

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

October 14, 2020

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Bernhardt:

The Committee on Natural Resources (Committee) is investigating the U.S. Park Police's (USPP) clearing of peaceful protesters from and around Lafayette Square in an apparent attempt to enable President Trump's photo-op at St. John's Episcopal Church on June 1, 2020. Although the Committee's June 29 and July 28 hearings have yielded information about the incident, they also exposed inconsistencies in the administration's characterizations of events. As a result, critical gaps in the Committee's understanding of the incident remain. This Committee has jurisdiction under House Rule X.1(m) to conduct oversight and investigations of all Department of the Interior (DOI) programs and operations, which includes the USPP's role in the June 1 operation.

Fencing

Acting USPP Chief Gregory T. Monahan testified that:

“Once we made the decision to order the no-scale fence, the installation of the fence was dependent on two factors: the first was that we were required to have sufficient resources on scene to safely clear Lafayette Park and H Street; and the second was that the fencing had to be present at the Park. Both of these requirements were not met until later in the day on Monday, June 1. Once the fencing arrived, an on-the-ground assessment of the violence and danger presented by the crowd led to the clearing of the Park and the installation of the fence.”

Mr. Monahan further testified that the first truck with the fencing arrived at 5:15 p.m., the installation began at 7:30 p.m., and the buildout was completed less than six hours later, at 12:50 a.m.¹

¹ U.S. Congress, House of Representatives, Committee on Natural Resources, *Hearing before the House Committee on Natural Resources: Unanswered Questions About the US Park Police's June 1 Attack on Peaceful Protesters at Lafayette Square*, 116th Congress, 2nd Sess. (July 28, 2020).

If the above is accurate, this operation contravened accepted principles of proper crowd management for large demonstrations.² Several experts, including National Guard Major Adam DeMarco, law professor Jonathan Turley, and various law enforcement figures have stated that fencing should have been installed after the 7:00 p.m. curfew, once most of the crowd had dispersed, not before the curfew when the number of protesters was at its peak.³ Additionally, the fencing operation should not have been rushed without giving the protesters sufficient warnings and opportunities to leave safely.⁴ Chief Monahan's statements also raise questions about whether relevant USPP policies and guidance were violated.

Major DeMarco, the Washington, D.C. National Guard's liaison to the USPP on June 1 at Lafayette Square, testified before the Committee that the materials to build the fence did not arrive until 9:00 p.m., directly contradicting Chief Monahan's testimony that the materials arrived around 5:15 p.m. Further, the Chief of Washington, D.C.'s Metropolitan Police Department (MPD) stated that the USPP did not install the fencing for hours after protesters were dispersed, saying that it was installed overnight.⁵ If these other accounts are accurate, they appear to undermine Mr. Monahan's justification that the clearing operation had to take place when it did to rapidly install the fencing upon its arrival. Even if Mr. Monahan's testimony about the timing of the fencing's arrival is accurate, it remains unclear why the USPP saw a need to rush putting up the fences.

Radio recording

When asked about the missing recordings of USPP radio traffic on June 1, Mr. Monahan testified that the "administrative" radio channel the USPP used for the Lafayette Square operation had not been "configured" to record that channel since it was upgraded in 2018.⁶ Mr. Monahan failed to explain critical details like what "configuration" entails, why the lack of recording capability was only discovered two years later – after a major incident requiring the channel had already taken place – who was responsible for failing to configure it, and whether any other significant radio transmissions since 2018 had not been recorded.

