

CONFIDENTIAL: ATTORNEY WORK PRODUCT

DECLARATION OF MARIA GONZALES VILLEGAS ESTRADA

I, Maria Villegas Estrada, declare as follows:

1. Sammy Lopez is my nephew. His mother Concepcion Gonzales Villegas is my older sister, and my family and I have always called her Corina. I am the 8th of the 14 children of Jose Villegas and Concepcion Gonzales who survived childbirth. Corina was born in 1932 and I was born in 1935 in Fabens, Texas about 30 miles from El Paso.

2. My husband is Jose Rodolfo Estrada, but everyone calls him Rudy. We both grew up in Fabens. Rudy is five years older than me. We started dating when I was still in grammar school and he was working at Fort Bliss. I met Rudy one year when the carnival came to Fabens. I loved the ferris wheel, but did not have much money for rides. The operator let me stay on the ride over and over and over again. I asked him why and he told me that Rudy kept paying him for the rides when I was not looking. After Rudy and I dated for a while, I became pregnant and we decided to go ahead and get married instead of waiting until I finished school. Rudy asked my parents for permission. My mother agreed to sign a paper allowing us to marry even though I was not yet 16 years old. My mother said we could marry because I was pregnant, but she was really upset, angry and sad about it. She drank that night until she was drunk, something she did not usually do. Rudy and I have been married since 1952, almost 47 years now.

3. Rudy and I have always lived in Fabens. Rudy served in the US Navy between 1949 and 1950 and then he served in the Naval Reserves for another six years. He returned to Fabens after completing his active duty and worked as a civilian at Fort Bliss for 35 years before he retired a few years ago. I have worked off and on outside of our home over the years. I volunteered at the

primary school in the cafeteria for six years. I still earn money by watching children during the day while their parents work. We count our blessings that he got a decent job, held on to it, and retired with benefits. We're by no means rich, but we have enough to help our children when they need it and we had enough to give the children a decent life when they were growing up.

4. Rudy and I have four children of our own. Our oldest son Robert, who we call Bob or Bobby, was born November 3, 1952. He has worked hard to make a good life for his family and has earned a masters degree in psychology from University of Texas at Austin. He now counsels troubled boys at a clinic in El Paso and is working on his Ph.D. He and his first wife Natalie Davis have two children, Christian born in 1982 and Vanessa born in 1985. After he and Natalie divorced, Bob married Karen Higginbotham and now he has two step children, Carie and Corey Martin.

5. Our daughter Teresa is a school teacher in Fabens. She is married to Ricardo Avalos and has two children, Junior born in 1980 and Bernadette born in 1982. Bernadette is going through a phase where she and her mother do not get along, so she is living with our youngest daughter Christina. I encourage the children to help each other out. It's one of the good things about living close to your family. Our son Joe works for the phone company. He has a sixteen-year-old son, Damian, by his ex-wife Gina Huerta. He is now married to Rosa Carvajal and they have two children, Adrian born in 1987 and Omar born in 1990. Our youngest daughter Christina had three children by her ex-husband. David was born in 1983, Victor was born in 1986 and Deanna was born in 1988. Christina and her husband separated and divorced several years ago. The youngest member of our family is Christina's fourth child Manuel, who was born in 1996.

6. I was named after my father's mother Maria. She was a full-blooded Tarahumara Indian born in the Sierra Madre Occidental mountain range in the State of Chihuahua, Mexico. The

Tarahumara Indians are known for their long-distance runners. Although she was born blind, my grandmother had great strength and was very resourceful in her own right. She raised five children and then supported herself after she was widowed.

7. My father's father was Jesus Villegas. He was born in Creel, a town in Chihuahua, Mexico about 250 miles from El Paso, Texas. He was of Spanish descent, but after he was orphaned he was raised by Tarahumara Indians. That is how he met my grandmother. My grandparents Jesus and Maria had at least five children, including my father Jose Villegas. Another of their sons was named Pablo. Pablo came to visit us in Fabens once. My grandparents also adopted a boy named Jose Blanco.

8. When my father Jose was a young teenager, he was kidnaped by some men to serve in Pancho Villa's army. It was a very hard life for him. He did not have enough clothing or food, and he missed his family. When he was 17, he and another boy forced into Pancho Villa's army decided to desert and escape to the United States. They were terrified because they knew that Pancho Villa would have them executed if they were ever caught. They had no horse so they had to walk for many days always on the look out for Pancho Villa's men. They ate whatever they could find along the way. They ate raw snake because they were afraid Pancho Villa's men would see a fire. They eventually made it to Texas and my father found farm work near Fabens.

