

**THREE YEARS LATER: D.C. NATIONAL GUARD
WHISTLEBLOWERS SPEAK OUT ON JANUARY
6 DELAY**

HEARING
BEFORE THE
SUBCOMMITTEE ON OVERSIGHT
OF THE
COMMITTEE ON HOUSE
ADMINISTRATION
HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTEENTH CONGRESS
SECOND SESSION

APRIL 17, 2024

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April 17, 2024

SUBCOMMITTEE ON OVERSIGHT,
COMMITTEE ON HOUSE ADMINISTRATION,
HOUSE OF REPRESENTATIVES,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10 a.m., in room 1310, Longworth House Office Building, Hon. Barry Loudermilk [chair of the Subcommittee] presiding.

Present: Representatives Loudermilk, Griffith, Murphy, D'Esposito, Morelle, and Torres.

Staff present: March Bell, General Counsel; Annemarie Cake, Staff Assistant; Hillary Lassiter, Deputy Staff Director, Subcommittee on Oversight; Janet Schwalb, Deputy Staff Director for Advice and Guidance; Elliott Tomlinson, Staff Director, Subcommittee on Oversight; Jamie Fleet, Minority Staff Director; Owen Reilly, Minority Professional Staff; and Matt Schlesinger, Minority Senior Counsel.

OPENING STATEMENT OF HON. BARRY LOUDERMILK, CHAIR- MAN OF THE SUBCOMMITTEE ON OVERSIGHT, A U.S. REP- RESENTATIVE FROM GEORGIA

Chairman LOUDERMILK. The Subcommittee on Oversight will come to order.

Without objection, the chair may declare a recess at any time.

Also, without objection, the meeting record will remain open for 5 legislative days so Members may submit any materials they wish to be included therein.

Thank you, Ranking Member Torres, Members of the Subcommittee, and our courageous whistleblowers, for joining us for today's oversight hearing.

These whistleblowers are coming forward today to share for the first time under oath their firsthand account related to National Guard deployment on January 6. None of today's whistleblowers were interviewed under oath by the Department of Defense Inspector General or the Select Committee.

January 6, 2021, highlighted a culmination of failures at many levels. For today's hearing, we are examining the Department of Defense and the D.C. National Guard's response to the violent breach of the Capitol. We will get into it.

I would like to play a brief video about the timeframe of the delay.

Mrs. TORRES. Is this the video we received just this morning? Last night? OK.

[Video shown.]

Chairman LOUDERMILK. I want to thank the minority for their indulgence in playing the video. I think it is important to kind of set the stage of just how important 3 hours and 19 minutes can be on a day like that.

At a previous hearing, we heard testimony from former U.S. Capitol Police Chief Steven Sund about the former Speaker and the congressional leadership delay of the U.S. Capitol Police's request for assistance.

On January 6, 2021, at 1:49 p.m., the D.C. National Guard received the first request for immediate assistance from the U.S. Capitol Police as protestors started to gather and force their way into the Capitol complex. However, at this time the Capitol Police Board had not officially approved the request.

At roughly 2:12 p.m., protestors breached the Capitol and began assaulting police officers. Staffers and Members of Congress were ordered to evacuate, including myself and others that are here today. Capitol Police attempted to secure Members and clear the Capitol but were quickly outnumbered.

There have been many testimonies of that day, but one thing is clear: The U.S. Capitol Police requested and needed urgent assistance from anyone who would answer the call, including the Metropolitan Police Department and various Federal law enforcement entities and the D.C. National Guard. However, there was a delay deploying the National Guard for over 3 hours.

Almost an hour after the Capitol was breached, at 3:04 p.m., the Acting Secretary of Defense, Christopher Miller, approved the D.C. National Guard to deploy to the Capitol.

Just a brief history lesson for those who do not know. Executive Order 11485 delegates oversight of the D.C. National Guard to the Department of Defense. A 1969 memo further designates this authority specifically to the Secretary of the Army.

On January 6, 2021, the Commanding General of the D.C. National Guard, William Walker, reported directly to the Secretary of the Army, Ryan McCarthy.

The D.C. National Guard was at the Armory, 1.2 miles away from the Capitol, waiting for authorization to deploy to assist civil authorities and quell the riot. However, the D.C. National Guard did not arrive at the Capitol until almost 6 p.m. That is 3 hours and 19 minutes of delay.

During those hours, chaos engulfed Members of Congress, law enforcement officers, reporters, staffers, and citizens. During those hours, necessary help from the D.C. National Guard was not on the way.

Our goal today is to get to the bottom as to why.

It took too long for the D.C. National Guard to arrive at the Capitol. The 113th Wing—Capital Guardians—have a proud history of protecting our Nation's capital and serving our Nation's leadership. Nevertheless, the New Jersey State Police from nearly 150 miles away responded to the Capitol before the D.C. National Guard.

Additionally, the Pentagon knew that there was a threat to governmental operations because, by 3:37 p.m. the Pentagon sent its own security forces to guard the homes of defense leaders.

At 3:37 p.m., no D.C. National Guard forces were on the way to the Capitol.

Throughout my Subcommittee's extensive investigation into the events of January 6 and the Select Committee on January 6, we have uncovered concerning inconsistencies regarding the mobilization of the D.C. National Guard.

Through phone records, firsthand accounts, sworn testimonies, and after-action reports we have gathered, there appears to have been a significant delay at the Department of Defense in either deploying the National Guard or communicating the order of deployment.

Either way, the purpose of this hearing is to hear the D.C. National Guard's story for the first time ever about the 3 hour and 19 minute delay.

On November 16, 2021, the Department of Defense Inspector General released a report reviewing their role in the response to January 6 which claimed that the D.C. National Guard was deployed to the Capitol as quickly as possible.

However, the report also credited significant delays in deployment to D.C. National Guard Commanding General Major General William Walker neglecting to mobilize after receiving orders.

Specifically, the DOD IG (Department of Defense Inspector General) report concludes that the leader of the National Guard response, Major General Walker, received direction from the Secretary of the Army, Ryan McCarthy, to deploy the D.C. National Guard to the Capitol twice, once at 4:35 p.m. and again at 5 p.m.

Major General Walker denies that either of these calls took place.

Despite the many inconsistencies and contradictions of the Department of Defense's responsibility that day, the Select Committee on January 6 ignored these discrepancies, despite them being shared privately by their own staff, and barreled forward with the DOD's side of the story.

Following the release of the DOD IG report, multiple whistleblowers from the D.C. National Guard who were present with Major General Walker have come forward to share their experiences.

According to their testimony, hours of vital response time were missed because senior Army officials had personal concerns regarding military presence at the U.S. Capitol.

Today we have the responsibility of recognizing these D.C. National Guardsmen, listening to their testimony, and honoring their patriotism, these brave men who showed up to defend the Capitol and were discarded and ignored when they tried to come forward.

I reached out to the DOD IG regarding concerns with their report and contradictory narratives. For nearly 2 months I have not received any answers.

Today we will learn more about what happened that day regarding the delay. We will hear a side of the story that has been ignored for too long.

Most importantly, today we will look into the future and make sure that our Capitol, our Capital Guardians, and our law enforcement partners are more prepared today than they were 3 years ago.

We are only able to conduct this oversight because whistleblowers have come forward to share their stories. I encourage anyone to reach out to the Subcommittee as our investigation continues.

[The prepared statement of Chairman Loudermilk follows:]

PREPARED STATEMENT OF CHAIRMAN OF THE SUBCOMMITTEE ON OVERSIGHT BARRY LOUDERMILK

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We are only able to conduct this oversight because whistleblowers have come forward to share their stories. I encourage anyone to reach out to the Subcommittee as our investigation continues.

I now recognize the Ranking Member, Mrs. Torres, for 5 minutes for the purpose of providing an opening statement.

OPENING STATEMENT OF HON. NORMA TORRES, RANKING MEMBER OF THE SUBCOMMITTEE ON OVERSIGHT, A U.S. REPRESENTATIVE FROM CALIFORNIA

Mrs. TORRES. Thank you, Chairman.

Thank you to our witnesses for being here today and for your service to our Nation, particularly on January 6. You have sacrificed your time to protect us, and we owe you a debt of gratitude.

We are here today discussing the delayed National Guard response to the Capitol for one reason and one reason only: Donald Trump dispatched an armed mob to try to overturn the election he knew he lost.

For 3 hours and 19 minutes, as that violent mob assaulted law enforcement and hunted for Members of Congress and the Vice President, who they were trying to hang, the National Guard was forced to wait and wait and wait, all because of the chaos at the Pentagon caused by the Commander in Chief and the fear that he

would involve the military in domestic political affairs, a big no-no we teach worldwide to emerging countries.

This was a Commander in Chief who, as the riot unfolded, did not call his Acting Secretary of Defense or Secretary of the Army to ask why the National Guard was missing, where were they?

A Commander in Chief who, after he learned someone was shot, did not care. He did not call the National Guard directly.

A Commander in Chief whose aides and family partied and danced as the mob prepared to overturn the Capitol.

A Commander in Chief who sat in his dining room watching it all unfold on TV like it was an action movie with an ending favorable to him.

How did we get here? Let me tell you.

In response to the June 2020 demonstrations responding to the murder of George Floyd, President Trump said he would, quote, “deploy the United States military,” end quote, to put down the protests and even asked Secretary of Defense Mark Esper why the military could not just, quote, “shoot the protesters in the legs or something,” end quote.

Secretary Esper found the President’s comments so disturbing he held a press conference, saying he opposed invoking the Insurrection Act.

Then, in December, as Trump continued to spread conspiracy theories supported by Members of this Congress sitting here today about the election being stolen, talk of invoking the Insurrection Act reached a boiling point.

It got so bad that his own Secretary of the Army and the Army Chief of Staff, a four-star general, issued a joint statement saying, quote, “There is no role for the U.S. military in determining the outcome of an American election,” end quote.

As our top military leaders worried the President would declare martial law, the rest of the national security apparatus was in total disarray. People were getting fired or resigning left and right. Everyone remembers that, right? With only 71 days left in his term, Trump terminated the Secretary of Defense and replaced him with an Acting Secretary of Defense who was completely, completely over his head.

Contrary to attempts to rewrite history, the January 6 Select Committee conducted more than two dozen interviews and reviewed over 37,000 pages of documents related to the National Guard and dedicated 46 pages of its final report to this issue.

The Select Committee found that the chaos led to an ill-equipped Acting Secretary of Defense issuing an unclear order to the Secretary of the Army, an order so unclear that it was interpreted differently by the Acting Secretary of Defense, the Army Chief of Staff, and the Secretary of the Army—three people, three different interpretations.

It is all there in the Select Committee’s final report and the dozens of relevant transcripts available online.

Adding to the chaos, these top Army officials exercised extreme caution and imposed unprecedented restrictions on when and how to deploy the Guard on January 6. This was the direct result of the President’s decision to involve the military in domestic affairs.

To our witnesses, I am so sorry. I am so sorry that Trump's Defense Department and Army leadership failed you and they failed us on January 6. You should never have been forced to sit on your hands while we were lying on our stomachs, planning to use a pen in our purses as a weapon to defend ourselves against the mob that was sent here to kill us by the President of the United States of America. We were preparing to die.

I yield back.

[The prepared statement of Mrs. Torres follows:]

**PREPARED STATEMENT OF RANKING MEMBER OF THE
SUBCOMMITTEE ON OVERSIGHT NORMA TORRES**

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For 3 hours and 19 minutes, as that violent mob assaulted law enforcement and hunted for Members of Congress and the Vice President, who they were trying to hang, the National Guard was forced to wait and wait and wait, all because of the chaos at the Pentagon caused by the Commander in Chief and the fear that he would involve the military in domestic political affairs, a big no no we teach world-wide to emerging countries.

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Chairman LOUDERMILK. The gentlelady yields.

The chair now recognizes the full Committee Ranking Member, Mr. Morelle, for 5 minutes for the purpose of making an opening statement.

OPENING STATEMENT OF HON. JOSEPH MORELLE, RANKING MEMBER OF THE COMMITTEE ON HOUSE ADMINISTRATION, A U.S. REPRESENTATIVE FROM NEW YORK

Mr. MORELLE. Thank you, Mr. Chairman.

Thank you to our witnesses for your careers of distinguished service.

The D.C. National Guardsmen are known as the Capital Guardians, and we as Members are only able to do our jobs in the days and months that followed January 6 because you stood guard over us as you did. For that and for all of your long service, we owe you an enormous debt of gratitude. Thank you.

I want to be clear: We are here today for a single reason. An unpatriotic, cynical, power-hungry man incited a deadly insurrection as part of his months-long effort to overturn a free and fair American election. We are here because of his lies about the 2020 election.

It is hard to believe, it is, frankly, even hard to say, but it does not make it any less true. Yet many cannot bring themselves to acknowledge it, many in this room.

As a result, we are here because of the majority's 15-month quixotic mission to find malfeasance from the January 6 Select Committee who investigated the insurrection where no malfeasance exists.

Frankly, just as a question of jurisdiction should be raised. If this hearing is about the chain of command and/or communication between the various elements of the defense apparatus of the United States, then it falls to the House Armed Services Committee to do that investigation. They should be doing it. I do agree. This is clearly not the venue for this to happen.

I do want to address something at the outset. There is a notion that persists that President Trump ordered or pushed for 10,000 National Guard troops ahead of January 6. It has been debunked repeatedly, and it is also a red herring, and here is why.

As the chair has stated, a 1969 executive order delegated authority of the D.C. National Guard to the Secretary of Defense who, in turn, delegated that authority to the Secretary of the Army.

The President of the United States ultimately sits atop the chain of command. What he did with the National Guard before January 6 does not matter compared to his actions—or, I should say, inactions—on the 6th of January itself.

What he never did on the 6th was call the Secretary of Defense, the Secretary of the Army, or the D.C. National Guard itself to find out why they were not on the scene or to order them to the Capitol for that 3 hour and 19 minute delay.

I want to quickly dispense with the claim once and for all that he ordered 10,000 troops, as he has said. Acting Secretary of Defense Christopher Miller was asked the following questions and provided the following answers under penalty of perjury.

First question: “The 10,000 troops, did you take that as a request for you or an order for you to deploy 10,000 troops?”

His answer, and I quote: “No, absolutely not. I interpreted it as a bit of Presidential banter or President Trump banter that you’re all familiar with, and in no way, shape, or form did I interpret that as an order or direction.”

He was also asked: “In February 2021, Mark Meadows said on FOX News that, quote, ‘Even in January, that it was a given as many as 10,000 National Guard troops were told to be on the ready by the Secretary of Defense.’ Is there any accuracy to that statement?”

Mr. Meadows’ (sic) answer: “Not from my perspective. I was not given any direction or order or knew of any plans of that nature . . . No, there was—obviously we had plans for activating more folks, but that was not anything more than contingency planning.”

Then a few questions later, “To be crystal clear,” the question was, “there was no direct order from President Trump to put 10,000 troops to be on the ready for January 6. Is that correct?”

His answer, quote: “That’s correct. There was no direct order. There was no order from the President.”

I think that is all you need to know. Under oath, the Secretary of Defense said it never happened.

Here is the bottom line. The President of the United States manipulated his followers into believing the election was stolen from him, summoned an armed mob to Washington, and then unleashed them on the United States Capitol, and then did absolutely nothing to stop what unfolded.

People died. We almost lost our democracy. We could have a hundred hearings to deflect blame, but the facts are not going to change.

President Truman famously had a sign on his desk that said, “The buck stops here.” President Trump’s sign, on the other hand, would read, “The buck stops anywhere but here.”

He lit the fire. He fanned the flames. The Defense Department delayed the troops. He wants everyone else to take the blame. Frankly, I find it pathetic.

I agree with Senator Mitch McConnell who said, “Former President Trump’s actions preceding the riot were a disgraceful, disgraceful dereliction of duty.”

Former Speaker Kevin McCarthy said Trump bears responsibility for his actions, no ifs, ands, or buts.

I agree with Senator Lindsey Graham who said, “All I can say is count me out. Enough is enough.”

I only wish that they and the rest of the Republican Party agreed with their prior versions of themselves.

With that, Mr. Chairman, I yield back.

[The prepared statement of Mr. Morelle follows:]

**PREPARED STATEMENT OF RANKING MEMBER OF THE
COMMITTEE ON HOUSE ADMINISTRATION JOSEPH MORELLE**

The D.C. National Guardsmen are known as the Capital Guardians, and we as Members are only able to do our jobs in the days and months that followed January 6 because you stood guard over us as you did. For that and for all of your long service, we owe you an enormous debt of gratitude. Thank you.

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He was also asked: "In February 2021, Mark Meadows said on FOX News that, quote, 'Even in January, that it was a given as many as 10,000 National Guard troops were told to be on the ready by the Secretary of Defense.' Is there any accuracy to that statement?"

Mr. Meadows' (sic) answer: "Not from my perspective. I was not given any direction or order or knew of any plans of that nature . . . No, there was obviously we had plans for activating more folks, but that was not anything more than contingency planning."

Then a few questions later, "To be crystal clear," the question was, "there was no direct order from President Trump to put 10,000 troops to be on the ready for January 6. Is that correct?"

His answer, quote: "That's correct. There was no direct order. There was no order from the President."

I think that is all you need to know. Under oath, the Secretary of Defense said it never happened.

Here is the bottom line. The President of the United States manipulated his followers into believing the election was stolen from him, summoned an armed mob to Washington, and then unleashed them on the United States Capitol, and then did absolutely nothing to stop what unfolded.

People died. We almost lost our democracy. We could have a hundred hearings to deflect blame, but the facts are not going to change.

President Truman famously had a sign on his desk that said, "The buck stops here." President Trump's sign, on the other hand, would read, "The buck stops anywhere but here."

He lit the fire. He fanned the flames. The Defense Department delayed the troops. He wants everyone else to take the blame. Frankly, I find it pathetic.

I agree with Senator Mitch McConnell who said, "Former President Trump's actions preceding the riot were a disgraceful, disgraceful dereliction of duty."

Former Speaker Kevin McCarthy said Trump bears responsibility for his actions, no ifs, ands, or buts.

I agree with Senator Lindsey Graham who said, "All I can say is count me out. Enough is enough."

I only wish that they and the rest of the Republican Party agreed with their prior versions of themselves.

Chairman LOUDERMILK. The gentleman yields.

Just for the record, this hearing is not being done in isolation. It has been carefully coordinated with the House Armed Services Committee and not only has their blessing but a bipartisan blessing to hold this hearing.

Also, without objection, I would like to submit for the record Secretary Miller's transcribed interview under oath to the Select Committee on January 6.

[The transcribed interview referred to follows:]

16 Q So I just want to kind of take a step back and be clear here.

17 On January 3rd, did you have or even prior, did you have all the authorities you
18 needed in terms of activating/deploying the D.C. National Guard?

19 A I felt I did, yes.

20 Q Did you need any additional authorities or was there a discussion about your
21 authorities in any way at that January 3rd meeting?

22 A No. I didn't -- I felt like I had all the authorities I needed and did not need
23 to discuss anything with the President regarding authorities.

2 Ms. Cheney. Some. Yeah, I have a question.

3 So, Mr. Miller, did you try to reach President Trump that day?

4 Mr. Miller. No, I did not.

5 Ms. Cheney. And why not?

6 Mr. Miller. I had all the authorities I needed to perform my duties and
7 responsibilities that day and didn't need any further guidance from the President.

Chairman LOUDERMILK. Two excerpts.

“So, Mr. Miller, did you try to reach”—let me back up.

“On January 3d, did you have or even prior did you have all the authorities needed in terms of activating, deploying the D.C. National Guard?”

He said, “Yes. I felt I did.”

“Did you need any additional authorities, or was there a discussion about your authorities in any way at the January 3d meeting?”

“No, I didn’t. I felt like I had all the authorities I needed and did not need to discuss anything with the President regarding authorities.”

Another question: “So, Mr. Miller, did you try to reach President Trump that day?”

“I did not.”

“Why not?”

“I had all the authorities I needed to perform my duties, responsibilities that day and didn’t need any other guidance from the President.”

I now recognize the gentleman from Virginia, Mr. Griffith, for 5 minutes for an opening statement.

**OPENING STATEMENT OF HON. MORGAN GRIFFITH, A U.S.
REPRESENTATIVE FROM THE STATE OF VIRGINIA**

Mr. GRIFFITH. Let me start, Mr. Chairman, by submitting for the record the Army timeline of events from December 31, 2020, through January 7, 2021, that report dated January 7, 2021.

Chairman LOUDERMILK. Without objection.

[The report referred to follows:]



SECRETARY OF THE ARMY
WASHINGTON

SASA

7 January 2021

MEMORANDUM FOR RECORD

SUBJECT: Timeline For 31 December - 7 January 2021

1. The purpose of this memorandum is to memorialize the planning and execution timeline for the Washington D.C. National Guard's involvement in the 6 January 2021 First Amendment Protests in Washington D.C.

2. The timeline is as follows (*italics are from OSD timeline*):

a. **31 December 2020.** Mayor Muriel Bowser and Dr. Christopher Rodriguez requested DCNG support from 0700 to 2400 and January 5-6 2021, to support the Metro Police Department and DC Fire and Emergency Service response to planned First Amendment. The D.C. National Guard's analysis of the mission set (traffic control points, crowd control at Metro Stations, and the CST) generated the need for 340 Soldiers.

b. **2 January 2021.** SecArmy briefs the A/SD on the mission requirement. Codifies briefing with a letter

b. **3 January 2021.** Carol Corbin OSD HD P. Gallagher (Protective Services Bureau Commander that USCP was not requesting DOD support.

OSD HD&GS confirmed w/USCP, that US Capitol Police (USCP) was not requesting DoD support

1300: A/SD and CJCS meet with select Cabinet Members (A/AG, SEC/Interior, A/SEC DHS, APNSA) to discuss DoD support to law enforcement agencies and potential requirements

1645: A/SD and CJCS meet with APNSA at the White House

1730: A/SD and CJCS meet with POTUS at White House; POTUS concurred that A/SD could activate NG to support law enforcement. A/SD approved the activation of 340 DC NG and SECARMY notified Mayor Bowser of the approval.

c. **4 January 2021.** A/SD approved DC Mayor support for 340 DC national guardsmen.

SECARMY sent notification to A/SD on DC Mayor's request for 340 DC NG. Capitol PD confirms w/SECARMY that they do not need additional support.



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0900: DoD Internal senior leaders; prep for Cabinet meeting and discuss DoD support to law enforcement for expected protests on 6 January.

1700: A/SD and CJCS sync w/Cabinet Members

1745: A/AG call with SecDef and CJCS

d. 5 January 2021. Mayor Bowser sends letter confirming the City of DC is not requesting support from additional law enforcement.

DC National Guard in position at checkpoints; Memo from DC Mayor to A/AG, A/SD, SECARMY stated they do not need additional support; MPD is prepared for the First Amendment activities.

e. 6 January 2021.

1302: VPOTUS releases a letter via Twitter regarding his role in the electoral process

1305: Demonstrators march to U.S. Capitol and begin to bypass barricades

1305: Conference call between SECARMY and DC Mayor; DC Mayor requested employment of additional 150 DC NG to assist with crowd control. SECARMY approves activation from existing mobilization.

[HYPERLINK "x-apple-data-detectors://6"]; Mayor Bowser requested additional support on behalf of the Capitol police for more DC National Guardsmen.

1340: Reports of potential explosive devices at DNC/RNC headquarters. Cannon Building evacuated.

1349: Chief Sund, the chief of the United States Capitol Police, requested immediate assistance from MG Walker, the Commanding General of the DC National Guard. MG Walker alerted Army leadership of the request.

1410: Chief Sund contacted MG Walker again to request immediate assistance and stated 200 Guardsmen were needed and to send more if they are available.

1429: Media reports Police on Senate Floor shouted "Shots fired. Move away from the doors."

1430: A/SD, SECARMY, LA/PA Sync

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1431: Media reports protestors enter Senate floor

1444: DHS reported protestors entered capitol and successfully delayed vote count for Electoral College

1445: Joint Staff leadership establishes open bridge for senior leader discussion and to monitor situation

1447: Media report public calls by Speaker of the House for National Guard support to clear the Capitol

[HYPERLINK "x-apple-data-detectors://7"]: Secretary of Defense approves activation of all available 1100 DC National Guard. Note: 2700 Guardsmen are assigned to DCNG. 1100 were available for mobilization. Secretary of Army calls MG Walker, CG DCNG, and orders mobilization of 1100

1504: A/SD, with advice from CJCS, OGC, CNGB, SECARMY, CSA, provides verbal approval of the full activation of DC National Guard (1100 total) in support of DC (DOD rapid response: 4 mins after DC Mayor request and 35 mins after media reports of first shots fired)

1505: SECARMY phone call with Speaker Pelosi and Senator Schumer. SECARMY explains that A/SD has already approved

[HYPERLINK "x-apple-data-detectors://8"]: Media reports that DOD denied Mayor Bowser's request for more guardsmen.

1518: A/SD, with advice from CJCS, OGC, CNGB, SECARMY, CSA, requested that VA and MD National Guard be on standby. Pending request from DC Mayor, no out of state officers authorized to deploy to the District of Columbia

[HYPERLINK "x-apple-data-detectors://9"]: Secretary of the Army conducts phone call w/ Sen. Schumer and Speaker Pelosi about the nature of Mayor Bowser's request.

[HYPERLINK "x-apple-data-detectors://10"]: SA conducts phone call with Mayor Bowser and MPD police chief to reinforce there was not a denial of their request and convey that their request has been approved by way of activating 1100 DCNG.

1528: A/SD and CJCS conduct phone call with HASC Chairman Smith

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1530: WH announces National Guard is on its way; media reports that one person has been shot in the Capitol and has been moved

1530: A/SD and CJCS Interagency Synch Call with D/FBI, D/DHS, WH (Cipollone).

~1535: DC mayor establishes 6pm curfew

1540: Attorney General Phone Call that was interrupted by 1544 call w/Congressional leadership

1544: A/SD and CJCS conduct phone Call with Pelosi / Schumer / McConnell / Hoyer

1600: DoD Releases Statement on DC Guard Mobilization: STATEMENT BY JONATHAN HOFFMAN, CHIEF PENTAGON SPOKESMAN, ON D.C. GUARD MOBILIZATION

1600: SA participates in planning session at MP HQ

1604: DHS Secretary calls A/SD; CJCS also part of the call

1608: Phone Call between VPOTUS and A/SD and CJCS; A/SD conveyed this is a law enforcement issue and DOD is in supporting role

1610: CNGB Meets with A/SD and CJCS.

1613: US Capitol Police indicates intent to request 15-20 Pentagon Force Protection Agency (PFPA) officers under mutual aid agreement. WHS recalls officers to standby ahead of formal request.

[HYPERLINK "x-apple-data-detectors://11"]: SA participates in phone update with A/SD and CJCS. Confirms 25K/30K protesters

1617: A/SD briefed on media reports of POTUS remarks via Twitter

1619: A/SD Phone Call with CJCS and SECARMY

1632: A/SD phone call with CJCS and SECARMY. A/SD provides verbal authorization for employment of DCNG to conduct perimeter and clearance operations and for SECARMY to provide public notification

1636: Media reporting of FBI deployment to the Capitol

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[HYPERLINK "x-apple-data-detectors://12"]: DCNG moves 150 pax to 1st & D with FBI tactical teams and MPD.

1640: A/SD and C/JCA conduct call with Congressional leadership

[HYPERLINK "x-apple-data-detectors://13"]: SA participates in press conference with Mayor and MPD chief

1647: DC Mayor gives Press Conference with SECARMY

1648: Upon receipt of the formal request from USCP, A/SD approves and directs 20 PFPA officers to support U.S. Capitol Police under mutual aid agreement. Officers deployed immediately.

1652: DOD issues press statement on full activation of D.C. National Guard:
STATEMENT BY ACTING SECRETARY MILLER ON FULL ACTIVATION OF
D.C. NATIONAL GUARD

1700: Cabinet-level meeting occurs with APNSA/DOJ/FBI/DHS/DOJ/DoD leadership, WH Counsel to POTUS and DOD; FBI updates that 300 law enforcement are currently clearing the Capitol; next meeting set at 1800. A/SD requests update from DHS on deployment of non-scalable fence. CJCS asked if any additional DOD support is needed to Capitol Police.

1700: NORTHCOM/JTF NCR Convene Threat Working Group Meeting; readout provided to A/SD and CJCS at 1740

1700: Sec Army launches 150 DCNG to reinforce Capitol perimeter with local and federal law enforcement.

1705: P/C with Sen. Schumer

1715: SECARMY provides update to A/SD and CJCS via phone call (Update: 150 DC National Guard QRF staged to support MPD)

1717: Update w/ A/SD

1725: A/SD and CJCS call with WH Counsel. DOJ reaffirmed as the lead federal agency for response coordination

1726: Request fences from DHS Secretary

1740: DCNG Linked up to tunnel at Capitol 1st and D st.

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1740: A/SD and CJCS briefed on media reports that Capitol building secure

1800: Cabinet-level interagency sync call convened (APNSA, DHS, DOI, DOJ, FBI, WH Counsel, A/SD, CJCS, SECARMY in attendance).

1800: DC curfew goes into effect

1800: Mayor Bowser activates curfew

[HYPERLINK "x-apple-data-detectors://14"]: Update to A/SD; 150 on-site, 150 enroute and 350 FBI on-site. Goal for clearing of Capitol by 2100.

1829: Phone call with deputy director of the FBI David B

1850: Phone Call with Gov. VA

1915: A/SD, CJCS, A/DAG, and VPOTUS phone call with Pelosi / Schumer / McConnell

1916: Update w/ A/SD, VPOTUS, Pelosi, Schumer, McConnell, DOJ-Richard Donahue.

1930: A/SD VOCO approves DOD to pay for fences

1930: Determining when Congress will resume. 2000

1936: SECARMY update call with A/SD and CJCS. A/SD approves Sec. 284 EEE funding for the fence around the Capitol.

1952: SA meets w/ MG Walker orders no shift change and link up with Chief Carroll to discuss disposition and perimeter expansion until fences are in place. Next tranche (150 pax) enroute to Capitol. SA orders MG Walker to start working on Forc for incoming National Guardsmen

2010: Congress back in session.

2015: DHS CFO, Mr. Troy Edgar, contacted Deputy Secretary Norquist to officially request funding support options for emplacement of fencing around the Capitol referenced in 1936 call.

2017: COL Lubas calls USA to run legal traps of what happened and what is to come.

2036: A/SD signs 502f

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2100: Phone call update w/ Hokanson, A/SD and MG Walker. 250-270 PAX lat Capitol. Discussed force flow over the next couple of days. CJCS says mobilize all 6200 guard pax

2100: A/SD and CJCS phone call w/SECARMY

2118: E-mail Approval of Emergency and Extraordinary Expenses (EEE) Funding Support to DHS, in the form of reimbursement of expenses through the Economy Act, was sent by Mr. Thomas Harker to Mr Troy Edgar on behalf of Deputy Secretary Norquist

2158: SA meets with DCNG leaders at DC Armory to discuss force flow and 30 day mobilization orders.

2323: E-Mail containing DHS Points of Contact for Capitol Fence effort was sent to Secretary McCarthy to facilitate DIRLAUTH for construction scheduled to commence at 0900, 07 Jan 21

2334: Check in with MPD chief

2330: Phone call with A/SD to discuss next 24 hour. 2 planned protest, DCNG support to TCP and Capitol Perimeter.

2345: A/SD and CJCS phone call w/SECARMY, CSA, CNGB, CJCS, CG DC NG (SECARMY Back brief)

f. 7 January 2021.

0015: A/SD conducts final internal sync with CJCS, CNGB, DOD OGC.

Mr. GRIFFITH. I find some of the comments this morning interesting because I, too, was on the floor that day. I find it interesting because there is an allegation that the Commander in Chief has to call everybody who is in the chain of command to make sure his orders are followed.

It is my understanding, and I believe that the evidence today will show from these gentlemen who have given their time and are whistleblowers, meaning they are coming forward with something that other people may not want to have heard, that we will discover through their testimony that, in fact, the President had given the instruction, perhaps misunderstood on January 3 but certainly on January 6, prior to that instruction being relayed by his officers in accordance with general military procedure to the D.C. National Guard.

That is a big part of what this hearing will be about today, and I think it is important that we keep that in mind.

Further, we have heard a lot about the attempts to rewrite history because the January 6 Committee is allegedly supposed to have already done all of this. We will hear, I believe, from these gentlemen today that they were not talked to by the January 6 commission.

Further, that commission will forever in history be tainted because it was the first time in history, in an attempt to write the history after the fact, that both sides, both major parties in this political situation, that we find—have found ourselves in for the last 175, 200 years, both were not invited to participate in an equal manner, that the Republican Representatives who were supposed to be on that, who as it was originally set up were supposed to be a part of the January 6 Committee, were not allowed to be present. They were not allowed to cross-examine witnesses. They were not allowed to ask for witnesses like these four brave gentlemen who are here with us today. They were not allowed to call those witnesses to appear in front of the January 6 Committee.

While the January 6 Committee may have found some very interesting information, they intentionally chose not to tell the truth, the whole truth, and nothing but the truth. At the very best, it can be described as a partial attempt to put forward facts that favored their side of the narrative and not to get to all the facts.

As Jack Webb in his famous character from “Dragnet” used to say, “The facts. We just want the facts, ma’am.”

That is what we are here to do here today, is to try to make sure that we are getting to the facts, not the political rhetoric, not the emotions, per se, but the facts from four brave gentlemen who serve our Nation and have served our Nation, who have come forward.

I do not know any of these gentlemen. I do not believe any of them has a political axe to grind. They are here just to deliver the facts.

I yield back.

[The prepared statement of Mr. Griffith follows:]

PREPARED STATEMENT OF HON. MORGAN GRIFFITH

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mander in Chief has to call everybody who is in the chain of command to make sure his orders are followed.

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I do not know any of these gentlemen. I do not believe any of them has a political axe to grind. They are here just to deliver the facts.

Chairman LOUDERMILK. The gentleman yields.

Without objection, all other Members' opening statements will be made part of the hearing record if they are submitted to the Committee clerk by 5 p.m. today.

Pursuant to paragraph (b) of Committee Rule 6, the witnesses will please stand and raise your right hand.

[Witnesses sworn.]

Chairman LOUDERMILK. Let the record show the witnesses have answered in the affirmative.

You may be seated.

I will now introduce each of our witnesses.

Our first witness is Command Sergeant Major Michael Brooks. Command Sergeant Major Brooks' military career spanned 29 years, with combat tours in Iraq. Command Master Sergeant Brooks spent the end of his career in the D.C. National Guard, including at the Joint Task Force D.C. Mr. Brooks now works at a company that seeks to protect national and economic security from undue foreign influence.

On January 6, 2021, Mr. Brooks was the senior enlisted advisor to Major General William Walker and advised on all enlisted matters.

Our next witness is Colonel Earl Matthews, a decorated military veteran with a long and accomplished career in government and the private sector. Colonel Matthews served as Deputy Assistant to

the President and Senior Director for Defense Policy and Strategy on the National Security Council staff. He also served as the Army's Acting General Counsel and Principal Deputy General Counsel, as well as the Deputy Legal Counsel to the Chairman of the Joint Chiefs of Staff.

On January 6, 2021, Colonel Matthews was the Chief Legal Advisor to Major General William Walker and was with him all day.

Our next witness is Brigadier General Aaron Dean, with a similarly accomplished career in military service.

Brigadier General Dean served in Operation Desert Storm and a combat tour in Iraq. He also served in the D.C. National Guard for over 35 years, exemplifying what it means to be a Capital Guardsman.

On January 6, 2021, Brigadier General Dean served as Major General Walker's Adjutant General and Principal Advisor.

Our final witness is Captain Timothy Nick, an Active-Duty servicemember in the Florida National Guard. Captain Nick has experience in law enforcement, including as a current officer in the U.S. Secret Service. Captain Nick previously served in the D.C. National Guard's Public Affairs Department.

On January 6, 2021, Captain Nick was the aide-de-camp to Major General William Walker and took detailed notes of actions of Major General Walker on that day.

Thank you, gentlemen, for your service to our country and your strength and courage to come forward and share your accounting of events on January 6, 2021. We all look forward to your testimony.

As a reminder, we have read your written statements, and they will appear in full in the hearing record.

Under Committee Rule 9, you are to limit your oral presentation to a brief summary of your written statement unless I extend the time period in consultation with Ranking Member Torres.

Please remember to turn on your microphone using the button in front of you so that Members can hear you. When you begin to speak, the light on the timer in front of you will turn green. After 4 minutes, the light will turn yellow. When the red light comes on, your 5 minutes has expired, and we just ask that you please wrap up your comments at that moment.

I now recognize Command Sergeant Major Michael Brooks for 5 minutes.

STATEMENTS OF COMMAND SERGEANT MAJOR MICHAEL BROOKS, SENIOR ENLISTED OFFICER, D.C. ARMY NATIONAL GUARD; COLONEL EARL MATTHEWS, CHIEF LEGAL ADVISOR, D.C. ARMY NATIONAL GUARD; BRIGADIER GENERAL AARON DEAN, ADJUTANT GENERAL, D.C. ARMY NATIONAL GUARD; AND CAPTAIN TIMOTHY NICK, AIDE-DE-CAMP, D.C. ARMY NATIONAL GUARD

STATEMENT OF COMMAND SERGEANT MAJOR MICHAEL BROOKS

Sergeant Major BROOKS. Good morning, Chairman Loudermilk, Ranking Member Torres, and Members of the Subcommittee. Thank you for the opportunity to testify today.

I am Command Sergeant Major, Retired, Michael F. Brooks. I am the former command senior enlisted——

Chairman LOUDERMILK. Mr. Brooks, I am sorry to interrupt. Could you pull the microphone a little closer to you? People in the audience are having a hard time hearing. I apologize for that. You can start over, and we will reset your time.

Sergeant Major BROOKS. Thank you.

Is that better?

Chairman LOUDERMILK. Much better. Thank you.

Sergeant Major BROOKS. Good morning, Chairman Loudermilk, Ranking Member Torres, and Members of the Subcommittee. Thank you for the opportunity to testify today.

I am Command Sergeant Major, Retired, Michael F. Brooks. I am the former Command Senior Enlisted Leader of the District of Columbia National Guard—the Capital Guardians. I retired on March 1 of 2023 with 29 years of active Federal service in the Army and the Army National Guard.

While I am no longer in service, I continue defense of our great Nation as a Compliance and Investigation Specialist with the Compliance and Adjudication Division of the Office of Information and Communications Technology and Services of the Bureau of Industry and Security.

I served as the Command Senior Enlisted Leader of the D.C. National Guard from December 2017 to December 2022. As the most senior noncommissioned officer in the organization, I reported directly to the Commanding General. From 2017 until his retirement and selection as the 38th Sergeant at Arms for the House of Representatives, my commander was Major General William J. Walker.

As his Senior Enlisted Advisor, I reported only to him, and I was with him throughout the days before, the day of, and the subsequent weeks and months that followed the events of January 6, 2021.

Imagine my surprise when the DOD IG released their report without once interviewing myself or other critically significant D.C. National Guard members with firsthand knowledge of what occurred that fateful day—not anonymous witnesses or anonymous officials but senior ranking military members that were in the room, on the calls, and on the secure video teleconference.

I am not here to disparage the Army that I love and served for nearly three decades, but to correct the record and speak for the hundreds of enlisted soldiers and airmen of the D.C. National Guard who have always answered the call to serve without political bias or prejudice, who have always faithfully fulfilled their oath to support and defend the Constitution of the United States against all enemies, foreign and domestic, those Capital Guardians who continue to do so even today, after being degraded by senior officials of the Army and the Army staff in their inaccurate and biased report.

I believe those who steered the narrative of the DOD IG report did so not for historical documentation or to enhance future military capability, but to protect and advance individuals who sought to shield themselves from responsibility, to overly enhance their

role and perceived significance in a critical moment in the history of our Nation's democracy.

In truth, their actions, no matter how innocent they believe them to be, have led to an awful mark on our military and shown an incredible lack of respect for the service of the men and women who served in the D.C. National Guard before, during, and after January 6, 2021.

Trust in our Army's most senior leadership was lost. Their actions and comments have highlighted the Army Staff and the Secretary of the Army's lack of knowledge and understanding of the D.C. National Guard, its authorities, and capabilities.

Prior to the protests following the murder of George Floyd in May 2020, I do not believe any of them understood just how unique the D.C. National Guard is and the responsibility that is delegated from the President to the Secretary of Defense and further delegated to the Secretary of the Army. I believe it is this lack of understanding that led to the significant delays in the military response on January 6.

I will not sit here today and say if we had been given authority to immediately respond when Chief Sund, the Chief of the Capitol Police, made that first frantic call for support at 1:49 p.m. that we would have prevented the breach of the Capitol.

What I can tell you with absolute certainty is that we had a force equipped and ready to respond and that, despite the inaccuracies of the DOD IG report, we had a plan and would have liked the opportunity to try.

Instead, we waited for hours, less than 2 miles east of the Capitol Building, absolutely frustrated, knowing our Capitol had been breached and not understanding why we had not received the authorization to respond.

I cannot tell you the number of times someone has asked me: Where were you? Where was the National Guard? Or how can you call yourselves Capital Guardians?

There is no easy response to those questions, and the truth is we were there and we were ready. We just were not authorized to respond, and that is difficult to explain.

The soldiers and airmen of the D.C. National Guard deserve better. They deserve to be recognized for their sacrifices over a prolonged period of civil unrest from May 2020 to May 2021.

I look forward to your questions you may have. Thank you.

