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6 SELECT COMMITTEE TO INVESTIGATE THE
7 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
8 U.S. HOUSE OF REPRESENTATIVES,
9 WASHINGTON, D.C.

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13 INTERVIEW OF: GENERAL WALTER PIATT

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Wednesday, November 3, 2021

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Washington, D.C.

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22 The interview in the above matter was held in Room 4480, O'Neill House Office
23 Building, commencing at 9:00 a.m.

24

Present: Representatives Lofgren, Raskin, and Kinzinger.

1 Appearances:

2

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4 For the SELECT COMMITTEE TO INVESTIGATE

5 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

6

7 [REDACTED] CHIEF INVESTIGATIVE COUNSEL

8 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

9 [REDACTED] DETAILEE, DEPARTMENT OF HOMELAND SECURITY

10 [REDACTED] INVESTIGATIVE COUNSEL

11 [REDACTED] RESEARCHER

12 [REDACTED] CHIEF CLERK

13 [REDACTED] CHIEF ADMINISTRATIVE OFFICER

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16 For the U.S. DEPARTMENT OF DEFENSE:

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18 EDWARD RICHARDS, AGENCY COUNSEL, SENIOR ASSISTANT DEPUTY GENERAL COUNSEL,

19 OFFICE OF THE SECRETARY OF DEFENSE

20 RUSSELL NORMAN, LEGISLATIVE COUNSEL, DEPUTY CHIEF OF THE LEGISLATION,

21 INVESTIGATIONS, AND NOMINATIONS DIVISION, OFFICE OF THE CHIEF OF LEGISLATIVE

22 LIAISON, DEPARTMENT OF THE ARMY

23 LIEUTENANT COLONEL [REDACTED] AIDE-DE-CAMP TO THE DIRECTOR OF THE ARMY

24 STAFF

1 For GENERAL WALTER PIATT:

2

3 LIEUTENANT COLONEL [REDACTED], OFFICE OF THE JUDGE ADVOCATE GENERAL

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1 [REDACTED]. Good morning, everyone. My name is [REDACTED].
2 I'm the senior investigative counsel here for the House select committee.

3 This is a voluntary transcribed interview of General Walter Piatt conducted by the
4 House Select Committee to Investigate the January 6th Attack on the U.S. Capitol
5 pursuant to House Resolution 503.

6 Joining me from the committee is Chief Investigative Counsel [REDACTED]; also [REDACTED]
7 [REDACTED], senior counsel to the vice chair, Liz Cheney; and research assistant [REDACTED]

8 If you could just all introduce yourselves.

9 General Piatt, if you could state your full name on the record.

10 General Piatt. Walter Edward Piatt, Lieutenant General in the United States
11 Army.

12 [REDACTED] Mr. Richards?

13 Mr. Richards. Edward Richards, DOD Office of the General Counsel.

14 Lieutenant Colonel Gowel. Lieutenant Colonel John Gowel, personal counsel for
15 General Piatt.

16 Mr. Norman. Russell Norman, U.S. Army Office of the Chief Legislative Liaison.

17 Lieutenant Colonel [REDACTED] Lieutenant Colonel [REDACTED] Aide-de-Camp to
18 the Director of the Army Staff.

19 [REDACTED]. Also joining us is [REDACTED], who's also an investigative
20 counsel for the committee.

21 We're conducting this interview in person here. And I just want to note that
22 there is a Webex link available to members of the committee if they choose to join. We
23 are not certain if anyone is going to join for today's interview.

24 We plan to use certain documents that have already been provided to General
25 Piatt.

1 And I see that you have those in front of you. And you were able to review those
2 documents, sir?

3 General Piatt. Yes.

4 [REDACTED]. There's a court reporter -- two are present in the room. I
5 think they rotate off 1 hour. They will create a verbatim record of what we discuss here.
6 With that in mind, it's important that you answer the questions verbally. The court
7 reporter obviously cannot record nonverbal communications.

8 Although this interview is not under oath, you are required to answer questions
9 before Congress truthfully. That requirement applies to questions posed by
10 congressional staff in an interview. Specifically, 18 U.S.C. section 1001 makes it a crime
11 to make any materially false, fictitious, or fraudulent statements or representations in the
12 course of a congressional investigation. And that statute applies here today. You all
13 understand that.

14 We want you to answer the questions in the most complete and truthful manner
15 possible. If you don't understand any of my questions, please ask me to clarify or any
16 other staff member.

17 And if you need to consult with counsel, please do so, and we can obviously take a
18 break.

19 Does everyone understand?

20 General Piatt. I understand.

21 [REDACTED] Do you have any questions before we proceed?

22 General Piatt. No, I do not.

23 Lieutenant Colonel [REDACTED] No questions.

24 Mr. Richards. No.

25 [REDACTED] Great.

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EXAMINATION

BY [REDACTED]

Q General Piatt, we wanted to just start with the background of your military service. I know you enlisted in the service at age 17. Can you just walk us through your, I guess, last 37 years?

A Yes, for sure. But first --

Q Roughly.

A Right. First -- for sure. I would just like to say, though, to the distinguished members of this committee, one, good morning, and thank you for having me. Thank you for the work that you're doing.

The events on 6 January were tragic and horrific. But, personally, I am forever grateful for the brave men and women who stood their ground that day and saved -- their actions, no doubt, saved many lives, your lives perhaps, and the lives of the Members, the leaders of our Nation. I am also sorry for those who lost their life that day.

And I think -- I know that our collective mission as a Nation is to learn from this horrific event so we will never, never allow this to happen again. And I am committed to assisting in that endeavor, as I know you are, and I hope that my presence here today will help in some way lead to that end.

As stated, I did enlist in the Army at 17, right out of high school in western Pennsylvania -- son, really, of two generations of steel mill workers in Pittsburgh. And the Army was a great opportunity for me. I served 4 years, and I earned the rank of sergeant.

I wanted to get a college education. I went to Lock Haven University. It just changed my life, was able to get a degree in science and biology. I was coming back in the Army only for a short period of time, and then my plans were to get out and go to

1 grad school, and perhaps my dream was to work at the Museum of Natural History in
2 New York.

3 Those dreams changed, but I got into the Army. I served as a lieutenant in the
4 infantry, 2 years in Korea. I served briefly at Fort Dix, New Jersey. I then was married
5 and served 4 wonderful years in Panama, the country of Panama. Both of my children
6 were born there.

7 Afterwards, we were able to go to Fort Leavenworth, Kansas. I was able to go to
8 graduate school, earned two master's degrees there. But it was when I became a major,
9 my assignment to Fort Drum, New York, the 10th Mountain Division -- first time I would
10 be assigned there. I deployed to Bosnia and peacekeeping missions around the world.

11 But I was there on 9/11. And as we all watched our country be attacked and our
12 planes crash into the Trade Towers, the Pentagon, and a small Pennsylvania field miles
13 from where I went to high school, I remember the feeling I had that day that our Nation
14 was attacked, my hometown was literally attacked. And I felt helpless, but I knew I had
15 a mission to do.

16 And, shortly, our division was in Afghanistan. Our first deployment, we helped
17 the Northern Alliance retake Kabul. We planned operations in Tora Bora and Operation
18 Anaconda. And I was proud of what we were accomplishing, but you could tell that this
19 was a complex and very difficult war, and it had changed my career and the careers of
20 many in our Nation indeed.

21 Within a year after that deployment, I was assigned to the 25th Infantry Division
22 and went back to Afghanistan, this time as a battalion commander in the province of
23 Paktika. It was probably the most dangerous place along the Pakistan border at that
24 time.

25 We faced complex operations, deliberate combat operations, counterinsurgency

1 operations, stability operations to try to get a fledgling government to reach the very,
2 very vast province of Paktika. I was proud of the complexity that we were able to
3 handle and bring about some remnants of stability and successful first-time elections in
4 2005 in that area.

5 I redeployed -- I stayed with the 25th Division as the operations officer, this time
6 as a colonel. Deployed to Iraq as the operations officer in Multinational Division North
7 in 2006, an extremely dangerous time in that nation. We were facing over 1,000 IEDs,
8 improvised explosive devices, a month. The death toll was high, especially high amongst
9 Iraqi civilians. It was the peak of the war, in my sense, as I remember it, and I felt that
10 the nation was on the verge of collapse. And I saw that American soldiers and coalition
11 members held the security at bay so they could give this country a chance.

12 It was a difficult deployment for me, but I was proud of our service and the
13 complexity. To see soldiers be able to deploy to places and be able to perform
14 nondoctrinal missions, it shaped me and kept preparing me for the next mission -- which,
15 in another year, I was back in Iraq as a brigade commander, large formation, you know,
16 over 5,000 at this time. We had the responsibility for Saladin Province and Kirkuk
17 Province.

18 It was at a time when we were starting to see some change. We had successful
19 provincial elections. In 2008, the Sunni population participated. So the war, it
20 expanded again. We still had deliberate combat operations. There was violence for
21 those who wanted to deny the government advance and deny the people of Iraq freedom
22 they were seeking. But yet there was also stability operations that were, in my mind, at
23 that time were starting to have an effect and putting Iraq in a positive direction.

24 I returned from that deployment and was given a fellowship here in Washington,
25 D.C., at Georgetown University, and I was able to teach a graduate course. And it was

1 one of the most joyful and professionally rewarding years of my military career. And I
2 taught a course on peace-building, which I had to develop, but I was able to teach, you
3 know, upcoming security professionals in at least the lessons that we were learning from,
4 at that time, Iraq and Afghanistan.

5 And it was very moving to see the interagency community and the security
6 community within Washington, D.C. I was moved by that. And I was moved about the
7 dedicated professionals that are committed to the security of this Nation. I had just
8 been a soldier and been deployed places. I was not around our Nation's capital that
9 much, and it was a good year for me.

10 Afterwards, I was luckily selected for brigadier general, and I had a series of 1-year
11 assignments. I was the chief of infantry at Fort Benning, Georgia. I was the deputy
12 commanding general, again, back to the 10th Mountain Division at Fort Drum, New York.

13 I was the training commander at Seventh Army Training Command in
14 Grafenwoehr, Germany, with now a new mission to build NATO interoperability back
15 again after years of all our NATO nations committing forces to counterinsurgency
16 operations and to build that deterrence up for Eastern Europe.

17 After a year there, I was made the deputy commanding general for U.S. Army
18 Europe, and I was in that position when violence broke out in Ukraine and Crimea. And I
19 was given the mission to assess Ukrainian military ability to employ U.S. capabilities.

20 And I heard firsthand tales, when I traveled there, of how horrible the combat
21 was. Massive amounts of artillery coming on Ukrainian positions. They defended, I
22 think, indefensible terrain. They defended their nation, and they were a quality army in
23 a very, very violent situation.

24 But that shook Eastern Europe, and our mission there was -- you know, deterrence
25 became very real then for all of us. And I knew that the security -- and those who had

1 said maybe there wouldn't be another land war in Europe, I think we were seeing it
2 unfold in this possibility for there. It was a rewarding but, again, another difficult
3 assignment, which I enjoyed.

4 I was sent back to the Pentagon. I was chief of -- or Director of Operations under
5 the G-3. This was when I first started to interact with the D.C. National Guard in
6 support. That is the role that the Operations Director plays for the Secretary.

7 And then I was given the honor to command the 10th Mountain Division at this
8 time and once again deployed to Iraq as a division commander and commanded the Joint
9 Force Land Component Command of the coalition there at a difficult time.

10 It was a time when Mosul had been retaken. ISIS was on the run. And so it was
11 post-conflict. We still had to pursue this ruthless enemy with surgical precision while
12 allowing the Iraqi security forces to retrain, re-equip, reorganize, and allow for security in
13 areas where it had just been torn by the devastation of war there.

14 But, again, I thought our assistance was there, and I could see the relationships
15 that we invested in early were paying off with Iraqi security forces. In my experience,
16 they saved Iraq from total, total -- being overrun by ISIS attack. So, proud to do that
17 deployment.

18 And then, in May of 2019, I was selected to be the Director of the Army Staff, the
19 role that I am currently in now. In that role, I serve the Secretary of the Army. I am a
20 staff officer. I help coordinate and connect the staff actions to meet her priorities across
21 headquarters, Department of the Army, and across the Secretariat staff and the Army
22 staff. I am not a decision-maker, but I help make decisions happen for her. And that's
23 what I do for currently Secretary Wormuth, previously Secretary McCarthy. And I
24 started under Secretary Esper.

25 So that's the role of the Director of the Army Staff. You're the coordinating

1 element to help the actions get pollinated and socialized across a large swath so that
2 everybody knows the direction the Secretary is wanting the Army to go into under,
3 currently, our priorities under people, readiness, and modernization, but it could be in a
4 crisis situation. Whatever her intent or vision or direction is, it's my job to make sure
5 that action is well-coordinated and -executed to meet that intent.

6 Q Sir, thank you for your tremendous service to this country. And we're
7 grateful you're making the time here so we can focus on the topic that we are going to in
8 the next couple hours. We're going to be cognizant of your time. But incredible,
9 incredible service. And I am sure those of us on this side of the table would love to have
10 questions following up about your service, so we're going to try to remain focused, to get
11 you out of here, for the next few hours.

12 Going back to your position now that you have as the Director of the Army Staff,
13 how many people does that include in terms of your coordinating position?

14 A There are thousands within headquarters, Department of Army. My
15 particular office -- my office -- we have four people in my office.

16 We have an office of the Vice Director of the Army Staff, which does
17 administrative and financial control for the Chief of Staff of the Army's office, and so it's
18 administrative connectivity.

19 All of them perform a different role for the headquarters, Department of Army.
20 So headquarters, Department of Army is divided by the Secretariat staff, so assistant
21 secretaries of the Army, appointees, confirmed. Their staffs are not large. They differ
22 between perhaps 50 to 100. These numbers are not -- I don't know that accurately. I
23 don't have that in front of me.

24 Q Uh-huh.

25 A And then some of the staffs, where we have the G-3 for operations -- it's

1 called the G-3/5/7, which means he has operations, planning, and training, which are big,
2 huge portfolios. So several general officers as deputies to help the operations staff
3 operate.

4 The Director of the Army Staff from my personal -- like, our personal office is very
5 small, but the staff leads themselves, they all have varying levels of staff that could
6 change between 50 to 1,000 depending on the functions that they're asked to perform.

7 My job is to -- they don't work for me, very clear. I work for them, actually.
8 Many of them outrank me. The assistant secretaries, by Army protocol, would outrank
9 me. But I coordinate directly with them so that no staff action is acted without the
10 proper coordination, because it would never come to fruition or we'd miss a key step,
11 met only with legal -- and we have our own Office of General Counsel. We have the
12 Army Judge Advocate Office; we have the Office of General Counsel.

13 A large staff, but the Army does large things. The Secretary, as the chief, alone
14 has Title 10 responsibility to build the future Army, to train, equip, and maintain ready
15 forces to meet the Department of Defense's -- the Secretary of Defense's support to
16 combatant commanders. That is our role and function to do. And there are other
17 smaller things to do, but the whole range -- we make sure that we're able to coordinate
18 those actions.

19 Q In terms of the roles on January 6th, can you just describe generally,
20 distinguish between General Flynn's role as the head of G-3/5/7 -- is that right? -- and
21 your role and what the overlap was or the hierarchy was? Sort of, as a layperson, it's a
22 little confusing.

23 A And if I could step back a little bit --

24 Q Sure.

25 A -- from the lesson learned from June. In the Secretary's role with the D.C.

1 National Guard, to commander of, oversight of -- and the D.C. National Guard is in Title 32
2 status. We realized, in that separate role, the Secretary did not have adequate staff. It
3 was a lesson learned we learned from June.

4 I knew that personally because I'd previously had the job of Operations Director at
5 Readiness and Mobilization, and that job was the one that would help liaison with the
6 National Guard in the Secretary's role in any type of Guard support for civil requests.

7 So, when we were building up for the January 6 request, we made sure that the
8 Secretary was surrounded by a small cell that would have communications, they would
9 have proper legal counsel with the Secretary at all times -- because these are really some
10 just difficult, fine legal issues, this staff work. I mean, we wanted a lawyer to be with the
11 Secretary at all times. And we had an operations person there. And that person
12 worked for General Flynn. That was our operations director.

