

Senate Resolution 465

By: Senators Dolezal of the 27th, Tillery of the 19th, Kennedy of the 18th, Gooch of the 51st, Beach of the 21st and others

AS PASSED SENATE

A RESOLUTION

1 Creating the Senate Special Committee on Investigations; to provide for the issuance of
2 compulsory process to secure the attendance of witnesses or the production of documents and
3 materials; and for other purposes.

4 WHEREAS, it has come to the attention of the Georgia Senate, through public reports and
5 court filings, that Fani Willis, district attorney for the Atlanta Judicial Circuit, which
6 comprises Fulton County, has been accused of various forms of misconduct relating to the
7 prosecution of cases related to the 2020 Presidential Election; and

8 WHEREAS, such alleged misconduct includes the ongoing expenditure of significant public
9 funds for the purpose of hiring a special assistant district attorney with whom District
10 Attorney Willis had, and may yet have, an ongoing romantic relationship; and

11 WHEREAS, such relationship, if proven to exist, would constitute a clear conflict of interest
12 and a fraud upon the taxpayers of Fulton County and the State of Georgia; establish grounds
13 for District Attorney Willis's recusal from further involvement in the prosecution, potentially
14 delaying it indefinitely and requiring the appointment of a special prosecutor at public
15 expense; and subject District Attorney Willis and potentially others to discipline by the State
16 Bar of Georgia or other entities; and

17 WHEREAS, the taxpayers of Fulton County have already borne a significant financial cost
18 in supporting activities relating to this prosecution, including for the hiring of investigators
19 and attorneys, the conduct of grand jury proceedings, negotiation of plea agreements with
20 various co-defendants in the case, and other activities relating to the sprawling investigation
21 of the 2020 Presidential Election; and

22 WHEREAS, if proven true, the allegations against District Attorney Willis would bring her
23 and her office into disrepute; undermine public confidence in the fair, impartial, and
24 disinterested administration of justice by prosecutors across our state; and cast significant
25 doubt as to the validity of the charges her office has brought in regard to the 2020
26 Presidential Election; and

27 WHEREAS, inquiry into these allegations may show that existing state laws, including those
28 establishing processes for selecting, hiring, and compensating special assistant district
29 attorneys, are inadequate to address various legal and fiscal issues raised by District Attorney
30 Willis's alleged conduct; and

31 WHEREAS, the General Assembly, of which the Senate is a part, has "the power to make
32 all laws not inconsistent with this Constitution, and not repugnant to the Constitution of the
33 United States, which it shall deem necessary and proper for the welfare of the state"; see Ga.
34 Const. Art. III, Sec. VI, Para. I; and

35 WHEREAS, Article III, Section IX, Paragraph II(b) of the Georgia Constitution provides that
36 "[t]he General Assembly shall annually appropriate those state and federal funds necessary
37 to operate all the various departments and agencies" of state government, including the
38 Prosecuting Attorneys' Council of the State of Georgia and the Prosecuting Attorneys
39 Qualifications Commission; and

40 WHEREAS, the Georgia Senate has the inherent power and authority to conduct
41 investigations into any matter relevant to the administration of existing laws, proposals for
42 new or amended laws, the expenditure of public funds, the conduct of public officers who
43 discharge powers and duties under state law, and any other matter germane to its role as part
44 of the legislative branch of state government; and

45 WHEREAS, such inherent powers include the authority to create special committees for the
46 purpose of conducting investigations and to endow such committees with all the inherent
47 powers of investigation possessed by the Georgia Senate, including the power to compel the
48 appearance and testimony of witnesses and the production of records and the power to place
49 witnesses under oath or affirmation; and

50 WHEREAS, in addition to such inherent powers, Code Sections 45-15-17 and 45-15-19
51 empower the General Assembly to make investigations into the affairs of the state and further
52 authorize compelling the appearance and testimony of witnesses and the production of
53 records and grants the power to place witnesses under oath or affirmation and to enforce
54 subpoenas issued pursuant thereto; and

55 WHEREAS, in the exercise of the aforesaid powers, it is necessary to determine whether the
56 alleged conduct of District Attorney Willis, if proven to be true in whole or in part, should
57 be addressed by the enactment of new or amended laws, prompt some change in state
58 appropriations, or both; and

59 WHEREAS, it is the sense of the Senate that such issues arising from or relating to the
60 alleged conduct of District Attorney Willis are best examined initially by a select group of
61 Senators who, acting as a special committee, shall be empowered to exercise each of the
62 Georgia Senate's inherent and statutory powers of investigation.

63 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE:

64 (1) **Creation of Senate special committee.** There is created the Senate Special
65 Committee on Investigations.

66 (2) **Members and officers.** The committee shall be composed of no more than nine
67 members, at least three of whom shall be from the minority party. All members shall be
68 appointed by the Senate Committee on Assignments, which shall also select a chairperson
69 of the committee from its membership.

70 (3) **Powers and duties.** The committee is hereby authorized to undertake a legislative
71 investigation into the issues mentioned above or related thereto. For the purpose of
72 conducting any investigation as provided herein, the committee shall have the power to
73 administer oaths; to call any party to testify under oath at such investigations; to require
74 the attendance of witnesses and the production of books, records, and papers; and to take
75 the depositions of witnesses. For such purposes, the committee is authorized to issue
76 subpoenas for any witness or to compel the production of any books, records, or papers
77 and is further authorized to undertake such actions as may be necessary to enforce such
78 subpoenas in cases of refusal to obey. Pursuant to Senate Rule 2-1.5(d), the committee
79 may establish rules of operation that are not in conflict with Senate Rules or the most
80 current edition of *Mason's Manual of Legislative Procedure*.

81 (4) **Meetings.** The chairperson shall call all meetings of the committee. The committee
82 may conduct such meetings at such places and at such times as it may deem necessary or
83 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
84 accomplish the objectives and purposes of this resolution.

85 (5) **Funding.** Funds necessary to carry out the provisions of this resolution shall come
86 from funds appropriated to the Senate.

87 (6) **Report.**

88 (A) In the event the committee adopts any specific findings or recommendations that
89 include suggestions for proposed legislation or changes in appropriations, the

90 chairperson shall file a report of the same, subject to subparagraph (C) of this
91 paragraph.

92 (B) In the event the committee adopts a report that does not include suggestions for
93 proposed legislation or changes in appropriations, the chairperson shall file the report,
94 subject to subparagraph (C) of this paragraph.

95 (C) No report shall be filed unless the same has been approved by majority vote of a
96 quorum of the committee. A report so approved shall be signed by the chairperson of
97 the committee and filed with the Secretary of the Senate.

98 (D) In the absence of an approved report, the chairperson may file with the Secretary
99 of the Senate a copy of the minutes of the meetings of the committee in lieu thereof.