[The prepared statement of Command Sergeant Major Michael Brooks follows:]

**PREPARED STATEMENT OF COMMAND SERGEANT MAJOR
MICHAEL BROOKS**

Oral Testimony of Command Sergeant Major (Retired) Michael Brooks, The Subcommittee on Oversight, Committee on House Administration, U.S. House of Representatives Wednesday, April 17, 2024.

Good morning Chairman Loudermilk, Ranking Member Torres, and Members of the Subcommittee. Thank you for the opportunity to testify today.

I am Command Sergeant Major (Retired) Michael F. Brooks, I am the former Command Senior Enlisted Leader of the District of Columbia National Guard, The Capital Guardians. I retired on March 1, 2023, with 29 years of active federal service in the Army and the Army National Guard. While I am no longer in service, I continue defense of our great nation as a compliance and investigations specialist with the Compliance and Adjudication Division of the Office of Information and Communications Technology and Services of the Bureau of Industry and Security.

I served as the Command Senior Enlisted Leader of the DC National Guard from December 2017 to December 2022. As the most senior noncommissioned officer in the organization, I reported directly to the Commanding General. From 2017 until his retirement and selection as the 38th Sergeant at Arms for the House of Representatives, my commander was Major General William J. Walker. As his senior enlisted advisor, I reported only to him and I was with him throughout the days before, the day of, and the subsequent weeks and months that followed the events of January 6, 2021. So, imagine my surprise when the DoDIG released their report without once interviewing myself or other critically significant DC National Guard members with firsthand knowledge of what occurred that fateful day. Not anonymous witnesses or anonymous officials, but senior ranking military members that were there, in the room, on the calls, and on the secure video teleconference.

I am not here to disparage the Army that I love and served for nearly three decades, but to correct the record and speak for the hundreds of enlisted Soldiers and Airmen of the DC National Guard who have always answered the call to serve without political bias or prejudice, who have always faithfully fulfilled their oath to "Support and Defend the Constitution of the United States against all enemies foreign and domestic", those Capital Guardians who continue to do so today even after being degraded by senior officials of the Army and the Army Staff in their inaccurate and biased report.

I believe those who steered the narrative of the DoDIG Report did so not for historical documentation or to enhance future military response capability, but to protect and advance individuals who sought to shield themselves from responsibility, to overly enhance their role and perceived significance in a critical moment in the history of our nation's democracy. In truth their actions, no matter how innocent they believe them to be, have led to an awful mark on our

military and shown an incredible lack of respect for the service of the men and women who serve in the DC National Guard before, during and after January 6, 2021.

Trust in our Army's most senior leadership was lost. Their actions and comments have highlighted the Army Staff and the Secretary of the Army's lack of knowledge and understanding of the DC National Guard, its authorities, and capabilities. Prior to the protests following the murder of George Floyd in May 2020, I do not believe any of them understood just how unique the DC National Guard is and the responsibility that is delegated from the President to the Secretary of Defense and further delegated to the Secretary of the Army. I believe it is this lack of understanding that led to the significant delays in the military response on January 6, 2021.

I will not sit here today and say if we had been given the authority to immediately respond when Chief Sund, the Chief of the Capitol Police made that first frantic call for support at 1:49 PM, that we would have prevented the breach of the capitol. What I can tell you with absolute certainty is that we had a force equipped and ready to respond and despite the inaccuracies found in the DoDIG report, we had a plan and would have liked the opportunity to try. Instead, we waited for hours just two miles east of the capitol building absolutely frustrated, knowing our capitol had been breached, and not understanding why we had not received the authorization to respond.

I cannot tell you the number of times someone has asked me "where were you", "where was the National Guard" or "how can you call yourselves Capital Guardians." There is no easy response to those questions and the truth is we were there, we were ready, we just weren't authorized to respond and that is difficult to explain.

The Soldiers and Airmen of the DC National Guard deserve better, they deserve to be recognized for their sacrifices over a prolonged period of civil unrest from May 2020 to May 2021. I look forward to any questions you may have, thank you.

Chairman LOUDERMILK. Thank you, Sergeant Major.
I now recognize Colonel Earl Matthews for 5 minutes.

STATEMENT OF COLONEL EARL MATTHEWS

Colonel MATTHEWS. Chairman Loudermilk, Ranking Member Torres, Members of the Subcommittee, good morning and thank you for the opportunity to appear before you today.

My name is Earl Matthews, and I am a colonel in the United States Army Reserve. I am in the 25th year of my military service. I love our Army, and I am committed to our Army values.

I am here today because two senior general officers of the United States Army, General Charles A. Flynn and Lieutenant General Walter E. Piatt, have acted contrary to those values.

Generals Piatt and Flynn have lied to Congress, to Federal investigators, and to the American people about why it took so long for the District of Columbia National Guard to deploy to the U.S. Capitol on January the 6th, 2021.

Their distortions contributed to a deeply and fundamentally flawed Department of Defense Inspector General investigation and to deficiencies in other official inquiries.

On January the 6th, 2021, I was on duty and present during numerous conversations, video conferences, and phone calls leading up to, during, and after the riot which was engulfing the Capitol.

[Disturbance in hearing room.]

Chairman LOUDERMILK. Order.

Colonel MATTHEWS. When I say these general officers lied, I do not do so lightly or cavalierly. I speak from personal knowledge, having interacted with them on January the 6th in my official military capacity.

Unfortunately, some senior officials within the Department of the Army and the Department of Defense have sought to protect or to promote Generals Flynn and Piatt. These senior civilian officials have excused, condoned, or overlooked the misconduct of these officers.

As a former Acting General Counsel of the Department of the Army and its Chief Legal Officer, I take these matters seriously, even if others do not. I am glad this Subcommittee has an open mind and is committed to the dogged search for the truth.

In my formal statement, which I provided to the Committee in advance of today's hearing, I detailed General Piatt's and General Flynn's intentional misrepresentations to the Congress and to Federal investigators. During today's hearing, I hope to discuss with you how they lied, where they lied, and, in my opinion, why they lied.

Thank you very much.

[The prepared statement of Colonel Earl Matthews follows:]

PREPARED STATEMENT OF COLONEL EARL MATTHEWS

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RECORD VERSION

STATEMENT BY

COLONEL EARL G. MATTHEWS
UNITED STATES ARMY RESERVE

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT
HOUSE ADMINISTRATION COMMITTEE

SECOND SESSION, 118TH CONGRESS

APRIL 17, 2024

Good morning Chairman Loudermilk, Ranking Member Torres and Members of the Subcommittee. Thank you for inviting me to testify today. Your subcommittee's investigation into the security failures that occurred at the Capitol on January 6, 2021 is important because what happened that day must never again be repeated.

I am here today because two senior general officers of the United States Army, General Charles Flynn and Lieutenant General Walter Piatt, lied about why it took so long for the D.C. National Guard to deploy to the Capitol on January 6, 2021. When I say these officers lied, I do not do so lightly or cavalierly. I speak from personal knowledge having interacted with them on January 6th, having spoken to them on that day and having been on video and telephone conference calls with them on January 6th and on days before and after.

These officers lied with impunity, making material misrepresentations without fear of contradiction or repercussion in both oral and written testimony to multiple committees of the Congress, both House and Senate. They lied to Department of Defense investigators, and they lied to members of the press who were looking into their actions or inaction on that infamous day.

I hope to discuss with you today how they lied, where they lied and in my opinion why they lied. I will also tell you that despite their wrongdoing, these officers were and are backed to the hilt by the current civilian leadership of both the Department of the Army and the Department of Defense. The current Secretary of the Army, Christine Wormuth, has doubled-down on supporting these generals, dismissing out of hand, without investigation or inquiry, my allegations of their misconduct.

The Secretary of the Army's spokesperson issued a statement indicating that: "Generals Piatt and Flynn have been open honest and thorough in their sworn testimony with Congress and DoD investigators. We stand by all testimony and facts provided to date and vigorously reject any allegations to the contrary."

General Flynn will retire this summer without any accountability for having made untruthful statements to congressional committees. In 2022, the current Secretary of the Army and the current Secretary of Defense, with the strong support, encouragement and urging of the former Chairman of the Joint Chiefs of Staff, General Mark A. Milley, sent Lieutenant General Piatt's name to the President of the United States for nomination for promotion to full General. Army leadership held open the 4-star Army Futures Command billet for nearly 1 year as various senior leaders advocated with Senate members and with the White House staff in order to win support for General Piatt's nomination. Although these Army leaders were unsuccessful, Piatt for a time served as the de facto Acting Vice Chief of Staff of the Army before retiring this year.

A Tale of Two Duplicitous Generals

On March 2, 2021 Lieutenant General Piatt lied to a senior Department of Defense official, then Acting Assistant Secretary of Defense for Homeland Defense and Global Security, Mr. Robert G. Salesses, when Piatt told Mr. Salesses that, on January 6, 2021, Piatt never expressed concern about the negative optics of uniformed National Guard personnel at the Capitol during a 2:30 pm telephone call with D.C. government officials, the U.S. Capitol Police Chief, and D.C. National Guard leaders. Mr. Salesses was preparing to testify before a joint

hearing of the Senate Homeland Security and Governmental Affairs Committee and the Senate Rules Committee on the following day and sought Piatt's recollection of events in part because the optics question had become a topic of concern for the Senate. According to Saleses, "General Piatt told me yesterday that he did not say anything about optics." Piatt knew Saleses would repeat his false assertion before the Senate committees. Three separate police chiefs, five D.C. National Guardsmen, at least three additional D.C. government officials, and two Army officers serving as notetakers at the Pentagon all heard Piatt cite the negative optics of uniformed troops at the Capitol during the election certification as a reason that Piatt could not recommend to the Secretary of the Army that D.C. National Guard deploy to the Capitol to support the U.S. Capitol Police as the riot unfolded.

Lieutenant General Piatt also falsely claimed to various congressional committees and the DoDIG that at roughly 2:25 PM, on January 6, 2021, on a call with D.C. Government officials, U.S. Capitol Police Chief, Steven Sund, and D.C. Guard leaders, Secretary of the Army Ryan McCarthy directed Major General Walker to prepare the QRF to move to the Capitol to support the USCP, but to remain at the Armory until McCarthy gained approval. This is another of Piatt's absolute lies. First, Secretary McCarthy was not a participant on this call, which I personally helped to facilitate and which used a D.C. government phone bridge. District of Columbia Government and D.C. National Guard personnel were on the call from its outset and would have heard and remembered McCarthy's participation, yet none do. Indeed, we all say in sworn testimony that McCarthy was not on the call. Secondly, on a call where I and many others heard Piatt state that his best military advice to Secretary McCarthy would be for the D.C. Guard not to deploy to the Capitol, Piatt was after the fact claiming that McCarthy had gone to get immediate approval for such a deployment.

Lastly, Piatt and Flynn have both steadfastly and falsely claimed during multiple investigations that the QRF was not designed or postured to respond to civil disturbances. This is another lie. The QRF was organized, trained, equipped and postured only to respond to a civil disturbance or riot, which is why both the Acting Secretary of Defense and the Secretary of the Army specifically mentioned this unit in memoranda, and placed tight restrictions on its employment. Piatt knew this. Why would the Secretary of the Army immediately order the 2:25 PM prepositioning of a QRF that Piatt and Flynn say was not equipped to deal with a civil disturbance situation? Piatt's lies were beginning to conflict with each other.

The extent of General Flynn's duplicity is such that he claims in sworn testimony not to have even been on a telephone conference call which multiple people have sworn that he was. On June 15, 2021, in sworn testimony, Flynn declares to the House Oversight and Reform Committee: "I understand claims exist that I participated in the phone call taking place in the Secretary of the Army's office, I did not." Here Flynn, blatantly lies to a congressional committee. Flynn was an active participant on the call from its beginning to its conclusion. I was on the 2:30 PM call and spoke to both Piatt and Flynn personally.

When asked by the Select Committee on October 28, 2021, "Did you ever—Did you speak on that call?" Flynn states that he did not. Again, this is a lie. Again, I and multiple people heard him speak on the call and told the Select Committee so. Four of us are now telling this subcommittee so under oath. An investigative counsel with the Select Committee personally told me that numerous individuals had corroborated to the Select Committee that Flynn was on the 2:30 PM call. The Select Committee knew that General Flynn was being untruthful, but excused and overlooked his lack of candor because the Select Committee was squarely focused on matters it believed would embarrass or incriminate President Trump.

On June 15, 2021, Flynn falsely claimed to the House Oversight Committee that DCNG personnel at traffic control points (TCPs) and Metro stations were equipped with helmets and body armor but that their riot control gear was stored only at the D.C. Armory. This was untrue. These D.C. Guard personnel had their full civil disturbance kit (helmet, body armor, face protection, shields, shin guards and batons) readily accessible at their dispersed locations. By June 2021, Flynn knew or should have known that the information he submitted to Congress was incorrect, yet he stated it anyway.

In his sworn June 2021 testimony, Flynn untruthfully asserts that a team under his direction of “40 officers and noncommissioned officers, immediately worked to recall the 154 D.C. National Guard personnel from their current missions, reorganize them, reacquaint them, and begin to redeploy them to the Capitol.” I have previously characterized this assertion as the willful and deliberate misleading of Congress and do so again today. There were no 40 officers and men from Flynn’s staff that assisted the D.C. National Guard in deploying to Capitol on January 6, 2021, as Flynn falsely claimed.

In his October 2021 transcribed interview by the Select Committee, Flynn is asked about the 154 D.C. Guardsmen that his team was supposedly was charged with recalling, reorganizing, and reacquainting before their deployment to Capitol Hill. A senior investigative counsel for the Select Committee asks Flynn: “Were you involved in any of the immediate mobilization efforts of those 154 guardsmen?” Flynn stated that he was not. He is then asked : “So can you speak on any of the movement of those individuals, their repositioning, their equipment, their mobilization? If you know how that occurred before they arrived to the Capitol complex at 5:20, that would be helpful, and if that was not your purview, I understand.” Flynn responds, “It was not my purview.” In this regard, Flynn’s October 2021 transcribed interview is in complete

contradiction of what he told the House Oversight Committee under oath in sworn testimony conveyed via live television.”

Piatt Directs The Creation of a Revisionist History

In March 2021, LTG Piatt directed that the Army Staff create its own official narrative of the events of January 6, 2021 that would reflect the actions of Army leadership in a favorable and positive light and would counter the negative story engendered by the testimonies of Walker, MPD Chief Contee and Capitol Police Chief Steven Sund. The document that Army leaders created was called, *Report of United States Army Operations on January 6, 2021* and it was dated March 18, 2021. That document, closely held and non-public, was shared internally with Army witnesses in all subsequent congressional investigations. The *Army Report* was given to numerous congressional committees with the proviso that it not be further shared. The *Army Report* contained myriad demonstrably false statements that would later be repeated to the DoDIG or to congressional committees. It contained none of the impartial, self-critical analysis typical of standard Army after action reviews.

The report shifted blame in the delay of the National Guard on to MPD and Capitol Police leaders who the report claimed could not tell Army leaders what actions they wanted the National Guard to perform, on Major General Walker who, according to the report, could not come up with a plan to support National Guard movement to Capitol Hill, on D.C. Mayor Bowser whose erroneous press leaks required Army Secretary Ryan McCarthy to spend time addressing press inquiries and congressional phone calls, and implicitly on Acting Secretary of Defense Christopher Miller who supposedly required McCarthy to develop and brief an intricate

plan before the National Guard could move out. The Army Report would be shared with investigators from the Department of Defense Office of Inspector General and would form the basis of that organization's fundamentally flawed Report of Investigation. The Select Committee was aware of the plethora of false, factually incorrect and/or misleading information or omissions in this official government document and did nothing to correct the record or have the Department.

The Chairman's Transcribed J6 Committee Deposition

On November 17, 2021, General Milley was deposed by the J6 Committee. Nearly everything that Milley told the committee about the delay in the deployment of the D.C. National Guard on January 6, 2021 was incorrect. Milley got his answers so consistently wrong that committee staff, at the end of their investigation, had to believe that Milley either knew exactly nothing about the D.C. National Guard, that he was lying or both.

On March 2, 2021, Milley gave an interview to the *Washington Post* in which he stated that the military reaction to the unfolding riot at the Capitol on January 6th was "sprint speed". Milley claimed that senior defense officials approved a police request for assistance in about 60 minutes. Milley claimed it then "took several hours for D.C. National Guard members to mobilize and get in place." This was a untrue. Milley had misled the press with a false narrative that he himself developed in order to conceal overcaution, reluctance and inaction on the part of senior Army leadership on January 6, 2021. The D.C. National Guard was delayed because Milley, McCarthy and McConville believed the President of the United States might employ the National Guard improperly on that date and had taken measures to prevent this. McCarthy, McConville and their subordinates like Piatt and Flynn could not immediately turn their previous

mindset off. When it became obvious to most sentient beings that we needed to get unarmed Guardsmen in riot gear to the Capitol, McCarthy, McConville, Piatt and Flynn's mindset still was no troops should go to the Capitol.

On March 3, 2021, Major General William J. Walker of the D.C. National Guard contradicted Milley in sworn testimony before the U.S. Senate. Walker told the Senate committees that the D.C. National Guard personnel were ready and able to deploy to the Capitol up to 3 hours before Walker received authorization to do so on the January 6th. Walker discussed a 40-person Quick Reaction Force (QRF), fully equipped with riot control gear, that could have almost immediately been dispatched from Joint Base Andrews (formerly Andrews AFB) to the Capitol, if Walker had permission to do so. Walker knew that although D.C. National Guard personnel were located in 36 dispersed locations around the city, their full riot kits could be supplied to them without them having to return to the D.C. Armory. These personnel had appropriate training and could be directed to rally locations and task organized for movement to the Capitol. Further Walker could direct other National Guard personnel on duty to don riot gear and to linkup with U.S. Capitol Police at the Capitol. Other D.C. National Guard personnel, not assisting in the Guard's support to the D.C. government could have been converted to the civil disturbance response mission. Walker could have flushed the rather large D.C. Armory, send all available personnel in riot control gear, to the Capitol.

Walker told the committees of the unusual restrictions that were placed on his freedom to maneuver personnel and issue equipment to his forces in the days running up to January 6th 2021. He stated that Army generals Walter Piatt and Charles Flynn had been excessively concerned about the optics of moving National Guard personnel to the Capitol as rioting began

on the afternoon of January 6th and those generals received urgent requests from the Metropolitan Police Department and U.S. Capitol Police chiefs for support at the Capitol; Walker revealed that Piatt and Flynn suggested that he plan to provide D.C. National Guard troops as perimeter security at locations away from the Capitol in order free up police resources to go to the Capitol; Walker stated that he did not speak personally with Army Secretary Ryan McCarthy for over 3 hours after the Capitol was first breached and he stated that D.C. National Guard personnel were ready and able to support beleaguered MPD and Capitol Police officers at the Capitol hours earlier if they had been authorized to do so.

In his November 2021 deposition by the J6 Committee, Milley continues his “sprint speed” narrative. He states: **“At 1430. from 1430 on. The National Guard moved as fast as humanly possible. In my opinion.”** This opinion was shared by no one in the D.C. National Guard. Rather, they believed that absent impediments imposed by the Department of the Army, the D.C. National Guard would have gone to the Capitol right away.

Milley tries to explain away the gap between 3:04 PM, when the Acting Secretary of Defense authorized the Secretary of the Army to deploy the D.C. National Guard to the Capitol and 5:20 PM, when the Guard arrived at the Capitol by saying :

“Well, I mean, you have to issue out orders. The Guard has to be alerted. They have to marshal. They have to assemble at the Armory. They have to be issued equipment. They have to be issued orders and instructions. They have to be told what their rules of use of force are.”

“The last thing you want to do, right, is just willy- nilly rush an armed force into a situation like that unprepared, not enough thought out, not properly equipped, et cetera. And I can only imagine what that could have been.”

Milley's above statement is inaccurate and misleading. The National Guard element that arrived at Capitol Hill was not armed. In his transcribed deposition, Milley presents the false narrative that the D.C. National Guard was engaged in the cumbersome and bureaucratic process of mobilizing, equipping and orientation of personnel from a cold start and that the D.C. National Guard had no prepositioned personnel available and able to respond immediately to the riot on Capitol Hill. These were and are incorrect and perhaps purposefully so. The J6 Committee, after reviewing all available evidence, to include witness interviews with D.C. Guard personnel, had to know that what Milley stated during his transcribed deposition, as relates to the D.C. National Guard, was untrue, yet the Select Committee allowed his deposition testimony to go unchallenged. The below excerpt from Milley is wholly misleading by way of example:

The entire time from SecDef's decision at 1504 to the arrival of the National Guard physically at the Capitol, that's doing things on the perimeter in their activities, the entire time is like 2 to 2.5 hours.

I said, and I still think, from a cold start for those guys, that's very fast, and I still think that's true. And the, quote, unquote, delay has to do with these procedures to make sure that these kids are —not kids—these troops are properly briefed, and they're equipped properly, and they have their orders, and they know what they're doing, they know where they're going, they know the condition, the situation.

So that's what the Secretary of the Army I think was—he and his chain were doing to make sure that those Secretary of Defense orders were being followed through.

The problem with the above excerpt is that D.C. National Guard was not operating from a cold start. We had riot gear-equipped guardsmen around the city who could have formed up and gone to Capitol Hill immediately. We had the QRF at Joint Base Andrews that could have gone directly to the Hill immediately. Importantly, we had 100 or more guardsmen at the Armory on

orders to support the Presidential inauguration and other activities. We had enough riot gear for each. They could have been formed, equipped and sent to the Hill within an hour. The D.C. Guard could have sent riot gear equipped personnel to the Capitol at 15:04 when Acting SecDef approved us going to the Hill. D.C. Guard personnel at the Armory were properly equipped and ready. We waited over 2 hours for the go order. We could have made a difference if they had let us go to the Hill, but the Secretary of the Army and the Chairman, though not in the chain of command, did not want us east of 9th Street.

Q Was there any hesitation by DoD leadership to deploy the D.C. National Guard?

A None. No.

Milley is asked if there was any hesitation by DoD leadership to deploy the D.C. National Guard and responds no. That negative response is not borne out by the facts though. Secretary McCarthy had full discretion to deploy the D.C. Guard yet we were not actually given permission until after 17:00 hours. McCarthy showed great hesitation and reluctance, claiming he that needed more information and analysis before committing the National Guard to Capitol Hill, although Guard personnel were ready and able to deploy immediately. McCarthy claims that he was developing a so-called plan to deploy the Guard with the assistance of the Mayor. This supposed plan was developed in 20 minutes, but wasn't written down.

Milley states:

"The decision-makers, the two of them—there's only two of them at this point, McCarthy and Miller—are both in the SecDef's office. And that decision-making process based on what I already described, happened pretty quickly. And then McCarthy goes back to the Army, and then he's back with Piatt and back with Flynn, and now they're issuing orders—"

Unfortunately, what Milley avers above is not true. Acting Secretary Miller gave Secretary McCarthy full discretion to deploy the D.C. National Guard to Capitol Hill at 3:04. No one told the D.C. National Guard leadership. McCarthy wanting to be “deliberate,” issued no orders and was not in personal contact with Major General Walker for over 3 hours. Instead, McCarthy began fielding phone calls from the members of Congress and the news media. He was not talking to or exercising his control over the D.C. National Guard. In subsequent investigations, McCarthy claimed he was engaged in so-called “mission analysis” and “planning” for the deployment of the Guard to Capitol. If this was true, D.C. National Guard personnel were not involved in these efforts and never utilized any analysis or plan developed by McCarthy. Further, as McCarthy later acknowledged, Acting Secretary Miller never requested that he be presented a plan before the D.C. National Guard went to Capitol Hill. McCarthy wanted to provide notification anyway.

Milley was asked to respond to Walker’s testimony to the Senate that “155 people could’ve arrived to the Capitol in minutes.” Milley implies that Walker was being untruthful under oath, as an anonymous Army witness had suggested in the DoDIG report. He states:

[w]ell, I mean, first of all, as I recall, he said words to that effect in testimony. I don’t know that that was true... I’m not saying that he intentionally told an untruth. So that’s different. I’m not saying that. I think people sometimes overestimate out of pride, out of –because of their job. He’s very proud of the Guard.”

In the foregoing paragraph, Milley implies that Major General William Walker, had exaggerated or overstated the true ability of the D.C. National Guard to immediately respond and deploy to Capitol Hill hours earlier than it had been authorized to when Walker testified under oath before a joint hearing of two Senate committees. Milley suggested by implication that a then

sitting officer of the House of Representatives had deliberately and cavalierly perjured himself during a nationally televised hearing of those Senate Committees. Members of the Standing Committee let Milley's insinuation against Walker, the man then charged with their personal physical security, go unchallenged. This was an outrage.

Similarly, as relayed in the November 2021 DoDIG report, an anonymous witness told the DoDIG that:

“Mr. McCarthy had to reissue the deployment order to MG Walker 30 minutes after he originally conveyed it to MG Walker, which the witness believed contradicts MG Walker’s March 3, 2021 testimony to the Senate Homeland Security and Governmental Affairs and Senate Rules and Administration Committees. The witness told us that MG Walker’s assertion to those committees that the DCNG could have responded to the Capitol in 20 minutes was not true. The witness said, “It took 27 minutes for [MG Walker] to get the order from [Mr. McCarthy] around [4:35 p.m.] to actually get his wheels moving on the bus.” In addition, the witness said “mischaracterization” was the word the witness would use to describe MG Walker’s response to questions from congressional committees.”

The above paragraph is false in its entirety. Ryan McCarthy told the Select Committee that he never directly spoke to Major General Walker at 4:35 p.m. as he was in the midst of “taking notes” and developing “talking points” in preparation for a nationally televised news conference to begin shortly at MPD Headquarters with Mayor Bowser. McCarthy claims he overheard then Brigadier General Christopher LaNeve convey the alleged “go order,” but LaNeve told the Committee that he never conveyed the order to Walker but heard McCarthy convey this supposed order. McCarthy was in the midst of that news conference 30 minutes later, so could not possibly have “re- issued” anything to Walker. I only drafted my December 2021 analysis of the DoDIG report after reviewing the allegations of the false 4:35 phone call to Walker and the re-issue order 30 minutes later. Anonymous Army officers had deliberately

spread false information to discredit and defame Major General Walker for his testimony and to rehabilitate Lieutenant General Walter Piatt, so he could be promoted.

After impugning General Walker's veracity, integrity and sense of reality, Milley then asks a question that exemplifies the disconnect between he, Piatt, Flynn, McConville and the police chiefs, D.C. government officials, and D.C. Guard leaders who were on the 2:30 PM call on January 6, 2021. Milley asks:

“And even if he had 150—let’s just say they did—where were they going to go? What were they going to do? What was their mission? What was their task and purpose? What was their rules on the use of force? And who approves it?”

Milley posits the above question like it's hard to answer. If Walker had a 150 riot gear equipped personnel, he would send them immediately to Capitol Hill to the base of the Capitol where they take direction from the senior ranking U.S. Capitol Police or MPD officer. They would perform the same duties as the men and women of the D.C. National Guard performed when General Milley took his leisurely stroll through Lafayette Square on the early evening June 1, 2020, that is support law enforcement authorities during civil disturbance operations, a mission the District of Columbia National Guard has performed since 1802 and the broader Guard since 1636. Their rules for the use of force would be the standard rules given all D.C. Guardsman by judge advocates and paralegals who work for Colonel Matthews, just like in the summer of 2020. Hopefully the Secretary of Defense and the Secretary of the Army would approve the mission.

As we've seen, with respect to the D.C. National Guard, the averments in Milley's deposition by the Standing Committee are wholly inaccurate whether purposeful or not.

The Standing Committee Cherry Picked Evidence

The Standing Committee unfairly faulted President Trump for failure to call the Pentagon on January 6, 2021 to demand that the D.C. National Guard be deployed faster. The committee knew that even if President Trump had called down personally to the Secretary of the Army, who had effective operational control of the D.C. National Guard, to direct the immediate movement of the Guard, it would have had no impact. Indeed, the Secretary of the Army might not have taken the President's phone call. In his transcribed deposition before the Committee, former Secretary of the Army, Ryan McCarthy is asked, "if President Trump had called you or Secretary Miller and said, let's go, let's get these folks moving, would it have impacted the response time?" Secretary McCarthy replied, **"I'd say we're working on it, Mr. President. We've got to know what we're supposed to do. I mean, that was – we wanted to be deliberate in how we employed them and make sure we got it right."**

Milley is asked a similar question on two occasions: Representative Kinzinger asks Milley: **"General. Can you answer, had the President called you and made a direct order to defend the Capitol, would that have cut one some of the, maybe bureaucracy that delayed it?"**

Milley replies: **"Yeah. I don't –well. First of all, he didn't call. But had he called and directed it, were were directing it anyway. Secretary Miller directed it—Acting Secretary Miller directed it at, like 1500 or 1504, whatever the timeline says. It's actually pretty quick, where orders are going out, and then the order goes to Secretary McCarthy, and then his orders are going out. So I don't know that even if he had called it would have sped anything up."**

Milley is asked later: “On January 6th, could President Trump have taken any action that would’ve increased the response time of the D.C. National Guard? In other words, was there anything he could’ve done to have gotten them there faster?” Milley also answers in the negative. He states: **“There wasn’t anything that I think President Trump could’ve done to speed that process up. You know he could’ve called and been all excited and yelled and screamed and said, ‘Go faster, go faster.’ But that’s about as fast as that system is going to move, given that they weren’t prepositioned.”**

The leadership of D.C. Guard on January 6, 2021, Major General William J. Walker, its Commanding General, Brigadier General Robert K. Ryan, the Joint Task Force Commander responsible for the support mission that day, would be astounded by the sentiments conveyed by Milley and McCarthy. If their Commander-in-Chief had called them and said get to the Capitol, they would have immediately thrown every available asset toward the Capitol without delay. They had done it before. When the White House Complex was under siege by violent demonstrators in late May 2020, converting troops assigned on COVID-19 orders into a civil disturbance response element and deploying them quickly to Lafayette Square. McCarthy and Milley were silently conceding that Army leadership was an impediment to the Guard’s deployment.

Just as the President would not reach down and directly call the Commanding General of the 1st Marine Division or the 82nd ABN Division, neither would he call directly the Commanding General of the D.C. Guard. He (actually President Truman and later President Nixon) had delegated his command authority over the D.C. National Guard for a reason. He is a fairly busy person, he has an entire government to run and a free world to keep free. Instead, the President trusted and empowered his subordinate chain of command.

Trump entrusted and fully empowered his chain of command and then did not micromanage or interfere in it. President Trump would likely have received widespread criticism if he did reach two echelons down to speak directly with D.C. National Guard leaders. However, that is what would have been required to speed up deployment of the D.C. National Guard to the Capitol because there was a bottleneck within the Department of the Army, its leadership did not desire the D.C. Guard to move any faster than it did on January 6th. Acting Secretary Miller had plenary authority to act with regard to the D.C. National Guard. At 3:04 PM, Miller gave Secretary McCarthy full discretion to move to Capitol Hill. Any delay appears to have been caused at the Department of the Army level because as Secretary McCarthy said, Army leadership **“wanted to be deliberate.”** This desire to be deliberate is the exact opposite of “sprint speed.” General Walker was not authorized to move until over 2 hours later, even though at least some D.C. National Guard personnel could have moved out immediately.

A Moral and Ethical Duty To Correct the Historical Record

The Standing Committee gave a pass to military leaders that I believe the Committee knew had falsified information. The Standing Committee overlooked lying. They did so for a couple of reasons. One is a reverence for the American military that we should all have. You had two generals walk in both with a chest full of ribbons and a military entourage and talk about how many combat deployments they had and how they served our country in far off lands to a bunch of civilians, most of whom have never worn the Nation’s cloth. Lastly, Former Representative Elizabeth Cheney, who ran the Select Committee, did not want to focus on any of the security failures of January 6th, or on the agencies of our government that were responsible.

Rather, Ms. Cheney had a singular and unrelenting focus and his initials are Donald John Trump. Ms. Cheney, however, did our military and security agencies no favor by sweeping our missteps under the rug. Only by knowing about our mistakes can we learn from them and ensure they don't happen again.

An investigative counsel on the Standing Committee's staff all but acknowledged to me that a few witnesses changed their story each time they spoke with a different investigative committee. He implied the DoDIG Report was fundamentally flawed as a result, based on the Committee's investigative findings. This committee lawyer told me that the professional staff would recommend to the full Standing Committee that DoDIG be contacted so the record could be corrected. He told me that the full committee report would indicate where the DoDIG report differs from or corroborates what the Standing Committee subsequently found. Yet the January 6th Committee let the DoDIG Report stand uncorrected, allowing it to pollute the historical record.

The DoDIG Report still falsely claims that Secretary Ryan McCarthy directly called Major General Walker twice, at 16:35 and at 17:00 to order the D.C. Guard to the Capitol. The report states that McCarthy directed Walker to move the QRF from Joint Base Andrews to the D.C. Armory at 14:25, yet we know these things did not occur. These are but two examples. The DoDIG report is replete with other demonstrably false errors or lies which will now go unchallenged. Similarly, the *U.S. Army Report of Operations* is replete with historical distortions, yet it will go one day to an Army archive where future historians will rely upon it. The DoDIG report was cited by an expert witness in the Colorado case which saw President Trump removed from the ballot. The Standing Committee had a moral and ethical obligation to

correct the historical record and to expose willful efforts to deceive the Congress, even if they can't implicate President Trump by doing so.

Conclusion

Mr. Chairman, thank for allowing to share my recollection of events. I welcome the committee's questions.

ADDENDUM

An Overview of the *Report of United States Army Operations on January 6, 2021*

Lieutenant General Piatt also directed, supervised and controlled the drafting of an Army white paper titled *Report of United States Army Operations on January 6, 2021*, (the “*Army Staff Report*”) which purports to be an official recollection of the events of January 6th, as they relate to the Department of the Army.¹ Dated March 18, 2021, the report contains none of the impartial and self-critical analysis found in standard Army after action reviews which identify strengths and weaknesses of Army performance and suggest areas for improvement and continuity. However, this official Army record is replete with inaccuracies, falsehoods, omissions and half-truths. This official document recounts multiple conversations and events that never occurred. It suggests for instance that the Mayor of the District of Columbia and the Secretary of the Army were active and vocal participants on a 2:30 pm telephone call, which neither were.² It also implies that Lieutenant General Piatt spoke directly with the Mayor on the afternoon of January 6th, which he did not.³

The *Army Staff Report* absolves senior Army leadership of any missteps or errors on January 6th, while casting blame for any delay in the D.C. National Guard reaching the Capitol squarely at the feet of the U.S. Capitol Police Chief, the Acting D.C. Metropolitan Police Chief, the D.C. Mayor, the D.C. National Guard leadership and, by implication, the Acting Secretary of Defense.

Access to the *Army Staff Report* was closely held and tightly restricted from the outset.⁴ The report was drafted without the input or involvement of anyone from the D.C. National Guard and its leaders were not allowed by Army senior leaders to review the report even after it was drafted and presented to members of the Congress. Piatt directed the release of the report to various congressional committees and to the DoD Inspector General with the proviso that the report not be shared externally. Some would suggest that the reason for this was to avoid subjecting the document to scrutiny by those with direct and personal knowledge of the events described within the report.

As an Army officer, a judge advocate and, in my civilian capacity, as a former chief legal officer of the Department of the Army, I am shocked and dismayed that senior leaders of our Army would have created such a fundamentally flawed and factually deficient product and submitted it to even one committee of the Congress. Lieutenant General Piatt, or those working

¹ DEPT OF THE ARMY, REPORT OF U.S. ARMY OPERATIONS ON JANUARY 6, 2021, (March 18, 2021) [Hereafter, the “*Army Staff Report*.”].

² Id. at 7.

³ Id. at 8.

⁴ D.C. National Guard leaders did not view the document until it appeared in the press in early December 2021.

on his behalf, willfully submitted the error- and prevarication-laden report to staffers or members of no fewer than six committees of the Congress: the Senate Homeland Security and Governmental Affairs Committee, the Senate Rules Committee, the House Oversight and Government Reform Committee, the Senate and House Armed Services Committees, and the House January 6th Committee. The report was relied on heavily by the Department of Defense Inspector General in developing its own flawed and deficient accounting of January 6, 2021.

Lieutenant General Piatt directed that the report be drafted in the wake of testimony before the Senate by Chiefs Robert Contee and Steven Sund and Major General William Walker, which reflected negatively on Piatt and others. Piatt repeatedly relied upon or cited the report although he knew or should have known much of what is stated in the report was untrue. Piatt owns this document which can reasonably be construed as an effort to deceive and mislead the Congress.

The disingenuous and revisionist character of the document Piatt produced is revealed in its opening paragraph. The *Army Staff Report* begins its explanation of the events of January 6, 2021, with a recitation of the history of the Posse Comitatus Act⁵, even though that Act was inapplicable to the D.C. National Guard (or other Guard units) that responded to the riot at the Capitol that day, none of whom were federalized. There was never any contemplation of using active duty forces to respond to the Capitol on January 6th. Why then would the Army's definitive explanation of that day begin with a history of the Posse Comitatus Act, which was not applicable, except to obfuscate and mislead? The report's opening paragraph similarly mentions a "healthy skepticism" of using military forces in domestic law enforcement while conveniently omitting the historic and traditional role of the National Guard in assisting in civil disturbances (riots) when the capacity of civilian authorities has been overstretched, as was the case on January 6th.⁶

The *Army Staff Report* repeatedly emphasizes that D.C. National Guard personnel were not armed with lethal weapons on the 6th, implying their unarmed status was a reason for the reluctance to deploy guardsmen to the Capitol.⁷ In truth, there was no request to equip D.C. National Guard personnel with firearms on January 6, 2021. The soldiers and airmen of the D.C. National Guard, except in rare instances, were also without firearms during the summer of 2020, when they responded to the rioting in the capital following the death of George Floyd.

The *Army Staff Report* also falsely states that D.C. National Guard personnel at the various traffic control points and Metro stations around the city had only helmets and ballistic

⁵ 18 U.S.C. § 1385.

⁶ Shannon M. Smith 2021. *How the National Guard became the go-to military force for riots and civil disturbances*. The Conversation. <https://theconversation.com/how-the-national-guard-became-the-go-to-military-force-for-riots-and-civil-disturbances-153971> (accessed 6 March 2022).

⁷ *Army Staff Report* at 6, 11.

vests⁸ in their vehicles and lacked the other requisite civil disturbance gear (shields, batons, shin guards) necessary to respond to the riot at the Capitol.⁹ This is also untrue. The D.C. Guard personnel at these locations had all of the requisite civil disturbance response kit in their government vehicles and readily accessible on the afternoon of the 6th. Contrary to the *Army Staff Report*, these personnel also all had the requisite training to respond to a civil disturbance event, most having served during the unrest of the previous summer.

The *Army Staff Report* falsely states that the “[D.C. National Guard] was prepared to provide the limited support requested by [the D.C. government’s Homeland Security and Emergency Management Agency] and nothing more.”¹⁰ This statement is untrue. The D.C. National Guard had other Army and Air Force personnel on duty and not dedicated to the traffic control support mission. These trained personnel could have been diverted to support the U.S. Capitol Police in response to the civil disturbance at the Capitol. This is what occurred, for example, on May 30, 2020, when D.C. National Guard personnel supporting a COVID-19 response mission were, on short notice, outfitted in riot gear and used to reinforce the security perimeter of the White House Complex.

The *Army Staff Report* also inaccurately states that the D.C. National Guard Quick Reaction Force (QRF) on the 6th was only prepared to provide backup to guardsmen at the various traffic control points and Metro stations. This is untrue. The QRF existed for other contingencies as well such as civil disturbance operations, which is why each member of the QRF was fully kitted in civil disturbance gear. Ironically, the report states falsely that the Secretary of the Army tasked Major General Walker with preparation to move the QRF to the Capitol at 2:25 p.m. on the 6th. The report does not explain why the Secretary would do so if the QRF was only designed to backup the Metro stations and traffic control points.

The *Army Staff Report* disingenuously implies that law enforcement officials requested that the D.C. National Guard be used to clear the Capitol building of rioters on January 6th.¹¹ Neither Chief Sund nor Acting Chief Contee made such a request. What Chief Sund and D.C. government officials requested on the afternoon call of January 6th was the aid of as many riot gear equipped guardsmen as possible to assist beleaguered U.S. Capitol Police and Metropolitan Police civil disturbance units in re-establishing the security perimeter at the seat of government. These personnel would perform roles similar to those performed around the security perimeter of the White House and at other federal structures during the course of the civil unrest of the summer of 2020. That was the D.C. National Guard’s plan of employment and use. Chief Sund had provided Major General Walker a link up location for D.C. Guard personnel to integrate with the U.S. Capitol Police.

⁸ Id.

⁹ Although separate guidance issued respectively by the Secretary of Defense and the Secretary of the Army on 4 and 5 January 2021 prohibited D.C. National Guard personnel at the traffic control points and Metro stations from possessing riot gear, all D.C. Guard personnel at these locations did possess the necessary riot gear in their vehicles on January 6, 2021. Lieutenant General Piatt knew or should have known that the *Army Staff Report* was incorrect on this point.

¹⁰ *Army Staff Report*, 7.

¹¹ Id. at 8.

The *Army Staff Report* falsely claims that law enforcement officials could not articulate what assistance they needed from the D.C. National Guard and that “[t]he inability of law enforcement officials to clearly communicate the task for the QRF further delayed planning and executing a faster response from the DCNG.” This assertion is both untrue and patently absurd.

