

TRANSCRIPT OF PROCEEDINGS

BEFORE THE

TEXAS HOUSE OF REPRESENTATIVES

AUSTIN, TEXAS

IN THE MATTER OF THE REPORT OF THE
SELECT COMMITTEE ON IMPEACHMENT
HOUSE SIMPLE RESOLUTION NO. 161 -
JUDGE O. P. CARRILLO

VOLUME II

BE IT REMEMBERED that on Tuesday, August
5, 1975, at 10:00 o'clock a.m., the above entitled
matter came on for hearing before the HOUSE OF
REPRESENTATIVES, STATE OF TEXAS, the HONORABLE BILL
CLAYTON, Speaker, presiding, and the following proceedings
were reported by Hickman Reporting Service, 504 Travis
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1 TUESDAY, AUGUST 5, 1975

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4 SPEAKER CLAYTON: The House will come to
order. The Clerk will call the roll.

5 (The Clerk, Mr. James Reynolds, called the roll.)

6 SPEAKER CLAYTON: A quorum is present. The
7 House and Gallery will rise. The invocation will be given
8 by our Chaplain, R. B. Hall.

9 CHAPLAIN HALL: Shall we pray together.

10 Almighty God, our Heavenly Father, we come to
11 Thee, conscious of our shortcomings and aware of our need
12 of You. We thank Thee for Your protective hand that has
13 kept us safe since last we met. And Father, as the many
14 members of this House come together as one body, let them
15 have open minds, ready to receive the truth and able to
16 understand clearly the unusual issues that face them this
17 week. We readily recognize our inability to govern the
18 affairs of men, apart from Your wisdom and guidance, and
19 for this we pray.

20 Now, our Father, we ask, as did the Psalmist,
21 that you create in us a clean heart and renew a spirit
22 of rightness within each of us. In the name of Christ,
23 amen.

24 SPEAKER CLAYTON: The Chair will now hear
25 excuse for absent members.

1 Excuse Representative Reynolds because of ill-
2 ness, on a motion by Representative Coryell.

3 Excuse Representative Miller because of important
4 business, on a motion by Representative Close.

5 Excuse Representative Semos because of important
6 business, on a motion by Representative Smith.

7 Excuse Representative Caldwell because of ill-
8 ness, on a motion by Representative Coody.

9 Is there objection?

10 The Chair hears none.

11 Mr. Donaldson? The Chair recognizes Mr. Donald-
12 son for an explanation of Article IV.

13
14 PRESENTATION OF ARTICLE IV

15
16 MR. DONALDSON: Mr. Speaker and Members,
17 the Article IV returned by the Committee relates to the
18 use of government equipment, either equipment belonging
19 to the County, the Water District of the school, and I
20 will give everybody here the benefit of having read all
21 of these transcripts, but as I get ready to explain this
22 Article, I think back of one part of the testimony that we
23 heard and I think it kind of applies to our consideration
24 of these Articles.

25 At one point in the testimony, there was a

1 meeting between Mr. Clinton Manges and the Secretary of
2 the Grand Jury. He picked him up one night about 9:30 and
3 they were going to do some work, as the testimony shows,
4 relating to getting some records for the Grand Jury. And
5 in the course of driving towards the place of work that
6 night, Mr. Manges picked up the phone and he called another
7 fellow and he said, "I'm going to come by and pick you up.
8 We've got some work to do tonight."

9 So they went by this fellow's trailer to pick
10 him up, but he came out and he was carrying a pistol and a
11 submachine gun. And he said, "Are we going to need any-
12 thing heavier than this?"

13 Well, I'll give you a little brief review of
14 the evidence relating to this, and if you need anything
15 heavier than the evidence that you hear, I guess we'll just
16 have to vote against the Article.

17 The first specific Count of this Article relates
18 to the use of a backhoe that was owned or leased by the
19 Duval County Water Control and Improvement District in the
20 construction of a private building on a ranch owned by
21 O. P. Carrillo. And the first witness that testified in
22 reference to this was Mr. Ruben Chapa. Mr. Chapa was the
23 owner of a Texaco Service Station in Benavides. He was
24 also, at the time he testified before us, I believe, the
25 Manager of the Duval County Conservation and Reclamation

1 District, and at one time had been a friend of Judge
2 Carrillo's. And quite candidly, as I recall from his
3 testimony, that he and Judge Carrillo were not friends at
4 the time he testified, I presume that being a part of
5 the political break that they had there.

6 In November of 1973, he testified that he was
7 present with Judge Carrillo when they went into town and
8 picked up a backhoe; and that the backhoe belonged to the
9 Water District, and that they took it to the Bartos Ranch,
10 as he referred to it. And it was his further testimony
11 that the Bartos Ranch was owned by Judge Carrillo, and
12 that the backhoe was used for loading sand and gravel to
13 put in a cement mixer in the construction of the founda-
14 tion for this building.

15 He went to the ranch, at the time that this was
16 used, and he went to the ranch in the car with Judge
17 Carrillo. And the backhoe was operated by Tomas Elizondo,
18 who,—so that you will kind of know the players here,
19 Tomas Elizondo is the Bailiff for Judge Carrillo's court
20 and he was a friend of Judge Carrillo. And I believe that
21 Tomas Elizondo, by his own testimony, in Volume V, pages
22 142 and 143, testified that he did operate the backhoe
23 in the construction of this private building.

24 Under further testimony from Mr. Chapa, relating
25 to Specification No. 3, he testified that he was present

1 on the ranch, and that he saw a posthole digger that
2 belonged to the county,—

3 MR. DENSON: Mr. Speaker, will the gentle-
4 man yield?

5 MR. DONALDSON: Not at this time, Mr.
6 Speaker.

7 MR. DENSON: Mr. Speaker, does he prefer
8 to yield after he has presented the Article?

9 SPEAKER CLAYTON: He says he will yield
10 after the presents the Article, Mr. Denson.

11 MR. DONALDSON: All right. And at this
12 time he testified that the posthole digger was being used
13 to construct partition fences on the ranch. And he iden-
14 tified the vehicle as belonging to a governmental agency
15 by virtue of the fact that it had exempt license plates.

16 Specification No. 4, relating to welding, this
17 was the testimony of Mr. Francisco Ruiz, who is a Water
18 District employee. He had formerly been an employee of
19 the County. At the time he testified before us he was
20 employed by the Water District, and he was a welder at the
21 time he worked for the County.

22 And he testified that on several occasions he
23 was sent to Judge Carrillo's ranch for the purpose of
24 welding, doing welding on the equipment out there. At the
25 time that he did this, he was using the county pickup,

1 and he used county welding supplies and the county weld-
2 ing machine.

3 Of particular interest in his testimony, in
4 Volume II, page 128, where he states that—he was being
5 questioned as to why he did this, if he knew it was wrong,
6 and he said— "Did you feel that Judge Carrillo could fire
7 you?" And he said, "No, but his brother could."

8 But he also testified that he went there and
9 welded on some occasions on the instructions of Judge O. P.
10 Carrillo.

11 I believe I skipped Specification No. 2, which
12 was the use of equipment owned or leased by Duval County
13 in construction of a water reservoir on the property
14 belonging to the Judge. That testimony came from Mr.
15 Oscar Sanchez, having testified before us he was a Water
16 District Employee and he had previously worked for the
17 County. Many of the witnesses that went through this
18 thing, you will find that evidently the Parr faction,
19 once the split took place they all—all those that used
20 to work for the County ended up working for the Water
21 District. They all lost their jobs with the County, so
22 they were relating testimony that occurred at the time
23 they were working for the County.

24 And Mr. Oscar Sanchez, who had been an equipment
25 operator for the County, testified that—through an

1 interpreter, as I recall—that he did operate heavy equip-
2 ment on the Judge's ranch for the construction of a water
3 reservoir.

4 Mr. Denson, if you've got a question, I'll be
5 happy to try to answer it.

6 I move adoption of Impeachment Article IV, Mr.
7 Speaker.

8 SPEAKER CLAYTON: Is Mr. Denson on the
9 floor of the House? Mr. Denson, do you still want to
10 raise a question with Mr. Donaldson?

11 MR. DONALDSON: I yield, Mr. Denson.

12 MR. DENSON: Something that concerns me
13 about Article IV, and also the same thing that concerned
14 me with Article III, is how the District Judge had con-
15 trol over County equipment. Was there any testimony relat-
16 ing to—

17 MR. DONALDSON: That confused us too, Mr.
18 Denson.

19 MR. DENSON: Well, now I want to connect
20 the two up, if we can. Was there some testimony about
21 County officials who conspired with him—and we allege
22 that there was conspiracy with some other people to use
23 this various equipment. Otherwise, I don't see, and may-
24 be I'm thinking in terms of my county, how a district
25 judge, who is a state officer, would have control over a

1 county agency and county equipment, and how he could call
2 it up, have it brought out to his ranch and command it
3 and use it. How did you all connect the two up, and what
4 connection is there, and who are these other people who
5 were alleged to conspire to get the equipment from the
6 county?

7 MR. DONALDSON: Well, Mr. Denson, I'm
8 sorry that you didn't hear all my presentation a while
9 ago. But we had direct testimony that, for example, Mr.
10 Ruiz, who was instructed by the Commissioner of Precinct 3,
11 who is Ramiro Carrillo, who is the brother of Judge O. P.
12 Carrillo, he was instructed to go there and to perform
13 some welding operations. And under questioning, he was
14 asked whether or not he was in any way intimidated, or
15 did he know that this was wrong to do it, and whether or
16 not he thought Judge O. P. Carrillo could fire him. And
17 he said, "No, but his brother could." And that he was
18 also instructed on occasion by Judge O. P. Carrillo to
19 go out there and do the welding.

20 So that throughout this thing, Judge Carrillo's
21 presence—for example, he took the two gentlemen into
22 town when they picked up the backhoe, and told them to pick
23 up the backhoe and load it and take it back out there.
24 And under his instructions, they used that in the mixing
25 of concrete and pouring the foundation for the building

1 constructed on his private property.

2 Throughout this record, and throughout the testi-
3 mony, we find that Judge Carrillo and his brother, Ramiro
4 Carrilo, the Commissioner of Precinct 3, where most of the
5 equipment as I recall, the equipment almost without excep-
6 tion, came from the Precinct 3 barn or it came from the
7 Water District where the President of that at the time of
8 the use of this equipment was a Mr. Chapa, I believe, who
9 was Judge O. P. Carrillo's father.

10 MR. DENSON: Thank you.

11 MR. DONALDSON: Your'e welcome.

12 MR. GARCIA: Will the gentleman yield, Mr.
13 Speaker?

14 MR. DONALDSON: I yield, Mr. Garcia.

15 SPEAKER CLAYTON: The gentleman yields, Mr.
16 Garcia.

17 MR. GARCIA: Mr. Donaldson, the first para-
18 graph of Article IV states, among other things, the phrase
19 "which he was not entitled to use." Now, can you tell me
20 what evidence there was that there was no entitlement on
21 the part of Judge Carrillo to use this equipment?

22 MR. DONALDSON: All right. Of course, the
23 first thing is the statutory prohibition for the use of it
24 for private use.

25 MR. GARCIA: This is what I'm interested in

1 ascertaining. Could you tell me what statute prohibits
2 the use of county equipment by a state official?

3 MR. DONALDSON: For private purposes?

4 MR. GARCIA: Yes.

5 MR. DONALDSON: I don't know the exact
6 citation or anything else.

7 MR. GARCIA: Well, the Committee, as I
8 understand, had a high-priced legal counsel, and I don't
9 say that facetiously. Do you think that this counsel
10 could obtain for us the statutory provision that prohibits
11 the use of this equipment in this particular situation?

12 MR. DONALDSON: I imagine that might be
13 done, Mr. Garcia. Why don't you go check with him and see?

14 MR. GARCIA: I'd like to have that, because
15 we're being called upon at this point, Mr. Donaldson, to
16 vote on a Article of Impeachment, and I think the entire
17 predicate, the entire basis of the Article, is that this
18 official was not entitled to use this equipment. And I
19 think that I would feel a little more conscionable about
20 voting on this Article if I knew that there was a statutory
21 provision, and you could quote the statutory provision
22 to me.

23 MR. DONALDSON: Well, in the first place,
24 Mr. Garcia, for it to be an impeachable offense as deter-
25 mined by this Committee, it doesn't have to violate any

1 statute.

2 MR. GARCIA: What does it have to violate,
3 Mr. Donaldson?

4 MR. DONALDSON: It's whatever we decide is
5 an impeachable offense, if you want to get right down to
6 it, Mr. Garcia.

7 MR. GARCIA: In other words, you're telling
8 me if this man—

9 MR. DONALDSON: And it's the feeling of
10 the Committee, as my own personal feeling, that without
11 regard to statutory prohibition, that the use of county
12 equipment, as evidenced before our Committee through ample
13 testimony, by District Judge in collusion with his brother
14 who was Commissioner of Precinct 3, and obviously in col-
15 lusion with the President of the Water District that was
16 his father, to the exclusion of that same use by other
17 people, in my opinion was—

18 MR. GARCIA: Are you telling me, Mr. Donald-
19 son, are you telling me that there was not other people
20 who used that equipment?

21 MR. DONALDSON: I didn't say that at all.

22 MR. GARCIA: You said "to the exclusion of
23 other people."

24 MR. DONALDSON: Absolutely. Mr. Ruben
25 Chapa, for example. He specifically requested that he be

1 allowed to use the backhoe, and he was not allowed to use
2 it.

3 Now, there is other testimony in this record
4 of other people using the county equipment, water district
5 equipment, and that kind of thing when they were not en-
6 titled to use it. But we were not concerned in this
7 resolution with the impeachment or bringing criminal
8 charges against anybody, other than impeachment offenses
9 against O. P. Carrillo.

10 MR. GARCIA: Mr. Donaldson, you said that
11 there was a statute which prohibited the use of this equip-
12 ment, and I would like to have that statute.

13 MR. DONALDSON: Well just hold on. If you
14 will go find Mr. Doyle, you can get it yourself. But if
15 you will hold on a minute, we'll get it.

16 MR. GARCIA: Yes, sir. We've got all day.

17 Mr. Speaker?

18 SPEAKER CLAYTON: Mr. Garcia.

19 MR. GARCIA: This period of time that is
20 being used to locate the statute that allegedly was vio-
21 lated, does that count on Mr. Donaldson's time? I don't
22 want to run out of time.

23 SPEAKER CLAYTON: We'll not count that
24 against his time, Mr. Garcia.

25 MR. DONALDSON: Mr. Garcia, while we're

1 just waiting here, I might point out to you that there is
2 not an allegation in here that any statute was violated
3 in the first place, just to clarify that. I wouldn't want
4 you to mislead the House, and I know you wouldn't intend
5 to do that.

6 MR. GARCIA: Well, Mr. Donaldson, it says,
7 "which he was not entitled to use," and there must be some
8 basis for this, other than the whim or fancy of the Com-
9 mittee. And I think your counsel might have located some-
10 thing there.

11 MR. DONALDSON: All right. I'll refer you
12 to Section 39.01 of the Penal Code, relating to "Official
13 Misconduct,"

14 "A public servant commits an offense if,
15 with intent to obtain a benefit for himself or
16 to harm another, he intentionally or knowingly
17 takes or misapplies anything of value belonging
18 to the government that may have come into his
19 custody or possession by virtue of his employment
20 or secrets it with intent to take or misapply
21 it, or pays or delivers it to any person knowing
22 that such person is not entitled to receive it."

23 MR. GARCIA: You're talking about theft
24 of services, are you not?

25 MR. DONALDSON: No. I'm talking about

1 official misconduct.

2 MR. GARCIA: Official misconduct?

3 MR. DONALDSON: Theft of services would be
4 under 31.03.

5 MR. LANEY: I thought you were a better
6 lawyer than that, Matt.

7 MR. GARCIA: What is that, Pete Laney?

8 MR. DONALDSON: Mr. Speaker, if there are
9 no further questions, I move adoption of Article IV.

10 SPEAKER CLAYTON: I don't think you're that
11 lucky, Mr. Donaldson. Mr. Watson?

12 MR. WATSON: Does the gentleman yield?

13 SPEAKER CLAYTON: The gentleman yields, Mr.
14 Watson.

15 MR. WATSON: Mr. Donaldson, I've been con-
16 cerned all through this testimony, were these witnesses
17 questioned as to who their friends were? Were they pro-
18 Parr or Carrillo, that testified before this Committee?

19 MR. DONALDSON: I tried to give you a little
20 bit of a rundown there on each of the witnesses that tes-
21 tified—

22 MR. WATSON: But you didn't tell us whether
23 they were pro-Parr or pro-Carrillo. I'd like to—

24 MR. DONALDSON: Well, if you will pay real
25 close attention, I said that throughout the testimony it

1 appeared that after the split between the Parrs and the
2 Carrillos, that all of the Parr people that were working
3 for the County ended up working for the Water District.

4 MR. WATSON: Mr. Donaldson, I was paying
5 attention and I heard that.

6 MR. DONALDSON: Okay. And what I'm saying
7 is that at the time that they testified before us they
8 were working, several of them were working for the Water
9 District, and the implication was, and sometimes under
10 direct questioning, it was brought out in several of the
11 witnesses as to which group they were aligned with. And
12 I think that, as it relates to the witnesses here, those
13 that were at the time they testified before us, that were
14 employed by the Water District were a part of the Parr
15 faction, so to speak.

16 MR. WATSON: Most of the witnesses appear-
17 ring before this Committee, though, were Parr faction
18 people, right?

19 MR. DONALDSON: Well, I don't know if you
20 could say "most" because I don't have a tabulation on it.
21 But in relation to this particular Article, testimony on
22 several of the items is corroborated by individuals who
23 were friends of Judge O. P. Carrillo at the time they
24 testified.

25 For example, Tomas Elizondo. He was the

1 individual that operated the backhoe. At the time he
2 testified before us, and as of today, as far as I know,
3 he is Judge O. P. Carrillo's bailiff. He is his court
4 bailiff.

5 MR. GILLEY: Mr. Speaker, will the gentle-
6 man yield?

7 MR. DONALDSON: I yield, Mr. Speaker.

8 SPEAKER CLAYTON: The gentleman yields,
9 Mr. Gilley.

10 MR. GILLEY: Representative Donaldson,
11 I'm concerned about the length of time that this activity
12 was allowed to go on in the county, of using the county
13 equipment. Did you all make an effort to determine how
14 many years this has gone on?

15 MR. DONALDSON: I don't recall as we ever
16 tried to go back and pinpoint how long a time this has
17 been going on. I do know this: that in relation to
18 these specific uses, they're pretty well tied down as to
19 time, because there were certain members of the Committee
20 that were particularly concerned that as far as the use of
21 county equipment and that kind of thing, that they wanted
22 to try to develop and ascertain that it did occur at a
23 time when he was Judge of that District Court down there.

24 And off the top of my head, I recall that Ruben
25 Chapa testified that the use of this backhoe occurred in

1 November of '73, or thereabouts, and the reason that he
2 knew that it occurred then was that he had just bought a
3 brand new '74 automobile, or pickup or something. And
4 that was the reference point by which he tied down the
5 date.

6 Now, the truth in fact it probably has gone on
7 for 35 years, as far as I know. I don't know how long
8 it's been going on, but we tried to hone in on specific
9 time periods of the use of this equipment, if we could,
10 trying to tie it in to a time, if possible, when he was
11 sitting as judge of that judicial district.

12 MR. GILLEY: And he became judge in '71?

13 MR. DONALDSON: That's correct. And prior
14 to that he was county attorney.

15 MR. GILLEY: I wasn't here in the 63rd
16 Session, but was Representative Canales here at that time?

17 FROM THE FLOOR: Once or twice.

18 MR. DONALDSON: I believe that he was.
19 That was his first term, as I recall. I think he was
20 here once or twice.

21 MR. GILLEY: All right. And at that time,
22 in the 63rd Session, there wasn't this rift between the
23 Canales family and Judge Carrillo. Is that correct?

24 MR. DONALDSON: I'm just not advised. What
25 I know about Duval County, I learned when I served on this

1 Committee.

2 MR. GILLEY: All right.

3 MR. DONALDSON: And I don't remember there
4 being any testimony as to their allegiance in the 63rd
5 Session.

6 MR. GILLEY: Do you recall a Bill having
7 been introduced in this session of the Legislature, the
8 64th, by Representative Massey, that would have—as I
9 recall the Bill, and I talked to him—would have allowed
10 the commissioners to use their equipment, and it would not
11 have violated any state law? In other words, it would
12 have changed the law.

13 MR. DONALDSON: Yes, I recall that.

14 MR. GILLEY: Do you remember that Bill?

15 MR. DONALDSON: Right. I got some mail on
16 that, as a matter of fact, from some contractors.

17 MR. GILLEY: And that Bill—I don't know
18 whether it got out of committee or not—one of my commis-
19 sioner's courts unanimously passed a resolution requesting
20 me to support that Bill. And you are familiar, are you
21 not, that in some of the—

22 MR. DONALDSON: I'm not surprised at that.

23 MR. GILLEY: —in some of the rural counties
24 there are not large contractors, and sometimes the com-
25 missioners do private work, even though it may be in

1 violation of the law. Somebody has to do the work to
2 get the school buses out along the routes. Did you find
3 that any other work was done with this equipment for
4 anyone else's use and benefit? Did you all go into it
5 that far?

6 MR. DONALDSON: Yes. There was some testi-
7 mony that it had been used for the benefit of other indi-
8 viduals. Yes.

9 MR. GILLEY: Other than the Carrillo family?

10 MR. DONALDSON: Other than Judge O. P.
11 Carrillo, who was the subject of our inquisition.

12 MR. GILLEY: Did you find that in addition
13 to just the use of the backhoe, that other equipment,
14 trucks and whatnot, were used for other benefits, to
15 benefit other people in that district, in that county?