13 So just a tiny cell that, when they moved and did things -- we did it in June. We
14 just built it. And that seemed to be enough communications package so the Secretary
15 wasn't trying to do staff work. That's how we did it.

16 So General Flynn, day to day, he is the one that oversees the planning and training
17 for the future Army. He is the one that helps build the future Army structure based on
18 what the strategy may call upon us to meet, from the National Security Strategy. So he
19 is thinking very far out. He is the one guiding the Army on where our long vision has
20 to -- we have to build to.

21 And he has deputies that handle current operations, strategic planning, and
22 training. So those are various -- I guess, various levels of time.

23 So the Operations Director -- because I had the job previously -- is in the
24 basement. Current operations day to day; oversight of the Army Operations Center;
25 connected to the National Military Command Center, so that if there is a national crisis

1 for the command center, the Army Operations Center in plugged in as a service
2 component, because we have Title 10 responsibilities and we may have to provide forces.
3 That's how it connects.

4 But, as the Director of the Army Staff, I interface with General Flynn as the G-3
5 and now General Jim Rainey and all the other principal staff officials and their deputies
6 often in various meetings. I'm not always leading the meeting, but I'm normally there,
7 whether I'm talking a current crisis -- like, 2 years ago, when we had the Army housing
8 crisis, we were meeting every day with various staff officials. That would be something
9 General Flynn would send a deputy to, because that's a current Army problem. But
10 when we're talking future force structure and how's the future Army going to be
11 organized, that would be something the G-3 would work on. And some of those
12 meetings I would be in, if it was briefing to the Secretary or to the Chief.

13 And that's how -- I would manage the staff. He would manage the long-range
14 planning and preparation of the Army and oversight of the current Office of Readiness, of
15 course, because they work for him.

16 Q That's very helpful. Thank you.

17 I just want to go back to what you said about what happened in June. Did you
18 have this, kind of, small cell of advisors for the Secretary of the Army in June and then you
19 built it out for January, or you did not have that?

20 A We created it in June because the events demanded it. The Secretary
21 physically had to go downtown to make sure -- we were given various missions -- in the
22 days leading up, we were given missions to secure other buildings. And he physically
23 wanted make sure -- we wanted to -- and we learned -- well, as they stood up any type of
24 national operations cell, we wanted to make sure we had a communication plug.

25 It was very common for the military -- if you say the headquarters is in this room,

1 we'll send in one person with a communications kit just to make sure the Army is
2 represented and we have communications there.

3 We also, in June, put an Army staff liaison inside the D.C. Armory, so, that way, it
4 would ease the D.C. Guard for connectivity back to the building for staff coordination and
5 interaction. The communication was directly to the Secretary.

6 So we had the travel comms team with the Secretary and also had -- we had the
7 ability -- we always have the ability to plug in communication nodes based on whatever
8 the crisis is. So DOD or Army's directorate of support will put a communications node
9 within that -- wherever that location happens to be.

10 Q And from the Secretary of the Army to General Walker at the time, would
11 that be direct communication from the Secretary of the Army to General Walker, or is it
12 someone in between communicating --

13 A No.

14 Q -- at the time of January 6th?

15 A It's General Walker to the Secretary is the direct chain of command the days
16 leading up to January 6th and, of course, on that day.

17 Though the staff can communicate, though. It's not uncommon if General
18 Walker's deputy or someone else called the Secretary on behalf. And it's not
19 uncommon if the Secretary said, please call -- he may be on another call. It's not
20 uncommon. But it's directly -- we translate -- or transmit, excuse me, we transmit the
21 communication from the Secretary to General Walker.

22 As the higher headquarters staff, it is our job to meet what the subordinate
23 headquarters' demands are, what their needs would be. This is common Army doctrine.
24 It's not -- they don't have to push a burden onto us. We're supposed to be aware of
25 what the Secretary wants and be proactively helping at headquarters.

1 But the commander of the D.C. National Guard reports only to the Secretary of
2 the Army.

3 Q I want to talk a little bit more about, kind of, those lessons learned from the
4 summer.

5 Are you familiar with -- and I have included it as part of the exhibits. It would
6 be -- exhibit 50 is the report or the review the Army conducted about the civil
7 disturbances in June of 2020. Do you have that?

8 A Is she talking about this one? The report of Army operations on --

9 Q Uh-huh.

10 A Oh, yes, yes. I'm very familiar with this, yes.

11 Q Okay. Did you have any role in drafting the report or assisting in it?

12 A My role was to make sure that we merged everybody's perceptions and
13 notes of that day so that the team that was owed it could get all of that perspective.

14 In Army operations, after post -- I mean, it was a hectic, chaotic day. What we
15 wanted to make sure is everybody's perspective or recollection of that day was
16 consolidated and wasn't dismissed. It was consolidated independently so we could put
17 these pieces together.

18 So one of our good legal teams consolidated these notes and wrote this, but it had
19 to be staff. My role was to make sure the staff participated in that action and eventually
20 that the Secretary and the Chief were -- that this was legally sufficient as a recall. We
21 thought we owed that to the Army and to our country, quite honestly.

22 Q I want to talk specifically about the section -- and I'm hoping that you can
23 just explain what these lessons learned from the civil disturbances in June 2020 were and
24 how that directly impacted the preparations for January 6th.

25 So, for example, it says, "Troops should only be used as a last resort in direct

1 civilian law enforcement roles."

2 What occurred during that summer that made it important for this to be -- what,
3 in the review of the documents, seems to be a very clear and constant message of
4 "troops are only to be used as a last resort"?

5 A I believe that first comment came in July. Secretary Esper and General
6 Milley commented on that, that troops should be only used as a last resort.

7 What we saw in the events leading up to June, and started in 29 May, were
8 warnings and indicators of violence, and then we saw that violence transpire. You
9 know, there was destruction of buildings. And we were able to receive requests that are
10 coming in fast, but we were able to process those and apply the right amount of National
11 Guard support. Some of these came from other States.

12 What we saw -- the biggest lesson from the Army was -- what we saw was, one,
13 National Guard soldiers from D.C. were injured in some of the violence. Secretary
14 McCarthy was very concerned about that, that they were injured, and he wanted to make
15 sure, when we deployed forces, they're deployed correctly.

16 There were moments where -- there were events where military equipment was
17 provided to law enforcement, like, military personal -- that's not supposed to happen.

18 And then the terrible event in June where we saw a U.S. Army helicopter,
19 medevac helicopter, fly low over U.S. civilians. Why that is so important, one, it was
20 completely wrong and extremely dangerous, but we didn't know how that happened.
21 When we saw that occur, we didn't know, so it had to be investigated.

22 That investigation took a long time. And I wasn't involved in the investigation.
23 But it was the -- what that investigation revealed was that we did not have good
24 procedures in place to provide military support to a very serious civil disturbance
25 ongoing.

1 The -- because -- the pilot of that aircraft believed that was his mission. Now,
2 this is a highly trained, highly skilled -- I don't know him personally, but probably just a
3 very good person. But he believed, this is my -- this is why I put this in just layman's
4 terms, why this was so important to the Secretary -- that we -- there were options for use
5 of military medevac helicopters that would remain at Fort Belvoir, Virginia. And that
6 would be -- in time of extremist casualty evacuation where all civilian assets were utilized,
7 we could then use a military casualty evacuation asset.

8 That was the intent. That somehow got translated to a very competent Army
9 officer that "I am to fly low and loud to deter looters" during a protest in the evening in
10 downtown Washington, D.C.

11 So there was a clear breakdown in military procedure, planning, processes,
12 especially when it involves military aircraft. We are very disciplined about the use of
13 military aircraft. We have to be, in combat or in peacetime. It's an aircraft. And this
14 is restricted airspace we weren't given authorization to use. But the air-ground
15 coordination, the mission planning, the preparation, the back briefs that go into a mission
16 like this, it was never done.

17 So the Secretary's thinking was, in the future, when we are going to provide
18 military assets to civil authorities, we have to be very clear on what the mission is and
19 make very clear that that mission is tailored and limited so the Guard can do it without
20 putting themselves or, worse -- not worse, but -- putting civilians' lives in danger.

21 So he was -- and that meant it was going to come from top down. And that was
22 the real lesson. It was a military breakdown. And we briefed Members on this
23 previously, on this investigation. Senator Duckworth was very interested in this, I heard.

24 I know that's a long answer, but I'm trying to put it down to: What was going on
25 was a complete breakdown of military application, and it was wrong. It's not what we

1 wanted to see, helicopters being used against the public. But, as bad as that is, the real
2 reason was he thought it was his mission. And we needed to make sure, next time, if
3 we're asked, we need to have a mission explicit, tailored, so that we could give the right
4 support and no other civil authority could re-mission off that support without the
5 approval of either the Secretary of the Army or, in certain circumstances, the Secretary of
6 Defense.

7 Q Now, Secretary Esper was the Secretary of the Army during the -- or -- yes.

8 A He was Secretary of Defense. Secretary McCarthy was the Secretary of the
9 Army in June 2020.

10 Q Right. When you say the -- after the events of June occurred, was there
11 any issuance of guidelines about some of these mistakes that happened, issued by
12 Secretary Esper or Secretary McCarthy, at the time?

13 A It came over time as the investigations came out. We all knew this was
14 wrong, so we're waiting -- well, we didn't wait for the investigation. We knew that we
15 needed to have clear procedures. And next time this would occur, one of those
16 guidelines is, we've got to make sure that the Secretary has the proper staff around him
17 at that time.

18 Another lesson was, we need to make sure, if we're going to use medevac
19 helicopters, everyone knows the regulation, that you need to have proper flight briefings.
20 The standard procedures, many of them already existed within the Army, they just
21 weren't applied, when it came to providing National Guard forces to civil authorities.

22 So that guidance came out, so we knew. But we had not gotten -- I don't know
23 when he gave the guidance, but Secretary McCarthy gave the guidance and said, when
24 we get a request next time, we have to be absolutely certain that we understand the
25 mission clearly and the force provided knows its task and purpose and limitations to

1 execute that mission.

2 Q And is it fair to say that, understanding the mission clearly, is what happened
3 after the D.C. National Guard -- Mayor Bowser requested D.C. National Guard on
4 December 31st; we'll go through that -- but those days of analysis that took place?

5 A It was, and I think -- but it also came from her request as well. I mean, she
6 requested -- which was very helpful. She gave us a tailored, limited request, specific, to
7 augment the police.

8 Q Uh-huh.

9 A And so, when they first look at that on the 31st of January -- I'm sorry, 31st
10 of December, excuse me -- we knew that, okay, this initial framework of this, this looks
11 like it's going to be feasible, but we had a lot of planning to do from the initial request,
12 which was normal. That's the first step.

13 Q Right.

14 I just want to go back to the guidelines. It appears that, while lessons were
15 learned from the June 2020 civil protests, there weren't -- and I'm asking if there were
16 any restrictions or guidelines issued before the January 4th and January 5th memos from
17 Secretary McCarthy and Secretary Miller.

18 A The results of the investigation had lessons learned and things that we
19 needed to do. One of them was the update on aviation regulation.

20 Q Uh-huh.

21 A So there were some not related to the January requests at all. We were
22 trying to fix the June problem, not trying to get ahead.

23 So that -- I can't recall all of them, but there was a summation of the result of that
24 investigation that had a series of lessons learned that required us to take several different
25 actions.

1 Q And were those actions kind of played out in the January -- we'll go through
2 the January 5th memo of Secretary Miller, but some of those restrictions that were put in
3 place as far as obligation of D.C. National Guard and the QRF?

4 A I think there's absolutely a direct linkage in that.

5 Q We'll talk a little bit more about that.

6 [REDACTED] Before I move on from the summer protests, does anyone have
7 any questions?

8 [REDACTED] I just have a couple of things --

9 [REDACTED] Sure.

10 [REDACTED] -- General Piatt.

11 EXAMINATION

12 [REDACTED]

13 Q So, in addition to looking backward at what happened on January 6th, the
14 select committee is also tasked with thinking prospectively about potential
15 recommendations for improvements.

16 My understanding is that the Army has a very longstanding tradition of doing
17 after-actions after combat operations or the kinds of things that you saw here
18 domestically. Is that generally correct?

19 A Yes, sir.

20 Q And that's important, to try to look back at what happened to learn from
21 things and improve processes going forward. Is that, again, fair to say?

22 A Yes, sir.

23 Q How is that institutionalized within the Army? Is it written down anywhere
24 as to what are the circumstances that trigger an after-action, what are the components of
25 it, how is it emphasized thereafter? Just sort of generally, not tied to the summer

1 protests, but more broadly.

2 A Generally, doctrinally, we have, actually, a Center for Army Lessons Learned
3 at Fort Leavenworth. And they deploy to theaters of operations. They send people
4 there to do lessons learned. We did one during COVID response.

5 So we have actual people dedicated to gathering information, collecting and
6 formulating what happened, what went right, what went wrong, conducting interviews.
7 So it can go very extensively, like, in some -- when you're deployed -- in my many
8 deployments to combat, I had a representative from -- it was called CALL, Center for Army
9 Lessons Learned. We love acronyms. But they come -- they don't work for me, but
10 they're so helpful because that takes the burden away from me. I can stay focused on
11 my mission. And they're collecting. They pull all our records. They do those things.

12 And it doesn't happen every day in the Army, in every operation, but it is ingrained
13 within the Army; we call it an AR. We'll do verbal ARs after just a morning physical
14 fitness session. It's just -- it's a part of our culture.

15 Q Yeah.

16 A Because we don't want to repeat mistakes. It's not about finding fault with
17 us so much. That would be an investigation. But after-action reviews are what went
18 right, what can we do better next time.

19 And then we share it with the broader Army, so CALL does -- Center for Army
20 Lessons Learned, they do publications often. They did a good publication, an initial one,
21 on our COVID response, which was very helpful to see. But they're always engaged on
22 big events.

23 And we'll task them on bigger events, but everyone will do their own. This Army
24 operations report was part of our way at headquarters DA to make sure we get this down
25 so it would feed other after-action reviews or investigations or whatever would be helpful

1 to the broader look at the lessons learned.

2 Q Uh-huh. Interesting. So it's outsiders that come in after, whether it's
3 COVID response or a combat operation, to essentially assess what occurred, provide
4 some feedback to command staff or others, and incorporate those lessons more broadly
5 into Army process going forward?

6 A It is. It's part of our Training and Doctrine Command at our Center for
7 Combined Arms in Fort Leavenworth, Kansas. So, by doing that, they inform what
8 future doctrine should be. So they're not there to inspect you. We have an inspector
9 general for that, to inspect are you adhering to policy and those kinds of things. They
10 come in and they look at how it's happening. What they normally grab are new ways of
11 doing things that aren't doctrinal.

12 They wrote a lesson learned when I was in Afghanistan. As a battalion
13 commander, we were having problems with what we call standoff. The Afghans were
14 getting very close to the base to use it for pasture. And we made a deal that, if we had
15 animals, they would allow us to use that land. You know, nothing in fort doctrine tells
16 you to buy goats and camels and mules and donkeys, but it allowed us to get a cultural
17 understanding and it gave us that land. That way, we had the proper standoff.

18 And the expert -- we just thought it was -- we were just trying to get our job done.
19 We didn't have the time to reflect on the meaning this would have in counterinsurgency
20 operations. But that CALL person, not necessarily an outsider, but someone that doesn't
21 have a command staff responsibility other than looking down, how should this apply to
22 other Army organizations, is very helpful.

23 We all love it when they come. I mean, when they're there, it helps us, because
24 we know we're going to help the Army, and they're going to help us gather data that
25 we're going to have to provide and don't have the staff to focus.

1 Q Right. That last part is really important, right? If the culture is, we
2 welcome this after-action, want very much the feedback, and we'll use it constructively,
3 then it's effective. Whereas, if the after-action is not something that the culture
4 contemplates, accepts, that's not going to generally be as effective.

5 A Well, I -- we have both. We have -- we audit. As a commander, I always
6 welcome the inspector general because, in the Army that I served in so long, I know when
7 they send outside review it's helpful. It's going to be helpful, because I don't have that
8 expertise. And if it's an investigation on, perhaps, wrongdoing or misconduct, it's very
9 helpful because then I can't -- no one can accuse us of not taking it seriously. An outside
10 look is always appreciated and always asked for.

