McBride, who will be celebrating her retirement on Saturday, May 3, 1997. Mrs. McBride is being recognized for her dedication and commitment to the Jonesboro Public School District. Forty years of educating and inspiring the children of Arkansas is a great accomplishment and I commend her for her service.

Mrs. McBride was a graduate of Arkansas State University and has been honored with numerous awards throughout her career. She has received the Arkansas Outstanding Cooperating Teacher Award, the Outstanding Elementary Teachers of America Award, the Outstanding Leaders in Elementary and Secondary Education Award and in 1996 was chosen the Jonesboro Public School District's Outstanding Teacher of the Year. I stand here today on behalf of friends, family, past students, fellow teachers, and Mrs. McBride's community, to say a heartfelt thank you for a job well done.

A TRIBUTE TO THE HONORABLE CRUZ M. BUSTAMANTE, SPEAKER OF THE CALIFORNIA STATE ASSEMBLY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize my good friend and speaker of the California State Assembly, the Honorable Cruz M. Bustamante, of Fresno, CA. On Friday, April 25, 1997, Speaker Bustamante was honored at a reception hosted by the Hispanic Outreach Taskforce of Whittier, CA.

Cruz, first elected to the assembly in 1993, represents the people of the 31st Assembly District. During his tenure in the assembly, Cruz has served as a member of the Committee on Appropriations, Budget, and Higher Education. Also, Cruz has served on the Resources Subcommittee on the Assembly Budget Committee, the Joint Legislative Budget Committee, the Select Committee on California-Mexico Affairs, California Wine Production and Economy, and International Trade.

Now serving his third term, Cruz was elected speaker of the California State Assembly on December 2, 1996. This is a historical benchmark in California's rich history. Cruz, as speaker, is the first Latino to hold this office.

Cruz has worked diligently to serve the residents of the 31st Assembly District and, as speaker, the people of California. He recently navigated legislation through the assembly that will hold the tobacco industry accountable to the California State attorney general for State costs for treating tobacco-related illnesses. He is working on legislation to reform California's juvenile justice system and provide grants for the successful juvenile boot camp model. During his career, he has been a champion of farm worker housing and continues an aggressive push for the siting of a University of California campus in Merced County. As a strong advocate for our youth and education, Speaker Bustamante tours the State encouraging children to stay in school and shares his experience that led to his own success through his ''You can Too'' Program.

The oldest of six children, Cruz was born in Dinuba, CA. His parents, Dominga and Cruz Bustamante, Jr., a retired barber, raised their family in the rural communities of Tulare and Fresno Counties.

In 1970, he graduated from Tranquility High School and pursued a college degree at Fresno City College and the California State University, Fresno [CSUF], where he studied Public Administration. Following a summer internship in Washington, DC, with Congressman B.F. Sisk, Cruz developed a keen interest in public service. He served on both the student senate and the board of the Fresno State College Association at CSUF.

In 1977, Cruz began his career in public service at the Fresno Employment and Training Commission. He soon became program director for the Summer Youth Employment Training Program, which employed over 3,000 Central valley teenagers each summer. Later, he joined the staff of Congressman Richard Lehman of Fresno, CA. From 1988 until January 1993, Cruz served as district administrative assistant to former Assemblyman Bruce Bronzan.

A strong believer in community service, Cruz has served on numerous local boards and commissions, including Fresno United Way Allocation Committee, Burroughs Elementary School Site Committee, City of Fresno Citizens Advisory Committee, and the Roosevelt Plan Implementation Committee.

He is married to the former Arcelia De La Pena. They have three daughters, Leticia, Sonia, and Marisa, a grandson, David, and a granddaughter, Lauren.

Mr. Speaker, it is with pride that I ask my colleagues to join me and the Hispanic Outreach Taskforce in recognizing the Honorable Cruz M. Bustamante for his outstanding and invaluable service to people of the State of California.

TREATING LEGAL IMMIGRANTS FAIRLY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. LEVIN. Mr. Speaker, in less than 100 days many thousands of elderly and disabled legal immigrants in our country will lose their only source of financial support unless Congress acts.

