

**National Lawyers Guild
Presentation to the United Nations Decolonization Committee
Hearings on Puerto Rico
June 20, 2016**

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. Our many resolutions affirm the right of the Puerto Rican people to self-determination and independence and call for the release of Puerto Rican political prisoners. Our members, including myself, have dedicated our legal skills to this just and noble cause.

I. Puerto Rico is a colony of the United States

Just this month, the U.S. Supreme Court and the U.S. House of Representatives clarified what this Committee has recognized and denounced for decades: Puerto Rico is a colony of the United States.¹ First, the U.S. Supreme Court announced in *Puerto Rico v. Sánchez Valle*, that ultimate sovereignty for Puerto Rico originates with the U.S. Congress, resulting in a ruling that for purposes of double jeopardy, unlike the 50 U.S. states, unlike the Indian tribes, Puerto Rico is

¹As for the historical significance of the coinciding events, see: Benjamín Torres Gotay, “The End of the Old Promise: Within 24 hours, a decision from the U.S. Supreme Court and the approval of an Oversight Board dealt a harsh blow to the Commonwealth,” *El Nuevo Día*, June 10, 2016, <http://www.elnuevodia.com/english/english/nota/theendoftheoldpromise-2208911/> (“This day will go down in history possibly at the same level of both July 25th dates: in 1898 for the U.S. invasion and in 1952 for the birth of the Commonwealth. It was yesterday when the Commonwealth stopped being what it had been construed as until now, and the base upon which society was politically organized.”).

not a sovereign entity entitled to criminally process its citizens who have already been criminally processed in the U.S. court in Puerto Rico.² The moment, noted one political commentator, is “the end of a lie.”³

The same day, the House of Representatives – over the objections of Puerto Rico’s governor, many elected officials, labor unions and the voting public⁴ – passed the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA, Spanish for “promise”),⁵ in

²*Puerto Rico v. Sánchez Valle*, 579 U.S. ____ (June 9, 2016) (“Congress conferred the authority to create the Puerto Rico Constitution, which in turn confers the authority to bring criminal charges. That makes Congress the original source of power for Puerto Rico’s prosecutors— as it is for the Federal Government’s. The island’s Constitution, significant though it is, does not break the chain.”).

³Carlos Gallisá, “El fin de una mentira,” *Claridad*, June 10, 2016, <http://www.claridadpuertorico.com/content.html?news=5186AF90035251FAF73A8EDF57604355>.

⁴“AGP dice que no le gusta la aprobación de PROMESA,” *Radio Isla*, June 10, 2016, <http://www.radioisla1320.com/agp-dice-que-no-le-gusta-la-aprobacion-de-promesa/>; “Secretario de Hacienda tiene ganas de salir corriendo: No le agrada la junta de control fiscal,” *El Nuevo Día*, June 10, 2016, <http://www.elnuevodia.com/noticias/locales/nota/secretariodehaciendatiene ganasdesalircorriendo-2208917/>; Ricardo Cortés Chico, “Alcaldes lanzan fuertes críticas contra la junta de control fiscal: Para la alcaldesa de San Juan la medida convierte a la Isla en un ‘subterritorio’ estadounidense,” *El Nuevo Día*, May 20, 2016, <http://www.elnuevodia.com/noticias/politica/nota/alcaldeslanzanfuertescriticascontralajuntadecontrolfiscal-2200836/> (San Juan mayor Carmen Yulín Cruz said the fiscal control board is an example of “raw colonialism”); Mike DeBonis, “House passes Puerto Rico fiscal rescue bill ahead of July cliff,” *Washington Post*, June 9, 2016, <https://www.washingtonpost.com/news/powerpost/wp/2016/06/09/puerto-rico-fiscal-rescue-is-poised-to-pass-house-as-july-deadline-looms/>; Steven T. Dennis, Laura Litvan, “Senate Seen as Resigned to Accepting House Puerto Rico Bill,” *Bloomberg*, June 8, 2016, <http://www.bloomberg.com/politics/articles/2016-06-08/senate-seen-as-resigned-to-accepting-house-puerto-rico-debt-bill> (“The results of Puerto Rico’s elections, however, where voters defeated politicians who backed the deal, had Senator Bob Menendez of New Jersey calling again for changes in the bill, known as PROMESA. ‘It was a rejection of PROMESA and I think that is consistent not only with what I’ve heard from not only from my contacts and relationships on the island but also what I’m hearing from the Puerto Rican diaspora here in the United States,’ he said.”).

⁵House Committee on Natural Resources, “H.R. 5278: Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA),” http://naturalresources.house.gov/uploadedfiles/promesa_packet_6.6.pdf; Heather Long, “House passes Puerto Rico rescue bill,” *CNN Money*, June 9, 2016, <http://money.cnn.com/2016/06/09/investing/house-passes-puerto-rico-bill/> (the White House is urging the U.S. Senate to pass the bill); “Juan R. Torruella’s speech in the John Jay College of Criminal Justice: A discussion of some of the outstanding constitutional and international Law issue that are raised by the United State- Puerto Rico Relationship,” *El Nuevo Día*, April 24, 2016, <http://www.elnuevodia.com/noticias/politica/nota/juanrtorruellasspeechinthejohnjaycollegeofcriminaljustice-219050/> (“Congress is now considering legislation entitled the “Puerto Rico Oversight, Management, and Economic Stability Act,” to which some cynic with a sickly sense of humor has attached the acronym “PROMESA,” which in

response to the need to restructure Puerto Rico’s unpayable debt of over \$72 billion.⁶ The law will establish an oversight board to be responsible for enforcing budgets and government reform, including forcing the sale of government assets, consolidating agencies and firing workers. The board will be comprised of seven people selected by Republican congressional leaders and appointed by the U.S. president – there is no provision for inclusion of any Puerto Rican, but there is a provision to exclude any Puerto Rican elected official or candidate. The board will further usurp the function of the elected government, in that it can “prevent the execution of legislative acts, executive orders, regulations, rules and contracts” as it sees fit. Among its odious powers, it can shrink the minimum wage for young workers.

As if this one-two punch were not enough, days later the U.S. Supreme Court delivered the third punch, in *Puerto Rico v. Franklin California Tax-Free Trust*, siding with investors and striking Puerto Rico’s legislation to restructure public utility debt, ruling that federal bankruptcy law, “bars Puerto Rico from enacting its own municipal bankruptcy scheme to restructure the debt of its insolvent public utilities.”⁷

As an editorial in Puerto Rico’s main daily newspaper articulated:

Spanish means "promise," pursuant to which the Government of Puerto Rico will be placed in virtual trusteeship by the U.S. Government and Congress.”).

⁶“El gobernador de Puerto Rico reconoce que la ‘deuda es impagable’: El gobernador, García Padilla, ha admitido la mala situación y afirma que "se buscarán concesiones significativas de todos los acreedores posibles," *Univision*, June 29, 2015, <http://www.univision.com/noticias/el-gobernador-de-puerto-rico-reconoce-que-la-deuda-es-impagable>; Michael Corkery and Mary Williams Walsh, “Puerto Rico’s Governor Says Island’s Debts Are ‘Not Payable’,” *New York Times*, June 28, 2015, http://www.nytimes.com/2015/06/29/business/dealbook/puerto-ricos-governor-says-islands-debts-are-not-payable.html?_r=0.

⁷*Puerto Rico v. Franklin California Tax-Free Trust*, 579 U.S. ____ (June 13, 2016).

The state of colonialism unveiled in the pages of the Supreme Court’s ruling has placed Puerto Rico between a rock and a hard place, experiencing precisely the opposite of “the best of both worlds.” On the one hand, the colony has no powers to assume control of the nation. On the other, Congress has explicitly excluded the island's agencies from the protection of the U.S. Bankruptcy Code since the mid-eighties.⁸

The dissent, written by the sole Puerto Rican justice Sonia Sotomayor, recognized that the decision leaves Puerto Rico at the mercy of U.S. Congress, “powerless and with no legal process to help its 3.5 million citizens,” who face what “members of the Executive and Legislature have described as a looming ‘humanitarian crisis’,” as their vital public services are imperiled.

The vulture- and hedge-fund operators who own a huge share of the debt are pushing to protect their own interests over and above the interests of the Puerto Rican people.⁹ These operators, along with the U.S. Congress and Supreme Court, wholly ignore the fact that the very United States has a deficit of \$534 billion, with a \$14.0 trillion debt held by the public.¹⁰

These latest events further unmask the true colonial nature of the United States and give the lie to U.S. representations to the United Nations in the early 1950's when the U.S. falsely asserted that U.S. Law 600 converted Puerto Rico into a self-governing territory. In what some refer to as “a monumental hoax,” the U.S. maneuvered the U.N. into removing Puerto Rico

⁸“La deshonra colonial de Puerto Rico exige solución,” Editorial, *El Nuevo Día*, June 14, 2016 <http://www.elnuevodia.com/opinion/editoriales/ladeshonracolonialdepuertoricoexigesolucion-editorial-2210105/>.