11 And it's fairly common for a commander to ask for a senior -- like, as a division
12 commander, a brigade commander, so I have this incident, I'm not responsible, it's not
13 going to come on -- I don't feel like I'm in -- I know he's not involved or she's not involved,
14 but it would be helpful if I had an outside investigating officer appointed.

15 So it's our culture. We welcome investigations and after-action reviews.

16 Q Yeah. And then just to tie it to the questions that Soumya was asking you,
17 there was an effort after the June protests in Washington, D.C., to essentially learn from
18 them and incorporate those lessons in a civil disturbance context, and that informed
19 preparation for and response to January 6th?

20 A Yes.

21 Q Got it. Thank you.

22 [REDACTED] I notice Representative Raskin and Representative Lofgren are
23 on Webex.

24 Do either of you have any questions for the General at this time?

25 Ms. Lofgren. I don't.

1 Mr. Raskin. I do not. Thank you.

2 [REDACTED] No problem.

3 [REDACTED]

4 Q Just before we move on from this, and understanding all of the scrutiny that
5 the Army received because of the helicopters and the response, did it lead to any
6 reluctance on January 6th by Army leadership to respond to the attack on the Capitol?

7 A No.

8 Q Let's start with the -- and we are certainly not going to go through all of
9 these exhibits, but I wanted to draw your attention to the initial letter from Mayor
10 Bowser on December 31st as well as the letter from Dr. Rodriguez. And these are all,
11 kind of, exhibit 1, 2, 3, and 4.

12 I know you're familiar with them, so we don't have to go through it, but the initial
13 email from General Walker to Secretary McCarthy includes the initial -- again, it's a
14 layperson -- the initial mission analysis that was conducted by the D.C. National Guard.
15 That would be exhibit 1, the slides here.

16 A Uh-huh.

17 Q So I want to spend some time on understanding what occurs from the initial
18 request of Mayor Bowser until it is approved on January 4th. So there's essentially a
19 4-day overview of, you know, back-and-forth as far as how many guardsmen should be
20 deployed, the traffic points. There's numerous decisions that are made.

21 But before we start with that, I've reviewed your House testimony -- and, again,
22 cognizant of time, I don't want to repeat much. But, in your House testimony, you
23 referred to Mayor Bowser, quote, "explicitly conditioned a request for unarmed
24 personnel." And then you also reiterated that as far as Dr. Rodriguez's request for six
25 crowd management teams where no personnel would be armed.

1 Can you explain to us why those initial requests of unarmed personnel were
2 significant and how that impacted the analysis going forward?

3 A I think you could see that they had a good plan to augment a broader
4 security plan for that day by saying, I want augmented traffic control points and crowd
5 management to be unarmed because of the role of that, they wouldn't need to be
6 or -- and other limiting ways. So, to protect and to free up her police officers, or
7 Metropolitan Police officers, so they wouldn't be at static positions.

8 So, at initial blush, when that came in, we think this is a pretty good, tailored
9 mission from what we thought about when we saw the lessons from June, is, okay, we're
10 getting a request, it's not vague, it's specific; we need to do the right -- as the staff, we
11 need to do the right analysis with General Walker's staff to make sure we can present
12 options now to the Secretary of the Army of how this is going to work.

13 On those initial letters, though, it wasn't refined of where exactly -- we had to do
14 some work. We had to do some work. And, obviously, it was the 31st of December
15 and 1 January, 2 January, and 3 January, it was over a holiday weekend, but we were all
16 working and all available to help refine that request.

17 I guess this is a military -- what we do. We take a request, General Walker's
18 team, everybody. We translate that into a -- we operationalize it, is what we would call
19 it, and we translate the request into a specific mission set so that we could get approval if
20 the Secretary chose to do so.

21 I didn't know at that time, but it looked very feasible and very reasonable that we
22 would be able to present that as a coherent plan. He would have a good plan, and he
23 would know, then, the limitations of that plan.

24 Q During the summer, did Mayor Bowser make any requests for the D.C.
25 National Guard, if you remember?

1 A I do not recall if we did any on July 4th, because July 4th is a normal one, but
2 it's not for any protests. But I can't -- I can't recall.

3 Q Who requested the D.C. National Guard for the summer protests?

4 A The -- oh, oh, for the June? I'm sorry.

5 Q For the June --

6 A I thought -- several agencies, I believe. I believe most -- Park Police.

7 The -- I'm not sure if I'm exact here, so I'd have to provide a response.

8 Q That's okay.

9 A But we get requests from many different -- Park Police, Secret Service, and
10 the White House. The different entities, they all will send a separate request.

11 Q Did it strike you as odd that it was explicitly asking for unarmed personnel?

12 A It did not, especially when we got Dr. Rodriguez, when he said traffic control
13 points and crowd management, because he specifically said vests and lighted wands for
14 crowd management, someone that would help people -- facilitate peaceful people
15 moving toward an area, help the crowd management facilitate that.

16 Q Understood.

17 I want to then move on to exhibit 5A, which is General Walker's January 1st
18 mission analysis for District of Columbia National Guard support.

19 Now, it appears -- and I just want to clarify, I think the initial request, December
20 31st, was a request for 350 persons. And then this January 1st letter is for -- in
21 paragraph 4, it says, recommended initial troop cap of 250 Army and Air guardsmen.

22 Who conducts this analysis as to how many people should be -- should honor the
23 request?

24 A This is a mission for the D.C. National Guard. Received a request; they'll do
25 analysis.

1 The number variation was causing no concern at this point in the staff of 1 January
2 for a request on 5 January. We had time. It was something I would say was quite
3 normal.

4 Q Okay.

5 A But as we refined the plan, the numbers would get more specific, then we
6 would be able to meet troop -- we call it "troop to task." Normally, if someone asks for
7 a number, it's not what the military likes, is a number request. What we want to know
8 is what's the mission you want done, and then we'll do the analysis and say, this is the
9 number we need to do to do the mission.

10 Q What was your role in conducting the analysis?

11 A My role was to facilitate General Walker's analysis to make sure, one, we
12 had a meeting set up for the Secretary. He wanted a thorough plan. And then, as
13 General Walker was doing the analysis, that if he needed something that was outside of
14 his headquarters, that he would immediately elevate it out to the staff, and we would
15 find a way to provide that resource.

16 Q In your House testimony, you stated -- this is your statement, not your
17 testimony. I should clarify that. You said, "I was definitely concerned about the public
18 perception of using soldiers to secure the election process in any manner that could be
19 viewed as political."

20 And you go on to say that the Army had already -- the Joint Chiefs of Staff and the
21 Secretary of the Army already issued a statement that, quote, "there is no role for the
22 U.S. military in determining the outcome of an American election."

23 Can you explain the background of your concern there that you had upon
24 receiving the request?

25 A I wasn't concerned on the mayor's request, for those. We saw no

1 connection to any election from her request and the location and everything it was. It
2 was really to provide outer security for potential protests so there couldn't be
3 counter-protests. It had to nothing to do with determining the outcome of an election,
4 which was clear that my superiors had commented on that that's not a good role for the
5 military.

6 Q I see. So you didn't see the mayor's request for traffic points having to do
7 with the joint session that was occurring on January 6th.

8 A No, I did not.

9 Q So what was your concern, then, about using the soldiers in any manner that
10 could be viewed as political? What was the basis for that concern?

11 A It's basically, I mean, really, a foundation of our democracy. I think our
12 senior leaders spoke that that is not the role of the military.

13 I've been in foreign countries conducting elections, and, sadly, we had to provide a
14 lot of security just to get people safely to vote and not vote. And I witnessed this in
15 elections in 2008 in Iraq, and I heard the comments of Iraqis that won an election. And
16 they were so moved by the fact of how the American system worked, that it's not the
17 election that creates a democracy; it's that peaceful transition of power. And I've been
18 in countries where that's not a guarantee.

19 And we think, you know, it's not, you know, military -- in our Nation, we celebrate
20 that transition, and we don't use the military to force it. That's just fundamentally -- as
21 an Army officer, I'm just proud of my Nation for doing that. That's my belief.

22 Q You quoted the statement that had been issued, that there was no role for
23 the U.S. military in determining the outcome of an American election. Do you
24 remember the circumstances of when that statement was issued?

25 A I think it was General Milley who made that comment during lead-up for

1 November. And there were indications that we might be asked to help provide security,
2 that the military would be asked. We never received a request, or I personally never
3 received one.

4 And his comment, I think, set the guidance for the Department of Defense that we
5 don't have a role here, that if there's an issue, it would be determined by the legal
6 authorities, not the military.

7 Q Do you remember that General Milley -- that statement itself was issued, I
8 think, December 18th, kind of contextually, in response to an interview that General
9 Michael Flynn had given to Newsmax about invoking martial law to maintain former
10 President Trump's power. Are you familiar with that, the statement of General Michael
11 Flynn?

12 A I do not believe I am. I thought General Milley made that comment in
13 November. If I'm wrong, sorry.

14 Q Yeah, and you might be right. It was also issued around that time.

15 You're not familiar with Michael Flynn's comments concerning martial law or
16 invoking martial law for the President to maintain power because of the alleged stolen
17 election?

18 A I'm vaguely familiar that statements were being made in the media, but they
19 beared no weight on the mission we had to do.

20 Q Was there -- kind of, going into January 6th, were you concerned about,
21 because of some of these comments of General Flynn and some of the political rhetoric
22 that was in the atmosphere at the time, about the politicization of the military as you
23 headed into January 6th?

24 A I was not.

25 Q Also in this lead-up, there was the issuance of the January 3rd op-ed in The

1 Washington Post by the 10 living Secretaries of Defense. Are you familiar with that
2 op-ed?

3 A I am.

4 Q Did you read that?

5 A I read it, not -- I don't believe I read it on that day, but I know by 4th of
6 January I think we had all read it.

7 Q How did it impact, kind of, the culture of the Army and DOD going into
8 January 6th?

9 A I don't think it impacted. I think it was in line with statements that were
10 being made. We had a mission to do. It was a legitimate mission, and we were
11 preparing for that mission.

12 Q I want to move on to January 2nd. There was a conference call with the
13 Secretary of the Army.

14 Exhibit 8 is a little bit more of an analysis by General Walker about the traffic
15 points.

16 It appears that, during this time, more information is coming in about how you
17 were going to execute the mission for January 6th. Is that fair?

18 A Yes.

19 Q Exhibit 11 has an email from yourself to General McConville stating, there's
20 "lots of communication going on with the team." And you're still keeping working at
21 creating a final plan there.

22 It looks like at the end of January 2nd there's still no decision whether to
23 ultimately approve the request. Is that correct?

24 A At the end of what date? I'm sorry.

25 Q January 2nd.

1 A January 2nd? No. We're meeting conditions each day, so we're getting
2 closer, but nobody was alarmed. Like, nobody's saying no. It's part of our normal
3 process to keep working and just -- you get things solved, you get another thing solved,
4 some other requirement comes in, you work to get that solved. So this is where we are.

5 In the time that I was not -- at no time ever said, we're not doing this, or, yes -- I
6 mean, we were just trying to get the analysis done so we could get approval.

7 Q So, again, as a layperson, none of this, what you're telling us, is unusual, in
8 terms of the guardsmen going from 350 to 250, or 340, or this analysis that's occurring,
9 this is all typical, kind of, what the Army does. Is that fair?

10 A Very fair. They're refining the requests down to practical application of
11 military forces on specific missions. So they're operationalizing the requests that we
12 have that could be met by the tailored force.

13 Q Exhibit 10 and exhibit 12 generally speak about briefing congressional
14 Members about the upcoming event. Were you involved in that in any way?

15 A Yes. This is from General Eifler, who was our congressional liaison director
16 at that time.

17 Q Was there a briefing that occurred?

18 A We notified staff members later on. I'm not sure when.

19 Again, this is another one where our office is fairly common. When something is
20 happening, we don't want Members to find out from the media. We want to tell them
21 ahead of time, we have a request, we're working, it's getting close.

22 He was, I believe, advising, as we get closer to approval here, let's not wait, let's
23 go at least 1 day prior so we can notify Members. And he specifically calls out Senator
24 Duckworth's continued interest in the results of the investigation, which -- we were in
25 dialogue with her. Well, his office was. The Army staff was providing updates.

1 And we take this role very seriously, and when we're asked to do anything
2 interagency, we're going to notify Members and key committees of that request of what
3 we're doing. It's not unusual for us.

4 Q Were you involved with the briefing, or is that conducted --

5 A I am not. They have members that do that in the team.

6 Q I want to turn now to exhibit 14, which takes us to January 3rd. Now, if we
7 look at the end of the email, it looks like there are slides -- or the next exhibit -- about,
8 again, the request for the D.C. National Guard, kind of the analysis that's being
9 conducted.

10 And your email at the top there, sir, from Sunday, January 3rd, 9:41 a.m., says,
11 "Bottom line: Recommended to the SA" -- Secretary of the Army -- "conditions not met
12 yet for commitment of the D.C. National Guard. Would like from the interagency: (1)
13 request lead Federal agency and (2) request status of level of commitment of other
14 Federal agencies."

15 Can you just explain, starting with the request for the lead Federal agency, why
16 that was so important and a condition to be met before the approval?

17 A One, it was a lesson learned back from the June event, as well, and it shaped
18 the Secretary's thinking. So his guidance and the guidance of the Chief of Staff of the
19 Army to me for the staff coordination was we should make sure, you know, all these
20 conditions are being met.

21 And "conditions" are a common term that we'll use so that we can see that we're
22 making progress or not. We use it in combat all the time. You have certain -- weather
23 is a condition. Do you have enough aircraft? Do you have enough people?
24 Sometimes all the conditions are not met but you're going to make a decision to go.

25 So, as we get fidelity into any mission, we'll brief it in the terms of conditions.

1 "You asked us to get this done. We're only at 90 percent, but we're going to
2 recommend go." And oftentimes I've done it at 60 percent in combat missions.

3 But the guidance was specific from them for lead Federal agency and request
4 status of level of commitment by other Federal agencies, whether they've exhausted and
5 committed their forces before the military is used. And that came from the June, of last
6 resort -- lead co (ph).

7 Why that's important to us in the military is the unity-of-command aspect that a
8 lead co-NC (ph) would give. So there would be one central agency or cell that would be
9 in charge and that could facilitate, you know, rapid coordination or additional facilitation
10 of a change in mission or resources going somewhere else or just even facilitating the
11 communications across all interagency during any events.

12 And it's a standard practice for the military. We like to see that. It's never in
13 civil events. It's going to be a Department of Defense -- but, for us, we find it's very
14 helpful to have, to allow for that.

1

2 [9:57 a.m.]

3

4 Q Was there a lead agency during the summer?

5 A Yes, there was. Yes.

6 Q Who was that?

7 A Department of Justice.

8 Q And what was your interaction with the Department of Justice at that time?

9 Let me rephrase that. What were they doing during the summer that indicated they
10 were the lead Federal agency?

11 A Just, they stood up an operations cell. I had no interaction with it, but we
12 ensured that we had representation at that ops cell so that the Army was there so that, if
13 they needed something from the Army, we could get it rapidly and get it to our
14 Secretaries as fast as we could. So to resource our, what we call plug, a communications
15 cell or node, into an operations center.

16 Q Would that be a SIOP that was set up? Or -- are you familiar with the FBI's
17 headquarters that was set up during the summer, or was it at a field office? If you
18 know.

19 A Yeah, I don't know. We just called it the National Ops Center.

20 Q Oh, okay. The National Ops Center.

21 A Yeah.

22 Q And as of January 3rd, was that ops center set up?

23 A It was not.

24 Q And that second condition -- you said, request status of level of commitment
25 of other Federal agencies -- that's the direct link to the last resort thing which you used

1 before. Is that right?

2 A Yes.

3 Q Was that in effect during the summer as well, in terms of the Army being
4 used as a last resort?

5 A It was. It was.

6 Q Exhibits 16 and 17 are kind of setting up the 1:00 p.m. interagency call that
7 the Secretary of Army was on. Were you on that call as well, sir?

8 A I was not.

9 Q Did you learn about the call after it concluded?

10 A The Secretary would give us guidance. He would never explain what
11 happened in the call, but our assumption was he got guidance from that call, because we
12 were always setting up a meeting following his calls, and then he would give us guidance
13 to any new thing he wanted us to work on.

