

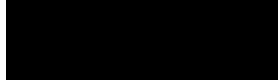


One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

January 28, 2022

Ms. Kathy Berden



Dear Ms. Berden:

Pursuant to the authorities set forth in House Resolution 503 and the rules of the House of Representatives, the Select Committee to Investigate the January 6th Attack on the United States Capitol (“Select Committee”) hereby transmits a subpoena that compels you to produce the documents set forth in the accompanying schedule by February 11, 2022, at 10 a.m., and to appear for a deposition on February 22, 2022, at 10 a.m.

The Select Committee is investigating the facts, circumstances, and causes of the January 6th attack and issues relating to the peaceful transfer of power, in order to identify and evaluate lessons learned and to recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations. The inquiry includes examination of how various individuals and entities coordinated their activities leading up to the events of January 6, 2021.

The Select Committee seeks information from you on a narrow range of issues. We have sincere respect for your privacy, and we are not seeking information about your political views or your efforts in the 2020 presidential campaign more generally. Rather, we are seeking information about your role and participation in the purported slate of electors casting votes for Donald Trump and, to the extent relevant, your role in the events of January 6, 2021.

Based on publicly available information and information provided to the Select Committee, we believe that you have documents and information that are relevant to the Select Committee’s investigation. For example, according to documents sent to the National Archives, you were a purported Electoral College elector who met with other purported electors on or about December 14, 2020 to cast votes for former President Trump and former Vice President Pence despite the fact that your state had made a final determination that Joseph Biden, Jr. and Kamala Harris were the winners of the November 2020 presidential election and the appointment of their electors had been certified.¹ Your delegation of purported electors for former President Trump and former Vice

¹ Documents on file with the Select Committee. Under the Constitution, each state “shall appoint” electors for President and Vice President pursuant to state law (Article II, Section 2, clause 1). The executive of the state is required to send under seal to the Archivist of the United States “a certificate of such ascertainment of the electors appointed, setting forth the names of such electors,” and shall do so “as soon as practicable” in cases where there has been “a final determination provided for by law of a controversy or contest concerning the appointment” of the electors (3 U.S.C. § 6).

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President Pence then sent an alleged “Certificate of the Votes” of the purported electors to Congress for consideration by former Vice President Pence, in his role as President of the Senate, during the Joint Session of Congress on January 6, 2021.² The existence of these purported alternate-elector votes was used as a justification to delay or block the certification of the election during the Joint Session of Congress on January 6, 2021.³

Accordingly, the Select Committee seeks documents and a deposition regarding these matters that are within the scope of the Select Committee’s inquiry. A copy of the rules governing Select Committee depositions, and document production definitions and instructions are attached. Please contact staff for the Select Committee at 202-225-7800 to arrange for the production of documents.

Sincerely,



Bennie G. Thompson
Chairman

² *Id.*

³ *See, e.g.*, Documents on file with the Select Committee; *READ: Trump lawyer’s full memo on plan for Pence to overturn the election*, CNN (September 21, 2021), found at <https://www.cnn.com/2021/09/21/politics/read-eastman-memo/index.html>;