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

INTERVIEW OF: GENERAL MARK A. MILLEY

Wednesday, November 17, 2021

Washington, D.C.

The interview in the above matter was held in Room 4480,
O'Neill House Office Building, commencing at 1:01 p.m.

Present: Representatives Lofgren, Luria, Schiff,
Aguilar, Murphy, Cheney, and Kinzinger.
Appearances:

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

CHIEF INVESTIGATIVE COUNSEL
SENIOR INVESTIGATIVE COUNSEL
SENIOR INVESTIGATIVE COUNSEL AND OF COUNSEL TO THE
VICE CHAIR
INVESTIGATIVE COUNSEL
CHIEF ADMINISTRATIVE OFFICER
RESEARCHER
RESEARCHER
CHIEF CLERK
STAFF ASSOCIATE
DETAILEE, TRANSPORTATION SECURITY ADMINISTRATION
DETAILEE, DEPARTMENT OF HOMELAND SECURITY

For the U.S. DEPARTMENT OF DEFENSE:

EDWARD RICHARDS, AGENCY COUNSEL, SENIOR ASSISTANT DEPUTY GENERAL COUNSEL, OFFICE OF THE SECRETARY OF DEFENSE
For GENERAL MARK A. MILLEY:

COLONEL [REDACTED], PERSONAL COUNSEL
BRIGADIER GENERAL ROBERT A. BORCHERDING, LEGAL COUNSEL
COLONEL [REDACTED], LEGISLATIVE ASSISTANT
LIEUTENANT COLONEL [REDACTED], AIDE DE CAMP
So this is a transcribed interview of General Mark A. Milley, conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol pursuant to House Resolution 503.

General Milley, could you please state your full name and spell your last name for the record?

General Milley. Full name is Mark, M-a-r-k, Alexander is the middle name, Milley, last name, M-i-l-l-e-y. I am a general in the United States Army, and I'm currently serving as the Chairman of the U.S. Joint Chiefs of Staff.

General Milley, my name is [redacted], and I'm the chief investigative counsel of the Select Committee. Today we'll be conducting a staff-led interview, and members of the Select Committee, I believe some of whom are already here, may choose to ask questions. Let me start with members of the Select Committee. I believe Ms. Cheney, Mr. Kinzinger, and Mrs. Luria are all present, not in the room but participating remotely. I don't see any other members now, but as they arrive, General Milley, we'll ensure your awareness of their presence. And, as I said, they may likely have some questions for you as we proceed.

General Milley. What is IAUSCD? What's that, that first one?

I believe that's just -- that's us.
General Milley. Oh, that's us?

That's the room.

Mr. Yeah.

General Milley. Okay.

And then the other names that you see are just staff members. are members of our team.

General Milley. Hello, Congressmen and -women.

Ms. Cheney. Hi, General Milley. Thanks for being here.

General Milley. Thank you for what you guys are doing.

So, General Milley, let's ensure we have on the record everyone who's here with you. If you could just -- or maybe, actually, the lawyers --

Mr. Richards. Yes, of course. Edward Richards, DOD Office of General Counsel, serving as agency counsel.

Colonel Colonel U.S. Army. I'm serving as personal counsel for General Milley.

General Borcherding. Brigadier General Robert Borcherding, and I'm the legal counsel to the Chairman of the Joint Chiefs of Staff.

Colonel Colonel. I'm the Special Assistant to the Chairman for Legislative Affairs.

General Milley. A lot of lawyers.

Well, we have some lawyers as well, so why don't we introduce our team as well.
Go ahead, 

Nice to meet you.

investigative counsel.

senior investigative counsel.

researcher.

So, before we begin, General Milley, I just want to describe a few ground rules.

You are permitted, obviously, to have your attorneys present. I see that they're here with you.

There is an official reporter who is transcribing the record of the interview. Please wait until each question is completed before you begin your response. We'll try to wait until your response before we ask our next question. The stenographer obviously cannot record nonverbal responses, such as shaking your head, so it's important that you answer each question with an audible, verbal response.

I will be doing primarily the questions about things that occurred around the election. My colleague will be asking you questions about January 6th in particular. We'll stop periodically and turn to members of the Select Committee, who will chime in if they have questions.

If any of our questions lead to an answer which would require you to provide classified information, you should stop short of providing that classified information on this
record, but we can arrange for a separate proceeding at which that information can be provided. This is an unclassified session.

And, again, if I don't ask a question clearly, just make sure you understand it before you answer.

If you need a break at any time, up to you, just let us know --

General Milley. Sure.

-- and we can stop. If you want to confer with counsel, completely your prerogative.

All right?

And I think Ms. Lofgren, I see, has joined us as well, another member of the Select Committee.

Okay. So, with that, let's get started.

So you indicated at the beginning, General Milley, that you had -- before we went on the record -- some general thoughts about January 6th. If you have any opening observations or comments that you want to make before we get into the questions, we'd welcome those now.

General Milley. Yeah. So what I was saying off the record, I'll say it on the record.

I think the events of January 6th, in my personal opinion, were a horrific day, a tragic day in the history of America. I think it was an assault on the Constitution of the United States of America. And I swore an oath to support
and defend that Constitution against all enemies, foreign and
domestic.

And it's a very, very tragic thing that, as a result of
a series of events and outcomes of elections, et cetera, that
there was a direct assault on the Nation's Capitol to prevent
the certification of what I consider a lawfully elected
President.

So, you know, a lot of people have asked me, you know,
resign, all these other kind of things, and the role of the
military in all of this. The military doesn't have a role in
determining outcomes of elections. That is the prerogative
of the American people. That's the prerogative of voters, to
go to a polling station, and that's their right, and to vote
for whomever they want, and the military doesn't have a part
in that.

And then, if for whatever reason it's contested, it goes
to the courts. And that's what happened; it went to the
courts. And the courts, you know, judge one way or the
other. The military has no part in that.

And then, at the end of the day, it comes to the
legislature, it comes to Congress, to certify the electoral
votes, and then they pronounce who's the President.

That's the process. And at no point in that process,
zero, not a single part of that process includes the United
States military.
So my sworn responsibility is to protect and defend the Constitution, and the Constitution doesn't have the military as part of the election process, and nor should it ever be. So what I saw unfold on the 6th was disturbing, to say the least, and I think it was an incredible event. And I want to make sure that whatever information I have -- and I can help you determine facts, atmospherics, opinions, whatever, determine lines of inquiry. In any manner, shape, or form that I or the Joint Staff can help, I want to make sure that we do that, because I think the role of the committee is critical to prevent this from ever happening again.

There's five people who gave their lives on that day, either as a direct result or an indirect result, but five people are dead because of what happened on that day. That, in and of itself, is an incredible cost. But we have to look to the future and set in a series of policies, procedures, laws, and structures to prevent that from happening again if this Constitution is going to live, you know, for the next generation, so to speak.

And that's where I'm coming from. And I'm here voluntarily. I want to speak honestly, transparently, and answer whatever questions you might have. And if that's helpful, great. I probably have a lot of information that's not helpful for whatever you're doing, and that's okay too.
We also have -- and I want to make sure that you know that we have and we'll provide it to you, the Joint Staff -- we have a boatload of documentary stuff. I think we provided a bunch of emails, which is good. We have both classified and unclassified stuff. And I will make sure that you get whatever we have. And it's a lot. We have it in binders.

Immediately following the 6th, I knew the significance, and I asked my staff, freeze all your records, collate them, get them collected up. I had one of the staff, a J7, you know, package it up, inventory it, put it all in binders and all that kind of stuff. So we have that, and you're welcome to all of it, classified and unclassified. And I want to make sure that everything is properly done for the future. That's very important to me.

The other thing, I don't know if you're going to ask about it, but there seems to be a fair amount of confusion as to the job and the role of the Chairman, and I'm happy to go into that. Of course, it's governed by law, but I'm happy to explain that, to the extent possible.

And there's a lot of other things that we can go into. I've got timelines. Whatever direction you guys want to go I'm willing to go, within the bounds of classification for this session. And if it's classified, I'll let you know that, and we'll take it to a classified session.

Appreciate that.
General Milley. And I think one of you said before we started 1700 was the backstop. I don't have a backstop. I am cleared until you're done. So whatever time you need, I make myself available to you. There's 535 Members of the board of directors of this corporation called America, and I am in the executive branch, and I answer to the board of directors. So fire away with whatever you've got, and I'll let you know what I think.

I wish every witness were as cooperative and as helpful as you. We really appreciate it.

We have gotten a lot of documents from the Department of Defense. Much or all of what you've described has been provided to the committee.

And we appreciate that you're here voluntarily. I want to make clear on the record that you are here not because of a subpoena but because of your willingness to cooperate.

General Milley. Yeah. On that note, by the way, as far as I'm concerned, for me or any other commissioned officer of the United States military, you should never have to subpoena us.

Yeah.

General Milley. When I was nominated and confirmed as a four-star, as Chief of Staff of the Army 6 years ago and then again as the Chairman, I signed a document, and that document says that I will provide the United States Congress, the
Members and the committees, et cetera, any documents, evidence, appear as witnesses, appear at testimony, et cetera, at your command, without hesitation, without question, and answer -- whether it's under oath or not, it doesn't matter, every answer is a truthful answer.

That's our commitment to you, and that's our commitment to the Nation.

Yeah.

I think another one of those directors has joined us. Mrs. Murphy, another member of the committee, is with us as well.

Before we get into the questions, just one more thing, General Milley. I understand you or your lawyer or the lawyer at the agency, Mr. Richards, received a letter from the White House yesterday. Are you familiar with that?

General Milley. I'm not familiar with it, but maybe the lawyers are.

Mr. Richards. Yes.

General Milley. Maybe I should be, though.

Mr. Richards. November 15th.

General Milley. Can I take a look at it?

Mr. Richards. Absolutely. Please, sir, take a look.

It is from Deputy General Counsel Jonathan Su.

General Milley. Is it addressed to you or me?

Mr. Richards. It's addressed to me, sir, but it's
regarding your communications with the White House.

And it's very short, if I may just read it into the
record.

Yes.

Mr. Richards. Again, November 15, 2021, from Deputy
Counsel to the President Jonathan Su to myself, Edward
Richards.

General Milley. This is the current President, the
current White House, right?

Mr. Richards. That's correct, the current. It's dated
November 15th, so just a few days ago.

"As we discussed with you and General Milley's personal
counsel" -- that's Colonel [redacted] to my right -- "in light of
the unique and extraordinary nature of the matters under
investigation, President Biden has determined that an
assertion of executive privilege is not in the national
interest and, therefore, is not justified with respect to
conversations General Milley had with then-President Trump
and his advisors following the November 3, 2020, Presidential
election, which falls within the purview of the Select
Committee's investigation."

So there will be no assertion --

General Milley. What about conversations before the
election?

Mr. Richards. So we'll discuss --
General Milley. All right.

Mr. Richards. -- as needed. If an answer requires potentially privileged communications being disclosed, we may have to take it back.

General Milley. I'm sure that one of these guys will pop up. If we're going in a direction where it's going to -- I don't want to break the laws and rules and all that kind of stuff. You know, I've been a rule follower for 42 years, I guess. So, if we're going in that direction, it looks like I'm about to go over into whatever, the executive privilege, I'm not a lawyer, just pipe up.

Yeah. And while you're here with your able counsel, General Milley, we'll try to steer clear of anything that would get you into territory that has not been --

General Milley. But executive privilege does not -- I'm not a lawyer. I'm just an American citizen who happens to be a general officer, right? Executive privilege does not cover anything that would be construed as illegal, immoral, or unethical.

There is case law to that effect, precisely.

EXAMINATION

Q Let's talk a little bit about your military career, very distinguished military career. How long have you been
in your current position as the Chairman of the Joint Chiefs
of Staff?

A I was sworn in on 1 October, I think, 1 October, 2019. It might've been the 30th of September, but the Chairman's term starts on the first of every fiscal year. So I can't remember if it was the 30th of September and we did a ceremony and I was sworn in or if it was the 1st, but it's 2019. 1 October essentially is when the term starts.

Q Yeah. And then there's a 2-year term that is potentially re-upped by the President?

A That's the way it was, and then Congress changed the law, so it's a 4-year term, in order to do a couple of things.

So what the law did was, it took the Chairman and the Vice Chairman and separated them so that you had the Chairman for 4 years and the Vice for 4 years, but they would not come in until the 2-year mark.

So the current Vice Chairman, Chairman Hyten, he's going to retire Friday, and he will have served 2 years. Then, whenever the Senate decides to confirm the next Vice Chairman, that guy will come in for 4 years.

And I've got 2 years under my belt now. My term of service under the new law is 4 years. And that does two things. At least, the thought of Congress was that did two things. One is, it provided for continuity in the military
realm. And the second thing it did was, it depoliticized the office of Chairman or Vice Chairman, in that, when you had the 2-year rule, you could argue that to be re-upped for a second 2 years was sort of a political litmus test and a loyalty check to whatever the current administration is, that sort of thing. So Senator McCain and others led the reform to make it a 4-year rule.

So that's the logic behind it. And I'm the first Chairman to fulfill a 4-year obligation.

Q And that takes you through October of '23, your current term?

A Correct. Yeah, that's right.

Q Generally, the Chairman of the Joint Chiefs of Staff does not have an operational role, does not command troops, is more of an advisor. Is that right?

A It's not -- it is absolutely not an operational role.

Q Yeah. Tell us more specifically what it is.

A Yeah. So I submitted to you guys -- I think I submitted a memorandum for the record that was previously submitted to the House Armed Services and the Senate Armed Services Committee. And in there, it explicitly lays out the actual Title 10 and gives you the verbiage and so on and so forth. It's all governed by law.

So you've got a series of laws. You've got Department
of Defense instructions. Well, you've got White House executive orders. And then you've got -- or national security memoranda. It depends on which President and how they call them. Then you've got Department of Defense instructions and so on.

The combination of these things lay out the actual duties and responsibilities in great detail. So one of the beautiful things about being in the military is you don't actually have to figure out what your job is, because everybody tells you what it is. So it's explicitly stated.

And very simply put, for purposes of this, is the Chairman is an advisor to the President, the Secretary of Defense, the National Security Council, and you also see in the law it says Homeland Security Council, and, in fact, by tradition, Congress as well. And you are an advisor for all things military, for the raising and maintaining of an Army, a Navy, an Air Force, et cetera, for the training and the manning and equipping, but also for the advice on employment, options, courses of action, costs, risks, benefit on the use of the military.

You're considered to be a subject-matter expert, so to speak, and you are the senior military advisor. And I say "senior military advisor" because there are several military advisers. The Joint Chiefs of Staff, each one of the Joint Chiefs -- and that's the Chief of Staff of the Army, the
Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps; now the Chief of Staff of the Space Force has been added; also the Chief of the National Guard Bureau. And we have -- not technically and legally as part of the Joint Chiefs, but we bring in the Coast Guard as well. And then there's the Chairman and the Vice Chairman.

That body, that entity, of all four-star officers constitutes the United States Joint Chiefs of Staff. It's an advisory body that is required to provide best military advice to the President, the SecDef, et cetera. And I am the senior member of that body. So, on a day-to-day basis, I'm the one who transmits the collective wisdom of that body to the President, et cetera.

At any time, though, any one of those members of the Joint Chiefs can exert their right to provide alternative advice, dissenting opinions. And when I provide advice, I have to say to the President, the Joint Chiefs think A, B, C, and all of them were all unanimous in that, it's a consensus opinion; or I say, hey, you know, five of the eight think this, one guy abstained, he's on leave or whatever. And I have to present the dissenting opinions. But, at any point in time, any one of the Chiefs can do that.

But it's an advisory capacity. That's the key thing. The chain of command -- we are not in the chain of command.
And that's really fundamental. That's built into the DNA of the law. And what that means is that the chain of command runs from the President, Commander in Chief, to the Secretary of Defense, to the combatant commanders, for the overseas stuff. And then, domestically, it runs from the President through the Secretary of Defense to the service Secretaries -- Secretary of the Army, Navy, Air Force, et cetera. And that's the actual chain of command. So operational orders, you know, must do, can't do, those sorts of things, that is the chain of command.

What the Chairman is also in, though, although not the chain of command, the Chairman is fundamental to the chain of communication. So it says in the Uniform -- the UCP, the command plan signed by the President -- it's signed by, you know, President Trump, President Obama and Bush and all the way back and the current President, Biden. And what that says is that routine communications between the President, the Secretary of Defense, and the combatant commanders or the service Secretaries, et cetera, runs through the Chairman.

So the Joint Staff, my staff, work for me, and we are required to process the orders coming from the Commander in Chief and the Secretary of Defense and disseminate them to the appropriate command. So we type the orders up, we write them, et cetera.

I cannot issue orders in my name. That's illegal. We
can't do that. I can render advice, and then the President says, do X. We take note, do X. We type up the order, and we fire it out. But it's in his name or the Secretary of Defense's name. It's never in my name, so to speak.

So, advisory role, not in the chain of command, but, yes, in the chain of communication.

And that applies to everything, by the way. I know the Speaker Pelosi call and some other things came under a variety of criticism, but that's all part of the role of the Chairman, is to be part of the chain of communication, not part of the chain of command.

The other piece I would mention on that is, I have to represent the COCOMs -- or I should represent the COCOMs. So, on a day-to-day basis, you know, routine communication is through the Chairman. The COCOMs send in routine weekly reports and every-2-week reports on all kinds of different things. Whenever the Secretary is talking to a COCOM commander -- SOUTHCOM, CENTCOM, NORTHCOM, whatever the command is -- more often than not, 99 percent of the time, I'm sitting in there with them, and we'll have a discussion and a conversation.

So that's, more or less, the simple version, I guess, of the role of the Chairman.

The last thing on that is, I would say that the Chairman is the dash -- this has been passed to me by other Chairmen.
You're the dash between the political and the military. It's my job and the job of the Joint Chiefs to translate civilian intent and orders into military language so that we can actually execute operations at the strategic, operational, tactical level to achieve a political effect that is desired by the Commander in Chief or the American people.

Q Yeah.

A And that's an important function, is this sort of translation function. So you're sitting right on the fence, so to speak.

Q Yeah. There's a lot of noteworthy stuff in there that I want to follow up on.

Let me just note that Congressman Schiff, I believe, another member of the committee, is here.

One of the things in the description of your role that's interesting is the concept of civilian control of the military, that the Secretary of Defense, the Secretary of the Army are nonuniformed officers, they're civilians, and they're the ones that make the operational decisions.

Tell us more broadly, sort of policy-wise, why civilian control of the military is so important.

A Well, I mean, it's built into our DNA going back to the founding of the Republic. In my view, the American people do not want, nor should they want, a military that is not under the control -- the command and control of the
elected Representatives of the people.

Historically, we've always had a very, very small military, except for periods of large wars -- the Civil War, World War I, World War II -- and then, following World War II, we had a larger military. But the natural default for the American people, historically, has been a small military, but it's an absolute must to have civilian control of the military.

And that's as it should be. And you don't want -- I don't want -- and I'm a general. I don't want generals determining which orders they're going to follow, which orders they're not. I don't want the generals making policy. That's not our job.

Our job is to implement and execute policy that is legal. If the orders are legal, then we are obligated -- you want us to follow them. We may disagree with them. We might not like them. We may have advised differently. It doesn't matter. If the lawfully elected Representatives of the American people tell us to go left and that's a legal order, then we should follow it without question, and we should embrace it.

And civilian control of the military is fundamental to the health of this Republic.

Q And the Chairman is vital to ensuring that the civilian leadership has all information necessary to make a
good decision?

A  Absolutely. That's the advisory role, is to make
sure that the decision-maker is fully informed, as best we
can.

You know, we use the term very frequently "best"
military advice. I would actually probably recalibrate that
word and say "considered" military advice or "thoughtful"
military advice or "rigorous" military advice. Just because
a guy is wearing a uniform doesn't necessarily make it the
best. Our greatest President, in my view, is probably
Abraham Lincoln, and he had hardly any military experience,
but he had tremendous strategic insight. And, Franklin
Roosevelt, a tremendous strategic leader in time of war.

So I think our job is to make sure that the President,
the Secretary of Defense, is fully informed of the military
costs, risks, benefits, et cetera. And a President has a
much wider angle of view of a given problem than just a
singular military view. They've got to take in all kinds of
other aspects that we don't necessarily consider.

Q  Yeah.

Before you were in your current role, you were in the
chain of command and had lots of other jobs in the military.
Could you just sort of walk us backward chronologically,
prior to your role as the Chairman, other roles that you had
within the United States Army?
A So I was Chief of Staff of the Army from '15 to '19, not in the chain of command. I'm Chief of Staff -- same role but now in the Army, service chief.

Q Uh-huh.

A And, again, at that point, you're the advisor to the Secretary of the Army and you're a member -- you're dual-hatted -- you're a member of the Joint Chiefs of Staff. And your functions are primarily train, man, equip the service to ensure that the service has quality troops to go to the combatant commands for employment, and then also to be an advisor as a member of the Joint Chiefs of Staff. So that's '15 to '18.

Before that -- everything before that is chain of command now. So, before that, I was the commander of Forces Command, which is the part of the Army that controls the operational force of the U.S. Army, based out of Fort Bragg. And its job is to train, man, equip the operational Army, if you will. It's the largest command in the Army. And so I did that. That was my first four-star job.

So I was a four-star, I was FORSCOM, then Chief of Staff of the Army, then Chairman.

Prior to FORSCOM, I was the commander of Third Corps, slash -- it was deployed -- we were deployed to Afghanistan, so I was the commander of the International Joint Force, basically the ground force commander in Afghanistan, as a
three-star corps commander. And the Afghanistan commander was General Dunford, and I was his ground force commander, if you will. And he had a component for the air and the ground. Prior to that, I commanded the Tenth Mountain Division at Fort Drum, New York.

Before that, I was on the Joint Staff. Admiral Mullen was the Chairman. I was a brigadier and a two-star on the Joint Staff in J3.

Then I was the -- I'm going backwards. And then I was a one-star up in the 101st Airborne Division as a deputy commanding general, deployed to Afghanistan.

Before that, I was a brigade commander in the 10th Mountain Division. And that's from '03 to '05-ish, something like that, a little bit better than 2 years. That was deployments to both Afghanistan and Iraq.

