

THEY SOUGHT WORK AND FOUND HELL: THE HANIGAN CASE OF ARIZONA

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Introduction

The kidnapping, beating, torture, and robbery of three undocumented Mexican nationals who crossed the border at Douglas, Arizona, illegally in the summer of 1976 became a civil rights issue in Arizona. Charges of kidnapping, assault, and robbery were brought against three Americans, George Hanigan and his sons, Patrick and Thomas. The Hanigans were members of a prominent and pioneer ranch family in southern Arizona. They were acquitted in a 1977 trial which lasted 23 days

The setting for the Hanigan trial was Cochise County, an area in southern Arizona where American property owners felt threatened by undocumented Mexican nationals, whom residents blamed for a series of unsolved burglaries and robberies along the border. No Mexican Americans¹ served on the Cochise County jury that acquitted the Hanigans, although they comprised the majority of the population of the border community of Douglas.

The intent of this essay is to assess the Hanigan case as a means of interpreting various themes. The main theme is the treatment of three Mexican nationals in Douglas, Arizona, who crossed the U.S.-Mexico international border illegally to seek agricultural work in 1976. Another theme is the Hanigan trial. It received considerable attention not only from Mexican Americans and Anglo Americans, but also from political and church leaders, all of whom were angered over the mistreatment of Mexican citizens who looked to the United States for economic opportunities. Another related theme discussed in this essay is border economics along that part of the border where Douglas co-exists, side-by-side with its Mexican counterpart, Agua Prieta, located in the state of Sonora. During the course of the Hanigan trial, a boycott on businesses in Arizona border towns was called by anti-Hanigan forces in an effort to urge the business communities to call for a federal investigation of the torture case.

This essay analyzes the boycott in order to assess its effectiveness. Finally, the work of the National Coalition on the Hanigan Case, an alliance of national Hispanic and civil rights organizations, is explained. This group attempted to draw attention to the treatment of Mexican workers who crossed the U.S.-Mexico border illegally to seek agricultural work.

No attempt is made here to provide solutions to past or current border problems which center on the entry of undocumented Mexican nationals into the United States. That is a theme that requires extensive study and research, and which is beyond the scope of this essay. The author makes no suggestions on how to improve relations between the United States and Mexico which may have been damaged as the result of alleged crimes committed along the border in 1976, and does not attempt to determine whether the Hanigans were indeed guilty or innocent of kidnapping, assault, and robbery in this so-called "Hanigan case." The Cochise County jury has already determined that. However, this essay examines the reasons why some Arizonans became angry over the results of the Hanigan trial, and why they sought to call attention to the mistreatment of Mexican citizens in Douglas, Arizona, in 1976 and 1977.

There are some problems, however in writing about the Hanigan case. For example, one cannot build on previous research about the Hanigan incident because little has been written on this topic. Another problem relates to official court transcripts prepared in the trial. During the course of research, the Clerk of Superior Court for Cochise County was unable to locate courtroom transcripts in the Cochise County archives. Because the Hanigans were acquitted of all charges in the 1977 state trial, the county was not required to maintain official transcripts. Also, the clerk is prohibited from preparing copies of the court transcripts, even if they are located after a 20-year period. To obtain court transcripts, one must contact the court reporters who prepared the original transcripts of the trial. Patricia Vigil and Deann Kleck, the two court reporters who prepared the transcripts during September 1977, no longer work at the Cochise County Courthouse, and no longer live in Cochise County. Portions of the transcripts, however, were obtained by the National Coalition on the Hanigan Case during the trial. I have used portions of the transcripts to recreate the events surrounding the torture incident and the trial. I have also used other secondary sources, such as newspapers, to provide some insight into the events surrounding the case.

The Setting: The International Border

Douglas, Arizona, is located along the southeastern boundary of the state adjacent to Agua Prieta in Sonora, Mexico. Situated on U.S. Route 80 and Route 666, Douglas is about 70 miles southeast of Tucson. The town was named for copper baron and entrepreneur James D. Douglas, who came westward in the 1870s to develop mining interests in southern Arizona. By 1900, James Douglas had firmly established the Phelps Dodge Copper company and other mining interests in and near Douglas.

The town's location made it a desirable copper mining and railroad center. For example, by railroad distance, Douglas was 217 miles west of El Paso, 124 miles east of Tucson, and 624 miles east of Los Angeles. Railroad passengers from Chicago could travel to Douglas on the Golden State Limited train within two days in the early 1900s. By 1914, the Nacozari Railroad, just across the border in Mexico, and owned by Phelps Dodge, was used to ship cattle and copper from Mexico to the United States.² As a trade center, Douglas quickly became an important gateway for the two countries.

The history of Douglas reflects its economic importance to its sister city, Agua Prieta, located adjacent to Douglas along the international boundary. Agua Prieta covers an area of about four square miles and constitutes the government headquarters for the Agua Prieta Municipio³ founded in 1916. Mexican government troops battled it out in Agua Prieta with revolutionaries—Captain “Red” Lopez in 1911 and Pancho Villa in 1915. Pancho Villa even made threats against the town of Douglas before retreating. An international airport—part of the runway was in the United States and part in Mexico—opened in Agua Prieta in 1928.⁴ Today, Agua Prieta is bounded on the east by the state of Chihuahua, on the south by Bavispe, Nacozari and Fronteras, and on the west by Naco and Bacoachi, Sonora.⁵

The Phelps Dodge copper smelter in Douglas remains a viable source of employment, but the sister cities have diversified their economy. American companies operate manufacturing plants in Agua Prieta under the “twin plant” concept,⁶ using Mexico's inexpensive labor to assemble American products.⁷ The first maquila industries were established in Agua Prieta in 1968. By 1977, manufacturing accounted for “nearly 30 percent of Douglas area employment . . . Next to Phelps Dodge, the garment industry was the largest manufacturing employer in Douglas.”⁸ Wholesale and retail trade are also of great significance

to the Douglas area because of its international border crossing. A large percentage of sales were to Mexican citizens, who preferred shopping in Douglas. In 1976, about 45 percent of all retail sales in Douglas were made to these Mexican citizens.⁹

It can be assumed that Douglas was a common entry point for undocumented Mexican workers who crossed the border illegally to seek work in the United States. Residents in the Douglas area, however, blamed undocumented Mexicans for a constant burglary problem. The sheriff's department reported that it answered 122 burglary calls in an eight-month period in 1976. It also reported that approximately \$135,000 in merchandise was burglarized from Douglas-area homes.¹⁰ Local law-enforcement officials also felt that the burglaries were the result of Douglas' proximity to the international border. One spokesman for the sheriff's department estimated 85 to 90 percent of the break-ins outside the city limits were traceable to Mexico. "I don't know how many times we've tracked them to the border fence,"¹¹ said the deputy. Sheriff Jim Wilson agreed: "Most of our problems have come from Mexico."¹² U.S. Border Patrol Supervisor Drexel Atkinson maintained that the burglaries were committed by undocumented Mexicans because "every illegal alien [was] a potential burglar."¹³ The Border Patrol apprehended almost 5,000 of these so-called "potential burglar[s]" in the Douglas area in 1975-76. According to statistics from the Douglas Border Patrol Station, 4,908 illegal aliens were seized in the Douglas area between June 30, 1975 and June 30, 1976.

Atkinson was not able to provide any proof that all of the burglaries in the Douglas area were committed by undocumented Mexican nationals. However, Edward T. Blankenship, a U.S. Border Patrol agent in Douglas, said that "no figures [were] available on the number of aliens who burglarize Douglas homes, although street talk [said] there [were] a great number of alien-committed burglaries."¹⁴ When Manuel García Loya, Bernabe Herrera Mata, and Eleazar Ruelas Zavala entered Douglas illegally, they were on their way to seek work in the United States. They didn't come to the United States to steal.

