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REPLY-MEMO RM-87

TO *Dr. Hector Garcia*
1315 Bught Street
Corpus Christi, Texas

FROM *Gladys R. Left*
6932 Applea La.
Dallas, Texas 75230

SUBJECT

DATE

1/25/76

MESSAGE:

Dear Mr. Garcia, I thought you would like this article for your files. I have turned in the finished copy of the dissertation to my committee but they haven't completed their work yet. I hope that I have no trouble with them. I feel that I have written a balanced study but they may find it too controversial. When I recover from my dissertation, I would like to write some articles about your activities. By the way, I will give you a copy of my dissertation when it is all finished & approved.

ORIGINATOR-DO NOT WRITE BELOW THIS LINE

REPLY TO *Sincerely,*

SIGNED *Gladys R. Left*

REPLY

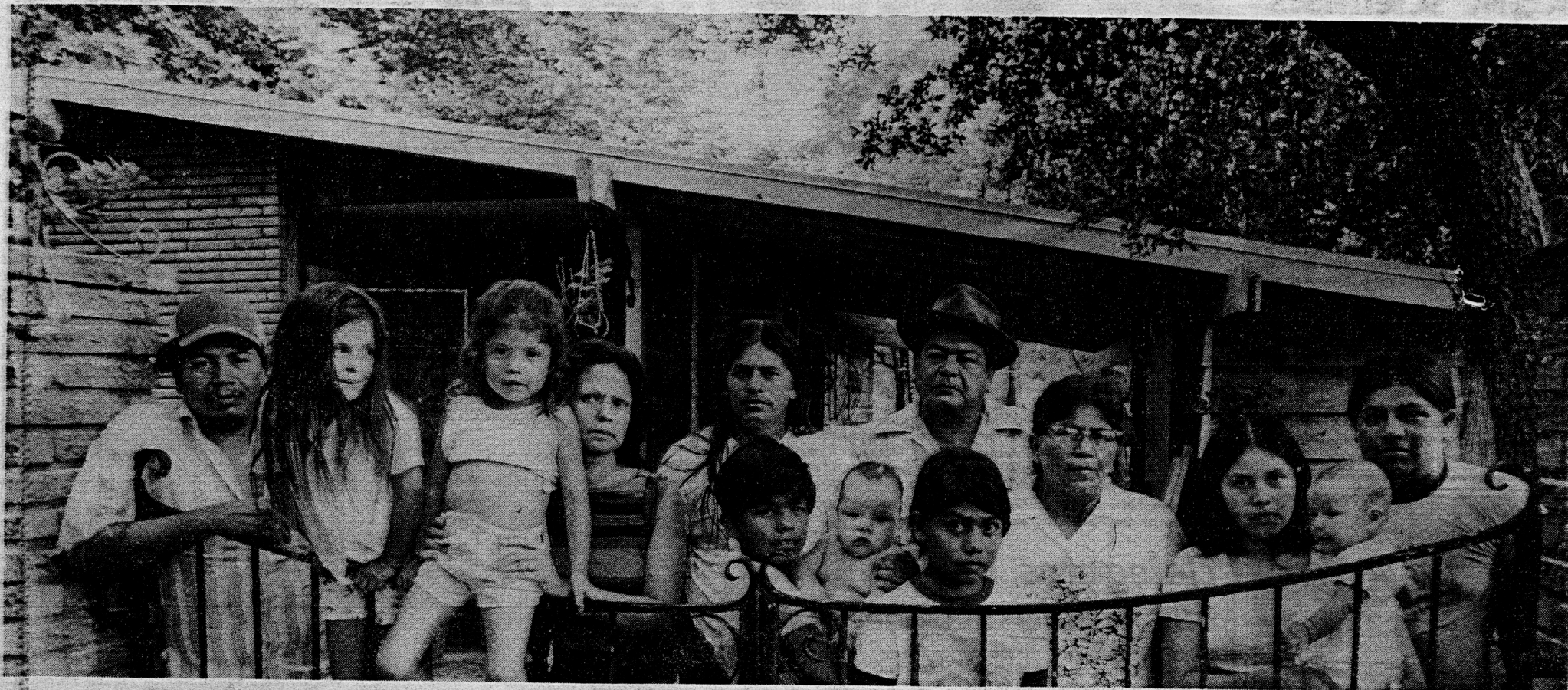
DATE

SIGNED

SEND PARTS 1 AND 3 INTACT-PART 1 WILL BE RETURNED WITH REPLY

RM-87

RETURN TO ORIGINATOR



Members of the family of Ricardo Morales, who was killed by Castroville police chief, stand in front of home

—Staff Photo by Philip Gould

Groups press for further investigation in case

Continued From Page 1
they will press the federal government to the limit in calling for further investigations and additional indictments.

