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ALLEGED FBI MISCONDUCT IN PUERTO RICO

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P R O C E E D I N G S

MR. CONYERS: The Congressional Briefing on Alleged FBI Misconduct in Puerto Rico will come to order.

Good morning, my friends. I am very pleased to have all seven of us Members of Congress here in this Judiciary Hearing Room 2237 to take care of a very troubling and long overdue examination of some questions about the relationship of our Department of Justice and Federal Bureau of Investigation with the Attorney General and other U.S. Attorneys and representatives of Puerto Rico. I commend everyone for being here.

We will begin with a few opening statements from my distinguished colleagues, and then, we will proceed directly to the distinguished witnesses on the several panels. It's very important that we acknowledge that this is March 28, because of four little events.

This is a historic briefing examining the relationships of our two great national entities.

Next, it's important to remember, as many of you may not, that Representative Jose Serrano's family migrated from Puerto Rico to New York on March 28, 1950. I think Congressman Serrano was about seven years old at the time.

MR. JOSE SERRANO: Seven months.

[Laughter.]

MR. CONYERS: Seven months. No, I think it was seven years. And third, to continue to emphasize the significance of that date: on March 28, 1990, Congressman Serrano was sworn in as a Member of Congress. And on top of all that, today is the birthday of Nydia Velazquez, and we celebrate it and wish her the happiest of birthdays. I know there will be a lot of comments about these things, but in the interests of time, I am going to put my statement in the record, and all the statements of any Members that would choose to enter them into the record and to make just a few minutes' comment.

This is so serious a matter, and the question is can it be repaired? Can we repair the

relationships between Puerto Rico and our Department of Justice, particularly, the Federal Bureau of Investigation, FBI? I've talked with a number of my colleagues about this, and we're starting out in as positive a mode as we can.

We think that this briefing, if we can marshal our case and seek truth to power and join in trying to make America what America says it is, that we will not just help enfranchise the 4 million citizens of Puerto Rico; we'll be doing a service for everybody in America, the 300 million people in this country. And that's why, in a way, this is an issue that's larger than ourselves. It's a huge, huge matter of great sensitivity and importance, and no one here is naive to the fact that these relationships have been on a negative tone over the years.

We are not here just about an incident or two. There's a long series of problems. And so, what I have agreed to do is that we wanted a few of you who have journeyed to Washington, D.C., to the Congress, to the Rayburn Building, to join, if it

is all possible, with this ad hoc committee to meet with Chairman James Sensenbrenner of the Judiciary Committee, the Chairman, to see if we can accomplish several things.

We want to extend our inquiry in several respects. The first is that we would like the House of Representatives to agree that the Judiciary Committee and other Members gathered here today would be authorized to hold hearings in San Juan, Puerto Rico itself, that we would go there in an official capacity; secondly, we want to determine a strategy in which we can begin to unravel the old problems, explore what has happened in the past, bring to account those who have operated outside the law inside the Department of Justice. We want an accounting.

And then, we want to plan how we move forward from here together, because Puerto Rico is a great part of this United States, and we want it to be stronger; we want our relationship improved; and we want to turn back from the strained relationship that we have been in so long in terms

of law enforcement. That's not just my prayer, but that's my goal. That's what we're here for. That's what we're going to work together for.

And so, I thank you all for joining us this morning. Let's see if we can put together the explanation of what has happened that will bring us together and able to move forward. I now turn to my colleague in the Congress, who, if it were not for me, would be the dean of the Congressional Black Caucus, a man who has served on the Judiciary Committee, a distinguished lawyer from St. John's Law School, and I hear about his good work in the Congress over several decades everywhere I go. And it's my privilege and pleasure that we have worked together on so many, many things both national and international, and as you all know, I'm talking about the Honorable Charles Rangel of New York, the dean of the Democratic delegation, and I recognize him at this point.

MR. RANGEL: Thank you, Chairman Conyers.

I can't tell you how proud it's been for me working with you over the years, and there's not

been a cause that required a look at that infringed on the rights of people that you have not had the courage to stand up and to take a look at it, and today is another classic example that we're not doing a Democratic thing; we're not doing a minority thing; we're trying to make our country as good as she can be.

I do hope, Mr. Conyers, that we hear from the FBI so that they can come forward and to begin a new relationship with our citizens not just in Puerto Rico, but throughout the world, we should be known as someone who has a law enforcement agency that is fair and equitable to our people. How else can we sell justice and liberty to foreign countries unless they take a look at our example?

So let me thank you for having these hearings, and I join with you in hoping that we can convince the Chairman of the full Committee that a fair FBI policy that relates to Puerto Rico and their law enforcement and their government is the best for our country, is the best for the FBI, and is the best for the law enforcement that we have in



Puerto Rico.

So you doing this is a great contribution.

I hope the FBI accepts it this way. I hope the White House accepts it this way, because thanks to my friendship with Jose Serrano, I was embarrassingly surprised to see no matter what administrations we've had in Puerto Rico, the Federal Bureau of Investigation has not provided respect, not only for the people of Puerto Rico but for citizens of the United States of America.

So we all have a very, very vested in this in not in a partisan way but to make certain that when the FBI are going after terrorists or when they are going after fugitives that are dangerous that we can afford to give them the benefit of the doubt that they're acting in a lawful way. But clearly, when there are attacks on journalists, clearly, when the Governor is excluded from knowing what the investigation is about, and if the people in Puerto Rico lose confidence in the FBI, they could easily lose confidence in their own law enforcement structure, and therefore, all of us are

subject to the same type of abuse.

Mr. Chairman, it's further embarrassing that the Members here appear to be of the same racial, cultural, or minority background, and that shouldn't be in our great country. It really shouldn't be. Because I'm confident that when abuses are made by people who believe that they can do it within the law, they don't spare anybody, notwithstanding their status in terms of majority.

And lastly, in thanking the Members who did turn out, it seems like it may have taken some courage for you to come here today, and that is frightening, because all of this should have been handled in Puerto Rico decades ago. There should be no need to come to the nation's capital to talk about public servants cooperating in order to protect American citizens.

And so, I hope that we would include March 28, in addition to the historic issues that were raised by the Chairman to be able to say as a result of this hearing, we turned it around; the President is going to get involved; that

Sensenbrenner, the Chairman, is going to bring in the FBI, and that they would be able to say that they're most proud of their work when they're obeying the law and respecting the rights of all of our citizens. And so, I \* any issue that was important, minority or majority, and I thank you for calling this hearing.

MR. CONYERS: Thank you, sir. I'm now pleased to turn to a 13-year veteran on the House Judiciary Committee. He has distinguished himself in Constitutional issue after Constitutional issue. His name is Bobby Scott. He is from the great State of Virginia, and he is also the Ranking Member on the Subcommittee on Crime of the Judiciary Committee.

And I am pleased to advertise to all that he has worked with me as the Ranking Member, with Mr. Rangel, on countless numbers of serious issues such as the one that brings us here today. Mr. Scott.

MR. SCOTT: Thank you, Mr. Chairman, and I thank you for your continued leadership on many

issues and this hearing on this issue, particularly on the historic March 28.

The allegation of FBI actions have included allegations that they acted in a way with partisan political overtones as well as significant allegations of excessive force in Puerto Rico. We have even been asked by the Governor of Puerto Rico, a former colleague of ours, to investigate these allegations, and I want to quote from his letter: he said our request to the House Committee on the Judiciary to closely examine the investigative process following the FBI incidents that took place on September 23, 2005, and February 13, 2006, in the Commonwealth respond to the concerns voiced by the many sectors in Puerto Rico and Puerto Rico Department of Justice regarding the actions taken by the FBI in these incidents and the lack of cooperation by Federal authorities as to the investigations being conducted by the local Justice Department.

He goes on to say that the Puerto Rico Department of Justice has been denied access to

fundamental evidence under the control of Federal agencies with no clear and valid justification.

Mr. Chairman, when you have a request like that from a Governor, we ought to be having formal hearings, and I support your request to the full Committee that there be hearings on this matter in response to this letter, in response to the allegation, preferably, as you've suggested, in Puerto Rico to fully investigate these allegations. And so, I thank those who are testifying today, because their testimony will be the basis for future consideration of these issues.

Thank you, Mr. Chairman.

MR. CONYERS: Thank you so much,  
Congressman Bobby Scott.

We now turn to the birthday lady, Nydia Velazquez, who has, over the years, distinguished herself as a champion for justice. She's invited us to New York--is it Brooklyn? And we have worked with her across the years. I'm very proud to call her a dear friend.

She is the Ranking Member still on the

Small Business Committee, and she has worked tirelessly not just for the issues in Puerto Rico, no, no; she has been working across the country on national and international issues across the years. We've been together with many that are on this panel for police brutality issues, criminal justice matters, and many others. And I'm happy to join with all of us who wish her a great day on her birthday. Just think of so many other things that she could be doing, but here, duty calls, and here is Congresswoman Velazquez.

MS. VELAZQUEZ: Thank you, Mr. Chairman. I really appreciate your leadership and determination to get to the bottom of what is happening in Puerto Rico. And it really saddens me that we have to be here in the halls of Congress while we are in Iraq promoting democracy, but in the process, we have been violating the civil rights of the Puerto Rican people.

From Venezuela to Bolivia to Argentina, we have seen this administration's lack of sensitivity. Instead of solidifying our ties with

Latin America, we are pushing them away by treating them with the arrogance of past policies and conduct. The doctrine of the big stick didn't work then and will not work now. And now, again, we see this behavior in Puerto Rico with the death of Filiberto Ojeda Rios and the unacceptable treatment of reporters by the FBI. As we all know, the FBI has a history with the people of Puerto Rico that can be described as volatile at best.

Internal FBI documents attest to the Bureau's interference in and persecution of advocacy efforts for the independence of Puerto Rico, a clear violation of the rights of its people to self determination. Since the FBI first came to Puerto Rico 50 years ago, we have seen decade after decade of interference in the lives of Puerto Ricans attempting to express their Constitutionally protected rights.

The event involving the death of Mr. Ojeda took place on September 23, the day Puerto Ricans observe El Grito de Lares in recognition of Spanish colonialism and oppression. I find it suspect at

the least that of all days, the FBI took actions against Mr. Ojeda on this important day in Puerto Ricans' history.

Mr. Ojeda's death in September and the excessive use of force against reporters in February demonstrate not only the lack of respect for the Puerto Rican Government and the press but also the need for a full investigation into the events that led up to both of these incidents. The FBI has claimed that their actions were predicated on information about, and I quote domestic terrorist attacks.

I asked the FBI this then: why was the Governor of Puerto Rico left in the dark about the supposed terrorist activity when the Mayor of New York is made aware of threats in the city he governs? Doesn't the Government of Puerto Rico deserve the same respect?

And as for the treatment of journalists, is pepper spraying, kicking, and pushing people how the FBI demonstrates its respect for freedom of the press? Is this how we will promote democracy in



Iraq?

Credibility, my friends, that is the real issue with this administration. And I would just like to end here, because for me, it's more important to listen to the witnesses. But for the people of Puerto Rico, my brothers and sisters, mi hermanos y mi hermana, we will not sit idly and let this type of persecution and this type of oppression from law enforcement to take place in Puerto Rico. It shouldn't take place in Puerto Rico. It shouldn't take place anyplace on this Earth.