The Mexican Nationals

On August 17, 1976, García Loya, Herrera Mata, and Ruelas Zavala met at the home of Ramón Soto in Agua Prieta, which has approximately 45,000 inhabitants. Although lacking formal immigration papers or documents, they made

plans to seek agricultural work at the Bar V Bar farm in Elfrida, Arizona, located in the nearby Sulphur Springs Valley near Douglas.¹⁵ The men were not unfamiliar with the possibilities of being caught entering the United States without formal immigration papers. They had been apprehended at various times on “farm sweeps” in the Douglas area by the U.S. Border Patrol, only to be returned to Agua Prieta and released to Mexican authorities on each occasion.¹⁶

García Loya was born in 1950 in the capital of Chihuahua, Mexico, where his father worked as a construction worker. As the eldest of ten children, García Loya had many family responsibilities. As a youth, he helped his father in construction work, and often worked for his brother-in-law as a construction helper.¹⁷ He wanted to come to the United States to seek work, and to earn money so that he could help support his family. He and his father agreed that he should go to Agua Prieta, where his friend, Antonio Hernández, owned a salvage yard, and where he could find work. Hernández felt “almost like a father”¹⁸ to García Loya, and allowed him to live in his home and work for him. Soon, García Loya was sending money home to his family in Chihuahua. In July 1976, he found work at an apple orchard owned by H. Barry Rose in the Sulphur Springs Valley,¹⁹ near Willcox and Douglas. He worked there for ten days before the U.S. Border Patrol picked him up for illegal entry into the United States, and returned him to Agua Prieta. Rose had frequently hired Mexican nationals to work for him because he “relied heavily on unskilled workers who didn’t speak English,”²⁰ and felt “such workers were vital to [his] orchard.”²¹

Bernabe Herrera Mata, age 22, hardly knew García Loya and Ruelas Zavala when he met with them at Ramón Soto’s home in Agua Prieta. He was not a stranger to U.S. Border Patrol officers, however. Prior to August 17, 1976, he had been apprehended as many as four times by the INS.²² Herrera Mata came from an impoverished family of agricultural laborers, and had fewer than three years of schooling in Mexico.²³ His reason for crossing the border was solely an economic one. He knew that he could find agricultural work across the border because he had worked in the Douglas area in 1975.

Eleazar Ruelas Zavala, age 26, travelled from Chihuahua with intentions of working in the United States because he could not find work in Mexico. On three separate occasions, he had been apprehended by the U.S. Border Patrol

near Douglas.²⁴ When he met with García Loya and Herrera Mata in Agua Prieta to plan their journey northward, he knew where they could find agricultural work: at the Bar V Bar farm in Elfrida, Arizona. Both Herrera Mata and Ruelas Zavala had worked in Elfrida, about 25 miles from Douglas, for American farmers Ben Ratliff and Wally Householder during the summer months of June and July and “up until August 4, 1976.”²⁵ Householder had promised Herrera Mata “more work for him and others if he wanted to return.”²⁶ And that was the reason for his desire to return to Elfrida when he met with García Loya and Ruelas Zavala on August 17, 1976. Another factor in Herrera Mata’s decision to return to Elfrida was the \$99 back pay owed to him by Ben Ratliff for work he had completed earlier in the summer.²⁷ The men agreed they would cross the border together and go to Elfrida and the Bar V Bar farm for agricultural work. They had every reason to believe they would find work there.

The Torture

Early the next morning, August 18, García Loya and Herrera Mata met as arranged at the Soto home in Agua Prieta. Ruelas Zavala hadn’t arrived yet. The two men decided they needed some provisions to take with them on their journey. They walked to a grocery store nearby and purchased a loaf of bread, bologna, cheese, and bananas, and returned to the Soto home to meet with Ruelas Zavala, who was now at the Soto home. Before departing, they filled a plastic gallon container with water to take with them.²⁸

The men walked along a road which paralleled railroad tracks running close to the border, and kept within view of a landmark on the American side, approximately one mile west of Douglas. It was the Phelps Dodge copper smelter. The men walked along the fence which separated the countries for a distance of perhaps two miles. At this point, they squeezed through the barbed wire and continued their journey westward toward Elfrida. As they walked through the desert in the searing August heat, the men realized that their water container was nearly empty. They saw a windmill nearby and decided to walk towards it.²⁹

The windmill was situated on the homesteaded ranch of George Hanigan, age 67, and his two sons, Patrick, age 23, and Thomas, age 19, and his wife, Mildred. George Hanigan was a former Cochise County Republican Party Chairman and was involved in the selection of judges and prosecutors for the

county. He and his wife and their sons ran a cattle operation on the family-owned ranch. They also owned the corporation, "Dairy Queen of Southern Arizona," valued at over \$260,000. They also owned all the Dairy Queen franchises in Arizona outside of Maricopa County. Thomas and Patrick each owned 500 shares in the franchise. The estate of the Hanigan family was estimated to be worth \$7 million.³⁰ The three Mexican nationals were on their 1,000-acre ranch to look for water for their gallon container.

Before reaching the open water reservoir at the base of the windmill, the Mexicans noticed a man some distance away working on a tractor in a field near a house. A yellow pickup truck with a white camper shell was parked near the tractor. After refilling their water container at the windmill, the trio continued their journey to Elfrida. U.S. Highway 80 was in front of them. They would have to cross it to get to Elfrida. Running parallel to Highway 80 was Gasline Road, a dirt road bordered by a barbed wire fence. As the trio prepared to jump the fence, they heard a vehicle coming down from Gasline Road.

Afraid the vehicle might be a Border Patrol truck, the trio jumped back from the fence and hid in some tall grass as the vehicle passed by. It was the yellow pickup with a white camper shell driven by the same man they had seen working on the tractor. The truck came to a stop and backed up. Thomas Hanigan jumped the fence to the side on which the trio were hiding, and looked for them. When he spotted them he shouted in Spanish, "Hey, 'wets,'³¹ where are you going? What are you doing?" The trio, who spoke no English, answered, "We are going to work in Elfrida." Thomas Hanigan responded, "All right, fucking wetbacks, get up. You're not going anywhere. All you fucking wets come to the United States to rob, and then you return to Mexico."³²

The trio repeatedly denied the accusations. Ruelas Zavala said, "No, we are going to work, we are not going to cause harm." García Loya added, "We are only looking for work, because there is no work in Mexico." Thomas Hanigan snapped back, "There is a lot of work in Mexico." Noticing the trio's paper bags, Hanigan asked, "What's in the bags?" The trio answered, "Food and clothes." They showed him the contents, and he said, "O.K." With his pistol aimed at them, Hanigan told the Mexicans, "Take your things and jump into the truck." He opened the door of the camper, waved the trio inside, and then locked the door behind them. They assumed he was a Border Patrol agent or that he would turn them over to one. Thomas Hanigan, however, transported

the men to the Hanigans' home.

He parked the truck toward the rear of the house, got out, went inside the house, and left the Mexicans locked inside the camper. Hanigan returned, let the trio out of the camper and sat them down under a shaded area by the side of the house, standing guard over them with his pistol. Approximately fifteen minutes later, his father, George Hanigan, arrived. George stepped from his blue pickup truck with a shotgun in his hand. He approached his son, Thomas, stared at the Mexicans sitting near the porch of his home, and asked, "Wetbacks?" Thomas answered, "Yes."

Soon, another pickup truck arrived. It was pulling a light colored trailer behind it with a cow inside. Patrick Hanigan, Thomas' brother, got out. He wore a handgun tucked into his waistband. He walked over to his father and brother, and said in Spanish, "Ah, wetbacks!" Patrick looked at the Mexicans, looked at García Loya and drew his handgun at him and said, "I know you. You stole three rifles and a pistol from me." García Loya answered, "No, that's not true; I've never been here before." Patrick then said, "I know you by the shoes you're wearing." García Loya replied, "They were given to me by Antonio Hernández Armenta of Agua Prieta." Patrick said, "You're lying. You all come here to rob; all Mexicans are thieves." García Loya said, "You're crazy, I've never been here before." Patrick shouted back, "Shut up!" Patrick also noticed the bags the trio had been carrying and wanted to know what was inside. He and his father, George, opened them, finding used clothing and food.

