

VOTING RIGHTS OF MILITARY
PERSONNEL

Mr. GRAMM. Madam President, let me now turn to the subject that I came to the floor to speak on. Our colleague from Alabama will be here later. Let me explain, if I may, this problem and where we are in the discussion and why this is a very important issue for all 100 Members of the Senate and for all 260 million Americans.

We have an all-volunteer military force. We ask young men and women, in putting on the uniform of this country, to serve all over the world far away from home in lonely places. We ask them to defend our freedom and independence and our interests. We sometimes call upon them to give their lives in the service of our country. I am not aware that ever before in the history of America has there been any serious challenge, up until the case I am about to talk about, of the right of our military personnel to vote.

My dad was a sergeant in the Army; a career soldier. Like many people in the military, my dad decided where he wanted to declare as his legal residence. Millions of people wearing the uniform of the country over the history of our country since they serve all over the world tend to pick an area as their legal residence with the objective of coming back there to live when they get out of the service, or at least to have a place-holder as their identity with the very country they serve.

We have a case now before the Federal court in my home State of Texas in Val Verde County, Del Rio, which is the county where Laughlin Air Force Base is located, where we have the Texas Rural Legal Aid, which is predominantly funded by the Federal taxpayer. They, in clear violation of the law based on the provisions of the appropriations bill which we passed on the floor of the Senate last year which prohibited them from engaging in lawsuits related to political activity, have filed a lawsuit challenging the right of military personnel who are registered to vote in Val Verde County but who are not currently residing in the county during their military service to have their votes counted. Interestingly enough, they say, "Oh, you have a right to vote for President. You have a right to vote for Senate or Congress. But you do not have a right to vote in county elections."

This is the first time that I am aware of that this challenge has ever been made. The challenge is based on the Voting Rights Act, interestingly enough, because the argument is made that the roughly 800 military absentee ballots were cast by predominantly white voters and that the makeup of the general electorate was majority Hispanic and therefore there has been a violation of the Voting Rights Act by the fact that these absentee ballots have diluted minority voting strength.

I am not here today to testify what the racial makeup is of the electorate in Val Verde County. I do not know the

exact numbers. I do not have any idea what the racial makeup is of the 800 absentee ballots. But the issue is, Do our warriors have a right to vote? Do those who protect our freedom have the basic guarantee of exercising that freedom?

As a result, according to the claimants in this lawsuit, of these 800 absentee ballots, 2 Republicans were elected. Their argument is that if you do not count these 800 absentee ballots from military personnel, 2 Democrats would have been elected.

Let me say, Madam President, I do not know that is the case, and that is not really the issue here. The issue here is the right of people to vote.

Let me, before going further, say that when the Legal Services Corporation was notified that Texas Rural Legal Aid, their grantee in Texas, had violated the law, they asked Texas Rural Legal Aid to give them an explanation by a certain deadline. They then asked Texas Rural Legal Aid to cease and desist. What Texas Rural Legal Aid has done, having done all of the workup for the case, is they have now moved to the position of being expert witnesses. This is clearly violating the intent of Congress. I want to put my colleagues on notice that God did not decree that appropriations bills have to pass, and we are going to address this issue in the upcoming Commerce-State-Justice appropriations bill. And unless we can get satisfaction that the Legal Services Corporation is going to abide by the law, those who are ready to pass that bill without those guarantees better be ready to get 60 votes.

Let me turn to the point I wanted to make today. I discovered yesterday that the Legal Services Corporation through their grantee, Texas Rural Legal Aid, Inc., sent out a questionnaire to 800 American warriors stationed all over the world, and it has this big official heading of "In the United States District Court for the Western District of Texas," and then it has all of this legalese. Then it has a questionnaire that in single space form is 23 pages long encompassing 54 comprehensive questions, many with multiple parts, and someone has to fill it out and they have to get it notarized where they are swearing under oath.

I would like to give you an indication from this questionnaire of the kind of things that are being asked, and I have up here a blowup of one little part of question 21. Imagine, you are in Berlin or you are in Korea. You have a job to do there. You are manning a Patriot battery in Korea. Your family is at home. And you get a document 23 pages long telling you that you have 3 days to fill it out.