² Johnathan Turley, *Written Statement Before the House Committee on Natural Resources Hearing: The U.S. Park Police Attack on Peaceful Protesters at Lafayette Square Park*, 116th Congress, 2nd sess. (June 29, 2020); Davis, A., Leonnig, C., Dawsey, J., and Barrett, D., "Officials familiar with Lafayette Square confrontation challenge Trump administration claim of what drove aggressive expulsion of protesters," *Washington Post* (June 14, 2020), https://www.washingtonpost.com/politics/officials-challenge-trump-administration-claim-of-what-drove-aggressive-expulsion-of-lafayette-square-protesters/2020/06/14/f2177e1e-acd4-11ea-a9d9-a81c1a491c52_story.html; Hulac, B., "Invisible to most Americans, Park Police now in the spotlight," *Roll Call* (June 19, 2020), <https://www.rollcall.com/2020/06/19/invisible-to-most-americans-park-police-now-in-the-spotlight/>.

³ U.S. Congress, House of Representatives, Committee on Natural Resources, *Unanswered Questions About the US Park Police June 1 Attack*, 2020; Turley, *Written Statement Before the House Committee on Natural Resources*, 2020; Davis, Leonnig, Dawsey, and Barret, "Officials familiar with Lafayette Square challenge Trump administration."

⁴ Turley, *Written Statement Before the House Committee on Natural Resources*, 2020; Davis, Leonnig, Dawsey, and Barret, "Officials familiar with Lafayette Square challenge Trump administration."

⁵ *Id.*

⁶ U.S. Congress, House of Representatives, Committee on Natural Resources, *Unanswered Questions About the US Park Police June 1 Attack*, 2020.

Audible warnings to the crowd to disperse

A 2015 class action settlement agreement over improper USPP mass arrests of World Bank protesters requires the USPP to give three audible warnings before dispersing or arresting a crowd of protesters, and requires officers to be positioned at the rear of the crowd to confirm to the officers giving the warning that it was audible to all the protesters.⁷ Mr. Monahan testified that the USPP followed the procedures required by the 2015 settlement agreement, stating, “The protocol was followed.... There were three warnings given and they were given utilizing a Long Range Acoustic Device; it’s called an LRAD, that’s what it stands for, that was the device used.”⁸

However, Major DeMarco testified that the warnings were unintelligible from where he stood behind the police line, near the officer giving the warnings, and that the officer gave those warnings through a standard megaphone, not an LRAD,⁹ meaning that they would have been even less audible to the protesters, especially those standing further back from the police line. In addition, two highly credible witnesses to the June 1 protests testified that the warnings were not audible to them.¹⁰ Video footage from *The Washington Post* further reveals that the warning was unintelligible and almost completely inaudible over the crowd noise, and protesters appeared not to fully hear the announcements.¹¹ If the warnings were, in fact, inaudible to most of the crowd, it raises serious questions about Mr. Monahan’s testimony that the USPP followed the requirements of the 2015 settlement agreement. For example, there is currently no evidence that an officer was positioned at the back of the crowd to confirm that the crowd could hear the warnings, as is required by the agreement.

As noted, Mr. Monahan testified that the warnings were given through a long-range acoustic device (LRAD).¹² In contrast, Major DeMarco testified that the warnings were only given through an ordinary megaphone, which is not as loud as an LRAD.¹³ Major Demarco also testified that there was no LRAD onsite,¹⁴ that he was instructed to try to obtain one from the DC National

⁷ *Barham v. Ramsey*, Civ. Action No. 02-2283, “Settlement Agreement Between Federal Defendants and the Class Representatives on Behalf of the Plaintiff Class,” (D.D.C. 2015).

⁸ Temple-Raston, D., “Military Confirms It Sought Information on Using ‘Heat Ray’ Against D.C. Protesters,” National Public Radio (September 16, 2020), <https://www.npr.org/2020/09/16/913748800/military-police-leaders-weighed-deploying-heat-ray-against-d-c-protesters>; U.S. Congress, House of Representatives, Committee on Natural Resources, *The U.S. Park Police Attack on Peaceful Protesters at Lafayette Square Park*, 2020.

⁹ Adam DeMarco, *Written Statement Before the House Committee on Natural Resources Hearing: Unanswered Questions About the US Park Police’s June 1 Attack on Peaceful Protesters at Lafayette Square*, 116th Congress, 2nd Sess. (June 29, 2020).

