

THE CAPITOL INSURRECTION: UNEXPLAINED DELAYS AND UNANSWERED QUESTIONS

HEARING BEFORE THE COMMITTEE ON OVERSIGHT AND REFORM HOUSE OF REPRESENTATIVES ONE HUNDRED SEVENTEENTH CONGRESS

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Documents are available at: docs.house.gov.

THE CAPITOL INSURRECTION: UNEXPLAINED DELAYS AND UNANSWERED QUESTIONS

Wednesday, May 12, 2021

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND REFORM,
Washington, D.C.

The committee met, pursuant to notice, at 10:12 a.m., in room 2154, Rayburn House Office Building, Hon. Carolyn B. Maloney [chairwoman of the committee] presiding.

Present: Representatives Maloney, Norton, Lynch, Connolly, Krishnamoorthi, Raskin, Khanna, Mfume, Ocasio-Cortez, Tlaib, Porter, Bush, Wasserman Schultz, Welch, Johnson, Sarbanes, Speier, Kelly, Lawrence, DeSaulnier, Gomez, Pressley, Quigley, Comer, Jordan, Gosar, Foxx, Hice, Grothman, Cloud, Gibbs, Higgins, Norman, Sessions, Keller, Biggs, Clyde, Franklin, LaTurner, Fallon, Herrell, and Donalds.

Chairwoman MALONEY. The committee will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any time.

I now recognize myself for an opening statement.

Today, the committee will examine one of the darkest days in our Nation's history, the January 6 insurrection at the United States Capitol. On that day, a violent mob, incited by shameless lies told by a defeated President, launched the worst attack on our Republic since the Civil War. It was harrowing and heartbreakin

We watched as the temple of our democracy, a building we are as familiar with as our own homes, was overrun by a mob bent on murdering the Vice President and Members of Congress. The mob's goal was clear. They were trying to prevent the peaceful transfer of power to the newly elected President by halting the counting of electoral votes.

This insurrection failed, but not before police officers were attacked and had to use deadly force to protect Members of Congress. Shots were fired mere feet from the House floor.

Because of this horrific attack, four private citizens died. Three police officers lost their lives. Had it not been for the heroic men and women of law enforcement who faced down the mob, there would have been even more bloodshed that day.

We know who provoked this attack. That is why 17 House and Senate Republicans joined all congressional Democrats in the bipartisan effort to impeach and convict for, and I quote, "inciting violence against the Government of the United States."

To quote Senator Minority Leader Mitch McConnell, “There is no question, none, that President Trump is practically and morally responsible for provoking the events that day.”

But the failures of January 6 go beyond the craven lies and provocations of one man. The Federal Government was unprepared for this insurrection, even though it was planned in plain sight on social media for the world to see. And despite all the military and law enforcement resources our Government can call upon in a crisis, security collapsed in the face of the mob, and reinforcements were delayed for hours as the Capitol was overrun. It is our duty to understand what went wrong that day, to seek accountability, and to take action to prevent this from ever happening again.

We are joined today by the chief of D.C. Metropolitan Police Department, Robert Contee. On January 6, Chief Contee and his officers did not hesitate to answer the call, and over 800 D.C. Police officers voluntarily rushed to the aid of the Capitol. D.C. Police stood side by side with the Capitol Police and displayed tremendous heroic actions.

Chief Contee, we are in your debt.

We also have with us two Cabinet heads from the Trump administration who led key Federal agencies on January 6. Neither has publicly testified about their role in these events, and I appreciate their willingness to testify today. Former Acting Attorney General Jeffrey Rosen led the Department of Justice, which was reportedly designated as the lead Federal agency for coordinating security in Washington on January 6.

The potential for violence that day was clear. In December, the New York Police Department warned the FBI that certain protesters viewed January 6 as an opportunity for violent revolt. Then again, on January 5, the FBI office in Norfolk, Virginia, warned that extremists were discussing “specific calls for violence against Congress on January 6,” including a message to “go there ready for war.”

The Justice Department and the FBI have a special duty to warn of domestic terrorist threats. Yet it is clear that despite all of this intelligence, the Federal Government was not prepared. Today, more than four months later, we are still in the dark about exactly what went wrong.

Did the Trump administration fail to adequately prepare for violence because it had a blind spot for rightwing domestic terrorism? As the lead agency on January 6, why did the Department—the Justice Department—fail to coordinate an effective and timely response to the attack on the Capitol?

We simply do not know. In part, that is because neither DOJ nor the FBI have produced a single piece of paper in response to the requests sent by six House committees, including this one, in March. Not a single piece of paper, not a single document. This is completely unacceptable.

I was hoping to have FBI Director Christopher Wray here today to address the unanswered questions about the FBI’s actions. I sent him multiple invitations and even rescheduled this hearing twice, but he declined to appear. However, I am pleased to announce that Director Wray has agreed to appear before this committee in June, and I look forward to his testimony then.

Our final witness today is former Acting Secretary of Defense Christopher Miller, who led the Department of Defense on January 6. When the Capitol came under siege, the Capitol Police were badly outnumbered. The world looked to the Department of Defense to protect our Government from attack. Yet DOD did not authorize the deployment of D.C. National Guard troops to the Capitol until nearly four hours—four hours—after local officials first pled for help. Even though we were under full-scale assault, DOD hesitated until Vice President Pence—not President Trump—gave the order to “clear the Capitol.”

DOD’s explanations of its own actions have failed to address critical questions. Why did military leaders place unusual restrictions on commanders on the ground? Mr. Miller says that he first learned that the mob had entered the Capitol between 1 p.m. and 1:30 p.m. So why did the Defense Department wait until after 5 p.m.—5 p.m.—before sending the National Guard to the Capitol?

Today’s hearing will not be the end of our investigation. This committee, along with other committees in the House, will continue to seek a full accounting of this attack. Even today, our colleagues in the House Administration Committee are asking tough questions of the Inspector General for the Architect of the Capitol.

This oversight is essential, but we also need an independent bipartisan commission focused on investigating the root causes of this insurrection. The 9/11 Commission has taught us that even in our most difficult moments, we can come together as one and answer hard questions, as we did as a Congress after 9/11.

The 9/11 Commission made dozens of recommendations to overhaul our Nation’s security and intelligence operations, and Congress followed through in a bipartisan way, passing legislation to implement most of the Commission’s bipartisan proposals. We need that same determination, that same resolve and action today.

This Nation stands at a crossroads, and the path we choose will define American democracy for generations to come. We must reject President Trump’s big lie and the violent insurrection it inspired. No Member of Congress, whether a freshman representative or House conference chair, should face punishment for speaking the truth about what happened that day.

As Congresswoman Cheney said last night, and I quote, “Remaining silent and ignoring the lie emboldens the liar. We must speak the truth. Our election was not stolen, and America has not failed.”

It is time for the American people and this Congress to look at the events of January 6 and say “never again.”

I now recognize the distinguished ranking member, Mr. Comer, for an opening statement. And I yield back.

Mr. COMER. Thank you, Madam Chair.

What happened on January 6 at the U.S. Capitol is unacceptable. Those who committed crimes and violence on January 6 must be held accountable, and the Justice Department is actively working to do just that.

As of April 16, 410 defendants have been arrested. Their names, the charges, and place of arrest are all listed on DOJ’s website. The charges include assaulting, resisting, or impeding officers or employees, some of which include using a deadly or dangerous weap-

on. Some have been charged with conspiracy. Others have been charged with trespassing on Federal property.

The FBI continues to seek perpetrators of crimes committed on January 6. The FBI's website is filled with pictures, 866 photos and videos of individuals being sought in connection with the events on January 6.

Less than a week after the attack on the U.S. Capitol, I joined Ranking Members Rodney Davis and John Katko in introducing a bill to create a bipartisan commission to investigate the facts and circumstances related to the attack. The commission would also identify, review, and evaluate lessons learned in order to detect, prevent, and respond to such kinds of attacks in the future.

But instead of seeking to examine the facts in a bipartisan fashion, Speaker Pelosi and the Democrats have politicized the January 6 attack. Until last week, Speaker Pelosi refused to entertain an even split on the panel. For three months, she dragged her feet and failed to build consensus. Meanwhile, the Senate engaged in bipartisan, constructive problem-solving.

Instead of looking at what we can control, the security at the Capitol, Speaker Pelosi, Chairwoman Maloney, and other Democrats have wrongly targeted perceived conservative technology companies for the role they may have played in this violence. Well, Chairwoman Maloney looked into this issue, and guess what? There was nothing there. That is why you haven't heard anything about it. Because there was nothing there.

If looking at the facts, it is clear that Facebook, Twitter, and other big tech companies' platforms were used to organize this violence. The FBI and Department of Justice have laid out their roles very clearly in their criminal complaints and indictments. But the Democrats refuse to investigate those companies or even ask tough questions of them. I guess the Democrats just don't want to bite the hand that feeds them.

Additionally, Democrats continue to demonize tens of millions of Americans who support President Trump and have legitimate questions about the integrity of the elections. Expressing concern over election integrity is not a seditious act. Plenty of my Democrat colleagues expressed concern in past elections. What is wrong is when individuals take to crime, violence, and mob tactics. This was wrong on January 6, and this was wrong last summer when several cities across the country were attacked by rioters.

The political violence that resulted in the burning of our post offices; the destruction of other Federal buildings; mob attacks on live television; violence in the streets of Portland, Minneapolis, and other cities; businesses boarded up with graffiti sprayed everywhere; commerce, even here in D.C., ground to a halt. It is hypocritical that Speaker Pelosi and Democrats refused to examine the political violence Americans witnessed on television every night last summer.

According to one report, 25 Americans died during these violent political protests in the summer and fall of 2020. Many Americans' property and livelihood were destroyed. Instead of condemning this violence, many Democrats supported and encouraged it. Kamala Harris even contributed to bail out some of the rioters.

Many Democrats continue to engage in such dangerous rhetoric. Democrat Chairwoman Maxine Waters recently called on the public to “get more confrontational” if there was a verdict of “not guilty” in the case in Minneapolis. No wonder America thinks Congress is broken. We can’t ignore some acts of violence and then use others for political gain, which is what we are doing here today. This is unbecoming of Americans’ elected representatives in Congress.

The justice system must work its course to hold violent offenders accountable. Congress must examine both the January 6 attack and the violence we witnessed last summer to prevent it from happening. We owe it to the American people to address these acts of violence. The American people deserve better from their elected representatives.

I look forward to a constructive examination of missteps that occurred on January 6 and strategies for guarding against these errors in the future.

Finally, Madam Chairwoman, I want to tell the families of those who died in the wake of these events that my prayers have been with them over the course of the past several months. Our law enforcement, who put their lives on the line for us each and every day, deserve better from their leaders. They deserve strong and decisive leadership.

I will close now by thanking them and remembering the fallen. May God bless them and their families.

And with that, I yield back.

Chairwoman MALONEY. The gentleman yields back.

I would now like to introduce the witnesses that will be testifying today.

Our first witness today is Christopher Miller, who is the former Acting Secretary of Defense and who served in that role on January 6. Then we will hear from Jeffrey Rosen, who is the former Acting Attorney General. He also served in that role on January 6. Finally, we will hear from Robert Contee, who is the chief of the Metropolitan Police Department in the District of Columbia.

The witnesses will be unmuted so we can swear them in. Please raise your right hand.

Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

[Response.]

Chairwoman MALONEY. Let the record show that the witnesses answered in the affirmative.

Thank you. And without objection, your written statements will be made part of the record.

With that, Mr. Miller, you are now recognized for your testimony. Mr. Miller?

**STATEMENT OF CHRISTOPHER C. MILLER, FORMER ACTING
SECRETARY, DEPARTMENT OF DEFENSE**

Mr. MILLER. Chairwoman Maloney and members of this committee, the January 6, 2021, attack on the Capitol was unconscionable. I’m grateful for the opportunity to provide needed context and insight to this committee about the events of that day and what I

believe was your military's appropriate response. This is long over-due.

I'd first like to express my thanks to the first responders who tried to contain the mob and defend the Capitol complex and the individuals there. They are true heroes. And that word is overused oftentimes, but definitely not in this case. And as we assess the response, we should not lose sight of their brave actions that day.

I served as the Acting Secretary of Defense that day, and as such, I was ultimately responsible for Department of Defense support to local and Federal law enforcement agencies who held primary responsibility for safeguarding the Vice President, the Members of Congress, and the Capitol complex.

My background is summarized in my written statement, but I served in the Army for over 30 years, including service in the District of Columbia Army National Guard and in units with responsibility for protecting Washington, DC. I have personally led our soldiers, sailors, airmen, and Marines in combat in urban environments.

Following my retirement from the Army as a full colonel, I resumed Government service in a variety of positions in the prior administration, including at the National Security Council, where I focused on defeating al-Qaeda and retooling the Government to address the challenge of domestic terrorism. I was unanimously confirmed by the Senate to serve as the Director of the National Counterterrorism Center.

On November 9, 2020, I was designated as the Acting Secretary of Defense and served in that position until the new administration took office. I'm now a private citizen, but I remain focused on supporting the members of the Armed Forces, veterans, and their families.

As to the events leading up to January 6. On December 31, 2020, Washington, DC, Mayor Muriel Bowser sent a written request to Major General William J. Walker, Commanding General of the District of Columbia National Guard, seeking unarmed National Guard support to the District of Columbia Metropolitan Police Department for planned demonstrations scheduled for 5 and 6 January.

I formally approved the request on January 4, 2021. We received no further request for different or additional support until the Capitol was breached.

I want to highlight. You said in my opening statement, I want to clarify, at 1 p.m.—between 1 p.m. and 1:30 p.m., I noticed that the outer perimeter had been breached, not the Capitol itself. I know that's sometimes difficult to understand, but that's one of the purposes of this hearing today is to make sure we get our lexicon straight.

I want to remind you and the American public that during that time, there was irresponsible commentary by the media about a possible military coup or that advisers to the President were advocating the declaration of martial law. I was also very cognizant of the fears and concerns about the prior use of the military June 2020 response to protests near the White House.

And just before the Electoral College certification, 10 former Secretaries of Defense signed an op-ed published in the Washington

Post warning of the dangers of politicizing and inappropriately using the military. No such thing was going to occur on my watch, but these concerns and hysteria about them nonetheless factored into my decisions regarding the appropriate and limited use of our Armed Forces to support civilian law enforcement during Electoral College certification.

My obligation to the Nation was to prevent a constitutional crisis. Historically, military responses to domestic protests have resulted in violations of Americans' civil rights and even, in the case of the Kent State protests of the Vietnam War, tragic deaths. In short, I fervently believe the military should not be utilized in such scenarios other than as a last resort and only when all other assets have been expended.

On January 6, 2021, 8,000 local and Federal law enforcement officers were on duty in the District of Columbia. I was told during planning sessions that such a force routinely manages demonstrations well north of 100,000 demonstrators. That is what they are trained, equipped, chartered, and expected to do.

Many commentators have mischaracterized my instructions and Army Secretary Ryan McCarthy's accompanying guidance as somehow contributing to the inability of the Guard to respond or, even worse, that those instructions somehow enabled the mob to enjoy an easy path to the Capitol. That is completely false. We did not disarm the National Guard. The request from the Mayor was for unarmed support of local law enforcement, and we authorized the support she and General Walker requested.

At about 2:30 p.m., it became clear to me that local and Federal law enforcement personnel were insufficient to address the situation, and the Department of Defense would be required to play a much larger role in reestablishing order and maintaining security in Washington, DC. At 3 p.m., I approved the activation and mobilization of the full District of Columbia National Guard to assist Capitol Police and the Metropolitan Police Department.

At 5:20 p.m., National Guard personnel arrived at the Capitol and began operations in support of domestic law enforcement entities there. Order was restored by 8 p.m. that evening, and the Electoral College results were certified.

Those of you with military experience or who understand the nature of military deployments will recognize how rapid our response was. Criticism of the military response is unfounded and reflects inexperience with or a lack of understanding of the nature of military operations or, worse, is simply the result of politics. I suspect a combination of both of these factors.

There are complexities to redeploying forces in an urban environment, and again, the critics disregard the subordinate role the military must play in the rare instances it is necessary to use such force to support domestic law enforcement agencies. This isn't a video game where you can move forces with the flick of a thumb or a movie that glosses over logistical challenges and the time required to coordinate and synchronize with a multitude of other entities involved, or with complying with the important legal requirements involved in the use of such forces.

I have been in more crisis situations than I can meaningfully recall. I have personally been in riots, fist fights and brawls, gun-

fights, aircraft mishaps, mortared, rocketed, attacked with improvised explosive devices. And as a leader, I have commanded forces engaged in the most complex and hazardous military activities and operations known to humankind. Good leaders slow things down to plan and then brief their soldiers, ultimately saving time and lives.

Assembling soldiers, equipping them correctly, conducting an abbreviated planning session, and briefing all those involved of their task, mission, purpose, limits, and rules of engagement. Coordinating and synchronizing with the police and other domestic agencies on the ground to guarantee the National Guard's movements supported their efforts. Moving them from the assembly point to the appropriate location and deputizing them by a civilian law enforcement official prior to employing them.

This is not a mere symbolic exercise. It all takes time. It all takes time. I also had the responsibility to the members of our Armed Forces and their families to make sure that when I sent them into difficult situations, I sent them in with a plan to not only succeed, but that would spare them unnecessary exposure and spare everyone the consequences of poor planning or execution.

Our arrival needed to impress upon the mob that the situation had fundamentally changed with the arrival of disciplined, organized, and overwhelming strength so that the balance of power had decisively shifted back in favor of the forces of order, and it was in their best interest to give up and give up quickly. And I believe it did.

Again, anyone familiar with the culture, nature, practices of the military, and the character of military operations in urban environments would understand the enormous accomplishment of the District of Columbia National Guard and Army leadership in responding so effectively and quickly that afternoon. As General Milley correctly assessed, the Chairman of the Joint Chiefs of Staff, the military's response that day, the Department of Defense responded at "sprint speed."

I stand by every decision I made on January 6 and the following days. I want to emphasize that our Nation's Armed Forces are to be deployed for domestic law enforcement only when all civilian assets are expended and only as the absolute last resort.

To use them for domestic law enforcement by any other manner is contrary to the Constitution and a threat to the Republic. I ask you to consider what the response in Congress and the media had been if I had unilaterally deployed thousands of troops into Washington, DC, that morning against the expressed wishes of the Mayor and the Capitol Police, who indicated they were prepared.

I know that the brave law enforcement officers serving on the frontlines on January 6, 2021, did their best to protect the Capitol and the individuals, many of who are on this hearing today, who were in harm's way from a lawless and ignorant mob, acting contrary to nearly two and a half centuries of peaceful and respectful transfers of power under our Constitution. I'm enormously proud of those National Guard soldiers and airmen who selflessly answered the call on January 6, 2021, and in the subsequent weeks to support domestic law enforcement and our Constitution.

Watching them, talking to them, listening to them, and trying to support them as best I could remain the high points of my term

as the Acting Secretary of Defense. They are America's treasure and our true patriots, our true patriots. We must be worthy of their selfless service and sacrifice.

Thank you.

Chairwoman MALONEY. Thank you.

Mr. Rosen, you are now recognized for your testimony. Mr. Rosen?

STATEMENT OF JEFFREY A. ROSEN, FORMER ACTING ATTORNEY GENERAL, DEPARTMENT OF JUSTICE

Mr. ROSEN. Chairwoman Maloney, Ranking Member Comer, and members of the committee, good morning. My name is Jeff Rosen, and from December 24, 2020, to January 20 of this year, I had the honor of serving as the Acting Attorney General of the United States.

I appreciate this opportunity to discuss the actions taken by the Department of Justice on January 6 to help restore order in the Capitol, to enable the completion of Congress' certification of the Electoral College vote, and to begin the process of bringing to justice those who attacked the Capitol.

The events of January 6 were a national travesty and an intolerable attack on our democratic values. To those who risked their safety to protect everyone at the Capitol, I honor your bravery. To the families of the Capitol Police officers or others who were injured that day or died in the wake of the attack, I extend my deepest sympathy. And to all of you and your staff who lived through that day, I share the justified anger at what you endured.

But I also take solace in the fact that our Republic never faltered. Buildings were breached, but the Constitution and our shared values were a bulwark against the violent mob. As set out in my written testimony, the Department of Justice prepared appropriately in the period before January 6, and I'm proud of the Department's response on January 6, when we urgently deployed more than 500 agents and officers from the FBI, ATF, and U.S. Marshals to assist in restoring order at the Capitol.

That included the number-two officials from both DOJ and FBI personally going to the Rotunda while the intrusion was still underway. All of these outstanding men and women from DOJ moved with urgency to assist the Capitol Police in the midst of an unprecedented security breach, and they helped to clear and secure the hallowed epicenter of our representative government.

As to holding the wrongdoers accountable, I'm also extremely proud of the swift action taken thereafter by DOJ personnel and the FBI and the D.C. U.S. attorney's office to investigate and, where appropriate, begin to prosecute those responsible for the disgraceful attack on the Capitol.

I appreciate the importance of today's oversight hearing, and I welcome the opportunity to share with you what I know about the January 6 events in light of my prior role at the Department of Justice. The Justice Department, of course, must always be guided by our Constitution and the rule of law. That is what guided me.

The Department of Justice acted with the utmost integrity and urgency to support our institutions of government to the very best of our abilities when the legislative branch came under attack on

January 6. The violence that occurred at the Capitol on the afternoon of January 6 should never be repeated. As a society, we need to restore greater respect for our Constitution, for our representative form of government, and for the rule of law.

I'll look forward to your questions about January 6 but should note as a threshold matter that there are some unavoidable limitations on the testimony I can provide at this time. For one, my access to information is limited because I am no longer with the Department of Justice. Further, while the events of that day will be with me forever, my memory is unlikely to be perfect, as I'm sure for all of us, there are some aspects that are seared in memory and others that have become a blur.

Moreover, I have been authorized by the Department of Justice to testify here today only on certain topics within the scope of today's hearing as I'm bound as a lawyer and the former—and as a former Cabinet officer of the executive branch to maintain some kinds of information in confidence and also must avoid making any statements that could interfere with the numerous ongoing investigations and prosecutions of individuals involved in the events of January 6.

I appreciate your patience and understanding as to those, as I will otherwise do my best to address the events of January 6 as I saw them.

With that, thank you for inviting me today, and I'll look forward to your questions.

Chairwoman MALONEY. The gentleman yields back.

And our next appointed speaker is Mr. Contee.

**STATEMENT OF ROBERT J. CONTEE III, CHIEF,
METROPOLITAN POLICE DEPARTMENT**

Chief CONTEE. Good morning, Chairwoman Maloney, Ranking Member Comer, and members of the committee. I am Robert J. Contee III, chief of police of the Metropolitan Police Department, the primary police force in the District of Columbia.

I appreciate this opportunity to brief you on the events of January 6, 2021, a dark day for our country. It is critically important that we, Members of Congress, District leaders and residents, and all Americans find answers to questions about the 6th. I'll relate to you the facts as we know them at this time, based on the point of view of the Metropolitan Police Department and the government of the District of Columbia.

As with any event with multiple agencies, thousands of people, and almost as many cameras as people, there will inevitably be several perspectives and possibly inconsistencies that would need to be aligned as more information is gathered. I would like to begin by highlighting a few key facts to ensure the committee and the audience understand the very different roles of Mayor Muriel Bowser and the District of Columbia, including MPD, and those of congressional and Federal authorities.

First, the MPD is prohibited from entering the Capitol or its grounds to patrol, make arrests, or serve warrants without the consent or request of the Capitol Police Board.

Second, unlike any other jurisdiction in the country, the President of the United States—not the Mayor of the District of Colum-

bia—controls the D.C. National Guard. Any request submitted by the Mayor to mobilize the D.C. National Guard must be approved by the President, and the scope of the request must be limited to supporting the District's local jurisdiction and authority, which excludes Federal entities and property. A request for the Guard's assistance at the Capitol or its grounds would have to be made by Capitol Police, with the consent of the Department of Defense.

Third, since Mayor Bowser declared a public health emergency in March 2020, the District of Columbia has not issued permits for any large gatherings. On the morning of January 6, MPD was prepared to support our Federal partners with a First Amendment assembly that was held primarily on Federal land, while continuing to patrol and respond to calls for service throughout city neighborhoods.

In preparation for the anticipated demonstrations and the possibility of violence on city streets, the department was fully deployed on 12-hour shifts the week of January 4, with days off and leave canceled. Our Federal partners each had their primary areas of responsibility. The Secret Service was focused on the security of the former President and the White House area. Park Police was focused on the Ellipse and the National Mall. And Capitol Police had responsibility for the Capitol, including both the building and grounds.

At Mayor Bowser's request and in advance of the scheduled demonstrations, mutual aid was requested from several area police departments to be on standby in the District, and more than 300 members of the D.C. National Guard were deployed on District streets, providing traffic control and other services, to allow MPD to support the First Amendment assembly and continue to provide services to D.C. neighborhoods. What follows is a brief outline of MPD's role in these events.

At about 12:45 p.m., the first of two pipe bombs were found. The first one at the Republican National Committee headquarters. The second was found about 30 minutes later at the Democratic National Committee headquarters. MPD responded to the scenes for the pipe bombs to assist the Capitol Police.

At 12:58 p.m., Chief Sund asked for MPD's assistance to address the growing violent mob at the Capitol. Officers were immediately authorized to deploy to the West Front of the Capitol and arrived within minutes. Our members arrived at a chaotic scene. The violent mob quickly overran protective measures at the Capitol prior to the arrival of MPD officers at the West Front.

MPD platoons immediately began working to achieve our objectives. One, stop rioters from entering the Capitol building and remove those that were already inside. Two, secure a perimeter so that the Capitol could be cleared for lawmakers. Three, enable Congress to resume their sessions to demonstrate to our country and the world that our democracy was still intact. And four, last, only once the third objective had been accomplished, begin making arrests of anyone violating the law.

At 2:22 p.m., a call was convened with, among others, myself, leadership of the Capitol Police, the D.C. National Guard, and the Department of the Army. On this call, the Capitol Police chief made an urgent request for support from the National Guard due

to the dire situation we were facing. In the meantime, by 2:30 p.m., the District had requested additional officers from as far away as New Jersey and issued notice of an emergency citywide curfew beginning at 6 p.m.

The seven hours between the urgent call for help from the Capitol Police to MPD and the resumption of work at 8 p.m. by both houses of Congress will be forever etched in the memories of every law enforcement officer who was on the scene, and it is undoubtedly in the minds of the elected officials, congressional staff, and other Capitol employees who were forced to seek safety behind locked doors.

