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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: DOUGLAS MACGREGOR

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Tuesday, June 7, 2022

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Washington, D.C.

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The interview in the above matter was held via Webex, commencing at 10:04 a.m.

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Appearances:

For the SELECT COMMITTEE TO INVESTIGATE
THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

- [REDACTED], INVESTIGATIVE COUNSEL
- [REDACTED] SENIOR INVESTIGATIVE COUNSEL
- [REDACTED] CHIEF INVESTIGATIVE COUNSEL
- [REDACTED], INDEPENDENT CONTRACTOR
- [REDACTED] RESEARCHER
- [REDACTED] PROFESSIONAL STAFF MEMBER
- [REDACTED] INVESTIGATIVE COUNSEL

For the DEPARTMENT OF DEFENSE:

ED RICHARDS

For DOUGLAS MACGREGOR:

DAVID JONAS

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2 Ms. [REDACTED] Okay. We're ready then. We're on the record. It's 10:04
3 a.m.

4 Good morning, everyone. This is a voluntary transcribed interview of Colonel
5 Douglas Macgregor conducted by the House Select Committee to Investigate the
6 January 6th Attack on the United States Capitol pursuant to House Resolution 503.

7 My name is [REDACTED] I'm a senior investigative counsel here on the
8 committee.

9 Joining me in the room today is [REDACTED], professional staff member. And
10 we also have some committee members, staffers who are joining us via Webex, [REDACTED]
11 [REDACTED] our chief investigative counsel, [REDACTED] an investigative counsel, and
12 [REDACTED], who's also a professional staff member with the committee.

13 We appreciate you appearing voluntarily before the committee today, Colonel
14 Macgregor. Do you mind just stating your full name for the record?

15 Colonel Macgregor. Sure. Douglas Abbott Macgregor.

16 Anything else?

17 Ms. [REDACTED] And who's joining you?

18 Colonel Macgregor. Just my attorney.

19 Ms. [REDACTED]. Great.

20 And, Mr. Jonas, if you want to just put your name on the record.

21 Mr. Jonas. Sure. David Saul Jonas.

22 Ms. [REDACTED]. Great.

23 We also have Ed Richards from the Department of Defense as agency counsel
24 present for the interview.

25 We are conducting this interview via Webex. And I want to make sure that the

1 exhibits that we provided you, Mr. Jonas, you have those available in front of you, or
2 would you like us -- perfect.

3 It's just a little bit easier if you have them physically in front of you and marked
4 with the same exhibit numbers, or we'll share them with the screen, which is a little bit
5 balky at times.

6 There is a court reporter present who will create a verbatim record of what we
7 discuss. We ask that you verbally answer the questions. The reporter has to take
8 down your answers, obviously.

9 Although the interview is not under oath, you are required to answer questions
10 before Congress truthfully. And in that way, 18 U.S.C. Section 1001 applies here, which
11 makes it a crime to make any materially false, fictitious, or fraudulent statements or
12 representation in the course of a congressional investigation. And that's just a preamble
13 we give to every witness.

14 Do you understand that, Colonel Macgregor?

15 Colonel Macgregor. Absolutely.

16 Ms. [REDACTED] We want you to answer the questions in the most complete
17 and truthful manner possible. So if you need me to repeat a question, or any member
18 or staffer, or need to consult with your attorney at any time, please feel free to do so.

19 I don't see any members joining us at this time. But if anyone does join us, we
20 will make it a point to make the record and see if they have any questions for you.

21 Great. Any questions before we get started?

22 Colonel Macgregor. No. None from me.

23 David?

24 Mr. Jonas. No. No, ma'am.

25 Ms. [REDACTED] Great.

EXAMINATION

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BY MS. [REDACTED]

Q Colonel Macgregor, obviously, this interview is going start with the time period of when you joined the Department of Defense in November of 2020. But if you don't mind, if you could give us a brief overview of your career, that would be really helpful as a start.

A By career, you mean before I joined the Department of Defense in November of 2020?

Q That's right.

A Okay. Well, let's keep it brief. I don't want to be a beardless Castro about myself.

I served for 28 years in the regular Army after 1 year at VMI and 4 years at West Point. So from the time I was 18, the next 33 years were spent in uniform.

When I left the military in 2004, I stayed in the area initially because I thought I might be able to build a different business.

Ultimately, I ended up in partnership with largely Navy people and ended up on contract with the Department of the Navy for the Chief Engineer of the Navy, the Secretary of the Navy, and also did some work for Raytheon Corporation and Bell Laboratories and other minor players, if you will. And I continued to do that kind of work up until about 2011, 2012.

And since then, my income stream has lessened, if you will. I was involved in writing another book and giving presentations on various subjects of a military character to General Staff College, Army War College, and overseas, to the Israeli Defense Forces, and also in Europe.

And then I was in this job in 2020 from roughly 10 November until 20 January.

1 Q Great. Thank you for that.

2 I know you mentioned in 2004 that you left the military. Did you start -- I think
3 you didn't mention the company Burke-Macgregor. What was --

4 A Well, the first company was my own, called Glenstrae Analysis. That
5 ultimately didn't go very far. And I joined another organization called Potomac League.
6 That lasted for a few years. And then Potomac, two -- three of us from Potomac League
7 founded Burke-Macgregor Group. And that lasted until just before I entered the service
8 in 2020. I -- we dissolved it.

9 Q Got it. And you mentioned some books that you wrote. What's the
10 subject matter of those books, Colonel?

11 A Well, I've written five books, and they were all largely focused on military
12 affairs. The first one, of course, was my doctoral dissertation, which was focused on
13 Russia and Germany, ultimately called "The Soviet-East German military alliance,"
14 explaining Germany's strategic position vis-a-vis Russia. That's still in print and available
15 from Cambridge University Press.

16 Then I wrote something called "Breaking the Phalanx," which was an effort to
17 persuade people in the ground forces to reorient themselves, reorganize, and move in
18 new directions with a new force design to maximize integration with aerospace and naval
19 power.

20 The next one I wrote was "Transformation Under Fire." I wrote that after I had
21 been involved with the Kosovo air campaign and spent a lot of time working with the Air
22 Force and the Navy. And I set forth a proposition that we should reorganize around
23 functions, specifically on one side ISR -- intelligence, surveillance, reconnaissance -- and
24 on the other maneuver and strike. It was extremely well-received everywhere but by
25 the United States Army.

1 And all of these things are in Chinese and Hebrew. They're available in the
2 Russian General Staff journals. In fact -- anyway, the bottom line is everybody liked it
3 but the U.S. Army.

4 And then, subsequently, I wrote about the Battle of 73 Easting in 1991.

5 And the last book is called "Margin of Victory," which tries to explain through the
6 20th century what supported victory or did not support victory in terms of force
7 development, military strategy, leadership.

8 Q Thank you for that, Colonel Macgregor.

9 I understand you also make TV appearances and you have a tremendous
10 background. For a layperson, can you just capture what your expertise is, maybe just
11 briefly, so we can use that as a baseline as we go forward?

12 A Well, the Army described me as a strategist, if that's helpful.

13 Q On what in particular? I know the Army loves strategists. So what would
14 be your particular focus?

15 A Well, the jobs that I held after I was in command. I ended up in the War
16 Plans Division of the Army staff. And I managed all of the war planning that went on for
17 the Army with the Joint Staff and reported directly to the Chief of Staff of the Army for
18 any issues regarding changes or alterations to how Army forces would be employed in the
19 joint setting.

20 And, subsequently, when I left the United States and went to Europe, I went to
21 Supreme Headquarters Allied Powers Europe. I was the Director of Strategic Planning
22 for General Wes Clark. And he moved me up and made me -- put me in the spot of a
23 brigadier general, and I became the Director of the Joint Operations Center, which
24 involved 19 NATO nations, as well as partners. And I ran those operations for him on a
25 daily basis at the strategic level throughout the Kosovo air campaign.

1 Then I came back to the National Defense University, and I was the senior fellow
2 for strategy at NDU.

3 Q Great. That was very helpful. Thank you, Colonel.

4 I understand back in 2019 you were considered to be selected for President
5 Trump's National Security Advisor. Is that right?

6 A No.

7 Q Okay. And let me just flag, part of some of the questions we will ask you
8 are things that are reported --

9 A Yes.

10 Q -- that we will try to clarify during the course of this interview.

11 So that's not accurate?

12 A No. There was an awful lot of speculation in the press. But,
13 substantively, no.

14 Q And is the Trump administration the first administration you worked for in
15 the sense of, obviously, not in the military?

16 A Yes.

17 Q And before -- I mean, what would be the first job you were considered for
18 then in the Trump administration?

19 A The first time I was formally considered for anything was for the position of
20 Under Secretary for Plans, Policy, Strategy in -- that would have been 2020.

21 Q In DOD?

22 A In DOD, yes.

23 Q Was that prior to the nomination for the German ambassadorship or after?

24 A Yes, yes, prior to.

25 Q Prior to. Okay.

1 And what happened with that? Do you know what year that was?

2 A That's 2020. That was, I guess, a formal request to interview for that
3 position was sent to me in April 2020.

4 Q Right.

5 A And I think that's in the proffer.

6 Mr. Jonas. It is.

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BY MS. [REDACTED]

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Q Uh-huh. I see that. And I understand that that was in April 2020, as I see

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here. And you met directly with the President. Is that right?

5

A Yes.

6

Q And at that meeting, I just want to make sure, kind of just to get your

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trajectory before you began in November, I understand from the proffer that Steve

8

Bannon was also present during that meeting as well as --

9

A No. No. Steve Bannon was in 2017, shortly before he was fired and

10

removed from the White House, he met with me very briefly.

11

Q Got it. Sorry. Sorry about that.

12

So for the Under Secretary position you met with President Trump for nearly an

13

hour, and Secretary Esper, John McEntee, who was leading the Presidential Personnel

14

Office at the time, correct?

15

A Yes.

16

Q And Robert O'Brien, who was at that time the National Security Advisor,

17

correct?

18

A Yes. Yes.

19

Q So just so I'm clear, in April of 2020 you did not get that position. Again,

20

from the proffer, it sounds like President Trump advised that there were people who

21

were opposed to bringing you in, in that capacity. And before that is the Steve Bannon

22

meeting in July of 2017. Is that right?

23

A Correct.

24

Q But so the first position that was publicly offered to you was as the

25

ambassador to Germany.

1 A Publicly and privately. I was never offered anything in private by the
2 President or his representatives. So the first time I was offered anything was that
3 meeting in April.

4 Q And to backtrack, in April of 2020, again, knowing that you hadn't worked in
5 the Department of Defense before, can you just explain how it came about that you were
6 being considered for that Under Secretary position?

7 A Well, that's an interesting question because I asked that question myself.
8 So anything I would say is speculative.

9 The only thing I can tell you is that when I came in to see the President he greeted
10 me warmly and said that he had listened to me numerous times and was happy to meet
11 me.

12 Q So is that the first time you had met the President?

13 A Yes.

14 Q April of 2020?

15 A Yes.

16 Q And when he mentioned that he listened to you, where would that have
17 been on? On TV or --

18 A I'm assuming on Tucker Carlson.

19 Q Were you surprised at being offered this government position in the
20 Department?

21 A Yes.

22 Q And was it something that you were considering to do had it been offered?

23 A Oh, yes, very much so.

24 Q What about the German --

25 Mr. Jonas. Wait. One second. I'm sorry. I just want to make sure that

1 question was clear. It sounded like you were asking whether he was -- were you asking
2 whether he was interested in a position like that prior to it being offered or were you
3 asking whether he was interested in it once it was offered?

