

**National Lawyers Guild International Committee  
Presentation to the United Nations Decolonization Committee  
Hearings on Puerto Rico  
June 17, 2013**

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.”<sup>1</sup> 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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<sup>1</sup>*Report by the President’s Task Force on Puerto Rico’s Status*, March, 2011, Executive Summary at 3, [http://www.whitehouse.gov/sites/default/files/uploads/Puerto\\_Rico\\_Task\\_Force\\_ExecSummary.pdf](http://www.whitehouse.gov/sites/default/files/uploads/Puerto_Rico_Task_Force_ExecSummary.pdf).

consistent urging over the decades.<sup>2</sup>

A 2012 election day “plebiscite,” not authorized by U.S. Congress, referred to by some as a “pseudo-plebiscite,”<sup>3</sup> and by others as “a tortured political process,”<sup>4</sup> 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.<sup>5</sup> 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?”<sup>6</sup> 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

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<sup>2</sup>“Puerto Rican Lawyer speaks at the UN Decolonisation Committee seminar,” *MercoPress*, May 29, 2013, <http://en.mercopress.com/2013/05/29/puerto-rican-lawyer-speaks-at-the-un-decolonisation-committee-seminar>; “Estados Unidos no permite la libre determinación de Puerto Rico: Abogada puertorriqueña habla en seminario del Comité de Descolonización de la ONU,” *El Nuevo Día*, May 29, 2013, <http://www.elnuevodia.com/estadosunidosnopermitelalibredeterminaciondepuertorico-1521049.html#.UaZrEQ3SoM.facebook>.

<sup>3</sup>Rafael Anglada López and Olga I. Sanabria Dávila, “El seudo plebiscito – Un engaño sobre Puerto Rico,” *Red Betances*, November 2, 2012, <http://www.redbetances.com/component/content/article/51-en-portada/1319-rafael-anglada-lopez-y-olga-i-sanabria-davila.html>.

<sup>4</sup>Ed Morales, “The Puerto Rico Plebiscite That Wasn't,” *ABC News*, November 8, 2012, [http://abcnews.go.com/ABC\\_Univision/Opinion/puerto-rico-status-plebiscite/story?id=17674719&singlePage=true#.UYMtJ6I2xbY](http://abcnews.go.com/ABC_Univision/Opinion/puerto-rico-status-plebiscite/story?id=17674719&singlePage=true#.UYMtJ6I2xbY).

<sup>5</sup>Ed Morales, “The Puerto Rico Plebiscite That Wasn't,” *ABC News*, November 8, 2012, [http://abcnews.go.com/ABC\\_Univision/Opinion/puerto-rico-status-plebiscite/story?id=17674719&singlePage=true#.UYMtJ6I2xbY](http://abcnews.go.com/ABC_Univision/Opinion/puerto-rico-status-plebiscite/story?id=17674719&singlePage=true#.UYMtJ6I2xbY).

<sup>6</sup>Danica Coto, Associated Press, “PR seeks to solve status issue,” *Caribbean Business*, November 4, 2012, <http://caribbeanbusinesspr.com/news/pr-seeks-to-solve-status-issue-78257.html>.

definition of free associated state.<sup>7</sup> 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.<sup>8</sup> The statehood party's claimed victory rang hollow,<sup>9</sup> and the U.S. president stated the results were "unclear."<sup>10</sup> 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,"<sup>11</sup> 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.<sup>12</sup>

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<sup>7</sup>Danica Coto, "Puerto Rico votes to change relationship with US; majority wants statehood," *MSNBC*, November 8, 2012, <http://www.msnbc.msn.com/id/49737548/#.UJyTReRfDN9>; see also, <http://prfaa.pr.gov/espanol/noticias/wp-content/uploads/2013/05/Resolucion-Concurrente-24.pdf>.

<sup>8</sup>Ed Morales, "The Puerto Rico Plebiscite That Wasn't," *ABC News*, November 8, 2012, [http://abcnews.go.com/ABC\\_Univision/Opinion/puerto-rico-status-plebiscite/story?id=17674719&singlePage=true#.UYMtJ6I2xbY](http://abcnews.go.com/ABC_Univision/Opinion/puerto-rico-status-plebiscite/story?id=17674719&singlePage=true#.UYMtJ6I2xbY).

<sup>9</sup>Jack Kenny, "Puerto Rico Vote for Statehood Questioned," *New American*, November 8, 2012, <http://www.thenewamerican.com/usnews/politics/item/13568-puerto-rico-vote-for-statehood-questioned>.

<sup>10</sup>José A. Delgado, "Casa Blanca dice que no hubo un mandato a favor de la estadidad: Portavoz hace nuevos comentarios sobre los resultados del plebiscito de status," *El Nuevo Día*, December 3, 2012, <http://www.elnuevodia.com/casablancadicequenohubounmandatoafavordelaestadidad-1400069.html>.

<sup>11</sup>CB Online Staff, "PR status plebiscite in Obama budget," *Caribbean Business*, April 10, 2013, <http://www.caribbeanbusinesspr.com/news/pr-status-plebiscite-in-obama-budget-83109.html>; Danica Coto, Associated Press, "US Seeks to Fund New Puerto Rico Status Plebiscite," *ABC News*, April 11, 2013, <http://abcnews.go.com/International/wireStory/us-seeks-fund-puerto-rico-status-plebiscite-18927565#.UWgDDKLpVbY>; "Obama destinará más de \$2 millones para plebiscito en la Isla," *Metro*, April 10, 2013, <http://www.metro.pr/mundo/obama-destinara-mas-de-2-millones-para-plebiscito-en-la-isla/pGXmdj!wBO01fXtIT0I/>.

<sup>12</sup>"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,<sup>13</sup> 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,<sup>14</sup> 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.<sup>15</sup>

As if the presence of multiple U.S. agencies were not sufficient penetration of Puerto

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“Gutiérrez: Status bill does nothing for PR,” *Caribbean Business*, May 15, 2013, <http://www.caribbeanbusinesspr.com/news/gutierrez-status-bill-does-nothing-for-pr-84597.html>.

