

**National Lawyers Guild International Committee
Presentation to the United Nations Decolonization Committee
Hearings on Puerto Rico
June 22, 2015**

I have the privilege of addressing you today on behalf of the National Lawyers Guild. Founded in 1937 as an alternative to the American Bar Association, which did not admit people of color, the Guild is the oldest and largest public interest/human rights bar organization in the United States, with headquarters in New York and chapters in every state. From its founding, the National Lawyers Guild has maintained an internationalist perspective, with Puerto Rico playing an important part of the critical focus of our international work. We have passed many resolutions affirming the right of the Puerto Rican people to self-determination and independence and calling for the release of Puerto Rican political prisoners. Our members, including myself, have dedicated our legal skills to this just and noble cause.

I. Colonial status = Economic disaster

In flagrant disrespect for international law and for this Committee's resolutions for the past three decades, the United States continues to maintain Puerto Rico as its colony. July 25 will mark the 117th anniversary of the U.S. military invasion of that Caribbean and Latin American nation.

Given this Special Committee's vast understanding of the consequences of colonialism, the conditions under which Puerto Rican people are made to live cannot be surprising. One grim sound bite, with likely underestimated statistics, noted:

Since 2006, Puerto Rico's economy has contracted every year except one and its poverty rate is now almost double that of Mississippi, the poorest state. Official unemployment is 11.8 percent and the island's murder rate is more than five times

that of the U.S. As jobs disappear, more Puerto Ricans are emigrating. Population is heading toward a 100-year low by 2050.¹

The current crisis is characterized by a shrinking tax base and work force,² combined with migration,³ rising taxes – particularly for rank and file workers –,⁴ privatization of basic services,⁵ and policies to attract multi-millionaires to the island by enacting legislation that allows them virtual freedom from any taxation.⁶

¹Michelle Kaske and Martin Z. Braun, “Puerto Rico’s Slide,” *Bloomberg*, May 22, 2015, <http://www.bloombergtv.com/quicktake/puerto-ricos-slide>. See also: Greg Allen, Marisa Peñaloza, “In Puerto Rico's Debt Crisis, There Are No Easy Solutions,” *NPR*, May 5, 2015, <http://www.npr.org/2015/05/05/403290738/in-puerto-ricos-debt-crisis-there-are-no-easy-solutions> (“For 25 years, Puerto Rico has been caught in a debilitating economic spiral. Decades of recession and slow economic growth forced a succession of governments to take out loans to cover budget deficits.”).

²Eduardo San Miguel Tió, “Puerto Rico has fewest people employed in 22 years; U.S. unemployment lowest since 2008,” *Caribbean Business*, March 6, 2015, <http://www.caribbeanbusinesspr.com/news/puerto-rico-has-fewest-people-employed-in-22-years-u.s.-unemployment-lowest-since-2008-105781.html>; “En picada la fuerza laboral y el empleo en Puerto Rico: Sin embargo, Departamento del Trabajo solo destaca reducción en el desempleo,” *El Nuevo Día*, January 27, 2015, <http://www.elnuevodia.com/negocios/finanzas/nota/enpicadalafuerzalaboralyempleoenpuertorico-2000193/>.

³David Osborne, “Puerto Rico, island of lost dreams: People are leaving the debt-hit territory in droves as near neighbour Cuba's star rises,” *Independent*, May 22, 2015, <http://www.independent.co.uk/news/world/americas/puerto-rico-island-of-lost-dreams-people-are-leaving-the-debthit-territory-in-droves-as-near-neighbour-cubas-star-rises-10271083.html> (“A White House official privately described it as the biggest population displacement ever seen outside of a war.”).

⁴Danica Coto, Associated Press, “Puerto Rico lawmakers approve sales tax increase; gov expected to sign bill” *U.S. News & World Report*, May 26, 2015, <http://www.usnews.com/news/business/articles/2015/05/26/puerto-rico-lawmakers-give-final-nod-to-sales-tax-increase>; Associated Press, “Thousands in Puerto Rico protest proposed value-added tax,” March 5, 2015, <http://news.yahoo.com/thousands-puerto-rico-protest-proposed-value-added-tax-155353947.html>.

⁵See, e.g., Telenoticias, “Gobernador busca privatización de la AEE,” *Telemundo Puerto Rico*, June 3, 2015, <http://www.telemundopr.com/noticias/local/Gobernador-hace-velada-propuesta-de-privatizacion-de-la-AEE-30602081.html?akmobile=0>; “Maestras ofrecen devastadora ponencia sobre Educación: Poco antes del inicio de la vista, líderes magisteriales catalogaron como un “fraude” el proceso de evaluación,” *El Nuevo Día*, October 6, 2014, <http://www.elnuevodia.com/noticias/locales/nota/maestrasofrecendevastadoraponenciasobreeducacion-1868053/>.

⁶Julie Satow, “Puerto Rico Luring Buyers With Tax Breaks,” *New York Times*, September 5, 2014, http://www.nytimes.com/2014/09/07/realestate/puerto-rico-luring-buyers-with-tax-breaks.html?_r=0; Philip DeMuth and Lauren Gensler, “Treasure Island Puerto Rico Bids To Become New Age Tax Haven,” *Forbes*, March 2, 2015, <http://www.forbes.com/sites/laurengensler/2015/02/11/puerto-rico-new-age-tax-haven/>.

