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**(9 November 2020 – 20 January 2021)**  
**Statement for**  
**Committee on Oversight and Reform**  
**U.S. House of Representatives**  
**117<sup>th</sup> Congress of the United States**  
**12 May 2021**

Chairwoman Maloney and Members of this Committee, the January 6, 2021 attack on the Capitol was unconscionable. I'm grateful for the opportunity to provide needed context and insights to this Committee— this is **LONG** overdue.

I served as the Acting Secretary of Defense that day and, as such, I was ultimately responsible for Department of Defense support to local and federal law enforcement agencies, and, more specifically, for approving the mobilization and deployment of the District of Columbia National Guard at the request of our local and federal partners who held primary responsibility for safeguarding the Vice President, the Members of Congress, and the Capitol complex.

General Mark A. Milley, Chairman of the Joint Chiefs of Staff, and I had been closely monitoring civil disturbances in the United States since I assumed the position of Secretary of Defense on November 9 from former Secretary Mark Esper. Chairman Milley had been intimately monitoring these matters for the Department since the summer 2020 demonstrations in Washington following the murder of George Floyd.

Before addressing the specific events on and leading up to January 6, I believe it useful to provide the Committee with an overview of my military background and government service.

**I. Background**

My first career was in the United States Army. I enlisted in the Army Reserve in 1983 at the age of 17. I transferred to the Army National Guard while attending George Washington University and was an enlisted Military Policemen in the District of Columbia Army National Guard before receiving an Army ROTC scholarship. After graduating college and receiving my commission, I became an Infantry officer and, following a year on the Demilitarized Zone in Korea, I spent a four-year tour in the 3<sup>rd</sup> United States Infantry Regiment (The Old Guard), the

Army unit responsible for augmenting civilian law enforcement in the Military District of Washington during civil disturbances. That service required a deep knowledge of those types of matters and extensive training. I subsequently tried out for, and was accepted into, the Army Special Forces and spent the next 21 years serving as a Green Beret. I served in Bosnia, Afghanistan and Iraq – in all three places I was involved in addressing riots and civil disorder – as well as serving in numerous other locations throughout the world. I led units in combat in Afghanistan in 2001-2002 and 2004-2005 and Iraq in 2003 and 2006-2007. I served in the Pentagon from 2010-2013 where I was responsible for matters involving Irregular Warfare. I retired in 2014 as a full Colonel having served in the Army in some capacity for 31 years.

Following my retirement from the Army, I supported the U. S. Special Operations Command as a civilian contractor at the Pentagon. In 2016, I resumed my government service and held a position responsible for monitoring Intelligence Oversight compliance in the Department of Defense. In 2018, I was loaned to the National Security Council, eventually becoming Senior Director and Special Assistant to the President for Counterterrorism and Transnational Threats. During that time, I was responsible for producing the President’s “National Strategy for Counterterrorism” which included for the first time Domestic Terrorism as a priority threat that needed to be addressed. I was on duty at the White House during the El Paso Walmart attack on August 3, 2019. In December 2019 I accepted an appointment to serve in the Pentagon in Special Operations and Low Intensity Conflict which allowed me to continue our nation’s war against Al Qaida – my reason for accepting the position. I was subsequently nominated by the President and unanimously confirmed by the Senate to serve as the Director of the National Counterterrorism Center. On November 9, 2020, I was designated as the Acting Secretary of Defense following Mark Esper’s departure, and I served in that position until January 20, 2021. After leaving the government in January, I co-founded Boundary Channel Partners, a consulting company providing a range of strategic advisory and consultative services. I also remain active in continuing to give voice on behalf of the members of our Armed Forces, including veterans and their families, who I believe are all too often overlooked by our government, by serving as the Executive Director of the Special Operations Association of America.

## **II. Events leading to January 6**

On December 31, 2020, Washington, D.C. Mayor Muriel Bowser sent a written request to Major General William J. Walker, Commanding General of the D.C. National Guard, seeking unarmed National Guard support to the D.C. Metropolitan Police Department and D.C. Fire and Emergency Medical Services for planned demonstrations scheduled for 5 and 6 January. The Director of the D.C. Homeland Security and Emergency Management Agency provided additional specifics regarding Mayor Bowser's request to General Walker. Because the District of Columbia is not a state, its mayor needs Presidential approval to use the D.C. National Guard, unlike state governors who can unilaterally mobilize their National Guard forces. The President had delegated his authority in this regard to the Secretary of Defense. The Army has day-to-day interaction with and operational-level oversight of the D.C. National Guard when it is providing support in an Active Duty capacity (as opposed to "drill" status on weekends or for Annual Training). As such, the request was first transmitted from General Walker to the Secretary of Army and then relayed to me.