⁹Rupert Neate, “Hedge funds tell Puerto Rico: lay off teachers and close schools to pay us back: Report commissioned by 34 hedge funds says government had been ‘massively overspending on education’ despite spending only 79% of US average per pupil,” *The Guardian*, July 28, 2015, <https://www.theguardian.com/world/2015/jul/28/hedge-funds-puerto-rico-close-schools-fire-teachers-pay-us-back>; Brave New Films, “Ever Heard of ‘Vulture Funds’? Well, They’re Destroying Puerto Rico,” *The Nation*, June 10, 2016, <http://www.thenation.com/article/ever-heard-of-vulture-funds-well-theyre-destroying-puerto-rico/>.

¹⁰Congressional Budget Office: Nonpartisan Analysis for the U.S. Congress, Budget Projections for FY 2016 (as of March 2016), <https://www.cbo.gov/topics/budget>.

from the list requiring accountability from countries with non-self-governing territories.¹¹

In imperial fashion, the U.S. continues to thumb its nose at international law which requires it to engage in a process to enable the Puerto Rican people to fully exercise their inalienable right to self-determination and independence.¹²

II. Resistance is alive and well

A doom and gloom portrait of Puerto Rico predominates the U.S. and international media, which fail to report the inspiring and creative resistance to the latest phase of U.S. colonial control. Rather than dwell on the negative, we will instead focus on the positive.

A. Challenging the debt

The Puerto Rico Commission for the Comprehensive Audit of the Public Credit

¹¹See, e.g., “Juan R. Torruella's speech in the John Jay College of Criminal Justice: A discussion of some of the outstanding constitutional and international Law issue that are raised by the United State- Puerto Rico Relationship,” *El Nuevo Día*, April 24, 2016, <http://www.elnuevodia.com/noticias/politica/nota/juanrtoruellasspeechinthejohnjaycollegeofcriminaljustice-2190500/> (“Although the United States ceased filing these reports for Puerto Rico in 1952 following representations to the United Nations to the effect that Puerto Rico had become a self-governing entity by reason of the establishment of the Commonwealth of Puerto Rico, these avowals in my opinion did not represent the true legal or constitutional situation when they were made, nor have they become any more true at any time since then to the present. [...] The end of the Second World War and the creation of United Nations, with its purported anti-colonial stance codified in its Charter, opened up new prospects for many colonized peoples. The United States, being a principal sponsor of the UN and of decolonization by Great Britain and France, was forced to publicly reevaluate its relationship with Puerto Rico and its U.S. citizen inhabitants. Congress took a strategic step in that direction in 1950 by enacting Public Law 600, which authorized Puerto Ricans to draft their own local constitution subject to congressional approval. Congress subsequently approved, after some edits, a Puerto Rican constitution that afforded a limited measure of self-government, which included the right to elect a governor and legislature, as well as to appoint local government officials, including judges. What followed was a rush to the United Nations by the United States to seek a dispensation for Puerto Rico from U.N. reporting requirements imposed on those countries with non-self-governing territories. This was accomplished by much chicanery and arm-twisting by the representatives of the United States, in collusion with some leading Puerto Rican politicians, a feat described by some, accurately, in my opinion, as ‘a monumental hoax.’ For although these actions resulted in the removal of Puerto Rico from the UN colonial list, P.L. 600 was, at best, a cosmetic measure.”).

¹²José A. Delgado, “La colonia PLUS,” *El Nuevo Día*, June 12, 2016, <http://blogs.elnuevodia.com/desde-washington/2016/06/12/la-colonia-plus/>.

[Comisión para la Auditoría Integral del Crédito Público de Puerto Rico],¹³ created to evaluate the process of renegotiating the public debt, has made a preliminary analysis that half the debt may be unconstitutional,¹⁴ which could lead to Puerto Rico's nullifying that debt.¹⁵

Representatives of more than 50 groups comprising Puerto Rico's civil society advocated at the Inter-American Commission on Human Rights for a moratorium on debt payment and a participatory, democratic and transparent mechanism to restructure the debt, as well as for an audit that would clarify the origin of the debt, exclude the illegitimately acquired debt, and establish a legal framework for determining civil and criminal liability for the debt.¹⁶

¹³“Crea la Comisión de Auditoría Integral del Crédito Público y Requiere al BGF Establecer un Comité de Auditoría y un Comité de Manejo de Riesgo: Ley Núm. 97,” July 1, 2015, <http://www2.pr.gov/ogp/BVirtual/LeyesOrganicas/pages/97-2015.aspx>.

¹⁴Joanisabel González, “Mitad de la deuda podría ser inconstitucional: Análisis preliminar de la Comisión de Auditoría de la Deuda apunta a que \$30,000 millones se emitieron en violación de la carta magna,” *El Nuevo Día*, June 2, 2016, <http://www.elnuevodia.com/negocios/economia/nota/mitaddeladeudapodriaserinconstitucional-2205945/>.

¹⁵Daniel Marans, “This Puerto Rico Debt Commission Could Be The Island's Trump Card: Now the panel just needs the funding to complete its investigation,” *Huffington Post*, June 2, 2016, http://www.huffingtonpost.com/entry/puerto-rico-debt-audit-commission-interim-report_us_57504ab2e4b0eb20fa0ceadb. Journalists have also made consistent efforts to determine who owns the debt. “CPI vuelve a ganar en el tribunal y exige al gobierno entregar información de los bonistas: Piden al gobernador y al Banco Gubernamental de Fomento que acaten decisión judicial,” *Centro de Periodismo Investigativo*, May 12, 2016, <http://periodismoinvestigativo.com/2016/05/cpi-vuelve-a-ganar-en-el-tribunal-y-exige-al-gobierno-entregar-informacion-de-los-bonistas/>.

¹⁶“International Forum to Hold Hearing on Puerto Rico Debt, Fiscal Policy and Poverty,” *Caribbean Business News*, March 22, 2016, <http://cb.pr/international-forum-to-hold-hearing-on-puerto-rico-debt-fiscal-policy-and-poverty/>; José A. Delgado, “Piden moratoria en el pago de la deuda: Denuncian los efectos de la crisis fiscal ante la Comisión Interamericana de Derechos Humanos,” *El Nuevo Día*, April 4, 2016, <http://www.elnuevodia.com/noticias/locales/nota/pidenmoratoriaenelpagodeladeuda-2182500/>. See also, Michelle Kaske, “Democratic Senators Ask for SEC Probe of Puerto Rico Debt,” *Bloomberg*, June 14, 2016, <http://www.bloomberg.com/news/articles/2016-06-14/democratic-senators-ask-for-sec-probe-of-puerto-rico-securities>; Jack Casey, “White: SEC Focused on Possible Puerto Rico Bond-Related Violations,” *Bond Buyer*, June 14, 2016, <http://www.bondbuyer.com/news/washington-enforcement/white-sec-focused-on-possible-puerto-rico-bond-related-violations-1106175-1.html> (seven U.S. senators have asked the chair of the Securities and Exchange Commission to “investigate possible market manipulation, conflicts of interest, trading practices, and fraud in the underwriting, sale, distribution and trading of municipal securities of and relating to Puerto Rico” after her testimony at a Senate hearing

The notion of “odious debt,” i.e., debt incurred not in the interests of those on whose behalf it was incurred, could annul some of the debt.¹⁷ Indeed, the United States used this very notion in 1898 when it took possession of Puerto Rico, the Philippines and Guam, to avoid responsibility for debts incurred by Spain.¹⁸

B. Challenging PROMESA

In the face of the imminent U.S. imposition of a fiscal control board and its exacerbation of austerity, hundreds of labor, environmental, religious, community and not-for-profit organizations on the Island and in the diaspora announced the formation of the Puerto Rican Coordinating Committee Against the U.S. Fiscal Control Board, to attempt to avoid passage of the law; but if it should pass, the Committee will convene acts of civil disobedience in Puerto Rico and the U.S. to impede the Board’s ability to function.¹⁹ A senator said that if the Board is established, he would resign, and he encouraged his fellow senators to do likewise: “we have to start to see this really seriously as an attack on Puerto Rico’s institutions and what it

that the Commission is “‘very focused’ on examining whether there were any securities law violations involving Puerto Rico bonds as the commonwealth’s fiscal situation deteriorated over the last few years.”).

¹⁷Noam Chomsky, “A Century Later,” *Peace Review*, September, 1998, https://chomsky.info/199809__/; Natasha Lycia Ora Bannan, “Puerto Rico’s Odious Debt,” *Huffington Post*, November 24, 2015, http://www.huffingtonpost.com/natasha-lycia-ora-bannan/puerto-ricos-odious-debt_b_8637992.html.