This is not about welfare reform; it is about community responsibility. It is not about moving young parents from welfare to work, but about elderly people who cannot work. It is not about people who came here illegally, but people who came here under our laws.

They now find themselves disabled, most often by age and illness: Asian-Americans caught up in the Vietnam war, often fighting on our side; Arab-Americans many of whom fled the land of Sadam Hussein; People who, despite in numerous cases having defended their native land against the Nazi invaders, left because of Soviet persecution against Jewish families; and Hispanic-Americans dislocated by war or in pursuit of family reunification.

When President Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act he made it completely clear that he would propose legislation this year to correct the provisions on legal immigrants; today I am introducing a bill similar to the President's proposal.

As a nation of immigrants, we must face up to this issue, as the faces of these elderly legal immigrants come more and more into focus for all the Nation to see.

THE WESTHILL HIGH SCHOOL BOYS BASKETBALL TEAM WINS THE NEW YORK STATE CLASS B PUBLIC SCHOOL TITLE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. WALSH. Mr. Speaker, today I ask my colleagues to join me in congratulating the Westhill High School boys basketball team for winning the New York State Class B Championship game on March 16, 1997.

Until this season, the Warriors had played basketball in the class C division. This year, hard work and the help of coach Todd Widrick made it possible for the team to go undefeated in its first season of competition in the class B division. Senior David Lemm scored 30 of the team's final 64 points and was honored as the tournament's most valuable player. Juniors Scott Ungerer and Chuck Cassidy were also honored by being named to the all-tournament team.

Our central New York community is proud of the teamwork and dedication displayed by these and all the young athletes who competed in the tournament. I congratulate all of the members of the Westhill Varsity basketball team for their victory. Team members include: Bryan Sidoni, Mike Nicholson, Scott Adydan, Brian Gehm, Marc Herron, Mike Wojenski, Jordan Weismore, Brennan Binsack, Ryan Vossetig, David Lemm, Scott Ungerer, Chuck Cassidy, and coaches Tim Allen, Carlton Green, and Todd Widrick.

Congratulations to all on their impressive accomplishment.

ENFORCEMENT OF U.S. IMMIGRATION AND NATIONALITY LAWS IN PUERTO RICO

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. GEKAS. Mr. Speaker, ever since I was stationed in Puerto Rico during my service in the U.S. Army from 1953 to 1955, I have harbored warm sentiments about the people I met, the beauty of the place, and the society of the island, as well as about its special bond with the mainland United States.

I arrived there shortly after the U.S. Congress and the Puerto Rican people had authorized the local constitution under which the island has existed up to the present. I was never certain that the status under the new constitution was well-defined, or how the people regarded themselves as a result.

For example, the Puerto Rican soldiers with whom I served expressed loyalty to the United States, and never felt that having U.S. nationality and citizenship meant that they had lost their status as citizens of Puerto Rico. In the same way that soldiers from Texas or Maine still saw themselves as citizens of their States,

Puerto Ricans did not lose their identity as Puerto Ricans.

That is how it has been and always should be for the people of the States of the Union, as well as the U.S. citizens in the territories until Congress and the residents decide about permanent union. Still, I am concerned that 45 years after I served in Puerto Rico—which remains the largest and most populous unincorporated territory—the decision on a permanent political status has not been reached. Even though economic, social, and cultural integration has advanced well, the question of full membership in the Union needs an answer one way or the other.

As the end of a century within the U.S. political system approaches, Puerto Rico's future is full of promise. The local government is instituting bold market-oriented reforms and downsizing government as private sector led development expands and unemployment drops to historic lows. In addition, in November of 1996 the voters returned to office leadership committed to working with Congress to resolve the question of the territory's political status, and thereby create certainty about the future which is critical to even further economic success.

Because Congress in 1995–96 clarified issues of law and policy which had been shrouded in ambiguity for many years, the people were empowered with information and ideas about their options for the future. In turn, the candidates in the 1996 elections last November were able to present the voters with clear choices regarding Federal-territorial policy issues. The status-quo candidates lost by historic margins in last year's election, demonstrating the people know how to send a clear message to both the Federal and territorial governments when the issues and the choices are well-defined.