The government is at risk of defaulting on a debt of more than \$70 billion.⁷ The public utility company is at risk of defaulting on a \$9 billion debt.⁸ What may be the worst drought in the country's history is resulting in water rationing.⁹ The health care system is on the verge of collapse, in part due to low federal reimbursements for Medicare and Medicaid, resulting in doctors leaving the island in droves.¹⁰ The exodus of young, qualified people is leaving an aging population.¹¹ The current administration is facing an imminent choice, "between servicing the debt or keeping the government going."¹²

⁷Laura J. Keller, "Puerto Rico's \$72 Billion Mess Reunites Lehman Foes," *Bloomberg*, June 1, 2015, Updated on June 3, 2015, <http://www.bloomberg.com/news/articles/2015-06-02/puerto-rico-s-72-billion-distress-mess-reunites-lehman-era-foes>.

⁸Patrick Gillespie, "Puerto Rico's terrible economy is causing a population exodus," *CNN Money*, June 16, 2015, <http://money.cnn.com/2015/06/15/news/economy/puerto-rico-debt/index.html?iid=Lead>.

⁹Agencia EFE, "Advierten la sequía que afecta a Puerto Rico puede ser la peor de la historia," *Primera Hora*, June 16, 2015, <http://www.primerahora.com/noticias/puerto-rico/nota/adviertenlasequiaqueafectaapuertoricopuedeserlapeordelahistoria-1089443/>.

¹⁰Dennis Rivera, "Opinion: Cuts to Puerto Rico's health care system are unfair and can prove fatal," *Fox News Latino*, June 16, 2015, <http://latino.foxnews.com/latino/opinion/2015/06/16/opinion-cuts-to-puerto-rico-health-care-system-are-unfair-and-can-prove-fatal/>; Michael A. Fletcher, "Already deep in debt, Puerto Rico now faces a new crisis," *Washington Post*, May 26, 2015, <http://www.washingtonpost.com/blogs/wonkblog/wp/2015/05/26/already-deep-in-debt-puerto-rico-now-faces-a-new-crisis/>.

¹¹"Se agudiza la migración boricua: Conoce algunos aspectos significativos en los pasados años," *El Nuevo Día*, January 8, 2015, <http://www.elnuevodia.com/seagudizalamigracionboricua-1924202.html>; Jorge Duany, "Un país que no crece," *El Nuevo Día*, February 11, 2015, <http://www.elnuevodia.com/opinion/columnas/unpaisquenocrece-columna-2006156/>; Pew Research Center, "Study explores decline in Puerto Rican population on island, growth in states," *Caribbean Business*, August 12, 2014, <http://www.caribbeanbusinesspr.com/news/study-explores-decline-in-puerto-rican-population-on-island-growth-in-states-99495.html>.

¹²David Osborne, "Puerto Rico, island of lost dreams: People are leaving the debt-hit territory in droves as near neighbour Cuba's star rises," *Independent*, May 22, 2015, <http://www.independent.co.uk/news/world/americas/puerto-rico-island-of-lost-dreams-people-are-leaving-the-debthit-territory-in-droves-as-near-neighbour-cubas-star-rises-10271083.html> (quoting Sergio Marxuach, of the Center for a New Economy).

“The US’s colonial experiment is finally being recognized as an abject failure,”¹³ says one astute critic. Of course, the colonial status has everything to do with these crises, as the U.S. government well knows. While the most recent report from the President’s Task Force on Puerto Rico’s status euphemistically calls colonialism “the status question,” it readily acknowledges “that the status question and the economy are intimately linked,” and “regardless of the ultimate outcome of the status question, identifying the most effective means of assisting the Puerto Rican economy depends on resolving the ultimate question of status. In short, the long-term economic well-being of Puerto Rico would be dramatically improved by an early decision on the status question.”¹⁴

The two dominant electoral parties, dancing to the tune of Wall Street and successive U.S. administrations, are wearing out their welcome with their constituents, given their “stubborn allegiance to neoliberalism, whether in its cruel or kinder form.”¹⁵

The hedge fund vultures, who are in the picture thanks to rating agencies and their cohorts having lowered the bond ratings,¹⁶ also well know that Puerto Rico’s colonial status has everything to do with the current situation:

¹³Ed Morales, “Puerto Rico’s Dance With Debt: Puerto Rico is mired in debt and facing default. And US colonialism is one of the main culprits,” *Jacobin Magazine*, June 14, 2015, <https://www.jacobinmag.com/2015/06/puerto-rico-garcia-padilla-debt-austerity/>.

¹⁴Report by the President’s Task Force on Puerto Rico’s Status, March 2011, https://www.whitehouse.gov/sites/default/files/uploads/Puerto_Rico_Task_Force_Report.pdf, at p. 33.

¹⁵Ed Morales, “Puerto Rico’s Dance With Debt: Puerto Rico is mired in debt and facing default. And US colonialism is one of the main culprits,” *Jacobin Magazine*, June 14, 2015, <https://www.jacobinmag.com/2015/06/puerto-rico-garcia-padilla-debt-austerity/>.

¹⁶See, e.g., Ricardo Cortés Chico, “Moody’s degrada bonos generales del Gobierno de Puerto Rico: Establece que el gobierno no está listo para afrontar el aumento en la deuda por la baja en recaudos, pobre economía y falta de liquidez,” *El Nuevo Día*, February 19, 2015, <http://www.elnuevodia.com/noticias/politica/nota/moodysdegradabonosgeneralesdelgobiernodepuertorico-2009850/>.