16 MR. DONALDSON: Yes, there was some testi-
17 mony to that effect.

18 MR. GILLEY: And that had gone on for sev-
19 eral years?

20 MR. DONALDSON: Yes.

21 MR. GILLEY: By various commissioners?

22 MR. DONALDSON: Well, I can't really—I
23 don't really recall any specific commissioner, testimony
24 as to their personal use of it. I don't really recall
25 that. I know that there was some testimony about other

1 people using county equipment, or water district equip-
2 ment, or something.

3 MR. GILLEY: What I'm concerned about here
4 is, we're being asked to vote for this Article IV, and it is
5 stated that O. P. Carrillo conspired, and from what you've
6 said, and from what I've been able to read in the testi-
7 mony, I don't see any conspiracy. It looks to me like
8 it is a tradition in that county.

9 SPEAKER CLAYTON: Mr. Sherman raises a
10 point of order. The gentleman's time is expired. Point
11 of order is well taken, and sustained.

12 MR. GILLEY: Mr. Speaker, I move that his
13 time be extended.

14 SPEAKER CLAYTON: Mr. Gilley moves that
15 the gentleman's time be extended. Is there objection?

16 There being objection, all those in favor of
17 the extension of time say "aye"; all those opposed "no."

18 (Voice vote)

19 Vote "aye"; vote "no."

20 (Record vote)

21 Have all members voted?

22 There being 49 "ayes" and 48 "nos," the gentle-
23 man's time is extended.

24 MR. GILLEY: Is this the Article that you
25 took a particular interest in as a Committee, or how was

1 it determined who would explain each Article?

2 MR. DONALDSON: I really don't know, Mr.
3 Gilley. I was just assigned that. I do recall that I
4 did question Mr. Chapa pretty thoroughly, and I believe
5 it was under my questioning that the use of the posthole
6 digger, for example, was brought to surface. But I didn't
7 have any more interest in this one than I had in the others.

8 MR. GILLEY: Was the county ever reimbursed
9 for any of these uses of equipment by Judge Carrillo, or
10 anyone that was connected with him, or do you know?

11 MR. DONALDSON: Not that we were able to
12 determine.

13 MR. GILLEY: All right. Whose fuel was
14 used?

15 MR. DONALDSON: Well, there is, I would say,
16 in my opinion under the evidence that was presented to us,
17 that probably any—it would be pure conjecture as to whose
18 fuel was used. Now, I do know that there was testimony
19 from Cleofas Gonzalez, I believe, that trucks, or vehicles,
20 or something that belonged to Judge Carrillo, were filled
21 up at the county pump. Now, I believe that that will
22 relate to a later Article that we have before us. But
23 whether they used that fuel in these specific items of
24 equipment, I do not know.

25 MR. GILLEY: Was this equipment used in

1 conjunction with other equipment, or was it the only
2 equipment used at the time it was used?

3 MR. DONALDSON: Well, the backhoe, which
4 had a front-end loader on it, its use was at the time of
5 the construction of the foundation of this building on
6 the Judge's ranch. Now, I'm sure that it was used in con-
7 junction with a mixing machine of some kind. We had no
8 testimony to indicate that there was anything used during
9 this operation that belonged to the county or any other
10 political subdivision, other than this backhoe. And it
11 was used for a period of four or five hours on that par-
12 ticular occasion.

13 MR. GILLEY: Was it used for several days,
14 or was it just used for two or three days?

15 MR. DONALDSON: As I recall from the testi-
16 mony on this specific use for the pouring of that founda-
17 tion, it was for four or five hours, according to the
18 testimony, I believe, of Tomas Elizondo, the court bailiff.

19 MR. GILLEY: Four to five hours?

20 MR. DONALDSON: That's correct. And as I
21 recall, I think that was on a weekend.

22 MR. GILLEY: Was this water reservoir a
23 water reservoir for the use only of Judge Carrillo or his
24 family, or was that water used by the public?

25 MR. DONALDSON: I believe that was the

1 construction of what we refer to in my part of the country
2 as a stock tank on his ranch, as I recall. Let me get
3 the— That came from the testimony of Mr. Sanchez, Oscar
4 Sanchez. It was a dirt water reservoir on the ranch of
5 Judge Carrillo, which as I recall now, that was for stock
6 watering purposes, and that kind of thing, on the ranch.
7 Livestock.

8 MR. GILLEY: Was there any effort made to
9 investigate whether or not that stock pond originally was
10 partially constructed with federal funds?

11 MR. DONALDSON: Not that I recall.

12 MR. GILLEY: Are you aware that under
13 some of the rules and regulations, that if that was built
14 partially with federal money, that it in some respects is
15 public?

16 MR. DONALDSON: Yes. I'm aware of the use
17 of federal money for the construction of water conserva-
18 tion projects and that kind of thing on rural property,
19 yes. But I know of nothing that authorizes the county
20 to build them for you.

21 MR. GILLEY: Are you saying they built it,
22 or just worked on it?

23 MR. DONALDSON: Well, the county equipment
24 was used to dig it out, and I believe that Mr. Sanchez
25 was a county employee, as I recall. Yes. He was employed

1 by Duval County at the time that he operated the machine
2 to dig the tank, or the reservoir. And I might add, I
3 believe that his testimony was through the aid of an
4 interpreter.

5 MR. GILLEY: Would you explain that again?

6 MR. DONALDSON: I believe that he testified—
7 just a minute. Mr. Ramirez—

8 MR. GILLEY: Did he testify in Spanish all
9 of the time?

10 MR. DONALDSON: Through the—yes. Mr. Hale
11 would ask the questions in English, or whoever was asking
12 the questions, the interpreter would then ask the question
13 in Spanish, and give the witness' response.

14 MR. GILLEY: I believe that's all I have.

15 MR. DONALDSON: Mr. Chairman, I move adoption
16 of Article IV.

17 SPEAKER CLAYTON: The Chair recognizes Mr.
18 Garcia to speak against Article IV.

19
20 PRESENTATION AGAINST ARTICLE IV

21
22 MR. GARCIA: Mr. Speaker, and Members, I
23 think that the membership of this House is fairly well
24 expressed by the votes that were rendered on the Articles
25 presented yesterday, what they intend to do. But I believe

1 that in order that you can vote in a conscionable manner,
2 in order that there be some credibility to the actions
3 taken by this House, that you should be informed of cer-
4 tain facts, and I think that you should very definitely
5 read the various Articles that the Committee, the Select
6 Committee is asking you to report out of this House.

7 Article V states:

8 "While holding office as district judge
9 for the 229th Judicial District of Texas, O. P.
10 Carrillo conspired with others to misapply
11 government equipment, which he was not entitled
12 to use, to his personal benefit."

13 "To which he was not entitled to use" I think
14 is the entire crux of this particular charge. And if you
15 feel that the evidence that is contained in these volumes
16 establishes that Judge Carrillo, that it has been estab-
17 lished that Judge Carrillo was not entitled to use this
18 equipment, then you have an obligation to vote out this
19 Article in an affirmative fashion.

20 I got concerned about the allegation because
21 I know of no statute on the books that prohibits the use
22 of county equipment by county officials, and that is the
23 reason I asked Mr. Donaldson if he was aware of such a
24 statute.

25 This Committee had a counsel. This counsel was

1 well paid, and I do not quarrel with the fee that was
2 paid to him. But he had a responsibility to make this
3 Select Committee aware of whatever laws were applicable
4 in this particular situation, and to which the facts
5 alleged, what law could be applied to these facts.

6 And so they hand me Article 39.01, and the un-
7 usual part about it—and of course, it insults my intelli-
8 gence, and it should insult yours—is that all of the
9 allegations of alleged misuse of county equipment occurred
10 in 1973 and prior thereto, according to this report, and
11 the Article given to me in support of their contention
12 that there is law on the point, was passed by the 63rd
13 Legislature, was passed by many of you, and was not in
14 effect in 1973.

15 But let's assume that it was, and let's assume
16 that Mr. Donaldson is correct; that we can do anything we
17 want to do and we can impeach for anything we want to
18 impeach. We are not guided by any rules or regulations,
19 and if we feel that the act that was committed was against
20 reason, we can impeach, we find that it was against law
21 we can impeach. If we find that it was against neither,
22 we can impeach. But let me just quote to you a part of
23 the Official Misconduct Statute. It says:

24 "For purposes of Section A-2 of this Section,
25 a public servant commits an act under color or

1 employment, if he acts or purports to act in an
2 official capacity or takes advantage of such
3 actual or purported capacity. . . "

4 Now, I'm not satisfied that by virtue of the
5 fact that O. P. Carrillo was a district judge, that it
6 put him in a position where he could avail himself of this
7 particular equipment. Now, if it did put him in that
8 position, then of course, it may give this a different hue,
9 a different climate on this particular charge.

10 Gentlemen, what I'm saying is, vote your con-
11 science, but your conscience should be based on your feel-
12 ing as to what is right and what is wrong, and right or
13 wrong, it should be dictated to you by what this Committee
14 is able to establish. And if they say that this man did
15 something wrong and this is where the law was violated, or
16 this is where the rules and regulations were violated, or
17 this is where a system in this community was violated,
18 then you have a perfect right to vote out this Article.

19 But if they don't establish to your satisfaction
20 that this man did not have a right to use the equipment,
21 then of course that is not a violation of any type, and
22 you shouldn't just indiscriminately vote out an Article
23 because it seems the popular thing to do.

24 This is the third time in the history of this
25 state, and it's been said before, that we are considering

1 matters of Articles of Impeachment. And I hope that we're
2 not criticized by our complete lack of concern over evi-
3 dence in support of these Articles. I don't think anyone
4 could condemn you if you do what you feel is right based
5 on what you have read and what you have heard from witnesses,
6 but not on conjecture. Not on whether or not you like
7 the man that is presenting the Article. Whatever you do,
8 no one is going to quarrel with you but your own conscience.

9 So, for God's sake, do what is right in this
10 particular matter. Thank you.

11 SPEAKER CLAYTON: Mr. Donaldson, to close
12 on Article IV.

13
14 CLOSING STATEMENT ON ARTICLE IV

15
16 MR. DONALDSON: Just briefly, in closing,
17 in reference to Mr. Gilley's statement about the fuel,
18 on page 2-151 under the testimony of Mr. Sanchez again, he
19 did testify that county fuel was used in the equipment,
20 and for Mr. Garcia's benefit, Section 39.01 of the Penal
21 Code to which I referred him was previously covered by
22 Penal Code Section 9780, prior to the adoption of the new
23 penal code effective January 1, '74.

24 I move adoption of Article IV.

25 MR. CLARK: Mr. Speaker, will the gentleman

1 yield?

2 SPEAKER CLAYTON: Mr. Donaldson, will you
3 yield to Mr. Clark? The gentleman yields to Mr. Clark.

4 MR. CLARK: In continuation of what Mr.
5 Watson said earlier there, mentioning about the witnesses,
6 that having been called and their testimony and whose side
7 they may have been employed with, whose kinfolks they may
8 have been, in going through this Article here, for instance
9 the first one, Ruben Chapa, there's no indication as to
10 what side he's on or who he's kinfolks to and so forth.
11 But D. C. Chapa, the next name that's used there, is used
12 as being O. P. Carrillo's father. And all the way through,
13 we see this indication,—Francisco Ruiz, as being kin to
14 him. But there's no where in there do we find that Ruben
15 Chapa, Rogelio Sanchez, testimony as to what side they're
16 on. But every time, like Tomas Elizondo, you mentioned
17 him as being the long-time friend of O. P. Carrillo's.

18 It seemed to me, and I'd like some explanation
19 on it if you have any, why in these situations, why do
20 you use, why in the Article that you've given—

21 MR. DONALDSON: Let me explain to you. I
22 think I know what you're getting at. Let's take, for
23 example, Ruben Chapa. All right. From the testimony—

24 MR. CLARK: Is he any kin to D. C. Chapa?

25 MR. DONALDSON: I don't believe so. I

1 don't believe he was related. I don't believe he was
2 related to Judge Carrillo. Now, specifically, Ruben Chapa
3 had been a long-time friend of Judge O. P. Carrillo's,
4 and he testified that from time to time Judge Carrillo
5 would come by his station, he would go out to the ranch
6 with him, and that kind of thing. Now, obviously, after
7 the political split between the Parrs and the Carrillos
8 Mr. Chapa, as I recall from his testimony, he went with
9 the Parrs. And quite frankly—

10 MR. CLARK: Excuse me. Who went with the
11 Parrs? Chapa?

12 MR. DONALDSON: Chapa.

13 MR. CLARK: Now why, let me ask you that
14 question, why didn't you say in there that he was a friend
15 of the Parrs? Why, in these instances—

16 MR. DONALDSON: Because at the time of his
17 testimony to us, he was business manager, I believe, of
18 the Water District. And you'll find, as I recall, that
19 most of the Parr folks ended up in the Water District
20 after the split.

21 MR. CLARK: I've noticed through here that
22 in every one of these Articles that you've got into people,
23 there's no indication as to whose side they're on, or who
24 they're kinfolks to, but they you've got all the others
25 that—

1 MR. DONALDSON: Now, wait just a minute
2 now. If you will read the transcript, you will find that
3 in Mr. Chapa's testimony before our Committee it came out
4 that, quite frankly he was a little bit hacked because he
5 tried to use that backhoe and they wouldn't let him. Okay?

6 Now, why then is it important to consider the
7 testimony and the relationship of Tomas Elizondo to the
8 Judge? That is because he corroborated the very testimony
9 given by Chapa. I mean, Chapa had reason to be put out.
10 He didn't get to use the backhoe when he had asked to.
11 Obviously he was a part of the other political faction
12 at the time he testified, and could probably be considered
13 to be in an adverse position to Judge Carrillo. But his
14 testimony was corroborated by Tomas Elizondo who said,
15 yes, that's true, I did use that backhoe; I operated it
16 for four or five hours in the construction of the private
17 building. And that's why it's important to point out the
18 relationship of Tomas Elizondo, being the bailiff of Judge
19 Carrillo, his court bailiff.

20 And in my explanation here I've tried to point
21 out, previously in my explanation to this Article, to point
22 out the fact that Ruben Chapa could be considered adverse
23 to Judge Carrillo.

24 MR. CLARK: How much time was actually,
25 was this equipment actually used in the process of, in

1 O. P. Carrillo's ranch in the building of these different
2 buildings and so forth?

3 MR. DONALDSON: As relates to the backhoe,
4 I recall that his testimony specifically was four or five
5 hours.

6 MR. CLARK: Four or five hours.

7 MR. DONALDSON: Now, as for others, like
8 the posthole digger, it was seen there on several occasions.

9 MR. CLARK: Yes.

10 MR. DONALDSON: The stock tank, I don't know
11 as we ever tied down the number of hours, days or whatever,
12 but that equipment was used as long as it took to construct
13 that earthen reservoir.

14 MR. CLARK: In the hearings, on page 58,
15 the-actually, the first paragraph I would suppose, begin-
16 ning of the first paragraph down toward the bottom,
17 "Francisco Ruiz testified without contradiction that he
18 used a county truck and the county welding equipment
19 mounted on it to perform various welding operations," and
20 so forth. But on the other page over there, it was sub-
21 stantiated, or stated, that it wasn't used. So, from
22 time to time, you know, you have some contradiction in
23 here as to the statement that it wasn't used.

24 MR. DONALDSON: What wasn't used?

25 MR. CLARK: Seemed like those things that

1 wasn't used, people who were either friends of Carrillo's
2 or not.

3 MR. DONALDSON: I don't really understand
4 what you're talking about when you're talking about some-
5 thing not being used.

6 MR. WATERS: Mr. Speaker, will the gentle-
7 man yield?

8 SPEAKER CLAYTON: Will you yield, Mr.
9 Donaldson?

10 MR. DONALDSON: I yield.

11 SPEAKER CLAYTON: The gentleman yields,
12 Mr. Waters.

13 MR. WATERS: Is it a fact or not that until
14 1973, or until the 63rd Session of the Legislature, that
15 it was not illegal, that there were no laws on the books
16 regarding the use of county equipment by county officials
17 or other public officials?

18 MR. DONALDSON: No, that's not true.

19 MR. WATERS: That is not true?

20 MR. DONALDSON: 3901, which I referred Matt
21 to a while ago was previously covered under 9780, I believe
22 it was, prior to the adoption of the new penal code which
23 we adopted in that session.

24 MR. WATERS: Can you read that to me, or
25 just tell me what—

1 MR. DONALDSON: I asked that a copy of that
2 be brought out here, but I haven't received it.

3 "If any officer of this state or of any
4 county or of any municipality shall knowingly
5 use or permit to be used for private profit to
6 himself, other than to the state, county or
7 municipality, any property, supplies, equipment
8 or other thing of value belonging to the state or
9 to any county or municipality, he shall be pun-
10 ished by a fine of . . . "

11 MR. WATERS: A misdemeanor is what it is?

12 MR. DONALDSON: Right. Misdemeanor offense.

13 MR. WATERS: So in this particular instance
14 we're being asked to impeach a man for the commission of
15 a misdemeanor?

16 MR. DONALDSON: I'm not asking you to do
17 anything, Mr. Waters. I'm just explaining to you; you
18 vote how you want to on it. Let me point out first to
19 you that an impeachable offense does not require that it
20 violate any statute or anything else.

21 MR. WATERS: I understand that.

22 MR. DONALDSON: At the time this was an
23 offense punishable by a thousand dollar fine or imprison-
24 ment in the county jail for not more than two years, or
25 both, a misdemeanor offense.

1 MR. WATERS: Thank you.

2 MR. SALEM: Mr. Speaker, will the gentleman
3 yield?

4 SPEAKER CLAYTON: Do you yield, Mr. Donald-
5 son? The gentleman yields, Mr. Salem.

6 MR. SALEM: Mr. Donaldson, I was just won-
7 dering, perhaps you can help me, in order to help prevent
8 me and many other members of the Legislature from being
9 impeached, since it only takes a Simple House Resolution,
10 I was wondering, we have typewriters that belong to the
11 State of Texas in our offices back in our districts, and
12 if we wrote a personal letter on that typewriter, that
13 would be using state equipment to inure a personal benefit.
14 We also have these tape recorders that belong to the
15 State of Texas, and if we use that tape recorder, for
16 instance, to record a song that we want to remember the
17 words of, now these are things that we are inuring a
18 benefit, would it be an impeachable offense since we're
19 using state equipment for personal use?

20 MR. DONALDSON: It would be an impeachable
21 offense if a committee such as the one that I served on,
22 if that committee saw fit to include that as an article
23 of impeachment, without regard to whether it violated any
24 statute or anything else. If that committee reported that
25 as an article of impeachment and it was approved by this

1 House, that would be an article of impeachment.

2 MR. SALEM: In other words, I have a Xerox
3 machine—

4 MR. DONALDSON: Except that members of
5 the Legislature are not subject to impeachment.

6 MR. SALEM: Well, could they be expelled?

7 MR. DONALDSON: Pardon me?

8 MR. SALEM: Could they be expelled? In
9 other words, you have a tape recorder in your district
10 office back home and you Xerox some letters or some docu-
11 ments for your law firm, and I found out about it and I
12 brought this to the members of the Legislature, could you
13 be expelled from the Legislature for using this state
14 equipment for your own benefit?

15 MR. DONALDSON: That would be purely to the
16 will of this House and nothing else.

17 SPEAKER CLAYTON: Members, the question
18 now recurs on the adoption of Article IV. All those in
19 favor of the adoption of Article IV will vote "aye"; all
20 those opposed will vote "no." It's a record vote. The
21 Clerk will ring the bell.

22 (The motion, being put to a record vote, passed.)

23 SPEAKER CLAYTON: There being 104 ayes and
24 29 nos and one present not voting, Article IV is adopted.

25 The Chair recognizes Mr. Kaster for an

1 explanation of Article V.

2
3 PRESENTATION OF ARTICLE V

4
5 MR. KASTER: Mr. Speaker and Members, this
6 Article deals with one of the more interesting transactions
7 that we came across in our investigation; one that re-
8 ceived a great deal of publicity, and this was the opera-
9 tion of an entity which was called Zertuche General Store.
10 Now, there was testimony given that there was actually
11 a Zertuche Store started in approximately 1965, but there
12 was conflicting testimony on this store, in that some of
13 the people that lived in the town don't ever remember
14 seeing a Zertuche General Store operating as a separate
15 entity.

16 However, one of the witnesses testified that
17 she had worked in this store part time. However, in 1967
18 a hurricane hit the town of Benavides, damaged the store
19 where the so-called Zertuche General Store was located,
20 and after that time, that store no longer existed at that
21 location.

22 Now, in the early sixties, Ramiro and O. P.
23 Carrillo purchased a bankrupt lumber company which was
24 then known as Vallejo Lumber Company. And they started
25 a store called Farm and Ranch Supply Company at this

1 location.

2 After 1967 they took the registers that were
3 formerly at the Zertuche Store and transferred them to
4 the Farm and Ranch Supply Store. Plus, there was indica-
5 tion that whatever inventory there was at the old Zertuche
6 Store was also transferred to the Farm and Ranch Supply
7 Store.

8 Now, all Zertuche General Store became after
9 1967 was merely an invoice register. The Farm and Ranch
10 Supply Store had a counter, and sitting on the counter
11 were two invoice registers. One register said "Farm and
12 Ranch Supply Store"; the other said "Zertuche General
13 Store."

14 Testimony was given by Mr. Cleofas Gonzalez
15 that he was instructed by Judge O. P. Carrillo and County
16 Commissioner Ramiro Carrillo, who was Judge Carrillo's
17 brother, that any item sold by Farm and Ranch Supply to
18 a governmental entity, such as the county of Duval, the
19 Benavides Independent School District, or the Benavides—
20 or Duval County Water Reclamation District, should be billed
21 on the Zertuche General Store register. The reason for
22 this was, at that time O. P. Carrillo was County Attorney
23 and simultaneously was a member of the school board. Also,
24 Ramiro Carrillo was a County Commissioner, and Mr. D. C.
25 Chapa was also president of the school board, plus

1 president of the Water District. They were prohibited by
2 statute, Article 373 of the old Penal Code, from doing
3 business with the county. So any items that were sold to
4 the county were billed on the Zertuche General Store
5 register.

