assure yourself that these records will be preserved.

7 A It may be that, looking in retrospect,
8 certainly a lot of my actions could be studied and
9 analyzed and investigated and questions asked about them.
10 But the truth of the matter is that it was the only
11 recourse that I felt I had which would produce the
12 result of trying to keep the investigation from falling
13 over for the simple reason that throughout this matter,
14 regardless of the appearance that this one faction
15 received some benefit from it, this estate of Carrillos,
16 regardless of what we do, somebody—if we indict
17 Carrillo people, the other side is going to—we would
18 probably be accused of being parties to the Parr side.
19 And the main accusations against me have been that I have
20 been partisans of the Parr side. And now, of course,
21 I'll probably get it from both sides as I go along, and
22 if so, that is just one of the risks that I'm taking.
23 But at the time of the removals or any other action was
24 taken, it was aimed at perpetuation of anybody in the
25 office. And my only interest, frankly, was to see to it

1 that the Grand Jury and myself and my office at least
2 were not accused of obstructing justice.

3 Q Would it be correct to say that a lot of
4 these decisions that you were making were being made on
5 the spot and as the facts developed themselves?

6 A That's right.

7 Q In other words, you didn't have the benefit of
8 all these newspaper clippings, at least not at that
9 time; you didn't have a Task Force yet, at that time.

10 A The buck stopped where I was at. I had to
11 make the decisions. That is what the major problem has
12 been and what apparently—that is why I say my decisions
13 may be criticized or may be subject to the displeasure of
14 some people. But the truth of the matter is that when
15 those things happen, things have to be done. I had to
16 act, and I had to act regardless of the circumstances.

17 Q And you had to act expeditiously.

18 A And I had to act then because the same manner
19 in which—let's say Mr. Maloney was inquiring about what
20 I was going to do about Joe Nichols. At the same time
21 the Grand Jury was asking me, "What are you going to do
22 about these records," and what are you going to do about
23 this and what are you going to do about the continuations?
24 So, I understand what it is. It's a feeling, "Well,
25 are you doing something about it?" And "What are you

1 doing?" So, something had to be done and I had nobody
2 else to turn to but myself, until I finally ate pride
3 and then asked for outside help.

4 CHAIRMAN HALE: Mr. Chavez, would you
5 yield the chair just a second? Do you have considerably
6 more questions? I'm thinking about a mid-afternoon
7 recess.

8 MR. CHAVEZ: We can take a little recess.

9 CHAIRMAN HALE: You have a number more
10 questions?

11 MR. CHAVEZ: Yes. I have a few more.

12 CHAIRMAN HALE: Why don't we take about a
13 ten minute recess then at this time. The Court Reporter
14 needs a break, I'm sure, and the attorneys need a break.
15 The Committee stands recessed for ten minutes.

16 (Brief recess.)

17 CHAIRMAN HALE: The Committee will come
18 to order. (Gavel!)

19 Mr. Chavez, I believe you were in the middle
20 of your interrogation of Mr. Guerra. You may proceed.

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

22 Q A while ago, Mr. Guerra, we were talking about,
23 or I asked you whether or not Mr. Foster had ever
24 volunteered any information to you or to the Task Force
25 in connection with wrongdoing on anybody's part. And

1 specifically I would like to ask you whether or not he
2 had ever told you or any members of the Task Force about
3 the Pontiac that Mr. Couling supposedly gave Judge
4 Carrillo?

5 A I have no direct information. He didn't tell
6 me. And I have no information at this time that he may
7 have talked to somebody on the Task Force. And if he
8 did, when he did. But if this happened, it must have
9 been a very recent occurrence.

10 Q The first we knew about it was when Mr. Foster
11 volunteered the information that his client had in fact
12 in 1971 bought a Pontiac for Judge Carrillo for the sum
13 of some \$5,631.50.

14 A My understanding when he testified here was to
15 the effect that he had received that information from
16 Mr. Joe Guerra.

17 Q From Mr. Joe Guerra?

18 A That was my understanding. Maybe I misunder-
19 stood. So I don't know just how long Mr. Foster had
20 that information.

21 Q But, like I say, he didn't volunteer this to
22 you?

23 A No, sir. I have not received any information
24 of that nature or any other nature, for that matter,
25 from Mr. Foster.

1 Q And you didn't learn about it until you came
2 here?

3 A That's right. Until I heard it in this
4 hearing room.

5 Q Okay.

6 A I'm checking it out at this time.

7 Q This is another matter.

8 A Or somebody else is. Every allegation that is
9 made here, which might give rise to any type of accusa-
10 tion of misconduct on the part of the Judge or anybody
11 else, when I'm here I note them down. It may be
12 necessary for the Task Force to avail itself of the
13 transcripts and some of the information, and I certainly
14 hope we can get those right away too so that we can have
15 more full information. But the names and the transactions
16 that have been listed and of course are being passed on
17 to the Task Force.

18 Q Cleofas Gonzalez had never volunteered any
19 information to you?

20 A No, sir, not as such. He may have been
21 approached by some of the investigators at different
22 times, but the information wasn't volunteered, not until—
23 if any, it might have been recently, since this
24 investigation started.

25 Q A lot of things have come up during this

1 hearing that are news to you?

2 A Brand new.

3 Q Okay.

4 A Now, some of the matters have been under
5 investigation. The impression that was given by some
6 of the questions and maybe some of my answers previously
7 on Mr. Couling's indictment, his indictment did not
8 stem from any action of this Committee or from anything
9 that happened with this Committee. His investigation—
10 that investigation is being conducted now for—well,
11 since April 1st when he was—he just—unfortunately,
12 that is when it terminated or that's when it culminated.
13 But it certainly had nothing to do with this Committee.

14 Q You have been asked about whether you knew
15 about this thing and that thing and lumber and a lot of
16 other things. Of course, a lot of this thing—and I
17 think I mentioned it to some of the witnesses that the
18 way I saw this thing was that for many years probably a
19 lot of improprieties had been taking place in Duval
20 County, but nobody pointed a finger at anybody because
21 they all belonged to the same group. And it was all
22 right as long as this mischief stayed within the group
23 and the group benefited from it, and that it wasn't until
24 the split that suddenly everybody started pointing the
25 finger at everybody else.

1 A I think so.

2 Q And perhaps the split is probably the best
3 thing that has ever happened to Duval County.

4 A I think that observation is correct. It
5 certainly made my investigation a lot easier.

6 Q I say this because I don't know if you were
7 here, I think one night, that we lasted until 2:00 or
8 2:30 in the morning when we had Mr. Bercaw, and I referred
9 him to that article that appeared in the "Corpus Christi
10 Caller," as a matter of fact the day that he testified,
11 that he didn't submit to us along with a lot of other
12 articles that he had submitted to us. And he, I think
13 in his testimony, told us that he had been a member of
14 the Board for some nineteen years.

15 A That's correct.

16 Q Been President off and on. And then I
17 questioned him about a lot of those things that appeared
18 in that newspaper article. He said he didn't know
19 anything about them. He didn't deny the accuracy of
20 Mr. Pierson's story, and—let me see if I can find what
21 I wanted to ask you about. I asked him, I think, about
22 Mr. Couling's salary; that he had been paid so much a
23 month, and then suddenly in June of 1973 he received a
24 \$5,000 advance salary check. And I asked him if he
25 knew about it, and he said "No, sir, I didnot know about

1 that until I read it in the paper." And here was a man
2 that had been on the School Board some nineteen years
3 and something happened there and he didn't know about it.
4 And then I asked him about the audit and if the audit
5 had not shown that, and he says, "I just didn't know it.
6 Again, you've got to remember one thing. We're 24 miles
7 apart and I'm not there every day." So, he was much
8 closer to the transactions that were taking place on
9 the School Board and he didn't know about them, and you
10 were not closely related to the activities in Duval
11 County prior to your election, so obviously you would be
12 more foreign to those things than Mr. Bercaw would be to
13 the activities of the School Board.

14 A The names, the activities, all were foreign to
15 me completely up until the time the investigation
16 started. The Minutes of the School District would not
17 reflect a lot of—that's one of the basic worries that
18 confronted us in the beginning of the investigation.
19 Apparently large sums of money were being spent without
20 any Board action or approval or with no authority.

21 Q During my questioning of Mr. Bercaw, I went
22 over a number of things the article in the newspaper
23 indicated were improprieties that took place on the
24 school board. And I asked about all these things; about
25 the paper shredder and about the destruction of records,

1 and all these things, and at least he said he didn't
2 know anything about these things and had not approved
3 them, had not approved the \$60,000 attorney's fees, and
4 none of these things. Then I asked him, "You don't
5 think you're responsible for this also?" And his answer,
6 "Well, let's put it this way. I didn't know about it,
7 and if I'm responsible for something I didn't know
8 anything about, then I stand responsible, then."

9 Question: "If these had taken place—"
10 talking about all these little things that had taken
11 place—"you don't think you ought to assume some
12 responsibility?" Answer: "I'm not denying any
13 responsibility." Question: "And if these things were
14 happening and you didn't know about it—" and he
15 interrupts: "That's what I'm saying." Question: "Then
16 you should—" and he interrupts again: "For whatever
17 responsibility I stand up for I have to stand. I cannot
18 run from it and I don't intend to run from it."

19 Question: "And you don't think this is the basis for
20 removal from office?" Answer: "That wasn't what the
21 basis was."

22 All right. If that wasn't what the basis was,
23 was there something else?

24 A The initial petition that I filed indicated as
25 the basis the fact that there were \$60,000 spent for

1 attorney's fees, or whatever it was spent for, which
2 was not authorized in any meeting, did not take place,
3 and was a gross expenditure, a gross amount, and
4 certainly where that money went and for what purpose it
5 was used was something that we intended to prove in
6 court. That was one thing. And then the hiring of the
7 Superintendent of Schools that had been represented by
8 some of the attorneys involved in these checks, and his
9 being employed as an advisor when three days hence he
10 was supposed to go to the penitentiary and start serving
11 and unable to earn his thousand dollars a month. Those
12 were actions which apparently clearly called for official
13 misconduct.

14 And then, of course, the destruction of the
15 records was the main worry and the main reason why this
16 whole thing was triggered off. It was my intention to
17 file an amended pleading setting forth some other
18 allegations as to other individual members of the Board
19 of Trustees, and that's one of the reasons I did not
20 object to Judge Carrillo's action in not joining all of
21 the lawsuits for trial. I felt that as we went along
22 that I would probably have issues that were not identi-
23 cal in all the cases and which might really complicate
24 the trial of the cases jointly. But I intended to
25 amend. Enough information was coming in by then that

1 would give me a basis for amending, and I was so
2 authorized to do under the statutes.

3 Q Okay. Also, again, skipping off to another area,
4 you say that during these investigations and during the
5 time that you were making decisions as to what you were
6 going to file and against whom, but you didn't want this
7 to get out to anybody, for obvious reasons, but that you
8 did confer with the Judge.

9 A Yes, sir. I have to explain. We usually try
10 to be on the docket as much as we can, or rather,
11 available to whenever the Judge is going to be in the
12 different areas for arraignments or for actions on the
13 regular criminal matters. So I am in contact with the
14 Judge quite often and I take the liberty of bothering
15 him whenever I can to try to set dates and try to talk
16 to him. But in this matter I did feel that there
17 certainly was nothing improper about my notifying the
18 Judge about the availability of his office for this
19 matter.

20 Q This isn't unusual, is it?

21 A I never thought that it was. I certainly
22 don't think it is. Usually, on matters of this nature,
23 you have to ask the Court for a special setting and
24 usually you try to tell him—don't try to sell him your
25 case but to notify him what the nature of the case is

1 about.

2 Q He couldn't prohibit you from investigating?
3 In other words, if you told him, "I think there are a
4 lot of things going on over at the School Board and I
5 intend to file some removal suits and investigate these
6 guys," he could not have prevented you from making these
7 investigations, could he?