9. I went with my father and my sister Corina (Sammy's mother) to visit my grandmother Maria when we were teenagers. Another time our older sister Angela went with my father and brought clothing to my grandmother and her family that Angela and our mother made. We took a train to Chihuahua and then another train to Creel. From Creel we had to travel by horse because the train did not go any further into the Sierra Madre Mountains at that time. We rode an

entire day to get to my grandmother's village. She lived very high in the mountains. Some of the trail was so steep that I was afraid the horses would fall off the mountain and take us with them.

10. My grandmother did not speak Spanish or English, but an Indian language I had never heard before. My father translated for me and Corina. I did not realize before that my father spoke two languages. It helped me to understand why it was so difficult for my father to learn English from the other Spanish speakers in Fabens. My grandmother wore a beautiful skirt with bright patterns and many layers that gathered in a kind of draw string around her legs. Her hair was very thick and black and she wore it in two long braids down her back. She had no shoes and went barefoot. Corina and I giggled to ourselves when we saw grown men in the village near her home wearing loincloths instead of pants.

11. My grandmother lived in a small wooden cabin with a dirt floor. There was no electricity or indoor plumbing in her home or in the village. My father showed us caves where they lived when it was very hot and where they stored things from the weather. My grandmother spent each day preparing corn and weaving blankets from sheep's wool. She supported herself by trading the blankets for more materials and other things that she needed. My father explained to me and Corina that the Tarahumara Indians bartered instead of using money.

12. My father liked to drink beer when I was growing up, but mostly just on the weekends. It was a social thing. All the men were expected to drink. The men all drank a lot, too. I think that was a machismo thing. The men in Fabens either worked in the fields or for the railroad. They depended on their physical strength to support themselves and their families. No man wanted to seem too weak to drink as much as everyone else.

13. My mother's grandmother was named Rosa. Her daughter Martina married Luis

Gonzales and they had two daughters, my mother Concepcion and my aunt Madrid. My grandfather Luis built two successful businesses in the town of Torreon, Mexico. I think one was a store and the other was a restaurant and bar. The businesses failed or were lost during the Mexican revolution. Many people in my family believe that some of Pancho Villa's men actually killed my grandfather Luis and burned his businesses. His body was found weighted down in the river.

14. My widowed grandmother left Torreon with my mother, who was about 11, and my aunt Madrid, who was only three years old. With no one but her two small daughters she walked out of the mountains until she reached safety. She did not even realize she left Mexico until she came to Fabens and someone told her. My mother never got to go to school in Mexico or Texas. She had to go to work in the fields to help her mother support them and her baby sister Madrid. They also cooked and cleaned for the field workers. Later my mother's grandmother Rosa came to Fabens to live with them.

15. My mother's journey from Mexico into the United States must have been even harder for her than it was for my father. She was so much younger and had no one but her mother and baby sister. My mother would not talk to me or my brothers and sisters about such things. Mother was always busy taking care of a chore or making sure that us children were taking care of ours. She was always very serious and did not approve of idle chatter.

16. Mother took charge of most things in our home, including the money. My father gave her his pay. She hid the money and decided when and on what it was taken out and spent. My mother was very careful with money. She did not like to buy things she did not think were truly necessary. But, at the start of each school year she made a trip to El Paso to buy school supplies. She bought most anything we asked for school, but we had to ask for it before she made only the

one trip. She would not make a second trip for school supplies for any reason. My mother bought shoes for us either from El Paso or in Mexico. She and my oldest sister Angela made all of other clothes, even our underwear.

17. Mother was very cheap. She did not like to buy things she did not think were necessary. She did not think toys were necessary. She usually did not buy toys at all, even at Christmas or birthdays. She bought us a doll once, but she bought only one doll and we all had to share it. There were so many children sharing the doll it was hard to ever get a chance to hold it.

18. My mother was very strict. She believed strongly in discipline. She gave each of us children chores to teach us responsibility and not to be lazy. She made sure that even as little children we were all very neat in our appearance and every chore we did. Mother hit us if we did not do a job as well as she thought we should.

19. Mother punished mostly by hitting us and she hit at least one of us everyday. She also punished us in other ways. In the summertime she made us stand in the hot sun. One time when Corina and I were 11 and 13 we got into an argument. Mother made us stand in the sun for hours, and Corina's nose started to bleed. A neighbor came over and told my mother that she was worried that we were going to get sunstroke, but Mother told her to mind her own business. She punished my brothers by making them kneel with their chest and arms out holding bricks or rocks in each hand. If they let the rocks down, she hit them.