Other harm from this traumatic day will be widely felt, but possibly unacknowledged. Law enforcement training neither anticipates nor prepares for hours of hand-to-hand combat. Even brief physical fights are physically and emotionally draining.

In closing, I appreciate the opportunity to highlight the heroism of MPD officers and all of the law enforcement officers who responded to the Capitol and put their lives on the line to protect the Capitol, Congress, and our democracy. But to ensure the continued safety of the District and its residents, the Federal enclave, MPD officers, and others, we must be frank in looking at several critical issues.

The Federal police forces in D.C. are reexamining their security protocols, given the risks of both foreign and domestic terrorism. As the chief of the District's municipal police force, I must think about our preparations not only for possible attacks, but the daily impact of the changing operations of our Federal partners. As they harden targets in the Federal enclave, other buildings in the city under MPD jurisdiction may become more likely targets.

Thank you again for the opportunity to brief you today. I'll be happy to answer questions as we try to come to terms with January 6.

Thank you.

Chairwoman MALONEY. Thank you. And I now recognize myself for questions.

On January 6, Congress was fulfilling its constitutional duty to certify the results of the Presidential election when Vice President Pence, Speaker Pelosi, and other Members of Congress had to be quickly evacuated because a violent mob had breached the Capitol.

Mr. Miller, you were the Acting Secretary of Defense on January 6. Did President Trump, as the commander-in-chief of the U.S. Armed Forces, call you during the January 6 attack to ensure the Capitol was being secured? Mr. Miller?

Mr. MILLER. No, I had all the authority I needed from the President to fulfill my constitutional duties.

Chairwoman MALONEY. Did you speak with President Trump at all as the attack was unfolding?

Mr. MILLER. On January 6?

Chairwoman MALONEY. Yes.

Mr. MILLER. No, I did not. I didn't need to. I had all the authority I needed and knew what had to—I knew what had to happen.

Chairwoman MALONEY. Did you speak with Vice President Pence during the attack, yes or no?

Mr. MILLER. Yes.

Chairwoman MALONEY. According to a Defense Department timeline, it was Vice President Pence, and not President Trump, who called during the siege to say the Capitol was not secure and to give you the direction to “clear the Capitol.” What specifically did Vice President Pence say to you that day?

Mr. MILLER. The Vice President is not in the chain of command. He did not direct me to clear the Capitol. I discussed very briefly with him the situation. He provided insights based on his presence there, and I notified him or I informed him that by that point, the District of Columbia National Guard was being fully mobilized, and it was in coordination with local and Federal law enforcement to assist in clearing the Capitol.

Chairwoman MALONEY. According to the DOD timeline, the Vice President’s call to you occurred at 4:08 p.m., more than two hours after the Capitol had been breached. Yet according to this timeline, it was not until after your call with the Vice President at 4:32 p.m. that you authorized D.C. National Guard troops to deploy to the Capitol.

Did you issue your order in response to the Vice President’s call?

Mr. MILLER. No. I issued the order to mobilize the District of Columbia National Guard and provide all necessary support to civilian and local and Federal law enforcement at 3—I gave approval at 3 p.m., and the order was issued at 3:04 p.m.

Chairwoman MALONEY. Well, Mr. Miller, your order to deploy came only 24 minutes after the Vice President called you, and your testimony is that they are unrelated. Do I have that right?

Mr. MILLER. I’m sorry. You’re going to have to say that again.

Chairwoman MALONEY. That is hard for me to believe, but I am going to move on.

Mr. MILLER. No, I—what’s the question, ma’am?

Chairwoman MALONEY. Mr. Rosen, let me—excuse me. Mr. Rosen, let me now turn to you. You were the Acting Attorney General on January 6, and you reported directly to the President. Did you speak to President Trump at all on January 6?

Mr. ROSEN. No, I did not. I did not require any authorities that the Department didn’t already have.

Chairwoman MALONEY. Well, I think that the lack of direct communication from President Trump speaks volumes. President Trump swore an oath to protect the Constitution and to faithfully execute his duties as commander-in-chief. But when his supporters attacked our Nation’s Capitol, the President was nowhere to be found, leaving it to others to scramble to respond.

I would like to close with a few simple questions. Mr. Rosen, you were the head of the Justice Department on January 6. Do you believe the 2020 Presidential election was stolen from President Trump?

Mr. ROSEN. Chairwoman Maloney, I addressed that issue in my written statement, and I don’t really have anything beyond that other than to say that there was no evidence presented of widespread fraud of a sufficient scale to overturn the election.

Chairwoman MALONEY. And Mr. Miller, based on his actions leading up to January 6 and on the day of the attack, do you believe President Trump fulfilled his oath to faithfully execute his du-

ties as President and to preserve, protect, and defend the Constitution?

Mr. MILLER. Yes.

Chairwoman MALONEY. Well, I think the evidence is clear. The President refused to lift a finger to send aid after he incited a violent rebellion against our Republic. The President, therefore, betrayed his oath of office and betrayed his constitutional duty.

My time has expired, and I now recognize the gentleman from Arizona, Mr. Gosar.

Mr. GOSAR. Thank you, Madam Chairwoman.

Outright propaganda and lies are being used to unleash the national security state against law-abiding U.S. citizens, especially Trump voters. The FBI is fishing through homes of veterans and citizens with no criminal records and restricting the liberties of individuals that have never been accused of a crime.

Mr. Biden calls January 6 the worst attack since the Civil War. A President was impeached for his alleged role in that riot. It was reported early, totally unconfirmed, that an armed insurrection “beat a police officer to death with a fire extinguisher.”

The Government has even enlisted Americans to turn in their own neighbors. Federal prosecutor Michael Sherwin on CBS News’ “60 Minutes” continued the “shock and awe” strategy. Many of my Democrat colleagues opposed the “shock and awe” strategy in Iraq. We should similarly oppose its application against American citizens.

Mr. Rosen, you claimed that the DOJ would “spare no resources.” Mr. Rosen, did the DOJ confiscate any firearms from suspects charged with breaching the Capitol on January 6?

Mr. ROSEN. Congressman, as I alluded to in my opening remarks, there are certain limitations about pending investigations and prosecutions—

Mr. GOSAR. I would—Mr. Rosen, I will be looking forward to asking that question of people that can answer it from Capitol Police and the FBI. But the answer is no. Zero firearms from suspects charged with breaching the Capitol.

Mr. Rosen, was Officer Sicknick killed by rioters with a fire extinguisher?

Mr. ROSEN. Congressman, Officer Sicknick was there acting in the line of duty and went into harm’s way, and I think, as others have said, he acted as one of many heroes on that day.

Mr. GOSAR. Mr. Rosen? I don’t take a hero lightly. He did heroically, but he died of natural causes.

Mr. Rosen, was a single individual at or outside the Capitol on January 6, have they been charged with the crime of insurrection?

Mr. ROSEN. Again, if you’re asking me about charges that were either made, pending, or being investigated, I’m sorry. I’m just not in the position to address those.

Mr. GOSAR. Mr. Rosen, once again—once again, Mr. Rosen, to my knowledge, not a single person has been charged with a crime of insurrection.

Mr. Rosen, do you recall the name of the young lady, a veteran wrapped in an American flag, that was killed in the U.S. Capitol?

Mr. ROSEN. I do. Her name was Ashli Babbitt.

Mr. GOSAR. Yes, Ashli Babbitt. Was Ashli Babbitt armed?

Mr. ROSEN. Again, Congressman, I mean to be respectful of your observations, but I just—

Mr. GOSAR. No, Mr. Rosen—

Mr. ROSEN [continuing]. Don't want to talk about individual situations or—

Mr. GOSAR. Mr. Rosen, reclaiming my time. Mr. Rosen, no, she wasn't. She was wrapped in a U.S. flag.

Was the death of Ashli Babbitt a homicide?

Mr. ROSEN. Congressman, I'm not trying to be unhelpful here, but I just cannot comment.

Mr. GOSAR. I understand. I understand. But I mean, reclaiming my time, as the death certificate says, it was a homicide.

Who executed Ashli Babbitt?

Mr. ROSEN. Congressman, I'm just going to have to say the same thing here that I don't want to get into the specific facts of investigations—

Mr. GOSAR. Thank you very much. Thank you very much. I appreciate it.

Now, Chief Contee, what are the rules of engagement at the D.C. protests?

Chief CONTEE. At D.C. protests, sir?

Mr. GOSAR. Yes.

Chief CONTEE. The only time that we engage, we don riot gear, that kind of thing, is when—in situations where there is an actual attack that's going on, sir. I'm not sure of that question.

Mr. GOSAR. I appreciate you, and thank you for your service.

Madam Chairwoman, my constituents demand answers, but the truth is being censored and covered up. As a result, the DOJ is harassing peaceful patriots across the country. Without accurate answers, conspiracies continue to form.

Russia hoax promoter, riot enabler, and Washington State Representative Pramila Jayapal, who objected to the electors in 2016 without the required support of a Senator, filed an ethics complaint against me for following the law under 3 U.S.C. Code 15, the Electoral Count Act, which she, herself, failed at in 2016.

Thirty-three of my Democratic colleagues even wildly speculated that Republican Members of Congress gave reconnaissance tours to protesters, offering no proof whatsoever. I have repeatedly asked for the Capitol footage from before and during January 6. Such footage would provide answers, could contain exculpatory evidence regarding the outrageous accusations against Member of Congress, and most importantly, exonerate the many Americans who peacefully protested and never set foot in the Capitol.

Mr. Rosen, wouldn't you agree that the security footage of a public building, of public officials, paid for by public taxpayers, potentially containing exculpatory evidence should be provided to public defenders?

Mr. ROSEN. Congressman, I'm just going to have to refer to my opening remarks again, that there are some limitations I have here today.

Mr. GOSAR. Well, I—I do, and I believe the American public should see that footage.

Madam Chairwoman, I and the American people commend you for holding this hearing. If my Democratic colleagues really want

the truth, they would join me in demanding the release of these Capitol surveillance footage on and the proceedings of January 6.

I yield back. Thank you.

Chairwoman MALONEY. The gentleman yields back. I now recognize the gentlewoman from the District of Columbia, Ms. Norton. You are now recognized for five minutes.

Ms. NORTON. Thank you very much, Madam Chair. I very much appreciate your holding this hearing so that we can bring out the role of the respective parties, and I appreciate, Madam Chair, that you praised the role of the D.C. Police Department, which needs to come out at this hearing.

My questions are for Chief Contee, who illuminated that role in his testimony and who noted that the MPD cannot enter the Capitol without the permission of the Capitol Police Board, and yet the D.C. Police Department played a historic role in putting down the insurrection and saving the lives, by the way, of Members of Congress, of staff, of employees, and I would say, indeed, of democracy itself.

It should be noted that they have been repaid by Republicans who voted unanimously against my D.C. Statehood bill, which is moving along quite well notwithstanding, and the District meets all the traditional elements that Congress has considered in admitting new states. Surely the role of the MPD on January 6 supports our bill for D.C. Statehood.

Chief Contee, I would like to ask you about two bills, which can be implemented without statehood. My D.C. National Guard Act would give the D.C. Mayor control over the D.C. National Guard.

Now we know that the governors of the states and even of the territories control their National Guards, but the President controls the D.C. National Guard. If the D.C. Mayor, Chief Contee, had control over the D.C. National Guard on January 6, do you believe that the D.C. National Guard would have been deployed to the Capitol earlier than it was on January 6?

Chief CONTEE. Yes, I do believe that.

Ms. NORTON. I think we see that in your deployment when things got out of control and the Mayor was finally able to send you to the Capitol.

Chief Contee, my D.C. Police Home Rule Act would repeal the President's authority to Federalize the D.C. Police Department. Now the President doesn't have the authority to Federalize any other state or local police department. During protests in D.C. after the murder of George Floyd, the Trump administration threatened to Federalize the D.C. Police Department.

Chief Contee, do you think the President should have the authority to Federalize the D.C. Police Department?

Chief CONTEE. No, I do not.

Ms. NORTON. Whose authority should—in whose hands should the authority over the D.C. Police Department be, even without statehood?

Chief CONTEE. The Mayor of the District of Columbia.

Ms. NORTON. Madam Chair, it is long past time for Congress to give the D.C. Mayor control over the D.C. National Guard and to repeal the President's authority to Federalize the D.C. Police De-

partment. I believe the events of January 6 spell that out completely, and I thank you and yield back.

Chairwoman MALONEY. The gentlelady yields back. We are now recognizing the gentleman from Georgia, Mr. Hice. Mr. Hice is recognized for five minutes.

Mr. HICE. Thank you, Madam Chair. I would like to take time to comment—let me mute this. There we go.

I would like to take some time to comment on how the media and many Democrats have put forth a narrative that has been circulating around since January 6 and has never been corrected. For example, the narrative that President Trump incited the riots on January 6, I don't even understand, Madam Chair, why you, yourself, don't speak the truth as to what President Trump actually stated.

And what he said on the morning of January 6, he said that "I know that every one of you will soon be marching over to the Capitol building to peacefully and patriotically make your voices heard today." Madam Chair, why don't you talk about how the President used those words "to peacefully and patriotically" instead of cherry-picking words that you want to use to portray an image of something that did not happen.

The timeline of what happened on January 6, and these are approximate times, but the best that we have been able to gather. In the ballpark of noon, President Trump began his speech. At about 12:45 p.m., violent protesters started arriving at the Capitol.

Now let us keep in mind that the location where the President started his speech, where the speech took place, it is a 45-minute walk from that location to the Capitol. So if the individuals who were at the speech were involved, they would have had to leave before President Trump even started his speech. He started speaking at 12 p.m. 12:45 p.m., the violent protesters arrive at the Capitol.

Around 1 p.m., the Capitol is overrun, and there are efforts to make a call to the National Guard. Between 1:10 p.m. and 1:15 p.m., President Trump ends his speech and tells attendees to peacefully and patriotically make their voices heard at the Capitol. About 1:50 p.m., the Capitol is breached.

Now in this timeline, it would have been about 2 p.m. before the earliest attendees of Trump's speech could have arrived at the Capitol. So the Capitol is attacked at the right—shortly after the President begins his speech. It is breached before individuals could have gotten there. Where is the real narrative in all of that?

Another narrative I want to bring up is that the media claims that the tragic death of Officer Brian Sicknick was a result of pro-Trump mobs bashing his skull with a fire extinguisher, which we all know now did not happen. Officer Sicknick, his autopsy revealed that he suffered no blunt trauma. In fact, his mother has since come out saying he died of a stroke. In fact, it was Trump supporters who lost their lives that day, not Trump supporters who were taking the lives of others.

You go down the list here. Ashli Babbitt was shot and killed by a Capitol Police officer. Kevin Greeson suffered a heart attack. Rosanne Boyland reportedly was crushed by rioters. And Benjamin Philips died of a stroke.

So the narrative needs to be cleared up. The truth matters.

I would also like to discuss what we know about those who were present on the day of the riots that took place. I actually have here something that was sent to me by an individual who was present. He said, "It was a beautiful day, peaceful, faith-filled support for free elections. When agitators rolled in and began to coordinate a very different agenda, I could see that their spirit was not the same. They were forceful and angry. They were physically disguised, but they could not disguise their spirit. They had tactical gear, walkie-talkies, gas masks, and a plan. I was close and got tear-gassed. I saw these agitators from 6 feet away. Make no mistake about it. I was there."

We have heard reports of buses of these individuals rolling up. Who were they? Where is the information about these individuals who rolled up? We saw reports of John Sullivan on CNN disguising himself as a reporter, which he was not. It was later found out that he is founder of Insurgent USA. He was involved in insurgent activity, inciting violence. Why is that type of thing not reported?

I see my time is running out, but it is unfortunate that Mayor Bowser is not here today. I have a letter from her urging no support from the National Guard, and what little support they got, she wanted it for mere crowd control rather than stopping the incidents that were taking place. She should be here today testifying before us. It is extremely irresponsible, in my opinion, that she is not here. It is time that we get to the truth, that we start telling the truth, and we stop creating a narrative that is untrue and misleading to the American people. And with that, I yield back.

Chairwoman MALONEY. The gentleman yields back.

The gentleman from Massachusetts, Mr. Lynch, is recognized for five minutes.

Mr. LYNCH. I thank the gentlelady for yielding, and I thank the chair for having this hearing.

I find it hard to believe the revisionist history that is being offered by my colleagues on the other side. It is not a 45-minute walk from the Ellipse to the Capitol. You would think that the gentleman has probably taken that walk himself several times. It is several blocks. And so it just collapses the entire scenario that he has put forward.

But, Mr. Miller, I live near the Capitol, and on January 5 and January 6, I had an opportunity to walk through the crowds. They gathered on the 5th and then grew considerably during the 6th. And my personal observation was that the crowds on the 5th, January 5, were relatively peaceful. I walked in and among them, and then again on the morning of the 6th, the business of Congress, we were compelled to walk back and forth through these crowds as they gathered around the Capitol.

What struck me, though, was after President Trump's speech and how the crowd changed, the mood of the crowd changed after those remarks. And in addition to what he said about initially a peaceful protest, also in those same remarks that the gentleman from Georgia neglects to repeat, is he said, "You better get up to the Capitol and fight like hell or you are not going to have a country anymore." And that is when the mood changed in that crowd.

Mr. Miller, you had some opportunity to comment on that. Let me ask you, you have already done this in an interview with Vice,

but, but for President Trump's speech, do you think anyone would have marched on the Capitol and tried to overrun the Capitol without the President's remarks? I know you have answered this question several times, but I would like for you to answer it for the committee.

Mr. MILLER. I think I'd like to modify my original assessment. Based—

Mr. LYNCH. Why am I not surprised about that? Go ahead.

Mr. MILLER. Based on, as Chief Conte said, we are getting more information by the day, by the minute, about what happened, and to highlight some other observations that were made, it's clear now that there were organized—although we're going to find out through the Department of Justice process and the legal system, it seems clear that there was some sort of conspiracy where there were organized assault elements that intended to assault the Capitol that day. So—

Mr. LYNCH. Reclaiming my time, I am just asking you the same question you have answered before. Did the President's remarks incite members to march on—people in the crowd to march on the Capitol or did they not?

Mr. MILLER. Well, he clearly offered that they should march on the Capitol, so it goes without saying that his statement resulted in that. The question that—

Mr. LYNCH. OK. I am reclaiming my time. Let me just share—

Mr. MILLER [continuing]. I was trying to answer—

Mr. LYNCH. Let me just share with the committee what you have said before. This is your quote. This is your quote. "Would anybody have marched on the Capitol and tried to overrun the Capitol without the President's speech?" "I think it is pretty much definitive that would not have happened."

Mr. MILLER. I think now I would say that—

Mr. LYNCH. In your written testimony—

Mr. MILLER [continuing]. That was not the unitary factor at all.

Mr. LYNCH. What is that?

Mr. MILLER. I would like to offer—I have reassessed. It is not the unitary factor at all. It seems clear there was an organized conspiracy with assault elements in place—

Mr. LYNCH. In your written testimony for today—

Mr. MILLER [continuing]. Going to assault regardless of what the President said.

Mr. LYNCH. Reclaiming my time again, for your written testimony for today, for today, this morning, you stated the following about the President's quote: "I personally believe his comments encouraged the protesters that day." That was this morning—

Mr. MILLER. That's a fair statement—

Mr. LYNCH. So this is a—

Mr. MILLER. There's a—

Mr. LYNCH [continuing]. Very recent reversal of your testimony.

Mr. MILLER. Absolutely not. That's ridiculous.

Mr. LYNCH. You are ridiculous.

Mr. MILLER. Thank you for your thoughts. I also want to highlight that the—

Mr. LYNCH. No, wait a minute. Reclaiming my time, reclaiming my time, you also said, and I quote, "The question is did he know

he was enraging the people. That is a different matter." And I understand your reluctance to try to portray what was in the President's mind. But in multiple occasions, your testimony, both written and oral, you said that—you said—and, again, without the President's speech, people would not have marched on the Capitol and tried to overrun the Capitol, and that you wrote this morning, "I personally believe his comments encouraged the President that day." So you understand—

Mr. MILLER. There's a difference—

Mr. LYNCH [continuing]. How not believable your new testimony, your new version of testimony that was apparently created between the time you wrote your testimony this morning and when you came before the committee today.

Mr. MILLER. There's a difference—

Mr. LYNCH. I yield back.

Mr. MILLER [continuing]. Between marching on the Capitol and assaulting the Capitol.

Chairwoman MALONEY. The gentleman's time has expired. You may answer. What?

Mr. MILLER. There's a difference between marching on the Capitol and assaulting the Capitol. That's the delineation I'm trying to make, despite the partisan attack that I just was subjected to.

Chairwoman MALONEY. The gentleman's time has expired. The gentleman yields back.

The gentleman from Ohio, Mr. Gibbs, is recognized for five minutes.

Mr. GIBBS. OK. I was not ready for that. First of all, thank you for holding the hearing. I want to associate some of my—with my colleague Mr. Hice on the timeframe. I think he made a lot of sense.

I am trying to understand—well, first of all, Madam Chair, I think we should have had somebody from the Capitol Police Board maybe to testify, too. But, anyways, we have these pipe bombs, Chief Contee. That were placed at the RNC and DNC headquarters. Obviously, to me, that was a preplanned attack. Would you agree? And, also, when you responded to these pipe bombs and doing the investigation, do you know what their motivations were? Could you identify who the perpetrators were?

Chief CONTEE. Yes, to answer your question, I do think that these things were preplanned. We know through investigation that these devices were set out there or positioned out there by a lone individual. In terms of just our response to that, you know, the Metropolitan Police Department responded along with other Federal assets to the threat, to mitigate the threat that we were facing at that time.

Mr. GIBBS. Do you know if this individual or individuals had any contact or coordination with the people that entered the Capitol?

Chief CONTEE. No, sir. At this point we do not know that. No one has been apprehended. That investigation continues on.

Mr. GIBBS. The people that illegally entered the Capitol, I have seen some reports; it looked like a lot of them had military-type apparel on, gas masks, and so forth, things like that. Is that correct?

Chief CONTEE. That is accurate, sir, yes.

Mr. GIBBS. So you would have to, I guess, come to the conclusion that that was a preplanned, you know, initiative before January 6. Would you concur?

Chief CONTEE. Yes. You know, we've seen individuals who wear protective gear to demonstrations when they attempt to negatively engage law enforcement. But in this one, with the tactical gear and certainly with the helmets, there were certainly some thoughts that things were going to be bad there.

Mr. GIBBS. Also, an FBI report I believe—I think maybe three days before or the day before, about possible violence at the Capitol. Was your department notified? Were you aware of that?

Chief CONTEE. No, sir, not three days before. If you're talking about the intelligence bulletin from Norfolk, no, sir.

Mr. GIBBS. You had notification the day before or not?

Chief CONTEE. No, sir. And I think my previous testimony at another hearing we kind of addressed this issue, but the notification was sent through—it was basically sent through an email. It was emailed to various agencies within the intelligence network, but I personally did not receive—

Mr. GIBBS. Did the Capitol Police have notification, are you aware of or not?

Chief CONTEE. I found out later on that Capitol Police, they did have some information, but this was after January 6 occurred.

Mr. GIBBS. OK. I guess for the other witnesses, you know, there was chatter—apparently there was chatter going around on social media that there—even days before of organization or coordination. Is Attorney General, Mr. Rosen, aware, was there any chatter that the Department of Justice was aware of before—days before January 6?

Mr. ROSEN. Congressman, FBI Director Wray has addressed this in a previous hearing and I gather will again, so let me address it maybe at a high level. There were very robust mechanisms for looking for such things, but the Bureau has to try to sort out what is aspirational versus what is real and corroborated and verified. But they had a mechanism with the police forces and with the other Federal partners to share information. My understanding is that information was shared in a timely way.

Mr. GIBBS. You think Big Tech could have had a role to help surface that information out or not?

Mr. ROSEN. Well, I think, again, I'd probably direct you to the FBI for more specifics about this, but it's often the case that they seek assistance from private sector counterparts as well.

Mr. GIBBS. OK. Thank you. And I guess I am out of time. I yield back.

Chairwoman MALONEY. The gentleman yields back, and the gentleman from Virginia, Mr. Connolly, is now recognized for five minutes.

Mr. CONNOLLY. Thank you, Madam Chairwoman.

The January 6 insurrection was fueled by a big lie, fueled and peddled by the President of the United States, Donald Trump. Mr. Rosen, in your written testimony you say the Department of Justice did not act on election fraud claims because the Department had not seen evidence of widespread fraud, and that you were committed to an orderly and peaceful transfer of power. Is it correct

that the Department also declined to appoint any special prosecutors, file any lawsuits, or make any public statements questioning the results of the 2020 election?

Mr. ROSEN. That's correct.

Mr. CONNOLLY. Prior to January—and I think that is important for the record. These myths that are being perpetrated by some amongst us that there was widespread fraud is simply not borne out by the actions and decisions made by the Department of Justice in the Trump administration itself.

Mr. Rosen, prior to January 6, were you asked or instructed by President Trump to take any action at the Department to advance election fraud claims or to seek to overturn any part of the 2020 election results?

Mr. ROSEN. Well, Congressman, as I just alluded to in your prior question, I can tell you what the actions of the Department were or were not—

Mr. CONNOLLY. No, sir. No, sir.

Mr. ROSEN [continuing]. The outcome was. I cannot tell you—

Mr. CONNOLLY. Mr. Rosen, Mr. Rosen—

Mr. ROSEN [continuing]. Consistent with my obligations today, about private conversations with the President one way or the other.

Mr. CONNOLLY. We had an unprecedented insurrection that led to seven deaths, five here and two suicides, and you are saying this is a privileged communication?

Mr. ROSEN. I'm saying that my responsibility is to tell you about the role of the Department of Justice—

Mr. CONNOLLY. No, sir.

Mr. ROSEN [continuing]. And the actions we took.

Mr. CONNOLLY. Your responsibility is to be accountable to the American people and this Congress. I cannot imagine a more critical question. Did you have conversations prior to January 6 with the President of the United States urging you to question or overturn or challenge the election results of 2020? That is a simple question. And, by the way, no executive—

Mr. ROSEN. Well—

Mr. CONNOLLY. No executive privilege has been invoked prior to this hearing and your testimony, and you have known you were coming here for over a month.

Mr. ROSEN. Congressman, respectfully, I understand your interest in the issue, and I've tried to be as forthcoming as I can with regard to the facts at the Department of Justice. When you ask me about communications with the President, I as a lawyer don't get to make the decision on whether I can reveal private conversations. Other people make that decision. And I've been asked today to stick to within the ground rules that I have to abide by, so that is—

Mr. CONNOLLY. By whom?