Thank you, Mr. Chairman.

MR. CONYERS: Thank you, Congresswoman.

Jose Serrano, a name known throughout the City of New York; a name that has come to Congress to make an important contribution to freedom and justice; a Member on whom we can rely when we are in these struggles that require courage and speaking truth to power. I am happy to call him a friend, and I am glad that he is here this morning.

MR. JOSE SERRANO: Thank you, Mr.

Chairman, and I want to echo the words of all of those who have and will continue to praise you for your actions and for working closely with my brother and mentor Charlie Rangel in bringing about this very historic meeting and briefing hearing today.

On March 16, 2000, during a hearing of the Appropriations Subcommittee on Commerce, Justice, State, which oversees the Justice Department and the FBI, I asked then-Director Louis Freeh about continued allegations and beliefs that for a long time, the FBI had persecuted the Puerto Ricans, especially those who believe and profess independence for Puerto Rico, but if, in fact, that extent passed that group to other people.

To the amazement of the whole Committee, Director Freeh admitted publicly at that hearing that the FBI had, in fact, misbehaved and misused its power in this country and in the territories and proceeded immediately to volunteer to release 1.8 million-plus documents which spoke to its persecution and its work in Puerto Rico.

That began to happen and continues to happen until today where two sets of files come to our office; we send one to the Puerto Rico Senate and the one that belongs to us, we've turned over to the El Centro de Estudios Puertorriquenos at Hunter College where people much more versed than I on these things can analyze them and put them forth for people to see.

Why do I bring this up? Because many people thought at that time that in the releasing of those files would mark the end of an era or hopefully the end of an era. Now, it seems to me, and I think people of all political persuasions in Puerto Rico will agree, that in the next five to 10 to 15 years, we will once again be opening boxes of files of the harm done during this period after those files were already released.

What those files indicated, and the difference between the files that my office is receiving and the files that people knew about before is that there is less blacking out of information; in fact, unfortunately, what is still

blacked out are people who are still living who were informants for the FBI in Puerto Rico and in the Puerto Rican communities throughout the nation.

But this behavior continues, and so, we have to ask ourselves: what was the reasoning behind this treatment of people, including journalists? Now, let us understand something: here we are, Members of Congress, politicians, defending journalists that they should not be harassed, you know.

[Laughter.]

MR. JOSE SERRANO: Traditionally, we run away from the press and have nothing to do with them, but we know what is right and what has to be done. And why this behavior?

And then, let me close with this just to show you how serious this gets: a couple of days, and this is public now, so I can tell you, a couple of days after Mr. Filiberto Ojeda Rios' death, a gentleman called my office frantically crying. He identified himself as the most pro-American person who would ever call my office, he said.

He said that he was an ex-Marine; he supported statehood for Puerto Rico. He says you can't be more pro-American than what I am. He said, however, I have to tell you, I'm an FBI informant, and I told the FBI over and over and over again where to find Filiberto. I told them when he went to church; I told them when he went to eat; I told them when he walked to get the newspaper; I told him that he was as available as any other Puerto Rican. And the reason that I'm calling you, in tears as he spoke to me, is because they didn't have to kill him. I told them where to find him day after day for over three years.

Shocked at this phone call, I did the only thing I knew how to do: I turned him and his information over, if you will, to a New York reporter, who we respect, Juan Gonzalez, who went and interviewed him and was convinced that this man was telling the truth and then published a couple of columns on the issue.

And so, my friends, the behavior of the FBI continues, and we have no way of knowing when

they tell us the truth and when they lie to us. Today's hearing, today's meeting, today's briefing definitely will try to send a message that you can't behave that way, that you can't claim that you are pushing democracy throughout the world and allow your FBI to behave this way in Puerto Rico.

And I thank you once again, Mr. Chairman. We will be hearing, I'm sure, very important and dramatic testimony, and let's hope that this could be the last set of files and the last persecution.

MR. CONYERS: Thank you, Congressman Serrano. Congressman Luis Gutierrez was a friend of mine before we came to Congress. We worked on issues of justice, of political empowerment in and around Chicago for a number of years. He carried that same fighting spirit, that same talent for inquiry into his Congressional role, and I am not at all surprised that he joins us today, and I recognize him with great pleasure.

MR. GUTIERREZ: Thank you, Congressman Conyers, for arranging this briefing, and I want to thank Congressman Rangel for requesting the FBI

inquiry in the first place.

Today's briefing will hopefully shed some light on the very serious allegations of the FBI's continued abuses in Puerto Rico. Dr. Martin Luther King once said, quote, our lives begin to end the day we become silent about things that matter, end quote. So thank you for not remaining silent on an issue that is extremely important.

Congressman Conyers, I regret that Chairman Sensenbrenner and the majority did not accede to your request to hold a full Committee hearing on this important matter. I also regret that Puerto Rico's Resident Commissioner did not accept the invitation to join us here today. Being here today, discussing an issue, as this is, in the hearts and minds of all Puerto Ricans and that should be in the hearts and minds of all of us, as it goes to the core of our Constitutionally-guaranteed freedoms was a matter of duty, not of choice.

I do hope my colleague, Mr. Fortuno, does pay attention to the testimony we are about to hear

today and that he will join us in whatever actions are taken to redress the continued abuse of power by the FBI in Puerto Rico.

It is an undeniable, historically documented fact that the FBI has long selectively and directly persecuted Puerto Ricans who advocate for the independence of Puerto Rico. This has been acknowledged by former FBI Director Mr. Louis Freeh and by literally the hundreds of thousands of partially released official FBI documents. Those documents are but the tip of the iceberg when it comes to the real impact, the real human misery that is caused by an extremely shameful chapter that continues in our history.

Since the United States military invasion of Puerto Rico in 1898, Federal forces have systematically persecuted Puerto Ricans who affirm Puerto Rican nationality and who have sought independence for their island. With the rise of Dr. Albizu Campos and the Puerto Rico Nationalist Party during the 1930s, the selective persecution of Puerto Rican independence took a turn for the



worse. The FBI proceeded to train Puerto Rican allies in the Puerto Rican Police Department in the well known anti-dissident techniques of the infamous COINTELPRO or counterintelligence program that Members of the Judiciary Committee and veterans of the civil rights and peace struggles of the sixties and seventies are so familiar with.

A few years ago, the Puerto Rican Supreme Court ordered the Puerto Rican Police Department to release more than 100,000 secret intelligence files kept by the police on the Puerto Rican independence supporters, files in which the Puerto Rican Police Department were trained by the FBI. Do the math. That would be the equivalent of the FBI maintaining secret intelligence files on 7,428,000 out of 260 million Americans, clearly a totally unacceptable proposition.

Wherever the truth lies, it is hidden in the documents that the FBI has steadfastly refused to divulge and to speak out about. Unfortunately for freedom-loving people in Puerto Rico here and in the United States, the FBI has failed to live up

to Director Freeh's promise of never again and of a, quote, a new FBI.

The killing of Mr. Filiberto Ojeda Rios by the FBI on September 23, 2005 was met with universal and loud condemnation in Puerto Rico, a country where unanimous agreement is a very rare occurrence indeed.

[Laughter.]

MR. GUTIERREZ: As I believe we will hear today, the circumstances surrounding this very sad incident are to say the least extremely suspicious. And what we as Members of Congress should be extremely concerned about, besides the obvious concerns about the protection of civil and Constitutional guarantees, is this puzzling, puzzling continued arrogance on behalf of the FBI.

Let me close, Mr. Chairman, by saying they say they're out to find out and weed out terrorist extremists, and that's why they take these actions. And yet, we know in New York, in Chicago, in Detroit, everywhere they're from, the FBI, Homeland Security, works with the local mayors, the local

governors, the local police departments in carrying out these actions. Why is it that in Puerto Rico, they refuse to do the same that they do universally everywhere else?

I think what we have is a rogue FBI in Puerto Rico protected by a Department of Justice which protects that rogue FBI in Puerto Rico and continues, continues to abuse the rights of the people of Puerto Rico. In the seventies, when they wanted to attack the independence movement, the FBI collaborated with the Puerto Rican Police Department, creating, Mr. Chairman, creating Cerro Maravilla. It wa their creation of Cerro Maravilla, terrorist action, in which two young Puerto Ricans were killed.

They would create situations in order to entrap independentistas. Now, 30 years later, they cannot even answer from the mental questions about what goes on in terms of their actions in Puerto Rico.

And so, I want to thank you, Mr. Conyers, and I want to thank you, Mr. Rangel, because from

the very, very beginning, you have said we were going to search out the truth on this issue, and I thank all of the Members who have taken time this morning to be here.

MR. CONYERS: Thank you so much.

Donna Christensen represents the Virgin Islands. I've been invited there with her. She is also a medical doctor, and we have enjoyed working on health care, universal health care, and other very important issues that affect everyone in this democracy. She is with us today, and we yield the floor to her at this time.

MS. CHRISTENSEN: Thank you, Chairman Conyers, and good morning, welcome to the panelists.

And I am here for a number of reasons: one, of course, I come from the Virgin Islands, neighbors to Puerto Rico and with a large constituency who have their origins in Puerto Rico and maintain strong family and other ties to our sister island. But we also come under the same FBI. SAC Fraticelli is our SAC as well, and we

have also had numerous complaints in the Virgin Islands.

It has caused our U.S. Attorney to file a formal complaint, the U.S. Attorney to file a formal complaint against the FBI in the Virgin Islands. The head FBI agent has been removed. The rest of them are being removed. But I feel that this problem is a far deeper problem that will not be resolved by just removing a few agents and replacing them with agents who show the same lack of respect for the people of the Virgin Islands and the head of law enforcement that, as far as I can see, is based on race, because our chief of police, our commissioner of police, has had complaints; our Inspector General has complained, the people have complained, and as I said, the U.S. Attorney has complained.

And so, I'm here to support my colleagues. I have followed the case of Mr. Ojeda in the newspapers. I am very concerned about his killing and the way it occurred, the apparent obstruction of the local investigation into this matter and the

pattern of continued abuse by the FBI in Puerto Rico and the U.S. Virgin Islands, and I really want to thank Chairman Conyers, Chairman Rangel, my colleagues Jose Serrano, Nydia Velazquez and Luis Gutierrez for calling this hearing, and I look forward to the testimony.

MR. CONYERS: Thank you.

Our two witnesses to begin are extremely distinguished. And before I ask the Attorney General to begin, I want to hear first from the Executive Director of Puerto Rico Federal Affairs, Mr. Eduardo Bhatia. He represents Puerto Rico's Government before Congress and the Executive Branch, and he will present a statement by Governor Anibal Acevedo Vila and the police chief, Pedro Toledo.

Mr. Bhatia appears today to help us get into perspective the Commonwealth's position on these events, and we welcome you to begin your testimony.

MR. BHATIA: Thank you, sir, yes.

MR. CONYERS: Thank you. Welcome.

