

Competency issue not raised as alien takes stand again

By **ERNIE HELTSLEY**
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The mental competency of a key government witness in Thomas and Patrick Hanigan's federal trial remained unresolved yesterday for the jury and the public as the defense resumed a close cross-examining of him.

U.S. District Judge Richard Bilby, who Monday questioned the competency of Eleazar Ruelas Zavala to testify after a day filled with confused, altered and conflicting answers, did not mention the issue yesterday.

But sources close to the case assume Bilby has decided Ruelas Zavala, one of three Mexican aliens who say the Hanigan brothers injured and robbed them, is mentally competent or he would not have allowed him to testify again yesterday.

Dr. Jose Santiago, chief of psychiatry at Kino Community Hospital, told a reporter yesterday that he gave Ruelas Zavala a "psychiatric evaluation," but could not disclose his findings because of the doctor-patient relationship. The judge has muzzled the attorneys on the issue.

Ruelas Zavala has testified in Spanish through an interpreter that he and two other Mexican nationals entered the United States illegally to look for work on an Elfrida farm on Aug. 18, 1976, and were robbed, beaten and tortured by three men as they crossed the Hanigan property near Douglas.

They later identified the men as Patrick and Thomas Hanigan and their father, George, who later died of a heart attack.

The brothers are being tried on charges of robbery affecting commerce under the Hobbs Act on grounds that they interfered with interstate commerce by robbing the Mexicans and taking them out of the labor market.

The Hanigans are accused of taking \$38 in cash from two of the aliens as well as various small items and their clothing.

The on-again, off-again picketing by Hispanic groups — who pressed for the federal prosecution after another all-Anglo jury in Cochise County acquitted the Hanigans on 22 state assault-and-robbery charges in 1977 — resumed briefly yesterday to protest allegedly inept prosecution.

Ruben Sandoval of San Antonio, Texas, attorney for the Hispanic National Coalition on the Hanigan Case, said prosecutors and Ruelas Zavala made better showings

yesterday. Sandoval is monitoring the case but has no official status in it.

Ruelas Zavala, for the first time during his testimony, said several times yesterday that the interpreter in the first trial erred on some points.

He also said he was confused by some questions and could not recall making certain answers in the 1977 trial.

Jose Rivera, one of three federal prosecutors, at one point objected to a question posed with a double negative because it might have a "completely different connotation" in Spanish than in English.

After one of the breaks in yesterday's session, the judge warned that federal marshals had reported seeing spectators nodding approval or disapproval of answers by Ruelas Zavala.

Bilby said he would bar anyone caught trying to influence testimony.

The trial was halted when the interpreter, Laura Murphy, told the judge she was tired and that Ruelas Zavala had said "his eyes are stinging." The 11th day of the trial starts at 8:30 a.m. today.