The *Army Staff Report* falsely claims senior Army leaders eventually developed a plan for the D.C. National Guard to deploy to the Capitol and link up with law enforcement leaders and then provided this plan to the D.C. National Guard for execution. This did not occur.

The *Army Staff Report* also states that Lieutenant General Piatt and Army Staff personnel under his direction, or the direction of then-Lieutenant General Charles Flynn, were involved in assisting, supporting, or facilitating the eventual movement of D.C. National Guard forces to the Capitol on the afternoon and early evening of January 6, 2021. This assertion is false in its entirety. Neither Lieutenant Generals Piatt or Flynn nor any of their subordinates played any role in getting the D.C. National Guard to the Capitol on January 6, 2021, although they both testified falsely under oath before a hearing of the House Oversight and Government Reform Committee that they assisted the “5:02 pm” movement to the Capitol.

The *Army Staff Report* conveniently and critically omits that every leader in the D.C. National Guard wanted to respond to the unrest at the Capitol as soon as they became aware of the perimeter breach at the Capitol and the urgent USCP and MPD requests for support. The concerns, hesitation, and reluctance expressed by Piatt and Flynn were not shared by Major General Walker or his subordinate commanders. These D.C. National Guard leaders understood the proposed mission to immediately augment and assist civil disturbance units in re-establishing and reinforcing the perimeter around the Capitol. The *Army Staff Report* also conveniently omits that Lieutenant Generals Piatt and Flynn asked DCNG to consider planning for missions to relieve civilian enforcement away from the Capitol in order to free up civilian law enforcement officers to go to the Capitol.

With respect to the supposed lack of a plan, the *Army Staff Report* incredibly makes the following assertion: “Moving without this basic planning would, at best have caused additional confusion; and at worst, could have resulted in serious bodily injury to Guardsmen, law enforcement officers, or the peaceful protestors outside the Capitol.” That stunning sentence must be carefully parsed. The D.C. National Guard, its troops and leaders, were willing to assume the risk of bodily injury on 6 January, much as they did during the proceeding summer. However, in an official Army document, submitted to the Congress, senior Army leaders were asserting that sending trained D.C. National Guardsmen in civil disturbance gear when first requested to augment and assist MPD and USCP civil disturbance units could have exacerbated the situation rather than help in alleviating the then extant danger to law enforcement and to the Congress itself. This official Army record also characterizes the rioters unlawfully assembled at the Capitol as “peaceful protestors.” An Army senior leader also used the “peaceful protestor” characterization during the infamous 2:30 pm call on January 6, 2021, and now again it was being used in the March 2021 *Army Staff Report*, long after it was abundantly clear that the violent demonstrators unlawfully arrayed opposite the police at the Capitol on January 6, 2021, could in no way be legitimately characterized as such.

In a concluding paragraph, the *Army Staff Report* states:

“As soon as they were notified of the severity of the situation Capitol [sic], at approximately 1425 hours, Army senior leaders worked relentlessly to develop an understanding of the situation, plan the new mission of the DCNG—which involved inserting the DCNG into a chaotic and dangerous environment—and gain Acting SecDef approval to conduct CDO. This entire process took approximately two hours.”

The above paragraph is false and misleading. Former Acting Secretary of Defense, Christopher Miller, stated in sworn testimony before the HOCR that he gave the Secretary of the Army full discretion to deploy the D.C. National Guard to the Capitol at 3:04 pm.¹² By that time, Piatt and Flynn did not need to “develop an understanding of the situation.” They both had spoken to Chiefs Sund and Contee for nearly 30 minutes. They knew that the Capitol was under siege by violent rioters. They knew that the capability of the Capitol and Metropolitan Police to respond to the rioting was quickly being overwhelmed. They knew that the urgent and immediate support of the D.C. National Guard was requested. Piatt and Flynn also knew from Major General Walker that the D.C. National Guard was ready and able to respond. It is unclear what Piatt and Flynn reported back to or advised the Secretary of the Army. We do know that Army senior leaders allegedly spent 90 minutes drafting a plan that the Acting Secretary of Defense says he never asked for, a plan that, if it did exist, was never provided to nor implemented by the D.C. National Guard. This was the relentless effort Piatt was now writing about in the *Army Staff Report*.

¹² *The Capitol Insurrection: Unexplained Delays and Unanswered Questions: Hearing Before the H. Comm. on Oversight & Reform*, 117th Cong. (2021) (testimony of Christopher C. Miller, former Acting Secretary, Department of Defense).

Chairman LOUDERMILK. Thank you, Colonel Matthews.
I now recognize Brigadier General Aaron Dean for 5 minutes.

STATEMENT OF BRIGADIER GENERAL AARON DEAN

General DEAN. Good morning, Mr. Chairman, Ranking Member, Members of the Subcommittee.

Good morning. I am Brigadier General, Retired, Aaron Dean.

Let history record this moment as I, in my capacity as the second in command of the District of Columbia National Guard, entrusted with the sacred duty to advise and assist the Commanding General on matters of operational significance concerning the deployment of the District of Columbia National Guard on January 6, 2021, addressed the grave assertions and inaccuracies contained in the Inspector General's report DODIG-2022-039.

I believe it is my duty and moral obligation to stand before you today and illuminate the truth. I stand resolute, bearing witness to the unwavering readiness and unparalleled dedication of the servicemembers of the District of Columbia National Guard.

I will answer questions honestly, as witnessed through the lens of my 34-year career in the District of Columbia National Guard.

I rebuff in the strongest terms the insidious insinuation that the District of Columbia National Guard faltered in its duty, that it languished in apathy or incompetence when called upon to safeguard the sanctum of democracy.

Today I will tell the truth to the best of my recollection, unblemished by falsehoods, and in doing so exonerate the honor of the brave soldiers and airmen who stood unwavering in the defense of our Nation.

May my testimony serve as a testament to the indomitable spirit of those who answered the call of duty on that historic day.

Thank you.

[The prepared statement of Brigadier General Aaron Dean follows:]

**PREPARED STATEMENT OF BRIGADIER GENERAL AARON
DEAN**

Sub-Committee on Oversight RE: Jan 6th DC National Guard Response

Good morning. I am Brigadier General (Retired) Aaron Dean. Let history record this moment as I, in my capacity as the second in Command of the District of Columbia National Guard, entrusted with the sacred duty to advise and assist the Commanding General on matters of operational significance concerning the deployment of the District of Columbia National Guard on January 6th, 2021, address the grave assertions and inaccuracies contained in the Inspector General's report (DODIG-2022-039).

I believe it is my imperative duty and moral obligation to stand before you today and illuminate the truth. I stand resolute, bearing witness to the unwavering readiness and unparalleled dedication of the Service Members of the District of Columbia National Guard.

I will answer questions honestly, as witnessed through the lens of my 34-year career in the District of Columbia National Guard. I rebuff, in the strongest terms, the insidious insinuation that the District of Columbia National Guard faltered in its duty, that it languished in apathy or incompetence when called upon to safeguard the sanctum of democracy.

Today, I will tell the truth to the best of my recollection, unblemished by falsehoods, and in doing so, exonerate the honor of the brave Soldiers and Airmen who stood unwavering in defense of our nation. May my testimony serve as a testament to the indomitable spirit of those who answered the call of duty on that historic day.

Chairman LOUDERMILK. Thank you, General Dean.
I now recognize Captain Timothy Nick for 5 minutes.

STATEMENT OF CAPTAIN TIMOTHY NICK

Captain NICK. Mr. Chairman and Members of the Subcommittee, my name is Timothy Nick, and I am a captain in the Army National Guard.

I am here today to aid the Subcommittee in resolving factual errors in the official record of what happened on January 6, 2021, specifically regarding the alleged District of Columbia National Guard's delayed response caused by critical, Presidentially appointed, Senate-confirmed Pentagon senior officials.

I was concerned by the events that unfolded that day on the United States Capitol. As a Federal officer with the United States Secret Service and a former State trooper with the Florida Highway Patrol, my heart goes out to all law enforcement officers, sisters and brothers, that held the line that day to restore public order to the chaos.

I am here today with my counsels, Lachlan McKinion and Dan Meyer of law firm Tully Rinckey. The firm has advised me, beginning with my role as a confidential source to the Select Committee to Investigate the January 6 Attack on the United States Capitol. When my confidentiality was breached, it was Dan who intervened to ensure I was protected as a military whistleblower.

First, I want to explain my role on January 6. I was assigned as aide-de-camp, the personal assistant to Major General William Walker, the Commanding General of the D.C. National Guard. It was my only second day on the job.

Please focus on alleged facts about—found in the November 16, 2021, Department of Defense Inspector General’s multidisciplinary review into the D.C. National Guard response and Department of Defense’s role that day.

I can say unequivocally that the Inspector General’s review is riddled with inaccuracies, misstatements, and perhaps false flags and narratives regarding how critical Pentagon senior officials responded when our Republic was under great stress.

For instance, during a conference call at 2:31 p.m. with members of the United States Army, U.S. Capitol Police, Metropolitan Police Department, District of Columbia government, and U.S. Secret Service Uniformed Division, the U.S. Army’s Lieutenant General Walter Piatt, Director of the Army Staff, and the Army’s Lieutenant General Charles Flynn, Deputy Chief of Staff of Operations, were on the call. Also on was Colonel John Lubas, Executive Officer to the Secretary of the Army.

The Army falsely denied that General Flynn was ever on the call. This is false and material on its face. Lieutenant Flynn was on the call and even participated in discussions.

The Defense Inspector’s review also rounds language, papering over the fact that Lieutenant General Piatt and Lieutenant General Flynn, while on the call, discussed how they “did not like the optics.” That is a direct quote.

They stated it would be in their best military advice to recommend to the Secretary of the Army, Ryan McCarthy, to deny the request from Command General William Walker to deploy the D.C. National Guard and aid U.S. Capitol Police in restoring restoration of ordered liberty on Capitol Hill.

In addition, former Secretary of the Army Ryan McCarthy claims he was on a 2:31 p.m. call and spoke on that call. This is false. Unless he was in the room, shadowing the call, and he did not speak nor identify himself, he was not on the call. He was en route to the Washington, D.C., regional office at the Federal Bureau of Investigation to support that agency’s concept of operation plans for January 6.

He went on to claim that he called and spoke to Major General Walker at least twice, ordering deployment of the D.C. National Guard. This is also false. At no time did General Walker take any calls, nor did we ever hear from the Secretary on any of the ongoing conference calls or the secure video teleconferencing throughout the day.

This I know because I was with the Command General the entire time, recording events.

Throughout the day, Major General Walker was told by staff officers “to stand by” with respect to deploying to Capitol Hill. Only at 5:09 p.m. in the early evening, which I wrote down in my wheel book, was the D.C. Guard given orders to deploy and to move to the Capitol to assist Capitol Police.

We arrived too late. One American lay dead, with other sisters and brothers injured, including Federal and local law enforcement officers.

We were ready and standing by. I know if we were able to deploy immediately when General Walker made the request the National

Guard could have helped end the civil disturbance and restored public order quickly.

The Army National Guard motto is, "Always ready, Always there." The D.C. National Guard was ready to help and assist Capitol Police, but we were not allowed to do our job due to paralyzed decisionmaking by Acting Secretary of Defense Chris Miller and Secretary of the Army Ryan McCarthy.

This led to a crisis in Federal leadership at the Pentagon and delayed the D.C. response by 3 hours and 19 minutes.

Thank you for the opportunity to appear before you today and articulate the facts as they happened. I look forward to answering any questions you may have.

[The prepared statement of Captain Timothy Nick follows:]

PREPARED STATEMENT OF CAPTAIN TIMOTHY NICK

Testimony of Captain Timothy E. Nick, Army National Guard

Before

**Committee on House Administration
Subcommittee on Oversight**

17 April 2024

Mr. Chairman and members of the subcommittee:

My name is Timothy Nick, and I am a Captain in the Army National Guard. I am here today to aid the Subcommittee in resolving factual errors in the official record of what happened on January 6, 2021, specifically regarding the alleged District of Columbia National Guard delayed response caused by critical Presidentially-appointed, Senate-confirmed Pentagon senior officials.

I was concerned by the events that unfolded that day at the United States Capitol. As a federal officer with the U.S. Secret Service and former State Trooper with the Florida Highway Patrol, my heart goes out to all the law enforcement officers, sisters and brothers, that held the line that day to restore public order to the chaos.

I am here today with my counsels, Lachlan McKinion and Dan Meyer, of the law firm Tully Rinckey PLLC. The Firm has advised me beginning with my role as a confidential source to the Select Committee to Investigate the January 6th Attack on the United States Capitol. When my confidentiality was breached to the national media, it was Dan who intervened to ensure I was protected as a military whistleblower. Also aiding me are counsels from the Department of Defense and the National Guard.

Mr. Meyer knows this Congressional sourcing area well, having blown the whistle at least four (4) times in his former Federal career: to the Senate Armed Services Committee regarding investigative misconduct regarding the death of

47 shipmates on the battleship IOWA; to the Ranking Member, Senate Judiciary Committee regarding investigative misconduct regarding patient abuse at the Dawood Afghan National Military Hospital and legal sufficiency abuses within the Office of General Counsel, Office of the Department of Defense Inspector General; to the Senate Select Committee on Intelligence on classified information spillage during the 2012 Presidential Campaign; and finally, to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence regarding abuse of authority by Intelligence Community inspectors general and senior staff.

Being a Congressional source is not easy; there is always a sense of ice cracking beneath your boots. As for my own biography, I have been on special assignments throughout my career. For instance, while with the Florida Highway Patrol, I was chosen amongst my peers to be a part of a team of troopers deployed to Puerto Rico in 2017 to assist local police from the devastation of Hurricane Maria. Additionally, while with the Secret Service, I have been assigned to the White House and have worked to support the office of the president. I continue to live by the Secret Service motto, "Worthy of Trust and Confidence."

First, I want to explain my role on January 6th. I was assigned as the aide-de-camp, the personal assistant to Major General William Walker, the Command General of the D.C. National Guard. It was only my second day on the job.

Please focus on alleged facts found in the November 16, 2021, Department of Defense Inspector General's multidisciplinary review into the D.C. National Guard response and the Department of Defense's role that day. I can say unequivocally that the Inspector General's review is riddled with inaccuracies, misstatements, and perhaps false flags and narratives regarding how critical Pentagon senior officials responded when our Republic was under great stress.

For instance, during a conference call at 2:31 PM with members of the United States Army, U.S. Capitol Police, Metropolitan Police Department, District of Columbia Government and U.S. Secret Service – Uniform Division, the U.S. Army's Lieutenant General Walter Piatt, Director of the Army Staff and the Army's Lieutenant General Charles Flynn, Deputy Chief of Staff for Operations, were on the call. As also was Colonel John Lubas, Executive Officer to the

Secretary of the Army. The Army falsely denied that Lieutenant General Flynn was ever on the call. This was false, and material, on its face. Lieutenant General Flynn was also on the call and even participated in discussions. The Defense Inspector General's review also rounds language, papering over the fact that Lieutenant General Piatt and Lieutenant General Flynn, while on the call, discussed how they "did not like the optics" – that is a direct quote -- of sending Guardsmen to the Capitol. They stated it would be in their best military advice to recommend to the Secretary of the Army, Ryan McCarthy, to deny the request from Command General William Walker to deploy the DC National Guard and aid the U.S. Capitol Police in the restoration of ordered liberty on Capitol Hill

In addition, former Secretary of the Army, Ryan McCarthy claims he was on the 2:31 PM call and spoke on that call. This is false. Unless he was in the room shadowing the call, and did not speak nor identify himself, he was not on the call. He was enroute to the Washington D.C. Regional Office of the Federal Bureau of Investigation to support that agency's concept of operations on January 6th. He went on to claim that he called and spoke to Major General Walker at least twice, ordering the deployment of the DC Guard. This is also false. At no time did General Walker take any calls, nor did we ever hear from the Secretary on any of the ongoing conference calls and Secure Video Teleconferencing throughout the day. This I know because I was next to the Command General the entire time, recording events.

Throughout the day, Major General Walker was told by staff officers "to stand by" with respect to deploying to Capitol Hill. Only at 5:09 PM in the early evening--which I wrote down on my wheel book--was the DC Guard given the order to deploy and move to the Capitol to assist Capitol Police. We arrived too late. One American lay dead with other sisters and brothers injured, including federal and local law enforcement officers. We were ready and standing by. I know if we were able to deploy immediately when General Walker made the request, the National Guard could have helped end the civil disturbance and restored public order quickly.

The Army National Guard motto is: "Always Ready, Always There." The DC National Guard was ready to help and assist the Capitol Police, but we were not allowed to do our job due to paralyzed decision-making by the Acting Secretary of Defense Chris Miller and Secretary of the Army Ryan McCarthy. This led to

crisis in Federal leadership at the Pentagon and delayed the DC Guard response by 3 hours and 19 minutes.

Thank you for the opportunity to appear before you today and articulate the facts as they happened.

I look forward to answering any questions you may have.

– End –

Chairman LOUDERMILK. Thank you, Captain.

As we begin our question session, I want to reemphasize how much we appreciate all of you coming forward. I know as a veteran of the Armed Forces myself, this takes an incredible amount of courage to come forward and tell the truth.

We will now move into the question session. Just a reminder to make sure the microphones are very close to you during this time.

I now recognize the gentleman from Virginia, Mr. Griffith, for 5 minutes.

Mr. GRIFFITH. We have a sergeant major, a colonel, a brigadier general, and a captain. Your testimony is compelling. Thank you. Now to the questions.

On January 6, 2021, were each of you gentlemen with Major General William Walker from 1:49 p.m. through 5:55 p.m., yes or no?

Sergeant Major BROOKS. Yes.

Colonel MATTHEWS. I was.

General DEAN. Yes.

Captain NICK. Yes.

Mr. GRIFFITH. The Department of Defense Inspector General report, DOD IG report, alleges that the Secretary of the Army contacted Major General Walker multiple times on January 6 during that timeframe. Some allegations are two calls, some are three, but the allegations would be or the assertions would be 3:04 p.m., 4:35 p.m., and finally at 5 p.m.

Do any of you recall any one of those calls taking place?

Colonel MATTHEWS. Negative, sir.

Can I amplify that, though?

Mr. GRIFFITH. Yes, sir.

Colonel MATTHEWS. By way of background, so I was a political appointee in the Trump administration. I was a senior political appointee. I was also in the Army Reserve and National Guard.

Now, in June 2017, I was appointed to be Acting General Counsel in the Department of the Army. The next month, Ryan McCarthy was appointed Acting Secretary of the Army. He had been confirmed as Under Secretary of the Army.

Ryan McCarthy is my colleague. He is my friend. I told the Committee he was a good Secretary of the Army. I had a great deal of affection for Ryan McCarthy. I know he does for me. I am not here to badmouth Ryan McCarthy, but I have got to set the record straight.

Mr. GRIFFITH. Yes, sir.

Colonel MATTHEWS. In my memo I did not call—I never called—I call Piatt and Flynn liars. I never called McCarthy a liar, for two reasons.

One, it was not clear to me that he was saying some of the things they said he said. I mean, it is clear to me that some of the things they said he said were said by others who were trying to really protect themselves.

The other thing is he was my friend. You just do not turn it off. You do not call your friend a liar.

At 2:30—at 2:31—at 2:30, they said that he was on a call with General Walker and he told him to move the QRF (Quick Response Force) to the Armory. I mean, that did not happen.

Ryan McCarthy did not speak on that call, and we know this because that call was on a conference bridge. It was a D.C. Government conference bridge.

Now, the DOD IG incorrectly states that McCarthy requested the call. I helped facilitate that call. General Walker was on the call with Dr. Rodriguez, who was the Homeland Security Advisor for Mayor Bowser. Mayor Bowser was on the call. Chief Sund was on the call. Chief Contee was on the call. All of us at this dais were all on the call.

Ryan McCarthy never spoke on that call. I am a person who was his friend, who knew his voice quite well. If he had said anything, I would say that. We were told he was unavailable. I called his executive officer to ask to speak to him, and we were told he was unavailable. General Walker, Piatt, and General Charles Flynn were on the call.

Subsequently, Flynn denies he was even involved in the call. For what reason, I really do not know. He did so under oath.

Command Sergeant Major Brooks, myself, and Lieutenant Nick were all interviewed by the Select Committee. We told them that. To me, this is material because Flynn denied under oath twice to the House Oversight Committee and to the Select Committee that he even participated in the call. That goes to his integrity, to his credibility.

Mr. GRIFFITH. All right, let me—

Colonel MATTHEWS. I am sorry, sir.

Mr. GRIFFITH. Let me underline this.

Colonel, you are also an attorney.

Colonel MATTHEWS. Yes, sir. With a law license.

Mr. GRIFFITH. You got your degree from Harvard Law School.

Colonel MATTHEWS. Yes, sir. I got a mortgage in Great Falls, Virginia. I have no reason to be up here lying, because I do not want to go to Federal prison.

Mr. GRIFFITH. You understand that you are—if you lie to Congress, 18—Title 18, 1001 makes that a crime. Is that correct?

Colonel MATTHEWS. Unquestionably, sir.

Mr. GRIFFITH. You also understand that as a member of the legal establishment that if you were to lie under oath, your license to practice law, no matter the fact that you have a JD from Harvard, could be in jeopardy. Is that correct?

Colonel MATTHEWS. No question, sir. Sir, I want to point out—

Mr. GRIFFITH. Yes, sir.

Colonel MATTHEWS.—I spoke to the Select Committee. I was not under oath, but it does not matter because you do not have to be under oath. If you lie to Congress, it is still a Federal crime.

Mr. GRIFFITH. Yes, sir.

Colonel MATTHEWS. I am fully aware of that. I submitted a document stating that these men were liars, and I stand by it 100 percent. It is a stain on my Army that they got away with it and no one said anything about it.

They even sent Piatt's name to the President of the United States to have him promoted. He was a liar. All of us can attest to that.

Mr. GRIFFITH. You want the truth to come out.

Colonel MATTHEWS. No question about it, sir.

Mr. GRIFFITH. Good, bad, or ugly, correct?

Colonel MATTHEWS. Exactly.

Mr. GRIFFITH. Anybody here want anything but the truth—any of the four witnesses want anything but the truth to come out?

Sergeant Major BROOKS. No, sir.

Mr. GRIFFITH. Good, bad, or ugly, it does not matter. No matter what side you are on. Is that correct? I heard a yes—I heard a “no, sir” and a “yes, sir.”

Sergeant Major BROOKS. You want the truth, sir, nothing but the truth, yes, sir.

Colonel MATTHEWS. Right.

Mr. GRIFFITH. Colonel Matthews.

Brigadier General.

General DEAN. That is correct.

Captain NICK. That is correct.

Mr. GRIFFITH. All right.

Wow, I do not know. I got lots of other questions to ask. I appreciate you jumping in and clearly with your heartfelt emotions telling us that things were not exactly true and that, in fairness, the January 6 Committee was not told the truth.

Is that correct, Colonel?

Colonel MATTHEWS. They were not told the truth, but I think they knew that, though, and they disregarded that. This is what I mean.

General Flynn testified before the House Oversight Committee on June the 15th, 2021. During his opening statement and during his questioning he stated explicitly that he was not on that phone call, he made no statements on that call.

Subsequently, he was interviewed by the January 6 Committee and he also stated—he was directly asked by the senior investigative counsel: Did you make any statements on that call? He says he did not. He was not on the call, he says.

Now, that is perjury in my opinion. I mean, I am a lawyer but it is for a court to decide. To me that is perjury.

The important point is later I raised that. I was interviewed by the Select Committee in—

Mr. GRIFFITH. Unfortunately, my time is up, but hopefully you will get another opportunity to talk about it. I apologize.

My time is up. I yield back, Mr. Chairman.

Chairman LOUDERMILK. The gentleman yields.

I now recognize the Subcommittee's Ranking Member, Mrs. Torres, for 5 minutes.

Mrs. TORRES. Thank you, Chairman.

Colonel Matthews.

Colonel MATTHEWS. Yes, ma'am.

Mrs. TORRES [continuing]. I spent more than 17 years as a 911 dispatcher. I worked with some very difficult times in the city of L.A., Rodney King riots, the verdict. On 9/11, I was tasked with putting together Mobile Field Force units to dispatch to critical locations to ensure that those would not be attacked.

I know what an EOC (Emergency Operations Center) is supposed to look like. I know what orders to follow during certain types of emergency. I was prepared with a manual that was provided to me, things that we have practiced time and time and time again.

During an emergency, you agree that it is vital that we have a quick response and a unified coordination that has clear communications, correct?

Colonel MATTHEWS. No question.

Mrs. TORRES. I was struck by the written—your written testimony when you said the D.C. National Guard was delayed because Milley, McCarthy, and McConville believed that the President of the United States might deploy the National Guard improperly on that day and had taken measures to prevent this.

This must have been incredibly frustrating for you and for your colleagues in the Guard.

Why do you think senior military leaders believed the President of the United States might employ the National Guard improperly on January 6? Was it based on their words, actions, or both?

Colonel MATTHEWS. I think that belief was irrational because I do not believe the President ever gave any of them an unlawful order.

Mrs. TORRES. OK.

Colonel MATTHEWS. He gave none of them an unlawful order.

Mrs. TORRES. Secretary—

Colonel MATTHEWS. He appointed—

Mrs. TORRES. Secretary of the Army—

Colonel MATTHEWS. He appointed all of them to high office.

Mrs. TORRES [continuing]. Ryan McCarthy—

Colonel MATTHEWS. He appointed all of them to high office.

Mrs. TORRES [continuing].—testified that on January 6 Select Committee that at one point he was walking down the Pentagon hallways and one of the most seasoned reporters asked him whether the Army was planning to seize ballot boxes.

Do you know if ideas like the President seizing ballot boxes was something Secretary McCarthy was considering when making decisions about deploying the Guard on January 6?

Colonel MATTHEWS. I think it was, but I think it was not a rational belief. I think—

Mrs. TORRES. OK.

Colonel MATTHEWS. Secretary McCarthy—

Mrs. TORRES. Was there widespread fear within the Department of Defense about the President using the military or other levers of the State to impact the election around the time of the 2020 election?

Colonel MATTHEWS. No. It was not a widespread fear. It was a fear among a clique of officers led by the Chairman of the Joint Chiefs of Staff who talked about a so-called Reichstag moment and——

Mrs. TORRES. OK. Well, let me tell you, The New York Times reported in January 2022 that President Trump actually directed his attorney, Rudy Giuliani, to ask the Department of Homeland Security to see if it could take control of voting machines in key swing States.

I would like to ask for unanimous consent to enter this New York Times article entitled, “Trump Had Role in Weighing Proposals to Seize Voting Machines,” into the record.

Mr. GRIFFITH.

[Presiding.] Without objection, so order.

[The article referred to follows:]

Trump Had Role in Weighing Proposals to Seize Voting Machines

New accounts show that the former president was more directly involved than previously known in plans developed by outside advisers to use national security agencies to seek evidence of fraud.



New accounts show that President Donald J. Trump was more directly involved than previously known in exploring proposals to use his national security agencies to seize voting machines. Credit...Meridith Kohut for The New York Times

By [Alan Feuer](#), [Maggie Haberman](#), [Michael S. Schmidt](#) and [Luke Broadwater](#)

Jan. 31, 2022

Six weeks after Election Day, with his hold on power slipping, President Donald J. Trump directed his lawyer, Rudolph W. Giuliani, to make a remarkable call. Mr. Trump wanted him to ask the Department of Homeland Security if it could legally take control of voting machines in key swing states, three people familiar with the matter said.

Mr. Giuliani did so, calling the department's acting deputy secretary, who said he lacked the authority to audit or impound the machines.

Mr. Trump pressed Mr. Giuliani to make that inquiry after rejecting a separate effort by his outside advisers to have the Pentagon take control of the machines. And the outreach to the Department of Homeland Security came not long after Mr. Trump, in an Oval Office meeting with Attorney General William P. Barr, raised the possibility of whether the Justice Department could seize the machines, a previously undisclosed suggestion that Mr. Barr immediately shot down.

The new accounts show that Mr. Trump was more directly involved than previously known in exploring proposals to use his national security agencies to seize voting machines as he grasped unsuccessfully for evidence of fraud that would help him reverse his defeat in the 2020 election, according to people familiar with the episodes.

The existence of proposals to use at least three federal departments to assist Mr. Trump's attempt to stay in power has been publicly known. The proposals involving the Defense Department and the Department of Homeland Security were codified by advisers in the form of draft executive orders.

But the new accounts provide fresh insight into how the former president considered and to some degree pushed the plans, which would have taken the United States into uncharted territory by using federal authority to seize control of the voting systems run by states on baseless grounds of widespread voting fraud.

The people familiar with the matter were briefed on the events by participants or had firsthand knowledge of them.

The accounts about the voting machines emerged after a weekend when Mr. Trump declared at a rally in Texas that he might pardon people charged in connection with the storming of the Capitol last Jan. 6 if he were re-elected. In a statement issued after the rally, Mr. Trump also suggested that his vice president, Mike Pence, could have personally "overturned the election" by refusing to count delegates to the Electoral College who had vowed to cast their votes for Joseph R. Biden Jr.

The new information helps to flesh out how the draft executive orders to seize voting machines came into existence and points in particular to the key role played by a retired Army colonel named [Phil Waldron](#).

According to people familiar with the accounts, Mr. Waldron, shortly after the election, began telling associates that he had found irregularities in vote results that he felt were suggestive of fraud. He then came up with the idea of having a federal agency like the military or the Department of Homeland Security confiscate the machines to preserve evidence.

Mr. Waldron first proposed the notion of the Pentagon's involvement to Mr. Trump's former national security adviser, Michael T. Flynn, whom he says he served with in the Defense Intelligence Agency.

The plans were among an array of options that were placed before Mr. Trump in the tumultuous days and weeks that followed the election, developed by an ad hoc group of lawyers like Sidney Powell and other allies including Mr. Flynn and Mr. Waldron. That group often found itself at odds with Mr. Giuliani and his longtime associate Bernard Kerik, as well as with Mr. Trump's White House counsel, Pat A. Cipollone, and his team.

Around the same time that Mr. Trump brought up the possibility of having the Justice Department seize the voting machines, for example, he also tried to persuade state lawmakers in contested states like Michigan and Pennsylvania to use local law enforcement agencies to take control of them, people familiar with the matter said. The state lawmakers refused to go along with the plan.

The meeting with Mr. Barr took place in mid- to late November when Mr. Trump raised the idea of whether the Justice Department could be used to seize machines, according to two people familiar with the matter. Mr. Trump told Mr. Barr that his lawyers had told him that the department had the power to seize machines as evidence of fraud.

Mr. Trump mentioned a specific state that had used machines built by Dominion Voting Systems, where his lawyers believed there had been fraud, although it is unclear which state Mr. Trump was referring to. Mr. Barr, who had been briefed extensively at that point by federal law enforcement officials about how the theories being pushed by Mr. Trump's legal team about the Dominion machines were unfounded, told Mr. Trump that the Justice Department had no basis for seizing the machines because there was no probable cause to believe a crime had been committed.

It was only after several early options were exhausted that Mr. Waldron pitched the idea of using other parts of the federal government to seize the machines to both Mr. Giuliani and members of the Trump legal team, and to Mr. Flynn and his own associates, including Ms. Powell and Patrick Byrne, a wealthy business executive who funded many of the efforts to challenge the election.

Phil Waldron, a retired Army colonel, at his distillery in Dripping Springs, Texas, last year. Credit...Reuters

Mr. Waldron, who owns a bar and distillery outside Austin, Texas, was previously best known for having circulated [a 38-page PowerPoint presentation](#) to lawmakers and White House aides that was filled with extreme plans to overturn the election.

Mr. Giuliani was vehemently opposed to the idea of the military taking part in the seizure of machines, according to two people familiar with the matter. The conflict between him and his legal team, and Mr. Flynn, Ms. Powell and Mr. Byrne came to a dramatic head on Dec. 18, 2020, during a meeting with Mr. Trump in the Oval Office.

At the meeting, Mr. Flynn and Ms. Powell presented Mr. Trump with a copy of the draft executive order authorizing the military to oversee the seizure of machines. After reading it, Mr. Trump summoned Mr. Giuliani to the Oval Office, according to one

person familiar with the matter. When Mr. Giuliani read the draft order, he told Mr. Trump that the military could be used only if there was clear-cut evidence of foreign interference in the election.

Ms. Powell, who had spent the past month filing lawsuits claiming that China and other countries had hacked into voting machines, said she had such evidence, the person said. But Mr. Giuliani was adamant that the military should not be mobilized, the person said, and Mr. Trump ultimately heeded his advice.

Shortly after the Oval Office meeting, Mr. Waldron amended the draft executive order, suggesting that if the Defense Department could not oversee the seizure of machines then the Department of Homeland Security could, the person said.

Around that time, Mr. Trump asked Mr. Giuliani to call Kenneth T. Cuccinelli II, the acting deputy secretary at the Department of Homeland Security, to ask about the viability of the proposal, according to two people familiar with the matter. Mr. Cuccinelli said that homeland security officials could not take part in the plan.

Image



Rudolph W. Giuliani, Mr. Trump's personal lawyer, was opposed to the idea of the military taking part in the seizure of machines, according to two people familiar with the matter. Credit...Erin Schaff/The New York Times

All of this was playing out amid open acrimony among White House aides and outside advisers about how best — and how far — to proceed with efforts to pursue Mr. Trump's claims of fraud in the election. That same month, during a meeting on another matter, Mr. Trump asked Mr. Cuccinelli what he thought of appointing a special counsel to

investigate election fraud. Mr. Cuccinelli, according to two people briefed on the conversation, said it was not a good idea for a variety of reasons.

When Mr. Flynn, Ms. Powell and Mr. Byrne arrived at the White House to discuss their plan to use the military to seize voting machines, they were not let into the Oval Office by a typical gatekeeper, like Mark Meadows, Mr. Trump's chief of staff. Rather, they were escorted in by Garrett Ziegler, a young aide to another Trump adviser, Peter Navarro, according to Mr. Ziegler's account.

"I waved in General Flynn and Sidney Powell on the Friday night of the 18th — for which Mark Meadows's office revoked my guest privileges," Mr. Ziegler said on a podcast, adding that he had done so because he was "frustrated with the current counsel" Mr. Trump was getting.

Even Mr. Giuliani, who had spent weeks peddling some of the most outrageous claims about election fraud, felt that the idea of bringing in the military was beyond the pale.

After Mr. Flynn and Ms. Powell left the Oval Office, according to a person familiar with the matter, Mr. Giuliani predicted that the plans they were proposing were going to get Mr. Trump impeached.

Mrs. TORRES. Command Sergeant Major Brooks, you served in the Army and Army National Guard for 29 years. You spent the months after January 6 right here on this Capitol Hill protecting the citadel of democracy. I understand that for the entire time that you were deployed, you slept in your office, with the exception of maybe 1 week over the course of months. You clearly are a patriot who loves our country.

How did you feel watching the Capitol get overrun, knowing that you were almost walking distance away but not permitted to come assist law enforcement in defending it?

Sergeant Major BROOKS. It was very disheartening to see. I believe it was something that, you know, I think any of us who serve in the military, it was something that we did not think we would see in our lifetime. It was very frustrating to know that we had the capability and the personnel and unable to respond.

Mrs. TORRES. Thank you.

Sergeant Major BROOKS. It is hard to describe.

Mrs. TORRES. Brigadier General Aaron Dean, what is the basis and rationale on which the Department of Defense and D.C. National Guard rely in determining the equipment, tactics, techniques, and procedures that the Guard could use to respond to escalations in the protests on January 6? Was this atypical?

General DEAN. I do not think—I do not think—it was not atypical.

Mrs. TORRES. We were just months—we right now are just months away from the 2024 election and the man who incited the 2020 insurrection is on the ballot again.

What corrective actions has the National Guard Bureau or Department of Defense taken to ensure the National Guard can plan, coordinate, and execute command and control in response to threats in the national capital region?

General DEAN. I can only really talk about the District of Columbia National Guard and its preparation, especially around January 6.

We match capability with request. If there is a request, we match the capability that we have. We had riot control capability on that day to provide services for the Capitol.

Mrs. TORRES. You would say that over the last 4 years the smoke has been cleared and everyone is clear on how to respond and politics will not take priority over necessity.

General DEAN. I can say that the District of Columbia National Guard is always ready to respond.

Mrs. TORRES. Thank you, sir.

General DEAN. Was ready even before that date.

Mrs. TORRES. Thank you.

I yield back.

Mr. GRIFFITH. The gentlelady yields back.

I now recognize Congressman D'Esposito of New York, 5 minutes.

Mr. D'ESPOSITO. Thank you, Mr. Chairman.

First question for everyone. We can start and just go down the line.

Did you testify in front of the January 6 Select Committee?

Sergeant Major BROOKS. No, I received a phone call.

Colonel MATTHEWS. When you say testify, I had an informal interview with the Committee.

Mr. D'ESPOSITO. Right. It was—it was not——

Mr. GRIFFITH. If you could move the mike closer.

Mr. D'ESPOSITO. Correct?

Colonel MATTHEWS. I am sorry. Say again?

Mr. GRIFFITH. If you could move the mike closer, please, we will give you a couple extra seconds.

Mr. D'ESPOSITO. The answer, Command Sergeant, was no?

Sergeant Major BROOKS. No.

Mr. D'ESPOSITO. Colonel, you were interviewed but never in front of the Committee.

Colonel MATTHEWS. Correct.

Mr. D'ESPOSITO. Brigadier General?

General DEAN. No.

Mr. D'ESPOSITO. Captain?

Captain NICK. Informally interviewed but never in front of the Committee.

Mr. D'ESPOSITO. Got it.

As the Chairman mentioned in his opening remarks, we are here today to not only correct the record but also make sure that we are better prepared today than we were, right? We want to be better prepared as a Nation, as an agency. We want to be better prepared for the next, God forbid, incident than we were that day, not really to focus on President Trump. That is not really what we are here for today.

Captain Nick, in your opening testimony, or the one submitted to the Committee, you said of that 2:30 conference call, and I quote, "Lieutenant General Piatt and Lieutenant General Flynn, while on the call, discussed how they did not like the optics. They stated it would be in their best military advice to recommend to the Secretary of the Army, Ryan McCarthy, to deny the request from Command General William Walker to deploy the D.C. National Guard and aid the United States Capitol Police in the restoration of or-

dered liberty”—or, as some have called on this Committee, democracy—“on Capitol Hill.”

Major Brooks, during the bipartisan transcribed interview the Subcommittee conducted in March 2024, you were asked if you recall hearing the word “optics” on your 2:30 p.m. phone call. You responded, “Yes.”

I quote, “General Flynn and General Piatt both made numerous comments about the optics of having the Guard on the Capitol and how they would much prefer that the Guard relieve MPD officers elsewhere in the city so that they could respond to the Capitol,” close quote.

For everyone, and we will start with Command Sergeant Major Brooks, why would these military experts want to send the National Guard to relieve MPD officers elsewhere after the Capitol was breached at 2:12 p.m.?

Sergeant Major BROOKS. In my opinion, it was a senseless recommendation. The logistics and the amount of time it would have taken to replace individual MPD officers across the city would have taken way too much time and would have been further delayed.

Mr. D’ESPOSITO. I think the key term there is “senseless.”

Colonel?

Colonel MATTHEWS. Their whole attitude was that this mission was for law enforcement. They never wanted the D.C. Guard to be on the streets in the first place. They never wanted to approve the 350. They thought this was a law enforcement mission. They believed it would have required 100,000 demonstrators before the D.C. Guard was necessary, and that was the Army’s thinking.

They wanted—and they also said they wanted no involvement in the politicization of the—or no involvement in the electoral certification process. They wanted no DOD role there. That was their attitude.

We were not allowed to be east of 9th Street, which is where the Capitol is. We had to have the Secretary of the Army’s approval to move three unarmed guardsmen one block.

Mr. D’ESPOSITO. Right. Sounds like baseless decisions.

Brigadier General?

General DEAN. I did hear the word “optics,” and they did use it, especially specifically General Piatt I know said “optics.” His concern was he did not want soldiers or airmen on the Capitol Grounds with the Capitol in the background.

They were giving every other reason why we should be around the Capitol, away from the Capitol, and not responding to the Capitol.

Part of what I believe is I believe that they are unfamiliar with our true capabilities and what we are really designed to do as the National Guard.

Mr. D’ESPOSITO. Can you say that again for everyone to hear?

General DEAN. I think they are unfamiliar with our true capabilities and what we are designed to do as the National Guard under Title 32.

Mr. D’ESPOSITO. Precisely.

Captain?

Captain NICK. I did hear the word “optics” also, and General Piatt and General Flynn did say it was not in their best military

advice to recommend to the Secretary at this time to approve that request.

Mr. D'ESPOSITO. I only have 30 seconds, but I would just like to go down the line once again and answer this question.

Was it clear at the time that the No. 1 priority was to restore order or to protect the safety of Members of Congress, staff, or visitors here at the Capitol complex?

Captain?

Captain NICK. Absolutely.

Colonel MATTHEWS. No, that was not—

Captain NICK. It was clear that we needed to be at the Capitol at that time.

Mr. D'ESPOSITO. Right, you needed to be. Was that their No. 1 priority?

Captain NICK. No, it was not.

Mr. D'ESPOSITO. Brigadier General?

General DEAN. Their No. 1 priority was to make the police respond and not the National Guard.

Mr. D'ESPOSITO. Colonel?

Colonel MATTHEWS. Absolutely not, Congressman.

Sergeant Major BROOKS. It was not their priority, sir.

Mr. D'ESPOSITO. Thank you. I think it is clear.

Mr. Chairman, I yield back.

Mr. GRIFFITH. The gentleman yields back.