Over the following weekend, the Secretary of the Army, Ryan D. McCarthy, and the Army Chief of Staff, General James C. McConville, reviewed Mayor Bowser's request and presented it to me and Chairman Milley on Monday, January 4, 2021. I formally approved the request that morning and conveyed it to the Secretary of the Army. The Secretary of the Army further confirmed the approval of this support to the Deputy Attorney General of the United States. I will add that over the weekend, I had several conference calls with Department of Defense leadership and had informed them that I was planning to approve the request but would not do so formally until the concept of the operation – the plan – was finalized.

In the days leading up to the January 6 Electoral College certification, Department of Defense personnel monitored and met regularly to review the situation relating to the planned demonstrations and potential disturbances locally and nationwide relating to those demonstrations. A principal concern for the Department of Defense was the apparent lack of coordination, synchronization, and information exchange with and between the numerous domestic law enforcement organizations having primary jurisdiction and responsibility over such matters in the District. To properly provide military support to those agencies, it is necessary to

confer, coordinate and synchronize with, among others: the D.C. Metropolitan Police Department; the Metro Transit Police; the Capitol Police; U.S. Department of Homeland Security; U.S. Department of Justice (including the FBI); U.S. Department of the Interior; the U.S. Marshals Service, Federal Protective Services; the U.S. Secret Service and the U.S. Park Police.

The Department of Defense was very mindful of lessons learned from its experience providing support to local and federal law enforcement during the June 2020 protests near the White House and elsewhere in Washington in the aftermath of George Floyd's murder. One lesson was the need for close coordination with partner agencies because our military personnel and resources must be limited to playing a supporting role to the primary law enforcement entities and only involved in certain situations with well-defined responsibilities.

On January 3 and 4, I convened Cabinet-level calls – these calls were held in addition to numerous lower-level coordination discussions and meetings – with the purpose of:

- (1) Ensuring that all agencies involved were operating from a common picture concerning the potential threats and our agencies' respective roles and responsibilities in response to such threats;
- (2) Understanding who would be in charge of any response and presence;
- (3) Confirming that the appropriate local and federal law enforcement organizations understood that the Department of Defense was standing by to provide any appropriate support requested.

The assessment by domestic law enforcement components was that there would be up to 35,000 generally peaceful demonstrators located at 10 locations interspersed with small groups who would likely attempt to incite violence. Essentially, domestic law enforcement expected a replay of demonstrations that had occurred in Washington in November and December 2020 with generally peaceful protests during the day and, at the onset of darkness, small fighting cells conducting acts of violence. The contemplated use of National Guard personnel in static positions such as for traffic control would free credentialed law enforcement officers to respond to similar outbreaks of violence or unexpected contingencies. The National Guard did not and does not have the authority to arrest people. Mayor Bowser's request clearly reiterated that limitation. I also want to highlight that we in the Department of Defense voiced our concern

about the permitted demonstration on the Capitol grounds, but we did not have the legal authority, and rightfully so, to deny or cancel the permits.

I want to be **VERY** clear – it is **NOT** and was **NOT** the role of the Department of Defense to convene these sorts of interagency and intergovernmental meetings or calls concerning domestic law enforcement matters. I want to repeat that point – it is not in the best interests of the citizens of the United States, our Armed Forces or our constitutional form of government for the Department of Defense to take a lead role in organizing a domestic law enforcement response. But I felt it was my responsibility to initiate these discussions given my sense that these efforts and coordination were not tightly wired at that point.

My concerns regarding the appropriate and limited use of the military in domestic matters were heightened by commentary in the media about the possibility of a military coup or that advisors to the President were advocating the declaration of martial law. I was also cognizant of the fears promulgated by many about the prior use of the military in the June 2020 response to protests near the White House and fears that the President would invoke the Insurrection Act to politicize the military in an anti-democratic manner. And, just before the Electoral College certification, ten former Secretaries of Defense signed an Op-Ed piece published in the Washington Post warning of the dangers of politicizing and using inappropriately the military.

No such thing was going to occur on my watch but these concerns, and hysteria about them, nonetheless factored into my decisions regarding the appropriate and limited use of our Armed Forces to support civilian law enforcement during the Electoral College certification. My obligation to the Nation was to prevent a constitutional crisis. That, in addition to the limited request from the Mayor for D.C. National Guard deployment distanced from the Capitol, is why I agreed only to deploy our Soldiers in areas away from the Capitol, avoiding amplifying the irresponsible narrative that your Armed Forces were somehow going to be co-opted in an effort to overturn the election. But I did not believe, and I think my senior advisors shared this view, that January 6, 2021 was going to be “business-as-usual”.