8 A Prevent me? There was no way he could
9 prevent me once I set out to do it. The truth of the
10 matter is that he encouraged it by saying, "Well, go
11 ahead and do it, you know, and don't look back."

12 Q Now, did you have anything to do with the
13 makeup of the Grand Jury?

14 A None whatsoever, not even in Starr County.
15 I have never really bothered with the Grand Jury composi-
16 tion, and I realize the importance of it, but in Duval
17 County or Jim Hogg County I don't know enough people to
18 really even get involved as to who is what, and I
19 certainly don't think it's in my province.

20 Q That's what I mean. This is the District
21 Court's responsibility, is it not?

22 A That's correct.

23 Q To select the Commissioners and then the
24 Commissioners select the Grand Jury members?

25 A That's right. I had received no complaints in

1 Starr County, for that matter, or Jim Hogg or Duval Counties
2 to the effect that the Judge had done anything improper
3 about his selection of the Grand Jury Commissioners.

4 Q And you didn't suggest to him then, nor now,
5 who to select as Grand Jury Commissioners?

6 A I never have. And I certainly never in
7 Duval County—the thought didn't enter my mind. And
8 up to the time that I came up here, I didn't even know
9 who was on the Grand Jury Commission and what they did
10 or what they didn't do.

11 Q Now, I can conceive, and the thought has run
12 through my mind a couple of times, that— I don't know if
13 the Judge was being used or whether he was using his
14 office to somehow get back at his political enemies.
15 Sometimes I felt that he was, and other times I feel
16 that he wasn't. And the longer we argue the more confused
17 I get. But I can see where here were these two groups
18 that apparently had been allied before; then suddenly
19 they split and there is probably a lot of animosity,
20 and things are starting to break, and then you come in;
21 you're a third party, having been—according to your
22 testimony—you haven't been aligned with them politically
23 very long.

24 A That's correct.

25 Q And then it just so happens that in the area

1 that you started investigating is that area that lies
2 within the group that supported you.

3 A That's one of the things I faced— I had to
4 face.

5 Q And it seems to me that if what Bercau was
6 trying to indicate or reflect or have us believe, and
7 maybe Foster also, was that this was a political
8 maneuver, and it seems to me that if it was a political
9 maneuver and if you wanted to help your political allies,
10 you might have investigated the Judge and his people
11 instead of Parr and his people that supported you.

12 A That is why I say that the whole issue is
13 ridiculous because on February 10th or 11th, and even
14 when I held the source of the investigation, there
15 certainly was no break with them at all. So my
16 investigation to begin with, the beginning of the
17 investigation had nothing to do with it. And, frankly,
18 I welcomed the split. It made my job easier for me.
19 At least it looked like it did. It certainly hasn't
20 made less work for me, but it certainly provided at
21 least some sources of information that I didn't have
22 before.

23 But the truth of the matter is that when I
24 started the investigation there was no, to my knowledge,
25 certainly there was no animosity or any fights or any

1 disagreements between the factions. And certainly this
2 magic name of Manges that keeps coming up, whatever his
3 intentions, whatever his role, whatever his desires may
4 be, I have nothing—no reason to believe that he had
5 anything against the Parrs because I just could not even
6 to this day understand how he would lay out such a
7 tremendous amount of money, which is a matter of public
8 information and public knowledge, for the Parrs and then
9 have to assume that he was against them. That is why I
10 really can't accept these accusations that are thrown
11 that this Manges magic for some reason formed a con-
12 spiracy. Because he may want some power or may want
13 something. If he does, why, that's his business, but
14 certainly it doesn't involve me.

15 Q Yes.

16 A And it certainly didn't involve me insofar as
17 what I had to do with the investigation because I don't
18 think he has anything to do with the Attorney General.

19 Q You haven't ever gotten the idea or the
20 feeling that perhaps one or both groups have been using
21 you to try to get at the other group?

22 A I think that every group would like to use
23 any public official to get at somebody else. I think
24 that's the nature of politics everywhere. I feel maybe
25 this Committee sometimes may be faced with a decision

1 where it might look like they might be favoring one side
2 or the other when they are doing what they are doing. I
3 know how they feel because I have been in that situation.

4 Q Okay.

5 A But it may be possible they do want to use me.
6 Maybe they want to. But then that is my responsibility
7 to ensure that I'm not being used, or at least that I
8 do what the requirements of my position are, you know, to
9 carry them out.

10 Q Did I understand you correctly then also to
11 say that—and this is again jumping off to another part—
12 that you don't really know why Ranger Powell was out at
13 the ranch when you went out there also?

14 A What I was trying to say was that I certainly
15 would never accuse Ranger Powell of being part of a
16 conspiracy. If there was going to be some conspiracy,
17 certainly he would be the last person to be involved in
18 one, I would suspect, especially a political conspiracy.
19 I think he was there because he probably was called.
20 And I have no knowledge as to who called him or when he
21 called him, but I'm sure he—

22 Q You didn't suggest that he go out there?

23 A All I knew was that Rangers were coming. In
24 fact, up until that date I don't think I had met Ranger
25 Powell, or if I had seen him, I'd seen him one time. So

1 I didn't even know him. I didn't know which Ranger was
2 there, and certainly he has proved to me to be a very
3 fine person, a very fine public official, and very
4 capable. But up to that time I certainly didn't know
5 him.

6 Q Out at the ranch he didn't participate in any
7 of the dialogue concerning removal suits or threats or
8 anything like that.

9 A I think Ranger Powell is an individual that
10 impresses me that he listens rather than talks, and I'm
11 sure he listened. He always listens. I don't think
12 there were any discussions about removals or anything
13 else. I think the major concern there was this particular
14 threat that was so clear and so obvious at the time.

15 Q If the Judge's life was threatened, obviously
16 he would be the one that would be called to protect any
17 District Judge.

18 A If anybody here has the impression that this
19 threat was not a serious threat, I just wish they had
20 been there when it happened, because, believe me, it
21 was a serious threat. It was a dangerous threat. And it
22 didn't end there. It continued on to the day of Mr.
23 Parr's death, or the day before. And it was known to a
24 lot of people. And the fear that I had was not so
25 much that he might do harm to me or to others, but that

1 those who were associated with him might also, or some
2 individuals might get the idea that they should join also
3 in the same matter in the same feeling. And for that
4 reason it was quite serious and certainly something to
5 worry about.

6 MR. CHAVEZ: I guess that is all, Mr.
7 Chairman. Thank you.

8 CHAIRMAN HALE: Are there further
9 questions?

10 Mr. Hendricks?

11 MR. HENDRICKS: I have just one or two,
12 Mr. Chairman.

13 BY MR. HENDRICKS

14 Q I believe you stated that there are several
15 members of your Grand Jury that have been receiving
16 county, or had received county checks? Is that correct?

17 A There are several of them who are employed by
18 some of the entities under investigation and who I know
19 are being checked out and are being considered as part
20 of the investigation.

21 Q And they are investigating that?

22 A Yes, sir. I don't know what impression I have
23 given, but any information that comes in, such as the
24 one that you have given me, all of this is immediately
25 compiled and a report made and taken. And, yes, they are

1 being investigated.

2 Q Is the Grand Jury investigating it?

3 A The Task Force is, and the Task Force will
4 present it to the Grand Jury.

5 Q Do they plan on presenting information to the
6 Grand Jury that might involve the Grand Jurors them-
7 selves?

8 A Unfortunately, the procedures for proceeding
9 as you find out—they make a lot of assumptions about
10 what can be done until we get down to having to do it.
11 Then the research indicates that there are certain ways
12 that you can do it, and that's it.

13 Q Let me ask the question one more time. Do
14 you plan on—if there is information presented to the
15 Grand Jury that involves members of the Grand Jury, is
16 that the Grand Jury you plan to present the information
17 to?

18 A The plan would be to ask that particular member
19 to disqualify himself, and present it.

20 Q What if it involved four or five of them?
21 You say there's more than one.

22 A If the particular—

23 Q Are you just going to disqualify that one
24 they are investigating at the time and let the others
25 sit? Is that your testimony?

1 A No, no. If they are all involved in the same
2 transaction then, of course, we've got serious problems.
3 There is a method of proceeding.

4 Q Well, if one of them is involved in a
5 transaction completely different from what another of
6 them might be involved in, you think it would be all
7 right for the one that's not involved in that transaction
8 to sit in judgment on the other? Is that correct?

9 A Unfortunately, I wish it weren't that way, but
10 unfortunately that's the only way that you can proceed.

11 Q It does create a bad situation, doesn't it?

12 A We have been faced with that from the
13 beginning. Certainly, we are trying to work it out
14 where all the work we're doing doesn't go for naught.

15 Q Are you trying to get Governor Briscoe, was it,
16 to appoint you after you were elected or before you were
17 elected?

18 A When Mr. Randle Nye I resigned right in the
19 beginning was when efforts were made and I visited with
20 Mr. Lorraine, because apparently through Senator Traeger's
21 office I was asked to appear and see if I would be
22 considered for appointment. And I was, and I was assured
23 that I probably would be appointed. And that was in
24 January, I believe, sir.

25 Q All right. You tried to get the appointment

1 through Governor Briscoe?

2 A That's correct.

3 Q Did anyone appear in your behalf?

4 A There were telegrams.

5 Q Did Judge O. P. Carrillo appear in your
6 behalf before George Lorraine of the Governor's office?

7 A I don't think he appeared in my half. He may
8 have sent a letter.

9 Q Did he send a telegram backing you?

10 CHAIRMAN HALE: Gentlemen, let's try
11 not to talk two at the same time. Just one at a time
12 so that the Court Reporter can get it down.

13 Q Did he appear down here for you?

14 A No, sir. I don't believe so.

15 Q You don't believe so, or he didn't?

16 A I don't think he did, sir. I don't think he
17 came to Austin. No. There was no hearing or anything
18 on it. If he did anything, it may have been writing a
19 letter or—

20 Q Well, you're still not answering my question.
21 Is it that you don't know whether he did, or you know
22 that he did not?

23 A I'm saying that I don't think he did, because
24 nobody came up.

25 Q You don't think he did?

1 A Because nobody came up.

2 Q All right. Let me ask you this question.

3 Did he send a telegram in your behalf?

4 A He may have sent a telegram or a letter or-- I
5 know that he wouldn't oppose my recommendation, or my
6 name.

7 Q And do you think that he tried to get the
8 appointment for you?

9 A I'm sure he would have recommended my
10 appointment.

11 Q That is what I wanted to know.

12 MR. HENDRICKS: Thank you, sir.

13 CHAIRMAN HALE: Are there further
14 questions?

15 MR. HENDRICKS: Yes. I have just one
16 more now.

17 Q When you were responding to the Committee
18 regarding what the Grievance Committee did, you weren't
19 completely cleared by this Grievance Committee, were you?

20 A Yes, sir, I was.

21 Q They didn't reprimand you?

22 A Not in the series of complaints filed by Joe
23 Guerra.

24 Q They did not issue a reprimand on the income
25 tax?

1 A No. No reprimand. The income tax—

2 Q Did the Fed—

3 A No, let me explain, Mr. Hendricks. The
4 income tax matter was before the committee in 1970, or
5 1971. The matters Joe Guerra brought against me were
6 brought last year, after the election, immediately
7 after the May election. And they did not issue any
8 reprimand of any kind. In fact, I wish I had the letter
9 here and we would certainly put it in evidence that was
10 written to me.

11 Q Let's leave that right there and let's go back
12 to the income tax. Were you reprimanded by the Grievance
13 Committee?

14 A Yes, in 1970.

15 Q All right. Then you weren't completely cleared
16 by the Grievance Committee.

17 A If I gave you the impression that my answer
18 to that aspect of the investigation, I don't think I did.
19 I think I stated I was reprimanded.

