



Oscar López Rivera is a freedom fighter for the independence of Puerto Rico. He has the unenviable distinction of being the longest-held Puerto Rican political prisoner in the United States. He was charged with seditious conspiracy, that is, to conspire to end the United States government's control over Puerto Rico through force, via membership in the Armed Forces of National Liberation (FALN).

Initially, he was sentenced to 55 years in prison in 1981; later, in 1987, 15 more years were added to his sentence due to an alleged conspiracy to escape, a charge that according to his defense attorney, Jan Susler, was fabricated by the government.[1] In total, Oscar's prison sentence amounts to 70 years. Thus far, he has completed 32 of those years. Susler, in an interview for the online newspaper Noticel, said:

Cuando lo acusan a él y los demás [nacionalistas puertorriqueños] de conspiración básicamente es porque el gobierno no sabía quién había hecho qué, ni qué específicamente habían hecho. Conspiración no es haber hecho algo. Es una acusación de haberse puesto de acuerdo para terminar con el control colonial de los Estados Unidos en Puerto Rico. Si el gobierno estadounidense supiera que estas personas hubieran cometido algo específico, los hubiesen acusado de otros delitos, pero no fue así. Ante la falta de evidencia, sólo los acusaron de conspiración sediciosa.[2]

[When he and the others [Puerto Rican nationalists] are charged with conspiracy, it's basically because the government didn't know who had done what, or what exactly they had done. Conspiracy is not having done something. It is a charge of having agreed to put an end to colonial control of the United States in Puerto Rico. If the U. S. government had known that they had done something specific, they would have charged them with other crimes, but that was not the case. Given the lack of evidence, they charged them only with seditious conspiracy.[3]]

When they were arrested, López Rivera and his compatriots refused to recognize U. S. jurisdiction over them, pleading that U. S. control over Puerto Rico is illegitimate and a crime against humanity, and that they should therefore be considered prisoners of war and tried before an international court. In spite of the fact that this is a valid legal argument recognized by

various international judicial bodies, the U. S. government refused to accept it and tried them as common criminals.[4]

Historical background

In order to understand López Rivera's case, it is necessary to know a little about Puerto Rican history. The territory has a century-long political status problem that dates back to the United States' invasion of the island in 1898, during the Spanish-American War, from which the United States emerged as a world power. Until that time, the island had been one of the last colonies (along with Cuba and the Philippines) that were still left to the Spanish Empire after the wars of independence in the rest of Latin America. Since then, the island has become an overseas possession of the United States, subject to the will of Congress, which has the final word over all matters concerning Puerto Rico. With the change of sovereignty, a military government was imposed that lasted until 1900, the year Congress passed the Foraker Act, which provided for the creation of a civilian government, and English was decreed the official language of public instruction, remaining as such until 1948.

That same year, Puerto Ricans were allowed for the first time to elect their own governor. Prior to that, the President of the United States designated the governor. The current status of Puerto Rico was established in 1952, known as the *Estado Libre Asociado* (ELA) in Spanish and translated into English as "Commonwealth" in official documents. In practice, the ELA didn't bring about real change in the relationship between Puerto Rico and the United States, since the territory's sovereignty still lies in the hands of Congress and any change in the Constitution of Puerto Rico has to be approved by it. Puerto Rico doesn't have representation before the federal government either, save for a non-voting representative in Congress known as the Resident Commissioner, nor do Puerto Ricans have the right to vote for President. The island is also obligated by law to only use U. S. ships, which are among the most expensive in the world, when transporting goods by sea.

From the time of the invasion, many struggles were fought to free Puerto Rico from U. S. domination through various means within and outside the electoral system, including armed struggle. One of the most dramatic examples of armed struggle was the nationalist uprising in 1950. José "Che" Paraiticci, states in his book *Cien años tras las rejas: Historia de los presos independentistas puertorriqueños bajo el regimen de los Estados Unidos* (One Hundred Years Behind Bars: The History of Pro-Independence Prisoners under the United States Regime) that, "Since the United States invaded Puerto Rico in 1898 and took possession of the country both militarily and politically, there has not been a single decade in which a supporter of independence hasn't gone to jail, with the exception, perhaps, of the twenties." [5] Persecution of the independence movement increased during the forties and fifties, becoming one of the most violently repressive times in its history.