I was also concerned that those seeking to obstruct the Electoral College certification or otherwise disrupt our government could provoke a Soldier to act in a way that could be portrayed in the media as an attack against demonstrators exercising their First Amendment rights of assembly and speech. I was gratified to hear that most counter protestors were apparently

planning to stay off the streets on January 6 to avoid providing a public platform for the right-wing demonstrators to gain further attention through fighting them.

I fervently believe the military should not be utilized in such scenarios other than as a last resort and only when all other assets have been expended. I am a student of history and the Department of Defense has an extremely poor record in supporting domestic law enforcement. In the 1960s and 1970s the military was tasked to support domestic officials during civil disturbances involving civil rights and anti-Vietnam War demonstrations. And some 51 years ago, on May 4, 1970, Ohio National Guard troops fired at demonstrators at Kent State University and killed four American civilians. The Church Committee's final report details how these initially laudable and necessary efforts became misdirected and resulted in violations of civil liberties and tragic deaths. I was committed to avoiding repeating these scenarios.

### **III. January 6**

On January 6, 2021, 8,000 local and Federal law enforcement officers were on duty in the District of Columbia. I was told during planning sessions leading up to January 6 that such a force routinely manages demonstrations well north of 100,000 demonstrators. This is what they are trained, equipped, chartered, and expected to do. Other than the request from Mayor Bowser, no other local or Federal law enforcement elements or other Departments or Agencies requested Department of Defense support prior to the moment the Capitol was on the verge of being overrun.

As I stated earlier, I approved on 4 January Mayor Bowser's request to station D.C. Army National Guard troops at 30 traffic control points (TCPs) around the White House and also six Metro subway stations. The TCPs were designed to block vehicular traffic from driving into the city's core and the designated demonstration sites. Three National Guard Soldiers and one D.C. Metropolitan Police Department officer would be stationed at each TCP location. Similarly, four National Guard Soldiers along with one D.C. Metropolitan Police Department officer and one Metro Transportation officer were assigned to six Metro subway stops. Their purpose was to demonstrate a law enforcement presence, direct human and vehicular traffic, monitor crowd behavior, and intervene, only if required, in disturbances. Additionally, 40 National Guard Soldiers would be located at Joint Base Andrews in Maryland and designated as a Quick

Reaction Force (QRF) to respond to unexpected events or reinforce elements in need. I am aware of criticism that the QRF was located 12 miles from the city center, but experience has shown they were more capable of effective deployment from a location near an airfield where they could be airlifted by helicopter in case the roads or bridges were blocked. I also approved the activation of a 20-person specialized element that could detect and monitor chemical, biological, radiological and explosive hazards in support of local authorities. All the elements would be supported by 52 command and control, logistics and liaison specialists commanded by Major General William Walker. In total, I had authorized the deployment of 340 National Guard personnel, which was the full amount General Walker determined in his written mission analysis was necessary to fulfill Mayor Bowser's request. My order further gave General Walker full discretion to employ the QRF to respond quickly as needed based on the situation, subject only to the Secretary of the Army's requirement that General Walker provide him with a "concept of operations" – a reasonable and normal requirement in deploying a QRF that could be met in a matter of seconds with an oral briefing.

Following the events on January 6, many commentators have mischaracterized my instructions and Army Secretary McCarthy's accompanying guidance as somehow contributing to the inability of the Guard to respond or even worse, that it somehow enabled the mob to enjoy an easy path to the Capitol. That is patently and completely false. We did not "disarm" the National Guard—the request from the Mayor was for unarmed support of local law enforcement and we authorized the support she and General Walker requested. Leaders of the United States military, since the American Revolution, have provided instructions to their subordinate commanders and fighting personnel under their command so they understand the nature of the operation they are conducting. This guidance amplifies the goal of the mission in a tangible way – for instance these instructions address whether the task is to destroy the opponent, deter them, or protect the population. That sort of guidance is then translated into "coordinating instructions" in the field order prepared by the commanders and leaders conducting the operation. Our instructions and guidance provided that clarity and intent to the D.C. National Guard underscoring that the purpose of their mission was to support civilian law enforcement in a mature, disciplined manner respectful of our Constitution.