4 Ms. [REDACTED]. The latter. Thanks, Mr. Jonas.

5 BY MS. [REDACTED]

6 Q Is this something you sought? Is this something you sought out, or was it
7 offered to you?

8 A No. No, it's not.

9 Q How did it come to be? Who were you contacted by from the
10 administration?

11 A I was contacted by John McEntee to come in and meet with him. And two
12 or three other individuals had sat in for the discussion with me, during which they asked a
13 whole battery of questions. I assume that was a vetting process.

14 Q Uh-huh. Did you know Mr. McEntee before?

15 A No.

16 Q And did you know Mr. Esper or Mr. O'Brien?

17 A No.

18 Q So it sounds like from what you're saying the former President had seen your
19 appearances on Tucker Carlson where you spoke about the amount of information we
20 went through at the top of this interview in various capacities and then reached out. Is
21 that a fair categorization of how it came about?

22 A That's plausible. I simply don't know.

23 Q Got it.

24 And then just so I'm clear timeline-wise, are you aware of when the German
25 ambassadorship was offered to you?

1 A Yes. I was told by the President at the end of the discussion in April.

2 Q Uh-huh.

3 A He said, "I want to bring you into the administration."

4 And as I think I pointed out in the proffer, he said, very straightforwardly, "You are
5 not going to get this job. But I want to bring you in and we will call you."

6 And on the same day, 4 hours later, I received a phone call from John McEntee.
7 And during that phone call he said, briefly, "The President was going over material about
8 you and wondered if you would be willing to be his ambassador in Berlin."

9 And he recognized that I'm fluent in German, studied there, lived there for many
10 years off and on, served there in the military. And I said, "Yes, of course. That would
11 be a great honor."

12 Again, that was something I had never sought and never even considered, but I
13 was very grateful for the opportunity.

14 Q And then what happened with that nomination?

15 A Well, I, you know, I don't know what went on behind the scenes. I know
16 that I was then told to attend a 6-week course for all newly nominated/appointed
17 ambassadors under the auspices of the State Department end of July and through most of
18 August.

19 So I attended that. And while I was there, there was some interaction with staff
20 of members of the Senate Foreign Relations Committee.

21 Q And were those negative interactions?

22 A Some were. Some were not.

23 Q And, I'm sorry, then just to finish your thought, after that 6-week camp, it
24 sounds like, for new staff members, what happened?

25 A I went home and went back to what I was usually doing and waited for

1 further instructions.

2 Q And did they come?

3 A Nothing until the 9th of November.

4 Q Got it.

5 Was someone -- did you have a relationship with the prior ambassador or met
6 with him?

7 A Never met -- no, I never met Ambassador Grenell.

8 Q So from August until November, did you hear from the Presidential
9 Personnel Office?

10 A Only John McEntee. I recollect perhaps one or two phone calls, three, a
11 maximum of three phone calls. And the person who had been designated as the
12 responsible agent for managing the nominations of all of us that were in the same boat as
13 I was, I don't recall his name, but I didn't see much evidence that he was heavily engaged.
14 Let's put it this way. I didn't hear much from him.

15 Mr. [REDACTED] What was the subject of those phone calls?

16 Colonel Macgregor. The only one of interest to you is the one phone call where
17 he called and asked me for an opinion on events that were occurring that summer in
18 many of the large cities and whether or not it justified the use of Federal force,
19 specifically the Insurrection Act.

20 Mr. [REDACTED] So you were acting as somewhat of an informal advisor at that point.
21 Is that fair to say?

22 Colonel Macgregor. No, not necessarily. I don't know who else he talked to,
23 and he only asked me once.

24 BY MS. [REDACTED]

25 Q I'm sorry. The "he" in that is Mr. McEntee or Mr. Trump?

1 A No, Mr. McEntee. He asked me.

2 Q Just so we get the timing right, the summer protests that he called you about
3 began at the end of May and lasted throughout the summer until August.

4 A Yes.

5 Q Do you have a sense of when that phone call happened?

6 A I recollect it is at the end of July, about the time I started the ambassador's
7 course.

8 Q Got it. And that was something --

9 A I think that's probably right.

10 Q We're going to spend some time with the exhibits that we provided you
11 about the Insurrection Act. But had that -- was that something that came up during
12 your vetting, that you obviously had knowledge about the Insurrection Act and when it
13 could be invoked?

14 A No, nothing, nothing at all. The vetting was entirely about foreign and
15 defense issues.

16 Q So were you surprised when Mr. McEntee called you specifically about the
17 Insurrection Act?

18 A Yes.

19 Q And what was your response?

20 A Well, first of all, I said, "I'm not a legal expert. So I don't know the legal
21 conditions under which something like that would be appropriate." I simply said, "No,
22 at this point I don't think anything like that is an appropriate response."

23 Q Have you heard -- as we sit here now, there's been many open source
24 reports. Dr. Esper has put out a book about some of the conversations he had with
25 President Trump during the summer about his desire to invoke the Insurrection Act, "his"

1 meaning President Trump's, which was met with resistance from Dr. Esper, General
2 Milley, as well as Attorney General Barr.

3 Did Johnny McEntee -- Mr. McEntee -- reference any position that the President
4 had about the Insurrection Act?

5 A No. He simply said, "I'd like to know what you think. Do you think that
6 this merits the Insurrection Act?" or something. And I said no.

7 Q Okay. Getting just back to Germany just very quickly before we move on to
8 the November time period, as part of the ambassadorship, did they discuss your position
9 on withdrawal of troops?

10 A Yes.

11 Q And was that something that you supported, to withdraw troops from
12 Germany and other NATO countries?

13 A Yes.

14 Q And is that something that you would say was a priority of the
15 administration or something that was being considered by the administration?

16 A I would use the word "considered."

17 Q Okay. Before we go on to the November time period, [REDACTED], do you have
18 any questions?

19 And the conversation with Mr. McEntee about the Insurrection Act, was it one
20 conversation?

21 A One.

22 Q And was it a brief conversation or was there a back and forth about the pros
23 and cons of the Insurrection Act?

24 A All I can recollect at this point is it was brief. And my comment was, "No, I
25 didn't think it was appropriate at this time." And he seemed to be satisfied with that.

1 Q And what was your opinion based on in terms of why you didn't think it was
2 appropriate?

3 A You know, that's hard to recollect at this point. I was not following those
4 events very, very clearly and -- but I do understand the gravity of a decision that involves
5 the use of Federal forces inside the borders of the United States. I think that's
6 something that has to be carefully considered.

7 Q Okay, Colonel Macgregor. So going on to your appointment under -- as
8 senior advisor to Acting Secretary Miller, let me just start with, did you know Chris Miller
9 before you took this on?

10 A No.

11 Q Did you have any contacts within DOD, and, again, from the November time
12 period that you started?

13 A Well, one of the individuals with whom I had an off again/on again contact,
14 depending on what was happening, was Kerry Schindler, who is a retired lieutenant
15 colonel from the U.S. Army and is now a GS-15 in the Army Staff. And he at the time -- I
16 don't know what he's doing now -- but at the time he was closely involved with the
17 Reserve Component, Army National Guard and Reserves. And that's an area where I
18 needed expertise and support.

19 Q When you say you needed, meaning when you took on this new position?

20 A Well, I didn't know immediately. But I was grateful for it because my
21 interaction with and experience with the Reserve Component is modest. I was in the
22 regular Army.

23 Q I see.

24 So how did it come about? And I know that you have provided through your
25 attorney a proffer about this. But if we could just talk through when you -- I believe you

1 got a phone call from, again, Mr. McEntee. And this would be in November. Was it on
2 November 9th was the first you heard of this?

3 A As I recollect, it was noontime. And it wasn't McEntee. It was someone
4 working for him who called me and said, "Can you be here at 4 p.m. for a meeting with
5 John McEntee." And I said yes. And I said, "What's it about?" He said, "I don't
6 know."

7 Q Go ahead. What happened at 4 o'clock?

8 A After I went through the gauntlet and managed my way into the Executive
9 Office Building, I then sat in the hallway outside of his office and waited until he was
10 ready to talk to me. He had somebody else in there. Eventually --

11 Q You had met him before -- I'm sorry. You had met him before, right, back
12 in April? Okay.

13 A Yes. That was the last time that I had physically seen him, was in April.

14 Q Okay. So Mr. McEntee lets you in. And then does he let you know?
15 How does the conversation go when he explains to you why he summoned you at 4 p.m.?

16 Colonel Macgregor. David, do you --

17 Mr. Jonas. Can you repeat the question?

18 Ms. [REDACTED] Sure. Just the conversation at 4 o'clock with Mr. McEntee as
19 far as why he asked you to come to the appointment.

20 Mr. Jonas. Well, you know, he doesn't really know.

21 BY MS [REDACTED]

22 Q But what did he explain to you what he was offering you?

23 A Well, he didn't present me with an offer.

24 Q Okay.

25 A He said something along the lines of, "The President would like to use you in

1 the Department of Defense."

2 Q Okay. And what was your response to that?

3 A I said, "What does the President want me to do?"

4 Q Did he have a response?

5 A Yes.

6 Q Which was what?

7 A "He wants you to help extricate our forces from Afghanistan."

8 Q Just Afghanistan?

9 A There were others mentioned, but in that first initial meeting it was just
10 Afghanistan.

11 Q Now, I just want to make sure -- I just want to understand what you were
12 aware of at the time you went in on that November 9th meeting.

13 President -- Joe Biden had been declared the President-elect. Were you aware
14 of that --

15 A Yes.

16 Q -- on that day?

17 A Yeah.

18 Q Okay. And it's unclear whether it had been public yet that Dr. Esper had
19 been dismissed. Did you know that at the time of the meeting?

20 A I was told in the meeting that he was no longer going to be Secretary of
21 Defense and that someone else was going to take that job. And that was the first time
22 that I had heard Miller's name mentioned.

23 Q And I know you then meet with Secretary Miller after that.

24 A Yes, I did. But that was considerably later.

25 Q Was it later that day?

1 A Yes.

2 Q Okay. So this conversation with Mr. McEntee, before that, had anybody
3 mentioned this to you, whether it was Mr. Trump or any White House aide?

4 A No. No.

5 Q And what was your response to what he was asking you to consider,
6 meaning coming to DOD and help extricate forces?

7 A Exactly what I said. I said, "What does the President want me to do?"
8 And when he said help extricate forces from Afghanistan, I said okay.

9 And then he went on to say, "What do you think you can do?"

10 And I said, "Well, I'm not confirmed in any position of authority inside the Trump
11 administration. The only person who can execute that mission, if you will, is the Acting
12 Secretary of Defense."

13 Q Did Mr. McEntee seem to be aware of these kind of chain of command
14 issues when it comes to withdrawal of forces?

15 A I really don't know.

16 Q Okay. Was it something that -- did you accept the position at that point
17 through Mr. McEntee or then did you talk to Secretary Miller to get a better sense?

18 A No. He left the room and came back later and said that he discussed it with
19 the President and the President was going to speak to the incoming Secretary. And he
20 said, "He wants to make you the senior advisor to the Acting Secretary of Defense."

21 Q Obviously, you took the position. Did you have any hesitation doing so,
22 considering the timing of the Trump administration?

23 A Well, I had nothing else planned.

24 Q Fair. Did you believe that it would be a job that you're taking it November
25 10th and ending on January 20th?

1 A That was my assumption.

2 Ms. [REDACTED] Do you have any questions?

3 Mr. [REDACTED] Yeah.

4 BY MR. [REDACTED]

5 Q Did you have any concerns about the request that was being made of you, of
6 potentially aiding in the withdrawal of troops around the globe?

