

104TH CONGRESS  
1ST SESSION

# S. RES. 199

Directing the Senate Legal Counsel to bring a civil action to enforce subpoenas and orders of the Special Committee to Investigate Whitewater Development Corporation and Related Matters to William H. Kennedy, III.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 1995

Mr. D'AMATO, from the Special Committee to Investigate Whitewater Development Corporation and Related Matters, reported the following original resolution; which was placed on the calendar

DECEMBER 20, 1995

Considered, amended, and agreed to

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## RESOLUTION

Directing the Senate Legal Counsel to bring a civil action to enforce subpoenas and orders of the Special Committee to Investigate Whitewater Development Corporation and Related Matters to William H. Kennedy, III.

Whereas the Special Committee to Investigate Whitewater Development Corporation and Related Matters (“the special committee”) is currently conducting an investigation and public hearings pursuant to Senate Resolution 120, section 5(b)(1) of which authorizes the special committee to issue subpoenas for the production of documents;

Whereas on December 8, 1995, the special committee authorized the issuance of a subpoena duces tecum to William H. Kennedy, III, directing him to produce certain documents to the special committee by 5:00 p.m. on December 12, 1995;

Whereas on December 12, 1995, the Special Counsel to the President, on behalf of the White House, and personal counsel for the President and Mrs. Clinton, submitted to the special committee legal objections to the compelled production of documents under the special committee's subpoena;

Whereas on December 12, 1995, counsel for Mr. Kennedy notified the special committee that, based upon the instructions of the White House Counsel's Office and personal counsel for President and Mrs. Clinton, Mr. Kennedy would not comply with the subpoena;

Whereas, having considered the legal objections that had been submitted by the White House, personal counsel for President and Mrs. Clinton, and Mr. Kennedy, on December 14, 1995, the special committee overruled those objections in their entirety and ordered and directed that Mr. Kennedy comply with the special committee's subpoena by 9:00 a.m. on December 15, 1995;

Whereas Mr. Kennedy has refused to comply with the special committee's subpoena as ordered and directed by the special committee;

Whereas on December 15, 1995, the special committee authorized the issuance of a second subpoena duces tecum to William H. Kennedy, III, directing him to produce the identical documents to the special committee by 12:00 p.m. on December 18, 1995;

Whereas on December 18, 1995, counsel for Mr. Kennedy notified the special committee that, based upon the instructions of the White House Counsel's Office and personal counsel for President and Mrs. Clinton, Mr. Kennedy would not comply with the second subpoena;

Whereas, on December 18, 1995, the chairman of the special committee announced that he was overruling the legal objections to the second subpoena for the same reasons as for the first subpoena, and ordered and directed that Mr. Kennedy comply with the second subpoena by 3:00 p.m. on December 18, 1995;

Whereas Mr. Kennedy has refused to comply with the special committee's second subpoena as ordered and directed by the chairman;

Whereas, pursuant to the authority of section 5(b) of Senate Resolution 120, including the reporting provisions of section 5(b)(10), the special committee is authorized to report to the Senate recommendations for civil enforcement with respect to the willful failure or refusal of any person to produce before the special committee any document or other material in compliance with any subpoena or order; and

Whereas under sections 703(b) and 705 of the Ethics in Government Act of 1978, title 2, United States Code, sections 288b(b) and 288d, the Senate Legal Counsel shall bring a civil action under title 28, United States Code, section 1365 to enforce a subpoena or order of a Senate committee when directed to do so by a resolution of the Senate: Now, therefore, be it

1       *Resolved*, That the Senate Legal Counsel shall bring  
2 a civil action in the name of the Special Committee to In-

1 vestigate Whitewater Development Corporation and Relat-  
2 ed Matters to enforce the special committee's subpoenas  
3 and orders to William H. Kennedy, III, and the Senate  
4 Legal Counsel shall conduct all related civil contempt pro-  
5 ceedings.

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