Mr. ROSEN [continuing]. What I have to do. I'd be happy to check and get back to you.

Mr. CONNOLLY. That would be great, because I think the American people are entitled to an answer, Mr. Rosen. And I think you and I as public servants have an obligation.

Did you meet with the President at the White House on January 3?

Mr. ROSEN. I did.

Mr. CONNOLLY. You did. But you decline to talk—you decline to tell us what the nature of that conversation was about. Is that correct?

Mr. ROSEN. I can tell you it did not relate to the planning and preparations for the events of January 6.

Mr. CONNOLLY. Can you tell us whether in any aspect it involved a discussion about the election itself?

Mr. ROSEN. I'm sorry, Congressman. Again, respectfully, I don't think it is my role here today to discuss communications with the President in the Oval Office or the White House without authorization to do that. So I've tried to be as forthcoming as I can be and will continue to do, but that one I'm not going to be able to answer your question.

Mr. CONNOLLY. Mr. Rosen, before January 3, that meeting you confirm you did have with the President, Jeffrey Clark, your subordinate at DOJ, reportedly told you that your days as Acting Attorney General were numbered and that DOJ was going to stop Congress from certifying the election results. Is that true?

Mr. ROSEN. Congressman, the items you are talking about I have seen media accounts of, as I am sure you have. But that set of—episode, if you will, is the subject of an Inspector General investigation, and so I'm just not going to be in a position to discuss that.

Mr. CONNOLLY. So you are not going to talk about a meeting you confirm you had with the President. I guess you are claiming executive privilege, even though you have not invoked executive privilege formally to the committee prior to your appearance. And now you are arguing that because of a pending IG investigation, an explosive report reportedly about a conversation you had with Mr. Clark informing you your days were limited and there was going to be an attempt to overturn the results of the election, you are not going to discuss because it is the subject of an IG report. Is that correct?

Mr. ROSEN. Congressman, both the Department of Justice and my own counsel had conversations with the committee about the ground rules for my appearing today. So I am going to conduct myself in accordance with the responsibilities that I have and the ground rules that were discussed.

Mr. CONNOLLY. Well, it is the privilege of any member of this committee to ask a question, Mr. Rosen, and it is also—there is also a formal process for invoking executive privilege, which you have, in fact, not invoked.

Let me just say, Madam Chairwoman, I disavow comments made previously during this hearing about the nature of the insurrection. Rewriting history serves no purpose other than to cover up the violence and the brutality that we experienced and that was exhibited on January 6, a shame for America, a shame for this Congress, and revisionist history serves no purpose but to cover that up and protect that brutality and that violence. I yield back.

Chairwoman MALONEY. The gentleman yields back.

The gentleman from Ohio, Mr. Jordan, is now recognized for five minutes.

Mr. JORDAN. Thank you, Madam Chair.

Mr. Rosen, four years ago, on January 6, 2017, was it appropriate for Democrats to object to the 2016 Presidential election results?

Mr. ROSEN. Congressman, I think the things that are appropriate or inappropriate for Congress to do are that they—all members, of course, and all the rest of us have to adhere to the Constitution. And so I'm going to say that that's an issue for you as Members of Congress to assess.

Mr. JORDAN. Well, now, you are former Acting Attorney General, and we appreciate your service to the country. I am just asking, was it OK for them—they told us we are not allowed to object, we were not allowed to object on January 6, 2021. In fact, you are not even allowed to cosponsor legislation that Democrats introduce if you did object to accepting and counting the electors on January 6, 2021. I just want your thoughts on was it OK for Democrats to do that on January 6, 2017.

Mr. ROSEN. What I would hope is people of all parties, all political perspectives, would respect the Constitution, our system of Government, and the rule of law.

Mr. JORDAN. And does the Constitution allow members to object to the Electoral College results on January 6 after a Presidential election?

Mr. ROSEN. My understanding is that it does.

Mr. JORDAN. It does, right. And Democrats did it. I mean, we had Jim McGovern, the Democrat chairman of the Rules Committee, he objected to the very first state called. He objected to Alabama back on January 6, 2017, a state President Trump won by 30 points. Mr. Raskin objected to Florida. Ms. Waters objected to Wyoming, maybe the only state that President Trump won by more than he won Alabama. She objected to Wyoming. And you are saying that was OK for Democrats to do. Mr. Rosen, that was fine?

Mr. ROSEN. Oh, I'm sorry, Congressman. I did not understand if you were asking me to respond to that. Again, I mean, I think Members of Congress should—

Mr. JORDAN. So is it OK for Jim McGovern, a Democrat Member of Congress, to object to Alabama on January 6, 2017? Is that all right? He's allowed to do that, right?

Mr. ROSEN. I think if members are adhering to their constitutional rights and roles and responsibilities, you know, that's, again, a question for all the folks in Congress to assess.

Mr. JORDAN. And Ms. Waters can object to Wyoming even though President Trump won Wyoming by like 40 points? She can object to that if she wants to, right?

Mr. ROSEN. Well, at least the Constitution allows Members of Congress to raise objections.

Mr. JORDAN. Yes. We have heard a lot of talk from the Democrats about revisionist history and the big lie. I just think it is important that—we have had members, Democrat Members of Congress tell us that we were not allowed to object, that somehow we were trying to overturn the will of the American people, even though we objected to states like Pennsylvania, for example, where they, I believe in an unconstitutional fashion, changed their election laws in the run-up to the election, but somehow they are al-

lowed to object to Alabama, they are allowed to object to Wyoming, they are allowed to object to Florida, but we are not allowed to object. I fail to see the logic there.

How about the previous gentleman from Virginia talked about brutality, talked about—I just want to read you a couple statements here—well, no, let me ask you this question first: Was the 2016 election stolen?

Mr. ROSEN. I do not know of evidence that would say it was. I think you're alluding to a troublesome thing about the legitimacy of our past elections, sometimes governors' races being called into question. And I think it's really necessary and important for all of us to find ways to restore our citizens' faith in the electoral process and in our representative system of Government.

Mr. JORDAN. Secretary Clinton said on May—speaking in May 2019, “You can run the best campaign. You can even become the nominee, and you can have the election stolen from you.”

September 2019, she said on CBS' “Sunday Morning” that President Trump was an illegitimate President.

On October 2020, just a month before our last Presidential election, she was referring to the 2016 Presidential election, and she said it was stolen from her. Is she wrong?

Mr. ROSEN. She is wrong.

Mr. JORDAN. Yes, she is wrong, because the election was valid in 2016. President Trump won. So when we talk about revisionist history that we have heard from the Democrats and we talk about the big lie, their nominee as recently as last October was saying the election in 2016 was stolen. They can object to Alabama, they can object to Wyoming, they can object to states in 2017, but we are somehow not allowed to object to anything, raise points about the 2020 election. I just—it is not about revisionist history. It is about the double standard that Democrats want to have. That is the part that bothers me the most. And, frankly, I think that is what bothers the American people the most.

With that, Madam Chair, I yield back.

Chairwoman MALONEY. The gentleman from Illinois, Mr. Krishnamoorthi, is now recognized for five minutes.

Mr. KRISHNAMOORTHI. Thank you, Chairwoman.

Mr. MILLER, you do not deny that at least four people died in connection with January 6, correct?

Mr. MILLER. I do not know how to answer that. Yes or no? It is not that easy. It is just not that easy to respond to that.

Mr. KRISHNAMOORTHI. And, sir, 140 police officers—140 police officers were injured, right?

Mr. MILLER. I do not know.

Mr. KRISHNAMOORTHI. And two Capitol Police officers later died by suicide, correct?

Mr. MILLER. I do not know. That's what I've read in the paper.

Mr. KRISHNAMOORTHI. Hundreds of rioters breached the Capitol, right?

Mr. MILLER. I am sorry?

Mr. KRISHNAMOORTHI. Hundreds of rioters breached the Capitol on January 6, correct?

Mr. MILLER. Yes.

Mr. KRISHNAMOORTHI. Now, sir, I want to highlight a paragraph in a Vanity Fair article about you from January. In response to the critique that you were too slow responding to the January 6 breach, you said, "I know for an absolute fact that historians are going to look and go, 'Those people had their game together.'"

Mr. Miller, I have a picture of January 6 and what the Nation saw on TV. I can assure you these pictures of mayhem and insurrection do not suggest anyone had their game together that day.

Let me turn your attention to another topic, namely, Russia. You said, "I have professional respect for how they do things. I kind of, you know, like professionally I'm, like, wow, they are doing pretty well, and they are using a lot of irregular warfare concepts, information, all this stuff in a way that, you know, like, oh, good on them."

Mr. Miller, according to the ODNI, on March 10, 2021, Russia interfered in the 2016 and 2020 elections, correct?

Mr. MILLER. I did not read that report. I will take your word for it.

Mr. KRISHNAMOORTHI. On top of that, Russia invaded Ukraine and annexed Crimea, right?

Mr. MILLER. I am aware of that. Yes, sir, they did.

Mr. KRISHNAMOORTHI. Mr. Miller, you know Vladimir Putin tried to kill his political opponent, Alexei Navalny, with a nerve agent, correct?

Mr. MILLER. I do not know what that has to do with the subject of this hearing.

Mr. KRISHNAMOORTHI. Mr. Miller, according to the Cybersecurity and Infrastructure Security Agency, CISA, Russia is responsible for SolarWinds, the largest cyber attack waged ever against the U.S. in our history. You are aware of that, right?

Mr. MILLER. I thought I was here to discuss unexplained delays and unanswered questions of the event of 6 January.

Mr. KRISHNAMOORTHI. Sir, you said, "Good on them," with regard to Russia. Meanwhile, regarding the Department of Defense which you headed, you told Vanity Fair, "This f--- place is rotten." I think your comments, Mr. Miller, about Russia and the DOD are bizarre and rotten, and I think they illustrate unfortunately the problems of the response on January 6.

Let me turn to January 6. On January 3, you informed the President that Mayor Bowser requested National Guard support, and according to page 11 of your written statement, the President said to give the Mayor the support she requested, correct?

Mr. MILLER. Yes.

Mr. KRISHNAMOORTHI. On January 6, according to your statement, you became aware sometime on or before 1:30 p.m. that day that the rioters breached the perimeter of the Capitol, right?

Mr. MILLER. Yes.

Mr. KRISHNAMOORTHI. According to a DOD-created timeline, at 1:34 p.m. Mayor Bowser called Army Secretary McCarthy to request "additional forces to respond to the Capitol." According to page 8 of your statement, at 3:04 p.m.—so 1-1/2 hours later—you authorized mobilizing the D.C. National Guard and providing these additional forces. That constituted a gap of 1.5 hours. During that

1.5 hour gap, why did you and the Secretary disobey the President's order to give the Mayor the support she requested?

Mr. MILLER. She already had the support she requested. What is your question, sir?

Mr. KRISHNAMOORTHI. Sir, she requested additional support. Do you see this mayhem and pictures of insurrection on January 6? She requested additional support from you, and during that 1.5 hours either you disobeyed an order given to you by the President to help Mayor Bowser or the President changed his order and asked you to delay support or you just plain froze and were indecisive while people were being injured, killed, while hundreds of rioters breached the Capitol and a Nation was traumatized.

Sir, because of your—

Mr. MILLER. There were 8,000 badged and credentialed police officers on duty. The United States Armed Forces—

Mr. KRISHNAMOORTHI. And you were not there.

Mr. MILLER [continuing]. Should only be used as a last resort.

Mr. KRISHNAMOORTHI. And you were AWOL. You were AWOL, Mr. Secretary. You were AWOL. Remember—

Mr. MILLER. That is completely inaccurate. That is completely inaccurate.

Mr. KRISHNAMOORTHI. As you said before, you have responsibility for everything. Something goes wrong, "I own it completely, 110 percent." Sir, you partially own this mayhem, and that is why I am going to ask for a DOD investigation into your actions.

Thank you.

Mr. MILLER. I already requested that before I left the Department of Defense.

Mr. KRISHNAMOORTHI. I look forward to the report. Thank you, sir.

Chairwoman MALONEY. The gentleman's time expires.

The gentleman from Louisiana, Mr. Higgins, is now recognized for five minutes. Mr. Higgins.

Mr. HIGGINS. Thank you, Madam Chair. Madam Chair, constitutionalists support peaceful assembly to redress grievance. We do not support violent protest. Today we are discussing the forced occupation and violent protest of January 6. Unfortunately, my colleagues across the aisle who hold the majority choose to present this hearing today through a 100-percent political prism.

The Founders were concerned about this. Madison wrote in Federalist 10 that "Liberty is to faction as air is to fire," that a dangerous or disturbing faction could indeed be born within this new republic based upon the very liberties and freedoms that the citizens were being provided, and yet none would argue that liberty should be eliminated in order to control a dangerous or disturbing faction. Madison and Hamilton agreed that the answer would be a stronger faction to be born within the citizenry to counter the disturbing or dangerous faction.

I would argue that many Americans have come to believe that Congress has become a disturbing faction in America. My colleagues are referring to the actions of January 6, yet they completely ignore the language and influence that their own members cause across the country.

Maxine Waters: "Well, we have got to stay on the street. We have got to get more active. We have to get more confrontational. We have to make sure they know we mean business."

Kamala Harris: "But they are not going to stop. They are not going to stop. They are not. This is a movement, I am telling you. They are not going to stop, and everyone beware."

Representative PRESSLEY: "There needs to be unrest in the streets."

Nancy Pelosi: "I just do not know why there are not uprisings all over the country."

Maxine Waters: "In a restaurant, in a department store, at a gasoline station, you get out there and you create a crowd and you push back on them, and you tell them they are not welcome here anymore."

Nineteen people died during BLM riots last year. Hundreds and hundreds were injured. Two thousand police officers were injured from BLM riots last year. And yet we are going to discuss today, as if none of that happened, the events of January 6.

The hypocrisy of this body is indeed disturbing to the scores of millions of Americans that supported President Trump and loved this country, and they have been denied access to their own Capitol for over a year.

Chief Contee, let us jump into some law enforcement here, shall we, sir? Be prepared for a question. Chief Contee, does the United States Capitol Police utilize facial recognition as a technology?

Chief CONTEE. I do not know what the United States Capitol Police use, sir, in terms of—

Mr. HIGGINS. I thought you might be aware of that based upon your background. I am sure you stay up with it.

Chief CONTEE. No, sir.

Mr. HIGGINS. Do you have an opinion about facial recognition technology?

Chief CONTEE. We do not use it here in the Metropolitan Police Department.

Mr. HIGGINS. OK. In your coordinated efforts with the Capitol Police, do you discuss technologies used? Obviously, there are many joint operations. This is not a difficult question. It is not a critique, good sir. I am asking your opinion as a law enforcement professional.

Chief CONTEE. Yes, I think that when you talk about technology, certainly we look across the spectrum of best practices with all agencies, sir, not just the Capitol Police.

Mr. HIGGINS. OK. Thank you. I concur. Chief, I was first certified as a Taser instructor in May 2007, 14 years ago. Taser as a technology has been around for a long time. Does your department use Tasers?

Chief CONTEE. Yes, sir, we do.

Mr. HIGGINS. They save thousands of lives across the country. Have you ever discussed with your chain of command colleagues with the Capitol Police why they do not deploy Tasers?

Chief CONTEE. No, that is not a conversation that we have had, sir.

Mr. HIGGINS. When you have joint operations, which would be normal, is it a consideration regarding crowd control?

Chief CONTEE. Well, it depends. It is a less lethal option, and it just really kind of depends on the situation.

Mr. HIGGINS. Exactly. It is a less lethal option that the United States Capitol Police has not deployed, despite the fact that they have used the most modern technologies to further their law enforcement mission, which I support.

Madam Chair, my time has expired, and I yield.

Chairwoman MALONEY. The gentleman yields back.

The gentleman from Maryland, Mr. Raskin, is now recognized for five minutes.

Mr. RASKIN. Thank you, Madam Chair.

Mr. MILLER, Senator McConnell said that American citizens attacked their own Government. They used terrorism to try to stop a specific piece of democratic business they did not like: the counting of the Electoral College votes. Do you agree with that?

Mr. MILLER. The statement that indeed this was a terrorist attack?

Mr. RASKIN. That they used terrorism to stop a specific piece of democratic business, fellow Americans beat and bloodied their own police, they stormed the Senate floor, they tried to hunt down the Speaker of the House, they build a gallows and chanted about murdering the Vice President. They did this because they have been fed wild falsehoods by the most powerful man on Earth because he was angry he had lost an election. Do you disagree with any of that?

Mr. MILLER. I agree that it was an act of terrorism.

Mr. RASKIN. OK. Madam Chair, some of our distinguished colleagues, including my friend from Louisiana, have been invoking the 74 million who voted for Donald Trump. Here is what Senate Minority Leader McConnell had to say about that: "In recent weeks, our ex-President's associates have tried to use the 74 million Americans who voted to reelect him as a kind of human shield against criticism. Anyone who decries his awful behavior is accused of insulting millions of voters. That is an absurd deflection. Seventy-four million Americans did not invade the Capitol. Several hundred rioters did. And 74 million Americans did not engineer the campaign of disinformation and rage that provoked it. One person did and that was Donald Trump."

So this is an essential hearing, Madam Chair, but it will barely scratch the surface of the questions that need to be answered about the violent insurrection against Congress and the Constitution to overthrow the results of the 2020 Presidential election. We need a complete bipartisan, multipartisan, nonpartisan, 9/11-style commission to study the causes and the events of January 6 and the response to it. But our colleagues, alas, have done everything in their power to block the formation of a commission, including slandering Black Lives Matter, a non-violent movement for justice that they continue to lie about with their propaganda. And today we have heard different numbers bandied about, 25 people who died in Black Lives Matter protests, 19 people who died and so on. A lot of the people they are talking about are people who were killed by right-wing counterprotesters or provocateurs.

For example, one of the deaths that they want to blame on Black Lives Matter was Federal Protective Service Officer David Under-

wood in Oakland, California, and I remember very clearly when my colleagues came to Congress and said, “Look what Black Lives Matter did,” and they were trying to blame this on this movement. But, in fact, he was shot by Steven Carrillo, an Air Force staff sergeant who was active with the right-wing Boogaloo movement and is now standing trial for that murder.

They count as part of their number the two people that were killed by 17-year-old vigilante gunman Kyle Rittenhouse, who crossed state lines to kill protesters and is now standing trial for first-degree murder.

So we cannot get into all of it, but they want—they are saying we cannot have a commission to study what happened on January 6, the attack on this Congress, the attack on the Constitution, the attack to overthrow the Presidential election unless we drag in the Boogaloo Boys and everything that happened with these attacks on the Black Lives Matter movement. This is an outrageous and unnecessary and irrelevant distraction from this assault on America.

Now, after having lost the Presidential election by 7 million votes, 306 to 232, a margin that he had declared a landslide in 2016 when he won by the exact same margin, Trump tried unsuccessfully to get Republican state legislatures across the country to throw out the popular vote and to substitute teams of Trump electors. When that did not work, they went and they tried to intimidate and coerce state election officials like Brad Raffensperger in Georgia to just manufacture votes. Trump called him up on the phone and basically told him to commit election fraud, “Just find me”—I think it was—“11,780 votes,” he said. And the whole world saw it. And when that did not work, at that point he began to appeal to his most right-wing supporters, the Proud Boys, who he told to stand back and stand by, and the Three Percenters and the Oath Keepers to come to Washington. Not, “Don’t go to Georgia,” “Don’t go to that place,” but “Come to Washington,” and not on any day but on the day we are counting the Electoral College votes, and not at any time but one hour before then. And then he pointed them like a loaded pistol at the Capitol and said, “You have got to go and fight like hell, or you are not going to have a country anymore. You have got to show strength, or you are not going to have a country anymore.”

And now we are getting this outrageous, Orwellian, revisionist history where Donald Trump is out there saying that his most loyal followers came in literally, he said, hugging and kissing the Capitol officers. Now, come on. This is why we need a real commission to study the events of that horrific day of an attack on America, study the causes of it and get to the bottom of it. But my colleagues should stop with all of the evasions, the diversions, and the distractions. Let us figure out what happened to us on that day.

I yield back to you, Madam Chair.

Chairwoman MALONEY. The gentleman yields back.

The gentlelady from North Carolina, Dr. Foxx, is now recognized for five minutes.

Ms. FOXX. Thank you, Madam Chairman, and I thank our witnesses for being here today.

The American people deserve better than a purely partisan inquiry that is led by House Democrats. If the goal is to explore the

circumstances surrounding January 6 and why it happened as it did, I would expect to see Capitol Police at this hearing. I would also expect to see a bipartisan panel with a pinpointed focus on finding solutions like our colleagues in the Senate have been doing for the last few months.

Unfortunately, this House has turned the opportunity to learn from what happened and work to prevent it into just another round of partisan finger pointing.

Today we are here to examine the events of January 6. As we all know, just steps away from here we saw violence and destruction. As I posted on social media that afternoon, “Violence like what we are witnessing in the United States Capitol is unacceptable. People have the right to peacefully protest, and there is absolutely no reason to resort to destruction. God bless the brave men and women in the United States Capitol Police for protecting us.”

As the events of the afternoon of January 6 continued to unfold, I posted this: “I am safe. Members of my staff are safe. The protesters within the Capitol must immediately back down. Senseless violence accomplishes absolutely nothing. Law and order must be upheld.”

I appreciate the efforts from law enforcement and the Department of Justice to bring those responsible to justice. We must enforce the law and restore order when it is disturbed.

I have great respect for those who protect the Capitol and were involved in responding to the events of January 6, and we owe it to them, to this institution, and all Americans to improve our response to events like this and get to the truth.

My questions are for Chief of Police Robert Contee. Chief, do you think the events on January 6 would have escalated even more and been worse if it were not for the heroic law enforcement response?

Chief CONTEE. Yes, ma’am, I do.

Ms. FOXX. Thank you. When officers anywhere are injured or killed in the line of duty, I am sure you and your colleagues are particularly affected. How do you feel when certain Members of Congress say that law enforcement is “beyond reform” and that policing in America should be eliminated altogether?

Chief CONTEE. I wouldn’t agree with that statement.

Ms. FOXX. Thank you. Do broad-brush statements against law enforcement harm your officers’ morale and potentially encourage more violence against them?

Chief CONTEE. I think when you talk about broad-brush statements, I don’t think that that is helpful for law enforcement. I think you need to look at specific agencies and the things that are happening in those agencies and be very specific about that.

Ms. FOXX. And today the comments that are being made unfortunately by our colleagues on the other side of the aisle are almost incendiary themselves.

Could you describe in your estimate what Washington, DC, would be like without any law enforcement?

Chief CONTEE. Well, I think law enforcement certainly has a role in society. It’s the reason why I’ve been doing this for 30 years, and it’s the reason why we have law enforcement agencies all across the country. I think the issue is that we’ve got to make sure that

we have the best law enforcement representatives out here doing the work in communities. That's important. That's very important.

Ms. FOXX. Madam Chairman, I want to say again I think it is really unfortunate that we are not focusing on learning what happened on January 6 and why there was such a failure to respond properly. I myself that morning, when I came in, noticed that there was no beefed-up security, and I commented on it to some people, because under normal circumstances, when we are expecting people to be at the Capitol, there is beefed-up security. And our security forces, those on the front lines, do a great job.

I have been reading results of the IG's investigation and others, and it is clear that there was a failure of leadership here just as there is a failure of leadership in this House during this time. And that is unfortunate.

The men and women of the Capitol Police put their lives on the line for us every day, and I am truly grateful to them for doing that. They are there in the wind, the rain, the snow, whatever the conditions. They deserve to have had—be better prepared that day and to have been given better direction as to how to handle the events of the day. And with that, I yield back.

Chairwoman MALONEY. The gentlelady yields back.

The gentleman from California, Mr. Ro Khanna, is now recognized for five minutes.

Mr. KHANNA. Thank you, Madam Chair.

Secretary Miller, I have never been more offended on this committee by a witness statement than yours. You were more concerned about defending your own reputation and justifying your own actions than the sanctity of this Capitol and the sanctity of our democracy. Have you no sense of accountability, no sense of shame? Secretary Miller, I want to ask you today: Will you at the very least apologize to the American public for what happened on your watch?

Mr. MILLER. I want to highlight the incredible job that the members of our armed forces and the civilians in the Department of Defense—

Mr. KHANNA. Secretary Miller, I agree with you about our armed forces.

Mr. MILLER. That is the—

Mr. KHANNA. Secretary Miller, it is my time. Your pugnacious style is not going to override the democratic process. Learn to respect it. My question is not about our troops, our armed forces. Everyone recognizes they are extraordinary. My question is about your incompetence in leading them. Will you apologize to the American public for what happened on your watch? Will you apologize to the troops for what happened on your watch?

Mr. MILLER. The Department of Defense and our members of the armed forces performed magnificently on January 6 and following—

Mr. KHANNA. No one is questioning what they did but questioning what you did. Is it your testimony that you refuse to apologize to the American public for what happened?

Mr. MILLER. I stand by every decision I made on January 6 as I highlighted—

Mr. KHANNA. You think you did everything perfectly? Just like the President said he did everything perfectly. Is that your testimony, you did everything perfectly, no mistakes?

Mr. MILLER. I want to highlight again that the armed forces should only be used for domestic law enforcement, and all other—

Mr. KHANNA. Is it your testimony that you did everything perfectly? Is that your view?

Mr. MILLER. I am the most critical person, I am a career special operator—

Mr. KHANNA. Let me ask you this: On the day of January 6, there is reporting that you or others in your office tried to get to the President. That has been reported by journalists. I remind you you are under oath. Did you or anyone in your office ever try to get a hold of President Trump on January 6?

Mr. MILLER. I did not. I have no idea about others in my office—

Mr. KHANNA. Did anyone in your office in the Department of Defense try to get a hold of the President?

Mr. MILLER. Not that I am aware of.

Mr. KHANNA. You testified that things are like a video game—are not like a video game, and that we cannot quickly move troops. What explains the 36-minute delay from when you ordered the National Guard to that order being received? What explains 36 minutes?

Mr. MILLER. What 36 minutes are you referring to?

Mr. KHANNA. Before the order was understood. You ordered the authorization and 36 minutes later—are you not aware of the timeline—everyone in the country is aware that it took 36 minutes.

Mr. MILLER. I have seen—

Mr. KHANNA. What explains the delay?

