POLITICAL PRISONERS IN THE UNITED STATES: THE PUERTO RICAN CHARADE

By Julio Rosado*

The subject matter that I'm going to treat tonight needs a little bit of perspective if we're going to understand it. One of the major drawbacks that most of us have in attempting to understand the existence of a large number of political prisoners in the United States, most of whom call themselves prisoners of war, is that we don't necessarily have a realistic view of who a Puerto Rican is and what Puerto Rico is all about.

Puerto Ricans are certainly not a large body of people living in New York City on drugs or on welfare, struggling to achieve an education, even an elementary or high school education. Puerto Ricans are people who were already existing in a vibrant European system two hundred years before the English landed in Jamestown. They are a people who had evolved from a complex Afro-centric culture long before we could talk about the development of a North American civilization. And we are certainly people who today can count among ourselves some of the finest lawyers, some of the finest nuclear scientists, geneticists, and political and social thinkers in our hemisphere. We have contributed some of the finest writers throughout the last two centuries and some of the most profound political and social thinkers that Latin America has produced. To the degree that these achievements have been ignored or are not a part of the body of knowledge that you acquire in places like Yale University, don't blame yourselves. Blame the fact that Puerto Rico is a colony of the United States and that it has still not achieved its independence.

In 1898, the United States imposed itself on Puerto Rico at a very opportune moment — when the Puerto Rican people and the people in nearby Cuba were about to deal the death blow to Spanish colonialism in the hemisphere. Since then, the United States has imposed its will on Puerto Rico through a variety of mechanisms; but especially through the division of society. The struggle of the Puerto Rican people against the United States began from the very onset of the North American military occupation of the Island. And even with highs and lows in the course of that struggle, it is one that has been consistent. As consistent, for example, as a week or two ago, when Puerto Ricans staged a general strike in order to prevent the sale of the Puerto Rico Telephone Company one of Puerto Rico's few national resources still in the hands of the Puerto Rican people. We have produced many martyrs. There have been massacres in Puerto Rico. Puerto Ricans who have fought for Puerto Rican independence have been victims of massacres conducted by North Americans in Puerto Rico and under the leadership of some of the great legal minds of the United States who have gone on from universities such as Yale, to serve in Washington, D.C.

The present group of Puerto Rican prisoners emerged from the struggle of the 1960's, the first group of prisoners having been captured on April 4, 1980. They were originally called the Puerto Rican Prisoners of War. Eventually, there were seventeen of them, and 14 of them have the status of prisoners of war. They are certainly political prisoners. No one is going to argue that they are political prisoners. But prisoners of war, why? One of the particular dynamics of the struggle of National Liberation waged by the Puerto Rican people is that we have very

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seldom sought refuge in the North American legal system. The reason why we have not sought refuge in the North American legal system is because, for the Puerto Rican people on the Island who have waged that struggle of National Liberation, the North American legal system has been an instrument of repression. That legal system has not been an instrument through which the rule of law leads to justice for the people but to tyranny over masses of the Puerto Rican people. And when I say the masses of the Puerto Rican people, please understand that I do not wish to exclude those who advocate statehood for Puerto Rico. Those who advocate statehood are as much victims of the North American military occupation in all of its many facets as those of us who advocate independence.

The issue of prisoners of war emerges out of international law, beginning with the protocols approved by the General Assembly of the United Nations, and which were inspired by the struggle for Algerian independence and the process of decolonization in Africa. The importance of the protocols to the Geneva convention of 1949 is that they acknowledge, for the first time, that to be a prisoner of war, a person, when captured, need not belong to a standing, recognizable army or be a fighter clothed in the usual garbs of war. Because of the particular nature of the national liberation struggles, the person, out of necessity, often has to be dressed in the clothing of the civilian population in its everyday existence. Once captured, all that is required for the person to have a legitimate status as a prisoner of war is for the person to make a claim to that status and to be identified with a legitimate national liberation movement. Interestingly, when the protocols were signed and approved, the Cuban delegation declared that they were signing the protocols with a clear understanding that the protocols would automatically be extended to the Puerto Rican liberation fighters.

As prisoners of war, the Puerto Rican Independence fighters refused to subject themselves to the North American judicial system. That is, when they were accused and tried, they did not submit a defense. The reason that they did not submit a defense in the court is because the Puerto Rican National Liberation struggle does not recognize the legitimacy of North American law, except as a tool of oppression, as an extension of the political intent of the government of the United States to deny the Puerto Rican people the opportunity of self-determination. Presenting a defense would legitimate the United State’s claim to be entitled to adjudicate their political status.

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different crimes are periodically released. But in the United States, where a political crime is deemed a common crime, and where the act of resisting political tyranny or overtly political objectives are made akin to murdering children, selling drugs, or running prostitution rings, the crime cannot be acknowledged as political and thus, it is impossible to create the environment necessary to obtain the amnesty of political prisoners. And yet, while political prisoners aren’t publicly acknowledged as such, they are treated worse in prison than are other prisoners. Political prisoners and prisoners of war are often isolated and repeatedly transferred from one prison to another, beaten, and attacked in a variety of ways. They have been denied visits, they have been denied mail, and they are constantly being harassed in prisons. So publicly, the United States refuses to legitimize the category “political prisoner,” while behind prison walls, the United States differentially treats people according to their political status.

