

BEFORE THE SPECIAL INTERNATIONAL TRIBUNAL ON THE SITUATION OF POLITICAL PRISONERS
AND PRISONERS OF WAR HELD IN UNITED STATES
PRISONS AND JAILS
DECEMBER 7-10, 1990
HUNTER COLLEGE
NEW YORK CITY, NEW YORK

ALVARO HERNANDEZ & ALBERTO ARANDA
CHICANO POLITICAL PRISONERS

“There is no doubt that the political views of George Jackson were offensive to the guards, to parole board members, and to others who support the system. However, he was not convicted for these views or for any other behavior connected with them. If society keeps George Jackson and people like him in prison because the general public does not like their views or the way they express them, then such prisoners are being denied due process and have become political prisoners.”

—Criminology
Crime & Criminality
Haskell & Yablonsky
3rd Ed., p. 546



COMMITTEE TO FREE
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Movimento de Liberacion Nacional Mexicano

ALVARO HERNANDEZ and ALBERTO ARANDA are Chicano prisoners incarcerated in the Texas Department of Criminal Justice, Institutional Division, in Huntsville, Texas, the nation's third largest prison system. Although convicted of "traditional crimes" not associated with any social or political objective, they developed political consciousness and became politically active inside prison. As a response to their militant activities, prison and parole board officials deny them parole year after year. They have languished in prison for years not because of their original offenses, but because of their political ideas and their political activities. They describe the Southwest United States as being "occupied territories" robbed from Mexico by the U.S. government through a genocidal war of colonial annexation. They consider themselves members of the Mexican Movement for National Liberation and call for the liberation of these occupied territories and for the reunification of a free, democratic and socialist Mexico. They have, therefore, become political prisoners of the Malcolm X, George Jackson type. The U.S. government and the State of Texas are guilty of gross violations of their human rights. Rights guaranteed by the U.S. Constitution, the Universal Declaration of Human Rights, and they are entitled to international protection, to amnesty, and to their immediate, unconditional release from Texas prisons.

Inside Texas prisons both of these prisoners are known as prolific "jailhouse lawyers" who help other prisoners with preparation and filing of petitions for the redress of grievances challenging inhumane prison conditions and denial of fair-trial rights. **Alvaro Hernandez** and **Alberto Aranda** have been in the forefront of the prison reform movement in Texas, winning many victories on behalf of all Texas prisoners. These victories resulted in sweeping changes in areas such as correspondence rights, overcrowding, medical treatment, affirmative actions programs and in many other prison cases. One such case was a landmark case styled *Ruiz v. Estelle*, described as one of the most far reaching and bitterly contested cases in American jurisprudence.*

* For a history of these struggles, see: *Ruiz v. Estelle*, 503 FS. 1265; *Hernandez v. Estelle*, 788 F2d 1154; NEWSWEEK, Oct. 6, 1986, "Inside America's Toughest Prison;" TEXAS PRISONS: THE WALLS CAME TUMBLING DOWN, TEX. Monthly Press, Inc., 1987;

Both have participated in hunger strikes and in work stoppages to protest inhumane prison conditions. They have charged guard complicity in racist organizing activities and in the murder of other prisoners. They have organized many prisoners rights, human rights, and other political and legal defense groups in prison such as the Committee for Prison Reform & Defense of Human Rights (CPRDHR), Justice For All Prisoners (JFAP), Chicano Prisoners Resistance Movement (CPRM), Prisoners United For Revolutionary Education (PURE), and others.

Alvaro Hernandez recently won the legal right of Texas Prisoners to form political and cultural groups in prison. In a civil rights suit, Alvaro has charged the Texas Governor and the Parole Board with racial discrimination against Chicano and Black prisoners in parole grants, racially discriminatory employment practices (that exclude minorities and women from sitting on the Parole Board), political patronage policies, and denial of parole in retaliation for legal and political activities and political beliefs.

In a May 1984 solitary review report prepared by prison officials to justify keeping Alvaro in solitary, they wrote: "Inmate's own statements concerning political beliefs indicate he is a threat to institutional security and order and has the potential to disrupt population." Alvaro spent 8 years in solitary confinement as a result of his resistance to racism, prison guard brutality, prison financial corruption, his human rights work, and his political beliefs. He is serving a life sentence for capital murder out of Pecos County, Texas. Alvaro has been imprisoned for nearly 16 consecutive years. A number of court documents obtained after his jury trial by an all-white jury revealed that the state used perjured testimony and suppressed crime lab reports and other favorable evidence that would have cleared him, in order to convict him. Alvaro has maintained his innocence. However, courts have refused to consider these gross violations of fundamental rights. **Alvaro Hernandez** has been eligible for parole since 1986 but is denied parole every year as punishment and to break his spirit of resistance. This, despite the fact that other non-politically active prisoners, serving similar sentences for similar offenses, have served less time and have been released on parole.

