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

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11 INTERVIEW OF: RYAN MCCARTHY

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Friday, February 4, 2022

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Washington, D.C.

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20 The interview in the above matter was held in Room 4480, O'Neill House Office
21 Building, commencing at 9:59 a.m.

22

Present: Representative Raskin.

1 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

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

7

8 [REDACTED] STAFF ASSOCIATE

9 [REDACTED] INVESTIGATIVE COUNSEL

10 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

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20 For DEPARTMENT OF DEFENSE:

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22 EDWARD RICHARDS

23

24

25

- 1 For RYAN MCCARTHY:
- 2
- 3 JACK WHITE
- 4 PATRICK WALLACE

1

2 [REDACTED] Hi. Good morning, everyone. My name is [REDACTED]

3 [REDACTED] I'm a senior investigative counsel here on the House select committee.

4 This is a voluntary transcribed interview of former Secretary of the Army, Ryan McCarthy,
5 conducted by the House Select Committee to Investigate the January 6th Attack on the
6 U.S. Capitol pursuant to House Resolution 503.

7 Joining me from the committee, and I'll start with the Webex, is our chief
8 investigative counsel, [REDACTED] there in the corner, [REDACTED] investigative
9 counsel. [REDACTED] professional staff, and I believe that's it on Webex.

10 [REDACTED] Thank you, [REDACTED] I just wanted to say good morning, Secretary
11 McCarthy. Thanks very much for being here.

12 [REDACTED] also joins us from the committee. And in the
13 room, we have [REDACTED] professional staff member, [REDACTED] senior counsel to the
14 committee, and [REDACTED] investigative counsel, who will be sharing most of the
15 questions with me today.

16 Secretary McCarthy. Okay.

17

18 Q Can you state your full name for the record, Mr. Secretary?

19 A Ryan David McCarthy.

20 Q And who is joining with you today?

21 A Do you want me to do that again?

22 Q Go ahead. Just start with your name.

23 A Ryan David McCarthy. I'm accompanied by counsel Jack White.

24 Q And also --

25 A I'm sorry. And Pat -- and my other counsel, Patrick. Sorry. Thank you.

1 Q Great. We are recording this. It will not be put up on any website or
2 anything like that after this, but I just wanted to make that record since I guess that's the
3 computer saying we are now starting to record.

4 We plan to use certain exhibits today during the interview. We have those
5 exhibits for you. I believe there's a binder there for you.

6 A Yeah.

7 Q And were you able to review some of those exhibits in advance of today?

8 A Yesterday. Thank you.

9 Q There's a court reporter present in the room. You'll see they'll switch out, I
10 think it's every hour. She'll create a verbatim record of what we will discuss today.
11 And, with that in mind, we ask you to have verbal responses so that they can properly
12 record your response.

13 Although this interview is not under oath, you are required to answer questions
14 before Congress truthfully, and that requirement applies to questions posed by
15 congressional staff in an interview. Specifically, 18 U.S.C. Section 1001 makes it a crime
16 to make any materially false, fictitious, or fraudulent statements or representations in the
17 course of a congressional investigation, and that applies here today. Do you understand
18 that?

19 A Yes.

20 Q We want you to answer our questions in the most complete and truthful
21 way possible. If you need to take a break and consult with counsel, please do so. Or if
22 you need a break, we usually take a pause about every hour or so and see if anybody
23 needs to take a break for anything else. Got it?

24 A Very well.

25 Q Any questions before we begin?

1 A No.

2 Q Secretary McCarthy, you and I have actually spoken before, but it would be
3 beneficial for all of us on the record if you could just walk through your career. I know
4 you've had decades of experience, and if you could just give us the broad strokes of the
5 last few --

6 A Sure.

7 Q -- decades.

8 A Okay. I graduated from the Virginia Military Institute, spent my first year as
9 a Second Lieutenant working for the administration at VMI to work on the integration of
10 women. This was after the Supreme Court's case decision was rendered. VMI was an
11 all-male school at the time. And then I went through the integration process,
12 culminating with the first class of women.

13 I then went to -- was assigned to Fort Benning, Georgia, and went to the infantry
14 school, Ranger school, airborne school, and was assigned to 3rd Brigade combat team,
15 3rd Infantry Division, similar executive officer time. I was then selected to serve in the
16 75th Ranger Regiment, went on to serve in the Ranger Regiment, culminating with an
17 assignment of the invasion of Afghanistan in the fall of 2001.

18 Got out of the Army as a Captain, went on to work at the Hong Kong Shanghai
19 Bank Corporation, first with Household Finance, which was acquired by HSBC, and then
20 worked at HSBC for about a year and a half, and then went back into government. I
21 spent a year on the House Foreign Affairs Committee and then joined the Bush
22 administration, serving in the immediate office of the Secretary of Defense with Robert
23 Gates. That was for 2 years. And then President Obama reappointed a select few of us
24 with Secretary Gates. We stayed on in the Obama administration for another 2-1/2
25 years.

1 And then, I went on to work at the Lockheed Martin Corporation for 6 years. I
2 worked on the F-35 program, ran operations, handled sustainment and a couple other
3 portfolios of that piece of business, which is about \$15 billion. It's a third of the
4 corporation.

5 Was recruited by Secretary Mattis to join the Trump administration. I was the
6 Under Secretary of the Army for the first 25 months, and then served as the Secretary of
7 the Army, culminating in that position on January 20th of 2021.

8 Q Okay. It sounds like you went from government work to private work and
9 then back to the government --

10 A Yes.

11 Q -- is that right? What was your undergrad degree in? I'm just curious.

12 A Oh. The concentration was history, but you get -- you do so much math
13 and science, you get minors in that at those schools, but I -- my major was history, and I
14 have an MBA with a concentration in finance from the University of Maryland.

15 Q I see. Okay. I was wondering where the finance came stuff from.

16 A Well, joining the HSBC was really an accident. When I was looking in the
17 library how to find a job getting out of the Army, I read about this executive that read his
18 own mail. And then I said to him -- I said to my dad, I said, well -- you know, my dad
19 send the guy your resume, and you know, he got the resume, and I met with him. And
20 what do you know about finance? I said nothing, but that's a technical gap. You can
21 teach that to me. But I knew finance drives business, it drives government, it drives
22 everything so I wanted to learn about it, and I chased my interest. A lot of luck, but it
23 worked out for me.

24 Q Got it. And how long were you there for?

25 A Like 3 -- a little over 3 years, I think.

1 Q And when you said you were part of the integration of women at VMI, what
2 year did that happen?

3 A It was 1997, and the Supreme Court case was going on for the -- not the
4 entirety of my -- it culminated with the Supreme Court, but it was in the Federal courts
5 and then ultimately while I was at school. And when the decision was finally rendered,
6 you know, I was a senior. And then going into the following year, I was presented the
7 opportunity to stay on and work on that. And you had to change -- fundamentally, you
8 had to change the school. It was all male, I mean.

9 Q Right.

10 A More female bathrooms and barracks, lockers. I mean, everything that had
11 to be changed. They had to train the staff and the faculty and, really, behaviors and
12 things to be conscious of because, normally, you're in a room filled with men.

13 Q Sure.

14 A So it was a massive undertaking. It was a great lesson learned. I got to
15 work for my mentor at the time, who was the assistant to the superintendent, Colonel
16 Mike Bissell, and I learned a lot. It was a great experience.

17 Q And what did you do on the House Foreign Affairs Committee?

18 A So there was -- the chairman at the time was Henry Hyde from Illinois, and
19 so, I had a portfolio in his office, and then I was also on the committee. So one of the
20 jobs they needed was somebody to really be the aide to the chairman, to be with him --

21 Q I see.

22 A -- because, you know, when they walk down the hallways, everybody's
23 asking them about bills and questions. So I was always getting all the information,
24 making sure the staff and everybody was aware of conversations he had or votes that
25 night. And so, it was a great learning experience. I learned a lot about how Congress

1 works and developed relationships with the Congress and staff and members.

2 Q And then when you were appointed the Under Secretary of the Army in
3 2017, who was the Secretary of the Army at that time?

4 A We didn't have one at the time. I was the acting and the under at the same
5 time for about a little over 4 months.

6 Q I see. And then you were appointed in June as the Secretary of the Army?

7 A About 2 years later.

8 Q Two years. So you were the Acting Secretary of the Army and Under
9 Secretary of the Army?

10 A There were a couple of failed nominations --

11 Q Oh.

12 A -- for the Secretary. I -- they were waiting to put me in, and finally, they
13 just put me through. And then when ultimately they selected Mark Esper, it took about
14 4 months or so to go through vetting and then his confirmation process.

15 Q I see. Okay. So during the -- I just want to fast forward to the summer of
16 2020 --

17 A Okay.

18 Q -- during the civil disturbance protests. You were in the position of the
19 Secretary of the Army, correct?

20 A By then, yes.

21 Q Yeah.

22 A I was confirmed the summer before, so maybe September I was the acting,
23 and then I was confirmed by September --

24 Q So just --

25 A -- of '19.

1 Q Of '19. Got it.

2 So just to take a step back, a lot of what we want to talk to you about is kind of
3 zooming out from January 6th, and some of the lessons learned from the summer as the
4 Army has discussed and you've gone on record talking about before; and, also, the
5 process of how the D.C. National Guard is activated. Obviously, what happened, the
6 authorization process --

7 A Sure.

8 Q -- was the same for the summer as it was for January 6th. Is that right?

9 A They were very different. I mean --

10 Q Okay.

11 A -- one transpired over days. January 6th happened within minutes and
12 hours, and so it's a -- we can get into a --

13 Q Sure.

14 A -- great detail on that.

15 Q Can you just kind of broadly explain what the unique position is of the D.C.
16 National Guard and what the chain of command is? I think that would be helpful to
17 start with.

18 A Sure. So, you know, the D.C. Guard -- I mean, the commander is actually a
19 political-appointed position. It's an SES that wears the uniform of the U.S. Army. They
20 appropriated two stars. That's a political-appointed position, for example. And then
21 that individual reports to the Secretary of the Army, the Secretary of Defense, and then
22 the President.

23 The history behind this goes back to really the Martin Luther King riots in 1968
24 where it actually was the last -- well, it was one of the three times in American history
25 where they used the Insurrection Act, the first being the Civil War, then the 1968, the

1 King riots, and then, actually, the Rodney King riots in '92. '92, right?

2 Q I believe so.

3 A But there's actually a fourth time where it was during Hurricane -- I think it
4 was Michael in Florida where they actually sent Active-Duty personnel because they could
5 get there the fastest to support hurricane relief operations.

6 So utilization of that is pretty extraordinary, and I think we'll probably talk about
7 that. But what happened in '68 was that the Active-Duty personnel -- everything was
8 folded under the Attorney General. And then they were, along with the Metropolitan
9 Police and other Federal agencies, trying to quell the situation in the city.

10 And what they learned from that was that the President then just delegated that
11 authority to the Defense Department, and the Secretary of Defense just delegated it
12 down. And the challenge that you face -- and I went through this twice in 7 months.

13 Q Right.

14 A That there's a lot of gray between the Secretary of Defense and the
15 Secretary of the Army, and then, ultimately, the command-and-control architecture over
16 the city. And what I mean there, in this city, you have various different agencies that
17 have jurisdiction to include the mayor who has 700,000 citizens that she's responsible for.
18 And when you shift your weight in this city, it's someone else's jurisdiction.

19 So what we saw in the summer and what we saw again on January 6th is just
20 almost a committee of decisionmaking, not a command-and-control architecture by
21 echelon where you can make decisions quickly, effectively, and have the right authorities.
22 So when you -- you know, it puts a very difficult situation for the D.C. Guard in particular
23 because they have to be deputized to a law enforcement agency in order to do -- to make
24 a decision or an action, you know.

25 You hear this adage of the Secretary of the Army is the governor of Washington,

1 D.C. It couldn't be further from the truth. They can't make the arbitrary decision to
2 put troops on the streets. They've got to talk to the mayor. They've got to get the
3 authority from a law enforcement agency. I mean, really, all the Army does is provides
4 capability. And then when a decision is made to change a mission, they've got to come
5 to us, and then we've got to go through the Secretary of Defense again, and then get the
6 decision, ultimately, to make a change of mission and support, whether it's Metro Police
7 or the FBI or any government agency that needs support for a civil unrest situation. So
8 it's a challenging dynamic that needs a really hard look.

9 Q And we'll talk about some of the recommendations at the end of this, but it's
10 interesting that you said it's not a proper analogy to say the Secretary of the Army is the
11 governor, because you have to go up through your chain of command as well as work
12 through all these different --

13 A Unless the delegations are written out very clearly that you have the
14 authority for, you have authority for, it goes back and forth. And it's -- it really rests
15 with the President and then the Secretary of Defense and then --

16 Q Right.

17 A -- the Secretary of the Army. And it's -- and you're very confined based off
18 of whatever the operation is that you're conducting on that given day at that given
19 moment.

20 Q So -- and you mentioned the President now. So it lies first with the
21 President, correct, the authority?

22 A Ultimately, yes.

23 Q Then to the Secretary of Defense, then to yourself, the Secretary of the
24 Army, and then down to the -- as you said, the SES.

25 A It's the commander of the National Guard, yes.

1 Q So that would be General Walker?

2 A In the case of that day, yes.

3 Q So let's just start with the summer, then. Obviously, former President
4 Trump was the President then. Secretary of Defense was Secretary Esper. Is that
5 right?

6 A That's right.

7 Q You were in that position, and General Walker was in the same position.

8 A Uh-huh.

9 Q Is that correct?

10 A That's right.

11 Q So just walk us through how -- and I'll provide a timeline here to give us a
12 sense that -- George Floyd's murder was on May 25th. That was a Tuesday.

13 A Which was a Tuesday.

14 Q Yep. That weekend is the 30th and 31st. And then, obviously, the June
15 1st incident at Lafayette Square was highly criticized, and we'll get to that. But walk us
16 through when the D.C. National Guard was first asked to deploy --

17 A Sure.

18 Q -- and who requested it?

19 A Okay. If I could, just because it's the way I remember it. George Floyd's
20 murdered on Tuesday. Riots ensued in Minneapolis on Wednesday; Thursday, other
21 areas of the country. By Friday, it was starting to get activity in Washington, D.C.

22 The Park Police was actually the first organization that requested support, and it
23 was 150 personnel in Lafayette Square. And it's static security positions where they
24 would be the last line behind the police by the north fence of the White House. And we
25 had been in conversations. Metro PD at that juncture did not require any additional

1 support.

2 Saturday and Sunday, which you referenced, the 30th and 31st, some elements of
3 the crowd, not all, but some, became violent, and police officers were injured to include
4 about a half a dozen National Guardsmen had to be treated for injuries as well.

5 Q And this is in D.C.?

6 A This is in Lafayette Square. And so, that at that time, there was a lot of
7 concern. We were paying attention. I met Mayor Bowser for the first time that
8 Saturday. I went to City Hall and said, is there anything I can do to help? It looks like
9 crowds are getting much larger.

10 And, Sunday, the 31st, the mayor called me in the afternoon and said, could you
11 get people in place to assemble or put in place what they call a traffic box? So if we had
12 a map, I could show you that it's about Constitution to K and then 18th to -- it's like -- it's
13 18th to -- I can't remember. I'd have to look at the map.

14 Q That's okay.

15 A If I had a map, I could go. But, basically, a box because what it does is it
16 prevents vehicular traffic. You can have thousands of people walking the streets.
17 You're going to get somebody hit by a car --

18 Q Right.

19 A -- right. More so than anything, it's just how do you control this and put it
20 in such a way that you can make sure at the very least, if they're going to be in there,
21 they're going to be -- you're going to try to contain it so you don't get anybody hurt.

22 And then, you know, there were incidences around the country where people
23 drove into crowds like Charlottesville and others, so we wanted to do what we could to
24 try to contain it. We then put another 150 personnel into the traffic box that night. So
25 now it was like in the upwards of 300 that were in support.

1 Q Got it. So let me just stop you there. So was there a request by the
2 Mayor on Saturday, May 30th, or was it the first request from the Mayor on Sunday,
3 the 31st?

4 A I believe it was Sunday. She called me, and it was -- it was -- no. It might
5 have been Saturday. It might have been Saturday and Sunday. Sorry. Yeah. I'd
6 have to check, but it was -- I remember she called me specifically, and we gave verbal
7 approval to put the traffic box in place.

8 Q And how long did it take to get the National Guard there for the traffic box
9 points?

10 A It took a while. I mean, it was not -- I think they were a little
11 late than-- later than what the Mayor needed, but they did get in place ultimately that
12 evening.

13 Q On Sunday evening?

14 A Yes.

15 Q Okay. What was the President's role, if any, for deploying the D.C. National
16 Guard?

17 A So she made the call to me. I -- as we went into the weekend, the
18 Secretary of Defense was telling me, like, ask the Mayor if they need support, if they need
19 support. So he was basically opening up the aperture to give support to add personnel.
20 I told him, I said, The only thing they're potentially looking at is a traffic box. Saturday,
21 they were -- as I recall, Saturday, she told me, We're good. It was Sunday that they
22 needed the traffic box. She called me and told me that, I told the Secretary of Defense
23 are we good to go with that, and then got the authority to go put the traffic box in place.

24 Q And these are all verbal orders?

25 A Well, when I -- yeah. I mean, for Sunday, yes.

1 Q Got it.

2 A But I -- and we had talked to him about conceptually what they were looking
3 for the day before. We sent -- we followed that up, I think, with a -- with what was
4 going to be the request and what they were going to do, but ultimately, he said over the
5 phone to go.

6 Q How many members of the D.C. National Guard were ultimately activated
7 for the summer?

8 A After the events on Sunday evening when they -- when it became very
9 violent, we mobilized all of the Guard at that point, so it went from 300 to 1,000 the next
10 day. I think they didn't get in until the next -- all in place until the next night on the 1st.

11 Q And just from your memory, and I realize we didn't ask for the documents
12 about this. Where were they positioned in the district, the D.C. National Guard?

13 A By June 1st?

14 Q Yeah.

15 A Okay. So the traffic box that I mentioned, it's about 150. There was
16 another -- they had initially had 150 in Lafayette Square, and I believe they put some
17 more into there. I can't remember the exact number. And then they actually put
18 personnel out on the monuments. Many of the monuments were defaced, and we -- so
19 we -- the Park Police asked for support to put them in front of some of the monuments.

20 Q Was the Guard armed at the time during the summer?

21 A They armed -- we only armed the military policemen who actually -- because
22 one of the challenges in D.C. Guard here is many of them were not qualified with their
23 weapons --

24 Q Okay.

25 A -- and we looked at who are the most -- you know, what were their platoons

1 of military policeman that were qualified with their weapons. So a handful of them, not
2 many, were given the authority to carry their weapons, but they did not have magazines
3 with ammunition loaded in their weapons, so they were -- they're on their kit. They had
4 to have authority to lock and load a round into a magazine -- a magazine into their
5 weapon. Excuse me.

6 Q So only the military police that were armed?

7 A As I recall.

8 Q Okay. We're going to go through kind of the approval process that led to
9 January 6th and some of the emails back and forth. Is that same sort of approval
10 process, did that occur during the summer, or was it more so a verbal authorization and
11 then the --

12 A The follow-up, so -- and this is very important and I'm glad you asked. In
13 the summer, it was kind of a build to the weekend. And my frequency of discussions
14 and how much time I spent with General Walker went from, you know, once a day to
15 hours a day and then, ultimately, you know, we're -- a couple times a day we're sitting
16 side by side.

17 What we learned in the process was we were not capturing a lot of the
18 information in writing in the orders process, which is fundamental, foundational because
19 of the stress of the situation and the speed of the situation. That was a lesson learned
20 of, like, how we need to capture this information so that we can put it out correctly, you
21 know. There was tremendous pressure to get things settled, you know. There
22 was -- you know, you can tell there was a lot of almost anxiety in the way the
23 decisionmaking was going. Faster, faster, faster. And, you know, we have an
24 expression in the Army. Slow is smooth, and smooth is fast. Get it right. And so that
25 was one of the things we learned, you know. When you're doing things very quickly,

1 you can get things lost in translation.

2 Q And, again, one of those things was about the low flying helicopters --

3 A That's an example, you know. So one of the things we talk about is, like,
4 what is your concept of operations? If you're going to employ a helicopter, if you're
5 going to employ a military police platoon, we have a five-paragraph operations order.
6 And why the military is so good is because they prepare and they rehearse and they go
7 through these great lengths of situation. There's a crowd amassing on the Capitol.
8 Some are violent. Some are not, you know. There are friendly forces in the area,
9 military -- Metropolitan Police, the Capitol Police. You start going into what is the
10 situation? So you have a sight picture of what you're entering into.

11 What is your -- second paragraph. What is your mission? To provide static
12 security east side of the Capitol. And then an execution, which is most important, is
13 commander's intent. What do we want to achieve with this operation? Why
14 commander's intent is important and information that, quite frankly, your committee
15 should look at is soldiers are going to listen to what the commander says. So your
16 temperament, your words matter, and how you behave.

17 The summer was a lot of energy and people on TV, and they were upset, and we
18 were just trying to keep people cool. I went all over that city -- this city, excuse me,
19 talking to soldiers. Don't lay a hand on a civilian. Know your rules of engagement.
20 Just keep your cool, keep your cool, you know. And that's one of the challenges, but at
21 the beginning of the execution paragraph is commander's intent. We ingrain that into
22 our soldiers that that is how you behave on a mission. This is what we need to achieve.

23 And why do you do that? Because the commander could get killed, could get
24 hurt. You might have to step up and lead this mission. Everybody has to know what
25 they're going into before you employ them. You just can't run into a situation and how

1 do I help? That's how you get more people hurt. You get your own people hurt. So
2 commander's intent.

3 And then within the execution paragraph, you go into the details. We're going to
4 insert to the objective along this route. We're going to link up with this unit that's in
5 contact. We're going to support them by doing the following: 1, 2, 3, 4, 5.

6 And then, the serve and support paragraph which is the next paragraph. Here is
7 the type of equipment we have. Here is how we are going to be resupplied. Here's
8 how we're going to support each other. The fifth paragraph, command and signal.
9 Here's how we're going to communicate with each other. Here's the frequency.
10 Here's how -- here's what their uniforms look like. How do we know we're going to link
11 up? So what I just described only took about a couple minutes.

12 Q During the summer, it only took a couple minutes?

13 A Well, no. During the summer, I don't know because I don't -- I'm not the
14 one giving that to a platoon. I was the Secretary of the Army.

15 Q I see.

16 A But when you talk about the concept of the operation with the commander,
17 and the commander is going to go back and forth. It's a much higher-level set of
18 objectives. They have to translate that down to that soldier with a shield and a riot
19 baton. And what are we asking you to do? It's a terribly difficult situation that
20 National Guardsmen are put in all over the country when they're put in that situation
21 because they're staring right at another American.

22 So it's so important. You know, there was a lot of -- you know, a lot of anxiety,
23 you know. I mean, if you look at the President being rushed into the bunker. The
24 Secret Service was amped up. The Park Police was amped up. Some people tried to
25 climb over the north fence. People were -- you know, they were energized, and we

1 were just trying to say -- you know, you're being pressed to put capability in play, and
2 that's where, you know, things went fast. And, you know, we're blessed that we didn't
3 hurt or kill anybody.

4 Q So I'm just trying to understand kind of the differences. It sounds
5 like -- and I want to make sure I understand what you're saying. It sounds like during the
6 summer, there were these verbal orders that went back and forth, and one of the lessons
7 learned was to document what was happening. Is that fair to say?

8 A Absolutely. We -- I mean, I spent the whole summer into the fall with the
9 committees of jurisdiction. And then if you look at the -- in particular, a lot of what the
10 House Armed Services Committee did, your markings on your uniform --

11 Q Right.

12 A -- and the employment because, you know, quite frankly, the National Guard
13 is not a full-time organization. The Secretary of the Army and the Headquarters
14 Department of the Army, and this is something we should probably discuss further, it's
15 not an operational headquarters. It's an administrative -- they're offices. We look at
16 PowerPoint, you know.

17 And so it's not like walking into a joint operations center, and they've got camera
18 feeds with ISR or cameras on the streetlights like you have in the Metropolitan Police
19 headquarters. And then you have liaisons from all different units. Everyone's listening
20 to the same frequencies on the radios. They hear what other units are doing. They
21 know if they need help. January 6th, and for that matter, June 1st, 2020, people were
22 on iPhones.

23 Q All right.

24 A It's not effective. And so, that's why the command-and-control
25 architecture, who's in charge, who can make decisions and how that works by echelon is

1 so vitally important and needs to be really looked at hard.

2 Q So some of the exhibits that we'll go through are those PowerPoints of the
3 D.C. National Guard saying this is our plan for January 6th --

4 A Uh-huh.

5 Q -- the back and forth about the number of Guardsmen, and we'll go through
6 that in detail. But did that same kind of back and forth happen during the summer?

7 A I'm trying to remember. For the Park Police, I believe -- I mean, that was
8 just static security in Lafayette Square. Then they showed us that -- when we did the
9 traffic box, General Walker showed me on a map how that would look. We actually
10 drove the positions. He showed me and the Chief of Staff of the Army that. And
11 then -- and as it continued to expand, we were in his headquarters, and he would show us
12 on the map and explain to us what the requests were and how he intended to support it.

13 Q So it doesn't sound like it was this documented process of PowerPoints being
14 presented to you guys, particularly over the weekend when the violence was escalating.
15 Is that fair?

16 A Yeah. I mean, if you think about it, we were not in position when it started
17 to transpire, so we were playing -- we were starting from behind at a deficit when we got
18 into place on Monday, the 1st, with larger volumes of support.