6 At the end of the month they would send a state-
7 ment to the governmental entities; the governmental enti-
8 ties would make a check payable to Zertuche Store.

9 Mr. Cleofas Gonzalez would then take these checks
10 and deposit them to an account labelled "Zertuche General
11 Store" at the First State Bank in San Diego, Texas. He
12 would immediately write another check for the exact same
13 amount on Zertuche General Store, transferring it to Farm
14 and Ranch Store, which was owned by O. P. and Ramiro
15 Carillo. This was solely a sham transaction.

16 Now, in the exhibits presented by the Carrillos,
17 in 1965 Zertuche General Store had sales of \$13,500. In
18 1966, they had \$11,500. In 1966, Mr. Hector Zertuche,
19 who had allegedly started Zertuche Store, was called into
20 the Army and his brother, by the name of Arturo Zertuche,
21 then took over the operation. However, in 1967 the hurri-
22 can struck, and for all practical purposes, Zertuche
23 General Store was no longer in operation, with the excep-
24 tion of being a register invoice at the Farm and Ranch
25 Store.

1 Now, when it became under the control of the
2 Carrillos through this sham transaction, in 1967 the sales
3 to governmental entities approached \$56,000; in 1968,
4 \$72,000; in 1969, \$81,000; and in 1970, \$72,000. There
5 were some sales also made in 1971 when Judge Carrillo
6 became Judge of the 229th District Court.

7 The scheme was then transferred to an entity
8 known as the Benavides Implement Company, who were also
9 friends with the Carrillos, and it continued on through the
10 Benavides Implement Company.

11 Now, Arturo Zertuche, who ran the store from,
12 allegedly in '67, '68, '69, '70, '71 and '72, during that
13 entire time was a student at North Texas State University,
14 and he increased sales dramatically from \$11,000, when
15 he allegedly took it over, he went to school and increased
16 sales to \$81,000 while he was away at North Texas State
17 University.

18 Incidentally, the last report that we had of
19 Arturo Zertuche is that he is now a teacher and is teaching
20 at Texas State Technical Institute in Harlingen, and he is
21 teaching business management.

22 Now, for your information, I have pictures—I
23 went down to Duval County along with Mr. Maloney and I
24 took pictures of these stores that are doing a hundred
25 thousand dollars a year business. I also have a picture

1 of the old Zertuche Store, and you're welcome to come look
2 at them.

3 We also have copies of checks,—we went down
4 and subpoenaed the bank records, showing these—well they
5 are up here if you would like to see them. I have many
6 views of these stores.

7 At the Zertuche General Store, behing the store
8 is the county warehouse. It's all comingled. Items
9 owned by the county were comingled with items owned by the
10 Farm and Ranch Supply. Testimony was given by Mr. Cleofas
11 Gonzalez that on occasion he would sell items to the
12 county through Zertuche General Store that the county
13 already owned. Now, we took this with a grain of salt,
14 but there was certainly no separations between the items
15 owned by the county and those owned by the Farm and Ranch
16 Store.

17 We have copies of warrants made by the county
18 to Zertuche Store. We have copies of deposits slips made
19 to Zertuche General Store account, showing checks from
20 the county, the school district, and the water district,
21 and this went on month after month after month. We also
22 have copies of checks written from Zertuche Store back
23 to Farm and Ranch Store, and also, on occasion, Mr. Gon-
24 zalez testified, that he would merely go cash these
25 governmental checks and give the money to Judge O. P.

1 Carrillo and to Judge Ramiro Carrillo. It is on these
2 charges that the federal government has instituted and
3 indicted them for invasion of income taxes, saying that
4 the sales to the Zertuche Store was an attempt to evade
5 taxes. It was our contention that—we disregarded that—
6 that it was really in violation of the separation of
7 Article 373 of governmental elected officials doing busi-
8 ness with the county.

9 I'll answer questions now.

10 MR. GREEN: Mr. Speaker, does the gentleman
11 yield?

12 SPEAKER CLAYTON: The gentleman yields,
13 Mr. Green.

14 MR. GREEN: Mr. Kaster, one of the impor-
15 tant things, I think, is that you, and you just skimmed
16 over it, that the Judge was in his elected office of
17 Judge while this was going on, in when—'71, '72? When
18 was he elected?

19 MR. KASTER: Yes. He became judge in 1971.
20 Now, the reason we went back a few years, to show that this
21 was a course of action that continued afterward. We
22 wanted to try to find out about when did this start, so
23 that we could show that it continued after it became
24 judge. We have checks made payable from governmental
25 entities after he became District Judge to Farm and Ranch

1 Store.

2 MR. GREEN: How long was that? Did it just
3 go for a year, up through '72? I mean, nothing into '73,
4 say?

5 MR. KASTER: No. Then the scheme changed
6 to the Benavides Implement Company. The Zertuche General
7 Store supposedly went out of business sometime in '71,
8 and they transferred it to Benavides Implement Company.
9 Now, the reason we're having trouble getting copies of the
10 checks from Benavides Implement Company is that the
11 Internal Revenue has subpoenaed all of those checks, and
12 we couldn't get them. But this is the way the scheme was
13 carried out.

14 MR. GREEN: Well, I guess, you know, coming
15 from a different part of the state, this may not be direct-
16 ly related to this Article, but I'm concerned about, you
17 know, in '71 and '72 there was no split between the two
18 families, the Carrillos and the Parrs.

19 MR. KASTER: Quite frankly, this entire
20 scheme came about because the Carrillos and the Parrs
21 were working together.

22 MR. GREEN: That's what I—

23 MR. KASTER: That's the way it was fostered,
24 and that's the way it was carried out, the entire thing.
25 I assume that the Parrs knew what the Carrillos were

1 doing, and assented to it. And I'm not saying anybody's
2 not guilty. It was a question of the veracity of the
3 witnesses. I certainly did, in my own mind,—and I say
4 this facetiously—I began to wonder if there was anybody
5 honest in all of Duval County. Because everybody was in-
6 volved in these schemes to loot the taxpayers money for
7 their own personal use.

8 MR. GREEN: Well, one of the things that—
9 and I know you're not a lawyer and neither am I—but
10 it seems like on some of the witnesses that came before
11 the Committee, that these witnesses were also in them-
12 selves lawbreakers and maybe they all of a sudden they
13 turned state's evidence, or whatever you call it. Was
14 there any question, during your Committee hearings, about
15 the validity of the testimony of these witnesses on how
16 come all of a sudden they decided that they wanted to
17 turn straight, or whatever?

18 MR. KASTER: Absolutely. And we realized
19 that they were testifying because of the split. And
20 quite frankly, the only way that an outsider would ever
21 learn about the goings on in Duval County would be after
22 a split took place, because prior to that I'm sure they
23 would all be closemouthed. We found out that the Internal
24 Revenue Service worked approximately two years down there
25 going through their records, and trying to find out. It

1 was that difficult, trying to find out.

2 But only with the split taking place would one
3 side rat on the other. And we realize that, and I took it
4 with a grain of salt. This is one reason I went to Duval
5 County, to look at those checks myself at the bank to
6 satisfy in my own mind that this actually did take place.
7 And I have copies of those checks, and am satisfied in my
8 own mind that it was a continuing scheme and it did ac-
9 tually take place.

10 MR. GREEN: Realizing that the Legislature
11 has no control to an extent over any one of the state
12 officials, and this situation goes back long before Judge
13 Carrillo was a district judge, did the Committee ever
14 have any evidence that there were other state officials
15 involved in this, outside of Judge Carrillo, or—

16 MR. KASTER: Yes. I think you're going to
17 find that the Committee, when we meet later on, will proba-
18 bly be recommending some perjury indictments on some of
19 the witnesses that testified before our Committee.

20 MR. GREEN: Well, I'm talking about other
21 state officials, whether it was another district judge,
22 or someone else who is actually a state official, from
23 the area.

24 MR. KASTER: We were limited by the Con-
25 stitution on those people that we can impeach. I would

1 suggest that it might be a good idea to deport everyone
2 from Duval County for a period of five years, have nobody
3 live there, and then just have them start coming back in.
4 It's a situation, quite frankly and in all honest, has
5 gone on for I don't know how long, years and years and
6 years, but nonetheless, when this kind of situation was
7 brought to the Committee's attention, an intolerable situ-
8 ation as far as the general public is concerned, then I
9 felt that we had to act.

10 Me, not being a lawyer, I went into it with an
11 open mind. I could care less one way or the other. But
12 I do think, as a member of the public, that if I'm called
13 before a court I would like to think that the judge is
14 fair and impartial and above reproach. And when you look
15 at the entire picture of what Judge Carrillo was doing down
16 there, in my own mind, I came to the inescapable conclusion
17 that the Judge should not be allowed to be a district
18 judge any longer.

19 MR. GREEN: Well, my only concern, and I
20 have supported each Article, is that we're looking at one
21 person, or one scheme of things, and maybe we're not going
22 into the other areas that maybe we should be.

23 MR. KASTER: No. I think what you'll find
24 is that the Committee will also be making some recommen-
25 dations for legislation at the next session of the

1 legislature. For instance, I think it's a good idea that
2 counties be required to maintain an inventory of county
3 equipment, because there was millions of dollars of county
4 equipment owned down there, part of it was on the Parr
5 Ranch, part of it was used by the Carrillos, part of it
6 stored on Ramiro Carrillo's Ranch, along with a concrete
7 vat dipping tank, and I think that an inventory, plus
8 distinctive markings, like the Highway Department has all
9 of their vehicles painted yellow with an insignia on it,
10 so that people would know that this equipment was being
11 used. The county equipment down there is not marked. One
12 of the trucks owned by the county doesn't have a license
13 plate on it, which I took a picture of, so that an average
14 person wouldn't know whose truck it was.

15 And we had testimony that these trucks were
16 used to haul grain, private grain to the grain elevator,
17 but since there was no license plate, no record, we didn't
18 vote that article out. That was testimony that was given.

19 The only thing that we can do is recommend legis-
20 lation, because we can't go touch anybody lower than the
21 district judge. If we did, one of the persons we granted
22 immunity to, to elicit this testimony, was a notary public,
23 and he shouldn't be a notary public. He is signing guy's
24 names and then notarizing it that that was the man's name,
25 and then cashing the check. Now, this is the type thing

1 that we're going to try and address ourselves to in remed-
2 ial legislation, which is the only thing that the Committee
3 can do.

4 MR. GREEN: We're not really going to impeach
5 any notary publics, though, are we?

6 MR. KASTER: No, but he shouldn't be a
7 notary public, quite frankly.

8 MR. GREEN: Thank you, Mr. Kaster.

9 MR. CLOSE: Mr. Speaker, will the gentleman
10 yield?

11 SPEAKER CLAYTON: The gentleman will yield,
12 Mr. Close, but before he does, I'd like to at this time
13 recognize a distinguished former member of this body,
14 Mr. Reed Quilliam from Lubbock, Texas, at the back of the
15 room back here. Reed, good to have you with us today.

16 (Applause)

17 SPEAKER CLAYTON: Proceed with your ques-
18 tion, Mr. Close.

19 MR. CLOSE: Mr. Kaster, I'm interested in
20 the witness, Ruben Chapa. What was his reason for, in
21 effect, turning against his good friend, the Judge, and
22 they had been good friends all these years. And what was
23 the reason for that?

24 MR. KASTER: That was the previous Article.
25 Mr. Chapa didn't testify in this Zertuche General Store.

1 However, the impetus came when he wanted to borrow this
2 backhoe and they wouldn't let him—

3 MR. CLOSE: Wouldn't let him borrow it.

4 MR. KASTER: —and it made him mad. Now,
5 Mr. Cleofas Gonzalez, his impetus came in that he got
6 suspicious and thought that he was going to get in trouble
7 with the Internal Revenue Service when the Internal Revenue
8 Service came into the Farm and Ranch Store and started
9 questioning and getting the records. And he knew what
10 he was doing was illegal, and the only reason that he did
11 it was because his bosses, O. P. and Ramiro Carrillo, told
12 him to do it, and he had to feed his family. But he became
13 very suspicious then, and that was his impetus for it.
14 And when the split took place, that was why.

15 An interesting thing, in the Farm and Ranch
16 Store and the Zertuche General Store, in going through
17 all the records, there is not one paycheck made to any
18 employee. So, in effect, the stores had no employees.
19 What was happening was that the employees of the Farm and
20 Ranch Store were being paid by the county, so it made a
21 pretty profitable operation. But that was the reason Mr.
22 Chapa got mad, and also Mr. Gonzalez. They got mad and
23 suspicious, and that started the split.

24 I'm not saying that their motives are pure;
25 they're not. But we kept reminding them that they were

1 under oath and were subject to the penalties of perjury
2 if they told false stories. But we would question the
3 witnesses, in my opinion, very closely on all sides, trying
4 to determine the veracity of the witnesses.

5 MR. CLOSE: When was the backhoe incident,
6 that he tried to borrow the backhoe from the county?

7 MR. KASTER: It was sometime after the Judge
8 had used it. I think in 1973, sometime around in there.
9 In fact, they called up Cleofas Gonzalez, and Ruben Chapa
10 saw one of the county trucks go out to the Judge's ranch
11 to haul grain and sorghum, down the grain elevator, and
12 they called the Department of Public Safety to try and
13 get them stopped, but the Department of Public Safety
14 wouldn't go stop them. They were trying to get them and
15 they were made, and we understood this.

16 MR. CLOSE: D. C. Chapa, is he any relation
17 to Ruben Chapa?

18 MR. KASTER: No. D. C. Chapa is the father
19 of Ramiro, O. P. and Oscar Carrillo. And an interesting
20 thing, I questioned why his name was Chapa and the other
21 people's name was Carrillo. Now, I don't know whether
22 this is truth or not, but it was alleged, that during
23 World War II, peior to World War II his name was Carrillo,
24 and to avoid the draft he went to Mexico and took the
25 mother's name of Chapa and then came back and never

1 bothered to change it back to Carrillo.

2 MR. CLOSE: Was Chapa an assumed name then?

3 MR. KASTER: Well, in Mexico you can take
4 either the mother's name or the father's name, and I think
5 Chapa was probably the mother's name.

6 MR. CLOSE: Why would he take that name?

7 MR. KASTER: Well, he wanted to avoid the
8 draft in World War II is what was alleged. Now, whether
9 that's true or not I don't know. But that's the answer
10 that I got, and why his name was Chapa instead of Carrillo.
11 I thought maybe they were adopted, but they were not.

12 MR. CLOSE: Thank you.

13 MR. KASTER: Mr. Speaker, I urge the adop-
14 tion of Article V.

15 SPEAKER CLAYTON: Does anybody wish to
16 speak against the adoption of Article V?

17 If not, all those in favor of the adoption of
18 Article V will vote "aye"; all those opposed will vote
19 "no." It's a record vote. The Clerk will ring the bell.

20 (The motion, being put to a record vote, passed.)

21 SPEAKER CLAYTON: There being 127 ayes,
22 13 nos, two present and not voting, Article V is adopted.

23 The Chair recognizes Representative Weddington
24 for an explanation of Article VI.
25

PRESENTATION OF ARTICLE VI

1
2
3 MS. WEDDINGTON: Article VI alleges that
4 Judge O. P. Carrillo filed false and fraudulent income
5 tax statements with the Secretary of State's office.

6 The ones that we have particularly looked at
7 are the records filed for the tax years 1973 and 1974.
8 The first interesting part is that exactly the same
9 amounts of income for various items were reported for
10 those two years, to the penny.

11 For example, in 1974 the Judge reported salary
12 of \$23,605.52, and for 1973 it was exactly \$23,605.52.
13 For oil royalties, exactly the same, \$14,879.83 in each
14 year. Ranch income, \$50,000 in 1974; \$50,000 in 1973.

15 In every instance, even in terms of rental on
16 property in Benavides and in Alice the figures were
17 exactly reported to be the same, and it appears that
18 exactly the same form was just copied from one year to
19 the next.

20 And then Jose R. Saenz, who you will remember
21 testified that he signed as Notary some other records
22 for other people without the people actually having signed
23 them, is the Notary on both of these. There was testimony
24 though that they were prepared at the Judge's direction.

25 The second thing is that neither of the reports

1 filed indicate that Judge O. P. Carrillo is the trustee
2 for the family trust, and did have income from the family
3 trust. And we know he had that income from his own fed-
4 eral income tax statements, which we have copies of.

5 We also note on the two statements that he did
6 not note any income from the partnership that he had with
7 his brother. And we know he had that from his federal
8 income tax statement, which he also filed.

9 In addition, as Mr. Garcia pointed out yesterday,
10 we raised the salaries of judges between the times he
11 filed these statements, and he forgot about it and forgot
12 to reflect that he had gotten a raise. So, for example,
13 we actually were paying judges \$25,000 at the time that
14 he reported he made \$23,605, and that did not include the
15 supplements that Duval County paid, so that was fraudulent.

16 He also, in the year 1973, reported income from
17 law practice, which was a time when he was acting as
18 district judge, and should not have had any income from
19 law practice.

20 In conclusion, Article VI merely alleges that
21 false and fraudulent income tax statements were filed by
22 Judge Carrillo with the Secretary of State's office, and
23 I will yield.

24 MR. GARCIA: Mr. Speaker, will the lady
25 yield?

1 SPEAKER CLAYTON: The lady yields, Mr.
2 Garcia.

3 MR. GARCIA: Representative Weddington,
4 the allegation is that he filed false and fraudulent
5 financial statements. Can you tell this House what evi-
6 dence of fraud was presented to the Committee? First
7 of all, what is fraud? What is the definition of fraud,
8 and what evidence of fraud was presented to the Committee?

9 MS. WEDDINGTON: I think they were fraudu-
10 lent in the fact that they omitted certain sources of
11 income that he himself had indicated that he did have, and
12 therefore it was a fraud on the public in the sense of
13 not filing correctly.

14 MR. GARCIA: Representative Weddington,
15 you are an attorney, are you not?

16 MS. WEDDINGTON: I have been in the past.

17 MR. GARCIA: And you know—you're not an
18 attorney now? You know good and well that the definition,
19 the legal definition of fraud is first of all that a person
20 makes a false statement, that at the time it's made the
21 person knows it to be false. Third of all, that it is made
22 with intent to deceive, and fourth of all that someone is
23 in fact deceived by it. Those are the four elements of
24 fraud.

25 Now, I've gone through some of this testimony,

1 and the record is woely lacking in any testimony that would
2 support any of those pertinent and necessary ingredients
3 of fraud.

4 MS. WEDDINGTON: To the contrary, I think
5 first that we know it was false, and partly by other things
6 he had signed. Second, it was, I think, knowingly done
7 because it was the testimony of the—

8 MR. GARCIA: Well, Representative Wedding-
9 ton, I don't want to interrupt you, but it's not what you
10 think. It's what the testimony showed before this Com-
11 mittee. We can engage in conjecture all day, and we can
12 render opinions, but I want to know, what witness testi-
13 fied to the Committee—and I'm not arguing the point, I
14 just want to know so that—

15 MS. WEDDINGTON: Mr. Garcia, there was no
16 direct testimony that any person was misled by it. How-
17 ever, the Committee members, when they looked at it—and
18 I can testify personally to that—were misled, and common
19 cause evidently was misled because they didn't file a com-
20 plaint on him for it.

21 MR. GARCIA: Well now, Representative
22 Weddington, just don't leave the microphone like that.
23 Let's now leave it at that.

24 MS. WEDDINGTON: Okay. If you'll ask ques-
25 tions instead of making a speech, I'll be glad to stay.

1 MR. GARCIA: I do want to ask questions.
2 Now, who was deceived by it?

3 MS. WEDDINGTON: The public.

4 MR. GARCIA: What public?

5 MS. WEDDINGTON: The people of Texas.

6 MR. GARCIA: Can you name one person that
7 was deceived by it?

8 MS. WEDDINGTON: Sarah Weddington.

9 MR. GARCIA: Sarah Weddington. So you
10 want Judge Carrillo impeached because Sarah Weddington
11 was deceived by it?

12 MS. WEDDINGTON: No. I think that income
13 tax statements are clearly false. I think they were fraudu-
14 lent, and I—

15 MR. GARCIA: The income tax statements?

16 MS. WEDDINGTON: Excuse me. The statements
17 with the Secretary of State's office.

18 MR. GARCIA: Filed with the Secretary of
19 State?

20 MS. WEDDINGTON: Yes, that's correct.

21 MR. GARCIA: Was there any evidence that
22 this was done with the intent to deceive?

23 MS. WEDDINGTON: The Judge was repeatedly
24 offered the opportunity to testify so that we could adduce
25 evidence as to his intent, and he repeatedly declined.

1 MR. GARCIA: Well now, you understand that
2 the mere failure of a person to testify is not an admis-
3 sion of guilt?

4 MS. WEDDINGTON: I certainly do, but I
5 think he would be the only person who could have testified
6 as to his intent.

7 MR. GARCIA: So then what you're saying
8 is that there was no evidence—

9 MS. WEDDINGTON: There was no direct testi-
10 mony as to his intent.

11 MR. GARCIA: That there was no evidence
12 by anyone that the statements were made with the intent
13 to deceive? They were filed with the Secretary of State,
14 were they not?

15 MS. WEDDINGTON: That is correct.

16 MR. GARCIA: They were filed under oath?

17 MS. WEDDINGTON: That is correct.

18 MR. GARCIA: And if there is a violation,
19 the Secretary of State's office can prosecute that, can
20 it not?

21 MS. WEDDINGTON: I don't believe they can.

22 MR. GARCIA: You do not believe they can?

23 MS. WEDDINGTON: The District Attorney in
24 Travis County, I believe, has jurisdiction, but I know
25 of no authority of the Secretary of State's office itself

1 to prosecute.

2 MR. GARCIA: Well, they're the ones to
3 file the complaint. When I say prosecute, they can insti-
4 gate or institute a prosecution.

5 MS. WEDDINGTON: They might be able to turn
6 the records over to someone else. I do not know of any
7 instance where they have taken upon themselves to do that.

