The National Lawyers Guild was founded in 1937 as an alternative to the American Bar Association, which did not admit people of color. The oldest and largest public interest/human rights bar organization in the United States, with headquarters in New York, it has chapters in every state. From its founding, the National Lawyers Guild has maintained an internationalist perspective, with international work a critical focus for the Guild. Its International Committee has organized delegations to many countries throughout the world, and Guild members are involved in organizations such as the International Association for Democratic Lawyers and the American Association of Jurists. Presently, active subcommittees exist for Cuba, the Middle East, Korea, Haiti, Palestine, Iran, Puerto Rico, indigenous American peoples, and the Philippines, among others. Guild members, including myself, have a long history of defending activists in the Puerto Rican independence movement. Our 2013 annual convention will be held in Puerto Rico, so that our members can learn first hand about the colonial situation.

I. Colonial status

The Obama administration, as preceding U.S. administrations, acknowledges that the unresolved status of the relationship between the U.S. and Puerto Rico continues to be “of overwhelming importance to the people of Puerto Rico.” Yet, as its predecessors, it continues to be an obstacle to a resolution consistent with international law, in spite of this Committee’s

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consistent urging over the decades.²

A 2012 election day “plebiscite,” not authorized by U.S. Congress, referred to by some as a “pseudo-plebiscite,”³ and by others as “a tortured political process,”⁴ resulted in just another poll about the colonial status, just as the previous “plebiscites” held in 1967, 1993, and 1998 — in none of which did statehood prevail.⁵ Convened during a statehood administration, it was the first of all the plebiscites to ask two questions. First, it asked, "Are you satisfied with the current territorial status?"⁶ to which 54% of the voters responded no. Second, voters selected from three status options, the definitions of which were hotly contested: statehood, "sovereign free associated state," and independence. The results demonstrated that 51% of the voters said they wanted a change the status quo colonial condition. The vote was, respectively, 61.5%, 33.3%, and 5.5%. However, 466,337 voters intentionally left the second question blank, representing the commonwealth party’s formal, organized protest over the failure to include their preferred

definition of free associated state. Those blank votes, added to the sovereign free associated state votes, added up to 51% of the vote, leaving statehood with 45.1% of the total vote. The statehood party’s claimed victory rang hollow, and the U.S. president stated the results were “unclear.” However, there is no doubt that the majority of Puerto Ricans expressed a desire to change the status quo colonial condition.

President Obama recently announced that the U.S. budget includes $2.5 million for yet another “plebiscite,” and the pro-statehood, non-voting representative to U.S. Congress has proposed a bill in that forum aimed at achieving statehood — a bill criticized by many, including members of U.S. Congress of Puerto Rican descent.

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12 Bill in U.S. Congress seeks vote on Puerto Rican statehood,” Reuters, May 15, 2013, http://www.reuters.com/article/2013/05/15/us-usa-puertorico-status-idUSBRE94E11320130515: See, e.g., Congresswoman Nydia Velázquez on Puerto Rico Status Legislation, May 15, 2013, (“Rep. Nydia M. Velázquez (D-NY) made the following statement regarding Puerto Rico status legislation introduced in the House today: ‘If we are to fairly resolve the issue of Puerto Rico’s status, we must find a framework for true self-determination. The ‘Puerto Rico Status Resolution Act’ being introduced today fails that test in every aspect: it denies Puerto Ricans a true vehicle for self-determination and fabricates a superficial majority in favor of statehood.’”); CB Online Staff,
The colonial status must be resolved according to international law, allowing the Puerto Rican people to exercise its inalienable right to self-determination, without intervention by the U.S., as this Committee has repeatedly resolved for the past thirty years.

II. Federal intervention

Not surprisingly, in a colony, the presence of the colonial power looms large in the daily lives of Puerto Ricans and in the administration of the colony. A U.S. agent from the Federal Bureau of Investigation [FBI] administers the police department, just as former FBI agents have done for most of the past two decades. The U.S. Department of Justice continues its legal intervention with the corrupt, violent and mismanaged Puerto Rico Police Department, after having issued a report finding, *inter alia*, that police committed acts of discrimination, used excessive and unwarranted deadly force, conducted unlawful searches and seizures, and regularly used tactics to intimidate demonstrators rather than to address legitimate threats to public safety. As if the presence of multiple U.S. agencies were not sufficient penetration of Puerto


The U.S. DOJ intervention is ironic, given that former agents of its own FBI have administered the Puerto Rico Police Department for decades, and that Puerto Rico police receive training from the U.S.

