

Most activists and their movement organizations were "targeted" under secret, illegal government "counter-intelligence" actions committed in the name of national security and public order under the infamous "COINTELPRO" program, and similar initiatives, designed to "neutralize" and destroy these social movement organizations and their leadership and to arrest them from struggling for their people's rights to social and racial justice and to self-determination within the domestic boundaries of the United States. The racist, genocidal practices of the United States government cannot be denied - the majority of these social movement organizations were comprised exclusively of ethnic minorities and other indigenous peoples and groups. COINTELPRO was investigated by the SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES (popularly known as the "Church Committee") which submitted a final report in 1976.

"[T]he origins of COINTELPRO demonstrated that the [FBI] adopted extralegal methods to counter perceived threats to national security and public order because ordinary legal process was believed to be insufficient to do the job. There were innocent people who were victimized by COINTELPRO. In essence, the Bureau took the law into its own hands, conducting a sophisticated vigilante operation against [perceived] domestic enemies."
CHURCH COMMITTEE REPORT, 1976, page 27;

The CHURCH SUB-COMMITTEE concluded that many of the actions carried out by the government against these social activists could only be described as "abhorrent in a free society."¹

1. At least two FBI agents, **W. MARK FELT** and **EDWARD MILLER**, were convicted for COINTELPRO crimes but were immediately pardoned by PRESIDENT RONALD REAGAN before they began to serve their sentences.

It is such similar "abhorrent" police and governmental practices that occurred in the case at bar, now before this Commission, that has moved, shocked and compelled amici to raise their voice, to condemn such racist, arbitrary and criminal actions committed by the police, the government and the judicial systems in order to silence and wrongfully imprison an innocent man, and to "criminalize" legitimate political dissent and organizational activities, in a country that proclaims itself to be the "citadel" of equal justice under law and representative democracy in the free world. Amici has a strong interest, therefore, to see that international social justice is done in this case, and that its government respect international law and other human rights laws as a rule of law in the Americas.

PETITIONER ALVARO LUNA HERNANDEZ is a person officially recognized by amici, and by other prominent national and international organizations, as a human rights activist, a freedom fighter and a political prisoner incarcerated as a result of his political beliefs and activities while a free person.² Most notably, Petitioner's long history of human rights activism is well known, See www.freealvaro.org, including his status as a Delegate of the "NGO" (non-governmental organization), the **INTERNATIONAL INDIAN TREATY COUNCIL, San Francisco, California** (co-sponsor the **NATIONAL**

2. Two previous international tribunals organized pursuant to Nuremberg, Geneva Convention principles of international law, relative to the existence of prisoners of war, political prisoners in the United States, convened, heard evidence and issued special verdicts declaring the United States in violation of international human rights laws. See SPECIAL INTERNATIONAL TRIBUNALS, Dec. 9, 1990, Hunter College, New York City; Oct. 2, 1992, San Francisco, CA.

CHICANO HUMAN RIGHTS COUNCIL, Denver, Colorado), to the 49th Session of the UNITED NATIONS COMMISSION ON HUMAN RIGHTS held in Geneva, Switzerland in March-April 1993, wherein Petitioner personally addressed the U.N. GENERAL ASSEMBLY on questions of human rights violations in the United States. See U.N. GENERAL ASSEMBLY HEARING RECORD, 49th SESSION, March-April 1993;

Further, in addition to being the source of many other writings on his case, the most recent book published in August of 2008, edited by the below-signed amici representative member **MATT MEYER** entitled LET FREEDOM RING: A COLLECTION OF DOCUMENTS FROM THE MOVEMENTS TO FREE U.S. POLITICAL PRISONERS, PM Press, Oakland, CA., highlights Petitioner Luna Hernandezs! case at the following pages:

1. page 25;
2. pages 234-235;
3. page 566;
4. pages 662-667;
5. page 783;
6. page 829;

A copy of **LET FREEDOM RING** is being submitted by amici herein as **APPENDIX**, accompanying this pleading for this Commissions review and inspection.

