

# Fight for Justice Francisco "Kiko" Martínez



Photos by David A. Martínez

A 1980 photo of Martínez taken shortly after he was arrested and released on bail showing him with his own wanted poster on display at post offices across the U.S.



Illustration by Juan Espinosa

In September 1980, Francisco "Kiko" Martínez was arrested in Arizona when crossing the border from Mexico. Upon learning of his arrest, Colorado television stations began their newscasts with the lead, "COLORADO'S NUMBER ONE FUGITIVE CAPTURED." They then went on to paint a false picture of Martínez, essentially as a dangerous criminal destined for a life in prison, finally incarcerated and certain to be convicted of allegations later proven false.

At the time of his arrest, Martínez was facing seven federal counts alleging sending explosives in the mail in 1973, and 11 state charges stemming from two of the same alleged incidents involving a Denver motorcycle shop and a Denver policewoman. No one was injured in any of the alleged incidents. Three years later, he was cleared on all charges.

As reported in *La Cucaracha* in its September 16, 1983 Issue:

## "Martínez Cleared on Bomb Charges"

... But the recent decision by U.S. District Court Judge Frank G. Theis to dismiss two remaining bombing charges against Chicano attorney Francisco "Kiko" Martínez, 37, of Alamosa, appears to have been better received by his supporters than the defendant himself. Once word of the August 18 decision to drop the last counts of an indictment issued in 1973, victory celebrations were held around the state by Chicanos and other Martínez supporters, jubilant that their cries to "Free Kiko" had become reality. But Martínez himself was not as quick to celebrate.

"I don't believe it yet, and I won't believe it until I see that everyone's property is released and I can come and go as I please," Martínez told *La Cucaracha* in an interview.

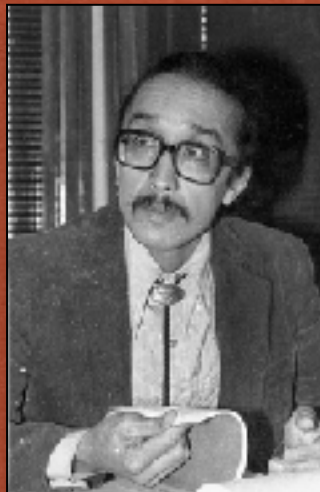
He was referring to the \$550,000 bail posted in 1980 by 16 property owners, in 1980 by 16 property owners that were still being held pending a government decision on an appeal.

Prior to that, in 1981, three other federal charges related to a third alleged bomb mailed to a Denver police woman were dropped. It was discovered that Chief U.S. District Judge Fred M. Winner, presiding over a trial in Pueblo, secretly met with prosecuting attorneys in his hotel room during the proceedings.

Also in 1981, then-Denver District Attorney Dale Tooley dropped 11 state charges against Martínez, related to the same three alleged bombs, after problems surfaced with the federal prosecution.

"I knew there would be an end to this thing and I knew they couldn't get the best of me," Martínez said.

Throughout the ordeal, Martínez has maintained that "the only fair trial is no trial at



Kiko Martínez at work with his defense team in 1981.

all," and even as it appears he has been freed, his stance hasn't changed.

"That wasn't justice," he said of the judicial process. "The way I look at it, the legal system didn't work because if it had worked, I'd be locked up right now. Look at Winner meeting with the prosecutors, that doesn't give me any more faith or respect in the legal system."

The Chicano activist is also quick to diminish much of the praise and gratitude extended to him by supporters in an increasing amount since the November acquittal.

"This case doesn't represent all the injustices that our people endure on a daily basis," he said. "Look at education, unemployment and other areas. Poor people are bearing the brunt of the federal cuts and tax increases. And look how long the undocumented worker has been abused. Relatively speaking 10 years is a good chunk out of one individual's life, but in terms of our people, it's (his case) only one of many struggles being waged. This is just one cause amongst many that our people have. That's all it was — a cause."

"We brought a lot of different types of people together for a purpose, but what it really means for the future and the place it occupies in history remains unknown. Maybe this will be a footnote somewhere in the history books someday, but to us it was all consuming because it affected us personally."

"But it showed something. It exposed a corrupt federal judge and some bad things in their system to many people who didn't believe such conduct existed in the courts."

After his acquittals Martínez's licenses to practice law in Colorado and New Mexico were reinstated.