19 Q Was there ever a consideration of the -- of Active-Duty Guardsmen to
20 respond during the summertime?

21 A Active-Duty personnel? Yes.

22 Q Personnel, yes.

23 A And I think we could probably Google it. What they -- there was talk about
24 the utilization of the Insurrection Act over the District of Columbia, and --

25 Q When you say there was talk, who was talking about that?

1 A The President and the -- you know, the cabinet-level officials. I was never
2 in those discussions.

3 Q How did you learn of those discussion?

4 A Secretary Esper and General Milley.

5 Q Just so I'm clear, so Secretary Esper, General Milley had conversations with
6 the President about invoking the Insurrection Act, and they relayed those conversations
7 to you?

8 A Yeah, and they were never -- they were not in favor of the utilization.

9 Q And were you -- did you share that position with Secretary Esper --

10 A Yes, absolutely.

11 Q -- and say why that's not a good idea for the Insurrection Act?

12 A Well, first off, you know, you want to use the National Guardsmen first, in a
13 case of escalation, to try to put utilization of the National Guard. That is a core
14 competency or fundamental mission for those units. And, you know, in the case of the
15 D.C. Guard, most or many of them are from here. This is their city, you know, and so, if
16 we wanted to be able to put as many Guardsmen as we could in place along with the max
17 utilization of law enforcement because, you know, Active-Duty personnel sends an
18 extraordinary signal.

19 If you go back to the King riots, the Vietnam era, the 82nd Airborne Division was in
20 this city. Now, if you want to put a unit anywhere in the world as fast as you possibly
21 can to have max effectiveness from speed and a highly disciplined, well-trained unit, you
22 use the 82nd. That's who the U.S. Government used for Afghanistan. That's who
23 they're using right now in Europe. These are men and women with their bags packed
24 every day. And if they're -- they're just training, or they're getting on an airplane.
25 That's what they do.

1 The fastest you could put capability to the city to support the city if things had
2 gotten totally out of hand would have been the 82nd, and the President wanted to put
3 more people in the street. Their mission analysis was they needed thousands more
4 people.

5 Q "Their" meaning the White House mission analysis?

6 A Well, then, the Attorney General. It was a lot of people involved. And
7 they didn't know if they could get more law enforcement officials, you know, FBI, DEA to
8 come to the Capitol in time because Sunday night, it was a rough night, and they were
9 concerned that the crowds were still forming and getting ready to come back again the
10 next did day.

11 Q Sorry. You said the Capitol. Did you mean just the District?

12 A I'm sorry. The District.

13 Q That's okay.

14 A Thank you.

15 And so when we -- you know, there was this, how do you get people here, and
16 they called neighboring States. Some supported, some didn't. So how do you get
17 Guardsmen to come support this? And the concern was you aren't going to be able to
18 mass enough personnel to protect government buildings, protect Lafayette Square and
19 other places. So the President said put -- he wanted to put them in place.

20 So what Secretary Esper and General Milley worked out was we're going to leave
21 them outside the city, and we're going to push as hard as we can for all these other
22 Guardsmen to pedal as fast as they can to get here, because neither they nor I or General
23 McConville wanted to use Active-Duty personnel. And we're glad that we didn't, and we
24 held that position throughout. But it was important to not -- I mean, you just -- if you've
25 done that, you'd be escalating the tension. And the concern we had was those

1 personnel -- I mean, that is airborne infantry. That's a fundamentally different skill set
2 than National Guardsmen.

3 Q So the 82nd Airborne was kept on standby while --

4 A They were postured outside the city, and that's where they stayed. And
5 then, ultimately, we ordered them home.

6 Q But to do that, you did not need to invoke the Insurrection Act, correct?

7 That's just -- that --

8 A Well, because, technically, they went to U.S. military reservations --

9 Q I see.

10 A -- and they never left them --

11 Q Got it.

12 A -- until they went home.

13 Q So as a civilian, just let me be clear. So if they had left the military bases
14 and arrived on the domestic streets, then that would have invoked the Insurrection Act?

15 A It's my understanding.

16 Q Okay.

17 A I'm not a lawyer, but, I mean, if you put the 82nd Airborne on K Street, it's
18 pretty much --

19 Q Yeah.

20 A You know, I think I could say confidently that that would be the case.

21 Q Is it fair to say that the position of the DOD leadership was that Active-Duty
22 military should not be responding to the protests in the summer?

23 A Yes.

24 Q Was there any dissenting view amongst the folks that you spoke to, whether
25 it was to General Milley or Secretary Esper at the time?

1 A I don't like speaking for them, but I had a conversation where all four of us
2 said we didn't want to do it.

3 Q And that four would be General McConville, yourself, Secretary Esper, and
4 General Milley?

5 A Esper, Milley, McCarthy, McConville, yes.

6 Q Do you have a sense from them, whether this was an ongoing discussion
7 with the White House, about having Active Duty respond, or was it one conversation that
8 was shut down by General Milley and Secretary Esper?

9 A Well, we -- from the 1st to the 2nd, and I'm trying to remember. I think
10 Secretary Esper said publicly at the Pentagon briefing -- was it the 3rd?

11 Q I believe so.

12 A Yeah. It was a long week, so I'll have to check to get exact dates. But
13 the -- we had them outside the city, and we wanted to send them home. And
14 once -- from the 1st to the 2nd, Guardsmen were streaming in from other States, we
15 were -- had a sizable force at that point, about 4 or 5,000 Guardsmen, but you never had
16 more than 1,000 on the streets at any given time. The rationale for having, you know, 2,
17 3, 4 to 1 is that they're out there for 8 hours a day. It's 98 degrees. They're wearing all
18 their equipment, and it's tough, it's stressful, so we were going to rotate.

19 But with respect to the Active-Duty personnel, from the second, the third week, I,
20 myself, General McConville, General Milley, we've got to get these guys home. We've
21 got to get them back. I mean, the 82nd Airborne in particular has to respond to
22 worldwide operations, you know, like I illustrated before, Afghanistan, what is going on in
23 Europe right now. That's the global response force for the U.S. military, not just the
24 Army. So we wanted to get them back. And Secretary Esper made some remarks
25 publicly, and then he gave me the authority to order them home.

1 Q And was that met with any resistance at that point from the White House or
2 from the Attorney General at the time that you sent them home?

3 A I don't believe -- I don't think Attorney General Barr -- I don't -- I never talked
4 to him about it, but he never -- I don't -- I never heard anything about him saying
5 anything. It's my understanding it created tension between Secretary Esper and some
6 White House staff in particular.

7 Q And how did you learn about that?

8 A He had said that, you know, it was -- he had some exchanges, but, you know,
9 I wasn't in the room for that.

10 Q But you learned that the White House wanted to invoke the Insurrection Act.
11 Secretary Esper said absolutely not, just in sum and substance, which led to some tension
12 between the President and Secretary Esper. Is that fair?

13 A Yes.

14 Q General Milley summed this up by the proposal for the Insurrection Act that
15 it was clearly a riot that was happening during the summer, but insurrection, it was -- it
16 was not, I think was his quote. Would you agree with that?

17 A Yeah. I mean, the violence -- the violent acts of the George Floyd protests
18 was -- it was really -- I mean, you had a handful of people spray painting monuments, but
19 the actual violence was Lafayette Square. I mean, there wasn't -- if you -- you know,
20 history is important.

21 And I don't mean to sound like a professor, but in '68, you had fire fights in
22 neighborhoods. You had the 82nd Airborne patrolling the streets. It was
23 extraordinary, what was transpiring in American history. This was contained to
24 Lafayette Square. I mean, put -- once we put the fence up and extended the perimeter
25 from the White House, you know, they massed, and they were angry, and they protested,

1 but it really settled the situation. And, you know, it was -- there was some violent action
2 down there, but not at the scale of the city where you would have to take extraordinary
3 measures.

4 Q Of the Insurrection Act, correct?

5 A Correct.

6 Q I think the major police chiefs put out a statistic that 93 percent of the
7 protests across the Nation were largely peaceful.

8 A Yeah. I mean, if you -- there were three places that we heard repeatedly
9 that were challenges. It was Portland, Minneapolis, where George Floyd was murdered,
10 and Washington, D.C. We had thousands of Guardsmen deployed around the country
11 because -- what's extraordinary is if you put Martin Luther King alongside George Floyd,
12 there was actually more cities that had protests than actually the King riots.

13 And the -- now, the King riots had more violence. More people were killed, you
14 know, if you look at the various cities between law enforcement and violent protesters,
15 but yeah. I mean, for the most part, it was just some very upset, angry people
16 expressing their -- you know, their view on the situation.

17 Q And before I move off to summer, I just want to -- we talked a little bit about
18 the lessons learned from the summer. One was about the low-flying helicopters. You
19 also mentioned the insignia requirement --

20 A Uh-huh.

21 Q -- for Federal officers. That was one of the --

22 A Do you want me to elaborate on any of those?

23 Q Sure. You could -- yeah.

24 A Okay.

25 Q And then we'll segue --

1 A Sorry. You want helicopters. What else?

2 Q Well, you tell me. What else were some of the major things that you kind
3 of learned from that experience that was relevant as we entered into January 6th?

4 A So it's command-and-control architecture. What was in charge?

5 Q Who was in charge during the summer?

6 A No. This is -- I don't mean to be Socratic --

7 Q Right.

8 A -- or facetious. When you're standing in an FBI command-and-control
9 trailer, and there's the Secretary of Defense, there's the Chairman of the Joint Chiefs and
10 the FBI Director and the Attorney General, and you know, all -- who's who? Everybody's
11 going around who's -- you know, asking about how to make decisions. You've got guys
12 you can send over here. I mean, the extraordinary resources and sophistication of our
13 country that we were put in that position, not once, but twice in 7 months, shows that
14 there's a systemic flaw to how we do business in this city.

15 And so you can go into the details of troop-leading procedures of the D.C. Guard.
16 Could they have done better? Should they have done better? Could they have done
17 things differently? They were put under an incredibly compressed timeline. We called
18 people and said, Hey, get to work. They race into the office. They're not full-time. I
19 mean, I think they did very admirably, an admirable job. They didn't lay a hand on a
20 civilian in the summer, and they had people throwing stuff at them, and several of them
21 got hurt. We're very proud of that, their performance in that regard. The low-flying
22 helicopters, yes. That was a mistake.

23 Now, when I think of other things that they could have done differently, why did
24 they have their uniforms, the issuing of particular uniforms? So you have a layer of Park
25 Police, and you have a layer of -- I think it was Arlington policemen. The third row was

1 the military, the National Guardsmen. So that's that last line that if they break through
2 and they get somebody to go over the north fence, you'd have a pretty catastrophic event
3 because the Secret Service are going to probably shoot the person, right. I mean, so we
4 really did not want anybody to go over that fence.

5 They were giving their shields to some of the Arlington policemen. So if you
6 looked at any of the coverage from The Washington Post in particular, they got FOIA.
7 They got all the information from the traffic lights, and they could see. You saw
8 Arlington policemen with military police shields engaged with the civilians. They were
9 hitting them with a baton and pushing them. And Members of Congress are saying,
10 look, you know. After we did our investigation, we realized they weren't soldiers, but it
11 gave the perception to the American people. And the American people don't know the
12 difference between the Active Duty, the Reserve, or the National Guard. They see U.S.
13 Army name tags, and that might as well be the 82nd Airborne Division to them. Most
14 Americans.

15 So, you know, the Armed Services Committee really got into excruciating detail
16 with us detail over the summer about, you know, your tactics, techniques, and
17 procedures, your orders process, the amount of -- really, the amount of diligence you put
18 against an operation, rehearsals, contingency planning, to do as much of that as possible,
19 because we didn't want to have more events like that. I mean, that was a very difficult
20 time.

21 Q And it's fair to say that was top of mind when you got the request from
22 Mayor Bowser on December 31st for the D.C. National Guard?

23 A Absolutely. I think you'll see in the documents and internal
24 communications where -- and the conditions that we wanted set that were not set for
25 January, really, 4th, 5th -- no, 5th and 6th, I think it was. They were not put in place, and

1 you know, we didn't put into -- we really, even for the George Floyd on the afternoon of
2 June 1st, we went over to the FBI, and you had all the senior officials in there trying to put
3 a plan together, but it wasn't rehearsed. We didn't really do it at the troop level, the
4 people that were going to do the real work. The leaders were all in sync, but it just
5 shows you that we don't do it enough where they can be consistent and smooth in the
6 operations and the way they perform and communicate.

7 So we learned a lot, and we started to improve, but you know, you've got to put
8 into perspective. It was only 5 or 6 months later we were put in this position again.
9 And, again, you know, you're having all these discussions. You start changing policies.
10 The National Guard's a part-time organization. Headquarters DA has to run the entire
11 Army. How much time did we have to really institute a lot of that to improve?

12 Q Because it's the second time the D.C. National Guard is called is for January
13 6th after the summer, correct?

14 A They were on standby for a handful of other missions, but to really be out
15 there and have a recall like 350 personnel, and it was looking like we were going to
16 have -- be out on the streets and engaged with citizens. And what we learned
17 from -- there were two other protests on, like, the 14th and the 12th.

18 Q In November and December?

19 A November and December.

20 Q Yeah.

21 A And there were crowds, and some of them got violent and people were
22 arrested, and that's the way it was posed to us in the lead up to January 5th and 6th was
23 that it was going to be similar to that.

24 Q We'll get to that.

25 [REDACTED] Does anybody have any questions about the summer before I

1 move on?

2

BY [REDACTED]

3 Q Okay. We mentioned the June 1st incident. What was -- the criticism
4 that DOD received, particularly General Milley for walking --

5 A Yeah.

6 Q -- to Lafayette Square, what was your response to that?

7 A I was in the FBI field office with General McConville, General Walker. You
8 know, it was -- I think Dave Bowdich, the Deputy Director of the FBI was there, you know,
9 so the next layer of leadership down. They all went to the White House. And it was
10 described that they were just going to talk to the President and say, Look, we got this.
11 And I literally looked up on the TV, and I saw him walking out there. Now, the curfew
12 was put in place I think at 6 or whatever time it was. It was 20 minutes after --

13 Q It happened around 6 p.m., yeah.

14 A It was after the curfew was supposed to be instituted. I am a novice about
15 the utilization of curfews. I don't know if it's snap, everybody in your house. I mean, I
16 think it kind of -- Okay, go home. It's curfew. The police kind of do that, and then if it
17 continues to go on, they might arrest you. I'm not an expert, so please, but that's the
18 way it was being described to us.

19 There -- we looked on the TV. It looked like they were doing a deliberate clear of
20 Lafayette Square. I don't know who ordered it. I don't know any of the particulars.
21 And then we saw the leadership walk out there.

22 Q And based upon everything you told us so far about the history of the
23 military and what it means to average Americans, what did you think in that moment
24 when you saw that?

25 A You know, it was very tough for -- to see the SecDef and the chairman there.

1 I mean, I think it -- and they're both -- you know, I mean, I know General Milley made
2 even a public statement about his regret for that. But that's something that -- you have
3 to keep the military apolitical. And, I mean, it's very difficult in particular for political
4 appointees. I've been an appointee for three different Presidents from both parties.
5 You have to work very hard at that every day, because you've got soldiers that are
6 Republicans and Democrats. They come from every corner of the country, and that's
7 just an apolitical institution. So that was a tough time for us when that happened.

8 Q And I believe Secretary Esper also conveyed his regret.

9 A I don't know if he did it publicly, but I know he was regretful.

10 Q And felt that they had not been warned. He had not been warned that that
11 would -- that that was going to occur?

12 A I mean, they were told just come over and brief the President on the plan.
13 I presume that would be the sit room, and then they'd go home.

14 Q You mentioned some of the tension between Secretary Esper and President
15 Trump at the time. How did you learn ultimately of Secretary Esper's dismissal or firing,
16 I should say?

17 A One of my aides came in and said it was tweeted.

18 Q Were you surprised?

19 A He had been in a tough spot all fall, but once you lose the election, it's, like,
20 Okay, let's get things in order and get ready to hand off the baton. I mean, it was -- you
21 had 70 days left or something, so it was like --

22 Q And his dismissal came after the major networks had declared that
23 President-Elect Biden --

24 A Had won.

25 Q -- would be the incoming President, correct?

1 A That's correct.

2 Q Was that part of your surprise as to the timing of the dismissal, the firing?

3 A I mean, yeah. He had -- there had been tension and disagreements all
4 really fall on policy issues, but that -- I mean, that happens all the time. I mean, you've
5 got to present your view and the view of what the institution thinks it can or can't do to
6 support a national objective. But he had been in a tough place for a while. And, I
7 mean, the thing that's just striking is when you -- if you replace him after the election you
8 lost, then you need him there just to get the next team ready to take over.

9 Q But, instead, there were certain appointments that were made after this
10 time period --

11 A Correct.

12 Q -- correct? So the smooth passing of the baton was kind of muddled by a
13 couple different folks coming in?

14 A Yeah. Yeah. I mean, yes.

15 Q There's an exhibit here, the first exhibit, about some of the reasons --

16 A Do you want me to --

17 Q If you -- yeah. You can just take a look at it. We're not going to go
18 through it -- but some of the reasons that Secretary Esper was dismissed.

19 First of all, does this document look familiar to you or the reasons there?

20 A This was a -- you know, I got it on the internet when I heard about it,
21 but -- and I -- this is the OPM guy that did this, right?

22 Q Are you talking about Mr. John McEntee?

23 A Yeah. Isn't he the one that did this?

24 Q I can't really say, but --

25 A Okay.

1 Q Are you --

2 A It was a White House staffer that did that, right?

3 Q I believe so.

4 A Okay.

5 Q Some of the reasons here that are discussed, was that discussed within DOD
6 as far as people being aware that Secretary Esper's firing was being discussed in the
7 White House?

8 A Well, I mean, there's a lot of disagreements on there that he had with the
9 President, with senior staff.

10 Q Were you surprised after the summer that Secretary Esper didn't get fired
11 after that?

12 A Well, him and me and other people. I'm sure none of us -- I mean, for
13 those of us that didn't want to use the Insurrection Act, it created tension. I mean, he
14 took a very strong stand, and we're all very proud of him for that, but those were tough
15 times.

16 Q Some of the appointments after Secretary Esper's firing was obviously the
17 incoming Acting SecDef was Chris Miller, his Chief of Staff, Kash Patel. I believe Ezra
18 Cohen was already within DOD and got promoted after that. When did you become
19 aware of these incoming appointments?

20 A I learned about Miller -- one of my staff told me, and then we Googled him
21 because I didn't know him. And then I've heard Patel because he had been on the news
22 a lot and from his time up on The Hill. And, you know, we -- I met Secretary Miller at the
23 Army Museum a couple days later when we were -- we actually opened it on Veterans
24 Day. I think it was actually Veterans Day when we opened that, and I talked to him
25 briefly there. And that's where I met Patel as well.

1 Q Did anybody give you a heads-up from the White House, or did you learn
2 from General Milley that this was happening, or is it just --

3 A General Milley had told me, had been telling me repeatedly that he was in a
4 tough place with them and that there was talk of it and there was -- there was talk of it all
5 fall. You know, and the media's, like, Oh, you're a potential replacement, all this stuff.
6 And, you know, whenever that kind of happens, you can tell the people are running their
7 mouth about it. But it was not -- once President Trump lost the election, it was really
8 inconceivable. It was just kind of okay, we're going to transition. That was the
9 mindset that we had.

10 Q So it was inconceivable to you that there would be new, incoming people
11 after the election?

12 A I mean, it's just -- transitions are hard on a good day. And you bring in new
13 people that don't really have a feel. They don't have the relationships in the system, a
14 true understanding of all of the things that are going on in the Department of Defense, in
15 particular, the Secretary of Defense.

16 I mean, I worked for the best SecDef you'll ever see in Robert Gates, and that
17 would have been hard to put him in that position on day one and have 75 days. I mean,
18 it's just -- it was a big surprise to us.

19 Q Do you feel that any of those appointments, Mr. Miller, Mr. Patel,
20 contributed to any instability within DOD?

21 A It made it harder, you know. I think they didn't -- you know, the business is
22 trust. You've got to know the people. You've got to earn trust over time, you know.
23 It's a hard thing to do, to have them come in and not be up to speed on the issues and
24 what we're doing. And then you've got to turn and work with the Biden transition team
25 to get ready to hand over. That's a very tall order even for the most experienced of

1 people in defense issues, so it made it harder.

2 Q And you said Mr. Miller -- you had to Google him. He didn't come from
3 within DOD, correct?

4 A He was the National Counterterrorism Center -- I don't know what the title
5 is. He was in charge of it.

6 Q Director?

7 A Director, I think, or something.

8 Q But your paths had never crossed?

9 A No. And I thought I met him once in 2001 in Afghanistan, but I didn't
10 remember it vividly. He was there at the same time, and I was trying to see if I met him,
11 but I didn't remember him. I mean, I was surprised. I didn't know who he was when
12 they brought it up.

13 Q And what was your -- I know you said you were familiar with Mr. Patel from
14 the -- his time with Devin Nunes. Did you hear that from press reportings or --

15 A Press reporting.

16 Q Okay.

17 A I don't know.

18 Q You had never worked with him before?

19 A No, or Congressman Nunes.

20 Q Now, from the time period of now November until the inauguration, how
21 was your relationship with Secretary Miller and his Chief of Staff?

22 A Secretary Miller is a very easygoing guy, you know. He's a -- you know, he's
23 a Green Beret. He loves soldiers. So it was amiable, you know. With respect to
24 Patel, I didn't really have any clashes with him other than I was -- I would press him hard
25 and be, like, we need to give the Biden team access. We've got to get these people

1 ready, you know. The Army is the third largest organization on earth. Whoever is
2 going to run this is going to have to really get their -- roll up their sleeves here. I need to
3 get time with them and just being able to give them access to materials or time for
4 briefings, and we just couldn't get them.

5 So that was the times where I had -- I don't know if it's issues. Maybe issue, not
6 tension with him, pressing him, like, we need to do this, and he kept pushing back saying,
7 the White House is not authorizing this. It was all about the White House authorities
8 allowing us to proceed.

9 Q So these conversations you're having with Mr. Patel urging him to kind of get
10 the ball started, was it before the GSA ascertainment of November 23rd, or was it even
11 after?

12 A Oh, it was even after, yeah.

13 Q And what did you believe he meant by the White House authorities?

14 A So I have one other time where I've done this. I did it from Bush to Obama.

15 Q I was just going to ask. Go ahead.

16 A Okay. And that may be one of the best ever, I mean, at least for DOD,
17 because Robert Gates stayed on and his immediate staff. But President Bush -- I mean,
18 he literally pulled everybody out on the south lawn, and he's, like, you're going to work
19 your tails off to get President Obama ready to go and his team ready to go, and then he
20 came online and told everybody else. And he was a big supporter of Secretary Gates
21 and the team staying on and sent me a real nice note, you know, but -- so --

22 Q And what did that happen, that President Bush made the south lawn
23 statement?

24 A It was, like, within days. I mean, it might have been the day of. He met
25 President Obama in the Oval the next day after the election. And then President Obama

1 met Secretary Gates in a firehouse over at Reagan Airport to do the job interview. We
2 had to sneak him out of the Pentagon over there, and he did the interview, and the fire
3 department was great. They moved all the trucks out so we had all the Suburbans, and
4 he went in there, and the media, nobody ever found out.

5 Q This is pre-inauguration, I imagine?

6 A This was, like, November whatever, 7th or whatever it was, like the day or
7 2 days after. And Secretary Gates came out of there. One of his conditions was myself
8 and a handful of others get to stay. President Obama granted that. And then he
9 pulled us aside that night, and he said, things are no longer in the abstract, and we stayed
10 on and ran the transition.

11 One of the things about that transition was, I mean, we had two wars, a financial
12 crisis, pirates off the coast of Africa. We had a lot going on. We spent hours every day
13 with the Biden -- I'm sorry, the Obama-Biden team, and -- to get them spun up, help them
14 get through the confirmation process, help them get in. This is all before January 20th.
15 And that's what I assumed was the standard expectation, and we didn't do really any of
16 that.

1

2 [10:59 a.m.]

3

BY [REDACTED]

4

Q And did you convey that, that kind of nitty-gritty details of what happens during the transition to Mr. Patel?

6

A I did with him and others. But it was -- you know, this was obviously an extraordinary moment. You had -- the sitting President is contesting it. They're going to courts. You know, and for at least, you know, initially I thought, like, okay, this is going to be like Bush v. Gore, and the courts are going to decide and one person's going to win and one is going to lose.

11

But, you know, we tried to go back and look. I believe they were still doing briefings during Bush v. Gore, to -- from Clinton-Bush, Clinton-Gore teams to get each other ready. So you presume that we'll just brief the incoming team as well as just do our day jobs.

15

Q So the briefings aren't happening, the access to materials wasn't happening?

16

A No.

17

Q And who was the gatekeeper on that?

18

A It's the chief of staff in the SecDef's office, because that's the connectivity of the White House.

20

Q Correct. Thomas Weir (ph), who's the, I guess -- I'll look at his title -- the admin -- the -- kind of the career person in DOD who was in charge of the --

22

A Yeah, but that person doesn't have the authority to say, Corps of Engineers, go brief the Biden team on the border wall. Okay? And the White House chief of staff, the Secretary of Defense's chief of staff is going to have visibility. And every night they make a checklist of what you're going to give people access to see. I vaguely

25

1 remember -- you know, that was all -- a lot of VTC because of COVID. I don't think he
2 ever came into my office, but he was on the video a lot.

3 Q Who was that, Mr. Moyer (sic)?

4 A Weir (ph). He's on once --

5 Q Okay.

6 A -- when I talked to the Biden team.

7 Q Did you hear of any -- obviously from what you're saying, you can observe
8 what's not happening based upon your own experience. Did you hear of any complaints
9 from the Biden-Harris folks about some of the challenges they faced during this transition
10 period?

