

SUBPOENA

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

To the Honorable Donald H. Rumsfeld, Secretary of Defense Serve: William J. Haynes II, General Counsel

You are hereby commanded to be and appear before the Select Bipartisan Committee to Investigate the Preparation for 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:

[x] 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 House Office Building
Date: December 30, 2005
Time: Noon

To J. Keith Ausbrook or any staff member 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 14th day of December, 2005.

Attest:
Clerk
Lawrence L. Haas

Tom Davis
Chairman or Authorized Member

PROOF OF SERVICE

Subpoena for the Honorable Donald H. Rumsfeld, Secretary of Defense Serve: William J. Haynes II
Address 1000 Defense Pentagon, Washington, DC 20301
before the Select Bipartisan Committee to Investigate the Preparation for and
and Response to Hurricane Katrina
U.S. House of Representatives
109th Congress

Served by (print name) J. Keith Ansbrook
Title Special Counsel
Manner of service facsimile by agreement to (703) 697- 8299
Date December 14, 2005
Signature of Server J. Keith Ansbrook
Address 2157 Rayburn House Office Building
Washington, DC 20515

Schedule Instructions

1. In complying with this Subpoena, you are required to produce all responsive records 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 records that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as records 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 record produced shall be produced in a form that renders the record capable of being copied.
4. Record 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.
5. It shall not be a basis for refusal to produce records that any other person or entity also possesses non-identical or identical copies of the same record.
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 record is withheld on the basis of privilege, provide the following information concerning any such record: (a) the privilege asserted; (b) the type of record; (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 record responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the record (stating its date, author, subject

and recipients) and explain the circumstances by which the record 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 record 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 records 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(s).
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 records shall be bates-stamped sequentially and produced sequentially.
14. Two sets of records shall be delivered, both sets to the Majority Staff. When records are produced to the Select Committee, production sets shall be delivered to the Majority Staff in Room 2157 Rayburn House Office Building.

Definitions for Schedule

1. The term "record" 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 record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record 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.

SCHEDULE

All records and communications, including internal communications, referring or relating to the Department of Defense's efforts to prepare for and respond to Hurricane Katrina including, but not limited to, efforts: to provide food, water, and shelter to victims of Hurricane Katrina; to provide public safety and law enforcement resources to the areas affected by Hurricane Katrina; to provide relief, including evacuation, to victims at the Louisiana Superdome, the New Orleans Convention Center, and the area known as the cloverleaf; to mobilize active duty and reserve forces to support relief efforts; and to provide medical assistance in the affected areas, which were received, sent or reviewed between August 23, 2005 and September 15, 2005, by the following persons:

1. Donald Rumsfeld, Secretary of Defense;
2. Paul McHale, Assistant Secretary of Defense for Homeland Defense;
3. Gordon England, Acting Deputy Secretary of Defense;
4. Peter Verga, Principal Deputy Assistant Secretary for Homeland Defense;
5. Admiral Timothy Keating, Commander, North American Aerospace Defense Command and United States Northern Command;
6. General Russell Honore, Commander of Joint Task Force Katrina;
7. Lieutenant General Steven Blum, Chief, National Guard Bureau;
8. Col. John J. Jordan, military assistant to former Federal Emergency Management Agency Director Michael Brown; and
9. Col. Anthony Daskevich, Defense Coordinating Officer in Louisiana.