<sup>13</sup>Eugenio Hopgood Dávila, “Sí” a que Pesquera se quede: El superintendente, entretanto, guarda silencio sobre sus planes,” *El Nuevo Día*, March 2, 2013, <http://www.elnuevodia.com/siaquepesquerasequede-1460174.html>.

<sup>14</sup>“Departamento de Justicia Federal demanda a la Policía de Puerto Rico: La acción se basa en una investigación comenzada en 2008, que reveló que la Uniformada ha violado los derechos civiles a la ciudadanía,” *El Nuevo Día*, December 21, 2012, <http://www.elnuevodia.com/departamentodejusticiafederaldemandaalapoliciadepuertorico-1413140.html>; CB Online Staff, “PR, feds negotiate costly police reform,” *Caribbean Business*, May 21, 2013, <http://www.caribbeanbusinesspr.com/news/pr-feds-negotiate-costly-police-reform-84759.html>. 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.

<sup>15</sup>Belén Fernández, “Puerto Rico's outlaw police force: Police in the US territory have been accused of civil rights abuses and overzealous crackdowns on peaceful protests,” *Aljazeera*, June 26, 2012, <http://www.aljazeera.com/indepth/opinion/2012/06/2012620112025706894.html>.

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.<sup>16</sup>

News of drug raids by federal agents is constant<sup>17</sup> — yet the federal agencies charged with controlling the borders of the country (Puerto Rico has no control over its own borders) have not stemmed the flood of incoming drugs, despite repeated requests from the colonial administration to do so.<sup>18</sup> Nor have the federal agencies managed to control the sale of drugs or guns, or the violence wreaked on Puerto Rican society by the drug wars, in spite of pleas by local police and elected officials,<sup>19</sup> and in spite of constant arrests<sup>20</sup> — often with a lack of regard for the safety of

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<sup>16</sup>Ivelisse Rivera Quiñones, “FBI gradúa a civiles en academia especial: Unos 20 ciudadanos conocieron el funcionamiento de esta agencia,” *El Nuevo Día*, March 10, 2013, <http://www.elnuevodia.com/fbigraduaacivilesenacademiaespecial-1465608.html>.

<sup>17</sup>See, e.g., Alex Figueroa Cancel, “Desarticulan ganga de narcos de lujo: Federales diligencian 21 órdenes de arresto por cargos de narcotráfico y lavado de dinero,” *El Nuevo Día*, September 26, 2012, <http://www.elnuevodia.com/desarticulangangadenarcosdelujo-1351338.html>; “Megaoperativo federal en Río Piedras,” *NotiCel*, February 28, 2013, <http://www.noticel.com/noticia/138011/megaoperativo-federal-en-rio-piedras.html>.

<sup>18</sup>“Fortuño exige acción a los federales para combatir narcotráfico,” *Primera Hora*, January 13, 2012, <http://www.primerahora.com/fortunoexigeaccionalosfederalesparacombatirnarcotrafico-602227.html> (“The federal security agencies in Puerto Rico lack the necessary resources to combat the illegal entry of drugs and to guarantee the security of the Puerto Rican people. This is a matter of national security. Puerto Rico deserves to be treated the same as the 50 states, and the disproportionate amount of resources is what is generating repercussions in the increase of drug trafficking in the region. The level of violence caused by drug trafficking that exists today is without precedent, and is directly tied to the Island’s position as the center of the unprotected border of the Caribbean,” wrote the Governor in one of his letters. The Chief Executive pointed out that given the disproportionate levels of violent crime existing in Puerto Rico, compared with other other states on the border with Mexico, there is evidence that federal law enforcement agencies on the Island need to be strengthened.”); José A. Delgado, “Escala en Washington el reclamo de seguridad: Pierluisi se reúne con Seguridad Interna,” *El Nuevo Día*, January 18, 2012, <http://www.elnuevodia.com/escalaenwashingtonelreclamo-1168032.html>; InterNews Service, “Homeland Security undersecretary met with Pierluisi,” *Puerto Rico Daily Sun*, January 18, 2012, <http://www.prdailysun.com/news/Homeland-Security-undersecretary-met-with-Pierluisi>.

<sup>19</sup>“Pesquera: Estados Unidos está "jodido" si no ayuda a PR con la criminalidad,” *NotiCel*, March 28, 2013, <http://www.noticel.com/noticia/139468/pesquera-estados-unidos-esta-jodido-si-no-ayuda-a-pr-con-la-criminalidad.html>; “Reclaman más recursos contra el narcotráfico en Puerto Rico: Comité del Senado acoge iniciativa del comisionado Pierluisi,” *El Nuevo Día*, March 12, 2013, <http://www.elnuevodia.com/reclamanmasrecursoscontraelnarcotraficoenpuertorico-1467842.html>; Gerardo Cordero,

the population<sup>21</sup> — and a burgeoning prison population. Federal agencies have, however, managed to budget over \$100 million for a new FBI complex,<sup>22</sup> all the while discriminating against Puerto Ricans in their agencies.<sup>23</sup>

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 corruption<sup>24</sup> to bank transactions,<sup>25</sup> to the state university<sup>26</sup> and the vanishing

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“Fortuño quiere más agentes federales en Puerto Rico: La aspiración máxima del gobernador sería lograr lo que han denominado iniciativa de la frontera del Caribe,” *El Nuevo Día*, September 19, 2012, <http://www.elnuevodia.com/fortuñoquieremasagentesfederalesenpuertorico-1347505.html>.

<sup>20</sup>See, e.g., “Desarticulan narcogangas más de 200 federales: Intervienen en cinco residenciales de Arecibo,” *El Nuevo Día*, March 21, 2013, <http://www.elnuevodia.com/desarticulannarcogangasmasde200federales-1474512.html>.

<sup>21</sup>Yaritza Santiago, “Alarman los métodos del gobierno federal: Operativos en sitios públicos ponen en riesgo vidas inocentes,” *El Nuevo Día*, July 29, 2012, <http://www.elnuevodia.com/alarmanlosmetodosdelgobiernofederal-1310503.html> (federal law enforcement pattern of opening fire in busy shopping malls, endangering the surrounding public).