I was on the Joint Staff immediately following that as a colonel in the J3 again. General Pace was the Chairman at that point. And then I was also a military assistant to Secretary Gates during that time on the Joint Staff.

So, before brigade command, what am I doing? I am at Fort Polk as an observer/controller, training all the battalion infantry, light infantry battalions of the Army.

And then I was a battalion commander of Air Assault Battalion, the First Battalion, 506th Infantry, the "Band of Brothers" Battalion.
And then, before that, I'm a major in the 10th Mountain Division, I'm special forces in the 82nd Airborne, I'm Seventh Division.

A wide variety of jobs, but most of it is command and/or tactical-type unit staffs.

Q Got it.

Tell us about your education. What degrees did you get and from where?

A Well, I went to Princeton, undergraduate, got a bachelor's degree in political science; got a master's degree in international affairs, international security studies from Columbia University; got another master's from the Naval War College in national security studies; and then got a -- I don't know what you call it, a certificate of something from MIT Seminar 21, which is actually a very good course. It was sort of an adult education type of thing that the military sends our people to.

And those are the -- plus, you know, in the military, we went to the Staff College out at Leavenworth and an advanced course for captains, and there are a wide variety of schools and stuff in the military. But formal civilian education, that was it.

Q Yep. Appreciate that.

So let's talk a little bit about something you mentioned in your prior comments, the military's lack of role in
elections. I want to ask you about a couple of specific things.

The Army prepared a report of its own operations with respect to January 6th. That's included in your materials as exhibit 36. If you don't have it handy, I can --

A  No, I got it.

Q  Okay. Well, exhibit 36 is that report of Army operations, January 6th. I want to turn your attention to page 3.

A  Three?

Q  Page 3. And there's a paragraph that's also numbered 3. It says -- and I'm just going to read it. You can follow with me.

"Later in the fall of 2020, concerns related to the role of the military in the transition of government after the November election prompted the Chairman of the Joint Chiefs of Staff to declare publicly that 'in the event of a dispute over some aspect of the elections, by law, U.S. courts and the U.S. Congress are required to resolve any disputes, not the U.S. military. I foresee no role for the U.S. armed forces in this process.' In this vein, SecDef declined to approve a request from the U.S. Park Police for a 150-member D.C. National Guard response force from November 1st to 8th, 2020, the purpose of which was to provide support to the U.S. Park Police during planned demonstrations surrounding
Election Day."
So do you remember the issue that's described in that paragraph, the request of the Park Police to have National Guard troops supporting the Park Police during planned demonstrations surrounding election day?
A I don't, actually. But the quote I do.
Q Yeah.
A The quote, if I remember that quote --
Q Yeah.
A -- that's in response to Congress, I think.
Q Okay.
A I'm pretty sure that -- I can't remember, was it Congresswoman Slotkin maybe? But it was after -- it was sometime in the summer, probably -- so you got the events of Lafayette Square, right?
Q Yeah.
A So that's 1 June. And I want to say, in July, two Members of Congress sent me a letter, and they also sent a letter to SecDef. And I responded, and this is part of my response.
Q I see. The quoted language was in --
A The quoted language -- I believe, anyway. I'm pretty sure.
Q Yeah.
A And I've used that elsewhere too, but that was the
first time I think it appears, is in a letter response.

Okay.

Now, flash forward, and I don't know -- I think the Secretary of Defense at that time was Esper. He responds also, but I don't know what he said, but he said something similar.

But, in any event, that quote is accurate, and I said it on the record to Members of Congress.

On the SecDef declining to approve a request from the Park Police for a 150-member D.C. Guard, that, I don't specifically remember that.

So, when it comes to any request from any police forces, whether it was the election or any events afterwards, I thought we had honored all the requests from all the police forces, so this -- which is a whole other issue.

In D.C., you've got 13 different -- I think it's 13 different police forces. So you've got the Capitol Police, you've got the Metro Police, you know, you've got this police, that police, you know, the Park Police, et cetera. And jurisdiction is a problem in D.C. And we discovered this in the events over the summer. And we do an after-action review and a lot of internal stuff as a result of the events of Lafayette Square, et cetera.

So one of those things -- and, by the way, if you haven't talked to Ken Rapuano -- I don't know if you've
talked to him or have him on a list to talk to. He's -- I won't call him -- you know, he doesn't have all answers to all things at all times, but he's very, very good on the use of the military domestically, and he was in the Department of Defense at the time. He's integral to all these timelines, these requests, the communications that go back and forth between police forces.

He's still local. He's somewhere in the D.C. area. He's a longtime professional. He's not a political appointee; longtime professional. And him and his office were the guys who were dealing with all these requests back and forth.

I thought we, the Department of Defense, and specifically Secretary Esper -- any request that came in was a valid request. So it's got to be valid, from a valid source, and it gets analyzed by mostly the Army. Most of these things go over to the Army. And then I thought he approved all of them. I'm not -- I don't recall him saying no. I'd have to go back in to find some documents as to why he said no.

The other thing that's important on this whole D.C. stuff is the chain of command for D.C., which is interesting. And this is all -- you know, as Chairman, you start learning things, you know?

So I learned that President Nixon, back in 1969.
decided -- so the Presidents are the Governor of D.C. There's some arcane law that says that. So President Nixon decided he didn't want to be the Governor of D.C., because of the summer of '68 riots and all this other kind of stuff that was going on in those days, right? So he delegates his authorities to SecDef Mel Laird at the time. SecDef Mel Laird at the time delegates his authorities to the Secretary of the Army at the time, who I can't remember who it was. It has been like that ever since. So the Secretary of the Army, in this case Ryan McCarthy, the Secretary of the Army is, in fact -- has the authorities of the, quote/unquote, "Governor of Washington, D.C." because D.C. doesn't have a Governor.

And so you've got 13 different police agencies, only one of which belongs to the Mayor. Others belong to Cabinet members. You've got a service Secretary who's the Governor. And you've got major jurisdictional issues, so one of the keys has got to be a lead Federal agency that should get designated by the President or, you know, the Attorney General perhaps. But they designate a lead Federal agency, and that helps to settle things out when it comes to these issues.

In this case, I think what we're looking at here on this paragraph 3, I think, is a -- probably, my guess, is a request from the Park Police that comes in to the Department
somehow, Cabinet to Cabinet, through Executive Secretary to Executive Secretary, probably in writing. Ken Rapuano probably got it. It probably went through some degree of analysis, and it probably did not meet the strict criteria for the employment of military force, something like that. I'm guessing, though. I don't remember it exactly --

Q Yeah.

A -- but that would be the typical thing.

Q I understand. And our assumption has been, given this paragraph's inclusion of the statement that there's no role for the military with respect to elections and the fact that the National Guard was not made available for planned demonstrations around election day is evidence of exactly what you said before, that the military should not be --

A Well --

Q -- does not want to be involved --

A -- again, the criteria.

Q Uh-huh.

A And this goes back to a lot of lessons learned over the years but also experiences from the summer. As a matter of principle, the military should be your last resort. That's internationally or domestically.

So, internationally, for example, you should exhaust, "you" being the government, right, the decision-makers, the National Security Council -- and I do this fairly regularly
when I give advice on different things. One of the fundamental principles is to exhaust all other means available -- all diplomatic means, all economic means, information, all the other elements of power -- before you turn to the United States military.

Because, once you turn to the United States military, that means all other things have failed, and you're now going -- it's going to get violent. The military is an organization whose specialty is the application of controlled violence, is what it comes down to. That's internationally.

Same thing domestically, but much tighter, a much tighter shot group. And this goes back to discussions of Insurrection Act and all these things that occurred last summer. So, before the military is ever committed to use on the streets of America, I think there should be really very high bars of consideration.

And then you've got to look at the parts of the military. So you've got the Active, and you've got the Reserve Component of the National Guard.

The National Guard comes underneath the jurisdiction of the Governors while they're in Title 32 status, and the Governor can employ them as the chief executive officer of the State. They can employ them as they see fit in accordance with the laws of the State.

If the National Guard then comes on Active Duty,
Title 10, if the President federalizes them, then they're under the control of the Federal Government, which is different. For the D.C. Guard, there is no -- the Governor is the Secretary of Army. They're always in a Federal status. Even though they're National Guard, they are really under Federal control all the time.

So the commitment of the Guard -- and D.C. takes on a different -- you know, even another higher bar, because it's the Nation's capital. So, when you're committing the U.S. military on the streets of the capital, that should be done deliberately with great considered thought as to why and so on and so forth.

And Americans cannot tell the difference, necessarily, between a National Guard soldier and an Active Duty soldier from the 101st or the 82nd. It just says "U.S. Army" on their shirt. So the perception of the military on the ground involved in and around politics is something that needs to be considered and needs to be really well thought out.

And I suspect that, in this particular case, it didn't meet the bars that Secretary Esper had, and so he probably turned it down.

Q Yeah. So it's fair to say that when it comes to domestic disturbance or contemplated disturbance in the United States the military is the last resort. All --

A I think so.
Q -- civilian law enforcement resources should be exhausted first.

A Yeah, that -- yeah.

But that's "should" as opposed to "must." And there's no law that says the military is the last resort. You know, you go back to the Insurrection Act. All the President has to do is walk outside the White House and yell three times, you know, "Insurrectionists, disperse." And he just has to yell it, right? And then he can do it, according to the law of 1807 or whatever year it was, right?

Q Uh-huh.

A And those laws are still on the book. So the Insurrection Act, the actual use of the military, a President has very, very wide latitude.

Q Yeah.

A So, I say "should." So, in these discussions that we have, in Presidential discussions or discussions with the Secretary of Defense, I'm an advisor, and I'm saying words like "should," "you really need to think about," "consider this," "what about that." But, at the end of the day, Presidents have very wide latitude. They can issue out legal orders to do that.

Q Yeah.

A Now, the last time we did that sort of thing was 1992.
Los Angeles. And Attorney General Barr, President Trump's Attorney General, was the Attorney General for then-President Bush.

Yeah.

And now deceased, the late Colin Powell was the Chairman. And I talked to Colin Powell several times about this stuff, you know, to seek out outside views.

So my point being is that any use of the military, whether it's Guard and/or Active Duty military, should be a very, very serious, considered thought.

And we're really looking at it in lieu of law enforcement. So, just like overseas, you want to use all resources. I always advise, let's make sure we use all the resources -- law enforcement resources, all the police forces, so your local police, your city police, your State police.

In the case of Washington, D.C., there are something like 9,000 or 10,000 cops, in addition to the Metro Police and the Capitol Police and all these other 13 police forces. There's a lot of cops in D.C. If a lead Federal agency, perhaps the Department of Justice, had lawful control over all of them, then you employ law enforcement long before you employ the military.

Right. So, if you're looking at, sort of, tiered
options, domestic law enforcement has to be the primary option. And then, if we get to military options, even within that general category, there's a difference between the National Guard and an Active Duty 101st, 82nd --

A  Sure.

Q  -- Active Duty force.

Is it fair to say the National Guard is generally, when it comes to domestic mass demonstration events within the United States, largely a more appropriate resource than the 82nd Airborne --

A  Totally.

Q  -- or Active Duty troop? Why is that?

A  Well, first of all, they train to it. But secondly is there's different types of military within the military, right? So, within the Army, you'll have infantry, you'll have armor, you'll have aviators, you'll have all kinds of different parts of the Army, and one of those is the military police. So, if you use National Guard and they are military police -- and many of them are actual cops in their private life -- you're dealing with a skill set that is a much better skill set to deal with domestic disturbances, if needed.

But, again, I go back to, let's make sure that all the police forces have been employed and we're really out of Schlitz at this point, and the local authority, the mayor, the Governor, are asking for Federal help.
So you go back to the Los Angeles riots. The mayor of Los Angeles, through the Governor of California, was asking the President of the United States to deploy military force to put down the L.A. riots, saying at the time that the LAPD was overwhelmed. And then President Bush said, yep, okay, we'll do this, but it's limited in time, limited in scope, a very finite mission set, for areas of, like, law enforcement. We had to do it in Hurricane Katrina and deploy the 82nd in that case. That's hurricane relief, but there was a security aspect to that as well.

Q  Uh-huh.

A  And so I'm not saying you never do it. I mean, it's been done literally hundreds of times since the early years of the Republic. But it should be very carefully thought out. And the type force you do, the rules of engagement, the uniforms that you wear, the disposition of the force, the training of the force, the leadership of the force, all of those things have got to be rigorously thought out when you put U.S. troops on the streets of America.

Q  Yeah.

A  When you introduce the 82nd Airborne Division, an infantry battalion from the 82nd Airborne Division, those units are not police forces. Those units are combat units, and they're trained to move, shoot, and communicate against the enemies of our country.
Q: Yeah.
A: And there's risk when you put folks like that -- when the 82nd was deployed in the D.C. riots -- in fact, Keith Kellogg, right? You know that name.
Q: Yes.
A: He was Lieutenant Kellogg as part of the 82nd Airborne Division at the time. And someone can do a historical fact-check; I'm not exactly sure how many were killed in D.C., but it was a fair amount, I think it's in the 20s or 30s, were killed on the streets of D.C. during those riots in the summer of the late '60s.

And then we deployed the 82nd in cases of Detroit, and there were other units deployed in other places.

So, any time you deploy the Active Duty military, I've got to tell you, that situation's got to be really, really bad. It should -- it should be really bad.
Q: Right.

You mentioned the Insurrection Act. I'm wondering, in your role as the chief military advisor to the President, what would be the criteria, in your view, that would justify considering the invocation of the Insurrection Act? General kinds of conditions that would create a predicate for the appropriate invocation of that statute?
A: Yeah, I think, you know -- and I had these discussions in the summer and so on. So what are the
conditions that warrant it, in my view, as a part of my
advice?

Q  Yes.

A  First of all, I think it should be an insurrection, not just a riot. It should be an insurrection. It should be
something that rises to the level that is broad and has
significant national security implications.

Think the bombing of Fort Sumter and guys in gray and
they're seceding from the Union. Think the Whiskey Rebellion
that was a very serious insurrection at the time and
threatened the unity of the government. And there's other
cases throughout American history.

So insurrection is a pretty serious thing. And, of
course, it's in the eye of the beholder, and the beholder is
the President of the United States.

In my view, in my military estimate, I did not perceive
the events of the summer, as an example, the summer of 2020,
as an insurrection. There was clearly rioting. There was
clearly violence. There was clearly cases in a variety of
cities that were having real serious challenges, right? But
insurrection that is not.

So there's 276, I think, cities in the United States
that are over 100,000 people. We tracked it every single
day, the Joint Staff did. And we tracked the riots, the
violence. We'd get police reports, and we plotted it. And
we can provide you all those slides and those reports. It was a daily thing. And, on an average day, about two or three cities, maybe four, experienced any kind of protest activity and experienced any kind of violence.

We tracked the numbers of people, based on police reports, that were involved in these, quote/unquote, "riots," and, on average, you were looking at a couple hundred people involved in these.

And there was looting, there was smashing of store windows, there was flipping of police cars, and so on. When that appears on the media, in the news, on TV news, you're looking through a soda straw, and it looks like the whole place is burning up, when in fact it might be one or two city blocks.

And we plotted that stuff. So you had, on a given day, say, three cities with -- let's just say 500 -- 500 people in each city, as an example, who were rioting. So that's 1,500 people. We're a population of 330 million people. Fifteen hundred people rioting in three or four cities of America at a moment in time, it's serious, but it's not anything a Governor can't handle with its local police, its State police, and its National Guard. And it certainly, in my professional view, does not rise to the level of insurrection.

Q Uh-huh.

Q And let me just stop you there for a minute.

A Yeah.

Q When you talk about the difference between insurrection and riot, is it the quantum of violence or the object of the violence? In other words, is insurrection aimed at --

A I think it's both.

Q -- process of government?

A I think it's the size, scale, scope of the violence itself, and the people executing the violence, conducting the violence, their organization and their skills, et cetera. So that's part of it, but also the purpose.

The riots over the summer, you know, I could make a case that those riots were riots organic to an aggrieved community that perceived that they had various injustices throughout their life, their personal life but also their history, and that we all witnessed the horrific murder of an African American on the street, and that created a spontaneous reaction over the summer organic to the various communities, right? And it was anger. It was sheer, unmitigated anger that expressed itself in the form of mass violence and
rioting.

And, okay, I get it, it's illegal, it's wrong. But, to my knowledge anyway, the intent of those riots over the summer -- and I might be wrong. You could find some other analysis that says something different. But I don't think the intent of those riots was to overturn the United States Government and to destroy the Constitution of the United States of America or to split the Union or to secede from the Union or to declare a Confederacy or to -- you know, those sorts of things.

And therein -- the size, scale, scope, plus the object of the rioting or the violence, I think therein you start getting more towards the definition of an insurrection.

Q I see. And was that the consistent view of the other military commanders in the summer of 2020?

A Yeah, I think that's -- I think that's probably fairly representative of it. None of us thought that we had a generalized insurrection in what we think of the term -- what I think of the term "insurrection."

Q Yeah.

A There were clearly challenges, though. I'm not trying to downplay it.

Q Yeah.

A There was definite violence, and it was very serious. And there were a lot of Governors, a lot of phone
calls, a lot of going back and forth. But general
insurrection, no.

And I can name you the cities, I mean, off the top of my
head, or I can go back to the record and look up the charts.
Clearly, you know, right now, today, Kenosha, Wisconsin. So
Kenosha, Wisconsin.

Q Uh-huh.

A Seattle, the CHAZ Zone, right? And, you know, the
CHAZ Zone is actually geographically pretty small. It's not
the entire city of Seattle but a relatively small part of it.
But there were several people killed there, so, again, it's
not good. But it's something that the Seattle Police can
handle.

There was issues in St. Louis. There was a little bit
in Atlanta. New York City, clearly. If I remember right,
there was a little bit in Philadelphia. And then there were
protests -- you know, Minneapolis I think had some. There
were protests in a variety of cities, but sometimes protests
got violent, sometimes they didn't.

But it was -- it was significant, but it wasn't an
insurrection.

Q And the predicate for all of those events in
different cities was the George Floyd matter and the police
violence. That was the impetus that motivated the violence
in those cities.
A Well, I think that that's what the rioters would say, yeah. I mean, I think that, you know, no phenomenon happens for a single causal reason. So, yes, I would say that that's clearly and unambiguously a contributing factor and it's the primary -- it's the spark that lights the fire sort of thing.

Q Yeah.

A But, in addition to that, there was organization. There were people who were exploiting that situation for their own reasons for whatever. There were groups out there that were putting fuel on the fire sort of thing.

And I would also throw in there -- and, again, I don't want to go into anything classified, but there were other countries exploiting some of this stuff for their own reasons.

Q Uh-huh. We're going to get into a little bit later how those events informed preparation for and management of January 6th --

General Milley. Can I see that one binder, if you could? The one with the charts from the summer. You know the one I'm talking about? The Joint Staff charts.

Just hang on 1 second.

Yeah, of course.

General Milley. So this isn't all of them. I only brought a representative sample. And they are classified.
And I'm the classification authority on these things, so -- but it's an example.

This -- you know, pick a day, 6 June, all right? So, shortly after the events of the 1st, you know -- so you got a map of the United States. We plotted it. And you have the population, et cetera. And then went city by city, had the guys put together a map. This was all based on police reporting.

Yep.

General Milley. And then I have timelines. You've got -- this is a National Mall protest assessment. Minneapolis; L.A.; there's one from Denver; Oakland.

And so I'll just use, you know, city X, 1,000 people. City Y is a 1,000 or so. So there's 100 down here, and there's 300 over there.

Yeah.

General Milley. That's it.

And then -- and that was kind of -- these were the heavy days. As you start getting into July and August, that stuff tapers off a little bit.

Yeah.

General Milley. So, anyway. And we could provide all those to you as you see fit.

BY  Q  Yeah.
Another process question. The military doesn't gather that intelligence --

A No, we don't.

Q -- on its own. It relies on other agencies to provide that kind of information?

A A hundred percent. By law, we are prohibited from collecting intelligence on U.S. citizens, and we don't. And we don't do domestic intelligence collection. And we're very, very strict about that, and it's just verboten.

So what we do, though -- we are in receipt of police reporting, as we should be. So you've got FBI reporting, and you've got local police, that sort of thing. Mostly, it's FBI. We rely heavily on the FBI for this kind of stuff. And they send us, you know, their reports and so on.

You know, like a lot of things, a major government organization, the FBI, Pentagon, major government institution, CIA, big institution, there's a lot of bureaucracy, there's a lot of rule sets, there's TTPs, there's procedures. And the FBI is a law enforcement entity, so they do collect intelligence, if you will. Maybe that's the wrong word, but evidence for sure.

But, anyway, they're the ones who do the estimates, along with the other domestic police agencies. And we're in receipt of those reports.
[1:59 p.m.]

Q Yeah. And, as an advisor, I would expect that the quality of the information, the intelligence you're getting is crucial to providing good advice about the appropriate use of military resources?


Q Yeah.

Let me ask you just -- again, we're going to come back to that, unless you want to jump in?

No. No, no, no.

Q Let me just ask you a couple more things about the election in particular, General Milley.

You had a video meeting with all of the networks on the day before the election. My understanding, there's been some reporting that you convened -- the National Guard Chief was there, General Nakasone was there, the Vice Chief, General Hyten, was there.

Tell us, if you can, about what led you to convene that meeting with all of the networks on the day before the election.

A There was general unease and atmospherics that were being reported back to me and us about unrest, potential for
violence --

Q  Surrounding the election?

A  Oh, yeah. Yeah. All of that. I mean, this was consistent throughout the summer, but it builds up as you get towards the election.

So my public affairs guy, in coordination with everyone else's, decided it would be a good idea to go ahead and do a backgrounder with a variety of news anchors to -- you know, "settle the waters" is the wrong term, I suppose, but it's to, you know, transmit a message of stability with the United States military.

Again, this goes back to the military being involved in domestic politics. We have no part in that. Zero. And there were editorials that were calling for the military to do this and do that, and there was just a lot of chatter and uneasiness throughout the media, regardless of which media you're watching. It was just -- it was a constant.

And we're on the eve of a national election, and I wanted to make sure and we, the Joint Chiefs, wanted to make sure that no one thought that the United States military was going to get involved in an election. We're not. And we were really scrupulous about making sure that we didn't, and we were on alert for anything that would indicate that we would.