20. The girls had to cook dinner, wash and dry the dishes, clean the house, and wash and iron the clothes. The boys had to clean the yard and take care of the chickens and dogs. We all had to shine our shoes and make our beds.

21. To iron the clothes we built a fire in the stove and then heated the iron on top of it. It

took a long time to iron the clothes because we had to wait for the iron to reheat every few minutes. There were always so many people living in the house that there were always baskets full of clothes to be washed and ironed. The girls started making dinner from the time we were very young. Today parents would not let children that young near a fire or hot stove. Each of us girls took a turn either making the tortillas or the rest of the dinner for the family each day for a week at a time.

22. Mother hit us if we tore our clothing. She hit us if we lost a ribbon from our hair or let the braids come loose at school. If she caught me or one of my sisters with our hair messy or without a ribbon, she accused us of playing with boys and hit us.

23. Mother punished the older children for things that the younger children did wrong or did incorrectly. She said it was our responsibility to watch over one another. So our older brothers and sisters punished us, too. If they could keep us out of trouble, they kept themselves out of trouble also. Sometimes they punished us for unreasonable things. When my brother Alfredo was 16, my father got him a bike to get to work with. Sometimes when Alfredo did not take his bike to work, Corina and I rode it. We did not have a bike of our own. We just rode the bike around the yard and then used tree branches and twigs to cover up the tire marks in the dirt in the yard. One day Alfredo came home early and caught us on the bike. He hit us and told us that girls were not allowed to have bikes because it is not ladylike to ride a bicycle. My oldest brother Luis slapped me across my face so hard he left an imprint when he saw me talking to a boy on the way home from school. The boy was just a friend, not a boyfriend. Luis did not care. He said girls should not talk to any boys. My mother saw the mark Luis left on my face and asked me what happened. I told her that Luis had hit me and why, and she said it was the right thing for him to do and slapped me, too.

24. Mother celebrated Christmas by going to church. For Christmas dinner we made

tamales from corn our mother had me and my sisters grind for days before hand. Our father killed a pig when we could afford to have one. Sometimes Mother gave us each a piece of candy. She never gave toys or other presents.

25. Mother was always a very cold person. She very rarely smiled, and I do not remember her laughing ever at anything. She always had the same mean expression on her face, so it was hard to tell if she was angry or not until she hit someone. She gave us children things we needed for school, but she never showed us any affection. She did not ever hug or kiss us or tell us that she loved us. She always punished us when she thought we had done wrong, but she never said something nice or told us we had done a good job when we did something right. Many of my brothers and sisters did not know how to show affection when we first moved out on our own, but we have learned some over the years. I have seen how tender my husband Rudy is and now that my children are grown they have told me how much that meant to them. My mother never did learn to show warmth. She has always been cold, even to her grandchildren and great grandchildren.

26. My mother is old now. She has Alzheimer's disease and does not recognize me or my brothers or sisters any more. She lives with my sister Venancia in Fort Worth. As my mother and father got older they became unable to take care of themselves. My father's mind was sharp until the day he died in 1996, but he lived to be more than a hundred years old and he needed help making meals and cleaning the last few years of his life. Some records incorrectly state he was born in 1902. After my father worked for the railroad for many years, the railroad commission told him he had to get a birth certificate if he wanted to later retire and receive a pension. Many records such as birth certificates were destroyed by Pancho Villa and my father was not able to get his true birth certificate. My father had to travel to Mexico and pay the local government to make him another.

My father was not educated and he was not good with numbers, so he just guessed his birth date as 1902. My father's younger sister and brother later told us based on their birth dates that our father was born as much as ten years earlier than 1902. My father in law, Francisco Estrada, also believed that my father was born in the early 1890s. Francisco was born in 1893. If my father had been born in 1902 he would have been only a child when my father in law was a teenager. But, Francisco and my father met and became drinking buddies when my father first came to Fabens and they were both teenagers. My sister Venancia took our mother and father into her home five or six years ago. My parents wanted to be buried in the Catholic cemetery in Fabens, but when my father died none of us could afford to ship his body from Fort Worth. It would have cost a thousand dollars.

27. I am very proud of my Mexican heritage. My children speak Spanish, but my grandchildren speak very little Spanish. This makes me sad because I feel that they are losing an important connection to their past. I want them to understand where their people came from.