It seems quite clear that the people of Puerto Rico want equal political standing under a form of full self-government. Who can blame people who have been within the U.S. political system for 100 years for wanting constitutionally guaranteed citizenship, with the ability to pass their nationality to the next generation without fear that it could be terminated by a future Congress. That is why they voted for leaders who told them the truth about the fact that they can not achieve that result under unincorporated territory status because the current form of political union with the United States itself is not permanent.

Indeed, under the territorial clause Congress has the discretionary power to end the conferral of U.S. citizenship for persons born in Puerto Rico starting tomorrow if it so chooses. Of course, no one expects the Congress without any compelling reason to return to the pre-1917 days of the Foraker Act when birth in Puerto Rico did not result in U.S. citizenship, nor does any one expect Congress unilaterally to change Puerto Rico's status without considering the wishes of the people. But that is not the point, is it? The people of Puerto Rico want a status with rights that are guaranteed, not permissive.

As a body politic and at the level of political culture, the U.S. citizens of Puerto Rico have taken possession of the concept of limited government, and they recognize that permanent territorial clause status is not the goal of American constitutionalism. Disenfranchisement can not be enhanced so that it becomes an acceptable permanent status.

In this context, the question of citizenship becomes critical. The background paper which I am submitting for the RECORD today addresses a highly publicized citizenship case in Puerto Rico, and how it has been handled by the local and Federal authorities. I am concerned about the impact this case could have on the status of 3.8 million U.S. citizens residing in Puerto Rico who demonstrate every time they go to the polls that they cherish their U.S. nationality with patriotic pride. Congress must follow further developments in this case in an informed manner, and ensure that the administration's Puerto Rico task force manages this issue more effectively from this point forward.

THE EFFECT OF RENUNCIATION OF NATIONALITY AND CITIZENSHIP IN THE CASE OF PERSONS BORN IN PUERTO RICO

Question: Does a person who renounces U.S. nationality and citizenship acquired by birth in Puerto Rico thereafter have separate nationality and citizenship of Puerto Rico?

Answer: No. Presently there is no separate Puerto Rican nationality or nationality-based citizenship in the legal, political or constitutional sense. The People of Puerto Rico have a distinct cultural heritage, which can be sustained through U.S. nationality and citizenship or through separate nationality and citizenship. Which path is taken will depend on where national sovereignty rests when the self-determination process for Puerto Rico is completed in favor of either statehood or separate nationhood. As long as Puerto Rico remains under the present form of commonwealth status the nationality and nationality-based citizenship of persons born there will be defined and regulated in accordance with the provisions of the U.S. Constitution and federal law applicable to Puerto Rico as determined by Congress.

Explanation: The question arises from the case of Mr. Juan Mari Bras. He is a resident of Puerto Rico and lawyer by profession, but he is most well-known as a publicity-seeking member of a small socialist political faction in Puerto Rico which views U.S. sovereignty, nationality and citizenship in Puerto Rico as illegal and repressive. Mari Bras had U.S. nationality and statutory citizenship based on birth in Puerto Rico in 1927, until he went to the U.S. Embassy in Caracas, Venezuela July 11, 1994 and renounced allegiance to the United States and terminated his U.S. nationality in accordance with 8 U.S.C. 1481(a)(5).

It is standard U.S. embassy and INS procedure for a person who renounces U.S. nationality to be allowed to return to the U.S. pending certification of loss of nationality by the U.S. State Department as required by federal statute. However, in a high-profile media campaign and legal actions challenging the enforcement of U.S. citizenship laws in Puerto Rico, Mari Bras and his supporters have used his re-entry to this country after renunciation of its citizenship as the basis for a propaganda campaign asserting the existence of separate Puerto Rican nationality.

With regard to this claim of a separate Puerto Rican nationality, it is necessary to note that under Article IX of the Treaty of Paris the nationality of persons born in Puerto Rico is that of the United States, and the citizenship status of such persons is determined by Congress in the exercise of its territorial clause powers (U.S. Const. article IV, section 2, clause 3). Consistent with both the federal and local constitutions, current federal law defines nationality and citizenship of the residents of Puerto Rico as Congress has deemed necessary. See, 8 U.S.C. 1402; 48 U.S.C. 733a.