20 Q At that time, were you suspended from the
21 practice of law?

22 A No, sir. I never have been suspended.

23 Q Did the Federal Court suspend you?

24 A I never practiced in that court. I wasn't
25 authorized to practice in that court.

1 Q That's not what I asked you. Did they
2 suspend you from practice in Federal Court?

3 A My understanding is that there was no suspension
4 order entered from that court. I don't think there was
5 any such order, because I wasn't authorized to practice
6 before the court to begin with.

7 Q How many indictments have been returned in
8 Duval County since you have been there?

9 A Oh, quite numerous. We have had burglaries
10 and assaults and—

11 Q How many cases have you actually prosecuted?

12 A There have been not guilty on non-contested
13 cases, oh, I don't recall now the exact number but I can
14 get you those figures.

15 Q How about the other two counties: Starr?

16 A We have had, oh, I don't know the exact
17 number, but we have had numerous non-contested cases.

18 Q Have you had a trial in some of them?

19 A Yes, we have had a trial.

20 Q How many trials?

21 A We have had one murder case, one murder trial.

22 Q Is that the only one?

23 A And then we have had some others that were
24 started off that were finally pled out.

25 Q How about the other county? What is it, Jim

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Hogg?

A We also had some cases that were started out but pled out before we went to trial.

Q No jury trials in Jim Hogg?

A I think that there were some called but before we ever got them, why, the cases were pled out.

Q Then you have one jury trial in Starr, none in Jim Hogg, and how many did you say in Duval?

A No jury trials in Duval.

Q No jury trials in Duval. You have had one jury trial since you have been in office?

A That's right. The rest of the time I think from February on, I think it's clear what I've been doing.

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

CHAIRMAN HALE: Are there further questions?

Mr. Maloney has some questions.

BY VICE CHAIRMAN MALONEY

Q Mr. Guerra, do you have any other sources of income other than your District Attorney's job?

A My own private law practice which I had before I came into office.

Q That is your only other source of income?

1 A I own in conjunction with my wife a family-
2 owned newspaper, a weekly newspaper.

3 Q You say owned, or owns?

4 A We own. We publish a weekly newspaper.

5 Q Where is that newspaper located?

6 A It operates out of Roma, and we have it
7 printed through the "Laredo Times" in Laredo, Texas.
8 It's a weekly publication.

9 Q Do you participate in the income of that
10 newspaper?

11 A It has losses; I don't think there is any
12 income.

13 Q Then those three things, your only source of
14 income?

15 A That's my only income.

16 Q Do you do any ranching; anything like that?

17 A I don't have any ranching, any other business
18 of any kind, and no other sources.

19 Q I believe Mr. Laney was asking you about
20 whether or not the county paid your expenses on your
21 car?

22 A No, sir.

23 Q They do not?

24 A No, sir. I get a state mileage allowance,
25 which I haven't filed yet, but that's what I get.

1 Q What kind of a car do you have?

2 A My wife has a Mercedes Benz; I have a Pontiac
3 Grand Prix; and the newspaper has a little pickup, a
4 Ranchero pickup.

5 Q What year is that Mercedes Benz?

6 A '73.

7 Q What year is the Pontiac?

8 A '73. And the newspaper vehicle is '72, the
9 Ranchero pickup. I also have a '68 Volkswagen camper
10 which I bought a long time ago.

11 VICE CHAIRMAN MALONEY: Thank you.

12 CHAIRMAN HALE: Are there further
13 questions?

14 (No response.)

15 CHAIRMAN HALE: Mr. Guerra, thank you
16 very much.

17 A Thank you.

18 CHAIRMAN HALE: You've had a hard day.

19 A I appreciate the Committee's indulgence. I
20 thank you very much.

21 CHAIRMAN HALE: You are under subpoena
22 to the Committee, as you understand, Mr. Guerra, and
23 subject to the knowledge that you are still under sub-
24 poena, the Chair, as we have done other witnesses, will
25 authorize you to go about your business. If we need you

1 further we'll notify you.

2 A I certainly will be available to the Committee
3 at the Committee's wishes.

4 CHAIRMAN HALE: We appreciate it.

5 A Thank you.

6 CHAIRMAN HALE: And, of course, you are
7 welcome to sit here and listen to all the evidence and
8 testimony if you want to, as you have been doing most of
9 the time.

10 A Thank you very much. And I again would like
11 to emphasize the fact that I certainly will accept any
12 information the Committee has for me or for the Task
13 Force and will certainly be serious about our efforts
14 to try to clear up any matters which may arise which
15 need to be investigated.

16 CHAIRMAN HALE: Thank you.

17 (The witness, Arnulfo Guerra, was
18 excused.)

19 CHAIRMAN HALE: Mr. Powell?

20 Mr. Powell, you were served with a subpoena,
21 were you not, by this Committee?

22 MR. POWELL: Yes, sir, I was.

23 CHAIRMAN HALE: The copy of that has not
24 been returned to the Chair, as yet.

25 Mr. Powell, it's my duty as Chairman to

1 advise you of your rights with reference to your
2 testimony. You will be sworn to tell the truth and
3 your failure to do so could subject you to a prosecution
4 for perjury. After you have completed your statement,
5 members of the Committee may ask questions concerning
6 your testimony. You must answer these questions truth-
7 fully, and your refusal to do so could subject you to
8 punishment for contempt.

9 You can refuse to answer questions only on the
10 ground that such answers might incriminate you, or tend
11 to incriminate you, in some way. You are privileged
12 to have an attorney of your selection sit with and advise
13 you as to your answers if you desire. The Chair will
14 attempt to protect your rights at all times.

15 Do you understand the advice I have given you?

16 MR. POWELL: Yes, sir.

17 CHAIRMAN HALE: Are you now ready to
18 testify?

19 MR. POWELL: Yes, sir.

20 CHAIRMAN HALE: Would you stand and
21 raise your right hand.

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

24 CHAIRMAN HALE: You may be seated.
25

1 MR. GEORGE E. POWELL

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

4 DIRECT EXAMINATION

5 BY CHAIRMAN HALE

6 Q If you will, please state your name and your
7 mailing address for the record.

8 A George E. Powell, Box 1354, Kingsville, Texas.

9 Q What is your business or occupation, Mr.
10 Powell?

11 A Texas Ranger.

12 Q How long have you been a Ranger?

13 A Since September 1st, 1973.

14 Q What was your occupation prior to becoming a
15 Ranger?

16 A Chief of Police of Pleasanton, Texas.

17 Q Pleasanton?

18 A Pleasanton, Texas. Yes. Texas Highway Patrol
19 prior to that.

20 Q Have you been engaged in some type of work
21 broadly categorized as police work during most of your
22 adult years?

23 A Yes, sir. Since 1962.

24 Q Where are you stationed at the present time?

25 A Kingsville.

1 Q As a Ranger, do you service a particular
2 geographical area of the State?

3 A Yes, sir.

4 Q Generally, what area does your station
5 encompass?

6 A Kleberg County, Brooks County, Kennedy County,
7 Jim Wells County, Duval County, and part of Nueces County.

8 Q Have you been involved in some of the activities
9 going on in Duval County in recent months?

10 A Yes, sir, I have.

11 Q I believe that the subpoena issued by the
12 Committee requested you to bring with you certain
13 reports or daily logs or some record that you make?

14 A Yes, sir.

15 Q Have you those records with you?

16 A Yes, sir.

17 Q May I see them at this time?

18 A (The witness furnished the records.)

19 Q As I glance through these reports, may I ask
20 you, do you make up one of these reports each week?

21 A Yes, sir. A weekly report.

22 Q Then what happens to the original of these
23 reports?

24 A I believe it is on file here at the Department
25 of Public Safety in Austin.

1 Q Do you mail it in to Austin?

2 A Yes, sir. I send it in to the Secretary in
3 San Antonio. They type it up and mail a copy in to
4 Austin and mail me a copy back.

5 Q And mail you a copy back. In this packet you
6 have included the report for the weeks ending March 1,
7 1975, March 8th, March 15th, March 22, March 29, and
8 April 5, all in 1975. Is that correct?

9 A Yes, sir.

10 Q On each of these weekly reports, do you pre-
11 pare a short narrative summary of your activities for
12 each day of the week?

13 A Yes, sir.

14 Q And indicate on there if you did any traveling,
15 where you went to and approximately the amount of miles
16 covered?

17 A Yes, sir.

18 Q Mr. Powell, while other members of the
19 Committee are glancing through these other reports, I
20 would like to direct your attention to your activities
21 on the day of Wednesday, March 19, 1975. I will read in
22 part from this report:

23 "Kingsville. Started work 8:00 a.m. Quit
24 work 7:00 p.m. Left Kingsville 9:00 a.m. to
25 Alice. Continued investigation of Cardenas

1 murder case. To Benavides, conferred with
2 District Judge O. P. Carrillo reference
3 threats of George Parr to kill same. Returned
4 Kingsville and quit work 7:00 p.m."

5 Did you attend a meeting in or around Benavides
6 on March 19th in which Judge O. P. Carrillo was partici-
7 pating?

8 A Yes, sir, I did.

9 Q Who else was in attendance at that meeting?

10 A There was Clinton Manges, Herman Barnett,
11 Arnulfo Guerra, and Chick Manges and Ramiro Carrillo.

12 Q Where was the meeting held?

13 A It was at Judge O. P. Carrillo's ranch. I
14 would say it's about fifteen miles west of Benavides.

15 Q About what time of day was that meeting held?

16 A It must have been around 5:00 or 5:30 p.m.,
17 I would say.

18 Q And present there was Judge Carrillo, Ramiro
19 Carrillo?

20 A Yes, sir. Ramiro.

21 Q Is that the Judge's brother?

22 A Yes, sir. The County Commissioner.

23 Q The County Commissioner?

24 A Yes, sir.

25 Q And Clinton Manges?

1 A Yes, sir.

2 Q And Arnulfo Guerra?

3 A Yes, sir.

4 Q The District Attorney?

5 A Yes, sir.

6 Q That is the same gentleman who just testified
7 here?

8 A Yes, sir.

9 Q And who else was at that meeting?

10 A Chick Manges.

11 Q Who is Chick Manges?

12 A He is a brother to Clinton Manges. I don't
13 know if Chick is a nickname or his name. That's all I
14 know is "Chick."

15 Q Was anyone else at that meeting?

16 A Herman Barnett, helicopter pilot.

17 Q Who is Herman Barnett?

18 A He is a helicopter pilot, and I understand that
19 he does some flying for Clinton Manges.

20 Q Is Mr. Barnett an employee of any unit of
21 government, to your knowledge?

22 A Not that I know of.

23 Q He is not a DPS pilot?

24 A No, sir.

25 Q Doesn't fly you all around?

1 What was the purpose of that meeting at the
2 Carrillo ranch?

3 A I was originally called by Oscar Carrillo
4 and that Judge Carrillo had requested that he call me in
5 reference to George Parr making threats against Judge
6 Carrillo's life and also Oscar Carrillo's life.

7 Q What was the threat that was conveyed to you?

8 A Oscar Carrillo at the time I talked to him on
9 the telephone stated that his information was that
10 George Parr had been at the Courthouse in San Diego and
11 with a 45 pistol and a rifle and that he had been making
12 threats that he was going to kill the District Judge and
13 Oscar Carrillo.

14 Q When was that information relayed to you?

15 A It was about 3:45 p.m., I would say.

16 Q It was a long distance telephone call?

17 A Yes, sir. He called the Sheriff's Office in
18 Kingsville for me and they gave me the message on the
19 radio and I returned his phone call.