¹⁸Michael Nevradakis, “Puerto Rico’s Debt Crisis: Greece Isn’t Alone in Struggling Against Austerity,” *Truthout*, October 19, 2015, <http://www.truth-out.org/news/item/33275-puerto-rico-s-debt-crisis-greece-isn-t-alone-in-struggling-against-austerity>; Ed Morales, “Who Is Responsible for Puerto Rico’s Debt? There’s evidence some of it is illegal—and activists agree that Washington’s colonial control over the island’s economy helped create the crisis,” *The Nation*, June 7, 2016, <http://www.thenation.com/article/who-is-responsible-for-puerto-ricos-debt/>.

¹⁹Alex Figueroa Cancel, “Anuncian movilización en contra de junta de control: Cientos de organizaciones de diversos sectores se unen en contra de la medida congresional,” *El Nuevo Día*, June 8, 2016, <http://www.elnuevodia.com/noticias/locales/nota/anuncianmovilizacionencontradejuntadecontrol-2208138/>; Frances Rosario, “Crean coalición para combatir la junta de control: La alcaldesa de San Juan, líderes sindicales, religiosos y políticos aseguran quieren evitar una ‘segunda invasión de Estados Unidos’,” *El Nuevo Día*, May 26, 2016, <http://www.elnuevodia.com/noticias/politica/nota/creancoalicionparacombatirlajuntadecontrol-2203370/>.

represents.”²⁰ A cabinet minister expressed, “It makes you want to run away.”²¹ As for civil disobedience, the mayor of San Juan, who joined the Committee Against the U.S. Fiscal Control Board, said:

“This board is the United States’ second invasion of Puerto Rico. The other one (that took place in 1898), they did obviously. This one, they’re doing it as if they were helping us out. No one helps anyone by enslaving them; thus we have to combat it by every legal means, be it by demonstrations, assemblies, meetings to orient the Country, lobbying against it in Washington, supporting those in the United States who are against the Board, asking the Puerto Rican diaspora to use political pressure so the Democrats are against this Board, and if we have to resort to civil disobedience, resort to civil disobedience. No one can make Puerto Rico decide between indignity and slavery. We must value our right to defend a future of hope and dignity for our homeland.”²²

Opposition to the Board has been building for months, as Congress considered various drafts, with earlier coalitions, calls for resistance, marches, and acts of civil disobedience.²³

²⁰“Renunciaría a su escaño en el Senado si llega la Junta de Control Fiscal,” *Primera Hora*, May 12, 2016, <http://www.primerahora.com/noticias/gobierno-politica/nota/renunciariaasuescanoenelsenadosillegalajuntadecontrolfiscal-1152985/>.

²¹“Secretario de Hacienda tiene ganas de salir corriendo: No le agrada la junta de control fiscal,” *El Nuevo Día*, June 10, 2016, <http://www.elnuevodia.com/noticias/locales/nota/secretariodehaciendatieneganasdesalircorriendo-2208917/>.

²²Frances Rosario, “Crean coalición para combatir la junta de control: La alcaldesa de San Juan, líderes sindicales, religiosos y políticos aseguran quieren evitar una ‘segunda invasión de Estados Unidos’,” *El Nuevo Día*, May 26, 2016, <http://www.elnuevodia.com/noticias/politica/nota/creancoalicionparacombatirlajuntadecontrol-2203370/>.

²³Mariana Cobián, “Cientos protestan en contra de la Junta de Control Fiscal: Líderes del PIP y el PPT participaron en la manifestación frente al Tribunal federal en Hato Rey,” *El Nuevo Día*, March 22, 2016, <http://www.elnuevodia.com/noticias/locales/nota/cientosprotestanencontradelajuntadecontrolfiscal-2177298/>; Inter News Service, “Protest Against Fiscal Oversight Board Held at Federal Court,” *Caribbean Business News*, April 4, 2016, <http://cb.pr/protest-against-fiscal-oversight-board-held-at-federal-court/>; “Nace coalición ciudadana contra la Junta de Control Fiscal,” *NotiCel*, April 19, 2016, <http://www.noticel.com/noticia/189264/nace-coalicion-ciudadana-contra-la-junta-de-control-fiscal-video.html>; “Jóvenes bloquean avenida frente al Tribunal Federal: Se manifiestan en repudio a la Junta de Control Fiscal,” *El Nuevo Día*, April 4, 2016, <http://www.elnuevodia.com/noticias/locales/nota/jovenesbloqueanavenidafrenteltribunalfederal-2182394/>; Marga Parés Arroyo, “Miles marchan en rechazo a la Junta de Control Fiscal: Miembros del sector obrero, religioso, civil y político participan en la actividad,” *El Nuevo Día*, May 1, 2016, <http://www.elnuevodia.com/noticias/locales/nota/milesmarchanenrechazoalajuntadecontrolfiscal-2193838/>;

C. Creating a sustainable economy

An island that imports more than 80% to 85% of what it consumes,²⁴ and that is hamstrung by the onerous requirements of U.S. shipping law²⁵ must create a sustainable economy, and particularly must develop its own agriculture. Not only is there an increase in the number of university students choosing to major in agriculture, but there is a growing attraction to working the land²⁶ and a local governmental commitment to improve Puerto Rico's food security.²⁷ The notion that "We have a beautiful island and a perfect climate, we can produce whatever we want," expressed by an experienced chef who uses only locally grown produce, is catching on,²⁸ with new farmers, new technology, and new farms. One optimistic young organic

"Hernández Mayoral hace llamado a la desobediencia civil," *NotiCel*, January 28, 2016, <http://www.noticel.com/noticia/186013/hernandez-mayoral-hace-llamado-a-la-desobediencia-civil.html>.

²⁴Greg Allen and Marisa Peñaloza, "Puerto Rico Is Sowing A New Generation Of Small Farmers," *NPR*, May 06, 2015, http://www.npr.org/sections/thesalt/2015/05/06/404649122/puerto-rico-is-sowing-a-new-generation-of-small-farmers?utm_source=npr_newsletter&utm_medium=email&utm_content=20150730&utm_campaign=npr_email_a_friend&utm_term=storyshare; EFE, "Impulsan la agricultura en Puerto Rico mediante la tecnología y la innovación," *HolaCiudad*, May 28, 2016, http://www.holaciudad.com/noticias/Impulsan-agricultura-Puerto-Rico-tecnologia_0_920908014.html.

²⁵Rory Carroll, "The US shipping industry is putting a multimillion dollar squeeze on Puerto Rico," *Business Insider*, July 9, 2015, <http://www.businessinsider.com/r-us-shippers-push-back-in-battle-over-puerto-rico-import-costs-2015-7>; U.S. Representative Luis V. Gutiérrez, Floor Remarks, "Free Puerto Rico," February 11, 2016, <https://gutierrez.house.gov/press-release/rep-guti%C3%A9rrez-%E2%80%9Cfree-puerto-rico%E2%80%9D>.

²⁶EFE, "Impulsan la agricultura en Puerto Rico mediante la tecnología y la innovación," *HolaCiudad*, May 28, 2016, http://www.holaciudad.com/noticias/Impulsan-agricultura-Puerto-Rico-tecnologia_0_920908014.html.

²⁷Greg Allen and Marisa Peñaloza, "Puerto Rico Is Sowing A New Generation Of Small Farmers," *NPR*, May 06, 2015, http://www.npr.org/sections/thesalt/2015/05/06/404649122/puerto-rico-is-sowing-a-new-generation-of-small-farmers?utm_source=npr_newsletter&utm_medium=email&utm_content=20150730&utm_campaign=npr_email_a_friend&utm_term=storyshare.

²⁸Richard Luscombe, "Puerto Rico's born-again farmers dig for victory in island's debt battle: Agriculture on the Caribbean island is reviving as Puerto Ricans go back to the land to grow food for local consumption and help tackle a \$73bn debt crisis," *The Guardian*, May 29, 2016, <https://www.theguardian.com/world/2016/may/29/puerto-rico-farmers-agriculture-revival-caribbean-food>.

farmer sees it this way: "We're creating demand. We have this pool of buyers, a pool of farmers and we're bringing them together. Food is my bet on how to change this island, if not the world. Food has the power to change everything from economy to education to health to environment, you name it. I feel we're on the verge of something with this island."²⁹

D. Protecting the environment

Taking matters into their own hands, Puerto Ricans have organized to combat, and often stop, harm to public health, the environment, and natural resources.³⁰ Two powerful examples are a waste incinerator in Arecibo and a coal burning plant in Guayama.

