

SUBPOENA

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

To Joshua Bolten, White House Chief of Staff, or appropriate custodian of records, White House

You are hereby commanded to be and appear before the Committee on the Judiciary

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: 2138 Rayburn House Office Building, Washington, D.C., 20515

Date: January 12, 2009

Time: 10:00 a.m.

To US Marshals or any authorized staff member of the Committee on the Judiciary

_____ 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 7th day of January, 2009.

Attest:

Lorraine C. Miller
Clerk

John Conyers
Chairman or Authorized Member

PROOF OF SERVICE

Subpoena for Joshua Bolten, White House Chief of Staff, or appropriate custodian of records, White House

Address White House, 1600 Pennsylvania Ave. N.W., Washington, D.C.

before the Committee on the Judiciary

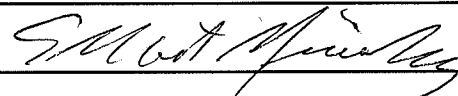
*U.S. House of Representatives
110th Congress*

Served by (print name) Elliot Minberg

Title Chief Counsel, Oversight and Investigations, House Judiciary Committee

Manner of service Via fax to Emmet T. Flood of White House Counsel's Office pursuant to telephone agreement

Date January 7, 2008

Signature of Server 

Address 2138 Rayburn House Office Building, Washington, D.C. 20515

**SCHEDULE OF
DOCUMENT REQUESTS
SUBPOENA TO THE WHITE HOUSE CHIEF OF STAFF
JANUARY 7, 2009**

Documents requested

1. Complete and unredacted versions, including complete paper and electronic versions, of any and all documents responsive to the subpoena issued by the House of Representatives, Committee on the Judiciary, to Joshua Bolten, White House Chief of Staff, or appropriate custodian of records, White House, on June 13, 2007, including any and all documents in the possession, custody, or control of the White House related to the Committee's investigation into the preservation of prosecutorial independence and the Department of Justice's politicization of the hiring and firing of United States Attorneys, including possible misrepresentations to Congress and other violations of federal law. The documents produced shall include:

- a. Any and all documents the White House Counsel agreed in the March 20, 2007, letter of Fred F. Fielding, Counsel to the President, to Chairman Leahy, Chairman Conyers, Ranking Member Specter, Ranking Member Smith, and Congresswoman Sanchez to produce in conjunction with off-the-record interviews, including documents consisting of or relating to all communications between any official or employee of the White House and any official or employee of the Department of Justice or any third party "concerning the request for resignations of the U.S. Attorneys in question."
- b. Any and all documents related to the: 1) evaluation of or decision to dismiss former U.S. Attorneys David Iglesias, H.E. "Bud" Cummins, John McKay, Carol Lam, Daniel Bogden, Paul Charlton, Kevin Ryan, Margaret Chiara, Todd Graves, or any other U.S. Attorney(s) dismissed since President Bush's re-election (hereinafter "dismissed U.S. Attorneys"); 2) evaluation of any U.S. Attorney(s) considered for dismissal since President Bush's re-election (hereinafter "U.S. Attorneys considered for dismissal"); 3) the implementation of the dismissal and replacement of the dismissed U.S. Attorneys; and 4) the selection, discussion and evaluation of any possible replacement or interim or acting appointment to fill any vacancy with respect to dismissed U.S. Attorneys and U.S. Attorneys considered for dismissal.
- c. Any and all documents related to the involvement of Karl Rove, Harriet E. Miers, William Kelley, J. Scott Jennings, Sara M. Taylor, or any other current or former White House employee or official, in matters set forth in paragraph b, above.

- d. Any and all documents related to the testimony of any official at the Department of Justice to the United States Congress regarding any of the matters set forth in paragraph b, above.
- e. Any and all documents related to the “reviews by White House staff” that led the President to conclude as of March 20, 2007, and to reiterate as recently as June 11, 2007, that there was no wrongdoing in the mass firings and replacements of U.S. Attorneys since President Bush’s re-election, including any information that has led the President to discount evidence obtained by the investigating Committees in documents and hearing testimony.

**INSTRUCTIONS, DEFINITIONS, AND RULES OF CONSTRUCTION
FOR SCHEDULE OF DOCUMENT REQUESTS
SUBPOENA TO THE WHITE HOUSE CHIEF OF STAFF
JANUARY 7, 2009**

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 agent, employee, or representative 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. Production with respect to each document shall include all electronic versions and data files from word processing, spreadsheet, e-mail, or instant messaging applications, and other electronic data repositories, and shall be provided to the Committee in its native file format and shall include all original metadata for each electronic document or data file. Productions shall be provided on CD, DVD, or USB external hard drive.
3. Any draft, preliminary version, modification, revision, or amendment of a document, and any version that otherwise differs in any respect, such as having marginalia, markings, other notations or attachments, or otherwise, shall be considered a separate document and shall also be furnished as responsive.
4. In the event that any entity, organization, or individual denoted in this subpoena is or has been also known by any other name than that herein denoted, the subpoena shall be read also to include them under that alternative identification.
5. Each form in which a document is produced shall be capable of being copied in that form.
6. Documents shall be produced as they are kept in the usual course of your business, including with any file labels, dividers, or other identifying markers with which they were associated when this subpoena was served. Also identify to which paragraph from the subpoena such documents are responsive.