20 Q That phone call was on Wednesday, March 19th?

21 A Yes, sir.

22 Q And you then proceeded with reasonable prompt-
23 ness, then, to immediately go to San Diego?

24 A No, sir. I went to Benavides.

25 Q To Benavides.

1 A To Oscar Carrillo's residence.

2 Q Who was at the Oscar Carrillo residence?

3 A Oscar Carrillo and Ramiro Carrillo.

4 Q Then where did you go from there?

5 A Ramiro Carrillo and myself went to Judge O.
6 P. Carrillo's ranch. I didn't know the directions so
7 Ramiro went to show me where the ranch was.

8 Q Had you ever been to the Judge Carrillo
9 ranch before?

10 A No, sir.

11 Q You did not go to the Courthouse in San Diego
12 then on March the 19th?

13 A No, sir, I did not.

14 Q You went from Oscar Carrillo's home to Judge
15 Carrillo's ranch. You attended a meeting there and
16 then returned directly from there to Kingsville?

17 A I stopped back by— Ramiro went back with me
18 and I stopped by Oscar's residence and left Ramiro there
19 and talked to them there a few minutes and then went on
20 back to Kingsville.

21 Q Now, at this meeting on the Carrillo ranch,
22 what was discussed at this meeting?

23 A Well, whenever I arrived—if you would rather
24 for me just to kind of give you a summary of it?

25 Q Would you please?

1 A As I arrived, we pulled up to the gate there
2 and the gate was closed. And as Ramiro Carrillo got out
3 to open the gate, Clinton Manges and Arnulfo Guerra
4 and Herman Barnett and Chick Manges pulled in behind
5 us, and they pulled in, and they stopped there for a
6 minute and at that time Clinton Manges stated that he
7 and Nago Alaniz had talked to George Parr and he thought
8 everything was going to be all right; that the danger
9 was past, and everything was going to be all right.

10 We drove on up to the ranch house which sits
11 reasonably close to the road; I would estimate about a
12 hundred yards off the road there. And we went inside the
13 ranch house and just kind of shook hands and greeted one
14 another and Clinton Manges and Judge Carrillo went into
15 a back room for about 20 or 25 minutes. Actually, I
16 didn't actually attend a meeting. I was there in very
17 little discussion with anybody until after Clinton
18 Manges and the party with him had left.

19 Q Clinton Manges and Judge Carrillo had a
20 private conference for about 20 or 25 minutes?

21 A Yes, sir.

22 Q While you were there?

23 A Yes, sir. That would be my estimate. Then
24 Arnulfo Guerra— Clinton Manges came back and Arnulfo
25 Guerra, Herman Barnett, Ramiro Carrillo and myself were

1 just kind of standing around in there. At that time I
2 really didn't have too much information about what was
3 going on, other than what Oscar Carrillo had related.

4 So when he came back, the District Attorney,
5 Arnulfo Guerra, went in and talked to the Judge just
6 for--he wasn't in there but two or three minutes and
7 Mr. Manges went back there in that back room--I guess
8 another two or three minutes--and they came out and they
9 all left.

10 Q Was there any discussion with respect to the
11 Commissioners Court of Duval County or any of its
12 activities?

13 A Commissioners Court? No, sir.

14 Q During that meeting.

15 A No, sir.

16 Q Was there any discussion about the Board of
17 Trustees of the Benavides Independent School District
18 and its activities at that meeting?

19 A After Arnulfo Guerra, Clinton Manges,
20 Herman Barnett and Chick Manges left, Judge Carrillo
21 came out and we discussed the threats that had been
22 made in reference to his life. And he stated at that
23 time that it was in his opinion and his information it
24 was due to the fact that he had intended to meet the
25 District Attorney at the Courthouse in San Diego at 3:00

1 p.m. that day, where the District Attorney had intended
2 to file papers against members of the School Board. I
3 believe he said four members, if I remember correctly.

4 Q Judge Carrillo told you that?

5 A Yes, sir. And I believe there was mention
6 of papers to be filed against Mr. Archer Parr.

7 Q That he thought that the threat had been made
8 by reason of the fact that he was going to meet with
9 the District Attorney that afternoon for purposes of
10 removing the School Board, four members of the School
11 Board?

12 A Yes, sir.

13 Q Was there any other discussion concerning the
14 School Board of the Benavides Independent School
15 District other than that?

16 A No, sir. He said at that time, you know, he
17 had talked to Mr. Manges and he said that everything
18 appeared to be fairly calm at that time and that he
19 thought that he might go to San Antonio and rent a room
20 for the night; that he did not know if the District
21 Attorney was going to file the papers or not. He thought
22 that he was going to hold off for the time being. And
23 if the DA did decide to file the papers, then he would
24 like to contact me and request that I come to San Diego
25 and be present there for security reasons when the

1 papers were filed.

2 Q When you say that "he might go to San Antonio
3 and spend the night." Who is "He"? Judge Carrillo?

4 A Judge Carrillo. Yes, sir.

5 Q Did Mr. Manges enter into that conversation
6 concerning the School Board in any way?

7 A No, sir. He was gone. I heard very little—
8 just the greetings with Mr. Manges is all.

9 Q Did anyone else at that meeting make any
10 comment concerning the School Board, in your presence?

11 A Ramiro Carrillo made some comments on the
12 way back to Benavides.

13 Q What were his comments concerning that?

14 A While we were there, while Mr. Manges and
15 Judge Carrillo were talking, and Ramiro Carrillo and
16 Chick Manges walked into another room and sat in there
17 and talked for, I would say, probably ten or fifteen—
18 about ten minutes, I would say, and then on the way back
19 to Benavides he stated that Chick Manges had told him
20 that the best he understood it—that George Parr had
21 agreed that it would be all right to remove the members
22 of the School Board providing certain other members
23 were appointed. And he went on to say that if this
24 was the agreement he didn't agree with this type of
25 agreement; that it wasn't right and that he intended to

1 discuss this further with the Judge; that if there
2 were removals that the proper people should be appointed.

3 Q Was it your impression from the remarks of
4 Ramiro Carrillo that there had been some sort of an
5 agreement made as to who would be appointed to fill
6 these vacancies?

7 A No. This is what Ramiro Carrillo related
8 to me that Chick Manges had told him.

9 Q That Manges had indicated that there had been
10 some sort of agreement reached with George Parr as to
11 who would be appointed?

12 A Ramiro Carrillo mentioned Chick Manges's
13 name. When you say "Manges," do you mean Chick Manges
14 or—

15 Q If that is what you meant.

16 A Yes, sir.

17 Q Yes, sir. That Chick Manges had indicated
18 that there had been some sort of an agreement reached?

19 A Yes, sir.

20 Q Were any names mentioned as to who was to be
21 appointed to the School Board?

22 A No, sir.

23 Q Did Judge Carrillo mention any names as to
24 who might be appointed to the School Board in his remarks
25 to you?

1 A No, sir.

2 Q Did he indicate in any way that the decision
3 had been made to remove anybody from the School Board?

4 A No, sir. His comment was that the D.A. had
5 indicated that he was going to hold off filing the
6 papers, but that if the D.A. did file the papers then
7 it would be his responsibility to act on the papers, and
8 he would act. He didn't indicate one way or the other
9 what he would do, only he said that he would act on
10 the papers.

11 Q How long were you at the Carrillo ranch that
12 day?

13 A Approximately 45 minutes to an hour.

14 Q You arrived somewhere between 5:00 or 5:30,
15 in that general vicinity, I believe you said.

16 A Probably, yes, sir. It must have been around
17 5:00 o'clock.

18 Q So that means you would have left then some-
19 where shortly before 6:00 o'clock?

20 A Somewhere around there. Yes.

21 Q In that general area? Did you leave alone, or
22 did all of the others leave at about the same time?

23 A No, sir. The others had left, I guess—we
24 stayed about fifteen to twenty minutes after the others
25 had left: Ramiro Carrillo, Judge Carrillo, and myself.

1 Q Why did the three of you stay longer than the
2 others?

3 A Well, after they left, I stayed. Oscar
4 Carrillo had stated to me that Judge Carrillo wanted to
5 talk to me in reference to the threats made on his life,
6 and up until then I hadn't had an opportunity to talk to
7 him, and I needed to find out what information he had
8 due to the threats made on his life and what seriousness
9 he thought they might be and what action I might need to
10 take, if any.

11 Q Did he give you any more details than what you
12 have related to us?

13 A He stated that when he was enroute to San
14 Diego that he was stopped about five minutes before he
15 got to the Courthouse and advised that George Parr was
16 at the Courthouse with a 45 automatic pistol making
17 threats in reference to his life, and that he had turned
18 around then and gone back to the ranch. I don't remember
19 if he said he stopped anywhere in between or not.

20 Q And that is supposed to have occurred on the
21 19th?

22 A Yes, sir.

23 Q About what time of day did that occur, if you
24 were told?

25 A Well, I wasn't told. I would assume— I

1 received the call at about 3:45. I assume somewhere
2 around between 2:30 and 3:00 o'clock, but that is just an
3 assumption on my part.

4 Q In other words, you think they called you
5 immediately after they learned that the threat had been
6 made?

7 A Yes, sir. Oscar called me—from my conversa-
8 tion with him—immediately after he talked to Judge
9 Carrillo.

10 Q Did you go to San Diego the following day?

11 A Yes, sir, I did.

12 Q Why did you go to San Diego on March the 20th?

13 A Judge Carrillo called me up at my residence
14 early that morning—I don't remember the time, but it
15 was early in the morning—and requested that I meet him
16 on Highway 44 between San Diego and Alice; that the
17 District Attorney had advised him that he was intending
18 to file those papers that morning and he would like for
19 me to come to the Courthouse for security reasons.

20 Q Did you meet him?

21 A Yes, sir, I did.

22 Q On the highway?

23 A Yes, sir.

24 Q And escorted him in to the Courthouse?

25 A Yes, sir.

1 Q About what time did you arrive at the
2 Courthouse?

3 A About 9:00 a.m.

4 Q What was the situation at the Courthouse when
5 you arrived?

6 A There were several people standing around in
7 the halls of the Courthouse there.

8 Q Was there anything unusual that you noticed on
9 that particular day, different from any other time when
10 you have been in the San Diego Courthouse?

11 A Well, there seemed to be more people than
12 normally when I had been in there. There were a few of
13 the Deputy Sheriffs present, but there are usually
14 several of them around the Courthouse.

15 Q Did you observe anyone carrying guns or
16 pistols other than the peace officers?

17 A No, sir.

18 Q Was George Parr there?

19 A Yes, sir, I believe he was there on the 20th.

20 Q Did he have a gun?

21 A No, sir. I didn't see one.

22 Q Was Archer Parr there?

23 A Yes, sir.

24 Q Did he have a gun?

25 A No, sir.

1 Q Was there any evidence of violence that
2 developed during the morning that you were there?

3 A No, sir.

4 Q How long did you stay at the Courthouse on
5 March the 20th?

6 A Probably till around—well, when the Judge
7 left the Courthouse I escorted him out to the City Limits
8 of San Diego and he went on towards Benavides and then I
9 went back to the Courthouse. I was probably at the
10 Courthouse till around noon, I think.

11 Q Was there any particular reason for you
12 returning to the Courthouse?

13 A Yes, sir. The District Attorney had filed
14 papers with Judge Carrillo and he had asked me to serve
15 the papers and directed the District Clerk to issue
16 those papers to me for me to serve.

17 Q On these removal cases?

18 A Yes, sir.

19 Q Mr. Bercau, I believe was one of them?

20 A Yes, sir.

21 Q Did you serve all four of those—papers on
22 all four of the removal cases?

23 A Yes, sir. Sheriff Raul Cerna and myself served
24 three of them that evening. One man, I believe the name
25 was Joe Garcia, worked on an offshore drilling rig so he

1 was served the next week, - I believe it was.

2 Q On the 31st? Would that have been about right?

3 A About that time.

4 Q Some time later than the 20th?

5 A Yes, sir. Some time the next week.

6 Q My recollection is the record indicates he
7 was not served until the 31st of March.

8 A I believe it was on the following—that would
9 have been a Thursday, and I believe it would be the
10 following Friday, I believe.