In the case of Gonzales v. Williams, 192 U.S. 1 (1904), the U.S. Supreme Court stated that under the Treaty of Paris the ''. . .nationality of the island became American . . .'' Then, quoting Article IX of the treaty the court stated that those inhabitants of Puerto Rico who did not elect continued allegiance to Spain were held ''. . .to have adopted the nationality of the territory in which they reside.'' Article IX of the treaty goes on to state that ''. . . the civil rights and political status of the native inhabitants. . .shall be determined by the Congress.''

Thus, Congress, has clear authority and responsibility to define a form of territorial citizenship under the umbrella of U.S. nationality as it deems appropriate. Under Section 7 of the Foraker Act of 1900 (31 Stat. 77), Congress conferred the status of ''citizen of Puerto Rico'' for persons born in the territory. Under Section 5 of the 1917 Jones Act (39 Stat. 961), Congress extended statutory U.S. citizenship to those born in Puerto Rico.

Under the Jones Act arrangement, retention of ''citizen of Puerto Rico'' status was an option foreclosed to all who did not exercise it in 1917. In addition, the statutory citizenship extended by Congress was not permanently guaranteed and conferred less-then-equal legal and political rights compared to those born or residing in the states of the union due to the limited application of the federal constitution in an unincorporated territory. Downes v. Bidwell, 182 U.S. 244 (1901); Dorr v. United States, 195 U.S. 138 (1904); Balzac v. People of Puerto Rico, 258 U.S. 298 (1922); Rogers v. Belei, 401 U.S. 815 (1971).

Of course, states, territories and even counties or cities can exercise local jurisdiction to confer purely local ''citizenship'' under local laws. As discussed below in some detail, under territorial law Puerto Rico still recognizes a ''citizen of the Commonwealth of Puerto Rico'' status in the exercise of local jurisdiction, but this is not a nationality-based form of citizenship. See, Const. Commonwealth of Puerto Rico, Art. IX, Sec. 5; 1 LPRA Sec. 7.

Pursuant to the territorial clause and article I, Section 8 of the U.S. Constitution, the nationality and any derivative nationality-based citizenship status of persons born in Puerto Rico is determined exclusively by applicable federal statute—currently 8 U.S.C. 1402, as noted above. Thus, there is no separate or dual Puerto Rican nationality or ''citizenship'' as that term is used in the context of the domestic and international law of nationality and immigration applicable to Puerto Rico, including all provisions of the Immigration and Nationality Act.

Consequently, Mari Bras is subject to the provisions of federal immigration and nationality law with respect to his nationality, including 8 U.S.C. 1481(a)(5) as it relates to renunciation of U.S. nationality. Because Mari Bras repudiated allegiance to the U.S. (the nation which currently is recognized under international law and constitutionally as exercising lawful sovereignty in the place where he was born), it was a fairly routine matter for the Department of State to determine that he lost U.S. nationality. As a result, on November 22, 1995, the U.S. Department of State certified his loss of U.S. nationality and citizenship.

The federal court case Davis v. District Director, INS, 481 F. Supp. 1178 (1979) correctly establishes that when a person loses U.S. nationality all forms of citizenship, including local citizenship conferred by any political subdivision of the nation, are lost as well. In that case the court properly held that ''citizenship'' of the state of Maine did not entitle the former U.S. citizen renunciant to enter the United States, except upon compliance with alien entry requirements.

The court in that case also ruled that Article 15 of the Universal Declaration of Human Rights as well as other non-binding and non-self-executing international conventions do supersede 8 U.S.C. 1481—the U.S. law under which renunciation of this country's nationality and citizenship is, in the words of the court, ''* * *a natural and inherent right of all people.''