The Puerto Ricans don't have a lot of choice in dance partners. They can't go to the International Monetary Fund, which aids only sovereign nations. They can't make like Greece and threaten to pull out of the common currency or cozy up to the Russians. Unlike Detroit, Puerto Rico isn't eligible to seek protection from creditors in U.S. Bankruptcy Court. Because it uses the dollar, it can't lighten its foreign debts by inflating its currency. And Treasury Secretary Jacob Lew has made clear that the feds won't sweep in with big bucks even though there's nothing that says they couldn't—except Congress. That leaves the hedge funds...¹⁷

In keeping with the dance metaphor, another writer – not surprisingly, a Puerto Rican – writes, “After the music dies down and the dancing stops, Puerto Rico’s fate must be dealt with in a way that recognizes its human rights and dignity and fulfills the modicum of citizenship granted to its inhabitants so many years ago.”¹⁸

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 three decades.

II. U.S. intervention, otherwise

While Puerto Rican politicians argue not about whether, but the extent to which, the U.S. should take responsibility for solving the economic disaster in its colony,¹⁹ the U.S. otherwise

¹⁷Peter Coy, “Hedge Fund Vultures to the Rescue in Puerto Rico: Hedge funds aren’t popular, but they’re perceived in some circles as the last, best hope for the island,” *Bloomberg*, May 21, 2015, <http://www.bloomberg.com/news/articles/2015-05-21/puerto-rico-hedge-fund-vultures-to-the-rescue>.

¹⁸Ed Morales, “Puerto Rico’s Dance With Debt: Puerto Rico is mired in debt and facing default. And US colonialism is one of the main culprits,” *Jacobin Magazine*, June 14, 2015, <https://www.jacobinmag.com/2015/06/puerto-rico-garcia-padilla-debt-austerity/>.

¹⁹José A. Delgado, “Gobernador insiste en urgencia de aprobar la ley de quiebra federal: García Padilla habló vía Skype en un seminario sobre la crisis fiscal que se celebra en Nueva York,” June 15, 2015, *El Nuevo Día*, <http://www.elnuevodia.com/noticias/locales/nota/gobernadorinsisteenurgenciadeaprobarlaleydequiebrafederal-2060639/>; “Pierluisi considera ‘insensato’ que se cabildeara por la quiebra federal total: El comisionado residente aseguró que era una idea sin posibilidad alguna en el Congreso,” *El Nuevo Día*, June 17, 2015, <http://www.elnuevodia.com/noticias/politica/nota/pierluisiconsiderainsensatoquesecabildearaporlaquiebrafederaltotal-2061419/>.

deeply intervenes in all aspects of Puerto Rican society, consistent with its historical cultivation of dependency on the metropolis, from “cleaning up corruption” in government and business²⁰ (while *not* cleaning up the toxic military waste the U.S. Navy left in Vieques²¹ and Culebra²²), to

²⁰Caribbean Business Online Staff, “Feds bust PR mayor for corruption,” *Caribbean Business*, July 10, 2014, <http://www.caribbeanbusinesspr.com/news/feds-bust-pr-mayor-for-corruption-98646.html>; Caribbean Business Online Staff, “Feds bust HTA treasurer in kickback scheme,” *Caribbean Business*, December 3, 2014, <http://www.caribbeanbusinesspr.com/news/feds-bust-hta-treasurer-in-kickback-scheme-102550.html>; Kevin Mead, “Guilty pleas from ‘mafia’ of crooked cops,” *Caribbean Business*, August 25, 2014, <http://www.caribbeanbusinesspr.com/news/guilty-pleas-from-mafia-of-crooked-cops-100006.html>; “Federales arrestan a dos empleados de Doral,” *NotiCel*, February 23, 2015, <http://www.noticel.com/noticia/172608/federales-arrestan-a-dos-empleados-de-doral-documento.html>. See also, Eva Laureano, “La mano federal más dura está en Puerto Rico,” *NotiCel*, May 10, 2015, <http://www.noticel.com/noticia/175426/la-mano-federal-mas-dura-esta-en-puerto-rico.html> (sentences in the U.S. court in the Island are harsh: the average time served is twice the average in the U.S., and a higher percentage of people eligible for non-prison sentences are sent to prison).

²¹José A. Delgado, “Arrastra los pies la Marina en Vieques: Informe sometido al Congreso indica que remoción de bombas en agua puede tardar hasta cinco años en comenzar,” *El Nuevo Día*, June 5, 2015, <http://www.elnuevodia.com/noticias/locales/nota/arrastralospieslamarinaenvieques-2056474/>.

²²“Hallan explosivo en playa de Culebra: El artefacto mide más de dos pies de ancho,” *El Nuevo Día*, March 22, 2015, <http://www.elnuevodia.com/noticias/locales/nota/hallanexplosivoenplayadeculebra-2023525/>.

handing out small financial incentives,²³ to waging the war against drugs²⁴ (without providing adequate resources to do so effectively,²⁵ in spite of official recognition that “Puerto Rico’s geographic location makes it especially vulnerable to transnational crime,” that “with approximately 300 miles of unprotected shoreline, it has become a significant transshipment point for drugs between South America and the continental United States.”²⁶).