11 A You know, I didn't get to talk to them. You know, so I -- I know these
12 people. I mean, I worked with a lot of them in the Obama administration. Kat Hicks,
13 who's the deputy now, and Mike McCord, he's the comptroller. I know these people
14 very well. And, you know, there was a lot of tension. And from their side, it was don't
15 cross the line, don't do anything to aggravate, because the tension at the highest levels
16 was so high.

17 So even people that I know and I have on my cell phone, there was this kind of
18 stance of, if we talk to each other, we'll get in trouble. Because I was reaching out,
19 generally, look, you guys want to talk to me? I mean, you got a heavy lift coming your
20 way. And everybody was just kind of like, look, let's just figure this out. And I mean it
21 was stressful. It was very difficult.

22 Q What was the atmosphere, though, that was part of that stance of not
23 talking to each other? What was the fear of you calling up Dr. Hicks and say, hey --

24 A Well, they didn't want to talk as much as -- because they were given
25 instructions like we've got to work through the process.

1 Q Okay.

2 A Because they wanted to maintain, you know, kind of a nonconfrontational
3 accord with the Trump administration, because, I mean, you're suing States, the rhetoric
4 on TV. It was a -- it was a very tense time.

5 Q And the process would be Mr. Patel green lighting?

6 A So we -- as I recall, this is the Gates process, they had the list of requested
7 briefings. The transition team will have experts -- Army, Navy, Air Force, Marines,
8 policy, financial -- and they make requests. I want to get a briefing on the following
9 issues because what's going on in the world with that issue right now, to understand
10 clearly what the situation, because they may have a national objective from the Biden
11 platform, but they want to address in the first 100 days. Well, that 75-day window is
12 essential to get ready, be prepared, get them in the seat, go. And that's usually how it
13 works. See, they get a slate every night through the briefings.

14 Q Yeah.

15 A And then you get the authorization based of off the SecDef's office.

16 Q Did you learn that there was any pause in engagement between the DOD
17 and Biden-Harris transition from mid-December until January 4th?

18 A Did I learn?

19 Q Yeah. Were you aware of it?

20 A Well, yeah. I mean, I wasn't talking to people.

21 Q Did you -- when ultimately did you talk to people on the transition?

22 A I'm trying to -- you know, I don't -- if they have it, I don't remember. I
23 talked once with Kat Hicks on video and it was like an hour, an hour and a half, and that
24 was it.

25 Q What should it have been, in your mind?

1 A I mean, multiple iterations at least. It's the largest organization in the
2 entire Department of Defense, so it would mean multiple iterations at least. And I had a
3 10-page paper that I wrote, from my successor from my own hand, that I don't think they
4 got access to till after I left on the 20th.

5 Q From your telling, your experience, you sound frustrated with that situation.
6 What was that -- what's the impact on not having that smooth transition and really fully
7 having a full court press during that 75 days?

8 A You put your successor in a tough place in an institution that you love.

9 [REDACTED] Any questions on the transition stuff?

10 BY [REDACTED]

11 Q I want to ask you about, before we move off of these appointments, a
12 reporting that came out in The Washington Post by David Ignatius, this is April 16, 2021.

13 A Is that in here?

14 Q It's not. I'll just read you the small quote: A half dozen officials say Miller
15 was largely a figure head and that Patel was the key civilian official at the Pentagon
16 during the last 2 months of Trump's Presidency.

17 Would you agree with that? Is there any accuracy to that statement, based upon
18 what you saw?

19 A Patel held a great deal of influence in that office, from what I saw. Miller is
20 a Senate-confirmed individual to be in the seat. But, yeah, Patel had a lot of influence.

21 Q And can you give examples of what you mean by that?

22 A Just the way he carried himself in meetings. He would say things and Miller
23 would agree a lot. You could just tell -- you know, the chiefs of staff always take on
24 particular types of behavior. Some sit along the wall and take notes and they keep the
25 counsel in private. Some others have outside influence; they sit at the table, they talk in

1 front of Senate-confirmed people who have statutory authorities. So, you know,
2 that's -- I mean, you see that a lot in this city. He had outside influence for sure.

3 Q I take it he was sitting at the table with Senate-confirmed folks?

4 A Yeah. I mean, that's not a rule or anything.

5 Q Right.

6 A I'm just saying that, you know, when I -- you know, I'm a creature of my
7 experience. When I worked for Secretary Gates, I was the number two political
8 appointee. I never sat at the table, neither did the chief of staff. But that was our
9 guys, our team. And it just depends. Some chief's staff sit at the table. They have a
10 tremendous amount of influence.

11 Q Did it seem to you, from what you observed, that Acting Secretary Miller was
12 deferential to the input that Kash Patel was providing?

13 A Yes.

14 Q Did you learn about the potential appointment for Mr. Patel to both the CIA
15 or the FBI?

16 A I had heard talk about it, but I -- you know, I didn't believe it.

17 Q Why didn't you believe it?

18 A It's just -- I mean, you know, in 45 days, why would they do that? Made no
19 sense to me.

20 Q Were you familiar with an incident at the Army-Navy Game with General
21 Milley where he questioned Kash Patel about his potential appointment?

22 A Yeah. I mean, he did that. You're standing in the skybox, putting mustard
23 on a hot dog, and he said that. I looked at him, I said, what are you talking about? But
24 Milley had a sixth sense, I think as the expression goes, of that. And he had poked at
25 him hard. And I looked and I was stunned by it.

1 Q Is that the first time you'd heard of the potential appointment?

2 A It was something -- Patel came back with some meeting when he was
3 traveling with Miller, and Milley had said this is what I think. And I -- I mean, you have
4 to realize, at the time, when somebody says something like that to you, you're probably
5 like what are you talk -- I mean, I've known Milley a long time. I mean, he's like my big
6 brother. We worked together in Secretary Gates' office. You know, when we travel on
7 the road in the Middle East, we share bunk beds. I mean, we're close. We're still very
8 close friends. And when he would talk to me like that, I would look at him like, what are
9 you talking about, Mark? But he had a sixth sense that something like this was going to
10 happen.

11 Q Apart from it being 45 days till a new administration, was it also surprising
12 based upon the qualifications of Mr. Patel to potentially take the number two position at
13 the CIA?

14 A Oh, absolutely. I worked for Robert Gates, who was a career level entry
15 employee to come rise to be the director; the only time that every happened. Oh, no,
16 Gina Haspel's the same way too. But, yes, I mean, it's -- that's a really hard, complex job
17 and, you know, it's a political appointment. So, again, you're only going to be there for a
18 month.

19 Q And the same for the potential Bureau position as well?

20 A Yeah. I mean, this is just Milley asking him. And I was surprised, A, that
21 he would say that. And then the second is just that that would even be considered.

22 Q Do you remember the response of Mr. Patel?

23 A He was dismissive of Milley. He just kind of tried to deflect. Because it
24 was a lot of us in there and --

25 Q In the skybox?

1 A What was that?

2 Q In the skybox?

3 A Yeah. He did it in the skybox, you know. The President was over there
4 with Meadows and Ratcliffe. You had the superintendent of West Point there. You
5 had the athletic director. I mean, you -- we were at a football game, you know. And I
6 just -- everybody's up there and they were doing pictures, and they're giving the
7 President like footballs and helmets and stuff. I just wanted to get back down before
8 kickoff. But, yeah, Milley said that, and I poked -- I looked up and I've got a hot dog, I'm
9 like, what did you say.

10 Q I want to kind of fast-forward from that. But just to close the loop on that,
11 obviously Mr. Patel stayed on through the inauguration and took on the position of kind
12 of the lead for the transition --

13 A Uh-huh.

14 Q -- with the Biden-Harris team. Did you have any -- did you ever have any
15 direct conversations with him? You mentioned that you urged him to kind of get this
16 forward. How many conversations do you think you had where you expressed
17 your -- and it sounds like concern about the lack of urgency for the transition teams?

18 A Not more than a handful. I can't remember exactly, but couple times.

19 Q And what was the response for each of those? And I want to make sure it's
20 clear. After the ascertainment, right? As we said before, after GSA announced --

21 A You know, this is the direction from the White House was, you know, always
22 the response.

23 [REDACTED] Anything on transition?

24 BY [REDACTED]

25 Q I guess, if I could ask you just about your knowledge about what policies or

1 protocols are in place in terms of following the command structure if there were to be
2 competing set of individuals who say I'm the President of the United States. So as you
3 know, as you mentioned, there was a lot of discord about the continuing litigation,
4 challenges about whether the election was appropriately run. If, for example, Donald
5 Trump had decided, I'm going to stay in the White House because I was properly elected,
6 I won on a land side, and you have Joe Biden, who obviously was going to claim that he
7 was the President, who would the Army look to in terms of deciding who to take
8 instruction from?

9 A The Congress would certify the election. As I understand it, the Congress
10 would certify the election and then it's over. They would vote, they would certify the
11 election and President Biden.

12 Q Okay. And what if President Trump took the view that he had won, despite
13 whatever Congress did, and was going to stay? You know, Secretary of the Army --

14 A I wasn't law enforcement, like Attorney General. I don't -- I'm speculating.
15 I don't know the process. I presume law enforcement would get involved.

16 Q Right.

17 A But I don't think the military would be the ones that would have to respond.
18 I don't know.

19 Q Okay.

20 A I presume law enforcement would remove him.

21 Q Okay. So just normally you take your command structure from the
22 Secretary of Defense?

23 A Defense, yes.

24 Q And so whoever was sitting in that spot is who you would take your direction
25 from. Is that correct?

1 A But in an extraordinary circumstance like you're talking about, I would
2 definitely take my legal counsel and try to understand what is actually happening,
3 because you can see this as so unique that it would require a lot of appropriate advice.
4 But I would presume that Congress would vote, and law enforcement, if necessary, would
5 have to remove him.

6 Q So you think it would be the Attorney General, whatever he was giving legal
7 advice in terms of who was the proper President that would --

8 A No. I would think that Congress would say that this is a certified election
9 from the -- well, the information we got from the States' electorates, and that would be
10 it. I don't know why the Attorney General would have to weigh in. But then again, I
11 would get advice of counsel to understand the process better. But that would be my
12 instinctive reaction what you just described.

13 ██████████ Thanks.

14 BY ██████████

15 Q You mentioned that you had a handful of conversations with Mr. Patel about
16 the transition and your concerns. Did you ever bring it up with Acting Secretary Miller?

17 A I did talk to him about it as well.

18 Q And what was his response?

19 A We're working it with the White House.

20 Q Did he share your concerns about the lack of transition happening?

21 A Yeah. I mean, he was -- he seemed like he wanted to do it. I mean, you
22 know, he was -- he's a very amiable guy. I mean, he's like, I'm trying to do the right
23 thing. And that's -- you know, those are -- the gist. You have a conversation about,
24 you know, the -- we'd talk. We had a lot on the budgets, we have on policy stuff. And
25 I never had a dedicated discussion. So at the end of the meeting, Mr. Secretary, one

1 more for you, and then I'd ask him. And I would just -- that would be my way to nudge
2 the process.

3 Q When asked about this, that both Mr. Patel and Mr. Miller said that there
4 was no challenges and cited the number of interviews that occurred, which I don't have
5 the exact number, which is apparently a large number, and in fact more so than what
6 occurred during the prior transitions. Is that surprising to you or is that something you
7 heard before?

8 A Can you say that again?

9 Q Kind of the mention of this with the challenges that were -- the questions
10 this were posed to Mr. Miller as well as Mr. Patel as part of our investigation, they
11 mentioned that there was actually a number of interviews that did take place during the
12 transition and it was essentially a successful transition based upon the number of
13 interviews that were conducted.

14 A I don't -- well, at least from the Army's standpoint, when I had one
15 engagement with the Biden team, I don't know how that's possible to say that.

16 Q Okay.

17 A I can't speak for the rest of the Department, but --

18 Q No. I appreciate that.

19 A It's the largest institution in the Department of Defense.

20 Q I want to move on to a memo or an order, however you want to describe it,
21 in mid-November that was received by the Department of Defense. It's described as
22 Douglas Macgregor, a retired Army Colonel, delivered it to --

23 A Is that in here?

24 Q It's not. We do not have it. But it is a proposal to withdraw immediately
25 from Somalia and Afghanistan.

1 A Uh-huh.

2 Q Were you familiar with this at all? And I'll give you a little bit more context.

3 A I heard about it. I never saw it, but I heard about it.

4 Q Who did you hear about it from?

5 A General Milley.

6 Q And did he describe what steps he took after seeing the memo?

7 A That he strongly concurred and talked to the leadership.

8 Q Was it your sense from your discussion with General Milley that the memo
9 had gone through a process of going -- of being vetted by the Department of Defense?

10 A The policy decisions, as you just described, that if they were going to be put
11 on the table, would have to go through the National Security Council processes, the
12 deputies committees, the principals committees, which has representation from the
13 agencies that are supporting those national objectives.

14 Yeah. A memo coming over withdrawal, I mean, the Army's got massive
15 equities or had massive equities in Afghanistan, for example. I think at the time [REDACTED]
16 [REDACTED], but -- so I don't -- I wasn't as familiar. I
17 paid a attention to it, because if that cooked off and we had to support it, I wanted to
18 know what we're doing, how to support it. But Afghanistan obviously was a largely
19 Army endeavor. For us just to go, that was a surprise.

20 Q And when General Milley described this memo to you, did you -- were you
21 surprised? What was your thought about how a memo like this could just land over at
22 DOD?

23 A You know, they had been talking about it for the better part of a year. The
24 talks were continuing to move, and the President had declared he wanted to withdraw
25 from Afghanistan. What was going on was the matter of how. Were you going to

1 leave advisers behind? Were you going to leave some kind of capability to support the
2 Afghans? And, you know, it's a very complex operation. You have billions of dollars of
3 taxpayer assets on the ground there. Are we bringing it home? Are we keeping it over
4 there? You know, there are a lot of intricacies related to a decision like that.

5 They wanted to get out. Secretary Esper had put Department of Defense's
6 position forward, we want to keep troops there, we want to keep capability there. And
7 then the manner of which how you would withdraw if you ultimately made the call was
8 the President. They had do a lot of work. And to just have a letter of withdrawal by X
9 date, is the way General Milley described it to me, it was -- I mean, this is where you put
10 your hands up like slow down, what are you doing. And he did that.

11 Q To the White House?

12 A It's my understanding. Yes.

13 Q Are you familiar with Douglas Macgregor?

14 A You know, I heard about him. I've never met him.

15 Q I want to move to exhibit 48 in the binder. This is December 16th, 2020,
16 Presidential findings to preserve, collect, and analyze national security information
17 regarding the 2020 general election.

18 A Uh-huh.

19 Q Have you seen this before?

20 A No.

21 Q Are you familiar -- obviously you made reference to the contested aspect of
22 the election, at least from President Trump's perspective. Are you aware of the theory
23 about the voting machines and the fraudulent aspect of the voting machines according to
24 Trump -- former President Trump and his allies?

25 A Yeah. We were -- the media actually alerted the Army like that this was

1 being discussed. I think Barbara Starr of CNN actually talked to me in the hallway, and
2 this is somebody I've known for 15 years, one of the most seasoned journalists of the
3 Department of Defense. And she looked worried. She's like, did you know about this?
4 Are you guys planning -- and I said, what are you talking about, Barbara? And I guess
5 there were other journalists too. I think it was Jeffrey Griffin, who I've known a long
6 time too. And they're demanding statements by noon, we're going public. And we're
7 like, whoa, what are you talking about?

8 And so I went -- in the Secretary of the Army's office, there's a door between the
9 Secretary and the Chief. And ours is always open. And there's a picture right there of
10 George C. Marshall and Secretary Stimson, and they're standing in the doorway going
11 over a document. And it's really the standard, what we all -- the door is never closed,
12 right?

13 So I kind of leaned in, I said, hey, Chief, come here for a minute. Did you hear
14 about this? And our staffs were already talking.

15 Q I'm sorry. Who's this con -- you were talking?

16 A General Jim McConville.

17 Q Got it.

18 A The chief of staff of the Army. And I said, I've been asked about -- talking
19 about ballot boxes and stuff. And his head popped up. And I said, if we don't say
20 anything -- because we don't know, we don't know anything about it. We weren't asked
21 to do anything, but if we don't say anything, it's going to scare people. So I said, let's
22 put out a statement, just to the point. And we just mirrored what General Milley said
23 about a month before that the U.S. military has no role in elections. And we did that. I
24 think it was on a Friday.

25 Q And I think that is -- exhibit 4 is the response. But let me just unpack this,

1 the ballot box, voting machines. Was it around the same time as when former General
2 Michael Flynn went on Newsmax --

3 A He did.

4 Q -- and advocated for martial law and the role of the military?

5 A I think it was the same week.

6 Q But just to go back to the exhibit, you had not seen this exhibit before?

7 A No.

8 Q And you see at the third -- last page there's a signature box for Donald
9 Trump, it's not signed.

10 A That's right.

11 Q So just so I'm clear, you were aware through the media?

12 A They were talking about this in the media a lot that week. And then,
13 ultimately, the reporters are asking us, and they're asking us about a meeting at the
14 White House and then the Flynn comments.

15 Q Did you ever reach out to anyone at the White House to confirm or clarify
16 the intent to seize voting machines?

17 A No. No. No. I really didn't have any relationships at the White House.
18 I knew one person in OMB because of the budget people, so -- but I didn't have any
19 relationships, nor would I have called anybody about this anyways.

20 Q Did you convey your concern to General Milley?

21 A Yes.

22 Q Did he share your concern?

23 A He was surprised too. What are you -- you know, because he called after
24 he saw the statement come out and that's when I told him.

25 Q So just so I'm clear, the statement that was issued, which is the exhibit 4

1 issue, as you said --

2 A Yeah.

3 Q -- that there's no role for the military in the election process.

4 A See, your exhibit talks about a query from several reporters.

5 Q Uh-huh.

6 A What I'm telling you is before I even made it, Barbara Starr's in the hallway
7 and she asked me about it too.

8 Q I see.

9 A So, you know, why we stepped out and made this statement it was from a
10 variety of things that were going on. Flynn made these comments. Mike Flynn made
11 these comments. There was a meeting that was being talked about largely -- CNN kept
12 talking about some meeting at the White House. And so it was like a barrage of calls
13 and requests, queries. And, you know, when you have a half a dozen of these massive
14 news outlets that are going to say this and then to say the Army does not comment. But
15 when we didn't know anything about it, nor would we ever do that, because we have no
16 role in elections like that. So we made the comments to just calm the press corps down.

17 Q And did you -- sounds like you consulted with General McConville?
18 That's --

19 A We did a joint statement I think you could find.

20 Q Correct.

21 A We both signed it together.

22 Q Uh-huh. And it mirrored the exact statement that General Milley had
23 made a month before. Is that right?

24 A Yes.

25 Q Did you consult with General Milley before you and General McConville put

1 this statement out?

2 A No. I wouldn't have to consult with him, but I ultimately talked to him later
3 about it.

4 Q And just so it's clear, there's a number of different things. There's the --

5 A Yeah. Especially -- that was a -- there was a lot of -- it all came to a head
6 very quickly about a couple of different data points that you referenced. And that's why
7 I kind of opened the door. I was like, we've got to settle people down here. And, you
8 know, we had to understand what was going on, which we didn't know what was going
9 on. But we did know that we weren't involved, nor would we do it in that
10 instance.

11 Q Did you hear from Secretary Miller after you put out this statement?

12 A Yeah. He talked to me about it the next day. He just said, you know -- he
13 said, you know, give me a heads-up, talk about this, you know, in the future. I told him,
14 I said, look, I said, the media was very concerned. It was a very short conversation. He
15 was flying to Afghanistan.

16 Q Did he convey to you that the White House was not pleased with the
17 statement that you and General McConville --

18 A He -- you know, he had said that, you know -- he said, you know, come
19 coordinate with me on these types of comments in the future. But, yeah, that clearly
20 someone at the White House said something to him, but he didn't tell me who it was.

21 Q He did not mention John McEntee in terms of that?

22 A No.

23 Q Did he convey that the White House was not pleased with the statement and
24 that it had come from President Trump that --

25 A He didn't tell me who, but he, you know -- he talks to the same -- to most

1 people over there. So I can kind of get an idea of who he was probably talking about.

2 It was a very short conversation.

3 Q Did he ask you to convey that to General McConville as well?

4 A No. It was just directly to me.

5 Q Were you ever told you would be fired if you ever made such a statement
6 again?

7 A It was implied. It was implied that I was, you know, not to do that again,
8 so --

9 Q Implied by --

10 A I can't -- he did not outright say it, but you could get the sense that, from the
11 Secretary of Defense to call you from an airplane at 8:30 on a Saturday morning, that it
12 was pretty serious.

13 Q Okay. And that's the message that you received?

14 A Yes.

15 Q I want to go back, before we hit a new topic, about, again, part of this kind of
16 election fraud theories. Are you familiar with the theory about two men in Italy who
17 had confessed to rigging the U.S. election?

18 A No.

19 Q Did you learn about any efforts taken by Kash Patel to use DOD to
20 investigate the claims of two men in Italy?

21 A No.

22 Q Are you familiar with Lieutenant General Scott Berrier?

23 A He was the G-2 of the Army at that time.

24 Q Did you learn from him that a request was made from him by Secretary
25 Miller to see if there was any -- just to inquire about the two men in Italy who claimed

1 that they had rigged the election?

2 A I vaguely remember that.

3 Q Do you have any recollection about that?

4 A Not really.

5 Mr. White. May I ask, are we to a point where we can --

6 [REDACTED] Yes. We'll take five.

7 [Recess.]

8 BY [REDACTED]:

9 Q I just wanted to start now with kind of the lead-up to January 6th and what
10 the -- what was the threat landscape going into it. Now, I know the Department of
11 Defense doesn't collect domestic intelligence. So if you could just broadly go through
12 what agencies you're relying on and what was your perspective going into it?

13 A So the FBI and Metro P.D. are really your two primary sources. You
14 would -- I think the Department of Homeland Security also does bring threat assessment
15 data forward -- an assessment -- excuse me. So really three places that you get it in the
16 lead-up.

17 And the lead-up to January 6th, you know, everybody's pretty much on vacation.
18 I got a call from General Walker on the 31st of December, when the request was made
19 formal. And I had a handful of friends over. We were watching Army play West
20 Virginia in a bowl game. So there's my state of mind, I'm watching football. So get the
21 call, request is coming forward. I said, okay, got it. Thank you. You want to
22 immediately flip it so that Secretary of Defense knows that we alerted his office.

23 Q And we're going to -- I'm sorry to interrupt. So we're going to go through
24 that kind of methodically so we have all the exhibits in.

25 A Okay.

1 Q I just want to get a sense of, first, before the call came in, were you aware of
2 the significance of January 6th and what was occurring?

3 A You know, there was a lot of talk about it. But everyone was coming off of
4 the December protests, and there was one previously in November. And they went off
5 much -- they were much less of crowds and violence than anyone expected based off the
6 rhetoric you'd see on social media or on television. So we were kind of going into this
7 saying, okay, maybe it's just not going to be -- it'll be just more of the same. You know,
8 if we get called on, we'll add some support.

9 So really, you know, I'm not an expert to assess traffic on social media or the
10 news. And if we don't get alerted from law enforcement agencies, then we're kind of at
11 the mercy of what they bring.

12 Q So at the mercy of what they bring, it sounds like -- and we'll go through the
13 PowerPoint -- that the law enforcement briefing to the Army was this would be consistent
14 with the November rally and the December rally?

15 A That's right.

16 Q And it's stated explicitly there.

17 A Because that's the intelligence that the D.C. Guard was provided by the law
18 enforcement agencies.

19 Q Do you know who specifically the D.C. Guard relied upon for their
20 intelligence? Is it still FBI and MPD?

21 A Yeah. They would get -- and it would also come from mostly the agency
22 they're supporting. So in this case, Metro P.D. would give them the here's the situation
23 and what we believe the threat is. I mean, because you saw in the request they asked
24 them to come there in patrol caps and road guard vests. So that would clearly indicate
25 that this is going to be a crowd that they could manage and it would not be violent.

1 Q Did you have any independent knowledge, apart from the briefings that
2 you're receiving as an Army official, but some folks we've talked to have Dataminr alerts
3 or other social media --

4 A So we get to Dataminr, but they're not -- a lot of times they're incorrect.

5 Q Uh-huh.

6 A You know, they're not wholly accurate. They're fast. They catch on
7 trends very quickly. But it's a data point, but it's not something that we can use to make
8 a decision. Ultimately, you can't make a decision just on that one Dataminr flash traffic.

9 Q It sounds like you rely on whatever the Bureau --

10 A For a domestic issue, absolutely.

11 Q Did you have a sense of the tweets that President Trump had put out prior
12 to leading up to the event?

13 A We heard about it, which, you know, is why we kept pressing the issue on
14 the question of how large the crowds would be. Because the estimates were all over
15 the place, as low as 2,000 and some people were saying as high as 80- or something.
16 And if so, it's like, okay, that's a big range. What are we talking about?

17 So no one could really give an accurate lead, because, you know, the gauges they
18 use are hotel utilization or Metro traffic. You get a lot of the -- the Metro and hotels
19 really help the D.C. police gauge how many people are coming. Bus -- they call the bus
20 companies and how many buses are coming. So you can try to start to figure out is it
21 closer to 80- or closer to 2-.

22 Q Who do you rely on for that crowd assessment? Is it a --

23 A It's a collective again, you know, because it depends on who you're working
24 for. You know, we reached out to the FBI; they did not provide anything in great detail.
25 The Metro P.D. was, as you got closer to the 6th, started coming forward with we think it

1 could be in the upwards of 15,000.