Yeah. So that's what led to it.
Q] So tell us who was there.

A] I'm doing this from memory. I'd have to probably go back to my PA. But, from memory, Hokanson was there, I was there, Nakasone was there. Was the Vice -- where's [redacted] who?

Colonel [redacted] I don't remember.

General Milley. Do you remember?

Colonel [redacted] No, I don't.

General Milley. Let me take that -- let me get you an answer. I want to be accurate, so --

BY [redacted]

Q] And was the general message conveyed, just precisely what you just said, General Milley, that the military has no role and will not --


Q] -- participate in any way in anything having to do with the election?

A] Yeah. I mean, we have a security function if things get really violent and all that, and if the President so designates and declares certain things, and, of course, again, if the orders are lawful. But I wanted to kind of assure people that we don't have a role in domestic politics, and that's that.

Q] Yeah.

So there were some generals, some retired generals, who didn't agree with that. I want to ask you specifically about
Mike Flynn.

He gave some comments in December after the election. Specifically, in an appearance on the Newsmax network, he said, "The President can take military capabilities in the swing States and basically rerun the election."

Are you familiar with --

A Oh, yeah.

Q -- those comments?

A Absolutely. I mean, that's an example of the chatter that -- he wasn't the only one. There was other stuff out there like that that was unnerving -- in my view, unnerving to people, right, to the American people.

And I think it's incumbent upon me as a senior leader of the United States military to assure people -- through media is a vehicle of doing it; through Congress is another vehicle of doing it -- to assure people that the United States military was not going to be involved.

And I'm very familiar with Mike Flynn. I know who he is. I've known him for a long time. And --

Q Tell us about your relationship with General Flynn. Have you worked with him before?

A Oh, yeah. Sure. You know, I have known Flynn for, I don't know, since, probably, we were lieutenant colonels, which would be the 1990s, I guess, something like that. We've served together, and I know him very well and,
obviously, know his brother, Charlie Flynn, very well.

Q  So what's your reaction to this Newsmax statement about the military being able to somehow rerun the election?

A  Michael Flynn and I are in two different places. The United States military has no role in domestic politics, period, full stop.

Q  Yeah.

A  It's highly wrong, and it's against the very ethic of this country, in my view.

And, you know, I'm not going to -- Michael Flynn -- the Michael Flynn that I knew was a high-quality intelligence officer who served his country honorably and served it well in peace and war. That was the Michael Flynn I knew.

Q  Yeah.

A  The Michael Flynn that I see? I'll just reserve comment.

But I can tell you that comments like what he said, I think those comments are absolutely fundamentally wrong, and they run at cross-purposes to the oath of office about protecting and defending the Constitution. The United States military doesn't go out to polling stations and start counting votes. We don't do that, period.

Q  When he made those statements, did you take any action to counter them or to reassure people inside or outside of the military about your contrary view?
I don't remember anything specific, but I probably did. I mean, I'm sure that there were conversations that I had with people who said, hey, did you see what Flynn just said, or something like that. I'm sure those conversations occurred. I don't remember anyone in particular, any conversation in particular.

I'm not even sure when he made those remarks. Do you remember --

Q  December the 18th.

A  Yeah, December 18th.

So, you know, there was -- in the world of connecting dots, from election on, there's a wide variety of dots out there, any one of which, standing by itself, might be meaningless, might be just kind of a weird comment, right? But when you start seeing lots of dots and they start connecting in ways that make you kind of wonder sometimes, right?

Q  Uh-huh.

A  That was one of those. That was one of those dots. And I'm like, hmm.

And then, all of a sudden, you see him and Sidney Powell and whoever else was in that meeting in the White House, and Pillow Man comes walking out of the White House, and he's got a document in his hand that some reporter photographs and says, you know, execute plan whatever-it-is and put Kash
Patel in charge of the CIA, or something. It says it right on the thing, in the photograph. Those kinds of things kind of make you wonder.

And you get enough of that stuff -- you get enough pennies, you get a dollar, right? So you get enough of these dots and -- you know, any one of which, a smoking gun? No, probably not. But, collectively, the cumulative effect of all of these indicators does give you pause for thought.

And, with respect to Mike Flynn, I respect his service while he was in uniform, and I am saddened by a general officer who makes comments like that.

Q: What's the dollar in that analogy? What is the bottom line, putting all those dots together, worst case, that you were afraid could occur?

A: Well, I mean, worst case would be -- well, frankly, you saw close to the worst case on the 6th, which is the usurpation of the Constitution of the United States, the overthrow of the Constitution of the United States, and the illegal extension of power, the failure to conduct a peaceful transfer of power, a longstanding U.S. tradition.

Those sorts of things, in my mind, were all in the realm of the possible, I suppose, because of things that we saw happening.

So, you know, I was -- you know, what I was trying to do was keep the military out of it --
Right.

-- period. These are issues of domestic political issues. Divisiveness between parties and arguments between parties, whatever, it's all domestic politics. And the military's got no role in domestic politics.

So, when I hear generals comment like that, it's not a good thing.

Yeah.

The last subject that I just asked you about, the ultimate usurpation of the Constitution. You were quoted in one of the many books that has come out; I think it was "Betrayal." When you were asked about what would've happened if the President refused to leave, you said, "He would have been removed by force, if necessary."

Was that a practical concern of yours, General Milley, that the President would not leave voluntarily and that the military or somebody would have some role in removing him by force?

Yeah, I'm not sure I actually said that. I'm not sure --

Okay.

-- where that came from. But it didn't happen, to begin with. And if the President -- if any President refused to leave the White House, there are remedies to that that do not involve the United States military.
Uh-huh.

There's Secret Service, there's FBI, there's police forces, there's judges, there's the Congress, United States Congress, there's the Supreme Court. There's about 14 other channels. The United States military has no role in that whatsoever.

I see.

So I don't -- there were people who said words like that --

Yeah.

-- and I remember reading words like that. I don't know that I ever said that.

I appreciate that. Okay.

Let me stop and see if Ms. Cheney or other members of the committee have questions on some of these general topics.

No. Thanks very much.

Okay.

Ms. Lofgren, is there anything --

"Betrayal" is the one by Jonathan Karl?

Yes.

Yeah. Just for the record, I never interviewed with him.

Did not. I see.

Never talked to Jonathan Karl.
Got it.

General Milley. Don't know him from Adam.

Thank you.

Other questions from the committee? Let me stop here and see if -- Mrs. Luria or Mrs. Murphy?

Yeah, Mrs. Luria, go ahead.

Mrs. Luria. Good afternoon, General Milley, and thank you for speaking to the committee today.

Since we've been talking about General Michael Flynn, I had concerns, and I voiced them a few months back, especially when he made comments, in addition to what we've described today, that we should have a coup such as the one they had in Myanmar -- I'm very concerned that he still continues to receive retirement benefits, you know, in his position as a general, as a retired general.

And I'm curious if you've ever considered, you know, in any way approaching that. Because he obviously does not continue to uphold his oath when he makes such statements. You know, he's pretty overtly insinuated that he, you know, would like to see the overthrow of the government or, you know, actions taken outside of the law.

Do you have any comments on that?

General Milley. Yeah. So anyone who retires from the military is subject to the Uniform Code of Military Justice for the rest of their life. And generals, you know, we take
off the uniform and you're retired, but you always have the
title of general and you're always subject to these rules, to
the Code.

Now, there were some -- there were a couple cases during
the Trump administration, actually, when this came up, not
about Flynn but about others.

And on the very broadest of levels, right, I'm very
concerned about the, quote/unquote, "politicization of the
military." I'm seeing it more and more. I just saw the
Oklahoma Governor, the Governor of Oklahoma, fire the TAG
just the other day because the TAG was doing what General
Austin, what Secretary Austin -- the Department of Defense
has issued out instructions to go ahead and mandate
vaccinations, right? And we, the military, have been doing
mandated vaccinations for a long time.

So the TAG, the adjutant general of Oklahoma, was
implementing Secretary Austin's rules. The Governor of
Oklahoma fired him for doing that and then put in another
TAG. And, again, the Governor -- that's perfectly legal.
The Governor can absolutely do it. It's perfectly legal.
But it's another example, I would argue, of politicization of
the military.

I would argue, when two general officers, one of whom
was Flynn and one of whom was Allen, get up at major national
conventions and get behind a microphone and they start saying,
this or that, I think that they politicize themselves, they politicize us as a general officer corps.

I think when 137 generals recently signed a letter that Secretary Austin and I are, you know, the worst thing since sliced bread and we're lower than, you know, whale stuff and we should be court-martialed and treason and all that kind of stuff, all former retired flag officers -- I will say, none of them were four-stars, though; we had a couple three-stars -- that's politicization.

I'd just say, if generals are out there writing editorials about politics, I think that's an issue.

If you want to be involved in politics as a general officer, retired general officer, or a retired commissioned officer, you ought to run for office. That's great.

Like you did, right?

So you are serving your country, you served your country. You've got Congressman Kinzinger up there. You know, that's great. You want to be involved in politics? Go for it. Run for office. But, if not, and you're retired, you know, be careful what you're saying. That's my view.

Now, there was a couple of editorials written by retired flag officers that -- you would recognize their names -- that were very critical of then President Trump, highly critical of President Trump. And there was actually discussions with me: Bring him back on Active Duty, court-martial him, you
know, make him walk the plank sort of thing, right? I advised them not to do that, because that would further politicize, in my personal view. And I said, please give me a chance to calm the waters a little bit.

And I would advise, in my advisory role, the same thing right now. Mike Flynn is saying things and doing things that I absolutely fundamentally disagree with on so many levels. Bringing him back on Active Duty to court-martial him and subject him to crimes based on the Uniform Code of Military Justice is a giant step.

I'm not saying it can't be done or shouldn't be done. I'm just saying that that would be a Presidential decision. It would need to be rigorously thought out, with all the puts and takes and all the costs and risks and benefits, not something that should be done lightly. It's only been done -- I think it's only been done twice before in American history. So that is a serious step.

Now, having said that, what Mike Flynn is saying out there, first of all, he has a right to say it. He's an American citizen and all that. But, arguably, it's inflammatory. It is certainly counter to, you know, many of the values of our country and so on and so forth. He would argue that's the exact opposite, by the way.

He played a role prior to January 6th -- you may or may not have seen his remarks down somewhere in D.C. I can't
remember where I saw it. It was on -- I saw it on YouTube. It was prior to January 6th, and he's giving a speech. It was very inflammatory. And I listened to it on YouTube, and I was like, what are you saying?

So, sure, you can make the case to do that. Currently, and my advice to you as a Member of Congress, or if the President were to ask me, I would say: Not yet, no. I don't think it rises to that level. I'm an advisor, but that is certainly the prerogative of the President or Members of Congress or the Secretary of Defense or the Secretary of the Army, because he's an Army officer, to do those sorts of things. I think that's a very serious thing, though, and it further politicizes. And I'm really concerned about politicizing the military.

And I know that me walking from the White House to St. John's, I contributed to that. And I know that my remarks at NDU afterwards, the National Defense University, you know, the, quote/unquote, "apology," which was actually a much longer speech, but I know that contributed to it. I know that a variety of people out there would say that I or other members of the Joint Chiefs have contributed to that. Okay, fair enough. I don't think that, but others may think that.

But I am concerned about the broader implications of all of these little politicizations of the military. The use of
the military at Mount Rushmore. Major parades marching down Constitution Ave. You know, there are things that are out there that -- the Eddie Gallagher case. There's a whole series of things that I can point to over the last years, actually, maybe even a decade or so -- you know, signing the Immigration Act in the Pentagon with Secretary Mattis standing right beside you and the Joint Chiefs standing right there early in your administration. Is that the use of the military for political purposes, as a backdrop? I don't know.

So that's not for me to judge, but I'm very concerned about that. And I think the Flynn case would be just one more part of that mosaic of politicizing the military, even though he's doing it himself. And I'd just ask for people to think that through.

Mrs. Luria. Thank you for those thoughts.

And the reason I asked the question -- and I understand the inherent problem of politicization of the military. But, you know, it does feel to me [inaudible] members of the committee, you know, are really concerned that there's a line that's being crossed at some point when you're essentially, you know, advocating for a military coup.

You know, any of us who've ever had a security clearance questionnaire, it's one of the first things that's asked: Have you ever advocated for the overthrow of the
U.S. Government? And I think that if one can answer that question "yes," I mean, there's a serious problem there that could and should and would be addressed for an Active Duty person subject to the UCMJ.

So I just was interested in hearing your thoughts on that topic. And thank you.

And I yield back.

Mr. Kinzinger, I see your hand up.

Mr. Kinzinger. Just real quick. Thank you.

I won't take long, General. I appreciate your statements on that. I've been concerned too, you know, as a Guardsman, just with, you know, the vaccine, of course, and the political statement and everything.

And I would just -- I wanted to add, given what we've learned on January 6th and how close we actually came, I think it is essential that you continue to push the depoliticization of the military. It doesn't mean another CBT or, you know, class, but -- because I think that is the one thing, as I was sitting in my office on January 6th, that I knew we had, which is the military, which is why I felt confident we wouldn't fall.

And so I just wanted to add to her and say that I know it's not necessarily the appropriate venue but I thought it was important to say. So thank you.

General Milley. Yeah, I couldn't agree more. I think
it's fundamental to the health of the Republic that we have an apolitical military. And apolitical means nonpartisan, neither Democrat nor Republican, and we execute the lawful orders of the civilian leadership that's appointed over us. The key is "lawful" orders, and therein lie some judgment calls.

But, I mean, it's something that I've been talking about a lot, even though I've become a lightning rod for the politicization of the military. And I am constantly strung out as an individual and also with Secretary Austin and others, the Chief of Naval Operations, the Sergeant Major of the Army. There's a whole bunch of us that have been -- my own senior enlisted to the Chairman, [REDACTED], Senior Master Chief in the Air Force.

There's a whole series of these examples where, on various news stations, our photos go up -- and it's been very consistent for going on 4, 5, 6 months now. Some of it is comments that I made in testimony about critical race theory and white rage. You know, so 90 seconds with Congressmen Gaetz and Waltz result in, you know, 4, 5, 6 months of this constant drumbeat that is very damaging, in my view, personally, to the health of the Republic, because there is a deliberate attempt, in my view, to smear the general officer corps and the leaders of the military and to politicize the military, for whatever reasons that they think that that's
Mr. Schiff, I saw your hand up as well. Please.

Mr. Schiff. Thank you. I just wanted to follow up on Representative Luria's comments.

And, General, I would be less than candid if I didn't say that I did think that your role in front of St. John's Parish contributed in a very negative way, destructive way, to the politicization of the military. I appreciate what you're saying now, but those actions, I think, were a serious body blow at the time.

General Milley. And I agree with that.

Mr. Schiff. And I also -- I do want to take issue, though, with the comparison that you made between removing the TAG general, who was doing his job in administering U.S. policy, from that of General Flynn, who seems to have been advocating for the military to play a role in preventing the peaceful transfer of power. I don't think those two steps are in any way equivalent. The one who was politicizing the military in the circumstance you gave was the Governor, not the general who was following lawful orders.

And with respect to General Flynn, given the seriousness of what he has been advocating, are there other options, such
as well, are there other options, other than having to reinstate him and then engage in a court-martial, to demonstrate the seriousness of what he is advocating?

General Milley. Well, first of all, I agree with you on both points, by the way. I fully recognize what happened on 1 June, and that's what I tried to make amends to with my own apology and subsequent actions.

With respect to Oklahoma, I agree with you. It's not the general. That was what I was trying to get my point across. It was, the Governor of Oklahoma, by firing that guy, is politicizing -- in my view, politicizing the military, and it's making the implementation or the execution of Secretary of Defense Austin's orders a litmus test for whether he should be a TAG or not. I don't think that's a good thing to do, and I think that's wrong. And that's just a few days ago.

On General Flynn. So I'd have to take that to determine what options there are. And I don't know what other options, off the top of my head, there are.

Clearly, there's -- if either the President of the United States, the Secretary of Defense, or the Secretary of the Army, any one of the three, determined that General Flynn -- you know, probable cause for committing a crime, the dance steps of doing that under the Uniform Code of Military Justice would -- and I've got a room full of military lawyers
here, but I -- there would have to be an investigation to
determine if, in fact, there was a crime committed. And
then, if that was the case, then -- if it's going to go to
court-martial, it would have to go to an Article 32 hearing,
which is the equivalent of a civilian grand jury sort of
thing. And then there would have to be charges brought by
one of the Secretaries or the President against him to bring
him back on Active Duty to stand court-martial.

Those -- and [redacted] and others --

Mr. Schiff. So there's --

General Milley. Go ahead. I'm sorry.

Mr. Schiff. There's no option that you're aware of,
short of reinstatement and court-martial, in the sense
that -- you know, for example, some of those that have
engaged in frivolous litigation to overturn the election are
the subject of disbarment. It's not a criminal action. I
don't know if there's some equivalent of being an officer in
good standing or being an officer who's not in good standing.

General Milley. Yeah, I don't -- I don't think there's
a provision to disbar or garnish their retirement pay, those
sorts of things, absent a punitive action in the legal front.

But let me pause for just a second and get one of these
Army lawyers or military lawyers to opine on this, since you
guys are lawyers.

You can speak too.
Colonel Sir, this one, it would be -- the only option for us would be for him to have an Active Duty recall, retiree recall back to Active Duty, and then we could look at options.

General Borcherding. For purposes of court-martial.

Colonel Right.

General Borcherding. You could only recall him for purposes --

General Milley. But what Congresswoman Schiff's asking is, are there other options other than recall?

General Borcherding. We do not have jurisdiction over him unless he is recalled, sir.

General Milley. I see. Okay. Did you hear that, Congressman?

Mr. Schiff. I did.

Let me turn more to the matters at hand, if I could. And I apologize that this has been a digression.

And, you'll have to let me know if this is ground you intend to cover later or have already covered in my absence.

But, General, I'd be interested to know whether others, whether General Flynn or others other than General Flynn have, in your presence, suggested the use of the military to either interfere with the transition after the election or to in any other way interfere with the joint session.
General Milley. No. There's been no other commissioned officer that I'm aware of that's advocated for that whatsoever.

And Flynn didn't do that in my presence. I'm reading that in the media as what he said, watching his speeches, and I saw some things that he said the other day. But I haven't heard anybody say that that's in uniform.

Mr. Schiff. So, in your presence, then, at any time during the pre-election or post-election period, no one ever suggested a role the military might play in the recognition of the results, in the joint session itself, or in suspending the process of the counting of the vote?

General Milley. No, and -- not in my presence.

So let me try to describe it this way. I came to the conclusion because of a lot of, for lack of a better term, circumstantial evidence and what I was seeing in various forums, specifically meetings, et cetera, that those were possibles. So, after the 1st of June, basically once a month, I did something in a public way to assure the public and put on notice, essentially, that we, the military, our loyalty is to the Constitution, and we're not going to be involved in any manner, shape, or form in domestic politics in any illegal way. It's just not going to happen. So, roughly speaking, once a month, we did -- I, personally, and we do something.
So what did that do? What that did, I believe -- I hope, anyway, and we'll never probably fully know, but I think it put some people on notice that may have had -- I don't know if they had, but may have had some thoughts that they might use the military, and it clearly said to them: Probably not.

Examples of that is my response to the Congresswoman in June, July, about the role of the military. I gave some remarks at the opening of the Army Museum 2 days after Esper got fired, on the 11th of November. I did a couple of interviews with the media in August, September. There was a series of things done. And then there was a series of conversations with Secretary of Defense Esper, Acting Secretary of Defense Miller, et cetera, to clearly state what I've said to you guys already, is the military has no role whatsoever in determining the outcome of a U.S. election.

Mr. Schiff. And, General -- and stop me, General or •, if you've already covered this.

But, General, what was the basis of your concern? If it wasn't things said in your presence, what was it that was said or done outside your presence that compelled you to reinforce the idea that the military plays no role in this process on a monthly basis? What were the precipitating factors?

General Milley. The general atmospherics. Part of it's
media, but also Members of Congress, also meetings that --
not specific to interfering with the election, but there was
a variety of meetings over the summer on the use of force
domestically. There were tweets that went out from the
President that talked about various rallies and assemblies
that, you know, arguably could get violent. There was
commentary, public commentary, by people like you just
mentioned, like Mike Flynn. There was commentary by a
variety of groups -- the Proud Boys, the Oath Keepers, the
Three Percenters -- that were talking about violence. There
was a whole bunch of stuff in social media.

There was a whole wide variety of what I would call dots
out there that led me to believe that there were
possibilities that people might think of using the military,
and I wanted to shut those off.

Mr. Schiff. Thank you. I'm going to yield back, on the
assumption that staff will be walking through those dots, if
they haven't had the opportunity already.

Thank you.

And I yield back.

General Milley. Thanks, Congressman.

BY [Redacted]

Yeah, just to follow up on that, General Milley,
tell us more about the President himself and what he said or
did that gave you that concern. Was he the audience for
these monthly statements, or was the audience broader?

A  No, I think -- for me, I wanted to make sure the
force, the military, those of us in uniform --

Q  I see.

A  -- understood that our oath is to the Constitution.
And I've said it publicly. It's not to a king, it's not to a
queen, it's not to a dictator, it's not to a tyrant. It is
to a document, an idea as Americans, to a document called the
Constitution. And that is our North Star, and we're going to
adhere to it no matter what. And we're only going to follow
legal, lawful orders. And it was repeated many, many times.

Q  Yeah. Were you concerned that the President,
President Trump, was contemplating unlawful orders?

A  Based on certain behavior and discussions --
nothing specific to the election, by the way, but there was
other things, [redacted] and Insurrection Act, there was other
discussions -- that I thought that it was in the realm of the
possible. That's correct.

Q  Yeah. We're going to talk about some of those
things, but I appreciate that.

But anything in particular about the election --

A  No.

Q  -- it sounds like --

A  No one said to me at any time: Use the military.
You know, no one gave me an illegal order. It wouldn't have
been followed. We follow legal orders. No one specifically
said to me: Do this relative to the election, you know, to
change or influence the outcome.

Q  Because -- I'm sorry to interrupt you. But because
of prior discussions of the Insurrection Act, some of the
things like you mentioned with Iran or others, you were
cconcerned about the President's stability and that the
President might potentially be considering things you would
consider unlawful?