Just look at these questions. These are the people who exercised their right to vote, something we encourage people to do. So this warrior is in South Korea defending the frontiers of freedom and they get this questionnaire. And this is just one section of one of the 50-odd questions:

What is the complete address of the place where your spouse lived on November 5, 1996? If it is located outside the territorial limits of the United States please also indicate the last place your spouse resided which was in the territorial limits of the United States.

Did your spouse usually sleep there at night? Yes. No. If no, what is the address where your spouse sleeps at night?

Approximately how long (expressed in months, days, and years) has your spouse slept at this address?

If your spouse did not then or does not now usually sleep at this address explain the reason(s) your spouse does not do so.

Is there no shame? Is there no shame? The Federal judge who approved this questionnaire ought to be embarrassed—ought to be embarrassed. It is outrageous that taxpayer money was used to send out a questionnaire to our warriors who are out defending freedom all over the world asking them because they dared to vote where their husband or wife sleeps at night. Madam President, this is absolutely outrageous.

We will shortly have a letter signed by the majority of the Members of the Senate urging our Attorney General to enter this case. We are dealing with two local candidates. I do not have any real knowledge of either one of them. I do not know what kind of attorney they have. I do not know how good a job they are doing presenting their case. But it seems to me that this is a fundamental issue: do people who wear the uniform of this country have a right to vote in the location that they can choose as their legal residence?

I obviously believe they do. It turns our whole political system on its head. To suggest that someone who has chosen Val Verde County as their legal residence while they are serving in the Air Force all around the world has less right to vote there because their race may be different from the race that someone claims to make up the population of that region is clearly outrageous, is a national issue of profound importance. I want the Attorney General of the United States of America to enter this case and defend the rights of our warriors to vote. And if they are voting and elected one candidate and defeated another, is that not what votes are about? Do we not each cast our vote believing that it might make a difference?

Madam President, I do not know whether or not it made any difference. I do not know the racial makeup of the 800 people who voted absentee who are in the Air Force, who have claimed Val Verde as their legal residence. I do not know how that changes the makeup of the electorate or racial basis, and I do not care. Our society is too preoccupied with race. The whole reason that this is before a Federal judge is that race is being used as an issue to take what is basically a voting rights issue, which is a State of Texas issue, and elevate it to the Federal Court based on a claim about the ethnic makeup of members of the military who voted absentee.

I believe this is a very serious issue. I believe it is a terrible indictment of

the Clinton administration, that they have not intervened in this case. The Secretary of State of the State of Texas, the chief elections official of our State, has said that this lawsuit clearly in no way represents the election laws of our State. Our Attorney General has said that requiring this kind of questionnaire and documentation turns the whole election system on its head. The people who did not vote absentee who are not in the military received no such questionnaire.

Let me tell you what this questionnaire is about. This questionnaire is about voter intimidation. That is what this questionnaire is about. You imagine, if you are manning a military weapons system in South Korea and you took the time to vote in your elections in the county you claim is your legal residence and you get a 23-page legal document with 54 questions, many of which have numerous subquestions asking you where your wife sleeps at night or where your husband sleeps at night, and if your spouse does not sleep where you do, why not.

What do you think this is going to do to their willingness to vote in the next election? This is as clear a case of voter intimidation as it would be to have a literacy test written in Chinese. The clear objective of this questionnaire is to intimidate voters and not just any voters—people who wear the uniform of this country and who defend the very freedoms that we are now seeing the Federal Government through the Legal Services Corporation seek to deny them.

Madam President, I think this is one of the clearest outrages that I have seen in my period of time in public service. I think it is something that has to be stopped. I want my colleagues to know that since this is occurring in my State, and I speak for Senator HUTCHINSON on this issue, we intend to see this fixed. I want to call on our Attorney General, Janet Reno—and let me say I had a very nice talk with her yesterday. She has promised me that she will look at this on an expedited basis. We had previously sent her a letter over a week ago.

My concern here is that we are talking about two locally elected officials who have been barred from taking office. They won the election, nobody doubts that. But they have been barred from taking office while Texas Rural Legal Aid, funded by the Legal Services Corporation, tries to intimidate military personnel who voted.

I don't know whether they can afford counsel. I don't know how good a job they are doing defending the right of our warriors to vote. I want the full weight of the Attorney General brought into this issue. Do our warriors serving in the military have a right to vote in that area that they choose to designate as their legal residence? Let me remind my colleagues, you don't have to own a home to be a legal resident. You don't have to actually reside there if you are in the mili-

tary. You simply have to make a designation.

