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# Hanigans face 3rd trial, attorney says

By ERNIE HELTSLEY  
The Arizona Daily Star

Patrick and Thomas Hanigan of Douglas will be prosecuted a third time in the alleged robbery and torture of three illegal Mexican aliens, a defense attorney said last night.

Alex Gaynes, attorney for Thomas Hanigan, said he was told by Michael Hawkins, U.S. Attorney for Arizona, that a new trial would be held.

A four-week trial in federal court in Tucson ended with a hung jury July 29.

Contacted at home last night, Thomas Hanigan, 23, called the decision "a raw deal." His brother could not be reached.

Thomas said he and Patrick, 26, had already spent \$120,000 in legal fees to defend themselves twice and had suffered in other ways as well.

He said their difficulties extended from "losing a father that this (case) has probably brought on" to "not having a weekend to yourself."

The father, George W. Hanigan, had

been indicted with his sons on state charges, but died of a heart attack before the first trial in 1977.

Hawkins had scheduled a formal announcement today on whether the U.S. Justice Department would retry the Hanigans. The press conference was set for 10 a.m. at the federal building in Phoenix.

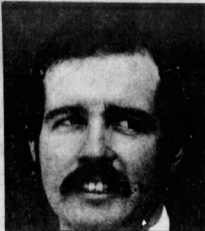
Gaynes said Hawkins gave him advance word of the decision and asked him not to disclose it. The defense attorney said he decided to break his agreement to re-

main silent after Hawkins' decision leaked out from other sources.

After the latest trial ended without a verdict, letter-writing campaigns and intense lobbying were directed at the Justice Department, both by friends of the Hanigans who argued against another trial, and by Hispanic and civil-rights groups seeking new prosecution.

Hawkins conferred last Friday with

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Thomas Hanigan



Patrick Hanigan

# News of new trial called 'raw deal' by one brother

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Justice Department officials in Washington on whether to retry the case.

The Hanigans, accused of taking \$38 and personal effects from the three aliens, faced three counts each of robbery affecting interstate commerce under the Hobbs Act. The all-Anglo jury deadlocked 8-4 to convict.

The Hanigans had been acquitted in 1977 by another all-Anglo jury in Bisbee on state charges of robbery and assault in the alleged attack.

The aliens said they were beaten, robbed, and tortured and that two were shot as they walked across the Hanigan ranch west of Douglas on Aug. 18, 1976, on their way to work at an Elfrida farm.

Despite the leak last night of the decision to retry the Hanigans, Hawkins steadfastly declined to disclose his decision until today.

Gaynes, in revealing the decision, said he was "angry" that he had been sworn to secrecy while the "Justice Department blabbed."

"Mike Hawkins asked me not to tell, and in good faith I did not. But it makes me angry that the Justice Department apparently did talk. I'll be talking more about it tomorrow (today)," he said. He did not accuse Hawkins of being the source of the leak.

"I think there's just too much political pressure being put on . . ." Thomas Hanigan said of the decision. Noting that this is a presidential-election year, he said, "As hard up as the politicians are at this time, they know how important it is, and the press and the Chicanos won't let it die down.

"Nothing would be easier than to promise them something to get their vote.

"I've had very little faith in the last political administration we've had to put up with," Thomas said, suggesting that the brothers would fare better if Ronald Reagan were president.

"I don't think a conservative party would allow a liberal court to prosecute" the case, he said.

Gaynes has said he would appeal if U.S. District Judge Richard M. Bilby, who tried the case, denies motions for a directed verdict of acquittal. The judge is to rule on the motions by Oct. 1.

Hawkins has said a third trial might be held outside of Tucson because the case has received so much publicity here.

A move outside Arizona would require the consent of defense attorneys. Gaynes has said he would oppose such a move.