A  I was concerned that there was a potential. It
never happened. So, at a certain point, I guess, you know,
you can't prove a negative, because it never happened. But I
was concerned that there could have been a serious overseas
crisis at a moment in time in combination with serious
domestic violence that could become the predicate for
something that probably was extrajudicial or
unconstitutional.

It never happened, so it doesn't matter anymore. But I
had concerns, especially on the overseas part. And there
were things that were said, and there was indicators that
were said that, for me, caused concern.

Q  Uh-huh.

An\[122\]

Any other questions from the members?

Ms. Lofgren or Mrs. Murphy, anything?

Ms. Lofgren. Yes.
Please. Go ahead, Ms. Lofgren.

Ms. Lofgren. You may have -- I had to step out for a minute to vote, but I wanted to explore just a little bit more about the Insurrection Act.

You've made it clear, General -- and thank you very much for your service to our country and for being here today and so eager to enforce the rule of law.

You've made it clear that the military should not be politicized and that you would follow all lawful orders. Obviously, the other side of that coin is, an unlawful order would be in a different category. The question is, how do you make that determination? I'd like to explore that when it comes to the use of the Insurrection Act.

You've mentioned your concern about -- that the riots and disorder were not an insurrection, in your view. They were long, they were violent, they were illegal, but they were not an insurrection.

Did you have a concern over the summer or at any time that the President would use the Insurrection Act as a pretext to supplant civilian government in one or more States?

General Milley. No, not supplant civilian government.

I was concerned and was involved in many conversations about the use of the military in a wide variety of States, but supplant civilian government? No. I wasn't -- there was no
Ms. Lofgren. Now, General Flynn suggested publicly that the military would go in and rerun elections --

General Milley. Right.

Ms. Lofgren. -- after the Presidential election --

General Milley. Right.

Ms. Lofgren. -- was overturned. Was that ever a concern, that that would be a command that you would receive or a direction from the President?

General Milley. Well, first of all, I'm aware that he said things like that. I'm aware of it through the media. He never said it to me. I'm aware that he participated in various meetings in the White House. So those sorts of things are part of the dots that we're talking about that raise concern.

But I was never given an order to do that by anyone, and --

Ms. Lofgren. No, no. But I'm just wondering whether that was a point of anxiety or concern on your part based on the information.

And part of the reason why I'm struggling -- and I know we've received reports -- on the very long delay that existed on January 6th for sending in the Guard. I mean, after all, a crowd of insurrectionists had seized control of the seat of government and was threatening the lives of the line of
succession to the Presidency, and yet there was a very long period of time.

And I wondered whether the fear about use of the military to seize control improperly of the government played a role in the delay in the dispatch of forces to help secure the safety of the House and Senate.

General Milley. Well, let me -- some facts.

So there was a series of meetings prior to the 6th -- and we can get you the exact dates and who's in the meetings, et cetera -- interagency meetings, with Acting SecDef Miller, O'Brien, you've got Acting Attorney General Rosen at that point. There's a whole bunch. And I'm involved in those meetings as well. These are in the end of December, so to speak, and then they go all the way up through. I want to say, the 2nd or 3rd or maybe 4th or something like that of January. These are telephonic conference calls to try to figure out exactly what the security measures are going to be for the 6th.

And all of this is being filtered through the lessons learned of the summer. So the general perception -- and I think it's fairly accurate -- is there was a heavy hand in the summer in and around the events of the 1st of June at Lafayette Square. And the Pentagon, the military, the National Guard, police force, et cetera, come under very heavy criticism for all of that, and there was a major
investigation as a result of that, et cetera. So we
developed a series of lessons learned.

One of the lessons learned was to make sure that we
established a lead Federal agency, which we did for the
6th of January, and that was the Department of Justice,
Attorney General Rosen. And the Department of Defense would
be in support of Department of Justice.

The second key thing was to make sure that we respond to
actual requests, written requests from legal, lawful
authorities, like the Mayor or the head of the Capitol
Police, et cetera.

And then this guy that I mentioned at the beginning, Ken
Rapuano, we actually had him go around to all of the police
entities that operate in the District and ask them if they
needed military assistance. And every single one of them,
except the Metro Police, through the Mayor, said, no, they
didn't. So everybody turned down military assistance. This
is prior to the event as part of the preparatory stuff.

The only one who said they wanted any military
assistance from the National Guard was the Mayor, Mayor
Bowser. So she sends in a request, and they were very
specific about it. And I don't remember the numbers; I think
it's, like, 340, in that range. They wanted about 340
National Guardsmen in orange vests, soft caps, no weapons, no
wire control equipment, no nothing, and they were there to do
traffic control points in and around the Ellipse and around
the White House. And that was it. That was the extent of
the request.

So lead Federal agency and then requests.

So we, as part of the preparation, the military
preparation, just had 340 guys. And then there was a small
QRF, about a 40-person quick reaction force, that was asked
for that was stationed down at -- I think it was the Armory.

So that was the set going into the 6th.

Then you get the events of the 6th. So I'm sitting in
my office, talking to now Secretary of the Army Christine
Wormuth, who was the head of the transition team for the
Biden administration, and we're talking transition issues.
And on the screen -- also, I had the news, et cetera, TV
screens, and you see the crowd starting to assemble.

Of course, we had information telling us that there was
a series of registered protests, that crowd estimations
went -- they started off at 10,000 to 15,000. It rises to
25,000 on the day of the event and even goes higher,
actually, in retrospect.

So we're sitting there, and at about -- I think it's
1400, 1500, 1400-ish or something like that. I get called to
go to the Secretary of Defense's office. I break off my
meeting with Christine Wormuth. I go up to Acting SecDef
Miller's office. And, at the same time, he called the
Secretary of the Army, McCarthy, down there, who's the, you know, "Governor of D.C.," along with the Chief of Staff of the Army, McConville, along with Hokanson of the National Guard Bureau. And a meeting is convened at 1430. And we have timelines that we can, you know, show you all these things.

So, about 1430, it's obvious to us that there's a riot happening down at the Capitol. Acting Secretary Miller turned to me and said: What do you think? And I said: Right now, you should get on the phone with Acting Attorney General Rosen and alert, marshal, and assemble every cop in Washington, D.C., and immediately deploy them to the Capitol.

And I looked at General Hokanson, and I said: And you, Dan, you need to get on the phone, if the Secretary approves it, and get a hold of the Virginia, Maryland, Delaware, and West Virginia National Guards and ask for 2,000 volunteers immediately to come to the Capitol.

All of that was done between 1430 and 1450, in about 20 minutes. And there were discussions about the puts and takes and how long that was going to take.

Acting Secretary Miller said: Okay, do it. And then he got on the phone with Rosen, and there was an interagency quick call. Orders went out, I think it's at, like, 1504, 1505. And troops, the Washington, D.C. National Guard -- I told them to mobilize the entire National Guard in D.C. and
do so immediately, and they did that under Secretary McCarthy's, you know, supervision. And the National Guard arrives down at the Capitol, like, 2 hours later, 2 or 3 hours later. It's in that range.

Is that slow? It certainly was slower than had we had the force already prepared to go. But in terms of going from a cold start, I would argue that the National Guard going from a cold start, being called and then being on the scene in 2, 2-1/2 hours, relatively quick, in my life's experience, but --

Ms. Lofgren. But let me ask you this.

General Milley. -- but late to need, for sure.

Ms. Lofgren. And, you know, I'm not criticizing you. I mean, we were here with rioters pounding on the door --

General Milley. No, I understand. Right.

Ms. Lofgren. -- and we had a personal experience.

But Steny Hoyer spoke to the Governor of Maryland, who reported that he had National Guard personnel at the D.C.-Maryland border but he had been prohibited to send them in by the Pentagon.

Do you know anything about that?

General Milley. I don't.

I've talked to Steny Hoyer several different times. On that day, I was on the phone with, you know, Speaker Pelosi, Leader McConnell, McCarthy, Steny Hoyer, I think Durbin,
Sullivan, Slotkin, a whole bunch of Members all afternoon.

That specific one, I'm not -- and I'm aware of, after the fact -- I think it was Governor Hogan was the Governor?

Ms. Lofgren. Yes.

General Milley. So I'm aware, after the fact, that Governor Hogan said that. At the time, no, not aware of anyone -- I'm not aware of anyone putting out orders to prohibit them to come across. And, in fact, like I just said, I said to Hokanson to get the Guard from Maryland, et cetera.

So I think the way I've characterized it is, you've got a crisis on your hands; there is an awful lot of activity, and it's happening very, very fast. I don't -- with respect to the speed of the military involvement in putting down the insurrection of 6 January, I am not witness to anyone deliberately trying to slow that down or trying to prevent the National Guard or anyone else, once the event was going on.

Prior to the event, there was great concern about militarizing the environment in D.C. based on lessons learned from the summer. That is true. That's prior to the event. But, during the event, I'm not aware of anyone -- it may have happened, but I'm not aware of it -- of anyone who intentionally said, you know, don't go, don't go, don't go, for whatever reasons they had.
Ms. Lofgren. Thank you very much, General.

All right. Any other members before we move along?

Mrs. Murphy?

Or back to you, Ms. Cheney? I see your camera is on again. Anything else you want to raise with General Milley?

General Milley. Could I add one more thing --

Ms. Cheney. No.

Please.

General Milley. -- to the Congresswoman?

Please do.

General Milley. The other question that's out there a lot is President Trump himself, right, on the 6th. So at no time did I and I am not aware of anyone in the Pentagon having a conversation with President Trump on the day of the 6th.

We talked to Members of the House and the Senate leadership a lot, all afternoon. We talked to Vice President Pence. We talked to Meadows in the White House. But never once did we talk to, at least to my knowledge, to President Trump.

Mr. Kinzinger. Would you mind if I jump in on that?

Yeah. Of course.

Mr. Kinzinger. General, can you answer, had the President called you and made a direct order to defend the
Capitol, would that have cut on some of the, maybe, bureaucracy that delayed it?

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

Vice President Pence -- there were two or three calls with Vice President Pence. He was very animated, and he issued very explicit, very direct, unambiguous orders. There was no question about that. And I can get you the exact quotes, I guess, from some of our records somewhere. But he was very animated, very direct, very firm to Secretary Miller: Get the military down here, get the Guard down here, put down this situation, et cetera.

In the event -- if I'm not mistaken, I think it's the FBI hostage rescue teams, along with some other SWAT-type teams, that get there very quickly and start doing that.

But Vice President Pence was very clear, no question about it. You know, people got there as fast as they could. I didn't see anybody trying to throw sand in the gearbox and slow things down.
Q Just following up on Ms. Lofgren's questions about the Insurrection Act, were you concerned at all on the 6th, based on your prior conversations with the President, that he would see this as a predicate to invoke the Insurrection Act, to call Active Duty troops out onto the streets, and potentially extend that to beyond January 20th and the transfer of power?

A Well, once the event's ongoing, no. It was obvious to me what was happening down at the Capitol. And all security forces -- National Guard, police, et cetera -- needed to marshal and move to the sound of the gun, so to speak, move to the point of friction immediately, move to the point of the chaos and the crisis and the assault on the Capitol. So, no, I wasn't thinking Insurrection Act at all at that time.

Q Okay.

All right. Any other questions from members before we take a break?

No?

All right, General, why don't we take 5 or 10 minutes, and --

General Milley. Sure.

-- we'll reconvene. We've still got a ways to go.
General Milley. No, that's fine.

We really appreciate it.

General Milley. I'm here as long as you want.

We will take a break.

General Milley. Okay.

We'll go off the record.

General Milley. Sure.

[Recess.]
BY

Q All right. General Milley, let's resume. I really appreciate how much we covered, but there's still more even before we get to January 6th that I want to ask you about, particularly now a couple of questions about some personnel changes that occurred immediately after the election.

For instance, Defense Secretary Esper, he was fired on November 9th. When he was removed from his position right after the election, were you surprised?

A Was I surprised?

Q Yes.

A Yes and no.

Q Tell us more. Why?

A So, no, I wasn't surprised, because Secretary Esper and I had talked about it for a considerable length of time.

Was that on or do we need to repeat the question? Do we need to repeat the question?

Q It's on the record. But just to be safe, in case the mike was off, I'm curious about the firing of Secretary Esper, who was fired on November 9th, whether or not that surprised you.

A So, as I was saying, it's a yes and a no. No, in the sense that in the media there had been all kinds of rumors and reports of various people are going to get fired.
Esper was one of them. I had been mentioned. Gina Haspel had been mentioned. Chris Wray had been mentioned. I think Attorney General Barr had been mentioned.

And I would also say that that was a fairly normal thing, I guess, that people would be mentioned over time.

But Esper was mentioned a lot. So Secretary Esper clearly understood that he was likely to be removed at a certain point in time.

And generally, I think he would -- and he would probably tell you the same thing -- is that he thought sometime after the election or shortly thereafter, not necessarily uncommon in any administration, but in this particular case, so close to a change of administrations, I suppose that part's unusual.

So in one way, no, neither Secretary Esper nor I, I certainly wasn't necessarily surprised.

On the flip side, the specific timing, the method, that surprised me. That caught me by surprise. So a quick phone call, as I recall it. Secretary Esper called me up to his office and said he was just called by Meadows, Chief of Staff Meadows, informed he was going to be fired.

At that point, I already knew it, because within minutes of Secretary Meadows calling him there was a tweet that went out from the President, from President -- then-President Trump.
So Secretary Esper called me up in the office, his office, and said he was -- had been fired. And we chatted for a little bit.

So the precise moment in timing, yeah, that caught me by surprise. And also I had no idea who was going to come in -- and neither did he, for that matter, at that point.

And then there was -- then Acting SecDef Miller, along with Kash Patel and some others, they show up within a few hours, actually.

Q What was the sort of crux of the dispute between -- or why President Trump was unhappy with Secretary Esper, if you had to categorize why there was a breach between those two?

A Yeah. I think one of the exhibits here is a memorandum that appears in the media.

Q It's No. 31, is the exhibit. You're anticipating --

A This is a memo from the Office of Personnel Management, White House Office of Personnel Management.

Q Yeah, Sorry, 41.

A Allegedly written by either Johnny McEntee or one of his people.

Q Right.

A And, frankly, it lays out pretty much kind of what -- you know, those were the differences, a lot of the
89 differences, anyway.

Q Yeah.

A And I served as the Chief of Staff in the Army under Secretary Esper, and then as the Chairman under Secretary of Defense Esper.

And I think that memo lays it out, that he took different positions than the President wanted him to take. I think that there was -- they -- there were people who interpreted that as acts of disloyalty somehow. And, you know, I think disagreement is not disloyalty, but people took this stuff as disloyal.

So I'm not sure how anyone could say that displaying a Confederate flag on military installations and Secretary Esper putting out a policy that prohibits the display of Confederate flags -- which is not really what his policy was. What his policy was is the only flags that you can display is the American flag, the Stars and Stripes, and unit flags and so on.

So he was explicit in dealing with that issue, Confederate flags. He was explicit in how he handled it. There were several meetings with White House Chief of Staff Meadows on it. It was a very contentious issue at the time.

So Secretary Esper decided that he believed -- and I clearly supported him -- that a display of a Confederate flag or other types of flags are divisive to the good order and
discipline of the military.

And he said: Well, instead of outlawing or banning a specific flag, I'll put it in the opposite and I will say, these are the flags you can fly, the American flag and unit flags, et cetera.

But you see in the McEntee memo here about the Confederate flag. And there's a whole series of other things in there, to include that there was a sense, I guess, somebody in the White House thinks that Secretary Esper didn't control the, quote, "Joint Staff," which I take that to mean me, which I think that's nonsense. Secretary Esper and I had a very long and good quality professional relationship.

There's something in here about Milley's personality overshadowed Esper. That's nonsense. Esper was the Secretary of Defense, and I knew that and he knew that, and there was -- we worked as a team together on all kinds of different things. Things like actively pushing diversity and inclusion, as if that's something bad, you know.

So -- but these are the reasons. You know, it talks about Eddie Gallagher. It talks about Vindman. It talks about a whole bunch of stuff.

Like, you know, the bombing of cultural sites, which a room full of lawyers here I think pretty much everyone knows that the bombing of a cultural site in the conduct of war is
actually a war crime and illegal unless certain criteria are met, where you're literally taking fire, and then it becomes a military target, which is a different circumstance.

But the general idea of bombing cultural sites is not acceptable in the law of armed conflict. When discussions were being had about [redacted], things like that would come up and Secretary Esper pushed back. So you see that in the memo as well.

So there are a whole series of reasons in there. That memo accurately actually depicts I think what their logic was.

Q The memo you're talking about is actually exhibit 1. And I wanted to ask you specifically about bullet point 4 on that memo, which says as one of the reasons for Secretary Esper being terminated, "He publicly opposed the President's direction to utilize American forces to put down riots just outside the White House in the Nation's Capital, limiting the President's decision space." And there's a footnote to an article that says, "Esper opposes Insurrection Act."

Was there tension between the President and Secretary Esper on --

A Huge, yes.

Q Tell us more about that.

A Absolutely. There was really significant tension, arguments-level intention -- or tension. Secretary Esper and
I and Attorney General Barr pretty forcefully discussed the use of the Insurrection Act with the President and advisers. And it was a debate. It was --

Mr. Richards. Sir, I'm sorry. I just want to reference the letter from Deputy General Counsel Jonathan Su. And, again, I would like to, to the extent his answer requires White House communications pre-November 3rd, I would like an opportunity to discuss that with White House counsel, as instructed and consistent with that guidance. So if that's not required as far as an answer, then obviously he can --

General Milley. Well, let me try to answer it this way. You're saying it's not -- it might -- because it's an Oval Office conversation, it could be covered by executive privilege.

BY:

Q Or has not yet been cleared by current --

A Exactly. Let me -- let me -- all right, let me say it this way then. Secretary Esper, in public, behind a microphone, in the Pentagon press room, clearly and unambiguously issued out his statement relative to the Insurrection Act. And that was clear at the time and it's in public.

And following that statement, selected members of the White House called Esper and said: You know, not good, et
cetera. And then -- and it led to a series of meetings.

So the short answer is, yes, just like this public memo says, there was intense tension on that topic of the Insurrection Act and the use of the military.

And it goes back to our opening discussion about what constitutes an insurrection, last resort, have all other resources been expended, have all other techniques, have the Governors used this, that, the other thing. And Secretary Esper pushed back, along with Attorney General Barr and along with myself.

Q And that shows up on this memo that was written by your indication it was Johnny McEntee as a reason why Secretary Esper is removed. That disagreement is not characterized by the White House as constructive, but, rather, somehow becomes cause for termination.

A I take the memo at face value, and I believe -- I believe that memo is an accurate depiction of their thinking.

Q Who is Johnny McEntee?

A Johnny McEntee was the Director of the Office of Personnel and Management at the White House. He -- you know, I don't know him super well. I know him a little bit. He was involved in former President Trump's campaign. I think the term people use is like body man. It's sort of like an aide that assisted the principal, former President Trump, you know, from event to event to event. He was always with him
sort of thing.

And then there was some issue, and I don't exactly remember exactly what it was, but then-White House Chief of Staff Kelly removed him from the White House. And I forget exactly the reason. It had something to do with personal conduct.

And then Kelly himself was removed later. And then McEntee comes back into the White House. And that's where he becomes the Office of Personnel and Management.

And the Office of Personnel Management, its significance is it deals with the civilian hiring and firing, which is not my lane. As a commissioned officer, I deal with the uniformed part of this thing.

But OPM is the organization within the White House that makes all the political appointees throughout the whole government, which I think there's like 4,000 or something like that. So they do the hiring and firing. And it's a pretty powerful office or can be a pretty powerful office.

Q Right. He's actually the head of the Office of Personnel, Presidential Personnel, OPP?
A Yes.

Q Which is, as you said, responsible for the hiring of over 4,000 Presidential appointees across the government. Was it your impression that Mr. McEntee was imposing some sort of loyalty test or fidelity to President Trump's
principles to Secretary Esper and others at the very end of
the administration?

A  Sure. And I don't necessarily think that's unusual
for political appointees. Political appointees -- so you've
got the executive branch and then you've got the
administration. So the administration is part of the
executive branch, but not everybody in the executive branch
is technically part of the administration.

So, for example, I'm a -- I've been in the military for
41, 42 years. I'm a member of the executive branch, but I'm
not a member of the administration. That's why I sign the
document to Congress saying, I'll be candid and so on and so
forth.

I am not required, nor is it expected, that I will carry
the political points of view of the current administration A
or B. I'm expected to be apolitical as well as all the other
civil servants, the professionals.

Political appointees, on the other hand, those 4,000
that we're talking about, the expectation is that political
appointees will be appointed in order to carry out the
President's agenda, if you will. Therefore, most political
appointees somewhere, somehow have to demonstrate that they
support the agenda, I guess.

It's not my lane. But yeah, for sure. I mean, they
think -- I take this at face value -- they think that Esper
did not carry President Trump's agenda and that he was disloyal, and so they fired him.

Q In your view, Secretary Esper was qualified to be Secretary of Defense. It's not an issue of not being qualified. It was, rather, an issue of perceived insufficient loyalty.

A Yeah. I think Secretary Esper was qualified to be the Secretary of Defense. I don't think that -- I think it was disagreements on these issues of policy and perceptions of loyalty, not anything to do with his skills and knowledge and attributes.

Q In addition to Secretary Esper being fired, then Kash Patel was installed also around this time. Tell us if you know Mr. Patel.

A I do. I know him only from my time when he was the chief of staff to then Acting Secretary Chris Miller.

So within a few hours of -- this is on the 9th of November. So Secretary Esper is fired. I don't exactly remember the time, but it's in the morning.

And within a few hours, early afternoon, in comes Acting SecDef Miller. With him comes his -- the Department of Defense new chief of staff, Kash Patel.

And then there's a -- already in place were some others. Ezra Cohen. Tony Tata was acting in policy, as I recall. There was a guy named Josh Whitehouse, who is the OPM liaison
officer. Each of the Cabinet Secretaries, each of the
departments have a liaison officer from OPM.

Q To the White House, essentially.

A Yeah, the White House. So his name is Whitehouse,
but he's also the --

Q White House liaison.

A -- White House liaison, right.