Mr. MILLER. I have seen so many timelines and inaccurate information—

Mr. KHANNA. You were in charge of the whole Department. Senator Blunt asked his question in a hearing that every American watched why it took 36 minutes, and you do not know that it took 36 minutes before you authorized something for it to actually be implemented?

Mr. MILLER. What 36 minutes again are you referring to? At 3 o'clock—

Mr. KHANNA. It is unbelievable.

Mr. MILLER [continuing]. I gave the order.

Mr. KHANNA. How can you talk about this being—you doing everything perfect when you are not even aware of the 36 minutes that took place before you—

Mr. MILLER. Historians and members still argue about who landed where and when on June 6, 1944.

Mr. KHANNA. This is not an argument of who landed when or where. Here is what happened. You ordered—you said, OK, the National Guard should go out. It took 36 minutes before that order was implemented. And you are saying you didn't know that it took 36 minutes? Senators know, Congress people know, every journalist knows. And you who made the order doesn't know? That is worse than if you knew and would explain why it didn't happen—

and then you are here telling us that everything happened perfectly and you are not willing to apologize? And the gall to hide behind our troops who are extraordinarily honorable. It is you who has let them down. I cannot believe we have someone like you in that role—had someone like you. And your whole testimony is no reflection. I thought if you came here, if you apologized—instead, it is total self-promotion. All you are trying to do is cover your own reputation.

Mr. MILLER. That is the last thing it is. I want to highlight again the enormously successful job that the District of Columbia and our National Guard did that day along with the Army staff—

Mr. KHANNA. Sir, let me ask you one final question, because, you know, we are not—you should look up the 36 minutes. But General Walker has said that there was a Quick Reactionary Force that he could have deployed in minutes. Did you ever talk to General Walker that day or ask him why it took 36 minutes? Did you ever pick up the phone and talk to him about the Quick Reactionary Force?

Mr. MILLER. General Walker was the tactical ground force commander who had all the authority and approval he needed to implement and deploy—

Mr. KHANNA. It took 36 minutes. It took 36 minutes before he had that.

I yield back my time.

Chairwoman MALONEY. The gentleman yields back.

The gentleman from Texas, Mr. Sessions, is recognized for five minutes. Mr. Sessions.

Mr. Sessions, we cannot hear you. Mr. Sessions?

OK. We are now going to Mr. Grothman.

We are now going to recognize Mr. Mfume for five minutes. Mr. Mfume.

Mr. MFUME. Madam Chair, thank you very much for holding this hearing, and thank you even more for the efforts that are being made to get to the truth.

In 2002, I served on the Continuity in Government Commission. That commission was formed to get to the truth surrounding the 9/11 attack on our Nation a year prior, but the sole purpose was to get to the truth by using and not denying what the facts were. That truth has been eluding us for some time now because there are so many people that want to revise what happened on January 6. I was there in the gallery, like many of you, and we know what happened. It was an insurrection, and it was fueled by the President. But let me go and quote the words of another Republican President about the truth.

In 1848, in a speech delivered in Edwardsville, Illinois, Abraham Lincoln addressed these words to his countrymen, and I quote. He said, “When you have ignored the truth, the question becomes what constitutes the bulwark of our freedom and our independence.” Lincoln said, “It is not our frowning battlements, our bristling seacoasts, our army or our navy. For all those,” he said, “are not our reliance against tyranny. All those,” he said, “may be turned against us without having made us weaker for the struggle.”

“Instead,” he said, “our reliance is in the love of liberty which God has planted deep within us, that our reliance is in the spirit

of freedom that prides itself as the heritage of all men and all women in all lands everywhere." He admonished, "Destroy this spirit, and you would have planted the seeds of despotism at your own doorstep. Ignore the chains of bondage and the facts and the truth, and you prepare your own limbs to wear those bonds. Accustomed," he said, "to trample on the rights of others, and you would have lost the creative genius of your own independence and as such would then become the fit subject of the first cunning tyrant who rises among you."

In 2016, such a cunning tyrant rose among us, and his name is Donald Trump. His fit subjects now have become some members of the new Republican Party who are still going out of their way unfortunately to rewrite the history of January 6. Lincoln's words, uttered over 173 years ago, have gone unheeded and have been replaced with things like, "Oh, they were peaceful patriots. They were just protesting." And then we are told to salute them. And on the other hand, we are told to condemn anybody or anything associated with the Black Lives movement, the marchers of all races and all backgrounds all over the world who took to the streets to condemn the murder of George Floyd. That is an interesting juxtaposition, but it sounds like escapism to me.

The truth of the matter is, truth, is that these are not suggestions by me or anyone on this committee. Let me quote Mitch McConnell. He said, "There is no question that President Trump is practically and morally responsible for provoking the events of that day." So I do not care how many times we dress it up and roll it back out. It is still a big lie. I served with Ronald Reagan. I served with the first George Bush. George W., the second one, and I became friends, working together, oftentimes at odds on issues, but none of them—none of them—have done in my opinion to the Republican Party or to the concept of truth the disservice that we have seen as a result of these events of January 6.

So let me just use, if I have some time left, Madam Chair, to go back and ask a question of Mr. Rosen. Did you meet with the President on January 3, 2021?

Mr. ROSEN. I think I already addressed that whole thing with Mr. Connolly.

Mr. MFUME. Well, yes, I know. But that is assuming that everybody who is listening now was listening then. Is it yes or no?

Mr. ROSEN. The answer was yes.

Mr. MFUME. So you did meet with the President on January 3. Did you discuss with the President the actions that were about to unfold—the protest, I should say, on January 6?

Mr. ROSEN. As I have already indicated, the discussion there was not about—

Mr. MFUME. Just let me repeat again, Mr. Rosen—

Mr. ROSEN. Congressman, it was not for the preparations regarding the demonstrations and activities of January 6.

Mr. MFUME. And the events of January 6, which had not unfolded, never entered into that discussion? I want to remind you you are under oath.

Mr. ROSEN. Could you state the question? Because I think I have already answered it.

Mr. MFUME. Did you discuss anything about January 6 with the President in your January 3 meeting with him?

Mr. ROSEN. As I said, that meeting was not about the preparations for January 6—

Mr. MFUME. That is not what I asked you. You are under oath. Did you discuss anything about what was about to unfold on January 6 with the President?

Mr. ROSEN. Congressman, I think I have said what I can and am going to say about that. I am not going to talk about the substance of what the meeting was about. I have told you what I can say about that.

Mr. MFUME. Well, I think you are evading a question that most of America wants to know. Let me take that one step further, though. On January 3, did you discuss anything about the attempts to overthrow the election? Yes or no.

Mr. ROSEN. Congressman, there were certain ground rules under which I agreed to appear today and what the scope of what I would address was. We sent 500 people up to the Capitol—

Mr. MFUME. We—

Mr. ROSEN [continuing]. At the time of the—

Mr. MFUME. We are—

Chairwoman MALONEY. The gentleman's time has expired. The gentleman's time has expired.

Mr. MFUME. I will yield back, Madam Chair, but let the record reflect this is why it is so difficult to get to the truth, because people do not want to answer straight questions. I yield back.

Chairwoman MALONEY. The gentleman's time has expired.

The gentleman from Texas, Mr. Sessions, is recognized for five minutes.

Mr. SESSIONS. Madam Chairman, thank you very much. I want to be sure that Chief Contee, that Attorney General Rosen, and Secretary of Defense Miller understand that what they are going through with this hearing is—would be unparalleled if Republicans were in the majority. We ask witnesses to come up. We take their testimony. We ask them questions. We do not try to badger them or bully them. We do not try and make assertions that are untruthful and then get them to go down this stream of unfair consciousness when they have already agreed that they would come and answer.

I think all three of you have been forthright about the answers that you have given, but it does not fit the narrative that this Democratic majority would like, and so they want to argue with you and pin you down and then impugn you. I am embarrassed that they would have to try and remind you that you are under oath as if you would not be forthright about what you wanted to answer.

Mr. MFUME. I object.

Mr. SESSIONS. You can object all day, so what does that mean?

Mr. MFUME. I will object all day because you are impugning everybody—

Mr. COMER. Madam Chair? Madam Chair? Madam Chair, we have not interrupted your witness, your—

Chairwoman MALONEY. The time belongs to the gentleman from Texas.

Mr. SESSIONS. Thank you very much, Madam Chairman.

Mr. Rosen, Mr. Miller, and Mr. Contee, I want you to know that I believe that your professionalism and duty to this country came into play not just that day, but it continues today and in your service. And because it is not shaping the narrative that they want, they want to ask the questions to have you conform and then battle you over your professional response.

I want to say this: Mr. Contee, it was very obvious to me that the systems that were in place then need to be reviewed again, not just about how you might be participatory as a request, as I understand it, that would be to the police board, but also, Mr. Miller, as it relates to the Guard. Do you have anything that you would like to provide us that might further provide us information about how we would streamline that, or do you think that that process and procedures, not whether the police did what they were supposed to do but the procedures over getting the Guard and the police department, Metropolitan Police Department, engaged, do you have any feedback, Mr. Miller, about that?

Mr. MILLER. I think this is really an important question, and I'm glad you asked because I thought that was the purpose of the hearing today, was to—

Mr. SESSIONS. Me, too, sir.

Mr. MILLER [continuing]. Get lessons learned and have a constructive discussion. I've been involved when a National Security Special Event is established, as it was in advance of the Inauguration, and it's done in other large public gatherings, and that process seems to work very well for meshing the state, local, and Federal entities together. I think that's a good model and something that could probably be teased out and needs to be refined in regards to lessons learned from January 6.

Mr. SESSIONS. OK. But the process as it exists, you are very comfortable with that, that you have noted your long-time service to this Nation not only in war but here in the United States, and you are satisfied that that process, though being updated and potential threats, but you are happy with that process?

Mr. MILLER. I'm happy with the process, and it comes down to the Department of Defense should only be used as a last resort for domestic law enforcement. And we can argue about whether that occurred, and it certainly did occur, obviously, on January 6. But then that was what I was trying to describe, was just the mechanics—I kind of was criticized pretty robustly on that—the mechanics of military operations, and not to be condescending or pedantic, but it takes time to make sure that we're taking care of our soldiers, getting them to the right place, coordinating with Chief Contee, co-ordinating with Capitol Hill Police and all the other entities, and that's what I was trying to highlight.

Mr. SESSIONS. Yes, sir, and I believe that was done.

Chief Contee, that question is: Now looking back, are there anything procedurally wise that you would expect this committee to look at that might need to be updated or changed from your perspective, sir?

Chief CONTEE. Yes, from my perspective, I think that the District of Columbia should not be like—we should not be different from any other state. I think that the Mayor of the District of Columbia

should have the authority to call up and deploy the National Guard. We would still be required to coordinate. We would still require all the coordination that has to happen to properly deploy them, make sure that they're on mission and where they're supposed to be, doing the things that need to be done. But I don't think that it requires the consent of the President of the United States or Secretary of Defense, and no disrespect to the Honorable Secretary, but I don't think it requires that level of approval to deploy people to traffic posts or crowd management type assignments when that's not required anywhere else in our country.

Mr. SESSIONS. Yes, sir, but we were—

Chairwoman MALONEY. The gentleman's time has expired.

Mr. SESSIONS [continuing]. Specifically referenced to the Capitol. Chairwoman MALONEY. The gentleman's time has expired.

Mr. SESSIONS. Thank you, Chairwoman.

Chairwoman MALONEY. Thank you.

We had two Democratic questioners, so we are now going to have two Republican questioners. I now yield to the gentleman from Wisconsin, Mr. Grothman. You are now recognized for five minutes.

Mr. GROTHMAN. Yes, Chief Contee, there were pipe bombs discovered outside RNC and DNC. And you were deployed to both locations, correct?

Chief CONTEE. That's correct, sir. We assisted the United States Capitol Police. That's correct.

Mr. GROTHMAN. OK. Has there been any progress made at all on who would have put these bombs there?

Chief CONTEE. No arrests have been made, no suspects identified. Working with our partners on the Federal side, there have been surveillance videos that have been released publicly showing that individual placing the pipe bombs, but no arrests have been made at this point.

Mr. GROTHMAN. How powerful were they? What type of damage would have been done if they went off?

Chief CONTEE. It would have been significant damage, I'm sure.

Mr. GROTHMAN. Was there any other evidence of any other bombs that day anywhere?

Chief CONTEE. No. Just the two.

Mr. GROTHMAN. OK. Can anybody ask, how many people got in the building from the public that day, how many people total were in the Capitol? Do we have a number on that?

Chief CONTEE. No, I don't have the exact number. I can comfortably say it was certainly over 1,000 people.

Mr. GROTHMAN. In the Capitol?

Chief CONTEE. Inside of the Capitol.

Mr. GROTHMAN. OK. And were some of those people let in the Capitol?

Chief CONTEE. I can't say that the individuals were necessarily let in. Certainly there's been surveillance video that shows after the Capitol was overrun, at certain point, I mean, it was just like a floodgate where people were just flooding in. I don't know that the resources were necessarily in place to prevent the people who were there, prevent folks from getting in.

Mr. GROTHMAN. I am not going to judge the actions of the police that day because, obviously, it was an unprecedented thing and

they had to make quick decisions. I guess the question I have, of the 1,000 people who were let in the Capitol, how many, I guess I will say, broke in the Capitol and how many were let in the Capitol?

Chief CONTEE. I would say—and that's a hard number to parse out, but I think we know from video where we saw individuals breaking windows, there was also the video that was released of hundreds of officers that I had in the tunnel there that were trying to prevent individuals from gaining access, again, not really a good count on that number. But I think it's safe to say that there were several individuals who forced their way and were not just let into the Capitol.

Mr. GROTHMAN. There is no question. That is what I wanted, just a general, you know, were 800 let in and 200 broke in? Was it, you know, 50 and 950, but we do not have any idea?

Chief CONTEE. No. That's correct, sir. We do not.

Mr. GROTHMAN. OK. And of the people let in the Capitol, how many were disruptive in the Capitol? I talked to one of the Capitol Police. They told me a lot of people were just milling around. Can you tell me how many were—do you have an estimate how many were just milling around and how many were doing damage?

Chief CONTEE. No, I do not have that estimate, no, sir.

Mr. GROTHMAN. OK. Let me go back to the pipe bombs. Did that cause—when you put people out there tracking down what happened to the bombs, did that cause you to deploy people away from the Capitol?

Chief CONTEE. We had people deployed there first before they responded to the Capitol, and with respect to the previous question that you asked, you know, Capitol Police may be able to give you a better assessment based upon, you know, their view of the videos inside of the Capitol, how many were milling around and actually, you know, how many were let in.

Mr. GROTHMAN. OK. There were clearly people who were doing something coordinated to get in the Capitol. I am talking about the people scaling the walls, that sort of thing. Do we have any evidence on who those people were who were scaling the walls? And were they directed by a central group or person?

Chief CONTEE. I think what we know for certain is that there were individuals who coordinated the efforts, the radio communication and hand signals.

Mr. GROTHMAN. And who were they? Were they a member of a group?

Chief CONTEE. I think some of the reports that have come out, you know, they represent certain groups that have been mentioned on—

Mr. GROTHMAN. We do not know yet, though, huh? We do not know.

Chief CONTEE. I think the U.S. Attorney's Office is probably better suited to answer that. Obviously, upwards of 300 people have been arrested, and they're representative of various groups across the country that were involved in what we saw on January 6.

Mr. GROTHMAN. OK. Were those 300 all doing damage? Or were some of them, as one police officer told me, just milling around?

Chief CONTEE. I don't have an answer for that, sir. I'm not certain. Clearly, there was significant damage done to the Capitol. I think we know that. But just those specific groups, I'm not certain about that.

Mr. GROTHMAN. Yes, OK. And just one followup. I encourage any listeners to research the three founders of Black Lives Matter, because it is something that concerns me so greatly that somebody who apparently were trained Marxists to have gained such influence in our country and people should really familiarize themselves with the backgrounds and what the founders of that organization stand for.

Thank you.

Chairwoman MALONEY. The gentleman yields back.

The gentlelady from Michigan, Ms. Tlaib, is now recognized for five minutes. Ms. Tlaib.

Ms. TLAIB. Thank you, Chairwoman, and just for folks to know, you know, I work closely with the Movement for Black Lives, and these are folks that are really trying to push real efforts to try to recognize many of my black neighbors' right to live without feeling truly unsafe or feeling like their own Government is not supporting them.

It is also really important for colleagues, as they are talking about these organizations, to know these are some organizations that are literally made up of mothers who have lost their children that were killed by police violence. So just to be very clear, this is not some movement that just came about. It came about because, you know, state-funded violence killed their children. So I appreciate Madam Chair having this hearing.

Mr. Rosen, I would like to discuss something that you did not mention in your written testimony, the fact that in the days leading up to the January 6 attack, FBI agents reportedly visited more than a dozen extremists already under investigations to discourage them from traveling to D.C., the so-called Stop the Steal rally. According to one FBI senior official, this was based on "credible and actionable information" about extremists' "desire to engage in violence on January 6."

So, Mr. Rosen, were you aware of the FBI's intervention and efforts leading up to January 6?

Mr. ROSEN. Well, I think you're referring to some information that FBI Assistant Director Sanborn talked about—

Ms. TLAIB. Did you know they were interviewing people, Mr. Rosen?

Mr. ROSEN. The FBI periodically briefed me on intelligence updates. I don't want to get into specifics of the intelligence.

Ms. TLAIB. Oh, no. That is fine. I am glad they let you know. But it seems like there was a significant step by the FBI to actually initiate contact with some of the extremists who may be under investigation or active monitoring and, you know, tip them off that the Government is tracking their plans. If the FBI was proactively engaged enough that the agency tried to discourage extremists from traveling to D.C. on January 6, they were clearly concerned about the potential for violence at the National Capitol.

So let me make sure that I have this just clear, Mr. Rosen. The DOJ had intelligence that was credible enough to act on, but still decided not to issue a threat assessment. Is that correct?

Mr. ROSEN. I think the intelligence that we had was shared with the police, all the police—the Capitol Police the Metro Police, and the Park Police.

Ms. TLAIB. Well, that is good to know.

Mr. ROSEN. As well as the Secret Service and others.

Ms. TLAIB. Well, but you all did not feel any—you gave the information out, and there was no role for you to say that there should be—there is a threat? You did not recommend—

Mr. ROSEN. No, actually I think the threat of violence was understood by everybody. That was a concern that—

Ms. TLAIB. Well, thank you.

Mr. ROSEN [continuing]. There could be violence at any of the locations where demonstrators came. It was a concern, and it's something the—

Ms. TLAIB. Yes, so it was not really—it was—

Mr. ROSEN [continuing]. Police are experienced to dealing with.

Ms. TLAIB. It was not like milling around, right? It was actual people that wanted to commit violence, right? They were not just like loitering or hanging out. They did not want to come and just hang out. They came with the initiation that they wanted to commit some violent acts. Is that correct?

Mr. ROSEN. Well, I don't want to discuss the individuals that are subjects of investigation or prosecution. I'm just talking about from an intelligence standpoint and general awareness. I think the police were, as they often are in these situations with large crowds coming to Washington, concerned about the potential for violence.

Ms. TLAIB. Thank you. Police Chief, were you aware prior to January 6 that the FBI had reached out to known extremists to discourage them from traveling to Washington, DC.? Were you aware of it?

Chief CONTEE. Yes.

Ms. TLAIB. OK. What did you do in response?

Chief CONTEE. We canceled days off. We deployed our entire department. We put our members on 12-hour shifts. We brought in agencies from three other departments stationed in the District of Columbia. We had other agencies stationed outside the District of Columbia in the event that they needed to respond into the District, in the event that things go really bad, and they did respond in.

Ms. TLAIB. And did you feel that you received sufficient threat information about the intentions of those coming to commit violence in Washington, DC, on January 6 from DOJ, which was the lead agency in charge of intelligence gathering?

Chief CONTEE. So there has been a lot of discussion around that, and I think before, I have publicly testified to the fact that I think when you have information, whether it's raw, unvetted data, et cetera, I think that in a situation like this it certainly warrants more than an email being sent out to the partners.

Ms. TLAIB. Absolutely. I could not agree more.

Chief CONTEE. That was the conversation that has been had, and I can honestly say that since then, when there is threat information, significant threat information, those are now phone calls.

Ms. TLAIB. Well, I cannot help but think that if the FBI and Department of Justice used even a fraction of the resources that are dedicated explicitly, you know, toward what they call "black identity extremism," and the secretive Operation Iron Fist which the American public still know nothing about, that this attack on our Capitol—I wish they put that kind of resources and energy and focus, because it really did put the lives of many of us Members, Senators, and the staff at risk, which all could have been avoided if they, again, had the political will and kind of intention of, again, treating these folks that they have intelligence from already, that they were going to commit violent acts.

Thank you so much, and I yield.

Chairwoman MALONEY. The gentlelady yields back.

The gentleman from Pennsylvania, Mr. Keller, you are now recognized, Mr. Keller.

Mr. KELLER. Thank you, Madam Chair, and thank you to the Capitol Police who went above and beyond to protect our Capitol on January 6. We can all agree that the actions taken by the Capitol Police officers that day were nothing short of heroic.

I do have a couple questions, and they are going to be directed at the former Acting Secretary of Defense, Mr. Miller. Mr. Miller, you are in charge of the National Guard that responded on January 6, correct?

Mr. MILLER. The District of Columbia National Guard, not all of the other states.

Mr. KELLER. The District of Columbia National Guard, yes.

Mr. MILLER. Yes.

Mr. KELLER. It was mentioned earlier by some of my colleagues that you got a request from Mayor Bowser at 1:30 p.m. or around that time?

Mr. MILLER. I did not receive that request until 2:30, and I don't know the nature exactly of that request. I've heard it during this hearing.

Mr. KELLER. Does the Mayor of Washington, DC, have the authority to request for help on the U.S. Capitol Grounds?

Mr. MILLER. I just learned—I don't know. That was new information that I learned this morning from the Chief.

Mr. KELLER. Actually, we did some research on that, our committee staff did, and, actually, the request for help on the Capitol Grounds has to come from Capitol Police. Did you receive a request from Capitol Police on January 6?

Mr. MILLER. I subsequently learned that there was a call from the head of the Capitol Police, but the exact nature of his request didn't get to me until 2:30 after clearly Metropolitan Police and others got together to formulate their request.

Mr. KELLER. So once you got the request, you responded rather quickly?

Mr. MILLER. It was 30 minutes.

Mr. KELLER. OK. I appreciate that, Mr. Miller.

While the subject matter of this hearing is extremely important, we cannot fully investigate the events of January 6 as the Capitol

Police are not present. Republicans have been supportive of an equally bipartisan committee to review what happened on January 6, but that is not what is happening now.

As it is National Police Week, I would be remiss if I did not take this opportunity to thank all of America's police officers for doing their utmost to protect our communities and keep us safe. The safety of the American people everywhere should be the first priority, and the destruction of property, be it private or the United States Capitol, should be considered a tragedy. And to look at this tragedy that happened and to make sure that we have an effective response, we should include all the agencies, including the Capitol Police. I think this hearing is really premature and not thorough enough because, again, we do not have the Capitol Police here. For whatever reason, I guess they probably were not invited.

But I want to go back to the actions of people, and I want to quote former President Ronald Reagan because it seems like my colleagues bring former Republicans up now and again. But this is one where President Reagan I think really hit the mark, and his quote is: "We must reject the idea that every time a law is broken, society is guilty rather than the law breaker. It is time to restore the American precept that each individual is accountable for his actions."

If my colleagues across the aisle are serious about a holistic investigation that considers all the facts, I urge them to join Republicans in supporting a bipartisan commission to investigate the events of January 6.

Thank you, and I yield back.

Chairwoman MALONEY. The gentleman yields back.

The gentlewoman from New York, Ms. Ocasio-Cortez, is now recognized for five minutes.

Ms. OCASIO-CORTEZ. Thank you so much, Madam Chair. And thank you to all of our witnesses for coming here today and offering your expertise and testimony.

Madam Chair, you know, I think one of the things that we are really just trying to do is figure out and nail down a basic timeline, which for whatever reason has been a little bit difficult to have some of our witnesses, some testimony, corroborate with other documents that we have received, and I think it is just important for us to just get the facts on the timing of some of these things.

So in that respect, I would like to submit to the record the official Department of Defense timeline of the facts that they are aware of on January 6.

Chairwoman MALONEY. Without objection.

Ms. OCASIO-CORTEZ. Now, according to public reporting, D.C. Mayor Muriel Bowser first called Army Secretary Ryan McCarthy to ask for help at 1:34 p.m. That was about eight minutes after the Capitol was evacuated.

Now, Mr. Miller, you are the former Acting Secretary of Defense during the Trump administration. That is correct?

Mr. MILLER. Yes.

Ms. OCASIO-CORTEZ. Now, by this point, 1:34 p.m., according to your written testimony, you were "aware that demonstrators had breached the Capitol," and it seems as though at 3 p.m., about an hour and a half later, you determined that "all available forces of

the D.C. National Guard are required to reinforce MPD and USCP positions."

Now, that is not an authorization to deploy to the Capitol, correct?

Mr. MILLER. I gave full authorization to deploy, ma'am.

Ms. OCASIO-CORTEZ. You gave full authorization to deploy at 3 p.m.?

Mr. MILLER. That's—yes.

Ms. OCASIO-CORTEZ. OK. I—

Mr. MILLER. Well, no, I'm sorry. It went out at 3:04. I did it at 3, yes.

Ms. OCASIO-CORTEZ. OK. It seems here that this is in contradiction with the Department of Defense timeline. According to the Department of Defense timeline, you authorized the National Guard to help clear the Capitol at 4:32 p.m.

Mr. MILLER. That was based on I was awaiting the concept of operations, the plan that General Walker put together, so he had full authority in my mind at 3:04, and that he had to do his planning sequence to figure out how he wanted to accomplish that.

Ms. OCASIO-CORTEZ. So the actual order for the Guard to help clear the Capitol did not, for whatever reason—you know, processes that you allude to—did not happen until 4:32 p.m., correct?

Mr. MILLER. That's when the concept of—the plan was formally approved.

Ms. OCASIO-CORTEZ. So it was formally approved at 4:32 p.m. to send the National Guard to help clear the Capitol when the breach—but the breach happened at 1:34 p.m. At 3:19 p.m.—

Mr. MILLER. I did—

Ms. OCASIO-CORTEZ. One moment. At 3:19 p.m., Army Secretary McCarthy spoke with Speaker Pelosi and Schumer and told them that you had approved the full mobilization of D.C. National Guard. At 4:08, Vice President Pence reportedly had a conversation with you to "clear the Capitol." Is that correct? And I understand that he is not in the chain of command, but that is correct in the nature of the conversation, correct?

