SENATE RECORD VOTE ANALYSIS

104th Congress — June 6, 1995, 9:45 p.m.

1st Session — **Vote No. 235** — Page S-7773 Temp. Record

TERRORISM PREVENTION/Deportation Proceedings

SUBJECT: **Comprehensive Terrorism Prevention Act of 1995 . . . S. 735. Specter/Simon/Kennedy amendment No. 1250 to the Hatch substitute amendment No. 1199.**

ACTION: AMENDMENT AGREED TO, 81-15

SYNOPSIS: As reported, S. 735 will enact law enforcement provisions to prevent terrorism and to apprehend and punish terrorists, and will reform Federal and State capital and noncapital habeas corpus procedures.

The Hatch substitute amendment to S. 735 would make major revisions to the bill, particularly to the provisions regarding international terrorism, alien removal, and fundraising by terrorist organizations.

The Specter/Simon/Kennedy amendment would amend the alien terrorist removal provisions. (Those provisions will create a new court, comprised of 7 district court judges, to hear cases of alien terrorist deportation; that court would have some authority, for national security reasons, to withhold entirely from an accused alien the basis of the evidence against him.) The amendment would change those provisions to provide that in those circumstances that the Justice Department and the court both agree that information should be withheld for national security reasons an alien will have the right to see an unclassified summary of that information sufficient to prepare a defense.

Those favoring the amendment contended:

Technically, deportation hearings are civil in nature and thus do not require full due process protections. However, even in civil proceedings some protections have been ruled necessary, and as a matter of principle, the United States has never supported any types of secret trials in which the accused do not have the opportunity to hear the evidence against them. An alien accused of being a terrorist has no chance of defending himself if he has no idea of the basis of the charge. On the other hand, the United States should not be put in the position of having to reveal national security secrets to foreign terrorists just to get them out of the country, nor should it put at risk informants who help them apprehend those terrorists. In our opinion, we need to find a proper balance between

(See other side)

YEAS (81)				NAYS (15)		NOT VOTING (4)	
Republican (39 or 75%)		Democrats (42 or 95%)		Republicans (13 or 25%)	Democrats (2 or 5%)	Republicans (2)	Democrats (2)
Abraham	Helms	Akaka	Inouye	Brown	Byrd	Domenici-[2]	Conrad-[2]
Ashcroft	Hutchison	Baucus	Johnston	Campbell	Lieberman	Gramm-[2]	Pryor-[2]
Bennett	Inhofe	Biden	Kennedy	Coverdell			
Bond	Jeffords	Bingaman	Kerrey	Dole			
Burns	Kempthorne	Boxer	Kerry	Gorton			
Chafee	Lott	Bradley	Kohl	Kassebaum			
Coats	Lugar	Breaux	Lautenberg	Kyl			
Cochran	McConnell	Bryan	Leahy	Mack			
Cohen	Murkowski	Bumpers	Levin	McCain			
Craig	Packwood	Daschle	Mikulski	Nickles			
D'Amato	Pressler	Dodd	Moseley-Braun	Roth			
DeWine	Santorum	Dorgan	Moynihan	Smith			
Faircloth	Shelby	Exon	Murray	Thompson			
Frist	Simpson	Feingold	Nunn				
Grams	Snowe	Feinstein	Pell				
Grassley	Specter	Ford	Reid				
Gregg	Stevens	Glenn	Robb				
Hatch	Thomas	Graham	Rockefeller				
Hatfield	Thurmond	Harkin	Sarbanes				
	Warner	Heflin	Simon				
		Hollings	Wellstone				

EXPLANATION OF ABSENCE:
1—Official Buisiness
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:
AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

Compiled and written by the staff of the Republican Policy Committee—Don Nickles, Chairman

giving aliens who have been accused of being terrorists the opportunity to defend themselves and the need to protect the United States national security interests. We think the Specter/Simon/Kennedy amendment finds that balance. It would make certain that aliens would be given at least an unclassified summary of the charges against them. The bill, in contrast, will in certain cases not even allow for such a summary. The bill leans so far in favor of national security that we do not think it will be upheld by the courts. We urge Senators, therefore, to accept the compromise proposal advanced by this amendment.

No arguments were expressed in opposition to the amendment.