¹⁰ U.S. Congress, House of Representatives, Committee on Natural Resources, *The U.S. Park Police Attack on Peaceful Protesters at Lafayette Square Park*, 2020.

¹¹ Bump, P., “Timeline: The clearing of Lafayette Square: The evidence strongly suggests that the motivation was Trump’s visit to St. John’s Church,” Washington Post (June 5, 2020), <https://www.washingtonpost.com/politics/2020/06/02/timeline-clearing-lafayette-square/>

¹² U.S. Congress, House of Representatives, Committee on Natural Resources, *Unanswered Questions About the US Park Police June 1 Attack*, 2020.

¹³ *Id.*

¹⁴ Adam DeMarco, *Responses to Questions for the Record for the House Committee on Natural Resources Hearing: Unanswered Questions About the US Park Police’s June 1 Attack on Peaceful Protesters at Lafayette Square*, 116th Congress, 2nd Sess. (July 28, 2020); U.S. Congress, House of Representatives, Committee on Natural Resources, *Unanswered Questions About the US Park Police June 1 Attack*, 2020.

Guard and was unable to do so,¹⁵ and that the USPP’s own liaison told him there was no LRAD on site on June 1.¹⁶ Audio recordings of the warnings given that day,¹⁷ and the eyewitness accounts mentioned above, are inconsistent with the sound profile of an LRAD, which can be heard from 600 meters away, according to Mr. Monahan.¹⁸ While Mr. Monahan testified that the warnings were given about 45 meters away from protesters,¹⁹ Prof. Turley testified that an LRAD is 20 to 30 decibels louder than typical public announcement systems and its audibility would extend well beyond Lafayette Square.²⁰ An LRAD can be as loud as a jet engine, which prompted the American Speech-Language-Hearing Association (ASHA) to warn about the risk of hearing damage from their use.²¹ The complete lack of evidence that an LRAD was used to give warnings at Lafayette Square – no photographs or video of an LRAD on site, no recordings of an LRAD’s uniquely loud volume and clarity of voice amplification, no evidence of any kind – gives the Committee ample reason to question Mr. Monahan’s testimony.

USPP injuries

Mr. Monahan testified that protester violence against police was a driving factor in the decision to clear the square, citing injuries sustained by 50 USPP personnel since May 30, two days before the incident in question. When pressed, however, Mr. Monahan indicated that there was only one injury to a USPP officer on June 1, and that the injury happened *after* the law enforcement operation to remove protesters began.²² Three other witnesses testified that the crowds were entirely peaceful until attacked by law enforcement to clear the area.²³ In essence, it appears that the USPP used the actions of different crowds, on different days, to justify using disproportionate levels of force against peaceful protesters.

Tear gas

Mr. Monahan testified that “the United States Park Police did not use tear gas on June 1st.”²⁴ Previously, the USPP had made unclear and seemingly contradictory assertions about the kinds of chemical munitions it or its partner agencies used.²⁵ Just hours after the USPP made those

¹⁵ Adam DeMarco, *Responses to Questions for the Record*, 2020.

¹⁶ *Id.*

¹⁷ Bump, “Timeline: The clearing of Lafayette Square.”

¹⁸ U.S. Congress, House of Representatives, Committee on Natural Resources, *Unanswered Questions About the US Park Police June 1 Attack*, 2020.

¹⁹ *Id.*

²⁰ Turley, *Written Statement Before the House Committee on Natural Resources*, 2020.

²¹ American Speech-Language-Hearing Association, “Long Range Acoustic Devices for Crowd Control Can Cause Serious Hearing Loss and Harm: Protestors Need Ear Protection and to be Aware of the Dangers,” ASHA (June 11, 2020), <https://www.asha.org/News/2020/Long-Range-Acoustic-Devices-for-Crowd-Control-Can-Cause-Serious-Hearing-Loss-and-Harm/>.