Mr. MILLER. I did have a conversation with him, and I told him that the Capitol was going to be cleared. He might have said something to that extent, but it was more a conversation, very brief.

Ms. OCASIO-CORTEZ. So what we have here is that the order was not issued after a conversation with D.C. Mayor Bowser. The order to clear the Capitol was not issued after a conversation with Speaker Pelosi. It was not issued after a conversation with Leader Schumer. This conversation with Vice President Pence happened at 4:08, and at 4:32 was when the actual verbal authorization, according to the Department of Defense, happened. That was nearly three hours after Mayor Bowser first requested National Guard assistance. Why did it take 92 minutes after ordering the full mobilization of the D.C. National Guard at 3 p.m. to authorize and help clear the Capitol at 4:32?

Mr. MILLER. And, I'm sorry—and I think this is a great conversation, and I want to be completely helpful. So at 3 o'clock, 3 p.m., I gave the order to mobilize the National Guard. Then the planning sequence went forward, so the concept of the operation, the plan, was approved at the time you designated.

Ms. OCASIO-CORTEZ. And I apologize, just because I have a short period of time. So it took 90 minutes to plan, to send the National Guard to the Capitol.

Now, Major General Walker testified that it actually was not until 5:08 p.m. that he finally received authorization to deploy his forces to the Capitol. Mr. Miller, do you have any reason to doubt Major General Walker's recollection of events that day?

Mr. MILLER. I do not have any reason to doubt. I think there's—I hate to bring up Clausewitz, but the fog and friction and there was so much going on, so I can understand there's inconsistency and perhaps disagreement.

Ms. OCASIO-CORTEZ. Thank you very much. I yield my time.

Chairwoman MALONEY. The gentlelady yields back.

The gentleman from South Carolina, Mr. Norman, you are now recognized for five minutes.

Mr. NORMAN. Thank you, Chairwoman Maloney.

I would join some of my other colleagues in really saying that I wish this were a true hearing to find out the truth. We really need to have Mayor Bowser here. We need to have those in the chain of command who really—we could get to the bottom of exactly what happened. When I see this sheet on our timeline and on the—let's see. OK, at 2:07 a mob of Trump supporters breached the steps. I do not know who did a poll that it is Trump supporters. You had the media saying the same thing, just like you had the media saying Officer Sicknick was killed with a fire extinguisher, which he was not. But I do not know who did the poll to say that they were Trump supporters.

I do know this: Those that were on the grounds that saw the—were actually there, midway of President Trump's speech you had a group that got together, had armed gear, helmets, flak jackets, other things. They had an intention. They had planned this. And so, really, we are not getting—this is just a—we are going through the motions to blame a President who has no—had no reason—he had thousands of people there. Those that breached the Capitol were intended to do damage.

Now, let me ask the Chief, am I right, the groups that stormed the Capitol used Facebook, not just Parler, but one group had 8,000 Facebook followers that directed people to come to—had travel routes to come to D.C. Is that correct, Chief?

Chief CONTEE. Sir, I'm not sure about that. There was a lot of information that was out there, but specifically to what you're speaking to, I can't answer affirmatively to that.

Mr. NORMAN. So you do not know if that was—you all had no knowledge of anything that this was going on?

Chief CONTEE. Had no knowledge of what going on exactly, sir? I'm sorry. I'm just trying to understand your question.

Mr. NORMAN. That groups were using Facebook, that on the social media chatter they were talking about coming here en masse, certain groups. You all had no knowledge—

Chief CONTEE. Oh, no, certainly we knew that there was—there were social media postings all over the place talking about people coming here. It's the reason why we activated the entire department, you know, the whole nine yards there, so yes.

Mr. NORMAN. Where was the breakdown, though? As others have mentioned, it said at 2:07 a mob of Trump supporters breached the steps. You know, we are talking about many of them—the National Guard did not get there until after the fact and after they had breached the Capitol. What is your opinion why—why was that not stopped earlier? If you had knowledge or had suspicions through social media or otherwise, why wouldn't the chain reaction be to get people there who could stop what was going on?

Chief CONTEE. Well, I think that's a great question to ask the Capitol Police. Again, we responded to assist the Capitol Police. The individuals breached the bike fencing that the Capitol Police had established the perimeter. They pushed past the U.S. Capitol Police officers that were there as they made their way up the west front of the Capitol to ultimately breach the Capitol. Members of the Metropolitan Police Department were called in to assist, as we did in this situation. So I think that they would be better situated to really answer the question about why they were not able to stop the advance with the resources that they had deployed on that day.

Mr. NORMAN. Would they not have had the same information that you had about the threat, be it social media, be it just general hearsay, that this could potentially be a problem?

Chief CONTEE. I would say that they had generally the same information. I think we've learned since then that there was an intelligence bulletin that circulated within the organization of the U.S. Capitol Police that was not shared with the Metropolitan Police Department. But, generally, I think, you know, as the law enforcement agency here in the city, we were all preparing for things to happen, even violence in this instance.

Mr. NORMAN. Yes, and the right thing—well, really the Capitol Hill Police need to be at this hearing today to answer the same question, because it is a timing. If you are looking at large crowds, and President Trump had large crowds, but you had people there that intended to do violence, tear things up. You agree with that, don't you?

Chief CONTEE. I agree, yes, sir.

Mr. NORMAN. And they did.

Chief CONTEE. And they did. That's correct.

Mr. NORMAN. And it was not—however many people there, 10,000, whatever, there was a group of people in the Capitol that came prepared, it was not based on a talk. This was preplanned. And I guess my question: Why wasn't the coordination there to stop it? Crime is crime. I do not care what group they are in. When they come with the gear that they had, baseball bats with barbed wire, I am just wondering why that would be an issue to get the people there to stop it, because you had film that some of them would just let in, could just walk past an officer, which no one understands to this day.

Chief CONTEE. Yes, I think those are great questions for the Capitol Police, sir, to be quite honest with you. Again, the Metropolitan Police Department's primary responsibility and role, to ensure the safety of the streets of the District of Columbia. I can tell you firsthand that this mob of people, the people that you are talking about, they marched down the panels of the Mall making their way to the Capitol prior to the breach taking place. Why Capitol Police,

how many people they deployed or didn't deploy, it's a great question for the Capitol Police leadership to answer.

Chairwoman MALONEY. The gentleman's time has expired. The gentleman's time expired.

The gentlelady from Florida, Ms. Wasserman Schultz, is now recognized for five minutes.

Ms. WASSERMAN SCHULTZ. Thank you, Madam Chair. I want to take a moment to correct some of the dangerous rhetoric and falsehoods uttered by Republicans during this hearing. You would think that they would have learned something. After all, it was lies about the 2020 election that led to the January 6 insurrection in the first place.

My colleague from Arizona, Mr. Gosar, used his questions today to downplay the actions of violent insurrectionists that left 140 police officers injured and four people dead. Instead, he had the audacity to claim the Capitol Police executed a pro-Trump rioter who was attempting to breach—who was attempting to breach the House chamber.

Mr. Rosen, you are, in fact, aware that the Department of Justice conducted an investigation that cleared the Capitol Police officers of any wrongdoing in connection with the death of Ashli Babbitt, correct?

Mr. ROSEN. Congresswoman, I have not followed the results of investigations after I left on January 20, so I'm going to refer you to the Department of Justice for that.

Ms. WASSERMAN SCHULTZ. Well, it is a fact that the Department of Justice did clear the Capitol Police officers. That is most definitely a fact. And it's shocking how quickly Republicans will turn on law enforcement when it fits their agenda.

I would also like to followup on questions asked of Secretary Miller by my colleague Mr. Lynch. Mr. Secretary, I do not know why you decided today to forgo the opportunity to demonstrate political courage, but it saddens me. You said of Mr. Trump's comments, "He clearly offered that they should march on the Capitol, so it goes without saying that his statement resulted in that." That is a gross understatement of what Donald Trump urged his supporters to do on the morning of January 6. Trump repeatedly used violent rhetoric to encourage his supporters to "fight like hell" against this "act of war." He circulated a message which promised that on January 6, 2021, the "cavalry is coming."

Mr. Miller, according to your written testimony, on January 3 and 4 you convened Cabinet-level calls in preparation for January 6. You noted that, "I want to be very clear. It is not and was not the role of the Department of Defense to convene these sorts of interagency and intergovernmental meetings or calls concerning domestic law enforcement matters." However, you argued, "I felt it was my responsibility to initiate these discussions given my sense that these efforts and coordination were not tightly wired at that point."

What did you mean by "not tightly wired"?

Mr. MILLER. I was very concerned that we were going to put National Guard troops into a situation where we hadn't thought through it well enough. I just want to highlight that was the pur-

pose of the calls, and then by the end of that, I felt very comfortable with the plan and the execution.

Ms. WASSERMAN SCHULTZ. OK. Mr. Rosen, is it true that the Department of Justice, which was cited in a Washington Post article, that Chief of Staff Mark Meadows designated the Department of Justice as the “lead Federal agency to coordinate security preparations leading up to January 6”? Is that accurate?

Mr. ROSEN. I don’t think that is accurate.

Ms. WASSERMAN SCHULTZ. So DOJ was not the lead agency?

Mr. ROSEN. So the DOJ had specific responsibilities for coordinating intelligence and information sharing with respect to the Federal agencies DHS, Interior, DOD, and ourselves, and there had been, as I set forth in my written testimony, very robust information-sharing and intelligence-sharing activities with both the Metropolitan Police having a Joint Operations Command Center and the FBI having a Washington Field Office post where representatives of all the police organizations and the Federal agencies were participating, so we—

Ms. WASSERMAN SCHULTZ. Reclaiming my time—reclaiming my time, thank you. Nailing down who was in charge has been like trying to nail Jell-O to a wall, and the old adage that when everybody is in charge, then nobody is in charge appears to be what happened on January 6. It was—

Mr. ROSEN. Congresswoman, I don’t think that’s—

Ms. WASSERMAN SCHULTZ. I am sorry. Reclaiming my time, the time is mine. This appears to have been a Keystone Kops operation when it comes to the executive branch agencies pointing fingers at one another.

I would also like to ask Mr. Miller—and I am going to give you another opportunity to correct the record. If it were not for the violent and incendiary rhetoric of Donald Trump, would we have had an insurrection on January 6 at the Capitol?

Mr. MILLER. I don’t know.

Ms. WASSERMAN SCHULTZ. Well, you certainly seemed to think that his rhetoric contributed to it at the time. Do you no longer think any of his rhetoric contributed to the riots and insurrection that happened at the Capitol?

Mr. MILLER. I was highlighting the assault elements that went into the Capitol. Everything changes by the day. I’m still learning things that I didn’t know—

Ms. WASSERMAN SCHULTZ. Reclaiming my time, including your commitment and your truthfulness, because, on the one hand, you said that that was what contributed to it, and then you had a chance to rethink it when maybe the wrath of Donald Trump came down upon you. That is disgusting and disloyal to the country.

I yield back the balance of my time.

Mr. MILLER. I think that thinking people—

Ms. WASSERMAN SCHULTZ. I yield back the balance of my time.

Mr. MILLER. I think that thinking people would obviously—

Ms. WASSERMAN SCHULTZ. Madam Chair—

Mr. COMER. Madam Chair, he can finish the question.

Ms. WASSERMAN SCHULTZ.—the time was mine, and I have yielded it back.

Chairwoman MALONEY. Time has expired. Time has expired.

The gentleman from Arizona, Mr. Biggs, is recognized for five minutes.

Mr. BIGGS. Thank you, Madam Chair.

You know, Democrats have said the events at the Capitol on January 6 were an assault on our democracy, and if that is true, if disorderly conduct in a restricted building is an assault on democracy, then what do we call setting fire to Federal court in Portland, Oregon, where people inside—what do we call that? For a year we watched riots in American cities, and House Democrats remained silent or actually supported the violence. The Federal courthouse in Portland was under attack every night, and Democrats said nothing. I would like you to please play Video Number 1.

Madam Chair, I would like my time stopped while we are waiting for the video to be cued up and played.

[Video shown.]

Mr. BIGGS. Madam Chair, as we are watching this rioting, this insurrection, this violation of the rule of law, this attempt to change our government system taking place in Portland, I wonder why Democrats have refused to hold hearings regarding those riots. We should all condemn every form of political violence, in fact all violence. As we watch this, I have unmistakably condemned violence in Portland, like we're seeing here, as well as violence at the Capitol on January 6. I urge my colleagues to do the same.

You can stop the tape now. Thank you. Stop the video now. Thank you.

Now, Representative Lynch implied that Representative Hice did not know what he was talking about when he said the Ellipse, walking the Ellipse to the Capitol takes about 45 minutes. Representative Lynch suggested, oh, it is just two blocks, a couple of minutes. Just all you have to do, Mr. Lynch, take a look at your mapping app, you will see it is 45 minutes when there is no crowd, much less when there is a huge crowd.

I want to go to Mr. Miller and just clarify a few points, as well as Mr. Rosen, so please stand by. Mr. Miller, I believe you testified that you had all the authority you needed without talking to President Trump on January 6. Is that accurate?

Mr. MILLER. Yes.

Mr. BIGGS. And, Mr. Rosen, you also said you did not need to talk to President Trump on January 6 because you also had all the authority that you needed to act. Is that correct?

Mr. ROSEN. Yes.

Mr. BIGGS. And, Mr. Miller, you talked about an “organized conspiracy”—that is the quotes I have from you earlier in testimony—about what took place on January 6 in some respects. Was it organized, the attack?

Mr. MILLER. I don't know. I think we're going to have to find out through forums like this and further investigation, but it appears that way based on the communications protocols and what-not.

Mr. BIGGS. OK. Thank you.

Now, it has got to be hell to have Donald Trump living in your head like my colleagues across the aisle have. Everything they do is based on what Donald Trump said or did not say. But the reality is he did talk about moving peacefully and patriotically to the Capitol.

One last clarification for you, Mr. Miller. The Democrats keep talking about breaching the Capitol in their timeline, but there is a big difference between breaching the outer barriers of the Capitol that surround the Capitol versus actually getting into the Capitol Building, is there not?

Mr. MILLER. That's exactly what I was trying to explain, yes.

Mr. BIGGS. And so some of their timeline is screwed up because they do not delineate and distinguish between those two important facts.

Mr. MILLER. I think there's a misunderstanding about when you talk about the security perimeter versus entering the Capitol.

Mr. BIGGS. Yes, you are too diplomatic. I say they screwed up their timeline. So in my last little bit of time, Madam Chair, I want to submit to the record four different pieces of media that have come in detailing the treatment of protester Christopher Worrell as well as Paul and Marilyn Hueper from Alaska. One is a Politico article, "January 6 defendants win unlikely Dem champions as they face harsh detainment"; another Politico article, "Capitol riot suspects held in D.C. are in 'restrictive housing,' District says." Another one is "FBI tortures Proud Boy member—kept in isolation for 23 hours a day while awaiting trial for bashing a window out at U.S. Capitol, faces 20-year prison term." And "What do January 6 patriots and Guantanamo inmates share?" Another periodical.

With that, Madam Chair, I yield back.

Chairwoman MALONEY. Without objection.

Chairwoman MALONEY. The gentleman from Vermont, Mr. Welch, you are now recognized for five minutes.

Mr. WELCH. Thank you, Madam Chair.

To my colleague Mr. Biggs, I condemn the violence in Portland. We are here today to discuss the failure of the authorities to protect the Capitol.

Mr. Rosen, you testified that the Department of Justice normally focuses on gathering intelligence about threats of violence and sharing that information with police and Federal partner agencies. Prior to January 6, were you personally aware of the calls for violence that were all over social media?

Mr. ROSEN. At some level. I mean, I had been paying close attention to the fact that the January 6 rallies had been announced in the media and were coming and asking that our organization do everything we should be doing to prepare appropriately and to coordinate and to share information. So I wasn't the intelligence analyst, but I was certainly briefed on the activity.

Mr. WELCH. Well, let me followup on that. You said at some level. It is your job to anticipate things bad that can happen and be prepared, right?

Mr. ROSEN. Of course, and we were doing that.

Mr. WELCH. And President Trump had been calling for this rally for really since the election itself. Is that not correct?

Mr. ROSEN. I'm not sure if I know the answer to that. I was just generally aware that this rally was going to happen. There had been previous ones in November and December.

Mr. WELCH. Mr. Rosen, this question about what the President was doing, it was all in plain sight. I mean, this is not a big intelligence coup to read the newspaper or hear what the President is

tweeting and saying. He wanted people to come to the Capitol. You are aware of that.

Mr. ROSEN. Congressman, there had been previous rallies in November and December, so, yes, I was aware of these rallies.

Mr. WELCH. Right, and you understood that the line of the rally was that the folks who were coming had real objections to the outcome of the election and were of the view that the election had been stolen, right?

Mr. ROSEN. I think in a general way I was aware that they were coming because they were dissatisfied with that, so—

Mr. WELCH. You know, I have got to stop you. If you are in intelligence, you are like skeptical; you are worried; you are concerned. It is your job to be concerned about what is the worst-case situation that can happen. Or is that not how you define it? Whatever is in the news is just what is in the news and it is just another story? I am serious. That is a serious question, OK?

Mr. ROSEN. So, Congressman, let me address that. I was concerned that the appropriate preparations were underway—

Mr. WELCH. OK. Did you direct—

Mr. ROSEN. The Capitol Police are responsible for the Capitol. I don't have people guarding the Capitol. But we're trying to make sure that people are coordinating and sharing information appropriately.

Mr. WELCH. Did you direct Director Wray to investigate further? Did you consult with Chief Contee or Chief Sund? Just answer those three questions: direct Wray, consult with Contee, consult with Sund.

Mr. ROSEN. I had conferred repeatedly, including the day of, but certainly in the week prior, with the FBI, including the leadership. With regard to others, we had, as I said in my written testimony, mechanisms in place for regular coordination, including people that were embedded together at the MPD, JOCC, and at the WFO, you know, the FBI field office. And then we eventually set up the national coordination at the FBI headquarters SIOP.

Mr. WELCH. Here is why it is hard to understand what you are talking about. You did not do anything. The day after this event, we put up—

Mr. ROSEN. How can you say that when we sent over 500 agents and officers on an urgent basis on January 6 to provide assistance at the Capitol—

Mr. WELCH. Here is why—

Mr. ROSEN.[inaudible] Agents, these FBI agents, the U.S. Marshals. I think they need to be applauded, Congressman.

Mr. WELCH. Well, I certainly applaud the front-line Capitol Police and all the folks who came here. I definitely do that. We are all in agreement. But you know what? January 5 would have been a better day to send them.

Mr. ROSEN. The Capitol Police did not request that.

Mr. WELCH. This is an intelligence—this was not an intelligence failure. The news was out there. It was as plain as day. It was a cavalier decision that was made, in my view, on the basis of the fact that it just was inconceivable that a Trump rally could result in an attack on the Capitol, so it was not taken with the serious-

ness that would have been applied had it been any other instigator than President Trump.

Thank you, and I yield back.

Mr. ROSEN. I differ with that, but I think you are misunderstanding who's responsible—

Chairwoman MALONEY. The gentleman's time has expired.

Mr. FISHER [continuing]. For security at the Capitol, which is the Capitol Police.

Chairwoman MALONEY. At the request of one of our witnesses, we are going to take a five-minute bathroom break. The Committee stands in recess for five minutes.

[Recess.]

Chairwoman MALONEY. The committee will come to order.

The gentleman from Georgia, Mr. Clyde, is recognized for five minutes. Mr. Clyde?

Mr. CLYDE. Thank you, Madam Chair.

This hearing is called the "Capitol Insurrection." Let us be honest with the American people. It was not an insurrection, and we cannot call it that and be truthful. The Cambridge English Dictionary defines an insurrection as, and I quote, "an organized attempt by a group of people to defeat their government and take control of their country, usually by violence."

And then from the Century Dictionary, "The act of rising against civil authority or governmental restraint, specifically the armed resistance of a number of persons to the power of the state."

As one of the Members who stayed in the Capitol and on the House floor who, with other Republican colleagues, helped barricade the door until almost 3 p.m. that day from the mob who tried to enter, I can tell you the House floor was never breached, and it was not an insurrection.

This is the truth. There was an undisciplined mob. There were some rioters and some who committed acts of vandalism. But let me be clear. There was no insurrection, and to call it an insurrection, in my opinion, is a boldfaced lie.

Watching the TV footage of those who entered the Capitol and walked through Statuary Hall showed people in an orderly fashion staying between the stanchions and ropes taking videos and pictures. You know, if you didn't know the TV footage was a video from January 6, you would actually think it was a normal tourist visit.

There were no firearms confiscated from anyone who breached the Capitol. Also, the only shot fired on January 6 was from a Capitol Police officer who killed an unarmed protester, Ashli Babbitt, in what will probably be—eventually be determined to be a needless display of lethal force. We heard earlier that her death certificate ruled her death to be a homicide.

So based on the definition that I just outlined from two dictionaries, this question for former Acting Attorney General Jeff Rosen. Would you call the events of January 6 an insurrection or a riot with vandalism, similar to what we saw last summer, sir?

Mr. ROSEN. I think whatever you call them, they were a huge disappointment, and I think all of us wish they had not occurred. With regards to the specifics of some of the labels that we use, I need to be careful because they could have legal significance. And

I've been asked, and I think it's my responsibility as well, not to do anything that might interfere with or in any way jeopardize the cases that are pending.

So I want to stay away from the terminology, but I think the events of January 6, we all have to agree, are things that should never have happened.

Mr. CLYDE. Oh, absolutely. I agree with that 100 percent. You know, but the only insurrection that I have witnessed in my lifetime was the one conducted by members of the FBI with participants from the DOJ and other agencies under the banner of Russia, Russia, Russia.

High-ranking employees from these Federal agencies and members of an independent counsel coordinated and fed a false narrative for over two years that the 2016 election was stolen and illegitimate. Democrats were on the news almost every night saying the evidence is there, and the mainstream media amplified the fake news. This was, indeed a very coordinated and well-funded effort by a determined group of people to overthrow our duly elected President, Donald J. Trump.

Now I have a question for the good Chief Contee. Specifically, sir, can you briefly describe your rules of engagement for protests, and at what point are your officers allowed to use lethal force? And then, as a followup, does that change if the situation is declared to be a riot, sir?

Chief CONTEE. Well, the Metropolitan Police Department, it would be very difficult to use lethal force in a situation where you have a riot or where there are multiple individuals involved. I mean, unless we were able to isolate a specific person who is committing an act that creates a life-threatening situation for our officer or for someone else, we would not ordinarily use lethal force in a situation like this.

Mr. CLYDE. OK. Does that change then if it is—well, first off, was the situation on January 6 declared a riot? And if it was, what time?

Chief CONTEE. Yes, sir. It was declared a riot, and I believe the time was around about 1:50 p.m.—about 1:50 p.m.

Mr. CLYDE. OK. All right, 1:50 p.m. So do your rules of engagement change then if the situation is declared to be a riot? Is that different from a protest in any way?

Chief CONTEE. Yes, for us, it is. In a situation where we declared a riot, members then are donning hard protective gear. Several people were dismantling the inauguration stand and using other things to assault many of the officers. I had 65 officers that reported significant injuries as a result of what we were faced with.

Mr. CLYDE. OK. But did the rules of lethal engagement change?

Chief CONTEE. No, the rules of lethal engagement does not change. In other words, we would not, you know, just randomly start using lethal force. But we used every less than lethal weapon that we had available to us, pepper spray and other munitions, to try to bring the situation under control.

Mr. CLYDE. Thank you very much, Chief. I appreciate your very informative comments.

And with that, I see my time has expired, and I yield back.

Chairwoman MALONEY. The gentleman yields back. And the gentleman from Georgia, Mr. Johnson, is now recognized for five minutes. Mr. Johnson?

Mr. JOHNSON. Thank you, Madam Chairman.

Mr. Miller, on December 31, the Mayor

[inaudible] January 6 because she was concerned about the likelihood of violence by Trump supporters. Isn't that correct?

Mr. MILLER. I'm sorry, Congressman. This is Chris Miller here. You came in distorted at the beginning. I didn't hear the question.

Mr. JOHNSON. OK. Well, I just asked a question. On December 31, that is the first request for National Guard to back up law enforcement in Washington, DC, because of fears of violence by Trump supporters on January 6. Correct?

Mr. MILLER. That was the first—that was the request, yes.

Mr. JOHNSON. And that request was not approved by you until January 4.

Mr. MILLER. It was that—

Mr. JOHNSON. Correct?

Mr. MILLER. Yes, it was that long weekend. So the—

Mr. JOHNSON. And the request and the authorization that you gave was to activate 340 National Guard troops. Correct?

Mr. MILLER. In accordance with the Mayor's request, yes.

Mr. JOHNSON. And you ordered that the Guardsmen and the Guardswomen not be issued riot gear. Isn't that correct?

Mr. MILLER. In accordance with the Mayor's guidance.

Mr. JOHNSON. And you placed restrictions on the deployment of an additional 40 National Guard quick-reaction force who were staged nearby at Joint Base Andrews. Isn't that correct?

Mr. MILLER. I did not, no.

Mr. JOHNSON. You did not place restrictions on the deployment of the quick reaction force?

Mr. MILLER. No. General Walker had full authority to deploy the quick-reaction force, so he—

Mr. JOHNSON. So you issued—so you issued no order restricting the deployment of those 40 quick-reaction forces?

Mr. MILLER. I gave guidance that I wanted to be involved, but if he felt he needed to deploy the quick-reaction force on his own, he could do that on his own without my approval.

Mr. JOHNSON. OK. Well, you were aware also on January 4 that Capitol Hill Police Chief Sund also inquired about deployment of National Guard troops to the Capitol on January 6. Correct?

Mr. MILLER. On January 4, I was not aware that he asked, and he did not put in a request for National Guard support.

Mr. JOHNSON. OK, fair enough. Did you attend the Trump rally on January 6?

Mr. MILLER. No, I was at the Pentagon. There was quite a lot going on in the world that day.

Mr. JOHNSON. And so you were observing the events at the rally from the Pentagon. Is that correct?

Mr. MILLER. No, I was—the television was on, but I was involved in other matters.

Mr. JOHNSON. Did you—when did you first become aware that marchers were on their way from the rally to the Capitol?

Mr. MILLER. Congressman, I've listed it here. I want to say it was 1 p.m., right about then. Someone came in, and they told me.

Mr. JOHNSON. And you began to monitor the situation closely at that point. Correct?