Rican society, since 2005 the FBI has operated what it calls a “citizens academy,” to recruit and train Puerto Rican citizens to become FBI allies and promoters, and “to convert them into voluntary eyes and ears” for the repressive agency, graduating 20 in 2013.\footnote{Ivelisse Rivera Quiñones, “FBI gradúa a civiles en academia especial: Unos 20 ciudadanos conocieron el funcionamiento de esta agencia,” \textit{El Nuevo Día}, March 10, 2013, http://www.elnuevodia.com/fbigraduaacivilesenacademiaespecial-1465608.html.}

the population21 — and a burgeoning prison population. Federal agencies have, however, managed to budget over $100 million for a new FBI complex,22 all the while discriminating against Puerto Ricans in their agencies.23

U.S. intervention into the daily lives of the Puerto Rican people also continues to be a constant, with unsought and often unwelcome investigations by federal agencies of a range of issues from public corruption24 to bank transactions,25 to the state university26 and the vanishing

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U.S. repression of the independence movement continues its long and sordid history. In one manifestation of this intervention since 9/11, U.S. agencies have been detaining, interrogating and harassing independentistas in international airports, disrupting their travel.\textsuperscript{28}

Consistent with its history of cultivating economic dependence,\textsuperscript{29} U.S. intervention takes the form of financing a variety of projects, from schools to roads\textsuperscript{30} to re-employment,\textsuperscript{31} to the
environment, with local criticism falling on deaf ears. News of federal budget cuts was received as a threat to an already debilitated economy.34

Not even elections, a traditional measure of “democracy,” and not even Puerto Rican national patrimony are safe from U.S. intervention, with the U.S. recently claiming two sites as U.S. national historic landmarks, including Old San Juan.36

III. Other Challenges to Civil/Human Rights

The previous colonial administration was trounced in a David versus Goliath battle over a referendum aiming to amend the constitution to do away with the right to bail.37 The pro-


34Editorial, “Previsiones Ante Recorte Federal,” El Nuevo Día, March 4, 2013, http://www.elnuevodia.com/editorial-previsionesanterecortefederal-1461028.html (An editorial in Puerto Rico’s main daily newspaper warned “Without any agreement in the U.S. capital, where the Island has no decisive power, a drastic package of budget cuts has begun, known as the ‘sequester,’” which will impose an austerity program affecting essential services in Puerto Rico funded by the U.S. in the areas of education, defense, public health, environmental, and violence against women. “More than 300 university students could lose financial aid funding, more than 2,300 might be left without access to work study programs, some 2,400 Head Start children may have no classes, some 70 educators could lose their jobs, and some 300 women victims of domestic violence could lose vital survival services, among others.”).


36CB Online Staff, “Federal government adds 2 PR sites to list of national historic landmarks,” Caribbean Business, March 11, 2013, http://www.caribbeanbusinesspr.com/news/federal-government-adds-2-pr-sites-to-list-of-national-historic-landmarks-82106.html (“National historic landmarks are nationally significant historic places that possess exceptional value or quality in illustrating or interpreting the heritage of the United States.” According to the U.S. Secretary of the Interior, “Today’s designations include significant sites that help tell the story of America and the contributions that all people from all walks of life have made as we strive for a more perfect union.”).

statehood party’s generous funding could not hold a candle to grassroots successful — and completely unfunded — organizing efforts to defeat the proposed amendment.38

Rights for the LBGQT community faced significant controversy. The long struggle for equality resulted in a partial victory when activists recently won legislation outlawing employment discrimination based on gender or sexual orientation.39 At the same time, the struggle suffered a setback when the Puerto Rico Supreme Court ruled that the Puerto Rico Adoption Act’s prohibition on same-sex couple adoption is not unconstitutional, finding that sexual orientation is not a suspect class and does not warrant protection, a ruling which may be appealed.40

IV. Economy

The ongoing colonial status of Puerto Rico is crippling its economy, affecting its social fabric, and driving its population from the island. It is no surprise that talented, well-educated Puerto Ricans are emigrating in droves to the United States.41 More than half the population now