Sometime between 1:00-1:30 pm on 6 January, I became aware that demonstrators had entered the Capitol. At approximately 2:30 pm, I met with General Milley and Secretary McCarthy to discuss the situation and the requests Secretary McCarthy had received from Mayor Bowser as well as the Capitol Police and the Metropolitan Police Department for additional support. It became clear during that meeting that local and federal law enforcement personnel were insufficient to address the situation and that the Department of Defense would be required to play a much larger role in reestablishing order and maintaining security in Washington, D.C. At 3:00 pm, in response to these requests, I approved the activation and mobilization of the full D.C. National Guard to assist the Capitol Police and the Metropolitan Police Department. According to the timeline, that approval was transmitted by me and relayed by Secretary McCarthy at 3:04 pm. The recipients included General Walker. For the remainder of that afternoon, both the Secretary of the Army and I had various conversations with the Vice President, Members of Congress, and other government agencies, including the White House. Those calls are noted and described in various Department of Defense timelines that have been prepared and which I know are available to you.

At 5:22 pm, National Guard personnel arrived at the Capitol and began operations in support of domestic law enforcement entities there. Those of you with military experience or who understand the nature of military deployments will recognize how rapid our response was.

I am keenly aware of the criticism regarding the Department of Defense's response to the January 6 events at the Capitol. I believe that this criticism is unfounded and reflects inexperience with, or a lack of understanding of, the nature of military operations or, worse, that it is simply the result of politics. I suspect that much of it is a combination of these factors. I do not believe these critics understand the complexities involved in redeploying forces in an urban environment and, again, the subordinate role the military must play in the rare instances it is necessary to use such forces to support domestic law enforcement agencies. This isn't a video game where you can move forces with a flick of the thumb or a movie that glosses over the logistical challenges and the time required to coordinate and synchronize with the multitude of other entities involved, or with complying with the important legal requirements involved in the use of such forces.

I have been in more crisis situations than I can meaningfully recall. I have personally been in riots, fist fights and brawls, gun fights, aircraft mishaps, mortared, rocketed, attacked with Improvised Explosive Devices and, as a leader, I have commanded forces engaged in the most complex and hazardous military activities and operations known to humankind. During January 6, I applied lessons I had personally learned over the previous 38 years of my service.

The first is to stay calm so people around you don't panic because they will take your lead. A related lesson was to not get myopic and become trapped "looking-through-the-soda-straw." Leaders must look up and out. Tactical commanders on the ground are entrusted to respond to the reality of the immediate situation. On January 6, 2021, the Department of Defense commander closest to the action was the commander of the D.C. National Guard, Major General Walker. Our military leaders are trained, educated, and expected to make decisions based on the reality they face. Our military, after its experience in Vietnam, empowers ground commanders to make decisions instead of seeking guidance and permission. This fundamental precept of command makes our Armed Forces the most agile and dominant in the world. The approvals issued by me and by Secretary McCarthy on 4 January provided General Walker with all the authority he needed to fulfill the mission on 6 January – fully meeting Mayor Bowser's request for limited support to domestic law enforcement at numerous locations throughout the city, some of which were a significant distance from the Capitol, and adjusting to evolving situations as appropriate. Prior to January 6, General Walker did not express any concern about the forces he had at his disposal or the authority he enjoyed to direct them as he saw fit to fulfill his orders to support Mayor Bowser's limited request.

The second fundamental I learned the hard way in my military career is that initial reports are **ALWAYS** inaccurate. When humans are in situations involving duress, emotions – particularly fear – dominate their thinking and how they communicate. This is an inherent factor that leaders must consider when making decisions. When you are on the front lines battling for your life or facing chaos, like the domestic law enforcement officers at the Capitol the afternoon of January 6, your span of control and understanding is reduced. That is why we create additional layers of command to ensure that the entire enterprise doesn't focus exclusively on one area or problem. There are designated elements, removed from the violence and immediacy of close combat, tasked with appraising the larger context. That was my role on January 6 as the

Acting Secretary of Defense. I was paying close attention to the fighting at the Capitol and authorizing an appropriate response and support, but I was also considering other potentialities and requirements:

- (a) Were reports of explosive devices in the area accurate?
- (b) Was this part of a larger operation – was the attack on the Capitol a “feint” for a more significant attack elsewhere? For example, we received reports of a plot to bomb the Washington Monument and reports of threats from small aircraft. I was also concerned that the Capitol event could trigger other attacks elsewhere in the United States and I didn’t want to overcommit resources until the situation became clearer.
- (c) Would our foreign enemies take advantage of the situation?