Mr. MILLER. Yes. And there were 8,000 badged and credentialed law enforcement officers on duty.

Mr. JOHNSON. But you were aware that the Capitol barricades had been breached. In real time, you were watching that. Correct?

Mr. MILLER. I can't recall if I saw it in real time or whether it was a replay.

Mr. JOHNSON. Well, you were aware that at 1:26 p.m. on January 6, the U.S. Capitol Police had ordered the evacuation of the Capitol. Correct?

Mr. MILLER. I don't know if I knew it right at that moment, but I was aware right within this timeframe.

Mr. JOHNSON. And you were aware eight minutes later at 1:34 p.m. that Mayor Bowser was again requesting National Guard troops be sent to the Capitol. Correct?

Mr. MILLER. I was not aware of that.

Mr. JOHNSON. You were not aware that at 1:49 p.m. Chief Sund was frantically asking for deployment of National Guard troops to the Capitol?

Mr. MILLER. No, I was not aware of that.

Mr. JOHNSON. At 2:28 p.m., were you aware that Chief Sund was also making another urgent request for National Guard support?

Mr. MILLER. I was not aware of that specific request at, as you said, 2:28 p.m.

Mr. JOHNSON. But you said it was at 3:04 p.m. when you ordered that all available forces of the National Guard would be required to reinforce law enforcement at the Capitol. Correct?

Mr. MILLER. That was based on a meeting I had with the Army Secretary and the Chief of Staff at a little after 2:30 p.m.

Mr. JOHNSON. But you never gave him verbal authority to conduct operations at the Capitol until 4:32 p.m. Correct?

Mr. MILLER. I was not in the position to give him verbal authority. That was Secretary McCarthy. He was the operational commander that was involved with that.

Mr. JOHNSON. So, in short, it was almost—it was three hours after the first request for National Guard assistance at the Capitol before permission was granted by you. Isn't that correct?

Mr. MILLER. No, I don't think that's the case. A request—a 911 call does not equate to a formal request. I had an obligation—

Mr. JOHNSON. Well, let me ask you this. Did you—how did it come to pass that you slow-rolled the deployment of National Guard troops to put down a violent insurrection that you were observing taking place at the Capitol? How could it be—how could it be that three hours would pass before you authorized National Guard troops to reinforce the Capitol Hill Police and the D.C. Police?

Mr. MILLER. That's completely inaccurate and is not what happened.

Mr. JOHNSON. Well, you didn't issue an order for 3—until 4 p.m., 4:30 p.m.

Mr. MILLER. No, at 3 p.m., I ordered the full mobilization of the District of Columbia National Guard.

Mr. JOHNSON. Well, then why is it that at 5—in Senate testimony, Major General Walker testified under oath that it was at 5:08 p.m. that he received your approval to deploy National Guard troops to the Capitol? 5:08 p.m.

Mr. MILLER. I don't know. He had all the approval and authorities he needed at 3:04 p.m. when the order went out.

Mr. JOHNSON. Did you ever plan with anyone inside or outside of the Trump administration or with President Trump himself to delay deployment of National Guard troops to the Capitol on January 6?

Mr. MILLER. No. And I most emphatically say no and absolutely not.

Mr. JOHNSON. Were you ordered to delay deployment of the troops?

Mr. MILLER. One hundred 10 percent absolutely not. No, that is not the case.

Mr. JOHNSON. With that, I yield back, Madam Chair, and I thank you.

Chairwoman MALONEY. The gentleman yields back, and the gentleman from Texas, Mr. Cloud, is now recognized for five minutes. Mr. Cloud?

Mr. CLOUD. Thank you, Madam Chair.

And thank you to the witnesses that are here today, specifically Christopher Miller and Contee, I want to appreciate the uniforms that you represent and the frontline men and women who wear them. Thank you for being here today.

I wanted to spend some time filling in maybe some of the gaps. It is my understanding that as of April 12, 372 people have been charged in relation to the events on January 6. Mr. Rosen, how many of them were Members of Congress?

Mr. ROSEN. I don't know the answer to that question.

Mr. CLOUD. You don't know if a Member of Congress has been charged or not?

Mr. ROSEN. Well, let me put it differently. I'm not aware that any have.

Mr. CLOUD. OK. Now our Speaker has said, assuredly has informed the American people, that the enemy is within the House of Representatives. She went on to say that she hoped the Republican Members that were involved would be charged and has continued to state this false accusation.

Meanwhile, the Capitol Police and Sergeant of Arms, we met with them. I met with them personally and asked them very specifically, has there ever been any intelligence to relate, to lead to the idea that Members of Congress were involved in the events or, as was alleged, giving surveillance tours? And they said that there was never any intelligence to lead to that.

Would you, any of you differ with that statement, or would you agree with it?

[Pause.]

Mr. CLOUD. Any of the witnesses? Hello? Can you agree, disagree? Are we disconnected?

Chief CONTEE. Yes, for the Metropolitan Police Department, we have no information about that.

Mr. CLOUD. OK, thank you.

The Speaker also promulgated the false information that an officer was killed by a fire extinguisher. This information was also used in an impeachment hearing as evidence for impeachment. It is beyond me why the Speaker would feel the need to lie about either Members of Congress or about the officers who serve in our halls. It is tragic for someone serving in that capacity.

It is notable that actions regarding January 6 and the incursion at the Capitol have uniformly been condemned by Republicans, that we have called for anyone who broke the law to be prosecuted. Are you aware of any House Member or House Republican Member or Senate Member posting bail, raising money for the defense of anyone charged?

Chief CONTEE. Is that directed to one of us, sir, or—

Mr. CLOUD. Yes, to any of you.

Chief CONTEE. I'm not aware from the Metropolitan Police Department.

Mr. CLOUD. OK. I appreciate that. I am not aware of any either. We know that that has been done on the Democratic side, including—including the Vice President.

Mr. MILLER, it seems that no one wants to let you talk today. You mentioned that the—your initial estimate has been revised as intelligence has played out and been gathered since the events. I was on a plane with a number of people on January 6 and still have the luxury of being incognito sometimes, and so I just asked them, as a citizen, just, hey, you were at the event, what happened? And a number of them said what Capitol Police had confirmed in discussions, that there was a distinction definitely between people who came to attend the rally and the spirit and enthusiasm they came with versus people who came with—to quote a Capitol officer—evil intent in their eyes and intent to do harm.

You have mentioned that there were agitators who came prepared. There has been some discussion about whether it takes 45 minutes or not to walk from the Mall to the Capitol. I certainly think, if there were people who came in battle gear, so to speak, and gas masks and that they were motivated by anything that President Trump said, that they didn't have time to go back to their house, put on their gear, within the time to make it to the Capitol.

Could you speak to that and some of the lessons learned in the new information that has come to light?

Mr. MILLER. I just felt as I saw some of the video, the particular video is where a column is going up the stairs, and they are holding onto each other, and they are kitted up in a way that was pretty dramatic and I'd seen before. That struck me as an example of this was—they were organized and had thought through this.

Mr. CLOUD. So they showed up on the Mall prepared?

Mr. MILLER. That's my assessment, but that's not—I'll leave it for you all to determine definitively, as well as law enforcement.

Mr. CLOUD. Well, the people I spoke to on the ground who had attended the rally, that is what they said as well. That they had

seen people pull up even in vans and had a completely different spirit about them.

Thank you for your testimony today.

Chairwoman MALONEY. The gentleman's time has expired. The gentleman from Maryland, Mr. Sarbanes, is now recognized for five minutes. Mr. Sarbanes?

Mr. SARBANES. Yes, thank you very much, Madam Chair.

I want to talk about where we go from here. One hundred twenty-six days ago, the Capitol was overrun by insurrectionists. So it has been more than four months, and even today, we have heard some new testimony. We have learned some new facts, and we are still learning more about what happened on January 6. And there are a lot of unanswered questions that remain.

In February, as we know, Speaker Pelosi proposed an independent commission, which was modeled after the 9/11 Commission to study the January attack and the factors that led to it. Unfortunately, with a few exceptions, Republicans have opposed this commission, even as the Speaker has indicated her openness to compromise by proposing that the commission, for example, have an equal number of Republicans and Democrats and that the chair and the ranking member share subpoena authority. So she has made a good-faith effort to try to construct this in a way that is nonpartisan.

One criticism that we have heard from Republicans is that the scope of the commission should include protests against police brutality that took place in the summer of 2020. We got a little bit of a taste of that perspective today. But that is an entirely different subject. It does not relate to the January 6 attack. It would dilute the important focus that we need to place on the events of that day. We need to get solid, cogent answers to questions about what happened at the Capitol and how it happened.

In April, a coalition of 140 national security leaders who served under Democratic and Republican administrations sent a letter to Congress urging us to create a 9/11-style commission to provide a "full picture of events and an analysis of their causes." They wrote further, "Given the gravity of January 6 as a national security matter, the violent disruption to the transition of power, and the continuing threat of future attacks, a national commission examining the lead-up to the January 6 assault and the attendant security lapses is not only appropriate, but a critical component of the national response."

And Madam Chair, I ask for unanimous consent for this to be entered into the record.

Chairwoman MALONEY. Without objection.

Mr. SARBANES. Mr. Miller, do you agree with these national security professionals' assessment that the January 6 attack was a grave matter of national security?

Mr. MILLER. Yes.

Mr. SARBANES. Do you think something like the January 6 attack could happen again?

Mr. MILLER. Yes.

Mr. SARBANES. Would an independent review of the events of January 6 help prevent a reoccurrence and/or make us better prepared in the future?

Mr. MILLER. Yes.

Mr. SARBANES. Mr. Rosen, can you give me your perspective on the value of a 9/11-style commission?

Mr. ROSEN. Congressman, I think we start with the premise that the events at the Capitol, the attack on the Capitol, were unconscionable, outrage. I think I said in my opening statement a national travesty. So knowing that, it is important to get the facts established, understood, and have an opportunity to try to ensure that something like that never happens again.

Whether to do that by a commission or some other means, I think that's really a question for the Congress, and I leave it to you and your colleagues to determine that.

Mr. SARBANES. Well, I appreciate that. I mean, if you look back at the 9/11 Commission, not only did it produce in a bipartisan fashion an analysis of what occurred then, it became kind of the gold standard for how we respond to traumatic events. And so it is the natural place to go to construct something of that kind in response to what happened on January 6, and I think that is why there is such a strong case to be made there.

And it helped, I think it helped the country and the American people and lawmakers, all who were affected by it, to come to terms with what happened on that day, on 9/11, in a significant and, in a sense, healing fashion. I think that is the promise of a commission in this instance. It produced a unanimous report, the 9/11 Commission did. Nearly all of its recommendations were adopted.

So we must examine the January 6 insurrection, I believe, with the same level of scrutiny. I think the future of our democracy is very much dependent on taking that step. I urge all my colleagues to support the commission.

I yield back the balance of my time to you, Madam Chair.

Chairwoman MALONEY. I thank the gentleman for his statement. I couldn't agree more that 9/11 gave us a diagram of going forward to make this country safer. It was truly a determined bipartisan effort that moved this country forward. I hope we can do the same with a commission looking at what happened at our Capitol on January 6.

With that, I would like to recognize the gentleman from Florida, Mr. Franklin. You are now recognized for five minutes.

Mr. FRANKLIN. Thank you, Madam Chairman.

And thank you to our witnesses. You have endured a lot over these last several hours, and I appreciate your time today.

I had held great hopes that we would get to the bottom of some of the events that happened on January 6. It was no doubt a dark day in our country's history. Unfortunately, this hearing has not been anything like I would have anticipated. This is not an effort to get to the truth. It is not to find out what really happened. It is nothing but a political show, and let me dive into that a little bit.

But first, I do have a question for our three witnesses. And first, Chief Contee, which law enforcement agency would you say has the primary responsibility for protecting the Capitol?

Chief CONTEE. The United States Capitol Police.

Mr. FRANKLIN. Thank you, sir. Mr. Rosen, would you agree with that assessment?

Mr. ROSEN. I do agree with that. The Capitol Police are part of the legislative branch and are responsible for security at the Capitol.

Mr. FRANKLIN. OK, thank you. And Mr. Miller, would you agree as well?

Mr. MILLER. Yes, I agree.

Mr. FRANKLIN. OK. Thank you all. It is interesting that we have no one here from Capitol Police today.

Chief Contee, this will be a question coming to you. But on January 3, the Capitol Police issued an internal report called "A Special Event Assessment," stating that the Intelligence and Interagency Coordination Division was tracking several protests that were to take place on January 5 and 6, and that there were indications that the protesters could be armed. It doesn't appear that that internal report was shared with other law enforcement agencies or the FBI. Was your agency made aware of that report?

Chief CONTEE. No, not prior to January 6. That's correct.

Mr. FRANKLIN. Would it have been helpful information to you to know that there was another corroborating source that there might be armed folks come—taking place in those events on the 6th?

Chief CONTEE. I believe it would have been helpful. But the Metropolitan Police Department, just in terms of our deployment, we had signs posted on the National Mall regarding individuals who could be armed, that kind of thing. But it certainly would have been helpful.

Mr. FRANKLIN. Great. Thank you.

A similar report was issued by the FBI's field office in Norfolk. We have heard about that. It was in the press. Warning that extremists were sharing online plans to travel to D.C., encouraging each other to be violent and "ready for war." The FBI claims that information was shared with the field office in Washington and then, subsequently, the Joint Terrorism Task Force, which includes Capitol Police, the Park Police, D.C. Metro Police, among others.

Chief, were you aware of that report from the Norfolk FBI office?

Chief CONTEE. No. It was emailed to our agency.

Mr. FRANKLIN. OK. So that it was emailed to the agency, but not—didn't make it to your attention. OK? That is correct?

Chief CONTEE. That is correct. Yes, sir.

Mr. FRANKLIN. OK. Our understanding as well, Chief Sund of the U.S. Capitol Police claims that he didn't receive that report either. Seems to me like that would be some pretty critical information to know.

But everyone seems in agreement that the Capitol Police would be the agency most responsible for protecting the Capitol, and yet they are not here today. I can't, for the life of me, fathom why if we are going to call a panel of witnesses that the agency primarily responsible for safeguarding this institution wasn't invited to participate. That is another question for another day.

So beyond that, another topic that came up here. It was brought to my attention, Mr. Rosen and Mr. Miller, the two of you, along with Secretary McCarthy, received a letter from Mayor Bowser on

January 5. Are you familiar with the letter I am talking about, or should I refresh you guys on it?

Mr. ROSEN. I'm familiar. It's attached to my written testimony.

Mr. FRANKLIN. OK. And could you elaborate for all of us here a little of what the Mayor was stating in her letter to you?

Mr. ROSEN. Yes. She wrote to the Army Secretary and to the Acting Secretary of Defense and me and just indicated that she wanted us aware that—I'll just read the beginning. "As the law enforcement agency charged with protecting residents and visitors throughout the District of Columbia, the Metropolitan Police Department is prepared for this week's First Amendment activities. MPD has coordinated with its Federal partners, namely the Park Police and U.S. Capitol Police and U.S. Secret Service, all of whom regularly have uniformed personnel protecting Federal assets in the District of Columbia."

And she goes on and clarifies or expresses that, "The District of Columbia government has not requested personnel from any other Federal law enforcement agencies, and to be clear, the District of Columbia is not requesting other Federal law enforcement personnel and discourages any additional deployment without any notification to and consultation with MPD if such plans are underway."

Mr. FRANKLIN. Well, thank you. And it seems to me that that is important information, and you know, again, I would love to have the Mayor here so we could ask her directly about some of this. But for whatever reason, my colleagues across the aisle have not deemed those witnesses to be important enough to bring before us today.

I look forward to getting to the bottom of this when we are ready to have a serious hearing, and apparently, that is not the case today.

But thank you, Madam Chair. I yield back.

Chairwoman MALONEY. The gentleman yields back. The gentlelady from California, Ms. Speier, is recognized for five minutes. Ms. Speier?

Ms. SPEIER. Thank you, Madam Chair. And thank you both for your participation today.

Let me just start with you, Mr. Rosen. Earlier in your comments today, you said that there was no widespread evidence of fraud that the Department uncovered. Can you give us specific evidence of fraud that you uncovered in the election?

Mr. ROSEN. Well, Congresswoman, I know you're alluding to page 2 of my written testimony, and pretty much what I have to say, I've said there. I am not at liberty to get into the details of specific investigations in particular locales, but I have shared the results of that.

Ms. SPEIER. But there was nothing that would constitute widespread. They were isolated incidents around the country, any different than they are at any other election?

Mr. ROSEN. As I said, nothing widespread or on a sufficient scale to overturn the election.

Ms. SPEIER. All right. I think everyone agrees that there was an abysmal failure of intelligence. There was so much on social media that was ignored, and in my work on the Intelligence Committee,

I think there is a bias against using open source information. But in this case, clearly, the open source information was raising red flags all over the place.

On social media and rightwing forums, such as TheDonald.win, supporters of President Trump telegraphed out in the open their intent and aspirations to attack the Capitol. One user posted, “If we occupy the Capitol building, there will be no vote.”

The top response read, “Got to overwhelm the barricades and cops.” Another individual posted, “January 6 is the chance to restore this country. Barging into the Capitol through multiple entryways is the surest way to have our bases covered and apprehend these traitors.”

Some users shared maps of the Capitol building. These conversations weren’t happening hidden away in encrypted chat rooms or on the dark web. They were out in the open for everyone to see.

Mr. ROSEN, prior to January 6, were you aware that supporters of Donald Trump had made these specific public threats against the U.S. Capitol and Members of Congress?

Mr. ROSEN. Congresswoman, as I’ve alluded to in my written testimony, there was a very robust effort at the FBI to track appropriate and available information and to share it with the police departments, and that was done, and with the Federal agencies, the DHS and the Secret Service, for example. I was aware that there was the potential for violence, as was everybody, I think. And I think I share your unhappiness with those kind of comments. I think they’re bad things.

I’d refer you to Director Wray’s testimony before a Senate committee a couple of months ago where he addresses how the Bureau has to deal with things that are aspirational versus real intent and corroborated. And that’s a challenge for the intelligence community.

I would disagree with you that there’s an intelligence failure. I think the information that was available was a robust effort and was shared.

Ms. SPEIER. All right. Let me—let me go on.

The FBI easily issued warnings in advance of the peaceful racial justice protests. They quickly deployed additional law enforcement personnel in the summer of 2020. What does the Department of Justice and FBI need to change to ensure that obvious warning signs are taken seriously?

Mr. ROSEN. I’m not sure if I’m following your question. Because on January 6, we had pre-positioned and alerted our tactical assets at the FBI and the ATF, the U.S. Marshals. And on January 6, with great urgency, we deployed over 500 men and women from the Justice Department to provide assistance at the Capitol—

Ms. SPEIER. But that was after the breach, was it not?

Mr. ROSEN. It was after the breach, but we had pre-positioned some of them to be available.

Ms. SPEIER. Reclaiming my time. We are talking about before the breach. Before the breach is when intelligence becomes so important, when you could prepare.

Mr. ROSEN. Oh. Oh, I’m sorry. I misunderstood your question. I think the reason I misunderstood your question, Congresswoman, is the Capitol Police are responsible for security of the Capitol, and

they're part of the legislative branch. They don't report to me, and I don't have any authority over them.

Ms. SPEIER. No, I understand—

Mr. ROSEN. But we did try to get them the information we had.

Ms. SPEIER. Well, Mr. Rosen, the information—there was red alarm information that was being promoted online that should have raised all kinds of red flags. And yet there was some obscure memo that came from some division that never had any kind of heightened awareness. It reminds me a lot of 9/11, where it never percolates to the top.

So I continue to be concerned that there was plenty of open source information that this riot, this insurrection was going to take place, and it was not properly communicated. And to point fingers saying we have no jurisdiction over the Capitol, my God, this is where the seat of government is. How can you not recognize your responsibility?

With that, I yield back.

Mr. ROSEN. Madam Chair, might I briefly respond?

Chairwoman MALONEY. Yes, sir. Go ahead.

Mr. ROSEN. Thank you. I think there's a misunderstanding here. The point I'm making is the people with the responsibility for securing the Capitol are the Capitol Police, but the FBI and the Justice Department are, in fact, collecting information and sharing it with the Capitol Police, as well as others, and that did occur.

So if there's a question directed specifically at the Capitol Police's awareness of the potential for violence, I mean, I think they were aware of the potential for violence. But I'm just not the one you should ask that question to. I think if you want to get an understanding, there are other participants you'll want to talk to.

Chairwoman MALONEY. OK. The gentleman's time has expired. The gentleman from Kansas, Mr. LaTurner, is recognized for five minutes. Mr. LaTurner?

Mr. LATURNER. Madam Chairwoman, respectfully, the way this hearing is being conducted today is disappointing, to say the least. As evidenced by the witness list and some of the shameful statements and questions being asked by the majority party, this hearing is a continuation of the Speaker's partisan approach to obtaining the facts and putting steps in place to ensure that this never happens again. That should be what we are doing here today.

Here is the truth. Many in the Democratic Party are politicizing this issue and making gross attempts to link the concerns of tens of millions of Americans about the last election and the peaceful actions of their elected representatives to the violent acts of January 6. Those tens of millions of Americans that I mention and all of their elected representatives on both sides of the aisle are disgusted by the violence on January 6 and believe that should never happen in the United States of America.

I want to remind the majority members of this committee that Democrats have contested the Presidential election results of every single Republican victory for the last 20 years. In fact, Speaker Pelosi said in 2004 about the Democrats objecting to the Electoral College, "Today, we are witnessing democracy at work. This isn't as some of our Republican colleagues have referred to sadly as frivolous. This debate is fundamental to our democracy."

I urge my colleagues on this committee to stop the hypocrisy and stop politicizing this tragedy. This country and this Congress are divided enough already. It is time for the metal detectors on the House floor and the ridiculous fences to come down and for us to roll up our sleeves and get to work on behalf of the American people.

Part of that work is getting to the bottom of what happened on January 6, and we know exactly how to do that as a Congress and as a Nation. I urge my colleagues to all support H.R. 275, legislation I have cosponsored, which is modeled after the bipartisan 9/11 Commission, which we know is the gold standard for commissions enacted after events similar to January 6.

We can do this, and we can do it in a bipartisan manner, guaranteeing full accountability for the people that committed these crimes and full accountability for those leaders that failed to secure the Capitol. We were able to do the exact same thing after the harrowing events of September 11, 2001, and we must do it again.

This hearing today and the continued partisan efforts of the Speaker will not make our Capitol any safer, our Nation any more united, and it will certainly not help to prevent another similar tragedy down the road. It is my greatest hope that we can stop the political games and come together on this important matter so our very divided nation can begin to heal.

I would like to ask any of the conferees here today—Mr. Rosen, Mr. Miller, you both have endured a lot of incoming. I would like to give you a little time. Is there anything that you would like to correct for the record or anything that you would like to add that you haven't had an opportunity to?

Mr. ROSEN. I guess, just to followup on my previous line of questioning, I'd just like to clarify, because it occurred to me that sometimes I may know what the role and responsibilities of different entities are and not all the Members of Congress will. So let me just try to clarify one thing.

Everybody is trying to work together and coordinate, and nobody is trying to say we don't want to be helpful and we don't have responsibility. But it's a little bit like, you know, Bill Belichick says about football players. Everyone has to do their own job, as well as be supportive of the folks doing the other jobs.

So with regard to the Capitol Police, who provide the security at the Capitol, when I'm making the point that they do not report to the Justice Department, they're not even part of the executive branch, right? I'm not saying we don't try to assist and collaborate and coordinate because we do. And we shared information.

The point I'm making is, ultimately, the decision what to do with the information falls on—in that instance, because it depends which police force it is—but in that instance, on the Capitol Police to decide what to do, and if they feel like they need additional assistance or additional resources, they have the ability to reach out to lots of different folks, to the other police forces or the Justice Department if they need resources, or in some instances if they need—particularly if they need large numbers of bodies—to the National Guard.

And so there's mechanisms for people to coordinate, but everyone has got to do their own job, and then everyone is trying to help

each other with their jobs. And that's why I make the point, we had pre-positioned some resources. We hoped that they weren't needed.

Nobody had asked the Justice Department for them. But thankfully, they were available so that when the terrible events of January 6 occurred, we were in a position to send over 500 DOJ personnel to the Capitol in short order. And that involves some that were nearby and some that were helicopered from Quantico, Virginia.

So I just want to be—clarify that because I think some of these people don't understand the relevant roles and responsibilities while people are working very hard to assist one another.

Mr. LATURNER. Mr. Rosen, I think they understand more than you think. It just doesn't fit in neatly with the partisan narrative that is being pushed.

Madam Chairman, I yield back the balance of my time.

Chairwoman MALONEY. The gentleman yields back, and the gentlelady from Illinois, Ms. Kelly, is recognized for five minutes. Ms. Kelly?

Ms. KELLY. Thank you, Madam Chair.

On January 6, as we have been talking about, the world watched as the Capitol building became a danger zone filled with chaos. Members and staff shocked and in fear as the United States Capitol Police, the D.C. Metro Police Department worked to ensure the safety of everyone.

I was one of those people stuck in the gallery with 20, 25 of my other colleagues, wondering if we would get out safe and sound and wondering why I was even in this position. And some of my colleagues are still suffering from that day.

Mr. Miller, in your written testimony, you stated that for the Department of Defense to "properly provide military support to law enforcement agencies within D.C." it is "necessary to confer, co-ordinate, synchronize with at least 10 different entities." That includes Metro Police Department, the Metro Transit Police, the Capitol Police, the U.S. Department of Homeland Security, U.S. Department of Justice, including the FBI, U.S. Department of the Interior, U.S. Marshals, Federal Protective Service, the U.S. Secret Service, and the U.S. Park Police.

In your written testimony, you stated that in the days prior to January 6, the Department of Defense became concerned with "the apparent lack of coordination, synchronization, and information exchange with and between the numerous domestic law enforcement organizations charged with protecting D.C. and the Capitol."

Mr. Miller, who is at fault for the lack of coordination and communication in the days leading up to the insurrection?

Mr. MILLER. Thank you for the question, and thank you for highlighting—highlighting the human cost. And huge empathy, and I know the fear and the terror that goes on when you're being attacked, and I don't want to—I just wanted to highlight that, ma'am, for all of you because this partisan rancor, you guys were there. So God bless you.

I don't know. I don't know. I'm going to answer your question succinctly. I just don't know, but it's got to be somebody, and it has to be determined and—

Ms. KELLY. Well, which Federal agency or department needed to do more coordination and synchronization? Who should have been the lead for the Federal Government?