So Josh Whitehouse is there. There's a guy named
Colonel Macgregor who's sent over who had this undefined role
of military advisor to Acting SecDef Miller.

I forget all of -- but there was a series of people that
came over relatively quickly.

Q Yeah. And this is essentially the new leadership
team at the Department.

A The new leadership team for the Department of
Defense, that is correct. And Kash Patel was Secretary --
Acting SecDef Miller's chief of staff.

Q And all this occurs just days after the election.

A This happened on the afternoon of the 9th, right.

So the election is on the 3rd, and then Esper is removed on
the 9th.

Q Did any -- let's talk about Mr. Patel. Did he
have, in your view, any prior experience in defense, foreign
policy, military issues, anything that would qualify him to
be chief of staff to the Secretary of Defense?
A. Well, I mean, I don't know his full background, but he worked, I think, as a staffer up on the Hill. He did that. And he was involved in the Trump administration early on at the -- in the National Security Council. He's involved in a couple of other controversies that the committee I'm sure is fully aware of.

And, to my knowledge, he's never served in the military, but that is not a requirement. His knowledge of military operations, I think, candidly, is limited, but that, again, is not a requirement by any stretch of the imagination.

So, you know, it's not my place to judge whether he's qualified or not qualified to be the Pentagon chief of staff, because there's a lot of requirements.

The key requirement is that they have the trust and confidence of the Secretary of Defense and that they're capable of managing a large, complex bureaucratic organization that gets a budget of $750-plus billion a year and that has global equities, we've got troops in 140, 150 different countries, and that you're an expert manager of very large -- you know, you're in an executive role. So a very large organization. And one of the key functions is to manage the OSD staff, the Office of Secretary of Defense staff.

Q. Did he play a role in the rescue of... Do you remember that incident?
A

Q It was in the --- failure to notify the Government ---
A Oh.

Q --- of extrication of ---
A maybe?

Q Maybe I'm -- the name ---
A Have I got the name?

A Absolutely, yes, but I'm trying to remember the name of the guy.

Yeah, so there's a -- some of this gets into some -- potentially some classified areas. So ---

Q Okay. And stay away from that on this record.
A I'll try to stay away from that.

But, anyway, there was an American that was held hostage in West Africa, I think ---, and he was being held by a terrorist organization.

So we developed intelligence over a period of time and so on and so forth, and we developed a rescue plan. And we executed the rescue plan and successfully rescued that particular individual.

And Kash Patel was Acting SecDef Miller's chief of staff, and he was part of the, you know, part of the overall
effort to coordinate and synchronize that.

Q    My understanding is that there was a failure to
notify the Government in advance of that action,
which causes significant breach of protocol and a subsequent
notification of the --

A    Yeah. So a good one to ask on this, actually, that
particular part of it, the notification, is -- a good one to
ask here is Secretary Pompeo.

Secretary Pompeo, former Secretary of State Pompeo, also
involved in this whole thing. As I recall, he was pretty
upset at Kash Patel about some of these things. So Tony
Tata, by the way, who was the acting OSD policy guy, another
good one to ask on this particular issue.

So, as I recall, Kash Patel informs Tony Tata that all
the coordinations are done. Now, it's not his role, by the
way, as Pentagon chief of staff. He has no operational role.
But he's informing Tony Tata. Tony Tata had some emails to
this effect, because it was a thing at the time.

And then -- and he also -- if I'm -- I may not have this
100 percent right, that's why you got to ask Pompeo -- but he
said something to Pompeo that wasn't exactly true either.

So, as we're getting ready to execute -- and, oh, by the
way, as I recall, he's down at Fort Bragg visiting a certain
unit with the President. And Ezra Cohen and him and Patel
are at Fort Bragg visiting the President.
And there's a conversation that occurs. I'm not privy to it. I wasn't there. They inform the President of, you know, certain conditions being set that weren't set. So they misinformed the President. I don't know if that was with malfeasance aforethought, intentional or accidental. I don't know.

And the specifics of what was said by whom to whom, Rich Clarke, the commander of SOCOM, was there. You might be able to ask him specifically what was said.

In any event, so the mission gets a green light. You know, the President has to approve missions like this. So the mission gets a green light.

And then, just prior to execution, it's discovered between Pompeo, Tata, me, that the Nigerian Government had not granted overflight rights, which is a prerequisite, right, to make it proper, legal and all that.

So, anyway, the long and the short of it is we halted. Secretary Pompeo got deeply involved very quickly shortly thereafter. He does get the proper permissions, et cetera. We execute the mission. The guy is successfully rescued.

So what is the -- what's the "so what?" there with respect to Kash Patel? You know, I didn't talk to him at all during that whole thing, during the execution of that, but Pompeo did and Tata did. And they both think that there were some integrity issues going on -- you'd have to ask them what
they really thought, but that's how it got translated to me
at the time -- and that there was, as a minimum, some --
the -- either the deliberate or accidental misinforming of a
President on a set of conditions involving an actual military
operation that was putting U.S. soldiers' -- in that case
sailors' -- lives at risk.

Q At risk.

A So that's the long and the short of it, and that's
the best way I can describe it in an unclassified way.

Q I appreciate that.

So despite the concern about integrity issues in that
incident, subsequent to that, about a month later, December
8th, Mr. Patel is traveling in Asia with Acting SecDef
Miller, and he's called back to D.C.

And then there's a series of conversations with the
Director of the CIA, and Mr. Patel is potentially showing up
in a new proposed position.

Tell us what you recall about his recall from Asia and
what was proposed.

A So that -- I don't know what was proposed. First,
I don't know firsthand knowledge.

Q Okay.

A There was a lot of media reports at the time that
either Gina Haspel or Chris Wray, FBI Director or CIA
Director, were going to be fired for whatever reasons, right?
These are media reports. And then Patel and Miller are on an overseas trip to Asia. And Patel gets called back, like, you know -- which is unusual, right? So he gets called back. And I get informed, because, you know, I get a daily report of where senior leaders are, where the President, Vice President, Chairman, Vice Chairman, all that.

So senior leaders, we get a report on where everybody is at, and then I get told Patel is on his way back. And I'm thinking, well, okay, emergency leave, family issue, something like that. But it's not. You know, we don't know.

So it just struck a bell in my head, why, you know -- and I'm looking at all these media reports, and why is this guy coming back? So I didn't know. Are we going to go through another change, you know, and chief of staff of the Pentagon now is going to be moving somewhere else? So I don't know. And it just struck me as odd at the time.

And then there was a series of reports that picked up on him coming back -- they were in the media again -- picked up on him coming back, and they were speculating about him being placed in a position as the deputy CIA officer, CIA -- Director of CIA.

I don't know if that was all true or not. Since then, there's been a whole series of articles in the media that claim that that was a likely possibility and that White House Chief of Staff Meadows had a conversation with then Director
Have you spoken to her about that?

Specifically?

Yes.

No, not since then.

Okay.

At the time, there was -- I did have a conversation with her. I talked to Gina Haspel all the time, by the way, just as a matter of routine. CIA and the military do a lot of things, so we talk frequently.

And there was a conversation where she and I -- she thought maybe she was on the ropes or something like that. But specific to Patel replacing her, no, not that I recall. But it's in the media out there. It's all over the media space.

So, anyway, but since then, and I believe it to be true, there's a series of stories out there that have Gina Haspel talking to Meadows, and Meadows says: You're going to get fired, or something like that. She says: I'm going to resign if you put Kash Patel as my deputy. And then Meadows goes off, and 10 minutes later he comes bang and says: Okay, it's all done, it's over.

That is believable to me. I don't know if it's true. You know, you guys can figure that out, talking to the principals involved. But I think that's -- if you connect
that dot, back to what Congressman Schiff said about dots, if you connect that dot to, you know, pillow man walking out of the White House with a piece of paper that says Patel to the CIA, and you connect some other things, it's all in the realm of the possible.

The idea that someone goes and reverses an order relatively quickly, I've seen that several different times.

One example is I received a written document on the 11th, I think it's -- no, it's the 12th, I think it is, the 12th of November, 3 days after Secretary Esper is relieved, I get called up into Acting SecDef Miller's office. And it's Miller, me, and Patel.

Patel hands me a piece of paper -- and I testified this to Congress a couple. 3, 4 weeks ago -- hands a piece of paper to me signed by then President Trump. And it basically has two sentences in it.

And it says: You are hereby ordered to withdraw all U.S. military forces from Somalia no later than 31 December.

The second sentence says: You are directed to withdraw all U.S. forces from Iraq by 15 January.

That's it. And there was another line that said something like inform all allies or something like that.

And I looked at Patel and I said: Who gave the President the military advice for this? Did you do this, Kash? And he said: Oh, no, no. I had nothing to do with it.
I looked at Acting Secretary Miller and I said: Did you give the President military advice on this? Oh, no, no, not me.

I said: Okay, well, we got to go over and see the President then to make sure that he's fully informed -- going back to the constitutional responsibilities -- to make sure he's fully informed. It's a legal order, but I want to make sure. I've got duties to do here, constitutional duties that I've got to make sure he's properly advised.

So we go over to the White House. We walk into the National Security Advisor's office, Robert O'Brien, hand him the order, said: Robert, where's this coming from and is this true? And O'Brien says: I've never seen it before. Said okay.

Kellogg is -- Keith Kellogg, the National Security Advisor to the Vice President, is there. Kellogg says: Let me see this piece of paper. Kellogg takes the piece of paper, looks at it. He says: Something is really wrong here, this doesn't look right.

And I looked at Kellogg and I said: You're telling me that thing is forged? That's a forged piece of paper directing a military operation by the President of the United States, that's forged, Keith? And he said: I don't know, I don't know.

So O'Brien and Kellogg then say: Give us a few minutes.
And they go away. I assume, I don't know factually, but I assume it was to see the President. They come back 10 or 15 minutes later and they say: It's rescinded. It's over. It never existed. I said: Okay, fine. So it doesn't exist. So I've seen reversals, like the little story about Gina, I've seen that before in that administration, these immediate reversals when challenged on specific things if they're not rigorously thought out, et cetera. So that's an example.

Q It sounds like the commonality in both of those stories, the Gina Haspel reversing the installation of the deputy and this order to withdraw forces, those orders were not the product of normal process, they were somehow outside of normal process and, upon their discovery they were reversed.

A Yeah. And --

Q Is that fair to say?

A That's right. And -- so you can refer to some open source material from Colonel Douglas Macgregor, who does an interview with -- help me out. What's the magazine? Vanity Fair or something? He does an interview, right? You can look it up. He does an interview. He takes great pride in the fact that he is the author of the memo, who has no statutory responsibilities whatsoever. He was appointed as an advisor, I guess, to Miller by President Trump.
So, anyway. So I think you might have seen some things where this memo or something from Johnny McEntee to Douglas Macgregor, it says: Here's your task, to get U.S. forces out of -- out of Somalia, get U.S. forces out of Afghanistan, get U.S. forces out of NATO and take them down from South Korea or something like that.

And this as has all been post -- I didn't know that at the time. I didn't know that he did these memos, but -- so -- but Macgregor has a set of marching orders, right? So Macgregor is a retired colonel, a graduate of the United States Military Academy. And he said: Well, the way you deal with these generals -- I'm reading his mind -- the way you deal with these generals is give them orders.

So he calls up McEntee -- he says all this in this article -- he calls up McEntee and he dictates the substance of the memo to Johnny McEntee on a telephone. McEntee duly types it up, brings it in to the President. The President signs it and boom, it's over -- faxed over or emailed, scanned over, and Kash Patel delivers it to me.

Normal process? Probably not. Robert O'Brien, National Security Advisor to the President, not involved. National Security Advisor to the Vice President, not involved. Secretary of State, not involved. Secretary of Defense, at least according to Miller, not involved.

So take that for what it's worth. But that's Macgregor
himself saying how that process unfolded.

Q And to be clear, the law doesn't require the
President to follow any particular process.

A Absolutely not.

Q He can -- I'm sorry to interrupt you.

A That's right.

Q He can unilaterally, without consulting with the
Chairman of the Joint Chiefs of Staff, the National Security
Advisor or anyone --

A Nothing illegal about it.

Q -- issue an order --

A Nothing illegal.

Q -- or fire someone who's qualified because he's
perceived to be disloyal.

A Totally. There's -- everything I just described,
to my knowledge, is not illegal.

Q Right.

A It's not unethical and it's not immoral.

Q Yeah.

A It is odd. It is nonstandard. It is potentially
dangerous. I personally thought it was militarily not
feasible nor wise. And I wanted to make sure that I
fulfilled my duties to inform -- that the President was
informed.

But, sure, the President can absolutely issue an order.
Just like, you know, with the Insurrection Act, he could walk outside the White House immediately and just order it. So there's wide latitude. There's nothing illegal about that. But when challenged, and, you know, with some logic, it was rescinded.

Q You're anticipating my next question. But for being challenged, but for people who do have seasoned judgment speaking up and saying something, raising concerns, there's nothing that would have prevented these personnel changes, these orders from going into effect?

A Oh, absolutely not. I mean, but that's what we get paid for. We get paid to make sure that, you know, we, you know, render our advice as best we know how. And you try to do that without concern about consequences to yourself. You just try to do it to the best of your ability and maintain your integrity to do that. So, I mean, I expect that of every officer, frankly, and that's our job.

Q Were there times, General Milley, where you wanted the President or other people close to him to know that you were personally aware of, paying attention to some of these kinds of insufficient process changes? I'm specifically thinking of the Army-Navy game and the story that's in, I think it's the --

A Yeah. So up at -- yeah.

Q Tell us about that.
A: I know the story you're talking about. The -- and it's not just that. There's several other times when I have conversations.

And I want, you know, civilian control of the military, absolute, but the civilians also must get proper counsel and advice from people like me to make sure that they're understanding the costs and the risks and the benefits, et cetera.

And there is value in process. Any President can do whatever process they want, but there is value in tried and true, regular order processes to try to wring out issues and try to determine, you know, cost, benefit, risk. And when you're dealing with issues of national security and people's lives are at stake, I think there's great value in processes.

So I on several occasions just said in my own probably intemperate way, I guess, that, hey, lookit, we've got to make sure that we're paying attention to processes, and I want you to know that I know. And I want you to know that I'm paying attention and my head's in the game and I -- not a threat, just it's part of the advisory role I think is to make sure that we're all on the up and up and all cards are on the table and we're doing the right thing for the American people the right way.

So yeah, in the Army-Navy game, I made some comments. It was a box I guess that, you know, a VIP box. The
President was there. Chief of Staff Meadows was there. Patel was there. Acting SecDef Miller was there. Secretary of the Army McCarthy was there. Chief of Staff McConville was there coming out of -- the superintendent of West Point, Darryl Williams, was there. And there were a bunch of other people there. And this was after Patel gets called back and all these stories are out there.

And so I said in perhaps a voice that was louder than maybe I should have, I said to Kash Patel, I said: So, Kash, which one are you going to get, CIA or FBI? And Patel's face, you know, he looks down and he comes back and says: Chairman, Chairman. And I looked at White House Chief of Staff Meadows and said: What are you guys trying to do? And he said: Hey, it's none of your business. This is personnel. I said: Okay. I just backed off.

It was a moment in time, just a comment. I am -- I've got a lot of faults and flaws, as we all do as human beings, and one of them sometimes is I probably make some remarks that can be interpreted as caustic, and perhaps that was one of those moments.

Q Tell us more about your impressions of Mr. Meadows. Was it your view that he was fully on board with some of these nontraditional orders or installation of loyalists, or was he more passing things along even without a personal endorsement?
A No. I mean, you know, he's White House chief of staff. All chiefs of staff, by -- that's probably the most -- other than the President perhaps himself or the Vice President, White House chiefs of staff are a highly political entity. It's a job, it's a political job. And they are expected to, you know, carry out the President's agenda. I mean, that's what White House chiefs of staff do. And they coordinate and synchronize the White House and they interact with Congress and they carry forth the President's will.

I don't think he was mindlessly passing, you know, A to B to C, that kind of thing. I think he was an active participant. And I think that he is -- he was very committed and loyal to then President Trump. And, frankly, even today. I think you'll see that even today. So, yeah, I mean --

Q Did you ever have any conflict with him over anything in particular?

A I would -- conflict? Well, I mean, debates.

Q A better word, debates.

A Argument. And try to -- I'm a soldier, so I got to try to maintain my professionalism. I was present at quite a few heated discussions between he and Secretary Esper, for example. And I would chime in.

And he was always -- he treated me with respect. White House Chief of Staff Meadows did. And I wouldn't say it was, you know, terribly raucous. There was a couple of times.
And then as post-election, he and I talked frequently on the phone with Pompeo. So the three of us had frequent, not quite daily, but I would say several times a week.

Q Why did the pace increase of your communication with him and Secretary Pompeo after the election?

A Yeah. Those calls were specifically to -- I would call -- I would say the word I used was steady. Stay steady, peaceful transfer of power, steady the ship of state.

We are -- and part of my task there in those calls was to keep an eye on the horizon, the overseas stuff, you know, China or Iran or Russia or North Korea or terrorists or whatever, and just make sure that I'm alert to that and I'm reporting in to them frequently on that, that I've seen any unusual activities, because internationally, post-election, there was great concern on the stability of the United States Government.

And people can say that that, you know, was much ado about nothing. Maybe it was, maybe it wasn't. But there was concern. And I was consistently talking with my foreign counterparts. You know, the Chinese phone calls are out there and quite famous, I guess, but the other 50 or 60 phone calls to other counterparts are not quite as well-known.

There was a lot of effort to calm waters, to make sure that people overseas understood that, you know, the normal puts and takes of democracy, and this is a stable government.
we're not going to do something crazy and all that, that took a degree of effort.

And then Secretary Pompeo did his piece on that. And then -- and White House Chief of Staff Meadows.

So the theme of those calls was steady in the saddle, safe landing, peaceful transfer of power, all of that.

Q Were both Secretary Pompeo and Mr. Meadows helping you steady the boat, or were there times where either of them rocked the boat or made that peaceful transfer somehow more uncertain?

A No. I would say -- no, they weren't helping me steady the boat. I was -- my mantra of steadiness starts back in the summer. I'm literally saying those words all the time to my own staff, to the Joint Staff. Steady, eye on the horizon. This is all domestic politics. The Nation is going to get through this. We have strong institutions. We're resilient and so on. And just constantly remember the oath is to the Constitution, right?

So, no, I would say it was probably the opposite. I was transmitting steady, steady, everybody steady, everybody breathe through your nose, steady. And let the courts do their thing. Let the legislature do their thing. It's all going to be okay.

And I would say that Secretary Pompeo and Chief of Staff Meadows were in the same place, and I think that, you know, I
think they had the same goal, I guess.

Q So you perceived them, I guess, because of the frequency of your contact, as allies to steady the boat, to get -- to land this, to get through the peaceful transfer of power. That was their consistent approach, as far as you could tell, through those conversations?

A I never heard either one of them -- they never said, either one of them ever said to me anything that would indicate otherwise. So --

Q What do you remember they said? Did Mr. Pompeo, for instance, talk about crazies taking over or characterize some of the people --

A Not on one of those calls, but on a different conversation, yeah.

Q Tell us what he said.

A Well, Secretary Pompeo said to me, he said -- this is post -- this is -- I don't remember the date, but the -- this is after this meeting in the White House where you have Sidney Powell and Mike Flynn, and -- what's the guy's name? -- Mike Lindell, the pillow guy -- after that meeting. Which apparently -- again, I wasn't there, I don't know, not firsthand, but at least as it's characterized in a lot of different media, it was quite raucous. It was, you know, interesting, I guess.

And I'm not sure who else was there. I think they said
Giuliani was there at that meeting, Pat Cipollone is there, and I'm not sure who else. Meadows was there.

Anyway, it's after that meeting. And I'm in conversation with Pompeo, and I forget exactly where and when, but he says: You know, the crazies have taken over. And he's basically referring to that group of people. And I said: Well, I don't know any of them, other than Mike Flynn, I don't know any of them, it's not my place to comment on them.

Q Anything else that he said along those lines, either in those phone calls or otherwise, expressing concern about instability?

A Well, there was a general concern for the overseas stuff. And, again, Pompeo, Secretary of State, is always looking overseas as well. General concern overseas that adversaries of the United States were going to try to exploit for their own advantage what they perceive to be instability inside the domestic politics of the United States.

And he was working through State channels, and I'm working through my counterpart channels, et cetera, to just continually message stability and be on the lookout for any kind of surprise or bolt out of the blue somewhere.

Q How about Mr. Meadows, did he say anything similar about crazies taking over or the President's -- who the President was listening to as the administration kind of
reached its end?

A No, he didn't. He didn't categorize that way. He said on a couple different occasions, he characterized the President.

Q What did he say?

A And others did too. I mean, I was in conversation with Kellogg. I was in conversation with Pompeo a couple different times.

So they would characterize the President, but, you know, not -- they wouldn't -- they didn't say crazies taking over. But they would say things like the President's in a dark place, the President's not doing well, that kind of thing.

They would characterize him -- again, I never saw the President after January 3rd. My last physical contact with the President was on the 3rd of January.

After -- immediately following the election, there's a period of time when I'm not sure who saw the President, but I certainly didn't, for a couple weeks. And some of these guys were saying -- and O'Brien was another one too -- just the President's in a bad place, the President's in a dark place, those kind of words.

Q I'm sorry to interrupt you. But Meadows indicated his views?

A Yeah, Meadows, Pompeo, O'Brien.

Q Kellogg?
Q All talked about the President being in a dark place.

A Yeah. I don't know if that's an exact -- at least one of them said dark place. But they were all characterizing the President's mood, attitude, et cetera, yeah, as being in a dark place and not in a good place, not in a good way.

Now, you know, I testified a week or two or three ago. I'm not a psychiatrist. I'm not qualified to judge anyone's mental health. But there was enough characterization, and it was also in the media, there was stuff in the media about all this stuff, that I have no doubt was being picked up overseas. And people were wondering overseas. And so -- you know, in terms of the stability of the United States.

So I was constantly carrying, trying to carry a message of steadiness, both domestically and overseas.

Q Was it your impression from your own interaction with the President or from these conversations with people that had more contact that there was -- that dark place stayed consistent after the election, or did it rise and fall?

You mentioned the first couple of weeks --

A Yeah.

Q -- it was a dark place. Did it stay dark or did
things evolve between the election and January 20th, when he
left office?