41 CB Online Staff, “Census: PR ‘brain drain’ picking up,” Caribbean Business, January 18, 2013, http://www.caribbeanbusinesspr.com/news/census-pr-brain-drain-picking-up-80281.html (“[T]he percentage of people who left the island with some sort of college or post-secondary education rose to 50 percent in 2011 from 38 percent the previous year. The average income of those who left the island surged 25 percent, marking the first time it has topped Puerto Rico’s average income.”); John Marino, “Census: P.R. Migration Continues at Record Pace: Exodus to the States accelerates, hurting growth prospects in many industries,” Caribbean Business, January 12,
resides in the United States.\textsuperscript{42} “It’s the economy, stupid,” as Bill Clinton so astutely declared in his successful 1992 campaign for U.S. president.\textsuperscript{43} The poverty level is at an alarming 45\%,\textsuperscript{44} college graduates can’t find jobs\textsuperscript{45} — while the school dropout/push-out rate is 40\%,\textsuperscript{46} bankruptcies are on the rise,\textsuperscript{47} teachers protest cuts in retirement benefits and an increase employee contributions proposed to help save the public pension system,\textsuperscript{48} and the economy continues to decline into the red.\textsuperscript{49} The chief of the country’s economic think tank, the Center for the New Economy, expressed that he “ha[s] never been so worried about the economy of Puerto

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V. Death penalty

Although the Puerto Rican constitution — approved by U.S. Congress — prohibits the death penalty in Puerto Rico, consistent with its long term ban prior to the constitution, and no one has been executed in Puerto Rico since 1927, it is one of the jurisdictions with the highest number of cases certified by the U.S. Department of Justice for the death penalty. In each of the six trials in which the U.S. has sought the death penalty, Puerto Rican juries have refused to impose that sentence, while civic and religious groups consistently maintained vigils outside the courthouse.

The current governor and the resident commissioner have publicly expressed opposition to the death penalty, and the governor has asked the U.S. Attorney General not to certify

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additional cases for the U.S. death penalty.\textsuperscript{56} Even the former chief judge of the federal court called the penalty “a waste of time” and “a crazy, crazy, crazy way to deal with these cases.”\textsuperscript{57}

An editorial in the main daily newspaper charged that the U.S. Attorney General must recognize that a united people have morally summoned him to declare a moratorium on the death penalty in Puerto Rico, as a step in the transition to the total elimination of what it called “that cruel type of sentence.”\textsuperscript{58} Yet, the colonial relationship leaves the people of Puerto Rico powerless even to exercise their own constitution prohibiting this barbaric punishment in their own land.

**VI. Environment**

The people of Puerto Rico, led by a Puerto Rican environmental justice group Casa Pueblo,\textsuperscript{59} waged a long and successful battle to stop the U.S. government and the previous colonial administration from constructing a 90-mile long costly and corrupt gas pipeline project called “the Green Way” by the government, but called “the Pipeline of Death” by the people.\textsuperscript{60} A


\textsuperscript{59} Casa Pueblo, founded in the early 1980’s, is an organization of community self-management that promotes voluntary participation, through individual and collective initiative, to propose and develop alternatives to protect the environment and affirm cultural and human values. Alexis Massol, one of its founders, was awarded the Goldman Environmental Prize in recognition of his sustained and significant efforts to protect and enhance the natural environment. http://casapueblo.org/.

Puerto Rican member of U.S. Congress active in the fight to stop the pipeline declared:

The Puerto Rican people resisted the construction of the massive pipeline because it was never needed, could never become fully functional, and risked ruining the precious natural beauty of Puerto Rico while driving people from their land. All of the evidence indicated a tremendous risk to endangered species, fresh water, and the island's delicate terrain and a huge risk to the people of Puerto Rico from spills, explosions, or other disasters. 61

Resistance to the pipeline is but one example of the multitude of struggles being waged to protect Puerto Rico’s environment and agriculture. A few examples include a coalition of Arecibo residents organizing to halt an incinerator which could pose serious air-quality and other dangerous environmental impacts, but the U.S. Environmental Protection Agency nevertheless granted a permit for the plant to proceed. 62 The Agricultural Rescue Front organized to protect some of the richest farmland in the country from encroachment by industrial wind turbines in Santa Isabel. 63 After years of struggle to protect the Northeast Ecological Corridor, organized citizens finally achieved a law protecting the nature reserve. 64 Citizen groups have sued the U.S. National Marine Fisheries Service, seeking a limitation on fishing plant-eating fish, which are beneficial to maintaining a healthy reef by eating the algae which can kill the reefs, 65 which in


Puerto Rico are in sharp decline. The effects of the colonial presence of the U.S. are clearly far-reaching and widely resisted.