²² U.S. Congress, House of Representatives, Committee on Natural Resources, *Unanswered Questions About the US Park Police June 1 Attack*, 2020.

²³ U.S. Congress, House of Representatives, Committee on Natural Resources, *The U.S. Park Police Attack on Peaceful Protesters at Lafayette Square Park*, 2020.

²⁴ U.S. Congress, House of Representatives, Committee on Natural Resources, *Unanswered Questions About the US Park Police June 1 Attack*, 2020.

²⁵ Leonnig, C., “Park Police spokesman acknowledges chemical agents used on Lafayette Square protesters are similar to tear gas,” *The Washington Post* (June 5, 2020), <https://www.washingtonpost.com/politics/park-police->

confusing assertions, on June 2, the USPP posted on its website an official statement from Mr. Monahan that “USPP officers and other assisting law enforcement partners did not use tear gas or OC Skat Shells to close the area at Lafayette Park.”²⁶ The USPP reaffirmed this position in updates over the ensuing days, and the above statement remains on the USPP website as of the date of this letter.²⁷ However, two witnesses, who previously experienced tear gas as part of their military training, testified before the Committee that they smelled and felt tear gas during the clearing operation. Also, news reporters and one hearing witness found tear gas canisters on the scene afterward.²⁸

Reasons for the clearing and law enforcement assault on protesters

Mr. Monahan testified that the goal of installing the anti-scale fencing around the Lafayette Square area was to de-escalate the situation with the protest crowds.²⁹ The tactics employed by the USPP and other law enforcement authorities under its command had obviously and predictably escalating effects. The rapid advance against protesters, the almost immediate use of chemical irritants, the baton strikes to the backs of people trying to flee,³⁰ the Stingball grenades, and even the administration officials “trooping the line” of law enforcement officers³¹ are all forms of physical and/or psychological escalation, not de-escalation. In addition, the fencing materials may not have arrived until hours after the attack on protesters was complete, undermining the argument that the clearing and fencing operation were intended to defuse tensions and conflict.

Mr. Monahan testified that protester violence justified the aggressive nature of the clearing of the area around Lafayette Square. However, he has produced no corroborating evidence of protester violence on June 1 prior to the clearing operation.

A more plausible explanation is that the area needed to be cleared for President Trump to have himself photographed holding a Bible in front of St. John’s Church. While the timeline below lends support for that explanation, the Committee requires additional documents and facts to fully and accurately understand exactly what transpired.

[spokesman-acknowledges-chemical-agents-used-on-lafayette-square-protesters-are-similar-to-tear-gas/2020/06/05/971a8d78-a75a-11ea-b473-04905b1af82b_story.html](https://www.wusa9.com/article/news/local/dc/tear-gas-washington-dc-protests-st-johns-church/65-7e9a67c7-e40b-47a2-8060-3f7d908139dd); U.S. Congress, House of Representatives, Committee on Natural Resources, *Unanswered Questions About the US Park Police June 1 Attack*, 2020.

²⁶ National Park Service, “June 2 Statement from United States Park Police acting Chief Gregory T. Monahan about the actions taken over the weekend to protect life and property” (June 2, 2020), https://www.nps.gov/subjects/uspp/6_2_20_statement_from_acting_chief_monahan.htm

²⁷ U.S. Congress, House of Representatives, Committee on Natural Resources, *Unanswered Questions About the US Park Police June 1 Attack*, 2020; U.S. Congress, House of Representatives, Committee on Natural Resources, *The U.S. Park Police Attack on Peaceful Protesters at Lafayette Square Park*, 2020.

²⁸ *Id.*; “No law enforcement agency admits to using tear gas canisters were found at the scene,” WUSA9 (June 5, 2020), <https://www.wusa9.com/article/news/local/dc/tear-gas-washington-dc-protests-st-johns-church/65-7e9a67c7-e40b-47a2-8060-3f7d908139dd>.