Patrick went to his pickup truck and retrieved several pieces of rope; he threw the rope into Thomas' truck. The Hanigans ordered the Mexicans into the yellow truck's camper, and locked them inside. Patrick and Thomas got inside the truck, and the Mexicans were driven towards Highway 80. George Hanigan followed them in his blue pickup truck; he had his shotgun with him. The Hanigans traveled west on Highway 80 and headed down a country road, stopping at a fence with a wire gate. Patrick Hanigan got out of the truck and opened the fence, got back inside the truck, and both Hanigan vehicles proceeded west over some rough desert terrain. The Mexicans were still on Hanigan property.³³

The vehicles came to a stop between the windmill and an arroyo. The Hanigans got out of their trucks still carrying their firearms. They unlocked the camper and ordered García Loya to get out. Patrick and Thomas grabbed him,

and tied his hands behind his back with rope. Patrick and Thomas told him to lie on the ground. When García Loya refused, they knocked him down, injuring his shoulder and the side of his face in the fall. While on the ground, he was hog tied; a rope was fastened around his feet and connected to his bound hands.

Herrera Mata was the next one to be ordered from the camper. His hands were tied behind his back as he put up a struggle, and he too was flung to the ground. Like García Loya, his hands were tied to his feet. He was left sprawled on the ground with his companion. Next to be ordered out of the camper was Rueles Zavala. He offered no resistance, but his hands were tied behind his back anyway. He was then forced to the ground and hog-tied. All three victims were now on the ground, bound, and totally helpless. Although Patrick and Thomas forced the trio to the ground and bound them, it was their father, George, who gave the orders and told his sons what to do.

Patrick and Thomas used hunting knives and sheared clumps of hair from their heads and cut the clothing off the three Mexicans, and left them naked. As they ripped their clothing, however, they found one dollar in Herrera Mata's trousers; thirty dollars inside García Loya's pants and seven dollars in one of his socks. Putting the money into his own pocket, Patrick asked García Loya why he had money. He explained that it was his pay for work he had performed in Agua Prieta, and that he hoped to buy food with it. The Hanigans said that if they had so much money, they did not need to come to the United States in search of work.

Thomas Hanigan built a fire with dry mesquite wood, which was abundant in that desert area, and he and Patrick threw the Mexicans' clothing into it. Their shoes and food were tossed into the flames. The Mexicans pleaded with the Hanigans to leave them alone, promising never again to cross their land. The Hanigans told them not to act like "cry babies," and that they would indeed never return to their land because, "You are going to die first." The Hanigans threatened to cut their throats and they held pistols to their heads. Putting his finger on the trigger as though he were about to pull it, one of the Hanigans said, "You are going to die in just a moment—you will never return to your fucking Mexico!"³⁴

George Hanigan asked if they were thirsty, and they answered yes. He poured water over them from the same gallon container the Mexicans had refilled at the Hanigan's windmill; and he kicked and rolled them over in the hot desert

ground with his boots so that mud would stick to their bodies. George took a knife and threatened to castrate the Mexicans. He grabbed the genitals of Herrera Mata and ran the blade of his knife over and around them, coming close enough to the skin to cause some cuts and inflict pain and discomfort. The Hanigans grabbed the Mexicans by their ropes and dragged them close to the intense heat of the fire. Thomas Hanigan took a red hot metal rod from the fire and passed it close over the faces and bodies and genitals of the Mexicans. He then rubbed the hot rod along the soles of the feet of Ruelas Zavala, causing painful and extensive burns. Ruelas Zavala was still tied when Thomas Hanigan placed a rope around his neck. He was dragged to a nearby ravine and hanged from a tree. He escaped strangulation by supporting the weight of his body against the ravine wall.³⁵ As he hung from the tree, he heard the ranchers say to Herrera Mata, "Let's see how good you are at running."³⁶ The Hanigans cut him free from his ropes and then told him to run away. Herrera Mata ran towards a ravine. He heard loud pistol shots and shotgun bursts behind him. As he ran, he was shot in the back and sprayed with forty-seven shotgun birdshot pellets.³⁷ Meanwhile, the Hanigans returned to the ravine where Ruelas Zavala was still struggling with the rope around his neck to keep from strangling himself to death. He was cut down from the tree and ordered to run away. While running through the desert and away from the Hanigans, Ruelas Zavala tripped and fell. The fall saved his life. Had he not tripped, the shotgun pellets fired from George Hanigan's shotgun would have hit him in the face and head.³⁸

The Hanigans turned their attention to García Loya, who was still bound and left on the ground near the fire set earlier. The Hanigans tied a rope around his neck and dragged him through the desert. They hit him with the butt of a shotgun. And they cut him loose and ordered him to run away. As García Loya ran towards the Mexican border, the Hanigans shot him in the back with one hundred twenty-five shotgun pellets.³⁹ He eventually reached the border and was treated for his wounds at the Civil Hospital in Agua Prieta, where he was re-united with Herrera Mata and Ruelas Zavala, who were being treated for their wounds. Physicians there reported the assaults committed against the trio to the Mexican police, who notified local Mexican officials about the torture of the three men.

The torture incidents drew immediate international attention from various Mexican officials. Raul Aveleyra, Mexican consul in Douglas, Arizona, was out-

raged over the mistreatment of the Mexican citizens. He filed an official complaint about the incident with the Cochise County Sheriff's office, and called for the quick punishment of the Hanigans. A Mexican Foreign Ministry statement called the incident a "brutal aggression against Mexican citizens."⁴⁰ Interior Minister Mario Moya Palencia charged the United States with "flagrant violation of the human rights of [Mexican citizens],"⁴¹ and accused the United States of "racial sadism."⁴² Foreign Affairs Undersecretary José S. Gallastegui lodged a formal protest against the United States for the violation of the human rights of the three Mexicans.⁴³ The President of the Mexican Supreme Court and the Mexican Ambassador to the United States also registered their outrage and indignation over the beatings.⁴⁴

Arizona governor Raul Castro characterized the incident as an "inhuman situation [and] a return to the days of slavery."⁴⁵ However, Castro cautioned Mexican and American residents in the state and along the border area to "keep emotions clean and don't pre-judge [the situation]. This [incident] should not be a disrupting factor between Mexico and the United States, between Agua Prieta and Douglas."⁴⁶ Castro's concerns over the damage the incident could cause to further weaken U.S. and Mexican diplomatic relations had some merit. Herrera Mata, García Loya, and Ruelas Zavala were typical members of a migratory farmworker group which illegally entered the United States seeking employment. In 1976, for example, 875,915 Mexican undocumented workers were apprehended in the United States.⁴⁷ At least 72 percent of these workers were either employed at or seeking agricultural employment⁴⁸ in the United States. In 1973, it was also estimated that between 1.5 and 10 million undocumented workers held jobs in the United States,⁴⁹ which exerted an extraordinary impact on the commerce between the two countries. The torture of the three Mexican nationals was bound to have some impact on diplomatic relations between Arizona and Mexico. The problem of illegal immigration was already straining border relations in the Douglas-Agua Prieta area. An unsolved rash of burglaries and a growing rate of drug sales and arrests in the Douglas area were already being blamed on "illegal aliens."⁵⁰ Arizona's Attorney General, Bruce Babbitt, added his expression of disbelief over the torture incident, and pledged that "justice [would] be done in prosecuting those responsible for the brutalities."⁵¹ However, both Castro and Babbitt maintained a low profile and left local officials to deal with the matter. Neither Castro nor Babbitt took

an official role in the investigation of the incident, nor did they interfere in any way with Douglas law enforcement officials who interviewed the Hanigans, and the Mexican nationals.