14 Q Was it your understanding after that call or soon thereafter that a lead
15 Federal agency had been established?

16 A On the call of 3 -- on 3 January, it was. He stated that the Department of
17 Justice was going to be the lead Federal agency. The Secretary seemed very
18 comfortable, now that that condition had been met, in his guidance back to us after that
19 phone call.

20 Q Was the guidance to approve the request, essentially, after that January 3rd
21 call?

22 A It was not, but we were getting closer.

23 Q Okay.

24 A That came later that day.

25 Q Were you aware of who designated DOJ as the lead for January 6th?

1 A I am not.

2 Q And do you know who hosted that call? Was that initiated by DOD or --

3 A I do not.

4 Q Okay.

5 A No.

6 [REDACTED] I see it's almost 10 o'clock. We're heading into, kind of,
7 January 4th, 5th, and 6th. If you want to take a break, I'm happy to do so, or we can
8 move forward.

9 General Piatt. I'll do what the committee wants to do.

10 [REDACTED] Can I just ask another --

11 [REDACTED] Of course.

12 [REDACTED] -- question about lead?

13 [REDACTED] Yes.

14 [REDACTED]

15 Q We're still just trying to understand what the lead Federal agency does.

16 Department of Justice doesn't have any statutory ability to move troops or to
17 direct operational steps. Is that right? Even if they're the lead Federal agency, it
18 doesn't extend to them saying, "We want this many guardspeople over here at this
19 intersection"?

20 A Correct. I don't know the statute where the authorities are given, but it's
21 not uncommon when you establish -- like, for the inauguration, when you have a national
22 special security event, you get a lead Federal agency. The authorities are known, so
23 when forces are there, we know what the limitations are.

24 Just because you have a -- even in the Army -- I'll just go to how we -- if I'm a
25 division commander, I have coalition forces working for me. They all have national

1 caveats. I can't tell the French artillery to do something they're not nationally allowed
2 to do. So I understand there are limitations, but at least now I know I can employ them
3 in the method of which they're authorized to do from the national ones.

4 So these are common for us. We are not asking for blanket approval. You
5 probably -- you don't want that. There's always a constraint, whether it's a legal
6 constraint or it's an operational constraint, placed on it. What you want to be able to
7 do, though, is to have that coordination center that would be able to facilitate -- at a
8 minimum, just facilitate communications.

9 Q Right. So it's, lead Federal agency is responsible for ensuring everybody is
10 in the same room, coordinating action, even if that agency can't specifically direct an
11 agency to take certain actions. Is that generally correct?

12 A It depends on the event, but it's not -- that would not be uncommon. And
13 sometimes in the military we expect too much out of interagency, lead Federal agencies,
14 just to be very honest, I mean, because we have -- we can plug in with other nations, but
15 we're military, so it's kind of a common doctrinal framework.

16 Q Right.

17 A Every agency, you know, they have different authorities within their
18 agencies, different methodologies of doing things. We all don't speak the same
19 operational language. It can be quite -- but it's still -- you can work through that and
20 then whatever the mission constraints or construct of that mission would be.

21 Because an inauguration, in the past and especially this one, it worked
22 exceptionally well, because we had that lead with the Secret Service on the -- they were
23 calling the shots on security. It was very helpful for us, so nobody could re-mission
24 forces to do something that they weren't there to do.

25 Q Yeah. But it's a little trickier when it's law enforcement, domestic law

1 enforcement, coordinating with military. Very different.

2 A Absolutely.

3 Q So it's not possible, under the law, for the lead Federal agency in a crisis to
4 direct operations by military troops. That has to be coordinated and discussed.

5 A Correct.

6 Q But, ultimately, the decision is made by the military leadership.

7 A It has to -- the forces from the military have to remain under DOD command.
8 In this case, it was actually written that General Walker would maintain control of
9 National Guard forces. That's the common way. That way, if there is a request outside
10 of bound, you have a senior commander that would be able to elevate it to see if it needs
11 to be done.

12 Q Yeah. That's helpful. Thank you.

13 

14 Q And, during the summer, apart from setting up, kind of, the National
15 Operations Center that the DOJ did, can you point to what else they did that factored in
16 to them being the lead?

17 A I think the, what we would call -- and I don't know -- this term probably
18 wouldn't make sense -- what we would call as just setting a battle rhythm, a time where
19 you're going to come together and get updates.

20 Q Uh-huh.

21 A So somebody's calling the shot on what time we're going to get to -- I wasn't
22 involved in those, but it was helpful, because these are all very important people. Some
23 of them are out doing operations. Some of them -- so when you say, okay, we're going
24 to do this call, if somebody just makes that call just to schedule, it's common for us. It's
25 something that I do, as the Director of the Army Staff, for the Army, to say, the meeting is

1 at this time; based on the Secretary's availability, the meeting is at this time.

2 It allows the Secretary to do the outside coordination that he was being asked to
3 do during these days leading up to that and also know when he's going to have his staff
4 dedicated and ready to go. And the staff also have very important jobs. I mean,
5 General McConville is the Chief of Staff of the Army. He's got a lot of -- you know, doing
6 many other things.

7 But it gave everybody that rhythm. We call it "battle rhythm," and that's not
8 necessarily the term, but just set the schedule of meetings so that the key folks would be
9 able to get together and you'd have senior decision-making leadership on phone calls or
10 conference calls. Again, I wasn't on them, but that was one that was very helpful.

11 Q So what was that set up for in preparation for January 6th?

12 A I don't know the exact time, but it appeared to be that OSD was plugging
13 into an interagency phone call roughly about the same time every day, because I was
14 getting the direction from Secretary McCarthy to make sure I had staff available at a
15 certain time. He would have questions beforehand, and then we'd have an assembly
16 afterwards.

17 So it pretty much stayed the same time. It may have varied an hour or two,
18 especially on a Sunday morning, but there was a rhythm to it, that they were coming
19 together, the interagency was talking. Again, I wasn't involved in it, but we could sense
20 it, because we were getting to be able to know what windows we would have to get
21 together at afterwards.

22 Q We're now on January 4th. Exhibit 20 is a -- I think it's a 2:06 a.m. email
23 from you. Either you guys are up all night or the times of the emails are wrong. I --

24 A There are sometimes that the email is wrong stamped.

25 Q Okay.

1 A This one is actually correct.

2 Q Okay.

3 A We found that out. Some of them are on Zulu time or Greenwich time, so
4 they have to be added 5 hours, right?

5 But this one is correct. It was a late night.

6 Just to put it in context, General McCarthy -- or Secretary McCarthy, excuse me,
7 wanted to have a meeting. We all have secure VTCs in our residence. And it was just
8 him, General McConville, myself, General Flynn, and I think General LaNeve may have
9 been on, but it was very small. And he was going over how he was going to formulate
10 his request to the Secretary -- Acting Secretary of Defense.

11 Q In the email, you said, "We have a change in tone. Please stand by. On a
12 conference call with SA now."

13 A Yeah. I was talking to Michele Pearce, who was our acting -- or confirmed
14 general counsel. I don't remember if she was -- do you know? Acting.

15 I didn't have a lawyer in the room, and I'm uncomfortable writing a memorandum
16 to the Secretary of Defense, but I'm capturing the notes, and I sent it to her.

17 And I'll put this in context. Secretary McCarthy had talked to Chief Contee that
18 day. He went downtown, and he saw the ground. He was very comfortable with
19 supporting the mission. And as we talked -- I know him, and I've served with him for a
20 while now -- I know he wanted to support, but his request says, I'm not going to support
21 until these things are met.

22 And I just made a suggestion to him, Mr. Secretary, why don't we just change the
23 tone and say, I'm going to support based on the following conditions that will be met.

24 And this -- it was just a language change, because the Secretary, he wanted to
25 help. He thought he had a tailored mission that warranted support by the D.C. National

1 Guard, and he didn't want to come across as bureaucratic and delay it. He thought Chief
2 Contee had a good plan, that Mayor Bowser had a good plan, and we should support it.
3 And he was -- we were kind of struggling with that. That's my recollection.

4 And I just told -- Michele was ready to do a legal scrub on a draft memo I gave her,
5 and I said, "Change in tone. Stand by, and I'll get you the new language," which I did.
6 But we actually scrubbed it again the next morning and changed some of the words.
7 But it stayed that positive tone, because that's what he wanted to do.

8 Q And would that be exhibit 19, the January 4th memo -- I'm sorry. It
9 would be 19A, the January 4th letter to the Secretary of Defense from Secretary
10 McCarthy.

11 A And it really was that on January -- he talks about his request, and he says, "I
12 recommend D.C. National Guard support this mission if the following conditions are met."

13 You know, before, it was very -- it was a little negative. It was a working draft.

14 Q Uh-huh.

15 A It was just -- maybe we were just late and tired. It seems like not much
16 now, but it was very important to the Secretary. He was trying to get approval for this
17 request and trying to word it correctly, while not leaving out the key considerations that
18 were learned from June.

19 Q So the January 4th -- this is exhibit 19A. It's that letter from Secretary
20 McCarthy to the Secretary of Defense -- mirrors somewhat the initial request from
21 General Walker in terms of the DCNG will support MPD with 340 total personnel, correct?

22 A Yes.

23 Q And it lays out the traffic points, the Metro stations. And, as you stated,
24 the conditions are still listed there as A, B, and C, the lead Federal agency, the estimated
25 numbers for the demonstrations exceed the local and Federal agencies' ability to address

1 the risk -- which I guess is the wordier way of saying "last resort" for the Army, correct?

2 A Yes.

3 Q And, again, all other Federal agencies have exhausted their assets to support
4 these events.

5 It looks like the attorneys got involved and added some extra language there.

6 So then it goes to Secretary of Defense, Secretary Miller. And we have exhibit
7 19, which is the response to Secretary McCarthy's recommendation. Is that right?

8 A Yes.

9 Q Are you involved with the Secretary of Defense's response in any manner?

10 A No.

11 Q Okay.

12 I then want to fast-forward to the ultimate, final memo that was given from the
13 Secretary of Army to the D.C. National Guard, General Walker. That's exhibit 28. That
14 was -- oh, I'm sorry -- yeah, exhibit 28.

15 Do you have that, the January 5th?

16 A I do.

17 Q Okay.

18 Can you just -- now, from the January 4th Secretary Miller memo, it looks like
19 there's an additional two guidelines that were included in the ultimate letter to General
20 Walker. And I want to just kind of talk about those briefly, one of them being the "D.C.
21 National Guard soldiers have the inherent right to self-defense"; and the "D.C. National
22 Guard soldiers will store their helmets and body armor within vehicles or buildings in
23 close proximity"; and the third one, "In the event of an elevation of the threat requiring
24 immediate donning of this equipment for self-defense, DCNG leadership will immediately
25 notify the Secretary of Army."

1 Can you just explain why these additional guidelines were included in the final
2 memo to General Walker?

3 A The first one is a refinement of the mission. So now soldiers are going to
4 have to perform this mission, so it's use of force. And one of them we always have is
5 always soldiers have the inherent right to self-defense. So we wanted to make sure
6 that's in there, part of the guidelines here.

7 And then the second one -- I want to make sure I get on the right one here.

8 Q I think it's about storing their helmets and body armor.

9 A Oh, because the Secretary -- we interpreted the Secretary of Defense is
10 not -- they weren't allowed to have their body armor and helmet. But in a dialog
11 between General Walker and his staff and Secretary McCarthy and everyone, it seemed
12 prudent to make sure it was close at hand.

13 The Secretary of Defense, we believe, intended not to have it on, because that
14 was not the request, and that's a different posture. But if things -- if the conditions
15 changed or somehow they were threatened, they had it available. They wouldn't have
16 to go somewhere to get it or someone had to bring it in -- or bring it to them.

17 Q So there was some back-and-forth about where the protective gear would
18 be located on that day. Were there vehicles near the D.C. National Guard members who
19 were on duty at the traffic points that had the protective gear? Or was their gear at the
20 Armory? Can you just explain that disconnect?

21 A The answer on the gear is both. They're both located -- there is also the
22 exhibit where, I think late Sunday or Monday night, we needed more vehicles --

23 Q Right.

24 A -- and so we got some vehicles for him. Because we wanted to have what
25 we would call a low signature. So we didn't want Humvees to be utilized. We wanted

1 a civilian vehicle to be utilized so it wasn't creating -- that was the environment -- that
2 was the signature we believed the mayor intended from her request of why we wanted to
3 be there.

4 That's not unusual for the military. Our posture, the way our protection is
5 elevated, that sends a signal of how we're being utilized. So, if we are in a soft uniform
6 with lights and traffic vests, we're there to facilitate and assist citizens, not there to
7 prevent anything else. So that was a deliberate decision to have nonmilitary -- what we
8 call nontactical vehicles that are run by the government, but the civilian vehicles.

9 But they were to be located with the traffic control points so they could keep
10 equipment with them and necessary supplies they would need for long shifts they were
11 asked to have. And the debate was, can we put our helmet and body armor in the
12 vehicle? Because, by the letter, we were getting interpretations that that wasn't
13 authorized by the Secretary of Defense's letter, but Secretary McCarthy and General
14 Walker -- in his request, Secretary McCarthy said, yes, have it there, makes sense.

15 If you put it on -- if conditions change and you have to put it on, notify us
16 immediately, because that's a completely different change in mission than we were given.
17 That's why that language is in there.

18 Q Uh-huh. Well, what equipment was at the Armory then?

19 A The remainder, like, civil disturbance and other protection gear. So it was
20 actually indicated that, you know, weapons, ammunition, batons, shields, kneepads,
21 other protection that we may be asked to do for civil disturbance, that was not -- because
22 they were specifically told they would not participate in that mission, that they didn't
23 need that equipment.

24 Q So, just, again, as a layperson, so the equipment that was available to the
25 guardsmen in their vehicles would not have protected them from any riot, as we saw

1 what happened on January 6th. Is that fair?

2 A It would not have allowed them to participate in a civil disturbance, which
3 they were specifically told they would not participate in. So that was only for
4 self-protection. A helmet and ballistic vest would be to protect themselves from a
5 thrown object at them in order to be able to get out of the scene and allow police to
6 come in and handle the civil disturbance.

7 Q Right.

8 In your House testimony, you talked a little bit about the QRF restriction that was
9 placed by Secretary McCarthy on General Walker. And much has been discussed about
10 this restriction and General Walker's perception of that QRF restriction.

11 In your House testimony, before you explain what the purpose is of a QRF, you
12 stated that "the Secretary of Army imposed a requirement for a concept of operations
13 before employment of the QRF because of concerns with how helicopters were used
14 during the June 2020 civil disturbances."

15 Can you just explain that direct line, as to what happened during the summer,
16 how it related to this restriction of -- the requirement of a concept of operations?

17 A Yes. But, if I could, could I just back up --

18 Q Please.

19 A -- a little bit? On the gear that's in the vehicles, that was the guidance from
20 the letter. That was the intent. We never asked, like, what was actually -- I have no
21 knowledge of what they had in them. I'm assuming they had water, food, all those
22 other things. I just -- I don't -- we weren't -- but it was prescribed in the letter from the
23 Secretary of Defense, so, therefore, it was prescribed there.

24 Q Yeah.

25 A It was an important issue because General Walker raised it. I want to make

1 sure that, if I have an inherent right to self-defense, I might need this equipment.
2 Secretary McCarthy immediately said yes. So it sounds -- I mean, it's put in writing
3 because that's what we would do in the military.

4 In regard to the QRF, in June -- the breakdown in June showed -- one of the
5 lessons we learned is we did not have clear, established operational procedures for use of
6 National Guard soldiers in civil disturbance. Because we had the helicopter that was
7 used completely outside any mission parameters that it could've been expected to be
8 used. It was meant to be a backup only in a mass casualty event where all civilian
9 capability to evacuate casualties was gone, and we would've had a potential backup -- a
10 backup to a backup.

11 As a military officer, using that medevac helicopter in June was extremely unlikely.
12 It was a contingency plan that would probably never be utilized unless something terribly
13 went wrong. But it was utilized to deter looting, as the mission was interpreted from a
14 very competent person. So it was the procedures which were the problem --

15 Q Uh-huh.

16 A -- not -- I mean, it wasn't a disobedience of an order. There was just lack of
17 orders to structure that response.