VII. Vieques

This year marked the tenth anniversary of the closing of the former live-missile and bombing range owned and operated by the U.S. Navy, a cessation won by decades of struggle and a massive campaign of civil disobedience. The U.S. left a shameful legacy of death and destruction, including use of the most toxic and lethal substances, which it has failed to responsibly address, leaving many promises unkept. One of the many editorials in Puerto Rico’s main daily newspaper declared, “in the ten years since the Navy’s departure, there has been no remediation. Thus, as an issue of human, social and economic rights of the people of Vieques, the Navy must comply with decontamination.”

The people of Vieques and their supporters continue to struggle for: 1) environmental clean up and decontamination – thousands of unexploded bombs and other military artifacts still litter beaches, mangrove lagoons and the coral reefs/ocean floor around the eastern portion of the island; 2) return of ex-Navy lands to the Puerto Rican people (most of the land was transferred

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to the jurisdiction of U.S. Interior Department’s Fish and Wildlife Service); 3) sustainable
development; and 4) attention to Vieques’ health crisis (the island suffers 30% more cancer
than the rest of Puerto Rico, exaggerated levels of diabetes, hypertension, cardiovascular ills and
other catastrophic diseases).

VIII. Political prisoners

We are honored to make this year’s presentation in the presence of Clarisa López Ramos,
daughter of Puerto Rican political prisoner Oscar López Rivera, who on May 29 marked 32 years
of imprisonment — an historic moment around which the entire nation of Puerto Rico united in
unprecedented fashion and clamored for the release of the man who has served more time in
prison for the cause of the independence of Puerto Rico than any other independentista in
history. In a 24-hour demonstration of their indignation at the U.S. over this disproportionate
punishment, and their compassion and solidarity with a 70 year old man they warmly embrace as
their brother, Puerto Ricans from every sector of society and of every political persuasion entered
symbolic prison cells in the plazas of five cities throughout the island, taking turns serving as

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70 “Punishing Vieques: Puerto Rico Struggles With Contamination 10 Years After Activists Expel U.S.

71 Maritza Stanchich, “Ten Years After Ousting US Navy, Vieques Confronts Contamination,” Huffington

72 Editorial, “Indulto Presidencial a Oscar López Rivera,” El Nuevo Dia, February 21, 2013,
http://www.elnuevodia.com/editorial-indultopresidencialaoscarlopezrivera-1453446.html#.USYWM6XZlKU.facebook
“prisoners” for 24 hours. The news media saturated the island with coverage: the main daily newspaper issued its second editorial in a matter of months favoring his release, as did the main radio station; television and radio stations broadcast from the plazas. The governor and many stars of stage and screen announced their support, including world famous Puerto Rican entertainers Ricky Martin and René Perez and Residente of Calle 13; interfaith religious services prayed for his release as chapel bells rang 32 times; a former governor, the president of the senate and the bar association, and the mayors of ten cities entered the symbolic cells as


“prisoners,” as did businessmen and journalists, clergy, athletes, artists and academics.

Whole families and entire government offices entered the “cells.” The following day, the Senate of Puerto Rico passed a resolution calling for his release.

many others, that it’s time he comes home. On the day he marks 32 years of imprisonment, we celebrate his life with joy and lock ourselves up for his freedom. An imprisonment that unites us, even if for only a moment, with Oscar and his years of unjust punishment in solitary confinement, with the years of not seeing his closest family, his years of missing embraces, the years — which are gone forever — of shared memories with family and friends, the years during which Oscar has been gone from the great house of his homeland Puerto Rico.


82. Daniel Rivera Vargas, Alex Figueroa Cancel, Gerardo Cordero, Darisabel Texidor Guadalupe and Daileen Joan Rodriguez, “Figuras públicas continúan encarcelándose por Oscar López Rivera” Abogan por la liberación del preso político durante manifestación de 24 horas,” El Nuevo Día, May 29, 2013, http://www.elnuevodiamaspresosporlaexcarcelaciondeoscarlopezrivera-1521005.html#.UaYKmCMAWA.factobook (former major league baseball player Carlos Delgado wrote on the wall of the cell, “I can only imagine what an incredible amount of mental strength and courage you [Oscar] have.”)