²³“HUD asigna \$4.8 millones para seis municipios: Los fondos se entregarán a Fajardo, Guayama, San Sebastián, Toa Alta, Vega Baja y Yauco,” *El Nuevo Día*, July 24, 2014, <http://www.elnuevodia.com/hudasigna48millonesparaseismunicipios-1820955.html>; José A. Delgado, “Entregarían \$130 millones para carreteras en Puerto Rico: Cámara baja federal aprobó la extensión de asignaciones,” *El Nuevo Día*, July 15, 2014, <http://www.elnuevodia.com/entregarian130millonesparacarreterasenpuertorico-1815018.html>; Associated Press, “\$11M in federal funds for mass transit,” *Caribbean Business*, August 25, 2014, [http://www.caribbeanbusinesspr.com/news/\\$11m-in-federal-funds-for-mass-transit-99964.html](http://www.caribbeanbusinesspr.com/news/$11m-in-federal-funds-for-mass-transit-99964.html); “US Treasury awards \$4.9M to EDB to spur lending to PR small businesses,” *Caribbean Business*, September 25, 2014, [http://www.caribbeanbusinesspr.com/news/us-treasury-awards-\\$4.9m-to-edb-to-spur-lending-to-pr-small-businesses-100895.html](http://www.caribbeanbusinesspr.com/news/us-treasury-awards-$4.9m-to-edb-to-spur-lending-to-pr-small-businesses-100895.html); “San Juan, San Germán Head Start programs to get \$18 million,” *Caribbean Business*, February 3, 2015, [http://www.caribbeanbusinesspr.com/news/san-juan-san-german-head-start-programs-to-get-\\$18-million-104076.html](http://www.caribbeanbusinesspr.com/news/san-juan-san-german-head-start-programs-to-get-$18-million-104076.html); “Salud federal asigna \$19 millones para preparativos contra el ébola: Los fondos serán utilizados para construir una guía dirigida a la preparación de hospitales,” *El Nuevo Día*, February 20, 2015, <http://www.elnuevodia.com/noticias/locales/nota/saludfederalasigna19millonesparapreparativoscontraelebola-2010463/>; Associated Press, “US to award Puerto Rico \$3.7M to fight terrorism,” *Caribbean Business*, April 3, 2015, [http://www.caribbeanbusinesspr.com/news/us-to-award-puerto-rico-\\$3.7m-to-fight-terrorism-107748.html](http://www.caribbeanbusinesspr.com/news/us-to-award-puerto-rico-$3.7m-to-fight-terrorism-107748.html);

²⁴Associated Press, “US busts Caribbean drug trafficking ring,” *Caribbean Business*, July 23, 2014, <http://www.caribbeanbusinesspr.com/news/us-busts-caribbean-drug-trafficking-ring-98961.html>; Alex Figueroa Cancel, “ICE realiza arrestos por narcotráfico: El operativo también incluye cargos por lavado de dinero, así como tráfico y posesión de armas,” *El Nuevo Día*, December 23, 2014, <http://www.elnuevodia.com/icerealizaarrestospornarcotrafico-1915804.html>; Alex Figueroa Cancel, “Operativo federal contra el narcotráfico: Autoridades diligencian 61 órdenes de arresto en Manatí, Barceloneta y Florida,” *El Nuevo Día*, March 11, 2015, <http://www.elnuevodia.com/noticias/seguridad/nota/operativofederalcontraelnarcotrafico-2018395/>.

²⁵Nydia Bauzá, “Persiste el narcotráfico en Puerto Rico: García Padilla reconoció que no ha registrado bajas a pesar de que han aumentado las incautaciones de drogas,” *El Nuevo Día*, April 20, 2015, <http://www.elnuevodia.com/noticias/seguridad/nota/persisteelnarcotraficoenpuertorico-2036618/>.

²⁶Report by the President’s Task Force on Puerto Rico’s Status, March 2011, https://www.whitehouse.gov/sites/default/files/uploads/Puerto_Rico_Task_Force_Report.pdf, at p. 64-65.

III. Death penalty

Although Puerto Ricans abolished the death penalty in 1929²⁷; the subsequent constitution prohibits the death penalty on the Island;²⁸ and the current governor publicly states that the death penalty is “a social aberration that should be eradicated from humanity;²⁹ U.S. prosecutors seek the death penalty three and a half times more often than in the rest of United States.³⁰ All the more reason for Puerto Rico’s active Coalition Against the Death Penalty to continue its human rights work, which has led to their active participation in the World Coalition Against the Death Penalty.³¹

IV. Political prisoners

Last year, as in previous years, this Committee requested the president of the United States to release Oscar López Rivera, who has served more than 33 years in U.S. prisons, and whose case is of humanitarian character. The president has not released him – at least, not yet.

But despite all the decades of prison, the U.S. hasn’t destroyed him. Nor has the U.S. severed his ties with his people, who revere him. The campaign for his release has actually

²⁷Law No. 42 of April 26, 1929, §1, P.R. Laws 232, 232 (1929) (“The death penalty is hereby definitively abolished in Porto Rico.”).

²⁸The constitution came about as part of U.S. Public Law 600, which specified that it would only come into effect after certification by U.S. Congress. See, César J. Ayala and Rafael Bernabe, *Puerto Rico in the American Century: A History Since 1898* (University of North Carolina Press, Chapel Hill, 2007), pp. 163-165.

²⁹EFE, “Despite quadruple murder Puerto Rico governor says death penalty ‘should be eradicated,’” *Latino Fox News*, November 25, 2014, <http://latino.foxnews.com/latino/news/2014/11/24/despite-quadruple-murder-puerto-rico-governor-says-death-penalty/>.

³⁰Kent Faulk, “Birmingham attorney takes fight against death penalty in U.S. to the United Nations,” April 18, 2015, http://www.al.com/news/birmingham/index.ssf/2015/04/birmingham_attorney_takes_figh.html.

