

Patrick Hanigan jury says guilty

Brother is acquitted by 2nd panel

By AL ARIAV
The Arizona Daily Star

PHOENIX — Patrick Hanigan was convicted, and his brother, Thomas, was acquitted yesterday by separate federal juries of robbery affecting interstate commerce in the 1976 torture of three Mexican farm workers.

A jury of seven men and five women found Patrick, 27, guilty at 3:35 p.m. Sunday on all three counts of having violated the Hobbs Act. A jury of three men and nine women acquitted Thomas, 23, of identical charges at 9:30 a.m. yesterday.

The first verdict was not announced until the second jury had reached a decision so that the second jury wouldn't be pressured to conclude its deliberations, said U.S. District Judge Richard M. Bilby.

The monthlong trial was the third time the Hanigans have been prosecuted in connection with the Aug. 18, 1976, incident, in which the Mexicans said they were bound, stripped, robbed, tortured and shot at.

The brothers were expressionless as the verdicts were announced.

Patrick gazed up at the bright lights in the seventh-floor courtroom while friends and relatives comforted each other after his conviction was announced. When Thomas was acquitted, a few friends smiled.

Bilby said Patrick will be sentenced at 1 p.m. March 30 in Tucson. He faces maximum penalties of 10 years in prison and \$10,000 fines on each of the three counts.

About 35 people, including a dozen reporters, were in the courtroom when Bilby called in the juries. The Patrick Hanigan jury was dismissed before the second jury was ushered into the courtroom.

"I have no idea" how the juries reached different decisions, said Patrick's attorney, Alan Polley of Sierra Vista. "I can't understand how two juries can hear the same evidence and have diametrically opposing views. But I guess that's an illustration of the jury system."

"I am satisfied with the quality of jurors on both juries, but as to why they reacted differently, I don't know," Polley said.

Patrick Hanigan was not available for
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Hanigan juries' verdicts differ; Patrick guilty

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questioning after the verdicts were read.

Tucsonan Alex Gaynes, Thomas Hanigan's attorney, called the verdicts "the weirdest goddam thing I have ever seen.

"I can't be completely happy. I have mixed emotions," Gaynes said outside the courthouse. "It's like a doctor saying after an operation for cancer on your arm: 'Here is the good news — you don't have cancer. The bad news is that I operated on the wrong arm.'"

Gaynes said his client had compared the verdicts to "seeing your mother-in-law drive off a cliff in your brand-new Cadillac — mixed emotions."

Thomas Hanigan, who said he will return to ranching in Douglas, said, "I just thank God that my portion turned out like it did.

"I am innocent; my brother is innocent," he told reporters after the verdicts were announced. "The lopsided decision is hard to explain. It's been a long ordeal. And it's just going to be a while longer till my brother is free.

"I just feel all we can do is appeal" Patrick's conviction, Thomas said.

If an appeal is filed and a new trial is granted, Gaynes said, Thomas "may be his (Patrick's) prime witness."

The Hanigans' mother, Mildred, who was consoled by friends, called the verdicts "so bizarre."

U.S. Attorney A. Bates Butler III, who prosecuted the case, said more emphasis was placed in the latest trial on explaining interstate-commerce laws to the jurors, "but what effect that had is pure speculation."

Butler also said he has "mixed emotions" about the verdicts.

Asked why the juries reached different verdicts, Butler replied, "I don't have any comment about that, except to say there were different elements in each case."

The other prosecutor, Assistant U.S. Attorney Jose de Jesus Rivera, called the verdicts "somewhat strange."

"We are satisfied in one case and not satisfied in the other," Rivera said.

Outside the courthouse, about 15 Mexican-Americans spoke to journalists immediately after the verdicts.

"There is no logical way one person can be found guilty and another not guilty if both are accused of the same crime," said Antonio Bustamante, a Douglas native who spearheaded the drive by Hispanic groups to have the Hanigans prosecuted on federal charges.



AP photo

Thomas Hanigan leaves court

Bustamante, representing the National Coalition on the Hanigan Case, said his organization is "satisfied with half of the decision."

"If they (the jurors) looked at all the evidence, they would have found both men guilty. The case is ironclad," Bustamante said.

Morton Fagan, a Douglas resident and spokesman for a pro-Hanigan group — Enlightened Nationals United for Freedom — said his group will start writing letters to the Reagan administration protesting the second federal prosecution.

"What the hell are we doing condoning illegal entry into the United States and protecting illegal aliens?" Fagan asked. "Why are social activists allowed to tamper with the judicial process?"

"This case shows that innocent people have been denied their constitutional rights."

Margo Cowan, director of the Manzo Area Council on Tucson's westside, said the verdicts are "the clearest example of institutional racism in this country.

"One jury was courageous and able to protect the rights of undocumented people, and the other jury was made up of a group of cowards," Cowan said.

Gaynes said he did not want to speculate whether Bilby will sentence Patrick Hanigan to prison because "I cannot predict what Bilby will do in any given situation. He is very, very hard to read."

Bilby suggested that the jurors not speak to reporters about their decisions because "it's nobody's business except yours. You have First Amendment rights like everyone else." He said the jurors can remain silent "the way a reporter treats a confidential source."

The Patrick Hanigan jury began deliberations Friday afternoon; the jury for Thomas started deliberations Saturday morning.

The Hanigans were acquitted in 1977 by a jury in Bisbee on state charges of robbery and assault.

They were accused of taking \$38 and personal effects from the illegal aliens — Bernabe Hererra Mata, Eleazar Ruelas Zavala and Manuel Garcia Loya — as the Mexicans crossed the border at the Hanigan ranch near Douglas.

The Hanigans' father, George, was also charged in the state case, but died of a heart attack in 1977 before the trial.

A four-week federal trial in Tucson ended in a mistrial July 29 when the jury deadlocked 8-4 to convict the brothers.

In August, representatives of the National Coalition on the Hanigan Case met with Deputy U.S. Attorney General Charles Renfrew to urge a new trial.

The second federal trial was to have begun in Prescott in January, but Bilby moved the trial to Phoenix after groups supporting and opposing prosecution distributed propaganda leaflets throughout Yavapai County.

All three trials had all-Anglo juries. Mexican-Americans were stricken from the panels by the defense.

In an unusual move for Arizona, Bilby decided to have two juries listen to the testimony. Double juries are more common in California.