



With the holiday season underway and Eric Holder on his way out the door as Attorney General, many Puerto Ricans are stepping up their calls for President Barack Obama to pardon 71-year-old political prisoner Oscar López Rivera, who has spent the last 33 years behind bars for seditious conspiracy. The holiday season is a common time for Presidents to use their power to grant clemency, but this does not appear likely in 2014 for the President who has granted the fewest pardons in modern times. For Puerto Ricans, dismissal of their political demands is emblematic of their subjugation as colonial subjects.

Last week at a concert in San Juan, reggaeton singer René Pérez Joglar of the band Calle 13 brought López's daughter Clarissa on stage to read a letter pleading for her father's release.

After winning the silver medal in judo in the Central American and Caribbean games in November, Augusto Miranda told the press: "I want to use this forum for all the people of Puerto Rico and the United States. It's an abuse what they've done to Oscar López Rivera, political prisoner. It's time to give him his freedom."

The President of the Universidad de Puerto Rico (UPR), Uroyoán Ramón Emeterio Walker, joined with students at the university to call for Lopez's release, citing "humanitarian reasons" for what Emeterio called a "disproportionate" sentence.

Human rights activists such as Nobel Peace Laureates Archbishop Desmond Tutu, Máiread Corrigan Maguire and Adolfo Pérez Esquivel have called on Obama to release López. Anti-apartheid hero Tutu has said that López's "crime" was "conspiracy to free his peoples from the shackles of imperial justice."

Thousands take to social media every day using the hashtag #FreeOscarLopez to express their support for his cause.

The fact that President Obama's nominee for Attorney General, Loretta Lynch, is awaiting Senate confirmation could adversely impact a ruling on López's clemency petition, noted El Nuevo Día. The current Attorney General, Eric Holder, was Deputy Attorney General when President Clinton offered clemency to 16 Puerto Rican prisoners in 1999. López was one of

those included in Clinton's conditional offer, which would have required him to serve 10 more years in prison. López rejected the offer because it was not extended to all of his fellow nationalist prisoners.

López was sentenced in 1981 to 55 years in prison. The main charge against him, seditious conspiracy, is the same one used to convict Nelson Mandela, who served 27 years in prison. López was convicted of other charges related to possession of firearms, which López described as "no more than a weapons collector would have at home," and stolen cars. [1]

The government accused López of being a leader in the Fuerzas Armadas de Liberación Nacional Puertorriqueña (FALN), a militant nationalist organization that sought independence for the island through armed struggle. The group claimed responsibility for a series of bombings of government and economic targets in New York in Chicago during the 70s and early 80s. The Chicago Tribune described the FALN bombs as "fortunately so placed and timed as to damage property rather than persons" and said that nationalists "were out to call attention to their cause rather than to shed blood."

The judge said he would sentence López to the "electric chair" if he could, and the Lead Prosecutor said he "would like to see these Puerto Ricans die in jail." [2] López's political affiliations were clearly the motivating factor in his egregiously excessive sentence.

López himself was never accused of injuring and killing anyone. The government did not charge López in connection with a single bombing incident. In the U.S. justice system, you cannot punish someone for something they haven't been personally tried for in court. Attempts to justify López's sentence by blaming him for acts the FALN claimed responsibility for are nothing more than guilt by association.

Later, López would receive 15 more years for conspiracy to escape, the result of a plot devised by FBI informants placed in his unit.

In his defense, López argued that according to international law he had the status of prisoner of war as an anticolonial fighter. As colonialism is a crime against humanity under international law, and international organizations had determined that Puerto Rico is a colony of the United States, López argued that he should be judged by an international body. [3]

In a 1987 resolution condemning international terrorism, the UN General Assembly purposefully excluded actions by people seeking the "inalienable right to self-determination and independence of all peoples under colonial and racist regimes." The resolution specified "the right of these peoples to struggle to this end." The measure passed by a margin of 153-2. Only Israel and the United States voted against it.

A History of Repression

While today roughly only 5% of Puerto Ricans on the island favor independence, this was not always the case. After the United States defeated Spain in the Spanish-American War in 1898, the U.S. assumed possession of Puerto Rico along with Spain's other colonies. The U.S.

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Escrito por Matt Peppe

Martes, 16 de Diciembre de 2014 04:17 -

controlled Puerto Rico's government and gave enormously profitable sugar and coffee plantations to private American corporations. The U.S. government suppressed resistance to colonial occupation and refused all demands to relinquish control of the island.

In 1948, the Puerto Rican Senate passed Law 53. The "Gag Law" criminalized nationalist politics. It prohibited organizing, assembling, writing or speaking to promote independence. It even prohibited displaying the Puerto Rican flag.

Luis Muñoz Marín, the head of the Senate at the time, became Puerto Rico's governor the next year. His Partido Popular Democrático (PPD) passed a new Constitution in 1952 that granted Puerto Rico its Commonwealth status. However, this shed the territory's colonial status in name only.