²⁹ U.S. Congress, House of Representatives, Committee on Natural Resources, *Unanswered Questions About the US Park Police June 1 Attack*, 2020.

³⁰ U.S. Congress, House of Representatives, Committee on Natural Resources, *The U.S. Park Police Attack on Peaceful Protesters at Lafayette Square Park*, 2020 (testimony of Amelia Brace and Kishon McDonald).

³¹ Adam DeMarco, *Written Statement Before the House Committee on Natural Resources Hearing: Unanswered Questions About the US Park Police's June 1 Attack on Peaceful Protesters at Lafayette Square*, 2020.

- **6:04 p.m.:** According to *The Washington Post*, “the White House communications office sends out a notice that an event has been added to President Trump’s calendar: a 6:15 news briefing in the Rose Garden.”³² Mr. Monahan stated during the July 28 hearing that he was made aware earlier in the day on June 1 that the President would be visiting Lafayette Square.³³
- **Approximately 6:10 p.m.:** A senior administration official said the decision for the president to visit St. John’s Church after his speech was discussed earlier in the day but ultimately made only shortly before 6:15 p.m.³⁴ According to *The Washington Post*, “White House deputy chief of operations Tony Ornato contacted the Secret Service to arrange for the president to make a brief, unplanned appearance outside St. John’s Church, according to two people familiar with the plans. Following protocol, the Secret Service alerted other law enforcement agencies it would need help clearing the area for the president’s safety.”³⁵ Mr. Monahan repeatedly denied during the hearing having been notified by “the White House” of the president’s impending appearance, before finally acknowledging that the USPP communicated with the Secret Service around this time, and was operating under unified command with the Secret Service.³⁶
- **6:23 p.m.:** The USPP starts giving warnings to protesters for them to disperse.³⁷
- **Approximately 6:30 p.m.:** The violent clearing operation begins. MPD Chief Newsham told *The Washington Post* that his agency learned through police communications that force was going to be used to clear protesters just moments after he and other officials were told that President Trump would be walking to the church.³⁸ Another D.C. public safety official said it was as if the USPP plan to move the perimeter had been “hurried up” around the time the president decided to walk to the church.³⁹
- **6:43 p.m.:** The president begins speaking in the Rose Garden.
- **Approximately 6:50 p.m.:** The president concludes his remarks at the Rose Garden, saying, “now I’m going to pay my respects to a very, very special place.”⁴⁰ The USPP clearing operation concludes.⁴¹
- **7:01 p.m.:** The president and his security team leave the White House and the group passes through the area just cleared of protesters to get to St. John’s Church.⁴²

³² Bump, “Timeline: The clearing of Lafayette Square.”

³³ U.S. Congress, House of Representatives, Committee on Natural Resources, *Unanswered Questions About the US Park Police June 1 Attack*, 2020.

³⁴ Davis, Leonnig, Dawsey, and Barret, “Officials familiar with Lafayette Square challenge Trump administration.”

³⁵ Leonnig, C., Zapotosky, M., Dawsey, J., and Tan, R., “Barr personally ordered removal of protesters near White House, leading to use of force against largely peaceful crowd,” *Washington Post* (June 2 2020), https://www.washingtonpost.com/politics/barr-personally-ordered-removal-of-protesters-near-white-house-leading-to-use-of-force-against-largely-peaceful-crowd/2020/06/02/0ca2417c-a4d5-11ea-b473-04905b1af82b_story.html?utm_campaign=wp_main&utm_medium=social&utm_source=twitter;

Bump, “Timeline: The clearing of Lafayette Square.”

³⁶ U.S. Congress, House of Representatives, Committee on Natural Resources, *Unanswered Questions About the US Park Police June 1 Attack*, 2020.