In addition to the preceding legal context, the State Department's certification of his loss of nationality and citizenship was based on the fact that Mari Bras signed a statement of understanding at the time the oath of renunciation was administered establishing that he fully understood the legal consequences of his actions, and that the loss of nationality and citizenship was voluntary and intentional. Thereupon, as he had expressly acknowledged in writing in the statement of understanding, Mari Bras became a stateless alien due to the lack of any other recognized nationality.

It was obvious from the propaganda campaign and legal disputes that commenced immediately upon the return of Mari Bras to Puerto Rico, however, that this was not a case of an eccentric person relinquishing U.S. nationality for abstract philosophical reasons or as a symbolic expression of opposition to the United States. As explained below, this was part of an orchestrated effort to create a conflict between federal and local law. The objective was to undermine the current political status of Puerto Rico and establish a de facto separate sovereignty and nationality for persons born in Puerto Rico without going through a democratic political process of self-determination or constitutional change to accomplish that result.

In December of 1995 and March of 1996 there were press reports in Puerto Rico and major mainland newspapers about Maria Bras and other ''copy cat'' renunciants traveling into and out of Puerto Rico on fake ''Puerto Rican passports'' issued by advocates of separate nationality for persons born in Puerto Rico. The press also quoted INS officials who stated that these cases were being studied, but due to an apparent lack of policy guidance nothing was done by U.S. authorities to discourage the use of phony passports by current or even former citizens, or to accurately inform the public regarding the consequences of renunciation of U.S. nationality and citizenship.

To its credit, on February 13, 1996, the U.S. Department of State responded to an inquiry from the government of Puerto Rico with a statement establishing that Mari Bras is a stateless alien. Even then, the responsible federal agencies authorities did not choose in the case of Mari Bras to enforce the laws enacted to protect the borders and the sovereignty of the United States, as well as federal local laws restricting or regulating voting, certain financial transactions, and employment applicable to illegal aliens in the United States. In part, this may have been due to an incorrect reading of the applicable statue by local INS officers, who reportedly were under the mistaken belief a person who renounces must leave the U.S. before the loss of citizenship becomes effective.

However, in May of 1996 it was reported in the press that Maria Bras would travel to Cuba. Soon after, photographs appeared in the press of Mari Bras being embraced in the arms of Fidel Castro on June 28, 1996, at the thirtieth anniversary of an office in Havana which supports anti-U.S. activities in Puerto Rico. It was after that event that he was allowed to enter the U.S. once again, even though he had no legal right or moral justification for seeking re-admission to this nation.

In press report after press report in late 1995 and early 1996 the more grandiose dimensions of the Mari Bras scheme were explained in great detail. According to Mari Bras and his supporters, in addition to establishing that international travel is possible using birth certificates and phony travel documents (even after renouncing citizenship), the plan was to establish a legal premise for the assertion of separate nationality-based ''citizenship'' for persons born in Puerto Rico. This was to be accomplished openly through relinquishment of U.S. citizenship and subsequent exercise of the right to vote in local elections conducted under Puerto Rico law.

In furtherance of this objective, Mari Bras confirmed his voter registration in March of 1996 after he had lost U.S. nationality and citizenship. However, his voter eligibility was challenged by U.S. citizens born in Puerto Rico who were qualified to vote under the Puerto Rico elections statute. Like similar statues in every other state and territory, the Puerto Rican election law requires U.S. citizenship in order to vote in local elections, and on that basis the qualification of Mari Bras to vote was challenged.

The case to protect the voting rights of U.S. citizens Puerto Rico was brought before the local election board, from which it was passed to the territorial trial court on procedural grounds. At that point the election officials of the Commonwealth of Puerto Rico joined in the legal action to uphold the local statute requiring U.S. citizenship to vote.

Unfortunately, the trial judge—in an opinion that seems to express separatist political sentiment more than it interprets law—ruled that it was unconstitutional for the Legislature of Puerto Rico to enact a statute requiring U.S. citizenship to vote. The judge concluded that this somehow discriminates unfairly against people born in Puerto Rico who renounce U.S. citizenship. It is reported that after this singular contribution to Puerto Rico jurisprudence the trial judge retired.