I now recognize Mr. Morelle for his 5 minutes of questioning.

Mr. MORELLE. Thank you, Mr. Chairman.

I want to start my questioning—and I apologize, I only have 5 minutes, so I will try to get through some of this quickly.

First of all, appreciate very much your frustration. This is your job, to defend the Capitol, and for the reasons both of this hearing and a lot of conversation, you were not called on to do that.

I can—obviously, it is palpable how strongly you feel about this missed opportunity to defend this, and I appreciate that. I do not think there is any disagreement here. You should have been here much sooner. I do not—certainly do not know that anyone argues that it was your fault that that happened.

I am a little shocked. Mr. D'Esposito said we are not here to talk about President Trump. To me, that is a little like asking Mrs. Lincoln, "Other than the incident, how did you like the play?"

The truth is, the Commander in Chief could have ordered the National Guard. As I said earlier—and, frankly, I think Mr. Griffith said, and I, you know, I will have to go back and look at the record—that the President ordered the troops out on January 6.

There is no evidence anywhere that I have heard of—other than him saying it—there is literally no evidence of logs from the White House, there is no evidence anywhere that the President did that.

Frankly, look, I do not know much about this. I am a civilian. If I were the President of the United States, as soon as the breach happened, as soon as there was any measure of violence at the Capitol, I would have assembled people in the Situation Room, and I do not care about if the Secretary of Defense was there, if the Secretary of the Army was there, I am the Commander in Chief of the United States.

I guess I would begin at General Dean.

If an order came from the White House, from the President, that deployed the National Guard, would that order have been questioned by anyone?

General DEAN. I would answer it this way. I would say that that order was delegated. The responsibility of the response from the Commanding General was written in a written document to him that basically gave him parameters on what he could do and what he couldn't do.

Now, if the President—

Mr. MORELLE. I appreciate that. I appreciate that. I do not believe the delegation of authority exempts the higher authority.

If a call came from the President or the White House that the President wants this deployed, if the Secretary of Defense were somewhere and the Secretary of the Army were somewhere else, would you have ignored that order?

General DEAN. No, we would not have.

Mr. MORELLE. No.

General DEAN. Not at all.

Mr. MORELLE. I do not want to draw you into it. I am just saying, those who want to absolve the higher levels of command.

Likewise, if the Secretary of the Army had not acted, but the Secretary of Defense, Secretary Miller, had called and his office had called General Walker and said, "Deploy the National Guard immediately," would anyone have questioned that order?

General DEAN. No. No, we would not—I will speak from my perspective—we would not have questioned—we would not have questioned it, but we would have wanted it coordinated based on the document that was sent by the Secretary of the Army.

Mr. MORELLE. Not to interrupt you. You would have sought a manner to verify and to make sure that that was legally the appropriate process, but you would have acted on it immediately, no?

General DEAN. I think the whole thing was, there would have been a conversation, right?

Mr. MORELLE. Yes.

General DEAN. There was this—there was this—there was this talk about they needed a CONOP, right, a concept of operations.

Mr. MORELLE. Yes.

General DEAN. Well, that is a discussion. In a crisis, that is a discussion.

Mr. MORELLE. I agree.

General DEAN. With that, there would have been a discussion about the deployment of the National Guard with any order given by any senior official.

Mr. MORELLE. Yes. I guess—you know, and I will—this is not necessarily a question. What I hear is a lot of confusion between the White House, the Department of Defense, the Secretary of the Army and his office. I do not know what happened. I guess there are varying accounts.

What I think each of you is here to testify is that the order did not come down.

Colonel MATTHEWS. Congressman, may I speak to that, please, sir?

Mr. MORELLE. Yes. Go ahead.

Colonel MATTHEWS. Chain of command runs from the President to the Secretary of Defense to the Secretary of the Army to General Walker.

Now, the Secretary of Defense authorized the D.C. National Guard to deploy at 3 o'clock. The D.C. Guard was able to deploy at 3 o'clock.

Mr. MORELLE. Yes.

Colonel MATTHEWS. It had the capability and readiness to go on the street at 3 o'clock.

The order did not come from Secretary of the Army. That was the—that was the——

Mr. MORELLE. No, I understand.

Colonel MATTHEWS.—bottleneck there. The President——

Mr. MORELLE. Yes.

Colonel MATTHEWS. The President followed the chain of command.

Typically, the President——

Mr. MORELLE. I would say this—excuse me. I am going to reclaim my time. I apologize.

Is that if I were the President of the United States and had ordered it—if that were true, there is no evidence that happened, but let us say it had been ordered—and then 20 minutes goes by and nothing is happening, I would be on the phone again to my Secretaries, and I would be on the phone to General Walker and say, "What's going on? I have ordered you out. Move out."

With all due respect, the conversation should have happened. I do not know if it did or did not.

Colonel MATTHEWS. Congressman, I think that, you know, if the President would have called the Secretary of the Army, the Secretary of the Army would have said, "We're moving as fast as we can. We need to be deliberate. We need to know more information."

That is what the Secretary of the Army said in sworn testimony, Congressman. So——

Mr. MORELLE. That is not what happened. He did not say that in his testimony.

Colonel MATTHEWS. He did say that in his testimony, sir.

Mr. MORELLE. No, he did not. He did not say the President of the United States ordered him to do anything.

Colonel MATTHEWS. No. He said if the President were to call, he said it would not have made a difference. The President's call would not have made a difference.

Secretary McCarthy——

Mr. MORELLE. I disagree. Well, let me——

Colonel MATTHEWS. Secretary McCarthy—I think you are right also.

Mr. MORELLE. Respectfully, sir, let me reclaim my time. In fact, my time is over.

The point that I am trying to make is that I do not disagree. This is an important conversation. I do not think it is one for our Committee. I think the Armed Services Committee ought to be holding this. There is a question to make sure that come January 2025, we better be damn sure we have communication that is clear, compelling, and chain of command.

I do think this. There is no way to absolve responsibility of the President, the Secretary of Defense, or the Secretary of the Army. You may dispute what happened, and I think that is fair. Something should have happened that triggered the deployment of the National Guard sooner so that you could have done your jobs and we would not be having this hearing this morning.

With that, I yield back.

Mr. GRIFFITH. The gentleman yields back. I agree with him on his last statement that we need to be prepared for the next time that we have January 6 come up, which is in the law.

I would also correct the record. I did say the President. The gentleman is correct, that is not in the evidence. The President had previously given Christopher Miller the authority to act, as he stated in his testimony which was previously submitted into the record, and Christopher Miller is the one who gave the order that did not get followed, apparently, by the Secretary of the Army.

That being said, I now recognize Dr. Murphy for his 5 minutes of questions.

Dr. MURPHY. Thank you, Mr. Chairman. I apologize if I am a little out of breath. It is just being old.

Thank you all for coming forward. It takes absolute courage, absolute courage. Every damn meeting we have now has Trump derangement syndrome talking to it.

This was a dereliction of duty by the Secretary of the Army—who refused, by the way, to come before this Committee because he knew his culpability. He knew that he has lied, and he was derelict in the duty.

I appreciate from the bottom of my heart you guys standing up for the United States of America. You took an oath to it, as did the Secretary, and you are keeping your oath, so I deeply appreciate it—at your own personal cost, because we know the weaponization of this Government is occurring at an exponential rate. It is just privy—it is just proof in the pudding that this is what we are dealing with.

I swear, why do we not have bipartisan support in getting to the bottom of this is beyond me. It is everything about Trump.

Captain Nick, you know, the summer before, in 2020, when there was an absolute disaster in this country where riots and burning of Federal buildings occurred, we saw billions of dollars, multiple deaths occur.

Speaker Pelosi, I believe, is a culpable part of this in allowing this, paving the way for the terrible thing to happen on January 6, to just dismiss America's memory of what happened the summer before.

In contrast, the protests at the Capitol on January 6, which we know were all wrong, there was no hesitation in creating a politicized community. We had a former Republican who saw it as a personal grind to go after President Trump, basically not allowing evidence to come before the Committee.

It has been more than 3 years, and members of the D.C. National Guard are coming forward with your oath to provide clarity.

I will just ask, Captain Nick, in your testimony you mentioned you were a confidential source for the Select Committee. In addi-

tion, you go on to State, "My confidentiality was breached to the national media."

Would you mind expanding upon that?

Captain NICK. Yes, sir. First, I would like to correct the record from a previous statement from your colleague when he asked a question about Pentagon officials and their desire to send troops. I said, "Absolutely." I meant they did not at that time want to send troops to the Capitol, just for clarification.

I was informally—after January 6, at some time after, I was informally interviewed by the Select Committee on January 6. I gave informal testimony, and I hired counsel from Tully Rinckey, Dan Meyer, who is also behind me.

After giving my written notes and informal testimony, a couple weeks later I was contacted by Politico, from a news outlet, from a writer requesting comment on my handwritten notes they got a copy of. I then contacted Dan, who then contacted the Select Committee to resolve that.

It had to be leaked at some point from probably the Select Committee because that is the only people I talked to and gave my notes to.

Dr. MURPHY. It is, obviously, evident with anybody with an objective eye that the Committee was put forth to tell one thing. If that Committee had gone in front of anything in a legal department, you would have cross-examination, other witnesses, et cetera. We never saw any of that to get to the actual truth, which is what all Americans, whether you are which party or not, should believe in doing, period. Period.

I just want to reiterate something. This is, actually, I guess to Colonel Matthews and General Dean.

Turning to the matter of security, Secretary of the Army McCarthy has said the D.C. National Guard was not—was not prepared for immediate deployment.

Do you agree with that statement?

General DEAN. That statement is false. We were prepared in many ways. We even had backup plans. We call them branches and sequels, right?

Not only did we have a force that was at Andrews Air Force Base that was training and doing civil disturbance that weekend, prepared to deploy on that day, that was ready to deploy on that day, we also had traffic control points that were at MPD.

Those members had riot control gear in the trunk, not visible to the public, but for their self-protection in case MPD had to respond. They had the appropriate gear to provide the civil disturbance, riot control efforts, if needed.

We had the capability, we had the planning, we had the know-how.

The question that I have is, so out of all the events, out of all the inaugurations the District of Columbia National Guard supported, out of all the NATO summits, out of all the IMF protests that we have had, the summer of 2020, COVID, we were not able to respond to this? We are incapable? That is categorically false.

Dr. MURPHY. I find it just—my time is short—but I just find it a slap in the face to all the good men and women who serve in our Armed Forces to say you are not prepared. A slap in the face.

Because this guy wanted to save his butt with the hope of getting in the Biden administration, that is point blank what happened.

Thank you, Mr. Chairman. I yield back.

Mr. GRIFFITH. The gentleman yields back.

After consultation with Mrs. Torres, we have agreed to do a second round of questioning. I would recognize Mrs. Torres for her additional 5 minutes of questioning.

Mrs. TORRES. Thank you.

The claim that somehow the Select Committee did not investigate the National Guard response to the security failures at the Capitol on January 6 is inconsistent with the facts.

As I mentioned, the Select Committee interviewed 24 individuals and reviewed 37,000 pages of documents related to the National Guard on January 6, their response, and 46 of those pages are in the final report that was issued.

If you search the transcripts of those interviews held with these witnesses ahead of this hearing, you will see the significant number of questions used for testimony from the Select Committee as their foundation. Just because there was not a court reporter does not mean that it did not happen.

As I told you in the back room, I was in the balcony while all of this was unfolding. I was also witness to an assault on an officer where the door swung open on the balcony that I was sitting. Just because they did not interview me for that incident does not mean that any of those investigations did not happen.

Let me just remind everyone about what the President was putting out on social media during that time.

At 2:24 p.m., the President tweeted out regarding Vice President Pence not having the courage to do the wrong thing that he wanted him to do.

At 3:13, the President had issued another statement saying, "I'm asking for everyone at the U.S. Capitol to remain peaceful, no violence. Remember, we are the party of law and order. Respect the law and our great men and women in blue. Thank you." He did not tell people to go home. He did not tell them to go home.

It took many of his own closest allies to get him to this point. The President did not want the violence against the police or against Members of Congress or against his own Vice President to stop. The truth is he wanted the violence to continue until he could take custody and continue to keep custody of his position.

At 4:17, he finally posts a video that contained many lies about the election, but finally encourages people to go home. That is when they finally started home.

Those are the real facts of what happened on that day.

In addition to under Democratic leadership—and I know that you want to continue to blame Democrats for what happened on that day—but Democrats did not tell the mob—the angry mob, that was armed—to go to the Capitol. Democrats are not responsible for that.

The request, you know, about this January 6 attack to—we have gone back and forth as to who was ordered to do what. That information is very clear. There were no clear directions, because if there were clear directions everyone would have moved in unison.

Everybody would have been together, putting together those plans that you said already exist.

Colonel Matthews, you seem to want to respond. Please, go ahead.

Colonel Matthews. Well, ma'am, I just—the Committee—so the Committee interviewed, again, Sergeant—Command Sergeant Major Brooks, myself, and Lieutenant Nick. We all told them that there are issues with the credibility of several witnesses, that people were not responding honestly and accurately as part of the investigation, and that was disregarded.

That goes to the credibility of what they were telling the Committee. Like, for instance, the Committee says—I am sorry, the Select Committee stated in its findings that our QRF, that it was debatable what its purpose was. There is no debate about that. It was a civil—it was a civil disturbance response force. It was designed to respond to a riot. General Walker—

Mrs. TORRES. I think you are missing the point. There would have been no riot—there would have been no riot—had the President of the United States not set up a stage and order people and told them that he would join them at the U.S. Capitol. There would have been no galley that was erected to hang the Vice President if the President had not want them to stop us from certifying the election.

You are missing the point of all of what happened 6 months prior to January 6.

Colonel MATTHEWS. Congresswoman—

Mrs. TORRES. The chaos that was happening within the branches of the military that are sworn to never get involved in domestic affairs.

I yield back.

Chairman LOUDERMILK.

[Presiding.] The gentlelady yields.

I apologize for a brief absence. I have another Committee that a bill got called up right at the worst time that I had to go present.

I think a couple points of clarification.

The Capitol breach began well before the people at the White House made it down to the Capitol.

The gallows were actually erected at 6 o'clock in the morning, and no one knew exactly what Mike Pence was going to do until about 1:30 in the afternoon.

These are just some of the questions of the narrative that came out from the January 6 report, which is this, this much.

This is how much is discussed about the D.C. National Guard.

The primary objective of the Select Committee was to investigate the security failure at the U.S. Capitol because we have to identify the failures before we can fix things.

There was an entire team, the blue team, who was commissioned with doing that. I challenge anyone to look in here and find anything of substance from the blue team whatsoever.

This is why it is important that we do the oversight that is the job of Congress, and specifically the Subcommittee, to look into what happened. This is clearly within the security failure of the Capitol. This should not be political. This should not be biased in one way or the other.

Regardless of who was coming to the Capitol, regardless of who broke into the Capitol, that should have never happened. There should have been no breach of this Capitol. The resources are here.

The idea that the New Jersey National Guard would get here before our own National Guardsmen, whose job is, as Colonel Matthews said, riot control, traffic control, this is their job, to come in and help defend this Capitol.

With that, I do have a few questions here.

The DOD IG report alleges that DOD officials did not delay or obstruct a response to the Capitol.

Sergeant Major Brooks, I will start with you.

Do you believe that the deployment of the D.C. National Guard was delayed?

Sergeant Major BROOKS. Yes.

Chairman LOUDERMILK. Who do you believe delayed it?

Sergeant Major BROOKS. Secretary McCarthy and senior officials in the Army Staff.

The CHAIRMAN. OK. Why do you believe that they delayed it?

Sergeant Major BROOKS. I believe their misunderstanding of the capabilities of the D.C. National Guard and the seriousness of the situation, to be honestly—I have no idea why we never received that order. All I know is that they were more concerned with what it would look like with soldiers with the Capitol in the background than protecting the Capitol of the United States.

Chairman LOUDERMILK. Colonel Matthews, same question for you. Do you believe that the deployment of the D.C. National Guard was delayed?

Colonel MATTHEWS. Yes, sir. I believe that it was a result of an overcautious, reluctant, hesitant, facilitating leadership. I think they were concerned about the optics, the political optics of a military presence here. I do not think they trusted the Commander in Chief. I think that was because of our senior ranking military officer who was making disparaging remarks about the President to them.

You have got to remember, the people who ran the Army are very close associates of the Chairman of the Joint Chiefs of Staff. They owe this position—they owe their positions to him. He was not—I mean, there are books about how Chairman Milley was impeding the ability of the President.

I think that that was an issue there, sir.

Chairman LOUDERMILK. Just to clarify, you think that there was a delay that was calculated for one reason or the other, but you are not indicating that there was a nefarious purpose in that. Just so we do not walk out of here with conspiracy theories that the DOD wanted the Capitol to fail. I just want to make sure that that is not where you are going with that.

Colonel MATTHEWS. I am not going with that, sir. I am saying that—

Chairman LOUDERMILK. OK.

Colonel MATTHEWS. I am saying that the conditions were set by this talk of a coup, of a Reichstag moment.

I mean, the idea that—I mean, to be—let me be frank about it. A bunch of Black kids in the D.C. Guard are going to take—going to usurp the election for Trump is crazy, but that is what they

were talking about, I mean, and it is crazy talk. It was out there. It is in books. I mean, Milley's talked about it.

Chairman LOUDERMILK. While I have got you, Colonel Matthews, do you believe the DOD IG report accurately reflects the events of January 6, 2021?

Colonel MATTHEWS. That DOD IG report is replete with incorrect information, false information. Even the Select Committee's report has shown that.

Can I give you a couple of examples, please?

Chairman LOUDERMILK. Sure.

Colonel MATTHEWS. It says at 1635 Ryan McCarthy called General Walker and directed him to go to the Capitol.

Now, McCarthy, if you read his transcript from the Select Committee, he said he never did that. He was getting ready for a news conference. He was taking notes and writing in a—so preparing for a televised news conference.

He overheard Brigadier General LaNeve direct General Walker to go. General LaNeve says he never told General Walker to go, he never gave the go order. They do like this. They point in each other's directions.

The DOD IG puts it in. Then they claim that they had to call Walker again at 1700, like 25 minutes later, and direct him to go. That is an absolute falsehood. McCarthy was in a televised press conference.

Mr. Storch, the DOD Inspector General, has an obligation to correct the record. I mean, where does he go—where does General Walker go to get his reputation back? I mean, you smeared this man by anonymous sources.

We are talking about general officers in the Army who were bitter because of Walker's testimony in March before the Senate. They did not like that, and they wanted to get General Piatt promoted to general. They wanted to take down Walker.

Even General Milley engages in that. General Milley engages in that. If you read his transcript, sir, from the Select Committee, he implies Walker was lying or exaggerating. Everything General Milley says in his transcribed interview from the Committee is incorrect, and the Committee staff had to know it.

Chairman LOUDERMILK. Let me just clarify something here.

General Walker—

Colonel MATTHEWS. Yes, sir.

Chairman LOUDERMILK [continuing].—did testify under oath to the Select Committee. Is that correct?

Colonel MATTHEWS. Correct. Yes, he did.

Chairman LOUDERMILK. The implication of the DOD IG report is that General Walker falsely testified. Is that fair?

Colonel MATTHEWS. To the Senate Homeland Security and Government Affairs Committee and to the Senate Rules Committee.

Chairman LOUDERMILK. OK.

Colonel MATTHEWS. He testified in March, March 2021. The DOD IG report came out in November 2021. The implication was that he was not truthful in his testimony.

Chairman LOUDERMILK. So—

Colonel MATTHEWS. This is a sitting officer of the Congress of the United States appointed by Speaker Pelosi, a sworn career Federal

law enforcement executive and a major general in the United States Army. They were implying that he committed outright perjury on live television.

Chairman LOUDERMILK. So——

Colonel MATTHEWS. I had—I took exception to that. I wrote my memo, sir. I was not working for General Walker. I mean, I had nothing to gain from that. It was the right thing to do.

This man was responsible for all of your personal safety. He was smeared by—and I just—I feel an obligation——

Chairman LOUDERMILK. OK. Let me reclaim my time. There are other questions I need to get to. I just wanted to make sure they understand that the implications of the DOD IG report is that General Walker falsified testimony or was not truthful.

Would you believe that he would be selected to be the head security officer of the House of Representatives by Nancy Pelosi if it was known that he had lied under oath?

Colonel MATTHEWS. Oh, no, sir.

Chairman LOUDERMILK. I just want to make sure we are——

Colonel MATTHEWS. No, sir.

Chairman LOUDERMILK. We are talking about someone who was selected by my colleagues on the other side of the aisle to be the Sergeant at Arms here. Getting the point, this is a bipartisan issue that we are talking about here.

Let me move on real quickly.

Captain Nick, the DOD IG states they received a copy of contemporaneous notes from Secretary McCarthy's aide-de-camp from January 6, 2021.

Did the DOD IG request a copy of your notes that day?

Captain NICK. No.

Chairman LOUDERMILK. They did not ask for your notes?

Captain NICK. I never spoke to anybody at the Department of Defense IG's Office, and they never requested my notes, and they never contacted me.

Chairman LOUDERMILK. OK. Interesting.

I will do a couple more questions, and we will continue down the aisle.

The DOD IG report alleges that on June—in June 2020—that June 2020 taught Secretary McCarthy that he could not simply rely on the D.C. National Guard to figure out the details.

General Dean, what do you make of that statement?

General DEAN. I think that he is unfamiliar with what the D.C. National Guard can actually do and its true capability.

I think he is probably being advised by our senior Active Component officers that have never spent a day in their life in the National Guard, and they are advising him on what the National Guard should or should not do. It is like a surface warfare officer in the Navy talking about a submariner. You are in the same service, but you do different things.

I think part of the issue is, is taking military advice from a senior Active Component officer about National Guard issues pertaining to civil disturbance or domestic response. I think it is out of their wheelhouse, and I think sometimes they can provide inaccurate information. In doing so, it creates this lack of trust, because now you do not know who to believe. You do not whether to

believe the people that are actually supposed to advise you on military matters or the National Guard.

I would propose to you that you need somebody to advise you on Army and Air Force National Guard matters, not just military matters, if you want to get to the truth.

Chairman LOUDERMILK. OK. Thank you.

Sergeant Major Brooks, same question, but let me precede that with, there were a lot of acts of violence, riots throughout the country during 2020. We had that in Georgia.

As a response to the riots in Atlanta, the Governor of Georgia called out the State Patrol and the Georgia National Guard. No one raised an issue with that because that is a job of the National Guard, to respond to the Governor and provide for civil disturbance and support riot control.

Really, the same question I did to General Dean. Is that not understood by certain DOD officials, that ultimately that is the same role as the D.C. National Guard, it is just the chain of command is differently since D.C. is not a State?

Sergeant Major BROOKS. Yes, sir. The D.C. National Guard is unique in that aspect. In fact, there are actual D.C. code that gives special authorities to the D.C. National Guard that no other National Guard in the country have to conduct business within the District and conduct law enforcement operations in support of Federal or District agencies.

I believe that General Dean is absolutely accurate. I asked the question: Where was the chief of the National Guard Bureau in this when you were discussing Guard capabilities? You were only acting—asking Active-Duty military who had never served in the Guard, did not truly understand capabilities and authorities, and at no time you reached out to the four-star general in charge of the National Guard to get information, although you had all the information necessary if you just understood the role that had been delegated to you many months or even years prior to.

I think it is incredibly important going forward that the Secretary of Defense, the Secretary of the Army, the Chief of Staff of the Army, to include the Sergeant Major of the Army, are thoroughly briefed on the authorities, capabilities, and their responsibility that has been delegated to them over the D.C. National Guard and its ability to respond to the Nation's capital.

We thoroughly train on our ability to be a Reserve force for the Active Component. Why does the Active Component not thoroughly train on us?

Chairman LOUDERMILK. Thank you. I appreciate the thorough answers there. Very important issue.

I now recognize the full Committee Ranking Member, Mr. Morelle, for 5 minutes for questions.

Mr. MORELLE. Thank you, Mr. Chairman.

I will admit, I am a simple guy, and I do want to do some follow ups to Mr. Loudermilk's questions, which were important. Also recognize that General Walker was held in such high esteem by Members of our side of the aisle, we made him the Sergeant at Arms after January 6. I think we have as much faith in him and had as much faith in him as all of you did during that time.

The way I see this—and maybe I am wrong—if I am the President of the United States, the Commander in Chief, even though I have delegated authority, I think at some period after 3 o'clock when I see that there does not seem to be much movement, I am going to pick up the phone and call the Secretary of Defense and the Secretary of the Army and say, "Exactly what's going on?" while I have issued orders or I have not or there is confusion.

At some point I would have had my chief of staff call General Walker and say, "Exactly what's happening on the ground?"

My only point is, it would not have taken me—and I am, again, I am not sophisticated—but it would not have taken me three and a half hours while I am sitting in the White House watching this unfold, confident in my view that while I have signed the necessary papers, so I am not sure what is happening, but it is all good because I signed the papers.

This is an attack on the United States Capitol, the citadel of democracy here in this country and around the world. I just—for all the other misdirection here—and I am not suggesting that we are trying to bring the President into this unnecessarily. It is that the President is necessarily part of the chain of command.

By the way, so is the Secretary of Defense, and so is the Secretary of the Army. I am not absolving them. They clearly had direct line responsibility to make sure this happened.

At some point, when this is going on, in the midst of the chaos, if only a few minutes goes by and something is not happening, I am picking up the damn phone, I am going to find out exactly what is going on.

To this point—so, look, we have high respect, the greatest respect for General Walker. We would have continued him as Secretary—or Sergeant at Arms. It was my friends over there who made the decision to remove him. That is fine. They have that responsibility.

Let me ask this, and maybe—I am not sure anyone can answer this, but let me direct it first to Sergeant Major Brooks.

Tell me what the protocols should be going forward. Since we are all focused on what is supposed to happen, tell us in the future, whether it is January 6, 2025, or any other day that involves a breach of the Capitol or issues here, what is the protocol? What should we know needs to be in place that people fear was not? How do we make sure this does not happen again? What is the protocol like?

Sergeant Major BROOKS. One positive step that I believe has already been taken is I believe they have given the authority to the Chief of the Capitol Police to call on the Guard without further approval. That is a huge step.

Second, I believe that the D.C. National Guard has been neglected for many years for what I believe to be the lack of knowledge or understanding. It was put on a shelf. Those who were delegated authority over the Secretary of the Army, the Secretary of Defense, did not thoroughly understand their responsibility.

You know, they are ultimately one of the commanders, one of the senior leaders of the D.C. National Guard. Over the 17 years that I served in the D.C. National Guard, repeatedly the National Guard Bureau came down and removed units, military police units,

that would respond to the Capitol, had removed them from the D.C. National Guard without objection.

If the Governor of your State was told they were going to move one of their Guard units, your Governor would be upset, and there would be a significant challenge to that, correct?

The Secretary of the Army is supposed to be our Governor, is supposed to defend the D.C. National Guard from losing its capability to support and defend the capital of the United States. That has been neglected for decades, and it needs to change.

The D.C. National Guard should be the elite unit that it was designed to be under President Thomas Jefferson. It is responsible for the seat of democracy. It is not responsible for a State, a territory. It is responsible for a city. It is the only Guard that is responsible for a city. It just happens to be the capital of the most powerful Nation in the world, and I think that is significant.

If that change does not come, if this happens again—and, unfortunately, in our political environment, I think there is a chance.

Mr. MORELLE. Well, and I appreciate that response, and I am almost out of time. I would simply say this: that I also think leading up to January 6, recognizing the tumult, recognizing the challenges, from the President to the Secretary of Defense to the Secretary of the Army, there should have been a lot of work in preparation for, not on that day, but in the weeks, months leading up, to make sure the lines of communications were set and that there was a series of protocols that would be followed if and when things happened. That clearly did not happen as well.

Again, gentlemen, appreciate all of your not only testimony for being here today, but your long service in support of the United States. Thank you.

I yield back.

Chairman LOUDERMILK. The gentleman yields.

I will now recognize the gentleman from Virginia, Mr. Griffith, for 5 minutes.

Mr. GRIFFITH. I submit to you, gentlemen, that if the President of the United States had gone outside the chain of command and called General Walker directly, bypassing his Acting Secretary of Defense and the Secretary of the Army, we might very well be in a hearing trying to find out why the President was interfering with the National Guard.

Would you agree with that, Command Sergeant Major?

Sergeant Major BROOKS. I think that would have been highly irregular.

Mr. GRIFFITH. It would have been highly irregular.

Colonel?

Colonel MATTHEWS. Sir——

Mr. GRIFFITH. Yes, sir.

Colonel MATTHEWS.—keep in mind, we are—during that time they were talking about the President improperly using the military. They wanted to take precautions against that use.

They wanted to have it both ways, to say he did not call. If he would have called, they would have said he was trying to interfere with the chain of command. So——

Mr. GRIFFITH. You are exactly—that is exactly what I was hearing. I just wanted to put it—make sure we had it on the record.

I put on the record previously, in my previous line of questions, that all of you were there with Major General William Walker from 1:49 p.m. through 5:55 p.m.

During that time period, we have already established that he did not receive any calls from Secretary McCarthy. Did he try to reach out to Secretary McCarthy during that timeframe? Did any—gentlemen, did you all witness any attempts by him to reach out? Not that I am saying it is his duty. I am just asking for facts.

Colonel MATTHEWS. You want to go?

Mr. GRIFFITH. Captain?

Captain NICK. Yes, sir. I witnessed General Walker attempting to reach out to the Secretary's office multiple times.

Mr. GRIFFITH. Multiple times?

Captain NICK. Yes, sir.

Colonel MATTHEWS. Sir?

Mr. GRIFFITH. Yes, sir. Colonel?

Colonel MATTHEWS. In fairness to Secretary McCarthy, I wrote a memo and I said he was incommunicado. I was not taking a shot at him there. I was saying the Pentagon is a big building, cell phones do not work. If you are in a SCIF (Sensitive Compartmented Information Facility) in the Pentagon, you are not going to be reachable by cell phone. If he is in a SCIF with the Chairman or with the Secretary of Defense, it is reasonable he would not be able to be reached except through his front office and an aide goes back and relays information.

I gave Secretary McCarthy the benefit of the doubt there.

Mr. GRIFFITH. I appreciate that and appreciate you bringing it. Look, we are just trying to get the facts.

Colonel MATTHEWS. Yes.

Mr. GRIFFITH. Brigadier General, my understanding is that you would have been second in command behind Major General Walker. Is that correct?

General DEAN. That is correct.

Mr. GRIFFITH. If for some reason—because we heard earlier that as a part of the DOD IG report that there were attempts to reach General Walker, which you all said did not happen.

Let us assume for the sake of argument that they could not reach him for some unknown reason. Wouldn't the proper move then have been to call you in this case of an emergency where orders have been given to activate the National Guard?

General DEAN. That is correct.

Mr. GRIFFITH. It is interesting because the report says—and I am not a military man, so you all bear with me. I may be asking something that you all know and I do not. That is that Major General Walker indicated that he had called to initiate movement. Now, I understand there was not a call.

What does initiate movement mean? Does that mean to get into the—to go lend assistance? What exactly does that mean, Brigadier General Dean?

General DEAN. Initiate movement means that you actually give the order for a force to move.

In this case, it would have been our QRF or any force that was qualified to do civil disturbance, you give them the order to move forward.

Mr. GRIFFITH. That would have been the order to head to the Capitol and lend assistance?

General DEAN. That would have been the order to move, yes.

Mr. GRIFFITH. OK. I mean, that is why I asked. I wanted to know.

Captain Nick, I think this is in the record, but let us just get it out there again.

What time did the D.C. National Guard learn that they were authorized to deploy to the Capitol?

Captain NICK. I wrote down in my notes 5:09 p.m., which was relayed from General McConville on a secure video conferencing line in our office.

Mr. GRIFFITH. 5:09 p.m.

Now, they have asked if the President—the questions from the other side indicated the President, if there was not any action, should have jumped the chain of command and called General Walker.

If you are Piatt or Flynn and you knew that there was supposed to be a deployment or initiate the move, would not you have reached out to somebody if you could not get ahold of Walker? I understand they were on the call the whole time. Wouldn't they have been able to properly call Brigadier General Dean? I will let anybody answer.

Colonel MATTHEWS. Yes, sir.

Sergeant Major BROOKS. Yes, sir.

Mr. GRIFFITH. Sergeant Major?

Sergeant Major BROOKS. I think we miss a key point in all of this conversation when we are talking about who and what when we go back to the significant fact that the only reason why we are here today is because Secretary McCarthy, in his approval letter, removed Major General's ability to execute his immediate response authority.

Secretary McCarthy changed the memo from Secretary of Defense to the Secretary of the Army. The one that we got from Secretary McCarthy stated that Major General Walker could not deploy the QRF without the Secretary of the Army's explicit order.

Colonel MATTHEWS. I will just clarify. The term "immediate response" there is used incorrectly in this instance.

Sergeant Major BROOKS. Immediate—emergency response.

Colonel MATTHEWS. Yes. So—but—correct. I just wanted to clarify.

Mr. GRIFFITH. When was that memo or order given, to not do anything without the direct call from the Secretary of the Army?

Colonel MATTHEWS. January 5th or 4th—I think—I think the memo—

Mr. GRIFFITH. Several days before January 6?

Colonel MATTHEWS. Yes, sir. Yes, sir.

Mr. GRIFFITH. All right. I appreciate your questions. I appreciate you all. Thank you very much for your courage to be here today. I know it has got to put you all under a lot of stress.

I yield back.

Chairman LOUDERMILK. The gentleman yields.

Now I will recognize the gentleman from New York, Mr. D'Esposito, for 5 minutes.

Mr. D'ESPOSITO. Thank you, Mr. Chairman.

Sergeant Major Brooks, at the time you were the most senior noncommissioned officer in the organization. Can you share briefly what was happening at the D.C. Armory between 3 p.m. and 5 p.m. on January 6?

Sergeant Major BROOKS. Immediately upon receiving the 1:49 call from Chief Sund, we, the D.C. National Guard, on our own accord, initiated from the QRF from the Air Force—Andrews Air Force Base to the Armory. They were there.

We were then taking the soldiers that were coming in for the second shift that were already at the Armory. We had geared them—fully kitted them with riot control gear. We had moved our transportation onto the Armory drill floor so that not to arouse any public awareness of what was actually going on. They were loaded and standing by ready to go.

They had been divided up into civil disturbance platoons, roughly 40 to 45 people per platoon, with appropriate leadership—which, coincidentally, matches the MPD for structure for civil disturbance as well, because, as we have stated previously, we train with them. We wanted to be as close to their force package as possible.

Mr. D'ESPOSITO. Right. You train with them to do the work that you are prepared to do, which is exactly the opposite of what so-called leadership was telling you your mission was.

Sergeant Major BROOKS. Yes. I think they would like to say this is untrained and they point to us conducting and training, and some soldiers may or airmen may have had their first experience of training.

The Army and Air Force get new—brand-new privates and airmen every day. They are assimilated into the formation and trained and trust that their leaderships have their best interest and would not put them in a situation that they were not prepared for.

I believe that our leadership all the way down the chain prepared our soldiers and airmen as best as possible to perform the mission that they were given.

Mr. D'ESPOSITO. On January 6, between 3 p.m. and 5 p.m., they were trained, they were prepared, and they were ready to respond?

Sergeant Major BROOKS. Absolutely.

Mr. D'ESPOSITO. OK. Thank you.

Brigadier General Dean, according to his testimony to the DOD, Secretary McCarthy told to General Walker to, quote, "Posture his troops," and, quote, "Get ready to go" on the 2:30 call. Is that accurate?

General DEAN. That is not accurate. There was no mention—first of all, Secretary McCarthy was not even on the call.

I will say this. He was not identified on the call, nor did he speak on the call.

Mr. D'ESPOSITO. Understood.

Colonel Matthews?

Colonel MATTHEWS. Yes, sir.

Mr. D'ESPOSITO. If I leave anything out here, please correct me. You were Acting General Counsel to the Army.

Colonel MATTHEWS. Yes, sir.

Mr. D'ESPOSITO. You were Principal Deputy General Counsel.

Colonel MATTHEWS. Correct.

Mr. D'ESPOSITO. You were Deputy Leg Counsel to the Chairman of the Joint Chiefs.

Colonel MATTHEWS. Deputy Legal Counsel, yes, sir.

Mr. D'ESPOSITO. You were Special Counsel to the Director of National Intelligence.

Colonel MATTHEWS. I was.

Mr. D'ESPOSITO. You served this country faithfully in combat in both Iraq and Afghanistan.

Colonel MATTHEWS. I did, sir.

Mr. D'ESPOSITO. You are a Nova grad.

Colonel MATTHEWS. Yes, sir.

Mr. D'ESPOSITO. All right. You are a Harvard Law grad.

Colonel MATTHEWS. Do not hold it against me.

Mr. D'ESPOSITO. Pretty well-accomplished.

Let me ask you a question. You have a minute and 40 seconds, sir.

Colonel MATTHEWS. Yes, sir.

Mr. D'ESPOSITO. You were in charge on January 6. Tell me your plan and what you would have done differently.

Colonel MATTHEWS. In charge of the D.C. Guard, the Army, the what—or what?

Mr. D'ESPOSITO. You could have made any decision necessary in order to keep this place safe.

Colonel MATTHEWS. I would have picked up the phone and told the D.C. Guard to deploy to the Capitol immediately, and I would have told General Walker to have everyone in the building kitted up in riot gear and get down to support the Capitol Police.

I will say this, sir. At 3:04 Secretary Miller did give the Army authorization to go to the Hill. That was not conveyed to General Walker. That authorization had been given.

Secretary Miller had all the authority he needed. He did not need to hear from the President. The President had given him the authority he needed to act. I would argue he had that authority even without talking to the President based on the executive order.

I mean, I think that there was a bottleneck, and it was not at the D.C. Guard level and it was not at the OSD (Office of the Secretary of Defense) level, in my opinion.

Mr. D'ESPOSITO. I guess, again, the goal here today was to make sure that we are better prepared next time.

Brigadier—I am sorry—Brigadier General, you have more?

General DEAN. Yes, can I answer that just real quick?

To me, what I would have done if I was in the position over at the Pentagon, I would have—or if I was the Secretary—I would have given—one, I would have given General Walker more latitude. I would not have written the memo so constraining that it would take one person to mobilize the D.C. National Guard.

Mr. D'ESPOSITO. Well, that was clearly done by design.

General DEAN. Right.

Second, what I would have done, I would have given him the authorization to deploy if there was a threat to life or limb. Then I would have said, "When you get there, then give me a call, and we will discuss how the D.C. National Guard is actually going to be deployed." That is the CONOP.

Mr. D'ESPOSITO. My time has expired. I want to thank you all for your service to this great country. Thank you.

Mr. Chairman, I yield back.

Chairman LOUDERMILK. The gentleman yields.

I have just got some closing questions, and then we will adjourn after that.

I just want to do a quick review before I ask these last couple questions.

From the information that we obtained from the Select Committee on January 6, transcribed interviews, logs from DOD officials, we have a timeline of the authorization process of the National Guard.

We know on January 3 that President Trump ordered that the Guard be readied for potential deployment based on intelligence that had been received.

As I mentioned earlier, Secretary Miller did testify to the Select Committee he had full authorization to deploy the National Guard on January 6, did not need any additional authority from the President of the United States.

There was a breakdown in an order. Secretary Miller testified that he gave an order to deploy the National Guard to the Capitol. Somewhere there was a breakdown in that order, whether it was communication or a delay.

Sergeant Major Brooks, if General Walker were to give you a direct order, you lawfully, and according to your oath, same oath I took when I joined the military, you are obligated to carry out that lawful order. Is that correct?

Sergeant Major BROOKS. Yes, sir. Any moral, legal authority order given is my responsibility to carry out, yes, sir.

Chairman LOUDERMILK. If you did not carry out that order, would that be considered dereliction of duty?

Sergeant Major BROOKS. Absolutely. General Walker could take action against me, yes, sir.

Chairman LOUDERMILK. Do you feel that there was dereliction of duty in the chain of command on January 6?

Sergeant Major BROOKS. Not within the D.C. National Guard, sir. From higher levels, yes, sir. I do believe that senior officials within the Secretary of the Army and senior officials in the Army Staff were derelict in relaying the authorization from Secretary Miller down to the appropriate level of execution, which would have been Major General Walker, sir.

Chairman LOUDERMILK. OK. Thank you. I know that is hard, it is a difficult question, and I apologize for that. To get to the truth, we need to know what really happened.

Another—while we are here—and this is open to anyone that can answer this appropriately. Maybe I will direct it to General Dean to start with.

Secretary McCarthy claims that he was making a tactical-level CONOP plan at the MPD headquarters.

Did you ever see this plan?

General DEAN. Not only did I not see the plan, he was at the wrong agency. The lead Federal agency for this particular event was the Capitol Police.

My question is, why are you at the MPD headquarters and not at Capitol Police? Because the Capitol Police have the responsibility for the security of the Capitol.

Chairman LOUDERMILK. OK. That was my follow up question because the deployment was to the Capitol.

Did General Walker ever discuss a plan with anyone?

Colonel MATTHEWS. Yes.

Chairman LOUDERMILK. OK. Sergeant Brooks? I am sorry. Whoever—was that you? OK. I am sorry, Colonel.

Colonel MATTHEWS. Yes, sir. The plan was get your riot gear on and get on a bus and go support Chief Steven Sund at the Capitol. Take orders from any white shirt or senior officer in the Capitol Police Department. That was the plan. That is what we did—that is what we eventually did.

Chairman LOUDERMILK. OK. We have Chief Sund here.