18 That's where Secretary McCarthy put that restriction to say, I want a concept of
19 the operation before we just send a force to do something. We don't know what it's
20 going to do, and we don't know if they're trained, prepared, equipped to do it, and is it
21 the right thing to do. So he placed that restriction on for that reason.

22 Q So this concept of operations was not required during the summer. Is that
23 correct?

24 A It was required, not to brief to higher.

25 Q Okay.

1 A It was assumed that it was happening at lower, because you would never fly
2 a military helicopter without an operation, without a mission brief. And it was a
3 complete breakdown, because people thought they had the authority to do so and they
4 thought the situation required it.

5 They weren't disobeying or violating. They thought they were doing the right
6 thing. But it turned out it could've been terribly -- it turned out to be the wrong thing to
7 do, but it could've been terribly worse. So we wanted more military controls to make
8 sure we had proper planning and procedures established.

9 Q So the requirement for the concept of operations for the QRF going into
10 January 6th was a control measure put in by the Secretary, really, to be informed about
11 decisions made.

12 A Yes.

13 Q Is that fair?

14 A That's -- yes.

15 Q Just take a step back. What is the purpose of a QRF? And what's their,
16 kind of, status compared to the D.C. National Guard at large? What are they trained to
17 do?

18 A QRF are very common in military operations. You would have something
19 set aside that could respond quickly to when your mission either expands or something
20 goes wrong during the execution or mission.

21 So, in this mission, for the traffic control points and the crowd management, if
22 that expanded -- perhaps another couple of streets needed to be manned with traffic
23 control points; perhaps the crowd was using Metro stations we didn't prepare for;
24 something that he didn't have forces already there -- he would have something there to
25 do. Or if something was happening along one of his traffic control points that required

1 additional forces, that's what they were prepared to do. There were Air
2 Guardsmen -- not Army, but there were Air Guardsmen assembled together to do it.

3 A QRF could be asked to do a wide range of missions. It's unknown. That's why
4 you're held back and not committed. But when it needed to be committed, we could
5 get something there quickly that could augment the already augmentation force we were
6 doing for the police.

7 Q So the big question, again, for a layperson is: Those 40 QRF guardsmen
8 who were assigned for January 6th, it's my understanding from the DOD timeline they
9 also arrived at the Capitol at 5:20, along with the rest of the guardsmen after they were
10 outfitted. Why couldn't they have responded quickly, as what is my understanding they
11 are trained to do? Can you explain that to us?

12 A All soldiers are trained in civil disturbance, but that day we were not
13 postured to do civil disturbance operations. We were postured to do traffic control
14 points and crowd management, and the QRF was to reinforce that stated mission.

15 With the request, it specifically says, if we're going to be asked to do civil
16 disturbance operations. Now, if that's a new request, it would have to be approved by
17 the Secretary of Defense.

18 Q And on January 6th, was the Secretary -- did -- the Secretary of Defense, it
19 appears, did not make a decision specific just to the QRF to allow them to get there
20 quicker than the rest of the D.C. National Guard.

21 A I don't --

22 Q Let me rephrase that.

23 A Yeah.

24 Q So they arrived there along with everybody else. Why weren't they able to
25 respond in a quicker manner after they were outfitted or re-missioned for the civil

1 disturbance aspect?

2 A Yeah. I don't have a lot of firsthand knowledge, but I have from the rest of
3 the force. Once the request came -- now, once the Capitol was breached is when we got
4 the request. There was no perimeter. It was a complete change of mission. We had
5 to come off what we were prepared to do, and we had to muster and manifest and recall
6 the National Guard. Many of them weren't on duty that day. They were perhaps at
7 their civilian workplace. They were out on traffic control points. They were doing
8 another job. The QRF was across the river. We brought them over to the Armory.
9 But they had to reconfigure, reorganize now to go into a civil disturbance operation.

10 And we didn't know -- we did know, I mean, collectively -- I'm saying, Army didn't
11 know what the plan of that commitment was. And that's what Secretary McCarthy was
12 working hard to get, that plan of commitment, so that we could -- it just happened -- I
13 believe it happened to coincide, that once that plan was developed, that's why they
14 moved together.

15 Q So that change of mission and civil disturbance operation re-missioning
16 applied also to the QRF. It applied to everyone who had responded there. Is that
17 right?

18 A Yes.

19 Q Okay.

20 [REDACTED] Do you have any questions on that?

21 [REDACTED] I don't.

22 [REDACTED] No, thanks.

23 [REDACTED] Then that takes us to the morning of January 6th.

24 And do you need a break?

25 Mr. Richards. No.

1 [REDACTED] Does anybody want coffee? It's available. So please help
2 yourselves.

3 [REDACTED]

4 Q Okay. So it looks like, that morning, again from your House testimony,
5 there was 154 personnel were at 37 different locations, and the QRF was located 12 miles
6 away at JBA.

7 What's JBA?

8 A Joint Base Anacostia.

9 Q Okay.

10 A Air Force Base.

11 Q So, that morning, it appears from exhibit 30 Secretary McCarthy is asking for
12 updates every 2 hours.

13 And you also sent an email -- this is exhibit 30 -- from yourself to General Walker
14 stating, the D.C. National -- I think this is a news clip -- the "D.C. National Guard will be
15 unarmed for electoral college protests after George Floyd failures." You sent that clip to
16 General Walker, who responds with a "thank you for this" and said he would provide the
17 first update at 10 o'clock in the morning.

18 What prompted you to send that email, if you remember?

19 A In my role as the Director of the Army Staff, I quite often send this. When I
20 see an article that goes against what the commander is saying or doing, I want to flag it
21 for a commander because I want to make sure he or she sees it. They may not.

22 Q I see.

23 A In this case, this is the sergeant who is the spokesperson for the D.C.
24 National Guard, and he's off-script. He's saying what the mayor had already released,
25 that she had the right forces, she had everything set, and his numbers were inadequate.

1 And probably we shouldn't be talking numbers anyway.

2 So there were a couple inaccuracies, and I wanted to make sure that General
3 Walker saw that the mission that he had briefed and approved for was being articulated
4 perhaps differently, and I wanted to make sure he was aware, and also help with our
5 public affairs team, to make sure they were connected, so that our talking points were
6 correct and in support of what the mayor would say. We don't want to get ahead of the
7 mayor or the commanding general of the D.C. National Guard.

8 So this is just me trying to connect dots and just do things. It's not -- you know, it
9 happens quite frequently, although I acknowledge the seriousness of the day. But I
10 wanted to make sure that our headquarters, Department of Army, public affairs team was
11 helping General Walker's team, giving him the assistance he needed.

12 And that's why I sent it to [REDACTED] a colonel that jumped on this and
13 helped his team. And I think General Walker was pleased with that support.

14 Q And that was a statement told to the Washington Examiner by Senior Master
15 Sergeant Craig Clapper. Is that what you're referring to?

16 A Yes. I am.

17 Q Okay. All right.

18 Now, again, we can just kind of march through the day. I know you had outlined
19 it in your House testimony.

20 But before we kind of go through, really, what happens around 2 o'clock, 2:15,
21 when you learn about the pipe bomb, how are you getting your updates during the day?

22 And I ask -- there's a number of emails -- we don't need to go through
23 them -- from the NOC, the National Operations Center. But, generally speaking, for
24 those in Army leadership, who's providing you the threat information for the day?

25 A The Army Operations Center we have works in the Pentagon. And because

1 we had the mission approved and the mission was set, we were not, like, at our -- you
2 know, we were with the Pentagon. We're not an operational headquarters, and we're
3 not, like, at a ready ops center desk or anything like that.

4 But our ops center is getting the reports. We determined the Secretary wanted
5 more frequent reports. I said, all right, let's get to 2 hours. After that, the Secretary of
6 Defense said, yeah, we want to get reports too. So we thought that was probably the
7 right window, given we're set every 2 hours. And where previous demonstrations,
8 things, nothing significant to report was happening, but that report was actually pretty
9 important too. So we landed on, let's do this every 2 hours and send it.

10 That frequency allowed us to get that on email, because we could come
11 back -- you know, we could go to our station. Because, in the Pentagon, in most rooms,
12 you're not allowed to have your cell phone, so mine is always locked up. So I have
13 secure comms all the time. The ops center can get a hold of me on secure
14 communications instantly. But for the routine updates, it was going to come across
15 unclass email.

16 Q Now, did the Army have personnel at the National Operations Center? And
17 did it have personnel assigned to any of the FBI, kind of, command centers that were set
18 up for January 6th? If you know.

19 A In our Army Operations Center, we don't. We normally would not.
20 After -- we did not have any liaison with the FBI on January -- as far as I know.

21 Q As compared to the summer, when you mentioned that there was an
22 operations center set up, did you have Army staff during that summer kind of interfacing
23 with --

24 A Yes.

25 Q Okay.

1 From your House testimony, you said that at 2:15 you learned of the pipe bomb
2 and about 2:20 you went to Secretary McCarthy's office. Can you just take us from that
3 moment, as to what you were asked to do?

4 A Yeah. When I received that report that we had a suspicious package at
5 downtown, now things were changing. So I go down to the Secretary of the Army's
6 office. I walk into his office to give him that report, and at the same time he is on a
7 phone call, a frantic phone call, talking about explosions. And my assumption was, the
8 package I was about ready to report may have already exploded.

9 The Secretary was having a hard time just trying to get the report, what
10 happened, where did it happen. His staff began to scurry to put on the TVs and see
11 what we could gather of what was going on. Because many of us were in different
12 meetings altogether prior to this, so the awareness of what previously occurred was not
13 there.

14 But we could see immediately on the TV that the Capitol was being breached and
15 overrun. And Secretary McCarthy was asking, we need to get a conference call,
16 everybody up.

17 I learned later that the person on that call was Colonel [REDACTED], who works
18 directly for General Walker as his judge advocate, and he was rendering a report to the
19 Secretary about an explosion. And that's when we joined the conference call.

20 Q Now, in the Secretary's office, who else was present in terms of being on
21 with this call?

22 A Initially, it was the Secretary, myself, and a couple of his administrative staff,
23 I think his public affairs officer, but there were many folks. I know them, am familiar,
24 but I didn't take a count because they were scurrying to get computers and things up.
25 His executive officer wasn't in the room yet.

1 So, as we went to the conference call -- and his phone call was on a writing desk,
2 and it faces out, looking towards the window -- you could hear many people starting to
3 come in as the phone call begins.

4 Q So then that phone call, that conference call, is with the Metro Police
5 Department, U.S. Capitol Police, as well as General Walker from the D.C. National Guard,
6 right?

7 A Yes, and several others were on the call. It was not clear who all was on
8 the call at that time. There was a lot of shouting and screaming. But our
9 understanding was, clearly, we had Chief Sund, Chief Contee, Mayor Bowser was next
10 to -- we think co-located with Chief Contee, and General Walker.

11 Q And just so we understand, that's taking place in a conference room at the
12 Pentagon. Is it a video phone call or is it --

13 A No, this is a -- coming across a NIPR line. Many of many them were on a
14 cell phone. They all dialed in to a conference number. So I believe many of them -- we
15 were not in a conference room. We were in the Secretary's office. It was an unclass
16 phone that was on his signature desk, his writing desk that he has that looks out the
17 window of the Pentagon.

18 Q At some point, the Secretary of Army goes to the Secretary of Defense's
19 office. Is that right?

20 A Yes. I think it's a very important point, because this is where we
21 understood the mission had completely changed for the Secretary.

22 He gets a report of an explosion. He answers a phone call. All of the security
23 officials that he had been coordinating with over the past few days, over the New Year's
24 holiday, were all -- you could tell this was real, and we see it on TV, that the Capitol was
25 completely overrun.

1 And he immediately says, "I'm going to get approval. Get me a plan," is what he
2 tells me. And he leaves me there to stay on the phone. And he literally runs to the
3 Secretary of Defense's office. Again, it's the Pentagon. It's not an operations center.
4 It's the Pentagon. So he immediately runs, knowing that he's going to need the
5 Secretary's approval because this is a complete change of mission, was not planned for,
6 was not briefed, and he did not have approval to commit forces to a civil disturbance.

7 But we knew there was no doubt we were going to get approval, and the
8 Secretary of the Army literally running down the hall to get that. We knew right away
9 we needed to have a response prepared.

10 Q So, once Secretary McCarthy leaves, he kind of directs you to stay on the line
11 and get him a plan. That's right?

12 A Absolutely.

13 Q And who else is with you in the room?

14 A At that time, Michele Pearce is in the room with me. I can hear people
15 moving in. I don't know -- I see -- over the, it must've been 10, 15 minutes, I see Colonel
16 [REDACTED] the XO, comes in, but then he comes out. And this is very normal. None
17 of this -- and, at some point, General Flynn comes in. I get him in my periphery, but he
18 leaves.

19 But it's clear the Secretary wanted me to take the call. I was focused, but I was
20 still aware of movement. And it's normal. I'm assuming they're doing their duty and
21 helping me capture the notes of this phone call and collecting reports over open-source
22 media. The Secretary has a public affairs officer with him at all times, and she's
23 extremely good and talented.

24 So they were all doing their jobs. It wasn't my office, so I -- you know, it's kind of
25 normal for us, that the people that are in the room are somewhat part of the normal

1 team, whether it was just a routine occurrence or, now, you know, a crisis where our
2 Capitol has been breached.

3 Q Uh-huh.

4 Now, on that call, you said that -- from the House testimony, you said you asked
5 what specific tasks were needed by the D.C. National Guard.

6 A lot has been made of this call, as you're aware. Who responded to that
7 question that you asked? And what's the tone, generally, of this call?

8 And, again, this 15-minute call, it looks like, has been talked about a lot, so to the
9 extent you can explain the discussion that occurred and, kind of, perceptions of that
10 discussion.

11 A Initially, it was their call saying the Capitol had been breached and the
12 perimeter had totally collapsed. And that's when the Secretary knew that this is a
13 national crisis, I've got to go. He goes.

14 We come on. There was a lot of shouting and screaming. It was very chaotic.
15 And I was trying to get some sense of what could we do. Because that's what the
16 Secretary had asked me to do. So I said, what can we perform?

17 And a lot of that was not -- it was not meant -- it was not received as we were
18 providing support. We wanted to know what support was needed, what was going on.
19 We had no understanding other than what we could see on TV, hear in their
20 voice -- there's no perimeter, the Capitol has collapsed. We could see people on TV in
21 the Capitol.

22 So it was, what are we going to do? It's a crisis. So people are throwing out
23 ideas, yelling at each other, which I think was not uncommon, is my assessment and
24 recollection there. But I wanted to get to, what can we do?

25 I made a couple suggestions that were not well-received, I would say. I don't

1 blame anyone for that, but I was trying to see if there was anything we could do
2 immediately. Because, in June, there were many -- there were additional buildings and
3 facilities that would be threatened, and the police wanted -- they didn't want to be static.
4 So we could move a National Guard formation to guard the Lincoln Memorial. You
5 won't, but it's something we could do. It's not going to get the -- we could protect
6 things.

7 And I was saying, is there any other site -- and I can't recall my exact words, but if
8 there was any other facility where we could go and relieve police. Is there any police
9 static that we could get there to move?

10 I think they took that as I was saying no, because they immediately came back and
11 said, you're denying our request.

12 Q So let me just pause you right there.

13 A Yeah.

14 Q So your suggestion of can we send troops to guard Federal buildings, is that
15 because you don't need permission to go to that area, the D.C. National Guard? Or can
16 you just explain why you made that suggestion?

17 A In my mind, that we were tailored to provide security, we were postured to
18 provide that because of the mission we'd already been approved to do.

19 Q I see.

20 A So we were already equipped to do that. That was my thinking at the time,
21 that that would probably be my fastest way if there were police that were somehow tied
22 down in a static position that were needed to respond quicker.

23 That answer came in as, no, there is not, and I never pushed it again. And so I
24 made a suggestion, they said no. Okay, next. And then we talked about clearing, who
25 would be available to clear.

