

105TH CONGRESS  
2D SESSION

# S. RES. 218

To authorize testimony, production of Senate documents, and representation  
by Senate Legal Counsel in civil case.

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IN THE SENATE OF THE UNITED STATES

APRIL 27, 1998

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution;  
which was considered and agreed to

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## RESOLUTION

To authorize testimony, production of Senate documents,  
and representation by Senate Legal Counsel in civil case.

Whereas, in the case of Buroojy, et al. v. Walsh, et al., Civil  
Case No. 97–91407, pending in the Superior Court of  
the State of Arizona, documents have been subpoenaed  
from the offices of Senator John McCain and Senator  
Jon Kyl;

Whereas, by the privileges of the Senate of the United States  
and Rule XI of the Standing Rules of the Senate, no evi-  
dence under the control or in the possession of the Sen-  
ate may, by the judicial process, be taken from such con-  
trol or possession by permission of the Senate;

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), the Senate may direct its counsel to rep-

resent Members, officers, or employees of the Senate with respect to any subpoena, order, or request for evidence relating to their official responsibilities;

Whereas, when it appears that evidence under the control or in the possession of the Senate May promote the administration of justice, the Senate shall take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

1       *Resolved*, That employees of the offices of Senator  
2 McCain and Senator Kyl are authorized to testify and  
3 produce documents in the case of Buroojy, et al. v. Walsh,  
4 et al., except concerning matters for which a privilege or  
5 objection should be asserted

6       SEC. 2. That the Senate Legal Counsel is authorized  
7 to represent Senator McCain and Senator Kyl and their  
8 employees in connection with the testimony and document  
9 production authorized in section one of this resolution.

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