I see this as voter intimidation. I see it as a gross abuse of the Voting Rights Act. I cannot imagine that we would maintain a military facility in a county that did not let our military personnel vote. I would not—I don't care where it is—I would not support spending one dime to keep a military facility in a county that denied the right of military personnel to vote.

I think the time has come to make it clear that this old deal of abusing military personnel has to end. From the beginning of the Republic, we have wanted Washington and Uncle Sam to send the soldier boys out to build the fort, to buy our goods, and then they are abused. This is one of the worst cases of abuse that I have ever seen, and I am going to do everything I can, everything within my power, to see that this is fixed.

Our soldiers, sailors, airmen, marines, and Coast Guard personnel have a right to choose a legal residence.

I want to read, in concluding, a quote from Maj. Paul Smith. Maj. Paul Smith is in the Air Force. He grew up in Del Rio. He attended high school there. He went off to college, and then he came back to Laughlin to do pilot training. He declares Val Verde County as his residence.

We have been doing this since the Constitution was written. From the colonial period, we have allowed people wearing the uniform of the country, serving around the continent at first and now all over the world, to designate where they are going to exercise their legal rights.

Maj. Paul Smith grew up in Val Verde County in Del Rio, attended high school there, went to pilot training there, and he says he is a resident of and chooses to vote in Del Rio. I say he has that right.

Here is what he said about this document sent out by Texas Rural Legal Aid and the Legal Services Corporation demanding to know where his wife sleeps at night. He said: "This really infuriates me. I'm serving my country, putting my life on the line, protecting the right to vote. If they throw my vote out, well, that's not good."

It sure is not good, and it is not going to happen. It is not going to happen.

So I want to thank my colleagues for giving me this time. I want to call again on the Attorney General to enter this case. Defend the right of those who wear the uniform of this country to vote, whatever their race is, however they vote. The issue here is not race. The issue is not who won and who lost elections. The issue is, do people in the military, when they are moving all over the country and all over the planet, have a right to designate an area where they want to exercise their right to vote? It seems to me you cannot be more basic than that, and it doesn't matter what the other factors are in this case.

If somebody voted illegally, throw their vote out. But to indict every

military personnel who voted absentee because their vote might have changed the racial composition of the election, and to send them an intimidating legal document demanding they answer it in 3 days, asking where their spouse slept, it seems to me is clear, unadulterated voter intimidation, and it is something that needs to be stopped. I yield the floor.

Mr. SESSIONS addressed the Chair. The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I have listened with growing concern and really anger at the remarks of the Senator from Texas. I agree with him. It is a cause of great concern to me. I served 15 years in the U.S. Department of Justice. I have served in the Army Reserve as a judge advocate. My responsibilities in that capacity were to protect the rights of servicemen and all their responsibilities, enforcing the Soldiers and Sailors Relief Act so that those service people can maintain their rights in their communities and not be abused while they were serving their country on active duty.

To me, this is a very unhealthy action. It outrages me for three particular reasons.

First of all, taxpayers' money was used for it. Legal Services Corporation lawyers actually going into court and seeking to deny soldiers, sailors and airmen the right to vote. It is fundamentally wrong, it is offensive to me, and I am glad the Senator has spoken out aggressively about it.

The Legal Services Corporation has had a history of abusing its charter. Time and time and time again, they are caught and held to account, and they back off and say, "Oh, we're sorry, we made a mistake, it won't happen again." But it has happened again and again and again, in my experience, and I think we ought not to forget that.

I also want to say it is particularly galling to me that the votes they seek to cancel are those of soldiers, sailors, and airmen and airwomen who are serving our country abroad and throughout this Nation. I firmly and strongly believe they ought to be able to vote in the location they choose as their residence and be able to participate in the votes at that time.

Finally, as an individual who served for 15 years in the U.S. Department of Justice, a tenure I treasure greatly, I think it is incumbent upon the Attorney General to take firm and quick action to join the side of those service men and women who are entitled to vote and have their vote counted. I think they ought to intervene in this case on the side of the servicemen and help make sure that justice is done.

I thank Senator GRAMM for his remarks and for calling this to the attention of the country. I think it is an important issue.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Minnesota is recognized.

Mr. GRAMM. Mr. President, I have two quick orders of business.