Thank you for attending today, Chief, and for your service.

Once the National Guard deploys, you become under the authority of the U.S. Capitol Police. You are sworn in then, right? You are officers of the U.S. Capitol Police.

Your operation plan, in reality, I guess, is get from here to there, get sworn in, and do whatever Chief Sund tells you. Is that a good summary of it?

Colonel MATTHEWS. Follow lawful orders, sir.

The D.C. Guard never acts independently. We always take direction from civil authority. We work for somebody in the civilian side.

Chairman LOUDERMILK. Right.

Colonel MATTHEWS. We would have taken direction from—that is what we did during the summer of 2020. We worked for the MPD all over the city, responding to riots in the city, or for the Secret Service police or Park Police.

Chairman LOUDERMILK. OK. Just to make sure I understand, there was a discussion of an op plan, very simple op plan. Get on the bus, get to the Capitol, get sworn in, and get to work. That is the extent of, really, an op plan that you need. Is that what you are saying?

Sergeant Brooks?

Sergeant Major BROOKS. Yes. Due to our normal planning operations, we already had a rally point identified for the soldiers who were on traffic control points within the city. All we had to do was communicate to those servicemembers to rally at that point, don your riot gear. Everyone else at the Armory would have been donning their riot gear and moving toward their direction.

Exactly as Colonel Matthews mentioned, once we arrive, we fall under—it is called defense support to civil authorities. Once we arrive, we fall under the—we are supporting the civil authority. In this case the Capitol Police would have given us direction on where to be and what to do.

Chairman LOUDERMILK. OK. Thank you.

This is my last question. Again, General Dean, I will start with you since you were the senior member that would have been there at the time.

The order that finally came at 5—what time was it again, Captain Nick?

Captain NICK. 5:09.

Chairman LOUDERMILK. 5:09?

Captain NICK. I wrote 5:09 down in my wheel book.

Chairman LOUDERMILK. General Dean, at 5:09 did Secretary McCarthy give you—give General Walker the order at that time? If not, can you explain how you got the order?

General DEAN. My understanding is that General McConville actually gave the order, but he said he received it from Secretary McCarthy. General Walker, in turn, told me, and I, in turn, told the Quick Response Force it is time to move.

Chairman LOUDERMILK. OK.

Anybody else?

Colonel MATTHEWS. Sir, I was sitting right next to General Walker in the conference room in the VTC when General McConville—General McConville was not in the chain of command, so it was not his order.

He was conveying an order that we were authorized to go, and I was told that it came not from Secretary McCarthy but from Secretary Miller, that we had the authorization to go. That is what I was told at the time.

This claim that Secretary McCarthy called General Walker, obviously, was not true. As Secretary McCarthy has stated, it was not true. He did not call General Walker. The way we got it was it was relayed via VTC, video teleconference.

Chairman LOUDERMILK. OK. Somebody called you up on video teleconference to give you that order?

Colonel MATTHEWS. Oh, no, no. The conference was ongoing, it was running. General McConville, Chief of Staff of the Army, happened to be on the conference talking to us, and he mentioned that we had the authorization to go.

Chairman LOUDERMILK. OK. He just was, like, "What are you all doing still here? You are supposed to go." Or——

Colonel MATTHEWS. No. He claims that, but that is not what happened, sir.

Chairman LOUDERMILK. OK.

Colonel MATTHEWS. Someone in the back of the room said, "Oh, these guys are good to go now? You are good to go?" He said we are good to go.

He claimed later that he asked General Walker, "Why are you still here? You already have the authority." That was not the case.

General Walker did not—he implied that Walker had the authority at 1635 from McCarthy. He was just hanging out on the VTC twiddling his thumbs while the city was being—was in a riot condition.

Chairman LOUDERMILK. OK. Thank you.

Sergeant Major BROOKS. Mr. Chairman, can I——

Chairman LOUDERMILK. Yes. Absolutely.

Sergeant Major BROOKS. Can I add that it all does not make sense if you follow this through the chain, because if Major General Walker had been told numerous times, had been given a lawful order to do something, why was there never an action taken against Major General Walker for dereliction of duty or refusing a lawful order? There never was. There was never even an inkling of charging him with anything.

That whole narrative that we were just sitting around waiting is false, and it is disrespectful to the men and women that did that job to think that we just sat and waited while the Capitol was under attack.

Colonel MATTHEWS. Sir, I might point out, Walker told me that he wanted to send them anyway and resign. I asked him not to do that. I said, "Sir, don't do that. Wait for the order."

General DEAN. He actually told me the same thing.

Colonel MATTHEWS. Absolutely.

General DEAN. He asked me, he said, "Should I send them? Should I send them? Should I send them? I am going to send them." I said, "Don't send them. You did not get the order. It is in writing that you can't send them. Don't send them."

Chairman LOUDERMILK. OK. I want to thank you all.

Mrs. TORRES. I have something for the record.

Chairman LOUDERMILK. OK. I will do these, and I will recognize you for that.

I do want to enter for the record a memorandum from the Secretary of the Army dated January 4, 2021, and it is the employment guidance for the District of Columbia National Guard. Also, a letter from the Secretary of the Army to Major General William Walker dated January 1, 2021, recommending approval of the request of Mr. Christopher Rodriguez, Director of District of Columbia Homeland Security Emergency Management, on behalf of—this is support of the civil authorities of the District of Columbia.

Without objection, so entered.

[The memorandum and letter referred to follows:]



Enter into the Record

SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

JAN - 4 2021

MEMORANDUM FOR SECRETARY OF THE ARMY

SUBJECT: Employment Guidance for the District of Columbia National Guard

This memorandum responds to your January 4, 2021 memorandum regarding the District of Columbia request for District of Columbia National Guard (DCNG) support in response to planned demonstrations from January 5-6, 2021. You are authorized to approve the requested support, subject to my guidance below and subject to consultation with the Attorney General, as required by Executive Order 11485.

Without my subsequent, personal authorization, the DCNG is not authorized the following:

- To be issued weapons, ammunition, bayonets, batons, or ballistic protection equipment such as helmets and body armor.
- To interact physically with protestors, except when necessary in self-defense or defense of others, consistent with the DCNG Rules for the Use of Force.
- To employ any riot control agents.
- To share equipment with law enforcement agencies.
- To use Intelligence, Surveillance, and Reconnaissance (ISR) assets or to conduct ISR or Incident, Awareness, and Assessment activities.
- To employ helicopters or any other air assets.
- To conduct searches, seizures, arrests, or other similar direct law enforcement activity.
- To seek support from any non-DCNG National Guard units.

At all times, the DCNG will remain under the operational and administrative command and control of the Commanding General of the DCNG, who reports to the Secretary of Defense through the Secretary of the Army.

You may employ the DCNG Quick Reaction Force (QRF) only as a last resort and in response to a request from an appropriate civil authority. If the QRF is so employed, DCNG personnel will be clearly marked and/or distinguished from civilian law enforcement personnel, and you will notify me immediately upon your authorization.

Christopher C. Miller

Christopher C. Miller
Acting



OSD000020-21/CMD000059-21



Enter into the record

SECRETARY OF THE ARMY
WASHINGTON

05 JAN 2021

Major General William J. Walker
Commanding General
District of Columbia National Guard
2001 East Capitol Street SE
Washington, DC 20003-1719

Dear General Walker:

This responds to your letter dated January 1, 2021 recommending approval of the request of Mr. Christopher Rodriguez, Director of District of Columbia Homeland Security and Emergency Management Agency (DCHSEMA), on behalf of the District of Columbia Fire and Emergency Service (DCFEMS) and DC Metropolitan Police Department (MPD) dated December 31, 2020, requesting the District of Columbia National Guard (DCNG) 33rd Civil Support Team (CST) and traffic management and crowd control for planned demonstrations in DC from 5-7 January 2021.

Support to the Civil Authorities of the District of Columbia

DCHSEMA requested that the DCNG CST conduct the following tasks, upon request, for each event: (1) Chemical, Biological, Radiological, and Nuclear (CBRN) monitoring and hazardous material (HAZMAT) on-site support; (2) liaisons at all required locations; (3) technical decontamination support (on call);¹ (4) Analytical Laboratory Suite (ALS) support (on call); and (5) CST operations and communications capability support. The CST personnel will be partnered with personnel from DCFEMS throughout the course of these missions and will serve solely in a support role to emergency fire and medical first responders.

DCHSEMA also requested six crowd management teams at specified Metro stations and to prevent overcrowding on Metro platforms; and teams to assist at 30 designated traffic posts.

Your mission analysis determined that the DCNG could provide all of the requested support. I approve the DCNG to support the MPD with 340 total personnel. DCNG Disposition will include:

- a. Traffic Control Points: 90 personnel (180 total/2 shifts) operating in non-tactical vehicles
- b. Metro station support: 24 personnel (48 total/2 shifts)

¹ The requested technical decontamination support will be limited to first responders working with the CST. It will not include the mass decontamination of civilians.

- c. CST Support: 20 personnel
- d. Quick Reaction Support: 40 personnel staged at Joint Base Andrews
- e. Internal C2 and Support: 52 personnel

DCNG are not authorized to perform any additional tasks or duties not authorized in this memorandum. In addition, without my personal authorization, the DCNG is not authorized the following:

- a. To be issued weapons, ammunition, bayonets, and batons.
- b. To interact physically with protestors, except when necessary in self-defense or defense of others, consistent with the DCNG Rules for the Use of Force other than those who pose an immediate threat of physical harm to Federal personnel or destruction of Federal facilities.
- c. To employ any riot control agents.
- d. To share equipment with law enforcement agencies.
- e. To use Intelligence, Surveillance, and Reconnaissance (ISR) assets or to conduct ISR or Incident, Awareness, and Assessment (IAA) activities.
- f. To employ helicopters or any other air assets.
- g. To conduct searches, seizures, arrests, or other similar direct law enforcement activity.
- h. To seek support from any non-DCNG National Guard units.

DCNG Soldiers have the inherent right to self-defense. DCNG Soldiers will store their helmets and body armor within vehicles or buildings in close proximity to their positions. In the event of an elevation of the threat requiring immediate donning of this equipment for self-defense, DCNG leadership will immediately notify the Secretary of Army.

At all times, the DCNG will remain under the operational and administrative command and control of the Commanding General of the DCNG, who reports to the Secretary of Defense through the Secretary of the Army.

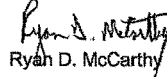
I withhold authority to approve employment of the DCNG Quick Reaction Force (QRF) and will do so only as a last resort, in response to a request from an appropriate civil authority. I will require a concept of operation prior to authorizing employment of the QRF. If the QRF is employed, DCNG personnel will be clearly marked and/or distinguished from civilian law enforcement personnel. You will notify me immediately of any requests for QRF employment.

The support mission for the CST will begin at approximately 0700 hours on January 5, 2021, and will end on January 7, 2021 when DCHSEMA, in coordination with DCFEMS, determines that the mission is complete. Finally, your mission analysis determined that the requested support constitutes valid military training; is within the current capabilities of the DCNG, and will not detract from the readiness of the DCNG.

Approval

Pursuant to my request, the Deputy Attorney General reviewed and concurred with your plan for support to the civil authorities of the District of Columbia.

All DCNG personnel associated with this support mission will serve under the provisions of Title 32, U.S.C., Section 502(f). They will serve solely in a support role to the named civil authorities and remain under the command and control of DCNG leadership at all times. DCNG will not be armed for this event however, MPD requests that DCNG members be equipped with safety vests and lighted traffic wands to assist with this mission. Further, MPD requests DCNG personnel supporting the mission be appointed as "Special Police" pursuant to D.C. Code § 5-129.03. They will not engage in the domestic surveillance of U.S. persons.


Ryan D. McCarthy

CF:
Office of the Assistant Secretary of Defense (Homeland Defense and Global Security)
Office of the Department of Defense General Counsel
Department of Defense Executive Secretary
Chief, National Guard Bureau
Deputy Chief of Staff, G-3/5/7
Office of the Army General Counsel

Chairman LOUDERMILK. I will recognize the Ranking Member.

Mrs. TORRES. Thank you, Chairman. I have a few items I would like to enter to the record. Thank you.

I want to also acknowledge and say thank you to everyone that is here today. We know that the chaos at the Pentagon was caused by the Commander in Chief and the fear that he would involve the military in domestic political affairs.

I want to enter into the record the following articles.

A Politico article entitled, “Trump could have helped respond to the January 6 riot—but didn’t—per new testimony.”

Chairman LOUDERMILK. Without objection.

[The article referred to follows:]

Trump could have helped response to Jan. 6 riot — but didn’t — per new testimony

Two senior leaders of the D.C. guard at the time of the Capitol attack painted a picture of the boost that never came, according to transcripts reviewed by POLITICO.



The bulk of their testimony focused on deep disagreement between the D.C. guard leadership and the Pentagon about when and whether an order was given to deploy to the Capitol. The witnesses told the Administration Committee that military leaders seemed reluctant to send guard troops to the Capitol until hours after violence had broken out.

Further, they described mixed messages on phone calls with the Pentagon that left them in a holding pattern, lacking clarity about whether they had permission to deploy. All four also indicated they had testified to the Jan. 6 committee in an “informal” capacity, meaning there were no transcripts of their interviews.

And they said they had virtually no contact from Ryan McCarthy, the then-Army secretary, even though he was a key player who was in frequent

contact with the D.C. guard in the run-up to Jan. 6.

McCarthy did not respond to a request for comment. He has [told the Jan. 6 committee](#) that a call from Trump would not have hastened the National Guard response because he was already moving as quickly as possible.

The testimony is the latest addition to a complicated picture of the military's response to the violence, which raged for hours on Jan. 6 until the D.C. police and National Guard helped the Capitol Police contain it that evening. The riot select committee found that Trump made no calls to senior leaders of the Justice Department, Pentagon or Department of Homeland Security while the violence raged — nor did he reach out to his vice president, Mike Pence, who was sheltering from the mob at the Capitol.

Rather, Trump watched the riot unfold on TV and made phone calls to lawmakers who he hoped would support his bid to block President Joe Biden's victory.

The men, whom the panel described as “whistleblowers,” sharply dispute claims by former Pentagon leaders — from McCarthy to then-Acting Defense Secretary Chris Miller to former Chair of the Joint Chiefs of Staff Mark Milley — that the National Guard was deployed to the Capitol as quickly as possible on Jan. 6.

Rather, they say, they had no contact from Miller or McCarthy until much later in the day, and they sharply dispute claims that McCarthy authorized the guard's deployment to the Capitol by 3:04 p.m. on Jan. 6.

That's the context in which Brooks and Dean suggested that perhaps a phone call from Trump — as conditions at the Capitol were clearly deteriorating — could have cut through the clutter and resulted in a quicker deployment.



Biden: Trump seeks to 'bury the truth' about Jan. 6

Matthews differed from Brooks and Dean on the question of whether Trump's involvement could have made a difference. Because Trump had already delegated authority to Miller and McCarthy, there was little for him to do, according to Matthews, who told the Administration Committee that it's not clear whether McCarthy would have heeded his call.

"The president wasn't going to call us because he's trusting the chain of command," Matthews told the Administration panel. He noted that some testimony to the Jan. 6 committee underscored concerns among military leaders that Trump might try using a troop presence at the Capitol for nefarious purposes.

In his testimony to the Jan. 6 committee, McCarthy denied harboring concerns that Trump might misuse the National Guard.

"I mean, in the lead-up to it, [I] did not see anything that would give you the sense he was going to order us to send troops to the Capitol in support of anything untoward," McCarthy said.

In a statement Matthews issued ahead of his public testimony, he elaborated on his belief.

"The committee knew that even if President Trump had called down personally to the Secretary of the Army, who had effective operational control of the D.C. National Guard, to direct the immediate movement of the Guard, it would have had no impact."

Mrs. TORRES. A letter dated December 30, 2022, and posted on the Select Committee website from the Select Committee to the General Counsel of the Department of Homeland Security related to the disposition of interview transcripts.

Pages 99 to 101 of Acting Secretary of Defense Christopher Miller's interview with the Select Committee.

An article from PolitiFact in which it declares false the claim that the January 6 Committee suppressed testimony from Anthony Ornato that proves former President Donald Trump pushed for 10,000 National Guard troops at the Capitol.

A CNN article entitled, "Trump's Defense Secretary denies that there were orders to have 10,000 troops ready to deploy on January 6."

A Washington Post article entitled, "The false GOP claim that Pelosi turned down National Guard before January 6 attack."

An email from Mark Meadows to John Aycoth dated January 5, 2021, in which he says that the National Guard will be activated so they can protect pro-Trump people.

Appendix 2 of the Select Committee to Investigate the January 6 Attack final report.

Summaries of the many Capitol Police Inspector General reports requested by Democratic leadership of this Committee last Congress.

Chairman LOUDERMILK. Without objection.

[The information referred to follows:]

BENNIE G. THOMPSON, MISSISSIPPI
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U.S. House of Representatives
Washington, DC 20515

january6th.house.gov
(202) 225-7800

One Hundred Seventeenth Congress

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

December 30, 2022

The Honorable Jonathan Meyer
General Counsel
U.S. Department of Homeland Security
Washington, DC, 20528

Dear Mr. Meyer:

The Select Committee has concluded its hearings, released its Report and will very soon be dissolved. The Committee has enormous respect for the Secret Service and its agents, and we write now to address the disposition of Committee interview transcripts for certain U.S. Secret Service personnel.

At the outset of our investigation, the Committee recognized the legitimate longstanding limits the Secret Service has imposed on interviews or depositions of its agents. We also recognized the significant potential ramifications for the Secret Service's mission that would be caused by any detailed disclosure of the means employed by the Service in its protective operations.

As our investigation progressed, it became clear that additional interviews of certain Secret Service agents and personnel would be necessary for multiple reasons. For example, our investigation uncovered substantial intelligence information, circulated by other agencies to the White House and Secret Service, that a number of President Trump's supporters had prepared in advance to engage in violent action on January 6th and were specifically targeting the U.S. Capitol. These documents suggested that those in the White House, including the President, Chief of Staff, and Deputy Chief of Staff, should have had more than sufficient information to cancel the President's January 6th Ellipse rally. The intelligence was also more than sufficient to warrant the cancellation of the President's plan to instruct his supporters to march to the Capitol. Likewise, Secret Service agents had important testimony regarding President Trump's desire to participate personally at the Capitol in the effort to overturn the election.

Last summer, we were very disappointed to learn that text messages on many Secret Service phones had been deleted in the weeks after January 6th. This ultimately hindered certain aspects of our investigation. That said, after that discovery, you and your team stepped forward

The Honorable Jonathan Meyer
Page 2

to provide unprecedented cooperation with the Select Committee. This allowed us to fully understand what intelligence was available to the White House. We wish to extend our thanks for that cooperation.

Beginning last August, our staff began working with your team to obtain and comprehensively review a significant amount of intelligence and other information available to the Secret Service. Following that review, we conducted several additional interviews of Secret Service personnel. We also interviewed Mr. Tony Ornato, who resigned from the Secret Service last summer and served as President Trump's Deputy White House Chief of Staff on January 6th.

In each of our interviews, Secret Service lawyers participated and made clear that the transcripts:

include information and records covered under the Privacy Act, personnel and other personal privacy information, for-official-use-only information, intelligence and law enforcement sensitive records, and raw intelligence information.

Secret Service lawyers also explained as follows:

While the Secret Service and the Department have made this information and records available, we continue to assert that such information and records and any discussion of such information and records during the course of this transcribed interview is not intended for public release ... This transcript and any attachments are protected from further dissemination to the same extent as the documents and information they are based on.

Many of the facts developed in these interviews are important; we have summarized them in our final report without revealing any Secret Service operational details or private information regarding any agent. We have also redacted other witness transcripts that would have disclosed that information. In addition to operational details, certain private attorneys for Secret Service witnesses requested that particular private details in interview transcripts be withheld from public disclosure. Although this information has some relevance to the public, we have honored that request as well – including when those same private details appear in other non-Secret Service transcripts.

Since its outset, the Committee has intended to make as much of the information developed by the investigation public as reasonably possible. Because Mr. Ornato's November 2022 transcript addressed a range of intelligence information important to the Committee's conclusions about January 6th, and because Mr. Ornato was not functioning as a Secret Service agent on January 6th, the Committee decided to release his November 2022 transcript. Please

The Honorable Jonathan Meyer
Page 3

note that we made significant redactions specifically to address concerns identified by the Secret Service.

As of next week when the Committee dissolves, the Committee will no longer exercise control over this material, and thus cannot ensure enforcement of the agreements to maintain the confidentiality of any of these transcripts and related security information. Pursuant to long-standing House rules, the official records of the Committee will be archived and pass into the control of the National Archives. We fully share the Department's concern for the safety, security and reputation of our witnesses and the security information vital to the protection of USSS protectees and employees.

In coordination with the office of the Speaker of the House, to comply with House rules and to honor our commitment to best provide for continuing confidentiality of operational details and private information, we are hereby providing those transcripts to the Department now for appropriate review, timely return, and designation of instructions for proper handling by the Archives. During your review, we recommend that the Department provide for the official file that will reside with the Archives any necessary written guidance regarding the need for limitations on release or other sensitivities. Our expectation is that the transcripts with such instructions will become part of the historical record of our investigation maintained by the National Archives.

Thank you again for your assistance with our investigation. We are grateful for your assistance in carrying out this important security task.

Sincerely,



Bennie G. Thompson
Chairman



Liz Cheney
Vice Chair

cc: Mr. Jackson Eaton

1

2

3

4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

8

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11 INTERVIEW OF: CHRISTOPHER CHARLES MILLER

12

13

14

15 Friday, January 14, 2022

16

17 Washington, D.C.

18

19

20 The interview in the above matter was held via Webex, commencing at 10:00 a.m.

21 Present: Representatives Lofgren, Murphy, Raskin, Aguilar, Cheney, and

22 Kinzinger.

1 Ms. Cheney. Thank you.

2 BY [REDACTED]

3 Q I want to turn to the January 5th call, and from your House testimony you
4 stated: On the afternoon of January 5th, I received a call from the President in
5 connection with the rally by his supporters that day at Freedom Plaza. The President
6 asked if I was watching the event on television. I replied that I had seen coverage of the
7 event.

8 Do you remember -- was the rally ongoing at the time he called you?

9 A I thought it was still -- I think it went on well into the night, yeah. So I think
10 it still was ongoing.

11 Q From your statement you said: He then commented that, quote, they were
12 going to need 10,000 troops the following day.

13 What was your understanding of when the President said "they," who he was
14 referring to?

15 A Law enforcement, public security, public safety.

16 Q The call -- the call lasted fewer than 30 seconds, and I did not respond
17 substantively, and there was no elaboration.

18 First, the 10,000 troops, did you take that as a request for you or an order to you
19 to deploy 10,000 troops?

20 A No, absolutely not. I interpreted it as a bit of presidential banter or
21 President Trump banter that you all are familiar with, and in no way, shape, or form did I
22 interpret that as an order or direction.

23 Q So you took no action as a result of this banter?

24 A Well, no, because I understood that there were going to be 35 -- we
25 expected 35,000 protesters with 8- to 10,000. I don't even know how many police were

1 on the street that day. I was hoping you guys would figure that one out, but regardless,
2 whether it's 8 or 10, domestic law enforcement entities had stated earlier that they could
3 handle much -- you know, a million people. So to hear -- I didn't think there was any
4 response needed, even if there were more protesters than expected, that local law
5 enforcement could handle it.

6 Q So I want to be clear here that -- since then, in February 2021, Mark
7 Meadows said on Fox News that, quote: Even in January, that was a given as many as
8 10,000 National Guard troops were told to be on the ready by the Secretary of Defense.
9 Is there any accuracy to that statement?

10 A I'm not -- not from my perspective. I was never given any direction or
11 order or knew of any plans of that nature. So I was surprised by seeing that publicly, but
12 I don't know the context or even where it was. So, no, there was -- obviously we had
13 plans for activating more folks, but that was not anything more than contingency
14 planning.

15 There was no official message traffic or anything of that nature regarding --

16 Q So, just so we're clear, you did not have 10,000 troops, quote, to be on the
17 ready for January 6th prior to January 6th?

18 A A nonmilitary person probably could have some sort of weird interpretation,
19 but no. The answer to your question is no. That was not part of my plan or the
20 Department of Defense's plan.

21 Q And just the rest of his statement was, quote: That was a direct order from
22 President Trump, and yet here is what we see, all kinds of blame going around, but not a
23 whole lot of accountability. To be crystal clear, there was no direct order from President
24 Trump to put 10,000 troops to be on the ready for January 6th, correct?

25 A No. Yeah. That's correct. There was no direct -- there was no order

1 from the President.

2 Q I want to move on to your January 4th memo. Does anybody have any
3 questions about that? Okay. One more question before I move off this topic.

4 Ms. Cheney. [REDACTED], I got one. Sorry, I've got a question.

5 Mr. Miller, the meetings that we're discussing, do you have notes from those
6 meetings?

7 Mr. Miller. No. I mean, other than the official timelines and stuff here.

8 Ms. Cheney. You didn't take notes of any of these meetings that you were in?

9 Mr. Miller. No. I didn't take notes -- no.

10 Ms. [REDACTED] Sorry.

11 Ms. Cheney, go ahead.

12 Ms. Cheney. That's all right [REDACTED] I just wondered if Mr. Miller's been
13 sworn in or you've conveyed to Mr. Miller, even if he hasn't been sworn in, the
14 importance of truthful testimony here today.

15 [REDACTED] Yes.

16 Ms. Cheney. So you have no notes from the meetings, Mr. Miller?

17 Mr. Miller. No, I don't have any notes from the meetings.

18 Ms. Cheney. Did you take notes and turn the notes over --

19 Mr. Miller. No.

20 Ms. Cheney. -- to the Department when you left?

21 Mr. Miller. No.

22 Ms. Cheney. Okay. Thank you.

23 BY [REDACTED]

24 Q Mr. Miller, before I move off this topic, you had your House testimony about
25 this January 5th call, but it was also mentioned in the January 22nd Vanity Fair article

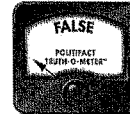
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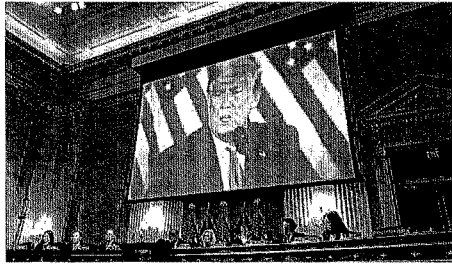
Facebook posts

shared on March 9, 2024 in a Facebook post:

**The Jan. 6 committee
"suppressed testimony" from
former Deputy Chief of Staff
Anthony Ornato that proves
former President Donald Trump
pushed for 10,000 National
Guard troops at the Capitol.**



FACEBOOK FACT-CHECKS JAN. 9 J. FACEBOOK POSTS



A video of former President Donald Trump is shown on a screen, as the House select committee investigating the Jan. 6 attack on the U.S. Capitol holds its final meeting on Capitol Hill in Washington, Dec. 19, 2022. (AP)



by Sara Shuman
March 10, 2024

**Jan. 6 committee didn't 'suppress
testimony' about Trump push for 10,000
National Guard troops**

IF YOUR TIME IS SHORT

- The House select committee that investigated the Jan. 6, 2021, attack on the U.S. Capitol didn't publicly release a transcript from its January 2022 interview with former President Donald Trump's deputy chief of staff, Anthony Ornato, because the Department of Homeland Security was reviewing it for potential security concerns, a letter between the committee and DHS shows.

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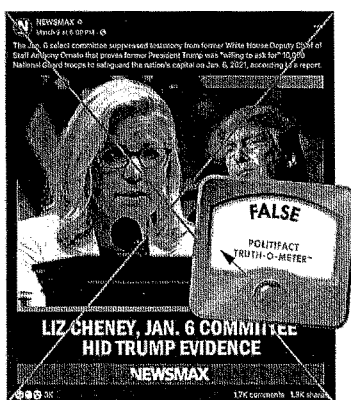
- In the transcript, Ornat said he recalled other White House officials saying Trump suggested having 10,000 National Guard troops on Jan. 6, 2021. But he didn't say Trump gave an order for that many troops.
- Our mission: Help you be an informed participant in democracy. Learn more.

See the sources for this fact-check

Recent reporting claimed the House select committee that investigated the Jan. 6, 2021, attack on the U.S. Capitol hid evidence related to the White House's response that day.

Conservative news outlets, including The Federalist, The Blaze and Newsmax, reported that the select committee "suppressed testimony" from former Deputy White House Chief of Staff Anthony Ornat that proves former President Donald Trump pushed for 10,000 National Guard troops at the Capitol.

Facebook posts also shared news articles making this claim. These posts were flagged as part of Meta's efforts to combat false news and misinformation on its News Feed. (Read more about our partnership with Meta, which owns Facebook and Instagram.)



(Screenshot from Facebook)

We reached out to these news outlets for comment but did not hear back before publication.

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The news outlets cited a transcript of a Jan. 28, 2022, interview with Ornato that Rep. Barry Loudermilk, R-Ga., who leads the House Administration's Subcommittee on Oversight, publicly released March 8. House Republicans have reopened an investigation into the Jan. 6, 2021, attack because they deemed the select committee's work "incomplete."

"The Select Committee's failure to disclose this transcript is additional evidence that the Select Committee only released evidence that fit their narrative," the Oversight Subcommittee said in its first report, released March 11.

The Jan. 6 select committee, composed of seven Democratic members and two Republican members, concluded its work in December 2022 with a 845-page final report. During its 18-month investigation, the select committee held 10 public hearings, interviewed more than 1,000 witnesses and collected more than 1 million documents.

Ornato's January 2022 interview transcript was not publicly released until recently for security reasons, Reps. Jamie Raskin, D-Md., and Zoe Lofgren, D-Calif., told PolitiFact. Both Raskin and Lofgren served on the select committee.

The transcript aligns with the select committee's conclusion that Trump didn't order the deployment of 10,000 National Guard troops before or during the Jan. 6, 2021, attack. It provides no evidence to negate this finding.

We previously fact-checked claims that Trump requested thousands of troops and Democrats rejected this request. These claims are false. There's no evidence Trump gave this order.

Why Ornato's transcript wasn't publicly released until now

As part of the select committee's investigation, the committee members and staff interviewed Ornato and Secret Service personnel. Ornato left the Secret Service in 2019 to become Trump's deputy chief of staff and was still in that role Jan. 6, 2021.

The select committee was "obligated to return certain Secret Service transcripts," including this Ornato transcript, to the Department of Homeland Security "for redaction of sensitive security information before public release," Raskin told PolitiFact.

Lofgren also said this was the case.

This obligation was documented in a publicly available letter the select committee sent to the Department of Homeland Security in December 2022.

The letter said the transcribed interviews with Secret Service personnel were "not intended for public release" at the Secret

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personnel were "not intended for public release" at the Secret Service's direction. Therefore, the select committee said it summarized facts from these interviews for its final report without revealing the Secret Service's operational details or its agents' personal information.

FEATURED FACT-CHECK



Viral Image
posted on March 6, 2024 in an Instagram post

Video shows President Joe Biden delivering new remarks on the Capitol insurrection.



By Court O'Rourke • March 8, 2024

One of Ornato's transcribed interviews, conducted in November 2022, was among the select committee's publicly released materials. The committee said in the letter that this transcript was published because it "addressed a range of intelligence information important to the Committee's conclusions about January 6th."

The committee noted in the letter that Ornato was not a functioning Secret Service agent at the time and it significantly redacted the November 2022 transcript to address the Secret Service's security concerns.

The Oversight Subcommittee said in its report that Loudermilk sent letters to the Department of Homeland Security in August 2023 and January 2024, requesting all of the select committee's interview transcripts. The department said it possessed 12 transcripts and gave the subcommittee six of them. The others have not been released because the department's review is not complete, the Oversight Subcommittee's report said.

What the Ornato transcript says about Trump's National Guard comments

In the 153-page transcript of Ornato's January 2022 interview, mentions the National Guard multiple times. Ornato said he recalled Trump floating the number 10,000, but said the president never gave the order.

First, Ornato was asked whether he knew if Trump had asked Jan. 4,

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The Capitol Insurrection

2021, for 10,000 National Guard troops to be deployed Jan. 6, 2021.

Ornato responded, "I was not aware of that."

Soon after, Ornato was asked again whether he recalled any discussions before Jan. 6, 2021, about "having 10,000 troops or any other number of troops" to deploy.

Ornato said he recalled overhearing a phone conversation a day or two before the Capitol attack between Trump's Chief of Staff Mark Meadows and Washington, D.C. Mayor Muriel Bowser in which Meadows asked if Bowser needed more guards. Ornato said he had heard only Meadows' side of the conversation.

"I remember the number 10,000 coming up, you know, the president wants to make sure that you have enough. You know, he is willing to ask for 10,000," Ornato said. "I remember that number. Now that you said it, it reminded me of it."

Ornato said he did not hear any discussion of 10,000 troops after this. Ornato said Meadows asked the Defense Department to set up a quick reaction force at Joint Base Andrews, just outside of Washington, D.C., in case additional National Guard troops were needed.

When asked, Ornato said he knew of no order to deploy National Guard troops on the morning of Jan. 6, 2021.

"And apart from that conversation that you overheard with Mayor Bowser and Chief Meadows, you did not learn of any other additional efforts or (an) order regarding 10,000 troops?" Senior Investigative Counsel Sourmyalatha Dayananda asked Ornato.

Ornato responded, "No, not 10,000 troops, no."

Our ruling

Conservative news outlets and social media posts claimed the Jan. 6 select committee "suppressed testimony" from Ornato that proves Trump pushed for 10,000 National Guard troops at the Capitol.

The select committee did not release this transcribed interview with Ornato because it was under the Department of Homeland Security's review. As a former Secret Service member, Ornato's transcript needed to be reviewed for potential security concerns.

The select committee considered Ornato's and other Secret Service testimony when publishing its final report on the Jan. 6, 2021, attack. The report concluded that Trump did not directly order deploying 10,000 National Guard troops before or during the attack. Ornato's interview transcript does not negate this finding.

We rate the claim that the Jan. 6 select committee "suppressed testimony" involving 10,000 National Guard troops False.

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The Pottery Journal

testimony" involving 10,000 National Guard troops false.

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By [Annie Grayer](#), CNN

🕒 2 minute read · Updated 10:22 PM EDT, Tue July 26, 2022



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2/6

(CNN) — Former acting Defense Secretary Chris Miller told the House select committee investigating the Capitol Hill insurrection that former President Donald Trump never gave him a formal order to have 10,000 troops ready to be deployed to the Capitol on January 6, 2021, according to new video of Miller's deposition released by the committee.

**RELATED ARTICLE**

Latest moves suggest DOJ investigation of 2020 election is looking at conduct directly related to Trump and his closest allies

"I was never given any direction or order or knew of any plans of that nature," Miller said in the video.

Miller later said in the video definitively, "There was no direct, there was no order from the President."

"We obviously had plans for activating more folks, but that was not anything more than contingency planning," Miller added. "There was no official message traffic or anything of that nature."

Trump has previously said that he requested National Guard troops be ready for January 6. He released a statement on June 9 that he "suggested & offered" up to 20,000 National Guard troops be deployed to Washington, DC, ahead of January 6 claiming it was because he felt "that the crowd was going to be very large."

**RELATED ARTICLE**

Trump shows his 2024 campaign would take the country down a dark and dangerous road

The committee released Miller's testimony after already revealing that Trump did not make calls to military personnel or law enforcement to intervene as the Capitol attack was unfolding. General Mark Milley, the chairman of the Joint Chiefs of Staff, told the committee that he never received a call from Trump as the attack unfolded.

Milley testified to the committee that he spoke to former Vice President Mike Pence "two or three" times on January 6. Keith Kellogg, former national security adviser to Pence, also told the committee that Trump never asked for a law enforcement response.

🕒 This article was published more than 2 years ago

The Washington Post
Democracy Dies in Darkness

The false GOP claim that Pelosi turned down National Guard before Jan. 6 attack



Analysis by [Salvador Rizzo](#)
Staff writer

July 28, 2021 at 3:00 a.m. EDT

"There's questions into the leadership within, the structure of the speaker's office, where they denied the ability to bring the National Guard here. ... We start with a committee chair who will tell you, 'Everything's on the table except the speaker's office.' How can you ever get to the bottom of the questions? How can you ever get to the solutions to make sure the Capitol is never put in this position again?"

— **House Minority Leader Kevin McCarthy (R-Calif.), at a news conference, July 27, 2021**

"It is a fact that ... in December of 2020, Nancy Pelosi was made aware of potential security threats to the Capitol and she failed to act. It is a fact that the U.S. Capitol Police raised concerns and rather than providing them with the support and resources they needed and they deserved, she prioritized her partisan political optics over their safety."

— **House Republican Conference Chair Elise Stefanik (R-N.Y.), at the news conference, July 27, 2021**

Republicans accused House Speaker Nancy Pelosi (D-Calif.) of failing to protect the U.S. Capitol from the attack on Jan. 6, claiming she ignored warnings about potential threats and denied a request to bring in reinforcements from the National Guard.

Many fact-checkers have rated these claims false. In March, we gave Four Pinocchios to Rep. Jim Jordan (R-Ohio), a close ally of former president Donald Trump, [for leveling the same accusation at Pelosi without proof](#).

Five months later, it's not just Jordan anymore. In a news conference held moments before the House select committee investigating the Jan. 6 attack held its first hearing, McCarthy and Stefanik, two top Republican leaders, said Pelosi failed to act on warning signs leading up to the riot.

"The American people deserve to know the truth that Nancy Pelosi bears responsibility as speaker of the House for the tragedy that occurred on January 6th," Stefanik said.

We asked representatives for McCarthy and Stefanik what proof they had. Just like Jordan five months earlier, they had none.

The Facts

Before leaving office, Trump held a rally outside the White House on Jan. 6 and repeatedly urged attendees to march on Congress as lawmakers were certifying President-elect Joe Biden's victory in the 2020 election. For months, Trump had been making false claims that rampant electoral fraud had cost him a winning margin of victory in key states.

"I said something's wrong here, something is really wrong," Trump said at the close of his Jan. 6 speech. "And we fight. We fight like hell. And if you don't fight like hell, you're not going to have a country anymore."

A mob stormed the Capitol, delaying the vote certification for hours. Many of the rioters have said they were incited by Trump. He denies any responsibility.

The riot led to five deaths, assaults on about 140 police officers and the evacuation of Congress. Authorities have estimated about 10,000 people descended on the Capitol campus and that about 800 broke into the building. To date, about 550 have been charged with crimes.

The Democratic-controlled House passed a resolution in March to create a bipartisan commission styled after the 9/11 Commission to investigate the Jan. 6 attack, but the proposal did not get enough Republican support to advance in the Senate. The House then established a select committee to investigate the events of Jan. 6, led by Rep. Bennie Thompson (D-Miss.), the chairman of the House Homeland Security Committee.

The accusations that Pelosi was aware of intelligence reports of a potential threat to the Capitol on Jan. 6, or that she turned down a request for reinforcements from the National Guard, have never been backed by proof.

There are three key players here: Steven A. Sund, the U.S. Capitol Police chief; Paul D. Irving, the House sergeant-at-arms, and Michael C. Stenger, the Senate sergeant-at-arms. All three resigned under pressure after the Jan. 6 insurrection. Sund said he ran the National Guard request by Irving and Stenger on Jan. 4 and neither supported the idea.

In a Feb. 1 letter to Pelosi, Sund wrote he “approached the two Sergeants at Arms to request the assistance of the National Guard, as I had no authority to do so without an Emergency Declaration by the Capitol Police Board (CPB).” He said he spoke first to Irving, who “stated that he was concerned about the ‘optics’ and didn’t feel that the intelligence supported it.” Irving suggested Sund check in with Stenger, at the time chair of the CPB, and get his thoughts. “Instead of approving the use of the National Guard, however, Mr. Stenger suggested I ask them how quickly we could get support if needed and to ‘lean forward’ in case we had to request assistance on January 6,” Sund wrote.

Sund said he then contacted Gen. William Walker, commanding officer of the D.C. National Guard. Walker “advised that he could repurpose 125 National Guard and have them to me fairly quickly, once approved. I asked General Walker to be prepared in the event that we requested them.”

Note that there is no indication that Pelosi was at all involved. Irving supposedly had made a vague reference to “optics,” but there is no indication what that means. Moreover, Stenger, the Senate sergeant-at-arms, was also reluctant to support an immediate dispatching of National Guard troops. So there is little reason to suggest Irving, acting under Pelosi’s direction, alone was responsible. It appeared to have been a joint decision.

At a Senate hearing Jan. 23, Irving said the proposed National Guard troops were to be unarmed and only to “work traffic control near the Capitol.” He included an explanation of the term optics: “My use of the word optics has been mischaracterized in the media. Let me be clear. Optics as portrayed in the media played no role whatsoever in my decisions about security. And any suggestion to the contrary is false. Safety was always paramount when making security plans for January 6th.”

In his questioning, Sen. Josh Hawley (R-Mo.) tried to drill down deeper in the conversations among Sund, Irving and Stenger. He asked Irving: “Were you concerned that having the Guard present would look like it was to militarize? Were you concerned about the criticism of the Guard being deployed in Washington ... earlier this summer?”

In this question, Hawley was getting at the heart of the question about “optics” — the belief among some Republicans that Pelosi somehow had communicated to Irving that she did not want images of National Guard troops at the Capitol, given what had happened during the criminal justice protests after the George Floyd killing.

Irving, in his response to Hawley, threw cold water on such speculation.