"They call it justice," said Maria Morales, the 24-year-old widow of the slain man. "But it's their justice, not mine. Hayes should have gotten life. He ought to serve life because he's not going to bring my husband back to me in 10 years."

Frank Hayes, even before the suspicions following the death of Morales, was a complex man. He was 53 years old, had been police chief six years and was generally respected by Castroville citizens and fellow officers alike. He had

Dennis Dunford, 17, had his own reasons for being at Hayes' trailer that night. He planned to marry Hayes' 17-year-old daughter, Dorothy Jeanne, and he wanted to ask Hayes' permission. But he never got the chance.

Shortly after 9:30 p.m. Hayes called the county dispatcher in Hondo and left word for McCall to call him at home. When McCall phoned, Hayes told him to arrest Morales on the two warrants for failure to deliver calves. Hayes also said he suspected Morales of stealing a television set and stereo.

At 10:25 p.m. Ricardo and Maria Morales were preparing for bed in the

Morales home just as McCall was ready to take Morales to the county jail in Hondo, 13 miles down the road.

"Go call Mama and tell her I'm in jail," called Morales, but Maria hesitated.

"I don't want to. I'm scared," she replied. To get to the nearest phone, at her mother's house, she would have to walk six blocks in the darkness, and she was already dressed for bed.

But as Hayes drove up Morales changed his mind. "No wait," he told his wife. "Don't go yet." Morales apparently had assumed that Hayes had come to release him, but that was not

didn't tell the truth. He also loaded the shotgun so that Morales could see him do it. Dunford said.

The Quihi Road is a narrow, lonely stretch of highway that runs roughly northwest from Castroville. Hayes passed a row of small frame houses on the left, climbed for a mile past a few trailer homes, crossed a plateau of farm land and started to slow down about seven miles from town.

He turned abruptly onto a rough, bumpy gravel road known to Castroville citizens as the Old Dunlay School Road (though it is not marked). It is flanked on one side by pasture land, on another

the shotgun in the front of the car, then walked back to the body of Morales. Returning to the car, Hayes sat silently for about five minutes. He turned to Dunford.

"It was an accident," he said, "but nobody's going to believe it. Denny, he wrestled with the gun, it went off and killed him."

Hayes and Dunford drove toward the main road, and McCall saw them coming. Pulling the patrol car alongside Hayes, McCall said this exchange followed.

McCall: "Where's Morales?"

found by the side of the Old Dunlay School Road. Ricardo's father found it and cried out, "The sons of bitches have killed him!"

By afternoon, the newspapers had the story, and Hayes was apprehended and charged with murder. Mrs. Hayes was arrested Tuesday in Llano as she was cleaning out the trunk of her car. The arresting officer found bloody picks and shovels and a bag that was apparently used to transport the body.

Mrs. Hayes was charged with a misdemeanor, concealing evidence, and

they will press the federal government to the limit in calling for further investigations and additional indictments.

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Frank Hayes, even before the suspicion following the death of Morales, was a complex man. He was 53 years old, had been police chief six years and was generally respected by Castroville citizens and fellow officers alike. He had his differences with prosecutors and attorneys ("He usually wanted tougher sentences for criminals than we were willing to give," said one), but otherwise he was known as an "efficient, professional" cop.

A stocky man with short hair and chisel glasses, Hayes trained as a criminal investigator in the Air Force before retiring in 1969. He was known for his bravery after being seriously wounded in a 1973 liquor store shootout. If he had a problem, it was what a county juvenile officer called his "ego."

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Hayes was also a family man — the proud father of four — and was known to do small kindnesses for citizens, such as helping women with their shopping.