STATEMENT OF THE ISSUES INVOLVED

Amici is familiar with the facts and human rights claims raised by Petitioner to this Commission. Those claims, include, among others,

1. criminalization, persecution of legitimate actions undertaken by Petitioner in exercise of rights protected under international law, including violations of the protections accorded United Nations participants, in Petitioner's capacity as a Delegate of a NGO before the United Nations Commission On Human Rights in Geneva, Switzerland, in March-April 1993, 49th Session of the General Assembly;
2. misuse and abuse of state power and the criminal justice system and penal laws to wrongfull charge, wrongfully kidnap, arbitrarily detain and imprison Petitioner and suspend the fundamental freedoms accorded to all persons to meaningful use of the writ of habeas corpus to challenge illegal restraint and detention, and give state illegal acts the appearance of law; 3
3. the right to recognition of juridicial personality (the right to be recognized as a person before the law);
4. the right to personal integrity, and to humane treatment, including not to be subjected to cruel, inhumane, or degrading treatment or punishment;
5. the right to freedom from slavery or involuntary servitude;
6. the right to personal liberty;
7. the right to a fair trial and to due process of law;
8. the right to equal protection of the law;
9. the right to judicial protection against violations of fundamental rights and liberties;

3. This Commission should take judicial notice of the decision in **United States v. Alvarez-Machain**, 504 U.S. 655 (1992) wherein the U.S. Supreme Court sanctioned U.S. government agents to kidnap persons in other sovereign countries, a decision called "monstrous" by dissenting JUSTICE JOHN PAUL STEVENS. See also **ALLEN E. SHOENBERGER, THE NOT SO GREAT WRIT: THE EUROPEAN COURT OF HUMAN RIGHTS FINDS HABEAS CORPUS AN INADEQUATE REMEDY: SHOULD AMERICAN COURTS REEXAMINE THE WRIT ?** 56 **Catholic Univ. Law Review** 47 (2006): See also **Boumediene v. Bush**, 128 S.Ct. 2229 (2008) (U.S. Military Commissions Act of 2006 held an unconstitutional suspension of the writ of habeas corpus for Guantanamo Bay "enemy combatant" prisoners);

10. the rights of indigenous and oppressed internal colonies in the Americas, to independence, self-determination and to freedom from United States government racist, colonial and imperialist rule;
11. the right to freedom from the historical crimes of the United States colonialism and to truth and reconciliation of the colonial-settler war crimes against humanity committed by the United States and Texas governments against the Chicano, Mexicano peoples and nation, from the Mexican-American War of the 1800's, and for the de-colonization of the occupied territories (Texas, New Mexico, Arizona, California, Colorado, and parts of Utah, Nevada and Wyoming);
12. the right to reparations for the horrendous genocidal war crimes and crimes against humanity committed by the United States and Texas governments in their colonial-settler and imperialist military annexation of the Chicano, Mexicano nation and homeland;
13. for other international rights violations and colonial crimes this Commission determines were committed by the governments of the United States and Texas against Petitioner, his family and the Chicano, Mexicano peoples and nation;

CONCLUSION

While the United States government is quick to condemn human rights violations in countries such as Cuba, China, Russia and in other parts of the world, it hypocritically ignores and tramples upon those same human rights of its citizens within its domestic territories in the Americas, especially those human rights of ethnic minority and indigenous peoples and nations. See AMNESTY INTERNATIONAL, www.amnesty.org/ailib (1998).