8 MR. GARCIA: But in order that the record
9 be perfectly clear, there was no testimony by any person
10 that either the Judge knew—

11 MS. WEDDINGTON: There was intent that—
12 there was testimony that they were prepared at his direc-
13 tion, and that he looked them over—

14 MR. GARCIA: That he knew that they were
15 false or that they were made with intent to deceive?

16 MS. WEDDINGTON: There was no direct testi-
17 mony that they were made with intent to deceive.

18 MR. GARCIA: And there was no evidence that
19 anyone was deceived, except you were telling this House
20 that you were deceived?

21 MS. WEDDINGTON: There was no direct testi-
22 mony that an individual was deceived.

23 MR. GARCIA: Thank you.

24 MR. WATERS: Mr. Speaker, will the lady
25 yield?

1 SPEAKER CLAYTON: The lady yields, Mr.
2 Waters.

3 MR. WATERS: Ms. Weddington, our summary
4 indicates that Judge Carrillo was the beneficiary of a
5 trust which he did not list, and then I think I heard you
6 mention something about some other supplemental income?

7 MS. WEDDINGTON: Yes. For the year 1974,
8 he showed as salary, the sum of twenty-three thousand
9 and some-odd dollars at a time when the state was paying
10 district judges twenty-five thousand, and in addition he
11 was getting a hundred dollars a month supplement from
12 Duval County.

13 MR. WATERS: None of which was put in his
14 financial disclosure?

15 MS. WEDDINGTON: The figure he showed for
16 his salary was incorrect, and he, in addition, did not show
17 the supplement.

18 MR. WATERS: Did his attorney or anyone
19 offer explanation?

20 MS. WEDDINGTON: There were no explanations
21 offered.

22 MR. WATERS: And none sought? Was any—

23 MS. WEDDINGTON: We sought information of
24 his tax accountant who had prepared the information for
25 his income tax statements, but he was unable to be of

1 much assistance to the Committee, other than saying things,
2 like on the income from law practice, that there were just
3 a bunch of miscellaneous receipts and he didn't know
4 quite what to do with them, and so he just put them down
5 as business income.

6 MR. WATERS: So no one could explain—

7 MS. WEDDINGTON: There was no explanation
8 offered by anyone as to the problem, and the Committee
9 members, when Judge Carrillo was present and his counsel
10 was present, made some references to the fact that we
11 noted the differences and wondered whether or not they
12 were false. We later followed that up, but he never
13 offered any explanation.

14 MR. TRUAN: Mr. Speaker, will the lady
15 yield?

16 SPEAKER CLAYTON: The lady yields, Mr.
17 Truan.

18 MR. TRUAN: Ms. Weddington, we're on Article
19 VII?

20 MS. WEDDINGTON: Six.

21 MR. TRUAN: Six. How many votes were taken
22 on this Article?

23 MS. WEDDINGTON: One vote to the best of my
24 knowledge.

25 MR. TRUAN: And what was the vote?

1 MS. WEDDINGTON: I'm sorry, I do not know
2 that. Let me ask. Ten to nothing.

3 MR. TRUAN: Thank you.

4 SPEAKER CLAYTON: Does anyone wish to
5 speak in opposition to the adoption of Article VI?

6 If not, the question recurs on the adoption of
7 Article VI. All those in favor of the adoption will vote
8 "aye"; those opposed will vote "no." It's a record vote.
9 The Clerk will ring the bell.

10 (The motion, being put to a record vote, passed.)

11 SPEAKER CLAYTON: There being 116 ayes,
12 27 nos, Article VI is adopted.

13 The Chair recognizes Representative Thompson
14 for an explanation of Article VII.

15
16 PRESENTATION OF ARTICLE VII

17
18 MS. THOMPSON: Mr. Speaker and Members,
19 Article VII is centered around the misuse of county fuel
20 by employees of the county who worked on the Judge's ranch
21 and spent time doing chores, such as building water tanks,
22 and also the use of gasoline in the Judge's car and other
23 equipment while these persons were employed and in fact
24 being paid by the county, and being utilized during the
25 hours in which they were supposed to have been working in

1 the capacity for the county.

2 The testimony that we received was testimony by
3 two persons. First, testimony by Mr. Cleofas Gonzalez,
4 who was paid by the county who also ran the Farm and Ranch
5 Store, and whatever it was, the Zertuche Store.

6 Mr. Gonzalez pointed out to the Committee that
7 on several occasions he saw Judge Carrillo fill up his
8 personal automobile with county-owned gasoline, and that
9 he, too, at some time or another had filled up equipment
10 that was used on the Judge's ranch under the authority
11 given him by Judge O. P. Carrillo, or his brother Ramiro
12 Carrillo.

13 Oscar Sanchez also came to the Committee and tes-
14 tified that while he was a member of Duval County, employed
15 by Duval County, working on county time, did in fact go
16 out to Judge Carrillo's ranch and build a water tank, use
17 county equipment, and also the fuel that he filled up for
18 that particular equipment, piece of equipment, was county
19 fuel.

20 I'll yield myself to any questions on this par-
21 ticular Article.

22 MR. TRUAN: Mr. Speaker, will the lady
23 yield?

24 SPEAKER CLAYTON: The lady yields, Mr.
25 Truan.

1 MR. TRUAN: Representative Thompson, I
2 notice that this particular Article was barely reported
3 out of Committee by a five to four vote. Could you en-
4 lighten us as to why the vote was so close?

5 MS. THOMPSON: I don't recall, except that
6 there were some members, perhaps, who did not feel like
7 they should vote for this Article.

8 MR. TRUAN: Is that all you can enlighten
9 us on? Is there anyone in the Committee that is going
10 to be speaking against this Article?

11 MS. THOMPSON: I really don't know, sir.
12 I see Mr. Chavez is going to.

13 Could it be then, Ms. Thompson, since you're
14 responsible for this Article, that perhaps the reason for
15 several members of the Committee voting against recommend-
16 ing this Article, would be with respect to the purchase,
17 if I quote, on page 65, the alleged purchase of "large
18 amounts of barbed wire, the use of which is not clear,"
19 which would seem to indicate that there was no testimony
20 that would clearly make Judge to having used this barbed
21 wire, although it does state that he built a large amount
22 of fence.

23 And then again, under some other testimony, do
24 I understand correctly that on the cement that supposedly
25 is alleged to have been used on Judge Carrillo's ranch,

1 but that you had testimony from another witness that he
2 sold cement to Judge Carrillo? Are you still supporting
3 this Article in view of the seemingly inconsistency here,
4 as far as allegations against Judge Carrillo in this par-
5 ticular Article?

6 MS. THOMPSON: Mr. Truan, this Article,
7 as you note, deals with the fuel. I supported this Article
8 and I intend to support it now, today. We're not discuss-
9 ing in this Article the use of barbed wire; we're discuss-
10 ing the misuse of county gasoline, in this particular
11 Article. The reason that other persons on the Committee
12 voted against it, I'm not acquainted with those reasons.
13 But from the data that we had gotten, no one came before
14 the Committee and denied the fact that the gasoline in
15 fact that was used in these vehicles, and the person who
16 in fact went out on the ranch and built water tanks and
17 did services during the time that they were supposed to
18 have been in the employment of a county; time and time
19 again, the opportunity was given to Judge Carrillo. The
20 same opportunity was given to Ramiro Carrillo and other
21 persons who could have come before the Committee and
22 refuted this data that was given to us by Mr. Oscar Sanchez
23 and Mr. Cleofas Gonzalez. We did not get any contradic-
24 tory testimony. There was none given to the Committee.

25 MR. TRUAN: It is obvious that your Committee

1 was pretty well divided on this, which shows that you
2 have a very weak argument.

3 MR. GREEN: Mr. Speaker, does the lady
4 yield?

5 SPEAKER CLAYTON: The lady yields, Mr.
6 Green.

7 MR. GREEN: Ms. Thompson, you said that
8 this Article doesn't concern anything but the gasoline,
9 yet the explanation of the Article is—three-fourths of
10 it is taken up by allegations about the barbed wire and
11 the cement, and there are only three lines on the gasoline.
12 I was wondering if this Article just covers the theft of
13 the gasoline, how come, you know, that you all spent so
14 much time explaining these other things that are not
15 substantiated?

16 MS. THOMPSON: These were other areas that
17 were brought up to the Committee as a result of the testi-
18 mony that we received, and basing upon the data that we
19 had gotten from the various persons who testified before
20 the Committee, there were receipts shown where there was
21 actually payments made for the cement and other things.
22 We never were clear on why, or what use they made of the
23 barbed wire. Therefore, we did not include it in the
24 Article.

25 However, Mr. Green, I wanted to point out to

1 you that in the testimon that we received, that Mr. Gonza-
2 lez was there at the county warehouse, and the question
3 was asked him, "Mr. Gonzalez, this being the county ware-
4 house, do they have a gasoline pump there, or a diesel
5 pump to service the machinery which the county owns and
6 operates?" And his answer was "Yes."

7 "Did you ever have occasion to see Judge Carrillo
8 fill up his personal automobile with county-owned gasoline?"
9 "Yes, I filled up some of his trucks that were used on
10 the farm."

11 "You filled up some of his trucks that were used
12 on his farm?" "Yes, sir."

13 And the testimony went on.

14 MR. GREEN: Okay. You do say that he used,
15 that some of the trucks that he used on his personal farm
16 were filled up, not just his personal car?

17 MS. THOMPSON: They indicated that he had
18 put gasoline in his car, that the equipment that was used
19 to do work on his farm also had county-owned gasoline in it,
20 and it was county equipment, and it was county-owned
21 equipment.

22 MR. GREEN: I guess what I'm concerned is,
23 we had another Article that related to using county equip-
24 ment on private property. This may be a little superfluous.
25 Another thing I was concerned about is the putting of

1 gasoline in his personal car, I was wondering if he was
2 maybe on county business, or if he was actually doing
3 something that he could justify it with, even though there
4 was no testimony presented to the Committee.

5 MS. THOMPSON: There were many opportunities
6 for the Judge, his brother, and other persons who were
7 interested in this particular hearing had the opportunity
8 to come before the Committee and offer such testimony that
9 would have cleared up this matter, but no one did that.
10 And those persons who did come before the Committee, Mr.
11 Green, took the Fifth Amendment.

12 MR. GREEN: Thank you.

13 MR. GARCIA: Mr. Speaker, will the lady
14 yield?

15 SPEAKER CLAYTON: The lady yields, Mr.
16 Garcia.

17 MR. GARCIA: Ms. Thompson, how did the
18 Committee arrive that that was Mr. Carrillo's personal
19 car?

20 MS. THOMPSON: This was testimony given
21 by Mr. Cleofas Gonzalez.

22 MR. GARCIA: Was the car registered under
23 his name?

24 MS. THOMPSON: I do not know, sir.

25 MR. GARCIA: There was some testimony that

1 the county vehicles were not marked, some didn't have
2 licenses. I was wondering how the Committee arrived at
3 the point that this was his own personal car?

4 MS. THOMPSON: We were only able to deter-
5 mine this in looking at some of the cars and things they
6 used down there, which were small cars like Eldorados and
7 Thunderbirds and LTD's. These were the kind of cars that
8 the officials usually drove in that area.

9 MR. GARCIA: I see. Now, was the—the
10 article has to do with fuel.

11 MS. THOMPSON: Yes, sir.

12 MR. GARCIA: Was the fuel actually pumped
13 from a county pump or from a private service station?

14 MS. THOMPSON: According to Mr. Cleofas
15 Gonzalez and the testimony appears in Volume I of this
16 book, and it says that it was county-owned gasoline he
17 used to fill up his personal automobile.

18 MR. GARCIA: But there was no testimony as
19 to that was his personal car, registered to his name, was
20 there any testimony to that effect?

21 MS. THOMPSON: No, sir. Nor was there any
22 testimony to the fact, that cleared up many of these
23 questions that occurred in this particular area.

24 MR. GARCIA: Was there any testimony to
25 the fact that he conducted some county business with a car?

1 MS. THOMPSON: No, sir. There was no testi-
2 mony indicating that he conducted county business with
3 this car, nor did he, when the opportunity was given him
4 and other persons, come before the Committee and cleared
5 up this matter.

6 MR. GARCIA: Thank you, ma'am.

7 MR. WATERS: Will the lady yield?

8 SPEAKER CLAYTON: The lady yields, Mr.
9 Waters.

10 MR. WATERS: Ms. Thompson, I'm still un-
11 clear on a couple of points: (a) how did you arrive at
12 the conclusion that it was county gasoline, and was it
13 clearly marked "county pumps" or was it gasoline from a
14 private service station that was earmarked for county
15 use?

16 MS. THOMPSON: Mr. Waters, Mr. Gonzalez was
17 the person who offered the testimony, and he was the
18 person who worked at this particular locale where the
19 county pump was located, and he was the person—

20 MR. WATERS: Was that a private station?

21 MS. THOMPSON: No, it was not. It was where
22 the Farm and Ranch Store, which also had housed in it one
23 of the commissioner's precinct headquarters—

24 MR. WATERS: They had a separate pump for
25 the county?

1 MS. THOMPSON: They had a pump there for
2 the county. It was not a service station, but it was an
3 area in which there were pumps for the county.

4 MR. WATERS: While you read your notes
5 there, my second—

6 MS. THOMPSON: No, sir. I was just going
7 to show you some pictures which we took down there. I
8 don't have any notes to read.

9 MR. WATERS: I'll come up and see those in
10 a second.

11 MS. THOMPSON: I'll be happy for you to do
12 so.

13 MR. WATERS: The second part is with regard
14 to the car, I'm still not sure whether it was a county
15 car, or whether it was a personal car. Did the car, for
16 instance, have exempt license plates? Was it—

17 MS. THOMPSON: According to the testimony
18 that we received, Mr. Waters, it was the Judge's personal
19 car. And from the pictures here at the station, there is
20 only one pump, and that was supposed to have been the
21 county pump.

22 MR. WATERS: Did he use his own car for
23 county business? Did he have a separate car that he used
24 for county business?

25 MS. THOMPSON: There was no testimony

1 offered that he had a separate car used, except the fact
2 that the Judge did fill his car up with county gasoline.

3 MR. WATERS: Okay. Thanks.

4 MR. VALE: Mr. Speaker, will the lady yield
5 for a question?

6 SPEAKER CLAYTON: The lady yields, Mr. Vale.

7 MR. VALE: Ms. Thompson, I'm unclear on
8 the testimony—I don't know whether you've covered it or
9 not—on this matter of conspiracy, that this Article
10 charges that the Judge conspired with others to use fuel
11 owned by Duval County in his personal vehicle. Now, where
12 was the other person that the Judge conspired with; what
13 was the testimony before the Committee on the conspiracy?

14 MS. THOMPSON: The testimony before the Com-
15 mittee, Mr. Vale, is located in Volumes I and II, and I
16 can give you those pages where you can read the testimony
17 that we were able to receive.

18 MR. VALE: No, but my question, Ms. Thompson,
19 is, which witness testified as to when the Judge con-
20 spired, and with whom he conspired to use this fuel in
21 his own personal vehicle?

22 MS. THOMPSON: Mr. Vale, we had testimony
23 from two persons in this capacity. They told us about the
24 misappropriation for gasoline, that is, gasoline going in
25 the Judge's car, gasoline in the county equipment that

1 was used to work on the ranch, and those persons were
2 Mr. Cleofas Gonzalez and Mr. Oscar Sanchez.

3 MR. VALE: Okay. I understand that. And
4 I'm going to agree for the moment with you that the testi-
5 mony before the Committee was that there indeed was use
6 of gasoline owned by the county into the Judge's personal
7 vehicles. Now, that establishes the fact that the Judge
8 was using county-owned gasoline—

9 MS. THOMPSON: According to the testimony
10 that we received.

11 MR. VALE: That's right. But does that
12 show that there was a conspiracy; that the Judge conspired
13 with others to do that? That's what I'm asking. And where
14 was that testimony, which witness testified to this con-
15 spiracy to do those things?

16 MS. THOMPSON: Mr. Vale, if you would look
17 at the fact that he did in fact use county employees on
18 county time, county equipment and county gasoline to go
19 out to his ranch and do work, that they were in fact being
20 paid by the county to perform certain chores or duties
21 within that period of time, that in itself should give
22 you some idea of conspiracy.

23 MR. VALE: No, but we're just talking here
24 about the fuel. This Article just charges about the fuel,
25 and I was just wondering—

1 MS. THOMPSON: Yes, it does. And that's
2 what I've been addressing myself to.

3 MR. VALE: That there was a conspiracy—
4 and I just don't know. I've looked through the record
5 and I was wondering if I had missed it, because I've read
6 them all, if I've just missed that section where some
7 witness came forth and said that this man conspired with
8 somebody else to have this gasoline used in his own car.

9 Let me ask you this: In your own mind, does
10 the fact that the gasoline was pumped into the Judge's
11 car, as testified to by the one or two witnesses, Sanchez
12 and Gonzalez, does that fact in your mind establish the
13 other fact, that there was a conspiracy to do that? That's
14 what I'm asking.

15 MS. THOMPSON: I can only look at the facts
16 that were presented to the Committee, and say that he in
17 fact did appropriate county gasoline for his own personal
18 use and benefit, Mr. Vale.

19 MR. VALE: I'm going to agree with you
20 that that—

21 MS. THOMPSON: Thank you, Mr. Vale.

22 MR. VALE: —is established by the witnesses,
23 but the question then is, does that further establish the
24 fact that there was indeed a conspiracy to do that, which
25 is what the allegation is in this Article?

1 MS. THOMPSON: Only the facts that have
2 been presented to the Committee and the persons who were
3 involved.

4 MR. HALL: Mr. Speaker, will the lady yield?

5 SPEAKER CLAYTON: The lady yields, Mr. Hall.

6 MR. HALL: Ms. Thompson, I'm trying to get
7 this kind of lined out rather clearly in my own mind.
8 This pump that we're talking about, was this pump located
9 at a county facility?

10 MS. THOMPSON: Yes sir, it was.

11 MR. HALL: So that there is no retail opera-
12 tion at all from the pump site?

13 MS. THOMPSON: No. It was only a single
14 pump.

15 MR. HALL: So that we're talking about a
16 pump that is located at a county facility itself, no
17 service station arrangement such that people would drive
18 up normally and get gas from this thing?

19 MS. THOMPSON: That's right. And that
20 pump was supposed to have been used, or is used for county
21 equipment and vehicles.

22 MR. HALL: Let me ask you something else
23 then. Would not somebody notice, somebody around the
24 place,—I understand that this gas was pumped, which seems
25 to imply to me that he didn't do it, somebody put it in

1 there. He drove up there. Somebody would know it then,
2 would they not?

3 MS. THOMPSON: Mr. Cleofas Gonzalez had
4 the responsibility of keeping a check and a tab on that
5 gasoline going into vehicles.

6 MR. HALL: That's what I'm trying to get to
7 now.

8 MS. THOMPSON: That was his responsibility.

9 MR. HALL: Whatever the amount of that
10 gasoline was, somebody should have missed it somewhere; it
11 didn't go into a county licensed vehicle. So somebody
12 should have missed it at—should have noted that it was
13 going into to someplace, on the ground, or somewhere—
14 right?

15 MS. THOMPSON: And he would have known—it
16 was him that had to give the okay, after him having received
17 orders that it was all right to put gasoline in O. P.
18 Carrillo's car, or to fill up the various equipment. They
19 had to get the okay for him first before they were privi-
20 leged to put the gasoline in any tank.

21 MR. HALL: Okay. That's what I was—

22 SPEAKER CLAYTON: Mr. Sherman calls a point
23 of order. The lady's time is expired. Point of order
24 is well taken and sustained.

25 MR. HALL: Mr. Speaker, in view of this

1 question, and all the questions that have been raised
2 around this Article, I would respectfully move that the
3 lady's time be extended to fully explain this thing.

4 SPEAKER CLAYTON: Mr. Hall moves that the
5 lady's time be extended. Is there objection? There being
6 objection, all those in favor of the extension of time
7 will say "aye." All opposed "no."

8 (The motion, being put to a voice vote, passed.)

9 SPEAKER CLAYTON: The lady's time is ex-
10 tended.

11 MR. HALL: Let me proceed with that ques-
12 tion. It means, then, that somebody other than Judge
13 Carrillo had to be aware that the gas was being pumped
14 into that car. This bears on the question that Mr. Vale
15 was raising. Somebody else knew or somebody had to list
16 it as being used for something, did they not?

17 MS. THOMPSON: That's right.

18 MR. HALL: What was it listed as being
19 used for? Did you get any testimony about that?

20 MS. THOMPSON: It was listed to be used
21 for county-owned equipment.

22 MR. HALL: So the gasoline—

23 MS. THOMPSON: That was the purpose of
24 the gasoline.

25 MR. HALL: So that gasoline that was pumped

1 in that car was being listed under some other title, so
2 that all of the gasoline was being accounted for in some
3 other way?

4 MS. THOMPSON: That's right. And this
5 pump was located in Precinct 3, and Precinct 3 was Com-
6 missioner Ramiro Carrillo's precinct, at that location
7 where that pump was.

8 MR. HALL: Okay. Let me ask you another
9 question, another series of questions now. The question
10 has been raised as to whether or not the Judge was using
11 this for the conduct of some county business. Would not
12 that amount to a supplement to the Judge, and would not
13 the use of either an automobile or gasoline or equipment
14 have to be approved by the Commissioner's Court? Could
15 the Judge on his own volition decide that he was going to
16 go get some gas because he was doing some kind of business?
17 Do you know of any proposition that would allow that?

18 MS. THOMPSON: No, I don't. And the only
19 approval would have come from gasoline coming out of that
20 pump would probably have come from his brother, Ramiro
21 Carrillo, because that was his precinct, and that was the
22 location of the pump. Or the okay coming from the Judge
23 himself to, you know, "Fill my car up."

24 MR. HALL: But I'm saying that to use county-
25 purchased gasoline, gasoline that is purchased by the county

1 and stored in their own tanks, would not the full Commis-
2 sioner's Court of Duval County have to authorize the use
3 of that gasoline by the District Judge of that District,
4 or anybody else?