We must build a movement that can change this environment of criminalization and thereby put the issues of justice and human rights in the United States in their proper perspective. This movement must have two critical results. One, the American people, if not the official government of the United States, must acknowledge that there are political prisoners in this country. Second and consequently, there should be an unconditional amnesty for these political prisoners. Those who refuse to seek a Presidential pardon and unconditional amnesty — those who believe that they can use the parole system and wish to
apply for parole — should be released through the parole system. Those who are being unjustly maintained in prisons despite the fact that they are eligible for release or those who may obtain a new trial must be released.

In order to achieve this kind of coherent movement, concerned activists have established the Freedom Now! organization. Freedom Now! was organized in December of 1988 to coordinate the cases of Puerto Ricans, Blacks, Whites, and Native Americans who are in prison — to bring all of these cases together in order to wage one consolidated campaign for the release of these prisoners. Towards this end, we are engaged in mass education, as we're doing here, and as we are doing in many different places.

Freedom Now! is also taking the campaign to the international community. In February, a delegation from Freedom Now! went to Geneva from which we made a tour of Europe where we received a tremendously positive response. In Geneva, we met with many delegates to the Human Rights Commission from countries who have their own representatives to the United Nations in New York. These Human Rights Commission delegates expressed a tremendous amount of shock that not only were there political prisoners in the United States, but that there were violations of human rights in the United States. Some of those who expressed shock were representatives from Socialist countries who lacked even elementary knowledge that there are homeless people in the United States. Those who expressed shock upon hearing such information were representatives of governments, people sitting in a place like this, in Geneva, talking about human rights in different parts of the world. They did not know that there were homeless people in the streets of New York.

In Geneva, we explained the issue of the prisoners and we passed out a book which has all of the biographies of the prisoners. The Iranian representative was leafing through the book and all of a sudden he began to see Muslim names. He expressed an immense amount of interest in the fact that many of the Black prisoners were actually Muslims and said that he would look into the issue. Some weeks later, we heard that one of the issues that Iran had raised in trying to help the United States obtain the release of hostages was that the government of the United States should exercise its goodwill and release some of the Muslim prisoners. They mentioned Dhoruba's name among them. This example suggests that if we can take this kind of information in a concerted way to many countries, a lot of prisoners would be released in many different parts of the world. Indeed, there are other countries who would be willing to help obtain the release of Central Intelligence agents held throughout the world if the United States would only engage in an honest effort to release the political prisoners that it holds.

Freedom Now! has set for itself the task of making these efforts happen; it has set for itself the task of documenting the legitimacy of its claim that there are political prisoners in the United States. Recently, Freedom Now! had a forum in New York City and plans to have a tribunal in October 1990. The tribunal that will last an entire weekend and that will be presided over by eleven internationally prominent people. Appearing before these people will be former political prisoners, current political prisoners (either in person or through affidavit), attorneys who have handled political cases, legal experts, psychologists, sociologists who have participated in the investigation of the American prison system, and those who have obtained personal knowledge about the issue of political prisoners. These people are going to be testifying and from this testimony we are going to obtain a document of facts. This document of facts is going to go before the international community so that the international community can increase the amount of information that it has in order to exercise its right and fulfill its obligation to make sure that human rights in the United States are respected. At the same time, this information will enable the international community to insist that human rights be respected around the world.

Finally, there are issues about the prison system

Mr. Hernandez Mercado was born in Río Piedras, Puerto Rico in 1970 and is currently incarcerated. He strives for humility and fights for expressing the active talent found within him. Credit—Raúl Hernandez Mercado.

itself which I think need to be of great concern to us. One of the developing issues in the prison system at the time that I was being released from prison in 1986 in Raybrook Federal Prison in New York State was that prison industries were beginning to undergo a change. They were becoming a source of production for American corporations. For example, in Raybrook, one of the products is printed material and they have a fabulous printing plant. In addition, they have some excellent prisoners who are great editors. Raybrook had just signed a contract with Martin Marietta to produce all of the forms that Martin Marietta utilizes in its businesses. This is happening in Ashland, Kentucky, where furniture is now being produced for United States corporations for their offices. And there is, of course, a commission under former Supreme Court Justice White which has looked into the questions of how to make prisons pay for themselves. With this, there is then a major incentive for the government to lock up more and more people: prisoners will end up paying for their own imprisonment, the administrative apparatus, the food, and the logistics necessary to keep them in prison. U.S. News and World Report reported that in 1988, 9.7 million people had gone through the prison system, spending at least twenty-four hours in prison. It also reported that during the current economic crisis, the government of the United States is seeking to invest greater amounts of monies in the prison economic system and that fifteen prisons are either in the process of construction or in the works.

These issues: prison industries, political prisoners, and in a specific and very subjective way, the issue of the Puerto Rican prisoners of war, are ones that you should take on and that you should help develop until we're able to create a society which is truly just.