³¹“Puerto Rico en Coalición Mundial Contra la Pena de Muerte,” *Claridad*, June 16, 2015, <http://www.claridadpuertorico.com/content.html?news=FB31D1F8E7B039BD23396B63C249F4B5>.

converted him in to the opposite example that the U.S. would want – he is a living legend in Puerto Rico, in many Puerto Rican communities in the U.S., and in Latin America.

Expressions from the Puerto Rican people reveal the deep collective injury that his ongoing, unjust and unjustifiable imprisonment reflects:

Oscar López Rivera has been in prison for 33 years. He hasn't been accused of committing any violent act. He hasn't been connected to any violent act. He was accused of conspiring. The line that divides "conspiring" from "thinking" is very fine. I don't think Oscar would be a danger for the future of our country, of our community, or of our family. His sentence, far too excessive, violates the most elemental principles of humanity, sensitivity and justice. Oscar López Rivera owes no debt to society, and if he ever did, he paid it a long time ago. He hasn't done us any harm.

So wrote Puerto Rico's pro-commonwealth governor, Alejandro García Padilla, after traveling to make a state visit last October to the federal prison in southern Indiana where Oscar is being held.³²

"Oscar López Rivera is the symbol of a flagrant dishonor for his jailers and an affront to democracy that fails to respect human rights." So began an editorial in the Island's main daily newspaper titled "The Ongoing Imprisonment of Oscar López is a Betrayal of Democracy."³³

16. It also constitutes an enormous weight of accumulated colonial violence that political prisoner Oscar López Rivera is still kept in a U.S. prison in deplorable conditions and for a disproportionately lengthy 33 years. There is no way to justify such abuse that wounds the sensitivity of Puerto Rican people of all ideologies as well as international observers.

17. Based in humanitarian reasons, we believe that relations between Puerto Rico and the United States should move toward a sphere of equality, symmetry, democratic understanding and a spirit of genuine collaboration so as to achieve

³²Alejandro García Padilla/ Gobernador de Puerto Rico, "Terre Haute, Indiana," *El Nuevo Día*, October 8, 2014, <http://www.elnuevodia.com/columna-terrehauteindiana-1868644.html>.

³³"Traiciona la democracia la prisión de Oscar López," Editorial, *El Nuevo Día*, June 1, 2014, <http://www.elnuevodia.com/editorial-traicionalademocracialaprisiondeoscarlopez-1783974.html>.

the immediate release of Oscar López Rivera. That would represent a new point of departure for a shared history which also needs to be rewritten in order to heal and repair so many wounds and injustices.

So stated Metropolitan Archbishop of San Juan, Puerto Rico, Roberto González Nieves, ofm, in his 2015 Pastoral Letter, “The Good Life of the Gospel.”³⁴

Expressions from Latin America abound. Among the many are included: The president of the Bolivarian Republic of Venezuela, Nicolas Maduro, has distinguished himself by calling for Oscar’s release in many fora. When he spoke at the United Nations last fall, he spoke of Oscar: “We demand the immediate release of Oscar Rivera, whose only crime was to defend his beautiful dignified one starred flag of our sister Puerto Rico.”³⁵ When he spoke at Third Summit of CELAC, the Community of Latin American and Caribbean States, in January, he spoke of Oscar, urging people to “add efforts, statements, gestures so that this man who is our Nelson Mandela, who speaks our language, who lives our reality, can soon walk the streets of San Juan, along with the Puerto Rican people in their struggle for independence and freedom.”³⁶ And when recently he welcomed the Cuban Five to his country, he again urged Oscar’s release, referring to

³⁴Brenda Peña López, “Arzobispo de San Juan divulga nueva carta pastoral,” *Primera Hora*, January 7, 2015, <http://www.primerahora.com/noticias/puerto-rico/nota/arzobispodesanjuandivulganuevacartapastoral-1057889/>.

³⁵“Desde la sede de la ONU, en Nueva York: Maduro exigió la inmediata liberación del preso político puertorriqueño, Oscar López Rivera,” *VTV*, September 24, 2014, <http://www.vtv.gob.ve/articulos/2014/09/24/maduro-exigio-la-inmediata-liberacion-del-preso-politico-puertorriqueno-oscar-lopez-rivera-video-7015.html>.

³⁶“Maduro pide sumar esfuerzos por la ‘libertad del Nelson Mandela de Puerto Rico, Oscar López Rivera’,” *Noticias24*, January 28, 2015, <http://www.noticias24.com/venezuela/noticia/272122/maduro-pide-sumar-esfuerzos-por-la-libertad-del-nelson-mandela-de-puerto-rico-oscar-lopez-rivera/>.

him as the “Latin American Mandela.”³⁷

The president of Nicaragua, Daniel Ortega, announced at the same CELAC Summit, that he had incorporated Rubén Berríos Martínez, president of the Puerto Rican Independence Party, into the Nicaraguan delegation, as Puerto Rico has no seat at the table. He then ceded his turn to Berríos Martínez, who urged CELAC members to ask the U.N. General Assembly to rule on the status of Puerto Rico and to demand that the United States release the “patriot and political prisoner” Oscar López.³⁸

The president of Uruguay, José Mujica, spoke of Oscar, not only when he visited the White House in 2014,³⁹ but when he wrote to president Obama last December, urging Oscar’s release, calling it an act that “could open wide avenues to a process of peace, understanding, progress and wellbeing for all the peoples who inhabit that crucial zone of our America.”⁴⁰

The General Assembly of the Parliamentary Confederation of the Americas passed a resolution calling for his release, stating: “The freedom of Oscar López is a matter of justice and human rights, having been deprived of his freedom for too long, for which reason he doesn’t

³⁷“Héroes Cubanos estuvieron presos por defender su patria con dignidad Lucharon con valentía y moral por defender a su Patria,” *TeleSur TV*, May 5, 2015, <http://www.telesurtv.net/news/Heroes-Cubanos-estuvieron-presos-por-defender-su-patria-con-dignidad-20150505-0046.html>.

