

110TH CONGRESS  
2D SESSION

# S. RES. 706

To authorize testimony and legal representation in Peter Bergel v. Pacific Gas & Electric.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 17 (legislative day, SEPTEMBER 17), 2008

Mr. REID (for himself and Mr. McCONNELL), submitted the following resolution; which was considered and agreed to

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## RESOLUTION

To authorize testimony and legal representation in Peter Bergel v. Pacific Gas & Electric.

Whereas, in the case of Peter Bergel v. Pacific Gas & Electric, No. 0712–15723, pending in Multnomah County Circuit Court in Portland, Oregon, the defendant has requested testimony from Denise Racanelli, an employee in the office of Senator Gordon Smith;

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 represent employees of the Senate with respect to any subpoena, 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 evi-

dence 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 consistent with the privileges of the Senate: Now, therefore, be it

1       *Resolved*, That Denise Racanelli is authorized to tes-  
 2 tify in the case of Peter Bergel v. Pacific Gas & Electric,  
 3 except concerning matters for which a privilege should be  
 4 asserted.

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

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