Pre-Trial Proceedings

On August 27, the Hanigans were charged and indicted by a Cochise County grand jury on 14 counts in the kidnapping, assault, and robbery of the three Mexican nationals on August 18. Superior Court Judge Anthony T. Deddens, a long-time friend of George Hanigan, refused to issue arrest warrants for the Hanigans, and issued a summons instead, which ordered them to appear in Superior Court on September 7, where they were fingerprinted, photographed and released on their own recognizance. Citing his long acquaintance with George Hanigan as a conflict of interest on his part, Deddens stepped down as the judge at the arraignment. He asked Wes Polley, attorney for the Hanigans, and the Cochise County Attorney's office to each submit a list of five acceptable judges who could take over the case, and act as presiding judge in the trial.⁵² Pima County Superior Court Judge J. Richard Hannah was selected. At their October 7 arraignment, the Hanigans pleaded not guilty to all charges. Trial was set for December 7, 1976, and Hannah allowed the Hanigans to remain free on their own recognizance.⁵³

Indictment against the Hanigans was quashed due to procedural improprieties during the grand jury session. Hanigan attorney Wes Polley successfully argued for and won numerous court delays. He argued that the prosecution's interpreter who translated the testimony of the three Mexican nationals was not court appointed as required by law, but was named by a jury foreman. He argued that a dialogue was permitted between the victims and certain bilingual jurors that was not fully translated for benefit of monolingual jurors, but only summarized. At issue was the lack of a complete and accurate verbatim transcript of the questions and answers of the grand jury prior to the actual trial. The selection of another grand jury also caused delays because Polley questioned the qualifications of prospective grand jury members.

The Hanigans were arraigned for the second time in Superior Court on January 7, 1977. They pleaded not guilty to each of the 14 counts in the indictment. Judge Hannah released them on their own recognizance and set the trial date for March 29, 1977.⁵⁴ But the unexpected death of George

Hanigan on March 22 had an impact upon the court's proceedings again. The autopsy performed on George Hanigan showed that he died of a heart attack. Judge Richard Hannah postponed the trial of Thomas and Patrick Hanigan until April 26.⁵⁵

Pre-trial motions by Hanigan attorney Polley, however, caused the trial date of the Hanigan brothers to be postponed or reset by Judge Hannah for as many as six different times.⁵⁶ Finally, the trial began on September 16, 1977, at least one year after the kidnapping, assault, and robbery of Manuel García Loya, Bernabe Herrera Mata, and Eleazar Ruelas Zavala.

The Trial

Jury selection was a surprisingly brief action. The defense eliminated the list of Mexican Americans considered for the jury, while the prosecution eliminated all the Anglo-American ranchers and cattlemen from consideration. What remained was characterized as a jury of data-processors from Ft. Huachuca, the Army military post just a few miles away, and bored housewives. Many members of the jury, however, lived in Sierra Vista, the community just outside the military base. The majority came from outside the Bisbee-Douglas area along the Mexican border, the area troubled by burglaries and bad feelings against undocumented Mexicans.

Eight women and four men made up the jury. The jury foreman was William K. Lawraven, Jr. Defense lawyer Alan Polley's mother was one of his business associates. No Mexican Americans served on the jury, although they formed the majority of the county's population.⁵⁷ And none of the jurors were from the Douglas or Elfrida communities.

The Hanigan brothers were represented by the father and son attorney team of Wesley and Alan Polley. The elder Polley was a family friend of the Hanigans. The prosecutors in the case were Deputy Maricopa County Attorney Lawrence Turoff and Deputy Cochise County Attorney Patrick Elliston. Judge J. Richard Hannah instructed the jury that it was to deliver either a verdict of innocent, or guilty beyond reasonable doubt. The judge fixed in the jury's mind the concept of guilt beyond reasonable doubt, which was meant to establish and support a guilty verdict. He outlined the precise definitions of the crimes with which the Hanigans were charged: kidnapping, assault with a deadly weapon, and armed robbery.⁵⁸

García Loya spoke through an interpreter during the first day of testimony in the trial. He testified that George Hanigan threatened to castrate him with a knife after he and Herrera Mata and Ruelas Zavala were taken to a field and tied up, with their hands and feet bound together. His testimony was time-consuming and slow because of the many pauses for interpretation from English to Spanish, and then from Spanish to English. Loya also identified photographs of his wounds taken during his stay in the Civil Hospital in Agua Prieta, and of the Hanigan ranch and pickup trucks of the Hanigan men.

The next day's testimony was also that of García Loya. Alan Polley learned that García Loya and his companions hired a Douglas law firm to represent them in a damage suit against the Hanigan family, hoping to gain a financial settlement. Polley tried to show the jury that the Mexican nationals had a financial interest in the Hanigan case.⁵⁹ He succeeded in portraying the trio as greedy Mexican aliens trying to squeeze money out of Americans.

When Herrera Mata related his story of the torture incident on the Hanigan ranch, Alan Polley was able to prove inconsistencies in Herrera Mata's trial statements and those given to the Cochise County grand jury that indicted the Hanigans. A damaging point in the testimony concerned Mexican consul Ramón Aveleyra. Herrera Mata admitted that he and his two companions had been coached daily by Aveleyra on what to say in the courtroom. Herrera Mata admitted the discussions with the consul violated those instructions on witness conduct made by Judge Hannah. Before the trial started, the judge told witnesses they could not discuss their testimonies with each other or with others.⁶⁰

Throughout the 23-day trial the defense argued that the testimony given by the Mexican nationals was inconsistent with those statements given during the initial investigation, at the pretrial hearing, and in the courtroom. Testimony regarding the clothes George Hanigan wore, the identification of a handgun used in the torture, and the time of day the assault occurred was indeed varied. Other inconsistencies centered around whether or not George Hanigan wore a baseball cap; if he had a moustache, or if he was clean-shaven; whether he actually threatened the castration of the two. Other discrepancies in the stories of the Mexican nationals centered on whether Patrick Hanigan was even on the Hanigan ranch at the time of the attack. Witnesses claimed he was elsewhere.

Alan Polley consistently characterized the three Mexican nationals as bur-

glars who crossed the international border illegally in order to rob border-area homes.⁶¹ Polley suggested to the jury that the Hanigans believed the three Mexican nationals were on their ranch because they wanted to steal from them. Thus, the Hanigans were justified in treating the Mexicans as they did. Prosecutor Lawrence Turoff said the Hanigans tortured the Mexican nationals because they wanted to make an "example" of them, to teach them a "lesson." Turoff said the Hanigans unjustly reacted to border burglaries blamed on Mexicans by classifying all Mexicans as "thieves." Defense lawyer Alan Polley told the jury that the three Mexican nationals had made up the torture story to cover up the wounds they probably received in the commission of crimes.⁶² Polley echoed the sentiments made earlier by Douglas Border Patrol Supervisor Drexel Atkinson, who actually believed that all "illegal aliens" were potential burglars.

Assuming that García Loya, Herrera Mata, and Ruelas Zavala were not agricultural workers but indeed burglars, the issue of the Hanigans' guilt for torture was still before the jury. It was clear that the three Mexican nationals were not committing an act of thievery when they were caught by Thomas Hanigan on the family ranch on August 18, 1976. The Hanigans, however, kidnapped, assaulted, and robbed the trio merely because they suspected them of being burglars. They tortured the trio because they suspected them of theft. Indeed, a violent act based upon suspicion was unjustly committed. And the jury never considered whether García Loya, Herrera Mata, and Ruelas Zavala deserved the treatment they received.⁶³

On October 7, 1977, a year after the torture of the three Mexican nationals had occurred, Thomas and Patrick Hanigan were found innocent on all counts of the kidnapping, assault, and robbery of the trio.