Mr. MILLER. I felt that we were very good getting the Federal Government piece together, and we also had good coordination with many of the local law enforcement. But there was not one person or one entity in charge, writ large.

Department of Justice, to be clear, was the lead agency and did a fine job. So I want to be clear about that. But in terms of writ large, it's the thing that needs to be decided, yes, ma'am.

Ms. KELLY. That is what we need to do much better going forward?

Mr. MILLER. I believe so, yes.

Ms. KELLY. You also testified that you felt it was your responsibility to initiate discussions to coordinate Federal planning efforts prior to January 5. Why do you feel it was your personal responsibility, and who specifically did you feel was not taking this responsibility or that should have?

Mr. MILLER. I don't think it was anyone's—it wasn't malicious or anything. And thank you for the question, and thank you for allowing me to answer with a little more thoughtfulness.

I had an obligation to the mothers, fathers, spouses of the people that are going out there. So I took that extremely seriously, and that's why I felt it was incumbent upon me to make sure that I was the convening authority, at least initially, to bring everyone together and get the system going, which occurred.

Ms. KELLY. Thank you. Since you took on convening these meetings prior to January 6, do you take personal responsibility for any gaps in communication or intelligence sharing that occurred prior to or on January 6?

Mr. MILLER. I wish things would have gone a lot better, obviously, because of the storming of the Capitol. I just wanted to reiterate and highlight, and this is not some trying to cover my you know what. The Department of Defense, it's not good for the Republic, it's not good for our American citizens to have the Department of Defense be involved in civilian law enforcement matters except as the last resort and when all civilian law enforcement has been expended.

So I know that sounds mundane, but it's really, really important for our people and for this body to understand my thought processes that day.

Ms. KELLY. Thank you. Chief Contee, I am grateful to the members of the U.S. Capitol Police, Metro Police, D.C. National Guard, and Federal law enforcement who responded to the day's attack. It is clear that the communication and coordination between these departments was lacking and potentially delayed the ability to stop the insurrection.

Chief Contee, during the January 6 attack, how would you describe the communication between MPD and the U.S. Capitol Police?

Chief CONTEE. We had good communication on that day. They were present here. They had a representative here. We had representatives there. So—

Ms. KELLY. How about your communication between your department and the Department of Defense and the D.C. National Guard?

Chief CONTEE. I had conversations with Secretary McCarthy leading up to January 6, and there were several coordination calls that the Department of Defense was not necessarily part of, but between local law enforcement and members of the Federal law enforcement entities—Capitol Police, Secret Service, Park Police, FBI, United States attorney's office. There were several calls, coordination calls that led to the date of January 6.

Ms. KELLY. And I am going to go forward because other people did. Since that time, what has been done to improve communication and coordination, if anything has been done? And then I will yield back.

Chief CONTEE. Yes, ma'am. The thing that's different now is, I mean, obviously, if there's an urgent matter or something that needs to be talked about amongst the principals, those are phone calls that take place. Those are conversations that take place.

I think one of the things that was highlighted during this was that there were these intelligence things that were circulating, and some things were emailed to different agencies, and I don't think you can necessarily qualify that or check the box as a notification. If it's a matter of importance, then those are things the principals should be talking directly about. So certainly there has been more of that since January 6.

Ms. KELLY. Thank you. I yield back.

Chairwoman MALONEY. The gentlelady's time has expired. The gentleman from Texas, Mr. Fallon, is now recognized. Mr. Fallon?

Mr. FALLON. Madam Chair, thank you.

"Violence as a way of achieving racial justice is both impractical and immoral. It is impractical because it is a descending spiral ending in destruction for all. It is immoral because it seeks to humiliate the opponent rather than win his understanding and seeks to annihilate rather than to convert. Violence is immoral because it thrives on hatred rather than love."

One of the greatest Americans to ever live uttered those words over a half century ago, Reverend Martin Luther King. What happened on January 6 I think every member of this committee in our chamber would agree was horrific, criminal, and completely inconsistent with the values of a vibrant and healthy republic and should receive just condemnation from all quarters.

What we should be doing today and, for that matter, what leadership of this chamber should have been doing for the past four months is trying to find out what happened on January 6 and why. What accounted for the massive security failure, and who was truly at fault for that failure? How can an unorganized mob of strangers, most unarmed completely, while others with flag poles and pepper spray, have breached the United States Capitol?

The best and most effective way to answer these questions is to take the obvious political theater out of the equation altogether. If the events of January 6 received bipartisan condemnation, which they did, then the best way to discover the causes for the riot, the riot itself and for the security failures that allowed the breach, should be through a bipartisan commission.

And for the record, just such a proposal was presented by Republicans on January 12, and Speaker Pelosi has since dragged her feet, which begs the question, "Why?" This delay and lack of leadership is inexcusable.

I was one of the last to leave the chamber on that fateful day, and I will tell you straight up with full candor, I didn't know what was on the other side of that door. I heard Capitol Police shout, "Shots fired. Shots fired." It was harrowing. And hell yes, I was scared.

I will also be forever proud of those brave Members in the chamber who stood their ground to the right and left of me with the Capitol Police. Congressman Markwayne Mullin, Troy Nehls, Ronny Jackson, Tony Gonzalez—they augmented Capitol Police, and through their actions, we will also be able to forever tell the world that the House chamber, unlike the Senate, was never breached.

Our Democratic colleagues and their friends in the mainstream media are quite fond of labeling January 6 as an insurrection or even a rebellion, but are those descriptions accurate, or are they hyperbolic? To be sure, January 6, an unruly and dangerous mob of about 400 broke the law, criminally trespassed, committed various other crimes, and endangered the health, safety, well-being, and lives of many innocent people. As mobs so often do, they resorted to the lowest common denominator and devolved from peaceful protesting to violent actions.

Mobs are not only unruly, they are stupid as well. They are mindless, and they are irrational. That is precisely why they are so dangerous.

So was it a rebellion? Was it sedition? Was the mob intent on killing and overthrowing the Government? Let us not allow speculation and conjecture and partisan opinion to rule the day. Let us look at what the individuals in the mob that breached the Capitol were actually charged with. Were there any charges filed for murder, attempted murder, treason, insurrection? Well, not that we could find.

So was January 6 an insurrection, or could it be more accurately described as a mob of misfits committing disorderly conduct, violent entry, civil disorder, vandalism, unlawful entry, et cetera? You know, the crimes that these people were actually charged with.

At the end of the day, Republicans have proven themselves the only ones who have been—maintained consistency. We have condemned violence, rioting, and mayhem at every turn. We did so in the summer of 2020 during the BLM and Antifa violent riots that swept the country in 140 cities, cost \$2 billion in damages, and killed two dozen Americans. And we remembered the revered remarks of Dr. Martin Luther King and condemned that violence.

No committee hearings to my knowledge have been held to examine the root causes of all that destruction and loss of life. Republicans have condemned that violence and mayhem on January 6 as well, and it was abhorrent, disgusting, beneath the dignity of respectful citizens. The best way to ensure the Capitol is never again breached is to appoint a bipartisan commission forthwith to examine the events of January 6 and to do so without the looming and tempting fog of political gain hovering over the process.

Madam Chair, I yield back.

Chairwoman MALONEY. The gentleman yields back, and I now recognize the gentlelady from Missouri. Ms. Bush is now recognized for five minutes.

Ms. BUSH. St. Louis, and I thank you, Madam Chair, for convening this necessary hearing.

At Trump's January 6 rally, he told the crowd, "If you don't fight like hell, you are not going to have a country anymore." And so that is what they did. On January 6, a violent mob of insurrectionists—let us call them who they are—attacked the Capitol in an attempt to overturn the U.S. Presidential election.

I want to raise a pressing question today. Would this attack have happened, would it have been allowed to happen if those who stormed the Capitol were there to stand up, stand up for black lives rather than fight for white supremacy? Mr. Rosen, what would the DOJ's response have been that day if the majority of the people who participated in the attack looked like me?

Mr. ROSEN. Congresswoman, I appreciate that question. The first thing I want to say is I deplore hatred, bigotry, discrimination of any kind. And when I was at the Department of Justice, we prosecuted a number of significant hate crime cases and some cases involving racially and ethnically motivated violence. So from my vantage point, there is no tolerance for that at all.

To answer your question, I believe that the responses the Department of Justice took when I was there were the appropriate ones and that the relief that we provided of over 500 people urgently going to the Capitol that occurred. I think our responses—our preparation and our responses would have been the same.

Ms. BUSH. OK, thank you. I am going to have to disagree with you. I appreciate the first part of your comment, but I am going to have to disagree.

I don't have to guess—we witnessed the differences in response with the January 6 attack and the protests affirming the value of black lives last summer. The treatment of protesters defending black lives last summer by law enforcement—the DOJ, the National Guard, and others—was incomparably—it was egregious. We were teargassed, and I can say "we" because I am not talking about what I think. I am talking about what I know because I was there.

We were teargassed marching for justice in our own communities. The white supremacist mob, the white supremacist mob was able to break in with weapons and with zip ties and put their feet up on the desk in the Speaker's office after violently storming the Capitol grounds. The contrast is stark.

As my colleagues have rightly pointed out, Donald Trump was impeached for inciting the January 6 attack. But make no mistake, he is not the only one responsible. Some of my colleagues continue to question the results of the last election, even when it means questioning the legitimacy of American voters. This contradicts the facts which have stood up through audits, stood up through court cases.

President Joe Biden was duly elected in a free and fair election, defeating Donald Trump. But baseless conspiracy theories and those who encourage them are harmful, in and of themselves. But the disinformation surrounding them incited the insurrection and

continues to harm our democracy. Public officials and other leaders have encouraged insurrectionists and with raised fists implored conspiracy theorists to hold the line or supported them in other ways by implying that Donald Trump is really the President.

Mr. ROSEN, you led the agency coordinating Federal security preparations for January 6. Were you aware that public officials were inciting and supporting the insurrection? Mr. ROSEN?

Mr. ROSEN. Congresswoman, I think the best thing I can do on this is refer you to the public statements that I made at the time, both on January 6, on January 7, and the days that followed. And I don't think I could have been any more vocal in expressing my disapproval, how we watched in disbelief as a mob breached the Capitol building and required help to restore order.

Ms. BUSH. Specifically the public officials, specifically the public officials?

Mr. ROSEN. I'm sorry. I apologize, but I'm not sure that I followed the question.

Ms. BUSH. This is about public officials and—OK. This is about public officials. Were you aware that they were inciting or supporting the insurrection?

Mr. ROSEN. I'm not sure. I'd have to think, but I don't know that I understand the question. I mean, the—

Ms. BUSH. OK.

Mr. ROSEN [continuing]. There was awareness of the newspapers—

Ms. BUSH. OK, reclaiming my time. Reclaiming my time.

Mr. ROSEN. OK.

Ms. BUSH. Yes. So the truth is clear. The violence that day was built on a theory of lies and on months of disgraceful attempts to further suppress the votes, suppress the votes of black and brown communities, undermine our election and overturn the results. When asked if Trump should concede once electors vote on December 14, one senior member of this committee said, "No. No way. No way. No way."

We should still try to figure out exactly what took place here. Mr. MILLER, yes or no, would you agree that the unconstitutional attempts to overturn the election and dangerous rhetoric that I just cited played a role in inciting violence on January 6? Yes or no?

Mr. MILLER. I just think that the Department of Defense, we just did our job, taking into consideration all the factors and the political factors that you brought up.

Ms. BUSH. So yes or no?

Mr. MILLER. The question is kind of—I hate to be—seem deceptive, but the question is one more time?

Ms. BUSH. The question is, would you agree that the unconstitutional attempts to overturn the election and that dangerous rhetoric played a role in inciting the violence on January 6?

Mr. MILLER. I think the entire entertainment, media, political complex is culpable in creating this environment that is just intolerable and needs to change.

Ms. BUSH. OK, thank you. I believe we should investigate all who had a role—

Mr. COMER. Madam Chair, she is long over time.

Chairwoman MALONEY. The gentlelady from New Mexico, Ms. Herrell, is recognized for five minutes.

Ms. HERRELL. Thank you, Madam Chair. And thank you, witnesses, for being here today.

And this is a great segue into the questions that I have. Because of all of the media, the social media posts—Twitter, Facebook, et cetera—Mr. Rosen, do you think that the social media, all the posts, social media, everybody was watching to see what was happening. Do you think these impacted the ability to do a fair investigation after the riot on January 6?

Mr. ROSEN. I think that the investigators primarily at the FBI are extremely professional and know how to do that properly and correctly, and I look to them to do their jobs, and I'm confident that they try to do them extremely well.

Ms. HERRELL. OK. Mr. Miller, I would ask you the same question. How much—do you feel like the well has been poisoned here? I mean, we have had so much fake news, cynical politicians, disinformation, far, far from the truth. I mean, we heard that Officer Sicknick was killed by a fire extinguisher in the riot, but indeed, he died by natural causes, a stroke. In fact, that was put out by the D.C. medical examiner.

How much of an impact do you think social media and other outlets had on an investigation?

Mr. MILLER. Congresswoman, I have no idea, but I think you highlight a very, very important fact. And that's what I was trying to highlight that the gentleman from California tagged before. Some people are doing it against us very effectively, and we need to figure out how to manage this and how to bring about some needed changes.

Ms. HERRELL. Yes, I think they call that fake news.

Mr. Contee, just a question. Capitol Police, are they in charge solely of securing the Capitol and protecting it?

Chief CONTEE. Yes, they are.

Ms. HERRELL. Thank you. Mr. Miller, then who has authority to authorize deployment of National Guard troops to the Capitol?

Mr. MILLER. Based on a request from a lawfully sanctioned entity, ultimately I had responsibility and the authority to do that.

Ms. HERRELL. OK. And just really quick because I know we are short on time, Mr. Rosen, do you classify the events of January 6 as a riot or an insurrection, one or the other?

Mr. ROSEN. I say whatever you call it, it was an outrage. It was unconscionable. It was intolerable. I've heard it called both of those things. I just think we all have to agree that this is something we can never allow to happen again.

All of those phrases are fine, but what really counts is the conduct is something we cannot tolerate to ever occur again. And I just hope that one of the things that people take away—

Ms. HERRELL. Thank you.

Mr. ROSEN [continuing]. Is greater respect for the Constitution and the rule of law.

Ms. HERRELL. Thank you. Mr. Miller, the events of January 6, do you classify them as a riot or an insurrection?

Mr. MILLER. I'm not a lawyer. It was bad, regardless. I saw it as an assault on the Capitol, an assault on our Constitution.

Ms. HERRELL. All right. Mr. Contee, I will ask you the same thing, a riot or an insurrection?

Chief CONTEE. I think that there was—there was a riot, but there was also an insurrection that took place, in my view.

Ms. HERRELL. I understand. And then just this was touched on just a little bit earlier. But after the incident, did the teams, you or your team engage with any other—any other agencies? Was there interagency engagement after? And I think you all touched on this just a little bit.

Mr. Rosen, and you may or may not have been there after the 20th, but to your knowledge, did your team or your Department engage after the riot with other agencies?

Mr. ROSEN. I'm confident the answer to that is yes. I'd refer you to the Department of Justice and the FBI for specifics.

Ms. HERRELL. Right. Mr. Miller, same question. Because I think what we want to ensure is that this is a fair and balanced investigation and that there aren't silos of individual information being withheld from other agencies. I think the public, Congress, others are due truth in this, and I think having these conversations and sharing that information is just paramount. So I am asking you the same question. Were you or your Department heads or your Department engaged with interagency engagement after the riot?

Mr. MILLER. We were before and even more aggressively after. For the final 14 days, as you can assume, rightfully so, the focus of the Department at that point was to provide necessary security for the inauguration.

Ms. HERRELL. And Mr. Contee, same question to you.

Chief CONTEE. Could you repeat the question, ma'am, please?

Ms. HERRELL. Yes, sir, very quickly. Did you or your department have interagency engagement after the riots on the 6th to share information and—

Chief CONTEE. Yes. Yes. I just wanted to make sure I understood the question. Yes, we did.

Ms. HERRELL. Ms. Chair, I am out of time, and I yield back.

Chairwoman MALONEY. Thank you. The gentlelady yields back, and the gentlelady from Michigan, Mrs. Lawrence, is now recognized for five minutes.

Mrs. LAWRENCE. Thank you, Madam Chair.

One thing I do want to say is that I, too, was one of the Members who were on the floor when the mob was banging on the door. And we keep talking about being partisan today. I will tell you, it was bipartisan. Every Member on that floor was running for their life. Every Member on that floor, whether you were a Democrat or Republican, pro Trump or not, you were running for your life. It was absolutely unacceptable.

And trying to rationalize it today does not give me any sense of comfort that we are doing our jobs as Members of Congress. So you can call it a riot or insurrection, this man died while he was in the middle of this attack on our Capitol, a police officer died, and many more were injured. I am pro police, but I am pro the professional respect of the shield to serve and protect and not to attack and kill.

But I have a question for you, Mr. Rosen. In your written statement, you stated that you observed on TV the mob from the pro

Trump rally was moving to the Capitol. Can you tell me what time that was that you observed on TV that this was happening?

Mr. ROSEN. Unfortunately, not with specificity. You know, as I said, some of these things blur together. So I remember people coming into my office. I remember the television was on—

Mrs. LAWRENCE. I am going to ask you the next question. I am going to ask you—at that point, when you observed on TV, were there any DOJ law enforcement personnel already at the Capitol?

Mr. ROSEN. I think there were some ATF agents nearby because of the explosive devices, the bomb threats near the—

Mrs. LAWRENCE. Did you—

Mr. ROSEN [continuing]. Republican and Democrat headquarters, and that was part of why we could get some people to the Capitol so quickly.

Mrs. LAWRENCE. Did you order any—

Mr. ROSEN. But we got a lot more after that, you know, with great urgency. I think—I mean, I think I said in the written statement, it was around 2 p.m. that I saw the things on TV, but I can't pinpoint the time.

Mrs. LAWRENCE. You said later. You said later, and I quote, "I am horrified and dismayed," as you watched on television as the rioters breached the Capitol, and that was around 2 p.m. And you stated you soon learned that ATF and FBI, among others, had received requests from the Capitol Police and were beginning to respond.

How many ATF and FBI officers were deployed to the Capitol, and what time—so you didn't call for them. You learned by watching on—you later learned that they were deployed. You did not call for them?

Mr. ROSEN. So, Congresswoman, the way this works is the Capitol Police establish what they need in advance, and then if they need additional help, they coordinate it ahead of time with the MPD, the Park Police, the Justice Department, DHS, National Guard. And when the violence occurred, they requested help from ATF and FBI, and we responded with great urgency. As I said, we had pre-positioned some resources. I had hoped that was cautionary, but we also called them in as quick as possible.

Mrs. LAWRENCE. So you said in your statement—

Mr. ROSEN. So we sent over 500 Federal agents from the Justice Department.

Mrs. LAWRENCE. Exactly. So the 500 agents have been deployed to the Capitol more than four months after the January 6. This is new evidence—

Mr. ROSEN. No, no, no. The same day, January 6.

Mrs. LAWRENCE. Right. But this was new information to us. As you know, the committee, along with six others, sent a request for documents and information onto the DOJ on March 25 concerning the events of January 6. We need the Department to provide us with the information and documents that we asked for so Congress can get to the bottom of this.

The DOJ needs to start producing information, and we also need an independent—I agree with my Republican colleague who said we need an independent commission to study, to understand what went wrong. Because I will tell you, as we sit here today—and

some of you have responded in a way that seems almost dismissive and arrogant—sitting on that floor and being in almost a combat zone, fearing for your life, not knowing what is going to happen, hearing shots fired, hearing banging on the door, this is not something that should be repeated.

And I want to say to every one of my colleagues on the other side of the aisle, I don't give a darn who the President was. This can never happen again, and I will commit myself to ensuring that this "I don't remember" and "That is a partisan answer" and "You are ridiculous" crap stops so we can get to the bottom of this.

I yield back. I thank you.

Chairwoman MALONEY. The gentlelady yields back. Thank you for your strong statement.

The gentleman from Florida, Mr. Donalds, is recognized for five minutes, and I thank him for his attendance here today and thoughtful participation. Thank you.

Mr. DONALDS. Thank you, Madam Chair.

This is—I wanted to be here for a while and actually listen to the testimony in this hearing because it is actually quite abhorrent. I actually agree with part of the testimony from our previous colleague because I was on the floor, too. I was on the floor for actually quite some time. So I remember the banging at the door. I remember being evacuated with other Members of Congress, and at that point, we stopped being Republicans and Democrats. We were just Members trying to make sure that each other were getting to safety.

So I remember it very clearly. I will never forget it a day of my life. I remember not just myself, but many colleagues on the Republican side of the aisle condemning the attack on the Capitol, flat out condemning it as being unacceptable. And it is not acceptable.

I am glad that this hearing is happening because what we have to be able to get to is the actual facts, the actual responses, what actually occurred, and not politics, not supposition, not innuendo, not tweets, not cute hashtags on social media. We ought to get to the actual facts.

I would say that one of the agencies or, frankly, the agency, it has been said multiple times in this hearing, responsible for the security of this very facility is not here. And so I do want to ask our witnesses, Mr. Rosen, have you been in contact—when you were Acting Attorney General, were you in contact with Capitol Police before, during, and after the events on January 6?

Mr. ROSEN. The Department of Justice, the FBI, and the U.S. attorney were, yes.

Mr. DONALDS. Mr. Miller, in your capacity as Acting Secretary of State, were you in touch with Capitol Police before, during, and after the events on January 6?

Mr. MILLER. I was not personally, but the Department of Defense was in close contact.

Mr. DONALDS. OK. Chief Contee, the same question to you. Were you in touch with Capitol Police before, during, and after the events on January 6?

Chief CONTEE. Yes.

Mr. DONALDS. Well, I mean, I find it pretty interesting that the three witnesses here today have all been in touch with Capitol Police before, during, and after. Yet Capitol Police is not here to talk about what they were doing on January 6.

This is not meant to demean Capitol Police. They were standing there, frankly, in front of Members of Congress, getting us out of harm's way. But it is important if we are going to have a hearing that unveils all of the issues that occurred and the ways that this could never happen again, they need to come before this committee as well.

A couple of questions. Mr. Miller, I know that you said earlier that you were in contact with—or you received a request from Mayor Bowser with respect to National Guard troops. When did you receive that request from Mayor Bowser?

Mr. MILLER. December 31, 2020. I spent the weekend going over it to finalize the plan with the D.C. National Guard and the Department of the Army and Army staff.

Mr. DONALDS. At what point did you and President Trump actually have a discussion on this request from Mayor Bowser?

Mr. MILLER. I had a meeting with President Trump on the 3d of January concerning some international threats, and at the very end, he asked if there were any requests for National Guard support, and I informed him of Mayor Bowser's request.

Mr. DONALDS. Mr. Miller, to clarify that point, did you tell the President about the Mayor's request, or did President Trump ask if there were requests?

Mr. MILLER. He asked if there were requests.

Mr. DONALDS. What was the President's response to you with regard to the request made by Mayor Bowser?

Mr. MILLER. Fill it and do whatever was necessary to protect the demonstrators and that were executing their constitutionally protected rights.

Mr. DONALDS. OK. And what happened in response to—with Mayor Bowser. What happened when you notified her that her request had been fulfilled? What did she do with that information?

Mr. MILLER. I don't know.

Mr. DONALDS. Did Mayor Bowser ever followup after the agreement from the President to provide support, actually asking for that support to be deployed?

Mr. MILLER. I know there was that January 5th letter that was referred to earlier that Acting AG Rosen referred to.

Mr. DONALDS. Oh, this is the letter—Acting AG Rosen, this is the letter in which Mayor Bowser basically declined support. Is that correct?

Mr. ROSEN. Well, it indicated that she thought that the police had things in hand and did not need additional support at that time.

Mr. DONALDS. My last question is this. Mr. Miller, in your estimation, how long does it actually take, logically speaking, how long in terms of minutes, hours, does it take to deploy National Guard anywhere, for that matter?

Mr. MILLER. It was—I think it will go down in history as one of the most expedient deployments in National Guard history. I would just like to highlight that our premier active duty force that's on

strip alert has a three-hour window to deploy, and they deployed, based on my calculations, much quicker. The National Guard deployed much quicker than our active duty forces are expected to.

Mr. DONALDS. Madam Chair, I know I am over my time, but may I ask one brief question?

Chairwoman MALONEY. So granted.

Mr. DONALDS. Thank you, Madam Chair.

Mr. MILLER, in your estimation, on average, how long does it take to deploy the National Guard when requested? On average.

Mr. MILLER. I'm not being deceitful. It's just it absolutely depends what the mission is, where they're trying to go to, and all of these other factors.

Mr. DONALDS. But this was the most expedient?

Mr. MILLER. I think if we looked at it definitively, if we had historians or analysts look at it, I think you will find and it will be clarified as one of the most expedient deployments in National Guard modern history.

Mr. DONALDS. All right. Thank you so much.

I yield back. Thank you, Madam Chair, for the ability.

Chairwoman MALONEY. Thank you. Thank you. The gentleman from California, Mr. DeSaulnier, is recognized for five minutes. The gentleman from California?

Mr. DESAULNIER. Thank you, Madam Chair. Thank you for this hearing. I think all of us will agree that it is painful revisiting this, but it is important.

I had a perspective on January 6. I got to the Capitol early because I think we all would agree we knew that there was a potential for trouble. And I was told to get there early because I had to be removed. I wasn't on the floor because of health conditions. I was across the hall in an office that afforded me a view of the Mall and also allowed me to watch television, both we were monitoring the floor, but I was able to listen to news reports about what was happening on the Ellipse.

So, and then later, I was able to quite visually see the attack on the Western front where it is still disturbing to me, watching what happened at that doorway and watching Capitol Police officers try to defend on the other side of where the temporary bleachers had already been put up for the inauguration.

So, Mr. Rosen, one of the times that I look back and I started to accelerate my concern, and this is my perspective listening to the then-President. I always thought, well, it is that person, and he has a different way of communicating. But we now know that the people who broke the law and entered the Capitol thought that he was telling them to do what they did, and that will come forward more and more as these cases proceed.

So, for you, my moment of heightened concern was when I became aware, as I saw them coming up the Mall—I couldn't see Pennsylvania Avenue from where I was—was when I found out what was going on at the Ellipse and the content of what the President was telling them.

So when did you become aware of that, and how did you respond? And particularly the spirit and specifically saying "you have got to go up there and fight like hell" and that "I will be with you." Do you remember when you became aware of that? Mr. Rosen?