<sup>22</sup>CB Online Staff, “Obama budget has \$95M for FBI facility in PR,” *Caribbean Business*, April 10, 2013, [http://www.caribbeanbusinesspr.com/news/obama-budget-has-\\$95m-for-fbi-facility-in-pr-83141.html](http://www.caribbeanbusinesspr.com/news/obama-budget-has-$95m-for-fbi-facility-in-pr-83141.html) (estimated total cost of the project: \$106.6 million).

<sup>23</sup>See, e.g., Oscar J. Serrano, “DEA discrimina contra agentes boricuas,” *Noticel*, February 6, 2012, <http://www.noticel.com/noticia/117743/dea-discrimina-contra-agentes-boricuas.html> (ten Puerto Rican agents employed by the U.S. Drug Enforcement Administration sued that agency for systematic discrimination, alleging that they receive lower salaries than their U.S. counterparts, and that they are used as “cannon fodder” during investigations, while their U.S. counterparts are not exposed to danger). See also, Alex Figueroa Cancel, “Denuncian discrimen contra veteranos puertorriqueños: Alegan en foro que no reciben el mismo trato que en EE.UU.,” *El Nuevo Día*, September 11, 2012, <http://www.elnuevodia.com/denunciandiscrimencontraveteranospuertorriquenos-1341378.html>.

<sup>24</sup>See, e.g., Alex Figueroa Cancel, “FBI investiga casos de corrupción pública: Aseguran que será prioridad,” *El Nuevo Día*, February 11, 2013, <http://www.elnuevodia.com/fbiinvestigacasosdecorrupcionpublica-1446068.html>; Limarys Suárez Torres, “FBI investiga a alguaciles federales y policías locales en Puerto Rico: Por la presunta violación de derechos civiles,” *El Nuevo Día*, December 29, 2012, <http://www.elnuevodia.com/fbiinvestigaalguacilesfederalesypoliciaslocalesenpuertorico-1416899.html>.

<sup>25</sup>Joanisabel González, “Pesquisa federal al Banco Gubernamental de Fomento: El regulador federal realiza pesquisa por transacciones de Retiro y Carreteras,” *El Nuevo Día*, May 3, 2013, <http://www.elnuevodia.com/pesquisafederalalbanco gubernamentaldefomento-1503074.html>; Alex Figueroa Cancel, “Operativo federal contra organización dedicada al fraude bancario: Diligencian 42 órdenes de arresto en nueve

coqui.<sup>27</sup>

U.S. repression of the independence movement continues its long and sordid history. In one manifestation of this intervention since 911, U.S. agencies have been detaining, interrogating and harassing independentistas in international airports, disrupting their travel.<sup>28</sup>

Consistent with its history of cultivating economic dependence,<sup>29</sup> U.S. intervention takes the form of financing a variety of projects, from schools to roads<sup>30</sup> to re-employment,<sup>31</sup> to the

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municipios y seis estados,” *El Nuevo Día*, May 24, 2013,  
<http://www.elnuevodia.com/operativofederalporfraudebancario-1518175.html>.

<sup>26</sup>Antonio R. Gómez, “Federales ampliaron pesquisa tras intervención en la UPR: La orden que tramitaron ayer oficiales del gobierno federal representa una ampliación y profundización de la pesquisa,” *El Nuevo Día*, April 27, 2013,  
<http://www.elnuevodia.com/federalesampliaronpesquisatrasintervencionenlaupr-1499608.html>.

<sup>27</sup>Federales protegen coquí a punto de desaparecer: El coquí llanero es declarado en peligro de extinción,” *El Nuevo Día*, October 4, 2012,  
<http://www.elnuevodia.com/federalesprotegencoquiapuntodedesaparecer-1356894.html>.

<sup>28</sup>See, e.g., “Hostigamiento y persecución a independentistas puertorriqueños que viajan a países latinoamericanos,” Fundación Filiberto Ojeda Ríos, April 14, 2010,  
<http://www.cubadebate.cu/noticias/2010/04/14/persecucion-contra-independentistas-puerto-rico/>;  
José A. Delgado, “Soberanista pasa maltrato en Inmigración: Manuel Rivera relata que lo interrogan sobre reuniones de política en España,” *El Nuevo Día*, October 23, 2010,  
<http://www.elnuevodia.com/soberanistapasamaltratoeninmigracion-803681.html>; CyberNews, “Impiden salida del país a líder nacionalista,” *Noticel*, June 6, 2013,  
<http://noticel.com/noticia/141387/impiden-salida-del-pais-a-lider-nacionalista.html>.

<sup>29</sup>José A. Delgado, “Más pobres y más PAN en la Isla: Llegan a \$2,056 millones los fondos del PAN, \$400 millones más que los del 2008,” *El Nuevo Día*, October 28, 2012,  
<http://www.elnuevodia.com/maspobresymaspanenlaisla-1372815.html>.

<sup>30</sup>José A. Delgado, “Inyectan millones de dólares para mejoras a carreteras y puentes en Puerto Rico: Los fondos son parte de \$473 millones que nunca fueron entregados a 49 estados, Washington D.C. y Puerto Rico,” *El Nuevo Día*, August 17, 2012,  
<http://www.elnuevodia.com/inyectanmillonesdedolaresparamejorasacarreterasypuentesenpuertorico-1324796.html>;  
CB Online Staff, “\$3.5M in federal funds for PR roads,” *Caribbean Business*, February 16, 2013,  
[http://www.caribbeanbusinesspr.com/news/\\$3.5m-in-federal-funds-for-pr-roads-81217.html](http://www.caribbeanbusinesspr.com/news/$3.5m-in-federal-funds-for-pr-roads-81217.html); CB Online Staff, “\$26.8M for VA Hospital parking lot,” *Caribbean Business*, October 8, 2012,  
[http://caribbeanbusinesspr.com/news/\\$26.8m-for-va-hospital-parking-lot-77217.html](http://caribbeanbusinesspr.com/news/$26.8m-for-va-hospital-parking-lot-77217.html).