Reaction to the Verdict

Acquittal of the Hanigan brothers prompted an angry response from the Mexican consul in Douglas, Raul Aveleyra. "They just opened the hunting season for every illegal Mexican who comes into the United States," he said. In complete disbelief, he further commented: "It's incredible . . . It's an insult to the justice system of the United States."⁶⁴ Prosecutor Patrick Elliston was astounded about the verdict. He believed that the torture story itself should have convicted the Hanigan brothers. He also maintained that Cochise County con-

sisted of two mentalities: one wanting to release the Hanigans, and the other convinced they were right for what they did to the three Mexican nationals. Defense Attorney Alan Polley said that he felt the jury made the correct decision in the case. He also felt that the Hanigans were acquitted because the Mexican nationals lied about the torture incident, and the defense had proved they lied. The torture did not occur; it was fabricated.

The Rev. Ronald P. Gagnon of Douglas, a Roman Catholic priest, said: "I think there is a general feeling that the Mexican nationals probably had burglary in mind. There's no question that they were tortured. It boils down to people taking justice into their own hands."⁶⁵ The Catholic Church also released an official statement from Rev. Thomas P. Cahalane, Priest Senate President of the Diocese of Tucson: "Given the total story and circumstances of what happened in Cochise County in this particular travesty of justice, the Pledge of Allegiance should be rewritten to read 'Liberty and justice for some.'"⁶⁶

Federal Probe Sought

Some individuals in southern Arizona were bitterly disappointed over the outcome of the trial and sought to attract national attention to the case. They wanted the U.S. Justice Department to investigate the treatment of undocumented Mexican laborers in Cochise County and along the international border. Many also believed that racism against Mexican citizens was prevalent in the Douglas-Agua Prieta area. They called for an FBI investigation to determine if federal laws were violated by the Hanigans. Their view was that if the trespassers on the Hanigan ranch had been Anglo-American migrant farmworkers, the Hanigans would not have committed the acts they committed against García Loya, Herrera Mata, and Ruelas Zavala.

Among those calling for a federal investigation were The Most Rev. James S. Rausch, Catholic Bishop of Phoenix;⁶⁷ Margo Cowan, Director of the Manzo Area Council in Tucson, a group that helped undocumented Mexicans legalize their status in the United States; and Douglas City Councilman, Francisco Barraza, a self-styled leader in the Douglas Mexican-American community. Barraza claimed that the Mexican American community there was concerned about possible criminality involving Mexicans run over by railroad trains or shot at by local ranchers, a frequent occurrence along the border, he felt. Cowan led a petition drive calling for a federal investigation of the torture incident and

collected over 200 signatures, which were part of a civil rights complaint she had filed in the U.S. Justice Department office in Tucson.

The petition drive was a successful one. Assistant U.S. Attorney A. Bates Butler III indicated that he intended to ask for a federal probe of the torture incident. However, before any probe would occur, the FBI investigation had to determine whether any provisions of U.S. civil rights laws applied to undocumented Mexican nationals and the Hanigan case. For federal law to be applicable to the case, it would have to be shown that García Loya, Herrera Mata, and Ruelas Zavala were prevented from any activity, such as seeking work, or working at a job, that fell under the protection of civil rights laws.⁶⁸

John Conroy, deputy chief of the criminal section of the Justice Department's Civil Rights Division, reported to Cowan and Barraza that federal action against the Hanigans was unlikely because there was yet no jurisdiction to prosecute at the federal level.⁶⁹

The Economic Boycott

In an effort to call attention to the Hanigan acquittal, Cowan and Barraza organized a peaceful demonstration and rally along the Douglas-Agua Prieta border. Newspaper accounts estimated the number of participants to be anywhere from 500 to 1,500, and noted that the group included both American and Mexican protesters. The October 16, 1977, demonstration coincided with a boycott called on businesses in Arizona border towns, such as Douglas, Nogales, Naco, Sasabe, and Yuma. Boycott organizers, Cowan and Barraza, believed that such a move would encourage border businessmen to join in the demands for a federal investigation of the Hanigan case.⁷⁰

Cowan and Barraza initiated an advertising campaign for a boycott of border shops in Agua Prieta. Antonio Palomares, editor and publisher of *La Verdad de Agua Prieta*, supported the business boycott and printed an advertisement in his newspaper that urged Mexicans not to shop in American border towns until justice was done in the Hanigan case.⁷¹ Cowan and Barraza reprinted the advertisements on posters which were distributed throughout Agua Prieta.

The border boycott was a failure. The controversial nature of the Hanigan case created a mixed bag of opinions about the boycott among Americans and Mexicans. For example, furniture store owner, Miguel Padres, of Cananea, Sonora, felt that the Hanigans were able to pay their way to freedom: “. . . the

United States is supposed to be a leader in human rights, but if you have enough money, you can get around human rights . . . I wouldn't say there is any strong sentiment against Americans here."⁷² Lionel Valenzuela, owner of the Papagayo Club in Naco, noted: "As far as I can see, there's no change in my business."⁷³ Jim Sill, owner of a popular western wear shop in Bisbee, Arizona, said that his Mexican customers from Cananea and Nacozari "[didn't] seem afraid to come up [from Mexico] here. None of them [have] mentioned the Hanigan case to me."⁷⁴

Francisco Barraza admitted that the economic boycott along the border was also unpopular: "If the boycott is successful, it will not only hurt the businessmen, but the employees also and will affect the local sales tax. This is not a good thing. It's a very drastic measure, but the issue is bigger than business and economics. Justice is not an economic issue," he said.⁷⁵

Indeed it wasn't. The boycott was called off by Cowan and Barraza nine days after it began. It had no effect on business in Douglas or Agua Prieta, nor in any other border towns. Douglas City Attorney Ramón Alvarez indicated that the Douglas Associated Merchants (DAM) and other city officials felt the boycott was unfair to the city, and refused to acknowledge both the boycott and the call for a re-investigation of the Hanigan case.

The boycott was further marred by disagreements between Cowan and Barraza over boycott strategy and its effects on the Douglas community and residents. Barraza was afraid that if the economic boycott was successful, his community would suffer financial hardships. Mexican-Americans and Anglo-Americans in his community were angered over what they felt was his misuse of public office. They felt that, as a city councilman, he should have been more concerned about the effects of the boycott on the entire town, and that he should not have organized the boycott at all. Barraza said that the decision to initiate the boycott was not his decision, that it was made by "outsiders."⁷⁶

Cowan, on the other hand, argued that it was Barraza who called for the economic boycott. After all, he was from the community, he knew the people along the border area there, and he was bilingual. She was from Tucson. Cowan also felt that the decision to call the boycott was simply a tactic used to create both attention and controversy in an attempt to convince federal authorities to look into the matter. For her, the issue of concern was the violence of the attack on the Mexican nationals. Such violence was merely a reflection of the type of

violence which commonly occurred against undocumented Mexicans along the border by Anglo-American ranchers and employers, and which remained unnoticed: "These three young men [García Loya; Herrera Mata; and Ruelas Zavala] represent sons, brothers, and fathers of everybody. In that perspective, we can't walk away [from the incident]." ⁷⁷ Barraza, on the other hand, shirked away from his part in the border boycott because he wanted to retain his seat on the Douglas City Council, where he had a modicum of importance. He also wanted to appease both Anglo-Americans and Mexican-American supporters in his community. "I wasn't entirely with [the boycott] and was generally opposed to it," he said. ⁷⁸ While Barraza believed in the idea of federal intervention in the Hanigan case, he only went along with the economic boycott "to retain credibility to try and stop it after its first day." ⁷⁹ The Douglas City Council agreed to take no action against Barraza for his involvement in the boycott. Cowan, on the other hand, continued efforts to bring the torture case to the attention of the federal government by working with a national coalition.

The National Coalition on the Hanigan Case

On November 16, 1977, the group calling itself the National Coalition on the Hanigan Case was formed. It had its roots in Douglas. Its brainchild was Antonio D. Bustamante, a Douglas native and a *magna cum laude* graduate of Stanford University, who was a senior law school student at Antioch Law School in Washington, D.C. ⁸⁰ Bustamante was a National Board Representative for La Raza Legal Alliance, and an active member of his college's La Raza National Law Students Association, as well as a leader in the National Committee of Concern. He spearheaded a massive and successful letter-writing campaign to state and federal officials asking them to study the Hanigan case for possible violation of the civil rights of the three Mexican nationals.