7 A No, because it was very clear where the lines of authority were, and I had no
8 authority.

9 Q Right. But just from a strategic level, in your expert opinion, you didn't
10 have any concerns about in the last several months of the administration rapidly
11 withdrawing troops? You didn't have a concern?

12 A Well, as far as Afghanistan is concerned, absolutely not.

13 Q What about other countries, for instance, Germany?

14 A Well, I had views on how we should do business over there. But those
15 were not discussed in the meeting. What was discussed in detail was Afghanistan.

16 Mr. [REDACTED] Okay.

17 BY MS. [REDACTED]

18 Q When you met with Secretary Miller, Acting Secretary Miller at that time,
19 again, on the 9th, did you further discuss what role you would have for him?

20 A On the 10th, not on the 9th. On the 9th, I was introduced to him. And, as
21 always, he was very cordial. He was always cordial to me. And we spoke very, very
22 briefly. And that was it. And he went in to see McEntee. And then I said farewell
23 after having sat there for, what, 2, 3 hours, and left and went home.

24 Q And then you reported to the Pentagon the next day for administrative
25 processing?

1 A Yes.

2 Q And is that when you had a longer conversation with Acting Secretary Miller
3 about --

4 A Yes.

5 Q -- how the next 70 days looked for the two of you?

6 A Yes.

7 Q Can you describe that?

8 A Well, I told him that I'd received some instructions from the President and
9 asked him if he had. And he said, "Not really."

10 And I said -- he said, "Well, I'd like to know what you were told."

11 So I told him. And I said there's really one task at the top, and he agreed, that
12 could be done. Other things could be considered. But, frankly, in the short time we
13 were going to be there, the only thing that we could really focus on and accomplish was
14 withdrawal of troops from Afghanistan. And he agreed.

15 Q Did Mr. Miller share a concern with you about him taking over a department
16 that had been, in his words, politicized --

17 A No.

18 Q -- from the summer events?

19 A No. The only thing that came up was that I told him, "Sir, I don't think you
20 can do this without a direct order from the President."

21 And he agreed. He said, "Yes, I think that's right."

22 And I said, "Well, sir, I'll work on that."

23 Q And, again, this is solely about withdrawing forces from Afghanistan,
24 correct?

25 A Yes.

1 Q Was there any consideration or discussion of withdrawing troops from
2 Somalia?

3 A No. I was never part of that at all.

4 Q So did Mr. Miller share what he viewed as the priorities from the Secretary
5 of Defense perspective or was the conversation solely about withdrawing from
6 Afghanistan?

7 A It was largely about withdrawing from Afghanistan. There were some
8 other pleasantries. He mentioned that he'd read "Breaking the Phalanx" and wondered
9 what I thought about the conventional force. His expertise was, obviously, entirely in
10 low-intensity conflict.

11 Q And so was it -- was there a tasking of sorts of how you guys would go about
12 withdrawing the troops in this short period of time, as you said?

13 A No. I simply told him that I would go back and get quote, unquote, "the
14 order" drafted. I told him I will get it. And he said okay. And that was the end of the
15 conversation, and I left.

16 Q Okay. So then I guess this is still November 10th. Obviously, we had
17 asked about this order that has been discussed in the press and what other witnesses
18 have talked about.

19 If you could just talk us through what your role was in drafting that we believe the
20 date was November 11th memo ordering the withdrawal of troops from we believe
21 Somalia and Afghanistan.

22 Obviously, this has been reported in many -- in two of the books about the Trump
23 administration, as well as other witnesses have discussed it on record.

24 Ed, do you want to make a record?

25 Mr. Richards. Yeah. Thank you. I appreciate it, [REDACTED]

1 Ed Richards, DOD Office of General Counsel.

2 I just want to point out, on May 31st, Deputy Counsel to the President Jonathan
3 Su wrote me a letter, which I shared with you and with Colonel Macgregor and his
4 counsel, Dave Jonas, which does state specifically that any military engagements, conduct
5 of foreign affairs, or use of intelligence or Special Operation assets are beyond the scope
6 of the authorization as far as the current administration not asserting executive privilege.

7 So I do understand much of what you are discussing is in the public sphere and
8 was perhaps part of a proffer with Colonel Macgregor. However, I do want to on the
9 record state that, you know, we have no objection to process discussion, but as far as
10 deliberations regarding any potential foreign policy or military engagement, to include
11 withdrawal, that this is beyond the scope of the committee pursuant to this letter.

12 So I appreciate the pause for me to insert that.

13 Over.

14 Ms. [REDACTED] Sure, Ed. And we're cognizant of that letter and we are going
15 to stick to the public reporting, as well as the proffer that Colonel Macgregor has
16 provided, and also other witnesses that the committee has interviewed. Mr. [REDACTED] has
17 the article that directly relates to Colonel Macgregor which we'd like him to clarify.

18 Mr. [REDACTED] So Jonathan Swan had reported that Johnny -- sorry,
19 Mr. McEntee -- had handed you a note that said this is what the President wants. And it
20 starts: Get us out of Afghanistan, number one. Number two, get us out of Iraq and
21 Syria. Number three, complete withdrawal of Germany. And, four, get us out of
22 Africa.

23 Is this reporting in any way accurate?

24 Colonel Macgregor. The list that he is citing sounds accurate. I threw that
25 particular piece of paper away, particularly after I spoke to the Acting Secretary of

1 Defense, because it was very clear that, other than Afghanistan, nothing else could be
2 done in the short time that we would be in the building.

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BY MS. [REDACTED]

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Q So just so we're clear, so that's accurate reporting from what Mr. McEntee conveyed to you as what Mr. Trump's priorities were. And this would have been November 9th when that was handed to you or the 10th?

A 9th. The only thing that doesn't sound right is the use of the word "complete the withdrawal from Germany." That doesn't sound right. There was never any discussion about wholesale withdrawal.

Q There was not a discussion of wholesale withdrawal, meaning the Germany withdrawal would still mean some forces would be there, not a complete withdrawal?

A Yes, yes.

Q Sorry. That's a layperson interpretation of what you said. Okay.

BY MR. [REDACTED]

Q To the best of your recollection, though, is there anything missing from this list?

A You know, I don't remember anything else, but there could have been. I focused on the top one, to be blunt. That's it.

Q Do you know how the topic of Somalia ended up coming up later in the --

A No.

Q -- drafted memo?

A No. And keep in mind that after I provided the initial draft language for the order, I was never shown anything else. In other words, I provided it. And it went through changes, obviously, and incorporated Somalia. It was very different when it was issued from what I had originally suggested, and Somalia had not occurred to me at

1 all.

2 BY MS. [REDACTED]

3 Q So, Colonel Macgregor, if we could just start then from the -- focusing now
4 on this memo, which we don't have the memo. So I want to make that clear, that we're
5 not --

6 A It wasn't a memo. You're talking about the draft executive order?

7 Q Yes. Let's use your words, the draft executive order. How did it come
8 about? And I believe it starts from -- I'm looking at your proffer -- on November 9th, it
9 sounds like the draft language was --

10 A Yes.

11 Q So go ahead.

12 A Well, I said effectively you need an order. The President needs to sign an
13 order. If he wants something to happen, that's what he's got to do.

14 Then I was asked, what would that look like? And I sketched it in outline for him,
15 made a few notes, and handed it to him.

16 Q And so, again, to go back, this is the November 9th --

17 A Yes.

18 Q -- initial interview or discussion, let's say, with Mr. McEntee.

19 A The second one. There were two conversations with McEntee. The first
20 one, I walked in and was caught flat-footed. "We'd like you to do X."

21 And I said, "Well, what do you want me to do? How am I going to do that? I'm
22 not in the chain of command."

23 Then the second thing was, "Well, the President's making you the senior advisor."

24 Okay. And I still made it clear that there would have to be an order that had to
25 be signed by the President directing the Acting Secretary of Defense to do this.

1 Q Okay. So --

2 A And then he asked, what would that look like? And I gave him some draft
3 language, made a few notes, handed it to him.

4 Q Okay. And just so I can go back, you first get there. And then there's like
5 a break, you said, where it sounds like Mr. McEntee goes to talk to somebody, maybe
6 perhaps the President.

7 A The President, yes.

8 Q The President. Then he comes back and says the President is offering
9 you -- wants you to be the senior advisor to the Secretary, correct?

10 A Yes.

11 Q And then this is when the draft language is done.

12 A Yes.

13 Q Okay.

14 Mr. Jonas. Can I -- can we just take one second, please?

15 Chairman Thompson. Of course.

16 Mr. Jonas. Thanks.

17 [Discussion off the record.]

18 M. [REDACTED] Ed, you're not on mute. I'm just letting you know.

19 Colonel Macgregor. David reminded me of something that is important that I did
20 not mention to you but is in the proffer.

21 BY MS. [REDACTED]

22 Q Uh-huh.

23 A And that is, when I was called on the phone by one of McEntee's staffers
24 who was having trouble formatting the order and getting the language straight. And I
25 told him go to the cabinet, you know, in the office and pull out a copy of a Presidential

1 Decision Memorandum, a PDM. And the PDM is your format, and the language for the
2 PDM, along with the authorities, legal authorities that the President has, will be found in
3 old Presidential Decision Memoranda.

4 And he said, "Thank you very much." Hung up.

5 And I was never contacted about that order again after that discussion.

6 Q And that conversation that you're just describing happened with the staff or
7 happened the following day on the 10th?

8 A Yes.

9 Q Is that right?

10 A That was at roughly 5 o'clock in the afternoon on the 10th of November.

11 Q I just want to get back to the conversation with Mr. McEntee when you give
12 him this draft language. Do you remember what that language was?

13 A Yes. Well, the only thing that I could really remember with absolute
14 precision is that I said, "You might have the drop dead date for withdrawal" -- and, by the
15 way, the withdrawal as I framed it was of all, quote, unquote, "uniformed military
16 personnel," and that they would have to be out by midnight on the 31st of January.

17 And they took that, took that on board. But, as I understand it, the eventual
18 order said 15 January. So, again, that was another modification to what I had said.

19 Q And what was significant about the "all uniformed personnel"?

20 A Because we frequently, and I'm sure you're aware of this, assign Special
21 Operations Forces to embassies as part of embassy staff and they are in civilian clothes.

22 Q Got it.

23 Mr. ██████ When you were drafting this memo -- or, I'm sorry, this executive
24 order -- whatever happened? Did you do this, like, did you do this on a computer? Did
25 you handwrite this? Whatever happened to the drafts?

1 Colonel Macgregor. I explained in language that should be in the order, while I
2 was in the meeting with McEntee, and this was my answer to him, and said if you want
3 this to happen or if the President wants this to happen, he's got to write an order.

4 Mr. [REDACTED] So you never wrote this down in any capacity?

5 Colonel Macgregor. Well, I sketched on a piece of paper for him some key
6 statements. You know, the President directs. You know, this is -- what's the right
7 word -- boilerplate language.

8 And that's why, when I received a subsequent call around 5 p.m., I said go to a
9 Presidential Decision Memorandum. The boilerplate language is there that tells you
10 what this has to say.

1

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BY MS. [REDACTED]

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Q When you gave him this note and kind of verbally told him what it should say, was anybody else in the room other than Mr. McEntee?

5

A No.

6

Q And was he typing up what you were saying or was it a back and forth --

7

A No. No. He did not type anything. And as I said, I just took a scrap of paper, wrote some notes on it, and said, "These are the kinds of things that need to go into it."

10

And he said, "Okay. Fine. That's great."

11

And I think subsequently they decided they needed more, and that's why I pushed them to a Presidential Decision Memorandum.

13

Q Were you concerned in any way or did you find it -- what was your thought that you were having this discussion with the head of the Presidential Personnel Office and not at the Pentagon with the incoming Secretary of Defense or General Milley, for example?