2 So what's interesting is when those events actually transpire, it's really the D.C.
3 Police that can get you the best read but takes right up to the moment, because they
4 have the traffic cameras and they have units they get out there, and they're in
5 plainclothes and they kind of blend in with the crowd, and they can make assessments.
6 But it's very hard in the lead-up to these events to really have the prediction of just how
7 many people are going to be there.

8 Q What about the sense of the potential for violence?

9 A It was described to us as similar to what they saw in November and
10 December, which there was some, people were arrested, and it was managed.

11 Q Did -- was there any sense, from what you heard or what your own
12 assessment was, about the potential for violence between counterprotesters and
13 protesters?

14 A Could you ask that again?

15 Q Was there any discussion about the violence between counterprotesters and
16 protesters from what -- that's what they saw and --

17 A That was in -- I think that was in the antifa and the Proud Boys, I think it was
18 in one of the documents, but that's what we saw in November and December.

19 Q So going into it, you thought it would be similar to the November and
20 December rallies?

21 A Yes.

22 Q And did you have any expectation that this crowd would -- was there an
23 assessment made because the crowd was pro-Trump protesters and similarly pro-law
24 enforcement? Did that bear into your assessment of the potential for violence?

25 A No. I mean, I -- again, we do what we -- we support the police or we

1 support Park Police, whoever.

2 Q Were you aware of the intelligence that resulted in the Mayor requesting
3 the D.C. National Guard? In other words, let me -- from the investigation, we've learned
4 that there was an uptick of social media posts and there was a number of data points that
5 resulted in the Mayor being briefed --

6 A Uh-huh.

7 Q -- and saying we should request the D.C. National Guard. That was their
8 immediate reaction to the intelligence they received. Did you have any visibility into the
9 background --

10 A Not of the specifics like you're relaying but that it would require additional
11 support. And when you -- with 114 personnel we had out running traffic control points
12 in Metro stations, those are officers that could be then employed in the event of a hostile
13 event, that they'd be in a position to arrest people and quell a crowd. So --

14 Q So did you --

15 A -- it was enough for her to make the request, so it was clearly -- she thought
16 it might have been a higher threat than what we saw in November, December.

17 Q Got it. But you didn't have any specific conversation with either Mayor
18 Bowser or Dr. Rodriguez about --

19 A No. I mean, I -- you know, really tough situation for Chief Contee, he took
20 over on the Saturday before. The first time I ever talked to him was on Sunday or on a
21 cell phone call. The first time I met him was in Metro Police headquarters when we
22 were going over a plan of, you know, securing the Capitol. So that was a heck of a first
23 week. You know, it put him in a really tough place.

24 So she had turnover from a new chief 3 or 4 days prior. So Dr. Rodriguez
25 probably would have done the majority of the preplanning and the assessment is my

1 understanding.

2 Q Okay. But you didn't have any independent conversation with Dr.
3 Rodriguez?

4 A I don't recall. I think I talked to Chief Contee, General Walker. And then I
5 spoke with the Mayor to confirm our support on Monday the 4th.

6 Q Okay. So let's just go through it just so the record's clear. Exhibit 7 is the
7 request for Mayor Bowser to Major General Walker --

8 A Sure. Let me catch up.

9 Q Yep. Sorry.

10 A Yeah.

11 Q And I'm not going to discuss each of these. I just want to make sure the
12 timeline is correct.

13 A Yeah.

14 Q Exhibit 8 essentially comes along with exhibit 7.

15 A Uh-huh.

16 Q This is from Dr. Rodriguez, the director of HSEMA. And this is to General
17 Walker.

18 A That's right.

19 Q So I just went to highlight something out of the letter. It says -- this is the
20 Dr. Rodriguez letter. It says: As a result, D.C. government -- District government
21 requests D.C. National Guard's support, as these demonstrations will follow similar events
22 on November 14th and December 12th, which resulted in a large influx of participants,
23 the violence, and criminal activity -- which you made reference to.

24 And it goes on to say, to kind of give the mission of D.C. National Guard, will be
25 primarily crowd management and assistance with blocking vehicles at traffic posts.

1 Specifically, D.C. National Guard is requested to provide -- and then it goes through what
2 they want.

3 And in the last paragraph it says: No D.C. National Guard personnel will be
4 armed during this mission.

5 Now, these two letters that we see, the December 31st letters, going back to the
6 summertime, did you receive requests like this during the summer?

7 A I think one for -- I think it was a celebration for Dr. King. I think there was
8 one. I think that was it.

9 Q But not for the civil protests, the summer protests because of George Floyd's
10 murder?

11 A I don't recall.

12 Q Okay. Because it sounds like, as we go through these exhibits, that there's
13 not a -- there wasn't a lot of documents in terms of the requests or the back and forth
14 during the summertime versus what we're about to go through now?

15 A Not that I -- I don't recall. I'd have to --

16 Q Okay. Exhibit 9 is -- this is Thursday, December 31st --

17 A Uh-huh.

18 Q -- 5:13 p.m., an email from General Walker to yourself: Sir, this afternoon I
19 received a call from Dr. Chris Rodriguez.

20 A Uh-huh.

21 Q Second sentence: We have yet to receive a formal request for assistance.
22 However, our MPD liaison advised this request will be for the DCNG to augment 30 traffic
23 control posts and 6 Metro stations. We anticipate -- next page on the top -- 350 D.C.
24 National guardsmen will be required to assist the District on both days with two 12-hour
25 shifts.

1 So this is the December 31st initial --

2 A Yeah.

3 Q -- request.

4 And at the beginning of that, the first page of that exhibit is from yourself. Looks
5 like 11:05 p.m., probably after the football game: I'm on the phone with MG Walker.
6 Let's digest information before we do anything.

7 ACK is?

8 A Acknowledge.

9 Q Okay. So it sounds like you had you a conversation with General Walker, as
10 you said, described earlier. And he's giving you the heads up that the formal request
11 was --

12 A That -- yeah -- a request inbound. So get the wheels in mission with OSD so
13 we can support.

14 Q Now, exhibit 9A, and I, frankly, might have this wrong, but these are the
15 slides that came with the initial request it sounds like.

16 A Yes.

17 Q Are these prepared for you by the D.C. National Guard?

18 A Yes.

19 Q Okay. And on the second page there it says, armed -- the last paragraph:
20 Armed Oath Keepers, militia members are anticipated to stage in Virginia as they have for
21 previous events. However, there are no indications that they or other militias are
22 planning to attend any event in Washington, D.C. Antifa, Black Lives Matter will likely
23 constrain their activities around the K Street corridor or protect Black Lives Matter Plaza.
24 It is anticipated that antifa will attempt to provoke police to get a couple of arrests for the
25 media.

1 Sounds like this is the intel we talked a little bit about before as far as what the
2 expectation was from the -- that was provided to the D.C. National Guard. Is that right?

3 A Yes.

4 Q And in this, this is the December 31st one, again, it says, the very last page:
5 At this time, it is anticipated that 350 guardsmen will be required.

6 A You're on page 6?

7 Q Yeah.

8 A Yeah.

9 Q So when you receive this, what steps do you take after that?

10 A So you -- you get the mission -- this is an initial, obviously, mission analysis
11 by the D.C. Guard from the request they received from Metro P.D. And from that
12 standpoint, we reach out to our OSD counterparts -- the Assistant Secretary of Defense
13 for Homeland Security, the Secretary of Defense, various leaders, OSD, the Chairman of
14 the Joint Chiefs -- and we say, we have a request to support operations for crowd control.
15 And then you immediately go into mission analysis of what is it you need.

16 There were conditions that we wanted to put in place that were never ultimately
17 put in place, even though we supported the operation obviously, in order to make sure
18 that we'd be successful, and that that was a concern we had. Obviously, it was hard
19 lessons learned from the summer before, but that what we ultimately did from the 31st
20 and culminating on the 4th is what they call mission analysis.

21 So that's just internal deliberations: How do you do this, what's the best way to
22 do it. And then, you know, do the contingencies we planned for, as well as calling other
23 agencies. the ASD, Assistant Secretary of Defense, Homeland Security, called the Capitol
24 Police. He called other government agencies and said, do you need any additional
25 support? Now's the time.

1 Q So let me stop you there. That internal deliberation, that we'll go through
2 again with the emails, that -- why isn't the request of General Walker, why do you
3 conduct your own independent mission analysis? Because it looks like they had already
4 done some analysis prior to making the request.

5 A Well, it's not ultimately my or General Walker's decision. We have to talk
6 to the Secretary of Defense. So headquarters Department of the Army does its own
7 deliberation and assessment of everything the Army does. So it would not be
8 independent to General Walker. We would do that for Army Forces Command where
9 you have all nine infantry divisions that are -- or nine divisions that support operations
10 worldwide. Army Materiel Command. That's a massive multibillion dollar corporation.

11 So headquarters Department of the Army is the corporate arm of the U.S. Army.
12 And every decision that is made ultimately gets reviewed by the Army staff.

13 Q So it sounds like --

14 A Especially when we have to raise it to the Secretary of Defense.

15 Q Which you would have to do here because of the Secretary of Defense -- you
16 have to go through the Secretary of Defense at this point?

17 A That's correct.

18 Q And it sounds like what you're saying is this process that we'll walk through
19 of the mission analysis or the internal deliberations is not unique to the request for the
20 D.C. National Guard?

21 A No. It's everything we do.

22 Q Let me skip to exhibit 11.

23 A May I give you an example?

24 Q Yes, please.

25 A So if the CENTCOM commander wants a capability from the U.S. Army, so

1 think the command that oversees all the Middle East and they want troops to support
2 them. It comes from the CENTCOM commander in Tampa, Florida, to the Pentagon.
3 The Army goes through a process of is this unit trained and are they ready, and can they
4 respond in the timeline that they want? Can they deploy for this long? And it goes
5 into a deliberate process, which we call deployment orders.

6 So anytime we discharge any capability and deploy them anywhere, whether it's in
7 the District of Columbia or in the Middle East or otherwise, it goes through a vetting
8 process. And that's what we did here or we do anywhere.

9 Q And that same process occurred over the summer as well but for the D.C.
10 National Guard?

11 A I believe so, yes.

12 Q Exhibit 11 is now an email on January 1st, the next day. General Walker
13 references your conversation from the night before, and says he's received the formal
14 request for the D.C. National Guard.

15 A Uh-huh.

16 Q The second paragraph says: Mr. Secretary, today, additional mission
17 analysis was conducted based on the formal request and we now propose the District will
18 only -- 250 D.C. National guardsmen versus 350.

19 Were you aware of why that number changed?

20 A General Walker and his team was trying to do a mission analysis of what
21 they were going to need, you know, the -- what makes it tough for the Guard is you got to
22 call people to leave their day jobs. So whenever they get wind of an opportun- -- of a
23 potential, you know, request, they start moving very quickly to see who's available. And
24 they want to be very precise on the analysis, because you got to call somebody and say,
25 you can't go to work Monday, we need you up at the Ellipse or wherever they're going to

1 support operation.

2 So he was doing his own analysis. And the liaison that he referenced in the
3 previous note that's embedded with the police department is there doing the mission
4 analysis. The five paragraph operations order that I mentioned earlier, you can spout it
5 out in a few minutes, but it takes hours for development and rehearsal and to make sure
6 that you get it right.

7 So, in this case, his embedded liaison was in the midst of their mission analysis and
8 was feeding it back to the headquarters to say there was -- the request is coming. It
9 could be as low as 250, it could be as high as 350. So they went a lot of back and forth.

10 Q Again, this is pretty typical of figuring out the exact number of guardsmen
11 that would be needed for any request?

12 A Correct.

13 Q And it sounds like that day you -- an email goes out that Secretary
14 McCarthy -- top of the page -- would like to conduct a secure call, or SVTC, with Acting
15 Secretary of Defense Miller and General Milley tomorrow afternoon, which would be
16 January 2nd, to discuss the request.

17 A That's right.

18 Q And that is something, again, typical that happens for a request for the D.C.
19 National Guard?

20 A Or any unit that you want to have the authority to deploy.

21 Q Exhibit 12 is ultimately the formal request to yourself in a letter form from
22 General Walker to you, with the attachments of the Mayor Bowser letter and
23 Dr. Rodriguez letter.

24 A Yep.

25 Q And exhibit 13 -- sorry. Looks like exhibit 13 is, again, a January 2nd email,

1 the second page there: The attached slides are the results of additional mission analysis
2 and the request for the number of guardsmen at each supported location to be depicted.

3 Do you remember making that request?

4 A Yes. We wanted to know the disposition of personnel. It was very tense
5 with the lead-up, and we wanted to know if we're going to employ troops in the street,
6 we want to be able to know where they are and be able to articulate that. If the media
7 asks or Members of Congress -- which I think you'll probably ask me -- we had various
8 conversations with the media and Congress to let them know that we were in support of
9 a formal request from the Mayor that day, because there were a lot of questions related
10 to the military and what our roles were, were not, we're doing things as we discussed in
11 the previous segment.

12 Q And is that fair to say that's also kind of top of mind as a result of what
13 happened over the summer?

14 A Absolutely.

15 Q And here, this is again January 2nd, the number is -- the request is 340,
16 which ultimately becomes the number of the request: Sir, I've also requested the
17 number of guardsmen recommended to support MPD to be 340, which is closer to my
18 original estimate of 350.

19 So from December 31st, January 1st, to January 2nd, I just want the record to be
20 clear, to kind of demonstrate the mission analysis that's occurring, you've gone from 350
21 guardsmen on the 31st to 250 on the 1st, to now up to 340 on January 2nd, correct?

22 A Yes.

23 Q And then 13A is the slides that General Walker references. And as part of
24 that, we have a map of -- well, you tell me what this -- do you have that map in front of
25 you?

1 A Yes.

2 Q Can you tell us what that is?

3 A So I'll try to do this for your viewers too. The map in question
4 has -- basically identifies the -- in particular what they're trying to annotate are the Metro
5 locations and the traffic control points. So there's a grid of the city, and they -- in bold
6 are the streets that they are conducting traffic control points. In a traffic control point,
7 basically you put a vehicle and block traffic, and you have them stand out there in their
8 road guard vests and say you can't go through here.

9 And then on the Metro stations, they're highlighted because there were about
10 three soldiers per location where they would help facilitate the crowds, because that's
11 one of the primary mechanisms for the protesters to enter the city and then be able to go
12 to the demonstration.

13 So why the streets are highlighted because that's where they're cutting off the
14 traffic, and the Metro stations are highlighted. So this helps us understand the
15 disposition of our personnel, where they're going to be and how they're going to support
16 the mission.

17 Q Was there a conscious effort to not get near the Capitol?

18 A We -- when I asked that question, I said, I -- you know, my preference would
19 not be, because when we're talking to Members of Congress to say be very conscious of
20 where you are and how things are going to look and appear. But I said, and if they were,
21 I guess it'd be east of the 9th Street. We just wanted to know. But I said I wanted to
22 know and be able to know for certainty if they had to move, but our preference would be
23 to not be any closer because of just the tension and to have soldiers in plain view of a
24 certification of election with could you have law enforcement personnel take those
25 positions. Just the impressions that were made, because it would -- there's a lot of

- 1 people asking us questions about what were you doing and why are you supporting,
- 2 because of just the tension that was in the city.

1 [11:59 a.m.]

2

3 Q And was that on top of mind because of those data points we talked about in
4 terms of the call for martial law?

5 A Yes.

6 Q The --

7 A A ten SecDef letter of all living Defense Secretaries that the military has no
8 role in elections. You know, I've worked for about five of them. I know all these -- you
9 know, it's -- they were -- everyone was telling us, be very conscious of your actions and
10 how you -- you know, what you're going to do that day. So we wanted to know where
11 every soldier was by street corner. We wanted to be able to communicate to -- as
12 broadly as we could to the media and to the Congress to emphasize to them, we're
13 supporting Metro PD upon their request.

14 Q Who were some of the Members of Congress that expressed that concern to
15 you?

16 A Well, the way we -- when we talked to -- we listed all the members we talked
17 to. All of them just said, Okay, be conscious of your surroundings, stay on the net,
18 communicate. But they were all very much -- not telling us to do anything in particular,
19 but just to be conscious of things and that -- know that people are watching and just
20 make sure you're doing the right things the right way.

21 Q Exhibit 15 is -- sounds like they're still reviewing the numbers?

22 A Uh-huh.

23 Q And then, this is -- we're on January 2nd, so then there's the conference call
24 that you had called for, correct, with General Milley as well as Acting Secretary of
25 Defense?

1 A Which -- and this is on the 2nd?

2 Q This is on the 2nd.

3 A Yeah.

4 Q I think have an exhibit. Oh. Let me just go on to exhibit 16 before we talk
5 about the conference call.

6 A Okay.

7 Q And I think this highlights what you've just said, but exhibit 16 is an email
8 from John --

9 A [REDACTED] yeah.

10 Q And who is that?

11 A He was my executive officer. He's the guy who is like my Chief of Staff in
12 my office.

13 Q So he emails -- and I'll just read this. Secretary McCarthy wants to
14 aggressively message the Mayor, Muriel Bowser, and Dr. Christopher Rodriguez, Director
15 of HSEMA, on behalf of the District of Columbia Metropolitan Police Department and D.C.
16 Fire and Emergency Service have requested DCNG support for the 4th and 5th January.
17 It probably should say 5th and 6th. He wants to clearly communicate that this request is
18 not from the White House.

19 Why did you want to clearly communicate that?

20 A Well, it was -- I mean, you go back to December, and the things that were
21 being batted around between the media and about seizing ballot boxes, the rhetoric and
22 the tension that -- you know, when I'm talking to Members of Congress, they're saying, be
23 conscious of your surroundings. It was a very tense period, and I wanted people to
24 know that we weren't putting soldiers on the street because it's very -- again, we talked
25 about it before. The Pentagon represents the Active-Duty military. And for them to

1 put -- arbitrarily put troops on the street or the perception of arbitrarily putting troops on
2 the streets would get a lot of people's attention, you know, so we wanted to make sure
3 that the role that they were playing was to support civil authorities. We wanted
4 everybody to know that, because it would create confusion and even more tension of
5 having soldiers on the street without a request and that they be near the Capitol with
6 certification of an election, a contested election.

7 Q And it sounds like by emphasizing that was not a request by the White
8 House, it would debunk any theory that the White House was -- had asked for the
9 National Guard in an effort to impact the election. Is that fair?

10 A It would raise a lot of questions as to why are you out there, and what are
11 you doing. The military has to be deputized by a law enforcement agency. But if we
12 put them out there and people didn't understand why, you don't alert your committees
13 of jurisdiction, you don't talk to the press corps, perceptions abound.

14 I relayed to you a story earlier where I'm coming down the hallway of the
15 Pentagon, and I have one of the most seasoned reporters of the Pentagon press corps ask
16 me about whether or not the Army was involved with planning to seize ballot boxes. It
17 was an incredibly tense period. I wanted everybody to know what we were doing and
18 why, because just to keep everybody calm.

19 Q And the message was it is a request from the D.C. government, period?

20 A To the dot, to the letter of what they asked for.

21 Q Let's talk about the conference call that occurred there. During that
22 January 2nd call, and we also have the benefit of having the IG report that was written by
23 the Department of Defense. Did you review that? I know you were interviewed for
24 that.

25 A Months ago, I think. I don't recall it verbatim, though.

1 Q It states in there that a number of different things were discussed during
2 that, including the concept of operations which you mentioned, the crowd estimates,
3 rules of engagement, and external perimeters and internal perimeters. Is that fair to
4 say?

5 A Yes.

6 Q There was also a discussion about the conditions that you wanted set forth.
7 Can you describe what some of those conditions were before you agreed to it?

8 A Yes. May I use my -- the letter that I --

9 Q Sure.

10 A -- ultimately -- what exhibit was that? Can you help?

11 Q We can skip to that. That is exhibit 22, I believe --

12 A Yeah. Okay.

13 Q -- or 23. Somewhere in there.

14 A No. You're right. No. No. It's -- just give me a second. Oh. Darn.
15 It's got to be in here. I saw it.

16 Q Before we go through the letter, my colleague has a question to ask.

17 A Yeah.

18 BY [REDACTED]

19 Q So on the weekend of the 30th and 31st, do you recall if you had a
20 conversation with Chief Robert Contee of MPD about the use of the National Guard?

21 A We did on Sunday because he wasn't in position until Saturday, which would
22 have been, I guess, the 2nd, right? I wanted to meet him face to face, but I mean, he
23 was literally assuming the Chief of Police role, and --

24 Q Right.

25 A -- so he did a phone call with me. And, you know, I really asked him a lot of

1 hard questions about --

2 Secretary McCarthy. I don't know where it is. She's looking for it.

3 [REDACTED] I found it. It's exhibit 27, but go ahead.

4 Secretary McCarthy. You want to talk about --

5

BY [REDACTED]

6 Q Yeah. You were talking about -- sorry about that.

7 A I'm trying to keep up with this book.

8 I did, and I -- you know, I asked him a lot of hard questions, and I said, do you have
9 all of your policeman on the street? You don't want Federal agents to support you
10 because the Federal agents have the jurisdiction, and they have much more training
11 with -- you know, in the instances if a crowd is going to get violent, there are what they
12 call tactical teams where they have riot agents. They're armed. They have the
13 authorities to arrest violent protesters. And he said he did not want Federal agents on
14 his street with long guns, and in particular, he said that, and he said that I really want the
15 Guard, and I said, Okay. I mean, I said, I've got to meet with my boss. I will call you no
16 later than Monday, the 4th, but I just -- we wanted to have those really hard questions,
17 and you know, it's trying to build trust with somebody you just meet, and it was tough.
18 But we never said no, you know. I said that -- I said, you know, I've got to go through
19 the deliberations. I'm -- you know, I'm not particularly inclined to support it, because
20 my concern was really we didn't have a command-and-control architecture in place. We
21 didn't really have all of the mechanisms to be successful, you know.

22 I sat at home. I chewed on it. I woke up the next morning, and I said, we're
23 going to do it. We're going to help the guy. But, you know, it was a very -- it was a
24 tough call for me because I knew we were going to put our people in position. And then
25 if something were to transpire, there's no contingencies built, no reversals, and then, how

1 do you adjust in contact?

2 So it was a very tough decision for me. I never -- you know, ultimately went with
3 it. I called him I think around 10:30 on the 4th. I called him right before they did the
4 press conference.

5 Q I think you characterized it as you were inclined not to do it at that point.
6 So would you agree with his sort of characterization that you expressed a reluctance for
7 the use of the Guard --

8 A He was very convincing --

9 Q -- in any capacity?

10 A -- You know. I think -- I'm glad I did the call because he was very convincing
11 to me about his concerns, and when he told me -- the thing that really got me over the
12 edge is he said -- I -- I'm sorry that I cut him off again, okay.

13 The thing that got me really over the hump to support it without the conditions in
14 place was he said, I don't want the Federal agents, and his implied message was he didn't
15 want a Portland situation. He wanted to maintain control of the streets. And -- you
16 know, and I -- he's in a tough position. He hadn't been on that job 24 hours, and so
17 that's why I went into the meeting on Monday ultimately to support it.

18 [REDACTED] I just want to recognize Representative Raskin who has joined
19 us. Good afternoon.

20

BY [REDACTED]

21 Q Before we get to your letter, Secretary McCarthy, I wanted to talk about
22 exhibit 18, because I want to get into what the conditions were that you wanted before
23 ultimately approving the request for the D.C. National Guard.

24 Exhibit 18 is a December -- is a January 3rd email from General Piatt, and it sounds
25 like he's summarizing --

1 A Yes.

2 Q -- what you had told him in a 1:00 phone call. The bottom line, he says
3 conditions are not met for commitment of DCNG forces. Key activities that we are
4 monitoring are one, lead Federal agency designation; two, full commitment of other
5 Federal agencies; and three, increased numbers of demonstrators currently only
6 estimated at 2- to 2000.

7 I want to unpack each of those conditions starting with the lead Federal agency
8 designation. And why was that so important to the Department of Defense?

9 A So as we talked about in our earlier session, it's from the lesson learned of
10 the summer. Washington, D.C. does not have a command-and-control architecture that
11 can bring unity of effort, but ultimately unity of command to make decisions at every
12 echelon. If you shift your weight in the city, someone else has jurisdiction; the Park
13 Police, Metropolitan Police, Capitol Police, FBI, DOJ. Everybody has their own police
14 force. If you go up and down Pennsylvania, you'll see three or four different police cars,
15 none of which are Metropolitan Police.

16 So what we learned in the summer is all these different agencies have authorities,
17 but who's in charge, especially from the indication of the National Guard because they're
18 deputized to somebody. And then, do you give blanket authority to allow them to just
19 operate? You saw what happened in the summer when that happened. We had
20 helicopters buzzing crowds and doing a bunch of other things that we -- having
21 understand the situational awareness of why they're being deployed, what are they being
22 asked to do, or you're much more -- you know, much more narrow and what the
23 authorities are, which you allow them to do. So the pendulum was swinging back and
24 forth.

25 But this gets back to who's in charge. You know, there's some people that have

1 massive equity in the city, but they're not ultimately responsible, nor do they have the
2 authorities or the resources. So you have to put somebody in charge. The only time
3 I've ever seen it really successful is when the Secret Service declared a national security
4 event like at an inauguration, the State of the Union, or a -- like a visiting dignitary from
5 another doing a state visit kind of thing.