The coalition was composed of national Mexican-American groups and civil rights organizations such as the National Council of La Raza (NCLR); the League of United Latin American Citizens (LULAC); the National Association of Farmworker Organizations (NAFO); the American G.I. Forum; the Mexican American Legal Defense and Educational Fund (MALDEF); Catholics for Christian Political Action (CCPA); and La Raza National Bar Association (LRNBA). ⁸¹

The Antioch School of Law, with headquarters in Washington, D.C., ac-

cepted the Hanigan Coalition as clients and agreed to represent the coalition legally in the matter of persuading the Justice Department to re-investigate the case and to consider new grounds for the federal indictments of the Hanigan brothers. Professor Burton D. Wechsler served as legal counsel for the coalition.

On November 18, 1977, coalition representatives met with John E. Huerta, Deputy Assistant Attorney General, Civil Rights Division, to discuss the intervention of the Justice Department in the Hanigan matter. Huerta agreed to consider the coalition's request for a federal investigation of the torture incident. He met with members of the coalition again on April 8, 1978, to continue discussion on the federal merits of re-opening the case. But at this particular meeting, Huerta was non-committal in his actions and recommendations to the Justice Department. The coalition came away from the meeting unimpressed with Huerta and his lack of commitment to pursue a civil rights matter.

MALDEF joined the Antioch School of Law as co-counsel on April 5, 1978, in order to strengthen support for the Coalition's efforts to pressure the federal government to re-open the Hanigan case.⁸² The coalition was on the move now. Letters from union leaders, national politicians, state representatives, governmental agencies, and civil rights groups poured into the office of the Justice Department. Telephone calls were made to Arizona politicians, urging them to press the federal government to reinvestigate the case. The coalition's efforts paid off. Finally, on June 21, 1979, the federal government agreed to investigate.⁸³ The Justice Department had determined that there was federal jurisdiction to proceed with a grand jury probe of circumstances surrounding the kidnapping, assault, and robbery of Manuel García Loya, Bernabe Herrera Mata, and Eleazar Ruelas Zavala. The coalition had succeeded in calling attention to the violation of the civil rights of undocumented Mexican nationals who sought work in the United States, and encountered violence and abuse. The Hanigan brothers now faced a federal trial and were accused of interfering with interstate commerce by kidnapping, torturing, and robbing three Mexican nationals on August 18, 1976. On July 29, 1980, a federal judge declared a mistrial. The federal jurors were deadlocked in an 8-to-4 split in favor of conviction. On January 20, 1981, a third civil rights trial of the Hanigan brothers began in Phoenix. On February 24, 1981, Thomas Hanigan was acquitted. His

brother, Patrick, was found guilty of violating federal laws governing interstate commerce. U.S. District Judge Richard Bilby gave Patrick Hanigan a three-year prison sentence, which was later appealed six times. Finally, after appeals were exhausted, Patrick Hanigan reported to the Swift Trail Prison Camp at Safford, Arizona on May 27, 1983, almost six years after the torture of three undocumented Mexican nationals on the Hanigan ranch.⁸⁴

Conclusion

What happened on the Hanigan ranch outside Douglas, Arizona, on a hot summer afternoon in 1976 polarized the residents of Cochise County. It brought national and international attention to the question of whether the civil rights of Mexican nationals, who illegally crossed the border to look for agricultural work, were violated when they were kidnapped, tortured, assaulted, and robbed by American ranchers. The Hanigans became both judge and jury when they decided that the Mexicans were on their ranch with robbery on their minds. Some residents in Cochise County believed the Mexicans deserved the violence they encountered simply because they were violators of American laws and therefore were undeserving of any protection of their rights. When the Hanigans were indicted for their crimes, some Americans were appalled at the idea that Mexican nationals could bring charges against Americans who were merely protecting their property and standing up for their rights. The American ranchers were found innocent in a state trial that civil rights groups considered to be a mockery of American justice because no Mexican Americans served on the grand jury. Were it not for the demand for social justice in a case which had grown to international proportions, the acquittals of the Hanigans would have passed into obscurity. The Hanigan trial is important because it served as a rallying cry for civil rights advocates. Anglo Americans and Mexican-Americans saw impoverished and uneducated Mexicans seeking work in a land of opportunity, but finding violence and mistreatment instead. The severity of the mistreatment which the Mexican nationals endured created sympathy for them. The American ranchers, on the other hand, had supporters who saw them as folk heroes. The Hanigan trial also brought attention to a more serious consideration which was not taken into account by the jury. And it is this: the American ranchers suspected the undocumented Mexican nationals of being burglars. The Mexicans were tortured simply because they were suspected of

being burglars and suspects of a crime which did not occur. A violent act based upon a suspicion was unjustly committed. The Mexicans did not deserve the treatment they received at the hands of the Hanigans.

NOTES

- ¹ The term "Mexican American" refers to persons living in the United States who are of Mexican origin or whose parents or ancestors came to the United States from Mexico or whose antecedents resided in those parts of the southwestern United States that were once part of Mexico.
- ² *Douglas/Agua Prieta: International Community Prospectus*. (Phoenix: Office of Economic Planning and Development, 1977), 1; *Douglas, Arizona*. (Douglas: Chamber of Commerce, 1914), 7-9. Bill Weir, *Arizona Handbook* (Chico, Calif.: Moon Publications, 1986), 417-419.
- ³ A municipio is the smallest Mexican governmental unit and has its own elected officials. It functions much in the same way a county in the United States would function. The municipio of Agua Prieta is situated in the northeast corner of the State of Sonora.
- ⁴ Bill Weir, *Arizona Handbook*, 417.
- ⁵ *Douglas/Agua Prieta: International Community Prospectus*, 53.
- ⁶ In 1968, the first maquila industries were established in Agua Prieta by American investors mainly attracted by the strategic location of Agua Prieta and the wage differential between the U.S. and Mexico. For a better understanding of the complex relationships between border sister cities, see: Oscar J. Martínez, *Border Town Boom: Ciudad Juárez Since 1848*. Austin: Univ. of Texas Press, 1975; and Mario T. García, *Desert Immigrants: the Mexicans of El Paso, 1880-1920*. New Haven: Yale University Press, 1981.
- ⁷ Bill Weir, *Arizona Handbook*, 418.
- ⁸ *Douglas/Agua Prieta: International Community Prospectus*, 15.
- ⁹ *Ibid.*, 21.
- ¹⁰ "Burglary Suspect Caught," *The Daily Dispatch*, 26 August 1976; Bob Stertz, "Area Residents Give Reactions On Torture Case," *The Daily Dispatch*, 27 August 1976; Jack McElroy, "Break-ins Rile Area Residents," *The Daily Dispatch*, 11 September 1976; "More Action Urged Against Burglaries," *The Daily Dispatch*, 5 February 1977; "53 Illegal Aliens Seized Near City; Mexican Migrants Flood Border," *The Daily Dispatch*, 8 August 1977; Jack McElroy, "Border Protection Petition Pushed," *The Daily Dispatch*, 26 November 1976.
- ¹¹ *idem*, "Break-ins Rile Area Residents," 1.
- ¹² *Ibid.*
- ¹³ *Ibid.*
- ¹⁴ *Ibid.*; Carol Trickett, "Sister Cities Suffer Over Recent Peso Cut," *The Daily Dispatch*, 29 September 1976; "More Action Urged Against Burglaries," *The Daily Dispatch*, 5 February, 1977.
- ¹⁵ *Report To the United States Commission On Civil Rights Regarding the Torturing of Mexicans: the Hanigan Case*. Washington, D.C.: The National Coalition on the Hanigan Case, 1978.