Independence movements had determined to resort to armed struggle after facing decades of repression politically. They saw the Commonwealth as a euphemism for an illegitimate arrangement that perpetuated the colonial status quo.

Pedro Albizu Campos, leader of Puerto Rico's Nationalist Party, had been imprisoned along with other nationalists in 1936. He spent 10 years behind bars. After being released, he continued fighting for the liberation of Puerto Rico from colonialism.

In 1954, Lolita Lebrón led an attack with other nationalists on the House of Representatives. Shooting from the gallery of the chamber, they wounded five Congressmen. Lebrón spent 25 years in prison. She later said "times have changed ... I would not take up arms nowadays, but I acknowledge that the people have a right to use any means available to free themselves."

Puerto Rican nationalist groups were among the first targeted as part of J. Edgar Hoover's notorious FBI Cointelpro illegal spying campaign. Cointelpro became known to the public during the Church Committee hearings in the late 1970s, when it was revealed that the program had been used to illegally spy on civil rights leaders, anti-war protestors, American Indian movements, and other groups who challenged the political status quo.

While most Puerto Ricans do not support independence, most do support decolonization – whether it is through integration into the United States as a state, or through a sovereign association with the United States similar to that of Marshall Islands.

In a historic November 2012 referendum, Puerto Rican voters decisively rejected the current colonial status with a 54% majority. Only voters on the island were allowed to participate in the referendum. If Puerto Ricans and their descendants in the diaspora – where independence is more popular – were included, the number likely would have been much higher.

Today support for López's release is shared by both the pro-status quo PPD and pro-statehood PNP. Puerto Rico's Governor Alejandro García Padilla and lone (non-voting) representative in Congress Pedro Pierluisi – the former of the PPD and the latter of the PNP – have both petitioned President Obama for López's freedom.

Latin American countries have expressed solidarity with Puerto Rico on both the causes of decolonization and freedom for López. In his visit to the White House, President of Uruguay José "Pepe" Mujica called for Obama to grant a pardon to López. Venezuelan President Nicolás Maduro has called for Puerto Rico to be able to join the Community of Latin American and Caribbean States (CELAC) and for freedom for López. "The Island of Puerto Rico is not alone in its struggle for dignity and independence," Maduro said.

The two causes also received international backing from the UN Special Committee on Decolonization, which approved a resolution this summer that called on the United States to "end subjugation" of Puerto Rico and to release López.

No Recourse to Political Participation

Although Puerto Ricans are American citizens, Puerto Ricans residing on the island cannot cast a vote in federal elections. Entitlement programs such as Social Security and Medicare do not apply equally to Puerto Ricans. U.S. businesses are guaranteed the same access to Puerto Rico as to any state under the Interstate Commerce Clause, subverting the island's self-sufficiency. Puerto Rico doesn't have the ability to make foreign policy, enter into trade agreements, impose tariffs, or provide universal public health insurance.

In the Insular Cases, the Supreme Court determined that Puerto Rico and other territories belong to, but are not part of, the United States. In comparing this to the "Separate but Equal" system established by the Court's Plessy vs. Ferguson decision, Judge Juan R. Torruella says that the Insular Cases created a "Separate and Unequal" system for Puerto Rico. The difference, Torruella notes, is that unlike Plessy, which has been overturned, the Insular Cases created "a regime of de facto political apartheid, which continues in full vigor."

Without any representation in Congress or a vote in Presidential elections, Puerto Ricans have their political rights subjugated to the U.S. government. Even on an issue as popular among Puerto Ricans as the release of Oscar López, they have no recourse to participate in the political process at the federal level.

There is no indication that Obama intends to even respond to López's clemency plea, much less grant it. In his speech at Nelson Mandela's funeral, Obama said that "around the world today, men and women are still imprisoned for their political beliefs." The overwhelming opinion among Puerto Ricans is that this description applies precisely to López.

The disregard that Obama has shown for recognizing the will of Puerto Ricans to free Oscar López demonstrates the uphill challenges Puerto Ricans face to shed their second-class status and obtain equal rights. If the President refuses even to grant a simple pardon, what chance do Puerto Ricans have of the U.S. government acting on the 2012 referendum and allowing them to achieve self-determination?

Predictably, the issue has been put on the back burner in Washington. The extent of federal action generated by the referendum is a \$2.5 million appropriation to hold another referendum, which would also be non-binding. Only the U.S. Congress can change Puerto Rico's status. And

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with Republicans in control of both chambers, it is more likely they will dedicate a national holiday to Karl Marx.

There is broad support in Puerto Rico for decolonization, and almost unanimous support for the liberation of Oscar López. But, as has been the case for the last 116 years, Puerto Ricans find themselves at the mercy of first-class citizens on the mainland who control their fate.

Works Cited

[1] Rivera, O. L. (2013). *Oscar Lopez Rivera: Between Torture and Resistance*. PM Press.
http://secure.pmpress.org/index.php?l=product_detail&p=511

[2] *Ibid*

[3] *Ibid*

(From: *Just the Facts Blog*)