³⁸EFE, “Nicaragua cede su turno a Rubén Berríos frente a la Celac,” *NotiCel*, January 28, 2015, <http://www.noticel.com/noticia/171580/nicaragua-cede-su-turno-a-ruben-berrios-frente-a-la-celac-video.html>.

³⁹José A. Delgado, “Pepe Mujica ‘No somos corderitos’,” *El Nuevo Día*, May 13, 2014, <http://www.elnuevodia.com/blog-pepemujicanosomosocorderitos-1772268.html>.

⁴⁰“Pepe Mujica le escribe a Obama para que libere a Oscar López: Hace el reclamo a favor de procesos de mejor entendimiento con Latinoamérica,” *El Nuevo Día*, December 6, 2014, <http://www.elnuevodia.com/noticias/internacionales/nota/pepemujicaleescribeaobamaparaquelibereaoscarlopez-1905874/>.

deserve to be unjustly imprisoned for even a single day longer.”⁴¹

So many people – in Puerto Rico, in the U.S., and throughout the world understand the need to act to correct this terrible injustice. In just the past month:

* The City Council of the City of New York voted overwhelmingly to “call[] upon President Obama to grant clemency to Oscar López Rivera so that he is immediately released from prison, as his continued incarceration is unjust and serves no legitimate purpose;”⁴²

* The Congressional Hispanic Caucus sent a letter to President Obama seeking Oscar’s release, expressing its belief that “it is time for Oscar to come home;”⁴³

* More than 3,000 people marched through Harlem demanding his release, in “One Voice for Oscar;”⁴⁴

* Thousands marched through the streets of San Juan, for independence for Puerto Rico and for Oscar’s release;⁴⁵

⁴¹“Destacan resolución a favor de excarcelación de Oscar López Rivera: La iniciativa fue aprobada por la Conferencia Parlamentaria de las Américas,” *El Nuevo Día*, November 9, 2014, <http://www.elnuevodia.com/noticias/politica/nota/destacanresolucionafavordeexcarcelaciondeoscarlopezrivera-1888735/>.

⁴²“Concejo Municipal Nueva York pide la excarcelación de Oscar López: Aprueba resolución que incluye llamamiento al presidente Obama,” *El Nuevo Día*, June 10, 2015, <http://www.elnuevodia.com/noticias/politica/nota/concejomunicipalnuevayorkpidelaexcarcelaciondeoscarlopez-2058683/>.

⁴³José A. Delgado, “Caucus Hispano del Congreso pide la excarcelación de Oscar López: El grupo que reúne a los demócratas hispanos envió una carta al presidente Obama,” *El Nuevo Día*, May 22, 2015, <http://www.elnuevodia.com/noticias/politica/nota/caucushispanodelcongresopidelaexcarcelaciondeoscarlopez-2050566/>.

⁴⁴Erin Clarke, “Thousands Attend Rally for Freedom of Imprisoned Puerto Rican Independentist,” *NY1*, May 30, 2015, <http://www.ny1.com/nyc/all-boroughs/news/2015/05/30/thousands-attend-rally-for-freedom-of-imprisoned-puerto-rican-independentist.html>.

⁴⁵“Unidos varios sectores independentistas por la libertad de Oscar y de Puerto Rico,” *NotiCel*, June 14, 2015, <http://www.noticel.com/noticia/176920/unidos-varios-sectores-independentistas-por-la-libertad-de-oscar-y-de-pr-gal>

* The National Puerto Rican Day Parade in New York City highlighted his case and called for his release, with an Oscar contingent hundreds strong;⁴⁶

* A group of Swedish parliamentarians wrote to the U.S. president urging him to release Oscar;⁴⁷

* The Communications Workers of America passed a resolution at their convention in Detroit calling for his release;⁴⁸

* Troubadors from all over Latin America, “Canto de Todos Argentina 2015,” included a call for Oscar’s release in their final declaration;⁴⁹

* To commemorate the 34th anniversary of Oscar’s arrest and imprisonment, a 33 day walk coordinated by the Comité Pro Derechos Humanos through 40 coastal towns in Puerto Rico – many of which passed resolutions supporting his release – culminated with a concert in San Juan;⁵⁰ demonstrations took place throughout the U.S.;⁵¹ activities were celebrated in

eria.html.

⁴⁶<http://www.nprdpinc.org/oscar-lopez-rivera/>; Meredith Deliso, “Puerto Rican Day Parade to march up Fifth Avenue this Sunday,” *AM New York*, June 11, 2015, <http://www.amny.com/news/puerto-rican-day-parade-nyc-kicks-of-sunday-on-fifth-avenue-1.10533487>.

⁴⁷Cándida Cotto, “Personalidades suecas piden a Obama que libere a Oscar López Rivera,” *Claridad*, June 9, 2015, <http://www.claridadpuertorico.com/content.html?news=7D129C56E76A3FB751194D052EA3E53B>.