A I think there was a bit of a sine curve.
Q Tell us about your observation.
A Again, I'm not a psychiatrist. But there's a
period of time, and I'd have to go to a timeline, but that I
don't see him at all and all I'm doing is getting these
reports.

And then there's a meeting where I see him. I am in a
meeting with him. And I could probably -- maybe somebody can
figure out when that meeting is, but it's sometime after the
election. It's a few weeks after the election. So my guess
is maybe towards the -- perhaps towards the end of November,
beginning of December, something like that. And the topic
was probably an overseas national security topic.

So -- and in meetings with President Trump the
advertised topic oftentimes is that might be the primary
thing, but a lot of times there's discussions of other things
as well.

So in this particular meeting, I want to say -- is there
a meeting like on the 12th or 13th or something like that?

Colonel [REDACTED]. 12 November, 4 December.
General Milley. Yeah. So it's one of those two, 12
December or 4 December. I can't remember which one. The
topic's an overseas national security issue, which will be
classified and I don't need to talk about.

But during that session, I clearly remember the President saying to someone -- and I want to say the someone was Meadows, but I'm not sure -- so we're in the Oval and there's a discussion going on. And the President says, I think it's -- it could have been Pompeo, but he says words to the effect of: Yeah, we lost, we need to let that issue go to the next guy. Meaning President Biden.

And the entire gist of the conversation was -- and it lasted -- that meeting lasted maybe an hour or something like that -- very rational. He was calm. There wasn't anything -- the subject we were talking about was a very serious subject, but everything looked very normal to me. But I do remember him saying that.

BY [REDACTED]

Q The President himself saying that?

A Yeah. And that struck me as being pretty normal, actually.

So that, you know, takes you out to the end of November, beginning of December.

But then, in subsequent meetings, there was always a comment about -- I would -- I don't know how to characterize it. Is it anger? Is it denial? Is it -- I don't know. You guys can figure that out for the language of it.

But he would -- we'd have these meetings, and in all of
these meetings he would mention getting robbed and how the
election was a fraud, the same -- you know, it's the steal.
The election was stolen and the votes weren't counted and all
that.

So no matter what the meeting was about, whether it was
about topic A, B, or C, that was always a theme. And it
seemed to me that it was something that he was really
grasping or coming to grips with. And there was a lot of
anxiety, anger, perhaps, I don't know how to describe it, but
it was always there.

It wasn't there in the first session, but then all of a
sudden it starts appearing. Why? I don't know. I suspect,
I can't prove this, I don't have personal firsthand
knowledge, I suspect that a lot of people started coming to
him with information that was true or false or manufactured
or not, I don't know what it was, but probably started
influencing the President.

And then he became a believer in it or he initiated it
himself. I don't know. But I did notice that change of
conversation.

Q As you noticed that change, did you start to
develop concerns about the President's mental health, the
President's personal stability?

A No. Mental health, I'm putting mental health off
to the side in the sense of -- again, I'm not a psychiatrist.
So mental health to me refers to things like -- and, again, I'm not a doctor, but it's like psychopath, sociopath, you're hearing voices, those sorts of things. I never witnessed any of that. And comments about narcissism, it's not my place to comment on a President, on personal egos or any of that kind of stuff.

In terms of behavior, though, in terms of -- I personally witnessed significant anger on multiple occasions. That's true. That's just a fact. And people are allowed to get angry. People get mad and these are heated moments in time and there's a lot at stake and there's serious arguments.

And if you're in command or if you're Commander in Chief, if you're a commander of a unit, you want your will to be adhered to. You want your instructions followed. You get frustrated with all kinds of things, the pace of execution. There's all kinds of reasons. So anger, sure, saw that plenty.

And then on various -- at various times instructions to do things that, in my mind, were beyond legality and morals and ethics, concerning, like, the use of the military in domestic scenes and dealing with riots and the use of force. There were things said that I didn't think were appropriate. At the end of the day, we didn't do it anyway, and he would back off and so the end of it.
So there's those kind of things. Does that mean mental instability? I don't know. Others need to judge that, not me.

I paid very, very close attention, and I wanted to make sure that -- and I was insistent on the orders be lawful and legal. And I would sit there and say: No, we're not going to do that, because that's illegal.

And there would be a discussion that would sometimes get heated. And I'd look at someone else, Cipollone or Barr, who were lawyers, and said: Hey, there's the lawyers, law, chime in here.

So there was that. But lookit, that, those kind of discussions, when the stakes are high, that's -- heated discussions happen. And I'll just leave it at that.

Q But it sounds like you're saying your observations, while you can't make a mental health diagnosis, informed your view that there was a need to reassure people, people around the world --

A Sure.

Q -- of the stability of the United States Government.

A Well, you know, I'm 63 years old. I've been in the Army 42 years. I've been in a lot of combat. I've been in a lot of situations where you have to help people work through
what they perceive to be very traumatic events and help
people stay steady, calm, breathe through your nose. It's
going to be okay. Going to get through this. I've been in a
lot of those kind of situations. And that's -- I think I
made some minor contribution to doing that with the folks.

Q Were there other voices that you observed close to
the President that had that calming effect?
A Absolutely, yeah.
Q Who?
A Pat Cipollone, no question in my mind. And I don't
know Pat super well. I never knew him before any of this.
I've come to know him as a high-quality lawyer. The
President is his client. He's very quiet and discreet, but
he's a very forceful individual.

And he, at least my perception is that he -- you know,
you have prosecutors and defense sort of thing and they both
can be good people, even though they're taking both sides of
an issue.

I think Pat Cipollone has tremendous respect for the
law, and he knows what the law is. And, you know, people can
agree or disagree with his personal political views and
policies and all that stuff. But I think he played a very
important role, a very quiet, unsung role, but a very
important role.

Q He had credibility with the President, the
President listened to him, to your observation?

A You know, personal observation, yeah, I think that's true, although I will tell you that he was the President's lawyer. So his conversation with the President I didn't observe. There's a few moments, but not very many.

But I knew that he was -- he was playing a very important role. And he and I would talk from time to time, and I told him to hang in there and that kind of thing.

So --

Q Who else is in that category of calming influences or people that helped sort of, to use your boat analogy, keep the ship steady?

A I would say -- and I know he's quite controversial in a lot of ways -- but Attorney General Barr, I think, played an important role relative to the Insurrection Act.

So Secretary Esper and I were only going to get so far on that whole thing, because that's a domestic legal thing going through the Department of Justice.

And Barr was a -- you know, we all have a lot of faults, but Barr is a pretty tough guy and he went toe to toe on many, many occasions on that specific topic.

And had it -- I think Secretary Esper played an important role. I think I made some minor contribution. But I think the guy who was perhaps the most significant in avoiding the Insurrection Act was Attorney General Barr.
Q  How about members of the President's family, did
they have any emotional or calming influence on him, or was
it the opposite?
A  I don't have firsthand witness knowledge. I can
tell you what some others have said to me.
Q  Sure.
A  You know, Keith Kellogg, who does have firsthand
knowledge and he's right there all the time, he said that on
the -- on the 6th, for example, that Ivanka played a very,
very critical role in, you know, dealing with her father.
I'm not witness to that, but I am witness to him saying that
to me.

So he said that she played a very, very critical role in
a daughter-father sort of way. I'm not sure what all that
means. But he made it sound like he was a very -- that she
was a calming influence with him on the day of the 6th. But
I don't know. I don't have personal witness to that.
Q  Okay.
A  I don't know about other members of the family, in
terms of their calming influence.

I think that also on the day of the 6th, I'm told
that -- again, I don't see the President. The last time I
see the President is the 3rd. But I'm told that with the
President on the day of the 6th, Meadows and Kellogg, I'm
told that his son Donald Jr. and his spouse -- help me out
with her name.

Q  Kimberly Guilfoyle.

A  Kimberly Guilfoyle, his daughter Ivanka, Cipollone, and I'm not sure who else. But, anyway, those people were with him. And --
[4:13 p.m.]

Q Were they with him on the 6th during the day?
A That's what I was told, yeah. I don't know if that's true.

Q Told by who?
A Kellogg.
Q Okay.
A So -- and Meadows. I think I said Meadows.
Q Yeah.
A So they were with him at least until -- they were with him the entire time. I'm told that, after the 6th, not during the 6th. And they were with him, you know, all day on the 6th, I guess --
Q Okay.
A -- you know. And, as far as who contributed what to whom, I don't know. I do know that Kellogg said that Ivanka had a calming influence on him.

Q Do you remember on the 6th or days thereafter any discussion of the potential implication of the 25th Amendment?
A Yeah. So I'm not a member of the Cabinet --
Q Uh-huh.
A -- and I have no role whatsoever in the 25th Amendment discussions, but there was at least one or two
occasions when other members of the Cabinet mentioned it very brief, like, 10 seconds, 15 seconds. And then they looked, and they saw that I was standing there, and knowing I'm not a member of the Cabinet, they shut up.

Q Who were they?

A Steve Mnuchin, Pompeo. I think that's it, those two.

Q What do you remember them saying before they --

A It was just a discussion. They were talking about something, and then the term "25th Amendment" comes up. I'm there. I'm, like, from here to here away. And then they look; they see me. They know I'm not a member of the Cabinet, so they ceased the discussion.

Q Do you have any idea from those or other conversations how active the discussions were, how serious a possibility the 25th Amendment implication was?

A I -- I Don't know. I don't have firsthand knowledge. I suspect they couldn't have been very serious because nobody ever did anything.

Q Uh-huh.

A And it would require the Vice President, and I certainly never heard him say anything like that.

Q Yeah.

A And it would require -- I think the rules are it requires the majority of the Cabinet with the Vice President
or something like that, but not -- no. I just -- these are just isolated --

Q Yeah.

A -- very brief. That was it.

Q The reason the 25th Amendment's available is if there's concern that the President is not competent --

A Right.

Q -- to make rational decisions.

A Right.

Q Did you ever personally have concern that the President was not able to make competent decisions for whatever reason?

A No. Like I said in testimony, I'm not a psychiatrist. So I'm not going to judge his competence or rationality or not. What I'm good is make sure that the United States military stays out of domestic politics and will follow lawful, legal orders and only lawful, legal orders.

Q Okay.

A This is the same thing I told Speaker Pelosi on the telephone.

Q Yeah.

A So -- and, remember, the 3rd of January is the last physical time I see him.

Q Yeah.
And I only see him, I don't know, maybe half a dozen times or less between election and the 3rd of January. So I don't have -- and the few times I do see him are in the midst of conversations about some overseas stuff, and there wasn't anything that I saw that would indicate a psychiatric or psychological breakdown, even if I could identify it. Anger, sure. Disappointment. Lost the election. Anger, lashing out, all kinds of things, right. But the degree to which you're describing, not my place to judge, and I certainly have no role in taking any action. What I do have a role in is to make sure the orders I get are lawful --

Q Yeah.

A -- and the orders I transmit are lawful.

Q You had a discussion you just mentioned with Speaker Pelosi --

A Right.

Q -- on January the 8th, and it touches on the issue of the President's stability. In your binder, I think it's exhibit 37, is a memo to the file that you prepared that sort of memorializes that conversation. Is that fair to say --

A Yes.

Q -- you put that together?

A 37?

Mr. Richards. 37.

BY
Q And you put that together soon after?
A 37.
Q Yeah?
A Yes. I signed it.
Q Yeah. Exactly. And it just sort of summarizes your conversation with Speaker Pelosi?
A Yes. So that's 27 September 2021. That -- well, that's in preparation for testimony, yeah.
Colonel [REDACTED]. That is correct.
General Milley. That's what this is. So what I did was I got -- there were other people -- so when she calls -- so let me go -- so this is the 8th.
BY [REDACTED]
Q Yeah.
A Yeah. So --
Q Just describe what happened.
A Yeah. So the 8th, there's a couple of different things. We have a planned phone call to my Chinese counterpart, General Li, and I think that ends on or about 8:30ish or so in the morning. It's a VTC, and there's a bunch of people on it. We have a Memorandum for Record that you can take a look at.
Q Yeah. That's exhibit 38?
A Yeah. And so following that, at 8:37, I get on the phone to report out to Pompeo and Meadows. And this is part
of our morning calls sort of thing. And we talked to
them about -- I talked to them about several things, but I
report out the Chinese phone call to both of them, and that's
part of my, you know, overseas stuff. Hey. Okay. Chinese
are good or this call or that call from a different phone
call with me. So I do that.

And then, for whatever reason, Acting SecDef Miller
wasn't available at that moment. I saw him later in the
morning and gave him a readout. And then, a few minutes
after getting off the phone with Meadows and Pompeo, Speaker
Pelosi out of the blue calls. In fact, Eric, right over
here, he hands me a piece of paper and says, "Speaker Pelosi
is on the phone." And so I put her on speaker. He's there.
There's some other guys in the room. And I think you'll see
the phone call here. She also put out a document, by the
way --

Q  Yeah.

A  -- and that document that she put out on that day
was pretty accurate.

Q  Uh-huh.

A  And then as -- I think someone on her end, maybe,
I'm not sure, transcribed it.

Q  Uh-huh.

A  Because the transcription of that phone call
between me and her appears in one of these books somewhere.
Q It does, yeah.
A Yeah. So, in any event, this is my summary of all that.
Q Yes.
A And Speaker Pelosi was quite animated about the situation, and my -- what I was trying to do was assure her that the -- the strategic weapons systems, the nuclear weapons systems, and the processes and procedures for which I am charged, by the way --

Q Uh-huh.
A -- by Presidential directive and Department of Defense instructions. The Chairman of the Joint Chiefs of Staff is charged to make sure that we have a safe and secure system for the handling of nuclear weapons. So it's within my scope of duties to do this. And we have an entire, very elaborate system of procedures and instructions that go all the way down to the firing units. Obviously, all those things are classified, but there's checks, checks, and double checks in that system, as you would want there to be.

It's clearly recognized that the President and only the President can authorize the launch, so he, alone, can authorize the launch, but he doesn't launch alone. It's a little phrase we use when we're training people on this whole thing. So what that means is that if the President decides or if there's a nuclear event conference of some kind, we
have a series of alerts that go up, and we call people up on conference calls.

By procedure, not law, but by procedure, the President and only the President makes the decision, and then there's mechanisms for transmit his decisions down to the firing units.

It's a very rigorous system. And I tried to describe it in an unclassified way, something similar to what I just said to Speaker Pelosi to assure her that our nuclear systems and our strategic systems are very secure, that there is extraordinarily unlikely that you're going to have an accidental illegal or immoral launch of nuclear weapons --

Q  Right.

A  -- because part of our job is to ensure that the authorizations and the orders are legal, that it's coming from the right person. There's ways to do that and codes and all that kind of stuff, and to make sure that we are doing
the right thing and he's getting the right advice.

Q  Yeah. What prompts her call is concern about the President's stability or mental health. She even says in the call, "You know he's crazy, don't you," and she is reported to have said, General Milley, that you agreed with her. You said: I agree a hundred percent with everything you've said. The one thing I can guarantee is that as the Chairman of Joint Chiefs of Staff, I want you to know, I want to you to know this in your heart of hearts. I can guarantee you 110 percent that the military, use of military power, whether it's nuclear or strike in a foreign country of any kind, we're not going to do anything illegal or crazy.

You reassured her that, despite her concerns about the President's stability, the nuclear codes and the launch capacity has to go through this process, and you personally will ensure that nothing crazy, the word that you used, happens.

A  That's right. And I was, you know, talking to the Speaker of the House.

Q  Yeah.

A  She's not in the chain of command either --

Q  Right.

A  -- but she does have oversight, and she's part of the United States Government, part of the board of directors, and she -- you know, a lot of people said: What's she even
doing calling the Chairman? That's jumping the chain of
command.

I said I talk to Congress all the time.

Q  Right.

A  Every week I talk to the Members of Congress for a
variety of reasons. And she -- I've talked to the Speaker I
don't know how many times, tons of times over the course of
time, and she called me out of the blue. She expressed her
concerns, and I wanted to assure her that those systems are
under good control. And I was serious then and serious now
and I'll be forever serious about we have responsibility to
employ force, you know. The people of the United States and
Congress is raised to maintain Armies and Navies and Air
Forces, et cetera, to use lethal force overseas. And, with
that, comes an enormous responsibility to do so in a moral,
ethical, and a disciplined way, and I'm committed to that.
And we make mistakes, and you saw that play out recently in
different strikes, but it's not by design.

So I wanted to assure the Speaker of the House that the
systems were under control. We have good, rigorous
processes, and we're going to execute them in accordance with
the law.

Q  Yeah. And you had already seen by this point, by
January the 8th, the President going outside of normal
channels to make decisions involving the use -- the possible
use of military force absent consultation with you, right?

Doesn't this happen after that order that was withdrawn?

A Yeah. So consulting with me is certainly not a law. There's nothing illegal about not consulting with the Chairman. But he, the President, signed a set of orders to establish systems and processes and procedures, and the Secretary of Defense does that, and we can provide those at your leisure. A lot of them are classified, but -- and they're pretty thick. But, anyway, there's a whole set of rigorous policies and procedures. They're not law, but they are policies and procedures. And I am included in the advisory chain, and I have a responsibility to advise, and I'm determined to fulfill my responsibilities to advise, and I am in the chain of communication. Now, can he or any President bypass the Chairman? Absolutely a hundred percent yes, and there's nothing illegal about it.

Q After the call to Speaker Pelosi, did you convene a call with other -- the other Chiefs to just ensure --

A Yeah. So what --

Q -- everyone was aware?

A Yeah. So what we did there was the Vice Chairman, John Hyten, who is going to retire this coming Friday, who was a previous commander for STRATCOM --

Q Uh-huh.

A -- Strategic Command. Strategic Command is the
1 combatant command that deals with our nuclear enterprise.
2 Q Yeah.
3 A So I called him. I got the watch officer for the
4 NMCC, the National Military Command Center, and had him come
5 up to the office, dialed up the STRATCOM Commander, Admiral
6 Chas Richards, on the phone, and I said: Hey, I just got a
7 call from the Speaker, you know. She's quite concerned.
8 Lookit, I just want to make sure, you know, we're on the up
9 and up and we've got our
10
11 But we routinely rehearse and practice these procedures, and
12 we run shifts in the system, 8-hour shifts or 24 hours, so
13 three shifts a day, and every shift practices. We rehearse
14 it, literally. And I don't do it personally every day, but I
15 do it on a periodic basis as well as the Secretary of Defense
16 and others.
17     So we rehearse the procedures of what you do to do these
18 sorts of things, right. And I just want to make sure that
19 everybody's squared away and that we are rehearsed and we
20 understand our procedures and know what the rules are and who
21 does what to whom and who calls what and in order for us to
22 fulfill our statutory responsibility of providing informed
23 advice.
24 Q Yeah.
25 A So we did. I did a phone call, and everybody said:
Yeah, roger that, we all got it. And I said, "Good."

Q  All right.

A  So all good.

Q  You mentioned your call with the Chinese counterpart that happened before that.

A  Right.

Q  Could you briefly describe how that came about, what your purpose was in the prearranged video conference that you had with your Chinese counterpart on that same morning?

A  Yeah. So that was the fourth call I have had with my Chinese counterpart as Chairman.

Q  Uh-huh.

A  And then there's another -- I don't know how many as Chief of Staff of the Army. He was Chief of Staff of the Chinese Army when I became Chief of Staff of the U.S. Army, so I knew him.

Q  Long relationship.

A  Well, I knew him throughout those 4 years, and I traveled to Beijing, and so we've communicated back and forth, which is very normal, by the way. In fact, we want to increase those communications between us and the Chinese and us and the Russians. The communications between adversaries is not bad; it's good, in order to maintain strategic stability in the system. As Chairman, though, this was my
fourth time talking to him.

Q Uh-huh.

A We have a system, a means of communication, that the means of communication is classified on how we communicate via VTC. But we have a set of standard operating procedures, policies by the Department of Defense on how you communicate and coordinate and get all these things set up. Specific with the Chinese, it actually takes a little bit of time. It takes -- usually it takes 2 to 3 days to get something set up as a minimum. The first call is on 30 October. Not the first call. The third call would be 30 October but the ones relevant to what you're talking about here.

Q Yeah.

A So there's a call on 30 October. And there's a reason -- Secretary Esper and I, Secretary Esper was the Secretary at the time. This is right prior to the U.S. election --

Q Yeah.

A -- right? So there is a variety of reporting in unclassified channels, and there's a whole set of classified reports which I can provide all of them to you.

Q Uh-huh.

A I briefed the Senate Armed Services Committee in open hearing on it --
Q Yeah.

A -- and the House, and I provided a briefing, a classified briefing to the SASC on the classified reports. In this session, the unclassified session, I would tell you that there was a body of reporting that clearly indicated that the Chinese were concerned about the United States and what we were going to do. And there were words like "October surprise" that were being whipped around.

Q And to -- sorry to interrupt you, but the basis of the concern had something to do with the election --

A Yes, absolutely.

Q -- and concerns about our --

A Yeah. There was concern by the Chinese that the United States would do something like, you know, to use our language, like a wag-the-dog scenario in order to affect the outcome of the U.S. election, and this was in unclassified reporting.

Q Uh-huh.

A And there was some other reporting that I'm not going to talk about here, but the other reporting is far more important.

Q Uh-huh.

A And I'll be happy to show it to you. And, once you'll see it, you'll say, hmmm. And so Secretary Esper and I get together, and it was decided that we would do -- you
I know, that we would do outreach to, again, assure the Chinese that we are not going to launch a military operation against them, and that was the genesis of it.

So there was an Assistant Secretary of Defense Who was charged to make some calls, and he did that. I forget the dates, but he did that a couple of days before the 30th. And then I made my call on 30th. We provided readouts. There was intel summaries and all that kind of stuff. And I -- it was a lengthy call, probably maybe 60 to 90 minutes, something like that.

Q Uh-huh.

A A lot -- lots of topics, by the way. This isn't the only topic; this is one of. And part of my task, part of my mission was to assure him that we were not going to attack --

Q Yeah.

A -- and I did that. So that's the 30th.

Q Okay.

A And then the 8th is at -- so that -- what we decide on the 30th was we would do -- he and I, we said: Hey, we should do a followup call at some point in the future, maybe a December, January timeframe. So that was kind of one of the -- as the call on the 30th ends, we agreed to do another followup call.