MR. BHATIA: Thank you, Congressman Conyers, Mr. Chairman; thank you so much for having us here, and thank you so much for holding this briefing session and to fellow Members, and to Congresswoman Nydia Velazquez, our best wishes on her birthday.

On behalf of Governor Anibel Acevedo Vila, thank you for conducting this very important briefing to examine recent operations of the Federal Bureau of Investigation in Puerto Rico, and please accept the Governor's regrets for not being able to be here in person. I will proceed to read Governor Anibel Acevedo Vila's statement for the record.

As Governor of the Commonwealth of Puerto Rico, I lend my full support to this important Congressional briefing, and on behalf of the people of the Commonwealth of Puerto Rico, thank you all for being here today, for the time and effort devoted to an open and frank discussion of the controversy that has emerged as the Puerto Rico Department of Justice tries to fully exercise its

legitimate and fundamental power in the discharge of its duties.

Today, panelists will present clear testimony, including graphic images, regarding recent FBI operations in Puerto Rico. Individually and combined, these FBI actions have raised legitimate and substantial questions in all sectors of our society. Individuals, academia, citizen groups, the media, religious and political organizations, both in Puerto Rico and the United States, have expressed publicly and to me personally their concerns regarding the recent reports of FBI operations on the island.

The public interest requires the healthy and strong existence of mutual cooperation between Federal, State, and local governments. That is why, fully consistent with the Commonwealth's Federal coextensive jurisdictional framework, we have been and continue to be willing partners of any Federal agency in pursuing the war against terrorism and protecting the safety of our citizens.



It must be clearly stated that in no way does the Commonwealth of Puerto Rico wish to impinge on any FBI investigation related to domestic terrorist activity nor to infringe on the FBI's ability to do its job. But just like the FBI must do its job, the Commonwealth of Puerto Rico, through its attorney general, has the right to require and obtain due cooperation from Federal agencies when exercising its legitimate investigative powers.

The FBI's denial of information to the Puerto Rico Department of Justice during its investigations into the shooting death of Mr. Filiberto Ojeda Rios and the alleged use of excessive force of pepper spray against several journalists during FBI interventions in Puerto Rico is an example of an unfortunate breakdown in the relationship of coordination and support that should exist between local and Federal authorities. Too many questions remain, and the people rightfully demand answers. That is why we are investigating, and we must investigate, whether any

local criminal laws were violated during the execution of both operations.

To that end, it is of the utmost importance that the Puerto Rico Department of Justice receive from all sources, including the FBI, all relevant information to conduct the most complete and thorough investigations. However, we have seen how the ordinary and simple task of obtaining the most basic information from our sister law enforcement agency, in this case, has become a herculean struggle for the Puerto Rico Department of Justice.

That is why, as you may know, last week, Attorney General Roberto Sanchez, to my right, filed two civil actions in Federal court against the FBI. Unlike traditional Federal-Commonwealth cooperation in investigations of matters of public corruption, drug trafficking, money laundering, and many other law enforcement matters, lack of coordination on these recent events adversely affects the discharge of our Commonwealth-Federal shared and solemn duty to protect the people, and

it unnecessarily continues to impact the public image of the FBI in Puerto Rico.

In conclusion, Mr. Chairman, I am here today to support all possible mechanisms, including your direct intervention, that would foster a better communication between the local Government and Federal agencies in Puerto Rico. That must include assisting local officials in their investigations.

Our goal should be the same: to reach new and improved levels of understanding, coordination and respect in the relationship between the FBI, the U.S. Department of Justice, and the Commonwealth of Puerto Rico departments and agencies, including the police and the Department of Justice.

Before concluding, Mr. Chairman, just for the record, let me introduce two quick paragraphs from Mr. Toledo, that's the chief of police of Puerto Rico. We have submitted for the record his full statement, but I think it is important to understand that Mr. Toledo, the chief of police of

Puerto Rico, has been in law enforcement and was part of the FBI. He retired after 25 years, where he served as a special agent and hostage negotiator, among other duties.

Mr. Toledo's statement goes like this: as the Puerto Rico police superintendent and with the experience acquired as a retired FBI agent specializing in hostage negotiations, I consider that the September 23, 2005, intervention lacked effective communication between the FBI and the Puerto Rico Police Department. I strongly believe that the situation could have gotten out of control if the police had not responded timely in establishing a perimeter that, in my opinion, prevented serious confrontations between FBI agents and Mr. Ojeda's followers.

Press reports informed that Mr. Ojeda requested the presence of a newspaper reporter during the negotiations, and it was denied. As a hostage negotiator who participated in hostage crises in Atlanta and Alabama correctional facilities, I can assure this Committee that during

a negotiation process, all options have to be considered in order to reach a successful conclusion to the crisis. At this time, I do not know the reason for rejecting Mr. Ojeda's request. Regarding the information provided to the police department and the media, I believe that it was incomplete and not provided on a timely basis.

It was not until September 24, 2005, that police and the public were informed that Mr. Ojeda was dead. This lack of information could have caused serious confrontations between Ojeda's followers and law enforcement agents. It is important to notice that on February 10, 2006, a number of search warrants were executed against alleged Machetero members by FBI agents throughout the island.

Once again, the Puerto Rico Police Department was not notified of these searches, and in one incident in San Juan, Puerto Rico, members of the press were sprayed with pepper gas by an FBI agent. As seen on television, no perimeter was established to keep the public from the area,

resulting in a confrontation with members of the press. The television images showed one FBI agent acting in an improper manner, spraying pepper gas in the faces of reporters, including one that was on the ground.

I believe that such actions were uncalled for and could have been avoided with the establishment of a proper perimeter in the area and proper communication with the police of Puerto Rico.

Finally as superintendent of the police of Puerto Rico and a retired FBI agent, I am convinced of the need to work in coordination with State and Federal agencies in order to be successful in our fight against crime. The police of Puerto Rico will continue to work together with these agencies. However, one key element in these efforts is an effective communication between law enforcement agencies in order to prevent situations like September 23, 2005, and February 10, 2006.

Thank you, Mr. Chairman, and I look forward to hearing Attorney General Sanchez Ramos

and all the other panelists and witnesses that have traveled from Puerto Rico to participate here today and be part of our joint effort to obtain full cooperation and an open accounting from the FBI.

Thank you.

MR. CONYERS: Mr. Bhatia, thank you so much. You took longer than I thought you would take, but it was very important that you get the testimony in that you read, and we would like to include those documents in the record.

MR. BHATIA: Thank you, sir.

MR. CONYERS: I am happy to see the Attorney General of Puerto Rico again, Roberto Jose Sanchez Ramos, who is here in Washington again to further detail some of the issues that have now been entered into.

May I remind everyone here, this is not a trial. We do not have to--we're not trying to prove the case. We're trying to establish that there is a case and that there ought to be the detailed hearings, and I think that is our larger goal with our panelists this morning. It's good to

see you again, Mr. Attorney General, and we welcome you for your presentation.

MR. SANCHEZ: Good morning, Mr. Chairman Conyers and good morning to all the Representatives who are here today. We truly appreciate your interest in this matter. Thank you again for taking the time to hold this briefing, which aids our efforts to exercise our duty to investigate whether any liability might attach under Puerto Rican criminal laws in connection with two FBI operations.

As you are probably aware, a little over six months ago, on September 23, the FBI conducted an operation in Puerto Rico with the stated purpose of arresting a Federal fugitive, Mr. Filiberto Ojeda Rios. The operation lasted approximately 24 hours and culminated in the shooting death of Mr. Ojeda.

During the early evening hours of that Friday, I was notified by the U.S. Attorney's office in Puerto Rico that Mr. Ojeda was probably either dead or injured by gunfire, and I was asked



to send local prosecutors to the scene. Later that night, however, Federal agents at the scene asked these local prosecutors to leave, stating that no one would enter Mr. Ojeda's residence until the next day.

In the end, it was not until the early afternoon of the following day that the FBI and the U.S. Attorney's office certified that Mr. Ojeda had been killed in the gunfight and allowed local authorities access to the scene.

On October 4, our Department of Justice served the FBI with a subpoena requesting certain information related to this incident as part of our investigation into the violent death of Mr. Ojeda. Initially, the FBI refused to provide any of the requested items.

On October 17, we received a letter from the U.S. Attorney citing the Department of Justice's housekeeping regulation in support of his refusal to disclose any of the information, documents, and objects requested. The U.S. Attorney's office's excessively broad

interpretation of the housekeeping regulation is incorrect. Otherwise, in effect, that provision would serve as an absolute shield that would thwart any and all local inquiries into the acts of FBI personnel acting under color of law.

Subsequently, the FBI stated its willingness to provide some of the evidence requested but not before the Inspector General's inquiry into this matter ends. We believe there is no legal or policy reason why our investigation and the Inspector General's inquiry cannot proceed simultaneously. In November 2005, the FBI changed tack by agreeing to deliver a limited subset of the objects requested. Regarding the remaining information, objects, and documents, the FBI declined disclosure again, based on the cited regulation and contending that further consideration of this matter must wait until the Inspector General ends its inquiry. Most importantly, the FBI still refuses to produce the names of the FBI agents and officials involved in the incident, much less make them available for

interviews.

As you can imagine, it is very important for our investigation to have the FBI's side of the story if we are to conduct the most complete and thorough investigation. A similar situation has developed regarding another FBI intervention in FBI.

Last February 10, the FBI executed several search warrants in different locations around the island. During one of those interventions, several FBI agents allegedly used excessive force against several members of the Puerto Rican press. This incident has been the subject of various formal complaints filed by these members of the press.

As is our duty in these circumstances, our Department began an investigation, and accordingly, issued two subpoenas seeking, among other things, the identity of two FBI agents who were photographed by the journalists during the incident. Regrettably, just as in the Ojeda matter, the FBI has refused to provide even the names of said individuals.

Unlike in the previous incident, however, the U.S. Attorney's office this time chose to go so far as to file a motion in Federal court to challenge the subpoenas. Because of the intransigence of the FBI's stance of no cooperation whatsoever, the Commonwealth filed last week two civil actions in Federal court seeking to vindicate the Commonwealth's power to investigate whether any violations of Puerto Rican criminal law occurred during the two FBI operations.

I honestly believe that the swift resolution of this controversy between our Department of Justice and the U.S. Department of Justice is in the best interests of all parties involved. Only through open and frank communication between Commonwealth and Federal authorities, can we hope to best serve our common interest in the protection of our citizens.

I cannot stress enough that our Department has no interest whatsoever in hampering the FBI's and the USDOJ's efforts to combat terrorists or any other type of criminal activity. We only ask that

the FBI comply with its legal obligation to cooperate with our efforts to determine whether any violation of the Commonwealth's criminal laws has taken place.

I would like to thank you very much for your time and your interest in this matter, and I hope that you can assist us in any way you can to achieve a mutual understanding with the Federal law enforcement authorities so that we may obtain the information we need to conduct the most complete and thorough investigation possible.

Thank you very much.

MR. CONYERS: Thank you for your testimony, Mr. Attorney General. Thank you so much, Mr. Bhatia. We will now have a few questions, and I would like to ask Congressman Rangel to begin, if he would.