17

A Well, remember, the incoming Secretary of Defense I spoke to immediately about this the next day. As soon as I had my first opportunity to meet with him privately in his office, I went over this and explained it to him. That's when I said I don't think you can do any of these things, specifically the withdrawal of our forces from Afghanistan, without an order from the President, and he agreed.

22

Q But my question is, having this discussion with Mr. McEntee, a non-Pentagon person who's running the personnel office, did that raise a flag to you in any way?

24

Mr. [REDACTED] You're muted.

25

Ms. [REDACTED] You're on mute, Mr. Jonas.

1 Colonel Macgregor. No, it did not raise a red flag. He is close to the President.
2 And the things that he told me the President said or wanted were confirmed in previous
3 times. I had no reason to doubt it.

4 And there was no reason for me to approach the Chairman of the Joint Chiefs.
5 The Chairman of the Joint Chiefs is the senior advisor to the President of the United
6 States. In other words, General Milley is technically President Trump's or was
7 technically President Trump's advisor. There's no reason for me to go to him. He is
8 not in the chain of command. The only person in the chain of command other than the
9 President is the Acting Secretary of Defense.

10 BY MS. [REDACTED]

11 Q And you had that conversation with him the next day, as you said.

12 A The first thing I discussed with him.

13 Q Did you believe at the time you were discussing this draft language with
14 Mr. McEntee that it was going to turn into an order or did you view it as a discussion of
15 how to execute what was Mr. Trump's priorities?

16 A No. I expected it would result in a Presidential Decision Memorandum.
17 And I had asked at the time to provide a draft before they went final, but that never
18 happened.

19 In fact, I did not hear anything again until late on the 12th of November when the
20 Secretary told me that he had been summoned to the Oval Office for a meeting with the
21 President. I think it was the 12th. It could have been the 13th. I don't remember.
22 And it was about withdrawal from Afghanistan.

23 Q What was your response?

24 A I said nothing. I just listened.

25 Q Let me just go back to kind of closing the loop on the 9th and the 10th.

1 So on the 10th when the staffer calls you again, you tell him to look -- essentially
2 look at the cabinets and find some boilerplate language.

3 A Yeah.

4 Q And to be clear, you never saw any draft.

5 A After that, I heard nothing and never saw the draft. I asked but was never
6 sent anything. And, subsequently, I found out that the President signed an order. I
7 don't know what it looked like. I never saw it.

8 The only thing I do know is that they changed the final date for departure to 15
9 January. And apparently he signed that on the 11th of November.

10 Q Did you have any contact with Kash Patel during this time?

11 A Only briefly. I mean, I met him. I had never met him before. And he
12 was in the room, I think, for the second conversation. I don't know if he was there for
13 the first one with the Acting Secretary.

14 Q Meaning the conversation on the 10th, correct?

15 A No. I'm talking about the conversation on the 12th or 13th, before going
16 over to the White House, because Kash told me he was going with the Acting Secretary to
17 the meeting in the Oval Office.

18 Q Okay. So it sounds like, Colonel Macgregor, you don't know -- did you have
19 any role in delivering this memo to Secretary Miller?

20 A No. Because, first, I expected to get a draft, which I then planned to
21 present to Secretary Miller for his review. But that never happened.

22 Q As you know, Colonel Macgregor, we, the select committee, has interviewed
23 a number of people from the Department of Defense and I just want to get your reaction.
24 Sometimes when we hear other witnesses who are also involved in these events it jogs a
25 memory.

1 So Acting Secretary Miller described this event of the November 11th order as,
2 quote, "Douglas Macgregor was a special advisor, and he delivered that memo early in
3 the morning, like, right when I got to work. And, you know, I read it, and that was
4 obviously, like, quite an interesting development, one that you would normally know
5 about through the interagency and the national security process.

6 "And I thanked him and then called the National Security Advisor, or I met with
7 him later that day -- that would have been Robert O'Brien -- and just offered him that I
8 had received these instructions and it wasn't quite in accordance with the typical orders
9 generating an issuance process.

10 "And the Secretary or National Security Advisor O'Brien took it and said he'd take
11 care of it. So I never heard anything about it at that point."

12 So it sounds like Acting Secretary Miller believes you hand delivered that memo to
13 him and that it was news to him that such a withdrawal was being discussed or issued.

14 What's your reaction --

15 A I never delivered that to him. I don't know what he's talking about.

16 Q Okay.

17 A I was unaware that the President had signed something. Again, I thought
18 that I would be shown a draft that I would then run by the Secretary. Never got it.

19 Q And I appreciate you saying that you wanted to see the draft. It sounds like
20 the draft that did come into the hands of Secretary Miller was something you had not
21 seen before or ever.

22 A No, nothing I had ever seen.

23 Q So to this day you've never seen the draft that was discussed with Mr.
24 McEntee on the 9th or the 10th.

25 A Well, there was no draft on the 9th. I just gave him some language. And

1 on the 10th, presumably they drafted it after I had directed them to the Presidential
2 Decision Memorandum. But that's an assumption because I was left out of the loop
3 from that point forward. Heard nothing more.

4 Q Did you have any discussions with Keith Kellogg about this?

5 A No.

6 Q Never about the draft order or instruction?

7 A No.

8 Q Did you have any interaction with Mr. Kellogg during this time after you
9 started at the Department of Defense?

10 A The only thing -- the only interaction was in April after I had come out of the
11 interview. And he was very warm and friendly and gave me some sort of Presidential
12 coin. That's it.

13 Q Okay.

1

2

BY MR. [REDACTED]

3

Q So you never had a conversation with Mr. Kellogg about the memo itself.

4

But did you ever have conversations about the withdrawal of troops from Afghanistan?

5

A No, not with Keith Kellogg.

6

Q Senior or junior? Because I know there are two.

7

A I don't know. I don't know any of them.

8

Q Okay.

9

A I mean, I've only met General Kellogg a couple of times in my life.

10

Ms. [REDACTED] So we asked Mr. Kellogg about this draft order. And for

11

context, he had never seen it before this November 11th incident where, as you

12

described, Secretary Miller is called to go over to the White House.

13

And he said, quote, "And I proceeded to tell the PPO, I proceeded to tell

14

Macgregor that if I ever saw anything like that, I would do something physical, because I

15

thought that was done was a tremendous disservice to the Nation. It was a tremendous

16

disservice to the President. And the guy in the White House that was responsible for

17

Afghan planning was me, directed by the President of the United States, in front of" --

18

Mr. Jonas. Who was -- I'm sorry. Who that was a quote from? Is that Keith

19

Kellogg?

1

2

BY MS [REDACTED]

3

Q This is Keith Kellogg.

4

Sorry. Let me just finish that sentence.

5

6

Quote, "And the guy in the White House that was responsible for Afghan planning was me, directed by the President of the United States, in front of the Vice President, the Chief of Staff, the National Security Advisor, the DNSA, Gina Haspel. That was my lane.

8

"And when that came up, they had violated my lane, too. And I told the

9

President, and the President was listening to me every step of the way on Afghanistan.

10

"So it's a long answer to a short question, but I'm telling you I think somebody did

11

something way out of line?"

12

What's your reaction to that?

13

A I've told you what happened. I have nothing really to say. I really don't.

14

The only thing -- there's just nothing -- I have nothing to say. I'm unaware of any of that.

15

Q That's fair. And he goes on to say that he had a -- he told you -- and I'll

16

quote this. And, again, this is just to jog your memory or get a reaction as to what other

17

witnesses are saying about the same event.

18

Keith Kellogg states, quote, "Once that memo, as I said, was done, I threw it away.

19

But I told Johnny if this was through his lanes, don't bring -- don't bring Macgregor. I

20

told Doug Macgregor, don't come over here. I said, if you had anything to do with this,

21

and I know you did because you're the one who gave it to Mark Milley. I mean, he gave

22

it personally to Mark Milley."

23

Is that accurate?

24

A It's a mystery to me. I told you I've had two interactions with Kellogg.

25

The last one was after the interview in April, and he was very friendly. And his name

1 never came up again. Never saw him again. I don't know what he's talking about.

2 Q So -- and we're closing the loop on this. I know this seems like we're going
3 over the same thing for a long time. But I just want to be certain. You never handed it
4 to Secretary Miller or to General Milley.

5 A No.

6 Q And when you -- correct? And when you were told by Acting Secretary
7 Miller that he was going to the White House, can you just describe if there were any
8 discussions after that, after they came back?

9 A No. He said he was going over there, meaning in the Oval Office, to talk
10 about the Afghan withdrawal. And I said, "Well, good luck." And that was it.

11 Q And that was the end of it.

12 A That was the end of it.

13 Q I just want to go back to something you mentioned, that your suggestion
14 was to make this a Presidential memorandum. Is that -- sorry.

15 A No, PDM, Presidential Decision Memorandum. I didn't say that they had to
16 make it a Presidential Decision Memorandum. I sent them to that document for the
17 format and the boilerplate language that they could use in the executive order.

18 Q Do you know if the PDM has to go through the chain of command of the
19 Pentagon and the NSA?

20 A I'm sure it does. But, again, this was not to turn this into a PDM. This was
21 going to be, as I was told by John McEntee, this would be an executive order.

22 Q But the executive order would have to go through that normal process, right,
23 of --

24 A Not necessarily.

25 Q Why is that?

1 A Well, the President has the flexibility to do pretty much what he wants to do.
2 It's his executive order.

3 Q So it wouldn't be unusual for an executive order about the withdrawal of
4 troops to not go through a process within the Pentagon?

5 A You know, I'm not a Presidential historian, so I really can't comment on how
6 Presidents have done things. But I think the President has wide-ranging flexibility on
7 executive orders.

1

2 [11:02 a.m.]

3 Ms. [REDACTED] Understood. So just kind of given your background with
4 decades of experience within the military, would it be wise to go consult with the military
5 if issuing such an order?

6 Mr. Jonas. Most people in the military don't have any contact with executive
7 orders.

8 Colonel Macgregor. Yeah. It's something that doesn't come up on the military
9 side. The last time I can think of an executive order that was even remotely important
10 to the military, really important, was Marshall's receipt of the executive order from FDR
11 to reorganize the War Department. I don't know of anything else.

12 Ms. [REDACTED] I think that's precisely my question, though. Like, if you're
13 coming from a military background and you have no experience with executive orders,
14 I'm curious as to why your suggestion to Mr. McEntee was to not make it a PDM, but to
15 make it an executive order.

16 Colonel Macgregor. I didn't suggest that to him. He told me that's what they
17 were going to do with it.

18 Ms. [REDACTED] [REDACTED] do you have anything?

19 Mr. [REDACTED] Just one second.

20 [Discussion off the record.]

21 BY MS. [REDACTED]

22 Q Colonel Macgregor, did you talk to Secretary Miller after this November
23 11th --

24 A Yes.

25 Q Okay. And did you --

1 A Did it on the 12th. That was when he informed me that he was going to go
2 over to the Oval Office for a meeting about the Afghan withdrawal.

3 Q Right. But when he came --

4 Mr. Jonas. Might we take just a 5-minute break here?

5 Ms. [REDACTED] Oh, sure.

6 Mr. Jonas. It's been a little over an hour. Just a quick 5-minute break.

7 Ms. [REDACTED] Of course. No problem.

8 Mr. Jonas. Okay. Thanks.

9 Ms. [REDACTED] Yep.

10 [Recess.]

11 Ms. [REDACTED] We're back on the record.

12 Are the court reporters there?

13 Mr. Jonas. Okay. We're back. Thank you.

14 Colonel Macgregor. Thank you for the break.

15 Ms. [REDACTED] Sure, of course.

16 BY MS [REDACTED]

17 Q Just one final question on this November 11th-12th time period.

18 Once Acting Secretary Miller comes back from the White House about the
19 withdrawal of Afghanistan discussion, did you talk to him again about the withdrawal of
20 troops?