<sup>31</sup>“US Labor Dep’t grants funds for re-employment,” *Puerto Rico Daily Sun*, May 8, 2012,  
<http://www.prdailysun.com/news/US-Labor-Dept-grants-funds-for-re-employment>.

environment,<sup>32</sup> with local criticism falling on deaf ears.<sup>33</sup> News of federal budget cuts was received as a threat to an already debilitated economy.<sup>34</sup>

Not even elections,<sup>35</sup> 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.<sup>36</sup>

### 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.<sup>37</sup> The pro-

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<sup>32</sup>CB Online Staff, “PR gets \$249K to protect wetlands,” *Caribbean Business*, February 11, 2013, [http://www.caribbeanbusinesspr.com/news/pr-gets-\\$249k-to-protect-wetlands-81015.html](http://www.caribbeanbusinesspr.com/news/pr-gets-$249k-to-protect-wetlands-81015.html); José A. Delgado, “EPA asigna fondos para aguas limpias: Distribuye \$46 millones a oficinas en Puerto Rico,” *El Nuevo Día*, October 20, 2012, <http://www.elnuevodia.com/epaasignafondosparaaguaslimpias-1367123.html>.

<sup>33</sup>See, e.g., Antonio R. Gómez, “Alega una “falta de cortesía”: Perelló truena contra la FAA,” *El Nuevo Día*, February 27, 2013, <http://www.elnuevodia.com/alegaunafaltadecortesia-1457308.html>.

<sup>34</sup>Editorial, “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.”).

<sup>35</sup>Carlos Gallisá, “Federalización de las elecciones,” *Claridad*, October 23, 2012, <http://www.claridadpuertorico.com/content.html?news=95A67941914FA440A47E152E762F2DD9>.

<sup>36</sup>CB 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.”).

<sup>37</sup>Yaritza Santiago Caraballo, “Batalla de David contra Goliat: El PNP invirtió miles en el “Sí”, pero los del “No” apenas gastaron,” *El Nuevo Día*, August 18, 2012, <http://www.elnuevodia.com/batalladedavidcontragoliat-1324968.html>.



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

Rights for the LGBTQ 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.<sup>39</sup> 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.<sup>40</sup>

#### **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.<sup>41</sup> More than half the population now

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<sup>38</sup>Israel Rodríguez Sánchez, "Lección para el poderoso: El país rechazó la propaganda y defendió los derechos," *El Nuevo Día*, August 20, 2012, <http://www.elnuevodia.com/leccionparaelpoderoso-1326262.html>; Ed Morales, "No Means No: A People's Victory in Puerto Rico," August 20, 2012, <http://emorales7.wordpress.com/2012/08/20/no-means-no-a-peoples-victory-in-puerto-rico/>.

<sup>39</sup>CB Online Staff, "PR governor signs gay rights bills," *Caribbean Business*, May 29, 2013, <http://www.caribbeanbusinesspr.com/news/pr-governor-signs-gay-rights-bills-85030.html>.

<sup>40</sup>Associated Press, "Attorneys for lesbian seeking to adopt child appeal Puerto Rico court ruling on gay adoptions," *Fox News*, March 06, 2013, <http://www.foxnews.com/world/2013/03/06/attorneys-for-lesbian-seeking-to-adopt-child-appeal-puerto-rico-court-ruling-on/>.

<sup>41</sup>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.<sup>42</sup> “It’s the economy, stupid,” as Bill Clinton so astutely declared in his successful 1992 campaign for U.S. president.<sup>43</sup> The poverty level is at an alarming 45%,<sup>44</sup> college graduates can’t find jobs<sup>45</sup> — while the school dropout/push-out rate is 40%,<sup>46</sup> bankruptcies are on the rise,<sup>47</sup> teachers protest cuts in retirement benefits and an increase in employee contributions proposed to help save the public pension system,<sup>48</sup> and the economy continues to decline into the red.<sup>49</sup> 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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2012, <http://newamericamedia.org/2012/01/puerto-rican-migration-continues-at-record-pace.php>; Greg Allen, “One-Way Tickets To Florida: Puerto Ricans Escape Island Woes,” *National Public Radio*, February 05, 2013, <http://www.npr.org/player/v2/mediaPlayer.html?action=1&t=1&islist=false&id=171061350&m=171138294>.

<sup>42</sup>José A. Delgado, “Somos menos: Urge estudiar a fondo las consecuencias del éxodo de población,” *El Nuevo Día*, December 31, 2012, <http://www.elnuevodia.com/somosmenos-1329742.html>.

<sup>43</sup>Michael Kelly, “THE 1992 CAMPAIGN: The Democrats -- Clinton and Bush Compete to Be Champion of Change; Democrat Fights Perceptions of Bush Gain,” *New York Times*, October 31, 1992, <http://www.nytimes.com/1992/10/31/us/1992-campaign-democrats-clinton-bush-compete-be-champion-change-democrat-fights.html>.

<sup>44</sup>Antonio R. Gómez, “Nuevos datos reflejan la dramática crisis social de Puerto Rico” El Departamento de la Familia reveló las estadísticas,” *El Nuevo Día*, May 4, 2013, <http://www.elnuevodia.com/nuevosdatosreflejanladramaticacrisissocialdepuertorico-1504244.html>.

<sup>45</sup>CB Online Staff, “Tough job scene for new grads in PR,” *Caribbean Business*, May 7, 2013, <http://www.caribbeanbusinesspr.com/news/tough-job-scene-for-new-grads-in-pr-84220.html>.

<sup>46</sup>“En 40% deserción escolar en PR, según Secretario de Educación,” *Noticel*, March 12, 2013, <http://www.noticel.com/noticia/138621/en-40-desercion-escolar-en-pr-segun-secretario-de-educacion.html>.

<sup>47</sup>CB Online Staff, “PR bankruptcies on rise in 2013,” *Caribbean Business*, June 3, 2013, <http://www.caribbeanbusinesspr.com/news/pr-bankruptcies-on-rise-in-2013-85175.html>.