Alberto Aranda has been imprisoned since 1980. He has spent nearly 9 years in solitary confinement as punishment for his activism. In 1989 he was convicted in a Huntsville district court of aggravated assault on a prison guard and sentenced to an additional 40

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year term stacked on top of the 18 year prison term he was originally serving for robbery out of Harris County, Texas. The "assault" consisted of Alberto allegedly throwing water in the guard's face; the guard received no injuries at all. Although other prisoners engage in this type of conduct in self-defense against abusive guards and are never prosecuted, Alberto was charged and convicted. This was in retaliation for his legal and political activities against his keepers, and against a prison system that is predominantly comprised of ethnic nationality prisoners; like the majority of prisoners in this country. The accusing guard was the same guard that Alberto had previously accused of complicity in the assassination of prison activist Johnny "Awali" Swift, a former member of the Black Panther Party's Houston Chapter. An appeal of that conviction is pending review. He has "discharged" his original 18 year term, and if his conviction is reversed, as it should be, Alberto would be entitled to immediate release from prison.

While the United States government masquerades before the world as the principal protector of "human rights," in reality it is the chief violator of human rights domestically and internationally. It has absolutely one of the very worst records among all of the so called Western liberal democracies when it comes to the ratification of the major multilateral human rights instruments. Since the colonial conquest of Mexico in 1848, the U.S. government has criminalized and destroyed Chicano-Mexicano efforts aimed at socio-economic-political change, and national liberation. The Chicano-Mexicano Nation is a captive nation, and Alvaro and Alberto are members of liberationist forces in struggle against Yankee colonialism and imperialism. They are political prisoners the U.S. government refuses to recognize as such.

For more information about these Chicano political prisoners, and the Movement to free them, please contact the Committee: the Movimiento de Liberacion Nacional Mexicano, P.O. Box 33687, Los Angeles, CA. 90033, or write to them at: Alvaro Hernandez, -255735, Goree Unit (D6-57), Huntsville, TX., 77344; Alberto Aranda, -300823, Ellis I Unit, Huntsville, TX. 77343.

**FREE ALVARO & ALBERTO!
FREE ALL POLITICAL PRISONERS & POW'S!**

STATEMENT OF ALVARO HERNANDEZ

SISTERS, BROTHERS, FRIENDS, COMRADES, DISTINGUISHED GUESTS:

December 7, 1990

The Chicano-Mexicano people are a Nation, an internal colony and a captive nation. United States society has always been a prison for La Raza, our people. I am speaking to you from a prison, within a larger prison.

After Mexico refused to sell the Mexican State of Coahuila-Tejas to the U.S. government under the administration of then-President John Quincy Adams in 1825, the government began a brutal war of forcible annexation against Mexico. Thousands of Mexican people were killed and over half of Mexico's national territory was robbed by the U.S. government; states which are the present Southwest United States, occupied territories conquered by the racist, colonial genocidal, and cotton slavery politics of "Manifest Destiny."

In today's modern-day prison in America, Chicanos-Mexicanos suffer the highest underemployment and unemployment rates in the United States. We have the lowest per capita incomes; the highest mortality rates and the highest illiteracy rates. Our children receive a racist and an inferior public education. Our children are forced to become "Americanized" and to adopt American patriotism. We occupy the most overcrowded and dilapidated housing. We are constant victims of police brutality and murder. We are sent to jails and prisons in record numbers. Our people are daily hounded and persecuted by "La Migra" (Border Patrol) simply because they are dark-complexioned and speak Spanish, or speak English with an accent. We have less political representation in local, state, and national government than any other nationality in the country. Our people are considered "foreigners" by the dominant society. We are victimized by a humiliating second-class citizenship in our own native lands, and on and on. Chicanos-Mexicanos are an occupied, colonized Nation that continue to suffer the physical and psychological brutalities of modern-day colonial and imperial rule. Chicanos-Mexicanos, in prison and out of traditional prison, are all political prisoners and prisoners of war denied their humanity, denied their human rights, oppressed, exploited, discriminated against, and held captive by the U.S. government. The Chicano-Mexicano national and colonial question is a human rights question that can no longer be ignored by the World Community. Like the case of our Sister Nations, Puerto Rico, New Caledonia, New Republic of Africa, Palestine, South Africa, these questions must be presented to the United Nations General Assembly's Decolonization Special Committee, in respect of international law and the right of nations to self-determination. Annexation is a violation of the right of nations to self-determination. The Chicano-Mexicano Nation must be free from foreign, colonial and racist domination.

On December 10, 1990, in celebration of International Human Rights Day, let this historic human rights conference be the first in a series of historic steps. Steps not only of a World Movement to free all political prisoners and prisoners of war held captive in U.S. prisons and jails, but also of a Solidarity Movement. A movement to unite all the oppressed peoples of the Globe in struggle for World social justice, peace, national liberation, self-determination. A movement for independence from under the claws of the monster of Yankee colonialism, fascism, and imperialism that imprisons oppressed Nations, in particular countries of the Third World.