⁴⁸http://www.cwa-union.org/pages/resolution_in_support_of_the_release_of_oscar_lopez_rivera.

⁴⁹Declaración Canto de Todos Argentina 2015, May 26-30, 2015, <http://www.nodalcultura.am/2015/06/declaracion-participantes-de-canto-de-todos/>.

⁵⁰See, e.g., Lyanne Meléndez García, InterNews Service, “Cientos desafían condiciones climáticas para marchar por Oscar,” *Claridad*, May 30, 2015, <http://www.claridadpuertorico.com/content.html?news=86E44204EDD9C76666FAD6B422F3E7E9>; “Segunda Caminata Nacional por Oscar llega a su fin: El viernes 29 de mayo se cumplen los 34 años del encierro de López Rivera,” *Metro PR*, May 25, 2015, <http://www.metro.pr/locales/segunda-caminata-nacional-por-oscar-llega-a-su-fin/pGXoey!zMVGpD3uH4V8Q/>; Sandra Torres Guzmán, “Llega al sur la Caminata por Oscar,” *La Perla del Sur*, May 2, 2015, http://www.periodicolaperla.com/index.php?option=com_content&view=article&id=7164:llega-al-sur-la-caminata-p

Venezuela,⁵² in Panamá;⁵³ and in Cuba – where Ricardo Alarcón de Quesada and Soraya Álvarez Núñez, head of Asociación Cubana de las Naciones Unidas (ACNU), two of the Cuban Five, representatives of OSPAAAL and ICAP, and many other dignitaries attended;⁵⁴

* The Venezuelan National Assembly approved a project to mobilize a movement, build public opinion, and encourage discussion in favor of Oscar’s release;⁵⁵

* On Memorial Day in San Juan, a group of distinguished Vietnam veterans held a vigil at the Capitol, in support of their fellow Vietnam veteran’s release;⁵⁶

or-oscar&catid=135:actualidad-del-sur&Itemid=423.

⁵¹“Con más fuerzas las voces por Oscar López: Se desarrollarán manifestaciones en San Juan, Nueva York, Orlando y Texas,” *El Nuevo Día*, May 28, 2015, <http://www.elnuevodia.com/noticias/locales/nota/conmasfuerzaslasvoceporoscarlopez-2053039/>; “Comité insiste en la liberación de Oscar López Rivera,” *El Sentinel*, May 27, 2015, <http://www.orlandosentinel.com/elsentinel/comunidad/os-oscar-lopez-rivera-20150527-story.html>; Berta Joubert-Ceci, “In New York and Bay Area with one voice: Free Óscar!,” *Workers World*, June 2, 2015, <http://www.workers.org/articles/2015/06/02/in-new-york-and-bay-area-with-one-voice-free-oscar/>; Elliot Monteverde, “En Texas: Oscar López Rivera ¡Presente!,” *Claridad*, June 8, 2015, <http://www.claridadpuertorico.com/content.html?news=44CAE7C8D9D11D30494EEC177EBE47D1>.

⁵²“Venezuela: Caminata por la libertad de Oscar López Rivera,” *TeleSur TV*, May 30, 2015, <http://www.telesurtv.net/news/Venezuela-Caminata-por-la-libertad-de-Oscar-Lopez-Rivera-20150530-0003.html>.

⁵³“Solidario el pueblo panameño con la excarcelación de Oscar,” *Claridad*, May 26, 2015, <http://www.claridadpuertorico.com/content.html?news=AE5B8BA0BA1EE42526E2DEDC703A9444>.

⁵⁴L. Eduardo Domínguez, Ladyrene Pérez, “Más voces se unen al reclamo de libertad de Oscar López Rivera a 34 años de injusta prisión,” *CubaDebate*, May 29, 2015, <http://www.cubadebate.cu/noticias/2015/05/29/mas-voce-se-unen-al-reclamo-de-libertad-de-oscar-lopez-rivera-a-34-anos-de-injusta-prision/#.VYck-fVhBc>; “Solidaridad con Oscar López desde Cuba: Se celebró un evento en la misión de Puerto Rico en La Habana,” *El Nuevo Día*, May 29, 2015, <http://www.elnuevodia.com/noticias/politica/nota/solidaridadconoscarlopezdesdecuba-2053628/>.

⁵⁵“Aprueban acuerdo por liberación del Óscar López Rivera: En Venezuela, diferentes movimientos sociales y el Gobierno nacional han reiterado su apoyo a Rivera López y han exigido al Gobierno de Estados Unidos su liberación,” *Últimas Noticias*, June 2, 2015, <http://www.ultimasnoticias.com.ve/noticias/actualidad/politica/aprueban-acuerdo-por-liberacion-del-oscar-lopez-ri.aspx#ixzz3dGexXYos>.

⁵⁶“Veteranos de Vietnam piden la excarcelación de Oscar López Rivera: Harán manifestación el lunes frente al Capitolio de San Juan,” *El Nuevo Día*, May 23, 2015, <http://www.elnuevodia.com/noticias/locales/nota/veteranosdevietnampidenlaexcarcelaciondeoscarlopezrivera-20508>

* Simultaneous to the CELAC-EU Summit, a People’s Summit in Brussels, attended by parliamentarians, intellectuals and social justice activists from Latin America, the Caribbean and Europe, passed a resolution calling for Oscar’s release;⁵⁷

* 34 women in San Juan – one woman for each year of prison Oscar has served –, joined this month by a representative of Movimiento de Trabajadores Sin Tierra de Brasil⁵⁸ and a sister group of 34 women in New York, gathered on May 31, as they do the last Sunday of every month, now for 34 minutes, “hasta su regreso,” until Oscar comes home.