MR. RANGEL: Thank you, Mr. Chairman. I thank both of you for taking the time out, because what you're doing is really not just for the people of Puerto Rico. It's for the people of the United States of America, and we appreciate this.

Attorney General, could you tell us briefly your background and when you were appointed at the Attorney General of Puerto Rico?

MR. SANCHEZ: I was appointed Attorney General in January of 2005. Before that, I was Solicitor General for the Commonwealth of Puerto Rico for four years, between 2001 and 2004, and prior to that, I worked with the U.S. Department of Justice as a trial attorney in the Civil Division here in Washington, D.C. Prior to that, I clerked with a Federal judge in the Ninth Circuit Court of Appeals, Judge Tashima out in Pasadena, California. I did also a master's in law at Yale University, the School of Law there, and I also worked at a law firm here in D.C. in the midnineties, at Arnold and Porter, which is one of the largest law firms here in Washington.

MR. RANGEL: And what do you see your responsibilities as Attorney General to be?

MR. SANCHEZ: Well, I have to--there are multiple responsibilities, but as relevant to this hearing, my responsibility is to investigate

alleged violations of criminal, of Puerto Rico's criminal statutes. Whenever there is a violent death in Puerto Rico, in this case, the shooting death of Mr. Ojeda, the Department of Justice has the duty, under our laws, to investigate in coordination with the Puerto Rican Police Department to determine whether the death, whether the death was in some way connected with criminal activity.

MR. RANGEL: So that means that you are expected to work very closely with the United States Department of Justice and the Federal Bureau of Investigation.

MR. SANCHEZ: Well, certainly, in terms of law enforcement, there is continuous cooperation with the Federal law enforcement authorities. We combat, for example, the drug trade every day, and there is cooperation in that regard. And it is very important for our Department to be able to count on the cooperation of the Federal law enforcement agencies and very important for them to know that they can count on our cooperation to

fight crime in Puerto Rico.

MR. RANGEL: At some time after you were sworn in, did there come a time that you had a briefing by the Federal Bureau of Investigation as related to terrorist activity?

MR. SANCHEZ: There has been no briefing. I have not been in any briefing by the FBI or by the Federal authorities in Puerto Rico regarding potential terrorist activity in Puerto Rico.

MR. RANGEL: Congressman Serrano referred to a briefing hearing that he held that involved then FBI Director Freeh concerning counterintelligence programs that he admitted had taken place in Puerto Rico from 1956 to 1971. Are you familiar with those hearings?

MR. SANCHEZ: I am familiar with those hearings as an interested citizen at the time of the hearings. I was not Attorney General, but I, of course, know about those hearings.

MR. RANGEL: But as the Attorney General, has the Federal Bureau of Investigation given you information as to why they thought this was



necessary or what their policy would be now? Have they talked with you about those years?

MR. SANCHEZ: They haven't talked to me about this, no.

MR. RANGEL: But I assume that if you knew it as a private citizen, then, the people of Puerto Rico are thoroughly familiar with the abuses that have taken place in the past.

MR. SANCHEZ: The people of Puerto Rico have general knowledge about the history of the FBI, the history of the FBI's presence in Puerto Rico.

MR. RANGEL: No, not presence; isn't it described more like violations of the rights of the American citizens in Puerto Rico?

MR. SANCHEZ: Well, Former Director Freeh spoke to the record about that, and I believe that as current Secretary of Justice or Attorney General, I should refrain from commenting specifically on this topic. I am available to talk about this latest incident that has occurred during my watch in terms of the difficulties that we have

had with the FBI in obtaining their cooperation so that we may investigate these two incidents.

MR. RANGEL: I can understand that, but just as a citizen, it was the FBI Director who indicated that the FBI violated the rights of the people, so that's not a relationship between your office. Is that common knowledge that he made this statement about violation of the people's rights of Puerto Rico?

MR. SANCHEZ: You know, it's hard for me to--

MR. RANGEL: I withdraw the question, because we expect the record to be brought here so that we won't need you to confirm it.

MR. CONYERS: We'll introduce it into the record.

MR. RANGEL: Thank you, Mr. Chairman.

Does the El Grito de Lares, September 23, mean anything to you as a matter of public record?

MR. SANCHEZ: I'm sorry, I didn't--

MR. RANGEL: El Grito de Lares, what does that mean to you?

MR. SANCHEZ: What does that mean? Well, El Grito de Lares is something that occurred on September 23 in the 19th Century. It was during that day, a revolt occurred. A group of people that wanted independence from Spain sort of took arms against colonial rule back then. So ever since then, the people in Puerto Rico who advocate independence have commemorated on September 23 of every succeeding year, they have commemorated that day as--basically, it is--basically, as a citizen of Puerto Rico, I can tell you that this date is held in a very dear way by all Puerto Rican advocates of independence and even by some who do not necessarily advocate independence. It is a date of significance to a good number of the Puerto Rican people.

MR. RANGEL: Is this the same date that Ojeda Rios was shot to death by an FBI agent?

MR. SANCHEZ: The same day; in fact, more or less at the same time that the FBI operation was taking place and the gunshots were being exchanged, a recorded message from Mr. Ojeda was being played

at that day's commemoration of El Grito de Lares.

MR. RANGEL: So that Mr. Rios was associated with this revolutionary celebration concept.

MR. SANCHEZ: I understand that he sent every year a recording to the--to a gathering of people who met in public to commemorate this date; they would every year hear a message played out on a tape recorder by Mr. Ojeda.

MR. RANGEL: And it's my understanding your testimony says you were trying to investigate the circumstances in which Mr. Rios was killed and that you wanted to subpoena witnesses, and you wanted to find out what those facts and circumstances were, and you were denied this information by the Federal Bureau of Investigation.

MR. SANCHEZ: Correct; in essence, I'm trying to get to the bottom of what happened that day. We have done a lot. We've been able to interview quite a few people. We've been able to gather certain documents, but we need, in order to have the most complete investigation possible, we

need access to the FBI's side of the story. We need to be able to interview FBI officials and agents.

MR. RANGEL: Basically, what you do have, do you have any idea as to how long it was between the time Mr. Rios was shot and the time in which he died?

MR. SANCHEZ: What we do know is that had he received immediate medical assistance, he would have survived.

MR. RANGEL: Well, I don't want to get involved in the circumstances that brought us down here, because I think all of us would recognize that whatever happened, you have been denied information as to why all of this was necessary.

MR. SANCHEZ: Correct.

MR. RANGEL: Your investigation has not been--the FBI has not cooperated at all.

MR. SANCHEZ: The FBI has not cooperated at all. They did provide a limited subset of documents back in November, some photographs and the firearms that were used and the car that was

used to go into the property, but in terms of documents, in terms of being able to interview agents and officials who took part in this operation, be it on the field or being--making, in terms of making the strategic decisions during that period of time, we have not been able to interview a single person, and we believe at least being able to pose questions to these agents and officials from the FBI, be it in Puerto Rico or in Washington, is of great importance if we want to have an investigation that is deemed complete and whose--and the results of which can be trusted by the Puerto Rican people.

MR. RANGEL: Has the FBI ever indicated a lack of trust or confidence in the people of Puerto Rico, your office, or the Puerto Rican Police Department?

MR. SANCHEZ: They have not--I have seen letters by the--I have seen a letter by the U.S. Attorney in Puerto Rico which attacks, I understand it to be an attack on my personal integrity. Aside from that, they have not expressed to me, at least,

in any meeting that they do not trust the Puerto Rico Department of Justice or that they do not trust the Puerto Rican police.

They have denied us the information that we need, and they have done so in a way that I believe is completely illegal and unjustified and in a way that they have done basically does not serve, I believe, the public interest; does not serve their interest; and certainly does not serve the interests of the Puerto Rican people who need an accounting and who want to know exactly what happened that day.

MR. RANGEL: Mr. Chairman, you've been very, very generous in allowing me this time, but as a former Federal prosecutor, in listening to this testimony, it sounded more like a defendant challenging the law enforcement people than for law enforcement people that should be working together to protect all of the rights of all our citizens, and I thank you very much.

Thank you both.

MR. SANCHEZ: Thank you.

MR. CONYERS: Well, the one thing that I didn't mention when I introduced Congressman Rangel is that he is a former Assistant United States Attorney himself, and I think that became very clear in this very helpful interchange that's gone on, and I think it's laid a very important groundwork for our discussions that will follow.

Congressman Bobby Scott.

MR. SCOTT: Thank you, Mr. Chairman, and in keeping with your admonition that today, we are just trying to establish enough to require additional hearings, hopefully in Puerto Rico, I just want to remind people that we've heard from the Attorney General of Puerto Rico and the Governor's office from Puerto Rico setting the background and framework for the additional testimony we're going to hear in a few minutes.

I'm particularly disturbed about the lack of cooperation between the FBI and the Commonwealth of Puerto Rico. It's clearly enough already said to require a coherent response from the FBI, and I think we've already heard enough to require



additional hearings and investigation. I want to thank them for testifying and look forward to the--I think we're going to have a little more detailed testimony in the next panel. So I look forward to that testimony, too, but I thank you for coming and bringing us this information.

MR. CONYERS: I thank you, Congressman Scott, and I think that a predicate has been made already. We've almost arrived at a prima facie case for continued hearings that will be official.

And I turn now to the Gentlelady from New York, Nydia Velazquez.

MS. VELAZQUEZ: Thank you, Mr. Chairman.

I would just like to ask either Mr. Bhatia or the Attorney General, the assertion from the FBI, and Mr. Rangel made reference to that, where they stated that alerting Puerto Rico's law enforcement puts its agents in a precarious position because they cannot be trusted. The FBI has also claimed that nothing under Rule 41 of the Federal Rules of Criminal Procedure explicitly requires an FBI agent to notify the local

jurisdiction of impending implementation of a search warrant.

I just would like to ask you as a matter of background, has the FBI cooperated with the Puerto Rican Government in the past, let's say Cerro Maravilla comes to my mind? And if so, what makes the current situation so different that they would choose to keep the Puerto Rico authorities out of the process?

MR. BHATIA: In terms of Cerro Maravilla, I don't know if there was any cooperation or collaboration or assistance on the part of the FBI at the time. I assume no, but I don't have--I was too young at the time to be part of the process itself.

I can tell you, Congresswoman, that there have been instances and issues that are a lot graver in one sense, which, you know, have to do with gangs and drugs where there has been cooperation among the agencies. But then, when it comes to issues like this, they claim that there is no trust.

How can you trust for one thing and not trust for the other is the big question that we have. And again, we were expecting a very different FBI. I was there with Mr. Serrano in the year 2000 when Louis Freeh; I was one of three delegates from Puerto Rico who met with Louis Freeh at the office of Mr. Serrano. At the invitation of Mr. Serrano, there was one member of each political party. Mr. Ken McClintock, today, the Senate President, Mr. Manuel Rodriguez Orellana, today, one of the leaders of the Puerto Rico Independence Party, and I came as part of my political party.

And we all three went there, and Mr. Freeh personally came to Mr. Serrano's office, and he personally told us that he wanted to, sort of in an informal way, apologize for the FBI's behavior in Puerto Rico over the last 30, 40, 50 years and that he wanted to show, and he had instructed the FBI agents in Puerto Rico to show, make a difference, to change in their behavior in Puerto Rico.