For years, residents of Arecibo and their supporters have been organizing – on the streets and in the courts – against a “waste-to-energy” incinerator which Energy Answers proposes to operate.³¹ Appreciating the toll on the nearby wetland reserve which would serve as its water source, the threat to several endangered species, and the tons of hazardous pollutants it would pump into the air, virtually every municipality has announced its refusal to send their waste to the

²⁹*Id.*

³⁰Editorial, “Activo de Puerto Rico la lucha ambiental,” *Claridad*, May 10, 2016, <http://www.claridadpuertorico.com/content.html?news=18703663AA569A7B75BB697EDFFCDF03>. This year another Puerto Rican, Luis Jorge Rivera Herrera, was awarded the Goldman Environmental Prize, for his work to protect the Northeast Ecological Corridor of Puerto Rico from development and preserve the wildlife habitat, the local water supply, and public beach access. José A. Delgado, “Reconocimiento mundial a ambientalista puertorriqueño: Luis Jorge Rivera Herrera recibirá el prestigioso premio Goldman, el más importante galardón sobre el ambiente en el mundo,” *El Nuevo Día*, April 18, 2016, <http://www.elnuevodia.com/ciencia/ciencia/nota/reconocimientomundialaambientalistapuertorriqueno-2188385/>; <http://www.goldmanprize.org/recipient/luis-jorge-rivera-herrera/>.

³¹Coalición de Organizaciones Anti-Incineración, <https://prohibidoincinerar.org/>; Gerardo E. Alvarado León, “Seis años de tropiezos para la incineradora de Arecibo: La planta de Energy Answers está estancada en burocracia y su puesta en marcha luce cada vez más incierta,” *El Nuevo Día*, March 24, 2016, <http://www.elnuevodia.com/noticias/locales/nota/seisanosdetropiezosparalaincineradoradearecibo-2178079/>; see, e.g., Alex Figueroa Cancel, “Manifestación contra incinerador Energy Answers: Cierran acceso al Departamento de Recursos Naturales,” *El Nuevo Día*, September 21, 2015, <http://www.elnuevodia.com/noticias/seguridad/nota/manifestacioncontraincineradorenergyanswers-2101973/>.

proposed facility.³² The community has also successfully challenged efforts to block its participation in the permit process, virtually stopping the operation in its tracks.³³

Residents of Guayama and their supporters have for years organized against Applied Energy Systems (AES) Corporation, a Fortune 500 company³⁴ that bills the Puerto Rico electrical authority nearly a million dollars daily to manufacture electricity from coal, every day generates tons of toxic coal ash dust and fails to properly dispose of it, resulting in contamination of the surrounding air and water.³⁵ The company has not been willing to expend the money necessary for export or proper disposal, preferring instead to transport and dump the ash dust into inadequate landfills where it leaks toxic and carcinogenic chemicals into the land and local water supply, and government agencies, seen as willing accomplices, are not protecting public health or

³²“Communities in Puerto Rico Fight Against Proposed Incinerator,” *TeleSurTV*, March 18, 2016, <http://www.telesurtv.net/english/news/Communities-in-Puerto-Rico-Fight-Against-Proposed-Incinerator-20160318-0024.html>.

³³“Incineradora de Arecibo sufre dos derrotas en los tribunales,” *El Vocero*, February 3, 2016, <http://elvocero.com/incineradora-de-arecibo-sufre-dos-derrotas-en-los-tribunales/>.

³⁴Movimiento en Contra las Cenizas de Carbón, <https://www.facebook.com/cerocenizasdecarbon/>; Ruth Santiago, “In Puerto Rico, AES Corp. Gets Away With a Coal-Ash Mess That Wouldn’t be Tolerated in the States: Power Plant Dust Blows Through Dozens of Communities,” Institute for Energy Economics and Financial Analysis, July 29, 2015, <http://ieefa.org/in-puerto-rico-aes-corp-gets-away-with-a-coal-ash-mess-that-wouldnt-be-tolerated-in-the-states/>; see, e.g., Jennissa Marrero Morales, “Protestan por cenizas en Guayama,” *El Vocero*, March 15, 2016, <http://elvocero.com/protestan-por-cenizas-en-guayama/>.

³⁵“Bomba de tiempo las cenizas de carbón,” Centro de Periodismo Investigativo, March, April 2016, <http://periodismoinvestigativo.com/series/bomba-de-tiempo-las-cenizas-de-carbon/>; Omar Alfonso, “Something happened in Arroyo Barril,” Centro de Periodismo Investigativo, March 2, 2016, <http://periodismoinvestigativo.com/2016/03/something-happened-in-arroyo-barril/>; Omar Alfonso, “They promised jobs... and brought ashes,” Centro de Periodismo Investigativo, March 8, 2016, <http://periodismoinvestigativo.com/2016/03/they-promised-jobs-and-brought-ashes/>; Omar Alfonso, “Puerto Rico government and EPA agree to amend AES contract behind closed doors,” Centro de Periodismo Investigativo, March 16, 2016, <http://periodismoinvestigativo.com/2016/03/puerto-rico-government-and-epa-agree-to-amend-aes-contract-behind-closed-doors/>.

the environment.³⁶

E. Preserving the culture

Puerto Rican artists, their production of art and preservation of the culture, are flourishing in spite of the challenging economic times.³⁷ Some of the many examples follow. One cultural entrepreneur started Inversión Cultural (Cultural Investment), with a goal of cultivating the formation, research and mentorship for cultural small businesses.³⁸ Beta-Local, in Old San Juan, is a non-profit that supports and promotes aesthetic thought and practices through a 9-month research and production program for artists and other cultural agents, a residency program, and an experimental pedagogical platform, sponsoring monthly community dinners, teach-ins, art exhibits, and publications.³⁹ Maritza Pérez Otero, theater professional, teacher and activist, is nourishing yet another generation of youth in “Jóvenes del 98,” to make socially critical theater.⁴⁰

³⁶Javier Colón Dávila, “Reclaman a JCA para que ordene cierre de planta de carbón: Comunidades del sur y el sureste sostienen que las cenizas de la empresa son un material peligroso para el ambiente y la gente,” *El Nuevo Día*, March 14, 2016, <http://www.elnuevodia.com/noticias/locales/nota/reclamanajcaparaqueordenecierredeplantadecarbon-2174049/>.

³⁷James Tarmy, “Puerto Rico’s Financial Troubles Weigh Heavily on a Vibrant Art Scene: From state museums to tiny nonprofits, budgets are drying up,” *Bloomberg*, August 21, 2015, <http://www.bloomberg.com/news/articles/2015-08-21/puerto-rico-s-financial-troubles-weigh-heavily-on-a-vibrant-art-scene>; Camille Padilla Dalmau, “10 Puerto Rican Creatives Disproving The Media’s Brain Drain Narrative,” *Remezcla*, September 14, 2015, <http://remezcla.com/lists/10-puerto-rican-creatives-revitalizing-island/>.

³⁸Aixa Sepúlveda, “Inversión Cultural Plataforma de apoyo al emprendimiento cultural,” *Noticel*, April 3, 2016, <http://www.noticel.com/noticia/188210/inversion-cultural-plataforma-de-apoyo-al-emprendimiento-cultural.html>.

³⁹Beta-Local, <http://betalocal.org/>.

⁴⁰Estefanía Montañez, “Maritza Pérez: creadora de artistas con compromiso social: Con la intención de honrar una de las grandes maestras del teatro puertorriqueño, Diálogo conversó con varios de sus alumnos y colegas, quienes resaltaron la aportación de esta extraordinaria mujer en el desarrollo de toda una generación de actores,” *Diálogo UPR*, March 5, 2016, <http://dialogopr.com/maritza-perez-creadora-de-artistas-con-compromiso-social/>; “Jóvenes del 98 se prepara para nueva creación teatral: El colectivo de jóvenes comenzó una campaña de recaudación de fondos en Go Fund Me para la presentación de su nueva obra ‘Palabra de Dios’,” *El Nuevo Día*, May 13, 2016, <http://www.elnuevodia.com/entretenimiento/cultura/nota/jovenesdel98sepreparanuevacreacionteatral-2198313/>.

“Santurce es Ley,” now in its sixth year, seeks to carry out its goal of creating an alliance among diverse sectors of Santurce to revive it as an art district.⁴¹ It has become an important platform for emerging contemporary art, gaining international attention with its enormous murals, sculptures, installations, community workshops, and musical performances. José Morales of La Marqueta Retoña in New York City and La Respuesta in Santurce works to create a cultural bridge between the Island and the diaspora in New York City, including organizing an international mural festival in East Harlem and the South Bronx which involved Puerto Rican artists.⁴²

F. Organizing for political power in the diaspora

The debt crisis on the Island has fueled much solidarity from Puerto Ricans in the U.S. diaspora, from working to find employment, housing and schools for the many who are migrating from the Island, to forming coalitions to create agendas for the benefit of Puerto Rico and Puerto Ricans in the U.S., to lobbying political parties and elected officials for legislation. Conferences in Orlando, Florida and New York City have brought together Puerto Rican elected officials, community and religious leaders and academics to unite around debt restructuring, equality in health care, the environment, and the release of Puerto Rican political prisoner Oscar López Rivera.⁴³

⁴¹Mariela Fullana Acosta, “Santurce es Ley rompe la norma: La sexta edición del festival de arte independiente amplía su oferta cultural,” *El Nuevo Día*, March 4, 2016, <http://www.elnuevodia.com/entretenimiento/cultura/nota/santurceesleyrompelnorma-2169912/>.