28. Fabens has always been a very poor and very small town. When I was younger, I thought it would grow, but it hasn't. My two oldest children were born in our house without the help of a doctor because it was too far to go to the hospital once I went into labor. There still is no hospital or full-time doctor in Fabens. One doctor comes once a week to the low-income clinic. We either go to El Paso or into Mexico to see a doctor, the dentist, or for medical care. There is an ambulance service for emergencies. There are no maps of Fabens, and many of the roads do not have street signs. The mail is delivered to the post office but not to any of the homes.

29. Some things have changed in Fabens. When I was growing up, the schools were segregated. Even though there were so few students, there was a school for whites, a school for Hispanics and a school for blacks. There were never more than a few black people in Fabens. It is

mostly a Hispanic town with some white folks. Today, Fabens is probably 75 percent Mexican nationals. They have a lot of problems adjusting to the pace of life here. They walk in the middle of the street even when cars are trying to get around them.

30. As machines replaced workers in the cotton fields there was less and less work for the people of Fabens. So close to the Mexican border, there is a steady flow of new immigrants into the town looking for work along with the people who already live here. People are desperate for money and the lack of jobs and opportunities makes people depressed and lifeless. Jobs provide more than the rent and food on the table. They give pride and a sense of worth. I think the shortage of work and closeness to the border has caused drug trafficking to become Fabens' worst problem. Drug abuse then causes other problems. My husband and I read last year that the major US-Mexican border cross over points for drug trafficking are El Paso, San Diego and then Fabens. We were sad but not surprised when we learned this.

31. When I was a child we thought nothing of leaving the house unlocked with no one home all day. Now I have a six-foot fence around my house. I keep it padlocked even when I am at home. We trained our dog Lucky to bark whenever he hears anyone come near our fence. My husband and I often see drug deals being made in the alley behind our home and on the street up the block. There is a family on our street that supports itself by dealing drugs. To stay safe, we just mind our own business and do not cause the drug dealers any trouble. They know that we do not want to bother them, and they have left us alone so far.

32. I am most saddened that my own family has fallen to drugs. I don't understand why some people get involved in drugs and others don't. I have seen my younger sister Augustina buying drugs in Fabens. Friends and neighbors tell me regularly that they see her buying drugs,

most often on the weekends. She has no other business in Fabens now that she lives in El Paso. She does not come to visit me when she is in Fabens, she just buys drugs and leaves. She knows that I do not approve of her drug use and do not want her in my home until she has stopped. I fear that I can not trust her while she is on drugs. Even after being arrested for drugs and for public drunkenness, Augustina continues to use drugs. Her youngest son James is in prison now because he killed a man over something to do with drugs. Still, Augustina does not change her life.

33. Augustina has many problems that have ruined her life. She was once married to an El Paso police officer with whom she had three children. Her oldest son Danny is married with three children of his own. Augustina's daughter Kimberly is stationed in Houston with the US Army. She served in Desert Storm. Augustina's youngest son Christopher James is in prison for life for killing a drug dealer. Now Augustina is married to a Hell's Angel biker. She lives in El Paso, which is about 30 miles from Fabens and she often comes to Fabens. Because of Augustina's drug problem, we have not spoken in five years. To get money for her habit, Augustina sold my parents' and grandmother Martina's homes. She did not tell me or my brothers or sisters what she was doing. She just came with two U-Haul trucks one day and emptied the houses. After that, my sister Venancia went to court to get custody of our parents.

34. My sister Corina was raped when she was in high school and became pregnant with her first child, Roberto. Our mother had no sympathy for Corina. Instead of comforting Corina when she found out, Mother became very angry and hit Corina. While Corina was pregnant, Mother made her hide in the back of the house if anyone came close to the house. After Corina had Roberto, Mother threw her out of the house. She told Corina that she had to find work to support Roberto. There was little work in Fabens, so Corina went to Phoenix where our Aunt Madrid and

sister Josephina were living. Mother made Corina leave her new baby with us. I think Corina was very hurt because she did not return home for many years.

35. In Phoenix, Corina found work in the fields, where she met Arcadio Lopez. She and Arcadio never married, but they had eight sons together. They also had a daughter, but she died when she was less than a year old.

36. About 20 years ago my husband was sent by the military to Oakland for training. We drove from Fabens to Oakland and visited Corina in Phoenix on the way. When we drove up there were a bunch of kids in the yard who stopped whatever they were doing and watched us. When it was clear that we were stopping at their house and actually getting out of the car, they all ran and hid. They stayed outside until Corina called them in and then they hid behind the furniture.

37. Arcadio was a mean drunk. When I saw Corina she told me that he beat her. I could see how afraid not only Corina, but the children were of him. After Arcadio left Corina, she met another man without citizenship who moved in with her.