MS. VELAZQUEZ: Mr. Sanchez Ramos, have you met with other Federal officials such as the

U.S. Department of Justice in an attempt to get cooperation in your agency's investigation? And if so, have the meetings or communications had any results?

MR. SANCHEZ: I have, for quite a few months now, on the Ojeda Rios matter, I have made a number of different efforts to obtain cooperation from the FBI. This has included, certainly, meeting, different meetings. I've met with the U.S. Attorney in Puerto Rico, Mr. Garcia, on at least two or three occasions. I spoke on the phone once with Special Agent in Charge Fraticelli.

My staff met with an aide for the U.S. Attorney General, Al Gonzales, and I myself met with that aide also. I spoke briefly with Mr. Gonzales himself, the U.S. Attorney General, about this matter. And, of course, numerous correspondence has traveled back and forth during these past few months, and all of this correspondence is part of the public record, because it is included with the papers we filed last week in court.

So we have conducted these meetings for quite a few months. We've attempted to resolve this dispute without the need for public confrontation; without the need for protracted litigation. However, resolution was not possible. It was the FBI who then decided to drag us into court. It was the FBI who decided by doing this to make the dispute public, and at that time, I had no choice but to make our demands public, make public our differences, and eventually take them to court. There was no other way to obtain the cooperation that was due.

MS. VELAZQUEZ: Mr. Chairman, I would just like to draw your attention to the fact that Mr. Humberto Garcia, who is the U.S. Attorney for Puerto Rico publicly denounced these meetings in Congress and the letters that he has sent essentially as a publicity stunt, and this is the U.S. Attorney from the Federal Government in Puerto Rico.

Then, we have the Resident Commissioner from Puerto Rico, Mr. Luis Fortuno, who has told

the Puerto Rican press that the goal of today's Congressional briefing is, quote, to damage the image of the administration of President George W. Bush. This article and this quote was published in Nuevo Dia.

So it is really sad that here we are discussing a serious matter that pertained to the civil rights of the people of Puerto Rico and that we have a Federal official who characterizes this briefing today as a publicity stunt, and then, the Republican Delegate from Puerto Rico questioning the intent of this hearing as a way to create some image problem to President George W. Bush.

I hope that we use every tool that we have at our disposal and that we use every mechanism that we have, and I hope and I know that Congressman Serrano, in his role as a member of the Appropriations Committee, will use his position when the Director of the FBI comes to testify to make a request for their budget, and he will use that opportunity--I'm sure that he will--to ask the questions that we cannot ask today from the FBI,

because they refuse to be here today.

So with that, I thank the witnesses, and I thank you again, Mr. Conyers.

MR. RANGEL: Will the Gentlelady yield?

MS. VELAZQUEZ: Sure.

MR. RANGEL: I am surprised that that statement was attributed to the Republican Resident Commissioner, because I have had discussions with him where he has indicated that he has written to the FBI and asked the White House to investigate this serious matter and that they have yet to respond to him.

MS. VELAZQUEZ: Yes; Mr. Chairman, I just would like unanimous consent to submit to the record the article from El Nuevo Dia published on February 28 that makes reference to the quote from Mr. Fortuno.

MR. CONYERS: Without objection, it will be entered into the record.

MS. VELAZQUEZ: Thank you.

MR. CONYERS: And I'm sorry to hear that this unusual briefing that we're holding is being

subject to political criticism, because nothing could be further from the truth. We are trying to hold a hearing that will withstand the test of time and that will be subject to fair evaluation by anyone interested enough in this subject to read the record. It will speak for itself, I'm confident.

Mr. Serrano.

MR. JOSE SERRANO: Thank you, Mr. Chairman.

Let me first, Mr. Bhatia, thank you for reminding me of the details of that meeting, which seems a long time ago, but indeed, it was an admission once again in private to three representatives from the three political parties of the FBI's action, and you're right in categorizing it as a form of apology which took place.

Mr. Chairman, I will be submitting for the record the transaction of the testimony of that hearing along with some letters, but just for public discourse--

MR. CONYERS: Without objection, so



ordered.

MR. JOSE SERRANO: Thank you, Mr.

Chairman.

I had asked the FBI Director if he could speak about all of the allegations in Puerto Rico and specifically an area that still has not been covered, the treatment of Pedro Albizu Campos, who was a Nationalist Puerto Rico leader, was imprisoned for 27 years. And there are allegations of physical mistreatment of him in prison.

In relation--so I end up my question by saying this is my request: can the FBI reconcile with the past and deal with the truth of what happened? And what can we do to deal with that issue? And Director Freeh says your question goes back to a period, particularly in the 1960s, when the FBI did operate a program that did tremendous destruction to many people, to the country, and certainly, to the FBI. And then, he goes on to say that in 1977, the FBI took some steps to notify the people of Puerto Rico who were the subjects of some of these injuries, inquiries, and files, and

investigations and offered to make these files available.

And as I said since then, he formed a task force immediately thereafter which has now processed 650,000 files, and 154,000 have been turned over to my office. But remember that the total amount is 1,000,807 that were kept from the 1930s to the time that this takes place in 2000, and of course, it's probably now in the couple of hundred thousand. And all of you know will now have the file after holding this briefing.

I thank you so much, and the letters, the task force information, I will be submitting for the record.

MR. CONYERS: They will be included, and I thank you so much.

MR. GUTIERREZ: Thank you, Mr. Chairman. I'd like to just ask the Attorney General, does he believe that his investigation, the one led by the Attorney General's office and the Government of Puerto Rico could determine whether or not Mr. Filiberto Ojeda Rios could have survived the bullet

wound from the FBI agents if he were to receive the cooperation from the FBI?

MR. SANCHEZ: Based on the information that we have already gathered, we believe that Mr. Ojeda Rios would have survived that bullet wound had he received medical attention promptly. That is the information, and that is the analysis of the evidence we have right now.

MR. GUTIERREZ: What further information are you searching from the FBI as it relates to the September 23 incident?

MR. SANCHEZ: Well, there are a number of questions that to get an answer to these questions, it would be very useful to have information from the FBI; for example, when, exactly, did the FBI know where Filiberto Ojeda was? Why did they decide to do it on that day versus other days? Why was it necessary to shoot him, basically? Why was it necessary, allegedly, to wait so many hours before going into his house to retrieve him?

There are quite a number of questions that are very important to our investigation in terms of

determining whether any criminal liability might attach, and having information from the FBI in terms of the planning and execution of this operation would be very helpful in determining whether the FBI's actions were justified in a criminal sense.

MR. GUTIERREZ: Let me ask you another question, because I think we might agree that should you receive the information, we can distinguish between the FBI executing an arrest warrant for Mr. Filiberto Ojeda and a death warrant for Mr. Filiberto Ojeda. They are two very distinct things.

We all agree that they had the right to execute an arrest warrant, to arrest Mr. Filiberto Ojeda. They did not have the right--and so, I think it's fundamentally important that we get the answer, because as you went through the chronology of issues you want to raise, you said allegedly, the amount of time between the time he was shot and the time he expired. I think that's very, very important and fundamental that we get that crystal

clear in the record so that we can move forward with whether or not the FBI executed an arrest and/or a death warrant.

And lastly, I'd like to ask you, because I notice that--and I want to frame this question--I notice that you personally received a--well, your office received a judicial rebuke from one of the judges, the Federal judges in Puerto Rico regarding your attempts to obtain information and documents from the FBI regarding the matters that we're discussing here this morning.

Before you answer this question, I want the Members of the Committee to know that this is the same Federal court system in Puerto Rico that during the peaceful struggle for peace in Vieques, these judges, with very, very few honorable exceptions, were tools of the U.S. Navy, excessively sentencing people that were found guilty at the most--as a matter of fact, I do not think anyone was found guilty of a felony; no one was found guilty of a felony; misdemeanor charges, they were maintained in court sometimes for six

months or more. These are the same Federal judges that just rebuked the Attorney General.

And I remember, Congressman Conyers, one of those judges ordering the Congress, one of these judges, Congressman Conyers, so you could see, ordering the Congress of the United States to amend the Constitution to grant the people of Puerto Rico the Presidential vote. That is what one of these Federal judges did. Of course, that was reversed.

Another Federal judge said--and he was reversed, too, during the Puerto Rican elections of November 2004, a Federal judge said we're going to take this up, a Federal judge on a local case, we're going to take this case up, and the Boston Court of Appeals told that Federal judge in Puerto Rico can't do that and reversed the decision of the Federal judge and sent it back to the Supreme Court of Puerto Rico.

Yet another one recently ordered by the same Boston court when he failed to carry out the wishes of the jury. The jury found someone guilty of corruption, former aide to former Governor

Rossello, and the judge vacated sentence. Boston again said you do that, when the prosecutors--can't do that. The jury found him guilty; sentenced him.

And then, last week, the Boston court removed one of these Federal judges from another trial of corruption involving the former Governor of Puerto Rico. So I wanted to put it in the context, this is the Federal bench that has been rebuked time and time again by the Boston court. This is a Federal bench that has rebuked you, Attorney General. Tell me, what is the basis for the rebuke of the judge, the Federal judge in Puerto Rico to your inquiry into the areas of discussion here this morning?

MR. SANCHEZ: Well, there is no basis in law or in fact for the judge having made these critical statements of our office. We did file a motion; it's called--well, it's a notice to clarify the record in that case. It's available on our Website, and basically, it clears, and it counters the different incorrect statements made by the

judge which fall in a number of different categories.

He made some legal statements that are incorrect; he made some factual statements, which are unusual, because no evidence was put in front of him so he could make factual findings.

MR. GUTIERREZ: So indeed, the judge has already concluded his trial; he has already issued a statement of how he feels about this by rebuking the Attorney General's attempt. He's already gotten the files. But that should not surprise any of the Members here, because as the Attorney General Sanchez Ramos just said, there is no basis in fact or in law, just like there was no basis in fact or in law for a Federal judge to order the Congress of the United States to grant the people of Puerto Rico the Presidential vote. There was no basis in fact. There was no basis in fact for them getting involved in a local election. There was no basis in fact for them taking a jury verdict on a corruption charge and vacating it. There has never been any basis in fact.



But I think the Members of this Committee should understand that if we are to do our job, we have a system in Puerto Rico that is not only at the FBI but that also permeates the Federal court system, which in the end is the one who is going to evaluate whatever matters will become--it has already decided that we're wrong in having an inquiry into this matter.

So I thank you for your courage as Attorney General for taking them on. I applaud you for your courage in taking them on, and I think that history will write that you did the right thing, whatever the personal consequences may be to you, Attorney General.

Thank you very much.

MR. SANCHEZ: Thank you, Mr. Congressman.

MR. CONYERS: Thank you so much, Luis Gutierrez.

Congresswoman Christensen.

MS. CHRISTENSEN: Thank you, Mr. Chairman.

And I would have foregone asking a question, but I think it may be important for me to put on my

medical hat for a moment, and I have testified in a court of law as a medical expert.