⁴²City Council Speaker Melissa Mark-Viverito, Partner Organizations Announce Second Installment of International Mural Festival in East Harlem and the South Bronx: Renowned International Artists To Display Their Art Throughout the District, <http://council.nyc.gov/html/pr/100515im.shtml>; Jaime Rojo & Steven Harrington, “‘Monument Art’ Murals Sing Of El Barrio in 2015,” *Huffington Post*, October 21, 2015, http://www.huffingtonpost.com/jaime-rojo-steven-harrington/monumentart-new-murals-si_b_8334784.html.

⁴³Arelis R. Hernández, “National gathering of Puerto Ricans seeks to pressure Congress, Obama,” *Washington Post*, October 11, 2015, <https://www.washingtonpost.com/news/post-politics/wp/2015/10/11/national-gathering-of-puerto-ricans-seeks-to-pre>

III. Political prisoner Oscar López Rivera

“Puerto Rico is imprisoned, and [...] Oscar López Rivera’s imprisonment is a metaphor for the country.”⁴⁴

Oscar López Rivera, the longest imprisoned Puerto Rican political prisoner in history, has served 35 years in United States federal prison for seditious conspiracy, that is, for his commitment to the independence and self-determination of his nation, with more than 12 of those years in solitary confinement. With a sentence of 70 years, he was not convicted of hurting anyone or taking a life. At age 73, he maintains his health as best he can, “vivito y coleando,” with a disciplined regime of exercise.

The people see his ongoing imprisonment as “a historical debt and one of human rights,”⁴⁵ as an affront to the dignity of the Puerto Rican people and others who love justice. The

ssure-congress-obama/; José A. Delgado, “Another Move from the Diaspora in Favor of Puerto Rico: Stateside and local leaders come together in an effort to help the island in the midst of fiscal crisis,” *El Nuevo Día*, October 26, 2015, <http://www.elnuevodia.com/english/english/nota/anothermovefromthediasporainfavorofpuertorico-2117216/>; Greg Allen, “Puerto Ricans Vow To Have A Bigger Voice In 2016 Election,” *NPR*, October 18, 2015, http://www.npr.org/sections/itsallpolitics/2015/10/18/449473533/puerto-ricans-vow-to-have-a-bigger-voice-in-2016-election?utm_source=facebook.com&utm_medium=social&utm_campaign=npr&utm_term=nprnews&utm_content=2043; Frank Torres, “Orlando Puerto Rican Conference slams Congress, leaves out GOP,” October 14, 2015, <http://orlando-politics.com/tag/puerto-rican-diaspora/>; “Stateside Puerto Ricans Act On Humanitarian Crisis on the Island of Puerto Rico, Will Congregate at the Center for Puerto Rican Studies in New York City,” March 08, 2016, <https://globenewswire.com/news-release/2016/03/08/817973/0/en/Stateside-Puerto-Ricans-Act-On-Humanitarian-Crisis-on-the-Island-of-Puerto-Rico-Will-Congregate-at-the-Center-for-Puerto-Rican-Studies-in-New-York-City.html>; Susanne Ramírez de Arellano, “Island, Mainland Puerto Ricans Gather to Draft Plan of Action,” *NBC News*, April 25, 2016, <http://www.nbcnews.com/news/latino/island-mainland-puerto-ricans-gather-draft-plan-action-n561986>; Ed Morales, “Who Is Responsible for Puerto Rico’s Debt? There’s evidence some of it is illegal—and activists agree that Washington’s colonial control over the island’s economy helped create the crisis,” *The Nation*, June 7, 2016, <http://www.thenation.com/article/who-is-responsible-for-puerto-ricos-debt/>.

⁴⁴Héctor Meléndez, “Revolución desde la universidad,” *Diálogo UPR*, March 30, 2016, <http://dialogoupr.com/revolucion-desde-la-universidad/>.

⁴⁵Christian Ibarra, “Armados con libros discutirán la crisis: Del 22 al 25 de este mes se celebra el Festival de la Palabra y para ello conversamos con su directora, Mayra Santos-Febres, sobre los preparativos, las novedades y el tema de este año: Escribir en tiempos de crisis,” *Diálogo UPR*, October 8, 2015, http://dialogoupr.com/_cultura/_literatura/armados-con-libros-discutiran-la-crisis/.

injustice of his continued imprisonment has stirred a creative, widespread response from every sector of society, in Puerto Rico, in the United States, and internationally.⁴⁶

In the year since this Committee's last hearings on Puerto Rico, support for his release has continued to grow exponentially. His case became an issue in the Democratic presidential race: the candidates understood that his freedom was so important to potential voters that they felt the need to state a position.⁴⁷ During Pope Francis' travels, bishops⁴⁸ and churches,⁴⁹ politicians⁵⁰ and attorneys⁵¹ sought his intervention on Oscar's behalf. In conferences, prominent people dedicated their keynote addresses to him, from the Archbishop of San Juan Roberto

⁴⁶Jaime Torres Torres, "El impacto cultural de Oscar López Rivera," Fundación Nacional para la Cultura Popular, May 28, 2016, <https://prpop.org/2016/05/el-impacto-cultural-de-oscar-lopez-rivera/>.

⁴⁷EFE, "Sanders pide a la Reserva Federal ayudar a Puerto Rico: El precandidato demócrata califica los reclamos de los fondos como 'moralmente repugnantes'," *La Opinión*, May 16, 2016, <http://www.laopinion.com/2016/05/16/sanders-pide-a-la-reserva-federal-ayudar-a-puerto-rico/>; "Apoyo masivo a Bernie Sanders en evento en la Universidad de Puerto Rico: Bernie Sanders pidió un auxilio inmediato para Puerto Rico y recalzó que el Congreso debe actuar y brindar una solución viable para la Isla. Además, rechazó una vez más la junta de control fiscal y criticó la desigualdad contra los puertorriqueños," *Univisión*, May 17, 2016, <http://www.univision.com/noticias/primarias-democratas/apoyo-masivo-a-bernie-sanders-en-evento-en-la-universidad-de-puerto-rico>; "Bill Clinton cree deberían reexaminar caso de Óscar López," *Metro PR*, May 17, 2016, <http://www.metro.pr/noticias/bill-clinton-cree-deberian-reexaminar-caso-de-oscar-lopez/pGXpeq!QWZOM9PZQ72Lk/>.

⁴⁸Keila López Alicea, "Obispo de Caguas participará de primera visita del papa Francisco a EE.UU.: El monseñor Rubén González habló de los retos que enfrenta la Iglesia Católica," *El Nuevo Día*, September 13, 2015, <http://www.elnuevodia.com/noticias/locales/nota/obispodecaguasparticiparadeprimeravisitadelpapafranciscoaeeuu-2098535/>.

⁴⁹Rebecca Banuchi, "Entrega al papa Francisco pintura hecha por Oscar López: Presidenta del Concejo Municipal de Nueva York, Melissa Mark-Viverito, le dio el obsequio al sumo pontífice durante el paso de este por el sector El Barrio," *El Nuevo Día*, September 27, 2015, <http://www.elnuevodia.com/noticias/locales/nota/entregaalpapafranciscopinturahechaporoscarlopez-2104602/>.

⁵⁰Gloria Pazmino, "Mark-Viverito's plea to Pope Francis: Melissa Mark-Viverito presented the Pope with a painting done by Oscar Lopez Rivera," *Capital New York*, September 26, 2015, <http://www.capitalnewyork.com/article/city-hall/2015/09/8577921/mark-viveritos-plea-pope-francis>.

⁵¹Dr. Martín Almada, "Solicitan apertura de los Archivos del Vaticano para buscar antecedentes de la Operación Condor," *Piensa Chile*, October 16, 2015, <http://piensachile.com/2015/10/solicitan-apertura-de-los-archivos-del-vaticano-para-buscar-antecedentes-de-la-operacion-condor>.

