

The Hanigan story

Brothers' lawyer writing 'exactly opposite account'

By Bobbie Jo Buel
The Arizona Daily Star

The lawyer who represents Thomas and Patrick Hanigan says he is writing a book based on the Douglas brothers' troubles in the courts.

"It's an exactly opposite account," says Alex Gaynes, who was a Hanigan lawyer two of the three times the brothers were charged with robbing and torturing three Mexican aliens.

Gaynes says his book will use "the exact facts, questions, trials and incidents" of the Hanigan cases — "except that the three people that were allegedly beaten are whites on their way to work as strikebreakers, illegally, on farms."

In the Hanigans' trials, the Mexicans said they were on their way to seek work on an Elfrida farm in August 1976 when they were caught and tortured by Patrick and Thomas Hanigan and the Hanigans' father, George.

George Hanigan, head of the longtime Douglas ranching family, died before the three Hanigans were to be tried in state court in 1977 on robbery and assault charges. The brothers were acquitted.

Hispanic groups immediately protested that the Mexicans' civil rights had been violated, and the federal government decided to prosecute the Hanigans.

A monthlong trial was held in 1980, but a U.S. District Court jury was unable to decide whether the brothers were guilty under the Hobbs Act of robbery affecting interstate commerce. During a retrial in February, with separate juries, Thomas was acquitted and Patrick was convicted on the same charge.

Trouble for Thomas did not end, however. On April 14 he was arrested and charged with conspiracy and possession of 573 pounds of marijuana with intent to distribute it.

Hanigan said he found the marijuana in a Hanigan pasture near the international border, and believed he had been set up. Reluctant to call police because of the family's previous legal problems, Hanigan said he decided to get rid of the marijuana himself at a nearby dump.

He was spotted and arrested by U.S. Customs Patrol agents as he and another man drove away from the pasture with bales of the marijuana in their car.

A federal jury acquitted Hanigan of the marijuana charges Thursday.

Meanwhile, Patrick's conviction in the robbery case is on appeal to the 9th U.S. Circuit Court of Appeals.

Gaynes said that in his book the white strike-



Jack W. Sheaffer. The Arizona Daily Star

Gaynes plans to write a book based on brothers' troubles in the courts

breakers "trespass on property owned by a prominent Mexican-American family known as Carrillo. And the Carrillos get tried for the same things the Hanigans were tried for."

The Carrillos are acquitted in state court, but then "white supremacist groups and the Ku Klux Klan and all their friends lobby the Justice Department," Gaynes said. "And they make up an application of the law, an application of the Hobbs Act, to get these uppity Mexican-Americans in the community.

"Political pressure caused by the white groups, and the white histrionics causes these guys to be prosecuted again and again," Gaynes added.

The Tucson trial lawyer says he is writing the book — so far it is his taped dictation — because he doesn't want laws to be twisted by political pressure groups.

"This time it is the Hanigans, and the next time it's going to be the Carrillos or the Cohens or

the Jeffersons. You can't do that to laws," Gaynes said.

"I'm just going to write my book and send it out, and if people don't want to publish it I'll publish it myself at one of the vanity houses.

"I'll have my statement. That's all. I just want to make my statement," said Gaynes, who is known for his pleading and joking in the courtroom.

Since he began representing the Hanigans in court and in their business deals as franchisers for Dairy Queen of Southern Arizona, Gaynes says he has received more inquiries from potential clients. He has also received threats from people who wanted the Hanigans convicted.

"We get a lot of calls from people . . . because of this case," says Gaynes, a graduate of Cornell University Law School. "But most of the cases I can't handle because they involve people who want me to fight for their principles with no consideration of how I'm going to eat in the meantime."