Before I ask my question, though, I just want to say that from the very beginning, I've had concerns about why that day, when everyone else was away at the rally, why such force, when, as you have testified here today, at any opportunity, Mr. Filiberto Ojeda Rios could have been apprehended, going to church, going to the supermarket, outside in his yard? But my question is what time, Attorney General Sanchez Ramos, is the shooting supposed to have occurred? What time of the day would that have been?

MR. SANCHEZ: We don't have an exact time. We understand it to be somewhere between 5:00 in the afternoon and, let's say, 9:00. I know it's a large window but--

MS. CHRISTENSEN: That's okay.

MR. SANCHEZ: --we don't have a precise time for the shooting. But I know that sometime around 6:00 or early evening, I was called by FBI personnel and told that they believed that Mr.

Ojeda was probably already shot.

MS. CHRISTENSEN: Around 6:00 that day.

MR. SANCHEZ: More or less.

MS. CHRISTENSEN: Around.

MR. SANCHEZ: Around.

MS. CHRISTENSEN: And what time did you send your assistance to the house?

MR. SANCHEZ: I immediately gave instructions that prosecutors go to the scene, because that is what the FBI asked. They said we believe he is shot. We're not sure, but we believe he's probably shot. We don't know if he's alive or dead, but we want your prosecutors to be there to come in.

MS. CHRISTENSEN: They were denied access to the house.

MR. SANCHEZ: Even though the FBI asked me to send the prosecutors, I learned two to three hours later from my prosecutors that they were not being allowed into the scene, and they were, in fact, asked to leave and come back the next day.

MS. CHRISTENSEN: And so, the time that

anyone was able to enter the house would have been about when?

MR. SANCHEZ: The time when our people would have been allowed into the house is--we're talking about early afternoon of the next day. It was after 12:00, probably 1:00, 2:00 p.m. approximately.

MS. CHRISTENSEN: From my initial reading of the incidents of September 23 of last year, I felt very strongly as a physician that Mr. Ojeda Rios could have survived had he been found early enough. We will never really know, but I think that is a very distinct possibility, and Mr. Chairman and colleagues, this is just representative, I think, of a real--I mean, a man lost his life who I believe did not have to lose his life, and this is disrespect for life, and it is very reflective of the way the FBI has been dealing in the Puerto Rico District and in the U.S. Virgin Islands.

And I really appreciate this hearing, and I hope that there will be further hearings to get

to the bottom of what happened, why it happened, and who is responsible. Thank you, Mr. Chairman.

MR. CONYERS: Thank you so much.

May I thank both our initial witnesses: the Attorney General and Mr. Bhatia, for the incredibly helpful base that has been laid here today. We thank you. We went much longer than we intended, but this is an important matter. This is life and death and the treatment, the democratic treatment of those in the Commonwealth of Puerto Rico.

And as has been stated before, it has far-reaching implications for Americans throughout the several States. We thank you from the bottom of our hearts for your time and your effort and your courage. Thank you.

MR. SANCHEZ: Thank you, Mr. Chairman.

MR. BHATIA: Thank you.

MR. CONYERS: We now have our next panel, Panel II, and I would like our witnesses to come forward. I will begin to very briefly discuss them, beginning with Professor Ramon Bosque-Perez,

who I am impressed is a professor at the John Jay College of Criminal Justice. He has been as an educator, an author of books, studies, and has been trained at the University of Michigan in Ann Arbor, and we are so delighted that he is here.

Julio Fontanet Maldonado, likewise, is a very well known figure, a University of Chicago alumni, a law professor at the University of Puerto Rico School of Law and also the president of the Puerto Rican Bar Association, which was founded in 1840.

Next, we have Attorney Jan Susler, who has a distinguished history of civil rights and civil liberties advocacy, at partner at the People's Law Office in Chicago and is here on behalf of Ms. Liliana Laboy.

In addition, we have Mr. Oscar Serrano, a person whose conversations I have enjoyed here today, a reporter with more than a decade's experience in print journalism as well as an attorney admitted to practice before State and Federal court and in addition a college professor.

he is serving a two-year term as president of the Puerto Rico Journalists Association and in that capacity appears today on behalf of the journalists, cameramen, photographers, and others associated with the news media in Puerto Rico.

And as well, we have Mr. Normando Valentin, a journalist with more than 15 years' experience in Puerto Rico on international assignments in addition to being on a daily radio program, anchorman for Puerto Rico Channel 4 News, and was one of the journalists who sustained injuries on February 10 while covering FBI activities on the island.

Because the Members of the briefing panel have your written statements, we would ask you to very briefly make your contribution so that we can get to any further inquiries that we may have. Let us begin with Processor Bosque-Perez, please. Welcome to this briefing.

MR. BOSQUE-PEREZ: Thank you, Mr. Chairman. Good morning to you and to all Members of the Committee.

MR. CONYERS: Pull it a little close, sir.

MR. BOSQUE-PEREZ: It is a great honor to be here. Thank you for the invitation. I submitted a written statement that is titled the FBI in Puerto Rico, notes on a conflicted history, and I would like to refer the Members of the Committee to that statement together with a set of documents that I also submitted today which illustrate the points that I am making in my statement.

MR. CONYERS: We are pleased to incorporate all of them into the record.

MR. BOSQUE-PEREZ: For the sake of time, I will just read a few paragraphs from my statement.

In light of the events that took place on September 23 and February 10 that were mentioned before and that were described in great detail, one may ask why is the relationship between the FBI and so many important sectors of the Government and the people of Puerto Rico in such a tense and conflicted situation?

And I think that in order to understand



those tensions, it is necessary to take a look at the history of that agency in Puerto Rico. I have devoted several years to the examination of documents, formerly secret documents provided by the FBI, and I can tell you that the presence of the Special Agents of the Department of Justice in Puerto Rico can be traced back to the first decades of the 20th Century.

It is the permanent and continuous presence of FBI agents in Puerto Rico, starting in the 1930s, when detailed investigation of the Puerto Rico Nationalist Party took place, and the first document that I included that is labeled 1936 refers exactly to that.

I would like to call attention to the following document, which is labeled 1943, and it's a profile on Luis Munoz Marin, who was at the moment the President of the Puerto Rican Senate, a very distinguished Puerto Rican leader who later on became the first elected Governor of Puerto Rico.

I call your attention to the paragraph where the FBI describes the character of Mr. Munoz

Marin in a quite disrespectful way, which shows the precedents of this tense situation that we have right now. These documents that I just referred to come from a very large batch of files that were released to Congressman Serrano as he described before, being lucky enough as a researcher of Puerto Rican history to get those documents at the Center for Puerto Rican Studies and be able to lead a small group of researchers who are organizing those documents, indexing them, and making them available to the public for educational purposes.

Briefly, I would say that those documents show so far we have 157,000 pages. They cover 18 organizations. They span over 60 years of surveillance on Puerto Rican organizations and individuals, and let me stress this, over 95 percent of those pages deal with legal organizations, organizations working in the open and exercising Constitutional rights.

Clearly, this is not about violent organizations or clandestine organizations. It is about people who have expressed dissent and who

have criticized colonialism in Puerto Rico. It has to do with a pattern of intolerance and persecution that has existed for more than 100 years now. Part of that pattern has to do or is exemplified in the COINTELPRO operations that were also mentioned here, and there was a COINTELPRO in Puerto Rico during the sixties and seventies.

COINTELPRO documents show that the intention of the Bureau was to disrupt the work of the organizations that were targeted, and I quote directly from the documents. I invite you go to the document labeled 1960, two documents that are labeled that way, which clearly state that that was the intention of the Bureau, to disrupt the work of the organizations, not just to investigate. One case that I would like to mention in particular is a document or a series of documents, the ones that are labeled 1964 A, B, and C; this is just one example of the types of operations that were put together.

In 1964, after the creation of a leaflet trying to discredit Independentista leaders in one

of their local organizations, the San Juan office reported to the FBI Director that the reaction--and this is a quote--the reaction to its distribution was immediate and most gratifying. And you may ask why was it so gratifying to the FBI, to the local office? A few lines below, the memorandum explained that after the letter, Independentista leader Juan Mari Bras suffered a heart attack.

The memo added that in addition to the strain and overwork, the anonymous letter, and this is a quote, certainly did nothing to ease his tensions, and the organization's activities had come to a near halt. These COINTELPRO operations took place both in Puerto Rico and in New York and Chicago against Puerto Rican organizations.

It is appropriate at this point, I think, to mention that one matter that is still unknown, unclear, in terms of the participation of the FBI, it's a series of political assassinations that took place in Puerto Rico; specifically, the assassination of the eldest son of the leader I just mentioned, Juan Mari Bras, that took place in

1976. That investigation has been affected by the fact that the FBI has been less than forthcoming in releasing documentation on the case. The lack of cooperation has also affected the investigation of another political assassination that took place in 1979, that of Carlos Muniz Varela.

Considering the background of excesses and dirty tricks of COINTELPRO, no wonder many persons ask the critical question: has the FBI somehow been involved in the execution or the coverup of these political assassinations?

Finally, let me just refer you to one additional document which, in a way, dramatizes that this is not about violent organizations. You can see the one that is labeled 1955 that is a list of voters in a primary election in Puerto Rico of the Partida Independentista Porto Riqueno.

And also, the last document, the one that is labeled 1972, it's a list of potential candidates for a local election, candidates presented or to be presented by the Partida Independentistia Porto Riqueno, a legal

organization that has participated in elections since its founding in 1946.

Let me just finish here and thank you for the opportunity.

MR. CONYERS: Well, thank you so much, Professor Bosque-Perez.

We turn now to the president of the Puerto Rico Bar Association, Mr. Julio Fontanet.

MR. FONTANET: Good morning, Mr. Chairman. Good morning Congresswomen, Congressmen. My name is Julio Fontanet. I am here before you as President of El Colegio de Abogado de Porto Rico. We really appreciate the concern of Congressman Conyers and those who worked to make this hearing possible.

El Colegio de Abogado de Porto Rico is simply troubled by the pattern of intervention, political repression, use of excessive force and consistent abuses by the FBI against the Puerto Rican people in their legitimate exercise of their constitutional and human rights. If these actions are not precisely and immediately stopped, the FBI

will be left to disregard our rights at will and in the process will be immune from any responsibility in open contravention of the rule of law.

We appear here today in order to shed some light on the three important questions raised by Congressman Conyers in defining the purpose of this hearing. We have addressed those three issues in the 12 page statement we filed to this Commission. In relation to the COINTELPRO culture in Puerto Rico, we certainly agree that it is a big part of today's strained relationship between the FBI and the Puerto Ricans, as we explain in pages 2 to 6 of our statement.

On the second issue, the FBI actions on September 23 and February 10, we must stress two critical facts to understand its complete dimension on the FBI actions. First, discussions are taking place in Washington and in Puerto Rico about the possibility of a new decolonization process on Puerto Rico's political status. Second, the relevant role of the Puerto Rican press and the legal profession in publicizing and taking up legal

challenges of the FBI abuses and illegal actions in the past.

The events of February 10 are especially troubling. Under the authority of 10 sealed search warrants, the FBI did in fact search the homes of business, religious, social, community, and pro-independence leaders. Property was destroyed; persons assaulted, and lawyers impeded from accessing clients. Journalists were violently physically restrained and attacked in an assault not only against them personally but against the right to the free flow of important information on government action that is the rightful inheritance of every member of our society.