<sup>48</sup>Associated Press, “Puerto Rico teachers protest plan to cut retirement benefits, increase their contributions,” *Fox News*, March 15, 2013, <http://www.foxnews.com/world/2013/03/15/puerto-rico-teachers-protest-plan-to-cut-retirement-benefits-increase-their/>.

<sup>49</sup>CB Online Staff, “PR economy slips into red for fiscal 2013,” *Caribbean Business*, June 3, 2013, <http://www.caribbeanbusinesspr.com/news/pr-economy-slips-into-red-for-fiscal-2013-85153.html>.

Rico.”<sup>50</sup>

## 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,<sup>51</sup> it is one of the jurisdictions with the highest number of cases certified by the U.S. Department of Justice for the death penalty.<sup>52</sup> 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,<sup>53</sup> while civic and religious groups consistently maintained vigils outside the courthouse.<sup>54</sup>

The current governor and the resident commissioner have publicly expressed opposition to the death penalty,<sup>55</sup> and the governor has asked the U.S. Attorney General not to certify

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<sup>50</sup>John Marino, “CNE’s concerns on economy reach new heights,” *Caribbean Business*, June 6, 2013, <http://www.caribbeanbusinesspr.com/news/cnes-concerns-on-economy-reach-new-heights-85314.html>.

<sup>51</sup>Limarys Suárez Torres, “Casos de pena de muerte en Puerto Rico: Desde el 2003, el tribunal federal ha visto cuatro casos para decidir si se imparte el castigo letal,” *El Nuevo Día*, March 23, 2013, <http://www.elnuevodia.com/casosdepenademuerteenpuertorico-1476345.html>.

<sup>52</sup>Editorial, “A pasar la página de la pena capital,” *El Nuevo Día*, April 28, 2013, <http://www.elnuevodia.com/editorial-apasarlapaginadelapenacapital-1499552.html>.

<sup>53</sup>Caribbean Business Online Staff, “PR cop killer dodges death penalty,” *Caribbean Business*, April 12, 2013, <http://www.caribbeanbusinesspr.com/news/pr-cop-killer-dodges-death-penalty-83186.html>. The U.S. courts operate in the English language, thus excluding the vast majority of Puerto Ricans from eligibility for jury duty.

<sup>54</sup>See, e.g., “Concilio de Iglesias reanuda vigiliyas contra pena de muerte,” *Telemundo*, March 14, 2013, <http://www.telemundopr.com/telenoticias/puerto-rico/Concilio-de-Iglesias-reanuda-vigiliyas-contra-pena-de-muerte-197962361.html?m=y&smobile=y>.

<sup>55</sup>Editorial, “A pasar la página de la pena capital,” *El Nuevo Día*, April 28, 2013, <http://www.elnuevodia.com/editorial-apasarlapaginadelapenacapital-1499552.html>.

additional cases for the U.S. death penalty.<sup>56</sup> 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.”<sup>57</sup>

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.”<sup>58</sup> 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,<sup>59</sup> 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.<sup>60</sup> A

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<sup>56</sup>“Jury declines to impose death penalty in Puerto Rico murders,” *Reuters*, March 23, 2013, <http://www.reuters.com/article/2013/03/24/us-usa-deathpenalty-puertorico-idUSBRE92N02020130324>.

<sup>57</sup>Mariana Cobián, “Juez Fusté expresa que casos de pena de muerte son “una pérdida de tiempo,” *Primera Hora*, April 17, 2013, <http://www.primerahora.com/noticias/policia-tribunales/nota/juezfusteexpresaquecasosdepenademuertesonunaperdidadetiempo-912885/>.

<sup>58</sup>Editorial, “A pasar la página de la pena capital,” *El Nuevo Día*, April 28, 2013, <http://www.elnuevodia.com/editorial-apasarlapaginadelapenacapital-1499552.html>.

<sup>59</sup>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/>.

<sup>60</sup>Arturo Massol Deyá, “Derrotado Gasoducto El pueblo venció porque de pie se lucha,” *Claridad*, October 16, 2012, <http://www.claridadpuertorico.com/content.html?news=314A4AF0D86AEBAA1C52EC51A721AD6C>.

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.<sup>61</sup>

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.<sup>62</sup> The Agricultural Rescue Front organized to protect some of the richest farmland in the country from encroachment by industrial wind turbines in Santa Isabel.<sup>63</sup> After years of struggle to protect the Northeast Ecological Corridor, organized citizens finally achieved a law protecting the nature reserve.<sup>64</sup> 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,<sup>65</sup> which in

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<sup>61</sup>Luis V. Gutiérrez, "Gasoducto: Puerto Rico's Pipeline Project Is Dead," October 11, 2012.

<sup>62</sup>"Decepcionados con la EPA los opositores de incineradora en Arecibo: Guardaban esperanza de que sus planteamientos evitarían el permiso," *El Nuevo Día*, June 12, 2013, <http://www.elnuevodia.com/decepcionadosconlaepalosopositoresdeincineradoraenarecibo-1529874.html>.

<sup>63</sup>Gerardo E. Alvarado León, "Se quedan cortas las turbinas: No producen la energía prometida," *El Nuevo Día*, March 12, 2013, <http://www.elnuevodia.com/sequedancortaslasturbinas-1466913.html>.

<sup>64</sup>Antonio R. Gómez, "García Padilla firma ley para preservar Corredor Ecológico del Noreste," *Primera Hora*, April 13, 2013, <http://www.primerahora.com/noticias/gobierno-politica/nota/garciapadillafirmaleyparapreservarcorredorecologicodelnoreste-video-911798/>.

<sup>65</sup>Mariana Cobián, "Buscan limitar la pesca de peces loros para proteger corales: Las partes presentaron sus argumentos en la sala del juez federal Salvador Casellas," *El Nuevo Día*, June 12, 2013, <http://www.elnuevodia.com/buscanlimitarlapescadepeceslorosparaprotegercorales-1530163.html>.