21 A No. He did not ask me anything further. And, subsequently, Kash Patel
22 told me that the whole thing had changed and it was only, I think, as Kash said to me, it
23 was 50 percent of the uniformed military personnel would be withdrawn from
24 Afghanistan, not the entire uniformed military contingent.

25 Q When did you have that conversation with Kash Patel?

1 A I think it was probably Monday. In other words, if we go -- if the 11th was
2 Wednesday, 12th, 13th, 14th, 15th -- that would have been about the 16th of November.

3 Q Understood. And was that the last you heard about any withdrawal from
4 Afghanistan?

5 A Yes.

6 Q Or did you continue to work on this?

7 A No. No, no, no. That was it. I said -- my words to him at the time were,
8 "All right, then we can close this out."

9 He said, "Yes."

10 Q Did you get any sense from him or anyone in those days following about the
11 discussion that had happened at the White House after this directive had come over?

12 A No, I did not.

13 Q Okay. I want to turn to the exhibits now.

14 Okay. So what did you then turn your attention to, Colonel Macgregor, now,
15 from the mid-November to January 20th time period?

16 A Just before Thanksgiving, I went back in to see the Chief of Staff. I think the
17 Secretary was traveling. And I said, "Look" --

18 Mr. Jonas. Chief of Staff of the Pentagon, of the OSD?

19 Colonel Macgregor. Chief of Staff of OSD. In other words, Kash Patel.

20 Ms. [REDACTED] Got it.

21 Colonel Macgregor. And I said, "Well, what have you got for me? What do you
22 want me to do?"

23 And he said, "Look," he said, "you're like the rest of us. We're probably all going
24 to be gone here on the 20th of January. You can do whatever you want to do." He
25 said, "If you need anything, any resources, if you need any people, anything at all, just let

1 us know. Your time is your own. You can do what you like."

2 I said, "Okay."

3 I came back then shortly afterwards, I think shortly before the 30th of November,
4 and said, "I would like to have Kerry Schindler, the GS-15, assigned to me temporarily."

5 And he said, "Sure. Whatever you want."

6 And I think I mentioned to him that I was probably going to look into two areas.
7 One was China. I did not plan on delivering any product. I simply wanted to familiarize
8 myself with the thinking, strategic thinking about China in the building.

9 And I said, "I'll probably look into some issues of civil unrest."

10 But it was a very short conversation, and he kind of waved me off and said, "Look,
11 whatever you want to do is fine. Just let us know. And we'll get Schindler for you."
12 And that was the end of it.

13 BY MS. [REDACTED]

14 Q Why did you suggest to -- or why was that your focus, those two aspects,
15 China and civil unrest?

16 A Well, the first one on China is obvious. I just wanted to know what people
17 think. I've spent time in Northeast Asia and did business there. And I wanted to know
18 what the perceptions of China were and how we planned, if anything, to respond to
19 China.

20 The second thing -- and, again, you've got to chalk this up to my War Plans
21 Division background because I was involved in that sort of thing in the past, and I sat in
22 lots of JCS Tank meetings and so forth.

23 The second thing is I wanted to go back and look at civil unrest, not so much what
24 had happened in July and August -- May, June, July, August, per se. I knew that there
25 were roughly \$2 billion worth of damage done, which is horrendous. My greater

1 interest was in what might happen in the future.

2 And I was concerned and remain concerned, based upon my experience in the
3 Army, that we don't learn very many lessons. In fact, in the Army, we have an
4 expression: Lessons observed, but not learned.

5 Q You know, I feel like we've interviewed so many folks from DOD and can
6 attest to that, but I hadn't heard that one. But we have learned a lot about these
7 after-action reports that are issued by the Army, which are titled "Lessons Learned,"
8 right?

9 A The other point, too, and this may be strange to you, but it was sort of an
10 academic exercise for me. I had no experience in this area, which is one of the reasons
11 that I needed Schindler's assistance, because he was heavily involved with the Reserve
12 Component. And that's why I needed the assistance of the people in the Military
13 History Office.

14 Q Right. And that's what we see from the emails, which we'll go through
15 briefly now.

16 Did this come essentially from your own, as you said, your own experience and
17 your own, I would say, you have these resources available to you, so these choices came
18 within you, or were you encouraged to focus on these two aspects?

19 A I received no further directions of any kind from the White House. None.
20 Mr. Jonas. Or from OSD.

21 Colonel Macgregor. I got no -- Kash told me, "Listen, it's your portfolio." I think
22 he said something like that. "You do with it as you see fit, whatever you want." So I --

23 Ms. [REDACTED] How about from Mr. Miller?

24 Colonel Macgregor. No, nothing. In fact, most of the time after that I would
25 see him in the halls, wave. Otherwise, he was traveling or busy with the transition.

1 And I had no role in the transition team, simply because I had not been in the
2 building in years. So why would you include me in a transition team? I was not the
3 man for anybody to turn to from the incoming administration -- although, admittedly, this
4 memorandum that I produced was designed for the Secretary of Defense, regardless of
5 whom that turned out to be.

6 Mr. [REDACTED] Was Mr. Schindler involved in the transition at all?

7 Colonel Macgregor. No.

8 Mr. Jonas. He's a career civil servant.

9 Ms. [REDACTED] Sorry, Mr. Jonas. When you talk, I don't want to confuse the
10 court reporters.

11 Colonel Macgregor. No. He -- David just reminded me that Schindler is a
12 career civil servant.

13 Ms. [REDACTED]. Got it.

1

2

BY MS [REDACTED]

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4

Q So, going back to some of these exhibits, I'm going to start with exhibit, I believe, December -- exhibit 2 is a December 4th email from yourself to Kerry Schindler.

5

6

Now, before we kind of march through these emails, I just want to make certain, you said you didn't have any direction from the White House as well.

7

8

9

When would have been the last time you spoke to the former President? I know you mentioned April 20th you had the 1-hour discussion with him, but did you have contact with him from the time onward?

10

11

12

13

A No. I had only conversations from there on out with John McEntee. And when I was handed that piece of paper, which I subsequently destroyed, that had these tasks on it, he said, "This is from the President, and he wants you to do number one and anything else that you can make happen."

14

15

That was it. Never heard anything more ever again from anybody in the White House about what they wanted me to do.

16

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Q Okay. Did you have a follow-up with Mr. McEntee to tell him that you're going to look into the military action in domestic urban environments, which overlaps with the Insurrection Act, which we'll get into? But was there any conversation with Mr. McEntee because of that prior conversation you had with Mr. McEntee about the Insurrection Act?

21

22

23

A No. I simply told him that, whatever I did, I would provide him information on what I did. In other words, I'd give him a copy. But there was never another mention by him of anything to me about that.

24

25

Q Did he mention that this would be something good to focus on in your time remaining?

1 A No. I think he treated it with complete disinterest. I must be frank with
2 you that I think everyone was focused on this election business and weren't interested in
3 what I was doing.

4 Q And that's fair to say, and I think that obviously during this time period you
5 have a number of different incidents in the background that are going on within the
6 Department.

7 So one aspect of this is on December 18th you have Michael Flynn going on
8 Newsmax talking about the potential use of martial law and of course that the election
9 was stolen.

10 Did that impact you in any way in terms of what you wanted to direct your focus
11 on, again, in light of the Insurrection Act memos that we see here?

12 A No, I can assure you it did not. 18 December is my wedding anniversary,
13 and I was with my wife at dinner in Middleburg at the Red Fox Inn. We celebrated.

14 Q I'm not suggesting that you were at that. There was a December 18th
15 meeting at the White House as well. But what was your reaction to what was going on
16 in that kind of the election interference backdrop that was happening?

17 A There was no reaction, because I wasn't part of it. And, frankly, I wasn't
18 interested in it. What I was interested in primarily are the two things that I mentioned
19 to you. That's it. I think --

20 Q Did you --

21 A You know, I just -- I can't emphasize that enough. I was very, very focused
22 on those two areas, period, to exclusion of almost everything else.

23 Q Right. I guess as we sit here it's hard to disconnect General Flynn
24 promoting the use of martial law in an effort for President Trump to stay in power
25 because of the alleged stolen election, and then we see the work here, your focus here

1 about -- related to the Insurrection Act. So that's the basis of why we're asking.

2 Were you concerned about General Flynn's kind of rhetoric about using martial
3 law?

4 A I was not even aware. I was not involved in these sorts of things.

5 Q When did you become aware of his promotion of using martial law?

6 A You know, I even find it hard to remember that I even paid attention to it.

7 My assumption by the time you reach the 18th of December, my wedding
8 anniversary, was that this was all going to end on the 20th of January. And I had to
9 accomplish what I could between now and then in those two areas, and that was the end
10 of it. And I was never questioned by anybody in the building or by anybody in the White
11 House or the Executive Office Building about what I was doing, ever.

12 Q Okay. So turning to exhibit 2 here, it's a December 4th -- did you have
13 anything on that?

14 [Discussion off the record.]

15 Ms. [REDACTED] So I want to talk about exhibit 2 and exhibit 4a. I think it's a
16 little bit out of order, but I'm hoping you can clarify it for us.

17 So exhibit 2 is December 4th at 11:43 p.m.

18 Mr. Jonas. One second, because they're not numbered. So I've got a
19 December --

20 Colonel Macgregor. We've got it. Here is this -- here is the one at 11:43 p.m.

21 Mr. Jonas. Okay. I got it.

22 Colonel Macgregor. From Schindler -- to Schindler from me, yes.

23 Ms. [REDACTED] Right.

24 BY MS [REDACTED]

25 Q So it says, "Kerry, I'm studying the attached material over the weekend for a

1 short three- to four-page paper I am preparing for SecDef."

2 Again, just to clarify here, was this paper, did the Acting Secretary of Defense ask
3 you to --

4 A No.

5 Q -- prepare this?

6 A No.

7 Q Okay. So this is what you were doing over that weekend. And you say at
8 the end of the second paragraph -- well, let's start with, "The key assumption is that from
9 now on civil disturbances that begin as riots will escalate to open rebellion against local
10 policy and" -- ARNG is what, sir?

11 A Army National Guard.

12 Q Guard. "-- authorities and demand a Federal military intervention
13 response. It strikes me that our responses tend to be slow and ad hoc versus planned
14 and rapid."

15 Was that comment in relation to the summer events or just from your past
16 experience?

17 A No. It did relate to summer events, because we discovered -- and I don't
18 know why we didn't know this or didn't think about it in the past -- but we discovered
19 how important cell phones were, texting, sort of immediate passage of information,
20 instructions. We didn't have to deal with that in the '60s and the '70s.

21 Q Is it fair that, because this is, like, the cell phone communication, there is a
22 lot of vocal orders that go out that wouldn't have happened in the '60s and '70s?

23 A Sure, absolutely. Also on-the-spot reports and quick decisions.

24 Q And is that something, again, in a very layperson way, is that something you
25 wanted to solve for in the sense of --

1 A What?

2 Q Is that something that you were concerned about in terms of trying to create
3 some sort of guidance here for the National Guard response?

4 A Well, you have to read the memo. And what I did is that I framed in the
5 first enclosure questions that I thought the Secretary of Defense -- and, again, this was
6 not written exclusively for Secretary Miller. This is something that I assumed would go
7 into the archives, whatever they keep up there in the Office of Secretary of Defense, and
8 be available to his successors.

9 And I wanted to have questions that he could ask of the Secretary of the Army,
10 who in turn could ask the Army General Staff, the Army National Guard Bureau, Reserve
11 Component.