Mr. ROSEN. Not of that phrase or that language. I remember that I was at my office and I was interested in how large was the crowd at the Ellipse. And I contacted the U.S. attorney who had provided some reconnaissance on that. I recount some of this in the written testimony, so I'll give you the short version because I know time is limited.

But I was told that the crowd was actually at the low end of the estimates that we had all received, might even be below it, and that at that point they were not unruly or violent. And I asked for continued updates, which I continued to receive. Obviously, when I was receiving them, as I have alluded to earlier, sometime around 2 p.m., give or take—I don't remember the exact time—

Mr. DESAULNIER. Appreciate that.

Mr. ROSEN. I learned that—

Mr. DESAULNIER. I'm sorry.

Mr. ROSEN [continuing]. That the perimeter was breached.

Mr. DESAULNIER. Mr. Rosen, just did you—well, let's go to Mr. Miller. When did you find out about what happened at the Ellipse and what the President had instructed the mob to do?

Mr. MILLER. I don't recall when I was told. I just—when the movement started to the Capitol, whatever time that was—and I still can't—we still can't figure that out. It was somewhere I call based on my notes between 1 p.m. and 1:30 p.m.

Mr. DESAULNIER. Chief Contee, when did you become aware of what the President was instructing the mob to do?

Chief CONTEE. Probably days later. I was in the midst of all the stuff that was going on. I was at the West Front of the Capitol at one point. So unable to watch television and to hear what he was saying, but more importantly, just there as the situation unfolded.

Mr. DESAULNIER. Well, in hindsight—I know hindsight is 20/20. But it certainly seems that it was clear that he was communicating accurately to that group of people. Because they have said that they were following out instructions by the President of the United States. Do you have the same perception?

Chief CONTEE. This group of 300 or so that was—that kind of led the charge, if you will, I know that they were on the move toward the Capitol prior to the President making his remarks. It would be unfair for me to say that they were listening to him.

I just don't know. I think some of that is coming out as the FBI makes its cases, that individuals are saying that they were following those. But I don't know that personally, sir.

Mr. DESAULNIER. Thank you, Chief.

Mr. Miller, you said that you feel strongly—is what I took—strongly about an independent bipartisan commission. Is there anything specifically that you would hope to tell them that we should do to avoid this from happening again?

Mr. MILLER. Thanks for the question, sir.

I think everybody has pretty much hit that is just let's get some lessons learned, and let's not let this happen again. And let's figure out how to rebuild our bonds of connection and affinity for each other.

Mr. DESAULNIER. Thank you, Madam Chair. I yield back.

Chairwoman Maloney. The gentleman yields back. The gentleman from Kentucky, Mr. Comer, is now recognized for five minutes.

Mr. COMER. Thank you, Madam Chair.

Mr. Rosen, you were the Acting Attorney General during the events of January 6 through January 20. Correct?

Mr. ROSEN. Yes, sir.

Mr. COMER. And in that capacity, did you oversee the efforts to investigate, arrest, and prosecute those responsible?

Mr. ROSEN. During that time, yes.

Mr. COMER. Were those investigations a priority for the Department of Justice under your leadership?

Mr. ROSEN. Yes. It would be hard to have had a higher one. I think I pointed out in some of my public remarks at the time that that evening of January 6, we had prosecutors and investigators working through the night. I think we brought the first charges on the 7th and continued to work at breakneck speed, particularly the U.S. attorney's office and the FBI, because it was of such a priority.

Mr. COMER. And your Department was also involved with quelling the unrest at the Capitol on January 6. Can you tell us how many Federal law enforcement officers within the Department of Justice responded on that day?

Mr. ROSEN. It was in excess of 500 agents and officers from the FBI, the ATF, U.S. Marshals Service. I don't have the exact count, but it's north of 500.

Mr. COMER. Right. Mr. Miller, you were Acting Secretary of Defense during the events on January 6. Correct?

Mr. MILLER. Yes, sir.

Mr. COMER. And in that capacity, you authorized a National Guard deployment as requested by the Mayor of D.C. prior to those events. Correct?

Mr. MILLER. Yes.

Mr. COMER. Your testimony states that you discussed this with the President for less than a minute on January 3 and that the President said to give the Mayor the support she requested. Is that correct?

Mr. MILLER. Yes.

Mr. COMER. And your testimony also states that President Trump had no role with respect to the Department of Defense's efforts on January 6 to respond to the Capitol. Is that correct?

Mr. MILLER. Yes, that's what I got paid to handle.

Mr. COMER. Can you confirm that on January 6 the White House did not at any time order the National Guard to stand down or impede the deployment of the National Guard to the Capitol?

Mr. MILLER. Without equivocation or hesitation, that is correct. That did not happen.

Mr. COMER. Well, that is the headline of this hearing, much to the disappointment of my colleagues on the left. You have confirmed that there was no White House interference, despite many of the stories in the media counter to what you have just testified. The Capitol Police Board specifically denied a request from then-Chief Sund on January 4 to declare an emergency and authorize the National Guard. Do you have any insight into why the Capitol Police Board denied this request?

Mr. MILLER. I do not.

Mr. COMER. Could you please explain why the military should ordinarily be hesitant to get itself involved in domestic law enforcement matters?

Mr. MILLER. When we've done it in the past, it's been a complete nightmare for the United States and for our Armed Forces, and it's not something we should do lightly and without great forethought.

Mr. COMER. That is right. A lot of Democrats on this committee have criticized you all in the Government for doing that in the past in some of the cities, if I remember correctly.

Your testimony responds to criticism about the Department of Defense's response to the January 6 events at the Capitol. And you have stated that a deployment like this isn't like a video game where you can move forces within an urban environment with the flick of a thumb. Can you explain why you believe the criticism as to the timing of your response is unfounded?

Mr. MILLER. I believe it's a lack of familiarity with the nature of military operations or, as I said in my statement, a politicization of this issue. Probably a little bit of both, but I don't know exactly why there is such confusion.

Mr. COMER. Do you—my last question, sir. Do you continue to stand by the command decisions you made on January 6, given the information you had at the time?

Mr. MILLER. Yes.

Mr. COMER. Madam Chair, thank you, and I yield back.

Chairwoman MALONEY. Thank you. The gentleman's time has expired, and the gentleman from California, Vice Chair Gomez, is recognized for five minutes.

Mr. GOMEZ. Thank you, Chairwoman Maloney.

January 6 was a day that a lot of us are going to remember from—forever. I was in the gallery. I was one of about a dozen members who got trapped in the gallery trying to escape. As the door shut on us, we were all fearful of our lives. We had to duck and cover behind whatever we could find, flimsy chairs, a little wall, whatever we could find. And some Members couldn't hide at all.

And I was sitting there, and I texted my wife that I was with—I was trying to get out, and I was with Capitol Police. But I didn't want to tell her, "Oh, I love you." I didn't want to say any of those words because then it might create a lot of fear in her.

But I knew that we were in a bad situation, and I knew that if the mob got in that bad things could happen. So I had my—I took off my jacket earlier, my lapel pin, my tie, because I didn't want to look like a Member of Congress.

And it wasn't—I believe it wasn't enough to impeach President Trump for high crimes and misdemeanors by inciting violence against the U.S. Government because he wasn't alone. Some Members of this body have insisted and continue to insist that President Joe Biden was not duly elected.

Audit after audit and court case after court case has affirmed the fact that Donald Trump was defeated fairly by President Joe Biden. And yet these conspiracy theories continue, and they proliferate online, are given oxygen within the Republican Party. Many of them have failed to condemn and today have expelled one

of their own from their “big tent of leadership” for not subscribing to this lie.

In the name of this debunked conspiracy theory, violence was committed here, and further violence has been promoted against other elected officials, including our colleagues.

My colleague Marjorie Taylor Greene has gone on record saying, “Speaker Pelosi is a traitor to our country and guilty of treason, and a crime punishable by death is what treason is.” This, of course, is a baseless claim.

This rhetoric remains a threat to our democracy and to all public servants charged with keeping our democracy running. As we investigate the failure of the Federal Government to respond to white supremacists, we have also an obligation to create an independent commission to support ongoing congressional oversight and examine root causes of this insurrection. This includes the investigation of any of its own members that might have instigated or incited the storming of the U.S. Capitol for their own political gain.

Mr. Miller, in your testimony, you have stated an obligation to prevent a constitutional crisis. What concerns did you have regarding the possibility of a coup and whether the Armed Forces would be co-opted in an effort to overturn the results of the election?

Mr. MILLER. I had absolutely no concerns that the Armed Forces of the United States were going to violate their sacred oath to the Constitution. I was extremely concerned by the imprecise and inflammatory rhetoric that was out there that somehow the Armed Forces were at risk of that, and No. 2, if I would have put U.S. military forces on Capitol Hill before the events of January 6, I feel very confident that that would have created—reinforced the narrative by many that the Armed Forces were going to try to weigh in and overturn the election, and I wasn’t going to have that happen.

Mr. GOMEZ. Mr. Miller, so I didn’t have any belief that they would turn either. I know a lot of my constituents did, but I didn’t think that would happen, just because of the professionalism of the women in uniform.

Earlier, you walked back on Trump’s responsibility in the January 6 insurrection by saying there was a difference between the march and the assault. Do you believe that Trump had no role in the assault?

Mr. MILLER. I have absolutely no idea. I can’t imagine he did. But thank you for highlighting that. And again, the—your explanation of the fear that goes on with this, that the same sort of thing is happening to our soldiers as we’re getting them ready to go. So that’s another important factor that goes into how long it takes to plan and make sure that they’re ready to go.

So thank you for bringing that up and highlighting that again.

Mr. GOMEZ. And, but do you also view, when somebody repeats that the only way that they can get their country back, that it was stolen from them, that those words coming from the commander-in-chief of the United States of America and of the Armed Forces could be enough to incite the incidents on January 6?

Mr. MILLER. It absolutely could. It could be. I just—I note the clock just hit. You know, I have a family. I’m no longer under protection, and no matter what I say in this matter, half of the popu-

lation—and there are some wingnuts on both sides that are going to now send me crazy letters and threaten my family. And that's why I'm being very delicate of how I respond to this.

It's not because I don't have a view. It's because I'm out there alone and unafraid. I want to be clear with that. I can take care of myself. So I appreciate your consideration of those matters for those of us that are out of Government now.

Mr. GOMEZ. And Mr. Miller, just that fear exists across the board on both sides that if—and I think that is what is causing some of the behavior is that a real fear that elected officials, their families would be targeted, and that is one of the things that we both agree on both sides of the aisle that we have to condemn that.

With that, I yield back.

Chairwoman MALONEY. The gentleman yields back, and the gentlewoman from Massachusetts, Ms. Pressley, is recognized for five minutes. Ms. Pressley?

Ms. PRESSLEY. Thank you, Madam Chair.

On December 19, 2020, Donald Trump tweeted, "Big protest in D.C. on January 6. Be there. Will be wild." This was five days after the Electoral College certification, and indeed, it was very wild.

There were people brandishing Trump flags, Confederate flags, wearing T-shirts that said "Camp Auschwitz," referring to United States Capitol Police officers who are black Americans, hurling racial epithets at them, using the N-word, and a noose was erected on the West Lawn of the Capitol. This was a violent white supremacist mob who assaulted the Nation's Capitol. It was a deadly and dangerous insurrection that was incited by Donald Trump.

And I want to just hold space for the congressional staff, the custodial workers, the food service workers, the Members and all who experienced trauma, those who endured injury, and hold space for those who lost their lives. And for those custodians, who demonstrated true patriotism, cleaning up a ransacked space after a violent white supremacist mob so that we could continue to honor our constitutional duties. And our clerks, who worked through the night as well.

These events have taken undoubtedly a mental and physical toll, and we have to provide the Capitol Police and everyone who labors in Congress with the comprehensive mental health supports and resources that they deserve and desperately require. Furthermore, as Members of Congress, it is our duty to investigate and to rectify the circumstances that failed them in the first place.

The response by the DOJ and the DOD on January 6 was delayed. It was disorganized. And compared to previous months, it was deficient. When community organizers and people of all ages took to the streets chanting "black lives matter" following the murder of George Floyd last May, the Trump administration used every tool at its disposal to try and stop them, including rubber bullets and chemical warfare.

Former Secretary of Defense Mark Esper said, "I think the sooner that you mass and dominate the battle space, the quicker this dissipates."

Here in D.C., to intimidate peaceful protesters calling for racial equity, the Department of Justice activated a plethora of Federal law enforcement agencies, including the U.S. Park Police, FBI, Bu-

reau of Prisons, U.S. Marshals Service, ATF, CBP, and even the TSA. Armed Federal officials were wearing unmarked gear, and they dominated the streets.

Mr. ROSEN, you were Deputy Attorney General when the racial justice protests took place during the summer of 2020. Mr. Rosen, were you aware of DOJ's efforts to mobilize a Federal security response during the summer of 2020 in the streets of Washington, DC, yes or no?

Mr. ROSEN. Congresswoman, I'm going to say what I said before because I think it's important to start with the fact that the entire time I was at the Department of Justice, I deplored and had no patience for any forms of hatred, bigotry, discrimination, and that was never something we would tolerate. We prosecuted many instances of hate crimes and the racially and ethnically motivated violence.

Ms. PRESSLEY. Reclaiming my time. Reclaiming my time. Mr. Rosen, you were the head of the—you were the head of the lead Federal agency responsible for coordinating the preparations for January 6. For the record, how many personnel did you coordinate from the TSA for January 6?

Mr. ROSEN. I think you're under a mistaken impression. I didn't have any authority over personnel from TSA or other agencies.

Ms. PRESSLEY. OK, OK. Are you—

Mr. ROSEN. We engaged in information sharing.

Ms. PRESSLEY. Reclaiming my time. Can you for the record share with us what personnel from CBP, ICE, and TSA were engaged for the events of January 6? Can you provide that?

Mr. ROSEN. A little bit. I think you would need to talk to the Department of Homeland Security. But it was my understanding that there were Federal agents from DHS who went to the Capitol to assist with the restoration of order, along with the others from DOJ and the MPD and other police forces.

Ms. PRESSLEY. We will followup, but reclaiming my time for now. Mr. Rosen, do you agree, based on your observation and your expertise, that the DOJ acted differently in preparation for the January 6 attack than it did during the summer or 2020? Just a yes or no.

Mr. ROSEN. I think we're dealing with two very different situations, and in both, the responses were tailored to the situation at the time. I would say that on January 6 in particular, because that's what I'm here for today, I feel that while it was a horrendous day, and I appreciate the justified anger that you and others have expressed because I don't think anyone in Congress should ever have to deal with that again and shouldn't have had to that day—

Ms. PRESSLEY. Mr. Rosen, yes or no, was the preparation—

Mr. ROSEN [continuing]. But I do think that DOJ responded appropriately.

Ms. PRESSLEY [continuing]. Different, yes or no? Was it different for Black Lives Matter than it was on January 6?

Mr. ROSEN. I think we're talking about very different situations, and I can't—

Ms. PRESSLEY. OK, reclaiming my time. Reclaiming my time. Reclaiming my time.

Mr. COMER. Madam Chair, her time has expired.

Chairwoman MALONEY. You may answer. OK, the last speaker we have now and the last questioner is the gentleman from Illinois, Mr. Quigley. You are now recognized for five minutes, Mr. Quigley.

Mr. QUIGLEY. Thank you, Madam Chairwoman.

Mr. MILLER, you had told the chairwoman earlier today that you didn't speak with former President Trump on January 6. However, a reporter quoted another senior Defense official who said they couldn't get through. They tried to call him.

To your knowledge, did you or anybody you know try—in the office try to contact President Trump on January 6?

Mr. MILLER. I did not. And to the best of my knowledge, I'm not aware of anyone else that did from my office either.

Mr. QUIGLEY. Was there a discussion about whether or not the President should be reached about this?

Mr. MILLER. No, we were able—

Mr. QUIGLEY [continuing]. During all this discussion that were taking place, the decisions that had to be made?

Mr. MILLER. No, I had all the authority I needed to make the decisions.

Mr. QUIGLEY. Also, in the aftermath of January 6, to your knowledge did anyone at the White House or DOD attempt to limit the scope, the degree of which DOD or DOD personnel cooperated with any investigation, including congressional investigations into the January 6 attacks?

Mr. MILLER. No. There has been—there has been nothing like that that I'm aware of.

Mr. QUIGLEY. You know, I am the last questioner. I just am struck with what you said twice now. That you wouldn't change anything about the DOD's response on January 6, that you had no regrets. I mean, it is coming from the military. We lost that battle, right?

I, too, was in the room where it happened, and it is almost like someone in the military saying, sure, we lost the battle, but we carried out our plan perfectly. I can't imagine you would look back at that and see the results of what took place and say somehow that that is a victory or that you succeeded somehow.

Mr. MILLER. There were 8,000 badged and credentialed police officers on duty that day. I don't know how many from the Capitol. I want to highlight Chief Contee, who did all hands on deck, which was very laudable and his force—

Mr. QUIGLEY. I am just talking about DOD. And again, how would you answer this? If this is a victory, if this is success, what do you—how would you have classified a failure?

Mr. MILLER. I want to highlight it's not the correct role for the Department of Defense and our Armed Forces to be involved in civilian law enforcement matters except as the absolutely last resort and when all civilian law enforcement has been expended. That did not occur until about 2:30 p.m., in my estimation.

Mr. QUIGLEY. The last resort, you came in after the fact—

Mr. MILLER [continuing]. Fail. I hear your—

Mr. QUIGLEY. I was in the room. I remember hearing colleagues saying when does the effing cavalry get here. If you are the effing

cavalry, you never showed up. You never got there on time, and we were exposed because of this.

Mr. MILLER. And if you would—

Mr. QUIGLEY. Anyway, I just would respect you a lot more if you said, "We could have done this and this better." And with that, OK, you are at least trying. OK? You don't win every battle. But to lose a battle and to say it was everybody else's fault.

Mr. MILLER. That's not what I said. That's not what I said.

Mr. QUIGLEY. It just does a disservice to the Department of Defense.

Mr. MILLER. That's not what I have said. If we had a valid request and a necessary request from your body, I guarantee you that the Department of Defense would have been there in strength as required.

Mr. QUIGLEY. All right. So you would acknowledge we lost the battle. We lost the—

Mr. MILLER. Oh, yes.

Mr. QUIGLEY [continuing]. Building for the first time since 1814.

Mr. MILLER. Horrifying.

Mr. QUIGLEY. And it was everybody else's fault but DOD?

Mr. MILLER. I absolutely disagree with the statement that it was everybody else's fault—

Mr. QUIGLEY. I am paraphrasing you, the only way that it makes sense when you say you wouldn't do anything different. You wouldn't do anything differently. OK, that implies what I am saying that it was everybody else's fault in your mind. Because it was a catastrophic failure.

Mr. MILLER. And I just had an obligation to protect and defend the Constitution and guarantee that the Armed Forces were used appropriately and not in a manner that would be seen as extraconstitutional.

Mr. QUIGLEY. Look, the Constitution is not a treaty of surrender. It affords you the opportunity to do what is necessary to defend the people and the democracy of the United States. I mean, if looked upon, the destruction afterwards, looking back, you say, "Well, at least I defended the Constitution" is another perverse way of looking at this.

And nothing was DOD's fault, and at least you did, in your own mind, defend what you thought was right for the Constitution. Never mind how many people got hurt and how much damage was done to our Government in the meantime.

Mr. MILLER. I will absolutely take that on and take that as a compliment because the Armed Forces of the United States was completely prepared and ready to respond to any valid request from any department or agency or local or Federal law enforcement office.

Mr. QUIGLEY. You lost, and you don't have the integrity and—

Mr. MILLER. No.

Mr. QUIGLEY [continuing]. Fortitude to own up to your part of the responsibility. And I get it. A lot of people screwed up. You're one of them.

Mr. MILLER. I respectfully disagree. We'll respectfully disagree. We'll respectfully disagree on that, and I thank you for your point.

Mr. QUIGLEY. I yield back, Madam Chairwoman. Yes, but I was in the room. You weren't.

Chairwoman MALONEY. The gentleman's time has expired. The gentleman's time has expired. The gentleman yields back.

Before we close, I want to offer the ranking member an opportunity to offer any closing remarks he may have. Ranking Member Comer, you are now recognized.

Mr. COMER. Well, thank you, Madam Chair. And I have been sitting here, thinking throughout the five-hour hearing how I would close, and I think that CNN summed up the hearing pretty well. And I don't say that very often about CNN.

But they said the hearing was unproductive, and I hope that people in America watched this hearing because you saw a sharp contrast between the behavior of the Republicans on the committee versus the Democrats on the committee. The Republicans on the committee, we asked questions to the witnesses, pertinent questions, and we allowed the witnesses to answer those questions.

On the other hand, the Democrats yelled at the witnesses, most of them did, and cut them off and wouldn't allow them to answer the questions. Ironically, this is a Democrat-called hearing with the Democrat hand-chosen witnesses.

So I feel like we have a lot of problems in America, and there is no shortage of issues that this great committee can investigate. Just as we sit here now, Israel is being attacked by Hamas. We have a crisis at the Southern border. The Biden-Pelosi energy policy has kicked in, and we are facing gas shortages.

The Biden-Pelosi enhanced welfare programs are working as we predicted, so well so that there are at least 7.5 million jobs available right now that employers are begging to try and pleading with Congress to do something to help them find workers. The Biden-Pelosi stimulus bill printed so much money here recently that is just now circulating through the economy that the consumers of America are faced with inflation for the first time since the Jimmy Carter years.

And yes, we have witnessed an unacceptable uptick in mob violence. Not only on January 6, but also all across America last summer in the big cities. Yet here we are today focused solely on January 6.

As I said in my opening statement, I called, along with Rodney Davis and John Katko, for a bipartisan commission immediately after January 6. But the truth of the matter is, despite some of the Democrats in the hearing saying they supported that, that Speaker Pelosi has drug her feet for over three months to try to politicize January 6 in every way, shape, or form possible to benefit her conference instead of trying to seek a bipartisan solution like the 9/11 Commission to figure out exactly what happened and find solutions to prevent the problem from happening in the future.

But this hearing did confirm two things, two big things that I feel like are worth repeating. First of all, President Trump had no role with respect to Department of Defense efforts on January 6. And second, the White House did not order the National Guard to stand down.

Now I mention those two things because that is contrary to what a lot of the liberal media has reported throughout this process. So

from that angle, I am glad that we had the hearing. I am glad that that was proven today with the witnesses that the majority party chose to have here today, the witnesses who were the appropriate witnesses to have with respect to that particular subject.

I wish the Capitol Police had been here because the Capitol Police, their main role is to protect the Capitol. And obviously, they had a role in this, and if we are sincere about trying to solve the problem and prevent this from happening in the future, we should have heard from the Capitol Police.

But saying that, I conclude by again, Madam Chair, thank you for having the hearing. I hope that we can have hearings on other issues of the utmost importance to the American people, and I hope that we can do it in a manner that allows the witnesses to actually answer credible questions from members on both sides of the aisle.

With that, I yield back.

Chairwoman MALONEY. I thank the gentleman for yielding back, and I now recognize myself.

In response to the Capitol Police, there have been several hearings in this Congress with the Capitol Police under the House Administration Committee that has jurisdiction. We are bringing in new people. The people who testified today had not testified before.

And I appreciate the testimony of all of our witnesses today, especially Chief Contee, whose officers displayed so much heroic action during the attack on our Capitol. But I was surprised and disappointed by the testimony of Mr. Rosen and Mr. Miller. They would have us believe that DOJ and DOD did everything right on January 6, that there was no room for improvement, and that the horror that every American saw on television was not their problem.

I strongly disagree. January 6 was a historic failure. The Capitol was overrun. Several Americans died, and our Nation's peaceful transfer of power was delayed and nearly derailed.

If the Attorney General had done his job, then our law enforcement agencies would have been better prepared for the threat of violence by President Trump's supporters. If the Defense Secretary had done his job, the mob attack would have been repelled hours earlier.

Mr. Miller learned rioters had breached the Capitol perimeter by 1:30 p.m. He "activated" the D.C. National Guard at 3 p.m., but the Guard did not deploy until Mr. Miller approved an operational plan. And he admitted today that he did not approve that plan until 90 minutes later at 4:32 p.m.

All of us watching at the Capitol or on television saw the horror in our Capitol and the threat to lives. And the delays did not end then. The National Guard did not actually begin operations at the Capitol until 5 p.m., many hours after House and Senate leadership, the Mayor, and the Capitol Police had all urgently, urgently called for help.

Mr. Miller claimed this response was "rapid," but the facts show it was disastrously slow. Of course, the person most responsible for this national travesty is former President Trump himself. He set the date. He fed the big lie to his supporters. He told them to go to the Capitol and "fight like hell."

And when they attacked, when they put lives at risk, when they entered our Capitol, he just sat back and did nothing, did nothing to protect the Capitol and the people. The Trump administration must be held accountable for the January 6 attack. They cannot pass the buck.

This committee will continue to seek the truth. To do that, we need the documents, the documents we requested from DOJ and FBI and other agencies well over four months ago. We also need witnesses to provide complete testimony without hiding behind phony claims of confidentiality. We need documents in order to conduct a proper investigation, and they have yet to come.

I am also hopeful that we will soon have a bipartisan commission to examine the root causes of this insurrection and help prevent similar attacks in the future. The 9/11 Commission was government at its best. This Congress came together, Republicans and Democrats, and we were united and determined.

We created a commission, passed it, funded it, gave it subpoena power, and appointed two outstanding public servants to head it. Former Governor of New Jersey Tom Kean, former Member of Congress, Chairman Hamilton. They worked together hand-in-hand. They wrote the report together.

When it came out, it sold more copies than Harry Potter. I really actually nominated them for a National Book Award, but they didn't win the award, but they really won the battle with what they came out with—51 strong recommendations of how to make this country safer and stronger. This Congress continued to work together, and we enacted every single one, at least 49 out of the entire recommendations, and it has made this country stronger and better.

We need the same united determination. No one is better or stronger than this country when we pull together and work together. We need a commission that is funded with appropriate subpoena powers, all the time they need to do a thorough investigation and report on how to respond to this in a substantive way so that it never happens again.

I yield back.

And I also would like to add in closing that I thank our panelists for their remarks, and I want to commend my colleagues for participating in this important conversation.

With that and without objection, all members will have five legislative days within which to submit extraneous materials and to submit additional written questions for the witnesses to the chair, which will be forwarded to the witnesses for their response. I ask our witnesses to please respond as promptly as you are able.

This hearing is adjourned.

[Whereupon, at 3:08 p.m., the committee was adjourned.]