Puerto Rico are in sharp decline.<sup>66</sup> 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.<sup>67</sup> 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."<sup>68</sup>

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;<sup>69</sup> 2) return of ex-Navy lands to the Puerto Rican people (most of the land was transferred

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<sup>66</sup>CB Online Staff, "Report: Clock ticks on Caribbean coral," *Caribbean Business*, September 8, 2012, <http://caribbeanbusinesspr.com/news/report-clock-ticks-on-caribbean-coral-76096.html>.

<sup>67</sup>José A. Delgado, "El incumplimiento federal con Vieques," *El Nuevo Día*, May 4, 2013, [http://www.elnuevodia.com/blog-el\\_incumplimiento\\_federal\\_con\\_vieques-1503040.html](http://www.elnuevodia.com/blog-el_incumplimiento_federal_con_vieques-1503040.html).

<sup>68</sup>Editorial, "La Marina Tiene Que Cumplir con Vieques," *El Nuevo Día*, February 25, 2013 <http://www.elnuevodia.com/editorial-lamarinatienequecumplirconvieques-1454552.html>. See also, Editorial, "Es Responsabilidad de la Casa Blanca," *El Nuevo Día*, March 25, 2013, <http://www.elnuevodia.com/editorial-esresponsabilidaddelacasablanca-1477317.html>.

<sup>69</sup>Unexploded bombs litter waters of Vieques, Puerto Rico, a decade after the U.S. Navy ceased target practice: The world has largely forgotten about the devastation the U.S. Navy left behind as the slow cleanup process continues," *New York Daily News*, May 1, 2013, <http://www.nydailynews.com/news/national/gonzalez-10-years-devastation-vieques-waters-article-1.1332740#ixzz2S>

to the jurisdiction of U.S. Interior Department’s Fish and Wildlife Service); 3) sustainable development;<sup>70</sup> 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).<sup>71</sup>

### **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.<sup>72</sup> 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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<sup>70</sup>“Punishing Vieques: Puerto Rico Struggles With Contamination 10 Years After Activists Expel U.S. Navy,” *Democracy Now*, May 2, 2013, [http://www.democracynow.org/2013/5/2/punishing\\_vieques\\_puerto\\_rico\\_struggles\\_with](http://www.democracynow.org/2013/5/2/punishing_vieques_puerto_rico_struggles_with).

<sup>71</sup>Maritza Stanchich, “Ten Years After Ousting US Navy, Vieques Confronts Contamination,” *Huffington Post*, May 14, 2013, [http://www.huffingtonpost.com/maritza-stanchich-phd/ten-years-after-ousting-u\\_b\\_3243449.html](http://www.huffingtonpost.com/maritza-stanchich-phd/ten-years-after-ousting-u_b_3243449.html).

<sup>72</sup>Editorial, “Indulto Presidencial a Oscar López Rivera,” *El Nuevo Día*, February 21, 2013, <http://www.elnuevodia.com/editorial-indultopresidencialaoscarlopezrivera-1453446.html#.USYWM6XZikU.facebook>.

“prisoners” for 24 hours.<sup>73</sup> The news media saturated the island with coverage: the main daily newspaper issued its second editorial in a matter of months favoring his release,<sup>74</sup> 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<sup>75</sup> and René Perez and Residente of Calle 13;<sup>76</sup> interfaith religious services prayed for his release as chapel bells rang 32 times; a former governor,<sup>77</sup> the president of the senate<sup>78</sup> and the bar association,<sup>79</sup> and the mayors of ten cities<sup>80</sup> entered the symbolic cells as

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<sup>73</sup>“Puerto Rico: celebridades se "encarcelan" por Oscar López,” *BBC*, May 30, 2013, [http://www.bbc.co.uk/mundo/ultimas\\_noticias/2013/05/130529\\_ultnot\\_protesta\\_puerto\\_rico\\_oscar\\_lopez\\_jrg.shtml](http://www.bbc.co.uk/mundo/ultimas_noticias/2013/05/130529_ultnot_protesta_puerto_rico_oscar_lopez_jrg.shtml); Hermes Ayala, “Finaliza masiva "encarcelación" por Oscar López Rivera,” *NotiCel*, May 29, 2013, <http://noticel.com/noticia/142504/finaliza-masiva-encarcelacion-por-oscar-lopez-rivera-itinerario-y-galeria.html>.

<sup>74</sup>Editorial, “Ya llegó la hora de liberar a Oscar,” *El Nuevo Día*, May 29, 2013, <http://www.elnuevodia.com/editorial-yallegolahoradeliberaraoscar-1520995.html>.

<sup>75</sup>Gerardo Cordero, “Ricky Martin se une a reclamo por excarcelación de Oscar López,” *Primera Hora*, May 29, 2013, <http://www.primerahora.com/noticias/puerto-rico/nota/rickymartinseuneareclamoporexcarcelaciondeoscarlopez-924977/>; David Iaconangelo, “Ricky Martin, Calle 13 And Other Famous Puerto Ricans Protest Oscar López Rivera's Imprisonment In Fake Jail Cells,” *Latin Times*, May 30, 2013, <http://www.latintimes.com/articles/4610/20130530/ricky-martin-calle-13-famous-puerto-ricans.htm>.

<sup>76</sup>“René de Calle 13 se encarcela para pedir la libertad de Oscar López,” *People en Español*, May 31, 2013, <http://www.peopleenespanol.com/article/rene-de-calle-13-se-encarcela-para-pedir-libertad-oscar-lopez>. (The record breaking Grammy winner declared, “My crime is struggling for the independence of Puerto Rico, for all human rights, and for the release of Oscar López.”).

<sup>77</sup>CyberNews, “Acevedo Vilá entre los "32 x Oscar", la libertad de López Rivera,” *Noticel*, May 21, 2013, <http://noticel.com/noticia/142174/acevedo-vila-entre-los-32-x-oscar-la-libertad-de-lopez-rivera.html>.

<sup>78</sup>“Presidente Senado de Puerto Rico pide a Obama liberar a López Rivera: Cumple 32 Años en Prisión,” *Europa Press*, May 29, 2013, <http://www.europapress.es/latam/politica/noticia-puerto-rico-presidente-senado-pide-obama-excarcele-lopez-rivera-20130529211409.html>.