11 Q During your duty on the morning of the 20th,
12 as you escorted Judge Carrillo in and out of the
13 Courthouse, was there any discussion between you and
14 Judge Carrillo with respect to the nature of the legal
15 proceedings that were going to be conducted that day?

16 A Other than— I believe he just said that the
17 District Attorney was going to file the papers against
18 the School Board.

19 Q Did he indicate to you at that time that he was
20 going to appoint some replacements on the School Board?

21 A No, sir. Not at that time.

22 Q Were any names mentioned to you?

23 A No, sir.

24 Q Did you stay with Judge Carrillo during the
25 entire time he was in the Courthouse?

1 A Yes, sir. Other than I might have stepped
2 out. He was in his chambers and I might have stepped
3 out occasionally a time or two and walked down the
4 hall just to see if everything was all right.

5 Q Was there any kind of hearing conducted in
6 the courtroom that morning by Judge Carrillo?

7 A No, sir.

8 Q Was there any type of hearing conducted in
9 his chambers that morning by Judge Carrillo?

10 A Yes, sir. The papers were filed.

11 Q I beg your pardon?

12 A Those papers with reference to the School
13 Board members were filed in his chambers.

14 Q Were you there when that was done?

15 A Yes, sir, I was.

16 Q Were there any witnesses sworn?

17 A Other than— Jose Nichols might have been
18 sworn as he signed the papers. I couldn't say. For
19 testimony? No, sir.

20 Q Yes, sir, for testimony.

21 A No, sir.

22 Q Was there any testimony taken there that
23 morning?

24 A No, sir.

25 Q Did Mr. Nichols sign the papers in your

1 presence?

2 A If I remember correctly, yes, sir.

3 Q Where did he get the papers?

4 A The District Attorney, Arnulfo Guerra.

5 Q The District Attorney had the papers. And
6 presented them to Mr. Nichols and he signed them there in
7 the Judge's chambers?

8 A If I remember correctly. Yes, sir.

9 Q Was anyone else in the Judge's chambers at
10 that time?

11 A The Court Reporter was there.

12 Q And the District Attorney was there?

13 A Yes, sir.

14 Q Was there anyone else?

15 A There might have been one other individual
16 who is a secretary or clerk for the District Judge— I
17 can't recall his name at this time.

18 Q Male or female?

19 A Male. I don't remember if he was in at the
20 time the papers were filed. He was in and out and I
21 don't remember if he was in the room at the time the
22 papers were filed or not. I don't much think he was.

23 Q Did anyone else sign the papers in your
24 presence other than Mr. Nichols?

25 A Judge Carrillo.

1 Q Did the District Attorney sign them in your
2 presence?

3 A Not that I recall.

4 Q Was there a notary public in there at the
5 time?

6 A I don't recall one.

7 Q Do you know someone by the name of Rodriguez,
8 and it looks like J. N. or J. M. Rodriguez? Does that
9 name mean anything to you?

10 A Not offhand. I can't place it.

11 Q Was there anyone by that name in the Judge's
12 chambers while these papers were being signed and
13 presented?

14 A There could have been.

15 Q That name is signed as a notary public on
16 here, a Notary Public in and for Duval County, Texas.

17 A The papers could have been notarized at that
18 time. I don't remember. I couldn't swear one way or the
19 other.

20 Q When you and Judge Carrillo arrived in the
21 Courthouse on the morning of March 20th, was Arnulfo
22 Guerra already there?

23 A We went into the Judge's chambers and I didn't
24 see him until some time later. I don't know if he was
25 in the Courthouse at that time or not.

1 Q How long were you in the Judge's chambers
2 prior to the time that Arnulfo Guerra came into the
3 Judge's chambers?

4 A Probably fifteen or twenty minutes.

5 Q What did you and the Judge do during that
6 fifteen minutes?

7 A We just visited. Sat there and visited and
8 he talked a little bit in reference to the threats on
9 his life. The Judge was, like that Wednesday evening
10 at his residence, the Judge was visibly shaken that
11 day. He was upset, and still was the next morning.

12 Q I take it then that for about ten or fifteen
13 minutes you and the Judge were in his chambers alone,
14 just the two of you?

15 A I can't recall anybody else being in there.

16 Q All right.

17 A There were some people in the other offices.
18 His office there—there are two other offices which
19 are a part of his, right close, and there were some
20 people in those offices, and there were people in there
21 and they were kind of in and out the door, if I remember
22 right.

23 Q But during that ten or fifteen minutes, Arnulfo
24 Guerra was not in the Judge's chambers?

25 A No, sir.

1 Q And Jose Nichols was not in the Judge's
2 chambers?

3 A No, sir.

4 Q When did those two gentlemen come into the
5 Judge's chambers?

6 A We had been in there about fifteen or twenty
7 minutes. I don't remember which one came in first or
8 if they were together.

9 Q I was going to ask you, did they come in
10 together?

11 A I don't remember.

12 Q You have already answered that you don't know.
13 How long after they came in to the Judge's
14 chambers were you all involved in this proceeding in the
15 Judge's chambers?

16 A It probably didn't last over thirty or forty
17 minutes, if it lasted that long.

18 Q Did the Judge do anything else that morning
19 while you were with him, other than sign the orders in
20 these four removal cases? I mean, did he transact any
21 other legal business is what I'm saying.

22 A He did talk to one of his secretaries, Mrs.
23 Montamayor, in reference to some papers that were on his
24 desk and different things like this. It wasn't any of
25 my business and I didn't pay any attention. He did

1 discuss some things like that. What they were, I don't
2 know.

3 Q After about thirty minutes or so, you would
4 estimate, then, that you escorted him away?

5 A Yes, sir. I would say the Judge—we were
6 probably there at the Courthouse for—we probably left
7 somewhere around 10:00 o'clock, maybe a little after.

8 Q He was going from there back to Benavides?

9 A That was my understanding.

10 Q And you escorted him out onto the highway?

11 A Yes, sir.

12 Q And then he went in one direction and you went
13 back to the Courthouse?

14 A Yes, sir.

15 Q Have you been contacted at any time subsequent
16 to March 20th with respect to either the threats on
17 Judge Carrillo's life or on the matters of these removal
18 suits?

19 A Yes, sir. I escorted the Judge several times
20 into the Courthouse over there off and on up until the
21 time that Mr. Parr committed suicide.

22 Q Other than the service of the citations on
23 the four defendants in these four school suits, did you
24 have any further contact with those suits?

25 A No, sir.

1 Q You served the citations on each of the four
2 defendants?

3 A Yes, sir.

4 Q Three of them were served on March the 20th?

5 A Yes, sir.

6 Q And one was served about a week or eight or
7 nine days later?

8 A Yes, sir.

9 Q Have you had any further official duties
10 in connection with those suits? Those lawsuits.

11 A No, sir.

12 Q Has anyone, Judge Carrillo or Oscar Carrillo
13 or Ramiro Carrillo or Clinton Manges or Arnulfo Guerra
14 or any of the parties at interest, talked to you or said
15 anything to you about those lawsuits since March the 20th?

16 A The District Attorney has mentioned from a
17 time or two over there at the annex building, the office
18 where the Attorney General has set up the investigation.
19 I know he was filing some other papers in reference to
20 them and there have been some court hearings, and so
21 forth. And I did attend some of those court hearings.

22 Q Did you attend any meetings of any of the people
23 whose names we have discussed up until now at any time
24 prior to March 19, 1975?

25 A No, sir.

1 Q Did you attend a second meeting that was
2 allegedly held later on the evening of March 19, 1975,
3 somewhere in the vicinity of midnight?

4 A No, sir.

5 Q Are you familiar with such a meeting?

6 A No, sir.

7 Q Was Jose Nichols ever present at the meeting
8 you attended on March 19, 1975?

9 A No, sir.

10 Q You didn't go to the Courthouse on March
11 19th, did you?

12 A No, sir.

13 Q You wouldn't know whether he was at the Court-
14 house or not.

15 CHAIRMAN HALE: Fine. Thank you.

16 While I'm looking through my notes I'll let
17 some of the other members of the Committee ask questions.

18 Mr. Maloney?

19 BY VICE CHAIRMAN MALONEY

20 Q Ranger Powell, some matters, I guess, have
21 stirred my curiosity. You say that you first found out
22 about the threat to Judge Carrillo's life by a call
23 to you from Oscar Carrillo?

24 A Yes, sir.

25 Q Have you got any idea why he would call you?

1 A Well, yes, sir. I had met Oscar before,
2 about a year—in '73, or in '74—about March of '74,
3 Oscar Carrillo had had some shots fired at his house, and
4 there would have been a bullet hole, or a bullet fired
5 and a bullet hole in the pickup belonging to the
6 Carrillo brothers that occurred there in Benavides. And
7 I had been a part of the investigation on that, along
8 with the FBI.

9 Q And two years later, out of the blue you get—

10 A It would be a year later. I said '73, but it
11 was '74.

12 Q A year later you get another call. And you're
13 the one that is asked to come out to the ranch?

14 A I am the Texas Ranger assigned to that area.

15 Q They do have a Sheriff's Department, though?

16 A Yes, sir.

17 Q I imagine that is in the Justice Precinct and
18 they have a constable.

19 A Yes, sir. There is a constable there.

20 Q Yet you're the only law enforcement officer
21 that goes out there?

22 A Yes, sir.

23 Q Do you know whether Judge Carrillo has a
24 telephone at his ranch?

25 A I don't believe he does.

1 Q But Oscar Carrillo apparently does.

2 A He was at home in Benavides. Yes, sir.

3 Q When you went to the ranch did you see someone
4 by the name of Patricio Garza there?

5 A Sir?

6 Q Someone by the name of Patricio Garza?

7 A Male or female?

8 Q A male.

9 A There was a man outside. I don't know what
10 his name was.

11 Q Do you recall how he was dressed?

12 A I took him to be someone that worked on the
13 ranch. He was dressed in work clothes.

14 Q Was he doing work on the ranch at the time?

15 A Well, he was there at the house.

16 Q Is this an older man or—

17 A I would say the man I recall was somewhere in
18 his forties.

19 Q Were you specifically asked to come to the
20 Courthouse the next day?

21 A Yes, sir.

22 Q And did you understand it to be for security
23 reasons?

24 A Yes, sir.

25 Q And when you went to the Courthouse, you

1 stayed with the Judge that morning?

2 A Yes, sir.

3 Q I believe you said the only time you weren't
4 with him is you may have stepped out of his chambers
5 one time or another?

6 A Yes, sir. I walked down the hall a time or two.
7 I mean, the information I had, there were threats made
8 against his life so I walked up and down the hall to see
9 if there was anything there that might indicate any
10 danger.

11 Q I believe you said that you saw George Parr
12 there on that date, which would be the 20th.

13 A I can't recall positively if he was there on
14 the 20th or not. I didn't talk to him that day.
15 The first time I ever talked to Mr. George Parr was the
16 following Monday, I believe it was.

17 Q Well, I'm curious if the Judge was in fear of
18 his life, which apparently he was, from all of the
19 testimony; was George Parr ever arrested for this?

20 A No, sir.

21 Q Carrying a gun into the Courthouse, threaten-
22 ing the District Judge's life?

23 A I have never found anybody that was willing to
24 swear or testify that they had seen George Parr with a
25 gun. I talked to the Sheriff, Raul Cerna, in reference

1 to it. Sheriff Cerna told me that that day that he was
2 busy with a burglary investigation and they had been
3 working on it that morning; that he left the Courthouse
4 about 1:00 p.m., or shortly thereafter, and as he left
5 the Courthouse, George Parr was coming to the Courthouse,
6 and he stopped and talked to him on the steps of the
7 Courthouse and that at that time George Parr was his
8 normal self; he didn't appear to be upset about anything;
9 stated that he was wearing a short sleeve coat with no
10 jacket and that he did not see any pistol or any type of
11 weapon; and that he went on with the burglary investiga-
12 tion. And I believe they recovered a stolen TV and some
13 other property that day.