The clamor for his release is a unifying force, a call for justice and human rights across party lines, national boundaries, religious and political beliefs. As Puerto Rico’s main daily newspaper so strongly urged in its editorial on Puerto Rican Flag Day:

President Obama should internalize, as the Preamble to the Universal Declaration of Human Rights establishes, that “the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,” and that “disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind.”

He should not, then, further insult the conscience of the people of the United States and all of Humankind keeping for one day longer in unjust, anti-democratic

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⁵⁷Anais Lucena, “Intelectuales y luchadores sociales rechazan injerencia en procesos de cambio de Latinoamérica (+Declaración),” *RadioMundial*, June 11, 2015, <http://www.radiomundial.com.ve/article/intelectuales-y-luchadores-sociales-rechazan-injerencia-en-procesos-de-cambio-de>.

⁵⁸Lyanne Meléndez García, InterNews Service, “Ahora son 34 las mujeres en el puente Dos Hermanos que exigen la excarcelación de Oscar López Rivera,” *Claridad*, May 31, 2015, <http://www.claridadpuertorico.com/content.html?news=BE3330A204DCC42FE19600B7A3378A72>; “Puertorriqueñas mantienen reclamo por indulto de Oscar López Rivera,” *Prensa Latina*, May 31, 2015, http://prensa-latina.cu/index.php?option=com_content&task=view&id=3852611&Itemid=1.

and vengeful custody “a free man” like Oscar.⁵⁹

Consonant with the demand of the People, we trust that this august body will once again urge the president of the U.S. to release Oscar López Rivera, who is beginning an unprecedented 34th year in U.S. prisons for his unwavering commitment to the independence and self-determination of his People.

V. Radiance and Resilience

In spite of 117 years of U.S. colonial domination, the Puerto Rican people continue to exist as a proud people. Their continued existence is proof of their resilience and radiance in the face of the human rights nightmare of colonialism, as they mobilize to protect the environment, express their culture, develop industry, and grow as a people. A back-to-the-land agricultural movement is growing;⁶⁰ urban public art is reclaiming neighborhoods,⁶¹ the University of Puerto Rico just conferred a record number of doctoral degrees;⁶² a movement to protect the

⁵⁹“Más alta la bandera por la excarcelación de Oscar,” Editorial, *El Nuevo Día*, December 22, 2014, <http://www.elnuevodia.com/editorial-masaltalabanderaporlaexcarcelaciondeoscar-1914430.html>.

⁶⁰Jeff Gordinier, “Reclaiming Puerto Rico’s Food Paradise,” *New York Times*, February 17, 2015, http://www.nytimes.com/2015/02/18/dining/reclaiming-puerto-ricos-food-paradise.html?_r=0; Greg Allen, “Puerto Rico Is Sowing A New Generation Of Small Farmers,” *Texas Public Radio*, May 6, 2015 <http://tpr.org/post/puerto-rico-sowing-new-generation-small-farmers>.

⁶¹Mariela Fullana Acosta, “Santurce es Ley regresa tridimensional,” *Primera Hora*, August 5, 2014, <http://www.primerahora.com/noticias/puerto-rico/nota/santurceesleyregresatridimensional-1026954/>.

⁶²Marga Parés Arroyo, “Histórica graduación de la UPR: La institución logró una cifra récord de grados doctorales,” *El Nuevo Día*, June 17, 2015, <http://www.elnuevodia.com/noticias/locales/nota/historicagraduaciondelaupr-2061635/>.

environment is thriving;⁶³ arts projects, see the crises as opportunities for generating new forms;⁶⁴ creative inventions are saving energy.⁶⁵

VI. Conclusion

The National Lawyers Guild, 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 prisoner Oscar López Rivera, who has just marked the 34th anniversary of his arrest and imprisonment in U.S. prisons;

- * identify and hold criminally liable all those responsible for the assassination of Filiberto Ojeda Ríos (2005), Santiago Mari Pesquera (1976), Carlos Muñoz 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;

- * fully 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

⁶³Leysa Caro González, “Residentes del caño Martín Peña exigen que acabe el discrimen,” *Primera Hora*, April 22, 2015, <http://www.primerahora.com/noticias/puerto-rico/nota/residentesdelcanomartinpenaexigenqueacabeeldiscrimen-1078623/>; CyberNews, “Arecibeños se encadenan frente a JCA contra incineradora,” *Metro PR*, January 22, 2015, <http://www.metro.pr/locales/arecibenos-se-encadenan-frente-a-jca-contra-incineradora/pGXoav!bH4seg9AYNyY/>.

⁶⁴Art & Education.net, http://www.artandeducation.net/author/beta_local/ (Beta Local is a study and production program, an experimental education project and a platform for critical discussion and production immersed in our local reality (San Juan, the tropics, the Caribbean, the unplanned city) and our present moment (the economic crisis, the infinite potential, the skills and ideas of people who live here, now).

⁶⁵“Encienden el ‘posterriqueño’ en Adjuntas: Instalan luminarias LED creadas por estudiantes y profesores como parte de un proyecto piloto,” *El Nuevo Día*, December 21, 2014, <http://www.elnuevodia.com/noticias/locales/nota/enciendenelposterriquenoenadjuntas-1914552/>.

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;

* 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 22, 2015

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