<sup>79</sup>Yesenia Torres Figueroa / InterNews Service, “Más se unen a reclamo excarcelación de Oscar López: Figuras políticas y de la vida privada han cruzado líneas ideológicas para unirse a la causa de solicitar cuanto antes la excarcelación de Oscar López Rivera,” *WAPA TV*, May 29, 2013, [http://www.wapa.tv/noticias/locales/mas-se-unen-a-reclamo-excarcelacion-de-oscar-lopez\\_20130529141359.html](http://www.wapa.tv/noticias/locales/mas-se-unen-a-reclamo-excarcelacion-de-oscar-lopez_20130529141359.html) (Ana Irma Rivera Lassén, told the media, “Today, May 29, 2013, I accompany Oscar López Rivera from this incarceration of freeing solidarity. The Puerto Rico Bar Association demands out loud, together with the voices of so



“prisoners,” as did businessmen and journalists, clergy,<sup>81</sup> athletes,<sup>82</sup> artists<sup>83</sup> and academics.

Whole families and entire government offices entered the “cells.”<sup>84</sup> The following day, the Senate of Puerto Rico passed a resolution calling for his release.<sup>85</sup>

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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.”).

<sup>80</sup>“Diez alcaldes y un centenar de personalidades irán presos por la excarcelación de Oscar López Rivera,” *80GRADOS*, May 28, 2013, <http://www.80grados.net/diez-alcaldes-y-un-centenar-de-personalidades-iran-presos-por-la-excarcelacion-de-oscar-lopez-rivera>; Diez alcaldes presos por la excarcelación de Oscar López Rivera *El Periódico*, May 29, 2013, [http://www.elperiodicopr.com/index.php?option=com\\_content&view=article&id=3244:diez-alcaldes-presos-por-la-excarcelacion-de-oscar-lopez-rivera&catid=69:noticias&Itemid=124](http://www.elperiodicopr.com/index.php?option=com_content&view=article&id=3244:diez-alcaldes-presos-por-la-excarcelacion-de-oscar-lopez-rivera&catid=69:noticias&Itemid=124).

<sup>81</sup>See, e.g., Daniel Rivera Vargas, “Obispo Rubén González se une a pedido de excarcelación de Oscar López,” *Primera Hora*, May 29, 2013, <http://www.primerahora.com/noticias/puerto-rico/nota/obisporubengonzalezseuneapedidodeexcarcelaciondeoscarlopez-925013/>; 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.elnuevodia.com/maspresosporlaexcarcelaciondeoscarlopezrivera-1521005.html#.UaYZKMmCAWA>.facebook (“Another temporary prisoner in San Juan was Catholic priest Ángel Darío Carrero, head of the Franciscan Order in Puerto Rico and the Caribbean. Upon entering the cell, the priest layed down on the floor in a reflective state and prayed.”).

<sup>82</sup>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.elnuevodia.com/maspresosporlaexcarcelaciondeoscarlopezrivera-1521005.html#.UaYZKMmCAWA>.facebook (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.”)

<sup>83</sup>“Artistas cierran filas por excarcelación Oscar López Rivera,” *Fundación Nacional para la Cultura Popular*, May 30, 2013, <http://www.prpop.org/noticias/may2013/artistas-cierran-filas-por-excarcelacion-de-oscar-lopez-rivera-5302013-1.shtml>.

<sup>84</sup>Gerardo Cordero, “Conmovida la hija de Oscar López por apoyo al evento ‘32 x Oscar’,” *Primera Hora*, May 29, 2013, <http://www.primerahora.com/noticias/puerto-rico/nota/conmovidalahijadeoscarlopezporapoyoalevento32xoscar-925065/>.

<sup>85</sup>InterNews Service, “Senado en PR por liberación de López,” *El Diario/La Prensa*, June 1, 2013, <http://www.eldiariiony.com/noticiasnuestros-paises/article/20130601/Senado-en-PR-por-liberacion-de-Lopez>.

The 32<sup>nd</sup> 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,<sup>86</sup> churches and religious organizations,<sup>87</sup> social justice organizations,<sup>88</sup> etc.

Support in Puerto Rico has blossomed to an unprecedented level, with expressions from every sector of society, from elected officials<sup>89</sup> to professional organizations<sup>90</sup> and cooperatives,<sup>91</sup>

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<sup>86</sup>“Oscar López Rivera: After 32 Years in Prison, Calls Grow for Release of Puerto Rican Activist,” *Democracy Now*, May 31, 2013, [http://www.democracynow.org/2013/5/31/oscar\\_lpez\\_rivera\\_after\\_32\\_years](http://www.democracynow.org/2013/5/31/oscar_lpez_rivera_after_32_years); “Archbishop Desmond Tutu on Oscar López Rivera,” <http://www.youtube.com/watch?v=HYf7AWkaV3I>; “Nobel Peace Laureate Mairead Corrigan Maguire on Oscar López Rivera,” [http://www.youtube.com/watch?v=\\_ptWv4IzC4Q](http://www.youtube.com/watch?v=_ptWv4IzC4Q); “Nobel Peace Laureate and Past President of East Timor José Ramos-Horta,” <http://www.youtube.com/watch?v=k-Dck0gVZrc>.

<sup>87</sup>See, e.g., Anthony Moujaes, “UCC officers to visit political prisoner,” *UCC News*, August 2, 2012, <http://www.ucc.org/news/ucc-officers-to-visit.html>; “Encarcelamiento Simbólico,” Confederación Latinoamericana y Caribeña de Religiosos y Religiosas, May 21, 2013, <http://www.clar.org/clar/index.php?module=Contenido&func=viewpub&tid=2&pid=650>.

<sup>88</sup>See, e.g., InterNews Service, “Foro Sao Paulo apoya independencia Puerto Rico y excarcelación Oscar López Rivera y rechaza plebiscito,” *Claridad*, July 6, 2012, <http://www.claridadpuertorico.com/content.html?news=5DA005AC003E3A8229F8A456BEB47452>.