14 He said when he returned to the Courthouse, to
15 his office—the Courthouse in San Diego is in two
16 separate buildings; the Sheriff's office in one and the
17 Courtroom is over in the other part. They are connected
18 together with a hallway. And the Sheriff said that when
19 he got back in his office there were some people there
20 talking about what was going on in the other building.
21 So he said he went over there to see, and people, you
22 know—statements were made that George Parr was making
23 threats and so forth.

24 He said he talked to Mr. Parr at that time and
25 that he still did not see any pistol and did not believe

1 Mr. Parr had a pistol. He said at that time George
2 Parr was upset and was talking against the Carrillos at
3 that time.

4 Q At least to your knowledge, no one ever saw
5 fit to bring any charges against George Parr for this
6 instance?

7 A Yes, sir. I discussed that with Judge Carrillo.
8 We could find nobody. The rumor was, George Parr made
9 the threats and had the pistol, but we could never find
10 anybody that would admit they saw the pistol or heard him
11 make the threat.

12 Q Let's go to the time then that the papers were
13 presented— Mr. Nichols' papers presented by Mr. Guerra—
14 to Judge Carrillo. You were present in the Judge's
15 chambers at that time, as I understand your testimony.

16 A Yes, sir.

17 Q All right. Was there any conversation as
18 regards this at that time?

19 A In reference to the filing of the papers?

20 Q Correct.

21 A Yes, sir. There was some conversation.

22 Q Could you relate to us as best you can remember
23 what that conversation was? Who said what?

24 A Not too well. They just talked about filing
25 the papers, and the papers were going to be filed. They

1 talked about the danger that might be incurred; that if
2 George Parr was making these threats in reference to—
3 that they may be in danger if they did go ahead and
4 filed the papers.

5 Q Who would be in danger?

6 A The District Attorney felt that if he filed
7 the papers that he might be in danger. But he stated
8 that he felt that it was his responsibility to file
9 these papers and that he was going to go ahead and go
10 through with it, and hoped that everything would be all
11 right. He stated that he would spend—probably wouldn't
12 spend any more time around the Courthouse there than
13 necessary until things quieted down somewhat.

14 Q And then, as I understand it, the papers were
15 signed. Judge Carrillo signed them. Was there any
16 conversation at the time that the Judge signed the
17 papers as to who he was going to appoint to fill these
18 positions?

19 A The only thing I remember is that the District
20 Attorney made the statement that he had no recommendations
21 as to who to appoint at that time. And the Judge, when
22 the Judge signed the orders he also included the names
23 of the people that he appointed.

24 Q Did the Judge write those names in on the papers
25 himself?

1 A Yes, sir, he did.

2 Q And the Judge left the chambers soon after
3 that and you escorted him to the edge of town. Is
4 that correct?

5 A Yes, sir.

6 Q I notice from your activity report that you're
7 kept pretty busy in your district. I was wondering why
8 you were selected to be the one to serve the papers.
9 That doesn't sound like the type of thing that generally
10 falls within your duties.

11 A No, sir, not normally. I have served a few
12 civil papers before, and most all of them have been in
13 Duval County.

14 Q From your report, the only papers that I see
15 you serving are on these trustees and on Judge Archer
16 Parr.

17 A Yes, sir. The only other ones I have served
18 in the past on civil papers were on Clinton Manges once
19 and on his wife one time.

20 Q Was there any reason given why the Sheriff
21 or the Constable couldn't serve any of these papers?

22 A Well, the Judge stated that he wanted me to
23 serve them. I got the impression that he didn't feel
24 like the Sheriff's office would serve them.

25 Q I notice from your reports also, on the 1st of

1 April is when George Parr's body was found.

2 A Yes, sir.

3 Q Are you the person who found the body?

4 A No, sir. The Department of Public Safety
5 helicopter is the one that found him. It was occupied
6 by the helicopter pilot, Weldon Elliott; Major Ken Odom
7 from Corpus Christi; FBI Agent Ruben Martinez; and
8 Chief Deputy Israel Saenz of Duval County.

9 Q Was the body found in Benavidez, or where?

10 A It was on the Atlee Parr ranch. I believe
11 it is known as Los Balcones Ranch. I don't know if I
12 pronounced that right or not. Which is about five
13 miles south of Benavides on Highway 339. And then it
14 was roughly seven or eight miles back inside the pasture
15 to where the body was found.

16 Q I noticed on your report of that date you
17 reported that you believed the death to be suicide.

18 A Yes, sir.

19 Q Then on subsequent dates of your investigation
20 you call it the "questionable death of George Parr."

21 A Yes, sir. That's the title that we use on any
22 investigation of that type until it is completed. That
23 is the title that we put on it.

24 Q Until you have some official finding as to the
25 death?

1 A Yes, sir.

2 VICE CHAIRMAN MALONEY: Thank you very
3 much.

4 CHAIRMAN HALE: We're sort of absent a
5 few Committee members here. Mr. Laney?

6 BY MR. LANEY

7 Q Ranger Powell, the night on the 19th when you
8 were out at the Judge's ranch, I believe you stated,
9 as you all were going in the gate Clinton Manges, or one
10 of the Mangeses, said that everything was all right in
11 town, or something to that effect.

12 A Yes, sir. That was Clinton Manges. If I
13 remember correctly, he stated that he and Nago Alaniz
14 had talked to George Parr and everything appeared to be
15 going to be all right. Had quieted down and going to be
16 all right.

17 Q Was the D.A. present, Mr. Guerra present when
18 this was said?

19 A He was sitting in Mr. Manges's car. Mr.
20 Manges was the only person outside of his car, and
21 Ramiro Carrillo and myself in—

22 Q He probably heard this statement being made?

23 A I don't know whether he would or not.

24 Q But the D.A. rode from town with Manges—with
25 Clinton Manges from town to the ranch. Right?

1 A Yes, sir.

2 Q So that at some time before they left town
3 then—from 1:00 o'clock in the afternoon until the time
4 they got to the ranch, some time Clinton Manges talked
5 to Mr. Parr, then?

6 A Yes, sir. They were in the car together there
7 at the ranch, and I assumed they had ridden from San
8 Diego to the ranch.

9 Q But some time before that, Clinton Manges had
10 talked to George Parr, from what he said?

11 A Yes, sir.

12 Q So the D. A. probably would have—okay. I've
13 got it in my mind now.

14 Okay. And then I believe you testified that
15 you couldn't find anybody that knew anything about—the
16 next day—anyone that knew anything about George Parr
17 carrying a gun in the—

18 A Yes, sir. That's correct. And the Sheriff
19 stated that he had talked to him twice and he stated
20 that he didn't have a pistol, so most of it was just
21 rumor talk. I think Judge Carrillo filed a complaint
22 with the FBI in reference to those threats, and they
23 took some statements from some individuals— I never did
24 see those statements—and they were initiating some
25 papers to be filed in Federal Court. There was none in

1 the State Court.

2 Q But nobody else in town was as scared as the
3 D.A. said he was, from what was going on, I mean that
4 was there at the Courthouse.

5 A Well, the only people that the threats were
6 made against, that I could ever understand, were Judge
7 Carrillo, Oscar Carrillo and the District Attorney.

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

9 CHAIRMAN HALE: Ms. Thompson?

10 MR. THOMPSON: I have none.

11 CHAIRMAN HALE: Ms. Weddington?

12 BY MS. WEDDINGTON

13 Q Did you see any evidence of weapons at the
14 Carrillo home on the 19th?

15 A No, ma'am.

16 Q Would you consider that unusual if they were
17 really that upset about the possibility of violence against
18 them?

19 A No, ma'am. I was there again—you're talking
20 about Judge Carrillo's residence?

21 Q Yes.

22 A No, ma'am. He was out there on his ranch
23 which is well out of town. I wouldn't say it was unusual.

24 Q Was the gate guarded in any way?

25 A No, ma'am. The house is right there and it's

1 open from the highway to the house. It's right there
2 close. This man— I don't know his name—whether it's
3 the man he was talking about or not, but he was outside.
4 I got the impression that he was just watching to see who
5 was coming and going. There could have been other
6 people there that I didn't see.

7 Q On the 20th, when you escorted the Judge out
8 of town but then he went on by himself, did you consider
9 it unusual that there was not someone with him on the
10 highway?

11 A Maybe I left the wrong impression. His
12 Court Reporter and the Bailiff were with him.

13 Q There were two other people in the car?

14 A The way that went, I met him between Alice
15 and San Diego, and he was with them and he got in my
16 car and we went to the Courthouse. They followed us.
17 Then, when we left the Courthouse, he rode with me to the
18 outskirts of San Diego. We drove out the highway about
19 a mile toward Benavides, then he got out of the car and
20 got in with them.

21 Q Do you have any knowledge whether anyone in
22 that vehicle was carrying a weapon?

23 A Yes, sir. Judge told me his Bailiff did have
24 a weapon.

25 Q Do you have any idea what it was?

1 A It was a pistol of some type. I didn't see it.

2 Q Did the Bailiff have the weapon in the Court-
3 house during the time he was in the Courthouse?

4 A I think he did. I didn't see it, but I
5 think he did. The Judge told me his Bailiff had one
6 and I assumed that the District Judge had the authority
7 to order his Bailiff to carry a pistol.

8 Q If the Bailiff had a pistol but you didn't see
9 it, could it have been that these other people in the
10 Courthouse had weapons that you didn't see?

11 A Oh, yes, ma'am.

12 MS. WEDDINGTON: Okay. That's all.

13 CHAIRMAN HALE: Mr. Chavez?

14 BY MR. CHAVEZ

15 Q It seems somewhere that I read or heard that
16 the Judge's chambers had been moved out, or his office
17 or furniture had been moved at one time or another
18 around this time. Do you have any recollection about
19 that?

20 A That was later. Yes, sir. One day at the
21 Courthouse—this was later; it was some time after the
22 papers were filed against Judge Parr, Archer Parr—the
23 Judge's chambers were moved. His normal chambers are
24 on the first floor of the Courthouse and the courtroom
25 is on the second floor. His chambers were moved to a

1 small office adjacent to the courtroom on the second
2 floor.

3 Q And did you render any assistance to him to
4 get him back in there?

5 A To get him moved back? No, sir.

6 Q You indicated that the Judge was— I believe
7 you said "visibly upset," or excited or concerned. Do
8 I understand you to say that his appearance to you was
9 that he was genuinely concerned about these threats?

10 A Yes, sir. In my opinion, the Judge was
11 genuinely concerned with his safety at that time.

12 Q Do you think he had reason to be concerned?

13 A Yes, sir. He felt that he did. Yes, sir.

14 Q Did you ask, or did you talk to Archer Parr
15 on the 19th there at the Courthouse?

16 A Yes, sir, I believe I did.

17 Q You weren't there when, or were you there when—

18 A On the 19th? No, sir. No, sir. Not on the
19 19th. I didn't go to the Courthouse on the 19th. I had
20 the dates mixed up.

21 Q Okay. So that if he told Guerra that George
22 was in the Courthouse armed, you weren't there and
23 obviously could not have learned of that conversation.

24 A That's correct.

25 Q And if George Parr was armed, would that be

1 unusual, or would that be something that could be
2 accepted?

