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Congress of the United States
House of Representatives
Washington, DC 20515-5401

February 21, 2013

The President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

I write in support of Oscar López-Rivera's September 2011 petition for a commutation of his prison sentence. I wrote to the United States Parole Commission on two prior occasions—November 29, 2010 and January 25, 2011—to request that the Commission grant parole to Mr. López-Rivera, but parole was denied in February 2011.

Mr. López-Rivera is 70 years old and incarcerated at the Federal Correctional Institution in Terre Haute, Indiana, a medium-security facility. In July 1981, he was convicted in the Northern District of Illinois of crimes, including seditious conspiracy, arising from his role in the militant Puerto Rican nationalist group, Fuerzas Armadas de Liberación Nacional (FALN).¹ Mr. López-Rivera was sentenced to 55 years in prison. In December 1987, Mr. López-Rivera was convicted of conspiring to escape from prison and certain related crimes. He was sentenced to an additional 15 years in prison. Mr. López-Rivera has now served over 30 years in prison. His projected release date is June 26, 2023, when he will be 80 years old.

I want to emphasize that I do not support commutation for Mr. López-Rivera because I share the political beliefs that motivated his criminal conduct. As a strong advocate of U.S. statehood for Puerto Rico, I hold views that diverge sharply from those embraced by the man on whose behalf I write. Even if I did subscribe to Mr. López-Rivera's political philosophy, I would not condone FALN's actions many years ago. Before my election to Congress, I served as Attorney General

¹ The definition of "seditious conspiracy" is broad. It occurs if "two or more persons . . . conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof." 18 U.S.C. § 2384.

of Puerto Rico, where I was responsible for enforcing the Island's criminal and civil laws. During my tenure, my own family was touched by violence. My life experiences, both professional and personal, have led me to reject the idea that devotion to a cause can justify extremism. I respect men and women who support independence for Puerto Rico, because independence is a dignified and democratic status option. But every member of our society, regardless of the depth of their convictions, is bound by the rule of law.

Therefore, I do not—and would never—seek to minimize or excuse the unlawful conduct of individuals, including Mr. López-Rivera, affiliated with the FALN. Between 1974 and 1980, the FALN was responsible for more than two dozen bombings in the Chicago area. Those bombings were unacceptable and wrong.

Nevertheless, I believe that the commutation of Mr. López-Rivera's sentence is in the interest of justice. Commutation would not depreciate the seriousness of the offenses that were committed, would not promote disrespect for the law, and would not jeopardize public safety.

It is important to recognize that these Chicago-area bombings—which were the only basis for Mr. López-Rivera's original arrest and conviction—did not result in the death or injury of any person. As a 1980 editorial in the *Chicago Tribune* observed, the bombs were “placed and timed as to damage property rather than persons.” The same editorial opined that the FALN, in perpetrating these acts, “were out to call attention to their cause rather than to shed blood.”² Moreover, at Mr. López-Rivera's 1981 trial, the judge specifically instructed the jury that it could convict the defendant of seditious conspiracy—the most serious charge in the indictment—even if there was no proof that he had been personally responsible for any of the bombings. I respectfully submit that these points should inform any thoughtful and fair-minded decision regarding the potential commutation of Mr. López-Rivera's sentence.

Several other factors counsel in favor of commutation. They include: Mr. López-Rivera's advanced age; the three decades he has served in prison, more than one-third of which he spent in solitary confinement; his recent exemplary conduct while behind bars, as evidenced by the Bureau of Prisons' decision to transfer him from a high-security facility to a medium-security facility in 2008; and his prior military service (for which he earned a Bronze Star in Vietnam).

In addition, I believe it is appropriate for you to consider the fact that, of all the individuals affiliated with militant Puerto Rican nationalist groups who were convicted during the 1980s of crimes similar to, or more serious than, Mr. López-Rivera's, only Mr. López-Rivera remains in

² “Terrorists Without a Cause,” *Chicago Tribune*, Mar. 18, 1980, pg. A2. In addition, in a written statement submitted on April 19, 1997 to the U.S. House of Representatives' Committee on Natural Resources, Mr. López-Rivera and other Puerto Rican prisoners stated that “it has always been the practice and purpose of groups participating in the independence struggle to take all possible measures to ensure that innocent people are not harmed” and asserted that “[o]ur actions, for the most part symbolic, have had the objective of focusing the attention of the U.S. government on the colonial conditions of Puerto Rico, and not of causing terror to the citizens of the U.S. or Puerto Rico.”

prison.³ All other individuals linked to these organizations—a number of whom were sentenced to substantially longer prison terms than Mr. López-Rivera—have had their sentences commuted or completed their prison terms. In light of the foregoing, I strongly believe that a decision to grant Mr. López-Rivera parole would help bring closure to an unfortunate chapter in the close but complex relationship between the United States and the U.S. territory of Puerto Rico.