<sup>89</sup>See, e.g., “García Padilla se une petición de excarcelación de Oscar López Rivera: Figuras públicas se encierran en celdas en protesta,” *El Nuevo Día*, May 29, 2013, <http://www.elnuevodia.com/garciapadillaseunepeticiondeexcarcelaciondeoscarlopezrivera-1521025.html> (the governor of Puerto Rico); Cándida Cotto, “Crece apoyo a reclamo de libertad para Oscar López Rivera,” *Claridad*, December 11, 2012, <http://www.claridadpuertorico.com/content.html?news=78DCECF6C444C7EA431B541D71FFB492> (president of Puerto Rico Senate, many mayors, and president of Mayor's Association).

<sup>90</sup>See, e.g., “Médicos cirujanos piden libertad de Oscar López,” *NotiCel*, July 3, 2012, <http://www.claridadpuertorico.com/content.html?news=4DFBB4C19379692964AB3D3BD8D94526>.

<sup>91</sup>See, e.g., Cándida Cotto, “FEDECOOP apoya excarcelación Oscar,” *Claridad*, May 14, 2013, <http://www.claridadpuertorico.com/content.html?news=670F0905B2C9E1921EACC95D63E74170>.

to veterans<sup>92</sup> and beauty queens.<sup>93</sup>

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.<sup>94</sup> 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.<sup>95</sup> 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.<sup>96</sup> Art exhibits,<sup>97</sup> murals,<sup>98</sup> books, dedication of

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<sup>92</sup>“Procurador del veterano pide liberación de Oscar López:El licenciado Agustín Montañez Allman le envió una carta al presidente Obama en la que le pide considere el servicio militar y los logros de López Rivera en la milicia,” *El Nuevo Día*, June 4, 2013, <http://www.elnuevodia.com/procuradordelveteranopideliberaciondeoscarlopez-1525012.html>.

<sup>93</sup>Patricia Vargas Casiano, “‘Quiero volar’: La reina ya se ve desplazándose por el escenario y alcanzando la segunda corona de Miss Mundo para Puerto Rico,” *El Nuevo Día*, June 2, 2013, <http://www.elnuevodia.com/quierovolar-1523099.html>.

<sup>94</sup>“Tito Kayak celebró su cumpleaños remando: El activista cumplió 54 años en las aguas caribeñas,” *El Nuevo Día*, July 24, 2012, <http://www.elnuevodia.com/titokayakcelebrosucumpleanosremando-1307841.html>.

<sup>95</sup>“Líderes internacionales y puertorriqueños se reúnen en San Juan en Encuentro de Derechos Humanos,” *Claridad*, December 5, 2012, <http://www.claridadpuertorico.com/content.html?news=4213BB58B400D6C533CA50BEB9D5C9DB>; Rebecca Banuchi, “Políticos se unen para pedir excarcelación de Oscar López Rivera: El boricua ha estado preso durante 31 años,” *El Nuevo Día*, December 9, 2012, <http://www.elnuevodia.com/politicosseunenparapedirexcarcelaciondeoscarlopezrivera-1404111.html>.

<sup>96</sup>InterNews Service, “Del 21 al 24 febrero Festival de Apoyo a Claridad dedicado a Oscar López Rivera,” *Claridad*, February 20, 2013, <http://www.claridadpuertorico.com/content.html?news=AE438A98DD8FDFF90EF70A9501215F77>; Patricia Rivera Polanco, “Festival de CLARIDAD: Por la excarceración de Oscar,” *Claridad*, February 25, 2013, <http://www.claridadpuertorico.com/content.html?news=B4F1B9EAD6C96180EDA408BAA6B56566>.

<sup>97</sup>See, e.g., InterNews Service, “Oscar López: ‘Antesala a la libertad’: Reabre la sala San Juan Bautista con exposición de Óscar López ‘Antesala a la libertad,’” *WAPA Television*, May 27, 2013, [http://www.wapa.tv/noticias/entretenimiento/oscar-lopez---antesala-a-la-libertad-\\_20130527154718.html](http://www.wapa.tv/noticias/entretenimiento/oscar-lopez---antesala-a-la-libertad-_20130527154718.html).

<sup>98</sup>See, e.g., “Un mural por Oscar,” April 21, 2013, <http://www.otropuertoricoesposible.org/2013/04/un-mural-por-oscar.html>.

public events — such as when the mayor of San Juan dedicated her electoral victory to him<sup>99</sup> — 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.<sup>100</sup> They expressed confidence that there is positive movement toward his release,<sup>101</sup> but he remains behind bars, entering his 33<sup>rd</sup> 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

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<sup>99</sup>“Carmen Yulín le dedica su triunfo a Oscar López,” *Claridad*, November 14, 2012, <http://www.claridadpuertorico.com/content.html?news=D528EAC0C7F025719D68A15D4293AB2C>.

<sup>100</sup>José A. Delgado, “García Padilla sobre Oscar López,” *El Nuevo Día*, June 12, 2013, [http://www.elnuevodia.com/blog-garcia\\_padilla\\_sobre\\_oscar\\_lopez-1529826.html](http://www.elnuevodia.com/blog-garcia_padilla_sobre_oscar_lopez-1529826.html).

<sup>101</sup>“Sánchez Betances confía que cambie la situación del preso Oscar López: El secretario de Justicia de Estados Unidos, Eric Holder, dice que no es irrazonable la excarcelación Oscar López,” *METRO.PR*, June 13, 2013, <http://www.metro.pr/locales/sanchez-betances-confia-que-cambie-la-situacion-del-presos-oscar-lopez/pGXmfmlaaORunstFOUtU/>.

Laureate and former president of South Africa Nelson Mandela.”<sup>102</sup> 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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<sup>102</sup>“Senado en PR por liberación de López,” *El Diario/La Prensa*, June 1, 2013, <http://www.eldiariiony.com/noticiasnuestros-paises/article/20130601/Senado-en-PR-por-liberacion-de-Lopez>.

\* 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.

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