The 32nd anniversary events were only the culmination of a series of events to highlight the injustice of his continuing imprisonment. Throughout the year since this Committee’s last hearing on Puerto Rico, international support has continued to grow, with expressions emanating from Nobel Laureates, churches and religious organizations, social justice organizations, etc.

Support in Puerto Rico has blossomed to an unprecedented level, with expressions from every sector of society, from elected officials to professional organizations and cooperatives.

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to veterans\textsuperscript{92} and beauty queens.\textsuperscript{93}

Last summer, environmental and human rights activist Tito Kayak dedicated to López Rivera a challenging month long kayak trip from Venezuela to Puerto Rico, stopping throughout the Antilles to advocate for his release.\textsuperscript{94} December of 2012 saw the convening of an International Human Rights Summit dedicated to López Rivera’s release, with the participation of distinguished human rights activists from New York to Argentina to Palestine.\textsuperscript{95} In February of this year, one of the nation’s largest outdoor music festivals was dedicated to him, with a concert by the nation’s finest musicians and composers.\textsuperscript{96} Art exhibits,\textsuperscript{97} murals,\textsuperscript{98} books, dedication of
public events — such as when the mayor of San Juan dedicated her electoral victory to him — abound.

Meanwhile, jailers at the Federal Correctional Institution at Terre Haute, Indiana, rather than leaving him alone to serve his sentence in peace, have only increased the level of harassment and vigilance of this model prisoner. Implementing heightened censorship, for the first time in 32 years they banned him from sending messages to public events, unless they pre-approve the messages. Until the very recent inquiry of a U.S. elected official, they spurned all media requests to interview him, claiming spuriously that the interviews “could jeopardize security and disrupt the orderly running of the institution.” After the inquiry, they continue to spurn all requests for in-person interviews, stating they will cede a telephone interview, though one has yet to take place.

In a recent meeting with the U.S. Attorney General, Puerto Rico’s governor and attorney general advocated for López Rivera’s release. They expressed confidence that there is positive movement toward his release, but he remains behind bars, entering his 33rd year of imprisonment.

The resolution recently passed by the Senate of Puerto Rico called López Rivera “the political prisoner who is still serving the longest prison sentence, surpassing Nobel Peace Prize


Laureate and former president of South Africa Nelson Mandela." As the world sends get well wishes to Nelson Mandela, held by the apartheid regime in South Africa for a shockingly long 27 years in prison, it is a propitious moment for this august body to once again urge the president of the U.S. to release Oscar López Rivera, after an appalling 32 years in U.S. prisons for having fought for his people’s inalienable right to independence and self-determination.

IX. Conclusion

The National Lawyers Guild International Committee, incorporating the requests sought by the majority of the other presenters before this Honorable Committee, urges the adoption of a resolution calling for the General Assembly to consider the case of Puerto Rico; and calling on the government of the United States to:

* immediately cease the brutality, criminalization and harassment of, and attacks on, the Puerto Rican Independence Movement and all those who exercise their fundamental rights to expression and association;

* immediately release Puerto Rican political prisoners Oscar López Rivera, who has served more than 32 years in U.S. custody, and Norberto González Claudio;

* identify and hold criminally liable all those responsible for the assassination of Filiberto Ojeda Ríos (2005), Santiago Mari Pesquera (1976), Carlos Muñiz Varela (1979), and other militants of the Puerto Rican independence movement;

* withdraw the FBI, the U.S. court, and all other U.S. police, repressive and military forces and agencies from Puerto Rico;

* withdraw from Vieques, formally return legal property of the land to the people of Vieques, cease detonating unexploded ordnance, completely clean up the pollution left by the U.S. Navy’s 60 year occupation through the use of proven, environmentally friendly clean-up methods, foster and support a sustainable economy, and compensate the people of Vieques for the damage to their health done to them by the same;

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* cease and desist from the application of the death penalty in Puerto Rico; 

* formally commit to negotiate in good faith with the people of Puerto Rico a solution to 
the colonial condition; and recognize the proposals that emanate from a Constitutional Assembly, 
initiated by the people of Puerto Rico, such as that called for by the Puerto Rico Bar Association, 
as the true expression of the aspirations of the people of Puerto Rico, and respond to them accordingly. 

Dated: June 17, 2013                      Respectfully submitted, 

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On behalf of the National Lawyers Guild  
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