6 Q Let me ask you. Over the summer, was there a lead Federal agency in
7 charge?

8 A Ultimately, on the 1st of June, Attorney General Barr was designated as the
9 lead by President Trump.

10 Q How do you know that?

11 A Because we went over the Justice Department, and he was in charge. He
12 was -- he put it all together.

13 Q Meaning all together, he directed --

14 A That's right.

15 Q -- the law enforcement agencies, including MPD, as well as you were
16 coordinating with him. Is that correct?

17 A Peter Newsham was the chief, he was there, of Metro PD, Secretary Esper,
18 myself, General Milley, General McConville, FBI Director Wray, the Park Police chief,
19 the -- every other agency in the city. I mean, it was a massive conference room at the
20 FBI, and Attorney General Barr was up front. This is what we're going to do, and he was
21 calling the shots.

22 Q Who was calling the shots on January 6th?

23 A I was informed by Secretary -- Acting Secretary Miller that it was -- the lead
24 Federal agency was the Department of Justice.

25 Q When did you become aware the Department of Justice was the lead Federal

1 agency?

2 A I think it was -- it was the morning of the 4th is when they finally told us.
3 We had a meeting in the Pentagon before we called down to Mayor Bowser.

4 Q And who informed you?

5 A It was Secretary Miller and Kash Patel.

6 Q And who -- based on what you were told, who designated the Department of
7 Justice as the lead Federal agency?

8 A The meeting they had in the White House the day before. It was a Sunday.

9 Q The 3rd?

10 A Yes.

11 Q And they is who?

12 A He -- Secretary Miller and General Milley were at the White House Sunday,
13 and there was a meeting about Afghanistan. At the end of the meeting, they brought up
14 to the President, Mark Meadows, the Chief of Staff, the National Security Advisor about
15 the day and what we're doing and here is where we're going, and then I think that's
16 where it happened, yeah.

17 Q So just so we're clear, you weren't at that January 3rd Oval Office meeting --

18 A No.

19 Q -- correct?

20 A No.

21 Q And you learned this from General -- did you learn it from General Milley or
22 Secretary Miller?

23 A Secretary Miller, Kash Patel. We were all in a meeting the next day, but
24 they were the ones that told me.

25 Q Okay. So apart from the words of lead Federal agency, what was the

1 expectation now, come January 4th, the morning of, for what they should be doing in
2 terms of planning?

3 A So the Attorney General would get -- probably the most active participants
4 from the summer were the FBI deputy directors. That's where I met Dave Bowdich,
5 among others, and that they would operationalize the law enforcement agencies and put
6 it into an architecture where you could, you know, position to secure government assets
7 or respond to a crisis.

8 So presumably the -- in this case, the Attorney General would turn and say, you're
9 in charge. Fold all these assets under your authorities and do a command-and-control
10 architecture, you know. For example, after the 6th in the lead-up to the 20th for the
11 inauguration, for the next, really, 13 days as we fortified security in the city, we worked
12 really hard to bring everybody together and do rehearsals to secure the city for the
13 inauguration.

14 But even then, with 13 days of preparation, where is everybody going to be?
15 Well, I'm going to be in my command headquarters. I'm going to be in my
16 headquarters. We're, like, Well, Secret Service, you're in charge. Where do you want
17 us to be? And there's still pockets of excellence leading various organizations. So
18 that's why the military went to the FBI field office, but Secret Service had a different
19 headquarters. We all had liaisons. Where are the decisionmakers? And that's the
20 challenge.

21 So that's why, you know, I -- you know, as you look at this, why the Army was, like,
22 we've got to put somebody in charge. We know it's not going to be us.

23 Q Why not?

24 A Why not? The legal authorities. The Army's not going to be in a position
25 to arrest citizens. They're deputized to Metro PD or to the Department of Justice, the

1 Park Police. Pick your government agency.

2 Q So it sounds like January 3rd, the lead Federal agency is still not established.
3 The second condition from exhibit 18 is full commitment of other Federal agencies. And
4 I believe that leads into the concept of DOD should be the last resort until --

5 A Always. You don't want -- I mean, I think it's very -- the employment of
6 soldiers on American streets -- you know, from the Department of Defense's standpoint,
7 you should always be the last resort. It should be law enforcement managing these
8 issues among American citizens. So if you always see a -- what could appear to be
9 resistance or slowness to move, it's because we think it's a very aggressive use of
10 capability.

11 I mean, again, American citizens see U.S. Army name tapes, they don't understand
12 the difference. And you want to be able to show people that you can manage these
13 things without putting the soldiers on American streets. You know, we have a tough
14 history when we put soldiers on the streets, the things that happened.

15 Q And just so we're clear, and you mentioned this before, this is all discussed
16 on interagency calls outside of internal discussions as well, correct?

17 A About --

18 Q About the DOD being the last --

19 A Yeah. I mean, you're pushing it at your level, but that's not where the
20 decision's made. But, you know, we're -- you know, my concern about that with the
21 Federal agencies, that's where the reference that Robin made about the conversation.

22 Q Right.

23 A And when, you know, I could see that Chief Contee did not want to have
24 Federal agents, that's where I got over the hump on the second one.

25 Q Got it. So it sounds like January 3rd, there's still no decision made whether

1 to support it. But January 4th, as we go through the letter, obviously you ultimately
2 agreed to honor the request.

3 A I was -- as I headed down the hall, I was going to honor the request because
4 of the conversation I had with Chief Contee, but I thought that at the very least, we could
5 quickly cobble together the command and control. So, you know, you kind of -- at the
6 end of the day on crowd size, there's no real expert way to predict crowds until you're
7 really in the middle of it.

8 Q I want to read something from the Army report, which is, I think, exhibit 36
9 in here --

10 A Uh-huh.

11 Q -- but let me just read it to you. "On January 3rd, during an interagency
12 meeting hosted by the White House, the Department of Justice was designated as the
13 lead Federal agency for the planned First Amendment demonstrations on January 5th and
14 6th. However, unlike in June 2020, the lead Federal agency did not establish and man
15 an integrated command post, nor did it take an active role in coordinating with MPD or
16 Federal law enforcement agencies. Is that accurate?

17 A I don't know if I have the right page. You said 36?

18 Q I believe so.

19 A It's not 36 in mine.

20 Q One second.

21 A Well, maybe I'm on the -- I have a Walker to Sund email for 36.

22 Q The Army report is --

23 Mr. White. Is it exhibit 45?

24 [REDACTED] That's the Inspector General report. There's a lot of
25 after-action reports.

1 Mr. Wallace. 44?

2 BY [REDACTED]

3 Q 44. Yep.

4 A All right. Now, what page?

5 Q One second. Give me --

6 A That's okay.

7 Q Page 5. The bottom of page 5 under "other --

8 A Oh.

9 Q -- notable factors."

10 A Yes. That's the way I remember it.

11 Q So when it states that there was not an integrated command post set up, do
12 you agree with that?

13 A That they didn't do that, yes. They did not.

14 Q And the "they" in that sentence would be DOJ. Particularly, FBI did not set
15 up a command post?

16 A That's correct.

17 Q Were you aware they did set up a SLOP at FBI headquarters on January 5th?

18 A I talked to Dave Bowdich, and he said that's where he'll be, and then I -- and
19 I said that -- is that where -- I mean, how are we going to manage this? And it was -- it
20 was not like they were going to take control. We had a liaison there, I think, but that
21 was ultimately where he said he was going to be.

22 Q But it didn't sound like what you described with AG Barr coordinating with a
23 number of --

24 A No.

25 Q -- decisionmakers?

1 A No. He -- I mean, it's -- they brought them all into one place.

2 Q That did not occur for --

3 A No.

4 Q -- January 6th?

5 A But the threat posture was not the same as when it was with AG Barr. I
6 mean, when you woke up on the morning of the 6th, you had no idea what was about to
7 transpire.

8 Q If there had been an accurate threat assessment about the potential for
9 violence and the storming of the Capitol, would the preparations have changed?

10 A Dramatically.

11 Q In what way, do you think?

12 A If we knew that the crowd could be hostile and storm the Capitol, we would
13 have had the entire D.C. Guard, probably more personnel in the city.

14 Q So a number of reports have been issued since January 6th about some of
15 these warnings in plain sight about this potential for violence and the march to the
16 Capitol, and not necessarily the storming of the Capitol, but certainly the crowd
17 expectation to go to the Capitol.

18 What's your reaction to that knowledge that was out there but that did not
19 translate into any kind of threat assessments or joint intelligence bulletin?

20 A I mean, a big miss. Normally, when you have large volumes of data points
21 like the ones you referenced, they're put into the body of an assessment by an
22 intelligence professional who has been able to weave all or thread all of this together and
23 then be able to say, This is some nut on the internet, or this is a very real, you know, a
24 clear and present danger to government property, government officials, citizens. So
25 none of that was woven together.

1 Q Despite it being out there in the presence of social media and posts and --

2 A Well, you know, I'm not an expert on social media, but a lot of social media
3 are crazy people saying crazy things. I don't know if they're going to take a violent
4 action. I mean, that's --

5 Q Right.

6 A I -- I'm not an intelligence expert. There are intelligence experts that were
7 working for me at the time, and they would give me their assessments, or the ones they
8 received from domestic law enforcement agencies that were responsible for that work.

9 Q Before we move off this less than not -- that there was, in your experience
10 on January 6th, it did not appear to be DOJ took a lead-coordinating role. Is that fair to
11 say?

12 A I mean, maybe in writing, but you know, they -- if they thought the threat
13 was such, they would have pulled everyone over to that headquarters. They would
14 have asked for more capability. It was, you know, we'll be monitoring kind of thing.

15 Q Did they lead any of the coordination calls in the week prior to January 6th?

16 A No.

17 Q Who led them?

18 A Well, we were only coordinating with the Metro PD. I mean, those were
19 the only people we were talking to.

20 Q Okay. I want to fast forward now to -- did you have anything on that -- to
21 the letter that we -- that you made reference to. So exhibit 22 is your letter to Secretary
22 Miller requesting the authority to honor the request, in essence?

23 A Correct.

24 Q Exhibit -- I want to talk about exhibit 27, which is a January 5th letter from
25 yourself to General Walker. And this -- do you have that in front of you?

1 A Yes.

2 Q This outlines the guidance to the D.C. National Guard for January 6th?

3 A Correct.

4 Q Now, I just want to be clear. The kind -- the back and forth that we just
5 went through that ultimately led to your honoring the request is now in this document
6 that's provided to General Walker, correct?

7 A Yes.

8 Q Is there any similar guidance that was provided to General Walker during the
9 summer protests of 2020?

10 A The summer of 2020, like we talked about earlier, was just all verbal back
11 and forth, and this is what we learned in the process. You've got to put things in writing
12 so you're very clear about their roles and mission and their authorities.

13 Q So when we go through this letter, it has a couple of restrictions. The first
14 one is on page 2. "DCNG are not authorized to perform any additional tasks or duties
15 not authorized in this memorandum. In addition, without my personal authorization,
16 the DCNG is not authorized the following." and A is to be issued weapons, ammunition,
17 bayonets and batons, which removed body armor and helmets --

18 A Uh-huh.

19 Q -- from the initial Secretary Miller document that we have in exhibit 22.

20 Can you explain why that condition was -- you put that in for --

21 A So --

22 Q -- General Walker?

23 A There's also -- there's a memo that you passed from Secretary Miller about
24 the escalation --

25 Q Yes.

1 A -- of the -- you know, the escalation of capability like body armor, ballistic
2 helmets, then to go to riot gear, batons, ultimately to weapons, riot agents, helicopters,
3 ISR. If you go down Miller's memorandum --

4 Q We can do that. Exhibit 23?

5 A Okay. This is basically an after-action of what you saw in the summer. In
6 the summer, there were the -- okay. We'll start with the first one, with weapons and
7 ammunition, bayonets, batons, so we're going down the list here. With weapons.
8 When they drew weapons over the summer that we gave guidance. Don't put your
9 magazines into your weapons. Did it all verbally. We drove out to some of the
10 checkpoints. There were soldiers with magazines in their weapons. I'm literally
11 Secretary of the Army. Take your magazine out of your weapon. It was right there at
12 the World War II Memorial, and I -- you know, my concern was you didn't do it in writing.
13 You didn't have troop-leading procedures. You didn't give them specifics. Things are
14 done verbally. As it trickles down, it may not sound like what the boss said.

15 You go get bayonets. The Old Guard was put on alert to support, which they
16 have a mission to support the D.C. National Guard or other government agencies. The
17 Old Guard drew bayonets. It was in an email. The House Armed Services Committee
18 asked us in testimony, you drew bayonets? I mean, look, they never left their
19 compound. They were on Fort Myer, Virginia, but they were put on alert. So we
20 wanted to make sure everybody knew there's going to be an escalation of drawing
21 equipment, especially lethal capability.

22 Interact physically with protesters. All right. So this is the other thing. We
23 wanted to make sure that if they were going to do that, they have their rules of use of
24 force. Riot control agents. That's your flash bang grenades or tear gas. Over the
25 summer, people thought that the military was using that, but what were they doing?

1 They were Arlington and other Virginia policemen using military police shields, and there
2 were tear gas and riot grenades.

3 But, I mean, so it was ultimately wanted to make sure everybody knew because of
4 what we went through in the summer. I mean, the ISR assets, apparently the National
5 Guard Bureau, which is the national entity, some other States that were supporting
6 operations in the summer had flown ISR assets over the Capitol. So you had intelligence
7 surveillance and reconnaissance assets flying over Washington, D.C. We didn't even
8 know about that, but these other units were alerted.

9 So we wanted to be -- this was -- Secretary Esper put the body of this together,
10 and Secretary Miller just re-stamped it with his signature. This was at -- General Milley
11 had said this on the meeting that morning and said, you've got to put that guidance back
12 out again. So it's really the escalation of capability.

13 Now, if you go back to your --

14 Q Well, let me -- let's just pause here.

15 A Okay.

16 Q So these eight kind of guidelines, were each of them -- it sounds like you
17 traced back to the incident that occurred over the summer that led to written guidance in
18 this memo. Is that fair?

19 A That's right. I mean, again, it seeks support from other non-D.C. Guard
20 units. That's specifically relating to the helicopters, you know. So, you know, this is
21 where you've got to be very specific because, you know, the soldiers are going to respond
22 and want to do the right thing. But if you don't give them clear guidance, you can make
23 mistakes.

24 Q So let's just -- so exhibit 22 is your letter to Secretary Miller. Then
25 Secretary Miller's guidance to you is exhibit 23, those eight --

1 A Yep.

2 Q -- guidelines. The last paragraph states, "You may employ the D.C. National
3 Guard quick reaction force only as a last resort and in response to a request from an
4 appropriate civil authority. If the QRF is so employed, DCNG personnel will be clearly
5 marked and/or distinguished from civilian law enforcement personnel."

6 And now we can talk about your guidance to General Walker, which largely adapts
7 Secretary Miller's guidance to you --

8 A Yeah.

9 Q -- correct?

10 A That's right.

11 Q Except for some changes where -- let's start with the QRF on page 3.

12 A Okay.

13 Q Withhold authority to approve deployment of the D.C. National Guard quick
14 reaction force and will do so only as a last resort in response to a request from an
15 appropriate civil authority, and I will require a concept of operations prior to authorizing
16 employment of the QRF.

17 That was an additional requirement you put on of the concept of operations, or is
18 that just implied that there would be a concept of operations before a QRF is deployed?

19 A Well, what I took from the note was that if you're going to put this unit in
20 extremis as a last resort, you know, you need to have a clear understanding of what the
21 change of mission would be, and what was being asked of them to support the
22 operations. We just wanted to make sure that if you were going to move on a
23 contingency that we are not prepared for, did not request in the lead-up to that day that
24 we knew specifically what was being asked, and what they were going to do. Because,
25 there again, if you look at his employment guidance, is this QRF going to go armed? Are

1 they just going to go out and do traffic control? The mission was traffic control, Metro
2 stations, crowd facilitation. When you have the broad left and right limits of the QRF,
3 that could mean a lot of things. And if you're going to employ them, are they going to
4 have weapons? Are they going to have riot control? What are they going to do? So I
5 don't -- we wanted to make sure that we were very clear that if we employed that asset,
6 what was it designated to do?

7 Q And my colleague is going to spend some time about the D.C. National Guard
8 and kind of what was happening from their perspective on January 6th. But from this
9 letter, General Walker's statement to the Senate hearing -- on the Senate hearing back in
10 March of last year, I believe, was, I quote, "The Secretary of Army's January 5th letter
11 withheld authority for me to employ the quick reaction force. In addition, the Secretary
12 of the Army's memorandum to me required that a concept of operations be submitted to
13 him before any employment of the QRF. I found that requirement to be unusual, as was
14 the requirement to seek approval to move guardsmen Supporting MPD from one traffic
15 control point to another."

16 That's from his opening statement in the March 3rd hearing. Was it unusual, in
17 your perspective, to require a CONOPS before deploying the QRF?

18 A If they were going to do something other than to support traffic control, yes.
19 It would be appropriate.

20 Q But the QRF for January 6th, their mission was traffic control, correct?

21 A Well, yes, but the language here is if you're going to do something other
22 than that. If you're going to have -- be re-missioned to do something else.

23 Q So -- but did you find it -- General Walker's point is he was able to deploy the
24 QRF without consultation with you prior to this memo. Is that accurate?

25 A Well, I don't recall an instance where we needed a QRF for a mission, but I

1 mean -- I mean, we didn't do a really thorough orders process the summer before. So
2 this time, we were much more -- you know, we were much more thorough in our due
3 diligence and our written order.

4 Q Was a QRF ever used during the summer?

5 A Well, during the summer, we ultimately had the entire Guard on the streets.

6 Q So there wasn't a separate force waiting in back?

7 A I mean, we had -- the only other capabilities I believe we had there were the
8 ones who were on rest and preparing to do shift work.

9 Q The other kind of change from this Secretary Miller's memo to you is that
10 you allowed de-issuance of weapons -- I'm sorry, of the gear, is that correct, in this
11 memo?

12 A General Walker, when we were going through the brief back, he had said,
13 you know, for personal protection. So I said, put your body armor and helmets in your
14 vehicle, but that's it, not -- no shields or batons or weapons or anything like that. So
15 they had them in their vehicles. So when they were standing at the Metro station, they
16 were in patrol cap and road guard vests.

17 Q It says here at page 2 of your memo to General Walker, "
18 D.C. National Guard soldiers have the inherent right to self-defense. D.C. National
19 Guard soldiers will store their helmets and body armor within vehicles or buildings in
20 close proximity to their positions."

21 A Uh-huh.

22 Q "In the event of an elevation of the threat requiring immediate donning of
23 this equipment for self-defense, DCNG leadership will immediately notify the Secretary of
24 the Army."

25 So that sounds like not requesting permission to don the equipment but, rather,

1 notifying you. Is that a fair assessment?

2 A Yeah. I mean, it was in their vehicles. And if the crowd became violent
3 and they're throwing things, this way, the soldiers could protect themselves. I mean, if
4 they're going to be 20, 30 blocks from the Armory, we wouldn't be able to get them their
5 stuff in time. And he had talked to me about it over the video about his concern and
6 desire, so I said, Well, just put them in your vehicles.

7 Q And as far as you knew, that equipment was available to the Guardsmen on
8 January 6th in their vehicles?

9 A Just the helmet and the ballistic vests.

10 Q Before I start on the day of January 6th, I just want to go through two more
11 exhibits. Exhibit 25 is a letter from Senator -- I think it's Senator --

12 A Murphy from Pennsylvania.

13 Q -- Murphy. Sorry. My eyes. And this is what you describe as, again,
14 another thing that happened during the summer of not having the proper insignia on law
15 enforcement, correct?

16 A This was, again, the confusion and the perceptions that were made when we
17 shared equipment between law enforcement. They had military police shields
18 and -- you know, and a lot of these law enforcement agencies have camouflage uniforms
19 and how they dress, and they look like soldiers, although they're not.

20 And in the NDAA that he references in his letter, it says, make sure you have your
21 donning of D.C. National Guard flags on their body armor or on their road gear vests in
22 the case of the morning of the 6th that they know you are D.C. Guardsmen. So, you
23 know, he sent us that letter in the lead up to the protests, demonstrations.

24 Q And then, again, as he references in his letter, "Last June, Americans
25 watched as President Trump and former Attorney General Bill Barr deploy unidentifiable

1 Federal officers in riot gear to crack down on peaceful demonstrators exercising their
2 constitutional rights in cities across the country." So, obviously, that was abided by
3 the D.C. National Guard for the January 6th.

4 I also want to draw your attention to a letter from Muriel Bowser on January 5th
5 to Acting Secretary Miller. Acting U.S. Attorney General Jeffrey Rosen, and yourself
6 reiterating -- well, you tell me how you -- what your take was on this letter as far as
7 the -- did it impact you at all?

8 A Yeah. My impressions from this letter was, you know, what happened over
9 the summer. You know, the Federal Government put thousands of Federal agents on
10 the street with a variety of different uniforms, heavily armed. I mean, tactical teams.
11 Semi-automatic machine guns, body armor, flash bang grenades, riot agents. So she
12 wanted to be informed in advance if we put anything on the streets in advance of that,
13 you know. This is what she said she needed to support Metro PD operations, and, you
14 know, they don't want any more law enforcement. This is similar to my discussion with
15 Chief Contee that I had on Sunday. They did not want Federal law enforcement agents
16 in particular with long guns, machine guns in the streets.

17 Q And did you also take it as a point of requesting coordination with the --

18 A Absolutely.

19 Q -- with law enforcement?

20 A Hundred percent.

21 Q This letter has been perceived as the Mayor saying we don't want your
22 assistance. Did you view it as that?

23 A Well, I mean, she was very specific that if you did something, I want to be
24 able to talk about it. I mean, you know, the summer before, they -- because of the
25 events that transpired on Saturday and Sunday, the Federal Government just moved and

1 put -- imposed it on them. So I think it's not unreasonable for the Mayor of a city of
2 700,000 people to ask, could you tell me in advance so I -- I mean, I worked very hard
3 from the summer before, and all the way through the 20th of January to work with the
4 Metropolitan Police Department, in particular. You can pull the phone records, how
5 often I called those guys. They were in a tough spot.

6 Q I also want to draw attention to exhibit 47. This is the January 4th letter.

7 A 47.

8 Q 47. From yourself --

9 A Yeah.

10 Q -- to Jeffrey Rosen, Acting AG, outlining the support that you had approved
11 for D.C. National Guard. And it goes through essentially the memo that you wrote to
12 General Walker itself so -- in the body of this letter to Jeffrey Rosen. Why was this letter
13 necessary to send to DOJ?

14 A At that point, my understanding was that they were the lead Federal agency.

15 Q Did you want them to be aware of what the role of D.C. National Guard --

16 A Here is what we've been asked to do by Metro PD. Take this into the body
17 of the architecture for security for the entire city. Presumably, someone would be doing
18 mission analysis of all of the potential threats, all of the potential contingencies that
19 would be required. Here is a 340-person capability that we have in place. How is this
20 going to work?

21 Q Okay. Did you hear back from Jeffrey Rosen after you sent that letter?

22 A No, I did not.

23 Q All right. We're going to start with the morning of January 6th. There's a
24 light at the end of this tunnel. We're getting there. Sorry.

25 A That's all right. Do what you've got to do. I -- I'm okay.

1 Q I appreciate that.

2 So the morning of, I think you said obviously, there was no expectation of what
3 would happen later that day. Can you just walk us through? That morning you arrived
4 at the Pentagon, what time, and when did you first become aware of what was
5 happening at the Capitol?

6 A So, you know, this is 14 days from when I'm leaving the Department of
7 Defense, and you've got to get the wheels in motion and you're writing -- you know,
8 you're writing all of the -- you're writing notes to people, goodbye, good luck, call me if
9 you need me, you know. You're talking to your staff. I just had completed a 10-page
10 letter for my successor that I wrote, you know, that took a lot of energy. I'm talking with
11 staff, looking at the civil servants who were going to take over roles and responsibilities.

12 So, I mean, obviously, we were trying to pay attention to what was going on, but it
13 was -- you know, you're continually going through the motions of leaving. And it was
14 around 1:30 when the Mayor called me that -- she said, are you getting requests? Are
15 you monitoring the situation at the Capitol? Are you getting requests from Capitol
16 Police? And I said no. I don't -- I don't have anything, you know. So she brought it
17 up. And we -- I think it was after that. Do we have the timeline in here?

18 Q Yep. The timeline -- which timeline would you like? I have a DOJ
19 timeline. I have a Secretary of Army timeline.

20 A We do -- well, it's the Army's timeline. It wasn't mine. I didn't publish
21 that, but --

22 [REDACTED] 42.

23 Q 42. I think it starts with 42. There's a couple different timelines, and the
24 IG report also has a timeline.

25 A Well, which one do you want to use?

1 Q Whichever one that you are most familiar with.

2 A Do you want to use the DOD IG timeline? I mean, I --

3 Q I think they're largely the same. Obviously, there's some inconsistencies
4 with Robin and we'll talk you through, but --

5 A Okay.

6 Q -- we can start with the DOD one which is the -- which is exhibit 43. So, I
7 believe on that one -- and I translated everything to civilian time. At 1:34, the Mayor
8 calls you.

9 A Called me, yeah.

10 Q So the DOD timeline, just so we're clear, 1334, Sec Army phone call with
11 Mayor Bowser --

12 A Yeah.

13 Q -- in which Mayor Bowser communicates request for unspecified number of
14 additional forces.

15 Is that how you would describe that call, or it was it more of an inquiry from
16 Mayor Bowser?

17 A The Mayor said, Yeah, are you getting requests from the Capitol, are you
18 aware? And I said, No, I didn't -- not at that point. I hadn't talked to General Walker.
19 And so, you know, I said, Let me get with him, we'll call you right back. But -- and then it
20 was -- you know, it became a flurry. The phones really started to ring. And, you know,
21 this is an administrative headquarters for people trying to respond like you're in an
22 operations center and, you know, in an operational command like the police department
23 or a headquarters in an operational theater like the Middle East or somewhere.