5 MS. THOMPSON: That's correct.

6 MR. HALL: Thank you.

7 MR. MONTOYA: Mr. Speaker, will the lady
8 yield?

9 SPEAKER CLAYTON: The lady yields, Mr.
10 Montoya.

11 MR. MONTOYA: Ms. Thompson, I'd like for
12 my mind to be clarified on this fuel used by Judge O. P.
13 Carrillo. Where is his home in that district?

14 MS. THOMPSON: As far as I know it's sup-
15 posed to be in Benavides, Texas.

16 MR. MONTOYA: Okay, Benavides, Texas.
17 Supposedly this pump is located there, where he pumped
18 the gas into his car, is that where the pump is located,
19 in Benavides?

20 MS. THOMPSON: Yes. Yes, it is.

21 MR. MONTOYA: Now, let's say that the
22 Judge's car was filled up in the morning, or sometime in
23 the morning, and he had a trip to make, within his dis-
24 trict, the 229th Judicial District, to Starr County, to
25 the county seat, which is Rio Grande City, what towns are

1 there, do you know, are you aware of the towns between
2 Benavides and Rio Grande City?

3 MS. THOMPSON: I'm not familiar with that
4 area, Mr. Montoya.

5 MR. MONTOYA: Well, I know that area, I
6 think, and there are hardly any or none at all. So, there
7 wouldn't be a pump between Benavides and Rio Grande City
8 whereby the Judge could buy gasoline or have his car filled
9 up, and there is a distance of approximately a hundred
10 miles, a little over a hundred miles, from the county seat
11 of Duval, which is San Diego, to Rio Grande City. Don't
12 you think that if the Judge was going to make this trip,
13 and also come back that day or the following day, or when-
14 ever he would get through with his business, judicial
15 business in Rio Grande City, don't you think that he would
16 have to fill up somewhere in between, especially if he
17 made a trip from Rio Grande City to the other county seat,
18 which is Hebbronville in Hogg County? Don't you think
19 that it would be just normal for him to fill up there in
20 Benavides instead of looking for gasoline around the dis-
21 trict, especially when we have a shortage of gasoline in
22 that area down there?

23 MS. THOMPSON: Do you feel like that would
24 be the proper thing, Mr. Montoya?

25 MR. MONTOYA: I think that the Judge filled

1 up there—I don't know how he got it. You're telling me
2 that he got it without paying for it. But I think that
3 it was used for his official duties within the district,
4 the 229th District, being that there were hardly any towns
5 between the county seats. And in that area we have lots
6 of vacant land in between these county seats; we hardly
7 have any towns where you can find pumps except at the
8 county seats. And I think that the Judge filled up in
9 Benavides because of this, and he was within his official
10 capacity as a district judge, and that's why his car was
11 filled up with the gasoline from the Banavides pump.

12 MS. THOMPSON: Mr. Montoya, I know you are
13 familiar with the various allowances that a judge would
14 have, and certainly he's given a gasoline allowance. You
15 know, just like you are given a mileage allowance for
16 coming back and forth to the Legislature here.

17 MR. MONTOYA: We are, yes ma'am.

18 MS. THOMPSON: And he's also given that
19 same privilege that you have as a representative. But
20 wouldn't it seem feasible that if he's given this money,
21 why would he go and use county gasoline? Wouldn't he
22 go somewhere else and buy it? He used county gasoline
23 and he was not paying for it, and the persons who testi-
24 fied, the two persons who testified about it, indicated
25 that he did use it. And there was no vouchers, there was

1 no checks, there was no anything that indicated that he
2 reimbursed the county for any gasoline that he in fact
3 used in his automobile, nor reimbursed the county for any
4 money that was used in county-owned equipment to do work
5 on his ranch during the time that they were in fact sup-
6 posed to have been doing work for Duval County.

7 MR. MONTROYA: As a member of the Committee,
8 Ms. Thompson, did you inquire of any of the witnesses
9 as to what you're telling me now?

10 MS. THOMPSON: Yes, sir. And we gave,
11 repeatedly, opportunity to Judge Carrillo; we gave oppor-
12 tunity to Ramiro Carrillo; we gave opportunity to the
13 Zertuche brothers; and they all came before the Committee
14 and took the Fifth Amendment on everything except their
15 name and address.

16 MR. MONTROYA: Did Cleofas Gonzalez take
17 the Fifth Amendment?

18 MS. THOMPSON: No, sir. He did not. He's
19 the one that testified, along with Oscar Sanchez, about
20 the use of the gasoline going in Judge Carrillo's car
21 and in some of the equipment.

22 MR. MONTROYA: And you then, as a member
23 of the Committee, asked questions of Cleofas Gonzalez
24 concerning this?

25 MS. THOMPSON: We did ask the questions,

1 and there was nobody, absolutely no one who came before
2 the Committee and denied the testimony that these two men
3 gave to the Committee. Nobody came and denied it.

4 MR. MONTROYA: Thank you, Ms. Thompson.

5 MR. SHORT: Mr. Speaker, will the lady yield?

6 SPEAKER CLAYTON: The lady yields, Mr.

7 Short.

8 MR. SHORT: Was anything mentioned about the
9 tax, that when this gas is put into that county pump
10 there, county storage, was any tax paid on that or any-
11 thing?

12 MS. THOMPSON: There was no information
13 given about the tax.

14 MR. SHORT: So are we to take for granted,
15 then, or was there any testimony to show that whatever
16 gas was used out of there was tax-free, or what?

17 MS. THOMPSON: There was no testimony given
18 to that effect, Mr. Short. We didn't have any presented.

19 MR. SHORT: Was there any testimony that
20 any other individual ever filled up out of that pump?

21 MS. THOMPSON: No, sir. There was no
22 testimony, other than the fact that the Carrillo brothers,
23 Ramiro Carrillo used the gasoline as well, and he, upon
24 many occasions, gave the okay to Cleofas Gonzalez to fill
25 up the Judge's car, or to fill up various other equipment.

1 MR. SHORT: These other various cars, was
2 any of those county employee's cars?

3 MS. THOMPSON: There was no testimony
4 given that they were.

5 MR. SHORT: No county commissioner's cars?

6 MS. THOMPSON: No, sir. The testimony given
7 was the fact that he, in fact, did fill up Judge Carrillo's
8 car, and that the equipment that had been used on the
9 Judge's ranch did have county gasoline in them.

10 MR. SHORT: Only the one person's car,
11 the Judge's car?

12 MS. THOMPSON: That's the only testimony
13 that Mr. Gonzalez gave us.

14 Mr. Speaker, I move the adoption of this Article.

15 MR. GARCIA: Mr. Speaker, will the lady
16 yield?

17 SPEAKER CLAYTON: The lady is yielding the
18 floor, Mr. Garcia.

19 The Chair recognizes Mr. Chavez to speak against
20 adoption of Article VII.

PRESENTATION AGAINST ARTICLE VII

1
2
3 MR. CHAVEZ: Mr. Speaker and Members, this
4 particular Article—

5 MR. GARCIA: Will the gentleman yield, Mr.
6 Speaker?

7 SPEAKER CLAYTON: The gentleman yields,
8 Mr. Garcia.

9 MR. GARCIA: Before you get involved in
10 the train of thought, Representative Chavez, you'll for-
11 give me for the interruption—

12 MR. CHAVEZ: Go ahead, Mr. Garcia.

13 MR. GARCIA: —but the question I was
14 going to ask Representative Thompson—and of course, you
15 served on the Committee. Was there any testimony enlisted
16 with reference to the payments that were made for this
17 gasoline that is being spoken about today?

18 MR. CHAVEZ: Payments for the gasoline?

19 MR. GARCIA: Well, the contention is that
20 this was county-owned gasoline.

21 MR. CHAVEZ: Yes, sir.

22 MR. GARCIA: Now, assuming that someone had
23 to pay for that gasoline,—In this day and time nobody
24 gets it free. Now, did the Committee go into the question
25 of the payments for this gasoline?

1 MR. CHAVEZ: No, sir.

2 MR. GARCIA: In other words, there was
3 no testimony to establish whether or not the county had
4 paid for all of the gasoline or the county had paid for
5 part of it and Commissioner Carrillo had paid for part
6 of it, or whether or not a third party had paid for part
7 of it?

8 MR. CHAVEZ: There was no testimony
9 because there was no inquiry made in that regard, Mr.
10 Garcia.

11 MR. GARCIA: No inquiry made. So there-
12 fore, the assumption on the part of the committee was,
13 this being a county pump and sitting over a tank that
14 was presumably owned by the county—

15 MR. CHAVEZ: Apparently that was the
16 conclusion that was reached by a majority of the members
17 of the committee, not the entire committee.

18 MR. GARCIA: Representative Thompson made
19 a statement that interested me, and I checked with
20 several other members of the committee, and they could
21 not give me a satisfactory answer. In answer to
22 Representative Montoya's questions, she said that Judge
23 Carrillo, just like you, Mr. Montoya, has a right to
24 travel expense and can go ahead and submit a bill for
25 his mileage. Was there any testimony before the committee

1 as to whether or not judges in addition to the salary
2 received from the state, supplementation, if any, that
3 they might receive from the county that in Duval County
4 or counties where Judge Carrillo sat, whether or not
5 in addition thereto he was permitted to obtain gasoline
6 to travel to and from the different courts?

7 MR. CHAVEZ: There was no testimony to
8 that effect. The county auditor testified that the only
9 supplement paid that the judge was entitled to was the
10 sum of \$100 per month.

11 MR. GARCIA: Well, you know that there
12 are several district judges across the state who do not
13 sit in metropolitan areas, and of necessity they must
14 go to different counties to hear cases. Did this
15 committee inquire as to whether or not those judges
16 who are required to travel and use their own car, whether
17 in addition to their salary and whatever supplementation
18 they received, whether or not they received any state
19 reimbursement or county reimbursement for out-of-pocket
20 expenditures?

21 MR. CHAVEZ: There was no testimony in
22 that regard because no inquiry was made. However,
23 Mr. Garcia, I am familiar with the procedure used and
24 district judges in traveling from one county to another
25 are entitled to reimbursement for their mileage and

1 per diem.

2 MR. GARCIA: All right. Now, was there
3 any evidence to indicate that Judge Carrillo ever sub-
4 mitted a voucher for any mileage and per diem before
5 this committee?

6 MR. CHAVEZ: No testimony, because no
7 inquiry was made, and specifically no inquiry was made
8 to Judge Carrillo because he did not volunteer testimony
9 nor was he called to testify.

10 MR. GARCIA: Might I conclude that the
11 reason you as a member of the committee are standing to
12 speak against this particular charge is because it was
13 not explained sufficiently to satisfy you that there
14 had been some malfeasance on the part of Judge Carrillo?

15 MR. CHAVEZ: Well, yes and no. The
16 testimony that was— Well, you know—

17 MR. GARCIA: Why don't you go ahead and
18 explain it. Thank you very much.

19 MR. CHAVEZ: All right.

20 Mr. Speaker and Members, initially this
21 particular article contained five subsections, and we
22 struck down four of those subsections because the
23 majority of the committee felt that the testimony given
24 in those particulars was not of such accuracy or con-
25 vincing enough to warrant presenting to you an article of

1 impeachment. However, the majority of the committee
2 voted to retain this particular section dealing with
3 the fuel. The vote on adopting that particular article
4 was five to four.

5 Now, I, of course, know what the testimony
6 was; I've read it and reread it. I know what Cleofas
7 Gonzalez said. However, during the hearings I always
8 felt that if Cleofas Gonzalez waivered at any particular
9 part of his testimony, or if any part of his testimony
10 was weak, it was in this particular area. This, Mr.
11 Speaker and Members, I can only tell you that it was
12 just perhaps a judgment call on my part, and perhaps
13 a judgment call on the part of the other three members
14 that voted with me against this article. It was just
15 the manner in which the man testified about this partic-
16 ular article.

17 There was some inquiries made as to whether
18 any other vehicles gassed up at this particular service
19 station or this pump. Well, now, perhaps we didn't
20 look into it far enough. Obviously if it's a county
21 pump other county vehicles are going to gas up. No
22 inquiry was made; no testimony was given. I think that's
23 why Ms. Thompson was saying that there was no testimony
24 in this regard. However, the ownership of the trucks
25 that Cleofas Gonzalez testified about, to me at least,

1 it was not clear and convincing. I just never felt that
2 this particular testimony in this area at least was of a
3 convincing nature as to show probable cause to warrant
4 this charge being brought against O. P. Carrillo.

5 For that reason we initially moved to strike
6 the entire article. That motion failed four to five.
7 I don't recollect the vote on the other subsections but
8 it might have been unanimous. Then the vote on the
9 article itself was five to four, and at least that
10 shows to me that the committee certainly examined the
11 testimony, we wrestled with our conscience, and we just
12 felt that the testimony was just not of that weight to
13 warrant presenting an article in this regard.

14 I yield for any questions.

15 MR. NABERS: Will the gentleman yield,
16 Mr. Speaker?

17 SPEAKER CLAYTON: The gentleman yields,
18 Mr. Nabers.

19 MR. NABERS: Mr. Chavez, was it ever
20 controverted that gas was not used in Judge Carrillo's
21 vehicles and trucks and the caterpillar out there on
22 the ranch?

23 MR. CHAVEZ: There was no testimony from
24 any other person that this was not done. That's correct.

25 MR. NABERS: Thank you.

1 MR. CHAVEZ: And as I said, this is a
2 judgment call. The testimony, to me, it wasn't that
3 convincing.

4 Thank you.

5 SPEAKER CLAYTON: Ms. Thompson to close
6 on the article.

7
8 CLOSING ARGUMENT FOR ARTICLE VII

9
10 MS. THOMPSON: Mr. Speaker and Members,
11 the only thing I'm saying is that if a person is going
12 to receive mileage why should there be a need to use
13 county gasoline? If you're going to have work done on
14 your ranch why use county employees on county employees'
15 time, county equipment and county gasoline?

16 MR. REYES: Mr. Speaker?

17 MS. THOMPSON: I'm not going to yield,
18 Mr. Speaker.

19 SPEAKER CLAYTON: The lady doesn't yield,
20 Mr. Reyes.

21 MS. THOMPSON: And I believe that it's
22 just as wrong to be paid—

23 MR. REYES: Mr. Speaker?

24 SPEAKER CLAYTON: Mr. Reyes.

25 MR. REYES: Parliamentary inquiry.

1 SPEAKER CLAYTON: State your inquiry, Mr.
2 Reyes.

3 MR. REYES: Is the Speaker advised that
4 this is the article we're supposed to vote down?

5 SPEAKER CLAYTON: The Speaker is not
6 advised, Mr. Reyes.

7 MR. HOLLOWELL: Mr. Speaker, will the
8 lady yield?

9 SPEAKER CLAYTON: Do you yield, Ms.
10 Thompson?

11 MS. THOMPSON: Looks like I'm going to
12 have to yield.

13 SPEAKER CLAYTON: The lady yields, Mr.
14 Hollowell.

15 MR. HOLLOWELL: By analogy, what you just
16 stated a moment ago, if a member of the Legislature came
17 down here and went out to the D.P.S. state gasoline pump
18 and filled up his car and at the same time claimed sixteen
19 cents a mile, that violates state law.

20 MS. THOMPSON: Yes, it does.

21 MR. HOLLOWELL: Can you think of any
22 difference between that situation and the situation that
23 you have here?

24 MS. THOMPSON: Absolutely none. And,
25 Mr. Speaker and Members, I move for the passage of

1 Article VII.

2 SPEAKER CLAYTON: All right. Members,
3 the question is on the adoption of Article VII. All
4 those in favor of the adoption of Article VII will vote
5 "aye"; all those opposed will vote "no." It's a record
6 vote. The Clerk will ring the bell.

7 Show Mr. Garcia voting "no."

8 Have all members voted?

9 There being 45 ayes and 95 naves, two present
10 not voting, the article fails of adoption.

11 (The motion, being put to a record vote, failed.)

12 The Chair recognizes Ms. Thompson for an
13 explanation of Article VIII.

14
15 PRESENTATION OF ARTICLE VIII

16
17 MS. THOMPSON: Mr. Chairman and Members,
18 Article VIII concerns itself with rental equipment. I
19 know that you have read this particular article, but
20 this article is concerned and centered around the fact
21 that the Farm and Ranch Store— No, I'm sorry—the
22 Zertuche General Store did in fact supposed to have
23 owned and rented equipment, and there is testimony, and
24 I invite your attention to Volume I, pages 43, 44, pages
25 100, 103, and page 105. There is testimony we received,

1 the Committee received, from various witnesses, and it
2 was certainly never refuted that the Zertuche store in
3 fact did not own any equipment; that the monies that were
4 coming from the governmental entities going to the Zertuche
5 store was in fact going on equipment that never existed.

6 I'll avail myself of questions at this time.

7 If there are no questions on this good article
8 I move for its adoption.

9 SPEAKER CLAYTON: Does anyone wish to
10 speak against adoption of Article VIII?

11 If not, the question now recurs on the adoption
12 of Article VIII. All those in favor of the adoption of
13 Article VIII will vote "aye"; all those opposed will vote
14 "no." It's a record vote. The Clerk will ring the bell.

15 Have all members voted?

16 There being 114 ayes and 26 naves and one present
17 not voting, Article VIII is adopted.

18 (The motion, being put to a record vote, passed.)

19 MR. TRUAN: Mr. Speaker?

20 SPEAKER CLAYTON: For what purpose, Mr.
21 Truan?

22 MR. TRUAN: If you don't mind an observation,
23 the Chairman of the committee voted against that previous
24 article, Mr. Speaker.

25 SPEAKER CLAYTON: Thank you, Mr. Truan, for

1 that observation.

2 The Chair recognizes Representative Nabers
3 for an explanation of Article IX.

4 MR. NABERS: How did you vote, Mr. Truan?

5
6 PRESENTATION OF ARTICLE IX

7
8 MR. NABERS: Article IX, Members, provides
9 that while holding office as district judge for the
10 229th Judicial District of Texas, O. P. Carrillo con-
11 spired with others to defraud Duval County by causing
12 county funds to be paid to Arturo Zertuche who was not
13 entitled to receive the funds.

14 The committee considered and heard testimony
15 from six witnesses in regards to this charge. The
16 testimony was received from Cleofas Gonzalez, from
17 Octavio Hinojosa, from Tomas Elizondo, from Mr. Guerra,
18 the district attorney, Mr. Rodriguez, and Mr. Saenz.

19 It seems that Arturo Zertuche was one of the
20 Zertuches in the Zertuche General Store and which was
21 the store that had the business in the same store that
22 they operated as a sham to sell the public governmental
23 entities in Duval County supplies to evade the prohibition
24 against elected officials selling property to govern-
25 mental entities.

1 It turns out that Arturo Zertuche during this
2 particular time was in North Texas State University
3 going to school, getting his degree in Business Manage-
4 ment in order that he could teach Business Management,
5 which he is currently doing. The testimony indicated
6 that during this period of time while Arturo Zertuche
7 was in Denton going to North Texas State University that
8 he was paid from the county the sum of \$225 per month.

9 It was uncontroverted, I think, that he was
10 in fact attending school and was in fact being received,
11 the receiver of county funds. This was done also by
12 Mr. Saenz, who filled out the pay claim and pay vouchers
13 in Judge Carrillo's office, and all of this was going
14 on with the knowledge and effective consent of Judge
15 Carrillo. Arturo Zertuche was a cousin to O. P. Carrillo,
16 and Ramiro Carrillo, the county commissioner.

17 I yield to any questions.

18 MR. SHERMAN: Mr. Speaker, will the
19 gentleman yield?

20 SPEAKER CLAYTON: The gentleman yields,
21 Mr. Sherman.

22 MR. SHERMAN: Mr. Nabers, you say that
23 these payments were made with the consent and knowledge
24 of Judge O. P. Carrillo, yet he had no control over those
25 funds since they came out of Ramiro's fund, the commissioner

1 of Precinct 3.

2 MR. NABERS: That's true. As far as I
3 know he did not have any actual physical control or no
4 apparent authority in which to authorize the paying of
5 claims for the county.

6 MR. SHERMAN: Than how can you say, how
7 can it be said, that the \$225 a month received by Arturo
8 Zertuche was part of a conspiracy on the part of Judge
9 O. P. Carrillo when he had no control over the funds?

10 MR. NABERS: Well, he was privy and know-
11 ledgeable to the facts that were going on in his office
12 and to the fact that this was in fact happening.

13 MR. SHERMAN: It happened in the judge's
14 office in the judge's presence?

15 MR. NABERS: Yes, sir.

16 MR. SHERMAN: Is there indication that
17 the judge knew what was going on?

18 MR. NABERS: Yes, sir. There was testi-
19 mony that, through Mrs. Montemayor, that the judge would
20 call in and remind her to remind Saenz if he had filled
21 out the claim payments for Arturo.

22 MR. SHERMAN: That the judge had signed
23 what?

24 MR. NABERS: No. That the judge had
25 called in and asked her to remind the fellow that filled

1 out the claims—this was a claims payment; this was not
2 a regular type of pay, monthly pay. He was not shown
3 as a salaried employee. He was shown as receiving funds
4 on a claim pay basis rather than on a salary basis.

5 All right. So we had testimony; one of the
6 ladies that worked in Judge Carrillo's office was called
7 by the judge and told to remind the fellow that fills
8 out the claims for Arturo Zertuche, who was Mr. Saenz,
9 while Arturo was in Denton, to pay this money to Arturo.

10 MR. SHERMAN: Then Arturo Zertuche himself
11 never did fill out the claim?

12 MR. NABERS: That's right.

13 MR. SHERMAN: But there is evidence that
14 he did receive the money?

15 MR. NABERS: Yes, sir.

16 MR. SHERMAN: Thank you.

17 MR. GREEN: Mr. Speaker, does the gentle-
18 man yield?

19 MR. NABERS: Yes, sir.

20 SPEAKER CLAYTON: The gentleman yields,
21 Mr. Green.

22 MR. GREEN: Mr. Nabers, in the committee
23 report it says that Arturo Zertuche had promised, or
24 something, to work on weekends in the county for this
25 \$225 a month. Is there any evidence in the committee

1 that he did work on Saturdays or Sundays or Friday nights
2 or whatever?