- ¹⁶ Drexel Atkinson, senior agent for the U.S. Border Patrol in Douglas, said that García Loya had been apprehended once; Herrera Mata four times; and Ruelas Zavala three times for various border violations prior to August 18, 1976. See: Tom Beal, "Testimony Ends In Trial of Hanigans," *The Arizona Daily Star*, 5 October 1977; Dona Martin, "Defense Rests Case In Trial of Douglas-Area Brothers," *Arizona Republic*, 5 October 1977.
- ¹⁷ Tom Miller, "Hanigan Verdict: Why They Got Off," *New Times Weekly*, 23-30 November 1977.
- ¹⁸ *Ibid.*; Dan Skartvedt, "First Alien Ends Hanigan Testimony," *The Arizona Daily Star*, 4 July 1980.
- ¹⁹ Gene Varn, "Hanigan Prosecution Called Poor," *Arizona Republic*, 4 July 1980.
- ²⁰ *idem*, "First Alien Ends Hanigan Testimony."
- ²¹ *Ibid.*
- ²² *idem*, "Hanigan Verdict: Why They Got Off," 7-8; *idem*, "Defense Rests Case In Trial of Douglas-Area Brothers."
- ²³ Betty Beard, "Doctor Analyzes Mexicans' Testimony," *Arizona Republic*, 21 February 1981.
- ²⁴ *idem*, "Defense Rests In Trial of Douglas-Area Brothers," 11.
- ²⁵ Tom Beal, "Witnesses Back Aliens In Abuse Case," *The Arizona Daily Star*, 1 October 1977.
- ²⁶ *Ibid.*
- ²⁷ *Ibid.*
- ²⁸ Toni Breiter, "They Sought Work and Found Terror," *Agenda* 7, (May-June 1978): 22.
- ²⁹ *Ibid.*, 1.
- ³⁰ Sam Negri, "Due To Burglaries, Many Back Bisbee Defendants," *Arizona Republic*, 17 September 1977; "Brothers Too Poor To Pay For Assault Trial, Court Told," *Arizona Republic*, 8 October 1977; "Hanigans To Pay For Own Defense," *The Daily Dispatch*, 14 October 1977.
- ³¹ The expression "wets" refers to the term, "wetbacks." Both terms are considered to be pejorative and refer to a person's unauthorized presence in the United States. In their *Dictionary of Mexican American History*, published by Greenwood Press in 1981, Matt Meier and Feliciano Rivera note that the "Mexican terms '*espalda mojada*' (literally, wet back) and '*mojado*' (wet one) refer to the fact that one way of crossing the border between Mexico and the United States is by swimming or wading the Rio Grande."
- ³² This portion of my narrative describes the torture of the three Mexican nationals as described in: In the United States District Court For the District of Columbia. National Council of La Raza; Secretariat For the Spanish Speaking. National Conference of Catholic Bishops, United States Catholic Conference; La Raza Legal Alliance; Catholics For Christian Political Action; Cochise County Committee For Justice In the Hanigan Case; V. Griffin B. Bell, Attorney General of the United States; Drew S. Days III, Assistant Attorney General of the United States, United States Department of Justice. Civil Action No. 78-2174. "Declaratory Judgement, Mandamus. November 16, 1978," 2-17. Hereafter cited as: "Declaratory Judgement, Mandamus"; *idem*, "They Sought Work And Found Terror," 23; *idem*, "Hanigan Verdict: Why They Got Off," 8; *idem*, *Report to the United States Commission On Civil Rights Regarding the Torturing of Mexicans: the Hanigan Case*, 3-8.

- ³³ “Declaratory Judgement, Mandamus.”
- ³⁴ *Ibid.*
- ³⁵ Tom Fitzpatrick, “‘Tortured’ Mexicans Have Terrifying Stories To Tell Federal Jury,” *Arizona Republic*, 30 June 1980; Ernie Heltsley, “Alien Tells of Fleeing From Three Tormenters,” *Arizona Republic* 1 July 1980; Gene Varn, “Mexican Witness Names Hanigans As Tormenters,” *Arizona Republic*, 1 July 1980; Dan Skartvedt, “First Alien Ends Hanigan Testimony: ‘Thought I Was Going To Die’,” *The Arizona Daily Star*, 4 July 1980; Gene Varn, “Judge in Hanigan Trial Has ‘Problem’ Witness,” *Arizona Republic*, 8 July 1980; Gene Varn, “Testimony By Mexican Resumes In Hanigan Trial,” *Arizona Republic*, 10 July 1980.
- ³⁶ *idem*, *Report to the United States Commission On Civil Rights Regarding the Torturing of Mexicans: the Hanigan Case*, 6.
- ³⁷ *Ibid.*
- ³⁸ *Ibid.*, 7.
- ³⁹ *idem*, *Report to the United States Commission On Civil Rights Regarding the Torturing of Mexicans: the Hanigan Case*, 16.
- ⁴⁰ Bob Stertz, “Torture Case May Go Before Grand Jury,” *The Daily Dispatch*, 23 August 1976; “Mexico Demands Full Extent of Law,” *The Daily Dispatch*, 24 August 1976; “Governor, Mexico React to Torture,” *The Daily Dispatch*, 25 August 1976; “Jury Set to Meet,” *The Daily Dispatch*, 26 August 1976.
- ⁴¹ *idem*, “Governor, Mexico React to Torture,” 1.
- ⁴² *Ibid.*
- ⁴³ *Ibid.*
- ⁴⁴ *idem*, *Report to the United States Commission On Civil Rights Regarding the Torture of Mexicans: the Hanigan Case*, 9.
- ⁴⁵ *idem*, “Governor, Mexico React to Torture,” 1.
- ⁴⁶ *Ibid.*
- ⁴⁷ 1976 INS Annual Report.
- ⁴⁸ David S. North, *The Border Crossers: People Who Live In Mexico and Work In the United States*. (Wash., D.C.: TransCentury Corp., 1970).
- ⁴⁹ Hearings On Illegal Aliens Before Sub-Committee No. 1 of the House Committee on the Judiciary, 92nd Congress, 1st Session, Pt. 2 at 528, (1971).
- ⁵⁰ Articles in *The Daily Dispatch*, published in Douglas, began to appear on September 11, 1976 blaming virtually all border area burglaries on Mexican nationals, thus attempting to justify the tortures committed by the Hanigans by portraying the three Mexican nationals and all undocumented Mexicans as “thieves” who deserved to be dealt with harshly and “taught a lesson”; *idem*, “Area Residents Give Reaction On Torture Case,” 1; “No. 1 Border Problem,” *The Daily Dispatch*, 31 August 1976.
- ⁵¹ *idem*, *Report To The United States Commission On Civil Rights Regarding the Torturing of Mexicans: the Hanigan Case*, 9.
- ⁵² Bob Stertz, “Hanigan, Two Sons Indicted On 14 Counts,” *The Daily Dispatch*, 28 August 1976; “No Arrests Made In Torture Case,” *The Daily Dispatch*, 26 August 1976; “Hanigan