12 So if you look at the enclosure, what I did is that upfront I said: These are what
13 we've seen. These are problems. Here are the questions, the right questions to ask.

14 Q Okay. And that enclosure that you're talking about, I think, is 4a. Is that
15 where it's the memorandum for the Secretary of Defense?

16 A It was the enclosure 1, as I thought, or A, whichever --

17 Q Oh, 5a.

18 Mr. [REDACTED]: One second. Let us --

19 Colonel Macgregor. There is a --

20 Mr. [REDACTED]: 5a in that page earlier.

21 Colonel Macgregor. There was --

22 Mr. [REDACTED]: Enclosure 1. So it's page 3, 5a. There you go.

23 Ms. [REDACTED]: Oh, I see it. Okay.

24 Colonel Macgregor. Have you got it?

25 Ms. [REDACTED]: Uh-huh.

1 Colonel Macgregor. Again, if you read through that, you have a series of
2 questions that relate both to what I could glean from the after-action reviews that I
3 examined for '68 and '70, and then what I thought was new based upon what we'd seen
4 in May, April -- or April, May, June, July, August timeframe.

5 BY MS. [REDACTED]

6 Q Got it. So I just want to clarify. This is something that you drafted,
7 correct? Is that --

8 A Yes.

9 Q And with the help of Kerry Schindler or --

10 A Yes.

11 Q Okay. And then there is another memo. I believe it should be behind
12 that. And it has the Department of Defense, Washington Headquarters Services,
13 Information Paper of December 4th, 2020?

14 A Those things were drafted by the Military History Office.

15 Q Okay. And those are the emails that we see asking for this information.

16 A Yes.

17 Q Is this what was provided to you? Okay.

18 A Yes.

19 Q Got it. And you incorporated some of this in the memo that you drafted
20 for the Secretary of Defense, correct?

21 A Yes. I cite in the memo things from those after-action reviews, which is
22 effectively what they are.

23 Q So, Colonel Macgregor, I think you did answer this when we talked briefly
24 about the summer, but I'm curious, in the summer, if you believed the Insurrection Act
25 was not needed, then what was the other -- what was the trigger to prepare this memo

1 about domestic unrest?

2 A Well, as I said earlier, in the Army we tended to treat events as one-offs. In
3 other words, oh, well, this happened. Here are the lessons learned. It goes on a shelf.
4 Everybody forgets about it.

5 And the truth is that you want an appreciation for what happened in the past, but
6 you also want to bring it up to date, which is what I tried to do with those questions that
7 ask people to think about things that we did not previously have to think about in the
8 future. Because my assumption is -- and I don't know when it will happen -- but we will
9 see unrest in this country in the future. We saw unrest in the past. We saw it in our
10 lifetimes. We'll see it again.

11 If you're in the military, as I was, you're obligated to prepare for all these potential
12 contingencies.

13 Q Right. And this was meant to go to the National Guard Bureau after a
14 discussion with the Secretary of Defense. Is that what you're --

15 A No, not necessarily. It was meant for the Secretary and the Secretary of
16 the Army -- Secretary of Defense, the Secretary of the Army.

17 The Secretary of the Army, as you know, he has a pretty wide-ranging portfolio.
18 Each of the service secretaries do. And that includes the Army National Guard Bureau
19 and the Reserve Component.

20 So, first, it was Secretary of Defense, the Secretary of the Army, and then it was
21 something for the Secretary of the Army to discuss, I would assume, with the Chief of
22 Staff in private, and then go from there.

23 Q Right.

24 A In other words, this sometimes results in a tasker. Secretary of the Army
25 tasks G3 to do X.

1 Q But it was -- it wasn't just beyond the -- it was beyond just the D.C. National
2 Guard, correct? Is that what you're --

3 A Yeah, I didn't even address D.C., which is a unique case, frankly.

4 Q Yes.

5 A Different from all the States. If you read in there, I never mention it.

6 Q That's why I ask. It's our understanding that the Army National Guard has
7 kind of an umbrella overview of the National Guards across the country, correct? So
8 that would be your goal in terms of drafting this.

9 Mr. Jonas. One second, please.

10 Ms. [REDACTED] Sure.

11 [Discussion off the record.]

12 Colonel Macgregor. Yes.

13 Mr. Jonas. Thank you.

14 Colonel Macgregor. Yes. The other thing is that, frankly, I did not anticipate
15 anything significant happening in Washington, D.C.

1

2

BY MR [REDACTED]

3

Q In the same vein of just looking back and revisiting history, your memo specifically mentions the Black Lives Matter and antifa violence of December 2020.

5

Was there any concern in your mind about the right-wing violence at some of the State capitals, including Michigan in I think it's May 2020?

7

A Not really, simply because the level of violence, if you will, the destruction of property between what you just described and the nationwide vandalism and criminality on the other side was enormous. So I was really focused on what had caused the \$2 billion worth of damage.

10

11

Q Right. But, if this is a forward-looking memo, was there no concern in your mind that this type of action could escalate and become a pattern of occupying capitals with armed, let's say, militia?

12

13

14

A Well, to be perfectly frank with you, this applies to any form of civil disturbance. In other words, this mentions the noteworthy factors in the civil disturbance, but it's not exclusive. I mean, if you wanted to you could include a long list of potential civil disturbance sources, because what I'm pushing for is the readiness to deal with whatever happens.

15

16

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18

19

Q Right. But I think one of my questions is these things were happening in tandem. You had in May 2020 some of these capitals being occupied. Meanwhile, I think you had Proud Boy protesters, counterprotesters, and a lot of violence in that vein.

20

21

22

My question to you is mostly why, if it is, again, if it's a forward-thinking memo, why was there no concern about occupying actual government buildings and not just destruction of property?

23

24

25

A You know, the thought process at the time, I'd have to ponder that question

1 for a while. But remember I asked the Office of Military History to send me what they
2 thought was valuable. In fact, I said, "Send me these things and anything else." And
3 what came back is what's in that memorandum.

4 But to go back to my earlier statement, from my vantage point, the things that I
5 tried to highlight in that enclosure, which could have been sent forward as
6 recommendations, instead I phrased them as questions that deserved to be asked, all of
7 those things could apply to any form of civil disturbance, whether it is Black, White, or
8 anything else.

9

BY MS. [REDACTED]

10 Q So it would have applied then to the events that happened on January 6th,
11 right?

12 A Certainly. It could have easily applied. But I had no idea that was going to
13 happen on 6 January. It never even occurred to me.

14 Q So I think again you're putting your focus on kind of domestic disturbances,
15 and then 30 days later we have January 6th. I'm not saying that you knew it was
16 going -- what was going to happen on the 6th. But did you have any sense from
17 November or December going into the 6th that there was the potential for domestic
18 disturbances?

19 A No. I'm afraid not. I wish I could say that I'm a prophet, but I absolutely
20 did not know. Never anticipated it. Never conceived of it.

21 Q So, again, I understand you're not -- many of the folks we interview say they
22 couldn't conceive the storming of the Capitol, so putting that aside. But were you aware
23 that thousands of people were going to come for the January 5th and 6th rally, just
24 starting with that as a baseline?

25 A Well, I had heard through the media from time to time that there were these

1 claims of thousands of people, which I treat with considerable skepticism, because lots of
2 people say, "Well, there were 55,000 people at the rally," and then, subsequently, I
3 discover that there were only 7,000 or 8,000. So I didn't pay much attention to it until
4 the 6th.

5 And on the 6th I was in my office working, and I had just gotten through with one
6 of these discussions about China, and the yeoman, a Navy sailor, came across the hallway,
7 opened the door and said, "Hey, sir, come on over here and see what's happening."

8 And I said, "What?"

9 He said, "Oh, you've got to see this on TV."

10 So I walked across the hall, and I said, "What's that?"

11 And he told me this was happening at the Capitol Building. And I just shook my
12 head, and I said, "That's ridiculous," and I walked back into my office. That's it.

13 Q Did you watch the coverage at all on that day?

14 A No.

15 Q Did you --

16 A I did not.

17 Q So it strikes me that on December 4th, when you say, quote, "It strikes me
18 that our responses tend to be slow and ad hoc versus planned and rapid," about the
19 National Guard, do you connect that -- did you see that happen on the 6th in terms of the
20 Guard's response?

21 A No, I can't say that it was fast or slow, because I was not part of it. I had no
22 role in it. Was never mentioned to me. I was not invited to look at it. So I didn't pay
23 any attention to it.

24 Q That's fair. But as a person with this deep knowledge and this being your
25 focal point at the time, now, as you sit here, obviously, you've learned that the National

1 Guard responded after hours. And it's fair to say they weren't exactly -- they didn't
2 pivot in a rapid manner to respond to the Capitol.

3 Do you have any perspective on that in terms of what your knowledge was of the
4 research that you had done?

5 Mr. Jonas. Well, just one second, please.

6 Ms. [REDACTED] Sure.

7 [Discussion off the record.]

8 Mr. Jonas. Thank you.

9 Colonel Macgregor. I think it's important to understand that, as far as I was
10 concerned in this connection with the memorandum that you have, it was submitted as a
11 memorandum for information. Once it passed from me through the Chief of Staff to the
12 Acting Secretary, it was his, and I never received any feedback whatsoever.

13 Mr. Jonas. As opposed to a memorandum for or a direction or directing action
14 on the Pentagon, it's either for info, just information, requiring no one to take any
15 actions, or it's what's for action, meaning it's directing people to do something. This was
16 simply an information memorandum, which people are free to literally ignore, and that's
17 usually what happens in the Pentagon.

18 Colonel Macgregor. Remember, in the proffer you asked a question: What
19 other things did you help draft or author regarding direction or action? The answer was
20 nothing.

21 That's my point. This was a memorandum for information. It would have been
22 wonderful if the Secretary had said, "This is great, Doug. Let's bring up the Secretary of
23 the Army and have a discussion about this."

24 Didn't happen. He had other things on his plate. And he was very busy, and I
25 understood that.

1 And, again, at the time I really thought this would be useful to probably his
2 successor. It didn't occur to me that there would be any event that would have much to
3 do with this that soon.

4 But you've got to understand that I was never in the chain of command. I'm an
5 advisor. So let's say I decided,
6 "Oh, well, let's go find out what happened." I can't do that. That's not within my
7 range of responsibility.

8 Does that make sense?

9 BY MS. [REDACTED]

10 Q Right. No, I appreciate that.

11 One question, though, on the timing of it. It seems that you did this over the
12 weekend of the 4th, and then -- I'm just turning your attention to exhibit 5, which is a
13 December 9th email to Matthew Brown. So it looks like you turned this around pretty
14 quickly. And in that email -- do you have that, Mr. Jonas -- it says --

15 A Yes. Yeah, we've got that.

16 Q "Matt, I apologize for imposing on you. I'm a novice when it comes to
17 properly preparing/formatting material for the SecDef. Once you've placed in the
18 proper format for memoranda, it should be provided in hard copy to Kash Patel or to
19 whomever assembles the action folders."

20 And then the last sentence is, "Although this is not classified, the contents is
21 sensitive and should not circulate beyond the SecDef's inner office."

22 A Yeah.

23 Q Why was that a concern of yours at the time?

24 A The so-called draft of the executive order that Donald Trump signed on the
25 11th of November was leaked almost immediately from someone inside the National

1 Security Council staff, as I later discovered.

2 Leaks are absolutely rampant and proliferate. Leaks into the hands of journalists
3 are manna from heaven. I didn't want this to be leaked.

4 Mr. [REDACTED] No, that makes sense.

5 BY MS. [REDACTED]

6 Q And the hard copy to Mr. Patel, I understand you didn't speak to the Acting
7 SecDef about this, did you speak to Mr. Patel once your product -- that product was
8 complete?