There exists over 100 political prisoners and prisoners of war held in United States prisons and jails the U.S. government refuses to recognize as such to meet its own self-serving interests. However, it cannot forever conceal these historic truths nor can it stop the power of united people to set free its imprisoned freedom fighters struggling for the liberation of their respective Nations. Although the U.S. government parades before the World as the "guardian" of human rights, in all reality it is the chief violator of human rights domestically and internationally. The proof is in the oppressed ghettos and bill, and the war for oil profits being waged in the Persian Gulf today. These among a multitude of other social and racial injustices that plague American society. The U.S. government has absolutely one of the very worst records among all of the so called Western liberal democracies when it comes to the ratification of the major multilateral human rights instruments. All these demonstrates the rank hypocrisy that historically has been the "bedrock" of the American government and the formulation of U.S. human rights policy in the world -a deceitful and hypocritical policy based on misinformation, lies, manipulation and suppression. The U.S. government is in for a rude awakening. It cannot stop the people's tide for social change, freedom, justice, liberation and self-determination.

It wasn't too long ago that Nelson Mandela was considered a "terrorist" and a "criminal" in the eyes of many. Made possible through the dynamic and creative power of a united world conscience and movement to free him, Comrade Mandela was freed from prison and restored to his rightful position as international dignitary and leader of the African National Congress. He is a champion for the human fights of all the world's poor and oppressed people. Likewise, all the political prisoners and prisoners of war held in U.S. jails and prisons will someday soon be free too. For there is nothing more overwhelming than the power of a united people with social and human liberation on their mind.

From the prison cell in one of Texas' Concentration camps for the poor, I thank all those people and organizations who made this historic event possible, and sent fraternal greetings to everyone.
POWER TO THE PEOPLE! FREE ALL POLITICAL PRISONERS AND PRISONERS OF WAR!

In Struggle
ALVARO L. HERNANDEZ

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Before The Special International Tribunal On The
Situation of Political Prisoners and Political Prisoners of
War Held in the United States Prisons and Jails.

December 7, 1990

STATEMENT OF ALBERTO ARANDA

I am a 34 year old Mexican descendant born in the illegally occupied territories of Mexico, now known as the Southwest of the United States.

I am of the element of young Mexicans who instinctively, subconsciously, and unconsciously rejects the pre-dominant Society. Before coming to prison my inborn tendency to rebel evolved, as I later discovered from experience, from the historical social relations between colonial America and Mexico - and further rooted in the Mexican Revolution. I believe myself to be a true manifestation of the historical and ongoing American social class oppression of former colonized, displaced and disenfranchised peoples and nations.

I have served the last eleven calendar years of an eighteen year sentence for robbery of approximately \$1.50 dollars. My act of robbery was an unconscious and sub-conscious act of social rebellion committed at an age when I was totally ignorant of my history or my true social identity by this society's own record.

Since 1980 in prison I have been constantly involved in self-education, legal and political activities against social class imprisonment and its dehumanizing conditioning of my race and my overall class of people.

The Texan prison system is still operated like slave plantations - where rebellious and rejected elements of the permanent underclass are further dehumanized, maintained and recycled for profit.

It was during the Ruiz V. Estelle systemwide class action prisoners civil rights trial in 1980 - that I first consciously decided to take a stand against my dehumanization. The Ruiz case represented the accumulated human struggle of Texas prisoners to fight for their human dignity and fundamental basic human rights against an institutional dehumanization that continues the way of slavery.

Because of my involvement in prisoner protests against the Texas prison system I was asked to testify at the 1982, 1983 Ruiz compliance and 1986 Contempt hearings.

Because of my legal activism I was beaten, selectively punished and targeted for retaliation in all forms. It was this struggle that brought me together with other prisoners willing to put their lives on the line for their basic human rights.

In 1982 I met Chicano prisoner legal and political activist Alvaro Luna Hernandez, also a Ruiz witness, and with his instruction and teaching I was able to further the discovery and development of my true social being.

I consider myself to be a Chicano rebel and dedicate all my efforts to the liberation of my people who I believe suffer the same kind of colonial, neo-colonial and imperialist oppressive situation suffered by Native Black Africans and Palestinians in their illegally occupied lands.

The prison administration has continued their retaliation by holding me in a specially constructed "management cell" on death row; although I do not have a death sentence. For the last two years I have been purposely isolated from the general population - in this cell -allegedly for being staff assaultive and a threat to the security and order of the institution. This despite the fact that I have killed or injured no one - but was beaten with night sticks on two separate occasions and hospitalized. This despite the fact of having maintained a clear record without disciplinary cases for over a year. I am confined to this cell 22 1/2 hours a day and handcuffed behind my back anytime I'm taken outside the cell.

Finally, I would like to say that I am not the only Chicano, Black, Cuban, Puerto Rican, Vietnamise, South/Central American or white prisoner who has transformed the criminalized mentality into a revolutionary mentality. Many have died unknown, many endure unknown. I am only one of the many, and certainly not the most deserving of any political prisoner status, so do keep this in mind.

EN LA LUCHA,
ALBERTO ARRANDA

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