24 So it was cell phones and landlines where the calls are coming in. There's a
25 handful of people that are there. They're taking notes and trying to grab the

1 information. It started to what became an extraordinarily confusing period of time to
2 try to get a handle on the situation and mobilize the support.

3 Q And before we kind of get into that period of confusion which arguably starts
4 around 2:00, had you --

5 A Oh, I think it started about 20 minutes before that, but yeah.

6 Q Had you watched any of President Trump's speech?

7 A No. I heard bits and pieces about it, but you know, the TVs were on, but
8 there was a lot of activity. Everything was moving, and --

9 Q Were you getting any updates about the crowd or the crowd size?

10 A They said that the crowd was bigger and that the -- you know, the rhetoric
11 was strong, obviously. And so it was starting to filter in but not to the concern that we
12 thought that what was going to happen ultimately happened.

13 Q But who were you getting those updates from? Are you watching the TV,
14 or were you getting --

15 A The TV was on, so my staff was there, but I was still doing things, you know.

16 Q So was it your staff relaying what was occurring?

17 A What they were hearing, yeah.

18 Q Were you receiving any information about the crowd size from Secret
19 Service or Park Service?

20 A I don't -- no, I don't believe so.

21 Q Okay. So back to the timeline.

22 A Because, you know, the job of the Secretary of the Army, you don't really do
23 email. You don't really read email. They send you email all day long. People bring it
24 in to you because you're in meetings all day and all night. Breakfast, you have meetings.
25 Lunch, you have meetings. You never have any time to yourself. People are just going

1 to come in all day and meet with you and pass you information. So when they had sent
2 via emails updates, I saw those days later.

3 Q Got it. So when we talk about the 1:49, again, looking at the DOD
4 timeline --

5 A Uh-huh.

6 Q -- "Commanding General DCNG Walker phone call with Chief Sund, Chief
7 Sund communicates request for immediate assistance."

8 I want to be clear. That's to General Walker --

9 A Yeah.

10 Q -- correct? You're not on that phone call?

11 A No.

12 Q Were you -- just as a look back, were you aware of any conversations
13 between Chief Sund and General Walker prior to January 6th about a potential request
14 for the D.C. National Guard on the 6th?

15 A General Walker told me after the fact, but he -- apparently, Chief Sund was
16 concerned in the lead-up.

17 Q But you didn't know that prior to?

18 A No.

19 Q 2:22. "Sec Army phone call with D.C. Mayor, Deputy Mayor, Dr. Rodriguez,
20 and MPD leadership to discuss the current situation and to request additional DCNG
21 support."

22 Is that 2:22 call that's on the DOD timeline, is that where you -- is that your view of
23 when the request for the D.C. National Guard to the Capitol was made?

24 A Yes. And what -- you know, I think a couple things got to -- that are not
25 here in writing. The media reports of improvised explosive devices. This is at the point

1 where we were -- we found out the Capitol was breached. And the lead of
2 all this -- leading up to 2:22, we were not aware that the building was breached until we
3 were on that phone call. And it was -- that's where, you know, if -- the call starts, and I
4 get up and I leave. I literally say, find out the requirements, I'm going to get the
5 authority, and I left my office to go down to the Secretary of Defense's office, because
6 that -- at that moment, I realized this is not just crowds massing and, you know, kind of
7 violent protests. This is a fundamentally different thing that's happening up at the
8 Capitol.

9 So -- and that was where -- Chief Sund, I don't believe, was on the call when I was
10 there, but it was the Mayor, it was the Chief of Police, it was General Walker, General
11 Piatt. General Flynn showed up right as I was -- when I was leaving. And we had it on
12 speaker, and we were trying to get -- trying to get the -- what we call the operational sight
13 picture. What is going on? How big is the crowd? How violent is the crowd? They
14 breached the building. They started laying out really the -- just how bad it was.

15 Q Who was describing it to you?

16 A We're getting some of it on TV. We're getting phone calls. Literally,
17 this is -- at this moment, until about 10:00 that night, people just handing phones.
18 Leaders of Congress are calling, the media, everybody. So now you're realizing this is a
19 really bad situation, and that's what drove me to -- I literally ran down the hallway to the
20 SecDef's office.

21 Q So you leave this conversation at that time. You said General Charlie Flynn
22 is walking in. General Piatt is there already.

23 A Uh-huh.

24 Q And just, logistically, when you say you ran out of the office, and it's been
25 described you were winded when you got to the SecDef's office.

1 A Yeah.

2 Q What is this logistically?

3 A So, you know, it's the largest office building in the world, and I'm two
4 corridors away. Sorry. I'm a middle-aged man now. But it's over a quarter mile to
5 walk from my office along the E Ring, and I was in a suit and leather shoes. That's why I
6 was winded. But the -- I literally started running because I realized this is extraordinary
7 what's happening.

8 And I leave my office, but I turned to those two officers and I said, you know, Start
9 getting the particulars because you're going to be linking up with a unit in contact, one of
10 the most complex things you can do in -- I mean, in a violent situation. So what would
11 that mean? How many people can we muster to get in the appropriate configuration,
12 equipment, and then insert them to basically link up with a unit so that they can be put in
13 to support operations. I mean, what is it that you want them to do? If you just ran up
14 there, you get people hurt.

15 Q Well, what --

16 A So we -- that's why I turned to them, and I said, start spinning up. I'm going
17 to get the authority. And that's when I ran down to the office and ultimately got to the
18 Secretary of Defense's office.

19 Q So you say that to General Piatt and General Flynn or generally to the room
20 that you're talking to?

21 A Piatt was standing next to me. Flynn was coming in. I just turned to Piatt.
22 My executive officer, John Lubas, stayed, and I just took a cohort of aides with me so they
23 could just start writing things down and handing me phones, because we knew we had to
24 do everything we could to mobilize and coupled with the fact we had no idea how long
25 this was going to go. I mean, at that moment, is this going to go on for days? I mean,

1 what's happening here?

2 Q We talked a little bit about the authorities, and you said you left to get the
3 authority.

4 A Uh-huh.

5 Q Did either General Piatt or General Flynn have the authority to authorize the
6 D.C. National Guard?

7 A None of us did at that junction.

8 Q Who did?

9 A SecDef. The Secretary of Defense.

10 Q And was it made clear -- well, let me just get a sense of how long were you
11 on that call before you left?

12 A A couple minutes max.

13 Q And were you on the call when Chief Sund --

14 A I don't recall him being -- me being there when he was on the phone,
15 because that call went on for another, I don't know, 15 minutes or so, and I was already
16 gone by then at that juncture.

17 Q So, obviously, there's been a lot of discussion about this call --

18 A Yes.

19 Q -- and the discussion of whether the word "optics" was used by General
20 Piatt. Were you aware of that discussion?

21 A I mean, I've been asked repeatedly by reporters and people, but what I don't
22 think has been really accurately laid out. These two officers are two of the most busy
23 people in the Army, the Director of Operations for the entire Army headquarters, the
24 enterprise, and the director of the staff who is basically, you know, the Chief
25 Administrative Officer. They get in their offices at 5 a.m. They leave at 8, 9 at night.

1 They're incredibly busy people. And you drag them out of their office, and you say, The
2 Capitol is being assaulted. I mean, they were hit pretty cold on this. So I don't think
3 they had an appreciation of what they were being pulled into, and they were just trying
4 to get the facts.

5 I wasn't in the meeting. I don't know all of the exchanges that were had. It
6 created a lot of tension and confusion, additional tension and confusion because of the
7 way it transpired. I don't think there was any malfeasance aforethought by those
8 officers. They were just trying to get a hold of the situation. They were caught
9 flat-footed.

10 Q Did that conversation have any impact on the decisionmakers, meaning you
11 or Secretary Miller or anyone else?

12 A No. I -- when I went in the meeting with Secretary Miller, I said, We've got
13 to go. We've got to get something -- we've got to put every capability we can up there.

14 Q Was that met with any resistance by Secretary Miller?

15 A Everybody was just kind of, Slow down. What are we doing here? They
16 were -- it was -- they were -- I came in like -- I felt like I knew more than everybody at this
17 point because of who I was talking to. They were all kind of, like, Slow down. What's
18 going on? They wanted to get a sense of the situation. We turned one of the TVs on.
19 You see people crawling up the walls and stuff, and I said, They breached the building.
20 Whatever we -- maybe we can muster 100, 140 people and get them up there, but it's
21 going to take hours for us to get the rest.

22 And, you know, everybody was kind of going through, Okay, if we do this thing,
23 you know. So it took, you know, I guess 15, 20 minutes for me to relay this, like Look -- I
24 started laying out what I thought we needed to do. General Milley jumps in and says,
25 We need to call the neighboring States. This could go on for a while. If they're -- these

1 people are that determined to breach the Capitol and destroy property and go after
2 Members of Congress, then we have no idea what we're getting ourselves into.

3 So, at that juncture, it was, We've got to stop the situation. We're going to have
4 to secure this for the foreseeable future. And then chief of the National Guard, Dan
5 Hokanson, was in there, and he said, We've got to call the neighboring States. And I
6 looked at everybody and said, I'm just worried about right now. I want to mobilize the
7 whole Guard, get as many people up there as I can, as quickly as I can, and then just start
8 flowing them to me as fast as you can.

9 So at that moment, I had the understanding that they were going to take the task
10 and call all the governors and call the neighboring States. Can you send people to help
11 because we don't know what we're dealing with here. And that was -- when I left his
12 office at 3:00, that is when I got on the phone, and I called General Walker.

1 [12:59 p.m.]

2

BY [REDACTED]

3

Q So at 3 o'clock, it sounds like the Secretary of Defense, 3:04, provides the verbal approval of the full activation of the D.C. National Guard.

5

A That's when I think he tweeted it or he put it out that we're going, but it was 3 or -- yeah, roughly that time.

7

Q So then at that point you call -- you call General Walker and say what?

8

A A couple of things. Mobilize the entire Guard, bring everybody in. That's the additional 800 personnel that were not on duty. And I said, you know, move the QRF to the armory and get as many people as you can to the armory and configure them in a minimum of riot gear and batons. And then we're going to do a mission analysis of what we need to do with the police and the -- Capitol Police and Metro Police.

13

So we need to find out from them what they need because we're going to support them. Capitol Police and Metro Police had the larger force. And we hadn't gotten on the phone yet with the FBI to see can you get some tac teams, because the reports we were starting to get were that there were crowds in the building. They were going to have to do room clearing, which is a very, very complex and dangerous mission. You got to have a lot of training for that, right equipment, configuration. Our guardsmen are not trained to do that, and they didn't have the equipment drawn. So they would not have been able to support that.

21

So it was just running through my head probably the best we can do is provide static security, which at a minimum you need batons and shields. But do we need weapons? So this is the mission analysis.

24

When I talked to you earlier about an operations order, that's why we do that.

25

Why do you have a CONOP? What are you getting yourself into?

1 Q Right.

2 A You're not going to be successful if you just run in there and try to, you
3 know, fall in. We wanted to be very deliberate.

4 Q I just want to talk a pause, then I'm going to turn it over to Robin to
5 question. But that 3 o'clock call to General Walker, was it conveying these kind of
6 top-line issues to deal with?

7 A Yes.

8 Q And where was he at that time?

9 A I believe he was at the armory at the time.

10 Q Okay.

11 BY [REDACTED]

12 Q So I want to back up a little bit and talk about what the people within the
13 D.C. National Guard that we've learned were doing up until we get to that 3 o'clock call
14 with General Walker.

15 A Okay.

16 Q So, first, on January 6th, were you familiar with Lieutenant Colonel Craig
17 Hunter from the D.C. National Guard?

18 A I think I met him in the summer beforehand, but yes.

19 Q And were you aware of the role that he fulfilled on that day?

20 A He was the commander on the street that day.

21 Q Okay. And how he put it to us that he was the highest ranking
22 servicemember on the ground in charge of the 340 soldiers assigned to support MPD,
23 including the 40 from the QRF. Does that sound about right?

24 A That's right.

25 Q And Lieutenant Colonel [REDACTED] told the select committee that at 2:12 p.m.,

1 after learning that the Capitol had been breached and in anticipation of what he imagined
2 would be approval to remission the D.C. National Guard, that he, quote, "redesignated
3 our rally point to the Capitol South Metro Station just south of the Capitol because it had
4 a parking lot there. So I said, okay, that parking lot's big enough for me to bring some
5 vehicles in and that it's close enough to walk up to the Capitol," end quote.

6 Were you ever made aware that he had selected a new -- or selected a rally point?

7 A No.

8 Q Hearing about it now, is there anything about that rally point, looking back at
9 it today, that would have made it inadequate to serve in that role?

10 A Well, I mean, it makes sense from an avenue of approach. But what I
11 would have questioned at the time was, who are you linking up with? Who are you
12 supporting in this operation? I mean, it was -- he clearly took -- he was thinking about it
13 the right way. How can we get to a point where we can insert and join in the operation?
14 But what I ultimately worked out with the Mayor as we progressed through the timeline
15 here is, how are we going to support you? Because what Colonel [REDACTED] nor I had at
16 that given time was what is the situation at the Capitol and in the building. How are you
17 going to clear? The clearing operations that you would conduct in the Capitol. What
18 direction are you going? How are you going to try to flush the protesters out of the
19 building, and then ultimately lock the building down and secure it so we can get the
20 Members back in and certify?

21 It was going to be a very complex operation, and that we required to really work
22 with the main efforts, in this case the Metro Police and the Capitol Police.

23 Q And we'll get to that. He tells us that at 3:10 he is at U.S. Capitol Police
24 talking to Chief Sund and Assistant Chief Jeffery Carroll doing that sort of analysis that you
25 just talked about.

1 So before we get there, so Lieutenant Colonel ██████ went on to tell us that he
2 had the 90 or so servicemembers out at the traffic control points. Quote: This is at
3 2:15 p.m. So as soon as we redesignated the rally point, a call went out on the radio
4 right away. I called, designated the rally point, and then they all called in and reported;
5 reported in, acknowledged the rally point.

6 Were you ever aware that he had done that?

7 A No.

8 Q And I think -- you spoke about this, I guess, what would be your
9 understanding of what the gear the servicemembers at the traffic control points had
10 available to them in their vehicles.

11 A Yes.

12 Q Which in your understanding did it not include batons. Is that correct?

13 A The only thing I authorized General Walker to do was their ballistic helmets
14 and body armor in the vehicle, not their shields or their riot batons.

15 Q And is your understanding of what was actually within the vehicles based on
16 the authorities given?

17 A Correct.

18 Q So Lieutenant Colonel ██████ told the select committee that on January 5th,
19 quote, "We end up putting all of the civil disturbance gear into a white box truck, and we
20 designated a rally point for that truck that would be central to all the different points that
21 we had." That this was, quote, "enough for every soldier and airman out on the street,
22 including the Metro stops." And that, quote, "it was known by my superiors. Yes."

23 Were you made aware of that box truck that had that equipment --

24 A I was not aware of that intricate detail.

25 Q He went on to say that before January 6th, and this is the night of January

1 5th, after the day's events of the 5th, they loaded all of the civil disturbance gear into
2 their vehicles at his direction. Quote, "As we were coming back on the night of January
3 5th, and I said, hey, if we could put everything in the vehicles, let's get into the vehicles
4 now. They had the shields, the helmets, the shin guards, and then the batons.

5 Question: Okay. So they did have the batons with them in their vehicles?

6 Answer: Yes.

7 Were you made aware of that, that he had asked them and directed them to do
8 that?

9 A No.

10 Q In addition to moving the equipment into the vehicles, Lieutenant Colonel
11 Hunter told us, quote: Yes, we also had the box truck without -- with their additional
12 gear and it was just in case, like you said, if someone broke, or if one of them broke, or if
13 you were missing one item. If for some reason someone didn't put in the vehicle, we
14 still had the box truck with additional gear in it.

15 I understand you also then wouldn't have known that that box truck went out
16 with them again on January 6th?

17 A No.

18 Q Was it your understanding that -- and I'm just sticking with the 90
19 servicemembers at the traffic control points. Was it your understanding that they had
20 to rally at the armory before meeting at the rally point once one was designated near the
21 Capitol?

22 A Yes. So couple of things. I didn't know they had equipment at a point out
23 in the city, but, also, was it the right equipment. We're hearing reports of shots fired
24 and improvised explosive devices, so were we going to have to escalate even higher the
25 weapons, draw weapons from the armsger (ph). So that was part of the unknowns and

1 why we went down and did face-to-face with the Mayor and the police chief to truly
2 understand what is it that we're going to support, we're going to go do here.

3 Q But if it were true that the batons and the other equipment, not including
4 weapons and escalation from batons, were in the vehicles, would you still require it
5 necessary for them to return to the armory in case an escalation of weapons was
6 necessary, or would you consider that unnecessary if you had known at the time that they
7 did have their batons?

8 A Well, it depends on what you wanted them to do. We had to work that out
9 with the police department.

10 Q Okay. Before we get to that actually -- and I know you said it was against
11 the authorities. So why do you think you were not made aware of what
12 servicemembers actually had in their vehicles?

13 A I mean, I made a mistake. I think a local unit commander was anticipating
14 more than what potentially we were prepared for.

15 Q What was your understanding of who and when the rally point of lot 16 was
16 ultimately designated?

17 A Lot 16? I thought it was First and D.

18 Q First and D. Okay. It was -- okay.

19 A Yeah.

20 Q When was that put together?

21 A When we were at the Metropolitan Police Department. We had a
22 map -- and Chief Carroll was on the phone, and myself, Brigadier General LaNeve, the
23 operations director of the Army staff was there with me, a couple of my staff members,
24 the police chief. And we talked about where we needed to go, because they basically
25 laid out -- we also got I think, Dave Bowdich on the phone too from FBI. And they laid

1 out how the clearing operation was going or going to go, where we needed support, who
2 could augment Metropolitan Police and then Capitol Police. Because I think Chief Sund
3 was with Assistant Chief Carroll at the tactical command post at that juncture.

4 And that's where they laid it out with us, this is what we're going to need. So we
5 knew we weren't going to need weapons, we knew we weren't going to need other things
6 that were just shields and batons, shin guards, ballistic helmet, body armor.

7 Q So it was on your understanding that on the actual day, the rally point ended
8 up being lot 16, that that is actually where the servicemembers responded?

9 A You keep calling it lot 16.

10 Q Yeah.

11 A I call it First and D.

12 Q Okay. But we're talking about the same parking lot?

13 A Okay. Sure, I guess.

14 Q I'm asking you.

15 A Well, I didn't know it was called lot 16. They kept calling it First and D.
16 I'm not as familiar with the geography up there.

17 Q Okay.

18 A But, again, he was anticipating something that we did not know what was
19 openly going to be the call.

20 Q And so, you know, when you're sitting down and coming up with that rally
21 point, that was at 4 o'clock when you --

22 A Yeah.

23 Q -- arrived ultimately at Metropolitan Police Department, right?

24 A Yes.

25 Q And so at any point when I'm asking about other people's testimony, you

1 either think it's incorrect, inaccurate, or impossible, inconceivable, let me know.

2 A Well, no. I think it's important to realize just how confusing it was.
3 Everyone was communicating on cell phones, not on an open net where we use tactical
4 communications. So things are being passed, things are made not aware. You're going
5 from traffic control to securing the Capitol in a matter of minutes. So a lot of things
6 were probably missed. It was tremendously confusing. So, no, I mean, that's quite all
7 right.

8 Q So then back to Lieutenant Colonel [REDACTED]. He told the select committee
9 that after arriving at Capitol Police headquarters at 3:10 p.m., alongside there with who
10 he had bumped into, Assistant Chief Carroll from the MPD and Chief Sund from U.S.
11 Capitol Police, of course, the chief there, that he, quote, talked to a couple of police
12 officers -- Capitol Police officers and MPD as far as the location. So that's where we
13 came up with lot 16. That's close to police headquarters. So we determined lot 16 we
14 could bring in all the buses, and we could bring in all the National guardsmen there, and
15 that the Capitol Police or MPD would have an officer who could meet them there and
16 then lead teams of the National Guard towards the Capitol. So we already -- we created
17 the plan of this is where we'll rally point. We changed the rally point for people coming
18 to the armory -- excuse me, I mean to the Capitol from the armory -- he actually corrects
19 himself -- to lot 16.

20 So my question to you is: If you were made aware of that, is that possible that
21 the rally point had already been sort of designated before your arrival at 4 p.m.?

22 A It could have been, sure. I mean, that's mission analysis from tactical units
23 and ultimately being brought forward to leadership for the decision.

24 Q How did you know that servicemembers at the traffic control points had this
25 equipment that we talked about and had already been given and acknowledged a rally

1 point, and that MPD and U.S. Capitol Police, at least assistant chief from MPD and the
2 chief of USCP, already knew about it? Might that have affected the speed with which
3 deployment of the National Guard was ultimately done?

4 A It can be. It depends, but it could have.

5 Q Hearing it now, does that strike you as, you know, plans that were put in
6 place that could have been utilized so that the window --

7 A Planning for a rally point but not about the complexity of securing the
8 Capitol, what friendly units were there, what direction are they going to be clearing and
9 flushing the crowds, what direction they're going to flush the crowd out of the building,
10 how are you ultimately going to secure it. So there were a lot more details that would
11 be required. But yes, I mean, the rally point location, that was helpful.

12 Q I want to switch to the QRF and still before this, you know, 3 o'clock approval
13 by Secretary Miller on January 6th. Are you familiar with Lieutenant Colonel [REDACTED]
14 [REDACTED] from the D.C. National Guard?

15 A No. I mean, I might have met him. I'm sorry, I don't -- I met a lot of
16 people that day.

17 Q No worries. And so as he put it to us, he was the commander in charge of
18 the 40 servicemember QRF forces, and he was directly under the command of Lieutenant
19 Colonel [REDACTED]

20 A Uh-huh.

21 Q What was your understanding of the gear that the QRF had access to at Joint
22 Base Andrews?

23 A Well, again, it would be escalated based off of the threat and the mission so
24 they would have to draw the equipment.

25 Q But just access to is my question there.

1 A If it's -- well, I mean, half the -- it was designated, it was described as a
2 military police platoon, but over half of them were not military policemen; they were
3 airplane mechanics. But I think 16 of them were military policemen and -- but they
4 were -- I mean, it was to support the traffic control at Metro stations.

5 Q But in case, let's say, that there was a remissioning and there was approval
6 and authority given to it, would they have been able to have access to whatever permit
7 was necessary?

8 A Depends on what they're asked for. Yes.

9 Q So, I guess, is there equipment that is not available to them at Joint Base
10 Andrews? I'm trying to figure out would they have to go anywhere, depending on the
11 mission, in order to get that equipment or was -- were all the --

12 A I believe they have. Because that's their Air guardsmen, I believe all their
13 equipment is there.

14 Q So Lieutenant Colonel ██████ told the select committee that at 2:17
15 p.m. -- and he had some call logs, I think, from the timing -- he called Lieutenant Colonel
16 ██████ who was in charge of the QRF, and told him, quote: Put all your gear on. Get
17 all your guys on the bus. Get ready to go, because we are going to be getting a call soon
18 so I need you to be ready to go.

19 Were you ever made aware of that?

20 A No.

21 Q Lieutenant Colonel ██████ told the select committee that Reinke called to
22 report that, quote, he was on a bus probably ready to go by 2:50 -- 2:40, excuse me, 2:50,
23 as far as them ready to move out, end quote. And that it was his expectation, this is
24 Lieutenant Colonel ██████ - that when they began to move, the QRF would go straight
25 to ██████ at the Capitol South rally point at that point, the same rally point he had set for

1 the traffic control points.

2 What was your understanding of, if the QRF were to be deployed, if the
3 remissioning were to call them in support, where they would go from Joint Base Andrews;
4 whether they would need to go back to the armory or whether they could, if, again, all
5 the things in place that you need to have in place, whether they could go straight to
6 whatever rally point was designated?

7 A Well, we didn't know what mission they were being asked to perform. So
8 when I gave the guidance for them to go link up with all the other units in the armory,
9 we'll see we've got them all in one place, they could all hear what the mission was, and
10 they could go the 10 blocks or whatever it is to the Capitol. So that was the logic
11 running from my head. Mobilize, get them there quickly.

12 I was unaware of these conversations going at the tactical level. I was thinking
13 up at the strategic of let's align with all of the friendly elements and how do we support
14 them, because we were not the main effort. The Metropolitan Police and the Capitol
15 Police were the main effort. With the best, we were going to be able to have 140, 150
16 people in there to support but not knowing what the mission would be.

17 Q And so I'd like to sort of piece out those variables. So putting aside, you
18 know, whatever mission analysis, what they would go there to do, right, because that
19 needs to be developed really no matter where they are. It sounds that, to you, the
20 reason to go back to the armory would be you think it's important to have all of them
21 together to hear the mission at one -- physically the same place?

22 A And getting the right configuration of equipment. Those details that you
23 described I was unaware of.

24 Q But as far as the QRF, they would have -- they would be able to get the right
25 configuration of equipment at Joint Base Andrews, Correct?

1 A Based off of what mission they were being asked to do.

2 Q Right. And so --

3 A So they -- you know, drawing weapons does not happen very quickly.

4 Q Right.

5 A So drawing equipment takes time.

6 Q Sure. But they could have done that at Joint Base Andrews is all my
7 question is, in essence.

8 A Theoretically, yes.

9 Q So is it fair to say that the reason for them to go to the armory, again,
10 putting the other variables aside because it's not, again, to be able to come up with what
11 they were going to do when they link up with MPD doesn't require them to be at Joint
12 Base Andrews. The reason would be so that they would physically be in the same
13 location when they heard their remission as their other --

14 A They would go and get their mission. They'd go through their
15 five-paragraph op order, how we're going to support this operation. Getting eyeball to
16 eyeball with adjacent units, how are we going to go in to support.