1 Q To clear the Capitol?

2 A To clear the Capitol. And that's where the suggestion came to use the
3 National Guard.

4 And I don't know who else was on the line, but my comment at that time, I stated
5 that it's not my best military judgment or my best military advice -- I'm not sure which
6 word I said, but I meant the same thing -- we should not use the National Guard to clear.
7 Given the chaos situation we could see in front of us, that we should use a SWAT-like
8 Federal law enforcement agency that's well-equipped, trained. A coherent team that
9 does this all the time could go. Is that force available somewhere? That was my
10 suggestion.

11 Q Uh-huh. What was the --

12 A We were trying to get to it. And someone on the line said, we have it, but
13 we don't know if that would provoke -- again, everyone was confused.

14 But there were -- clearly, there were other police and Federal police forces
15 available, from this chaotic phone call, we could see. And my specific comment to that
16 was for that purpose.

17 Q And, in your House testimony, you said that Chief Contee and Chief Sund
18 viewed this as pushing back, from the Army, that your suggestions were not viewed as an
19 immediate approval. Is that right?

20 A It's my assessment. I mean, they were -- they said three times to me
21 clearly, "You're denying my request."

22 I was clear in my response, I don't have any authority to deny or approve. The
23 Secretary is getting approval. My charter, my direction from him is to get a plan.
24 We're gonna support; I just wanted to get something to support with. We were trying
25 to carve this out.

1 I mean, I've been in a lot of chaotic situations before. Nothing like this. I was
2 saddened, sickened, and horrified by the sight I was seeing, like everybody else. They
3 wanted something right away, and we were not postured to provide it. And people's
4 lives are on the line. We needed to respond in seconds or minutes, and we were not
5 postured.

6 I knew from the mission we'd just worked all weekend getting approved that we
7 were not prepared to respond to a 911 call, that we were going to have to reorganize.
8 Just from my military experience, in my mind, I knew we were going to have to
9 reorganize, reconfigure, recall, muster, mobilize. All these things were going to have to
10 happen before the National Guard was going to be available.

11 Q And I know you provided us tremendous detail of what that reposturing and
12 re-missioning is. Did you attempt to explain that to the folks on the call in any way,
13 about not being able to immediately respond in the way they wanted you to?

14 A I don't recall. I don't believe I did. I didn't think it was necessary at the
15 time. I knew we had to get -- as the phone call proceeded, I knew I had to get off with
16 the staff and the team.

17 I've learned later that's what General Flynn had done. He had left. Seeing the
18 situation, he knew he needed to get the principals and the team together to start making
19 a plan. And when I was off the call, I joined that planning effort, which it was then on
20 what we call a secure bridge, a video teleconferencing bridge. And it's an open net so
21 people can come and go and make the plan.

22 Q Now, during this call, did you voice your concerns about the D.C. National
23 Guard responding to the Capitol in terms of the soldier presence at the Capitol Building?

24 A No. My line of thinking, my best military judgment at that time was they
25 were not trained and equipped to do what was going to be a very tailored, very difficult,

1 SWAT-like law enforcement mission, where we have citizens' lives at risk, a violent
2 mob -- because we had reports of explosions, reports of gunshots. We had an armed,
3 dangerous mob in there, and this would require a level of policing that had been trained
4 to do this type of mission.

5 And that was my judgment, which I believe they interpreted as, you know,
6 denying or pushing back. I wanted to get the right force to do that mission.

7 Q Did you use the word "optics" in terms of the soldiers' response?

8 A I don't recall ever saying that word on that phone call, because at the time it
9 just wasn't important. The Capitol was completely breached. It was overrun. I
10 mean, people's lives were on the line. It just wasn't important.

11 What was important was to get the right force that could clear and we could begin
12 to take necessary steps to retake the Capitol. We needed a plan to converge on a crisis,
13 one that we were not postured to respond to.

14 Q Obviously, there's been much made about the perception from Chief Contee
15 and Chief Sund about this call, and I wanted to just give you an opportunity to just clear
16 up what, kind of, the confusion was, whether this word was used, and your best
17 recollection about why they would have been left with the perception that the Army was
18 concerned about the optics of soldiers responding and not about the urgency of the
19 request itself.

20 A I don't know why they would recall that. In my experience, I know in times
21 of crisis, you know, when people come back and recall things differently of events, I
22 respect that.

23 During that phone call, I tried to remain as calm as I possibly could so I could
24 determine what options we were going to need to develop for.

25 Again, all we saw was a complete crisis unfolding in front of us. And we assumed

1 many Members' lives were at risk. And we needed to act and act now. We weren't
2 postured. That was tugging at me inside, because I knew that we needed to respond in
3 minutes, and we did not have the force postured to do that. We were doing a
4 completely different mission set.

5 I think they wanted immediately to have a 911 force come in there, and when that
6 wasn't happening -- you know, all I can -- I don't know what they were thinking. But I
7 know, as professional law enforcement, that they wanted something, and they weren't
8 getting it right away, and, you know, they were angry. I don't blame them. I mean, I'm
9 assuming they were. I just -- you know, we all were that day. If you weren't angry, I
10 don't -- you know, I don't know anybody that day that wasn't.

11 So I know I'm speculating a little bit. I don't mean to. But what I heard on the
12 call was a lot of people talking past one another, screaming that we needed to respond.
13 We didn't have a coherent plan to do so. So I think people heard different things, said
14 different things.

15 I did not -- when I got off that phone call, I was not concerned of what was said.
16 What I was concerned is that we needed to get a plan and we needed to do that quickly.

17 Q And, at the end of that call, did you view that as an -- because there's been
18 confusion about the time of the official request for assistance. But, in your mind, it's
19 that 2:30 phone call, this is the request for the D.C. National Guard to now re-mission?

20 A Yes.

21 Q Now, obviously, we talked a little bit about the confusion that existed after
22 this. And there was a tweet that went out by a reporter that said the DOD had denied
23 that request.

24 Were you involved in assisting Secretary McCarthy in talking to congressional
25 Members and essentially reassuring them that the Army was indeed coming?

1 A I wasn't involved, but I knew -- because the last statement during the phone
2 call, the third time when they said, "You're denying our request," they also said, "And
3 we're going to go to the media." And I knew -- we were desperate. Everyone was
4 desperate. So I'm not angry at that, but I just knew it wasn't helpful, so we told that to
5 Secretary McCarthy.

6 So I think that encouraged him to make these phone calls, which wasn't unlike
7 Secretary McCarthy. He would call Members all the time. It was no different in a time
8 that's now the largest national crisis we've seen.

9 So that's where that came from. He wanted to reassure. It wasn't helpful,
10 because we never denied. We actually got approval --

11 Q Uh-huh.

12 A -- at 3:04 to mobilize the Guard. When I left that phone call, I walked into
13 the planning session, and I immediately said, we are going to get approval. We need to
14 get moving on a plan. Approval's not our concern. That's for the staff. It was not our
15 concern. We don't have the authority to do it. Secretary McCarthy is going to get it.

16 There was no doubt in my mind we were going to commit forces. We needed to
17 have them ready to now go do this mission, to go do civil disturbance operations from a
18 cold start against a violent, angry mob inside the Capitol, and, from all the indicators we
19 had received, that they were prepared to use deadly force. That was a very different
20 mission than we started the morning of January 6 executing.

21 Q And, just to move on from the call, I believe in the House testimony you said
22 it ended around 2:45 when you learned that shots had been fired. So it's about a
23 15-minute call that we're talking about.

24 And was it clear at the end of the call to you that DOD was evaluating the request
25 and had not denied the request? Was that a clear message you think was conveyed?

1 A No, I don't think it was conveyed. I tried to convey that we weren't
2 denying it. In my mind, I knew as soon as Secretary McCarthy ran out of the room we
3 were going to get approval. I knew that.

4 Q Uh-huh.

5 A I was unable to communicate that clearly on that phone call, because
6 everyone wanted something right now. I wanted to get a plan to do that.

7 So, when I left the phone call, I knew we were going to have approval. I wasn't
8 concerned about getting approval. I knew we could get it. I think that their
9 interpretation was -- because they went to the media and said, "We're not getting
10 approval."

11 Q Uh-huh.

12 A So I believe that their interpretation, when that phone call was over, was
13 that we were not going to support.

14 Q You mentioned at 3:04 that Secretary Miller authorized the whole activation
15 of the D.C. National Guard and that the approval wasn't of concern for you. It's now,
16 kind of, re-missioning and re-equipping the soldiers. Is that right?

17 A Our interpretation -- and this is, I think, thought differently by folks between
18 Department of Defense and the Army. But what we thought, what Secretary McCarthy
19 thought, is he had approval to mobilize the entire D.C. National Guard, but he still needed
20 to re-equip them, reintegrate them, develop a plan. And, in his mind, he still needed
21 approval of a plan to commit the forces.

22 And that's just the staff. That's what we were planning, that's what we were
23 scrambling, to get a coherent force package together, what we would call groups of
24 individual soldiers with the right equipment to go meet a new mission set. And then he
25 believed he needed a plan and then approval from the SecDef before committing those

1 forces.

2 Q At 3:48, the Secretary of the Army went into D.C. from the Pentagon to meet
3 with Chief Contee and Mayor Bowser. Did you go with him?

4 A I did not.

5 Q Okay. And, again, the official timeline, 4:32, there was a workable plan by
6 the Secretary of the Army, Chief Contee, and Mayor Bowser. Is that right?

7 A Yes.

8 Q And then, at 4:35, the Secretary of the Army notified General Walker to
9 move the guardsmen from the Armory to the Capitol.

10 Now, from your House testimony, I just want to ask, you stated that there was a
11 lead law enforcement officer that was provided to General Walker. Do you remember
12 that from your House testimony?

13 A It was the call at 4:35 that was called to General Walker that was given the
14 name of the officer and the location of where to link up. And that was done with
15 Secretary McCarthy on the ground at the Capitol.

16 Q I see.

17 A And so, when he left, we stayed in support. We were in communications
18 with the Secretary of the Army. As he was working that plan with Chief Contee and the
19 mayor at downtown, we were getting requirements, and we were feeding him
20 information on General Walker's ability, what we called -- in the Army, we call it
21 generating combat power. He's bringing forces in, he's reconfiguring, he's building his
22 numbers, he's creating options.

23 As he's building those numbers, he's actually lining up vehicles, getting soldier
24 packages ready to go, so when the Secretary has an approved plan, he can go. And part
25 of that plan was good communications, a direct linkup, because we knew we were going

1 to have to deputize the group in now to work for the Capitol Police and to be employed in
2 the new mission that the Secretary was working on.

3 Q Do you know who that lead law enforcement officer was that Secretary
4 McCarthy provided to General Walker? Was it a Capitol Police individual?

5 A I believe it was a Capitol Police, but I don't know who it was.

6 Q Okay.

7 A Again, when he goes on the ground, the connection between him and
8 General Walker is direct.

9 Q Uh-huh.

10 A As the staff back in the Pentagon, we're in support of the situation as it
11 develops. It was very, very valuable, I will say. Once Secretary McCarthy went
12 downtown, things started going a lot faster, so that we would have a place or a plan to
13 commit the forces now required.

14 Q We're essentially, kind of, done marching through January 6th, but I wanted
15 to get your comment on -- it's clear from that call that, you know, in your heart, you
16 wanted to be able to immediately send troops there to respond to this urgent crisis that
17 you're seeing unfold.

18 What, in hindsight, could've been in place to allow the D.C. National Guard to have
19 gotten there within minutes?

20 A A request from the Capitol Police to have a contingency force.

21 So, on the days leading up, DOD asked the other entities, did they need additional
22 forces, and they kept saying no, so we prepared for no contingencies.

23 We did prepare -- the contingencies we prepared for was, if things go really bad,
24 in 3 hours we could have 70 more forces, in 6 hours we could have 70 more forces, in 12
25 to 24 hours we'd have 70 more. That's a contingency. That would not have met the

1 urgency that the situation required.

2 So the contingencies we put in place for if things go drastically bad, like we saw
3 happen in late May and June, we had the time to recall those soldiers, re-equip them, and
4 get them out on a mission. Here, it went off in minutes, and we didn't have any
5 contingency force ready to respond to that crisis.

6 Q Had the Capitol Police made that request from the D.C. National Guard, what
7 would have been in place, in the sense of, where would -- again, I understand it did not
8 happen, but where would you have been able to place the D.C. National Guard to allow
9 them to respond in a quicker fashion?

10 A I would just offer, what we did for the inauguration is an example. What
11 we had was an integrated security plan with a layered barrier plan, a lead Federal agency,
12 and additional forces located within proximity that could be used within an inner
13 perimeter and also at the Armory that could be used if something had to come from
14 outside in. So we looked at all the possible contingencies, and we prepared for those.
15 But that was an integrated security plan with shared indicators and warnings of possible
16 threats.

17 That's what it would have -- if the request would've come in that we needed that,
18 that's what we would have pushed for, is for us -- a layered plan in a defense or a security
19 mission is what you need. You cannot just have a single barrier. You have to have
20 layers, that anyone that would have illegal intent or violence in mind would have to
21 show -- commit early on, so you could identify them early on and isolate that action, even
22 if it's a civil disturbance. That's what civil disturbance training is all about. And then
23 you'd be able to handle that with targeted arrests. And your barrier plan would not
24 allow -- not allow -- illegal or violent demonstrators to get close to any critical site.

25 So that's what I mean by layered security plan.

1 Q What was your perception that day when you viewed, as a layperson, the
2 lack of barriers that existed to protect the Capitol Police? When you saw, for example,
3 the bike racks that were set up as a perimeter, what was your perception of the security
4 that was in place?

5 A When I saw that -- and I've been in riots before. I witnessed this against,
6 you know, sadly, Cuban refugees. And I've watched soldiers go through with the right
7 equipment and be mowed down in a riot that happened in Panama one time. I
8 remember a U.S. Marshal telling me when we built this camp for Cuban refugees in
9 Panama many years ago that, whatever you put in this camp, expect it to be used against
10 you one day.

11 So a principle of civil disturbance operations are: Whatever you use, make sure
12 it cannot be used as a weapon. And barrier materials can be used for the other side as
13 well. And so, when I saw that, I realized, this perimeter has collapsed and the building is
14 penetrated. That was my initial thinking, just based on my experience.

15 And bicycle racks and fencing are good when you have peaceful demonstrators or
16 large football games or Nationals games to go to. They facilitate people who obey the
17 barriers. When people don't obey the barrier, the barrier has to be a barrier. And that
18 is a principle that we are familiar with. We train on this.

19 And I felt sick to my stomach, because I knew they were vulnerable and this
20 perimeter was collapsing. And I'm watching these brave men and women try to stave
21 off this overwhelming and violent crowd. It sickened me. I'll never get that image out
22 of my mind, as I'm sure many Americans won't.

23 [REDACTED] do you have anything?

1

2 [10:56 a.m.]

3 [REDACTED] Just quickly.

4 [REDACTED]

5 Q In [REDACTED] question about hindsight, what could we have done differently,
6 I understand that if there had been a clear request from the mayor that, hey, we want a
7 civil disturbance contingency force on standby close by, that would've been better, in
8 hindsight, correct?

9 A Or a request from the Capitol Police or other Federal entity that did not -- I
10 mean, their estimate -- as a security professional, it's hard, because you have activities in
11 Washington, D.C., every --

12 Q Yeah.

13 A -- week. And so we did ask every day. I'm not trying to be defensive here.
14 But we need that request in order to generate force options.

15 Q Well, my question is: You need the request to move the force into the
16 situation. You don't need the request to prepare for it, right? In other words, the
17 Army can prepare for everything. The Army could've had, you know, a whole battalion
18 standing by across the river without any request, right? The request triggers the
19 deployment, not the preparation. Is that correct?

20 A It does both. And we -- if they -- the request does trigger us to prepare
21 right away. If there's not a request and we put in contingencies -- in this particular one,
22 since we only had that one request, the contingency we put in place was for the D.C.
23 National Guard to recall forces at 3, 6, and 24 hours. That was the contingency, and we
24 thought that would be enough, given the threats and warning indicators that we had
25 received.