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He had grown up in Macdonia, a small suburb of San Antonio, in a close-knit family of nine brothers and a sister. He managed only a seventh-grade education and moved to Castroville to live with his common-law wife at about the same time Hayes became police chief.

It was shortly after arriving that Morales had his first trouble with the law: a burglary conviction resulting in a three-year probation with a clean record made his probation with a clean record but later complained of "harassment" by Hayes, who picked him up several times for questioning but never arrested him.

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Later Morales answered a civil complaint alleging he failed to deliver two calves he had sold, but that case was dismissed before his death.

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At 10:25 p.m. Ricardo and Maria Morales were preparing for bed in the front room of their two-room house. But McCall pulled into their yard with his bright lights on, shining them directly at the screen door, and Maria said, "That's a police car out there."

"Go to the door and find out what they want," said Morales.

McCall walked to the door and asked politely whether Ricardo was home. Maria went to get him, he went to the door, and McCall asked him to step outside.

As soon as he came out, McCall handcuffed him and told him he was under arrest. Maria remembers McCall saying "suspicion of burglary" but nothing about failure to deliver calves.

McCall put Morales in the back seat of the patrol car, then walked to the screen door and told Maria he wanted to search the house. Maria consented, and McCall started rummaging through kitchen cabinets and drawers, looking for stolen property. He found nothing, but wrote down serial numbers on a television and stereo. (Maria later showed receipts showing they had rented the equipment on Friday.)

While McCall was looking, Morales called to Maria, asking for the shoes he had not had time to put on.

"I found his shoes," recalled Maria, "and took them out to him. If couldn't put them on because of the band-aids, so I put them on his feet. But I didn't tie the laces."

The united shoes would later provide a principal clue in solving the case.

By this time Hayes left his mobile home with Dunford. He told Dunford that he was going to need a witness and wanted to bring him along. Dunford agreed, later recalling that Hayes said, "I'm going to shoot three or four times, but don't worry. I won't get you into any trouble."

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But as Hayes drove up Morales changed his mind. "No wait," he told his wife. "Don't go yet." Morales apparently had assumed that Hayes had come to release him, but that was not the case.

Hayes parked on the street, walked to the patrol car and pulled Morales out of the back seat. From the testimony of Dunford, McCall and Steve Worthy (a friend who was on patrol with McCall that night) Hayes began cursing at Morales, hit him in the stomach, shoved him against the car and threatened his life.

"You're a thieving bastard and I'm gonna kill your ass," said Hayes, according to Worthy.

He threatened to kill Morales at least 10 times, Worthy and McCall said.

"I've already killed one Mexican, and I'm going to kill me another one," said Hayes, according to McCall.

Hayes put Morales back into the patrol car and ordered McCall to meet him at a place called "Three Points," an intersection just outside the Castroville city limits near an abandoned service station. The two cars drove away, Maria saw they were not going toward Hondo and panicked.

"I knew they were taking him out in the country to beat him up," said Maria. "That's the first thing that came to my mind. So I started running down the street in my nightgown. I had to get to my mother's house so I could call Ricardo's parents in Macdonia to come take me to Hondo."

Hayes and McCall met five minutes later at Three Points, near a highway bridge, but Hayes had already changed his mind.

"What's going on here?" asked McCall.

"No, I don't want to do it here," said Hayes. "Follow me."

Hayes drove down what is known alternately as Old Highway 90 or Quini Road. McCall followed. On the way, according to Dunford, the deputy told Morales that Hayes would kill him if he

didn't tell the truth. He also loaded the shotgun so that Morales could see him do it, Dunford said.

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He turned abruptly onto a rough, bumpy gravel road known to Castroville citizens as the Old Dunlap School Road (though it is not marked). It is flanked by mesquite, scrub and tangled underbrush. There are no farmhouses in sight and seldom any traffic even in the middle of the day. It was now 11:20 p.m., and the moon was bright.

Hayes stopped his car and got out. He ordered McCall to take Morales out of the patrol car and remove the handcuffs. "Let the son of a bitch go," said Hayes, according to Dunford. "Unconf him and let him run so I can shoot him."

"And turn off all the lights," Hayes said to McCall. "I don't want any lights — no car lights, no flashlights, no cigarettes."

When Morales was freed from the cuffs, Hayes told McCall and Worthy to "get out of here." They turned the patrol car around, drove about 200 yards, turned back with their lights off, then, unknown to Hayes, stopped, turned around and waited by the side of the road.

