

SUBPOENA

**BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE
CONGRESS OF THE UNITED STATES OF AMERICA**

To The Honorable Harriet Miers, Counsel to the President

You are hereby commanded to be and appear before the Select Bipartisan Committee
on the Preparation and Response to Hurricane Katrina
of the House of Representatives of the United States at the place, date and time specified below.

- to testify touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____
Date: _____ Time: _____

- to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 2157 Rayburn HOB, US House of Representatives, Washington, DC 20515
Date: December 21, 2005 Time: 5:00 p.m.

To _____
_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States,
at the city of Washington, this 14 day of December, 2005.

Rep. Tom Davis
Chairman or Authorized Member

Attest:

Clerk

PROOF OF SERVICE

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| Subpoena for <u>The Honorable Harriet Miers, Counsel to the President</u> |
| Address <u>The White House</u> |
| <u>Washington, DC 20500</u> |
| before the <u>Select Bipartisan Committee on the Preparation and</u> |
| <u>Response to Hurricane Katrina</u> |
| <i>U.S. House of Representatives</i> |
| <i>109th Congress</i> |

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|------------------------------|
| Served by (print name) _____ |
| Title _____ |
| Manner of service _____ |
| _____ |
| Date _____ |
| Signature of Server _____ |
| Address _____ |
| _____ |

SCHEDULE

Subpoena Duces Tecum
Committee on Government Reform and Oversight
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Serve: The Honorable Harriet Miers
Counsel to the President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

The Committee hereby subpoenas Counsel to the President Harriet Miers, to produce certain records relating to the preparation for and response to Hurricane Katrina. If you have any questions, please contact chief counsel J. Keith Ausbrook at (202) 225-5074.

Instructions

1. In complying with this subpoena, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You are also required to produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. No records, documents, data or information called for by this request shall be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this subpoena has been, or is also known by any other name than that herein denoted, the subpoena shall be read also to include them under that alternative identification.
3. Each document produced shall be produced in a form that renders the document capable of being copied.
4. Documents produced in response to this subpoena shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when this subpoena was served. Also identify to which paragraph from the subpoena such documents are responsive.
5. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same document.

6. If any of the subpoenaed information is available in machine-readable form (such as punch cards, paper or magnetic tapes, drums, disks, or core storage), state the form in which it is available and provide sufficient detail to allow the information to be copied to a readable format. If the information requested is stored in a computer, indicate whether you have an existing program that will print the records in a readable form.
7. If compliance with the subpoena cannot be made in full, compliance shall be made to the extent possible and shall include an explanation of why full compliance is not possible.
8. In the event that a document is withheld on the basis of privilege, provide the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
9. If any document responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, custody, or control.
10. If a date or other descriptive detail set forth in this subpoena referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
11. The time period covered by this subpoena is included in the attached schedule.
12. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon location or discovery subsequent thereto.
13. All documents shall be bates-stamped sequentially and produced sequentially.
14. Two copies of the documents, one set for the majority and one set for the minority, shall be delivered to the Committee at Room 2157, Rayburn House Office Building.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes,

letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, or otherwise.
3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms "person" or "persons" means natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.
5. The terms "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.

Subpoenaed Items

Please provide the Committee with all documents received, sent, or reviewed between August 23, 2005, and September 15, 2005, by Chief of Staff Andrew Card, Deputy Chief of Staff Joe Hagin, Homeland Security Advisor Frances Townsend, or her deputy, Ken Rapuano, referring or relating to the preparations for, impacts of, or response to Hurricane Katrina, including but not limited to documents referring or relating to the Administration's efforts:

- (a) to provide food, water, and shelter to victims of Hurricane Katrina;
- (b) to provide public safety and law enforcement resources to the areas affected by Hurricane Katrina;
- (c) to provide relief, including evacuation, to victims at the Superdome, the Convention Center, and the area known as the cloverleaf;
- (d) to mobilize active duty and reserve forces to support relief efforts; and
- (e) to provide medical assistance in the affected areas.