González Nieves at a recent New York City summit of the diaspora,⁵² to award winning author Luis Rafael Sánchez at the Congreso Internacional de la Lengua Española in San Juan.⁵³

People of renown have trekked to the federal prison in Terre Haute, Indiana, to visit with him, from mayor of San Juan Carmen Yulín Cruz Soto;⁵⁴ speaker of the New York City Council Melissa Mark Viverito; member of U.S. Congress Luis Gutiérrez; Juan Cartagena, president and general counsel of LatinoJustice PRLDEF and Natasha Bannan, president of the National Lawyers Guild,⁵⁵ as well as many attorneys from Puerto Rico; and Sister Kathleen Desautels of

⁵²http://centropr.hunter.cuny.edu/pr_summit/speakers.

⁵³Nydia Bauzá, “Destacan figura de Oscar López en Congreso Internacional de la Lengua Española,” *Primera Hora*, March 15, 2016, <http://www.primerahora.com/noticias/puerto-rico/nota/destacanfiguradeoscarlopezencongresointernacionaldelalenguAESpanola-1142362/>; “Luis Rafael Sánchez: La sombra del cliché puertorriqueño es alargada,” *La Vanguardia*, March 15, 2016, <http://www.lavanguardia.com/vida/20160315/40451149327/luis-rafael-sanchez-la-sombra-del-cliche-puertorriqueno-es-alargada.html>.

⁵⁴Gloria Ruiz Kuilan, “Carmen Yulín visitará a Oscar López: Mantiene comunicación constante con el prisionero político,” *El Nuevo Día*, April 4, 2016, <http://www.elnuevodia.com/noticias/locales/nota/carmenyulinvisitaraaoscarlopez-2182482/>; Gloria Ruiz Kuilan, “Carmen Yulín: ‘Vengo con nuevos bríos’: Así se siente tras visitar por tres días al prisionero político Oscar Rivera López,” *El Nuevo Día*, April 20, 2016, <http://www.elnuevodia.com/noticias/locales/nota/carmenyulinvengoconnuevosbrios-2189086/> (“To talk with Oscar López Rivera is to talk with a man full of hope. It’s to talk with a man full of peace, a man with a clear conscience. It’s to talk with someone who at the same time he speaks about migration, can talk about monarch butterflies, his childhood in San Sebastián, his struggles in the Puerto Rican neighborhood in Chicago so that the sons and daughters of Puerto Rican immigrants could have an education worthy of preparing them for the future. He is an extraordinary ambassador for education. It’s also to see yourself in the mirror of the Country we can be, a supportive, caring Country, a Country that doesn’t depend on using our differences as an excuse not to work together. It’s a man who embraces everyone, regardless of the ideals they hold.”).

⁵⁵Jan Susler, “‘Meeting a Man Like That, You Can’t Help Wanting to Do More’: A Visit With Political Prisoner Oscar López Rivera,” *TruthOut*, December 7, 2015, <http://www.truth-out.org/opinion/item/33936-meeting-a-man-like-that-you-can-t-help-wanting-to-do-more-a-visit-with-political-prisoner-oscar-lopez-rivera>; Jan Susler, “El puertorriqueño Óscar López Rivera, preso político de los Estados Unidos desde hace 34 años: - ‘Cuando Usted visita a un hombre así quiere hacer algo más, no puede dejar de querer hacer más: Una visita a preso político Oscar López Rivera,” *Resumen Latinoamericano*, December 7, 2015, <http://www.resumenlatinoamericano.org/2015/12/09/el-puertorriqueno-oscar-lopez-rivera-presopolitico-de-los-estados-unidos-desde-hace-34-anos/>; Jan Susler, “A Visit With Political Prisoner Oscar López Rivera,” *Portside*, December 16, 2015, <http://portside.org/2015-12-16/visit-political-prisoner-oscar-lopez-rivera>; Juan Cartagena, “Preso por sus ideas,” *El Diario NY*, December 3, 2015,

the 8th Day Center for Justice and Sister Denise Wilkinson, SP, General Superior of the Sisters of Providence at St. Mary-of-the-Woods, IN – all deeply impacted by his humanity, rectitude, generosity, sense of humor and wisdom.

Elected officials at every level of government, from heads of nations (President Daniel Ortega⁵⁶) to members of U.S. Congress (José Serrano, Nydia Velázquez, Luis Gutiérrez, Pedro Pierluisi⁵⁷) to the speaker of the New York City Council (Melissa Mark Viverito⁵⁸) to the more than 50 electeds from various cities and states seeking a meeting with the U.S. president, have spoken, marched, and otherwise advocated for his release.

<http://www.eldiariony.com/2015/12/03/preso-por-sus-ideas/>.

⁵⁶“Nicaragua's July 19 Celebrating Revolution in Latin America,” *TeleSur TV*, July 23, 2015
<http://www.telesurtv.net/english/bloggers/Nicaraguas-July-19-Celebrating-Revolution-in-Latin-America-20150723-001.html>.

⁵⁷EFE, “Demócratas piden a Obama liberación de líder independentista de Puerto Rico,” *ABC Español*, May 26, 2016, <http://agencias.abc.es/agencias/noticia.asp?noticia=2211637>; Congressional Letter to President Obama Calls for Release of Oscar López Rivera, May 26, 2016, <http://gutierrez.house.gov/press-release/congressional-letter-president-obama-calls-release-oscar-l%C3%B3pez-rivera>.

⁵⁸Gloria Pazmino, “Mark-Viverito’s plea to Pope Francis: Melissa Mark-Viverito presented the Pope with a painting done by Oscar Lopez Rivera,” *Capital New York*, September 26, 2015, <http://www.capitalnewyork.com/article/city-hall/2015/09/8577921/mark-viveritos-plea-pope-francis>; Joaquin Botero, “Presidenta del Concejo regala al Papa pintura de Oscar López Rivera: Melissa Mark-Viverito pidió al Papa interceder por el preso político puertorriqueño,” *El Diario NY*, September 26, 2015, <http://www.eldiariony.com/2015/09/26/presidenta-del-concejo-regala-al-papa-pintura-de-oscar-lopez-rivera/>; Rebecca Banuchi, “Entrega al papa Francisco pintura hecha por Oscar López: Presidenta del Concejo Municipal de Nueva York, Melissa Mark-Viverito, le dio el obsequio al sumo pontífice durante el paso de este por el sector El Barrio,” *El Nuevo Día*, September 27, 2015, <http://www.elnuevodia.com/noticias/locales/nota/entregaalpapafranciscopinturahechaporoscarlopez-2104602/>; José A. Delgado, “Obama atiende pedido de Lin Manuel sobre Oscar López: El creador del musical Hamilton estuvo con el presidente de EE.UU. el lunes,” *El Nuevo Día*, March 16, 2016, <http://www.elnuevodia.com/noticias/politica/nota/obamaatiendepedidodelinmanuelobreoscarlopez-2175040/>; José A. Delgado, “Apoyo unánime a liberación de Oscar López Rivera: Solicitarán una reunión al presidente Barack Obama,” *El Nuevo Día*, April 24, 2016, <http://www.elnuevodia.com/noticias/internacionales/nota/apoyounanimealiberaciondeoscarlopezrivera-2190811/>.

His image appears throughout San Juan, on the walls, on balconies, in people's cars. The artist class – musicians (René Pérez,⁵⁹ Andy Montañez, Rubén Blades), those in theater (Lin Manuel Miranda,⁶⁰ Pedro Adorno,⁶¹ Bread and Puppet Theater⁶²), filmmakers (Tito Román,⁶³ Pedro Muñiz⁶⁴), artists (Miguel Luciano,⁶⁵ Juan Sánchez), poets⁶⁶ – paint, compose music and

⁵⁹José A. Delgado, “Residente apoya a Bernie Sanders: Destaca el respaldo del precandidato presidencial demócrata a la reestructuración de la deuda pública,” *El Nuevo Día*, March 31, 2016, <http://www.elnuevodia.com/noticias/politica/nota/residenteapoyaaberniesanders-2181211/>; Yara Simón, “René Pérez Addresses Puerto Rico Issues and Calls For Release of Oscar Lopez Rivera At Bernie Sanders Rally,” *Remezcla*, March 31, 2016, <http://remezcla.com/culture/residente-rene-perez-addresses-puerto-rico-bernie-sanders-rally/>.

⁶⁰José A. Delgado, “Obama atiende pedido de Lin Manuel sobre Oscar López: El creador del musical Hamilton estuvo con el presidente de EE.UU. el lunes,” *El Nuevo Día*, March 16, 2016, <http://www.elnuevodia.com/noticias/politica/nota/obamaatiendepedidodelinmanuelsobreoscarlopez-2175040/>.

⁶¹Jaime Torres Torres, “El impacto cultural de Oscar López Rivera,” Fundación Nacional para la Cultura Popular, May 28, 2016, <https://prpop.org/2016/05/el-impacto-cultural-de-oscar-lopez-rivera/>.

