

Bell sued to force prosecution of Hanigans

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Two groups formed to look into the kidnapping and torture two years ago of three illegal aliens in Cochise County have sued U.S. Attorney General Griffin Bell to try to force the civil-rights prosecution of two prominent Douglas-area ranchers.

Also named as a defendant is Drew S. Days III, Bell's assistant in charge of the Department of Justice's civil rights division.

The suit was filed yesterday in U.S. District Court in Washington by the National Coalition on the Hanigan Case and the Cochise County Committee for Justice in the Hanigan Case, said Antonio D. Bustamante, the coalition's secretary.

In the suit, Bustamante said, the coalition and the committee ask for a court judgment that the Department of Justice is obligated "to investigate and initiate prosecution against perpetrators of the beating and torture of three Mexican nationals near Douglas, Ariz., Aug. 18, 1976."

While the suit does not mention brothers Thomas and Patrick Hanigan as possible subjects of charges of violating the three aliens' civil rights, Hispanic groups have been calling for such action since the brothers were found innocent of 11 counts of kidnapping, assault and robbery in October 1977. They were tried before an all-white jury in Bisbee.

Their father, George Hanigan, also had been charged in the case, but he died of a heart attack before the trial began.

Bustamante said the suit lists four crimes that could

be charged as a result of the kidnapping-torture incident.

During the trial, the three aliens said they had been beaten, stripped, threatened with castration and shot with a shotgun after being caught, cut loose and told to flee the Hanigans' border ranch.

The suit, said Bustamante, says those acts violated an interstate commerce statute because the aliens came to the United States as part of a work force to pick crops to be shipped interstate. They also were robbed of money that would have been used to buy items shipped in interstate commerce, such as food.

The statute is broad, Bustamante said, and almost anything affects it.

Other crimes listed in the suit, Bustamante said, deal with two sections of the immigration and naturalization law — concealing and harboring illegal aliens and unauthorized transportation of illegal aliens.

Bustamante said the aliens, after being found walking in the desert, were forced at gunpoint into the enclosed back of a pickup and driven about two miles to the Hanigans' ranch house. They then were driven back into the desert where they were tortured, he added.

The last possible violation listed in the suit, Bustamante said, is that of a civil rights statute prohibiting anyone from interfering with a person's efforts to seek employment.

Representatives from the coalition and Cochise County committee met yesterday for about an hour with Justice Department officials to outline the suit.

The coalition had earlier announced that it would present legal arguments to the department outlining stat-

utes under which the Hanigans could be charged.

"We did something novel — very, very, different," Bustamante said in announcing that the suit had been filed instead.

If the suit is successful, it would force the federal government to recognize that it has an obligation to protect the rights of illegal aliens, and a subsequent prosecution would show that the government intended to live up to that obligation, Bustamante said.

The Justice Department has had the Hanigan case under review since the Hanigans were found innocent.

Justice Department attorneys have said the case revolves around two basic issues: whether U.S. civil rights laws apply to aliens illegally in the U.S. and whether they apply to the actions of which the Hanigans were accused.

One statute researched by the department deals with persons in a law-enforcement role who violate civil rights. The other does not require a law-enforcement aspect, but does require that the victims be citizens.

John Wilson, a Justice Department spokesman, said yesterday that the department would consider as part of its review everything that coalition representatives outlined yesterday.

He refused to comment — except to say the suit would be answered in court — on whether the department already had researched the possible violations presented yesterday or on whether those violations represent viable charges to be prosecuted.

He added that he was prohibited from commenting on matters under review by the department.