The case is now before the Supreme Court of Puerto Rico. If the Supreme Court of Puerto Rico does not dispose of the case in a manner consistent with the Puerto Rico Federal Relations Act as approved by Congress and the voters of Puerto Rico in 1952, including the federal law under which the nationality and citizenship of persons born in Puerto Rico under U.S. sovereignty is determined and regulated, then the federal courts and/or Congress will have to resolve the problem and restore rule of law.

Once the loss of citizenship was certified, the INS agents in Puerto Rico should have given appropriate instructions, so that Mari Bras would not be leading political rallies and conducting seminars in Puerto Rico and New York in which he demands that the U.S. flag be lowered before he speaks. Instead of abusing the rights of a citizenship he has forsaken in service to his ideology, Mari Bras should be finding out just how good permanent living is in Cuba under the regime of his comrade Fidel Castro.

Similarly, even though support for the Puerto Rican independence movement in local elections in Puerto Rico consistently is somewhere between 3% and 4%, independence is a valid future status option for the territory. It does not help the independence movement to allow a person who is being used by Fidel Castro to subvert the rule of law in Puerto Rico and in the name of independence to make a mockery of U.S. nationality and citizenship.

Mari Bras has enjoyed a long period of freedom to use the ordered system of liberty that other Puerto Ricans have died to protect to bring about through juridical gimmicks a result in Puerto Rico that he apparently believes he will never be able to bring about through the voting process.

Perhaps his loss of U.S. nationality and citizenship should not have been certified due to the fact that Mari Bras intended to retain nationality and citizenship of an area that is within the sovereignty of the United States. How can a person renounce the nationality of a country and at the same time claim the nationality of territory under the sovereignty of that country? If he genuinely is laboring under the mistaken belief that there is a separate Puerto Rican nationality, should the State Department have concluded that he did not meet the intentionality test of 8 U.S.C. 1481(a)(5)?

In this regard, however, the Congressional Research Service has concluded that ''Although Puerto Rican residents who renounce U.S. citizenship might argue that they intended to renounce U.S. citizenship only if they actually acquired Puerto Rican citizenship, Davis and other cases indicate that courts have not found that such conditions and qualifications in the motives of the renouncer are separate from and invalidate the basic intent to relinquish U.S. citizenship.'' CRS Memorandum, ''The Nature of U.S. Citizenship for Puerto Ricans,'' American Law Division, March 26, 1996.

The Mari Bras theory that a U.S. citizenship requirement for voting violates natural law and the rights of man fails not due to some over-reaching federal mandate, but as a result of the principles set forth in the Preamble and citizenship-related provisions of the Constitution of Puerto Rico as approved by the voters in 1952. The local constitution states: ''We consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective employment of its rights and privileges . . .''

The Preamble goes on to identify as an additional ''determining factor'' in the life of Puerto Rico ''. . . our loyalty to the principles of the Federal Constitution . . . '' This is important for many reasons, including the fact that it recognizes the requirement set forth in Section 3 of P.L. 600 (48 U.S.C. 731d) of compatibility between local constitutionally implemented measures and the federal constitution and laws.

As noted already, in the case of Davis v. District Director, INS, 481 F. Supp. 1178 (1979), referred to in the CRS analysis cited above, the court ruled that citizenship of the state of Maine did not entitle the former U.S. citizen who had made himself an alien by renunciation to remain in the U.S. even if he agreed to reside only in Maine. Rather, the court ruled that the alien must get a visa and petition for permanent resident alien status or be subject to exclusion. So it apparently will be in the Mari Bras case.

Of course, the INS has better things to do than hunt down and depot any of the approximately 100 ideological extremists who renounce their citizenship for similar reasons each year, especially when one thinks about the millions of other more serious illegal alien cases. However, if Mari Bras keeps going to Cuba to aid and abet the totalitarian collectivist regime there, the day may come when he finds the door to his homeland closed. If he ends up back in the country from which his return travel originated, it will be his own doing.

TRIBUTE TO GIRL SCOUT'S GOLD AWARD CEREMONY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. BONIOR. Mr. Speaker, today I would like to salute a group of outstanding young