9 A I think I inquired, whether it was Kash or the secretary to the General Staff or
10 its equivalent, which was a lady who was in the Army, I think she was a lieutenant colonel
11 or a colonel, Adjutant General's Corps. She handled most of the material that went into
12 the folders.

13 Note that in the email it talked about action folder versus information. And so I
14 remember inquiring to her, "Did that make it into the information folder?" And she said
15 yes.

16 Beyond that I don't know what happened.

17 Q So I understand that you're working as an advisor to the SecDef, but did you
18 have any discussion with any folks from the Army side, meaning Secretary McCarthy or
19 General McConville, about this memorandum?

20 A No. I relied on Kerry for his assistance with the Reserve Component and
21 Army National Guard material, which was really my principal focus.

22 Q Okay. One question about the list of questions, Colonel. The last kind of
23 bullet in your enclosure 1, you have command, force composition, logistical
24 considerations. The last one about public messaging and information operations. Can
25 you just explain that one and what the importance of that is?

1 A It's very important, based upon my experience, to have someone telling the
2 truth, because the truth is rapidly lost in various discussions. In fact, some people argue
3 that today we have no truth, we have only narratives.

4 So if you don't have someone who's telling the truth -- this is how many people
5 we've got, this is where they are, this is what they're doing, and these are the instructions
6 they've received -- and that doesn't reach the public, the public can be treated to any
7 number of different interpretations and narratives.

8 That simply makes it much harder for National Guard Reserve or Active
9 Component officers to elicit cooperation and to reassure the public.

10 Q And you're talking about it, the truth telling, in the aspect of the response of
11 the National Guard, right?

12 A Yeah. Whoever is responding. Remember, this is all about an integrated
13 effort involving police, Guard, Reserve, and potentially even Federal forces, if necessary.

14 Q Yeah, I appreciate what you're saying.

15 I think that, not to get sidelined here, but you see that in the response in Texas.
16 There is a lack of transparency about who responded and when that has led to a number
17 of different narratives, as you said.

18 ██████████ do you have anything else on these memos?

19 Mr. ██████████ No, I don't.

20 Ms. ██████████ Does any -- I'm going to ask my colleagues. Does anybody
21 have any other questions about these memos before we move on to, I think, probably
22 one of our final topics? I see --

23 Mr. ██████████ ██████████

24 Ms. ██████████ ██████████? No one. Okay.

25 Mr. ██████████. No, thank you, ██████████

1 Ms. [REDACTED] Okay.

2 Colonel Macgregor, I want to talk a little bit about the transition now. I know
3 you said you weren't involved in it. Were you aware of how it was proceeding for the
4 Biden-Harris transition team in terms of getting access to personnel in the Office of the
5 Secretary of Defense?

6 Colonel Macgregor. No. The first time that I was aware of any difficulty at all
7 was the email that's part of your email trail. There is a comment in there from Kerry
8 Schindler to me making me aware that the Acting Secretary of Defense had told
9 everybody to stop coordinating or cooperating with the incoming administration.

10 Mr. [REDACTED] Did you respond to this email?

11 Colonel Macgregor. No. I had nothing to do with it.

12 And remember, when I wrote this memorandum, as with everything else that I
13 did, I did it with the view that it could be useful to whomever came in. I didn't know
14 that Lloyd Austin was going to be the Secretary of Defense, but it could certainly be useful
15 to him and the Secretary of the Army.

16 So I was not focused on the transition per se, and I wasn't part of it because I had
17 no experience -- recent experience -- in the building.

18 Mr. [REDACTED] Do you know how Mr. Schindler would have been aware that the
19 Secretary told DOD to stop coordinating with the Biden transition?

20 Colonel Macgregor. I don't know, except that he might have heard it
21 somewhere, or someone had told him. I have no idea.

22 Ms. [REDACTED] Were you involved in any manner, meaning did anyone from
23 the Biden-Harris transition team interview you as part of the process?

24 Colonel Macgregor. No. I heard from no one.

25 Ms. [REDACTED] Did you become aware of the pause in the transition, as we see

1 here in that email of exhibit 7, from mid-December until early January?

2 Colonel Macgregor. Only because of that email. Otherwise, I probably
3 wouldn't have noticed.

4 Mr. [REDACTED] But you weren't curious at all? I mean, it doesn't seem like a very
5 typical thing to stop transition 3 weeks, 4 weeks out. This didn't raise alarm bells with
6 you as a member of DOD?

7 Colonel Macgregor. Not really. I mean, I was a political appointee, and I was
8 working on the things that I thought were important over the long term as opposed to
9 the short term. So I really wasn't interested in short-term political maneuvers, conflicts,
10 crises, whatever.

11 Ms. [REDACTED] I want to draw your attention to exhibit 6, which is another
12 email with Mr. Schindler December 9th about your -- I believe it's your nomination to the
13 West Point Advisory Board?

14 Colonel Macgregor. Yeah, the West Point Board of Visitors, yes.

15 Ms. [REDACTED] And I saw you smiling, sir, as was your attorney. Do you want
16 to just explain? Mr. Schindler's response here -- is an article announcing your
17 appointment, and Mr. Schindler says, "I wish I could see Milley's face when he reads this
18 and offers you congratulations."

19 Your response back is, "Yes, I'm sure lots of USMA types were also upset given my
20 opposition to the interventions they bungled badly."

21 Can you just explain that?

22 Colonel Macgregor. I'm well known for my lack of enthusiastic support for our
23 interventions overseas. I just have not been a fan of that sort of thing. And many
24 people are critical of me because I have not supported them. And so that was my
25 response.

1 I mean, I don't know General Milley personally. I met him only once. So I have
2 no idea why he said that, but my assumption was what I wrote in the email.

3

BY MR. [REDACTED]

4

Q When was your -- you had just said that you met General Milley only once.

5

Do you remember when that was?

6

A I'm trying to stop and think. It was either late November, early December.

7

I was in the hallway outside the Office of the Secretary of Defense. He came out and he

8

walked up to me, and I didn't even recognize him. I didn't know who he was. And he

9

announced that he was Mark Milley, and he said that we had a friend in common,

10

someone named T.J. Smith, who retired as a full colonel. He was my S3 when I

11

commanded the 4th Cavalry.

12

And he said that T.J. had actually introduced us when I was a major in the 2nd

13

Cavalry, either -- I guess after Desert Storm.

14

But I didn't remember. And I said, "Well, I'm very sorry, I don't remember. It's

15

nice to meet you."

16

And he said, "Well, we'll talk again."

17

And he went on down the hall.

18

Q And just to be clear, this is November-December of 2020, right?

19

A Yeah. Yeah. End of November 2020, beginning of December 2020. That

20

was the only time I interacted with him.

21

Ms. [REDACTED]: Colonel Macgregor, some of the topics I flagged with your

22

counsel, I just want to go through them briefly in terms of if you have any knowledge

23

about it.

24

One of them is any involvement in investigating claims of election fraud generally,

25

as well as a claim about two men imprisoned in Italy who were allegedly involved in

1 hacking a DOD satellite in November of 2020 that impacted the Presidential election.

2 Do you have any awareness of that particular conspiracy theory about the
3 election?

4 Colonel Macgregor. Well, I certainly was not aware of anybody imprisoned in
5 Italy. Don't know anything about that. I mean, obviously, all sorts of things were
6 swirling around in the environment. But, again, that was not an area of importance or
7 of significance to me.

8 Ms. [REDACTED] We also have in the exhibits we provided you -- this would be
9 exhibit 8 -- Presidential findings. Sorry. One second.

10 Mr. Jonas. Can I just interrupt for one second?

11 Ms. [REDACTED] Sure.

12 Mr. Jonas. Thank you.

13 [Discussion off the record.]

14 Mr. Jonas. Thank you.

15 Colonel Macgregor. Yes, my attorney reminded me that I said no interest, and
16 that was the wrong word. I should have said no knowledge. I just have no knowledge
17 about it.

18 Ms. [REDACTED] I'm sorry. No knowledge about the election --

19 Colonel Macgregor. The campaign, what happened in the election itself, the
20 various theories that you discussed.

21 Mr. Jonas. The guys in prison, the whole satellite thing.

22 Ms. [REDACTED] Sure.

23 Colonel Macgregor. I don't know anything about it. I have no knowledge of it.

24 BY MS [REDACTED]

25 Q But it sounds like, Colonel Macgregor, you, from the time you took on this

1 job November 10th, you had the clear idea this was ending January 20th and didn't
2 believe in some of the rhetoric about the election was stolen and that President Trump
3 would remain after January 20th?

4 A Well, I wasn't prepared to stand up and exclude that possibility. But I knew
5 the scheduled events that had to occur regarding the installation of a new President, and
6 my assumption was then -- I never said this -- but my assumption was that those events
7 would outpace any attempt to thoroughly investigate anything.

8 Q And those events were what, in your mind?

9 A Those events? The electoral college, the certification, and then ultimately
10 the inauguration.

11 Q All right. So the State certification on December 14th, did that in your mind
12 end any type of effort that the President had to investigate the claims that he was
13 making?

14 A Well, that's something I don't know. What I'm saying is that that
15 happened. And once you've reached that certification point, the notion that you're
16 going to produce results from a thorough investigation that could conceivably convince
17 any arm of the government to overturn the election was very low.

18 Q Understood. Did you have any contact with any of Mr. Trump's allies in
19 promoting the investigation of election fraud claims, whether it's Sidney Powell or
20 Rudy Giuliani or any of those people?

21 A No. I did not speak with any of them. I don't really know them.

22 Q And I just want to be clear, as we're kind of turning the corner and ending
23 the interview, that it sounds like you were not -- did not have contact with the President
24 until this April 2020 meeting where you kind of landed there as a result of Mr. Trump
25 seeing you on Tucker Carlson. But were there any other connections to the President

1 that might explain how you came into his -- onto his radar, apart from Tucker Carlson?

2 A You know, I just don't know. I don't know. I really don't know.

3 Mr. Jonas. Not that you're aware of.

4 Colonel Macgregor. Not -- yeah. I think the right answer is none that I'm aware
5 of.

6 Ms. [REDACTED] Okay. Oh, exhibit 8, sir, the -- is that 7?

7 Mr. [REDACTED] No, no, you're right.

8 Ms. [REDACTED] It's 8.

1

2

BY MS. [REDACTED]

3

Q We have this December 16th "Presidential Findings to Preserve, Collect, and Analyze National Security Information Regarding the 2020 General Election."

5

Were you familiar with this before we provided it to you through your -- to counsel?

6

7

A No, not really, no. No, I don't recall seeing this, if I did. Every morning I would come in, the first thing I would do was run hard copies of things that came to me on email, including attachments. I would look at them to determine whether or not there was something relevant to me. If there was, it stayed in the in-box. If there wasn't, I threw it out.

11

12

And under the circumstances this would have ended up in the wastepaper basket, because I have no role in this, no knowledge of it. I have no legal background. I was never asked about it.

13

14

15

Q This has to do with seizing voting machines as well as asking for the support from the Secretary of Defense to do so.

16

17

Is that anything that you were aware of or discussed during your time?

18

A No.

19

Ms. [REDACTED] Go ahead.

20

Mr. [REDACTED]. And no one contacted you about these topics at any time?

21

Colonel Macgregor. No one in OSD or anywhere else.

22

Mr. [REDACTED] The White House includes anywhere else. Okay.

23

Colonel Macgregor. Right.

