

103<sup>D</sup> CONGRESS  
1ST SESSION

# S. RES. 141

To direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in *United States v. Durenberger, et al.*

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## IN THE SENATE OF THE UNITED STATES

AUGUST 6 (legislative day, JUNE 30), 1993

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

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## RESOLUTION

To direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in *United States v. Durenberger, et al.*

Whereas, in the case of *United States v. Durenberger, et al.*, Cr. No. 3-93-65, pending in the United States District Court for the District of Minnesota, Senator Dave Durenberger is charged with conspiring to submit false claims to the Senate and his codefendants are charged with making false statements to the Select Committee on Ethics in affidavits that Senator Durenberger submitted to the Committee;

Whereas, this case places in issue Senator Durenberger's privilege under the Speech or Debate Clause, Article I, Section 6, Clause 1 of the Constitution, to be free from

questioning in any other place about his communications to the Ethics Committee; and

Whereas, pursuant to sections 703(c), 706(a), 709(l), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), 288h(1), and 288l(a) (1988), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action which places in issue the powers and responsibilities of Congress under the Constitution, including the privilege of Members to be free from questioning in any other place about any speech or debate: Now, therefore, be it

1       *Resolved*, That the Senate Legal Counsel is directed  
2 to appear as amicus curiae in the name of the Senate in  
3 United States v. Durenberger, et al., to defend the con-  
4 stitutional privilege of Senators under the Speech or De-  
5 bate Clause to be free from questioning in any other place  
6 about their communications to the Select Committee on  
7 Ethics.

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