1 Q I see. And so the question is, the threats and warning indicators that you
2 received, was that independently the Army's judgment that that was enough, or was that
3 what the Capitol --

4 A Yes.

5 Q -- Police or the mayor indicated?

6 A Well, because we don't collect intelligence on American citizens, so we rely
7 on the interagency to give us those warnings and indicators. So it comes from DOD
8 asking, are they any? And what we get back from the interagency is "yes" or "no." Do
9 you need additional help? No. Are there any threats and warning indicators? No.
10 And we take that. We don't --

11 Q Right.

12 A -- search for it.

13 Now, open-source, we obviously monitor open-source. But that's already -- that
14 was after the Capitol was breached.

15 Q But when it comes to domestic U.S. civil disturbance, you're relying on the
16 intel that's gathered by the FBI or by --

17 A Yes.

18 Q -- DHS or other agencies? The Army doesn't have its own independent
19 intel-gathering to make its independent assessment about what level of readiness is
20 sufficient?

21 A Not on American citizens.

22 Q On American citizens, yes.

23

24 Q To [REDACTED] point, if the intelligence had indicated that there would be a violent
25 mob of thousands of folks approaching the Capitol, would you have planned for a

1 battalion to be on standby regardless of a request from Capitol Police, meaning relying on
2 the intelligence versus the request?

3 A We would have prepared differently. I don't know what we would have
4 came to; it would've been based on what the intelligence was.

5 But we would have -- like I -- I think the Secretary did it, and DOD officials did.
6 We would ask the different entities, do you need additional requests? And they kept
7 saying no.

8 If they said, yes, there's more, we would've -- okay, what is it, what do we need to
9 do? That may have led to a range of options being provided. But it would've ignited, I
10 think, or encouraged more interagency planning and requesting. I couldn't speculate on
11 what we would provide, but I'm just, like -- every mission requires something new.
12 Once we see what that threat warning indicator is, we would prepare accordingly.

13 [REDACTED] Um --

14 [REDACTED] Yeah, so just to finish that -- I don't mean to keep talking over
15 you --

16 [REDACTED] No, go ahead.

17 [REDACTED] -- so I'm sorry.

18 [REDACTED]

19 Q So you're reliant on both intelligence provided by the domestic agency and a
20 specific request for a particular level of response. Those are two inputs that --

21 A Yes.

22 Q -- are out of your control that inform the Army's response in a civil domestic
23 disturbance situation.

24 A Yes.

25 Q You don't have independent capacity to evaluate the independence -- or the

1 intelligence. And the request, it has to be there before you move the people into the
2 situation.

3 A Yes.

4 That process comes to -- the request comes through, in this case, the D.C. National
5 Guard, goes to the Secretary of the Army. He has to coordinate with the general
6 counsel in OSD, he has to coordinate with the Secretary of Defense, and then we come
7 back to get it approved.

8 It's long, but we can -- it can go fast. But, yes, we do kind of --

9 Q Yeah. And, look, all of these questions are meant not to point a finger but
10 to sort of understand what we need to do better or differently going forward. Back to
11 the original questions about your culture, you guys do this well. We don't always on the
12 civilian side do this well. So figuring out, minding from this some lessons learned and
13 trying to put better systems in place is really the point of all this.

14 A Yes, sir.

15 Q Yeah.

16

17 Q Before I move off of January 6th, I just wanted -- two general points.

18 At any point during the day, did you have any contact with White House officials?

19 A I did not.

20 Q Were you on any of the calls that occurred during that day with White House
21 officials?

22 A I was not.

23 Q And back to that 2:30 call, as you're likely aware, the Army initially denied
24 General Flynn's participation in that call. Were you aware of the denial? Were you
25 asked by Army officials who was on the call?

1 A I was not asked by Army officials who was on the call, but I'm aware of the
2 confusion that followed by who was in the room when. And I was confused who was in
3 the room when. Because I never give it thought. On a normal day, I don't give it a
4 thought, who's in the room when. General Flynn and I, we're together often. We
5 bounce off, we cover space separately.

6 And I know, when we started to consolidate people's notes, what we found were
7 people were confusing meetings that occurred that day. It's just typical. You get
8 everyone's perspective, you put it in, and we found that people were saying that the
9 things that were said were actually in a different meeting, they were in a followup
10 meeting. So it was very helpful that we put this together, and then people said, oh,
11 yeah, you're right, it was a different meeting.

12 So I think, initially, things may have been said that wasn't really -- it was a person's
13 recollection that may or may not have had -- may not have been in that room or may not
14 have understood the question. That's only my guess.

15 But I did not give it a second thought on who was in the room that day, because
16 the Secretary -- I knew where the Secretary was. I knew the support staff was doing
17 whatever they needed to do to help. I knew -- I could see Michele Pearce. I could see
18 General Flynn come and go.

19 I didn't know where he was, but, as I said, I learned later he left to go get the
20 planning effort started, which is exactly what an experienced professional like him would
21 do. And I'm grateful that he did it, because it got the staff a jump-start. Got
22 everybody up on what we call the net, the network, got everybody in the same virtual
23 room, and we started to make the plan.

24 Q Do you attribute the denial, the Army's initial denial, to this kind of confusion
25 of who was on the call? Or was there any sense that there was a deliberate attempt to

1 state that General Flynn was not on the call?

2 A I attribute it to confusion.

3 [REDACTED] We're going to, kind of, move on to these last topics.

4 Obviously, this was the bulk of what your interview was, and we greatly appreciate you
5 going through that in extraordinary detail. It really clarifies some points that were open
6 questions.

7 I'm going to ask you again if you need to take a 5-minute break.

8 General Piatt. Yes, could we? If that's okay.

9 [REDACTED] Oh, great. Great.

10 [Recess.]

11 [REDACTED]

12 Q General Piatt, we spoke a little bit about the summer protests, and I wanted
13 to go back to some of the media reports that were surfacing around that time, including
14 that President Trump had prepared an insurrection proclamation to allow Active Duty
15 troops to quell the protests.

16 And, on June 3rd, 2 days after the June 1st incident in Lafayette Square, Secretary
17 Esper issued a statement during a Pentagon news briefing that said, quote, "The option to
18 use Active Duty forces in a law enforcement role should only be used as a matter of last
19 resort and only in the most urgent and dire situations. We are not in one of those
20 situations now. I do not support invoking the Insurrection Act."

21 Were you aware of the statement made by Secretary Esper at that time in June
22 of 2020?

23 A I was.

24 Q And did you assist in any way in, kind of, crafting or understanding what the
25 culture was at the time in the Army as to what prompted this statement to be made?

1 A No, I did not. No.

2 Q Were you aware of any conversations between White House officials and
3 DOD officials to invoke the Insurrection Act?

4 A I was not.

5 Q Did you become aware of any of those conversations?

6 A No.

7 Q Were there any concerns within DOD at that time about the response to the
8 summer protests? I understand we spent a lot of time about the lessons learned, but, in
9 the moment, were there discussions about the Insurrection Act or the posture that DOD
10 was taking in response to it?

11 A I don't believe so. I wouldn't be involved in that.

12 Q And the statement by Secretary Esper was viewed as kind of unprecedented
13 at that time. Did you view that -- as a statement that Secretary Esper made, did you
14 view it favorably or unnecessary for him to have made that statement during a briefing?

15 A I don't know if I had any thoughts of either way. I was aware of the
16 statement.

17 Q And were you aware of the reasons why the statement was issued, in terms
18 of the June 1st walk from the White House to Lafayette Square?

19 A I don't know if I made that connection. I know we had Federal forces
20 within the region that were brought in in case they were needed. So, when we heard
21 that, our reaction was relief, we're not going to use Federal forces, when we heard that
22 his statement that day. That's what that meant to me personally as a staff officer. I
23 wasn't involved or had any discussions with Secretary Esper, but --

24 Q Got it.

25 I want to now shift, moving forward to November of 2020 after Secretary Esper

1 had left DOD. How did that impact Army leadership with the dismissal of Secretary
2 Esper, I believe it was November 9th?

3 A Direct impact to our -- none. I mean, our leadership was intact. Our staff
4 was -- no direct impact.

5 Q Was it viewed as unusual for a Secretary to be dismissed, kind of, at the turn
6 of a new administration?

7 A I don't know. We have people leave and go all the time in the building -- or
8 in the Pentagon, excuse me.

9 Q Former President Trump appointed Christopher Miller, as well as Kash Patel
10 as his chief of staff. Were you familiar with Mr. Patel prior to his appointment?

11 A I was not.

12 Q And were you ever in meetings with him from the November until January, I
13 guess, the inauguration time period?

14 A I was not.

15 Q How about Mr. Ezra Cohen-Watnick? Are you familiar with him?

16 A I am, but I was not in a meeting or had any conversations with him.

17 Q And was there -- what was the perception of, kind of, these individuals being
18 appointed at the time, after an election had been called for President-elect Biden?

19 A I don't -- I don't think I know. I mean, we had it here; it just -- for us, we
20 were in the Army. We were separated from that.

21 Q Well, was there any discussion within the Army leadership that these,
22 particularly Kash Patel was viewed as a loyalist of former President Trump and he was
23 now being appointed to the position of chief of staff?

24 A Not that I'm aware of, no.

25 Q And that position of the chief of staff to the Secretary of Defense, is that

1 typically filled by a civilian or is it filled by a former DOD person?

2 A It's normally a civilian. I knew the previous one quite well. Jen Stewart
3 was her name. I did have interactions with her. And the current one is also a civilian,
4 Kelly Magsamen. It's normally -- I believe -- I don't think we've ever put a military -- is
5 that what you mean, a military uniform?

6 Q Right.

7 A No, I think it's always a civilian.

8 Q But General McConville, who is the chief of staff to the Army, is military
9 personnel, correct?

10 A Yes.

11 Q Can you just explain that to me?

12 A Oh, yeah, a very different role.

13 Q Okay.

14 A So the Secretary of Defense has a chief of staff that helps him run the staff of
15 the Office of the Secretary of Defense. So you have all the assistant secretaries
16 throughout the staff for policy and programming and all those things. So the chief of
17 staff, now, that is a very important role to help coordinate that.

18 The chief of staff position would be more like my position as the Director of the
19 Army Staff. I'm there to do the coordination. A very different role, because they work
20 for the Secretary of Defense. I'm not saying -- we're not counterparts. But they have a
21 role of coordination and operation like that.

22 General McConville is called the chief of staff of the Army because he is not a
23 commander, so he's the chief of staff. He doesn't do staff work. He leads -- I mean, he
24 leads the Army into the future. I'm really his chief of staff and the Secretary's chief of
25 staff --

1 Q I see.

2 A -- but, since they have someone who's called the chief of staff of the Army,
3 we can't call the Director of the Army Staff chief of staff of the Army.

4 But every service does it a little different, so this is very confusing. But for the
5 Secretary of Defense, my experience -- I've seen a few in my -- everyone uses their chief
6 very differently. And Secretary Esper used Jen Stewart as a way to coordinate with
7 services.

8 And the Secretary of the Army also has a position in their office for a chief of
9 staff -- that's the title, chief of staff for the Secretary of the Army, but it's really for the
10 Secretary of the Army's office. And Secretary McCarthy did not use -- did not fill that
11 position, and he used me in that role. So, in that role, I coordinated with Jen Stewart,
12 you know, sometimes daily. During, you know, COVID, we were meeting daily
13 sometimes.

14 But now, for Secretary Wormuth, she has a chief of staff in her front office, so that
15 person, Rachel Ross, she will coordinate with the Department chief's front office or the
16 deputy chief of staff in that office.

17 But each Secretary uses it very differently. And it's up to the subordinate service
18 to interact the way they want to to conduct the business of the Department of Defense.

19 So none of this is unusual for the Army. We just -- when change occurs, we have
20 to figure out what's the new battle rhythm, what's the new meaning, what's the new
21 requirement, and how do they want to -- how do we want to interact. But we want to
22 make sure we stay connected, whoever that person is going to be.

23 Q That's helpful. In my mind, I was confused as to how General McConville
24 and Mr. Patel would have the same title, and it was very confusing, but that helps
25 tremendously.

1 Moving on to another, kind of, aspect around this November period of time, there
2 has been media reporting about a November 11th memo that former President Trump
3 attempted to issue in order to withdraw from Somalia and Afghanistan by January 15th.

4 Are you familiar with that reporting?

5 A I'm familiar with the reporting.

6 Q Are you familiar with, at the time, in that November time period, whether an
7 order was issued and a response by the DOD to that attempted order?

8 A I am not and wouldn't have been immediately. Just, on our role, we would
9 wait for guidance from the Joint Staff or the Secretary of Defense on what orders they
10 need services to do on such direction.

11 Q Did you receive any guidance about an immediate withdrawal around that
12 time period from the Joint Chiefs of Staff?

13 A I don't recall. I don't think I did.

14 Q Okay.

15 Going, now, back after January 6th, there were also media reports that former
16 President Trump was considering to declare martial law to maintain power because of the
17 alleged stolen election.

18 We talked a little bit about this before, but were there any concerns within Army
19 leadership about any efforts the former President may take to stay in office?

20 A Not at my level. I had no --

21 Q And did you learn of any efforts to attempt to declare martial law by any
22 White House officials?

23 A I did not.

24 Q There's also been public reporting about steps General Milley took to
25 reassure leaders about the stability of the country. Are you aware of that reporting?

1 A Reporting, yes, but --

2 Q Oh, were you aware at the time of any calls General Milley would've made
3 to --

4 A I was not and would not be.

5 Q Okay.

6 After January 6th, did the Army have any concerns about that the military,
7 generally, would be called on to be involved in domestic operations? So talking about
8 the period from January 6th until the inauguration.

9 A We knew that evening we were going to build up the forces to secure, take
10 back the Capitol.

11 We made some early -- one of the things we were, kind of, personally involved in,
12 as we were -- as the forces were still trying to clear the Capitol, we were involved in trying
13 to find the barrier material that was going to be needed.

14 That was -- we're always trying to work on the next problem, as the job of the
15 staff. And so we were working on fencing and barriers, where could we find it, where
16 could we contract it, how fast could we put it in. Then Secretary McCarthy gave us
17 some guidance later on to do that.

18 So we had anticipated -- it's what we're supposed to do, not commit, so we
19 anticipated. It was a late night. We knew we were going to be there for a while, was
20 our assumption, and we were going to need proper barrier material. And we had
21 indicators that day that States were going to provide forces. And then we ramped up to
22 the inauguration, where we had almost 26,000 guardsmen securing the Capitol area.

23 Q And who, kind of, was involved in managing those 26,000 troops in the
24 weeks that followed? Which unit?

25 A The D.C. National Guard was. General Hokanson was asked to do it as the

1 Guard Bureau, but we took great interagency efforts.

2 What we did leading up to the inauguration is we had what we call in the military
3 "combined arms rehearsals." We did very in-depth rehearsals. We did these up at
4 Fort Myer, where we were able to lay the map of the entire Capitol grounds and we can
5 shine it on the ground. And we have the intelligence people get up. All the
6 interagency folks came, and they briefed the warnings and indicators. And then we
7 briefed the location of the forces.

8 And then we would throw -- so the Secretaries were set -- in Cabinet-level
9 rehearsals they had, were comfortable with the set of the forces where the -- security
10 forces, not just National Guard, but all entities.

11 And then they would give them vignettes. This is how the Army prepares
12 for -- they give a vignette. We have a car crash, and an ambulance needs to get through
13 this barrier. How are you going to facilitate that? Those kinds of things. Have a
14 vignette of, we have an angry mob coming to one of your traffic control points, and you
15 have Guard soldiers there, and you don't want to be involved with law enforcement; how
16 do we physically make that happen?

17 And the police chief would stand up and -- we go through the response in
18 rehearsal over time and space so the leaders of the interagency could see it. We had
19 several of these leading up to the inauguration. We thought that was extremely
20 valuable. And, again, it was a lesson we learned from June and also from January 6th,
21 and we immediately did that.

22 And I believe it was well-received with agency folks, because they could see what
23 everybody else was bringing to the problem set, how we were going to talk. We solved
24 problems there well before any incidents occurred. That's what we meant by that
25 integrated layer of security plan that was well-equipped, well-prepared, and

1 well-rehearsed. And those rehearsals were very detailed.

2 [REDACTED] did you want to ask any -- I know you have to step out.

3 [REDACTED] I just have to step out for a bit.

4 I just wanted to say thank you again. I really appreciate it.

5 General Piatt. It was an honor to meet you, sir.

6 [REDACTED] Thank you.