24

BY MS. [REDACTED]

25

Q Would you describe this as an executive order from what you prior --

1 A I'd have to look at it.

2 It could be construed as that. If you look at the first paragraph, it says that he
3 derives his authority for the implementation of this as a potential executive order from
4 the National Security Presidential Memoranda 13 and 21. And then he goes into section
5 301 of Title III, U.S. Code.

6 I don't know those -- what the content is of those, but it's cited as the basis for
7 this.

8 Q So, Colonel Macgregor, I just want to kind of make sure we're clear once we
9 wrap up this interview that it seems that, as far as the November 11th directive,
10 obviously we wanted to talk to you because your name had been mentioned by other
11 witnesses.

12 How do you -- and it sounds like from what you're saying, apart from the
13 conversation with Mr. McEntee on, let's say, the 9th, 10th, 11th, and then the follow-up
14 conversation with Secretary Miller about the priorities of the Trump administration, you
15 did not speak to or see -- speak to anyone about the order, or even see that order.

16 A No, I did not.

17 Q How do you explain these other witnesses essentially inserting your name
18 into this particular November 11th directive event?

19 A You know, I simply don't know.

20 Q Was it discussed frequently about the withdrawal of troops? Did people
21 understand that this was a priority you were advocating within the Department? And
22 could it be that's why they attach your name to this memo?

23 Because understand, for us, it's hard to reconcile. We have witnesses saying you
24 handed this memo to them and you saying you didn't even see the memo and certainly
25 wouldn't have handed it to them.

1 A Yeah. The only thing I can think of is that I have written extensively. As I
2 pointed out earlier, you can go back through my op-eds. In fact, the op-ed I wrote in
3 The Washington Times in June, I think it was entitled "What Happened to America First?"
4 And I talked specifically about the criticality of disengaging from Afghanistan at the
5 earliest opportunity.

6 That particular op-ed brought me to Steve Bannon's attention, which is why he
7 wanted to talk to me. And that's not the only one, but there were several others that I
8 have written arguing that Afghanistan was a place we didn't want to be.

9 Q Understood. So that could be why your name was attached to this
10 withdrawal? Is that what you're --

11 A I just don't know. I don't know.

12 Q Okay. When you met with President Trump in April of 2020, did he
13 mention Steve Bannon as part of his interest in speaking with you?

14 Colonel Macgregor. This is a conversation in the Oval Office.

15 Mr. Jonas. Would that be considered to be precluded by the White House
16 counsel's memo?

17 Ms. [REDACTED] In terms of -- I'll have Ed respond first. I can -- I don't think
18 it -- are you on mute, Ed?

19 Is Ed on mute?

20 Mr. [REDACTED] No. You shouldn't --

21 Ms. [REDACTED] Ed, you're not on mute on our side.

22 Mr. [REDACTED] Yeah, you're not on mute on our side.

23 We still can't hear you.

24 Colonel Macgregor. You may want to repeat that for Ed.

25 Ms [REDACTED] Sure.

1 Mr. [REDACTED] I promise I didn't mute you.

2 Ms. [REDACTED] Ed, do you want to call me and I can put you on speaker?

3 Hi, Ed.

4 Mr. Richards. Can you hear me?

5 Ms. [REDACTED] Yes.

6 Mr. [REDACTED] Can you guys hear him?

7 Ms. [REDACTED] Sounds like they can.

8 So, Ed, I just asked a question of whether Mr. Trump had mentioned Steve Bannon
9 as part of that April 2020 meeting.

10 Mr. Richards. Can you just inform us how that is connected to the election or
11 the transition? It's just unclear, that intersection.

12 Ms. [REDACTED] Sure.

13 Mr. Richards. Thank you.

14 Ms. [REDACTED] The connection at that time is just a matter of how
15 Colonel Macgregor was introduced to the former President. And I just want to make
16 clear, as the record stands now, it seems that President Trump saw him on Tucker Carlson
17 and that's how he became aware.

18 And if there is more to that, I think that's important so the record is clear on that.
19 And I mean the connection is just how -- it's kind of the broader view of how these folks
20 who came into positions after Joe Biden was declared the President-elect on
21 November 9th came into these positions and how they were known to the former
22 President.

23 Mr. Richards. Okay. Yes. Right. I believe, because it does not get into
24 deliberations per se but is more of a fact regarding his background, that that would be
25 allowed pursuant to the letter. So no objection to answering this question. Thank you.

1 Colonel Macgregor. So the question again is whether or not the President
2 mentioned my meeting with Steve Bannon?

3 Ms. [REDACTED] Right.

4 Colonel Macgregor. No.

5 Ms. [REDACTED] Okay. Fair enough.

6 Did it appear that he knew that you knew Steve Bannon, I guess is the question.

7 Colonel Macgregor. No.

8 Ms. [REDACTED] Okay. All right. Let me just take 2 seconds and make sure
9 we've covered everything, and then I'll -- Ed, I'm turning you off. I'm hanging up, Ed.

10 Mr. Richards. Thank you.

11 Ms. [REDACTED] Okay.

12 Colonel Macgregor. That's okay. I've been turned off before.

13 Ms. [REDACTED] Okay. One second.

14 [Discussion off the record.]

15 BY MS. [REDACTED]

16 Q Colonel Macgregor, I know you started -- you spoke a little bit about your
17 day on January 6th, that you were at the Pentagon and someone told you about what
18 was happening.

19 Can you just walk us through the rest of the day, whether you watched what was
20 occurring, whether you spoke to anybody about the events?

21 A No. No, I did not. And I've continued at that point to talk to the -- there
22 were two key figures about China in OSD. Both of the men, one was retired, full colonel
23 in the Marines, the other was a full colonel in the Army, they had both been in Beijing, I
24 guess each of them for almost 6 years on two separate tours. They spoke, read, and
25 wrote Chinese fluently, and they were intimately familiar with the discussions in the JCS

1 and any planning.

2 So I continued talking to them, and I went home early.

3 Q Did you watch any of the coverage when you went home?

4 A You know, I don't remember, to be frank. I don't really remember.

5 Q So it sounds like you didn't. Were you concerned about what you saw
6 when you did view it, when your colleague came in to tell you to turn the TV on?

7 A Well, I saw that it looked like a disturbance, and I remember saying, "This is
8 ridiculous." And that was my view at the time.

9 Q Has your view changed now that you've -- have you seen some of
10 the footage of what occurred and the storming of the Capitol in terms of what you might
11 have seen, not that day, but in the days following?

12 Mr. Jonas. Do we really need to get into his personal views here? I mean, what
13 relevance is that?

14 Ms. [REDACTED] Just so the record -- I just want to make sure the record is how
15 you want it to appear, that you referred to it as a disturbance based upon what you saw
16 on the 6th, which doesn't seem as that much. Is that still your view, that it was merely a
17 disturbance?

18 Mr. Jonas. Well, but what he saw was kind of the initial external events at the
19 Capitol. And it's not like he stayed there and watched it for an hour. It looked -- you
20 know, I just don't see how it's relevant, you know, what he thinks now about it,
21 why -- you know, who cares, really?

22 Mr. [REDACTED] He drafted multiple Insurrection Act memos, and this is an
23 investigation of an insurrection, so we just want to get his thoughts on -- I mean, he
24 clearly has done a lot of research on insurrection, and I think we would like to understand
25 his personal views.

1 Mr. Jonas. One second, please.

2 [Discussion off the record.]

1

2 [12:08 p.m.]

3 Mr. Jonas. Thank you.4 Colonel Macgregor. Well, first of all, I'd have to go back and look at it more
5 carefully, because I really haven't.6 What I can say -- and this is based on a book by someone named Crane Brinton
7 who wrote a piece called "The Anatomy of Revolution." It discusses the French
8 Revolution, the Bolshevik revolution, the Cromwellian revolution. Normally
9 insurrections involve large numbers of men with guns.10 Ms. [REDACTED] Just to pull on that, because you did not see a large amount of
11 number of men with guns, did you believe that the 6th was not an insurrection?12 Colonel Macgregor. I did not see anyone with guns. If there were people there
13 with guns, I didn't see it. But normally insurrections involve large numbers of men with
14 guns.15 Mr. [REDACTED] You did draft several of these. These memos mention antifa and
16 Black Lives Matter. And to the best of my understanding, there weren't a lot of
17 instances of men with guns. But you still drafted an Insurrection Act memo.

18 How do you square those two concepts?

19 Colonel Macgregor. Well, first of all, I don't have all the material I used in front
20 of me. But there were guns present, and other things were used as weapons. As you
21 know, more people die every year from the use of knives and hammers than die from
22 gunshot wounds.23 Mr. [REDACTED] Well, to that point, on January 6th we have video evidence and police
24 evidence of hammers and bricks and whatever was on the steps of the Capitol being used
25 as weapons. How would you -- would you still characterize those as -- would you

1 characterize those as arms in the use of an insurrection?

2 Colonel Macgregor. Again, I'm unaware of that. I have never heard that. If
3 that's the case, then that bears closer investigation.

4 BY MS. [REDACTED]

5 Q So I just want to make sure we're clear here because my colleague points out
6 the memos about antifa and Black Lives Matter. And I thought you had said what you
7 saw over the summer did not rise to an insurrection.

8 A No, I don't think it did.

9 Q And, again, from what you saw of the 6th, it did not rise to an insurrection.

10 A I don't think it did.

11 Q Did you have any discussion with Secretary Miller about the preparations
12 leading up to the 6th?

13 A No.

14 Q Were you aware of any of the interagency calls that the DOD was involved
15 in?

16 A No.

17 Q And did you have any knowledge or were aware of, separate from DOD but
18 just as a resident of the D.C. area, about what the threat landscape was going into the
19 6th?

20 A Only what came through the media from time to time in the aftermath.
21 And, again, how much of that was accurate, I don't know.

22 Q And then when you went home, it sounds like, did you have any contact with
23 Secretary Miller or Kash Patel that day?

24 A No.

25 Q With anyone from the White House, Mr. McEntee or anyone else?

1 A No.

2 Q And did you have any, just to close the loop on the Insurrection Act memos,
3 did you have any follow-up about that in the lead-up to January 6th with Mr. McEntee or
4 anyone from the White House?

5 A No.

6 Q So, again, on these memos, it sounds like you initiated them on your own
7 and that essentially it was not discussed with anyone at the White House or with even
8 Acting Secretary of Defense Chris Miller.

9 A No. I simply --

10 Mr. Jonas. Meaning correct.

11 Colonel Macgregor. Yes. I simply delivered the product, the final product, and
12 that was the end of it. Heard nothing thereafter from anyone about it.

13 Ms. [REDACTED] When was your last day in the administration?

14 Colonel Macgregor. The 20th, in the morning. That's when we were logged out
15 officially.

16 Ms. [REDACTED] Do you have anything?

17 Mr. [REDACTED] No.

18 Ms. [REDACTED] Does anybody have anything before we conclude? Okay.

19 Colonel Macgregor, this was very helpful and we appreciate your time. We end
20 most of our interviews by asking our witness if they have any recommendations about or
21 any witnesses you think we should talk to, any suggestions.

22 Obviously, the select committee has a mandate to understand and investigate the
23 events leading up to and on January 6th. You have a vast background and expertise in
24 military issues.

25 But is there anything that you saw that could have prevented this or have

1 anything you want to provide for the record before we end?

2 Colonel Macgregor. Not that anything occurs to me at this point, no.

3 Ms. [REDACTED] Okay. Great.

4 Thank you, Mr. Jonas, for your flexibility.

5 Thank you, Ed, as always.

6 And at 12:14 we go off the record.

7 So thanks all.

8 Mr. [REDACTED] Thank you for your time.

9 Mr. Jonas. Thank you.

10 Mr. Macgregor. Thank you very much.

11 [Whereupon, at 12:14 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