

103^D CONGRESS
1ST SESSION

S. RES. 146

To authorize testimony, production of documents, and representation.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23 (legislative day, SEPTEMBER 7), 1993

Mr. WELLSTONE (for Mr. MITCHELL) (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to

RESOLUTION

To authorize testimony, production of documents, and representation.

Whereas, in the case of *United States v. Deborah Gore Dean*, Cr. No. 92–0181, pending in the United States District Court for the District of Columbia, the defendant has caused a subpoena to be served on former Senator William Proxmire, and has placed several current and former Members of the Senate on a list of potential witnesses filed with the court;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate;

Whereas, in regard to present Senators, by rule VI of the Standing Rules of the Senate, no Senator shall absent himself or herself from the service of the Senate without leave;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978 (2 U.S.C. § 288b(a) and 288c(a)(2) (1988)), the Senate may direct its counsel to represent committees with respect to subpoenas or orders issued to them, and to represent Members and employees of the Senate with respect to subpoenas or orders issued to them in their present or former official capacity: Now, therefore, be it

1 *Resolved*, That Senator William Proxmire and any
2 other present or former Senators whose testimony or docu-
3 ment production may be required are authorized to testify
4 and produce documents in the trial of United States v.
5 Deborah Gore Dean, Cr. No. 92-0181 (D.D.C.), except
6 as to matters for which a privilege should be asserted and
7 except, with respect to sitting Members of the Senate,
8 when their attendance at the Senate is necessary for the
9 performance of their legislative duties.

10 SEC. 2. That the Senate Legal Counsel is directed
11 to represent Senator William Proxmire and any other

1 present or former Members in connection with the testi-
2 mony or document production authorized under section 1.

3 SEC. 3. That the authority provided by Senate Reso-
4 lution 140, 103d Congress, for testimony by present and
5 former Senate employees shall apply to document produc-
6 tion by them, the authority provided by Senate Resolution
7 334, 102d Congress, for the production of documents to
8 the Independent Counsel by the chairman and ranking mi-
9 nority member of the Committee on Banking, Housing,
10 and Urban Affairs, shall apply to the production of docu-
11 ments by them to the defendant, and the Senate Legal
12 Counsel is directed to represent the Committee on Bank-
13 ing, Housing, and Urban Affairs in connection with any
14 subpoena to the committee for documents.

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