38. Corina and her family were always very poor. She was a hard worker, but she could not make enough money to support her eight sons. Arcadio drank too much to be able to make very much money in the fields, and he spent much of the little money he did make on cheap wine. Corina had to get state agency help and welfare. When we visited her on our way to Oakland, she and her children were living mostly on government food. My husband Rudy drove Corina to a warehouse where she stood in line for hours to get Army surplus food in dark green cans. Some of the cans had black markings, but some were blank. I asked Corina how she knew what was in the cans, and she said she didn't. Corina and her kids ate whatever happened to be in the cans she opened that day. Corina and all her children lived in run down tiny apartments where the rent was

due weekly. She passed the clothes from one son to the next until they were too thread bare for anyone to wear, and then she sewed the pieces together to make blankets.

39. Corina's son Roberto grew up with many problems. He has a drinking problem. He becomes paranoid when he drinks and wants to fight everyone around. He molested and raped my daughter Christina when she was 13 and he was in his mid-twenties. He threatened to hurt her more if she told anyone. Christina did not tell anyone until just before she was married at the age of 19. She went to see a psychiatrist who helped her deal with her intense anxiety about sex. Christina had blocked out most of the painful memories of what Roberto had done to her, but the psychiatrist helped her to remember and accept her past through hypnosis. Later, Roberto molested his own daughter Emily when she was 6 and 7 years old. He took her for walks by the irrigation canal where he had sex with her. His wife Augustina left him when she found out. Roberto also beat his wife Augustina before she left him. She had restraining orders made against him to protect her and their children. Roberto went to prison and when he got out last year, he went to Fort Worth to live with my sister Petra and her family. Petra and Roberto are about the same age and they grew up together in my parents' home, but Petra has a 12-year-old daughter Jenna living with her, too.

40. Corina's son Steve also did not know how to act with girls in the family. Steve is 5 years older than my youngest daughter Christina. When Steve's older brother Junior married his wife Anna, my family went to Phoenix to attend the wedding. Steve was 19 and my youngest daughter Christina was 14, but Steve asked me and my husband if he could take Christina out to a club with him. We told him no because she was too young. Steve wrote Christina a couple of letters that were inappropriate for a man to write to someone so young or to his cousin.

41. Steve later went to prison for rape, but he has changed while he was in prison. He

has become a responsible and polite man. He is very respectful to his mother now. He works full time with a grounds keeping company. When Steve first got out of prison he found his brother Eddie who was wandering the streets in Phoenix without a job or home. Steve brought him to Corina's house to live with them and tried to help get Eddie a job and to quit drinking, but Eddie was too far gone. Eventually, Eddie ended up back on the streets.

42. Many of my and Corina's brothers have drinking problems. My brother Ricardo was an alcoholic. He dropped out of school when he was in high school. He was only 17 or 18 years old when he moved with our brothers Jose and Alfredo to California to look for work. He later came back to Fabens to stay with our parents for a while. One day I was at my parents when I heard Ricardo in the bathroom. He was making strange noises like someone shivering and breathing really hard because they are very, very cold. I knocked on the door and asked Ricardo what was wrong. He didn't answer for a long time. When he finally did speak he told me nothing was wrong. I knew something was very wrong, so I knocked on the door again and asked Ricardo to please let me in. When he opened the door he was shaking all over. He said he really needed a beer, and I realized that he was going through withdrawal. The last time I saw Ricardo he was in his 30s. This was in the mid-1970s. He was still drinking even though it was making him throw up blood. It was not long after that Ricardo was shot and killed in a bar in California.

43. My youngest sister Petra has never been married but she has three children. The fathers of her first two children have had little to do with them since they were very small. Her youngest child's father Marvin Cervenka is very different. He and Petra have been in a constant court battle over Jenna. He gets Jenna every other weekend and one night each week. He files a complaint if Petra is late with Jenna. Last year Petra had to go to jail because she took Jenna out

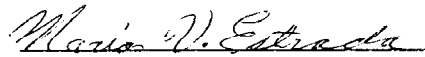
of state during a weekend Marvin was suppose to have Jenna.

44. I thank God that Rudy and I have been able to raise our children to be responsible. I see how hard my sisters' lives are who do not have the love and help of a husband and it breaks my heart. I believe that if Sammy's father had been a decent man and helped Corrina, their children would have had a chance to make it.

45. I was never contacted by anyone about my nephew Sammy, our family, or our life. If asked, I would have testified at his trial about what our lives were like.

I declare under penalty of perjury under the laws of the State of Arizona and the United States that the forgoing is true and correct.

Executed on April 16, 1999.



Maria Villegas Estrada