

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. RES. 141

To authorize testimony and legal representation in People of the State of  
New York v. Adela Holzer.

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IN THE SENATE OF THE UNITED STATES

JULY 27, 2001

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

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## RESOLUTION

To authorize testimony and legal representation in People  
of the State of New York v. Adela Holzer.

Whereas the District Attorney of the County of New York in  
the State of New York is seeking testimony before the  
Grand Jury of the County of New York from Garry  
Malphrus, an employee on the staff of the Committee on  
the Judiciary, in a criminal action prosecuted by the Peo-  
ple of the State of New York against Adela Holzer;

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 employees of the Senate with respect to any sub-  
poena, order, or request for testimony relating to their  
official responsibilities;

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 or administrative process, be taken from such control or possession but by permission of the Senate; and

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: Now, therefore, be it

1       *Resolved*, That Garry Malphrus is authorized to tes-  
2 tify in People of the State of New York v. Adela Holzer,  
3 except concerning matters for which a privilege should be  
4 asserted.

5       SEC. 2. The Senate Legal Counsel is authorized to  
6 represent Garry Malphrus in connection with the testi-  
7 mony authorized in section 1 of this resolution.

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