The FBI failed to create any perimeter at all, then directly sprayed chemical gas designed for defensive use only into the faces of members of the press trying to do their jobs. Puerto Ricans were shocked and horrified by FBI actions on September 23. According to many sources, they shot a 32-year-old man and let him bleed to death after taking him by surprise at home when he was alone



with his wife.

No one was allowed to approach his home, where blood could be seen flowing under the front door and down the steps for more than 16 hours after the first shots fired by the FBI. They refused to allow doctors, lawyers, and the media present in the premises to communicate with the person, with Filiberto Ojeda, who had indicated his desire to use a member of the press to negotiate.

The criticism of the FBI in all Puerto Rican media and by all political leaders was overwhelming. All the people of Puerto Rico, regardless of their ideology, demand information on and an explanation about the FBI actions. The Puerto Rico Department of Justice has been prevented from carrying out its duty from the very beginning in both incidents.

Meanwhile, the FBI and the United States Department of Justice are doing their best to avoid the truth from being known. They have responded to requests for information and evidence from the Puerto Rico Department of Justice with unmerited

arguments and putting obstacles after obstacles. The latest was an irresponsible letter by the Federal district attorney in Puerto Rico to Members of the Congress questioning our Attorney General's integrity and motivations in both investigations. Therefore, he was forced to go to court in order to get the information needed to finish the investigation and comply with his ministerial duty.

We have no doubt that the only manner in which it can be guaranteed the respect of the rule of law in Puerto Rico is to have the FBI and the Department of Justice of the United States provide all the information relevant to the events previously discussed and those responsible are prosecuted.

If none of this happens, the FBI will continue to operate in Puerto Rico with the same impunity as in the past, and the message that will be delivered is that the Federal Government will grant the FBI permanent immunity from any illegal actions in Puerto Rico.

In other words, the Puerto Rican people

have no Constitutional or human rights against the FBI. I certainly hope this is not acceptable to you, and you will make sure that the Puerto Rican Government will not be prevented from identifying all illegal actions that were committed. The Congress must demand that the agency, the FBI, comply with the rule of law, including all treaties on human rights of which the United States is a signer.

Eight million Puerto Ricans and the world are watching. Thank you.

MR. CONYERS: Thank you, sir.

MR. GUTIERREZ: Next, I've been asked by the Chairman--what a privilege. Chicago is always present.

Our third panelist is Attorney Jan Susler. She has a long history of civil rights and civil liberties advocacy and is a partner at the People's Law Office in Chicago. Today, Ms. Susler appears on behalf of Ms. Liliana Laboy. Ms. Laboy's home was the subject of an FBI search on February 10, 2006.

I would like to state, Mr. Chairman, you and I appeared on the Meet the Press back in 1999. We were there because there was a decision made by President Clinton at that time to release a dozen Puerto Rican patriots from jail after serving 19 years, and Jan Susler was one of the leading attorneys for the group.

I know we have indirectly worked with her in the past, and I'm looking forward to her testimony here today. Thank you so much, Jan, for being here.

MS. SUSLER: Thank you, and I will count on working with you in the future to release those who remain in prison.

It is no coincidence that I have been asked to read Ms. Laboy's statement. I was one of the attorneys who went to her home after she phoned to say that the FBI was executing a search warrant at her home and that they were ousting her from her apartment and refusing to allow her to be there.

When I went to the scene with my colleague, Attorney Roxana Barillo, the FBI

initially refused to allow us to enter. When the gate opened and I walked through and insisted on seeing my client, the FBI grabbed me physically, threatened to arrest me, and when I refused to leave until I was allowed to see my client, they ultimately relented and brought her down to see us. They still wouldn't let us go into the apartment with her. They would not let us watch what they were taking. We had no ability to determine whether they left things there, which they have been known to do throughout history. And so, I am--it is a privilege for me to read Ms. Laboy's statement to you.

Honorable Members of Congress, my name is Liliana Laboy. I am a retired civil servant who worked for more than 30 years in different positions in the Government of Puerto Rico. I am a mother of a very intelligent young woman who is a devoted English teacher. I have been a labor and a community leader, and I am also an ardent defender of Puerto Rican independence.

I have a story to tell, but first, I want

to congratulate you for holding this briefing. Although the full Committee should have called it officially, this briefing can be the means to inform those of you who are unaware of what really happens in Puerto Rico, my nation and homeland.

In these terrible times, not many people are willing to hear dissenting voices. But hearing us who have suffered for so many years the persecution of the same agencies that supposedly guarantee civil and human rights described in the U.S. Constitution is part of the responsibilities every Congress Member has on behalf of the people of your country. We hope we will be heard not only by you but also your constituents and fellow citizens, and that is very important to us.

It is to them, the people of the United States, to whom I want to address my words, to call their attention to the terrible situation their Government is imposing, not only in a place so far away as Iraq but in a small country, Puerto Rico, very near their shores.

This is my story. The morning of Friday,

February 10, 2006, started as usual with the sounds of traffic and people going to their schools or workplaces. The peaceful and sunny morning and its routines were suddenly interrupted by the roar of helicopters, the movement of many heavily armed men that invaded the 444 Diego condominium in which I have lived for 30 years.

It was around 10:00 a.m. I received a phone call from someone that identified himself as Agent Lescano of the FBI. I cannot be sure if this is the correct name, because he didn't show me any identification, and neither he nor any of the other agents had any name tags on their vests.

This agent told me they had a search warrant to search my home and that I was to open the door immediately and get out of my apartment. I told him I had to call my lawyer, but he said there was no time to do that and that I had to do as he told me. I opened the door, and to my astonishment, there were several military looking men with assault weapons and in combat position to each side of my door. Several others were in the

hallway.

I told Agent Lescano that I needed to see the warrant and to call a lawyer. He did not have the warrant with him and had to ask somebody else for it who was not in the hallway. My request to call my lawyer was denied until, at my insistence, he called his supervisor on the phone to ask permission for me to call my lawyer. At this point, I was in the hallway, as Agent Lescano and another agent whose name I do not know did not allow me to stay in the apartment.

Agent Lescano told me that there was not an arrest warrant and that I could go wherever I wanted. I told him that my apartment was my home, and I was not to leave it open with them inside. They took me to the fire escape that in my building is an interior stair, and I was seated in one step with Agent Lescano on a step above and another agent who spoke fluent Spanish.

I was held in the stair for more than two hours. I cannot be certain of the time. After 12:00 noon, an Agent Figueroa, who identified



himself as the agent in charge, came and said that my lawyers had arrived. I told them to let them come to me, but he said no. He said as I was not arrested, I could go to them in the street. He also said there were many people outside, and the journalists were also there, in his words, quote, like vultures, close quote.

I insisted talking to my lawyers, and finally, they escorted me to the lobby. There, Agent Lescano said the lawyers could come behind the building in the parking lot. My lawyers insisted that they and I should be observing the search, but the FBI agents told them that was not possible. My lawyers and I had to talk to each other by murmuring in each other's ears, because several agents were around us in hearing distance.

During my conversation with my lawyers, other heavily armed men, including some with their faces covered like ninjas, entered the building. In the parking lot which is behind the building, there were an astonishing number of these men in combat attire and attitude. The residents were not

permitted to enter the building, and many were in the parking lot in solidarity with my plight. They know me from my contributions to the community and my peaceful way of life, so they were amazed at the unnecessary show of force set out to search the home of a woman who is not more than five feet tall and who lives alone.

When they finally finished the search, I was asked to sign a supposed inventory of what they took with them. I signed it only because one of my lawyers told the agent that I was only certifying that I had received the supposed inventory and not that I was in agreement with what it said.

The supposed inventory identified documents they took as miscellaneous documents, so I can't say which documents they took. I know they took my tax records from almost 30 years, but they're not on the list. The CDs and the books they took are not identified either, and there are things they took that are not listed, like a red portfolio that contained more than \$700 that belonged to Puerto Rico Palante, an organization of

which I am the treasurer.

In the front of my building were many students, teachers, university professors, workers, men and women, even some children protesting the operation. They were to accompany and protect me, because nobody in Puerto Rico trusts the FBI. They are abusive and arrogant, and after the assassination of Filiberto Ojeda Rios, nobody feels safe when there is a bunch of FBI around.

There were also journalists doing their jobs. Their only weapons, as usual, were their cameras, recorders, and microphones. The FBI operation was much disorganized. There was not a police security perimeter established around the building. The agents were in the parking lot, and the maintenance workers and the security guard and the administrator were not permitted to do their work.

When my daughter arrived, she was not permitted to enter the building until someone she did not know opened the pedestrian gate. She was very distressed, because she didn't know what had

happened to me, and she asked the agents about me, and they would not respond. I did not witness the incident with the journalists, but undoubtedly, the agents were not happy with their presence, since Agent Figueroa had described them as vultures.

Beyond the aggression that the journalists suffered and what that means in terms of freedom of the press and the right of the people to be informed, there is something of an equal if not more importance at play here. That is the persecution that for almost a century has been suffered by those who believe in and strive for the Puerto Rican sovereignty and independence.

What happened on February 10, 2006, in my opinion and that of other fellow independentistas, was just part of the saga of our struggle for freedom, justice, and independence in Puerto Rico. I hope that this investigation, though unofficial, can open eyes not only to the injustice that for so many years has been done to my country but also what is happening in your country.

Where are the great achievements of the

American Revolution? Where are the beautiful words of the Declaration of Independence that are read every Fourth of July? Where is the Bill of Rights? They have been replaced by the so-called PATRIOT Act.

As my home and several others were invaded, as our privacy is violated, so is the privacy of many citizens in your country. Wake up before it is too late. Perhaps it is already too late. Thank you.

MR. RANGEL [presiding]: Let me thank you so much for your eloquent testimony.

Our fourth panelist is Mr. Oscar Serrano, a reporter of more than 10 years' experience in journalism, an attorney admitted to practice in State and Federal court, a college professor and is now serving a two-year term as President of the Puerto Rican Journalists Association and appears on behalf of all of the journalists, cameramen, photographers and others associated with these.

Welcome, Mr. Serrano.

MR. OSCAR SERRANO: Thank you, Congressman

Rangel. I want to thank Congressman Conyers both for holding this hearing and for his kind words, remarks earlier.

I'm going to--as for the facts that happened on February 10, 2006, from our point of view, I'm going to refer to the position of my or the statement of my colleague Normando Valentin and to some videos I'm going to be presenting after I finish my statement and during his own statement. But as to journalists in Puerto Rico, I will say this: as you know, we journalists would much rather be after you than appear before you, but we have taken a solemn oath to bear witness and to put out warning calls, and that oath applies with infinite force when what we've witnessed is a gratuitous attack on the freedom we all hold dear, the freedom to gather and disseminate the news.

In the events you're going to see on the videos and my colleague's statements, you are going to see that the only judicious increased use of force, and I'm quoting FBI head in San Juan Mr. Fraticelli when he characterized his agents' action

as a judicious use of increased force, you're going to find that the only such judicious use of force on display was when an agent took out a few seconds to shake his pepper spray can before unloading it directly on the face of fellow news people like Normando.