Good leaders slow things down to plan and then brief their Soldiers, ultimately saving time and lives: assembling Soldiers; equipping them correctly; conducting an abbreviated planning session and briefing all those involved with their task, mission, purpose, limits and rules of engagement; coordinating and synchronizing with the police and other domestic agencies on the ground to guarantee the National Guard’s movement supported their efforts; moving them from their assembly point to the appropriate location and deputizing them by a civilian law enforcement official prior to employing them, which is not merely some symbolic exercise, all takes time. I was committed to supporting our partners and protecting the Capitol and the individuals under attack, but it needed to be executed properly. I also had a responsibility to the members of our Armed Forces and their families to make sure that when I sent them into difficult situations, I sent them in with a plan to not only succeed but that would spare them unnecessary exposure and spare everyone the consequences of poor planning or execution. And this was all occurring in an atmosphere of, to quote von Clausewitz, “fog and friction” that makes the seemingly easy unimaginably difficult. We appreciated the seriousness of the situation, but we did not want to piece-meal National Guard forces into the zone of conflict. Our arrival needed to impress upon the mob that the situation had fundamentally changed with the arrival of disciplined, organized and overwhelming strength so that the balance of power had decisively shifted back in favor of the forces of order and it was in their best interest to give up and give up quickly.

Again, anyone familiar with the culture, nature and practices of the military, and the character of military operations in urban environments would understand the enormous

accomplishment of the D.C. National Guard and Army leadership in responding so effectively and quickly that afternoon. As General Milley correctly assessed the military's response that day, the Department of Defense responded at "sprint speed."

I also want to address questions that have been raised in regard to the President's involvement in the response. He had none with respect to the Department of Defense efforts on January 6. On January 3, in a meeting at the White House with the President and several others regarding numerous unrelated topics, the Mayor's request for National Guard support was discussed for less than a minute. The President said to give the Mayor the support she requested. I will reiterate that we were already committed to giving that support and the matter was not discussed that evening (or at any time) in the context of seeking or needing the President's approval.

On the afternoon of January 5, I received a call from the President in connection with a rally by his supporters that day at Freedom Plaza. The President asked if I was watching the event on television. I replied that I had seen coverage of the event. He then commented that "they" were going to need 10,000 troops the following day. The call lasted fewer than thirty seconds and I did not respond substantively, and there was no elaboration. I took his comment to mean that a large force would be required to maintain order the following day. At the time, I had been advised by our domestic law enforcement partners that based on their experience with protests and crowd control, as well as their intelligence information, that they were confident that they had sufficient personnel assigned to maintain order. More specifically, the National Guard had been providing, and were committed to continue to provide, the support requested by Mayor Bowser. I am unaware of any briefing or any other discussions the President may have had with any other government officials or his advisors regarding law enforcement preparations for January 6.

My recollection is that White House personnel, including White House counsel and the Chief of Staff, but not the President, participated in some of the multi-agency calls on January 6 convened to organize and coordinate the response to the events at the Capitol after the mob entered the Capitol building. I do not recall any specific remarks they made, if any, during those calls. Those calls are reflected in the various timelines available to you.

I have been asked by the media whether I believe the President was responsible for the events that occurred on January 6. I stand by my prior observation that I personally believe his comments encouraged the protestors that day, but I am not in a position to make an official assessment of his responsibility and, regardless, it was not relevant to the decisions I made on 6 January or my subsequent decisions continuing to my departure from the Department of Defense of 20 January 2021. I leave further analysis and assessment of those issues to the appropriate government bodies, the media, and the electorate.

I stand behind **EVERY** decision I made that day and the ones I made in the days following January 6. Our Nation's Armed Forces are to be deployed for domestic law enforcement only when all civilian assets are expended and **ONLY** as the absolute last resort. To use them for domestic law enforcement in any other manner is contrary to the Constitution and a threat to the Republic.

I know that many fine men and women serving on the front lines on January 6, 2021 with domestic law enforcement agencies did their best to protect the Capitol and the individuals who were in harm's way from a lawless and ignorant mob acting contrary to nearly two and a half centuries of peaceful and respectful transfers of power under our Constitution.

I'm enormously proud of those National Guard Soldiers and airmen who selflessly answered the call on January 6, 2021 and in the subsequent weeks to support domestic law enforcement and our Constitution. Watching them, talking to them, listening to them and trying to support them as best I could remain the high points of my term as the Acting Secretary of Defense. They are America's treasure and our true Patriots. We must be worthy of their selfless service and sacrifice.