⁶²Gia Lourlas, “Review: Bread and Puppet Theater Takes Up the Cause of a Puerto Rican Nationalist,” *New York Times*, December 17, 2015, http://www.nytimes.com/2015/12/18/theater/review-bread-and-puppet-theater-takes-up-the-cause-of-a-puerto-rican-nationalist.html?_r=0; David Filipov, “At MassArt Bread & Puppet Theater shows come with fresh-baked bread,” *Boston Globe*, February 13, 2016, <https://www.bostonglobe.com/arts/theater-dance/2016/02/13/massart-bread-puppet-theater-shows-come-with-fresh-baked-bread/uS6IsmR4vqcWuKwFnSBS8H/story.html>; Greg Cook, “Can Bread And Puppet's Play Get Obama To Pardon A Jailed Puerto Rican Activist?” *WBUR*, February 16, 2016, <http://artery.wbur.org/2016/02/16/bread-puppet-oscar-lopez-rivera>.

⁶³Jessica Ríos Viner, “Candidatos a la gobernación se unen en reclamo a Obama: Piden por la liberación del prisionero político Oscar López Rivera,” *El Nuevo Día*, January 5, 2016, <http://www.elnuevodia.com/noticias/locales/nota/candidatosalagobernacionseunenreclamoaoabama-2147124/> (“We did it as part of the campaign for the release of Oscar López, which we hope will get stronger this year before Obama leaves office. It’s a way to show that this is a call by the people in a unity that transcends the political question. It has become a matter of human rights.”).

⁶⁴“Interrumpe discurso del rey de España (vídeo): Pedro Muñiz para llevar ante la prensa internacional el pedido de excarcelación de Óscar López Rivera,” *El Vocero*, March 15, 2016, <http://elvocero.com/interrumpe-discurso-del-rey-de-espana-video/>.

⁶⁵National Puerto Rican Day Parade, Inc., <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>; Juan Garnham, “Oscar López y salud pública presentes en desfile boricua: El desfile no sólo fue un colorido evento, sino también la oportunidad de apoyar las causas boricuas,” *El Diario NY*, June 14, 2015, <http://www.eldiariiony.com/oscar-lopez-y-salud-publica-presentes-en-desfile-boricua>; Juan R. Costa, “Miles marchan en N.Y. por la salud, Oscar y el Caño,” *Noticel*, June 14, 2015, <http://www.noticel.com/noticia/176921/miles-marchan-en-ny-por-la-salud-oscar-y-el-cano-galeria.html>; Emily Ngo,

poetry about his life, talk about him at concerts and rallies and with the president of the United States, make films of gubernatorial candidates urging his release, create theater to spread the word.

Resolutions calling for his freedom abound, from city councils (New York City;⁶⁷ Newark, New Jersey;⁶⁸ Holyoke, Massachusetts,⁶⁹ Springfield, Massachusetts⁷⁰) to legal / human

“Thousands flock to Fifth Avenue to celebrate Puerto Rican Day,” *Newsday*, June 14, 2015, <http://www.newsday.com/news/new-york/thousands-flock-to-fifth-avenue-to-celebrate-puerto-rican-day-1.10541748>; Kelly Carrion, “Natl Puerto Rican Day Parade: ‘Boricuas’ Celebrate, Raise Issues,” *NBC News*, June 14, 2015, <http://www.nbcnews.com/news/latino/puerto-rican-day-parade-celebrated-new-york-city-n375221>.

⁶⁶Efrén Arroyo, “34 horas de poesía por Oscar López Rivera,” *WAPA TV*, December 4, 2015, http://www.wapa.tv/noticias/locales/34-horas-de-poesia-por-oscar-lopez-rivera_20131122266290.html; CyberNews, “Celebrarán 34 horas de poesía por Oscar López,” *Metro PR*, November 30, 2015, <http://www.metro.pr/entretener/celebraran-34-horas-de-poesia-por-oscar-lopez/pGXokD!8KvNV1vtOGAos/>; Inter News Service, “Decenas de poetas reclaman “verso a verso” la libertad de Oscar López Rivera,” *Claridad*, December 6, 2015, <http://www.claridadpuertorico.com/content.html?news=C49BD021AA87F112A1BE45FB715AA99D>; Pedro Péglez, “Reclaman poetas cubanos excarcelación de patriota puertorriqueño,” December 1, 2015, <http://www.trabajadores.cu/20151201/reclaman-poetas-cubanos-excarcelacion-de-patriota-puertorriqueno/>.

⁶⁷“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/>; <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2351429&GUID=C309CCB9-9E97-4B8E-BD1B-FBF10060261A&Options=ID%7CText%7C&Search=>.

⁶⁸José E. Velázquez, “‘Historic’ Vote: Newark City Council Passes Resolution in Favor of Oscar’s Freedom!” December 10, 2015, <http://www.prcg-chgo.org/2015/12/10/historic-vote-newark-city-council-passes-resolution-in-favor-of-oscar-freedom/>.

⁶⁹Andy Castillo, “Holyoke City Council passes resolution to free Puerto Rican Nationalist,” *WWLP*, April 5, 2016, <http://wwlp.com/2016/04/05/holyoke-city-council-passes-resolution-to-free-puerto-rican-nationalist/>; Mike Plaisance, “Holyoke Council calls on President Obama to release Oscar López Rivera,” *Mass Live*, April 05, 2016, http://www.masslive.com/news/index.ssf/2016/04/holyoke_council_calls_on_presi.html; Mike Plaisance, “Holyoke residents, Councilors, march, speak, resolve in support Oscar Lopez Rivera,” *Mass Live*, April 07, 2016, http://www.masslive.com/news/index.ssf/2016/04/holyoke_residents_councilors_m.html.

⁷⁰Elizabeth Roman, “Springfield City Council resolution brings awareness to Puerto Rico’s financial crisis,” *Mass Live*, May 18, 2016, http://www.masslive.com/news/index.ssf/2016/05/city_council.html.

rights organizations (the American Civil Liberties Union,⁷¹ the Hispanic National Bar Association,⁷² the Puerto Rico Bar Association,⁷³ the president of the Bar Association of Guatemala Marco Antonio Sagastume Gemmell,⁷⁴ the American Association of Jurists,⁷⁵ the Tenth International Conference of Labor Lawyers,⁷⁶ the Council of Delegates of the Latin American Union of Bar Associations and Groupings of Attorneys [Unión Iberoamericana de Colegios y Agrupaciones de Abogados]).⁷⁷

⁷¹“ACLU Asks Obama to Pardon Puerto Rican Independence Activist,” November 12, 2015, <https://www.aclu.org/news/aclu-asks-obama-pardon-puerto-rican-independence-activist>; “ACLU pide la excarcelación del prisionero político Oscar López: Envío carta al Departamento de Justicia de Estados Unidos,” *El Nuevo Día*, November 12, 2015, <http://www.elnuevodia.com/noticias/internacionales/nota/aclupidelaexcarcelaciondelprisioneropoliticooscarlopez-2125855/>.

⁷²“Hispanic National Bar Association Statement in the Support of Commuting the Sentence of Oscar López Rivera,” August 5, 2015, <http://minhpuertorico.org/index.php/in-english/3961-hispanic-national-bar-association>.

⁷³“Abogados y abogadas en su asamblea anual premian a Oscar López Rivera,” *Claridad*, September 12, 2015, <http://www.claridadpuertorico.com/content.html?news=A9B519C00FF4B65399F681C4F1485BCB>; “Fértiles las condiciones para la libertad de Oscar López Rivera, afirma su abogada,” *Claridad*, September 11, 2015, <http://www.claridadpuertorico.com/content.html?news=7A77BA09D1B0DC1F307C372D82497170>; “Cientos de abogados y abogadas acuden a su la Asamblea Anual,” September 13, 2015, <http://www.noticias247.pr/index.php/comunidad/4381-cientos-de-abogados-y-abogadas-acuden-a-su-la-asamblea-anual>.

⁷⁴*Id.*

⁷⁵“The Human Rights Council holds general debate on human rights situations requiring its attention,” June 24, 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16140&LangID=E>.

⁷⁶Alina M. Lotti, “Aprueban moción de apoyo a ex presidente brasileño Lula da Silva,” March 4, 2016, <http://www.trabajadores.cu/20160304/aprueban-mocion-de-apoyo-a-ex-presidente-brasileno-lula-da-silva/>.

⁷⁷“Aprueban resolución para excarcelación de Oscar López y eliminación de leyes de cabotaje,” *WIPR*, May 6, 2016, <http://www.wipr.pr/aprueban-resolucion-para-excarcelacion-de-oscar-lopez-y-eliminacion-de-leyes-de-cabotaje/?platform=hootsuite>.