7. 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.
8. If compliance with the subpoena cannot be made in full, compliance shall be made to the fullest extent possible and shall include an explanation of how the compliance is less than full and why fuller compliance is not possible.
9. In the event that any document which you have reason to believe the Committee might regard as responsive is being withheld for any reason, provide the following information concerning such document:
 - a. the nature, source, and date of the document;
 - b. a description of the document's subject matter;
 - c. the name and address of each recipient of the original or a copy of the document, together with the date or approximate date when each recipient received the document;
 - d. the name and address of any other person to whom any of the contents of the document have been disclosed, the date such disclosure took place, and the means of such disclosure; and
 - e. the basis for withholding the document from the Committee, including the nature of any privilege or rule of law relied upon, the identity of the person or persons asserting any such privilege or rule, and the legal basis for asserting the privilege or rule.
10. In the event that any document which you have reason to believe the Committee might regard as responsive is claimed to have been destroyed or to otherwise be no longer within your possession, custody, or control, provide the following information concerning such document:
 - a. the nature, source, and date of the document;
 - b. a description of the document's subject matter;
 - c. the name and address of each recipient of the original or a copy of the document, together with the date or approximate date when each recipient received the document;

- d. the name and address of any other person to whom any of the contents of the document have been disclosed, the date such disclosure took place, and the means of such disclosure;
 - e. the date the document was destroyed, or ceased to be within your possession, custody, or control;
 - f. the person who ordered or authorized such destruction or removal from your possession, custody, or control;
 - g. the reason for the document's destruction or removal from your possession, custody, or control, and the policy and authority on which such destruction or removal was based; and
 - h. the custodian of the document on the date of such destruction or removal.
11. 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.
 12. All documents shall be bates-stamped sequentially and produced sequentially, with an indication as to which paragraph of the schedule it is responsive.
 13. This request is continuing in nature and applies to any newly-discovered information. Any document not produced because it has not been located or discovered by the return date shall be produced immediately upon location or discovery subsequent thereto.
 14. Two identical sets of responsive documents shall be delivered contemporaneously, one to the Majority Staff and one to the Minority Staff. Production sets shall be delivered to the Majority Staff in Room 2138, Rayburn House Office Building, and to the Minority Staff in Room 2142, Rayburn House Office Building.

Definitions and Rules of Construction

As used anywhere in this subpoena or in the schedule, instructions, definitions, or rules of construction thereto –

1. The term “document” is meant to carry, without limitation, the full breadth of that term as it is used in the Federal Rules of Civil Procedure. It includes, as applicable, any memorialization, whether typed, written, recorded, printed or otherwise produced by hand, or produced by any electronic or digital process or otherwise. It includes, without limitation, agreements, contracts, letters or other correspondence, facsimile or e-mail transmissions, telephone messages, logs or records, memoranda, notes, diaries, graphs, formulas, models, bulletins, computer printouts, transcripts, analyses, returns, summaries, accounts, estimates, projections, comparisons, messages, press releases, circulars, reviews, opinions, offers, studies, photographs, investigations, questionnaires, surveys, work sheets, statistical data, reports, notebooks, manuals, charts or other graphic matter, plans, journals, ledgers, bank records, financial statements, summaries, analyses, commentary, expense reports, books, instructions, financial reports, working papers, records notes, notices, confirmations, telegrams, teletypes, interoffice or intra office communications, cables, and minutes or notations or other records of any type of any conversation, interview, telephone call, meeting, conference, discussion, or other communication. It includes any transmittal slip, attachment, appendix, or other document referenced therein. It includes, without limitation, any information contained on audiotape, videotape, microfilm, or microfiche, as well as any electronically stored information that has been created using, or is otherwise maintained on, digital repositories or other electronic media including, but not limited to, personal computers, office workstations, laptops, hard drives, handheld devices (such as Palm, Trio or Blackberry), phones (office, mobile and/or home), removable electronic storage devices (such as CDs, DVDs, and USB or thumb drives), shared network drives and servers (including e-mail and/or file servers) and back-up tapes (or other disaster recovery/archiving media).
2. 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 the plural number, and vice versa, so that neither shall be construed as a limitation. The masculine, feminine, and neuter genders each include the others.
3. The terms “person”, “persons”, and “anyone” includes, without limitation, 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.

4. The terms “referring,” “relating,” “related to,” and “concerning,” with respect to any given subject, shall be construed broadly to mean anything that constitutes, contains, embodies, reflects, identifies, concerns, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.
5. The terms “including” and “includes,” with respect to any given subject, shall be construed broadly so that specification of any particular matter shall not be construed to exclude any documents that you have reason to believe the Committee might regard as responsive.
6. The terms “Department of Justice” and “Department” include, without limitation, anyone presently or formerly employed there, suspended from employment there, or on administrative leave from employment there.
7. The term “White House” includes, without limitation, anyone presently or formerly employed there, suspended from employment there, or on administrative leave from employment there.
8. The terms “you” and “your” include you individually, in your capacity as Chief of Staff, or appropriate custodian of records, as the case may be, as well as the White House and, without limitation, anyone presently or formerly employed there, suspended from employment there, or on administrative leave from employment there.