PETITIONER ALVARO LUNA HERNANDEZ is an "unsung hero" with a

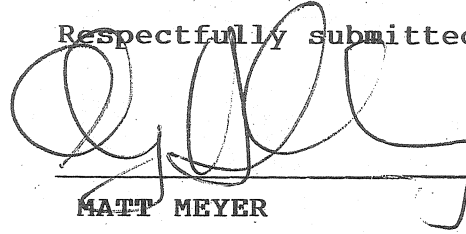
history of human rights activism in the United States and internationally. The infamous Alpine Police kidnapped Petitioner and falsely charged him with a "criminal offense", as a pretext, a bogus charge later dismissed. At his criminal trial, many defense witnesses testified about the special hatred police had against Petitioner, labeling him a "troublemaker" simply because of his community activism. The police were determined to stop Petitioner from "agitating" the community on issues of police abuse and brutality against citizens by police. They wanted to silence Petitioner in his organized efforts to re-open the Alpine Police murder of **ERVAY RAMOS**, a 16-year-old Chicano youth murdered in cold-blood by known, racist policeman **BUD POWERS** in June 1968. The **RAMOS** case was cited by the **U.S. COMMISSION ON CIVIL RIGHTS** in its 1970 report entitled **MEXICAN AMERICANS AND THE ADMINISTRATION OF JUSTICE IN THE SOUTHWEST**, pp. 4-6, U.S. Printing Office, GAO, **Library of Congress (1970)**. See also **EXHIBITS** accompanying original human rights complaint in this case.

This Commission needs no reminder of the recorded historical legacy of white-colonial-settler injustices, genocide and Texas Ranger-style brutality against Chicanos committed since the colonial occupation of their homeland during the expansionist Mexican-American War of the 1800's. Such injustices and brutality have continued unabated to this very day, of which Petitioner is another social victim of. See **EXHIBIT A - TESTIMONIO: A DOCUMENTARY HISTORY OF THE MEXICAN AMERICAN STRUGGLE FOR CIVIL RIGHTS (2000)** (previously submitted).

Amici is certain that once this Commission becomes thoroughly familiar with all the facts and circumstances of this unique case now before it, it will be equally outraged to learn of the flagrant violations of the fundamental, international human rights of Petitioner and render fair judgment condemning the totalitarianism of the governments of the United States and the State of Texas, their employees and agents, and order Petitioner released from further illegal restraint and confinement, and to compensate him for the horrendous crimes committed against him, and his family, in the name of the "criminal justice system" of the United States, in that law and justice so require under international law.

Signed and subscribed this 20 day of February, 2009.

Respectfully submitted,



MATT MEYER

Representative-Member Pro Se

NATIONAL JERICHO MOVEMENT

P.O. Box 1272
New York, NY. 10013
nationaljericho@gmail.com
www.thejerichomovement.com

RESISTANCE IN BROOKLYN

339 LaFayette Street
New York, NY. 10012
mmmsrnb@igc.org

AMICUS CURIAE PETITIONERS PRO SE

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing **AMICUS CURIAE BRIEF**, without **APPENDIX**, has been mailed, via U.S. Mail, postage prepaid, on this the 20 day of February, 2009, addressed to the following persons:

-MR. BARACK OBAMA
President, USA
The White House
1600 Pennsylvania Ave., NW
Washington, D.C. 20510

-MS. HILLARY CLINTON
Secretary of State
U.S. Department of State
7th Floor, Office S, HST
2201 C. Street, NW
Washington, D.C. 20520

-MR. ERIC HOLDER
U.S. Attorney General
U.S. Department of Justice
10th Street & Constitution Ave., NW
Washington, D.C. 20530

-MR. RICK PERRY
Governor, State of Texas
P.O. Box 12428
Austin, Texas 78711-1849

-MR. JOHN S. DOLLEY, JR
National Coordinator
Committee To Free Alvaro Luna Hernandez
P.O. Box 7871
Austin, Texas 78713

-MS. SARA FALCONER
International Representative
Committee To Free Alvaro Luna Hernandez
P.O. Box 97048
RPO Roncevalles Avenue
Toronto, ON.
M6R 3B3 CANADA

-MR. ALVARO LUNA HERNANDEZ
TDCJCID NO. 255735
Alfred D. Hughes Unit
Rt. 2, Box 4400
Gatesville, Texas 76597



MATT MEYER