Organized labor has added its voice as well – the Service Employees International Union,⁷⁸ the Communications Workers of America,⁷⁹ Latin American Federation of Journalists [Federación Latinoamericana de Periodistas (FELAP)],⁸⁰ the 25th Congress of the Sindicato de Trabajadores de la Industria de la Bebida y Similares (Union of Beverage Industry Workers),⁸¹ the 38th Meeting of the Latin American Executive Board of UITA (International Food Workers Union),⁸² the Union of Cuban Journalists⁸³ – as have popular organizations and conferences: the 21st Foro de Sao Paulo Conference,⁸⁴ the Summit of the Peoples of MERCOSUR, or Mercado Común del Sur (Common Market of the South),⁸⁵ the People’s Summit in Brussels (simultaneous

⁷⁸<http://s3.amazonaws.com/convdocs.seiimedia.net/resolutions/221-Support-of-Release-of-Oscar-Lopez-Rivera.pdf?mtime=20160506195724>.

⁷⁹Communications Workers of America, Resolution in Support of the Release of Oscar López Rivera, http://www.cwa-union.org/pages/resolution_in_support_of_the_release_of_oscar_lopez_rivera.

⁸⁰Inter News Service, “Organizaciones periodísticas reclaman libertad Oscar López: Varias organizaciones de Puerto Rico, Cuba y Argentina se unieron en reclamo para la liberación del prisionero político,” *El Vocero*, April 10, 2016, <http://elvocero.com/organizaciones-periodisticas-reclaman-libertad-oscar-lopez/>.

⁸¹“Honduras XXV Congreso STIBYS exige liberación de Oscar López Rivera,” August 16, 2015, <http://minhpuertorico.org/index.php/noticias/55-noticias/4008-stibys>.

⁸²“República Dominicana: El preso político más antiguo del mundo: 38^a Reunión del Comité Ejecutivo Latinoamericano de la UITA Resolución sobre la situación de Óscar López Rivera,” October 19, 2015, <http://www.rebanadasderealidad.com.ar/uita-rel-15-57.htm>.

⁸³Marisela Presa Sagué, “Convocan en Granma a periodistas en solidaridad con luchador boricua,” September 25, 2015, <http://www.cubaperiodistas.cu/index.php/2015/09/convocan-en-granma-a-periodistas-en-solidaridad-con-luchador-boricua/>.

⁸⁴Inter News Service, “Foro de Sao Paulo solicita libertad de Oscar López Rivera y fin de dominación colonial de EEUU sobre Puerto Rico,” *Claridad*, August 2, 2015, <http://www.claridapuertorico.com/content.html?news=6CF4FF71BECD083897EB44A747D5B0F9>; <http://forodesaopaulo.org/partidos/>.

⁸⁵Cumbre de los Pueblos del MERCOSUR, “Declaración Final Cumbre de los Pueblos del MERCOSUR,” *Aporrea*, December 19, 2015, <http://www.aporrea.org/tiburona/a219656.html>.

to the CELAC-EU Summit),⁸⁶ the 3rd European Conference in Solidarity with the Sandinista Revolution,⁸⁷ the 19th General Assembly of the World Federation of Democratic Youth,⁸⁸ the 20th International Seminar “Parties and a New Society,”⁸⁹ and the 12th Conference of the Network of Intellectuals, Artists and Social Movements in Defense of Humanity [La Red de Intelectuales, Artistas y Movimientos Sociales en Defensa de la Humanidad].⁹⁰

On the 35th anniversary of his arrest, May 29 of this year, close to 10,000 people marched through the streets of San Juan – one of the largest marches in recent history.⁹¹ As is typical of the unitary nature of the campaign for his release, people from all political and religious perspectives participated, including gubernatorial candidates and elected officials from several

⁸⁶Anais 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>.

⁸⁷Giorgio Trucchi | LINyM, “III Encuentro Europeo de Solidaridad con la Revolución Sandinista,” July 22, 2015, <http://minhpuertorico.org/index.php/noticias/55-noticias/3908-giorgio-trucchi--linym>.

⁸⁸Juventud del Frente Socialista / Juventud Hostosiana - MINH, “Exitosa participación boricua en encuentro mundial de jóvenes en XIX Asamblea General de la FMJD,” November 17, 2015, <http://minhpuertorico.org/index.php/juventud-hostosiana/4371-juventud-del-frente-socialista-juventud-hostosiana-minh>.

⁸⁹Mayra Pardillo, “Califican de positivo XX Seminario Internacional efectuado en México,” *Prensa Latina*, March 13, 2016, http://www.prensa-latina.cu/index.php?option=com_content&task=view&idioma=1&id=4690601&Itemid=1.

⁹⁰“Intelectuales convocan a movilización contra ofensiva conservadora en América Latina,” April 12, 2016, <http://www.cmhw.cu/cultura/783-intelectuales-convocan-a-movilizacion-contra-ofensiva-conservadora-en-america-latina>.

⁹¹EFE, “Miles reclaman libertad para Oscar López en calles de San Juan: Se cumplen 35 años de su encarcelamiento,” *El Diario NY*, May 29, 2016, <http://www.eldiariony.com/2016/05/29/miles-reclaman-libertad-para-oscar-lopez-en-calles-de-san-juan/>; Lyanne Meléndez García, Inter News Service, “Marchan hasta el Viejo San Juan por los 35 años de cárcel de López Rivera: Oscar López Rivera hoy cumple 35 años en prisión,” *Metro PR*, May 29, 2016, <http://www.metro.pr/noticias/marchan-hasta-el-viejo-san-juan-por-los-35-anos-de-carcel-de-lopez-rivera/pGXpeC%215mktdaIT7jxw/>.

parties, as well as “poets, pleneros, teachers, community leaders, politicians, veterans, mothers against the war, artists, children, and people from every sector of society.”⁹² Chants included, “Obama, listen to me! We want Oscar López free!” People carried signs with messages about Oscar, including “We are marching for Oscar, example of dignity.”⁹³

In Chicago, Los Angeles, and New York, on this anniversary the National Boricua Human Rights Network sponsored 35 Poets for Oscar, which was live-streamed as the poets performed in their respective cities. In Havana, in an event was sponsored by The Cuban Institute of Friendship with the Peoples [Instituto Cubano de Amistad con los Pueblos (ICAP)], Fernando González Llorca, one of the Cuban 5 who shared a cell with Oscar for years, gave an emotional message of support.⁹⁴

In San Juan, New York City and Chicago, 35 women demonstrate the last Sunday of every month for 35 minutes, committed to doing so until he comes home.⁹⁵ In their bright pink teeshirts and turquoise bandanas, their consistent presence is an inspiration.

⁹²José Encarnación, “Una marcha más por la liberación de Oscar López: Miles se tiraron a la calle, desde Miramar hasta el Viejo San Juan exigieron el indulto para el preso político puertorriqueño,” *Diálogo UPR*, May 30, 2016, <http://dialogoupr.com/una-marcha-mas-por-la-liberacion-de-oscar-lopez/>.

⁹³“Thousands of Puerto Ricans Demand Oscar Lopez’s Release from Prison,” *Latin American Herald Tribune*, May 29, 2016, <http://www.laht.com/article.asp?CategoryId=14092&ArticleId=2413221>.

⁹⁴Lic. Laura V. Mor, “Acto por Oscar Lopez Rivera en el ICAP (CAPAC): Libertad Oscar Lopez Rivera,” May 31, 2016, <https://gacetillasargentinas.blogspot.com/2016/05/acto-por-oscar-lopez-rivera-en-el-icap.html?m=1>.

⁹⁵See, e.g., Lyanne Meléndez García, Inter News Service, “Educadoras de salud exigen la excarcelación de Oscar López Rivera: Como cada último domingo de mes, las mujeres se reunieron en el Puente Dos Hermanos,” *Claridad*, January 31, 2016, <http://www.claridadpuertorico.com/content.html?news=02512B70D477334AE884F64A263ED95B>; Andy Mai, “Puerto Rican independence supporters rally in Times Square to free man imprisoned for 34 years,” *New York Daily News*, February 28, 2016, <http://www.nydailynews.com/new-york/times-square-rally-free-puerto-rican-political-prisoner-article-1.2546768>.

Consonant with the demand of the Puerto Rican people and the many peoples of the world who love justice, and in light of the wholesale lack of legitimate justification for his continuing imprisonment, we trust that this august body will once again urge the president of the U.S. Barack Obama to release Oscar López Rivera, who is beginning an unprecedented 35th year in U.S. prisons for his unwavering commitment to the independence and self-determination of his People.

IV. 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 35th 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 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 20, 2016

Respectfully submitted,

Jan Susler
People's Law Office
1180 N. Milwaukee
Chicago, IL 60642
773/235-0070
jsusler@gmail.com

On behalf of the National Lawyers Guild