17 Q I'll ask you about whether a five-paragraph order was developed in this
18 case?

19 A I don't know if there was one, so -- I mean -- well, I -- when General LaNeve
20 gave the guidance to General Walker about armed support, he went through the
21 particulars at a highest -- in broad strokes.

22 Q And that was verbal, of course, not written down?

23 A Because we were trying to pick up the pace. Yeah, of course.

24 Q What was your understanding of how prepared the QRF were to respond to
25 a civil disturbance in case of an emergency, in case that they would be needed in support

1 in that mission?

2 A In the mission? For what mission?

3 Q Civil disturbance. I'm just -- how prepared for civil disturbance was your
4 understanding the QRF on January 6th?

5 A You know, in this case, we -- it would have been to support the Metro
6 stations and the traffic control points. So, I mean, I was unaware that -- you know, what
7 contingencies were they looking at to be in preparation for to respond to with 40
8 personnel. In an instance like this, we needed hundreds.

9 Q So is it fair to say that you weren't aware of how prepared or not prepared
10 they would be to do civil disturbance?

11 A Dependent upon the operation, yes.

12 Q You were not aware of their level of preparation. Is that fair?

13 A Yes.

14 Q So Lieutenant Colonel ██████ told the select committee that the QRF trained
15 together on the mornings of January 5th and 6th for civil disturbance. Were you ever
16 made aware of that?

17 A I wasn't aware of that. I mean, that's appropriate.

18 Q So would that have been something that you would have figured that would
19 have been on your mind on January 6th?

20 A It depends. I mean, usually what they would be doing would be thinking
21 about what type of operations they would respond to, and that would be based off of
22 threat.

23 QRFs usually are looking at, you know, the operations as they unfold, and then
24 start thinking through the machinations of what would we be potentially be responding
25 to.

1 Q So is that why you say it's fair for him to have anticipated that civil
2 disturbance may be something they would be called upon and why it makes sense to
3 potentially train the two dates, the date of January 5th and January 6th?

4 A Yes.

5 Q But is it fair to say that your belief as to what the mission of the QRF was was
6 always in support of what the mission of the traffic control points and the other
7 servicemembers was that day? Is that fair?

8 A Yes, because that's what was asked of us. We did not brief any
9 contingencies or look at any other plans in the lead-up to the 6th.

10 Q So that even the conception of the QRF as coming in in the case of an
11 emergency, it would still, in your mind at least before, have been to support the, you
12 know, traffic control problem --

13 A That's right.

14 Q -- and not necessarily a contingency, as you put it, for civil disturbance --

15 A And if it was, that was why we required what are you being asked to do
16 conceptually. How would you support that operation?

17 Q Had you known that the QRF had trained for two mornings together on civil
18 disturbance, would that have at all affected the speed with which ultimately approval was
19 given for their deployment?

20 A It could have. It just depends on what they would have been asked to do.

21 Q Well, in this case, you know, the request from Chief Sund, you know what it
22 is, right? It's to support law enforcement and, you know, with the breach at the Capitol
23 and the storming of the Capitol. Given that that's the request from Chief Sund, would
24 knowing that they had trained for the two mornings have made it easier, made it easier
25 for you to deploy forces?

1 A I would ask them specifically where they got to go, what are you asking them
2 to do, but potentially.

3 Q I think you said that the first time you communicated with General Walker,
4 that day after the breach, was at 3. Is that right?

5 A No. We talked -- that was on the phone at like 2, before I went down the
6 hall.

7 Q Okay. Before you went?

8 A Yeah.

9 Q Well, I'm sorry. Yes. On the famous 2:30 call. But then you called him
10 individually yourself --

11 A Yes.

12 Q -- at 3. Is that right?

13 A Yes.

14 Q And so between the 2:30 request from Chief Sund and the sort of 3 o'clock
15 approval by Secretary Miller -- or Acting Secretary Miller, you were in his office sort of
16 conveying to them --

17 A Uh-huh.

18 Q -- the situation. Is that fair?

19 A Yes.

20 Q So the timeline states that at -- we have it here -- at 3 o'clock, you direct the
21 D.C. National Guard to prepare available guardsmen to move from the armory to the
22 Capitol complex while seeking formal approval from the Acting Secretary for deployment.

23 When they say that, does that mean -- was that that conversation you had with
24 General Walker?

25 A Where are you at?

1 Q This may be not on DOD timeline.

2 A Just read it to me again.

3 Q Oh, sure. No problem.

4 A Sorry.

5 Q Let's see, I have that the Sec Army directs the D.C. National Guard to prepare
6 available guardsmen to move from the armory to the Capitol Complex, while seeking
7 formal approval from the Acting Secretary for deployment, end quote. So is that person
8 that you're telling that to, is that General Walker at that 3 o'clock phone call we just
9 talked about?

10 A Yes.

11 Q And what does that mean in a practical sense? What are you asking him to
12 do?

13 A So he's got soldiers arrayed in the city in three-person elements, not the
14 configured equipment. You know, when you bring them all together, you're mustering
15 them together because it's a change in mission. And why I repeatedly mention the
16 operations of reformat, they need to understand what's going to be asked of them.
17 They're going to be out there all night. What are the, you know, the conditions you're
18 going to face? What are we asking them to do? What is the intent that we want to
19 achieve with this operation? How are you going to communicate? How are we going
20 to get resupplies to you?

21 We needed to bring them all together because we needed to have a clear
22 understanding of just how we were going to be successful here, coupled with the fact this
23 was going to go on for a long time. We knew we were going to be out there for days.
24 Ultimately it became months.

25 Q Well, why couldn't they be remissioned and told about all this at the rally

1 point, once they meet at the rally point, if you have --

2 A If I had awareness about where the equipment configuration was, but what
3 if they needed weapons, what if they needed something else?

4 Q So I think it's fair to say then, if you did know what equipment was available
5 to -- you know, because right now they're spread out in three different places. There's
6 people at the armory getting ready for their second shift -- or that will be their first shift,
7 but the second shift for the traffic control points. Obviously, people being recalled to
8 the armory if they haven't yet arrived for that second shift. They are the 90 traffic
9 control points, plus 20 for the Metro stops, and then there's the QRF at Joint Base
10 Andrews.

11 Had you maybe visibility into all the equipment that each sort of group had, then
12 you would agree necessarily that they wouldn't need to all head back to the armory; they
13 could all head to the rally point, and there is when they could be --

14 A If all they needed was their shields and their batons. We did not know that
15 at that time.

16 Q Right. If you had no --

17 A And you could have shaved minutes. But even if they got to the rally point
18 earlier, it would have required them to sit there and explain, here's what you're going to
19 go do. So, you know, there's more than just getting to the rally point. They have to
20 clearly understand what it is they're going to be asked to do.

21 Q The timeline states that at 3:04, Acting SecDef provides verbal authority of
22 the full activation of D.C. National Guard in support of the Metro Police Department, end
23 quote.

24 A Uh-huh.

25 Q What did that mean to you? What is he -- what is his authority? What is

1 he ranking -- approving at that point?

2 A So that's every available guardsman from this unit to Washington, D.C., to
3 support operations. And then we're basically saying, go figure out how we're going to
4 do this. Just in very broad strokes I would say.

5 Q From your understanding, would you have to go back to him to gain any
6 further authority, or had complete authority been delegated to you at that point?

7 A You know, this is where I called in later just to tell him, but that was to
8 emphasize that we're going, is more of the notification. But, yeah, you know, I wanted
9 to keep him informed.

10 Q So this is how former Acting Secretary Miller told the select committee,
11 quote, And I just want to be clear. At 4:32, I did not -- there was not -- it was not
12 necessary, nor did I decree or require approval of the employment of the District of
13 Columbia National Guard at the Capitol. That occurred 3 p.m. There is some
14 confusion reported 3 or 3:04. The order goes out at 3:04. There is some confusion, I
15 understand, based on some people thought that they could not go to the Capitol without
16 me approving that. That's not accurate. At 3:04, the District of Columbia National
17 Guard had all the authorizations they needed to conduct operations in support of law
18 enforcement at the Capitol, end quote.

19 So it sounds as though you would agree with Acting Secretary Miller that at that
20 point he's given the full green light as far as he's concerned?

21 A To move. But, you know, he emphasized go figure this out, so go through
22 the mission analysis to make sure that we adequately employ their capability.

23 Q So it's General Walker's view that at least 100 guardsmen could have
24 responded hours earlier than when they arrived. And when the committee asked
25 Secretary Miller about that, he said, quote: Why didn't he launch them? I'd love to

1 know. That's a question I was hoping you'd find out. I've launched QRF without
2 approval more than once, so I don't know. Beats me.

3 Our question: I think his response would be that he was waiting for the order
4 from Secretary McCarthy or yourself.

5 His answer: A two-star general? One of the most senior military Army leaders?
6 And that's why I would -- I don't know what happened, end quote.

7 Hearing that, were you and Acting Secretary Miller on the same page regarding
8 what authority General Walker had at that moment to send in the National Guard?

9 A No. I mean, it was more of just make sure that you take the appropriate
10 measures to launch the capability. And where I didn't think he knew was what was our
11 mission going to be. And I wanted to make sure I knew how the employment would
12 work. Would the 40 go separately? Would the 110 go separately? Who is going to
13 lead the operation? We are going to support Metro P.D., we are going to support the
14 Capitol Police, FBI? So I just had a series of questions that I wanted to ask.

15 Q But does that outlook from Secretary Miller surprise you, that he says, I
16 don't -- I don't understand why that, you know, if he had the authority that, saying
17 General Walker, at 3 o'clock, if it was urgent, if it was needed --

18 A Well, he gave the authorities to me but not General Walker. So we had to
19 turn to the other agencies and understand how we were going to conduct the operation.

20 Q Okay. So is it fair then at that point, at 3 o'clock, you know, Secretary
21 Miller has given the authority, he doesn't require you to go back to him, he doesn't need
22 to look at any sort of remissioning --

23 A No. But he did say to keep him informed.

24 Q He did say? Okay.

25 A Yeah.

1 Mr. White. Can I -- we've gone well over an hour.

2 [REDACTED] Yeah.

3 Mr. White. Is there a natural breaking point?

4 [REDACTED] We can break right now.

5 [REDACTED] We can break right now.

6 Mr. White. Okay. We don't need long.

7 [REDACTED] Okay. No problem.

8 [REDACTED] Perfect. Thank you so much.

9 [Recess.]

10 BY [REDACTED]

11 Q To be clear, Secretary, who in your mind would be responsible? You know,
12 we talked a lot about some things, what equipment actually made it into the vehicles,
13 some of the preparation that tactical officers within D.C. National Guard made on their
14 own.

15 In your mind, whose responsibility would it have been to tell you those things, to
16 let you know that these sorts of things were --

17 A General Walker. Sorry.

18 Q And, obviously, based on your previous answers, General Walker did not tell
19 you any of the things that you mentioned you were not aware of on January 6th.

20 A Correct.

21 Q Is that fair?

22 A Yes.

23 Q And I wanted to just, you know, just get back really quickly to that topic of
24 Secretary -- Acting Secretary Miller and his approval down to you and then to General
25 Walker. You know, you implied that, you know, he didn't give General Walker authority.

1 He gave you the authority and wanted you to sort of come up with the planning. And
2 then ultimately, of course, you give General Walker the authority later in time.

3 So his -- that quote to the select committee is -- our question is: So just so I'm
4 clear, that would be between Secretary McCarthy and General Walker in terms of why
5 General Walker didn't move them, being the QRF or whatever forces?

6 And his answer was: No. It's between General Walker and General Walker.
7 He seems to be --

8 A Well, that's where we may have talked past each other in his office.

9 Q And that's what I want to clarify. So now hearing that quote, was it your
10 understanding that at that point General Walker --

11 A It is --

12 Q -- did not have --

13 The Reporter. Excuse me. You have to go one at a time.

14 [REDACTED] Sorry about that.

15 Secretary McCarthy. That's my fault.

16 BY [REDACTED]

17 Q So the question is just, so is it fair to say that at that point maybe there was a
18 miscommunication as to whether General Walker at 3 p.m. had the full authority that he
19 needed in order to deploy the D.C. National Guard?

20 A Correct.

21 Q And that's because your understanding is you --

22 A I had the authority as the Secretary of the Army.

23 Q Perfect. And then you at some point wanted -- you and -- and then, you
24 know, relayed that information back to Secretary Miller, once you felt that everything
25 was put in place, that then you would give the green light to General Walker. Is that

1 fair?

2 A Yes.

3 Q Can you talk about between 3 and 3:30? Now that, you know, Secretary
4 Miller has given approval from his position, what were you doing in that half hour?

5 A Talked to General Walker, then I called the Mayor. And then I had started
6 to get a flurry of phone calls because there was reporting that we denied the request.
7 And literally it was the Speaker, the majority leader, pick just about any Member of
8 Congress calling and obviously very upset. And there was tremendous confusion
9 because someone had said we aren't coming, which was categorically false.

10 So it went into the next 25 minutes of literally standing there, people handing me
11 telephones, whether it was the media or it was Congress. And I had to explain to all of
12 them, no, we're coming, we're coming, we're coming. So that chewed up a great deal of
13 time.

14 Q Can you explain why you thought it was your responsibility to field those
15 calls and not someone else's?

16 A The Speaker of the House is on my cell phone; I'm going to take the call.
17 They were obviously very upset, worried about their Members. I wanted to give
18 assurance to -- not hand this off to one of my military assistants -- to let them know we
19 were definitely coming. There obviously was great confusion because it was over
20 various media outlets that was the perception, we weren't coming.

21 Q Between 3 and 3:30, what was your understanding that Army personnel at
22 the Pentagon were doing with regard to preparing for deployment, if anything?

23 A That they were mustering and getting into position, moving towards the
24 position to get all of their equipment in and get ready for deployment to the Capitol.

25 Q And what was your understanding of what the various servicemembers, the

1 90 for traffic control point, the 40 for QRF, the rest at the armory, what they were
2 supposed to be doing at that time, if anything?

3 A To get to the armory and get their equipment.

4 Q On January 6th, were you familiar with Brigadier General Robert K. Ryan
5 from the D.C. National Guard?

6 A I know who he is, but I don't recall talking to him in detail that day. I don't
7 think I did talk to him. I met him in the summer.

8 Q So Lieutenant Colonel [REDACTED] told the select committee that after arriving at
9 Capitol Police headquarters at 3:10 p.m., where Assistant Chief Carroll and USCP Chief
10 Sund were asking him about the whereabouts of the D.C. National Guard, he called his
11 direct supervisor, Brigadier General Ryan, to tell him about the preparations he had put in
12 place so that at least a set -- 90 servicemembers at traffic control points and the 40
13 servicemembers of the QRF could respond as soon as approval came down.

14 You were never contacted by Brigadier General Ryan. Is that fair?

15 A No.

16 Q Neither were you in contact with Lieutenant Colonel [REDACTED] --

17 A No.

18 Q -- on that day?

19 So was your main point of contact within the D.C. National Guard itself, the
20 locations of servicemembers and their level of preparedness, was that basically just
21 General Walker?

22 A Yes.

23 Q So we talked about 3 and 3:30 what you're doing. Can we talk about 3:30
24 to 4:00?

25 A Yes.

1 Q What are you doing?

2 A Ultimately, I went back down to my office to get some things. And I was
3 going to go down to the Metro police station. We left around 3:45.

4 Q And you arrived at 4. Is that fair?

5 A That's right.

6 Q So is it fair to say that between 3:30 and 4:00, after you're done fielding the
7 calls from both the media and Members of Congress, is spent on you moving to MPD
8 headquarters?

9 A Yes.

10 Q Is your understanding of what the Army personnel are doing with regard to
11 preparing for deployment the same as the previous half hour?

12 A Yes.

13 Q And same understanding of what the various guardsmen, the 90 at the
14 control points and the 40 at the QRF, the rest of the Army, they're doing the same sorts of
15 things in that half hour, per your understanding, correct?

16 A Yes.

17 Q I think you've answered this. Lieutenant [REDACTED] told us that by 3:50 p.m.,
18 the QRF -- well, actually, has responded to the armory instead of the Capitol, right? So
19 they don't go to the rally point; they go straight to the armory. But are ready to go at
20 that point on the buses with the equipment that they brought.

21 Can you explain a bit why they aren't deployed at that moment, at 3:50?

22 A We -- I mean, we were talking with the Mayor and the police chief about
23 how we were going to put the plan in place to respond to the Capitol. And when I had
24 gotten there, the police chief was -- it was going back and forth with Assistant Chief
25 Carroll who was really starting to get the site picture, and he was feeding that back to us.

1 Here's what we think, roughly how many people are in the building. Can you get tactical
2 teams, the FBI and DHS, to support? How many guardsmen can we get? We think
3 we're going to put them into a static security position.

4 So you saw them starting to come together, like, here's what we're going to do
5 with these capabilities. And that's when we were over the map looking at the Capitol.

6 Q And that's between 4 p.m. and 4:30 p.m.?

7 A Yes. And then, ultimately, my -- when we made the decision to go, my
8 operations director, General LaNeve got on the phone and relayed all the details.

9 Q And so my question: Is there a reason that you yourself are, let's say at 4
10 to 4:30 point, creating the plan and not delegating that or allowing, let's say, D.C. National
11 Guard, people like Lieutenant General [REDACTED] or General Walker himself to do it?

12 A Well, we wanted to know how we're going to lay in all of these capabilities
13 next to each other at the strategic level which would flow down to the technical.

14 Q Why isn't -- where's General Walker?

15 A He's at the armory at this point.

16 Q But why isn't he collocated with you, as he was during various points in the
17 summer, so that either, you know, he can inform the creation of --

18 A Over the summer, it was more deliberative of us getting together. This was
19 a hurried, mad rush of us getting into position. So we -- it was very much a pick-up
20 game that day.

21 Q But what was -- did you ask yourself in your mind where is General Walker,
22 or ask him, hey, are you coming to where I am or --

23 A We -- I wanted to make sure he could get all the units back together and he
24 could get them to configure the equipment and that we would link up at a point
25 downstream in the evening.

1 Q And I guess I -- I understood, you know, why you aren't creating the plan in
2 how it will flow down to the tactical level, but why isn't General Walker, is my question,
3 creating the plan --

4 A Well, he --

5 [Reporter asked for clarification.]

6

BY [REDACTED]

7 Q The plan. Why isn't it at -- why is it at your level and not at his?

8 A I was doing it with the Mayor, the police chief, and the deputy director of
9 the FBI, my counterparts, and then ultimately wanted to understand what our role would
10 be, the conditions. And then we turned to him to work the tactical details for that.

11 [REDACTED] Can I just ask --

12 [REDACTED] Yeah. Go ahead.

13

BY [REDACTED]

14 Q So the tactical details, are you creating the tactical details with the Mayor
15 and Chief Contee and Dave Bowdich at that time or --

16 A This was, you know, putting all the pieces together for the strategy of how
17 you're going to take back the Capitol. The tactical details would be the points that Robin
18 made about link up at the parking lot, here's how you're going to serve, here's where
19 you're going to be. So that's what we were all talking about. Because what we didn't
20 understand, whether they're at the armory or they sat in the parking lot, how are you
21 going to lay in all the capabilities to clear the Capitol, secure it, and ultimately push out
22 the security profile, which ultimately, when we put the fence in the next morning, of how
23 you're going to secure the Capitol --

24 Q Got it.

25 A -- that's the difference. There's a strategic and a tactical. There's a fine

1 line between the two. And that's what I was working out with them. And, I mean,
2 from the moment we made the call at 4:30, I immediately turned, wrote the talking
3 points down -- our operations director made the call. I was worried about my talking
4 points. How am I going to communicate this alongside the Mayor to the country that
5 we're going to take the Capitol back. We're going to support this operation.

6 Q Uh-huh.

7 A And then when we left the podium from that, I started getting on the phone
8 calling Governors, call DHS for fences. We knew that this could go on for days.

9 Q Uh-huh. All right.

10 A I mean, the thing that has to be appreciated was this was the spring of
11 minutes -- ended up being a couple of hours -- that you went from a cold start, incredibly
12 confusing, countless Members of Congress and media, people calling, people upset,
13 people confused. No one gave us a clear operational site picture till really 2:30.

14 Q Uh-huh.

15 A So it was an incredibly confusing day. And that makes for a messy
16 response.

17

BY [REDACTED]

18 Q Can you get into what that, you know, 4 to 4:30, you're sitting there with the
19 map, you're coming up with --

20 A I believe we got into the headquarters at 4:10.

21 Q Okay.

22 A So, I mean -- so if you want to get down to minutes here, that is really 20
23 minutes, look at the map, and then we made a phone call.

24 Q What was specifically added that wasn't -- that wouldn't have been there
25 previous to all the preparation you heard that was actually told to the servicemembers at

1 the armory?

2 A Well, you told me about a linkup location. I don't know if they gave all the
3 specifics of where they were going to secure, what units they were going to work for, how
4 long they were going to be there, any of the details related to that. At the end of the
5 day, no one knew what the plan was going to be to clear the Capitol.

6 Q And so you weren't actually aware of what ultimately made it down to the
7 servicemembers in terms of how much of that 20 minutes, you know, plan put together,
8 whether --

9 A Well --

10 Q -- all of it, what was conveyed to them?

11 A That's where General Walker has to take that guidance and employ it into
12 action. So this -- at each echelon you go down, you take the guidance or the intent and
13 you put in more details.

14 Q How did that conversation with General Walker go at 4:30?

15 A I was at a table taking notes. I believe that General LaNeve was standing
16 next to me. And he was literally relaying all the details from the conversation that we
17 had had. And in his position, he has -- he can speak, once given the authority, delegated
18 authority to speak as the Sec Army; that is, he does this for, not anymore, but in that job
19 he had the authority, that role worldwide support for operations.

20 Q And so is this on speakerphone or did you hand the phone over to --

21 A He was standing next to me. I was sitting there writing my talking points.
22 I had an aide sitting next to me. Because the Mayor said she wanted to go on TV to
23 communicate to the public, and they had asked me to go with. And I said, you know, I
24 wanted to get my thoughts collected.

25 Q How specifically -- what did you say to General Walker to convey to him that

1 deployment was green lit at 4:30?

2 A That was -- I told General LaNeve to take all of the particulars of our
3 conversation and send them up to the Capitol and prepare for follow-on instructions after
4 they were in place and supported Metropolitan Police and the Capitol Police in this
5 instance.

6 Q So is it fair --

7 A And then follow-on guidance after they were in place of are you going to
8 stay in that mission all night, are you going to do something different tomorrow, what are
9 we going to do in the coming days?

10 Q As you know, obviously, General Walker --

11 A LaNeve went through all of the specifics of our conversation. As I said
12 earlier, I talked with him.

13 Q And as you're aware, General Walker has said that that 4:30 call never
14 happened. Can you just tell me in terms of how was it said, how was it worded, this
15 idea that you have now green lit deployment of the National Guard at 4:30?

16 A So I was multitasking. So, you know, he had said that they just -- the
17 conversation he told them with a mission put all 100 -- I think it was 150 forces together
18 to support static security and they will be employed. I think that's the east side of the
19 Capitol where they're conducting clearing operations, and they would flow in the
20 direction, like I said, it would be, what, north to south. And then he had said you're
21 going to link up at First and D, Assistant Chief Carroll. And he went through specifics of
22 the linkup points, who you're going to work for, rules of engagement, the configuration of
23 equipment, things of that nature.

24 Q Could any of that be misunderstood not to be a clear you are given the
25 go-ahead, you know, either the authority, Secretary Miller's given me the authority, and

1 now I'm giving it to you --

2 A To go.

3 Q -- to go?

4 A No, no. At that moment, no.

5 Q Okay. So all of those follow-through plans back to you conveyed you have
6 what you need at this point?

7 A Yes.

8 Q And you don't believe it to be reasonable or plausible that he may not have
9 interpreted that as I don't have full authority yet, that here's this plan that you
10 developed, but I haven't heard?

11 A I -- no. I -- I mean, they talked pretty clearly. But, again, so it was a
12 confusing day and there was a lot of phone calls and --

13 Q Okay.

14 BY [REDACTED]

15 Q It sounds like you didn't talk directly to General Walker. Is that fair?

16 A He was -- the guy who was talking was standing next to me. Because the
17 moment we finished, they said, we've got to get on TV; no one's been on TV. And it
18 was -- it was like, we need to go now, and I had to put my thoughts together in like 2 or 3
19 minutes, my thoughts together.

20 General LaNeve has the authority to speak as the Secretary of the Army for
21 deployment of capabilities worldwide, so that's not an unusual thing. He did a lot of
22 that work in the summer in working with the D.C. Guard in particular.

23 Q Got it. But as you're describing it, it sounds like you're aware of what
24 General LaNeve is conveying to General Walker.

25 A Yeah.

1 Q But did you directly get on the phone with General Walker?

2 A I didn't, because I had to get ready to go downstairs, which, you know -- I
3 think you saw about 10, 12 minutes later we were on national TV.

4 [REDACTED] So that the timeline --

5 Secretary McCarthy. LaNeve, just so you know, he is the operat- -- in the
6 position he was in he was the operations director of the U.S. Army. That's their job is to
7 work all of the movement and deployment of personnel. A very senior role within the
8 Army Secretary -- or the Army staff.

9 BY [REDACTED]

10 Q And General Walker is familiar with General --

11 A Very familiar with him.

12 Q Did you want to --

13 A I just wanted to make sure you knew who he was.

14 Q Yes.

15 A He's just not some -- he wasn't a junior aide. I mean, General LaNeve's
16 assuming commander of the 2nd Airborne Division next week, and he's an extremely
17 experienced operator. Had a very senior post on the Army staff. He was the one next
18 to me relaying the guidance with the appropriate authorities.