The campaign to release Oscar López Rivera

Oscar López Rivera's case is noteworthy for several reasons. Firstly, his sentence is

disproportionately long, considering that he was not found guilty of any violent acts. Indeed, when he was sentenced in 1981, the average prison sentence for murder was 10.3 years, which makes his sentence over five times longer than the average sentence for murder.[6] Another noteworthy aspect is that in 1999 Bill Clinton, then President of the United States, offered him and other political prisoners a pardon if they would serve ten more years. López Rivera rejected the offer because two of his compatriots in prison, José Alberto Torres and Haydée Beltrán, were not included in it at that time. Torres and Beltrán have since been released, while López Rivera remains in prison.[7] Lastly, his case has received much international attention during the past year, with an ever-growing multitude of people advocating for his release. Supporters include examples as diverse as Ricky Martin, the musical group Calle 13, the South African Anglican Archbishop Desmond Tutu, the indigenous Guatemalan leader Rigoberta Menchú, Northern Irish peace activist Mairead Corrigan Maguire, Argentinian human rights activist Arturo Pérez Esquivel, and people from across the political spectrum in Puerto Rico, the United States, and the rest of the world.

The campaign to release López Rivera has gained momentum since 2012, which marked López Rivera's thirtieth year in prison. There are currently several efforts and initiatives to create awareness of his case, both locally and internationally, and to pressure President Barack Obama to grant him a pardon. Some notable examples are the simultaneous protests held in the cities of San Juan (the capital of Puerto Rico), New York, Chicago, and Washington, D. C., on November 23, 2013, and the protest held every last Sunday of the month by the group 32 x Oscar. Additionally, every week *El Nuevo Día*, one of the main Puerto Rican newspapers, publishes the letters that López Rivera sends his granddaughter. It is very likely that the momentum and the certain urgency with which the campaign has been moving this past year is due to the fact that President Obama is in his second term in office. Since the Constitution forbids him to run for office again in 2016, there is a greater chance that the elections will be won by the candidate of the GOP, reducing considerably López Rivera's chances of getting a pardon.

Oscar López Rivera and Nelson Mandela: Avatars of a same spirit

López Rivera's case highlights the tensions between Puerto Rico and the United States as a result of their colonial relationship; it is an obvious example of how Puerto Ricans do not have the power to decide the fate of one of their own citizens, a fact that is instinctively felt and resented in the Puerto Rican psyche, regardless of what political affiliation one might have.[8] The case also reveals the contradictions inherent to colonialism. Recently, the world suffered the loss of Nelson Mandela, who was, like López Rivera, a political prisoner because of his struggle against apartheid in South Africa. Among the multiple tributes offered to the memory of Mandela, including from President Obama, it is easy to forget that Mandela was on the list of the United States' most wanted terrorists until not very long ago and that his incarceration in South Africa was achieved thanks to the cooperation of the U. S. government. An event honoring Mandela was organized in New York in 1990, on occasion of his first visit to the United States after having been released from prison a few months earlier. At the time, David Dinkins was mayor of New York, the first black person to hold that office and whose campaign received the support of the Puerto Rican community. Among the organizers of the event were several Puerto Ricans that played a key role in the election of Dinkins. They proposed to invite as guests of honor Puerto Rican nationalists Lolita Lebrón, Rafael Cancel Miranda, and Oscar

Collazo, who had also been political prisoners. When the Secret Service found out, they proceeded to warn Dinkins, who made public statements calling the Puerto Rican nationalists “murderers.” The irony of this episode is that at the time, Mandela was still on the same list of wanted terrorists as López Rivera.[9] Later, Mandela publicly stated that it would have been an honor for him to have shared the floor with the Puerto Rican nationalists, who, like him, fought for the liberation of their people.[10]

The similarities between Mandela and López Rivera are many. Both men share the experience of being political prisoners, both were charged with seditious conspiracy, both embraced armed struggle as a mechanism to achieve self-government, both appeared on the United States’ list of wanted terrorists, and both had the overwhelming support of their respective peoples for their release from prison. As Howard Jordan wrote in an article for the Institute of the Black World:

