



Legislation Text

File #: 15-2218, **Version:** 1

Dept/ Agency: Offices of Municipal Council/City Clerk

Action: () Ratifying (X) Authorizing () Amending

Type of Service: Urging Release/Clemency

Purpose: Urging President Barack Obama to grant clemency to Oscar Lopez Rivera so that he is immediately released from prison, as his continued incarceration is unjust and serves no legitimate purpose.

Additional Information:

Sponsor: Council Member, Luis Quintana

WHEREAS, the City of Newark has a diverse population, including many residents of Puerto Rican ancestry; and

WHEREAS, Oscar Lopez Rivera was born in Puerto Rico in 1943 and moved with his family to Chicago, IL as an adolescent; and

WHEREAS, Oscar Lopez Rivera is a decorated Vietnam War veteran and was awarded the Bronze Star; and

WHEREAS, it is this dedication to community, friends and family that would become a hallmark of Lopez Rivera's life when he returned home from the war, becoming an activist fighting to improve conditions for his Puerto Rican and Latino community of Chicago; and

WHEREAS, Lopez Rivera also fervently believed in Puerto Rican independence and was critical of the United States Government's role in Puerto Rico; and

WHEREAS, between 1981 and 1983, Lopez Rivera and thirteen (13) other men and women involved in the movement for Puerto Rican independence were convicted of seditious conspiracy. Lopez Rivera was disproportionately sentenced to fifty-five (55) years in prison and has consistently maintained that he was not involved in any acts that harmed anyone or took a life; and

WHEREAS, in 1988 Lopez Rivera was convicted of conspiracy to escape prison and sentenced to an additional disproportionate 15 years in prison to be served consecutively to his original sentence; and

WHEREAS, in addition, Lopez Rivera was made to serve over twelve (12) years of his sentence in solitary confinement, meaning he was confined to a closet-sized cell for twenty-three (23) hours a day with no human contact; and

WHEREAS, in 1999, President Bill Clinton, offered to commute Lopez Rivera's sentence as well as the sentences of all but two (2) of his co-defendants. In explaining his decision to offer clemency, President Clinton noted that Lopez Rivera was never convicted of specific crimes that

resulted in deaths or injuries, nor was he ever convicted of any acts of violence and that the sentences received by Lopez Rivera and his co-defendants were “out of proportion to their crimes.” Lopez Rivera, refusing to leave any co-defendants behind, declined the President’s offer of clemency; and

WHEREAS, Oscar Lopez Rivera has now served over thirty-four (34) years in prison. All of the other men and women sent to prison along with Lopez Rivera have since been released and are leading productive and responsible lives; and

WHEREAS, the movement to release Lopez Rivera has become a unifying force for the Puerto Rican people, bringing together people of widely diverse political beliefs in a humanitarian campaign for his release; and

WHEREAS, all the Puerto Rican Representatives in Congress have called for Lopez Rivera’s immediate release; and

WHEREAS, the Congressional Hispanic Caucus recently sent a letter to President Barack Obama urging him to commute Lopez Rivera’s sentence and “grant his immediate release from prison;” and

WHEREAS, Lopez Rivera has served more time in prison than Nelson Mandela for similar charges of sedition, and many prominent politicians and world leaders, including Coretta Scott King, Archbishop Desmond Tutu, former President Jimmy Carter, Nobel Peace Prize Laureates and others have called for Lopez Rivera to be released from prison; and

WHEREAS, in 2013, Archbishop Desmond Tutu said of Lopez Rivera’s continued imprisonment, “In any case or interpretation, justice cannot be served by keeping Oscar Lopez Rivera in prison. Now is the time for his immediate and unconditional release;” and

WHEREAS, in 2013, Alejandro Garcia Padilla, Governor of Puerto Rico, called on President Obama to commute Lopez Rivera’s prison sentence, saying, “We see Mr. Lopez Rivera’s release as an issue that must rise above partisan affiliations and status preferences. It is an issue that touches basic issues of humanity, justice and compassion...I ask - Mr. President - that you exercise your constitutional power of pardon to commute his sentence and grant his release;” and

WHEREAS, religious leaders, including the Metropolitan Archbishop of San Juan, Puerto Rico, Roberto Gonzalez Nieves and the Reverend Geoffrey A. Black, General Minister and President of the United Church of Christ, have called for Lopez Rivera’s release; and

WHEREAS, national labor organizations, including the AFL-CIO, AFSCME and SEIU have called for Lopez Rivera to be released; and

WHEREAS, we note that the Municipal Council of the City of New York passed a resolution in April, 2015 calling for the release of Oscar Lopez Rivera; and

WHEREAS, Newark, New Jersey, is the home of a large Puerto Rican community where there is overwhelming support in the Puerto Rican community for Lopez Rivera’s immediate release.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Newark Municipal Council calls upon President Barack Obama to grant clemency to Oscar Lopez Rivera so that he is immediately released from prison, as his continued incarceration is unjust and serves no legitimate purpose.
2. Certified copies of this resolution shall be forwarded to the President of the United States, the United States Congress, the New Jersey Legislature, the Governor of New Jersey, the Essex County Board of Chosen Freeholders, the New Jersey League of Municipalities, the National League of Cities, the United States Conference of Mayors and to the Governor of the Commonwealth of Puerto Rico.

STATEMENT:

This resolution hereby states the support of the Newark Municipal Council in urging Presidential Clemency and the immediate release of Oscar Lopez Rivera.