

Thomas Hanigan said he chased aliens, trial told

PHOENIX (AP) — In what he called new testimony, a man who worked for the Hanigan family in 1976 said yesterday that Thomas Hanigan told him they had found three Mexican aliens stealing guns from their ranch house.

Paul Hicks, a former Douglas-area resident now living in Utah who helped clear land on the Hanigan property, testified he hadn't volunteered the information earlier because he had not wanted to be involved in the case.

His testimony was part of the retrial of Thomas Hanigan, 23, and his brother Patrick, 26, on charges of having interfered with interstate commerce by robbing and torturing three undocumented Mexicans on Aug. 18, 1976. The Mexicans said they were on their way to seek work at a southeastern Arizona farm engaged in interstate commerce when they were assaulted. The Hanigans' earlier federal trial ended with a hung jury, and they were found innocent of state charges.

In other testimony yesterday, Patrick Hanigan's former wife, Pamela, testified that neither he nor his brother told her of having captured any illegal aliens in mid-1976, but that her husband had threatened violence if he did catch one.

Dr. James Keegan, a Douglas physician and surgeon called early by the defense because of a time conflict, testified he treated Patrick Hanigan for a cut arm during a crucial hour on the day of the alleged incident.

And Raul Aveleyra, Mexican consul in Douglas at the time, testified that one of the three Mexicans led him and others to the Hanigan ranch as the site of the incident.

Aveleyra said the man gave directions to the ranch with no prompting. He also testified that the three men independently identified pictures of the Hanigans from yearbooks provided shortly after the Mexicans were taken to a hospital in Agua Prieta, Son.

Hicks said Thomas Hanigan's comment about the aliens came as they talked in a private room in late summer 1976 when he and another man went to the Hanigan ranch to be paid for their work.

"I made the statement to the effect that I read about this deal in the papers, and was sure the papers were blowing it out of proportion," Hicks said. He said Thomas Hanigan responded by saying, yes, it had been blown out of proportion.

Then, Hicks testified, the younger Hanigan told him that two members of the family — Hicks said he no longer was sure which two — had found two or three Mexican aliens stealing guns from the Hanigan home, and had chased them across a field.

By that time, Hicks said Thomas Hanigan told him, the third Hanigan had arrived. The Hanigan brothers' father, George, also was charged in an the state case, but died before it went to trial.

Hicks told the court he had testified earlier that he had been with Patrick Hanigan and his father from 10 a.m. to 1 p.m. on the Aug. 18 in question.

But he said he came to believe the day he was with the Hanigans might not have been the day of the alleged incident after he learned a newspaper account of the incident might have been a day or two old at the time he saw it.

During cross-examination, Pamela Hanigan testified that she had daily contact with the Hanigan brothers during the period following a July 4, 1976, burglary at the Hanigan home to the time she separated from her husband. During that time, she said, the two made no mention of having caught any aliens.

But she testified that her husband had told her earlier that if he caught an alien on the ranch, he would "knock them around, steal whatever money they had, whether a dollar or so, and turn them in to the Border Patrol."

After one of the defense attorneys read a statement she made to the FBI in July 1979 in which mention of Patrick's alleged "steal the money" statement was omitted, she testified she was in shock at the time.

She also testified that in a June 24, 1980, phone call, her former husband pleaded with her to speak with his attorneys. "Your testimony will bury us," she said he told her.

When defense attorneys pointed out that transcripts of a discussion between Mrs. Hanigan and an agent for the FBI taken shortly after the phone call omitted any reference to the statement about the testimony, she said, "Things were a little fuzzy" at the time.

Two juries — one for each brother — are hearing the current trial.