That made Dunford, in the righthand front seat of Hayes' car, the only witness to what happened. Since Hayes and Morales were behind the car and on its left, he could not hear everything that was said. But he saw Hayes strike Morales with the butt of the rifle, then the barrel. They were both talking, but Dunford could not hear what was said. After 10 minutes, Dunford, McCall and Worthy all heard a "muffled" report.

It was muffled because the shotgun shell exploded almost entirely inside the chest cavity of Morales, an autopsy showed. The shell entered under his left armpit and traveled laterally across his body, destroying most of the left lung, parts of the heart, damaging the right lung, seven ribs and the right shoulder. Wadding from the shell was found in the right lung. Morales died instantly.

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McCall: "Where's Morales?"

Hayes: "Well, Don, I killed him."

Then, McCall said, Hayes immediately changed his story.

Hayes: "No I didn't. I was just blowing smoke. I ran him off. He's probably headed for Castroville by now."

McCall decided to take a look. He exchanged places with Dunford, and Hayes drove back to the approximate place the shooting had occurred. While Hayes smoked a cigarette, McCall looked for the body, but claimed he couldn't find it. Worthy and Dunford made small talk by the patrol car, and Dunford thought the men were very near the body.

Hayes asked McCall to tell the dispatcher Morales had escaped. This is what McCall claims to have replied: "Frank, if we're talking about murder, I'm not going to lie for you or anybody else. We're going to Hondo, have a cup of coffee and then go to the sheriff and tell him what you said."

McCall and Worthy drove away, and Dunford helped Hayes load Morales' body into the back floor of Hayes' car. They returned to Hayes' trailer, later went to a place known as Flat Rock — a bridge on the Medina River — to transfer the body to the trunk and clean blood stains from the car.

Within two hours of the shooting, Hayes' wife Dorothy, Hayes' daughter and Mrs. Hayes' sister were driving that same car out of the county toward Midyett, Tex., a small town near Carthage. Six miles from Louisiana, they buried Morales in a shallow grave on the farm of Mrs. Hayes' brother.

After a night of commotion at the sheriff's office in Hondo caused by the Morales family's demanding to know where Ricardo was, the first clue was found at 7:30 a.m. Monday. Ricardo's shoe, which Maria had not laced, was

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Later Morales answered a civil complaint alleging he failed to deliver two calves he had sold, but that case never came to trial before his death. The warrants on that complaint, however, were used to arrest Morales on the night of his death.

The last day of Ricardo Morales' life, a Sunday, was spent mowing and trimming a yard with Maria's 13-year-old brother Gary Gomez. When they finished late in the day, Morales — who had a special affection for the 12 Gomez children — took Gary to pick up a few boxes of fried chicken. They brought it back to the house for dinner with Maria.

It was a couple of hours later, about the time Gary left to go home, that Hayes decided to arrest Morales on suspicion of burglary. Why he made the decision at this particular time is still a mystery, for Hayes was off duty at his mobile home, and his deputy Donald McCall (hired less than a month before) had the city's patrol car.

Since his trial, Hayes has refused to talk to reporters.

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found — a clue, Hayes said, that aggravated assault, murder — and they chose assault. Sandoval, who assisted the prosecution, believes the turning point came when defense lawyer Marvin Miller put Hayes on the stand.

"Did you intentionally pull the trigger of that shotgun?" Miller asked.

"As God is my witness," Hayes replied, "I did not. I had fear for my life because I remembered being shot before and I didn't want Morales to get that gun."

Then, over the objections of the prosecutor, Miller had Hayes remove his shirt and point to all the wounds he had received in the line of duty.

"That's where he got the sympathy of the jury," said Sandoval. "It had to be a compromised decision. How else could you get aggravated assault out of this case?"

"If the jury believed Hayes, if it really was an accident, then why didn't they find him innocent? And if they didn't believe him, if they think he purposely pulled the trigger, why isn't he guilty of murder?"

And yet that is not all that continues to trouble this town about the Frank Hayes-Ricardo Morales case. The statement that Hayes had killed one Mexican has already dredged up more skeletons.