While Oscar López Rivera’s name does not have the international immediate name recognition of Mandela’s, the parallels are striking. Both Mandela and now Oscar López were jailed for “seditious conspiracy” for trying to overthrow a colonial government that was violating international law and committing “crimes against humanity.” Also in their respective eras Mandela and Oscar were the longest held political prisoners, receiving disproportionate sentences though having never engaged in any act of violence. Both men were also tortured, held in solitary confinement, and had barbaric acts committed against their persons in prison.

Both freedom fighters garnered calls for their release from religious leaders, Members of Congress, elected officials and celebrities. Nobel Prize Laureate and South African Archbishop Desmond Tutu stated that López’s only crime was “conspiring to free his people from the shackles of imperial injustice.”[11]

It is necessary to add that both men’s ideas about armed struggle are complex and nuanced. Both López Rivera and Mandela embraced armed struggle as a way to achieve their purposes in the belief that it is the right of all peoples to resort to it when they suffer oppression and are denied the right to self-determination. However, neither one would rejoice whenever violence was resorted to in the name of national liberation,[12] a very different attitude from that of the fanatic extremist who indiscriminately and blindly is willing to commit atrocities for the sake of an ideal, whatever it may be.

Oscar López Rivera is a political prisoner in a country that categorically denies the existence of them in its jails. But exist they do. In spite of the U. S. government’s efforts to draw attention away from that fact, and from the case of López Rivera in particular, calls for his release have been too strong to ignore. It remains to be seen whether President Obama will improve his poor record when it comes to granting pardons (the lowest of all the presidents in recent history)[13] and finally understand the enormous contradiction of being a Nobel Peace Prize winner and a warden of political prisoners at the same time.

Footnotes

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Rafael R. Díaz Torres, “¿Por qué sigue preso Oscar López Rivera?”, Noticel, June 2, 2013.
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José “Che” Paralicci, Cien años tras las rejas: Historia de los presos independentistas puertorriqueños bajo el régimen de los Estados Unidos, cited in Alejandro Torres Rivera, “El caso de Oscar López Rivera y la justa causa de su libertad ante la visita de Obama a Puerto Rico,” Red Betances, no date. Accessed on December 28, 2013. Author's translation.

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Jan Susler, “The Case of Oscar López Rivera.” When Federal judge Thomas McMillen handed down the sentences of López Rivera and other nationalists judged at the same trial, he mentioned the following: “You know, if George Washington had been captured by the British during the American Revolution he wouldn't have been put in the penitentiary or jailed; he would have been executed. And that, as a matter of fact, is the penalty which should be imposed on Count 1 [seditious conspiracy] in this case.” U.S. v. Carlos Torres, Transcript of Sentencing Hearing, February 18, 1981, p. 20.

Other Puerto Rican nationalists that were incarcerated around the same time as López Rivera are Luis Rosa, Ricardo Jiménez, Elizam Escobar, Carmen Valentín, Carlos Alberto Torres, Dylcia Pagán, Adolfo Matos, Alicia Rodríguez, Alejandrina Torres, Edwin Cortés y Alberto Rodríguez e Ida Luz Rodríguez. Alejandro Torres Rivera. “El caso de Oscar López Rivera y la justa causa de su libertad ante la visita de Obama a Puerto Rico.” Red Betances, no date.

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In Puerto Rico, political affiliations are usually defined based on what status is favored for the island: independence, incorporation to the U. S. as the 51st state, free association (associated republic) or some variation of the current political status.

Mandela's name was officially removed from the list in 2008. “Mandela taken off US terror list”. BBC News, 1 de julio de 2008. <http://news.bbc.co.uk/2/hi/world/americas/7484517.stm>.

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<http://ibw21.org/news/nelson-mandela-and-oscar-lopez-rivera-let-freedom-reign-from-south-africa-to-puerto-rico/>.

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<http://www.80grados.net/obama-ante-el-martirio-de-mandela-y-oscar-lopez/>.

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