3 A My understanding is he normally carried a rifle
4 in his car, and so forth. I hadn't had any personal
5 dealings with the man until this occurred, but I had
6 never—he talked with him about walking around the
7 Courthouse with a pistol, but my understanding was he
8 pretty well had a pistol in his car or—

9 Q Close by.

10 A —a rifle close by.

11 Q Was there one time when Judge Carrillo was
12 searched before he went to the Courthouse, or something?

13 A Yes, sir, there was.

14 Q When did this take place?

15 A This was for a hearing up in the courtroom. I
16 don't remember the date. It was some time after the
17 papers were served against—

18 Q Archer?

19 A —against Archer Parr. Yes, sir. I believe
20 that to be correct. There was a hearing up in the
21 District Courtroom. It was in reference to either—some
22 of those suits there were filed; which ones, I don't
23 remember.

24 Q Were you with him or there that day when the
25 Judge was searched?

1 A Yes, sir. Captain Woods and myself were with
2 him.

3 Q Who searched him?

4 A Two of the deputies, I believe it would be—
5 well, it was a deputy and a constable. Deputy Sheriff
6 Ramiro Perez, who is no longer a deputy, and a
7 constable who was Alonzo Lopez, if I remember correctly.

8 Q What was the occasion of his being searched?

9 A On that date it was with reference to the
10 rumors that everybody was armed and there was an article
11 in the paper that stated lots of people were carrying
12 pistols under their shirts and under their jackets, so
13 the Sheriff had men stationed at all the doors going
14 into the Courthouse that day as court was set, and he
15 also had me at the entrance into the District Courtroom,
16 and everybody that I saw coming or going was searched,
17 with the exception of law enforcement officers.

18 Q Would you say, then, that in view of that
19 situation and the other situations that had taken place
20 prior to that time, that the conditions were such that
21 there possibly could have been violence?

22 A Yes, sir.

23 Q And probably these threats, if any were made,
24 were not necessarily idle threats?

25 A That is possible. Yes.

1 Q In other words, the people that were
2 involved, not necessarily you, but the people that were
3 involved in these things genuinely believed that some-
4 thing was probably about to break loose.

5 A Yes, sir. I would say that, in my opinion,
6 from their reactions, and especially Judge Carrillo and
7 the District Attorney, both were visibly—felt that
8 there was danger, possibly danger, and from some of the
9 precautions that the Sheriff's office was taking, I
10 felt that they felt like there was a chance of some
11 trouble. And not knowing the people better than that,
12 I figured it was my responsibility to watch for any
13 danger.

14 Q So this fear that Mr. Guerra was expressing
15 a while ago, or attempting to describe to the
16 Committee, was—then his testimony was well-founded,
17 and that is that he was genuinely apprehensive of a
18 possible danger?

19 A I felt that he was at that time. Yes, sir.

20 Q When did you become a Ranger?

21 A September the 1st, 1973.

22 Q '73?

23 A Yes, sir.

24 Q And you were Chief of Police before that?

25 A Yes, sir.

1 Q How long were you Chief?

2 A From November the 1st, 1968 up until September
3 of '73.

4 Q And since you have been a Ranger have you been
5 stationed out there all this time?

6 A Yes, sir.

7 Q Has there always been some type of turmoil
8 or another taking place out there in that area?

9 A I have heard of turmoil in Duval County for as
10 far as I can remember.

11 Q It's a way of life for those people, isn't it?

12 A That's the rumors I've heard for years. It
13 appears some of them are well-founded now.

14 Q That's what I was going to say. That,
15 although to a lot of people that have just read and
16 heard about them, it is almost something like out of the
17 Wild West movies, but if you live there and participate
18 in some of these things, they are real; they're happening.

19 A Yes, sir.

20 Q Prior to your being stationed out there, or
21 during the time you have been stationed out there, have
22 you all ever had any problems with the Parrs?

23 A Prior to? Well, not that I was, you know—
24 prior to my being stationed there, not that there was
25 violence, but I have heard of instances when there has

1 been trouble with the Parrs and the Rangers being
2 involved in it.

3 Q In other words, while some people might— I
4 don't know how to put it because I don't want to be
5 disrespectful—while some people might respect and
6 others might fear the Texas Rangers, the Parrs' history
7 has shown that they don't particularly care who they
8 deal with. They either try to run over anybody, whoever
9 they might be, or they don't necessarily back down from
10 anybody.

11 A They never have tried to— I would say that
12 they've ever tried to run over me, but I wouldn't say
13 they have ever backed down, tried to back down, either.
14 They go along with you about half and half.

15 Q I have heard about some other problems that
16 other Rangers have had.

17 A Yes, sir.

18 MR. CHAVEZ: Thank you, Mr. Powell.

19 Thank you, Mr. Chairman.

20 CHAIRMAN HALE: Is that what you call
21 Mexican standoff?

22 A Well, I've heard it mentioned down there a
23 time or two.

24 BY CHAIRMAN HALE

25 Q Mr. Powell, let the Chair ask you one or two

1 other questions. Are you acquainted with this Jose
2 Nichols?

3 A Yes, sir.

4 Q How long have you known Jose Nichols?

5 A Well, I guess the first time I met him was
6 probably the latter part of '73, but I've just seen him
7 occasionally off and on until just here recently. Then
8 I've been around him a few times.

9 Q Since he became Foreman of the Grand Jury?

10 A Yes, sir.

11 Q Do you know what occupation he pursues?

12 A Yes, sir. He's a ranch foreman for the Duval
13 County Ranch.

14 Q Do you know who owns the Duval County Ranch?

15 A My understanding is it's Clinton Manges.

16 Q Clinton Manges?

17 Do you know whether or not Jose Nichols has
18 any type of criminal record?

19 A No. It is unknown. Not that I know of.

20 Q You don't have any information on that?

21 A No, sir.

22 Q On the night of March the 19th, were you
23 present at the ranch when the District Attorney, Mr.
24 Arnulfo Guerra, arrived?

25 A Yes, sir.

1 Q Or did he precede you there?

2 A Just as we came in the gate, I stopped and
3 Ramiro Carrillo opened the gate. And as I was driving
4 in, they pulled in behind me.

5 Q How many cars were involved?

6 A Just one.

7 Q Who all was in that car?

8 A Clinton Manges, Arnulfo Guerra, Herman
9 Barnett and Chick Manges.

10 Q Do you know where that car had come from?

11 A No, sir. I think San Diego, but---

12 Q And you mentioned that you saw one other
13 person there whose name you did not know, whose dress
14 and appearance indicated that he was an employee there at
15 the ranch.

16 A Yes, sir.

17 Q And I believe you were asked the question, if
18 his name was Cleofas Gonzalez, and you said you did not
19 know.

20 A That's right.

21 Q Would you recognize that individual again if
22 you were to see him?

23 A I couldn't be positive on that.

24 Q One other question along this line, too. You
25 stated that the first you knew of the threats by George

1 Parr to kill Judge Carrillo was a telephone call from
2 Oscar Carrillo.

3 A Yes, sir.

4 Q Did Oscar Carrillo indicate to you where he
5 had obtained that information?

6 A Yes, sir. It was from Judge Carrillo. And I
7 was not clear as to whether Judge Carrillo personally
8 told him or sent him a message. I think Judge Carrillo
9 had asked somebody else to deliver the message to
10 Oscar and have Oscar contact me.

11 Q Did he indicate how Judge Carrillo found out
12 about the threat? I'm trying to trace the threat down.
13 Where did the threat come from?

14 A Well, just—somebody—all Oscar knew,
15 apparently, was that someone had stopped the Judge on
16 the way to San Diego. The Judge, at his ranch, told me
17 that Clinton Manges was the man who stopped him on the
18 highway between San Diego Benavides.

19 Q That Clinton Manges was?

20 A Yes, sir.

21 Q In other words, Clinton Manges was the one
22 who told Judge Carrillo that his life was in danger,
23 then?

24 A This is what Judge Carrillo told me.

25 Q I want to ask you one or two other questions.

1 Could I have those original of those three?

2 Thank you.

3 Now, I'm looking again at your weekly reports
4 that you have provided us, and I have had photocopies
5 made of your weekly reports for three of the weeks which
6 you brought us: for the week ending March 22, 1975,
7 the week ending March 29, 1975, and the week ending
8 April 5, 1975, which the Chair intends to put into the
9 record here. Let me ask you one or two questions about
10 this report. This is the report for the week ending
11 March 29, 1975. I see an entry here on Monday, March
12 24: "Left Kingsville 8:00 a.m. To San Diego, provided
13 security for District Judge Carrillo in 229th District
14 Court and attempted to serve citation on Duval County
15 Judge Archer Parr."

16 What was the reason for you going back to San
17 Diego on March the 24th, Monday, March the 24th?

18 A Judge Carrillo called me at my home that
19 morning, either that morning or Sunday night—I believe
20 it was that morning, if I remember correctly—and asked
21 me if I would meet him again on the San Diego-Alice
22 highway; that the District Attorney was going to file
23 some more papers.

24 Q The same type of situation as existed on
25 March the 20th?

1 A Yes, sir.

2 Q And what was the citation that you were
3 attempting to serve on Archer Parr?

4 A It was the removal papers.

5 Q Signed by Judge Carrillo?

6 A Yes, sir.

7 Q Then on Tuesday, March 25, I see an entry
8 here: "To San Diego, served civil papers on Duval
9 County Judge Archer Parr."

10 A Yes, sir.

11 Q Are those the same civil papers?

12 A Yes, sir.

13 Q And you finally served them on him, then, on
14 March 25th?

15 A Yes, sir. Judge Parr was in the office that
16 Monday morning, the 24th, and just shortly before I got
17 the papers, about five minutes, he left the Courthouse,
18 and I couldn't locate him. Then he called me that night
19 and said that he would meet me at San Diego the next day
20 and accept the papers.

21 Q Now, I noticed an entry here Thursday, March
22 27: "To San Diego, served civil papers on Duval County
23 Judge Parr." What would be the papers served on Thursday?

24 A If I remember correctly, that was a restraining
25 order papers. Yes, sir. That was a restraining order.

1 Q Was it a separate proceeding from the removal
2 proceeding?

3 A It was involved in the removal proceeding. It
4 was after his removal papers, the way I understood
5 everything. He was continuing to act as County Judge.
6 This was a restraining paper to restrain him from
7 acting as County Judge.

8 Q I see.

9 Then on Friday, March 28, I see an entry:
10 "To San Diego with Captain Wood and provided security
11 in 229th District Court for District Judge Carrillo."
12 What was the occasion for you and Captain Wood being there
13 on Friday, the 28th?

14 A That date, after the restraining order was
15 served on Archer Parr, he continued, to my understanding,
16 to act as County Judge. And on that day they were
17 having a hearing in reference to— I think also there
18 might have been another hearing that they had that day.
19 I attended several hearings off and on and I don't
20 remember. That also would be the day, I believe, that
21 the District Judge was searched when going into the
22 Courthouse.

23 Q Then on Monday, March 31, I see an entry:
24 "To San Diego. Provided security for 229th District
25 Court Judge O. P. Carrillo." Was that the same or a

1 similar situation?

2 A Yes, sir.

3 Q The Judge requested you to be there?

4 A Yes, sir. He requested me to go—every time he
5 had to go to the Courthouse there to handle some of those
6 papers he asked if I would meet him there, up until the
7 time which George Parr committed suicide.

8 Q And on that same Monday, March 31, the entry
9 further reads: "In San Diego and Benavides, attempted
10 to locate Subject George Parr wanted on Federal Warrant."
11 Did you have the Federal Warrant?

12 A No, sir. The Federal authority did. I got a
13 call from Judge Carrillo that evening. After he left
14 the Courthouse that morning I had gone on back to Alice
15 to attend to some business, and then he called me then
16 and asked me to come back; that he had been informed
17 that George Parr had left his house with a rifle and a
18 pistol and that he was looking for Judge Carrillo. And
19 so then I went back over to San Diego and the Judge was
20 in San Diego at that time at Dan Tobin's residence,
21 and talked to him there about that, and then learned
22 that George Parr had failed to show for a hearing in
23 Corpus Christi in Federal Court and a warrant had been
24 issued. The Sheriff's Office was also looking for him.
25 He had left the house with a rifle and a pistol and some

1 people believed there was danger to the District Judge
2 and possibly Oscar Carrillo.