³⁷ *Id.*

³⁸ Davis, Leonnig, Dawsey, and Barret, “Officials familiar with Lafayette Square challenge Trump administration.”

³⁹ *Id.*

⁴⁰ Bump, “Timeline: The clearing of Lafayette Square.”

⁴¹ *Id.*; U.S. Congress, House of Representatives, Committee on Natural Resources, *Unanswered Questions About the US Park Police June 1 Attack*, 2020.

⁴² Bump, “Timeline: The clearing of Lafayette Square.”

- **7:06 p.m.:** President Trump arrives at the church and spends several minutes posing for photos with a Bible.⁴³

The Committee's questions about the events of June 1, 2020 can only be resolved with documentation and interviews with relevant officials. To assist the Committee's oversight responsibilities, please make the following individuals available for transcribed interviews:

1. **Acting USPP Chief** Gregory T. Monahan; and
2. **USPP Major** Mark Adamchik, the USPP's incident commander for the June 1 operation.

The Committee believes that the above-named individuals have the requisite level of seniority and knowledge about the events in question to assist the ongoing investigation. Please contact my office by October 21, 2020 to schedule the interviews.

To further assist the Committee with its oversight responsibilities, please provide the following documents and information on a rolling basis, no later than October 28, 2020:⁴⁴

Materials related to clearing the area around Lafayette Square on June 1, 2020

1. All communications and documents referring or related to the USPP's assessment of the level of violence of the crowd **on June 1** before the clearing.
2. All photographs and video recordings in the USPP's possession, custody, or control showing Lafayette Square and the protest crowd near it for the period of 4:00 p.m. through 8:00 p.m. on June 1, 2020.
3. All communications and documents referring or related to the arrival, staging, movement, and installation of the fencing material that was installed on the evening of June 1, including communications and documents from the contractor(s) that delivered and/or installed the fencing.
4. All documents and communications referring or related to authorizations, orders, or instructions to use any chemical irritants (including but not limited to pepper balls, CS or CN gas, or any other) on protesters.
5. Documents sufficient to show the exact types and quantities of weaponry or crowd management equipment (chemical, less-than-lethal, or and otherwise) used by the USPP and other cooperating agencies to clear protesters.

Materials related to coordination of operations between the USPP and other participating agencies (including but not limited to the U.S. Secret Service) on June 1)

1. Communications and documents referring or related to the unified command structure between the USPP and the U.S. Secret Service on June 1, including joint-planning

⁴³ *Id.*

⁴⁴ These questions are, in part, based on the detailed testimony and recommendations from Prof. Turley to the House Committee on Natural Resources. Turley, *Written Statement Before the House Committee on Natural Resources*, 2020.

documents, description of operational goals and tactics, and how communication and coordination would be conducted.

2. Documents sufficient to show the identification by name, rank, and title of the June 1 incident commander for the U.S. Secret Service.
3. Communications and documents referring or related to the President's movement through or around Lafayette Square on June 1.
4. All documents and communications between the USPP and the U.S. Secret Service referring or related to the decision to clear protesters and install fencing on June 1.
5. Documents sufficient to show the identification of the individual(s) who communicated to USPP incident commander Mark Adamchik that the area around Lafayette Square needed to be cleared, when it was to be cleared, and/or the manner in which it was to be cleared.

Materials relating to the USPP's failure to record radio transmissions from May 30 through June 1, 2020

1. Documents sufficient to show the name of the employee(s) or contractor(s) responsible for failing to "configure" the USPP's "administrative" channel to record since September 2018, when the new radio system was installed.
2. All communications and documents referring or relating to the reason(s) the "administrative" channel was not recorded during the June 1 operation and preceding days.
3. Documents sufficient to show whether the administrative channel transmissions were recorded on other joint-communication systems with other agencies – as text, audio, or otherwise – including but not limited to the Capital Wireless Information Network (CapWIN).
4. Any back-up written radio logs, the running resume, situational reports, and e-mail updates regarding the June 1 operation from May 30 through June 1.