7 [REDACTED]

8 Q Did any of those rehearsals or integrated security plan, did that exist prior to
9 January 6th in the lead-up?

10 A It did not.

11 [REDACTED] did you have any questions?

12 [REDACTED] I'll ask them later, but --

13 [REDACTED] Okay. I'm wrapping up here.

14 [REDACTED]

15 Q So, again, after January 6th, there was public reporting about conversations
16 Cabinet members, including General Milley, had about invoking the 25th Amendment on
17 that day. Were you aware of any these conversations within DOD?

18 A I was not.

19 Q Did you learn about any of these conversations after?

20 A I did not.

21 Q After the November election, who was leading the transition within DOD for
22 the Biden-Harris administration? Are you aware?

23 A Well, I know Secretary Wormuth was part of the -- led the transition team
24 for President-elect Biden.

25 For us, for the military, the Army, our Office of Administrative Assistant, [REDACTED]

1 [REDACTED] is the Army lead for -- she tells the Army staff what you're supposed to do and how
2 to prepare for it. We have a staff mechanism for transitions. So that's who I took my
3 guidance from.

4 Q Were you aware that Mr. Patel was, I believe, placed in charge of transition
5 for the Secretary of Defense?

6 A I was not.

7 Q Okay. But your interaction was with [REDACTED] Is that right?

8 A Yes. And she interacted with OSD on the transition planning, and she
9 would then give the guidance back to the staff. Because we had to be prepared -- when
10 it came to transitioning members, we have to brief them and give them everything that
11 they're supposed to ask. It's a lot of staff preparation, but it's a fairly normal process for
12 us. And [REDACTED] ran it. She's now the deputy comptroller for OSD, but in her
13 previous position that's what she did.

14 Q And were there any, from your recollection, any problems that existed
15 during that transition time between the Biden-Harris folks and [REDACTED]? So did you --

16 A Oh, no, no. Not that I'm aware of, no.

17 Q I'm essentially finished. I'm going to turn it over to Mr. Maher for a few
18 questions. But I wanted to just give you the opportunity, if there's anything you wanted
19 to clarify on the record.

20 I have read the House testimony, and, as many hearings are, there wasn't an
21 opportunity to provide details to some of the questions that were asked. And that's just
22 given the nature of a hearing and 7-minute questioning. So I'd like to give you that
23 opportunity.

24 I think you've expanded and provided more detail about that 2:30 call. Another,
25 kind of, big topic that came out of that hearing, as well as the Senate-side hearing, was

1 General Walker's perception about whether the D.C. National Guard was able to
2 immediately respond. And his testimony for the Senate was that they were, indeed,
3 they were outfitted and ready to go, and his perception was that he didn't understand
4 what the wait was for.

5 What's your response to General Walker? And, again, I'm summarizing his
6 position.

7 A Well, I would like to add, what the D.C. National Guard did in June and what
8 they did on January 6th was tremendously heroic. I mean, it's a Herculean effort to
9 mobilize and muster and re-mission. I mean, I've been in those situations before, and
10 you just have to go at the speed of which the crisis requires, and they did that. It just
11 wasn't fast enough.

12 People's lives were on the line. People, you know, felt like they were going to
13 die that day. And everybody had that sense of urgency. And I am extremely proud of
14 the D.C. National Guard and how they responded.

15 But I also have been in this business a long time in the military. I understand
16 people recall things much differently. I could've -- I might've well done it. And I have
17 learned I will never cast judgment on another person's actions in a combat operation
18 unless I was physically there. And I wasn't physically with General Walker. His
19 perception was completely different.

20 But I do know he was the commander, and I think his force did a tremendous
21 thing to help. Again, they needed response in minutes; we weren't postured for that.
22 And he had a direct line to the Secretary of the Army, who I'm equally proud of, of his
23 actions that day, because he facilitated a response that we were just not ready to do on
24 the morning of January 6th. You know, we -- 180 degrees out from what we've said.

25 So these events were horrific, tragic. To me, it's of no value to "what if" or point

1 fingers. The value is to learn the real lessons that we could do things better.

2 And I believe in my heart that I don't want to see military forces be used as a first
3 response. You know, we have good-quality law enforcement agencies here. We just
4 need to have better interagency, you know, integrated security plans here, and we can
5 make that -- get that support.

6 But I'm proud of their response. I'm proud of the Department of the Army staff.
7 It's not what they came to work to do that day. They were doing many things. They
8 stayed up at late at night. They facilitated everything. We contracted fencing. We
9 contracted hotels. We got the things necessary in order to secure the Capitol after it
10 was brutally attacked, penetrated and -- breached and penetrated. But they took it
11 back, and it set the security position that allowed the inauguration to occur from folks
12 who now we knew were threatening the very transition of power we were trying to
13 guarantee. And, no, we may not have seen another violent act after January 6th. I
14 think the reason we didn't see it is because of that integrated and collected security plan.

15 So I respect the role of many people that day. And I understand people might
16 say things differently about me. But I just think everyone did what they could wherever
17 they were postured that day. And we just need to learn from this so that it never, ever
18 happens again.

19 Q What role -- could we talk a little about the intelligence? Would -- more
20 detailed intelligence about what could've occurred, what role would that have had on
21 DOD's preparations?

22 A Well, shared warnings and indicators of possible threat lines, you know, we
23 would've gotten that from other agencies, and other agencies would've then had their
24 own interpretation. We now foresee -- I think -- I speculate that they would've solved
25 their -- they would've reevaluated their posture that day. Is it enough, or do I need

1 additional assistance? I think that's what would've occurred.

2 Again, we wait for the request. And it was asked those times. Getting a "no"
3 doesn't mean they didn't want us. It meant, we assumed, from their evaluation of the
4 warnings and indicators, they didn't need us and they had what they needed to
5 accomplish their mission.

6 Q And, as you noted, the Army reached out to Capitol Police, I believe, twice in
7 the days prior to January 6th to confirm they did not need any assistance.

8 A The Department of Defense did.

9 Q My last questioning is about, again, there has been much made about this
10 "delayed time," in quotes, of the D.C. National Guard, but, in particular, the order by
11 Secretary Mark McCarthy to General Walker. There's a discrepancy in the timeline from
12 the D.C. National Guard versus the Army top line. From 4:35 the authorization is
13 deployed I believe is the Army timeline, and then a 5:02 timeline.

14 Can you explain that discrepancy, to the extent you have any knowledge?

15 A On the time and delay, just to step back, because I think it's important for
16 everyone to realize, National Guard forces are not at their armory, ready to be called as a
17 911 fire or police department. They're citizen soldiers. They are working in offices
18 around this district and the area around. So there needs to be an indicator that will
19 force a recall into place. So they have to be recalled, mustered, mobilized to meet a
20 mission.

21 We do this a lot when we see hurricanes coming in, and so we get prepared for
22 support to domestic civil authorities. So we bring folks in so they're already at the ready
23 so when it's needed we can go out and do high-water rescue and these kind of things.
24 Because we know what's coming, we get ready for it, and then, you know, in any other
25 State, a Governor would call out, and they would be able to respond.

1 In this case, Secretary Ryan McCarthy, he's downtown. He's putting together a
2 plan. Again, it's sheer chaos at the Capitol, and he's trying to put together a plan. He
3 has prior military experience. He's the Secretary of the Army. And he puts together a
4 plan; where am I going to link up?

5 And, broadly, we were all working on it in parallel. And we were coming to the
6 conclusion that they're going to clear from the inside out -- tailored, experienced Federal
7 police forces. The Army and the National Guard forces would be better used to
8 reestablish the outer perimeter of the Capitol, freeing up police to then be allowed to
9 make targeted arrests against citizens that still may be intent on violence.

10 That was the broad structure. It did not happen simultaneously; it happened
11 sequentially. But that's what we were trying to work on to meet his -- that was, kind of,
12 his guidance and his plan going in.

13 So this is happening very quickly, but he has several people with him to help make
14 calls. He's got several phones with him. And he calls to the Armory. And the Armory
15 had been, again, mustering soldiers in. We're not sure -- I have no personal knowledge
16 how many made it from the checkpoints back in, how many got in from civilian jobs, how
17 many may have been on active -- or providing an Active Duty role inside the Army. So
18 it's a convergence of that, whoever's available. And they're issuing their riot control
19 gear. They're reconfiguring. They're lining up formations to go when they're being
20 called forward.

21 I can't comment because I wasn't with the Secretary or at the Armory, but it did
22 alarm us, just because there's a delay. It's the Secretary of the Army calling a two-star
23 general. There's a lot of layers down there. I used to be a squad leader. You know, I
24 don't get calls from two-star generals to go. There's a chain of command. I'm ready to
25 go, but I've got to make sure I'm ready -- I can only -- my assumption was, they were just

1 doing their final preparations and getting on buses.

2 Q Uh-huh.

3 A You know, we needed to go fast. But, again, after witnessing just the recall
4 of the Guard and how fast they prepared, again, it's a Herculean effort. It wasn't fast
5 enough, because lives were on the line, but it was as fast as they could go, given the
6 magnitude of the re-mission they were given.

7 Q Thank you for that. I appreciate you kind of clarifying some of the
8 reporting that was out there about the discrepancies with the timeline.

9 [REDACTED] I don't have anything else.

10 [REDACTED] Okay. I just have a few questions.

11 EXAMINATION

12 [REDACTED]

13 Q Just to follow up on that last point, you mentioned that oftentimes the
14 military will support civilian authorities in things like hurricanes, things like that. Can
15 you think of any other situation aside from January 6th where there was such an
16 immediate response needed from the military to support civil authorities?

17 A I -- nothing like January 6th. Never in my entire career have I ever seen
18 anything where citizens were attacking our own Capitol. I've seen crisis in combat, but
19 that's what we were there to do.

20 I -- we have been -- I have personal experience with Hurricane Sandy. Again, we
21 were prepared to support it, but it was much worse than anybody thought. And
22 hurricanes normally are; we can't control that. So we needed more. And at a point of
23 a catastrophe like that or a natural disaster, there's a lot of confusion.

24 So you're prepared to support, and then something happens, and you're -- like, in
25 this case, we were asked to be prepared to support with aviation assets in case we

1 needed to lift people off of rooftops. That's a typical prepare for the summer. That's
2 an Active Duty force out of the 10th Mountain Division. We were told to prepare
3 high-water trucks as a normal one.

4 But Guard forces are already there. I'm talking the Federal support. We were
5 involved in -- Sandy's coming, we'd better be ready. And when Sandy came and hit and
6 it was much worse than anybody thought, what they needed were fuel trucks to fuel
7 commercial emergency response vehicles. We were not prepared for that. And we
8 had to, overnight, prepare and drain military fuel out of trucks, change a nozzle of a truck
9 so it would fit into a civilian vehicle, and put civilian fuel back in. It was an incredibly
10 different problem set. It's not something we normally do, but it's something we were
11 able to get done in time.

12 I don't know if that helps. But we seldom get the mission we planned for in the
13 military, so you have to adapt. But sometimes that adaptation and agility just requires
14 time.

15 Q And even in a situation like that, it sounds like in Sandy, you're talking about,
16 you know, doing something overnight, which is quick, obviously, but somewhat different
17 than needing to respond within hours, right, on January 6th?

18 A Yeah. We are only postured, in the military, for -- our initial response
19 forces are for global contingency operations. And they're on several hours straight.

20 So what recently happened in Afghanistan, when we needed to deploy more
21 forces, that's a force that's there and is ready to go once they're alerted, but it's still
22 about -- sometimes it can be from a 2-hour recall to an 18-hour sequence where you're
23 deploying. And those are loose, because some of these -- you know, the numbers I
24 don't want to get into. But, still, that's fast. That's a global contingency; something
25 has very seriously gone wrong, and we need to send a contingency force. The Secretary

1 of Defense makes that call, but we have to be prepared to do it, so we always hold the
2 force for that, for global.

3 For support to domestic civil authorities, the leading indicators we get are
4 normally natural disasters. So, every spring, we prepare some forces to do firefighting,
5 so if they're needed, we can bring them forward. But, even then, when Federal forces
6 are used for firefighting -- National Guard forces respond faster -- we still have to go
7 through about a 15-day train-up with firefighters so that we can be employed correctly
8 when the fire hits a certain range.

9 Q Right.

10 A So we have mechanisms for this, but the common denominator is time,
11 warnings, and indicators so that we can provide what is required.

12 Q Okay.

13 Just for the next few questions, just the timeframe I'm looking at are the day of
14 January 6th, 2021, and the days and weeks immediately thereafter.

15 And so, as I understand your description of your role during that time, one of the
16 things you might be involved in is, if there was a directive or an order from the Secretary
17 of Defense to the Secretary of the Army, you would help to facilitate the Secretary of the
18 Army in implementing that, developing whatever doctrine or subsequent orders needed
19 to happen for the Army. Is that correct?

20 A Yes.

21 Q Okay.

22 And I appreciate your discussion of what your active duties were on January 6th,
23 which was obviously a very hectic day. And you described your visceral reaction to what
24 you saw.

25 Did you have a chance at all during January 6th to hear or watch the President's

1 speech on the Ellipse that day?

2 A I did not.

3 Q And did you have any chance to become aware in days after that, either
4 through public reporting or otherwise, of some of the statements he made, such as, "Our
5 election victory was stolen," that "I've been in two elections and won both of them," and
6 that "we will never concede"? Did you become aware of any, kind of, statements the
7 President had made like that in the days after January 6th?

8 A Vaguely aware days after from media reporting, but not -- certainly not on
9 that day.

10 Q And did those kinds of statements, in addition to the events on the 6th, give
11 you any concerns about succession for the Presidency and what that might mean for the
12 Army leading up to the 20th?

13 A It did not.

14 Q Okay.

15 If it had been the case that President Trump, based on those assertions, would've
16 claimed that he was still the President after the 20th, what would the Army do with
17 conflicting orders from Donald Trump and Joe Biden, if there were conflicting orders?

18 A We would take direction from the Secretary of Defense, and we would obey
19 lawful orders.

20 Q Okay. So the Secretary of Defense is who you would look to decide
21 whether to follow certain orders?

22 A Yes.

23 Q And what if Joe Biden had decided to relieve the current Secretary of
24 Defense of his role, and the Secretary of Defense, Chris Miller, Acting Secretary of
25 Defense Miller, claimed that he was still the Acting Secretary because he had these

1 competing claims from Joe Biden and Donald Trump, whose direction would you follow in
2 that case?

3 A Well -- I don't know if I understand.

4 Q So --

5 A The Commander in Chief is President Biden at this time? Then --

6 Q Well, the hypothetical that I'm talking about is, if President Trump, based on
7 his assertions that he actually won the election, said that "I am still the President of the
8 United States," but Joe Biden clearly would've said, "No, I'm the President of the United
9 States because I won the election," you said in that circumstance you would take
10 direction from the Secretary of Defense. And so, if Joe Biden basically said, I'm relieving
11 Chris Miller of his role as Acting Secretary, you know, do you know who you would look to
12 for which orders to abide by in that type of situation?

13 A I can't -- that's a strange hypothetical. I would only say that what we did do
14 is we took orders from Secretary Austin that was then the nominated and confirmed
15 Secretary of Defense.

16 And we're obligated -- you know, our oath is very serious to defend the
17 Constitution of the United States. And we do obey the lawful orders of the Commander
18 in Chief and down the chain of command, always, always.

19 And that's what we would do. In any situation you provide, we would obey the
20 lawful orders, so those orders would have to be from the actual Commander in Chief and
21 the actual Secretary of Defense.

22 Q Right.

23 Do you know whether, during this time, January 20, 2021, whether Army doctrine
24 or any DOD doctrine kind of spelled out what happens in a situation where there's
25 competing claims to the Commander in Chief position?

1 A I'm not aware of anything.

2 [REDACTED] Okay. Those are all the questions I have.

3 [REDACTED] Great.

4 I don't see any members, and I think that concludes it. And we made it within
5 the 3-hour period.

6 So I appreciate your time. Thank you on behalf of the House Select Committee
7 for making the time this morning. We appreciate your clarity on these issues and your
8 service to this country. Thank you.

9 General Piatt. Thank you.

10 [Whereupon, at 11:45 a.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date