

104TH CONGRESS  
1ST SESSION

# S. RES. 203

To authorize testimony by Senate employee and representation by Senate  
Legal Counsel.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 22, 1995

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

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## RESOLUTION

To authorize testimony by Senate employee and  
representation by Senate Legal Counsel.

Whereas, in the case of Sheila Cherry v. Richard Cherry, Case No. FM-18145-91, pending in the New Jersey Superior Court, a subpoena duces tecum for testimony at a deposition and for the production of documents has been issued to William Ayala, an employee of Senator Frank Lautenberg;

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 adminis-

tration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate; and

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) (1994)), the Senate may direct its counsel to represent committees, Members, officers, and employees of the Senate with respect to subpoenas or orders issued to them in their official capacity: Now, therefore, be it

1       *Resolved*, That William Ayala is authorized to testify  
 2 in the case of Cherry v. Cherry, except concerning matters  
 3 for which a privilege or an objection should be asserted.

4       SEC. 2. That the Senate Legal Counsel is directed  
 5 to represent William Ayala and Senator Lautenberg's of-  
 6 fice in connection with the subpoena issued in this case.

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