Q Yeah.
So come about mid-Decemberish or something like that, there's a request that goes back and forth, and they request another call with me. And through scheduling and all of that, it gets settled to do a call on the 8th --

Q  Uh-huh.

A  -- and that's why the 8th happens. It has nothing to do with the 6th. It has to do with just scheduling. It was scheduled to the 8th prior to the events of the 6th.

Q  Right.

A  But then you have the events of the 6th --

Q  Yeah.

A  -- so that colors the substance of the call. And, in the call on the 8th, again, we have a readout. I'm not sure if it's in this packet or if it was in the other packet that we submitted to Congress. But the bottom line is, you know, a similar call about a series of topics, but one of them is, again, the stability of the U.S. Government. And he asked, is everything okay? I said: Yeah, everything's going to be good. Everything is fine. We're stable as a rock, all this kind of stuff. Again, assurances, steady. You're dealing with countries that have significant military capabilities, and you don't want instability on their part --

Q  Yeah.

A  -- because if they perceive instability on our part, and you don't want an escalation or an incident to
happen, so I spent a lot of time giving assurance to a country that has a very significant military.

Q Was it your impression that the events of January 6th added to the impression of instability --

A Absolutely. Yeah. There's no --

Q -- or risk?

A Yeah, absolutely. Sure.

Q Tell us more, if you can, about the discussion with your Chinese counterpart about January 6th. What questions or statements were --

A Well, I mean, lookit. The guy -- I don't have the exact words.

Q Yeah. Generally.

A We do have a summary note.

Q Yeah.

A The gisting is: Hey, lookit, we saw what happened in the Capitol. Is everything stable? You know, is your government stable?

I said: Yes. It's stable. It's fine. It's going to be okay. But this is -- and I used words like, you know, "This is democracy. You guys don't necessarily understand that sort of thing, but this is democracy, and this is -- don't worry about it. It's stable. It's not your business. Don't worry about it. It's stable."

Q It's reported in the "Peril" book that you said,
"We're not going to have a fight. Things may look unsteady, but that's the nature of democracy generally."

A Yeah.

Q "We are 100 percent steady. Democracy can be sloppy sometimes."

A Yeah. Words to that effect.

Q Yeah.

A That's probably good gisting.

Q All right.

A I don't remember the exact words, but that's pretty close to something like that. And, again, it's part of a much lengthier conversation --

Q Yeah.

A -- but --

Q But that was one topic among many.

A That was one topic.

Q And, again, I'm not --

A But the thing is, the phone calls with the Chinese are also one set of phone calls with many, and I -- we have a list. I don't know if we provided it, but you can take a look at the list of phone calls --

Q Yeah.

A -- to other counterparts.

Q I was just about to ask you.

A I think it's 20, 30, 40, something like that.
Q Did you have similar conversations based on January 6th with other foreign governments?

A Yeah. So there's 1, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40. Whatever that number is. There's 60, 60 or 70.

Q Separate conversations --

A Yeah.

Q -- that you had --

A Yeah. Yeah.

Q -- post January 6th?

Colonel This is through 2020.

General Milley. And this is through -- all the way through 19 January 21. So this is -- so, if you talk election, you've got the Russians on the 5th. You've got 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 -- 32.

BY

Q Since the election?

A Something like that, yeah.

Q Is that right.

A And that's since -- that's -- the election is 3 November, right? 3 November 20, yeah.

Q Yeah.

A So the 5th of November all the way through -- yeah.

So you've got the 30 October one; that's Chinese call No. 1, right, or that's No. 3, actually, over the course of 2 years. And then I talked to the French on the 2nd, talked to the
Russians on the 5th, talked to the Brits on the 9th, talked to the French again on the 10th, talked to the Japanese on the 10th, talked to Qatar on the 10th, and so on and so forth.

Q Yeah. And the theme of all --
A I don't think this is classified, right, so they can have that.

Q Yes.
A So bottom line is --
Q Yeah.
A -- these calls to the Chinese are part of lots of calls.
Q Right.
A And each country has different issues with the United States that we work out and are coordinating and synchronizing, but in all those calls, every single one of them, there was discussions of assurance. There was a lot of -- literally, we're a very powerful country, and things that happen in the United States have echo effect and reverberate throughout world, and there are consequences. And people watch the United States and watch what happens domestically in the United States like a hawk. I mean, you know, not only through formal spying but just through media and embassies and ambassadors and all this other kind of stuff. So what happens in this country, and in this
country's Capitol, rapidly gets reported throughout the world and has real consequence throughout world. And I am in a position as the Chairman, and there are other members of the government who have responsibilities for our relationships with other countries. And, in my case, I deal with counterparts, my Chaud (ph) counterparts. So lots of phone calls about assurance.

Q Yeah. And the theme of all of those, similar to the call with the Chinese, is reassurance --

A That's right.

Q -- that's America stable --

A Right.

Q -- despite how it might look?

A Yeah. Breathe through your nose, steady as a rock, going to be okay. America's been through some tough times --

Q Yeah.

A -- and we're okay.

Q And in --

A We're all going to be okay.

Q And, in those conversations, is it fair to say that January 6th only made that conversation more important --

A It certainly sharpened --

Q It exacerbated their concerns.

A It certainly sharpened the point of the conversation; that's right.
Q Yeah.
A There's no question about it.
Q Okay. I'm almost finished, and then we can stop and go -- we haven't even talked about January 6th yet, and I'm sorry we're taking all your time.
A That's fine.
Q Just a couple of things quickly about -- I wanted to ask you about Kash Patel. There's been some reporting that there were these meeting at the Breitbart mansion, and Patel would attend with Ezra Cohen and Steve Bannon. Do you know anything about those associations with Mr. -- between Mr. Patel and Cohen and Bannon and others there or elsewhere?
A Firsthand knowledge, no. I mean, but through media reporting, there's things on YouTube. There's things on social media, et cetera. There was a place -- I don't even know if it still exists, I've never been to it, but something called the Breitbart mansion --
Q Yeah.
A -- which, as I understand it, is somewhere near the State Department, I think, perhaps.
Q Uh-huh.
A And that had something to do with, I think, Steve Bannon. I think he either rented it or owned it or something like that.
Q Yeah.
A And I think there was social events that occurred prior to the '16 election, perhaps, and maybe even after the '16 election. And, you know, there's a lot of social events that happen all over Washington, D.C., every single day, but yeah. I think there's a variety of social events, and then I think, you know, guys like Kash Patel or Ezra Cohen or others were participants in a lot of those. But there's nothing illegal about it.

Q No. And I'm really --

A It's just an association sort of thing.

Q I asked you a poor question.

A Yeah.

Q I'm just more interested in your personal interaction with -- first, with Steve Bannon, for example. Did you have any professional interaction with him when he was a White House advisor or otherwise work with him, form any opinion about Mr. Bannon, separate from what you already --

A I formed an opinion, yes, but not from personal interaction. Now, I've only actually interacted with him twice physically. Once was probably the -- shortly after inauguration, maybe, something like that. I saw him in passing.

Q Back in '17?

A Yeah.
Okay.

A Yeah. It would be 2017, and it's at some event. I forget what it was.

Q Yeah.

A But, anyway, he shakes my hand, and he informs me that his daughter was going to West Point. I was Chief of Staff of the Army. I said: Oh, that's great, Steve, you know. Nice to meet you, that kind of thing. It was very -- it was a quick "hello, how are you," nothing of substance.

The second time was at West Point, and I was up there for some event. He was -- it might have been some sporting event or something. I'm not sure what it was, but I'm up there, and he was there and with his daughter, so he came up. And she was a cadet, and he introduced me to her, and it was just light talk. It wasn't anything substantive there.

Q Yeah.

A Those are the only two times I've ever interacted with him. Now, through media reporting and reading about him, yeah. A pretty interesting individual, I guess.

Q And in terms of the -- you said you talked a lot to Mr. Meadows and Mr. Kellogg and Pompeo, people that were close to the President. Did you hear any more, more recently, 2020, 2021, about Mr. Bannon's connection to the President and advice to the President, anything like that?

A No. I never -- I don't have any firsthand
knowledge of Bannon's -- I -- actually, I thought he was out of the White House for whatever reason. He got fired or something like that. I forget. So I don't have any firsthand knowledge of Bannon. I never saw him in the White House. I don't know of conversations he had in the White House. I think he might have been -- you know, that comment that -- when Pompeo said crazy's taking off (ph), he might have been part of that meeting. I'm not sure if he was or not. But, no, I don't have any firsthand knowledge of that.

Q I see. How about Ezra Cohen? Tell me what you -- if you had a professional interaction with him.

A Sure. I interacted with him a lot.

Q Tell us about that.

A He was in the Department of Defense. He was young, ambitious, smart, smart intellect. He was the SO/LIC, which in the Department of Defense, he's a -- I think it's the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict. He had a background. He -- I think he
Q Yeah.

A I'm not exactly sure of the full Monty. A smart guy, went to the University of Pennsylvania. As I recall, on the way out, he was thinking about going to the University of Chicago Law School. Very -- intellectually, very sharp, very intelligent. And he -- so he's SO/LIC. He's ASD SO/LIC. You can maybe talk to Secretary Esper to get his view because he was the ASD SO/LIC under Esper. It was my impression that Secretary Esper and he didn't get along very well. I'm not exactly sure what all the reasons were.

Q Yeah.

A Not my place. Then, when Secretary Esper gets fired, Secretary Miller comes in, and Ezra Cohen gets elevated. What's it called? It's called the DepSecDep for Intelligence. So the previous guys in there was -- let's see. It was Admiral Kernan was there. Admiral Maguire was there. So Ezra Cohen becomes the Under Secretary of Defense for Intelligence, USDID. And I forget how old Ezra is, but he's pretty young. Not that that -- you know, that's not a negative. It's just he's a young guy, and he's moving up pretty quick.

So USDI has responsibility for the Secretary of Defense
to oversee the intelligence agencies that work for the
Department of Defense, so that's the National -- that's the
NSA, and that is Paul Nakasone, General Nakasone. He's dual
head of CYBERCOM and NSA. So he has responsibility for that.
He has responsibility over DIA, Scotty Berrier, who is the
Lieutenant General in charge of DIA. And then he has
responsibilities over NGA, Geospatial, and there's one other
one I'm forgetting. But, anyway, I think there's a total of
four.

In his hat as ASD SO/LIC, he has responsibilities over
SOCOM, Special Operations Command, which has responsibility
over [redacted], the Rangers, [redacted], and all that kind of
stuff, right. So here you have an individual who is now in
charge of three or four intelligence agencies plus Special
Operations Command, and he's elevated to that. It's quite a
powerful portfolio.

Q Yeah.
A And that's what happens on the 9th.
Q Is that one of those dots that gave you concern
that someone with his relative inexperience is given a
position of that influence?
A Again, nothing illegal. The President can appoint
whomever --
Q Right.
A -- he wants. Now, these guys are supposed to be --
these are supposed to be Senate-confirmed positions.

Q Uh-huh.

A When you're an Under Secretary of Intelligence -- for Intelligence, it's supposed to be Senate-confirmed. But these are Presidential appointments, and they became acting, and there's some other term. They had a principal acting under the duties and responsibilities of or something like that. But, anyway, they still had the legal portfolio to do it.

Q Yeah.

A So there was -- so here are some concerns. You've got a series of guys in the Department of Defense, which is the biggest bureaucracy in the Nation with the biggest -- by far, the biggest budget by a long shot with incredibly powerful capabilities that stretch all over the world, and everybody's acting. None of them are Senate-confirmed. That should cause people pause right off the bat.

Not -- there's nothing illegal, right, about any of that, but this has to do with churn, stability, professionalism, regular order, those sorts of things. Nothing malice of forethought, nothing illegal, nothing immoral, nothing about it, but it's -- it gets noticed by overseas, folks overseas, et cetera.

Q Yeah.

A And so, again, stability, steadiness. Those sorts
of things are the opposite of steadiness. They're the opposite of stability. Then you get into all the issues that you see play out in the media about what exactly is going on, and, again, not my place to judge. I think you're looking at a variety of different potential issues, and, you know, we'll see where that -- see where the evidence takes you. But yeah, there's -- those are some of the dots. That's right.

Q You talked before about the November 11th memo directing the withdrawal from Somalia and Afghanistan. Do you know whether or not Mr. Cohen or Mr. Patel were aware of it before you were or involved in any way in prompting it?

A I don't know on Cohen's part, Ezra Cohen's part. I didn't talk to him about it. Patel said he wasn't because I --

Q He told you directly himself?

A Yeah. I asked him. And, when he slid the paper across the desk from me, I said: Are you behind this? He said: No, no, I just saw it. It just came into my inbox. I just saw it.

Q Okay.

A I don't know. Take that for what it's worth.

Q One more personnel change I want to ask you about before I stop, and that's Michael Ellis who became the General Counsel at the NSA under -- over the objection of General Nakasone. Tell me what you know about that change.
that personnel change.

A I think -- I'm not sure, but I think the Department of Defense LG did a -- maybe I'm wrong, but I think they did a -- like an investigation to see if there is any improprieties in the appointment and hiring, et cetera. So there's that out there, and I haven't read that, but --

Q You're right. They have.

A I'd reference you to that.

Q I'm just asking what you recall.

A Yeah. So, again, there's nothing illegal, illegal, immoral, unethical about a President appointing people to political appointment jobs, and they can hire and fire. That's a part of their prerogative. I don't personally know Mr. Ellis at all. I do know Paul Nakasone very, very well.

Q Uh-huh.

A And General Nakasone said that he had some issues, and I'd refer you to talk to him about whatever issues he had. He had concerns about Ellis and about his background, et cetera. But I reminded Paul, I said: Lookit, we're commissioned officers. These are political appointments. The President can appoint whomever he wants, et cetera. It's supposed to be Senate-confirmed. But, anyway, there were -- I don't remember all the details, but there was some concern, legitimate concern, on the part of Nakasone about Mr. Ellis. And, of course, he gets elevated to be Nakasone's legal
counsel.

Q Yeah.

A And the NSA is far and away the world's most powerful intelligence agency, and their capabilities are extraordinary. And whatever the NSA does should always be done legally, morally, and ethically in accordance with, you know, the law, right. And I think there was a little bit of concern on the part of General Nakasone, but, again, I would refer you to talk to General Nakasone on that.

Q Yeah.

A But I think the IG -- I'm not -- if I'm not mistaken, I think the IG's findings, -- I was told the IG's findings were that there was nothing nefarious about the hiring.

Q Uh-huh.

A So, procedurally, the hiring probably was done correctly.

Q Yeah.

A I don't think that's the issue.

Q No. And General Nakasone immediately -- this is on January 15th, 5 days before the end of the administration when he's installed in a civil service position, not a political appointment, as the General Counsel of NSA. General Nakasone immediately puts him on leave, and he then departs the Agency sometime this year. And, again, I'm just
wondering if General Nakasone shared with you any more about
his concern about that or if you have any other information
about how that came about.

A I don't recall how all that came about, but I --
yeah. No. He and I had conversation. As the chairman, I
talk to all the COCOMs --

Q Yeah.

A -- on various issues. This is one of the ones that
Nakasone had. What I told -- and I forget exactly what the
issues were. There was -- it was something about, hey, look
at this. Something wasn't right. And I don't exactly know
what it was, but I -- what I told Paul is: Hey, just --
lookit. Just make sure that what you're doing is done by
regulation. It's -- you know, this thing on leave, make sure
it's done legally; it's done properly. And, like I said, the
Presidents have the right to appoint people, but let's make
sure that you are doing things properly and correctly, et
cetera. There was -- the administration had some issues with
Paul Nakasone, which is fine. They can have issues with all
of us. I mean, they --

Q Issues like with Esper --

A Well --

Q -- sort of where they're not on the same page?

A No, no. This has to do with other things unique to

NSA --
Q Okay.

A -- and the releasing of certain documents and uncovering this, a whole bunch of stuff like that. So what exactly it was, I can't even remember. And I'm not even sure I ever knew what it was, but there were concerns that Paul Nakasone had that he was being told to do things that he didn't think were right. And I said: Then, if you don't think they're right and they're illegal and immoral and unethical, you don't do them. This is not a hard proposition here. And Meadows was part of that, by the way, but again, you've got to get the specifics on that one. All I can do --

Q Okay.

A -- is refer you to Paul Nakasone --

Q I appreciate that.

A -- because he's got -- you know, they viewed -- and I say they. I would probably say there's a group of people -- maybe it's a Meadows, maybe it's somebody from the White House, maybe it's Kash Patel, I don't know -- who think that the Paul Nakasones, the Gina Haspels, the Chris Wrays, the me as, quote, the deep state which is nonsense. These are dedicated civil servants who have been professionally protecting this country and defending this country all of our adult lives.

But, nevertheless, there was feelings like that. And I think with the case of Paul Nakasone, because of his unique
position of both CYBERCOM and NSA, and because he's in charge of arguably the most powerful intelligence collection agency in the world, there was people that had some issues with him. I've known Paul for years. He's an officer of tremendous integrity and professionalism and extraordinary skill. He's outstanding. And, when I was Corps Commander and a three-star over in Afghanistan, he was my intelligence officer in Afghanistan. General Dunford was the overall commander.

Q  Uh-huh.

A  I know of no one in uniform who doesn't have the highest admiration for Paul Nakasone's professionalism. So when he says, "Hey, something ain't right," I listen.

Q  Got it. Were there any other actual or attempted personnel changes that would constitute a dot or give you any concern besides the ones I've asked you about?

A  Well, there was a guy -- I don't know if it was a change. I don't even know when he showed up. There was a guy named Josh Whitehouse.

Q  Yeah. Tell us about him.

A  He was -- he was the OPM liaison officer to the Pentagon. Interesting guy. Young. A complete -- and there's nothing wrong with this, but a complete loyalist, Trump loyalist. You go in his office, and it's MAGA this and MAGA that all over the place. So nothing wrong with that.
Nothing illegal or immoral. Absolutely, you know, committed to his cause. Young. I think he's in his 20s, late 20s, from New Hampshire, as I recall. I think that he played at least a role, perhaps, in the firing of Esper. I'm not sure exactly what, you know. Again, nothing illegal about it.

Q Yeah.

A I mean, he's over there to be the White House liaison officer, I guess? I think I mentioned Colonel Macgregor and his role. Tony Tata had come in. You know, Patel, Cohen. No. I mean, there's a series of people that came in. I don't know all of them off the top of my head. I'd have to do some research, but there was a general feeling of unease amongst [inaudible] in the Pentagon at the time. And there was a feeling of unsteadiness in the building for a period of time because of all these moves. And, lookit, you've got a large organization like the Pentagon that's responsible for the U.S. military all over the world, and all of a sudden, boom, you make these rapid-fire changes. It wasn't just the Secretary of Defense. There's a whole set of folks that came in with him and others that went out. So, yeah, it's a period of personnel instability that creates organizational instability that creates anxiety in countries overseas --

Q Yeah.

A -- anxiety, perhaps, in the eyes of the American
people or in Congress and others. My phone was burning up. I was getting calls from not only overseas but all kinds of Senators and Congressmen about the steadiness of the building, the Pentagon.

Let me stop and ask Ms. Cheney or Ms. Luria, or it looks like Mr. Aguilar has joined us as well. Any questions from any of our members?

Ms. Cheney. Thanks.

General Milley, thank you. I know it's been a long afternoon, and I'm sorry that I've had to step away a couple times for votes. But could I just ask, you mentioned -- and I think you covered a little bit of these regular phone calls that you were having with Chief of Staff Meadows and Secretary of State Pompeo.

Can you tell us a little bit more about those calls, when they started and any descriptions that you recall on those calls from either Meadows -- well, start with Meadows in terms of what was happening at the White House in the immediate post-election period and then post-January 6th?

General Milley. I can, Congresswoman. And thanks for what you're doing too, by the way, and I can only imagine how difficult all of this has been on you and others.

Ms. Cheney. Thank you.

General Milley. So when did they begin? Maybe -- I could probably actually peg the date. I'd have to get back
to you on a specific date, but I'm going to -- from memory, I'm going to say they began in December, perhaps, and take that for -- we'll go back and do a little research and get you an exact date.

But there's a -- it's initiated, not by me. It's initiated by -- I think Meadows decides to initiate this phone call between he, Pompeo, and me. And, interestingly, Acting SecDef Miller was not on there, and it's not my place to ask, you know. The White House Chief of Staff, they can, you know, do whatever they want on a phone call.

So, again, it's not every day. It's a couple times a week, and it's normally in the morning, but it's not always in the morning. There are a set of pretty steady -- uh-oh. Hang on a second, Congresswoman. Okay. See if I can --

Do you need to take a break?

General Milley. Well, let me answer this question real quick and then --

The we'll take a break.

General Milley. I have to get on the phone with the Secretary and the President about something.

Absolutely.

General Milley. So where was I? Oh. Anyway, so general themes: steadiness overseas, constantly watching Iran, North Korea, China, Russia, terrorists. Venezuela, by the way, was another one. So there's a series of these
potential overseas crises. In several of the calls -- and my theme was -- I sounded like a broken record: Steady, breathe through your nose, we're going to land the -- we're going to land this thing, peaceful transfer of power. That was a constant message of mine. And both Pompeo and Meadows didn't push back on that at all. It was "roger that" sort of thing.

So, now, there was a couple of calls where, you know, Meadows and/or Pompeo but more Meadows, you know, how is the President doing? Like, Pompeo might say, "How is the President doing," and Meadows would say, "Well, he's in a really dark place," or "he's" -- you know, those kind of words. I'd have to go back to some notes to get the exact phrasing, but that happened a couple different times.

I'm looking for -- on this timeline, like, here is one, for example, on the 7th of January, so this is the day after, right? "It's just us now." And I can't remember if it was Pompeo or Meadows that said that, but I didn't say it. "It's just us now." In other words, it's just the three of us to land this thing. I'm, like, come on, man. This is -- there's millions of people here. But anyway. I'm not trying to be overly dramatic, but these are quotes. "POTUS is very emotional and in a bad place." Meadows. So that -- that's an example. Same day, different meeting with Acting SecDef Miller. "POTUS not in a good spot." Whatever that means.