“Senator, I was not concerned about appearance whatsoever. It was all about safety and security,” Irving said. “Any reference would have been related to appropriate use of force, display of force. And ultimately, the question on the table, when we look at any security asset, is: Does the intelligence warrant it? Is the security plan [a] match with the intelligence? And again, the collective answer was yes.”

Later in the hearing, Sen. Ted Cruz (R-Tex.) asked whether Irving or Stenger had communicated the Jan. 4 decision on National Guard troops to congressional leadership.

“On Jan. 4, no, I had no follow-up conversations,” Irving said. “And it was not until the 6th that I alerted leadership that we might be making a request. And that was the end of the discussion.”

“For myself, it was Jan. 6 that I mentioned it to Leader [Mitch] McConnell’s staff,” Stenger said.

Drew Hammill, a spokesman for Pelosi, previously told us there had been no discussions between Irving and either Pelosi or her staff about National Guard deployment before Jan. 6. “We are not involved in the day-to-day operations of that office at all,” he said. “We expect security professionals to make security decisions.”

In a [statement](#) on Tuesday that linked to fact checks of similar claims over the past few months, Pelosi’s office said “every single lie uttered by the Republicans this morning has been debunked time and again.”

A Senate report into the Jan. 6 attack [found](#): “The entities responsible for securing and protecting the Capitol Complex and everyone onsite that day were not prepared for a large-scale attack, despite being aware of the potential for violence targeting the Capitol. ...

“The failures leading up to and on January 6 were not limited to legislative branch entities. As has been made clear in the Committees’ two public hearings on the subject, failures extended to a number of executive branch agencies. A key contributing factor to the tragic events of January 6 was the failure of the Intelligence Community to properly analyze, assess, and disseminate information to law enforcement regarding the potential for violence and the known threats to the Capitol and the Members present that day.”

In response to our questions, Stefanik issued a statement that falsely claimed “the sergeant-at-arms is a political appointee of Speaker Nancy Pelosi and can be fired by Pelosi at any time.” Irving, a former Secret Service supervisor, [had been appointed in 2012](#) by then-House Speaker John A. Boehner (R-Ohio).

Stefanik added that throughout December, “multiple intelligence reports” had been “shared with the Capitol Police, raising concerns about January 6th.”

“The speaker’s office was aware of these concerns as reported by The Washington Post and chose not to act,” she said. In support of that claim, a Stefanik spokesman linked to [a report in The Post](#) that does not say Pelosi failed to act on intelligence reports about potential threats.

A spokesman for McCarthy said, “Evidence shows that then-Sergeant at Arms Paul Irving reported to Speaker Pelosi and he denied approval to bring in the National Guard (when asked by Chief Sund) prior to January 6.”

The spokesman, Mark Bednar, added: “The allegation is not that Nancy Pelosi said no National Guard. The concern is that the speaker, as the highest-ranking individual on the Capitol complex, had security responsibility for the Capitol, the security apparatus reported to her — and they said no, prior to the 6th.”

That’s different from what McCarthy said at the news conference, claiming Pelosi (in his words, “the structure of the speaker’s office”) somehow stumped the request for the National Guard.

McCarthy also made another claim at this news conference suggesting Democrats were asleep at the wheel when it came to securing the Capitol.

He suggested that Rep. Zoe Lofgren (D-Calif.), a Pelosi ally on the select committee investigating Jan. 6 and the chair of the House Administration Committee, which supervises the Capitol Police, had not held hearings into security matters since a report was issued by the Capitol Police's inspector general.

"You had a chair of House administration with responsibility that did not come to the Capitol for more than six months," McCarthy said. "First time showing back up? On January 3rd to vote for the speaker. No hearings about the IG report, no movement of Rodney Davis's bill."

McCarthy's office did not say which inspector general report he was referring to, but the House Administration Committee has held five hearings on the Jan. 6 attack since the Capitol Police inspector general issued its first report and recommendations in February.

One of the hearings, titled "Reforming the Capitol Police and Improving Accountability for the Capitol Police Board," was held weeks after Republicans on the committee, including the ranking Republican, Rep. Rodney Davis (Ill.), called for such reforms to the Capitol Police's oversight structure. (The House Administration Committee did not take a six-month hiatus. It held virtual hearings during the height of the coronavirus pandemic in 2020.)

The Pinocchio Test

Repeating a false claim does not make it truer. No evidence has emerged to suggest that Pelosi ignored intelligence reports about potential threats or turned down a request for reinforcements from the National Guard as officials prepared for Jan. 6.

Under pointed questioning in the Senate on Jan. 23, security officials did not say Pelosi blocked requests for backup. Irving, the former House sergeant-at-arms, testified: "It was not until the 6th that I alerted leadership that we might be making a request. And that was the end of the discussion."

McCarthy, Stefanik and all the others leveling this baseless charge earn Four Pinocchios.

Four Pinocchios

(About our rating scale)

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Message

From: John Aycoth [john_aycoth@eawgroup.com]
Sent: 1/5/2021 10:59:45 AM
To: [REDACTED]
Subject: RE: DC mayor activates National Guard ahead of pro-Trump demonstrations | TheHill

Well that's good.....saw you during Trump's speech in front of the helicopter so looks like [REDACTED]

I know the next 2 days are going to be crazy but please be safe and I am praying for a miracle for you all.

John

John Aycoth
President
EAW GROUP LLC
www.eawgroup.com
Office Direct - +1 703 349 6260
Office Fax - +1 703 997 0854
U.S. Mobile - +1 703 297 6913
Email: john_aycoth@eawgroup.com

From: [REDACTED]
Sent: Tuesday, January 5, 2021 8:53 AM
To: John Aycoth <john_aycoth@eawgroup.com>
Subject: Re: DC mayor activates National Guard ahead of pro-Trump demonstrations | TheHill

This is so they can protect pro Trump people. We have many more on standby

Sent from my iPhone

On Jan 5, 2021, at 2:05 AM, John Aycoth <john_aycoth@eawgroup.com> wrote:

So BLM/ANTIFA attack & burn the city last year and she refuses to call out the National Guard and
Now she is pre-calling them out against Trump supporter.....WTF.....!!!!!!

John Aycoth
President
EAW GROUP LLC
www.eawgroup.com
Office Direct - +1 703 349 6260
Office Fax - +1 703 997 0854
U.S. Mobile - +1 703 297 6913
Email: john_aycoth@eawgroup.com

From: John Aycoth <john_aycoth@eawgroup.com>
Sent: Tuesday, January 5, 2021 1:22 AM
To: 'John Aycoth' <john_aycoth@eawgroup.com>
Subject: DC mayor activates National Guard ahead of pro-Trump demonstrations | TheHill

MM000789

<https://thehill.com/homenews/state-watch/532561-dc-mayor-activates-national-guard-ahead-of-pro-trump-demonstrations>

APPENDIX 2: DC NATIONAL GUARD PREPARATION FOR AND RESPONSE TO JANUARY 6TH

INTRODUCTION

H. Res. 503 Section 4(a) directs the Select Committee to examine the “facts, circumstances, and causes relating to the domestic terrorist attack on the Capitol,” including the “activities of intelligence agencies, law enforcement agencies, and the Armed Forces, including with respect to intelligence collection, analysis, and dissemination and information sharing among the branches and other instrumentalities of government.” This appendix focuses on the activities of the DC National Guard in the days leading up to and on January 6, 2021.

In contrast to the National Guard units in 50 States and three territories, where deployment authority lies with the governor of those respective jurisdictions, the DC Guard falls directly under the command of the United States President. In the discussion section below, this appendix provides a narrative of the preparations for and eventual deployment of the DC Guard on January 6th, and the interaction between then-President Trump and the DC Guard in the relevant time period. It is based on the Select Committee’s interviews of 24 witnesses and review of over 37,000 pages of documents.

DISCUSSION

A “GUT-WRENCHING” SUMMER

The approval process for the deployment of the DC National Guard is unique, unlike any of the 50 States or three territories across the country where ultimate authority rests in the hands of the governor.¹ In the nation’s capital, where no governorship exists, the Guard is ultimately under the command of the President of the United States when acting in its militia capacity to support civil authorities.² By executive order, however, President Richard Nixon delegated the President’s day-to-day control of the DC Guard to the Secretary of Defense and specified that its Commanding General should report to the Secretary of Defense or the Secretary’s designee.³ By memorandum, the Secretary of Defense, in turn, delegated day-to-day control of the DC Guard to the Secretary of the Army.⁴ The commander of the DC Guard reported directly to the Secretary of the Army on January 6, 2021.⁵

During the 2020 summer protests in response to the murder of George Floyd,⁶ the approval process for Guard deployment ran smoothly. “Very, very proactive,” then-Commanding General of the DC Guard William Walker said.⁷ Secretary of the Army Ryan McCarthy “really wanted us out there.”⁸ Secretary McCarthy, with all his authorities, was physically beside Major General Walker throughout that summer. “[H]e was with me for all of

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it,” Major General Walker said.² “He came to the [A]rmory every day. He brought his staff with him.”¹⁰ As has been widely reported, a number of President Trump’s senior advisors, including Attorney General Bill Barr, resisted President Trump’s requests to deploy the Guard or other troops in various states and cities where violence had occurred or was underway.¹¹

In the summer of 2020, nothing was being written down; it “was just all verbal back and forth.”¹² That approach sped up response times. But as the DC Guard footprint grew and controversies began plaguing the operation, Secretary McCarthy came away with the lesson that deliberative and by written order beat fast and by oral command.¹³

“What we learned in the process was we were not capturing a lot of the information in writing in the orders process, which is fundamental, foundational because of the stress of the situation and the speed of the situation,” Secretary McCarthy said.¹⁴

While a concept of operations (“con-op”) was developed at the lower level during the summer 2020 operations, it did not require approval or input at the secretary level.¹⁵ That approach came to be seen as a mistake that should not be replicated the next time there was a civil disturbance crisis in the nation’s capital. General Walter Piatt, director of the Army staff, explained: “That’s where Secretary McCarthy put that restriction to say, I want a concept of the operation before we just send a force to do something.”¹⁶

One of the most visible and highly criticized of the summer 2020 operations was the use of low-flying helicopters that appeared to be bearing down on protesters with the aim of dispersing them. On June 1st, as Guard presence tripled overnight, the use of helicopters meant for aerial surveillance¹⁷ “somehow got translated to a very competent Army officer that ‘I am to fly low and loud to deter looters,’” General Piatt said.¹⁸ “[W]hat the investigation revealed was that we did not have good procedures in place to provide military support to a very serious civil disturbance ongoing. The—because—the pilot of that aircraft believed that was his mission.”¹⁹

The “embarrass[ment]”²⁰ of the low-flying helicopter affected Secretary McCarthy. General Charles Flynn, then-deputy chief of staff for operations, plans, and training, told the Select Committee, “I know the Secretary was concerned.”²¹ He further explained: “I’m sure that affected his thinking.”²²

Secretary McCarthy became convinced that a concept of operations needed to be “explicit, tailored”²³ and—most importantly—that it needed to “come from [the] top down.”²⁴ Secretary McCarthy told his staff, “[W]hen we get a request next time, we have to be absolutely certain that we understand the mission clearly,”²⁵ and that “no other civil authority could re-mission off that support without the approval of either the Secretary of the Army or, in certain circumstances, the Secretary of Defense.”²⁶

In mid-June 2020, then-Secretary of Defense Mark Esper, Secretary McCarthy, Chairman of the Joint Chiefs of Staff General Mark Milley, and Major General Walker huddled to talk about what went wrong in the preceding weeks. Senior defense officials then decided they would take a “more active” role in directing the force.²⁷ “[A]s

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a result, we all took a more active interest in what was happening down to the tactical level to make sure that we were, again, abiding by kind of the core principles of civil-military relations,” former Secretary Esper said.²⁸

Major General Walker said he was not told about that shift in perspective: “[I]f the Army thought different of how we respond to civil unrest, civil disturbance, I would hope . . . they would communicate that with the guy—with the person who is going to execute that change.”²⁹

In the words of General Milley, the summer of 2020 had been “a pretty gut-wrenching experience.”³⁰ The Department of Defense was still recovering when it was faced with the decision of the manner and degree to which the DC Guard should provide assistance to law enforcement authorities planning, just seven months later, for the events anticipated in connection with Congressional certification of the electoral votes on January 6, 2021.

A “Tailored” Request for Guard Resources

On December 19, 2020, President Trump tweeted, “Big protest in DC on January 6th. Be there! Will be wild!” From that day forward, a rookie DC intelligence analyst saw a tenfold uptick in violent rhetoric targeting Congress and law enforcement.³¹ Right-wing groups were sharing histories of violence and some not traditionally aligned had begun coordinating their efforts.³² The analyst’s report reached more senior DC leadership, including, eleven days later, Mayor Bowser.³³ In the course of the Committee’s investigation, it received and reviewed a significant number of documents indicating that certain intelligence and law enforcement agencies understood that violence was possible or even likely on January 6th. The Committee received many of those materials from the U.S. Secret Service, but also from other agencies as well.

On Thursday, December 31, 2020, the day after the briefing, Mayor Bowser sent a letter to Major General Walker requesting Guard assistance for January 5 and 6, 2021.³⁴ A second letter specified the District’s request as limited to two forms of assistance: crowd management at Metro stations and blocking vehicles at traffic posts. It did not request help with potential civil disturbance.³⁵

General Piatt viewed the “limited request”³⁶ as a “pretty good, tailored mission,” that was “not vague.”³⁷ General James McConville, chief of staff of the Army, called the request appropriately “restricted”³⁸ with “a very low military signature.”³⁹

According to testimony by Defense Department witnesses, after a summer of perceived overreach, military leadership was grateful for the delineated parameters set by the city itself.

The substance of the request—limited to traffic and crowd control “so they could have more police officers to do police functions”⁴⁰—was not seen as narrow by District officials. “I would say it’s a specific request,” Chief of DC Police (Metropolitan Police Department (“MPD”)) Robert Contee said.⁴¹ “[L]eave the unlawful stuff, leave that to the police to deal with.”⁴² Mayor Bowser said: “I don’t know any law enforcement person who would suggest that urban disturbances aren’t best handled by the police.”⁴³

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“Civil disturbance was not something we requested at that time. Mostly also because the vast majority of the, if not all, of the permitted protests were taking place on Federal lands,” said Director of the DC Homeland Security and Emergency Management Agency Christopher Rodriguez.⁴⁴ The District had no jurisdiction. “Mayor Bowser cannot make a request on behalf of the White House or on behalf of the Capitol for U.S. Capitol—for . . . DC National Guardsmen to deploy to those two entities. She can’t,” Chief Contee said.⁴⁵ At this time, it was well known that President Trump had planned a speech and rally on “Federal lands”—on the Ellipse south of the White House. It was not widely known that President Trump intended to “spontaneously” instruct the tens of thousands of supporters at that Ellipse rally to march down Pennsylvania Avenue to the Capitol.⁴⁶

Five Days of “Tremendous Resistance”

At first, Secretary McCarthy was not sold on involving the Guard at all. Major General Walker called Secretary McCarthy “instantly when I got the letters” from the District on Thursday, December 31st, and “initially I felt I must have caught him at a bad time.”⁴⁷ Secretary McCarthy recalls it being a short conversation. “I said, ‘okay, got it. Thank you.’ You want to immediately flip it so that Secretary of Defense knows that we alerted his office,” he said.⁴⁸

According to Major General Walker’s account of this call, the Secretary initially stated “‘We’re not doing it,’”⁴⁹ and then left the door open for further discussion. Major General Walker explained: “‘I said, ‘Well, sir, I think you should look at it.’ And then he told me, ‘Well, we’ll talk about it, but we don’t really want to do this, because the look it would give, the military out there interfering.’ . . . He says, ‘Well, we’ll discuss it on Monday.’”⁵⁰

On Sunday, January 3rd, Secretary McCarthy called Chief Contee, who had formally assumed the role of acting head of MPD just the day before.⁵¹

“I thought initially that . . . he is just calling me basically as a rubber stamp to say, . . . ‘You asked for it, you got it.’ . . . It didn’t go that way,” Chief Contee said.⁵² “[H]e had concerns about deploying National Guard for this event. He talked about the optics of the event, having boots on the ground. . . . And I pushed back on that.”⁵³

In his interview with the Select Committee, Secretary McCarthy described evaluating the request on the evening of January 3rd. “I sat at home. I chewed on it,” he said.⁵⁴ “You know, I’m not particularly inclined to support it, because my concern was really we didn’t have a command-and-control architecture in place. We didn’t really have all of the mechanisms to be successful, you know. . . . So it was a very tough decision for me.”⁵⁵

Over five days, from December 31st to January 4th, District officials faced what Major General Walker called “tremendous resistance.”⁵⁶

Both Chief Contee and Director Rodriguez recalled that five-day period on January 6th, when Chief Steven Sund, of the U.S. Capitol Police, was pleading for reinforcements.⁵⁷ Acting Defense Secretary Christopher Miller, “heard through the grapevine that [Secretary McCarthy] was inclined—I don’t want to say inclined to

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disapprove, but, you know, looking at it carefully or whatever. So—but that’s fine. He can do whatever he wants. I knew that I was going to honor [the mayor’s] request”⁵⁸

How close those Guard assets could go to the Capitol became a sticking point. Colonel Craig Hunter, the highest-ranking commander on the ground on January 6th, said the Army “really want[ed] to go through the concept of operations to see, okay, exactly—basically Metro stop by Metro stop, intersection by intersection, to see where will Guardsmen be exactly, you know, how close are you to the Capitol”⁵⁹ He said an initial request by MPD to post Guard troops at the South Capitol Metro station—like all other Metro stations—was denied.⁶⁰ In conference calls that “went back and forth,”⁶¹ Major General Walker was told, “There was a concern about being too close, military uniforms too close to the Capitol.”⁶²

Major General Walker had a different perspective. He saw his people as “citizen soldiers,” “your neighbors that are going to come to your aid and rescue when you need us,”⁶³—not traditional boots on the ground. “[T]hat’s where, to me, the vest came in. This was the National Guard, not the Army,” he said.⁶⁴

Military authorities determined that a geographical boundary would have to be established as a condition of approving the Guard’s deployment to assist MPD. No servicemember could go east of Ninth Street. It wasn’t made explicit to District officials, but they all knew what lay east. “[T]he Capitol is east,” Chief Contee said.⁶⁵ “[I]f you move them anywhere east of Ninth Street, they will be close to the Capitol. That was certainly the way I understood it.”⁶⁶

Director Rodriguez worried “that it constrained our ability to react quickly if the situation got out of hand.”⁶⁷ Without the limitation, the District fully intended to post its resources farther east: “[W]e couldn’t get as close to the Capitol as could have been helpful,” Mayor Bowser said.⁶⁸ “[W]e would have had a broader traffic box.”⁶⁹

Fears of Politicizing the Military in an Antidemocratic Manner

Both Acting Secretary Miller and Secretary McCarthy were sensitive to the sight of troops near the site of the Congressional certification of electoral votes, because of President Trump’s previous expression of interest in using Federal troops in civilian situations. Again, Attorney General Barr and other members of the Trump Administration had resisted President Trump’s desire to deploy such troops. Secretary Esper said it “tended to be the case . . . that the President was inclined to use the military,” contrary to longstanding principles of reserving the armed forces as a last resort.⁷⁰

According to his testimony, Acting Secretary Miller’s express first priority—after being installed with just two months left in the Trump administration—was “to make every effort to return the Department of Defense to a nonpoliticized entity,” because previously, “the Department was being showcased too much.”⁷¹ In testimony to the U.S. House Committee on Oversight and Reform on May 12, 2021, he cited “fears that the President would invoke the Insurrection Act to politicize the military in an antidemocratic manner” as shaping his thinking.⁷² “No such thing was going to occur on my watch,” he wrote,⁷³ later adding that “if I would have put troops on

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Capitol Hill” before the attack and without a request from civil authorities, “that would have been seen as extremely provocative, if not supporting this crazy narrative that the military was going to try to overturn the election.”⁷⁴

Secretary McCarthy felt similar pressure. He had been taken aback when—as he was walking down the Pentagon’s hallways—“one of the most seasoned reporters” asked him whether the Army was planning to seize ballot boxes.⁷⁵ It was “an incredibly tense period,” according to Secretary McCarthy.⁷⁶ As our investigation has demonstrated, President Trump had considered proposals from Lt. General (ret.) Michael Flynn, Sidney Powell, and others that troops be utilized to seize ballot boxes in certain parts of the country.

On December 18, 2020—the same day as the contentious White House meeting with Flynn and others,—Secretary McCarthy issued a statement, “mirror[ing] what General Milley said about a month before,”⁷⁷ reiterating that “There is no role for the U.S. military in determining the outcome of an American election.”⁷⁸ Given the heat of the rhetoric, he thought, “[I]f we don’t say anything, it’s going to scare people.”⁷⁹ Secretary McCarthy told the Select Committee he thought he would be fired after publicly stating that the military would not assist in a coup.⁸⁰ General McConville, who signed the statement alongside Secretary McCarthy’s signature,⁸¹ linked their words directly to the Ninth Street limitation: “[T]here was no plan to put any military anywhere near the Capitol because of what we had said, the military has no role in determining the outcome of elections.”⁸²

On January 1st, Executive Officer to Secretary McCarthy Colonel John Lubas wrote in an internal email that the Secretary “wants to clearly communicate that this request is NOT from the White House.”⁸³ The email noted that the Secretary wanted to “aggressively message” that the request had come from District officials, not the President.⁸⁴

“We wanted everybody to know that, because it would create confusion and even more tension of having soldiers on the street without a request and that they be near the Capitol with certification of an election, a contested election,” Secretary McCarthy said.⁸⁵

On January 3, 2021, 10 former Secretaries of Defense, including the recently fired, former Secretary Esper, published a joint op-ed warning that “[i]nvolving the military in election disputes would cross into dangerous territory.”⁸⁶ Secretary McCarthy had himself worked for five of the 10 secretaries.⁸⁷ “I know all these [men],” he said.⁸⁸ “[T]hey were—everyone was telling us, be very conscious of your actions and how you—you know, what you’re going to do that day. So we wanted to know where every soldier was by street corner.”⁸⁹

Was Secretary McCarthy concerned that President Trump might use the military to cling to power? “There was a lot of talk in the lead-up about martial law . . . and the employment of forces, and you know, that was something that we were all, you know, conscious of.”⁹⁰ Our investigation suggests that those civilian and military officials who had considerable experience working directly with President Trump had genuine concerns about whether he

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would attempt to use the military to change the election results. Again, at this time, there is no evidence the Department of Defense understood exactly what President Trump and his associates planned for January 6th.

“Very Strict on the Use of the Military” on January 6th

By Monday, January 4th, with Secretary McCarthy now backing the operation, Acting Secretary Miller was briefed. He told the Select Committee that he “made the decision right there to honor the request.”²¹ That approval came with strings attached. The role of the DC Guard would be spelled out and tightly circumscribed in a memorandum that, as characterized by General Milley, was “very strict on the use of the military.”²² It decreed that without the Acting Secretary’s “subsequent, personal authorization,” the Guard would not be issued batons, helmets, or body armor; could not interact physically with protestors, except in self-defense; and that the Quick Reaction Force (QRF)—40 servicemembers staged in case of an emergency at Joint Base Andrews in Prince George’s County, Maryland—could be deployed only as a last resort.²³

Above the tactical level, changes in the mission of the Guard had to be approved by the Secretary of the Army and, in some cases—in order to “interact physically with protestors” or be issued batons—required running further up the chain to the Secretary of Defense.²⁴

To District officials, that seemed new—and unnecessary. “[The Secretary told us,] if you send them to any other kind of mission, that has to get approval from me. And I just think that those were unnecessary restrictions . . .” Chief Contee said.²⁵

What the QRF would be called upon to do, even in the case of an emergency, is a matter of debate. The letter and memorandum do not expressly note whether the QRF could be used to support the original mission of the Guard—traffic and crowd control—or a new mission helping contain sudden and out-of-hand civil disturbance.²⁶ The DC Guard official put in charge of the QRF for January 5th and 6th, Lieutenant Colonel David Reinke, said he had not been given much guidance as to their role.²⁷

The Army and the DC Guard appear to have had different understandings. “[T]he intent of the quick reaction force was really to send these troops over to help if they had a problem at one of the traffic command posts,” General McConville said.²⁸ “There never was an intent for a quick reaction force to go to the Capitol . . .”²⁹ According to Army officials, without a con-op and a formal change in mission, the QRF could do traffic control and no more.

That was not how others imagined an emergency unit would or should operate. According to Major General Walker, “a quick reaction force, something’s happening; do I have time to find you and call you and ask you?”¹⁰⁰ He called the preapproval language “highly unusual,”¹⁰¹ particularly as their name “already implied that it’s a last resort,”¹⁰² their intended purpose was if “[u]nexpectedly, you have a spontaneous unrest,”¹⁰³ and if “I need to write a concept of operations for a quick reaction force? They’re no longer quick. It’s just a reaction force.”¹⁰⁴

Capitol Police Board “Prepared” without Guard Help

It wasn’t clear to everyone involved in planning for the events anticipated on January 6th that all agencies, including the Capitol Police, were deploying all their resources ahead of that day. “We had had issues understanding, getting the full picture of U.S. Capitol Police’s operational posture and what their planning was,” Director Rodriguez said.¹⁰⁵

Mayor Bowser was struck when—right before the press briefing that Monday, January 4th—the mayor asked the Capitol Police representative, “[W]here does your perimeter start? [And h]e gets up out of the room, calls somebody. And the next thing I know he can’t participate in the conference.”¹⁰⁶ She elaborated: “[T]hat should have been like a trigger to me. Like these people, they don’t want to answer questions about their preparation.”¹⁰⁷

On the morning of January 3rd, Capitol Police Chief Steven Sund approached two of the members of the Capitol Police Board and purportedly requested—but concededly did not push for—Guard resources for the Capitol.¹⁰⁸ According to Chief Sund, in a minutes long meeting in the office of House Sergeant at Arms Paul Irving, Irving told Chief Sund he did not like the optics of asking for the Guard in advance and that the intelligence did not support it.¹⁰⁹ Chief Sund said he did not push back on either point.¹¹⁰ In fact, he agreed that his reading of the intelligence—despite a forewarning put out by his own intelligence unit that “Congress was itself the target” on January 6th¹¹¹—did not call for Guard support,¹¹² only that having more personnel on his perimeter would make him “more comfortable.”¹¹³ Irving suggested he talk to the Senate Sergeant at Arms, and then-chairman of the Capitol Police Board, Michael Stenger.¹¹⁴ According to Irving, Stenger, in a meeting in his office, asked Chief Sund to reach out to the Guard and find out, if an emergency called for it, “how many people can [the commanding general] give us and how quickly can he give us those people?”¹¹⁵ Chief Sund said he took their responses to mean “no,” despite conceding that he was never told “you cannot have the National Guard” or anything to that effect.¹¹⁶ “It was 100 percent a denial,” he maintained.¹¹⁷

Irving recalled the matter coming up on a three-way phone conference during which “the consensus was that we didn’t need” the Guard.¹¹⁸ He did not consider it a request.¹¹⁹ On the call, Chief Sund noted that the District planned to use the servicemembers to staff intersections, but the Capitol grounds had few of those, and it would not relieve many officers if they were used in a similar fashion.¹²⁰ “It was a combination of operationally the chief didn’t feel that they would add much to his plan, and the intelligence really didn’t speak for anything that we felt would justify the need for them,” Irving said.¹²¹ Irving doesn’t recall taking the “optics” into consideration.¹²² According to Irving, the conversation ended the same way Chief Sund said it had: “Why don’t you just tell them to be on standby?” Stenger suggested.¹²³ It was never brought up again.¹²⁴

The discussion about the use of the Guard remained within the Capitol Police Board and did not reach congressional leadership, including the Speaker of the House. That was normal. “[F]rom a tactical perspective, we would make decisions without the input from congressional leadership,” Irving said.¹²⁵ “I always felt that I had full authority to implement security decisions as I deemed appropriate.”¹²⁶ In fact, when the three men

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briefed congressional leaders on January 5th, Chief Sund conveyed the same optimistic outlook as he had with Major General Walker: “[We told them] we felt we were prepared based on the information we had, yes,” he said.¹²⁷

To keep these exchanges in perspective, we note again that we are aware of no evidence that these individuals were privy to President Trump’s plans to instruct tens of thousands of his supporters to walk down Pennsylvania Avenue to the Capitol to help “take back” their country. Nor were they aware of how President Trump would suggest to his followers that Vice President Pence had the authority to change the outcome of the election, or how President Trump would behave in the hours that followed. Certain members of Congress, including those who met at the White House on December 21, 2020, may have had considerably more insight into President Trump’s planning, but the Committee has no information suggesting that any of those members alerted the Capitol Police or other authorities of President Trump’s plans.

Soldiers Prepare for the Worst in Secret

Guard reinforcements could draw from a pool of three groups already activated for the day: (1) the 40 members making up the QRF, staged in Maryland;¹²⁸ (2) the 90 members at the traffic control points, 24 at the Metro stations, and four as part of the command staff distributed throughout the city—but no farther east than Ninth Street—for a total of 118 representing the first shift;¹²⁹ and (3) the second shift of another 118 members,¹³⁰ preparing at the Armory in Southeast Washington, D.C. for a 3:00 p.m. shift takeover.¹³¹ The Armory also housed a command-and-control squad that handled logistics at about 52 members strong, in addition to a Civil Support Team of about 20 members.¹³² That gave Colonel Hunter a maximum limit of 348 activated servicemembers, eight more than the allotted 340—nearly all of whom reported directly to him on January 6th.¹³³

The QRF was most prepared for responding to sudden and escalating civil unrest. At Joint Base Andrews, they were provisioned with full riot-control kits,¹³⁴ including a helmet with a face shield already attached, protective vest, shin guards, knee guards, shield, and baton.¹³⁵ The head of the QRF—himself provided little guidance on the contours of his mission—had his squad train for civil disturbance on January 5th and the morning of the 6th as they waited.¹³⁶ Not only had they trained, but they trained *together*, as a unit—a benefit military officials all agreed is ideal. Army leadership, all the way up to Secretary McCarthy,¹³⁷ had no idea that Lt. Col. Reinke had taken these initiatives. Secretary McCarthy agreed that had he known of their civil disturbance preparation, “it could have” affected the speed with which approval was ultimately given for their deployment.¹³⁸

As to the second group of available resources—the servicemembers stationed at traffic control points since the early morning of January 6th—Army leadership held misconceptions about what equipment was available to them. Secretary McCarthy had agreed that some gear—expressly not batons—could remain stowed away in vehicle trunks.¹³⁹ Colonel Hunter had his troops put the gear into a white box truck instead and designated a rally point for the truck that would be central to all traffic control points.¹⁴⁰ On the night of January 5th, in anticipation of January 6th, Colonel Hunter had his troops move the civil disturbance gear—including the

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prohibited batons—into the individual vehicles themselves.¹⁴¹ Captain Tarp, the head of the second shift, agreed that they were told to load the equipment into their vehicles “on the down low. Done so it wasn’t visible, so it wouldn’t look like we were escalating [our] role.”¹⁴²

The commanding general of the DC Guard was aware that the troops had all they needed in their trunks and—in the case of an emergency—would not need to return to the Armory to get it: “They already had it,” Major General Walker said.¹⁴³

But Army leadership did not know that. Although General Piatt said “We never asked, like, what was actually—I have no knowledge of what they [actually] had in” the vehicles,¹⁴⁴ the guidance from Secretary McCarthy’s letter led him to believe that “weapons, ammunition, batons, shields, kneepads, other protection that we may be asked to do for civil disturbance, that was not [there]—because they were specifically told they would not participate in that mission”¹⁴⁵ Secretary McCarthy said, “The only thing I authorized General Walker to do was their ballistic helmets and body armor in the vehicle, not their shields or their riot batons.”¹⁴⁶ He figured his orders had been followed.¹⁴⁷ When asked why he was not aware of the moves the Guard had made, Secretary McCarthy said, “I mean, I made a mistake. I think a local unit commander was anticipating more than what potentially we were prepared for.”¹⁴⁸

DC Guard leadership understood that loading this equipment flouted direct orders. “I wasn’t going to have my soldiers unprepared,” Major General Walker said.¹⁴⁹ The prohibition on batons, in particular, had been sent 54 minutes after the Guard had already begun their traffic control shifts on the morning of January 5th.¹⁵⁰

The third group of available resources—the servicemembers awaiting at the Armory to take over as the second shift at the traffic control points—had equipment accessible to them at headquarters. Captain Tarp did note that it took time to ensure that the Armory equipment was in working order: repairing straps that were broken, wiping off dirt on the shields because “they were the same from the George Floyd protests,” and affixing the helmet to the shields, which took upwards of 20 to 30 minutes.¹⁵¹ In the three different locations where the Guard was stationed as the Capitol was being breached, all servicemembers had access to full civil disturbance gear right there with them.

Outside of the QRF, which had recently returned from two days of training together, there is debate as to how ready the rest of the Guard was to engage in civil disturbance response on January 6th. The notion that the military is not primed or naturally skilled to deal with civil disturbance appears to stand in tension with National Guard traditions, training, and doctrine. “They were not missioned, tasked, organized, equipped to do civil disturbance operations,” General Flynn said.¹⁵² Although General Piatt conceded that “[a]ll soldiers are trained in civil disturbance,” he maintained that on “that day we were not postured to do civil disturbance operations.”¹⁵³

Major General Walker—who pointed out that the DC Guard shield, on Guard troop uniforms, features the Capitol building itself: “Protect the Capitol. That’s why Thomas Jefferson created it”¹⁵⁴—called civil

disturbance “foundational” to what they do.¹⁵⁵

DC Ground Commander Takes Initiative

On January 5th, as he led his forces in traffic control, Colonel Hunter did not observe activity that raised concerns.¹⁵⁶ But by the next morning—as thousands of out-of-towners invited by President Trump descended on the nation’s capital—that all changed. “I could see like the Proud Boys,” he said.¹⁵⁷ “I could see different people with Kevlars on, with bulletproof vests on. You know, they’re all kitted up and they’re wearing different patches and colors. And I said, ‘Well, this crowd is definitely different . . .’”¹⁵⁸ This, of course, was an indication of the potential for violence in the hours that followed.

Colonel Hunter, sitting at the intersection of 15th Street and Pennsylvania Avenue, saw crowds flowing past him and his soldiers toward the Capitol—walking as one, chanting as one. “Hey, is it that way to the Capitol? Where’s the Capitol?” some asked.¹⁵⁹ Colonel Hunter got in his car and began writing an update report.¹⁶⁰

He was interrupted by a soldier who had been watching CNN on his phone: “Hey, sir, I think there’s been shots fired at the Capitol.”¹⁶¹ It was then that Colonel Hunter began to put a plan in place for the redeployment of the Guard. “So at that point in my mind I said, ‘Okay, then they will be requesting the DC National Guard now, so we have to move.’”¹⁶² The time was 2:12 p.m.¹⁶³

The first thing he did was designate a rally point for DC Guard reinforcements.¹⁶⁴ Over the radio, he relayed the rally point to all 118 members currently spread across the city doing traffic control, and one by one, in order by their points, they called in to acknowledge where they would go once approval came down.¹⁶⁵ At 2:17 p.m., he called Lt. Col. Reinke, the head of the 40-strong QRF, and ordered his subordinate to “have all of your guys put their gear on and get on the bus.”¹⁶⁶ “In my mind, this is about to happen really fast,” he said.¹⁶⁷ “As soon as I make one call, I will get clearance to go and support. The United States Capitol was breached. I mean, this is unheard of.”¹⁶⁸ Accordingly, he advised Lt. Col. Reinke that, “[W]e will be getting a call soon.”¹⁶⁹

He next tried to find the incident command post. He ran into the Assistant MPD Chief Jeffery Carroll, piled into a car and, sirens flipped on, sped off to U.S. Capitol Police headquarters.¹⁷⁰

Once there, they got into the elevator, and “before the doors even closed,” Assistant Chief Carroll asked him, “How many do you have coming right now?”¹⁷¹ Colonel Hunter said, “I’m working on it. I need to make some calls, but we are—we’re coming . . . And I said, as soon as I start making these calls, I’m going to have so many National Guardsmen just flooding this way. I just need to have the location, have the plan set, be ready to receive them.”¹⁷²

No later than 2:50 p.m., Colonel Hunter had confirmed with Lt. Col. Reinke that the QRF was on the bus and ready.¹⁷³ The highest-ranking Guard official on the ground had sorted out all of the details and linked up with the law enforcement agencies that would lead them in support. At least 135 National Guard servicemembers—the 40 QRF members already in gear and on the bus and the 90 at traffic control posts awaiting word, with gear

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in their trunks to be donned at the rally point, along with four command staff plus Colonel Hunter himself—were ready to go. At 3:10 p.m., Colonel Hunter felt it was time to tell his superiors all that he had done and hopefully get fast approval.¹⁷⁴

3 Hours and 19 Minutes

At the Capitol, MPD Chief Contee was on the West Front, himself inhaling chemical agents—“you can smell it before you see it, felt it in my throat”¹⁷⁵—as officers tried to resist rioters beating back the perimeter, having reached the stage built for the Inauguration set for two weeks later. “[T]he gas stuff and the spray, the mist that’s in the air, I mean, it’s real,” he said.¹⁷⁶ “I’m trying to talk to the Mayor to give her a situational update, and the city administrator—I’ve got them both on the line. I’m coughing, trying to explain what’s going on.”¹⁷⁷ Chief Contee cut through the crowds of people around the Capitol to meet the mayor at MPD headquarters.¹⁷⁸

Chief Sund said he reached out to House Sergeant at Arms Irving at 12:57 or 12:58 p.m., and told him, “We are getting overrun on the West Front by thousands. We need the National Guard now.”¹⁷⁹ Irving recalled the call coming before a break in the electoral certification session just short of 1:30 p.m. and that the Chief said “that conditions were deteriorating outside and he *might* be making a request for the National Guard.”¹⁸⁰ Although Irving was firm in his stance that only the Capitol Police Board had the authority to request National Guard assistance, he nonetheless sought out the chief of staff to the Speaker to inform her of the impending request.¹⁸¹ He did not need her to sign off, but “[a]ny change in security posture, given the time, I would give them a heads-up.”¹⁸²

The Speaker’s chief of staff “immediately scribbled down a note” and went over to inform the Speaker—who was in the chair presiding over the floor debate on the Arizona objections—about the request for the National Guard.¹⁸³ “Absolutely. Go,” Speaker Nancy Pelosi said.¹⁸⁴ Later, as they were evacuating the floor to an undisclosed location, the Speaker asked her, “Is the National Guard coming?”¹⁸⁵ The Speaker’s chief of staff said, “Yes, we asked them.”¹⁸⁶

Irving said the formal request for Guard assistance came in a call after 2 p.m. from Chief Sund “and, of course, we said absolutely.”¹⁸⁷ Chief Sund said he had made the request in that earlier 12:57 or 12:58 call and had been waiting for 71 minutes.¹⁸⁸ “I hung up the phone. I yelled across the command center, [‘]M]ark the time, 2:10, I finally got approval from the Capitol Police Board for the use of the National Guard,’” Chief Sund said.¹⁸⁹

At around 2:30 p.m., Director Rodriguez patched Chief Contee—and a largely silent Mayor Bowser listening in¹⁹⁰—into the conference call with Chief Sund and Major General Walker, who brought in General Piatt.¹⁹¹ Major General Walker ordered his aide-de-camp on his second day on the job, Lt. Timothy Nick, to take handwritten notes of the call and the rest of the day.¹⁹²

On the line at the Pentagon—gathered around the speaker of the Secretary of the Army’s desk phone—were General Piatt, General McConville, and Secretary McCarthy.¹⁹³ According to Secretary McCarthy, it was during

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the call that he learned the Capitol had been breached,¹²⁴ watching it unfold in real time on television.¹²⁵ He didn't recall hearing Chief Sund's voice on the call, but said "we were trying to get . . . what we call the operational sight picture. What is going on? How big is the crowd? How violent is the crowd? . . . They started laying out really the—just how bad it was."¹²⁶ Secretary McCarthy resolved to run to the office of Acting Secretary of Defense Miller, leaving behind instructions to General Piatt to "find out the requirements," as he was "going to get the authority."¹²⁷ "[W]e go zipping down there," General McConville said.¹²⁸ As they were leaving, General Flynn showed up.¹²⁹

General Flynn said, "when I came by the phone," he "heard voices screaming on the end."²⁰⁰ He called the tones of their voices as "chaotic"²⁰¹ and that "[y]ou couldn't tell who was talking sometimes."²⁰² Chief Sund was pleading for help. "I want to say he even used the word, like, 'I am pleading,'" Chief Contee said.²⁰³ Col. Matthews, listening in beside Major General Walker, said of Chief Sund: "His voice was cracking. He was almost crying."²⁰⁴

According to Chief Contee, the reaction to his pleas was "tepid."²⁰⁵ "It was a very sluggish response," Chief Contee said.²⁰⁶ "I remember just, you know, with all that was going on, not hearing a 'yes,' you know, just . . . what I would in my mind qualify as, like, excuses and not decisive action. . . . I was hearing, like, all the reasons, you know, why we shouldn't be doing this."²⁰⁷ Director Rodriguez called it a "kind of bureaucratic" response in the midst of "a rapidly evolving situation where literally the Capitol was being overrun."²⁰⁸ He added: "I don't want to use the word disinterested, but more just, 'let's just hold on. Let's just wait. Let's just kind of calm down for a second while literally Rome is burning.'"²⁰⁹

For his part, General Flynn depicted General Piatt—the main interlocutor—as "the calming voice in an otherwise chaotic situation."²¹⁰ General McConville agreed: "I talked to some of my staff, and they said that General Piatt did an incredible job. He was like the—you know, in a very calm [voice], just saying, 'let's just settle . . .'"²¹¹

But Major General Walker said he "just couldn't believe nobody was saying: 'Hey, go.'"²¹² He asked the generals on the other line, "'Aren't you watching the news? Can't you see what's going on? We need to get there.' And [I was] cognizant of the fact that I'm talking to senior . . . people, but I could see what was happening . . ."²¹³ Chief Sund was "perplexed" and "dumbfounded."²¹⁴ "It wasn't what I expected of, yeah, the cavalry's coming. It was a bunch of, round-the-house, oh, hey, let's do this, let's do that," he said.²¹⁵ "I was borderline getting pretty pissed off."²¹⁶

Many participants on the call say General Piatt's stated concern was the optics of sending troops to the site of a democratic process.