The case of Juan Martinez Rodriguez, found dead from a .22-caliber revolver shot just a month before the Morales death, has been reopened by county investigators. It was ruled suicide, but former sheriff Hitzfelder says Hayes "was at the scene before we got there and was gone when we got there."

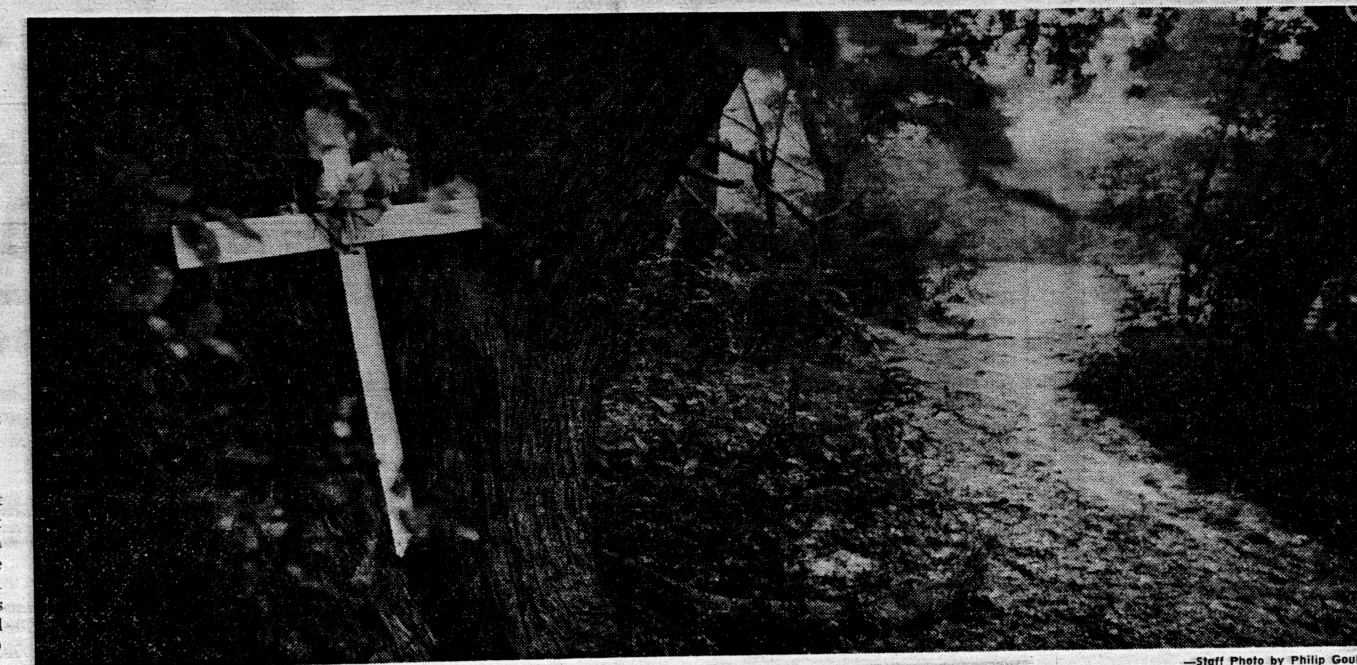
A cross has been erected at the site of Martinez' death, near the Medina River, and a Catholic priest has sprinkled holy water on the cross. "We would still like to know what happened to Johnny," said a friend of Maria. "He was such a nice boy."

The largest of all unanswered questions for the 1,893 citizens of Castroville is "What happened to Frank Hayes?" There are probably only two people who could answer that one, since there was no discernable motive for murder, and one of those men is dead.

As Hayes' own attorney put it at the trial, "Does a man who has spent his lifetime in law enforcement turn into a blood-thirsty killer overnight?"

And further, can the bizarre circumstances of Sept. 14, 1975, be summed up in the words "aggravated assault"?

"We're not asking for vengeance," said Mike Morales, the eldest of Ricardo's eight brothers. "We're asking for justice. We don't think it does any good to put the old man in jail, but we think it should be called what it was by the jury. That's all we want — justice. If we were looking for revenge, Frank Hayes would have been dead a long time ago."



—Staff Photo by Philip Gould

Cross bearing name Johnny (Juan) Rodriguez is nailed to tree beneath which his body was found