



June 9, 2011

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

Dear President Obama,

I am writing to raise the ACLU's concerns about recent restrictions on the rights to free speech, peaceful assembly, and freedom from police violence and abuse in Puerto Rico. Currently, a Department of Justice investigation of the Puerto Rico Police Department is underway for a pattern and practice of police misconduct. As you prepare for your historic trip to Puerto Rico, we think that it is important for you to be aware of the serious allegations of human rights abuses against the citizens of Puerto Rico. The severity and scope of police abuse documented by the ACLU are on a level that would not be tolerated in the fifty states. I am writing today to urge you to raise these urgent issues with the leadership of Puerto Rico and to make you aware that we understand that the Puerto Rican government is endeavoring to thwart this most necessary DOJ investigation.

We would also like you to be aware that the ACLU is planning to take out a full page advertisement in one of the leading newspapers using the occasion of your important visit to highlight the need for systemic reform and oversight of policing practices on the island.

The Puerto Rico Police Department is the second largest police force in the country, second only to the NYPD. Based on evidence documented by the ACLU, this police department has engaged in a level of brutality against U.S. citizens and acted with such a level of impunity, that it shocks the conscience. Since 2004, the ACLU of Puerto Rico has documented numerous incidents of serious police misconduct in Puerto Rico. These incidents have increased both in their frequency and intensity since 2008, at which time the Department of Justice opened an investigation in response to our complaints. Most recently, the national office of the ACLU conducted fact-finding research in Puerto Rico in March-May 2011, and convened a high-level delegation that conducted a two-day fact-finding mission in May 2011 to research the rise in police brutality in the Commonwealth. This letter details a few of those abuses, but for additional background, we have

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attached our preliminary findings to this letter. The ACLU will issue a final report documenting our findings in September 2011.

In contrast to recent non-violent protests in Wisconsin, the Puerto Rican police have cracked down violently on protestors in the U.S. territory in blatant violation of their constitutional and human rights. The ACLU has documented numerous incidents in which individuals protesting at the University of Puerto Rico, the Puerto Rican Capitol building steps, the Supreme Court, and other locations during the past two years have been subjected to beatings by police armed with night sticks, tear gas, and pepper spray. Heavily armed riot squad teams have seriously restricted constitutionally protected expression and unjustifiably violated protestors' human rights.

Starting in the summer of 2010, students of the University of Puerto Rico (UPR) have been involved in protests in opposition to an enrollment fee imposed by the UPR administration, after massive administration cuts to the university's budget. In order to quash the largely peaceful protests, the government of Puerto Rico activated the riot squad unit and other police units, resorting to excessive force against student protesters on numerous occasions. According to our research and credible news reports, students have been beaten with nightsticks, maced with pepper spray, tasered, and shot at with rubber bullets and tear gas canisters. Police have also applied pressure-point techniques on immobilized student protesters, including application of pressure in the necks, eyes and jaws of the protesters to provoke pain, sometimes even causing unconsciousness. Female students have been sexually harassed and groped by police.

Since September 2009, union leaders and workers peacefully protesting the mass firing of 23,000 public workers have also faced police violence, including beatings with night sticks, tear gassing and pepper spray at close range. And on June 25, 2010, the President of the Puerto Rico Senate cut off public access to legislative sessions, even though it is mandated that all sessions should be open to the public. Five days later, at a protest outside the Capitol Building over the closing of access to legislative sessions, police pepper-sprayed and tear-gassed protestors, and riot squad police beat protestors with nightsticks. A member of the legislature's minority party was hit with nightsticks and pepper-sprayed, and a ligament in her arm was torn by riot squad officers. In one case, police beat and dragged a mother who attempted to shield her 17-year-old daughter from physical abuse.

Journalists attempting to cover these incidents have faced physical assaults by police and other government-imposed restrictions. These have included physical obstruction by police and restriction of areas for press coverage, including at protest sites and at Senate legislative sessions.

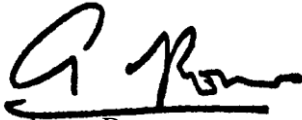
Outside of the protest context, the ACLU and ACLU of Puerto Rico have identified a pattern and practice of severe police brutality against low-income communities and communities of African and/or Dominican descent, including excessive use of force by the Puerto Rico Police Department's anti-drug units in public housing projects. In these cases, we have found that victims of severe police brutality, including lethal force, face serious obstacles to securing justice. The government's failure to hold officers accountable for misconduct or excessive use of force has endowed these officers with a sense of impunity. Moreover, we have identified

serious gaps in the existing oversight and disciplinary mechanisms for police who use excessive force.

The federal government must intervene to ensure constitutional and human rights in Puerto Rico. I urge you to discuss with the Puerto Rican government leaders the need to prioritize better training, supervision, control, and monitoring of officers' use of force to ensure all Puerto Ricans are safe from unlawful police violence and free to exercise their First Amendment rights. We applaud your Administration's vigorous support for the free speech and assembly rights of civil society in countries such as Egypt and Tunisia. However, as we turn our eyes toward abuses in other countries, we cannot turn a blind eye toward our own. We hope that the Department of Justice will soon intervene, but we also hope that you will use the opportunity of your visit to Puerto Rico next week to send the message that the federal government will not tolerate violent and unlawful restrictions on free speech and peaceful assembly in the Commonwealth.

As a person of Puerto Rican descent, with family and friends on the island, I am both delighted about your visit and yet gravely concerned that your presence will be construed by some as an endorsement of government behavior that is antithetical to the protection of civil liberties and civil rights. I would be happy to brief your staff on our fact finding mission and to answer any questions that you may have. I can be reached at aromero@aclu.org or at (212) 549-2501.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Romero', written over a horizontal line.

Anthony Romero

cc: The Honorable Eric Holder

Attachments:

Letter from Anthony Romero to Department of Justice, Civil Rights Division, March 10, 2011
Preliminary Findings of the ACLU Human Rights Documentation Research May 27, 2011