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**HEARING ON H.R. 4751, PUERTO RICO-
UNITED STATES BILATERAL PACT OF
NON-TERRITORIAL PERMANENT UNION
AND GUARANTEED CITIZENSHIP ACT**

**UNEDITED TRANSCRIPT
COMMITTEE ON RESOURCES**

**October 4, 2000
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Mr. KILDEE. I know. I do not believe it can be done, but under this proposal—I think this proposal is legal fiction, at best, and a hoax, at worst. I do not see how it can be done. But if it could be done, if this legal fiction somehow could be defictionalized, then you could have that theoretical situation of one U.S. citizen voting against another U.S. citizen in the U.N. It is never going to happen because I think this thing is patently unconstitutional. It is a bit of legal fiction, as I say, and it is a hoax, really. But if this were not legal fiction or not a hoax and could be done, that theoretically could happen, could it not, that situation?

Mr. THORNBURGH. I think there are a whole string of similar anomalies that could be played out, all of which, I think, underscores the notion that this is not a constitutionally permissible process because the series of relationships that might be set up under such anomalies would be inconsistent with our Constitution and the notion of federalism.

Mr. KILDEE. They could join NATO and have a NATO representative and we would have a NATO representative, maybe at odds with one another. I mean, I really believe that this is such a bit of legal fiction. I am glad, however, that we are having this hearing because I think it is important that the people of Puerto Rico know what real valid options are available to them.

Mr. THORNBURGH. Yes.

Mr. KILDEE. And I will support whatever they choose, but this is not a valid option available to them. It is legal fiction or a hoax. Thank you, Mr. Chairman.

Mr. DOOLITTLE. Thank you, Mr. Faleomavaega?

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I have a couple of questions for our panel and certainly want to thank the members of the panel for their statements. I just wanted to ask, and anyone can respond to my question, under international law, what was Puerto Rico's political relationship with Spain prior to and after the Spanish-American War? Was Puerto Rico a territory? Was it an almost independent nation? What was its status before, during, and after the Spanish-American War?

Mr. FARROW. Before the Spanish-American War, it was Spanish territory that Spain ceded to the United States. It had some autonomy in its territorial status. I am not familiar with the constitution of Spain at the time to be able to describe the precise terminology. Certainly after the Spanish-American War, Spain ceded Puerto Rico to the United States.

Mr. FALEOMAVAEGA. So all of Spain's sovereign rights and everything under international law was ceded to the United States as far as Puerto Rico was concerned?

Mr. FARROW. Yes.

Mr. FALEOMAVAEGA. When was U.S. citizenship granted to Puerto Ricans? Was this in 1917 or 1950? I am not sure.

Mr. FARROW. Seventeen.

Mr. FALEOMAVAEGA. In 1917, they became U.S. citizens. Is not Puerto Rico no longer a self-governing territory under the provisions of the United Nations charter?

Mr. FARROW. No. Puerto Rico was taken, in 1953, taken off the list of non-self-governing territories for which the United States had to report annually. We no longer report to the United Nations