

# Political motive denied in Hanigan prosecution

The Associated Press

The federal prosecution of Douglas rancher Patrick Hanigan on charges that he interfered with interstate commerce by attacking three Mexican illegal aliens in 1976 did not constitute triple jeopardy and did not result from political pressure, the Justice Department contends.

In documents filed this week with the 9th U.S. Circuit Court of Appeals in San Francisco, the Justice Department rejected arguments by Hanigan's attorney, Alex Gaynes of Tucson, that his client was subjected to a politically motivated prosecution influenced by Hispanic groups.

The documents were filed in response to Hanigan's appeal of his conviction last year in Phoenix of violating a federal law governing interstate commerce. His

brother, Thomas, was acquitted by a separate jury.

A trial of the two brothers on the same charges in Tucson in 1980 ended in a mistrial because of a hung jury. The brothers had been acquitted in a state trial in Bisbee in 1977 on kidnapping and assault charges.

The department said the two federal trials did not constitute triple jeopardy after the state trial, as asserted by Gaynes, because department policy allows such a prosecution if "there is a compelling federal interest."

The circumstances of the crime were sufficient reason for federal officials to

prosecute, the department said.

The Hanigan brothers and their father, George, who died before the state trial, were accused of kidnapping, robbing and torturing the three Mexicans while the Mexicans were crossing the Hanigan ranch on Aug. 18, 1976. The Mexicans were on their way to work on farms north of Douglas.

Patrick Hanigan was sentenced to three concurrent three-year terms last April by U.S. District Judge Richard Bilby.

The prison term was delayed pending a ruling on the appeal. The appellate court is expected to hear arguments in the case this fall.