3 Q On all of these occasions—and there apparently
4 were four, five or six occasions—where you went to San
5 Diego to provide security for the 229th District Court,
6 with reference to all of those occasions, did you ever
7 see any situation around the Courthouse there where there
8 were a great many people in and around the hallways and
9 stairways who were armed with pistols or guns?

10 A There were a great many people, but I never
11 seen anyone carrying a pistol other than—

12 Q Peace officers?

13 A —peace officers. Yes.

14 Q Did you ever see anything around the Courthouse
15 that would indicate to you that anyone was particularly
16 in danger as far as the appearances were concerned?

17 A The Sheriff seemed to take a few extra pre-
18 cautions. He had more of his deputies around than
19 normal.

20 Q I believe you said he searched people on
21 occasions—

22 A Yes, sir.

23 Q —going in there to see that they did not have
24 guns.

25 CHAIRMAN HALE: Did we get copies of these

1 three reports? Do you have some extra copies of them?
2 Would you hand these back to him, and also hand him
3 these three photocopies. I want to ask him something.

4 Mr. Johnson, have the Court Reporter mark those
5 three photocopies as exhibits.

6 A I've got another set of these, if you want
7 these.

8 Q I thought perhaps those were your official
9 copies.

10 A I've got another copy. I ran off an extra
11 copy last night. I didn't know if you'd want two or not.

12 Q Did you intend to leave those with us?

13 A Yes, sir.

14 Q Oh, well, that's fine.

15 CHAIRMAN HALE: Let's mark the ones he
16 brought us, then, rather than the photocopies.

17 (The reports referred to were
18 marked "Exhibit-63," through
19 "Exhibit-65," for identification.)

19 CHAIRMAN HALE: Is Exhibit 63 March 22?

20 THE REPORTER: Yes, sir.

21 Q Now, Mr. Powell, simply for the record and to
22 identify these, would you examine the one marked
23 "Exhibit 63," and tell us what that is?

24 A It's a copy of my weekly activity report for
25 the week ending March 22nd, 1975.

1 Q Is that a true and correct copy of your
2 activity report which you filed?

3 A Yes, sir, it is.

4 Q And it bears your signature on the last page?

5 A Yes, sir.

6 Q Would you examine Exhibit 64 and tell us
7 what 64 is.

8 A It's a copy of my weekly activity report for
9 the week ending March 29th, 1975.

10 Q And on the third page it bears your signature?

11 A Yes, sir.

12 Q That is a true and correct copy of the report
13 you filed for that week?

14 A Yes.

15 Q Look at Exhibit 65 and tell us what that one
16 is.

17 A It is my weekly activity report for the week
18 ending April 5th, 1975.

19 Q And that is a true and correct copy of the
20 report which you filed?

21 A Yes, sir.

22 Q And it bears your signature on the third page?

23 A Yes, sir.

24 CHAIRMAN HALE: Fine. We will put those
25 three in evidence.

1 Are there further questions of Ranger Powell?

2 MR. CHAVEZ: I've got one.

3 CHAIRMAN HALE: Mr. Chavez?

4 BY MR. CHAVEZ

5 Q I'm sorry, Mr. Powell, I meant to ask you
6 earlier and I just plain forgot. I got a little confused
7 as to what you said and some of the questions that Mr.
8 Hale asked you. You said that when you left the ranch,
9 Ramiro Carrillo was with you?

10 A Yes, sir.

11 Q And that during that trip that he mentioned
12 something to you that Manges, Chick Manges, had mentioned
13 to him?

14 A Yes, sir.

15 Q Would you repeat again to us what that was?

16 A Yes, sir. He told me that Chick Manges had
17 told him that he understood that George Parr had agreed
18 to the removal of the School Board Trustees, provided
19 certain people were appointed.

20 Q Then Mr. Hale, I think, asked you if there was
21 an agreement, or I guess he interpreted that to mean
22 that there was an agreement between Parr and the Judge
23 as to the manner or the acceptance of the removal
24 provided that certain people were appointed to the Board?

25 A I didn't take it that there had been an

1 agreement between—

2 Q Well, I didn't either. That's why I was asking
3 you.

4 A —Parr and the Judge. Because it's my under-
5 standing that the Judge had not talked to George Parr.
6 George Parr had made this statement in agreement—if
7 there was an agreement it might have been between George
8 Parr and someone else, but I couldn't—my understanding
9 was that the Judge had not talked to George Parr. If
10 there was an agreement made, it was with a third party.

11 Q That's the way I understood. And then I got a
12 little confused when Mr. Hale said that there was an
13 agreement. It appears to me then from what you're
14 telling us that apparently there was some effort at
15 negotiating this thing out, since apparently Parr knew
16 that there was a movement to remove these people,
17 and while he did not necessarily want to block the
18 removal, he was attempting to negotiate the replacement
19 of these people by suggesting that the replacements should
20 be acceptable to him.

21 A Yes, sir.

22 Q I get that interpretation from what Mr.
23 Carrillo apparently told you.

24 A Yes, sir.

25 Q So that you have been here through part of

1 this or some of this testimony which, I guess then
2 negates the allegation that Judge Carrillo summarily
3 removed these people. I'm just thinking out loud.

4 I notice in your reports that Judge Carrillo
5 wasn't the only fellow you protected during this time.

6 A What do you mean?

7 Q Governor Briscoe was in the area about this
8 time.

9 A Yes.

10 Q He wasn't involved in this thing, was he?

11 A No.

12 Q He wasn't negotiating in the replacement of
13 the trustees?

14 A No. He made a speech at A and I College at
15 Kingsville.

16 Q I see.

17 MR. CHAVEZ: All right.

18 MS. WEDDINGTON: Mr. Chairman, may I
19 ask one other question?

20 CHAIRMAN HALE: Ms. Weddington?

21 BY MS. WEDDINGTON

22 Q At the time subsequent to the 19th and 20th
23 when you provided security for the Judge, was the
24 Bailiff always with him?

25 A Yes, ma'am.

1 Q To the best of your knowledge, was he or
2 was he not carrying fire arms?

3 A To the best of my knowledge, he was.

4 MS. WEDDINGTON: Thank you. That's all.

5 CHAIRMAN HALE: Are there further
6 questions?

7 Mr. Maloney?

8 BY VICE CHAIRMAN MALONEY

9 Q Are there any other Texas Rangers operating
10 within that District?

11 A At this time? Yes, sir.

12 Q What is their job there?

13 A Ramiro Martinez is the Ranger for the station
14 in Laredo, and Rudy Rodriguez is at the Ranger station
15 in San Antonio, and then Captain Woods also has been
16 down quite a bit with the investigation being con-
17 ducted, along with the Attorney General's office.

18 Q Is this part of this Task Force?

19 A Yes, sir.

20 Q And you're assisting the Attorney General, or
21 the Texas Rangers are assisting the Attorney General?

22 A Yes, sir.

23 Q Do you know a man on Mr. Guerra's staff named
24 Forsche?

25 A Yes, sir.

Q What is his first name? I can't recall it.

1 A Robert, I believe. They call him Bob.

2 Q Do you know where he lives?

3 A He lives in Freer.

4 Q Whereabouts?

5 A In a trailerhouse. I don't know exactly where
6 in Freer.

7 Q Would it be on Mr. Manges' ranch?

8 A No, sir. I don't believe so. I believe it's
9 in town.

10 Q Do you know what he did for a living before
11 he went with the D.A.'s office?

12 A To listen to him talk, he's done quite a few
13 things. He has worked for the Federal government, he's
14 been a police officer in different locations, he was an
15 investigator for a lawyer in San Antonio. I can't
16 recall the lawyer's name, offhand. I believe he was
17 doing that just prior to coming to Duval County.

18 Q On the date these papers were signed in the
19 Judge's chambers, did you ever go to the bank that day
20 to see any papers signed?

21 A No, sir.

22 VICE CHAIRMAN MALONEY: Thank you.

23 CHAIRMAN HALE: Are there further
24 questions?

25 (No response.)

1 CHAIRMAN HALE: Officer Powell, on
2 behalf of the Committee, thank you for your appearance
3 here. You have certainly done credit to your
4 profession and, to the Texas Rangers by the way you
5 have conducted yourself before this Committee. You
6 make a very impressive witness, and we appreciate very
7 much the work you're doing.

8 You are under subpoena to this Committee.
9 However, as Chairman, I will authorize you to go
10 about your business, with the knowledge that you are
11 still under subpoena. And if we need you for further
12 testimony, we will notify you. If you do not receive
13 any further notification from us, why, you can go ahead
14 attending to your regular business.

15 A Thank you, sir.

16 (The witness, Mr. George E. Powell, was
17 excused.)

18 (Discussion off the record.)

19 CHAIRMAN HALE: Mr. Powell, before you
20 leave, it could be that we may need your cooperation
21 in San Diego on Monday. I believe Mr. Bob Johnson has said
22 something to you about it?

23 MR. POWELL: Yes, sir.

24 CHAIRMAN HALE: And assuming that we get
25 clearance from Solonel Spier, would you be willing to

1 cooperate with our Committee in that regard?

2 MR. POWELL: Oh, yes.

3 CHAIRMAN HALE: We will clear it with
4 Colonel Spier. And you can anticipate hearing from
5 some members of this Committee, or Mr. Johnson, probably
6 Monday. Thank you very much.

7 MR. POWELL: Thank you.

8 CHAIRMAN HALE: Members of the Committee
9 and ladies and gentlemen, and all other interested
10 parties, the Committee has decided we will have a
11 meeting tomorrow morning. There are some subpoenas
12 outstanding for other witnesses which are returnable
13 at 9:00 o'clock tomorrow morning. The Committee con-
14 templates that we will hold a morning session tomorrow
15 and then, in all reasonable probability, will probably
16 recess at noon tomorrow until 1:30 Tuesday afternoon.
17 That will give you a day and a half, Mr. Mitchell, to
18 work on "other legal matters."

19 MR. MITCHELL: I appreciate that. I'm
20 sure they all will need it.

21 CHAIRMAN HALE: It will also, I hope,
22 give Judge Carrillo an opportunity to recuperate from
23 the attack of flu which he is having, which we all
24 regret. And you will express the best wishes of the
25 Committee as far as him having the flu is concerned.

1 I would suspect, Mr. Mitchell, although, again,
2 my predictions have not been very accurate up to now,
3 that probably on Tuesday afternoon you might be prepared
4 to go forward with whatever evidence you want to present.

5 MR. MITCHELL: All right.

6 CHAIRMAN HALE: Although it is possible
7 some of our witnesses tomorrow may lap over until
8 Tuesday afternoon.

9 Are there any other announcements, members of
10 the Committee, that the Chair should make?


11 (Whereupon, the hearing was recessed at 6:20
12 o'clock p.m., to resume Tuesday, June 10, 1975, at 1:30
13 o'clock p.m.)

CERTIFICATE

1
2
3 THE STATE OF TEXAS §
4 COUNTY OF TRAVIS §
5

6 I, Walter H. Hickman, a Notary Public
7 in and for Travis County, Texas, do certify that on the
8 5th day of June, 1975, the foregoing proceedings
9 before the TEXAS STATE HOUSE OF REPRESENTATIVES HOUSE
10 SELECT COMMITTEE ON IMPEACHMENT were reported by me and
11 that the foregoing pages constitute a full, true, and
12 correct transcription of my Stenograph notes.

13 GIVEN under my hand and seal of office
14 this 11th day of June, 1975.

15
16 
17 Walter H. Hickman
18 Walter H. Hickman, Notary Public
19 in and for Travis County, Texas.
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