3 MR. NABERS: Don't get this confused with
4 the next article which is the article about Roberto
5 Elizondo doing that sort of thing.

6 MR. GREEN: Oh, okay. Thank you.

7 MR. NABERS: Yes, sir.

8 MR. WASHINGTON: Mr. Speaker, will the
9 gentleman yield for a question?

10 SPEAKER CLAYTON: The gentleman yields,
11 Mr. Washington.

12 MR. WASHINGTON: Mr. Nabers, what is
13 the evidence adduced before the committee to show a
14 conspiracy that included Judge O. P. Carrillo in this
15 article?

16 MR. NABERS: The fact that he told and
17 instructed Saenz, who was an employee of his, who was
18 a clerk for him, to fill out these pay vouchers.

19 MR. WASHINGTON: By whom?

20 MR. NABERS: Pardon?

21 MR. WASHINGTON: By whom was that allega-
22 tion supported?

23 MR. NABERS: By Mrs. Montemayor.

24 MR. WASHINGTON: She was the receptionist?

25 MR. NABERS: The receptionist. That's

1 right.

2 MR. WASHINGTON: All right. By no other
3 person?

4 MR. NABERS: Sir?

5 MR. WASHINGTON: By no other person?

6 MR. NABERS: Well, Saenz said he did it.

7 MR. WASHINGTON: With whom did he con-
8 spire? I'm concerned about the continued use of the
9 word "conspire," which obviously means there was a
10 conspiracy. And you know as a lawyer what a conspiracy—
11 what must be shown to prove a conspiracy.

12 MR. NABERS: Yes, sir.

13 MR. WASHINGTON: And conspiracy is easy
14 to allege but it's difficult to prove. Now, what is
15 the evidence that suggests to you that Judge Carrillo
16 had an agreement or agreed with any other person to
17 commit an unlawful act as you suggest, defrauding of
18 Duval County funds?

19 MR. NABERS: Well, you have to go back
20 and look at the whole scheme of things, Mr. Washington,
21 to the extent that the Commissioner Carrillo was a
22 brother to Judge Carrillo, Zertuche was one of the
23 persons that ran the Zertuche store in which they in
24 fact got funds from and conspired to avoid and evade the
25 political implications of selling property to a political

1 subdivision while elected officials. You further have
2 to consider the fact that Saenz was an employee of
3 Judge Carrillo, and further the fact that this money
4 was paid out of the county treasury with the commission-
5 ers' court consent.

6 MR. WASHINGTON: In effect, it appears
7 to me, that what you all have done is taken one con-
8 spiracy and taken perhaps three or four overt acts and
9 tried to make them separate conspiracies.

10 MR. NABERS: Well, I disagree, Mr. Washing-
11 ton. Of course, I realize we had the benefit of the
12 witnesses before us, but we had six witnesses to testify
13 to these facts and to these allegations and present
14 testimony to us to the fact that the judge did in fact
15 instruct her to tell Saenz to fill out the claim forms,
16 and he in fact did that, and he in fact, Zertuche, got
17 the money.

18 MR. WASHINGTON: Right. I can understand
19 that, and of course, you have had the benefit of the
20 testimony as you suggest, but it appears to be difficult
21 for you to explain this one without making reference to
22 the collateral and ancillary circumstances. And if that
23 be the case, then if it's part of a larger conspiracy,
24 than you're talking about one conspiracy, and this is
25 one overt act within the conspiracy. But I don't see

1 how this article can stand on its own weight if you can't
2 explain it other than by the receptionist's testimony
3 without relation to other facts.

4 MR. NABERS: Well, I thought I explained
5 it to the fact, you know, that the judge instructed her
6 to make the warrants out; the warrants were made out,
7 and, you know, Zertuche never did even sign the warrants.
8 They were fraudulently made; they were done at the
9 judge's instruction. And I just don't see any other—
10 that's sufficient for me to see that there was a con-
11 spiracy—

12 MR. WASHINGTON: That's sufficient to show
13 an overt act which may or may not be a substantive offense.
14 But with whom was the agreement made by O. P. Carrillo?
15 A conspiracy requires an agreement between at least two
16 people.

17 MR. NABERS: I think there was three in
18 this case. I think there was Carrillo; Judge Carrillo,
19 Commissioner Carrillo, and Arturo Zertuche, plus you had
20 Saenz in there who was, you know, filling in false claims.

21 MR. WASHINGTON: Okay. What evidence is
22 there to support the notion that Commissioner Carrillo
23 was a part of this agreement to defraud Duval County by
24 the payment of county funds to Arturo Zertuche?

25 MR. NABERS: They were in fact paid out of

1 Precinct 3 which is Commissioner Carrillo's precinct.

2 MR. WASHINGTON: Was there any testimony
3 to show that these funds were paid with his knowledge
4 or consent?

5 MR. NABERS: He had the cancelled checks,
6 yes, sir, and plus the fact that, you know, the commission-
7 ers' court approved the claims. I would say that was
8 with his consent.

9 MR. WASHINGTON: Okay, but, Lynn, we're
10 talking about the gravamen of the complaint is that
11 Arturo Zertuche was not present in Duval County and did
12 not perform services in exchange for the funds. Right?

13 MR. NABERS: Yes, sir.

14 MR. WASHINGTON: All right. It seems to
15 me at least fair that you would have to prove that if
16 you want to make Commissioner Carrillo a part of the
17 conspiracy you have to prove that not only did he approve
18 the funds but that he knew that the funds were not being
19 paid in exchange for work.

20 MR. NABERS: It was common knowledge. We
21 had testimony that Arturo Zertuche was in school at
22 North Texas.

23 MR. WASHINGTON: And you impute that
24 knowledge to Commissioner Carrillo?

25 MR. NABERS: Yes, sir.

1 MR. WASHINGTON: By what evidence?

2 MR. NABERS: It wasn't controverted.

3 MR. WASHINGTON: Sir?

4 MR. NABERS: The evidence wasn't contro-
5 verted that he wasn't in school.

6 MR. WASHINGTON: I've heard the continued
7 use of that little nice phrase, but we're not here
8 talking about whether it's controverted or not. We're
9 talking about, as you and I know and understand, the
10 burden of proof is on you. The burden of proof is on
11 you.

12 MR. NABERS: I think I've met it, Mr.
13 Washington.

14 MR. WASHINGTON: By merely saying that
15 there was nothing to contradict or controvert the
16 allegation that was made?

17 MR. NABERS: No, sir. I think the other
18 circumstances, you know, make but for one conclusion.

19 MR. WASHINGTON: Okay. But where is the
20 conspiracy, Lynn? You may show a substantive offense,
21 but where is the conspiracy? Where is the agreement
22 culmination of persons to defraud Duval County of funds?
23 What is the evidence that you heard to support that?

24 MR. NABERS: I've just explained it three
25 times, Craig.

1 MR. WASHINGTON: And that's all that you
2 have?

3 MR. NABERS: That's all I've got.

4 MR. WASHINGTON: Okay. Thank you. I
5 don't think that's enough.

6 MR. NABERS: Okay. You vote your vote
7 and I'll vote mine. I don't disagree with your quarrel-
8 ing with the evidence. That's fine. I think that's
9 what this system is about.

10 SPEAKER CLAYTON: Mr. Hollowell?

11 MR. HOLLOWELL: Will the gentleman yield?

12 SPEAKER CLAYTON: The gentleman yields.

13 MR. HOLLOWELL: I believe you said that
14 the judge instructed some clerk to prepare a check to
15 give to this student who was a cousin of the judge.

16 MR. NABERS: Yes, sir.

17 MR. HOLLOWELL: Now that's not an obvious
18 statutory authorized public purpose, is it?

19 MR. NABERS: Not that I know of.

20 MR. HOLLOWELL: You would think that a
21 district judge would know that that's a violation of the
22 law of this state.

23 MR. NABERS: Yes, sir.

24 MR. HOLLOWELL: And these checks were
25 cancelled by the judge's cousin who was in school?

1 MR. NABERS: Yes, sir.

2 MR. HOLLOWELL: So you've got at least
3 the secretary, the judge's cousin, and the judge involved
4 in that activity?

5 MR. NABERS: Yes, sir.

6 MR. HOLLOWELL: Now in addition to that,
7 the commissioners' court, of course, approves the budget
8 and the money couldn't have been spent without their
9 consent, could it?

10 MR. NABERS: That's true. They approved
11 the warrants.

12 MR. HOLLOWELL: All right. They approved
13 the warrants. So you've got the commissioners' court,
14 the judge, the secretary, and their cousin who is the
15 student, getting the money?

16 MR. NABERS: That's right. Plus the fact,
17 Mr. Hollowell, you've got that these claims were presented
18 monthly, so you've got a continuous, repetitive type
19 situation. It's not just one isolated incident, whereas
20 if it was a salaried situation, these were claims that
21 were made. This is a separate situation from a man that's
22 on the payroll.

23 MR. HOLLOWELL: You've left out one
24 important factor. Who appoints the auditor that audits
25 the county payroll?

1 MR. NABERS: The district judge.

2 MR. HOLLOWELL: The district judge. And
3 so the conspiracy and the coverup is complete.

4 MR. NABERS: Yes, sir.

5 MR. TRUAN: Mr. Speaker, will the gentle-
6 man yield?

7 SPEAKER CLAYTON: The gentleman yields,
8 Mr. Truan.

9 MR. TRUAN: Mr. Nabers, I understand in
10 Article IX that Judge Carrillo is being accused of having
11 paid to Arturo Zertuche certain funds in a certain period
12 of time. Could you enlighten us when did Judge Carrillo
13 become elected, or when did he take his oath of office?

14 MR. NABERS: When did he take his oath of
15 office? In '71.

16 MR. TRUAN: In '71?

17 MR. NABERS: Yes, sir.

18 MR. TRUAN: Well, I read here on page 66
19 where the allegation against him is that Zertuche was
20 paid \$225 per month for each of the first eight months
21 of 1970. That was before he became a judge.

22 MR. NABERS: Yes, sir.

23 MR. TRUAN: How can we hold him responsible
24 for something that took place before he became a judge?

25 MR. NABERS: Because he did it four times

1 afterwards. I didn't say we were holding him accountable
2 for the first. I'm just showing the continuing circum-
3 stances of the sequence of events leading up to this
4 situation. We're trying to pin it down to the time, you
5 know. It happened after he was in office also. It
6 started before he took the district judgeship and con-
7 tinued on after he was district judge.

8 MR. TRUAN: Well, it's not clear on page
9 66. It leaves the impression that he is being held
10 responsible for what happened obviously before he became
11 a judge.

12 MR. NABERS: Well, Mr. Truan, you're not
13 reading the full sentence to the House because it says
14 very clearly that the first eight months he got it and
15 for the first four months of '71 he got it, for twelve
16 months.

17 MR. GARCIA: Will the gentleman yield,
18 Mr. Speaker?

19 SPEAKER CLAYTON: The gentleman yields,
20 Mr. Garcia.

21 MR. GARCIA: Representative Nabers, can
22 you tell me how the transaction was carried into effect
23 before the day Judge O. P. Carrillo assumed the bench?

24 MR. NABERS: It was done the same way, I
25 assume, that the claims were filed with the county and

1 they were paid.

2 MR. GARCIA: Who prevailed upon this man
3 Saenz to go ahead and make out the claims before Judge
4 Carrillo took office?

5 MR. NABERS: He was working for Judge
6 Carrillo while he was county attorney.

7 MR. GARCIA: While he was county attorney?

8 MR. NABERS: Yes, sir.

9 MR. GARCIA: When did Judge Carrillo give
10 up his county attorneyship?

11 MR. NABERS: Whenever he took the district
12 bench.

13 MR. GARCIA: It is the contention, as I
14 understand, of the committee that the evidence indicates
15 that this man Zertuche was receiving \$225 a month out
16 of county funds. Is that correct?

17 MR. NABERS: Yes, sir.

18 MR. GARCIA: And that Judge O. P. Carrillo
19 was one of the actors in this transaction because Mrs.
20 Montemayor testified that he called in and said, "Be sure
21 and tell Saenz to submit the claim on Zertuche."

22 MR. NABERS: Yes, sir. Many times.

23 MR. GARCIA: Can you tell me whether or
24 not there was any evidence before the committee to
25 establish that Judge Carrillo received any pecuniary

1 benefit as a result of this?

2 MR. NABERS: I don't know that there was
3 any, Mr. Garcia.

4 MR. GARCIA: There was no evidence before
5 the committee to that effect was there?

6 MR. NABERS: Excuse me.

7 MR. GARCIA: There was no evidence before
8 the committee to that effect?

9 MR. NABERS: That he received any benefit?

10 MR. GARCIA: Any pecuniary benefit.

11 MR. NABERS: Not directly, I guess you
12 could say, being fair, which I think we want to do, but
13 if you'll look—

14 MR. GARCIA: I'd love to be fair, Mr.
15 Nabers.

16 MR. NABERS: I do too, Mr. Garcia, but if
17 you look at the fact that Arturo was giving his name
18 to the Zertuche store while this sham transaction was
19 going on, I guess you could infer a benefit there, but
20 I don't see any need to infer a benefit.

21 MR. GARCIA: Well, we don't want to infer
22 anything.

23 MR. NABERS: As long as you've got a
24 fellow that's conspiring to defraud the county out of
25 money, I think that's sufficient.

1 MR. GARCIA: I'm inclined to agree with
2 Craig. I think that you show some substantive offenses,
3 but I don't think you've shown a conspiracy, but I won't
4 argue that point with you.

5 MR. NABERS: Then you can vote against this
6 article, Mr. Garcia.

7 MR. GARCIA: The next question is whether
8 or not there was any testimony before the committee to
9 indicate that Arturo Zertuche was not performing a
10 service for the county for which the claims were made?

11 MR. NABERS: I know of no testimony that
12 indicated that he was performing a service to the county.

13 MR. GARCIA: No. I'm asking you the
14 reverse of the situation. Was there any testimony before
15 the committee to show that Arturo Zertuche was not per-
16 forming a service to the county while he was being paid
17 this \$225 a month?

18 MR. NABERS: There was no testimony that
19 the county had any business in Denton County that he was
20 tending to.

21 MR. GARCIA: Well, Mr. Nabers, are you
22 saying that the county can only contract with an indivi-
23 dual to perform services within the county? Is that what
24 you're telling this House?

25 MR. NABERS: No, sir, I didn't say that,

1 and you know it, Matt.

2 MR. GARCIA: Well, you keep saying that the
3 man was in Denton, Texas, and I don't know anything that
4 makes being out of the county a crime and receiving money
5 so long as you're giving a consideration. And I want to
6 know whether or not there is any evidence to show that
7 he was not performing a service.

8 MR. NABERS: Well, the claims that he
9 filed said that they were for labor. I assume that means
10 working with your hands. I also assume further that he
11 was supposed to get a full month's pay and do a full
12 month's work because the money that he received indicated
13 from other full time employees that he was in fact work-
14 ing full time for this money.

15 MR. GARCIA: Mr. Nabers, you stated a
16 moment ago that this was not like a salary; that this
17 was a claim.

18 MR. NABERS: That's true. But the claim
19 says on it "for labor," Matt.

20 MR. GARCIA: The man says that he was not
21 a salaried employee. Correct?

22 MR. NABERS: Sir?

23 MR. GARCIA: He was not a salaried
24 employee?

25 MR. NABERS: That's right. He filed

1 claims.

2 MR. GARCIA: He was making a claim. He
3 was making a claim, and there was no evidence before the
4 committee to show that he did not render a service to the
5 county. Now can we agree on that?

6 MR. NABERS: Nor that he did or that he
7 did not. But there was common knowledge that he was off
8 in school and he did receive a degree during this period
9 of time. And he went to school twelve months out of the
10 year.

11 MR. GARCIA: In effect what you're saying
12 is that the county cannot pay a claim to an individual
13 who is not performing services within the county. Is
14 that what you're telling this House?

15 MR. NABERS: I didn't understand what
16 you're saying.

17 MR. GARCIA: What you're saying is that in
18 effect is that the county may not make payment to an
19 individual who is not rendering services within the con-
20 fines of the county. Is that what you're saying?

21 MR. NABERS: No, you know better than that,
22 Matt.

23 MR. GARCIA: Thank you very much.

24 MR. NABERS: You bet.

25 SPEAKER CLAYTON: Mr. Hoestenbach raises

1 a point of order. The gentleman's time has expired. The
2 point of order is well taken and sustained.

3 MR. WATERS: Mr. Speaker, I respectfully
4 move that the gentleman's time be extended.

5 SPEAKER CLAYTON: Mr. Waters moves that
6 the gentleman's time be extended. Is there objection?

7 All those in favor of the extention will say
8 "aye"; all opposed, "no."

9 Vote aye; vote no.

10 Have all members voted?

11 There being 50 "ayes" and 63 "noes", the
12 gentleman's time is not extended.

13 (The motion, being put to a record vote, failed.)

14 The Chair recognizes Mr. Washington to speak
15 against the adoption of Article IX.

16
17 PRESENTATION AGAINST ARTICLE IX

18
19 MR. WASHINGTON: Thank you, Mr. Speaker
20 and Members.

21 It is probably a futile effort, but if there
22 is any sense of fair play and honesty in you and if you're
23 really interested in addressing the proper concerns of
24 our business down here, it seems to me that justice
25 would dictate that you would at least read page 66 and

1 two-thirds of page 67 of the committee report.

2 It's clear to me that Article IX is based upon
3 innuendo, circumstance. There's no evidence. First of
4 all, conspiracy is a very dangerous charge. Conspiracy
5 requires an agreement, a showing of an agreement between
6 two persons prior to the commission of the act. What
7 concerns me about this is that Mr. Nabers indicated that
8 it appears from the testimony or from the record that
9 for eight months prior to the time that O. P. Carrillo
10 became the district judge that this pattern of payment
11 to Zertuche existed. Now, what is there in the record
12 to support the notion that O. P. Carrillo becoming a
13 district judge had anything to do one way or the other
14 with the payment to Mr. Zertuche? There's nothing. In
15 fact, the evidence contradicts that.

16 It seems to me that out of a sense of fairness
17 the committee would attempt to determine for itself if
18 this pattern existed prior to the time that O. P. Carrillo
19 became a district judge, and if it was illegal then
20 somebody took a part in it. Is there any showing that
21 after O. P. Carrillo became a district judge he partici-
22 pated in it? The answer is no. That he ratified these
23 acts? The answer is no. Did he indicate by ratification
24 or acquiescence? Is there any showing that he knew that
25 these acts were taking place? No.

1 The inference is, as I gather—and I was not on
2 the committee and obviously didn't hear the testimony—
3 but it seems to me that someone from the committee ought
4 to have the decency to stand up here and tell you that
5 there is or that there is not direct or circumstantial
6 evidence upon which you can make a decision that this man
7 is guilty of Article IX of these Articles of Impeachment.

8 The plain truth is that page 66 and page 67, if
9 they represent the summation of that committee's work,
10 indicate that for eight months prior to the time that
11 O. P. Carrillo became district judge of Duval County, or
12 the 229th District Court, which included Duval County,
13 Arturo Zertuche was, it is implied, in school at North
14 Texas State. Arturo Zertuche was receiving for the eight
15 months of 1970 \$225 per month. How can O. P. Carrillo
16 be a part of that conspiracy to commit that illegal act
17 when he did not hold the public office for which he, it
18 is implied, was necessary to be a part of the conspiracy?
19 How can he be charged with something that was occurring
20 prior to the time that he had the official for which he
21 is charged with the responsibility and duty of knowing
22 what was going on? What showing is there that after he
23 became district judge in 1971 that he either acquiesced
24 in this previous conduct by other parties, that he ratified
25 these previous acts by other parties, or that he in fact

1 even knew that they were taking place? I submit that
2 there is none. And I think that you do a great disservice
3 not only to O. P. Carrillo but to the integrity of this
4 body if you vote in favor of this article of impeachment.
5 It's wrong. It's just wrong.

6 SPEAKER CLAYTON: Mr. Nabers to close on
7 Article IX.

8
9 CLOSING ARGUMENT FOR ARTICLE IX

10
11 MR. NABERS: I guess that I didn't make
12 myself clear the first time because I thought I reviewed
13 the evidence very well.

14 MR. WATERS: Mr. Speaker, will the gentleman
15 yield?

16 MR. NABERS: I will not yield until I con-
17 clude.

18 You have the situation where a man files a
19 claim and gets paid for money while he does not perform
20 any work for the county. It is done and started whenever
21 Judge Carrillo was the county attorney. It continued
22 while he was district judge. Each month was a separate
23 offense. And if you want to take Craig's hypothesis to
24 the fact that he didn't have any authority for the first
25 eight months, then let's look at the last four months

1 because he certainly did. And he had that authority and
2 the conspiracy was there because the testimony tells us
3 that he reminded his secretary to remind Saenz, who was
4 his employee under his direction and control while he
5 was county attorney and while he was district judge. So
6 consequently, you know, the conspiracy is there. The
7 claim is paid and approved each month the commissioner
8 court meets and approves and pays the bills. There is
9 no question in my mind from what there was a conspiracy,
10 that they did defraud Duval County out of this money.
11 Therefore, I move the adoption of this article.

12 MR. WATERS: Mr. Speaker, will the gentle-
13 man yield?

14 Mr. Nabers, you said you'd yield.

15 SPEAKER CLAYTON: The gentleman has yielded
16 the floor.

17 The question now recurs on the adoption of
18 Article IX. All those in favor of the adoption of
19 Article IX will vote "aye"; all those opposed will vote
20 "no." It's a record vote. The Clerk will ring the bell.

21 Show Mr. Vale voting "no."

22 Have all members voted?

23 Show Mr. Denson voting "no."

24 There being 80 "ayes" and 61 "noes", one present
25 not voting, Article IX is adopted.

1 (The motion, being put to a record vote, passed.)