In August 1999, President Clinton offered to commute the sentences of Mr. López-Rivera and 12 other prisoners linked to militant Puerto Rican nationalist groups, contingent on their acceptance of certain conditions. Apart from Mr. López-Rivera, all of these prisoners accepted the conditional offer and were released, either immediately or within a period of years.⁴ I am acutely aware that the offers of clemency made to these individuals generated controversy. However, time and reflection have only strengthened my belief that these offers were appropriate and in keeping with the best traditions of this great nation. In the last several years, moreover, two other FALN members imprisoned in the 1980s but not offered clemency in 1999 have been released by the United States Parole Commission from prison. Marie Haydee Beltran Torres was released in April 2009. She had been sentenced to life imprisonment for her role in a 1977 bombing in New York that, unlike the Chicago-area bombings, resulted in the death of one victim and injury to several other victims. Carlos Alberto Torres, convicted of seditious conspiracy in February 1981 and sentenced to 70 years in prison, was released in July 2010. It is important to note that none of these individuals has been accused of violating the law since being released. There is every reason to believe that Mr. López-Rivera, like these former prisoners, would peacefully reintegrate into society and would pose no threat to public safety, especially in light of his advanced age.

In closing, I would like to address Mr. López-Rivera's decision not to accept the offer of clemency made to him in 1999. Had Mr. López-Rivera accepted this offer, which would have reduced his prison sentence from 70 years to approximately 44.5 years, he would have been released in September 2009. Although I confess that Mr. López-Rivera's decision is a difficult one for me to comprehend, I am advised that the primary reason he did not accept the offer is because it had not been extended to certain fellow prisoners, including Mr. Torres. Mr. López-

³ In May 2010, Avelino Gonzalez-Claudio, a member of the militant pro-independence organization Ejército Popular Boricua, commonly known as Los Macheteros, pleaded guilty in the District of Connecticut for his role in the group's 1983 robbery of a Wells Fargo depot in Hartford, Connecticut. He was sentenced to seven years in prison.

⁴ The 12 imprisoned individuals who accepted the conditional offer of clemency were (1) Elizam Escobar, (2) Ricardo Jiménez, (3) Adolfo Matos, (4) Dylcia Noemí Pagán, (5) Alicia Rodríguez, (6) Ida Luz Rodríguez, (7) Luis Rosa, (8) Carmen Valentín, (9) Alberto Rodríguez, (10) Alejandrina Torres, (11) Edwin Cortés, and (12) Juan Enrique Segarra-Palmer. Except for Mr. Segarra-Palmer, each of these individuals had been convicted of seditious conspiracy in the Northern District of Illinois in connection with the Chicago-area bombings. Mr. Segarra-Palmer had been convicted of bank robbery in the District of Connecticut. The original prison sentences for these twelve individuals ranged from 35 years to 90 years, with an average sentence of over 60 years. In each case, again with the exception of Mr. Segarra-Palmer's, the commutation of sentence resulted in the prisoner's immediate release. Mr. Segarra-Palmer was required to serve five more years, and was released from prison in January 2004.

Rivera did not seek to discourage others from accepting the offer, but evidently did not feel comfortable accepting it himself. It is a sad irony that, as a result of his effort to demonstrate solidarity with his fellow prisoners, Mr. López-Rivera is now the only one of his contemporaries who remains behind bars.

Regardless of the circumstances surrounding Mr. López-Rivera's decision in 1999, I believe the factors outlined above justify the commutation of his sentence. The United States is a country of second chances, and I think it would be appropriate to give Mr. López-Rivera another chance so that he can live his twilight years in liberty and in peace. He has repaid his debt to society and should be released.

Sincerely,



Pedro R. Pierluisi
Member of Congress

cc: Ronald L. Rodgers, Pardon Attorney, Office of the Pardon Attorney, U.S. Department of Justice