Materials related to the technology used on June 1 to convey the three warnings required by USPP policy before a crowd-clearing operation or mass arrest

1. Any photographs or video of an LRAD being used to provide warnings at Lafayette Square between 6:00 and 6:35 p.m. on June 1, 2020.
2. Documents sufficient to show to the type, brand, and model of the technology used to issue warnings to the crowd on June 1, its technical specifications (*e.g.*, including decibel level capability), the entity that owned and/or provided to the USPP the particular device(s) used on June 1, and the date the technology was acquired.
3. All documents and communications on procedure and documentation for providing warnings to crowds to disperse.
4. All documents and communications pertaining to warning protesters specifically on June 1.

5. Documents and/or recordings sufficient to show that the entire protest crowd could clearly hear the USPP's warnings on June 1, including any relevant documentation or other evidence that an officer in the rear of the crowd heard the warnings and confirmed this to the officer(s) providing the warnings, per the 2015 settlement agreement.

Please contact the Subcommittee on Oversight and Investigations staff with any questions about this request. Thank you for your attention to this matter.

Sincerely,



Raúl M. Grijalva
Chair
Committee on Natural Resources

Responding to Committee Document Requests

In responding to document requests from the Committee on Natural Resources, please apply the instructions and definitions set forth below:

Instructions

1. In complying with the request, you should 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 should also 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. Requested records, documents, data, or information should not 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 request has been, or is currently, known by any other name than that herein denoted, the request should be read also to include them under that alternative identification.
3. Documents must be provided in electronic form (i.e., memory stick, thumb drive, or internet-based). Documents produced should also be organized, identified, and indexed electronically. Documents should be produced in their native file format. For example, emails from Microsoft Outlook should have a “.pst” file extension, Excel files should have an “.xls_” or similar extension, and Microsoft Word documents should have a “.doc_” extension. Consult with the Committee to determine the appropriate format in which to produce the information.
4. Each document produced should be produced in a form that renders the document capable of being copied.
5. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, or folder transmitted through the internet is produced, each should contain an index describing its contents.
6. Documents produced in response to this request should be produced together with copies of file labels, dividers or identifying markers with which they were associated when this request was issued. To the extent that documents were not stored with file labels, dividers, or identifying markers, they should be organized into separate folders by subject matter prior to production.
7. When you produce documents, you should identify the paragraph in the Committee’s schedule to which the documents respond.
8. It shall not be a basis for refusal to produce documents that any other person or entity also possesses a non-identical or identical copy of the same documents.

9. If compliance with the request cannot be made in full, compliance should be made to the extent possible and should include an explanation of why full compliance is not possible.
10. In the event that any document or part of a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document or part of a 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.
11. If any document responsive to this request was, but no longer is, in your possession, custody, or control, you should 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.
12. If a date or other descriptive detail set forth in this request 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.
13. 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 should be produced immediately upon location or discovery subsequent thereto.
14. All documents should be Bates-stamped sequentially and produced sequentially.
15. Documents produced to the Committee in response to this request should be delivered to majority staff in Room 1324 of the Longworth House Office Building or directly through the internet.

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 calls, text messages, MMS or SMS messages, other mobile-to-mobile messages, instant messages or online chat messages, meetings or other communications, 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, voice mails, microfiche, microfilm, videotape, recordings and motion pictures), and electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, 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 "**documents in your possession, custody, or control**" means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that you have placed in the temporary possession, custody, or control of any third party.
3. 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, facsimile, mail, e-mail (desktop or mobile device), text message, MMS or SMS message, other mobile-to-mobile message, instant message or online chat, telexes, releases, personal delivery, or otherwise.
4. The terms "**and**" and "**or**" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request 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.
5. 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.
6. The term "**identify**," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
7. 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.
8. The term "**employee**" means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.