"[T]he infamous talk about optics. That came up again. There was talk about boots on the ground again. You know, that's not good optics, having boots on the ground," Chief Contee said.²¹⁷ He recalled how Secretary McCarthy had vocalized the same hesitance during the five-day deliberation preceding January 6th.²¹⁸

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Director Rodriguez believed General Piatt replied to the request by saying, “[W]e don’t like the optics of having military personnel at the Capitol against peaceful protesters.”²¹⁹

He recalls Chief Contee replying bluntly, “[W]ell, they’re not peaceful anymore.”²²⁰

Major General Walker heard one of the Army generals say it “wouldn’t be their best military advice or guidance to suggest to the Secretary that we have uniformed presence at the Capitol.”²²¹ He added: “They were concerned about how it would look, the optics.”²²² Chief Sund heard the general use the word twice.²²³ “General Piatt said—and I will never forget this—‘Yeah, I don’t know. I’m concerned about the optics of the National Guard standing a line with the Capitol in the background,’” Chief Sund said.²²⁴ “[M]y officers are getting beaten, and they’re worried about the optics of the National Guard.”²²⁵

Although General Piatt denies explicitly using the word “optics”—“I don’t recall ever saying that word on that phone call, because at the time it just wasn’t important”²²⁶—he agreed that he said use of the Guard was “not my best military judgment or my best military advice.”²²⁷ He said he “made a couple of suggestions that were not well-received,”²²⁸ including “if there was any other facility where we could go and relieve police. . . I think they took that as I was saying no, because they immediately came back and said, you’re denying our request.”²²⁹

General McConville—who wasn’t present at the time—said he talked to people in the room about the use of the word “optics,” and “some people said, ‘No, it wasn’t said.’ And then some people said it was said.”²³⁰ Nonetheless, the sentiment behind it should not be a particularly controversial one, according to General McConville. “People like to use optics—I’m going to stay away because that’s a political term in my eyes. But what type of signature do you want on the streets in Washington, DC? Do you want a police signature? Do you want a military signature? Do you want a Federal signature?” he said.²³¹ “[T]hat creates a reaction from the American people, and we need to think our way through that . . .”²³²

On the call, talk of needing a plan—the so-called con-op that had been a lesson learned from the summer—emerged. “[A]fter the optics, . . . then it was, you know, they wanted, like, specific information. There was something they were talking about, like, mission and . . . what exactly they’re going to be doing when they get there,” Chief Contee said.²³³ Before running off, Secretary McCarthy had instructed General McConville to put together a plan: “My charter, my direction from him is to get a plan. We’re gonna support; I just wanted to get something to support with.”²³⁴ But he acknowledged the impression nonetheless remained that he was “denying or pushing back.”²³⁵

That impression was made explicit: “They said three times to me clearly, ‘You’re denying my request,’” General Piatt said.²³⁶

Chief Contee interrupted “Chief Sund mid-sentence” and said, “Wait a minute. Hold up. Let me make sure that I understand this correctly . . . [A]re you asking for support from the National Guard at the U.S. Capitol?”²³⁷

Chief Sund said, “Yes.”²³⁸

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Chief Contee then addressed the Army generals: “‘Are you guys honoring his request?’ I asked them that. And they didn’t say ‘no,’ but they also didn’t say ‘yes.’”²³⁹ Chief Sund recalled it the same way.²⁴⁰

General Piatt said he was “clear in my response, ‘I don’t have any authority to deny or approve. The Secretary is getting approval.’”²⁴¹

“[T]he third time when they said, ‘You’re denying our request,’ they also said, ‘And we’re going to go to the media,’” General Piatt said.²⁴² “[W]e were desperate. Everyone was desperate. So I’m not angry at that, but I just knew it wasn’t helpful, so we told that to Secretary McCarthy.”²⁴³

As for the threat to go public, Major General Walker said, “I remember that very clearly.”²⁴⁴ According to him, after the generals would not say yes or no, “Chief Contee says: ‘I’m going to call the mayor and ask her to have a press conference saying that the Army is not going to allow the DC Guard to come and support.’”²⁴⁵ General Piatt reportedly replied, “Please don’t do that. I don’t have the authority to authorize the National Guard to go. So please don’t do that. Please don’t hold the press conference.”²⁴⁶ Chief Contee doesn’t recall saying that.²⁴⁷ Mayor Bowser doesn’t know if she was still on the line when the remark was made, but “it was certainly going to be something that I would do.”²⁴⁸

In the end, “the call sort of ended very abruptly, . . .”²⁴⁹ The DC head of homeland security and emergency management left the call thinking “that help was not coming, and—at least [not] from the National Guard.”²⁵⁰ That was Chief Sund’s belief, too. “[I]f a general says his troops are not coming, his troops aren’t coming,” he said.²⁵¹

Before the call ended, General Flynn set up a video-conferencing bridge. General Piatt explained to the Select Committee that this was meant “to get the principals and the team together to start making a plan.”²⁵² But Major General Walker—under whom “it was actually written . . . would maintain control of National Guard forces”²⁵³—said he was not privy to any planning while on the call.

“We were just told to hold,” he said.²⁵⁴

How long did Major General Walker hold?

“Three hours and 19 minutes,” he said.²⁵⁵

Major General Walker told the Select Committee regarding what occurred during this time. “[W]e all thought, it’s in a minute, we’re going to be told to go, in a minute. Then 5 minutes, then 10 minutes, then 15 minutes. We kept thinking, any minute now, somebody is going to say ‘go,’” he said.²⁵⁶ “And then an hour went by, then more time went by . . . But we never thought it would take that long.”²⁵⁷ Col. Matthews confirmed that there were periods on the call when no one was talking.²⁵⁸ At times, there was talk of securing buildings other than the Capitol.²⁵⁹ He called the open channel essentially “a general officer chat line.”²⁶⁰

What did Major General Walker think was happening in those 3 hours and 19 minutes?

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“Delay.”²⁶¹

An Absent Commander-in-Chief

Vice President Mike Pence called several times to check in on the delayed response of the Guard. President Trump did not.

Vice President Pence called Acting Secretary Miller at least two times.²⁶² “He was very animated, and he issued very explicit, very direct, unambiguous orders. There was no question about that,” General Milley said.²⁶³ “And he said, ‘Get the National Guard down here. Get them down here now, and clear the Capitol.’ You know, and this is the Vice President of the United States. And there was other forceful language.”²⁶⁴

Acting Secretary Miller clarified that “he did not order me,” as “he’s not in the chain of command,” but he considered the talk with the Vice President “[h]yper professional” and “[v]ery focused,” in which the secretary “highlighted that District of Columbia National Guard . . . was activated, and we were throwing every asset we could marshal to support law enforcement.”²⁶⁵

In contrast, according to General Milley, Chief of Staff Meadows called and said, “‘We have to kill the narrative that the Vice President is making all the decisions. We need to establish the narrative, you know, that the President is still in charge and that things are steady or stable,’ or words to that effect. I immediately interpreted that as politics, politics, politics.”²⁶⁶

President Trump himself did not call. As reports of Departments of Defense denials and delay were echoing in the media, no high-level Defense official—including Secretaries Miller²⁶⁷ and McCarthy²⁶⁸—received a call from him that day.²⁶⁹ At the time, General Milley thought that was “absolutely . . . highly unusual.”²⁷⁰

“[Y]ou’re the Commander in Chief. You’ve got an assault going on on the Capitol of the United States of America, and there’s nothing? No call? Nothing? Zero?” he said.²⁷¹ “I grew up in an organization where commanders are responsible and take charge and they see situations unfolding and they issue orders and take charge.”²⁷²

On January 3rd, at the end of a national security meeting concerning a foreign threat, the President asked “in passing” about January 6th preparations.²⁷³ Acting Secretary Miller informed him they would be fulfilling Mayor Bowser’s request for DC Guard support.²⁷⁴ From then on, if not earlier, the secretary “felt like I had all the authorities I needed and did not need to discuss anything with the President regarding authorities.”²⁷⁵ The conversation lasted all of 30 seconds to a minute.²⁷⁶ Secretary Miller testified that he never received any order at any time from President Trump to deploy the National Guard on January 6th. “There was no direct—there was no order from the President,” he said.²⁷⁷

On January 5th, as demonstrators rallied in support of the President, Acting Secretary Miller received a call from the commander-in-chief.²⁷⁸ The President asked him if he was watching the events on television.²⁷⁹ The

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secretary told him he had caught some of the coverage.²⁸⁰

Unprompted, President Trump then said, “You’re going to need 10,000 people” the following day, as in troops.²⁸¹ An email sent by Chief of Staff Meadows on January 5th explicitly noted that the DC Guard would be on hand to “protect pro Trump people.”²⁸² The President and his staff appeared to be aware of the likelihood of violence on the day the election certification of his loss was slated to transpire. This communication from President Trump contemplated that the Guard could support and secure the safety of Trump supporters, not protect the Capitol. At that time, Secretary Miller apparently had no information on what President Trump planned for January 6th.

Acting Secretary Miller thought the 10,000 number was astronomical—“we expected 35,000 protesters . . . [and] even if there were more protesters than expected, [we thought] that local law enforcement could handle it”²⁸³—but, again, this was “no order from the President,” just “President Trump banter that you all are familiar with.”²⁸⁴

Parallel Plans in the Midst of Crisis

While the Army and the District engaged in the “heated”²⁸⁵ 2:30 p.m. phone call, Secretary McCarthy was hurrying down the Pentagon hallways to Acting Secretary Miller’s office. General Milley had been summoned there before Secretary McCarthy arrived with General McConville in tow,²⁸⁶ “running down the hall, and he was actually winded when he showed up . . .”²⁸⁷

The next half hour was spent in “a quick, rapid fire meeting, [with] lots of quick questions.”²⁸⁸ Secretary McCarthy—out of breath—said he started by saying, “We’ve got to go. We’ve got to get something—we’ve got to put every capability we can up there.”²⁸⁹ The response he received was, “They were all kind of, like, ‘Slow down. What’s going on?’ They wanted to get a sense of the situation.”²⁹⁰ Secretary McCarthy said it took about 15 to 20 minutes to “relay this,” “laying out what I thought we needed to do.”²⁹¹

By 3:04 p.m., Acting Secretary Miller said he approved deployment of the DC Guard to assist law enforcement at the Capitol at that time.²⁹² Acting Secretary Miller did not understand why Major General Walker—if he felt the exigency demanded it—did not deploy troops as soon as his 3 p.m. order allowed it. “Why didn’t he launch them? I’d love to know,” he said.²⁹³

Secretary McCarthy agreed “*that’s where we may have talked past each other in his office*,” because Secretary McCarthy thought he “had the authority as the Secretary of the Army” to conduct a mission analysis and send troops at *his* discretion, not that of Major General Walker.²⁹⁴

Major General Walker himself understood he had to wait for approval from Secretary McCarthy to deploy his forces. *But as he waited on that video call for hours, he did strongly consider sending them anyway.* He turned to his lawyer and said, “Hey, you know what? You know, we’re going to go, and I’m just going to shoulder the responsibility.”²⁹⁵ According to Major General Walker, his lawyer responded, “What if you get sued?”²⁹⁶

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Colonel Mathews, that lawyer, “told him not to do that. Just hold on.”²⁹⁷ The Guard officials located with Major General Walker at the Armory all say he seriously contemplated aloud the possibility of breaking with the chain of command.

“Should we just deploy now and resign tomorrow?” was how Lieutenant Nick recalled Major General Walker bluntly putting it.²⁹⁸

“I would have done just that,” Major General Walker said, “but not for those two letters”²⁹⁹ from his superiors curtailing Guard redeployment.³⁰⁰

The man who signed one of the letters, however—himself a former member of the DC Guard³⁰¹—now says Major General Walker should have moved forward regardless of whether he had proper authorization.

“I’ve launched QRF without approval more than once,” Acting Secretary Miller said.³⁰² “If you’re the person on the ground in the Army, and you realize that there’s something that is unpredictable or unexpected and you have the ability to influence it, the culture, the training, the education, the expectation of you, the American people, is that you will execute and do what you can, even if it costs you your job.”³⁰³

After authorization at 3:04 p.m., Secretary McCarthy said he gave Major General Walker a call. He told him to “[m]obilize the entire Guard, bring everybody in. . . . And I said, you know, move the QRF to the armory and get as many people as you can to the armory and configure them in a minimum of riot gear and batons. And then we’re going to do a mission analysis of what we need to do with the police”³⁰⁴ Major General Walker “categorically denies” that any such call took place.³⁰⁵ In fact, Major General Walker said the two men did not talk at all until much later that night.³⁰⁶ “Here’s the bottom line. The Secretary was unavailable to me, and he never called me,” Major General Walker said.³⁰⁷

Beginning around 3:00 p.m., 25 minutes of Secretary McCarthy’s time was spent reassuring members of Congress that the Guard was indeed coming,³⁰⁸ although he had not yet conveyed the order. That was time unspent on facilitating their actual coming. In addition to the alleged threat on the 2:30 p.m. call, a media tweet had gone out at 2:55 p.m. declaring that the Department of Defense had denied requests for Guard support.³⁰⁹

By 3:45 p.m., Secretary McCarthy was done with his calls and—after picking up some things from his office—headed down to the MPD headquarters to draft a con-op beside law enforcement.³¹⁰ Acting Secretary Miller arrived at 4:10 p.m.³¹¹

While he was waiting, Colonel Hunter decided he would keep the first shift handling traffic control out at their posts in case they were needed for re-mission by the MPD, relying instead only on the QRF and the second shift at the Armory to respond to the Capitol.³¹² Those servicemembers ended up manning their traffic control posts up to 20 hours straight.³¹³ Army leadership never found out that the servicemembers at the traffic control posts didn’t end up responding to the Capitol that night, incorrectly crediting some of the Guard’s delay that day to their travel time.³¹⁴

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By 3:50 p.m., the QRF had arrived at the Armory, bringing their own equipment, given no new information upon making the extra pit stop there instead of the Capitol.³¹⁵ They were ready to go, steeped in “a lot of nerves.”³¹⁶ The second shift of servicemembers originally missioned for traffic control had been told as early as 2:30 p.m. to expect a switch in mission to handling civil disturbance.³¹⁷ They rushed to gear up and prepare, but it was a lot of “hurry up and wait.”³¹⁸ Not long afterward, “we’re all ready. Now we’re all donned. So go sit on the bleachers and wait. . . We were in a tight holding pattern until the time to deploy.”³¹⁹

At around the same time, at 3:49 p.m., Speaker Pelosi is heard in video footage from that day urging Acting Secretary Miller to hurry.

“Just pretend for a moment this was the Pentagon or the White House or some other entity that was under siege,” she told him over the phone while she—and the rest of the Congressional leadership—were huddled in a secure location.³²⁰ “Just get them there!”³²¹

When Secretary McCarthy arrived at MPD headquarters, he joined Chief Contee, his Army Operations Director Brigadier General Chris LaNeve, and Assistant Chief Carroll by phone.³²²

In the next 20 minutes, Secretary McCarthy developed a con-op.

As Secretary McCarthy had decided after the summer, crafting a strategy was his job—“I was doing it with the Mayor, the police chief, and the deputy director of the FBI, my counterparts, and then ultimately wanted to understand what our role would be, the conditions”—and afterward, “we turned to [Major General Walker] to work the tactical details for that.”³²³

But Major General Walker said, “If I need you to tell me how to execute a civil disturbance mission,” he “[s]hould relieve me. Should fire me.”³²⁴

It wasn’t until later, post-January 6th, that Major General Walker said he found out that Secretary McCarthy, his boss, had been putting together a con-op—without him. “Then later they said they had to put together a plan for me to execute . . . which I found kind of disturbing,” Major General Walker said.³²⁵ “You’re coming up with a plan without me being involved in the plan?”³²⁶

General McConville agreed that “usually[,] the Secretary of Army is not developing concepts for the employment, but because of the situation that wasn’t done,” so the secretary had to fill in the gap.³²⁷ That, of course—given the preparations Colonel Hunter had laid out hours earlier—was not true. But Secretary McCarthy did not know that.³²⁸

He said Major General Walker never told him about how Colonel Hunter had prepared and that it was his responsibility to tell him.³²⁹ “I don’t talk to troop lead commanders, no,” he said.³³⁰

Ultimately, no plan from Army leaders—strategic or tactical—made it to the troops.

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“[I]f they came up with a plan, they never shared it with us,” Major General Walker said.³³¹ *“They claim they were putting a plan together. That’s what took so long. I never saw a plan from the Department of Defense or the Department of the Army.”*³³²

Colonel Hunter agreed that “[n]o one ever told me, because I already had the plan there, and no one ever informed me that there was a different plan or a different [con-op].”³³³ He said to the extent a “hasty plan” was put into action on January 6th, it was his: “I created the concept of operation.”³³⁴ He added: “The [plan] that was actually used as far as which lot they would come into, who would meet them at the lot, and then who would lead them over to the Capitol. That was between myself and MPD and Capitol Police.”³³⁵

After hours of wait, Major General Walker said, “The plan was executed just like we said it would be [from the start], get to the Capitol, take direction from the ranking police officers there . . . to help restore order.”³³⁶ Colonel Hunter passed the details of his hasty plan onto Lt. Col. Reinke—the highest ranking officer at the rally point—letting him know, “Hey, when you pull into this lot, they will meet you there. This is who is—you know, you’re going with these personnel,” exactly what Secretary McCarthy had just spent 20 minutes putting together.³³⁷

Although Lt. Col. Reinke said his QRF servicemembers were given rules of engagement before arriving at the rally point, he was not told more than report to Capitol Police and supplement and assist them.³³⁸

Captain Tarp, outranked by Lt. Col. Reinke but in charge of the second shift, was merely told by Brigadier General Ryan: “‘You need to act like there’s a fire now. You’re going to [the] Capitol.’ Those were his directions.”³³⁹

After an hour and a half spent in calls, travel, and making plans, Secretary McCarthy was prepared to green light the deployment of the Guard at 4:35 p.m. But miscommunication led to another half-hour delay.

Secretary McCarthy relayed the “go” order to Major General Walker—with his subordinate Brigadier General LaNeve serving as the intermediary—in a conversation Major General Walker said never happened.

According to Secretary McCarthy, Brigadier General LaNeve “wasn’t a junior aide.”³⁴⁰ In his role, “he can speak, once given the authority, delegated authority to speak as the Sec Army . . .”³⁴¹ He said that the first-star officer “was standing next to me,”³⁴² and General Piatt said that it was generally “not uncommon” for him to ask his staff to “transmit [the] communication from the Secretary to General Walker.”³⁴³

For his part, Brigadier General LaNeve denies that he himself conveyed the “go” order.³⁴⁴ He said he spoke with Major General Walker first at 4:25 p.m. to tell him that his forces should, “Get on the bus, do not leave.”³⁴⁵ On a second call at 4:35 p.m., Brigadier General LaNeve said he overheard Secretary McCarthy himself convey the “go” order to Major General Walker: He said something “to the effect of ‘You’re approved to provide support.’”³⁴⁶ Secretary McCarthy, on his part, said he never spoke a word.³⁴⁷

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Brigadier General LaNeve said the secretary then again handed him the phone to convey the details of “where to go and what officer to meet up with.”³⁴⁸ Those two details would be the full extent of the “con-op” allegedly communicated to Major General Walker.³⁴⁹ He even recalled Major General Walker saying, “Roger,” to acknowledge the plan.³⁵⁰ But, Brigadier General LaNeve said, there was “mass confusion in that room,” and he agreed that “[t]here were huge communications problems.”³⁵¹

Major General Walker said there was no such call, nor any like it.³⁵² He said he remained on the video conference line the whole time “with everybody else,” he said.³⁵³ He said he would not have taken an order from Brigadier General LaNeve anyhow. “[W]hy would I ever take directions from General LaNeve? Anybody? Brigadier General LaNeve, one-star,” Major General Walker said.³⁵⁴ “I mean, he’s not a peer, it wouldn’t be somebody that would convey that type of message to me. . . . So my thinking wouldn’t have been that he would have been speaking on behalf of the Secretary.”³⁵⁵

Although his staff confirms they didn’t see him field a call from Secretary McCarthy or Brigadier General LaNeve,³⁵⁶ including never seeing him leave their conference room,³⁵⁷ Major General Walker’s own note taker appears to have jotted down at 4:37 p.m. the following: “advised to sent [sic] 150 to establish D st / 1st outer perimeter, General LaNeve,” beside what appears to be his phone number.³⁵⁸ That address is the rally point Secretary McCarthy had asked General LaNeve to convey, the same one Colonel Hunter and law enforcement had already chosen earlier. Major General Walker said, “the only way [Lt. Nick] could have got it was listening to the VTC, which I was on.”³⁵⁹ He further said, “I never saw General LaNeve on the [video teleconference]. . . . I didn’t hear General LaNeve’s voice.”³⁶⁰ Lt. Nick said he had it penned at much later—at 5:09 p.m.—“as the time they received the orders” to deploy.³⁶¹

Major General Walker certainly did not *act* as if he had been given authority until, fortuitously, General McConville—who had heard about the 4:35 p.m. call—walked by the teleconference screen and was “surprised” to see the commanding general sitting idly at 5:09 p.m.³⁶²

Major General Walker agreed the first time he heard he had the authority was from the lips of the general: “General McConville came back into the call and said, Hey, you’re a go.”³⁶³

Lt. Col. Reinke’s QRF and Captain Tarp’s second shift got on the bus at 5:10 p.m.³⁶⁴ They left at 5:15 p.m.³⁶⁵ Lt. Col. Reinke said they didn’t arrive at the Capitol Police parking lot until 5:55 p.m.,³⁶⁶ although official timing from the Army and Department of Defense put their arrival time at 5:40 p.m. and from the DC Guard at 5:20 p.m.³⁶⁷ At the earliest, the troops arrived in the vicinity of the Capitol grounds at 5:29 p.m., when Lt. Col. Reinke texted Colonel Hunter: “Apparently we pulled into the wrong lot, trying to reroute to LOT 16 now.”³⁶⁸ He said they sat around for 20 minutes once they arrived, and then were sworn in, before relieving an entire line of officers.³⁶⁹ Captain Tarp said they remained idle for 45 minutes waiting for Capitol Police to come “bus by bus to swear-in the officers. It was a long wait. Frustrating—we’re sitting a mile from where we[re] going.”³⁷⁰

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Captain Tarp said, “By the time we got there, we were just holding back the people who remained past the curfew.”³⁷¹ The height of the riot had passed.

Colonel Hunter estimated that—had his preparations been approved—the DC Guard could have arrived as early as an hour and a half earlier than they did.

“Within one hour, I’d say I could’ve had 135. So the [about 40] coming from Joint Base Andrews, if they would’ve headed directly to me at the Capitol, and then the 90 I had on the street and the 4 that were—including myself,” he said.³⁷² “[S]o I arrived at the Capitol at 3:10. So, if I would’ve recalled everyone by 3:30, 3:40, we could’ve been—had gear on and walking towards the Capitol.”³⁷³

He further stated: “I would give them another hour. So by 4:40 I should’ve had at least 250 coming from the Armory . . . That includes the second shift as well as full-timers.”³⁷⁴

Presented with the plans Colonel Hunter had set in motion and the easy accessibility of their equipment, neither of which he had known about at the time, Secretary McCarthy conceded “you could have shaved minutes,”³⁷⁵ and the speed of deployment “could have” been pushed up, but “[i]t depends.”³⁷⁶

When the Guard finally arrived at the Capitol, “pretty much all the other fighting, per se, had stopped on the Capitol complex,” according to Robert Glover, head of the MPD Special Operations Division.³⁷⁷ Then-Inspector Glover received the Guard troops when they arrived.³⁷⁸ “[T]he bus just kind of showed up. It was my decision at that point, looking at their numbers and their capabilities at that moment in time and what was the most pressing activity—and that was to make the arrests,” he said.³⁷⁹ He had them create a secure “prisoner cordon” where they could stand guard as arrested individuals waited transport to jail.³⁸⁰ “They were the freshest personnel that we had at that moment in time. And, again, they didn’t have any significant numbers to really do much else at that moment in time either,” he said.³⁸¹ “[T]heir orders were basically, support us in whatever we told them to do . . .”³⁸²

Secretary McCarthy said that it was possible that DOD and DC National Guard leaders had simply not been coordinating their planning.³⁸³ He acknowledged that “a lot of things were probably missed. It was tremendously confusing,”³⁸⁴ and “that makes for a messy response.”³⁸⁵

No one within the Department of Defense, Army, or Guard leveled accusations of an intentional delay. “I didn’t see anybody trying to throw sand in the gearbox and slow things down,” General Milley said.³⁸⁶

Major General Walker said the Army’s reluctance to approve National Guard assistance to the Mayor during the planning for the anticipated January 6th events continued through January 6th itself.³⁸⁷ “I don’t know where the decision paralysis came from, but it was clearly there. The decision paralysis, decision avoidance,” he said.³⁸⁸

CONCLUSION

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Former President Trump's eagerness to engage the U.S. military to play a visible role in addressing domestic unrest during the late spring and summer of 2020 does appear to have prompted senior military leadership to take precautions, in preparing for the joint session, against the possibility that the DC Guard might be ordered to deploy for an improper purpose. Those precautions seem to have been prudential as much as legal in nature.

What that entailed in the unprecedented circumstances of the January 6th attack on the Capitol is, however, harder to accept: a 3 hour and 19 minute lag-time in making a relatively small, but riot-trained and highly capable military unit available to conduct one of its statutory support missions.

While the delay seems unnecessary and unacceptable, it was the byproduct of military processes, institutional caution, and a revised deployment approval process. We have no evidence that the delay was intentional. Likewise, it appears that none of the individuals involved understood what President Trump planned for January 6th, and how he would behave during the violence. Imperfect inter-government and intra-military communications as the January 6th rally morphed, with President Trump's active encouragement, into a full-blown riot at the Capitol also help explain the time it took to deploy Guard troops to the Capitol after their assistance there was requested and approved. Post-hoc evaluation of real-time communications during an unprecedented and evolving crisis and limited tactical intelligence, nevertheless, carries the risk of a precision that was unrealistic at the time. It is also clear from testimony provided to the Select Committee that DoD and DC National Guard leaders have differing perspectives that are not reconcilable regarding the timing of deployment authorization.

Where the DC Guard's deployment on January 6th is concerned, then, the "lessons learned" at this juncture include: careful evaluation on the basis of limited information may take time; statutorily constrained intergovernmental requests for assistance and multi-level approval processes are complex and may be time-consuming; any visible military presence in the domestic setting is circumscribed by law and triggers considerable, constitutionally-driven sensitivities; and crisis communications are often imperfect, especially in unforeseen and rapidly evolving situations.

ENDNOTES

1. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 8.
2. DC Code § 49-409, ("The President of the United States shall be the Commander-in-Chief of the militia of the District of Columbia."), available at <https://code.dccouncil.gov/us/dc/council/code/sections/49-409> (The DC National Guard is the "organized militia" of the District of Columbia, DC Code § 49-406, available at <https://code.dccouncil.gov/us/dc/council/code/sections/49-406>). Subject to that top-level command distinction, the DC National Guard is, when acting in its civil support or militia capacity, comparable to the National Guard of the various States, which act as those States' militias. 32 U.S.C. §101(4) ("Army National Guard" statutorily defined as "that part of the organized militia of the several States . . . and the

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District of Columbia . . ."). The Department of Justice's Office of Legal Counsel has interpreted the DC Code provisions authorizing the DC National Guard's use as a militia in support of DC law enforcement activities as within the exemptions from the Posse Comitatus Act's prohibitions on use of the military for domestic law enforcement (18 U.S.C. § 1385 ("Whoever, except in cases and under conditions expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined . . . or imprisoned . . .")). *See* Memorandum Opinion, "Use of the National Guard to Support Drug Interdiction Efforts in the District of Columbia," 13 Op. O.L.C. 91, 92, 93, 97 (Apr. 4, 1989), available at <https://www.justice.gov/olc/opinions-volume> (Posse Comitatus Act, 18 U.S.C. § 1385, does not prohibit use of DC National Guard as a militia in support of DC Metropolitan Police Department). The President also has authority to mobilize the National Guard, which is a reserve component of the U.S. armed forces, to active duty (10 U.S.C. §12301 et seq.), and may "federalize" any National Guard unit to assist in addressing insurrection (10 U.S.C. §§251-253), invasion, or rebellion and to give effect to Federal law (10 U.S.C. §12406). The President did not exercise those authorities on January 6, 2021. The DC National Guard operated that day as the DC militia, in its civil support and law enforcement assistance capacity under the separate authorities noted above. *See also*, Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 8.

3. Executive Order 11485, 34 F.R. 15411, § 1, (Oct. 1, 1969), available at <https://www.federalregister.gov/documents/search?conditions%5Bterm%5D=34+f.r.15411#> ("The Commanding General of the [DC] National Guard shall report to the Secretary of Defense or to an official of the Department of Defense designated by the Secretary . . ."). The Secretary of Defense exercises command authority over the "military operations, including training, parades and other duty" of the DC National Guard while in its non-federalized militia status, through the Commanding General of the DC National Guard. *Id.* Executive Order 11485 reserves appointment of the Commanding General of the DC National Guard to the President (*i.e.*, does not delegate that authority to the Secretary of Defense or the Secretary's designee). *Id.*, at §§ 1, 3. That Executive Order also specifies that, "[s]ubject to the direction of the President as Commander-in-Chief, the Secretary [of Defense] may order out the [DC] National Guard . . . to aid the civil authorities . . . of the District of Columbia." *Id.*, at § 1. Under a longstanding Congressional authorization, the Mayor of the District of Columbia may request that the Commander-in-Chief (now, by the President's delegation, the Secretary of Defense), direct the National Guard to assist in suppressing "violence to persons or property" or "force or violence to break and resist the laws," including when "tumult, riot or mob is threatened." DC Code §49-103 ("Suppression of riots"), available at <https://code.dccouncil.gov/us/dc/council/code/sections/49-103>. *See also*, Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 104.

4. Memorandum, Secretary of Defense to Secretary of the Army and Secretary of the Air Force, "Supervision and Control of the National Guard of the District of Columbia," (Oct. 10, 1969), ¶ 3. That memorandum is

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available as an attachment to the Secretary of Defense Lloyd Austin's December 30, 2021 memorandum modifying that 1969 delegation: "Effective immediately, the Secretary of Defense is the approval authority for DC Government requests for the DCNG to provide law enforcement support" to the District of Columbia if the support is to be provided within 48 hours of the request or if acceding to the request would require the DC National Guard to engage directly in civilian law enforcement activities, including "crowd control, traffic control, search, seizure, arrest, or temporary detention." Memorandum, Secretary of Defense for Secretary of the Army, "Authority to Approve District of Columbia Government Requests for District of Columbia National Guard Support Assistance," (Dec. 30, 2021), available at <https://www.airandspaceforces.com/austin-streamlines-authority-to-deploy-dc-national-guard>. *See also*, Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 104.

5. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 10.
6. George Floyd was murdered on Monday, May 25, 2020. *See* Catherine Thorbecke, "Derek Chauvin Had His Knee on George Floyd's Neck for Nearly 9 Minutes, Complaint Says," ABC News, (May 29, 2020)), available at <https://abcnews.go.com/US/derek-chauvin-knee-george-floyds-neck-minutes-complaint/story?id=70961042>. Over the ensuing days, weeks, and months, Americans demonstrated in cities across the country. *See* Major Cities Chiefs Association Intelligence Commanders Group, Report on the 2020 Protests & Civil Unrest (Oct. 2020) at p. 8, Fig. 6, <https://majorcitieschiefs.com/wp-content/uploads/2021/01/MCCA-Report-on-the-2020-Protest-and-Civil-Unrest.pdf>.
7. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Apr. 21, 2022), p. 5.
8. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Apr. 21, 2022), p. 8.
9. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 66.
10. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 66.
11. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2021), pp. 67-68 ("[Trump] was very upset at the news that had come out that he had been taken down to the bunker in the preceding days, you know, when some of the rioting right by the White House was at its worst. He was very upset by this, and, as I recall, he bellowed at everyone sitting in front of him in a semicircle and he waved his finger around the semicircle saying we were losers, we were losers, we were all fucking losers," Barr said. "[H]e then raised—you know, he talked about whether he

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should invoke the Insurrection Act . . . And, you know, my position was that the Insurrection Act should only be invoked when you really need to invoke it as a last resort, when you don't really have other assets that can deal with civil unrest.”).

12. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 86.
13. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 20.
14. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 20.
15. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), pp. 47-48.
16. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 47.
17. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 38.
18. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 18.
19. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), pp. 17-18. “Brigadier General Robert Kenneth Ryan was the joint task force commander [who] authorized the—the helicopters to fly over the crowd to observe and report, and the Secretary of the Army approved that,” Major General Walker said. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 55. “Now, the pilots came a little too close to the civilians on the ground.” *Id.*, at 57.
20. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 27.
21. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2022), p. 14.
22. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2022), p. 14.
23. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 19.

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24. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 18.
25. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 19.
26. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 19.
27. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Esper, (Apr. 1, 2022), pp. 47-48.
28. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Esper, (Apr. 1, 2022), pp. 47-48.
29. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Apr. 1, 2022), p. 25.
30. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), pp. 242-43.
31. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Donell Harvin, (Jan. 24, 2022), p. 14; Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Donell Harvin, (Nov. 12, 2021).
32. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Donell Harvin, (Jan. 24, 2022), pp. 22-23.
33. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 24; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Donell Harvin, (Jan. 24, 2022), p. 24.
34. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00001680 (December 31, 2020, Letter from Mayor Bowser to Major General Walker re: DCNG).
35. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00001679 (December 31, 2020, Letter from Dr. Christopher Rodriguez to Major General Walker re: DCNG).
36. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 20.

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37. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 26.
38. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 14.
39. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 38.
40. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 75.
41. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 47.
42. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 44.
43. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 50.
44. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 47.
45. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 49.
46. *See Chapter 7.*
47. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), pp. 79, 85.
48. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 56.
49. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), pp. 78-79, 80.
50. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), pp. 78-79, 80.
51. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 6.

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52. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 53-54.
53. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 54.
54. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 75.
55. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), pp. 75-76.
56. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Apr. 21, 2022), p. 10.
57. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 63; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), pp. 32-33.
58. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Charles Miller, (Jan. 14, 2022), p. 84.
59. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 11.
60. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 11-12.
61. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 98.
62. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 97.
63. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 103.
64. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 99.
65. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 57.

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66. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 57.
67. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 49.
68. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 27.
69. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 27.
70. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Mark Esper, (Apr. 14, 2022), pp. 22-23.
71. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), pp. 12-13, 15.
72. U.S. House Committee on Oversight and Reform, *Hearing on Unexplained Delays and Unanswered Questions*, 117th Cong., 1st sess., (May 12, 2021), Statement of Christopher C. Miller, p. 4.
73. U.S. House Committee on Oversight and Reform, *Hearing on Unexplained Delays and Unanswered Questions*, 117th Cong., 1st sess., (May 12, 2021), Statement of Christopher C. Miller, p. 4.
74. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 133.
75. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 73.
76. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 73.
77. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 51.
78. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00005855–DoD 00005886 (December 18, 2021, email from General James C. McConville to Curtis Kellogg re: HOT MEDIA FOX NEWS & POLITICO MEDIA QUERY: Response to MG (R) Flynn’s remarks.).
79. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 51.

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80. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), pp. 54-55 (“Q: Were you ever told you would be fired if you ever made such a statement again? A: It was implied. It was implied that I was, you know, not to do that again, . . .”).
81. Lara Seligman (@laraseligman), Twitter, Dec. 18, 2021 11:27 a.m. ET, available at <https://twitter.com/laraseligman/status/1339985580785086466>.
82. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 68.
83. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00003488.
84. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00003488.
85. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 73.
86. Ashton Carter, Dick Cheney, William Cohen, Mark Esper, Robert Gates, Chuck Hagel, James Mattis, Leon Panetta, William Perry, and Donald Rumsfeld, “All 10 living former defense secretaries: Involving the military in election disputes would cross into dangerous territory,” *Washington Post*, (Jan. 3, 2021), available at https://www.washingtonpost.com/opinions/10-former-defense-secretaries-military-peaceful-transfer-of-power/2021/01/03/2a23d52e-4c4d-11eb-a9f4-0e668b9772ba_story.html.
87. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 71.
88. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 71.
89. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 71.
90. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 148.
91. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 84.
92. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 247.

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93. *See* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00000006 (January 4, 2021, Memorandum from the Secretary of Defense Christopher Miller to the Secretary of the Army Ryan McCarthy).
94. *See* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00000006 (January 4, 2021, Memorandum from the Secretary of Defense Christopher Miller to the Secretary of the Army Ryan McCarthy); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 56.
95. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 56.
96. *See* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00000006 (January 4, 2021, Memorandum from the Secretary of Defense Christopher Miller to the Secretary of the Army Ryan McCarthy); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD #2/000633, (January 5, 2021, Colonel John Lubas email to Major General William Walker with the subject, "Final Signed Memo to DCNG," at 7:54 a.m. ET).
97. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Lt. Col. David Reinke, (Jan. 6, 2022).
98. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 68.
99. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 68.
100. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 89.
101. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 92.
102. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 93.
103. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 90.

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104. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), pp. 93–94.
105. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 42.
106. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 50.
107. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 50.
108. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 133 (“Q: It doesn’t sound to me, like, really, you’re pushing for it when you raised the National Guard with Sergeant At Arms Irving or Stenger? It would have been nice, but not essential for you to be ready. Is that a fair characterization of your personal position on that? A: Yes.”).
109. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), pp. 116–17.
110. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 124.
111. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Capitol Police Production), CTRL0000001766, CTRL0000001766.0001 (Document from January 3, 2021, titled: “Special Event Assessment: Joint Session of Congress—Electoral College Vote Certification”); see also, Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Julie Farnam, (Dec. 15, 2021), pp. 51–52.
112. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 125.
113. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 114.
114. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 116.
115. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 119.

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116. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 128.
117. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 128.
118. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), pp. 9-10.
119. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 35.
120. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 10.
121. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 12.
122. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 35.
123. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 10.
124. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 41.
125. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), pp. 7-8, 45.
126. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), pp. 52-53.
127. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), pp. 131-32.
128. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 19, 26.
129. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 19, 26.

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130. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 19, 26.
131. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).
132. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 26.
133. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 26.
134. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Robert Ryan, (Dec. 9, 2022).
135. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Dec. 9, 2022).
136. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Dec. 9, 2022).
137. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 116.
138. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 117.
139. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2022), p. 31.
140. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 23.
141. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 25, 27-28.
142. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).
143. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 130.

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144. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 26.
145. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 45.
146. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 107.
147. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 107.
148. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 109.
149. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Apr. 21, 2022), p. 29.
150. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00003050 (January 5, 2021, email from John Lubas to William Walker and Earl Matthews re: Final Signed Memo to DCNG).
151. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).
152. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2022), p. 33.
153. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 49.
154. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 65.
155. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 22.
156. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 26.
157. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 31.

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158. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 31.
159. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 31-32.
160. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 31-32.
161. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 32.
162. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 32.
163. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 34.
164. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 32.
165. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 35.
166. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 34.
167. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 34.
168. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 37.
169. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 34.
170. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 41.
171. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 41.

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172. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 41-42.
173. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 38-39. Text messages show that Lieutenant Colonel Reinke texted Colonel Hunter, "Loading buses now. Meeting police escort. Do you have destination. Contact info?" at 2:43 PM. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Davie Reinke Production), CTRL0000930918 (January 6, 2021, text messages).
174. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 44-45. (He called his direct supervisor, Brigadier General Robert Ryan: "The first conversation with him, I first informed him, hey, sir, this is where I am, this is who I've talked to, and they both asked for assistance. And I asked for release of the QRF now. And I asked for, basically send all the additional forces, you know, that you have now. And his response to me was, we are working on it. So he said he was going to coordinate with General Dean and Major General Walker, but they were working on it.").
175. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Robert J. Contee III, (Dec. 16, 2021).
176. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 78.
177. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 78.
178. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), pp. 75-76.
179. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 148.
180. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 18.
181. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), pp. 7-8, 19.
182. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), pp. 19, 53 ("[Q: T]he Speaker's office isn't part of that process in terms of requesting the National Guard, correct? A[:] Correct. It would just be on the notification side.").

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183. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Terri McCullough, (Apr. 18, 2022).
184. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Terri McCullough, (Apr. 18, 2022).
185. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Terri McCullough, (Apr. 18, 2022).
186. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Terri McCullough, (Apr. 18, 2022).
187. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Paul Irving, (Mar. 4, 2022), p. 21.
188. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), pp. 148-50.
189. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 152.
190. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 57 (“I wasn’t speaking, but I was there.”).
191. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 64.
192. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Timothy Nick, (Dec. 8, 2021).
193. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 99.
194. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), pp. 98-99.
195. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2022), p. 54.
196. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 99.