- Charge Delayed," *The Daily Dispatch*, 7 September 1976.
- 53 "Hanigans Plead Not Guilty," *The Daily Dispatch*, 7 October 1976; "Polley Requests Another Grand Jury Proceeding," *The Daily Dispatch*, 30 October 1976.
- 54 Bob Stertz, "Motions May Delay Hanigan Trial," *The Daily Dispatch*, 20 November 1976; "No Trial For Hanigans On December 7," *The Daily Dispatch*, 1 December 1976; Bob Stertz, "Dec. 11 Deadline For Hanigan Case," *The Daily Dispatch*, 7 December 1976; Bob Stertz, "Grand Jury Reindicts Hanigans," *The Daily Dispatch*, 9 December 1976; "Official Interpreters For Hanigan Case," *The Daily Dispatch*, 9 December 1976; "Hanigans Face Arraignment Friday," *The Daily Dispatch*, 3 January 1977; "Hanigan Trial Set For March," *The Daily Dispatch*, 7 January 1977.
- 55 "Hanigan Found Dead At Home," *The Daily Dispatch*, 22 March 1977; "Hanigan Trial Date Postponed," *The Daily Dispatch*, 23 March 1977; "Hanigan Case Jurors Not Called," *The Daily Dispatch*, 26 March 1977; "Judge Delays Trial," *The Daily Dispatch*, 29 March 1977.
- 56 "Polleys File Motion for ID, Evidence Suppression," *The Daily Dispatch*, 14 April 1977; "Deputy Elliston Says Hanigan Home Search Illegal," *The Daily Dispatch*, 14 April 1977; "Hanigan Trial Delayed," *The Daily Dispatch*, 23 April 1977; "Hanigan Trial Set For May 26," *The Daily Dispatch*, 30 April 1977; "Hanigan Trial May Be Delayed," *The Daily Dispatch*, 14 May 1977; "Hanigan Trial Scheduled," *The Daily Dispatch*, 16 May 1977; "Hanigan Trial Postponed Again," *The Daily Dispatch*, 17 June 1977; "Hanigans Go On Trial Aug. 18," *The Daily Dispatch*, 16 July 1977; "Hanigan Trial Reset for 6th Time," *The Daily Dispatch*, 17 August 1977.
- 57 *idem*, Report to the United States Commission on Civil Rights Regarding the Torturing of Mexicans: the Hanigan Case, 16; Dona Martin, "Mexican Tells Jury of Torture," *Arizona Republic*, 17 September 1977; "Probe Sought On Illegal Alien Mistreatment," *Arizona Republic*, 9 October 1977; Jeff Smith, "Hanigan Trial Uproar Bares the Soul of Cochise County," *Tucson Citizen*, 26 October 1977.
- 58 *idem*, "Hanigan Trial Uproar Bares the Soul of Cochise County," 1.
- 59 Dona Martin, "Beaten Alien Sought Deal, Lawyer Claims," *Arizona Republic*, 21 September 1977.
- 60 Dona Martin, "Alien Says Consul Drilled Him On Trial," *Arizona Republic*, 28 September 1977.
- 61 *idem*, "Alien Says Consul Drilled Him On Trial."; Tom Beal, "Testimony Ends In Trial of Hanigans," *The Arizona Daily Star*, 5 October 1977.
- 62 "Hanigan Jury Still Debating," *The Arizona Daily Star*, 7 October 1977.
- 63 *idem*, Report to the United States Commission on Civil Rights Regarding the Torturing of Mexicans: the Hanigan Case, 27.
- 64 "Jury Clears Hanigans; Mexican Consul Angry," *Tucson Citizen*, 8 October 1977; Dona Martin, "Bisbee Jurors Clear Brothers in Torture Trial," *Arizona Republic*, 8 October 1977; "Frecing Douglas Pair Has Opened Hunting Season, Consul Says," *Phoenix Gazette*, 8 October 1977; Tom Beal, "Jury Acquits Hanigans On All Charges," *The Arizona Daily Star*, 8 October 1977.
- 65 Tom Kuhn, "Probe Sought On Illegal Alien Mistreatment," *Arizona Republic*, 9 October 1977.

- ⁶⁶ *idem*, Report to the United States Commission on Civil Rights Regarding the Torture of Mexicans, 28.
- ⁶⁷ *idem*, "Probe Sought On Illegal Alien Mistreatment."
- ⁶⁸ Danny Maddux, "Cowan To Ask U.S. To Retry Hanigans," *The Arizona Daily Star*, 9 October 1977; Glen Law, "U.S. Intervention Is Sought In Alien-Torture Acquittals," *Arizona Republic*, 11 October 1977; Frank Clifford, "U.S. Prosecutor Seeks Hanigan Inquiry By FBI," *The Arizona Daily Star*, 12 October 1977.
- ⁶⁹ Frank Clifford, "Odds Against U.S. Action On Hanigans, Official Says," *The Arizona Daily Star*, 13 October 1977.
- ⁷⁰ "Boycott of Border Business Over Hanigan Acquittal Asked," *Tucson Citizen*, 17 October 1977; "A Second Look At The Hanigans," *Tucson Citizen*, 17 October 1977; "Boycott Urged Over Hanigan Acquittal," *The Arizona Daily Star*, 17 October 1977.
- ⁷¹ The advertisement read: "Boycoteo. ¡Mexicanos Unirens! No Compren En Los Pueblos Fronterizos En EEUU Hasta Que Haiga Justicia En El Caso Hanigan. ¡Defenden Su Raza, No Compren! Habra Lineas De Piquete Cada Sabado En Las Garritas Hasta Que Haiga Cargos Federales En Contra De Los Hanigans. ¡No Descansaremos Hasta Que Haiga Justicia!" (Boycott. Mexicans Unite! Don't Shop In Border Towns Along the United States Until There's Justice In The Hanigan Case. Defend Your People, Don't Shop! There Will Be Picket Lines Every Saturday Along Border Stations Until There Are Federal Charges Against The Hanigans. We Will Not Rest Until There Is Justice!").
- ⁷² "Ads In Mexico Propose 'Hanigan Boycott'," *Tucson Citizen*, 24 October 1977.
- ⁷³ "Mexican Ads Ask Boycott of U.S. Shops," *Phoenix Gazette*, 24 October 1977.
- ⁷⁴ Sam Negri, "Ads Encourage Mexicans To Boycott Border Towns," *Arizona Republic*, 24 October 1977.
- ⁷⁵ *idem*, "Ads Encourage Mexicans To Boycott Border Towns."
- ⁷⁶ Bob Stertz, "Boycott Of Douglas Merchants Ends," *The Daily Dispatch*, 26 October 1977.
- ⁷⁷ Bob Stertz, "Boycott Prevention Talks Planned," *The Daily Dispatch*, 27 October 1977; Judy Donovan, "Protesters Call Off Boycott At Border," *The Arizona Daily Star*, 27 October 1977; "Douglas Border Boycott Folds," *Tucson Citizen*, 27 October 1977; "Boycott of Border Towns Ends," *Arizona Republic*, 27 October 1977.
- ⁷⁸ Bob Stertz, "Councilman Barraza Says He Won't Resign," *The Daily Dispatch*, 26 October 1977.
- ⁷⁹ Bob Stertz, "Councilman Barraza Remains," *The Daily Dispatch*, 27 October 1977.
- ⁸⁰ Antonio Bustamante was a former Douglas High School student body president and a classmate of Patrick Hanigan. He had worked as a community organizer in his hometown before he attended law school in Washington, DC. He followed the Hanigan case very closely. His family sent him newspaper articles from *The Daily Dispatch* about the trial. He and his boyhood friend, Jose Bracamonte, a student at Notre Dame University School of Law, and Chairperson of La Raza Legal Alliance, helped to rally other law school students to find ways to get the Hanigan case re-visited by federal investigators. Bustamante organized a national committee and talked seven of his law school professors at Antioch Law School into getting involved in researching the Hanigan case. Bustamante was outraged over the injustice of the Hanigan verdict and felt compelled to get involved. He and

Bracamonte were familiar with the exploitation and mistreatment of undocumented Mexicans along the border because they had "grown up with it." José Bracamonte, interview by Christine Marín, 23 February 1993, Phoenix, Arizona.

⁸¹ Other groups in the Hanigan Coalition were the Georgetown University Centro de Inmigración; National Congress of Hispanic American Citizens (El Congreso); National IMAGE, Inc.; Third World Law Student Collective; Cochise County Committee For Justice In The Hanigan Case; the MANZO Area Council; and the Arizona Mexican American Political Conference. José Bracamonte, interview by Christine Marín, 23 February 1993, Phoenix, Arizona.

⁸² *idem*, José Bracamonte, interview.

⁸³ Jerry Hickey, "U.S. Jury Will Probe Alien-Torture Case," *Arizona Republic*, 22 June 1979.

⁸⁴ *idem*, José Bracamonte, interview.