What were they thinking? In what Justice Department training manual is a notebook, a video camera, or a voice recorder described as a lethal weapon? What kind of a riot were they seeing in their minds, where everyone else saw a group of reporters making questions? My colleagues were just standing there with their hands full of their job's tools. What kind of a menace did they pose to a squad of agents wearing riot gear, complete with batons and assault rifles?

How will you feel if this kind of uncalled for attack was unleashed on reporters from your home State? This is not, I assure you, the kind of on the job risk or random act of violence that reporters expect to endure unless you're assigned to cover countries that this administration has

labeled as terrorist states.

This is a willful, unprecedented, criminal, and vicious attack on people that were executing professionally their freedom of the press, a right that is guaranteed in the First Amendment of your Constitution and in the Bill of Rights of our Constitution. Where will this stop if no one is held accountable for this procedure rife with disregard for human, civil, and constitutional rights?

If they attack people executing the right that makes possible the exercising of all other rights, whom will they attack next? The FBI office in San Juan has justified the agents' conduct, saying that reporters were caught on video throwing objects and committing acts that could be prosecuted under the U.S. Code. This, by the way, was their way of justifying the attack. They are lying in that sense, and they are covering up their agents' criminal acts.

The agents at the scene, including Deputy Special Agent in Charge Jose Figueroa Sanchez



should be administratively disciplined and criminally prosecuted. As Special Agent in Charge Luis Fraticelli as well as United States Attorney H.A. Burt Garcia should also be sanctioned for their coverup maneuvers and for refusing to comply with their duties.

It is outrageous that Garcia, before evaluating no proof whatsoever said he simply won't prosecute people who work with him on a daily basis. Even moreso, he has tried to stonewall the Puerto Rico Department of Justice as it undergoes its own criminal investigation. It is clear to me that in the mind of Mr. Garcia, he operates with his very own posse in Puerto Rico, his very own entourage, and those are his boys, and he won't prosecute them.

In the context of an Internal Revenue agent supposedly harassing taxpayers with their audits, a Senator from the majority delegation of this Congress once said to the agents who have been out of control and to the management who is protecting those agents, I want to say watch out:

we are on to you, and we will not let you do this sort of thing to the American people.

The Senator's line in the sand applies with even more force and urgency in this case, and we ask all Members of this Committee, both majority and minority, to take action, because today's FBI impunity in Puerto Rico can be tomorrow's standard operating procedure in your home States. Thank you. I will now be showing a very short video.

MR. RANGEL: Will Mr. Valentin be testifying during this video?

MR. OSCAR SERRANO: No, I will be showing this one with audio, and then, I will be showing another one without audio.

[Mr. Oscar Serrano's video, depicting the events of February 10, 2006, was displayed.]

MS. SUSLER: I just wanted to point out that Liliana Laboy, the woman whose statement that I read, was the shorter, older woman with red hair standing next to the lawyer who was speaking.

MR. RANGEL: I gathered that. Very dramatic testimony.

MR. OSCAR SERRANO: We have copies of those videos available, too, to all Members of the Committee.

MR. RANGEL: Thank you.

MR. OSCAR SERRANO: Or to the media.

MR. RANGEL: Mr. Scott.

MR. SCOTT: Thank you. Mr. Chairman, I got called out for a few minutes. I missed the presentation of the testimony. However, I read the testimony, and I certainly regret missing it, because it's certainly compelling testimony.

As we stated earlier, the goal of today was to make sure that we had enough evidence on the table to back up our request for hearings, hopefully in Puerto Rico. I think the testimony we've just heard, the videos certainly, have made that case. We're going to make the appeal to the Chairman to have these hearings and have a full investigation, and I thank everyone for coming. I want to thank the Attorney General and the representatives of the Governor's office for also being with us today and helping us to make this

case.

Mr. Chairman, I thank you for your leadership in this. You've been out front on this along with the other leaders who are here with us today. But as the Ranking Member of the Crime Subcommittee, I'll certainly join in that request to the Chairman of the Judiciary Committee for those hearings.

MR. RANGEL: Thank you.

Ms. Velazquez.

MS. VELAZQUEZ: I don't think that I have any questions to ask. I think that I have seen enough, and I listened. I'm just ashamed as a Member of the United States House of Representatives. Law enforcement and the FBI is to be out there to keep order, not to violate people's rights, and I just thank the Members of the Judiciary Committee, Mr. Conyers, Mr. Scott, and Charlie Rangel for your support on this very important issue.

Of course, as a Puerto Rican Member of the House of Representatives, the three Puerto Rican

Members, we have a vested interest in making sure that we respect people's lives and that we treat Puerto Ricans as American citizens, not as second class citizens, and that we will be watching; not only 8 million Puerto Rican Americans will be watching, but those of us who respect the law and who join in in making sure that throughout the world, we exercise our leadership role, that we, in our own back yard that we make sure that Puerto Ricans are treated with justice.

Thank you.

MR. CONYERS: Mr. Serrano.

MR. JOSE SERRANO: Thank you, Mr.

Chairman.

I just want to reiterate what my sister Nydia Velazquez said. These videos really indicate this continued pattern of lack of respect and aggression. I was wondering, Mr. Chairman and Members, as I saw that, even those journalists who disagree with our political position, can you imagine if something like that happened in New York or in California, how those talk shows would just

speaking about it for the rest of the week, the rest of the month, and there would be united outrage. But because it happens in the Commonwealth, one, the press over here couldn't care less. They are more interested in who is coming undocumented in through the island to reach the 50 States and other issues.

And to see the Homeland Security, you know, since 2001, the largest part of our budget change has been beefing up the FBI and giving money to Homeland Security, and it was never intended for that, that's not Homeland Security. That's aggression against our own people, and Homeland Security was supposed to be to protect us from bad people who were coming here to hurt us. Here, you had to maybe use Homeland Security to protect the people of Puerto Rico from the FBI and the aggression, and that's the sad statement of the day.

At 2:00 this afternoon, the Appropriations Subcommittee that I sit on, Mr. Chairman, will have Director Muller of the FBI before us. At that

time, I will try, it's a big capital letter, I will try to make the point that he has to come up with answers. It is sad to tell you before I go to that hearing that I probably will not succeed in getting any more than the usual we will do the best we can, but I think the combination of those comments that I will make there this afternoon and all the work that's been done here today can perhaps gain some attention to the issue and begin people to pay a little more attention to it.

So I thank all of you for being here today, and for the record, Mr. Chairman, Mr. Serrano is not my cousin, and Ms. Velazquez's second name is Nydia Velazquez Serrano, so there's something going on here.

MR. OSCAR SERRANO: No relation.

MR. JOSE SERRANO: Thank you so much.

MR. RANGEL: Besides your son being a New York State Senator in my Congressional district, something is going on.

Mr. Gutierrez.

MR. GUTIERREZ: Thank you once again.

I guess three points: first of all, as Mr. Oscar Serrano so eloquently stated, you already have a U.S. Attorney that has concluded the investigation. He's made a judgment. He's said there's nothing to investigate here. That comes compounded by a Federal judiciary which can find reason why not to sentence someone that a jury has said was corrupt, only to be reversed later on. So they can find reasons not to send someone to jail who has been found guilty of corruption, but that Federal judge, that same Federal judge has already passed sentence that there's really nothing to investigate here as they have chastised and rebuked the Attorney General of Puerto Rico on this case.

That gives you a little sense of what we have at the Federal level in Puerto Rico. I think that that's compounded by the fact that we have asked for this informal hearing today, and they can't send a spokesperson from the FBI here. I think it speaks volumes about the situation in Puerto Rico and the abuses there and the need for all of us as we can, as my friend Jose Serrano and



Nydia, Bobby Scott, Charlie Rangel, as we all need to have a conversation among ourselves, I believe, after this hearing about how, given the situation that we confront and all of the obstacles that are clearly evident to any resolution, any justice in this particular case, what we need to do.

So I think we need to have that conversation, because clearly, this demonstrates things--I mean, this is about the First Amendment, and it's about the First Amendment, as Ramon Bosque-Perez has articulated it for the last 70 years since the 1930s. It's been about the First Amendment and whether someone can express themselves without the Government interfering, obstructing, and punishing them for their political beliefs and for carrying out information and dialogue in a conversation and culminating in the pepper spraying of Norman Valentin and others. It's really all about expression and information and what the FBI will do in order to not get that expression and information out. So I think it's very, very important.

And lastly, I know that my good friend Bobby Scott, we read this FBI Puerto Rico: notes on a conflicted history. I want to thank specifically and especially Ramon Bosque-Perez for having done the investigation to give us a sense of history that this, what Bob Scott and Jan and Julio are speaking about here today is not in a vacuum; that there is a history to what has been going on, a history in which the Federal Government and the FBI particularly in Puerto Rico has used its resources against those who wish to articulate and speak in favor of Puerto Rican independence, even if it's Luis Munoz Marin, as your study shows, when he's president of the Senate, he's a drug addict and an alcoholic and a person that has a Puerto Rican inferiority complex, while later on, he may have benefitted from the FBI.

So we have to look, because let's face it: if we look at your study, Ramon, we now understand why maybe everything happens [continues in Spanish] at this from a historical point of view, the Puerto Rican Independence Party in 1952 is the second

largest party, the PIP, the second largest party. In 1956, it's still strong.

But by the sixties, as we see the disruption by the FBI of the Puerto Rican independence movement, we're at the stage. It really speaks about the tenacity of the Puerto Rican independence movement and the people of Puerto Rico to defend.

And lastly, you know, my father told me that in the fifties, he couldn't put a Puerto Rican flag, that that was against the law [continues in Spanish]. Well, you know something? Thanks to the Borricos in New York and the ones in Chicago and our presence here, we're going to lift that flag, and we're going to lift that flag for all of you here today, because I think that's an important flag to be lifted here today. Thank you.

[Applause.]

MR. RANGEL: On behalf of Chairman Conyers, I know the effort that it took for you to come here. I want to thank the Governor, the Attorney General, and all of you especially. It's

not easy to take our time to do this, but I think I express the feeling of this Committee that every time we do nothing when these type of atrocities are committed that we are part of the problem, and I think this is historic not just because of what has happened recently but because the FBI has been known not only on the island but right here in the United States with victims like Dr. King and many others, it has to stop somewhere, and your courage to come forward means a lot to us. It should mean a lot to the people in Puerto Rico, but it does mean a lot to citizens and people who look for freedom throughout the world.

Chairman Conyers has asked me, and I think that Congressman Gutierrez has done it, but he wanted me to quote just a statement that was included in a letter from the FBI, and that is the Federal Bureau of Investigation is sworn to uphold the United States Constitution, to include but not limited to the freedom of speech, the freedom of the press, and the right of the people to assemble peacefully. Clearly, the video and your testimony

has shown there has been a violation of this oath,  
and we intend to do something about it.

Thank you so much for coming down.

MS. SUSLER: We'll see you in San Juan.

[Applause.]

[Whereupon, at 12:59 p.m., the briefing  
concluded.]