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197. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 99; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2022), p. 56 (“And he immediately says, ‘I’m going to get approval. Get me a plan,’ is what he tells me”).
198. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 84.
199. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 99. The Army at first denied that General Flynn was present for the call at all. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 98 (“I think there was just confusion—I know some people are trying, you know, to make it something else, but I think there was just confusion. There were a whole bunch of meetings going on because, you know, I didn’t think he was there, because when I was there, he wasn’t there.”). General McConville said: “And there was no intent to deceive anybody, or there’s no conspiracy because of who Charlie Flynn’s brother is,” General Michael Flynn. *Id.*, at 99. General Flynn said he did not speak on the call. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2021), p. 41 (“A [:] I did not speak on that call. Q [:] Did you identify yourself as being on the call? A [:] I did not. Now, if I said anything, if I—my recollection, if I said anything, I may have tugged on General Piatt’s sleeve and asked and said, ‘What’s going on here?’ like, ‘What’s the situation?’ you know.” But others, like Colonel Matthews listening in from the National Guard end of the call, said both Generals Piatt and Flynn were the main interlocutors. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021). On Lt. Nick’s notes, at 2:35 p.m., General Flynn’s title is written down. *See* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), CTRL0000930917 (January 6, 2021, handwritten notes taken by Lt. Timothy Nick). Lt. Nick said, “I was just trying to jot down who was on the call.” *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Timothy Nick, (Dec. 8, 2021). General Flynn ultimately said he was there for a short time. *See* Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2021), pp. 40, 42 (“It was—I was literally there—the total time that I’m talking about was about 4 to 5 minutes. I was really around that phone call, rough order of magnitude, for maybe a minute of that;” “it became clear to me that I was in the wrong place. And so I made the decision to leave because General Piatt had a handle on the situation.”).
200. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2021), p. 37.

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201. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2021), p. 37.
202. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2021), p. 39.
203. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), pp. 79-80.
204. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021).
205. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 83.
206. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 81.
207. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 85.
208. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 70.
209. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 70.
210. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Charles Anthony Flynn, (Oct. 28, 2021), p. 40.
211. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), pp. 81-82.
212. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 113.
213. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 115.
214. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 162.

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215. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 161.
216. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 160.
217. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 80.
218. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 80.
219. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 65.
220. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 65.
221. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 116.
222. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 116.
223. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), pp. 156-57.
224. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 156.
225. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 156.
226. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 61.
227. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 59.
228. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 57.

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- 229. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 58.
- 230. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 99.
- 231. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 105.
- 232. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 105.
- 233. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), pp. 81-82.
- 234. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 59.
- 235. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 61.
- 236. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 59.
- 237. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 82.
- 238. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 82.
- 239. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 82.
- 240. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 157.
- 241. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 59.
- 242. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 63.

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243. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 63.
244. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 116.
245. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 116.
246. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), pp. 116-17.
247. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee, III, (Jan. 11, 2022), p. 85.
248. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 59.
249. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 65.
250. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Rodriguez, (Jan. 25, 2022), p. 65.
251. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Steven Andrew Sund, (Apr. 20, 2022), p. 160.
252. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 60.
253. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 39.
254. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 118.
255. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 118.
256. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 141.

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257. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), pp. 141-42.
258. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021).
259. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021).
260. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021).
261. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General William Walker, (Dec. 13, 2021), p. 141.
262. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 83.
263. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 83.
264. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 288.
265. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 125.
266. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 296.
267. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 124.
268. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 143.
269. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 82 ("So at no time did I and I am not aware of anyone in the Pentagon having a conversation with President Trump on the day of the 6th.").
270. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 285.

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271. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 268.
272. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 285.
273. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), pp. 95-96.
274. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 96.
275. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 96.
276. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), pp. 97-98.
277. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), pp. 100-01.
278. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 98.
279. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 98.
280. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 98.
281. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 102.
282. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM000789 (January 5, 2021, emails between Mark Meadows and John Aycoth, "Re: DC mayor activates National Guard ahead of pro-Trump demonstrations, The Hill").
283. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), pp. 99-100.
284. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), pp. 99-101. (Q: "[D]id you take that as a request for you or an order to you to deploy 10,000 troops? A[:] No, absolutely not. I interpreted it as a bit of presidential banter or

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President Trump banter that you all are familiar with, and in no way, shape, or form did I interpret that as an order or direction.”); (“Q[.] So I want to be clear here that—since then, in February 2021, Mark Meadows said on Fox News that, quote: Even in January, that was a given as many as 10,000 National Guard troops were told to be on the ready by the Secretary of Defense. Is there any accuracy to that statement? A[.] I’m not—not from my perspective. I was never given any direction or order or knew of any plans of that nature.”); (Q: “To be crystal clear, there was no direct order from President Trump to put 10,000 troops to be on the ready for January 6th, correct? A[.] No. Yeah. That’s correct. There was no direct—there was no order from the President.”).

285. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Muriel Bowser, (Jan. 12, 2022), p. 13.
286. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), pp. 78-79.
287. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), pp. 252-53.
288. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 253.
289. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 102.
290. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 102.
291. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 102.
292. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 113 (“So, at 3 o’clock, I gave the order to mobilize the entire District of Columbia National Guard, however, big they are . . . everybody show up at the [Armory and], . . . move them to the Capitol immediately to support local law enforcement.”).
293. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 122.
294. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 124. (emphasis added).

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295. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 120.
296. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 120.
297. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021).
298. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Timothy Nick, (Dec. 8, 2021).
299. The two letters referenced include Secretary Miller's January 4 memorandum setting restrictions on the Guard and a follow-up letter from Secretary McCarthy on January 5 expounding on those limitations. *See* Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00000006 (January 4, 2021, memorandum), DoD Production DoD 00003493 (January 5, 2021 follow-up letter).
300. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Apr. 21, 2022), p. 45.
301. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 104.
302. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 122.
303. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christopher Miller, (Jan. 14, 2022), p. 123.
304. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 104.
305. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Apr. 21, 2022), p. 47; Earl Matthews, "The Harder Right: An Analysis of a Recent DoD Inspector General Investigation and Other Matters," (Dec. 1, 2021), available at <https://www.justsecurity.org/wp-content/uploads/2021/12/january-6-clearinghouse-Colonel-Earl-G.-Matthews-An-Analysis-of-a-Recent-DoD-Inspector-General-Investigation-and-Other-Matters-December-1-2021.pdf>.
306. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Apr. 21, 2022), p. 55.

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307. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Apr. 21, 2022), p. 52.
308. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 125.
309. Aaron C. Davis (@byaarondavis), Twitter, Jan. 6, 2021 2:55 p.m. ET, available at <https://twitter.com/byaarondavis/status/1346908166030766080>.
310. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4 2022), p. 109, 127, 129.
311. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4 2022), p. 130.
312. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 49. (“I mentioned that to Chief Carroll. I said, hey, Chief, you know, I may just pull everyone back. And he told me, he said, well, right now I may need your Guardsmen who are on the traffic control points, because all of my officers are here at the Capitol, so I don’t have officers out there in the city right now, so I may need to re-mission those guys for other things. Can you just send me the personnel from the Armory here? You know, so it was almost like we were talking about splitting. We’ll use that 90 to support MPD on anything they needed in the city, but I can still get, you know, another 200, 250 from the Armory to come to the Capitol now.”). But Assistant Chief Carroll didn’t recall such a conversation. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Jeffrey Carroll, (Nov. 18, 2022) (“I don’t think it happened. It doesn’t sound like something that would’ve happened.”) Sergeant Major Brooks said it was him who made the recommendation to hold the first shift at their posts. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Michael F. Brooks, (Dec. 13, 2021).
313. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).
314. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Ken Ryan, (Dec. 9, 2021) (“Those that were on the TCPs on the 6th did not go to the Capitol on the night of the 6th.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 81; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of James Charles McConville, (Nov. 4, 2021), pp.88-89 (“Well, what I would think was happening during that hour and a half is they’re . . . leaving their check points, the traffic control points, the 30 traffic control points so that all of those vehicles, they’re hopping in their cars and they’re driving back in traffic through the [A]rmory and getting set.”); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter

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Piatt, (Nov. 3, 2021), p. 50 (“They were out on traffic control points. They were doing another job. The QRF was across the river. We brought them over to the Armory. But they had to reconfigure, reorganize now to go into a civil disturbance operation.”).

315. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).
316. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).
317. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).
318. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).
319. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).
320. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Business Meeting on the January 6th Investigation*, 117th Cong., 2d sess., (Oct. 13, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
321. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Business Meeting on the January 6th Investigation*, 117th Cong., 2d sess., (Oct. 13, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
322. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 109; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert J. Contee III, (Jan. 11, 2022), p. 86.
323. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 129.
324. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), pp. 121-22.
325. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 108.
326. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 108.

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327. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of James Charles McConville, (Nov. 4, 2021), pp. 91-92.
328. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 107.
329. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 123.
330. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 141.
331. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 121.
332. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 122. (emphasis added).
333. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 67.
334. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 65, 70.
335. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 65.
336. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 121.
337. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 66.
338. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).
339. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022); Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).
340. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 134.

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341. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 131.
342. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 131.
343. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Walter Piatt, (Nov. 3, 2021), p. 15.
344. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022).
345. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022).
346. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022).
347. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 133.
348. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022).
349. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General James Charles McConville, (Nov. 4, 2021), p. 91 (“General LaNeve provided the link up location and the lead.”).
350. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022).
351. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Chris LaNeve, (Feb. 25, 2022).
352. Earl Matthews, “The Harder Right: An Analysis of a Recent DoD Inspector General Investigation and Other Matters,” (Dec. 1, 2021), available at <https://www.justsecurity.org/wp-content/uploads/2021/12/january-6-clearinghouse-Colonel-Earl-G.-Matthews-An-Analysis-of-a-Recent-DoD-Inspector-General-Investigation-and-Other-Matters-December-1-2021.pdf> (“MG Walker denies that LaNeve called him at 4:25PM, or that he spoke to LaNeve at anytime between the phone call from Chief Sund at 1:49PM and the eventual DCNG deployment to the Capitol at 5:08PM.”).

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353. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 139.
354. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of William Walker, (Apr. 21, 2022), p. 60.
355. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of William Walker, (Apr. 21, 2022), p. 65-66.
356. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Earl Matthews, (Dec. 20, 2021) (“One reason I know that there is no 4:30 call—is that I was sitting next to Gen. Walker”).
357. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Michael F. Brooks, (Dec. 13, 2021).
358. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), CTRL0000930917 (January 6, 2021, handwritten notes taken by Lt. Timothy Nick).
359. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of William Walker, (Apr. 21, 2022), p. 60.
360. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of William Walker, (Apr. 21, 2022), pp. 60-61.
361. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Timothy Nick, (Dec. 8, 2021).
362. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of James Charles McConville, (Nov. 4, 2021), pp. 90-92.
363. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Walker, (Dec. 13, 2021), p. 140.
364. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).
365. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).
366. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).

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367. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Defense Production), DoD 00001196 (January 8, 2021, Memorandum for Record from Office of the Secretary of Defense re: Timeline for December 31, 2020–January 6, 2021), DoD 00001090 (January 7, 2021, Memorandum for Record from the Secretary of the Army re: Timeline For 31 December–7 January 2021), 00000490 (January 7, 2021, Memorandum for Record from Joint Force Headquarters re: Timeline for Request for Assistance during Civil Unrest on 6 January 2021 and DC National Guard Authorization to Respond).
368. Text message from David Reinke to Colonel Hunter on January 6, 2021.
369. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of David Reinke, (Jan. 6, 2022).
370. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).
371. Select Committee to Investigate the January 6th Attack on the United States Capitol, Informal Interview of Stewart Tarp, (Jan. 6, 2022).
372. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), pp. 50-51.
373. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 51.
374. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022), p. 53.
375. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 120.
376. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), pp. 111-12.
377. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 72.
378. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 72.
379. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 72.

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380. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), pp. 67-68.
381. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 72.
382. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Robert Glover, (May 2, 2022), p. 73.
383. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 144.
384. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 111.
385. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ryan McCarthy, (Feb. 4, 2022), p. 130.
386. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of General Mark Milley, (Nov. 17, 2021), p. 83.
387. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of William Walker, (Apr. 21, 2022), p. 71.
388. Select Committee to Investigate the January 6th Attack on the United States Capitol, Continued Interview of William Walker, (Apr. 21, 2022), p. 72.



UNITED STATES CAPITOL POLICE OFFICE OF INSPECTOR GENERAL

Review of the Events Surrounding the January 6, 2021, Takeover of the U.S. Capitol

Flash Report: Civil Disturbance Unit and Intelligence

Investigative Number 2021-I-0003-B

March 2021

Report Restriction Language

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EXECUTIVE SUMMARY

On January 6, 2021, a physical breach of U.S. Capitol Building security occurred during a Joint Session of Congress to certify the Electoral College vote. See Appendix A for the United States Capitol Police's (USCP or Department) official timeline of events leading up to and during the physical security breach.

In accordance with our statutory authority Public Law (P.L.) 109-55, the USCP Office of Inspector General (OIG) began a review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Our objectives for this review were to determine if the Department (1) established adequate measures for ensuring the safety and security of the Capitol Complex as well as Members of Congress, (2) established adequate internal controls and processes for ensuring compliance with Department policies, and (3) complied with applicable policies and procedures as well as applicable laws and regulations. The scope included controls, processes, and operations surrounding the security measures prior to the planned demonstrations and response during the takeover of the Capitol building.

We produced this flash report to communicate deficiencies with the Department's Civil Disturbance Unit (CDU) and intelligence operations. As part of our on-going work, OIG also conducted a follow-up analysis of the Department's implementation of recommendations contained in *Follow-up Analysis of the United States Capitol Police Intelligence Analysis Division*, Investigative Number 2018-I-0008, dated March 2019, to confirm the Department took the corrective actions in implementing the recommendations.

USCP did not have adequate policies and procedures for CDU defining its responsibilities, duties, composition, equipment, and training. CDU was operating at a decreased level of readiness as a result of a lack of standards for equipment, deficiencies noted from the events of January 6, 2021, a lapse in certain certifications, an inaccurate CDU roster, staffing concerns for the unit, quarterly audits that were not performed, and property inventories not in compliance with guidance.

The Department should implement detailed policies and procedures that address several aspects of CDU and its operations. Implementation of the Department's formal training guidance, requirements, and lesson plans is crucial to its mission. Formalizing and implementing equipment standards will provide officers with proper functioning equipment. Additionally, the Department should require that all types of weapon systems classified as less lethal are staged prior to large events as well as ensure that additional CDU Grenadiers are trained and certified.

Ensuring that the Department conducts periodic safety inspections would prevent expired munitions from being deployed and used. Also, a formal process is needed for management within CDU to ensure that when munitions do expire they are exchanged appropriately with the Property and Asset Management Division for proper disposal in a timely manner. Further, USCP should store its riot shields in the proper temperature-stable climate to prevent compromise of the riot shield's life span.

USCP Directive 2055.001, *Specialty Pay Program*, effective August 1, 2019, states that "the Chief of Police is authorized to establish and determine positions within the USCP as specialty assignments or requiring certain proficiencies eligible for additional compensation." Exploring options for incentivizing the CDU Program would go a long way toward increasing participation because of its hazardous nature. As well, holding management accountable for incomplete CDU audits would enforce controls.

Based on our follow-up analysis, a condition identified in two previous reports, the Department's failure to update and document evaluations of its intelligence priorities, reemerged. We also identified intelligence related deficiencies with the Department's organizational structure, training, professional standards, internal controls, and capability to effectively collect, process, and disseminate intelligence information.

To increase the efficiency of its intelligence resources, the Department should consider reorganizing its intelligence functions into a single intelligence bureau. A formal Intelligence Training Program is a must, otherwise the Department cannot ensure the proper training of its intelligence employees or ensure that they are up to date on policies and procedures related to Intelligence and Interagency Coordination Division (IICD) personnel duties. Furthermore, implementing additional formal guidance that applies to USCP's collection, processing, and reporting of information would improve its ability to effectively disseminate intelligence throughout the Department. Lastly, the Department should address gaps in meeting the intelligence needs of its operational stakeholders; the lack of training, certification, or professional standards for its intelligence analysts; and determine the necessary staffing, security clearances, and technology IICD needs to accomplish its mission. See Appendix B for a complete list of recommendations.

This is the second in a series of flash reports OIG is producing as part of its ongoing review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Therefore, we may still perform additional, in-depth work related to those areas during our review. We anticipate that our next flash report will focus on threat assessment and counter-surveillance.

BACKGROUND

On January 6, 2021, a physical breach of U.S. Capitol security occurred during a Joint Session of Congress to certify the Electoral College vote. See Appendix A for the United States Capitol

Listing of Recommendations

Recommendation 1: We recommend that the United States Capitol Police develop policies and procedures that identify and formalize the Civil Disturbance Unit's mission, objectives, roles, and responsibilities.

Recommendation 2: We recommend that the United States Capitol Police update Standard Operating Procedure (SOP) OS-140-01, *Civil Disturbance Unit's Quarterly Assessment of Assigned Personnel*, dated August 25, 2009, SOP OS-140-02, *Use of the PepperBall System*, dated October 30, 2019, and SOP OS-100-71, *Deployment and Storage of FN 303 Less Lethal Impact Launcher*, dated August 14, 2013, to reflect current practices.

Recommendation 3: We recommend that the United States Capitol Police develop policies and procedures that identify and formalize the Civil Disturbance Unit's training standards, requirements, and responsibilities.

Recommendation 4: We recommend that the United States Capitol Police develop a Leadership Civil Disturbance Unit training program that focuses on command tactics and responsibilities.

Recommendation 5: We recommend that the United States Capitol Police develop policies and procedures for Civil Disturbance Unit equipment standards and life-cycle management.

Recommendation 6: We recommend that the United States Capitol Police store riot shields in a temperature-stable area with conditions designed to maximize the life of the shield, and the Civil Disturbance Unit should create a process for reporting when the shields are not stored within the guidelines of the manufacturer such as but not limited to direct sunlight, temperature-stable environment and when they have been exposed to petrol, diesel, solvents, and exhaust fumes.

Recommendation 7: We recommend that the United States Capitol Police develop policies and procedures for outlining the deploying and/or staging all available types of less-lethal weapon systems during Civil Disturbance Unit operations.

Recommendation 8: We recommend that the United States Capitol Police increase its number of less-lethal weapon systems and explore additional less lethal options.

Recommendation 9: We recommend that the United States Capitol Police train and certify additional Civil Disturbance Unit grenadiers.

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Recommendation 10: We recommend that the United States Capitol Police prepare and stage necessary operational equipment for events.

Recommendation 11: We recommend that the United States Capitol Police immediately update SOP No. OS-140-02, *Use of PepperBall System*, dated October 30, 2019, to reflect current manufacturer recommendations and requirements and ensure that grenadiers received the training within the frequency specified in the updated policy.

Recommendation 12: We recommend that the United States Capitol Police develop a Standard Operating Procedure that identifies and formalizes the roles, responsibilities, and reporting requirements for employee listings for the Civil Disturbance Unit.

Recommendation 13: We recommend that the United States Capitol Police explore incentivizing the Civil Disturbance Unit program.

Recommendation 14: We recommend that the United States Capitol Police ensure that Civil Disturbance Unit liaisons are accountable for properly completing the Civil Disturbance Unit audit each quarter and providing it to the Commander of the Civil Disturbance Unit.

Recommendation 15: We recommend the United States Capitol Police implement a process that will ensure that procedures for Civil Disturbance Unit inventory and reconciliation, required by Directive 2053.003, *Property and Asset Management*, dated October 2, 2017, are fully functioning and operating as required. Specifically, the Civil Disturbance Unit must conduct physical inventories annually, perform reconciliations, resolve discrepancies, and provide an updated listing to the property custodian.

Recommendation 16: We recommend the United States Capitol Police implement an inventory control for the armory and also recommend a Check-In/Out Log Book that requires approval by a supervisor for munitions and weapons. A safety inspection check performed during a check-out would prevent the Civil Disturbance Unit from deploying expired munitions.

Recommendation 17: We recommend the United States Capitol Police either acquire an updated version of the 37mm less-lethal weapon or retire the weapon entirely because the current training for the 37mm weapon system is included in the certification process grenade launcher type weapon systems.

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Recommendation 18: We recommend that the United States Capitol Police immediately enforce USCP SOP PS-602-11, *Intelligence Priorities Framework*, dated February 11, 2018, requiring that its Intelligence and Interagency Coordination Division prepare an Intelligence Priorities Framework annually and subsequently review the Intelligence Priorities Framework quarterly.

Recommendation 19: We recommend that the United States Capitol Police seek approval from the Capitol Police Board and its Congressional Oversight Committees to elevate and reorganize its intelligence resources into a Bureau level entity.

Recommendation 20: We recommend that the United States Capitol Police immediately codify a formal intelligence training program and enforce Standard Operating Procedure PS-602-03, *Intelligence Analysis Division Commander Responsibilities*, dated August 11, 2019, requiring that the Intelligence and Interagency Coordination Division (IICD) Commander review and maintain the Intelligence Training Program for all IICD employees.

Recommendation 21: We recommend that the United States Capitol Police develop guidance that clearly documents channels for efficiently and effectively disseminating intelligence information to all of its personnel.

Recommendation 22: We recommend that the United States Capitol Police review the draft Standard Operating Procedure titled, *Open Source Guidance for Protest Tracking and Communication*, determine if the draft Standard Operating Procedure includes all required elements related to the Intelligence and Interagency Coordination Division's open source intelligence work, and implement a comprehensive policy that covers open source intelligence efforts.

Recommendation 23: We recommend the United States Capitol Police implement formal guidance that will ensure consistent and unified operational reporting across all intelligence and event planning documents.

Recommendation 24: We recommend the United States Capitol Police refine document reporting that better captures operational impact to include improbable outcomes based on intelligence, trend data, threats to members, and information analysis.

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Recommendation 25: We recommend the United States Capitol Police implement guidance that will ensure consistency between analyst assessments and document summaries within its intelligence products.

Recommendation 26: We recommend that the United States Capitol Police require the Director of the Intelligence and Interagency Coordination Division develop an action plan within 45 calendar days to improve the Department's capability to effectively collect, process, and disseminate intelligence information. The action plan should include at a minimum:

- a. A gap analysis to identify the intelligence needs of the Intelligence and Interagency Coordination Division's operational stakeholders.
- b. Certification and professional standards for intelligence analysts.
- c. Training standards for intelligence analysts.
- d. Adequate staffing level and organizational structure for the Intelligence and Interagency Coordination Division, to include establishing group leader or middle management positions that would expand supervisory coverage.
- e. Requirements for intelligence personnel to maintain a Top Secret and Sensitive Compartmented Information clearance.
- f. Identification of any technology or tools that could enhance Intelligence and Interagency Coordination Division capabilities.

Listing of Recommendations**EXECUTIVE SUMMARY**

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In accordance with our statutory authority Public Law (P.L.) 109-55, the USCP Office of Inspector General (OIG) began a review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Our objectives for this review were to determine if the Department (1) established adequate measures for ensuring the safety and security of the Capitol Complex as well as Members of Congress, (2) established adequate internal controls and processes for ensuring compliance with Department policies, and (3) complied with applicable policies and procedures as well as applicable laws and regulations. The scope included controls, processes, and operations surrounding the security measures prior to the planned demonstrations and response during the takeover of the Capitol building.

Based on ongoing work, this flash report is designed to communicate deficiencies with the Department's Command and Coordination Bureau (CCB). Additionally, to gain a perspective on Department-wide command and control challenges on January 6, 2021, we contacted 86 USCP officers and completed interviews with 36 of them who agreed to be interviewed. We also reviewed 49 after action reports USCP officers and employees completed.

The Department did not have adequately detailed and up-to-date Standard Operating Procedures (SOPs) in place for CCB or formally establish procedures defining roles and responsibilities for the Emergency Planning Section. Additionally, the Department did not monitor training in order to ensure incident management personnel received training as guidance requires. Furthermore, the Department did not appropriately conduct or document monthly proficiency validations for Command Center employees, appropriately respond to emergency identifier activations for officers on January 6, 2021, or appropriately complete its Command Center Daily Check Sheets as guidance requires.

Based on interviews with USCP officers and review of after action reports, we identified Department-wide command and control deficiencies related to information sharing, chain of command directions, communication, preparedness, training, leadership development, emergency response procedures, and law enforcement coordination. We previously identified and issued recommendations for certain deficiencies in previous flash reports and intend to explore law enforcement coordination in a future report. See Appendix B for a complete list of recommendations.

Listing of Recommendations

This is the fifth in a series of flash reports OIG is producing as part of the ongoing review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Therefore, we may still perform additional, in-depth work related to these areas during our review. We anticipate that our next flash report will focus on the Department's Canine Unit and Hazardous Incident Response Division.

Recommendation 1: We recommend that the United States Capitol Police review all Command and Coordination Bureau policies and procedures to ensure they are up to date and include sufficient detail.

Recommendation 2: We recommend that the United States Capitol Police develop policies and procedures that identify and formalize the mission, objectives, roles and responsibilities for the Emergency Planning Section.

Recommendation 3: We recommend that the United States Capitol Police immediately develop procedures designed to track and ensure that employees involved with incident management receive the training prescribed in Directive 1052.003, *Incident Command System*, dated October 16, 2018.

Recommendation 4: We recommend that the United States Capitol Police immediately develop procedures for ensuring that Command Center employees complete the monthly proficiency validation prescribed in Standard Operating Procedure CCB-300-30, *Command Center Proficiency Validation*, dated August 5, 2019.

Recommendation 5: We recommend that the United States Capitol Police immediately develop procedures to ensure the Command Center and Communications staff swiftly and appropriately respond to emergency identifier activations, as Standard Operating Procedure CCB-600-19, *Radio Emergency Identifier Activations*, dated November 17, 2020, prescribes and requires. The procedures should include a system for responding to emergency activations during chaotic events or crises, when activations may be more frequent, and officers are more likely to be in life-threatening or emergency situations. Additionally, the procedures should ensure the Watch Commander is notified of any activations.

Recommendation 6: We recommend that the United States Capitol Police ensure that the Command Center Daily Check Sheets are completed as Standard Operating Procedure CCB-300-33, *USCP Command Center Daily Checks and System Updates*, dated August 6, 2019, requires.

Recommendation 7: We recommend that the United States Capitol Police implement procedures that ensure officers receive roll call briefings containing pertinent

Listing of Recommendations

information on potential and actual police hazards, as Standard Operating Procedure AC-000-96, *Roll Call, Inspection, and Checkout Procedures*, dated June 7, 2018, requires.

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Recommendation 8: We recommend that the United States Capitol Police implement policies, procedures, training, and equipment that ensure radio discipline and the ability for all officers to use a radio to effectively communicate information during an incident.

Recommendation 9: We recommend that the United States Capitol Police implement rotational policies and career development tracks for its officers and officials.

Recommendation 10: We recommend that the United States Capitol Police implement procedures that ensure officers are familiar with individual officer emergency actions, specific post emergency responsibilities, and area wide emergency procedures.

Recommendation 11: We recommend that the United States Capitol Police implement procedures that ensure officials consistently verify officers understand the emergency procedures of their posts and when emergencies are declared the actions which each officer is responsible to execute.

Recommendation 12: We recommend that the United States Capitol Police implement refresher training for its officials on building security responsibilities and procedures.

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DPD contributed toward the Department's mission through proper planning and successfully evacuating individuals under its protection during the events of January 6, 2021. However, DPD incurred authorization issues with staging evacuation vehicles on January 6, 2021. Additionally, DPD's training program lacked a dedicated training staff, facilities issues, and weapon system training integration. Lastly, DPD did not have a Plan of Action (POA) in place for January 6, 2021, experienced equipment issues with its issued ballistic vests, and was occasionally not in compliance with guidance.

USCP could not provide documentation supporting that it implemented Department-wide leave restrictions or cancellations, or that it issued Department-wide messages for recalls to duty. We identified deficiencies with the data for sworn Department employees as well as mutual aid training, coordination, and documentation. The lack of appropriately maintained employee information could have impeded the effectiveness of the Department's planning for responses to future events. The Department should define roles for responding agencies with pre-determined rally points, designate agency-specific roles based on agency expertise, and ensure employees potentially involved with incident management receive training to lead mutual aid resources. Additionally, the Department should immediately develop clear protocols to swear in responding agencies and retain appropriate records documenting such actions. See Appendix B for a complete list of recommendations.

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⁴¹ *Review of the Events Surrounding the January 6, 2021, Takeover of the U.S. Capitol 2021-I-0003-G, October 2021* LAW

ENFORCEMENT SENSITIVE

Recommendation 1: We recommend that the United States Capitol Police elevate to the Police Board parking issues concerning Dignitary Protection Division's evacuation vehicles.

Recommendation 2: We recommend that the United States Capitol Police develop a dedicated Dignitary Protection Division training cadre that reports to the Training Services Bureau.

Recommendation 3: We recommend that the United States Capitol Police transfer Dignitary Protection Division training responsibilities to the Training Services Bureau.

Recommendation 4: We recommend that the United States Capitol Police prioritize training resources for the Dignitary Protection Division such as exploring options for additional training facilities and increased scenario-based training with various weapon systems.

Recommendation 5: We recommend that the United States Capitol Police prioritize staffing the Dignitary Protection Division.

Recommendation 6: We recommend that the United States Capitol Police's Dignitary Protection Division develop a Plan of Action for large events.

Recommendation 7: We recommend that the United States Capitol Police explore ballistic vest options that accommodate the Dignitary Protection Division's mission needs.

Recommendation 8: We recommend that the United States Capitol Police immediately enforce the requirement for information exchange as detailed in Standard Operating Procedure PS-200-45, *Information Exchange Between DPD and other Entities within PSB*, dated November 5, 2014.

Recommendation 9: We recommend that the United States Capitol Police maintain records that properly identify employee counts and status related to staffing levels.

Recommendation 10: We recommend that the United States Capitol Police define roles for responding agencies with pre-determined rally points, designate agency-specific roles based on agency expertise, and ensure employees potentially involved with incident management receive training to lead mutual aid resources.

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ENFORCEMENT SENSITIVE

Recommendation 11: We recommend that the United States Capitol Police develop clear protocols to swear in responding agencies and retain appropriate records documenting such actions.

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We identified the status of OIG recommendations, Task Force 1-6 recommendations applicable to USCP, and security enhancements the Department implemented that were not directly in response to OIG recommendations. As of December 7, 2021, OIG had issued eight reports as part of its review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. The reports included 104 recommendations, and OIG considered 30 of those recommendations closed. OIG policy is to continue tracking and reporting on the status of all report recommendations and ensure that final actions on recommendations are taken within 6 months of the date of report issuance and follow-up on the impact of actions taken in response to recommendations.

OIG reviewed the Task Force 1-6 *Capitol Security Review*, dated March 5, 2021, and requested documentation to identify corrective measures the Department implemented in response to the report. OIG determined the status of certain corrective measures through documentation USCP provided. For certain other corrective measures, however, the Department either did not provide documentation to support its status or noted that it had not yet implemented the measures. OIG noted not all areas of the *Capitol Security Review* were applicable to the Department and some recommendations exceeded the scope of the Department.

OIG requested documentation of security enhancements or improvements made after January 6, 2021, not in response to OIG recommendations. The Department responded with a list of approximately 200 improvements, and OIG determined that 61 of the improvements were substantiated with supporting documentation. See Appendix B for the Department's response with substantiated enhancements highlighted.

This is the final report in a series of flash reports OIG is producing as part of its review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021.

EXECUTIVE SUMMARY

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Based on ongoing work, this flash report is designed to communicate deficiencies with the Department's Hazardous Incident Response Division (HIRD) and Canine Unit (K-9 or Unit). Deficiencies included a lack of adequate Department guidance for both HIRD and K-9.

HIRD contributed greatly toward the Department's mission on January 6, 2021, through rendering safe multiple hazardous devices and the sweep of the Capitol complex with partner agencies. However, coordination concerning events between HIRD and the Department's operational leadership was flawed, which resulted in misinformation among officers. Additionally, the Hazardous Materials Response Team (HMRT) lacked the necessary personnel and equipment to successfully complete its mission. The Department's lockdown procedures would be improved by adopting best practices with multiple threats involving hazardous devices. Lastly, the Department does not have adequate, updated guidance in place for its Advanced Law Enforcement Response Team (ALERT) and HIRD. The lack of adequate and up-to-date policies and procedures for HIRD and ALERT creates ambiguity and lack of accountability and coordination.

The Department did not always comply with guidance related to K-9 operations or training and did not always ensure K-9 policies and procedures were up to date. A lack of K-9 related training or operational experience required for officials and formal guidance for emergency procedures, as well as inadequate hazardous device response guidance could have hampered the efficiency of the K-9 Unit on January 6, 2021. Without appropriate compliance with, or up-to-date K-9 policies and procedures, the Department could not ensure all K-9 officers were properly trained and up to date on equipment and procedures necessary to perform their duties. See Appendix B for a complete list of recommendations.

This is the sixth in a series of flash reports OIG is producing as part of the ongoing review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Therefore, we may still

perform additional, in-depth work related to these areas during our review. We anticipate that our next flash report will focus on the Department's Dignitary Protection Division and Human Capital.

Recommendation 1: We recommend that the United States Capitol Police require that the Hazardous Incident Response Division communicate pertinent event staging information to responsible parties at least 1 day in advance.

Recommendation 2: We recommend that the United States Capitol Police prioritize staffing the Hazardous Materials Response Team.

Recommendation 3: We recommend that the United States Capitol Police immediately develop procedures designed to track and ensure that employees involved with incident management receive the training prescribed in Directive 1052.003, *Incident Command System*, dated October 16, 2018.

Recommendation 4: We recommend that the United States Capitol Police develop procedures for searching for suspicious items campus-wide and include perimeter searches once a hazardous device has been confirmed.

Recommendation 5: We recommend that the United States Capitol Police develop lockdown procedures that account for factors such as multiple hazardous devices.

Recommendation 6: We recommend that the United States Capitol Police develop lockdown procedures for all posts on the Capitol Campus.

Recommendation 7: We recommend that the United States Capitol Police update standard operating procedure OS-210-01, *Recall Procedures*, dated August 15, 2016, and Directive 1056.004, *Advanced Law Enforcement Response Team (ALERT)*, dated April 9, 2019, to reflect current practices.

Recommendation 8: We recommend that the United States Capitol Police establish policies that outline the specific training requirements for the Advanced Law Enforcement Response Team, Hazardous Devices Section, and Hazardous Materials Response Team.

Recommendation 9: We recommend that the United States Capitol Police require Canine [K-9] Unit officials that do not have previous canine training or experience to audit its in-house Basic Explosive Detection Course or develop an explosive detection course for supervisors.

Recommendation 10: We recommend that the United States Capitol Police revise Directive 1056.002, *Response, Command, and Control of 10-100 NBC or Hazardous Materials Incident*, dated May 15, 2020, to explicitly require the Command Center to evaluate additional search areas for undetected devices.

Recommendation 11: We recommend that the United States Capitol Police establish a written standard operating procedure formalizing emergency procedures for the Canine [K-9] Unit.

Recommendation 12: We recommend that the United States Capitol Police immediately enforce the requirement for Canine [K-9] officers as detailed in the following standard operating procedures: OS-130-11, *Use of Personal Radiation Pagers for K-9 Technicians*, dated February 12, 2020; OS-130-03, *K-9 ATLAS Activations*, dated December 1, 2020; OS-130-17, *Standards for Explosive Ordinance Detection (EOD) K-9 Team Certification (RESTRICTED)*, dated November 5, 2020.

Recommendation 13: We recommend that the United States Capitol Police ensure that Canine [K-9] officers receive the required 16 hours of monthly maintenance training as identified in standard operating procedures OS-130-17, *Standards for Explosive Ordinance Detection (EOD) K-9 Team Certification (RESTRICTED)*, dated November 5, 2020, and OS-130-16, *Standards for Person Borne Improvised Explosive Device (PBIED) Detection K-9 Team Certification and Monthly Re-Training*, dated October 6, 2020.

Recommendation 14: We recommend that the United States Capitol Police increase the number of trainers to reduce the Canine [K-9] Technician to K-9 Trainer ratio in order to increase training to meet the monthly requirement.

Recommendation 15: We recommend that the United States Capitol Police update standard operating procedure OS-130-17, *Standards for Explosive Ordinance Detection (EOD) K-9 Team Certification (RESTRICTED)*, dated November 5, 2020.

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Based on ongoing work, this flash report is designed to communicate any deficiencies with the Department's counter-surveillance and threat assessment operations. Deficiencies included (a) outdated or vague guidance, (b) failure to adequately report stop or contact activities, (c) lack of a dedicated counter-surveillance entity, (d) insufficient resources for supporting counter-surveillance operations, and (e) inadequate resources for supporting its Threat Assessment Section (TAS).

The Department did not have adequately detailed and up-to-date guidance in place for its counter-surveillance and threat assessment operations, which could have led to unclear guidance and accountability. Additionally, a lack of clear and detailed communication procedures could have increased inefficiencies with processes as well as led to critical counter-surveillance information not being appropriately communicated throughout the Department. Furthermore, the Department did not adequately document, collect, and analyze PD-76 *USCP Stop or Contact Reports*, which may have impeded its ability to identify trends or patterns that warranted further investigation or dissemination.

A stand-alone entity, with a defined mission dedicated to counter-surveillance activities in support of protecting the Congressional Community, would improve the Department's ability to identify and disrupt individuals or groups intent on engaging in illegal activity directed at the Congressional Community and its legislative process. The entity should be sufficiently staffed to accomplish its mission and have adequate resources, including dedicated analyst support and a central desk to exploit, investigate, disseminate, and triage information in real time.

The number of threat cases has significantly increased in the last 5 years. Although the Department has increased the number of Full-Time Employees (FTEs) within TAS, the section has experienced issues because of the increase of threats cases. Because its caseload continues to increase, TAS has been requiring more resources to keep pace with demand without sacrificing quality. See Appendix B for a complete list of recommendations.

This is the third in a series of flash reports OIG will produce as part of the ongoing review of the events surrounding the takeover of the U.S. Capitol on January 6, 2021. Therefore, we may still perform additional, in-depth work related to these areas during our review. We anticipate that our next flash report will focus on the Department's Containment Emergency Response Team and First Responders Unit.

Listing of Recommendations

Recommendation 1: We recommend that the United States Capitol Police update the following standard operating procedures to reflect current practices: (a) Standard Operating Procedure PS-100-02, *Investigations Division Protective Intelligence Team Responsibilities*, dated March 31, 2009; (b) Standard Operating Procedure PS-100-03, *Investigations Division Protective Intelligence Team Assignments*, dated March 31, 2009; (c) Standard Operating Procedure PS-100-06, *Investigations Division—Criminal Intelligence Collections*, dated July 7, 2009; (d) Standard Operating Procedure PS-100-07, *Investigations Division—Suspicious Activity Trend Analysis Reporting*, November 20, 2009; (e) Standard Operating Procedure PS-100-08, *Investigations Division—Task Force Assignments*, dated July 7, 2009; and (f) Standard Operating Procedure PS-100-10, *Investigations Division (ID) Guidelines and Procedures*, dated May 26, 2010.

Recommendation 2: We recommend that the United States Capitol Police establish a formal policy detailing communication procedures for Counter-Surveillance Agents including how and what detailed information is communicated through the chain of command and throughout the Department.

Recommendation 3: We recommend that the United States Capitol Police establish a formal policy detailing basic and advanced training requirements for the Threat Assessment Section and Intelligence Operations Section.

Recommendation 4: We recommend that the United States Capitol Police enforce its policies regarding completion of form PD-76, *USCP Stop or Contact Report*, for stops or contacts officers initiate.

Recommendation 5: We recommend the United States Capitol Police establish a stand-alone entity with a defined mission dedicated to counter-surveillance activities in

support of protecting the Congressional Community and that is adequately staffed to accomplish its mission.

Recommendation 6: We recommend the United States Capitol Police use Investigative Analysts to augment its counter-surveillance resources.

Recommendation 7: We recommend the United States Capitol Police establish a central desk staffed with analysts, agents, and officers that can exploit, investigate, disseminate and triage information for counter-surveillance activities in real time. The desk should have a dedicated commander whose focus is on that process and providing guidance and direction to agents in the field.

Recommendation 8: We recommend the United States Capitol Police increase the number of Threat Assessment Agents as the caseload increase.

Recommendation 9: We recommend the United States Capitol Police use Investigative Analysts to augment its Threat Assessment Section at an analyst-to-agent ratio comparable to its partnering agencies.

Recommendation 10: We recommend the United States Capitol Police consider providing more of their highest priority threat cases to the Federal Bureau of Investigation's Behavioral Analysis Unit Task Force for in-depth analysis of their priority subjects.

Mrs. TORRES. Thank you.

Chairman LOUDERMILK. Again, I would like to thank each of our witnesses, the whistleblowers, for coming forward to share their story.

Again, for anyone who is watching who wishes to share their story with my Subcommittee, please do not hesitate to reach out at CHA.house.gov/whistleblower-support.

To our whistleblowers, Members of our Committee may have additional questions for you, and we ask that you respond to those questions in writing.

Without objection, each Member will have 5 legislative days to insert additional material into the record or to revise and extend their remarks.

If there is no further business, I thank the Members for their participation.

Without objection, the Subcommittee stands adjourned.

[Whereupon, at 12:03 p.m., the Subcommittee was adjourned.]