2 The Chair recognizes Mr. Nabers for an explana-
3 tion of Article X.

4
5 PRESENTATION OF ARTICLE X

6
7 MR. NABERS: Mr. Speaker and Members,
8 Article X provides that the charge is while holding
9 office as district judge for the 229th District Court of
10 Texas, O. P. Carrillo conspired with others to defraud
11 Duval County by causing county funds to be paid to
12 Roberto Elizondo who was not entitled to receive the
13 funds.

14 The committee heard testimony in regards to
15 this charge from eight witnesses: from Tomas Elizondo,
16 Roberto Elizondo, Octavio Hinojosa, Mr. Guerra, the
17 district attorney, Mr. Jose Saenz, Sergeant Valdez,
18 Mrs. Montemayor, and Mr. Saenz.

19 I think it's important, Members, to look at
20 the testimony that we had in regards to this article and
21 also to the witnesses and the amount of testimony that
22 we had in regards to this charge. Roberto Elizondo is
23 presently the court reporter for the 229th Judicial
24 District. He was a past grand juror in the last grand
25 jury that has just completed its work in Duval County.

1 He was a grand jury commissioner. Let me get that
2 straight.

3 Roberto Elizondo went to court reporter school,
4 and summarizing the testimony and the facts, and while
5 in court reporter school he received pay of the sum of
6 \$225 per month. He went to school, I believe the record
7 will indicate, for approximately eighteen months. He
8 went to school in Houston. While he was in Houston going
9 to court reporter school he was paid full time. The
10 testimony indicates that Roberto told the judge that he
11 would like to try to do better and try to make more money
12 and he'd like to go to court reporter school. The
13 testimony indicates that the judge said that that's fine,
14 he'd like to help him out, and he ought to go to court
15 reporter school. So he went to court reporter school,
16 and while in the court reporter school he received county
17 funds. He testified before the committee, and he indi-
18 cated that he did work for the county and that he did
19 this work during the weekends.

20 It also came out in the testimony from the
21 other witnesses that he in fact did not do the work.
22 Mrs. Montemayor testified that there was no indication
23 that he worked on the weekends. Alfred Guerra, the
24 district attorney, also indicated that there was no
25 indication of this. It is uncontroverted that the claims

1 were filed and that he was paid from county funds. He
2 was paid out of the Road and Bridge Fund for this period
3 of time that he went to court reporter school.

4 Again, as previously, the judge called Mrs.
5 Montemayor who told Mr. Saenz, "File the claims for
6 Roberto," and they were filed and they were paid. This
7 is uncontroverted.

8 The only controversy was that he said he did
9 work on the weekend. The testimony indicates that he
10 did not, in fact, do the work as alleged. In fact, the
11 figures indicate that it was, I believe, some nearly
12 three hundred miles from Duval County to Houston, so if
13 he drove back and forth he would spend more money on the
14 gasoline that he made than on the salary that he received.

15 In addition thereto, there was testimony that
16 three weeks out of these possible weekends that he could
17 have worked, each summer, two summers during this period
18 of time for three weekends, which is a total of six
19 weekends, he was in fact in Army Reserve and serving in
20 that capacity and did not work for those periods of time.

21 It further indicates that he also had weekend
22 drills once each month, and he was making drills in Alice
23 to this effect. All of these are uncontroverted testimony
24 that the committee has received in regards to this charge.

25 The conspiracy was the same. The judge

1 instructed his secretary to remind Mr. Saenz to fill the
2 claims. Mr. Saenz testified that he did fill out the
3 claims; that Mr. Elizondo never signed the claims; that
4 he forged his signature and notarized his signature. So
5 you have again the conspiracy to file false claims and
6 false affidavits in regards to this charge.

7 Are there any questions?

8 This article was passed by the committee ten
9 to zero.

10 I move its adoption.

11 SPEAKER CLAYTON: Anyone to speak against
12 the adoption of Article X?

13 If not the question now recurs on the adoption
14 of Article X. All those in favor of the adoption of
15 Article X will vote "aye"; all those opposed will vote
16 "no." It's a record vote. The Clerk will ring the bell.

17 Show Mr. Boone voting "aye."

18 Have all members voted?

19 There being 122 "ayes" and twenty "noes,"
20 Article X is adopted.

21 (The motion, being put to a record vote, passed.)

22 The Chair recognizes Representative Nabers for
23 an explanation of Article XI.

24

25

1 times in the store buying groceries for the judge and
2 charging the groceries to the judge.

3 Mr. Guerra, the district attorney, had been out
4 on the place and on the ranch and indicated that he had
5 seen Patricio doing work out there.

6 Mr. Sanchez also indicated that he had seen
7 and had testified to the fact that he was working on the
8 ranch also.

9 All of the indicates that there was no question
10 but for what Mr. Garza worked on the ranch.

11 Now then, the conspiracy again comes back to
12 the fact that the testimony of Mrs. Montemayor told the
13 committee that the judge would call her and remind him
14 to—remind her to have Mr. Saenz to fill out the claim
15 forms for Patricio Garza; that this was done; that the
16 claim forms were filled out as the similar operation had
17 previously been done.

18 There was no testimony to the extent that at
19 one time possibly Patricio Garza did do work for the
20 county. He was a handyman around the ranch and also did
21 just about anything that could be done. We have the
22 checks, the cancelled checks where the county paid Mr.
23 Garza for services. We also have in question some claims
24 that were paid that Patricio Garza while before our
25 committee testified that he did not receive the money for

1 but the claims were paid.

2 I'll be glad to yield for any questions.

3 MR. SPURLOCK: Mr. Speaker, will the
4 gentleman yield?

5 SPEAKER CLAYTON: The gentleman yields,
6 Mr. Spurlock.

7 MR. SPURLOCK: Mr. Nabers, several of
8 these are in a gray area here. Did your testimony before
9 the committee show whether or not this Patricio Garza
10 earned any pay as an employee of the Carrillos or on the
11 Carrillo ranch other than this pay from the county?

12 MR. NABERS: There is some testimony, Joe,
13 that he did receive some funds from the judge. Yes, sir.

14 MR. SPURLOCK: So actually he could have
15 been being paid as an employee of the ranch?

16 MR. NABERS: That's true.

17 MR. SPURLOCK: All right. Now, does your
18 testimony show from what period of time? I know the
19 charges don't have to be specific as to dates here, but
20 what periods of time was he on the county payroll? From
21 what time until approximately what time? It doesn't show
22 us in the deal here.

23 MR. NABERS: I believe it was in '73 and
24 possibly in '72 that he got some of the claims for pay-
25 ment from the county.

1 MR. SPURLOCK: Did your testimony exclude
2 the fact that he could have worked for the county? I
3 know that the burden of proof, it would be on the state
4 in a criminal case like this. Is there such a weight
5 of evidence as to give us a burden of proof as to whether
6 or not he failed to work for the county?

7 MR. NABERS: Say that again, Joe.

8 MR. SPURLOCK: All right. The burden on
9 the state would be to show that in a conspiracy case that
10 the man performed no work for the county for which he
11 could be paid. Can we meet that burden? Can we say he
12 performed no work for the county?

13 MR. NABERS: I think that from the testi-
14 mony that we received it is possible—and I personally
15 and the committee five to four vote was on this article,
16 so naturally there is some room and some question. In
17 my mind I think that he did receive money that he was not
18 entitled to.

19 SPEAKER CLAYTON: Just a minute, Mr.
20 Nabers. We're going to have some better order. The
21 members back in the back corner can't hear the debate.
22 We'll not proceed with the debate until we do have order.

23 Okay, Mr. Nabers, now you can proceed.

24 MR. NABERS: The only testimony, Joe, that
25 we had that he in fact did work for the county was his

1 own testimony, that he did in fact do some county work,
2 and I believe the question was asked, "What did you do?"
3 and I believe he said, "Oh, I changed flats."

4 MR. SPURLOCK: All right. And about how
5 much money was involved in this?

6 MR. NABERS: It was \$225 a month again,
7 I believe.

8 MR. SPURLOCK: The same as previous?

9 MR. NABERS: From which he received. And
10 again this was a situation where he was not on the Road
11 and Bridge salary fund, but rather was paid by claims
12 for contract labor. That's what the claims indicated.

13 MR. SPURLOCK: So actually then the pro-
14 ceedings would be he would— Question: Did he submit
15 claims signed to the county or did the judge himself
16 originate the claims for him?

17 MR. NABERS: Again the conspiracy was and
18 the testimony in that relation was that these three
19 persons, Roberto Elizondo, Patricio Garza, and Arturo
20 Zertuche, all of these claims and the same procedure was
21 used in the payment of these claims for labor, i.e., that
22 the judge would remind Mrs. Montemayor to remind Mr.
23 Saenz to make sure that the claims got filed.

24 MR. SPURLOCK: All right. So far as the
25 committee could tell, Patricio Garza didn't actually

1 originate these claims himself or sign them or swear to
2 them?

3 MR. NABERS: Every one was forged, Joe.

4 MR. SPURLOCK: All right. Thank you.

5 MR. TRUAN: Mr. Speaker, will the gentleman
6 yield?

7 SPEAKER CLAYTON: The gentleman yields,
8 Mr. Truan.

9 MR. TRUAN: Mr. Nabers, you are in effect
10 on behalf of the committee reporting to us your findings
11 with respect to this particular Article XI. Would you
12 please enlighten us also on why the vote was so close
13 here. I understand that this article passed out by a
14 vote of five to four. In all fairness, could you also
15 tell us why there were people that voted against this
16 article? Or, not why they voted, but what testimony came
17 up that gave rise to a question as to whether this
18 article was valid or not?

19 MR. NABERS: Well, they thought it was
20 covered basically in the other articles, the two previous
21 articles, I guess, Mr. Truan, because these all had the
22 same, I guess you'd call, "modus operendi" to the extent
23 that they were done the same way and for contract labor,
24 and they were done on the claims form rather than on the
25 customary salary procedure. Of course, I can't speak for

1 the committee members that voted against this particular
2 article because I don't know what was going on in their
3 minds. It may be that one of them speaks to that. I do
4 not know. All I'm saying is the witnesses that testified
5 before our committee that I had the opportunity to see
6 and to test their credibility as witnesses, I became
7 convinced that the conspiracy did in fact occur and that
8 the county was defrauded out of the money based upon the
9 instrumentality of the judge implementing the filing of
10 the claim. And, of course, the filing of the claim would
11 not necessarily be sufficient, but it was in fact finally
12 paid. That would complete the whole sequence of events
13 in my mind.

14 MR. TRUAN: You can appreciate my question
15 because of the vote in the committee and the fact that I
16 don't have access to other information except the summary—

17 MR. NABERS: If you would like, I have
18 right here— I have pulled out the testimony that relates
19 to this that I think substantiates the claim—

20 MR. TRUAN: We don't have time to go
21 through that at this time—

22 MR. NABERS: I'll summarize it.

23 MR. TRUAN: Are there some members that
24 are on the committee that are going to speak against this
25 particular article?

1 MR. NABERS: I think Mel will.

2 MR. TRUAN: Thank you.

3 MR. NABERS: I move its adoption.

4 SPEAKER CLAYTON: The Chair recognizes
5 Mr. Chavez to speak against the adoption of Article XI.
6

7 PRESENTATION AGAINST ARTICLE XI

8
9 MR. CHAVEZ: Mr. Speaker and Members, again
10 this was one of those articles that was voted out of the
11 committee by a vote of five to four. The reasoning
12 behind my voting against it was that I felt that this
13 particular article was already contained in Article III,
14 which article charges that services were diverted to the
15 personal use and benefit of Judge Carrillo, and that
16 included Mr. Patricio Garza.

17 Now, the testimony as I recall it was that
18 Patricio Garza was an employee of Judge Carrillo on the
19 ranch for the past year and a half and was receiving his
20 salary from Judge Carrillo. He previously did work for
21 the county and did receive payment from the county.

22 Now, there was some testimony, however not con-
23 vincing to me. I believe that one of the Elizondo boys
24 testified when asked how long he recalled that Patricio
25 Garza might have been working out on Judge Carrillo's

1 ranch, Mr. Elizondo's response was that as far as he had
2 been out there. Now we have to remember that, I think
3 it was Tomas Elizondo who indicated that they maintained
4 a herd of cattle which they kept it out on Judge Carrillo's
5 ranch, and in return for free pasture they would go out
6 on weekends and help the judge fix fences, help with
7 the roundup, and this is not an uncommon practice.

8 MR. WATERS: Will the gentleman yield?

9 MR. CHAVEZ: Yes, sir.

10 SPEAKER CLAYTON: The gentleman yields,
11 Mr. Waters.

12 MR. WATERS: Mr. Chavez, Mr. Maloney in
13 his overview alluded to the fact that there was a couple
14 of articles where if it was one way then it could not
15 have been another way, and vice versa. Is this the
16 incidents, the articles, that he alluded to?

17 MR. CHAVEZ: This is the one that he
18 referred to. We kicked around in the committee— It
19 was the feeling of four members of the committee that we
20 had already included this particular allegation in
21 another article, and to include it in a separate article
22 again would be almost like double jeopardy, or something.

23 MR. WATERS: I tend to agree. If we've
24 already said that the man used a county employee for his
25 personal benefit, then it seems difficult for us to come

1 back and say that the converse was also true; that he was
2 using a private employee on county payroll, which this,
3 it seems to me, it ought to be one way or the other.

4 MR.CHAVEZ: That's the way that I felt
5 also. I feel that we've already charged the judge with
6 having diverted some services, and to again charge him
7 with the same offense would be like trying him for a
8 single offense twice. And consequently, I voted against
9 it.

10 Now, also this lady, Mrs. Montemayor, that Mr.
11 Nabers referred to, when she was asked whether or not,
12 or how long she had known Patricio Garza, she testified
13 that she had met him only once. I think that this was
14 at the courthouse in judge's chambers. She did not know
15 him personally prior to that time. I think that her
16 reference to the fact that she had overheard conversations
17 when supplies were delivered to the ranch that somebody
18 would indicate, "Send them to Patricio," and she was
19 inferring or conjecturing that perhaps this was the same
20 man that's mentioned in this particular article. I don't
21 think that that testimony was clear and convincing to
22 show probable cause. Consequently, four members of the
23 committee voted against this article, and I just don't
24 think that we ought to burden the Senate with a weak
25 article. I think that there has been enough articles

1 passed and adopted that will be sent over there which
2 are strong enough to merit a trial. I don't think that
3 we ought to burden the Senate with these offenses which
4 are weak in nature. And for that reason, I ask that you
5 vote "no" on this article.

6 SPEAKER CLAYTON: Mr. Nabers to close on
7 Article XI.

8
9 CLOSING ARGUMENT FOR ARTICLE XI

10
11 MR. NABERS: Mr. Speaker and Members, I
12 think that this is another situation where you're going
13 to have to rely on the members of the committee in order
14 to judge the witnesses, if you have not read all the
15 transcript, and I hope you have read all the transcript.

16 Again, as I have reiterated time and time again,
17 this particular article is exactly like the other articles
18 the other two articles that I have presented—in that the
19 conspiracy was done at the instance of Judge Carrillo to
20 the extent that he reminded his secretaries to file the
21 claims. The testimony comes out uncontroverted that the
22 claims were false, that they were forged, and that they
23 were all done, you know, with the knowledge of the judge
24 because he implemented and started the whole procedure.
25 So I think that that is uncontroverted. You can chase

1 rabbits all day long. The only testimony to say that he
2 ever did any work for the county was Mr. Garza himself.
3 All of the other witnesses, even to the district attorney,
4 thought he was a full time employee for Judge Carrillo
5 on the ranch.

6 So I think without question in my mind that
7 there is sufficient evidence, and the evidence is valid
8 on this allegation, and I move its adoption.

9 SPEAKER CLAYTON: The question now recurs
10 on the adoption of Article XI. All those in favor of
11 the adoption of Article XI will vote "aye"; all those
12 opposed will vote "no." It's a record vote. The Clerk
13 will ring the bell.

14 Have all members voted?

15 There being 83 "ayes" and 59 "noes", one
16 present not voting, Article XI is adopted.

17 (The motion, being put to a record vote, passed.)

18 Members, the question now recurs on the adoption
19 of committee substitute for House Simple Resolution 161.
20 Does anybody wish to speak for or against the adoption
21 of the committee substitute?

22 Mr. Washington, do you want to speak?

23 MR. TRUAN: Mr. Speaker, parliamentary
24 inquiry.

25 SPEAKER CLAYTON: State your inquiry, Mr.
Truan.

1 MR. TRUAN: Are there not two votes that
2 will be taken?

3 SPEAKER CLAYTON: Yes, sir, there are
4 two votes. We have to adopt the committee substitute
5 and then the final adoption of the committee report as
6 substituted.

7 Okay, Members, the question now recurs on the
8 adoption of the committee substitute. All those in
9 favor of the adoption of the committee substitute— It
10 is amended because we struck one of the articles, Members—
11 as amended, will vote "aye"; all those opposed will vote
12 "no." It's a record vote. The Clerk will ring the bell.

13 Have all members voted?

14 There being 130 "ayes" and 15 "noes", the
15 committee substitute as amended is adopted.

16 The Chair recognizes Mr. Kubiak for a motion.

17 MR. KUBIAK: Thank you, Mr. Speaker and my
18 colleagues in the Texas House.

19 I have a three pronged motion here, and I hope
20 you listen carefully because this has been some very
21 serious deliberation on our part and on the part of the
22 committee.

23 I move to postpone the final consideration of
24 H.S.R. 161 as amended until October 10th, 1975, at 2 p.m.,
25 and number two, further move that the thirty dollars per

1 diem not apply to any member of the House while we're not
2 in session. And three, further move that if the
3 Judicial Qualifications Commission recommends removal
4 prior to October 10th, 1975, at 2 p.m., that the House
5 not be reconvened for the final action on this matter.

6 I'd like to be heard on my motion.

7 SPEAKER CLAYTON: You may be heard, Mr.
8 Kubiak. The Chair recognizes you for that purpose.

9 MR. KUBIAK: There are several matters
10 that trouble me, and I'm sure many of you, on this.

11 The reason for the motion is the fact that the
12 House itself has expressed its desire on each of the
13 matters that was before us. One of those was struck;
14 ten, the House felt, should have been articles submitted
15 to the Senate. So we've expressed our opinion on all
16 but the final vote. But the second item here calling
17 the Senate into operation in this matter is going to be
18 a very expensive and elaborate procedure, as most of
19 you know. It is my firm opinion that the responsibility
20 on this matter very clearly rests on the Judicial
21 Qualifications Commission, created solely to deal with
22 any matter that is not proper within the judicial system.
23 Because it is their responsibility, it is my opinion that
24 we should give them the opportunity to clean up their own
25 house, and to do it before October the 10th. At that

1 time we'd be reconvened at 2 p.m. to take the final vote
2 on this matter.

3 That's the reason for the motion to postpone
4 the final consideration until October the 10th at 2 p.m.,
5 and further that the thirty dollars per diem not apply
6 to any member of this House while we are not in session,
7 and further, that if they do not act in removal on this
8 matter prior to October 10th at 2 p.m., that we be called
9 back in for the final vote on this matter.

10 MR. BOCK: Mr. Speaker, will the gentleman
11 yield for a question?

12 SPEAKER CLAYTON: Do you yield, Mr. Kubiak?

13 MR. KUBIAK: I'll yield for one short
14 question. I think it's very clear, and it's just a
15 matter of what you feel yourself.

16 MR. BOCK: I think the question will be
17 clear, too, Mr. Kubiak. It's an "A" and "B" part.

18 Right now, as I understand it, Judge Carrillo,
19 with the passage of this particular resolution, will be
20 effectively removed from office. Is that correct?

21 MR. KUBIAK: As I understand the procedures
22 of impeachment.

23 MR. BOCK: There is nothing however to
24 prevent him from running for reelection even though the
25 Judicial Qualifications Commission might ask him to step

1 down. Is that correct?

2 MR. KUBIAK: I'd have to defer that to
3 Bob Johnson. I'm not sure.

4 Mr. Johnson says he thinks he can.

5 MR. BOCK: He can run for office again?

6 MR. KUBIAK: If they removed him. Yes.

7 MR. BOCK: So only by impeachment con-
8 cluding in the Senate and his conviction on impeachment
9 could he be prevented from ever serving as a district
10 judge in this state again.

11 MR. KUBIAK: If you get the two-thirds
12 vote in the Senate. Yes.

13 MR. BOCK: Thank you.

14 MR. SHERMAN: Mr. Speaker, will the
15 gentleman yield?

16 SPEAKER CLAYTON: Do you yield, Mr. Kubiak?

17 MR. KUBIAK: Yes, I'll yield.

18 SPEAKER CLAYTON: The gentleman yields,
19 Mr. Sherman.

20 MR. SHERMAN: Mr. Kubiak, your date is
21 October the 10th, if I understood it correctly, that you
22 would consider again H.S.R. 161?

23 MR. KUBIAK: That's correct. That gives
24 them one month's time to take everything that the committee
25 has worked on, and of course, they spent a lot of time;

1 to review that, to make their decisions, and to take
2 action on this matter. If they have not then the House
3 will come back in and take its final vote, and that's it.

4 MR. SHERMAN: Then, Mr. Kubiak, if the
5 House were to meet on October the 10th, it's likely
6 that it would not get to the Senate until after the
7 vote on the new Constitution. Is this correct?

8 MR. KUBIAK: Well, I don't know how fast
9 the Senate will act, but I can't answer that.

10 MR. SHERMAN: If it doesn't get to them
11 until after the vote on the new Constitution, and the
12 new Constitution is adopted, the Senate would not be
13 able to impeach a district judge. Is that not correct?

14 MR. KUBIAK: Well, if it were in January,
15 but one of the other questions that Mr. Bock had raised
16 earlier, if the judge was convicted on any matter, a
17 felony or what-have-you, he could not seek reelection
18 regardless of what the outcome of anything else may
19 have been. And there's certainly some items of con-
20 sideration, if in fact some of these things are true.