19 BY [REDACTED]

20 Q So I want to run through that a little slower. The timeline says that at 4:32,
21 Acting Secretary of Defense provides verbal authorization to remission the D.C. National
22 Guard Secretary of the Army to provide public notification of support.

23 Is it fair to say that that does not mean that Secretary Miller, you know, gave
24 separate authorization of deployment of --

25 A No. I called and gave him a heads-up that we're going. And, you know, it

1 was -- I think it was very short call.

2 Q So nothing additional in terms of his --

3 A But I wanted to let him to know here's what they're going to do. When you
4 turn the TV on, this is where they're going to be, what they're going to -- so --

5 Q So you mentioned there was a press conference at around 4:45. And you
6 said, quote, At around 3 o'clock this afternoon, we mobilized the D.C. National Guard to
7 100 percent strength. We'll have 1,100 personnel that are convening to the armory as
8 we speak to support Metro P.D. in the establishing of safety in the confines of the U.S.
9 Capitol. We will also be working with other Federal law enforcement entities that are
10 going to be coming here to the Metropolitan police station to add additional support and
11 capability as they continue deliberate planning and looking at how clearing operation will
12 be conducted. Thank you, end quote.

13 Colonel [REDACTED] within the D.C. National Guard wrote a memorandum
14 arguing that because there was no major announcement that the D.C. National Guard had
15 been given the go-ahead to begin deployment to the Capitol, that that corroborates that
16 the approval came afterward, like General Walker says, at 5:09 and not at 4:30.

17 What do you say to that argument of his?

18 A I -- I mean, I think there's confusion by him. That's all I can think of.

19 Q If General Walker hadn't received the green light at 4:30 p.m., how do you
20 explain that the Guard wasn't deployed until 5:20?

21 A Deployed or arrived?

22 Q Arrived. Well, he said the order to -- that he gave the order for
23 deployment at 5:09, and that they arrived at 5:20. Because General McConville's the
24 one who tells him at 5:09, hey, you have authority. What's going on? And he says, oh,
25 and that's when he moves --

1 A General McConville called him at 5:09?

2 [REDACTED] So the testimony of General McConville is he walks into the -- at
3 the video conference room and sees General Walker still on the video. And
4 McConville -- again, I'm summarizing -- is like, hey, you've got everything you need; go, go
5 be with your guys. And then that's when, from General Walker's perspective, he gets
6 the green light to move folks.

7 Secretary McCarthy. I -- I can't -- I don't know how to explain that.

8 [REDACTED] And, you know, he says that he's on that VTC from the 2:30 phone
9 call all the way through till 5:09, waiting there. And that that's, you know, again,
10 corroboration as to his perspective that he never received a call from you giving the green
11 light. That he's waiting there, and it's not till McConville walks in that he says, oh, okay.
12 And his position is -- I don't know -- he was waiting for authority. He certainly wouldn't
13 have, he says, of course, been given authority at 4:30 and waited an extra 39 minutes to
14 give the deployment order.

15 Do you have -- I know it's hard because --

16 Secretary McCarthy. I would be speculating.

17 [REDACTED] Right. You don't have any visibility into how maybe that
18 miscommunication happened?

19 Secretary McCarthy. [REDACTED] I can't even -- I tried to articulate just how confusing
20 that was. People just handing you cell phones, and meetings. You're dealing with, you
21 know, press conferences, you're looking in operating -- you go into the operation center
22 trying to think to the next coming days of how we're going to secure the Capitol. I
23 mean, it was incredibly confusing. And I think that it's clear to say that people probably
24 talked past each other. And that happens in tough, stressful situations.

25 [REDACTED] Can I just ask also, the statement you read is from the press

1 conference?

2 [REDACTED] Yes.

3 [REDACTED] Would you have made that statement if you had not given the
4 green light to General Walker?

5 Secretary McCarthy. No. I mean, look, I came off the stage and I just said, how
6 are we looking, you know, are they, you know -- we just told the world we're coming, you
7 know. And that was where they just kind of did the call and update to see where things
8 sat.

9 But, you know, the Guard was in a tough position, and people were spread out.
10 It was very confusing. They weren't prepared for that mission. So I, you know, I -- it
11 was a very, very hard day.

12

BY [REDACTED]

13 Q Well, and in the press conference you're announcing the 3 o'clock
14 mobilization order, but you're not saying 15 minutes ago we've actually given the green
15 light for deployment. Is there a reason why you wouldn't mention that timeline, the
16 4:30 sort of that -- and others are actually on their way, versus 3 o'clock where they're
17 being mobilized but, as you put it, you had not given authority for them to actually
18 deploy?

19 A No. I was just talking in broad strokes how we're going to support
20 operations. I mean, there wasn't any intricate level detail relayed in that press
21 conference, but it was just more of you hadn't seen senior leaders on TV telling the
22 American people that we're responding. We did it more of just an
23 assurance/reassurance that we're not just letting this transpire without doing something.
24 It wasn't the informative briefing where we got 150 people arrayed on the east side, all of
25 the specifics you would get out of a press briefing. It was more of just

1 assurance/reassurance that we're going to get this under control and we're going to get
2 the Congress back in there to certify the election.

3 Q Is it fair to say that the CONOP that you communicated was what LaNeve
4 sort of ran down, gave to General Walker, that's what you guys developed in the 20
5 minutes, 4:10 to 4:30, that that was the concept of operations, not written down, but
6 verbal? Is that fair that that's what the CONOP was?

7 A Yes.

8 Q And so General Walker has testified that ultimately there was no CONOP
9 given to the servicemembers. Captain [REDACTED] who is in charge of the sort of second
10 shift at the armory, confirmed that no CONOP was communicated to the servicemembers
11 under his command. There's Lieutenant Colonel [REDACTED] who told the select
12 committee -- his command, of course, being the traffic control points, which never
13 actually made it out, right? They stayed at their post until midnight, so they never
14 actually sort of responded to the Capitol with the armory folks and with the QRF.

15 So he tells the committee:

16 Question: Who was it in your mind that would have put or that did put together
17 a hasty plan, is what he called it, that's synonymous with the CONOP?

18 Answer: That was me. I worked with Capitol Police and MPD to create the
19 plan.

20 Question: And you mean the one that was actually used on that day?

21 Answer: Yes. The one that was actually used as far as which lot they would
22 come into, who would meet them at the lot, and then who would lead them over to the
23 Capitol. That was between myself, MPD, and Capitol Police. So we never received any
24 guidance there on the ground from anyone to tell us, quote, "Hey, this is what you should
25 do," quote; or, quote, "This is the plan." And I passed off to Colonel [REDACTED] the QRF. I

1 said, hey, when you pull into this lot, they will meet you there. This is who, you know,
2 you're going with these personnel.

3 Hearing that, was the CONOP that was developed actually used -- in your mind, do
4 you -- if you know, if you have any visibility -- was actually used to tell the
5 servicemembers what to do when they reached the Capitol or --

6 A That would have been dependent upon General Walker to flow that
7 information down to his soldiers. I mean, I -- you're relaying conversations I'm not privy
8 to, and, you know, it was his responsibility.

9 Q What would you think about, you know, because -- you know, there's been
10 some criticism between the 3 and the 4:30, hour and a half. What do you think? If
11 that were true, if the concept of operation that was devised in that 20 minutes was
12 ultimately not used and they were told to go support law enforcement, and take your
13 orders from MPD or Capitol Police once you get there, what would be your view about
14 that, in retrospect, if that were to be true?

15 A I'd say it's contrary to what we wanted to do. But I think, you know, this is
16 important why we have to put out guidance, why we have to do rehearsals, we have to
17 do what we call troop leading procedures. And that's -- I'm disappointed, but
18 apparently that's what you're finding.

19 Q And these are just questions that other people -- you know, answers that
20 other people have given us. So I'm trying to figure out whether that adds to your
21 understanding of the day, if ultimately it wasn't used, whether looking back you think
22 that, you know, would you still spend the time to do that in --

23 A Absolutely. You never would employ our personnel, whether it's on an
24 American street or a foreign street, without putting together a CONOP, without you
25 putting in procedures. That's how you get people hurt, get them killed. That's how

1 you make mistakes. You know, putting that information, thinking it through, talking to
2 the adjacent organizations you're going to be supporting. It's fundamental to how the
3 Department of the Army does business. And, you know, if leaders and echelon aren't
4 doing that, they're wrong.

1 [2:06 p.m.]

2

BY [REDACTED]

3 Q In terms of the visibility the people within the National Guard had as to what
4 was being done at the time, so obviously you let General Walker know, or per your
5 testimony at 4:30, about what the CONOPS was. But if, you know, his testimony is he
6 never received a CONOPS, and if it is the testimony also of Lieutenant Colonel [REDACTED]
7 quote, "I didn't understand what they were working on." I mean, because, you know,
8 I'm seeing this, and I'm seeing that they needed help, and I have Chief Sund confirming
9 they need help. And Chief Carroll, you know, he's looking at me and he's asking me,
10 Okay, what's the update? Are they coming? Where are they? And in my mind, I
11 couldn't understand what are you working on? There's nothing to work on.

12 My question is less about -- it's more about, like, keeping them informed, visibility.
13 Do you think that that was maybe a flaw in who knows where in the line? It could be
14 with General Walker. But do you think there could have been a better job done keeping
15 the National Guard informed at the time of what was being done behind the scenes at
16 4:30?

17 A That's -- I mean, that's within the D.C. Guard. That's General Walker's
18 responsibility.

19 Q You feel as though if you conveyed that, of course, to General Walker, it
20 would be his responsibility to get it down to --

21 A I don't talk to troop lead commanders, no.

22 Q And so, I think I know your answer to this, but sir, given what you -- you
23 know, assuming that this level of preparation that was done at the tactical level in the
24 D.C. National Guard is true, Lieutenant Colonel [REDACTED] puts earliest deployment this way,
25 and I think General Walker agrees with him. So far, he's testified publicly about that,

1 quote, that he believes within 1 hour, I say I could have had 135. So the 41 coming from
2 Joint Base Andrews, if they would have headed directly to me at the Capitol, and then the
3 90 I had on the street, and the four that were including myself. So within that -- within
4 1 hour, I definitely could have had 135 there.

5 Question. So then 3:40 to 3:50 is what you're saying?

6 Answer. Roger.

7 Do you think that that -- do you agree with that? Do you think that that would
8 have been feasible or not?

9 A I don't.

10 Q And can you just run through why not?

11 A Well, again, the coordination with adjacent units, the types of equipment,
12 putting out the task and purpose of what they were going to do. If you just wanted to
13 drive up and just fall in, you might be able to get there in an hour, but there was -- there
14 are what we call the troop-leading procedures, where you think through how you're
15 going to support this operation, go through the orders process, and articulate to your
16 soldiers what your task and purpose is going to be.

17 They didn't know what the mission was going to be. There was tremendous
18 uncertainty. And, you know, they're -- our units go through extraordinary lengths to
19 understand all of those elements of the orders process to conduct rehearsals and to do
20 the right thing. I mean, your absolute best units in the military, the 82nd Airborne, the
21 Ranger regiment, all go through these processes. If you were to recall elements from
22 any active unit, it could take you upwards of 2 hours to get into position to go. You
23 know, I still think that they did the best they could that day and performed for the weeks
24 that followed.

25 Q And I think I asked you this, but I want to make sure I put it on the record,

1 the actual quote from General Walker. Tell me if you disagree with him, and I assume
2 you do. We had asked him, question -- because there were other statements he made.

3 There's nothing that the Secretary of Defense through the Secretary of the Army
4 told you to do that you weren't already going to do?

5 And his answer was, "I never got a plan from them. They claim they were
6 putting a plan together. That's what took so long. I never saw a plan from the
7 Department of Defense or the Department of the Army," end quote.

8 I'll just ask for the record, do you disagree with that?

9 A Yes.

10 Q At any point, did anyone from the White House reach out to you that day
11 either --

12 A No.

13 Q Okay. Either to ask what the delay was --

14 A No. I -- the only person from the White House that I was on a phone call
15 with that day was at 7:00. There was, like, probably, I don't know, 100 people on that
16 phone call. It was the leadership of Congress. The Vice President was the person I
17 would say, you know, in essence, how do we get you back into the Congress to certify the
18 election?

19 Q So no call from Chief of Staff Meadows?

20 A No.

21 BY [REDACTED]

22 Q Secretary McCarthy, obviously you talked about the tremendous confusion
23 and the hard day here that everyone had on January 6th. And it's clear from -- we've
24 talked to a number of people, both DOD leadership as well as within the D.C. National
25 Guard, and I just -- this is so on the minds of what people have discussed about January

1 6th, the length of time it took for the D.C. National Guard to arrive.

2 I'm just wondering if it's possible that you, on the strategy side of the 4:00 hour,
3 talking to Chief Contee and the Mayor, that the decisions that you were making, similar
4 actions and efforts were being taken by the D.C. National Guard staff as discussed by my
5 colleague, and the left hand wasn't necessarily talking to the right hand. Again, as a
6 civilian, just looking at what happened. Is that possible?

7 A It could be.

8 Q And the key bridge in that sounds like it would be in that 4:30 timeframe
9 from Chris LaNeve to General Walker. Is that correct?

10 A Yes.

11 Q And that's where the details of the plan you devised would have gone to the
12 D.C. National Guard?

13 A Yes.

14 Q Did the -- did Chris LaNeve make it clear to General Walker that he was
15 speaking on your behalf?

16 A He was standing next to me, so yes.

17 Q And as far as after that 3:00 communication with General Walker or 2:30,
18 3:00, the phone call, did you have any direct calls with General Walker after that?

19 A My staff was communicating with his staff, you know. This was the whole
20 dilemma we had with the now -- the no phone call. They were not coming with all those
21 phone calls, then the transit, then we got to D.C. headquarters, but we were in
22 communication with his staff throughout.

23 Q I want to just go through a couple more things before we ask you for
24 what -- and we really -- and I hate this because always gets to the end of the day when we
25 ask people what their recommendations are --

1 A Okay.

2 Q -- as far as how to not let this happen again. I feel like we've identified a
3 number of different issues throughout the last few hours.

4 A Sure.

5 Q But before I ask you to do that, there's a number of tweets on January 6th
6 that occurred from President Trump that occurred before the violence ensued and while
7 it was escalating. I just want to go through some of them and ask your awareness of
8 them.

9 A Okay.

10 Q January 6th, 2:24. Mike Pence doesn't have the courage to do what should
11 have been done to protect our country and our Constitution.

12 Were you aware of that tweet?

13 A Not at that time.

14 Q 2:38. Please support our Capitol Police and law enforcement. They are
15 truly on the side of our country. Stay peaceful.

16 Were you aware of that tweet?

17 A No.

18 Q Was there any --

19 A What I described to you before was pretty intense, what I was going
20 through.

21 Q Sure. During this intense period of time from, like, the 2:00-to-4:30 time
22 period, did you have an expectation that the President would come out and say
23 something publicly to quell the violence that was going on?

24 A I -- yeah. I would have presumed that he would have done something,
25 yeah.

1 Q And what was your reaction when he did not?

2 A Well, I mean, it was well after the fact that I got my bearings, maybe a day or
3 two later. I mean, it was -- I didn't go home until about 2 in the morning that night, and
4 I didn't really have the situational awareness of what he was doing. I mean, I was head
5 down on how to figure this out.

6 Q Sure. And then upon -- like, in hindsight after you have a minute to realize
7 the President didn't come out in the moment, what was your -- what's your thought on
8 that?

9 A Disappointment.

10 Q At 3:13, there was a tweet from him. I'm asking for everyone at the U.S.
11 Capitol to remain peaceful. No violence. Remember, we are the party of law and
12 order. Respect the law and our great men and women in blue. Thank you.

13 Again, this is -- at 3:13 is after Ashley Babbitt had been shot. Shots are fired.
14 Were you aware of any of these tweets before in the moment?

15 A The only time I know about tweets are when my staff had told me about it.
16 I don't know how to do Twitter. I still don't do Twitter.

17 Q Finally at 4:17, there's a video that he -- that the President puts out, and I
18 should note that in none of the prior tweets does he say, Go home. Finally, there's a
19 video where he tells the rioters to go home, again, in substance. And from court filings,
20 we've learned that that did have an impact on the crowd. And, in fact, those on the
21 perimeter kind of decided, okay, to -- some decided to turn the other way and head back.
22 Do you think if he had issued a statement earlier similarly, perhaps the 2:00 hour, it
23 would have had an impact on that day?

24 A For sure.

25 Q And what's your response to this correlation and the timing between the

1 timing of the former President's tweets and your approval time of 4:32? There's been
2 some reports that there's a correlation there. I want to give you the chance to respond
3 to that.

4 A It's absurd. It had nothing to do with that.

5 Q Did it have any impact on your team, any --

6 A None.

7 Q We talked a lot about the authorities that happened on that day from the
8 Secretary of Defense down to you. Did you need -- did you or Secretary Miller need any
9 additional authorities from President Trump on January 6th?

10 A It was -- Secretary Miller and General Milley had that discussion on that
11 Sunday that I'd referenced, and it was their understanding that they had the authority
12 delegated down to them, or to the Secretary Miller, excuse me, not General Milley.

13 Q Could President Trump have taken any action that would have increased the
14 response time of the D.C. National Guard?

15 A At that point, it was in Secretary Miller's hands.

16 Q But if President -- you did not have any contact with President Trump,
17 correct?

18 A No.

19 Q Secretary Miller testified he did not have any contact with President Trump.
20 I guess my question is, if Secretary -- if President Trump had called you or Secretary Miller
21 and said, let's go, let's get these folks moving, would it have impacted the response time?

22 A I'd say, we're working on it, Mr. President. We've got to know what we're
23 supposed to do. I mean, that was -- we wanted to be deliberate in how we employed
24 them and make sure we got it right. I mean, there were a lot of people calling us to
25 hurry, the Speaker, a lot of other very senior people, but we wanted to do it the right

1 way.

2 Q Got it. Were you ever concerned about the former President Trump using
3 the military that day to extend his power beyond January 20th?

4 A There was a lot of talk in the lead-up about martial law. We went over that
5 earlier --

6 Q Uh-huh.

7 A -- and the employment of forces, and you know, that was something that we
8 were all, you know, conscious of. And that's why, you know, when you hear -- you
9 heard throughout, probably from other testimony as well that we wanted to be very
10 conscious of where our people were going to be that day and the roles that they were
11 going to be performing, duties they were going to be performing. But, I mean, in the
12 lead-up to it, did not see anything that would give you the sense he was going to order us
13 to send troops to the Capitol in support of anything untoward.

14 Q Were you concerned about any such action being taken on January 6th,
15 particularly once the violence had begun and escalated?

16 A You know, I was -- my head was down on how to turn this on and being
17 support, so I couldn't think about anything else but how do we get this done as quickly
18 and as effectively as possible.

19 Q But there was no pause in your mind to say, if we had the National Guard
20 respond, President Trump could exert his authority over them?

21 A No. I mean, it was a blur. It was -- that was day was so stressful.

22 Q But that particular concern did not come to mind?

23 A No.

24 [REDACTED] Before I ask Mr. McCarthy for some recommendations, does
25 anybody have any questions? I see [REDACTED] is on. Okay.

1 [REDACTED] I just want to ask one thing.

2 [REDACTED] I appreciate it. Thank you.

3 Go ahead.

4 [REDACTED] He doesn't have any.

5 BY [REDACTED]

6 Q Similarly, you know, there are some folks who think that either the
7 reluctance to approve the National Guard right away, the sort of disinclination you said
8 you had but then were persuaded pretty quickly by Chief Contee, and then approval came
9 sort of 4 days later, that that either played into, quote, unquote, a delay in the
10 deployment of the National Guard. I just want to have you on the record. Did
11 that -- you know, your either initial disinclination to have the National Guard serve this
12 role, did that have any effect on January 6th in the deployment of the National Guard
13 ultimately.

14 Secretary McCarthy. None. I mean, we wanted to ensure we had unity of
15 effort, unity of command, so that they could be effective, you know. I think that it's only
16 fair for me to say that I had to be deliberate. You're employing soldiers on the Capitol of
17 our country. It's pretty extraordinary, and I wanted to get it right.

18 [REDACTED] Thank you.

19 BY [REDACTED]

20 Q Secretary McCarthy, you talked a lot in the beginning about the unique
21 situation of D.C. and kind of the national Capitol region, the jurisdictions, the lack of unity
22 of command. I'm wondering. I want to give you an opportunity to help guide us in
23 what kinds of recommendations we can make to ensure that there's a better way to deal
24 with a crisis that occurs in the D.C. area?

25 A So all of the things we've talked about today, which you and I talked about

1 back in the spring, and the other committees of jurisdiction I've talked to, and the DOD
2 Inspector General, repeatedly, the theme is the security architecture for the city, unity of
3 command, unity of effort so that one person is in charge. They can make the decisions.
4 They can appropriate authorities, and that they can distribute that authority and
5 resources by echelon so that you're not put in this situation that we had on January 6th or
6 January -- or June 1st of 2020, people handing you phone calls and trying to get
7 permissions and the gray areas of how authorities work and the delegations of authorities
8 and how it goes up and down, that ultimately, it needs to be put into an apparatus that it
9 can bring all of these capabilities together with the appropriate authority, resources to
10 make decisions and effectively keep the city and its property safe.

11 I think that, you know, there's multiple committees of jurisdiction that you would
12 have to work with. It would be an incredibly complex endeavor, but it's necessary. We
13 had two instances in 7 months where you had to go through this. Think about that.

14 So I think that, you know, obviously, you want to find out any, you know, activities
15 that happened that are untoward to hold people accountable, do all those right things,
16 but the security architecture is incredibly important. We have the resources. We have
17 the skills and our people, but how it's all -- how it all comes together and how ultimately
18 it works, there are cracks in the system. And, to me, that would be the most important
19 thing so that a day like that never happens again.

20 Q Who should be in charge in situations like this?

21 A The Federal Government has the jurisdiction. So, I mean, historically, when
22 these instances culminate, when they use the Insurrection Act, it's the Attorney General.
23 And that's why when -- in the lead-up to the 6th, like we've discussed, like the Justice
24 Department, the lead Federal agency, are people going to work for them? Are they
25 going to make decisions? That's -- I mean, I've only seen it twice. I'm not an expert,

1 but that was a way to -- how can you fold all of these capabilities under one organization?

2 Q You spoke a little bit about the NSSE.

3 A Yes.

4 Q And that, from our understanding, is -- that happens with the inauguration,
5 with the Super Bowl, with major events. What would your reaction be if the joint
6 session of Congress is one of the events that should automatically be an NSSE event?

7 A Absolutely. I mean, you have the bulk of the leadership of the country all
8 in one place. It sounds to me -- it seems very reasonable.

9 Q And just to go back to the kind of the summer where it was clear DOJ was in
10 charge of that, part of what we're recognizing is that January 6th, while the Department
11 of Defense believes that DOJ was designated the lead Federal agency, DOJ does not
12 believe that that is accurate and that they were in charge of certain coordination aspects,
13 but certainly weren't the lead for that day. What's your response, or what's your
14 visibility to that communication gap that occurred?

15 A For June?

16 Q For January 6th.

17 A Oh. It was just leadership. I mean, Attorney General Barr told us all to
18 come over -- you can lay them side by side. Attorney General Barr told us to come over
19 to the Justice Department. We're going to have a meeting. He stood in front of a
20 room full of people, and he told everybody how it was going to go. On January 6th, we
21 never had that.

22 Q I think we spoke a little bit about the intelligence aspect. It's our
23 understanding that the NSSEs can be threat-driven as well in terms of triggering an NSSE.
24 Would that have made a difference in the sense of some of the warning signals that we
25 talked about earlier? Had they been assessed as specific and credible, would that have

1 triggered -- could that have made a difference in terms of the operations for that day?

2 A I mean, that's the same -- my understanding is it's the same mechanism that
3 we use for the inauguration, and that went very well, so presumably, yes.

4 Q I don't have any more questions. Do you have any other recommendations
5 for the -- obviously, the security mechanism is a big one, and the unity of command. Do
6 you have any other --

7 A That's the one that I saw two times in a row in 7 months. And, you know,
8 looking at the -- at what I had said in my departure discussion with the Department of the
9 Army, I said, you need to talk to the incoming team, the Biden team, about the
10 headquarters DA role. It's this -- they have the Secretary of the Army in the chain of
11 command. That's not an operational headquarters. And it puts that organization in a
12 tough spot because they have to be involved with decisionmaking. So I told them to
13 look hard at that, the security architecture more broadly, and then that was really about
14 it.

15 Q What's your thought about giving the Mayor of D.C. the control of the D.C.
16 National Guard?

17 A I -- you know, I've -- you know, I went through it twice. To be able to cut
18 the resources, you know, I think that if he had authorities like that, they probably would
19 be different in their requests, so -- because, you know, a lot of this is about control and
20 how you're going to be able -- because if you have them there, you're responsible for
21 them. So, you know, would it change the decisionmaking if ultimately those authorities
22 were designated to her? I think it would be worth study, to take a look at that.

23 [REDACTED] I have nothing further.

24 Is there anyone else? Tim, do you have any questions?

25 [REDACTED] No, I don't. I just appreciate it. Again, Secretary McCarthy,

1 thank you.

2 [REDACTED] We greatly appreciate your time. I know we spent time in the
3 spring, as you mentioned, and you talked about this on four other occasions in addition to
4 this. So thank you so, so much for making the time today. And if you think of anything
5 else you feel like we should follow up on, or if there's anything you want to say before we
6 close the record.

7 Secretary McCarthy. No.

8 [REDACTED] Thank you.

9 [Whereupon, at 2:27 p.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