21 SPEAKER CLAYTON: The Chair recognizes
22 Mr. Chavez to speak against the motion.

23 MR. CHAVEZ: Once again, Mr. Speaker and
24 Members, I think that we have come here to do a certain
25 duty. Last May we passed a resolution, appointed a

1 committee, and the committee conducted an investigation.
2 The investigation reflected and showed the committee; the
3 committee concluded that certain articles of impeachment
4 ought to be preferred against the judge. By your votes
5 yesterday and today, I think that you have accepted the
6 work of the committee and feel also that the judge ought
7 to be removed.

8 If this resolution is passed then automatically
9 the judge is suspended from office. If the Senate con-
10 victs him he can be removed from office and the Senate
11 can go further and prohibit him from holding public office
12 again.

13 Now there have been some cases mentioned here:
14 the Laughlin case. This case originated in that area
15 also, the judge from Alice, Texas, and he was removed
16 on the petition of ten attorneys. The Supreme Court
17 removed the man from office, and the man ran for office
18 again and was reelected.

19 In the Brown case, Judge Brown resigned. With
20 the Supreme Court speaking in both the Laughlin case and
21 the Brown case, stated that only by impeachment could
22 the individual be prohibited from holding public office
23 again.

24 I think that by the evidence that you have
25 heard here today and the evidence that the committee

1 heard, it is evident that perhaps the Senate could go as
2 far as prohibiting the man from ever holding public
3 office again. I don't think that you ought to deprive
4 the Senate of doing their duty.

5 Accordingly, Mr. Speaker, I move to table the
6 motion.

7 SPEAKER CLAYTON: The Chair recognizes
8 Mr. Kubiak to close on his motion.

9 MR. KUBIAK: Thank you, Mr. Speaker and
10 my colleagues in the House.

11 The motion was made because I firmly believe
12 that there is a body within this state, set up by con-
13 stitutional authority for the sole purpose of taking care
14 of matters within its own body. I am not speaking to
15 guilt or innocence of the man involved in this particular
16 matter. I think all of you know that if in fact any of
17 these allegations were true and he were taken to court,
18 convicted of any felony, he would not be allowed to ever
19 hold office again. But the fact remains that there is
20 the Judicial Qualifications Commission, which has been
21 negligent, which has not done its duty on this matter.
22 Otherwise we would not be in here on this very expensive
23 matter.

24 We have done our job within a two day period,
25 very limited expense. But I assure you that that Senate

1 is not going to be able to move as quickly as we did.
2 You're going to be looking at a tab of somewhere around
3 \$500,000 or more for a matter which can be solved by a
4 group set up and established that has a budget of some-
5 where in the neighborhood of 75,000.

6 So this was the reason for the motion. It's on
7 your own conviction and conscience what you want to do.
8 I simply think the House should be afforded this oppor-
9 tunity at this time, then be called back in if they have
10 not acted on October the 10th, to take the final vote on
11 the matter before us at this time.

12 I would beg of you to not vote to table.

13 MR. HENDRICKS: Mr. Speaker, will the
14 gentleman yield?

15 SPEAKER CLAYTON: The gentleman has yielded
16 the floor.

17 The question now recurs on the motion to table
18 the Kubiak motion. All those in favor of the motion to
19 table will vote "aye"; all those opposed will vote "no."
20 It's a record vote. The Clerk will ring the bell.

21 Have all members voted?

22 There being 107 "ayes" and 38 "nays", the
23 motion to table prevails.

24 (The motion, being put to a record vote, passed.)

25 The question now is on the adoption of H.S.R.

1 No. 161 as substituted.

2 MR. HUTCHISON: Mr. Speaker, parliamentary
3 inquiry.

4 SPEAKER CLAYTON: State your inquiry.

5 MR. HUTCHISON: Is the question divided
6 on the final adoption?

7 SPEAKER CLAYTON: Sir?

8 MR. HUTCHISON: Is the question divided
9 on the final adoption?

10 SPEAKER CLAYTON: No, sir.

11 MR. HUTCHISON: It has not been. Would
12 such a motion be in order?

13 SPEAKER CLAYTON: I don't think you can
14 divide it, Mr. Hutchison, since we've already adopted
15 the substitute.

16 MR. HUTCHISON: All right.

17 SPEAKER CLAYTON: The Chair recognizes
18 Mr. Canales in favor of the adoption of H.S.R. 161.

19 MR. CANALES: Mr. Speaker, Members of the
20 House, I'm going to be very brief. You all have sat here
21 for now a day and a half listening to testimony which it
22 took the committee approximately two months to accumulate
23 and which they heard until the late hours of the morning.

24 I want to take this opportunity to thank the
25 committee for looking into the plight of the people of

1 Duval, Jim Hogg, and Starr Counties, which are within
2 the 58th Legislative District.

3 In determining whether or not you want to pass
4 this article over to the Senate, I'm going to read briefly
5 from the Supreme Court case of Ferguson versus Maddox:

6 "Under the Constitution, the Senate may
7 not only remove the offending official, it
8 may disqualify him from holding further office,
9 and with relation to this latter matter, his
10 resignation is wholly immaterial. For their
11 protection the people should have the right
12 to remove from public office an unfaithful
13 official."

14 This is what I call your attention to.

15 "It is equally necessary for their pro-
16 tection that the offender should be denied
17 an opportunity to sin against them a second
18 time."

19 Members, the offenses which have been brought
20 out here have been summarized, necessarily so because of
21 the time element. The facts have not been summarized;
22 they've accumulated over a period of 35 years. There
23 have been accusations that this thing should have been
24 brought up earlier. The only opportunity that has been
25 presented to this House to investigate this matter has

1 been caused by a political split.

2 Had this political split not occurred there
3 would have been no way this House could have investigated
4 the matters. Better people than I have tried it. The
5 federal government has tried. They've lost courthouses
6 and banks have burned; records have been lost and wit-
7 nesses possibly even been killed.

8 Today this thing has been brought to light.
9 You have voted and adopted Articles of Impeachment. And
10 I would recommend that these Articles of Impeachment be
11 referred to the Senate for trial.

12 Thank you.

13 SPEAKER CLAYTON: The Chair recognizes
14 Representative Washington to speak against the adoption
15 of House Simple Resolution 161.

16 MR. WASHINGTON: Thank you, Mr. Speaker,
17 and Fellow Members.

18 I too will be brief. I want to explain a
19 couple of things for you. I think I know most of you
20 well enough not to have to say this, but let me say it
21 publicly. I would take the same position I take regard-
22 less of the color of the individual. Somebody, some of
23 my colleagues, are spreading the rumor that I'm helping
24 my brown brothers; I'm doing this or I feel the way I
25 feel because O. P. Carrillo is a Chicano. That's not true.

1 I think that most of you know me well enough to
2 know that I may be wrong, and I oft times am, but I do
3 believe in what I believe in. And I want you to know
4 that it would not make a bit of difference what color,
5 race, creed, sex, or other artificial barrier that we
6 use to divide men from each other, this man was. Because
7 I have not addressed myself to the merits, I cannot
8 address the merits, but I frankly believe that we are
9 here by impermissable and unconstitutional means. And
10 therefore, O. P. Carrillo may be the biggest crook that
11 ever lived, but he is entitled to the same justice,
12 whether he dispenses it to others or not; he's entitled
13 to the same constitutional guarantees that we say we now
14 uphold by these Articles of Impeachment.

15 It disturbs me that we have acted in the manner
16 that we have. With all deference to the committee, I
17 know they've done their work; they've labored hard; they've
18 labored long. But if we are here by any means other than
19 the rightful authority of the people of this state,
20 speaking on behalf of their government to excise from
21 their midst a person who holds high judicial office, and
22 if we don't do that by the same law that we ask O. P.
23 Carrillo to uphold, how much better are we than he?

24 Somebody talked about chasing rabbits. Sure,
25 it's easy to chase rabbits, but it's also easy to kill a

1 rabbit in a box. That's not sporting. It's not sporting
2 to shoot fish in a barrel. Unless you do it by the
3 mechanism that's set up by the government than I submit
4 that you're just as wrong as they are.

5 We have acted in my opinion like a mob. We
6 have delegated an undelegable duty to that committee.
7 Dewitt Hale is a fine man. All the members of the com-
8 mittee are fine people, and they did their job. But I
9 ask you, who among you does not have a doubt, since you
10 didn't hear the testimony? You have delegated to another
11 person the responsibility of making a decision. We
12 didn't make any decisions here on this Floor. We could
13 not make any decisions here on this Floor because the
14 evidence has not been submitted to us. Now, that is a
15 fault of the system; it's not a fault of yours or mine.
16 But it seems to me that it's just as easy, or it was
17 just as easy for a lynch mob to take up and listen to
18 one person and go to some person's house and take that
19 person and have that justice upon them.

20 We don't further the system. I'm not here for
21 O. P. Carrillo. I'm here for you and me, brother. I'm
22 here because if we do wrong with the system, then how
23 can we ask those people in the gallery to believe in and
24 protect that system? It only works because of them. It
25 doesn't work because of us. If we do something that we

1 know isn't right, that isn't fair, according to the laws
2 that we all love and believe in, then we act like a mob.
3 And no mob has ever protected any liberty, not even its
4 own.

5 SPEAKER CLAYTON: The Chair recognizes
6 Representative Hale to close on the resolution.

7 MR. HALE: Mr. Speaker and Members of the
8 House, in almost 23 years of service in this body I
9 suppose I have come to the microphone the last two days
10 with the greatest degree of reluctance of any time in my
11 career.

12 I would not have been on this front microphone
13 with respect to this entire matter had I not been drafted
14 by the Speaker and his advisors to chair this committee
15 on a very distasteful and thankless task.

16 I explained to the members of the House yester-
17 day in my opening remarks, in making the committee report
18 available to you, that it was my feeling that every
19 members of the committee approached this task with a
20 great deal of reluctance. I don't know of any member of
21 this committee that sought this assignment. In fact,
22 while I'm not privy to all of the conversations that went
23 on in selecting the members of the committee, I strongly
24 suspect that each member of this committee took the same
25 position I did when I was approached, and that is that

1 they would prefer not to be on the committee.

2 But we have a constitutional duty to perform.
3 I have taken the oath of office twelve times in this
4 body, raised my right hand and sworn that I would uphold
5 and defend the Constitution and laws of this state, and
6 that I would perform my duties as a member of this body.
7 And I think that each member of the committee was pain-
8 fully aware of that oath of office as we went about the
9 task of hearing evidence on this matter and bringing it
10 to you in the form of a report.

11 I can't read the minds and the hearts of the
12 members of the committee, but I believe this to be true.
13 I believe that each of the eleven members of that com-
14 mittee when the hearings first started were sympathetic
15 to Judge Carrillo. I know Mr. Hendricks expressed that
16 on the microphone here at one time during this debate.
17 I know it was my feeling. I hoped in my heart that
18 there wouldn't be any evidence that would cause us to
19 vote Articles of Impeachment because, as a lawyer par-
20 ticularly, my deep and abiding respect for the judiciary
21 and my desire that nothing would tarnish its image. And
22 yet as the evidence unfolded before the committee, we
23 had to bite the bullet, and we had to make some hard
24 decisions, and under our oath of office I think that
25 each member of this committee acted with courage to do

1 his constitutional duty, and consequently, the report
2 is before you here today.

3 I want to join with what Mr. Washington said
4 about the fact that whether he's black or brown or
5 white or pink or yellow or whatever the color of his
6 skin may be, or whatever his national origin may be,
7 had no part in the deliberations of this committee.
8 That was never mentioned to the best of my knowledge.
9 I know it certainly didn't influence my thinking one
10 iota, and I don't think it influenced a single member
11 of the committee. And I don't think it's influencing
12 the members of the House on their vote here today. If
13 so, I hope that's not true. I hope nobody is influenced
14 in that regard.

15 We tried to look at the facts as the facts
16 were presented to us and available to us.

17 As to whether or not the action of the House
18 is unconstitutional, I would refer you, of course, back
19 to the Supreme Court case of Ferguson versus Maddox,
20 in re Brown and in re Laughlin, in which on three
21 different occasions, the Supreme Court of Texas has
22 reviewed in one case the specific procedures for impeach-
23 ment; in the other two alternative methods by which
24 district judges may be removed. And in all three of
25 those cases they spoke along the same lines that there

1 were three different differing methods whereby judges
2 could be removed; one of which was the impeachment powers
3 of the House and the trial as a court of impeachment in
4 the Senate.

5 Our committee throughout its procedures has
6 meticulously tried to follow the Supreme Court outline
7 on how we should proceed. We have reviewed the records.
8 We did review the records of other impeachments that
9 have been held in Texas. We reviewed the statutes, and
10 attempted to follow the Supreme Court decision, following
11 due process at all times and attempting to give every
12 opportunity and every benefit of the doubt to Judge
13 Carrillo to which he was entitled.

14 It is with no degree of pride of the part of
15 any member of the committee that we made the final report
16 to you. It's certainly with no degree of pride that I
17 stand before you here today. And I do so, one, to defend
18 the action of the committee, that I think that we attempt-
19 ed to the best of our limited abilities and our limited
20 knowledge of this subject matter area to follow the law
21 and the procedures to the letter to be sure that we were
22 doing everything in accordance with due process.

23 And secondly, to stand before you today to say
24 that I don't believe that any member of the committee
25 has appeared on this front microphone—and I certainly do

1 not appear on this front microphone—as a prosecutor or
2 as urging you to vote for or against any of these
3 Articles of Impeachment. I don't believe that was our
4 job.

5 We reported our findings to you. We showed
6 the votes that were taken in committee. We have indicated
7 by that our feeling of what the evidence shows. We are
8 acting as an instrumentality of this House in presenting
9 this information to you. And I do not conceive it to be
10 the function of the committee, nor of me as its chairman,
11 to attempt to dictate to you how you should vote on the
12 adoption of H.S.R. 161.

13 The committee felt by unanimous vote, although
14 there was differing votes on some of the articles, but
15 on the adoption of the final committee report on H.S.R.
16 161, the committee was unanimous in recommending it to
17 the House with the recommendation that it do pass and be
18 adopted. As chairman of the committee, I voted for that;
19 I concurred in that recommendation by the committee, and
20 I submit it to you here today as the recommendation of
21 the committee. I urge that each of you search your
22 conscience and vote your own convictions on this, with
23 the knowledge that by this action today you are simply
24 acting as a grand jury, and you are simply stating, not
25 that there is any guilt or innocence of the part of

1 Judge Carrillo, but that the evidence adduced before an
2 instrumentality of this House was sufficient to justify
3 further legal proceedings.

4 That evidence has been developed in the manner
5 in which all impeachment evidence is developed. Those
6 of you who followed the impeachment proceedings against
7 the president of the United States about a year ago are
8 well aware from television that the evidence in that case
9 was developed in identically the same way; not by the
10 entire House of Representatives but by a committee of
11 that House.

12 I would point out to those of you, such as
13 Mr. Washington, who have some doubts about that procedure
14 that if you go the Judicial Qualifications route, which
15 is a separate method, the same thing is true. In the
16 Laughlin case, for example, the Supreme Court of Texas
17 did not hear the evidence in that case; a master in
18 chancery was appointed by the court. That master took
19 all the evidence in the same way that our committee took
20 the evidence, and the only thing the Supreme Court had
21 before it when it removed Judge Laughlin was the record
22 that was developed before that master and the recommen-
23 dations of the master as embodied in the record. The
24 same type of record is before you here today, so that
25 procedure-wise, there is really no difference between

1 those two methods. They are differing methods. And the
2 one big difference between these three methods of
3 removal is that under the impeachment route, the judgment
4 of the Senate cannot only be final as far as removal is
5 concerned, but it can also disqualify the accused from
6 holding further public office during his lifetime. That
7 is not true under either of the other two methods of
8 removal according to the Supreme Court.

9 It's on that basis that we, the members of
10 your Select Committee on Impeachment, present to you our
11 report and our recommendation with respect to House Simple
12 Resolution 161, and you now can make the final decision
13 on this activity.

14 Thank you.

15 SPEAKER CLAYTON: The question now recurs
16 on the adoption of House Simple Resolution 161 as
17 substituted. All those in favor of the final adoption
18 would vote "aye"; all those opposed will vote "no."
19 It's a record vote. The Clerk will ring the bell.

20 Strict enforcement has been called for. Strict
21 enforcement is granted.

22 Have all members voted?

23 There being 128 "ayes" and 16 "noes," the
24 resolution is adopted.

25 (The resolution, being put to a record vote,
passed.)

1 The following resolution. The Clerk will read
2 the resolution.

3 THE CLERK: "House Simple Resolution No. 2
4 by Hale, creating a Board of Managers to present—

5 SPEAKER CLAYTON: The Chair recognizes
6 Representative Hale to explain the resolution.

7 MR. HALE: Mr. Speaker and Members of the
8 House, this is a resolution to create a Board of Managers
9 to represent the House in the prosecution of the Articles
10 of Impeachment in the Senate.

11 In all impeachments that we researched this
12 was the procedure that was used. As a representative
13 of this body that a committee be appointed. It's called
14 a Board of Managers, and that board is given the authority
15 to employ staff and to take whatever action is necessary
16 to see that the articles are prosecuted in the Senate.

17 Under the Constitution and statutes and the
18 court interpretations on impeachment, that is one of the
19 duties of the House; that once this goes to trial in the
20 Senate, the Senate sits as a court of impeachment. The
21 House at that point becomes in the role of prosecutor,
22 and in effect supplies the district attorney who actually
23 does the prosecuting, puts on the evidence, interrogates
24 the witnesses, cross examines the opposing witnesses,
25 makes objections, and so forth, just exactly as though

1 a trial were being conducted.

2 This resolution sets up the mechanics for doing
3 that, and I move its adoption.

4 SPEAKER CLAYTON: The question is on the
5 adoption of the resolution. Is there objection?

6 The Chair hears none. The resolution is
7 adopted.

8 Excuse Representative Nugent for the entire day
9 because of important business, on a motion of Representa-
10 tive Nugent. Is there objection?

11 Chair hears none.

12 The Chair recognizes Representative Earle.

13 MR. EARLE: Mr. Speaker, Members, we were
14 not called to Austin Monday to discharge a pleasant duty.
15 The impeachment of a judicial officer is never an under-
16 taking that is looked forward to by anybody who has
17 respect for our form of government. But we came and we
18 have discharged that duty.

19 I think that before we leave it will be timely
20 and appropriate for us to express our appreciation to
21 those of our colleagues whose duty was even more unplea-
22 sant than ours, and by that I refer, of course, to the
23 committee and chaired by Representative Hale.

24 So I would suggest, Mr. Speaker, and Members,
25 that at this time we show our appreciation for their

1 efforts.

2 (Applause.)

3 SPEAKER CLAYTON: Thank you, Mr. Earle.

4 Members, we have the request for several votes
5 to be recorded. These are not vote changes and will not
6 change results on any of the articles voted on. Is
7 there objection to them being recorded?

8 The Chair hears none.

9 The Chair recognizes Representative Sullivant
10 for an announcement.

11 MR. SULLIVANT: Mr. Speaker and Members
12 of the Environmental Affairs Committee, we had originally
13 scheduled a meeting for seven-thirty tonight, but since
14 we're finishing a little earlier, I would like to schedule
15 this meeting for two-thirty p.m. at Room 346.

16 Also the Pollution sub-committee of the
17 Environmental Affairs Committee will meet immediately
18 after the whole committee meeting.

19 And the Appropriative Matter sub-committee also
20 will meet immediately after the whole committee meeting.

21 SPEAKER CLAYTON: The Chair recognizes
22 Representative Denton for an announcement.

23 MR. DENTON: Mr. Speaker, Members, for
24 about five minutes if the members of the Social Services
25 Committee will meet in the members lounge.

1 SPEAKER CLAYTON: The Chair recognizes
2 Mr. Bynum for an announcement.

3 MR. BYNUM: Mr. Speaker and Members, the
4 called meeting of the Insurance Committee is cancelled.

5 SPEAKER CLAYTON: Members, there was
6 passed out on your desks an invitation to a luncheon.
7 That invitation is still good. Any of you desiring to
8 attend the lunch, there will be a discussion on the
9 Constitution and the possibility of an organization to
10 help maybe insure its passage.

11 Members, we're just about to conclude our
12 business. We just lack one or two more little articles
13 here and we'll have it wound up.

14 The Chair announces the following Board of
15 Managers. The Clerk will read the list.

16 THE CLERK: Board of Managers: Hale,
17 chairman; Maloney, vice-chairman; Slack; Hendricks;
18 Nabers; Kaster; Donaldson; Laney; Thompson; Weddington;
19 Chavez.

20 SPEAKER CLAYTON: Members, the Chair feels
21 that it appropriate to submit the members of the committee
22 as the Board of Managers since they have dealt with this
23 issue from the very beginning.

24 The Chair would like to make one further nota-
25 tion before adjournment. I would like to once again

1 commend you on your diligence and your determination to
2 conclude this matter that's been before us. I think you
3 have exercised your responsibility as an elected official
4 in a very appropriate manner.

5 Mr. Hale for an announcement.

6 MR. HALE: The Board of Managers will
7 meet at two-thirty this afternoon in the Supreme Court
8 Hearing Room; at two-thirty this afternoon.

9 SPEAKER CLAYTON: Mr. Spurlock moves that
10 the House sitting in matters of impeachment adjourn
11 sine die. Is there objection?

12 The Chair hears none.

13 (Whereupon, at 1:00 p.m., the House of
14 Representatives was adjourned sine die.)
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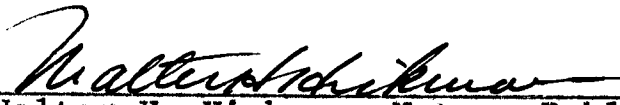
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CERTIFICATE

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

I, Walter H. Hickman, a Notary Public in and for Travis County, Texas, do certify that on the 4th day of August, 1975, and the 5th day of August, 1975, the foregoing proceedings before the TEXAS HOUSE OF REPRESENTATIVES were reported by me and that the foregoing 401 pages constitute a full, true and correct transcription of my stenograph notes.

GIVEN under my hand and seal of office this 25th day of August, 1975.


Walter H. Hickman, Notary Public
in and for Travis County, Texas.