Ms. Cheney. Uh-huh.
General Milley. You know, these aren't my words. These are other people's words. Kellogg, same day, seventh phone call: "Ivanka was a star." "She's keeping her father calm." "Everyone needs to keep a cool head." So it's the -- you know, it's comments. These are just phrases, but there's --

Ms. Cheney. Yeah.

General Milley. -- there's conversations like that, and, you know, for me, as the Chairman, I'm, like, hmmm. So all I'm trying to do is watch my piece of the pie. I'm not in charge of anything. I just give advice and just trying to keep it steady.

Ms. Cheney. I know we have to take a break, General Milley, and the camera is not working here, so I can't see you guys, but are the notes that you're reading from, are those notes that we have? Are they in the exhibits, or are those notes that we can get if we don't?

General Milley. No. We can -- I can provide them. I'll swear to it, you know, that kind of thing if I need to do an affidavit on whatever you want.

And I think this is in a classified production.

General Milley. Those notes came from the timeline that I produced to the Joint Staff, essentially.

Ms. Cheney. Yeah.

General Milley. On this timeline, it's actually
classified, but, again, almost all of the substance is not classified. The document -- I classified the document at the beginning of this process by telling my staff to gather up all the documents, freeze-frame everything, notes, everything and, you know, classify it. And we actually classified it at a pretty high level, and we put it on JWICS, the top secret stuff. It's not that the substance is classified. It was I wanted to make sure that this stuff was only going to go people who appropriately needed to see it, like yourselves. We'll take care of that. We can get this stuff properly processed and unclassified so that you can have it --

That would be great.

General Milley. -- for your --

Yeah. That would be helpful.

General Milley. -- for whatever you need to do.

Ms. Cheney. Great.

General, if you need to take some time --

General Milley. Yeah, I need to -- if you don't mind, I've got a --

Whatever you need.

General Milley. There's a developing situation that's happening, and I'd like to take a minute to call the Secretary.

Absolutely. Sure.

[Recess.]
Ms. Cheney, we're back on the record, and I hope you can see us now. We tried to fix the camera over the break.

Ms. Cheney. I can. That's great. Thank you. I don't have any other questions for now. Thank you.

Okay.

Mrs. Luria, did you have anything?

Mrs. Luria. I don't have any questions right now.

Okay. I just wanted to follow up literally on one thing before I turn it over to [redacted] who is going to talk more specifically about January 6th. Our notes reflect that, at some point when we were talking before -- and you may be talking about the summer. I'm not sure. But you said there were some orders beyond legality that were issued that were ultimately withdrawn or he backed off. I'm just wondering, if you can, if it doesn't implicate any restrictions, if you're able to talk about those illegal orders.

Mr. Richards. To the extent you can-- if it's White House communications before November 3rd, consistent with the guidance, we prefer to speak to White House counsel before we --

I understand. Just wasn't sure what the timeframe was.

Mr. Richards. -- provide any answers. If it's after
November 3rd, feel free to answer, [redacted]. But, if it's before, then I think we need to consult White House counsel.

So can you repeat the question?

[redacted] Yeah. I just --

General Milley. I know what he's talking about.

Mr. Richards. Okay. Go ahead.

General Milley. So it's before, right, but let me answer it this way. And just hit me in the head if --

[redacted] And I think what's only off limits is direct communications with the President, but the subject matter is not off limits. At least that's my interpretation.

Mr. Richards. So -- right. So I think --

General Milley. You're a lawyer too, right?

[redacted] Yes --

Mr. Richards. Communications or predecisional deliberations involving the Executive Office of the President prior to November 3rd is just an area that we need to consult.

[redacted] Okay.

Mr. Richards. And this is a process issue because we're dealing with Trump lawyers as well.

[redacted] It's not a "no."

General Milley. Let me put it this way.

Mr. Richards. Exactly.

General Milley. As an American citizen, it's part of my
freedom to speak. Let me put it this way. There are conversations. There weren't orders. These are conversations.

BY [Redacted]

Q Okay.

A Just like I just had a conversation, right, so there's conversations on options, courses of action, risk, puts and takes, plusses and minuses, et cetera. This is the normal business of a Chairman or any advisor, actually. And, during the conduct of these conversations, things are said conversationally, not orders. There's a difference.

Q Yes.

A If they're orders, I've got to execute them or I -- or not, right, and then we're in a different place. So, during these conversations, things are said by a variety of people --

Q Uh-huh.

A -- that I think are either illegal, immoral, unethical, or inappropriate, and I say that. And I say: No, we can't do that. That's illegal or that's immoral or that's unethical. We're the United States military. We don't do things like that. These are just general gistings of conversations that occurred. So trying to use the power of persuasion, the power of argument and debate. You know, you're all lawyers. You're all familiar with all of that, in
a conversation about some pretty serious topics, all right.

So things like the use of force on the streets of America against American citizens, you know, there's lawful ways to do that, and there's unlawful ways to do that and/or the use of force perhaps overseas. I think I mentioned already -- or did I mention something about -- oh. There. Yeah. It was in here. It was in that -- in fact, let's go to this. Let's go to an exhibit that you already have.

So go to your exhibit 1. This is not my words. This is the White House or somebody in the White House. This is OPM. This is the McEntee memo or whatever it is on Esper, right. So imagine a conversation that talks about -- give me a second here. Where is the rest of the memo? Here it is right here. Yeah. So imagine a conversation that says "attack cultural sites in Iran if the conflict escalates," and then the next phrase -- I didn't write this. Somebody in the White House wrote it. So it's their executive privilege.
[5:33 p.m.]

BY [redacted]

Q Despite the President wanting to keep that open. So imagine that conversation, right? And then someone like me or someone like Esper, both of us saying, that would be illegal except under certain circumstances, and there are very finite, narrow circumstances in which you can do that. Otherwise, cultural sites are illegal. It's a war crime to bomb them.

So part of our role perhaps is education, in the spirit of argument and so on and so forth, to enlighten people that that is not something you do. That's an example.

Q I see.

A And then there's similar ones I think that are alluded to but not -- yeah, I guess right here: "Publicly opposed" -- this is the same memo -- "Publicly opposed the President's direction to utilize American forces to put down riots," et cetera.

So maybe there's a conversation as part of that general discussion that not only talks about putting down riots, but how you put down riots and the methods of doing that and the use of certain weapons, perhaps, or things like that.

Q And that's --

A So perhaps conversations were like that.
Q And that's described in here as limiting the President's decision space.

A That's right. Well, no, that's -- yeah. No, what I'm describing is a follow-on conversation.

The limiting the decision space is I think what they're saying there. And I'll let them speak for themselves. But I think what they're saying is that Secretary Esper going out behind a microphone in public saying that he is a Cabinet official, a member of the actual chain of command, is usurping the Presidential prerogative to invoke the Insurrection Act by publicly saying that he doesn't support it.

Now, my comment back to that might have been or might be then fire him right this second. That's also within your prerogative. And then if you want to use the Insurrection Act, use it. Do it. But the fact that he opposed it or I oppose it or somebody else opposes it, you know, we have an obligation to say what our positions are, right?

So that's the -- so --

Q I understand.

A Yeah. I think some people over there were interpreting that he was usurping Presidential powers.

Q By announcing it publicly.

A By announcing it publicly.

A lot of times my experience was that disagreement, as
long as it didn't make the papers or the media, it was -- you
know, they might not -- people might not like it, but it
wasn't going to be a big deal.

You go public, then they consider that -- people -- some
people consider that an act of open disloyalty sort of thing.

But what I'm talking about is not that. What I'm
talking about is cultural sites, like that will be an example
overseas. Another example might be to invade a foreign
country, perhaps, without mentioning a foreign country, or
taking a person out of a foreign country, which would require
the introduction of military force into a certain country.

There's legal and illegal ways to do that.

Use of force on the soil of the United States. Use of
the military. Use of lethal munitions, use of nonlethal
munitions. The use of batons and beating of people and
things like that, right? Perhaps there were conversations
like that that I considered illegal or immoral or unethical,
and I never shied away from expressing my opinion.

Q Very helpful.
A Is that within the bounds of --
Q It stays within the bounds and it's helpful. I
appreciate it.
A For what it's worth.

Okay. All right.

Now I'm going to turn it over to --
Q So I think what would be best in the next hopefully an hour or so, we'll go over the preparations of DOD, the letter from Mayor Bowser, the steps taken in the days before.

A This is on the 6th? Preparation.

Q Ending with the 6th, yes.

So let me just start with you mentioned that the Joint Chiefs had been tracking the violence --

A Yes.

Q -- daily violence, and that you would receive an update every day about that.

When did that begin?

A Right shortly after the 1st of June. It was during the summer turmoil.

Q And was that requested by yourself?

A Oh, yeah. We stood up a crisis management team.

So within the procedures of the Joint Staff -- actually, I've been the Chairman since 1 October, right? When the Turks came across the border of Syria, which I think I forget what date it was, but it was shortly after I had become the Chairman, from that date forward we have had at least a crisis management team stood up on the Joint Staff to deal with something, and in some cases we had more than one.

So we stood up a crisis management team that was dedicated to monitoring domestic unrest and to ensure that we
had a good handle on the National Guard, the statuses, the readiness, the alert statuses, et cetera. The same thing with the regular military.

I did -- I had, you know, my Joint Staff historian, for example, conduct an in-depth research on the use of the Insurrection Act, what it's all about, going all the way back to 1807 or whatever year it started, all the historical examples, laid out every single one of them in detail. The historian would walk me through it. That's where I learned about Barr and Powell and L.A. riots and all that kind of stuff.

So we had a team of people that were monitoring and dedicated to doing this that we had exchange LNOs. We had LNOs with the FBI, in the FBI building.

Yeah, there's a lot of level of effort on -- I think we called it domestic unrest as a general thing.

So to put that in further context, there was a lot of anxiety by various members about Black Lives Matter, Antifa, and various anarchist groups or left-wing groups, so to speak, and the levels of violence participating in these riots, stockpiling Molotov cocktails and taking water bottles and freezing them so they act as a frozen missile sort of thing.

A lot of discussions about those groups and organizations, a lot of discussion about the CHAZ Zone out in
Seattle, and so on.

No discussions that I recall in any kind of depth about the Proud Boys, the Oath Keepers, the Three Percenters, or those kind of people. So -- and I'm not making judgment calls. There's extremists on all sides of the spectrum here, right?

So we just worked with the FBI and local police, and we made sure that we kept track of it. And we stood up a team to make sure that we, the Joint Chief of Staffs and I, had situational awareness just like we have overseas, and we're monitoring all kinds of different places, just like what I just did 5 minutes ago walking outside, right?

And that's part of my job. In order for me to provide best military advice to the President, SecDef, et cetera, I've got to make sure that I have some visibility and a level of understanding of what's happening.

Q Who led that crisis management team for you?
A Brigadier General Lestorti. He's the guy who led the team.

Q You mentioned --
A It's a -- it was a cross-functional team. So I don't know how many people -- how many people were on that thing?

Colonel [Name]. It's usually like 30-plus.

General Milley. Yeah, it was 30 or 40 people on this
thing.

Q You mentioned Ken Rapuano, and we've seen some emails from him about updates that are closer to the November-December timeframe.

A Yeah.

Q What was his role? Was he part of that crisis management team?

A Yeah. So the management team, think of it as a -- what we call a matrix organization. So you've got people from the various directorates, from the J3 operations. You've got folks in there from logistics. You've got folks in there from different parts. And you've got folks participating as part of the Office of the Secretary of Defense, the OSD staff.

Ken Rapuano is on the OSD staff, and he plays a very important role, not so much in the crisis management team per se, but more as the lead guy for the Secretary of Defense to tie together the policy level stuff, the interagency, and the Joint Staff and the military.

And Ken becomes like a focal point. So he prepares a lot of the materials, the talking points, the papers, the options, the courses of action, and all this kind of stuff. He also works closely with the National Guard Bureau and so on.
So he's a very important guy for the Department of Defense in terms of the planning, coordination, synchronization. But he's at the Department of Defense. He's at Secretary Esper's level. He's -- his official title is what, Assistant Secretary of Defense for Homeland Defense or something like that? Something like that. A Homeland Defense guy. Good guy, very professional.

Q So once kind of the summer civil unrest was dying down, these updates still continued, though, in terms of the domestic operations, is that right, heading into the -- heading into January 6th? So you had the November --

A Yeah, sure.

Q -- Million MAGA March and the December MAGA March. Were those on your radar? Did you have any particular concerns?

A Yes. So the short answer is yes. The way I framed this for myself and for the Joint Staff, I said: Lookit, there's chunks of time here, phases, if you will. We speak a lot of times in phases in the military.

So I said -- and this is from June --so I said: Phase one is now through the election, and phase two is the election out through the certification, which was known, it was a known date, the 6th. So from the election to the certification. Phase three, I said, was certification to inauguration. And phase four was inauguration plus 100 days.
And tasks, what we're paying attention to, are different by phase, right?

Now, I'll also tell you that what I just said is also common for how I will look or we will look at North Korea or China or there's periods of time when things are perhaps more potentially unstable than others.

Right now in the media, for example, you'll see media reporting of Russian movements on the Russian side of the Ukrainian border. So it might be maybe we're in a window of heightened tension, so we're going to watch that a little closer than, say, some other country that none of that is happening, right?

So that's how I broke it out. That's the guidance I gave to the Joint Staff. And I said we need to stay tight with the FBI and we need to be monitoring all this information, you know, as we go through the summer.

And it was obvious to me and to anyone that this was going to be a very highly contested U.S. domestic election. We're not going to have a part in it, but you can observe that. You can see it.

And there was a degree of domestic violence happening throughout the country, and we need to make sure that we're monitoring that and that I can do my job to render advice.

So in various meetings, I would take that information from the staff and I would perform my role in the Oval or the
Sit Room or wherever, on phone calls with the White House folks.

And on a day-to-day basis, if I was up to speed on it, if I had a good handle on it, I could try to use the powers of persuasion to convince people that this course of action is better than that course of action. So that's the purpose of it.

Q So understanding that DOD doesn't collect domestic intelligence, who -- I think earlier you said you relied mostly on the FBI. Is that correct?

A The FBI, yes.

Q Do you rely on any information received from DHS? And I ask because a number of the updates on January 6th are from the DHS NOC and I don't see any from the FBI SIOC that were sent, at least in our production. So I'm just wondering --

A Yeah, I mean -- well, there's also Metro Police. There's Capitol Police, FBI, DHS, and there's probably two or three others.

But this was a -- the CMT, because I would ask every day: What did the FBI say? What did the FBI say? Because they are the lead Federal agency for domestic stuff as far as police force goes at the national level, for me, anyway. So, anyway, yeah, I don't know if it's in there or not. But we didn't get much, by the way, just so you know.
Here is the norm, the normal reporting we got from the police agencies, and this is a lot of chatter, nothing specific, nothing actionable, a lot of chatter.

So take, for example -- I don't have my phones -- but take, for example, your phones. I have on my phones a program -- what's it called, a --

Voice. Data miner.

A Data miner. You probably are familiar with it, right?

Q Yes.

A A data miner is just a news aggregator, and you can program it. So I program it, just like anyone else does. And I write on the thing. You know, you can program -- you know, I have, for example, you know, Iran or North Korea or Russia or Ukraine or this or that or the other thing. And I also during the summer started going, maybe I'll start programming, you know, city this and city that to see what's going on. So the thing starts kicking up.

And then on social media -- and even today, I check this almost every day -- on social media, even today you'll see an incredible volume of very violent, very threatening language that's out there, stuff that would pop on my screen, for example.

Threats against Obama, right, former President Obama, that would pop up on data miner. I'd get on the phone and
call Chris Wray, say: Hey, Chris, are you tracking this?

This is like the former President. I don't know who this guy is, but someone just tweeted or chatted or whatever they did.

So it's a chatter sort of thing. But we, the Department of Defense, and I had lawyers plus the intel guys, like, no, no, no, we're definitely not collecting and we're going to do it. I said: That's absolutely right, do it procedurally correct, rely on law enforcement. So those are the agencies that we did.

Q So it sounds like FBI as well as local police monitoring you said also?

A And a key one was Metro Police.

Q And how is this information -- it's coming through the crisis management team.

A It's coming through the crisis management team and Ken Rapuano was getting a lot of this stuff.

And we have written reports. I'll never forget the one -- I got this one after 6 January, because I kept seeing in the media FBI Field Office Norfolk had a report that predicted all this stuff, right? And I said: Well, if they had it I never saw it. I want to see it.

And it took me a couple days, but I insisted that I get the actual FBI report. And they actually sent it to me. And I read it, and it was fascinating. I don't know if you saw it. Have you seen that?
Q Yes. The situational incident report from January 5th from Norfolk, Virginia, that's the one?

A With the attached map --

Q Yes.

A -- and the arrows.

Q Yes.

A The Patriots, the Rebels, and the whatever it is.

BY Cowboys.

Q Cowboys.

A You saw that. I looked at that and I said: That's interesting. It would have been nice to see that beforehand. But, in any event, that's a field office of Norfolk. That's not main FBI. That map, though, speaks volumes, so -- in my opinion, in my professional opinion.

Q I believe this is the map that you're talking about, which is attached to something else, but I can show it to you to make sure we're talking about the same one that I think was attached to this.

A I can see it from here. It's got an arrow coming from New England, coming down I-95, the Patriots.

Q I think this might be the one. We can mark it.

A Yeah, that's it. Yeah. That's the same map.

So that to me was fascinating. It could have been done by anybody. It takes no special training to do that. But
the language, the arrows, link-up points, I mean, the stuff
that they put in here, I was sitting there going:
Fascinating. Who would have done that?

You know, I can only imagine that it was probably
someone who had some sort of military experience -- at a very
low level. But a lot of people could have done it. You
could have picked that kind of stuff up off the internet.

But, yeah, these were the type of things -- this one we
didn't get, but we did get threat assessment. I got -- we
did those interagency calls. And the FBI, I can't remember
the guy's name. It wasn't Wray. It's --

Q  David Bowdich?

So Bowdich would brief on those. And, again, very
consistent, a lot of chatter, nothing specific, nothing
actionable. But that's our sources.

Q  My question is, how are you reconciling what you're
seeing on your own data miner kind of tracking of what you're
able to see -- and putting together the dots is the analogy
we used in the prior part of the interview -- and what the
Bureau is telling you in these briefings? Are you able to --

A  Well, I would -- I don't know if this will make
sense to you, but there's a cultural difference, an
institutional cultural difference between intelligence
agencies -- CIA, DIA -- the military, and law enforcement
agencies -- the FBI, Capitol Police, et cetera.

Law enforcement agencies are looking for post facto evidence to prosecute in a court of law. They're looking for evidence that can withstand cross-examination. Intelligence agencies are looking for early warning indicators and warning of events that have not yet happened. So you're looking for something in the future.

So there's a difference of view, an angle of view. And I was told that a long time ago. I was told that like in War College or Staff College about institutional biases and cultural institutions. And my own personal observation is that's become true.

So with these reporting that we're getting out of the police forces, you know, it's not a fault or anything, it's not pointing a finger, but they're looking for evidence as opposed to indicators and warnings.

So let's just say number of hotel rooms, number of hotel rooms filling up in Washington, D.C., flights coming in, charter flights coming in, how many people are riding the subway, plus all this chatter on social media. Add it all up, do your analysis. You can't do anything with it if you're a cop. What are you going to do? There's nothing. You have to have evidence to do something. You can't interdict on something like that.

You take a look at groups who are filing petitions to
protest, perfectly legal in the Constitution, right to assemble, haven't done anything wrong. You look at the backgrounds of some of these groups and you sit there and go, hmm.

But, again, they're indicators. They're warnings. They're early warnings. There's nothing a cop can do about any of that until a crime is committed.

So there's a different angle of view. And what I'm trying to do is just maintain my own situational awareness so that I can render some advice when the moment comes.

So I'm looking at it differently. I'm looking at it in an anticipatory way. Police forces look at it in a reactionary way.

Q From what you were seeing, did any specific group stand out to you in terms of as we were heading into January 6th?

A Proud Boys, no question.

Q Why is that?

A There was a series of tweets, Presidential tweets, and comments, public comments, that were not commands, you know, because it's a much looser thing than that, but they went out. There was -- I think there was six of these things that went out in the fall.

And there was at least two -- I forget the dates, but I want to say it's November-December timeframe -- there were
two times in which the Proud Boys -- there might have been
other groups -- showed up in Washington, D.C., and there was
a series of fights, street fights that night. I don't know
if you remember this, but there's a series of these fights
that go on. And that was clicking -- those were clicking
indicators and warnings to me.

So tweets go out. Guys show up. Street brawls. This
gets to the comment about, you know, brown shirts and all
that kind of stuff.

So you got these street fights between groups of people
that have varying political views. They're happening in the
Nation's Capital. And that was -- I'm like, whoa, what's
happening here? So my radars are going up a little bit.

Having said that, again, totally could be handled by law
enforcement, and they did handle it. So these are groups of,
you know, five, ten roaming around the streets, getting in
street brawls. Metro PD handled it. Chief of police didn't
require any support. But we were witting of it and it was
just another set of data points.

Then, as you get closer, there's a series of tweets
talking about the 6th of January. You know, come to the 6th.
And, you know, you've got the tweets. They're all out there
in the public space. And it was obvious to me that there's
sort of this call to come to the 6th.

And then we went into these series of meetings to try to
do crowd estimations. So the FBI, Metro Police, and others, based on petitions to protest, requests to protest to the city, which were, you know, granted by the Mayor or whoever does that downtown.

And on these calls, these conference calls, they started doing estimations of crowd size. It starts out to be 10,000 to 15,000. And this is probably the 31 December type call. And then over the course of these calls, the size of these crowds start -- the estimations start growing.

So the call on the -- maybe the 4th, the 3rd, the 2nd, it's out there, it's closer to the 6th. That call comes in. And I think it's the FBI or the Park Police or somebody estimates the crowds are going to be the size 20,000 to 25,000, 30,000. I'm like, whoa, that's a lot of people coming into this town.

After the fact -- and you can check this with the Metro Police -- after the fact, I was told -- and I don't know if it's true -- but I was briefed that the total crowd estimation that came into D.C. was estimated to be upwards of 45,000.

Q That's post-January 6th, you learned that number?
A I learned that number after January 6th. The estimations prior -- and you can check with the folks who do the actual crowd estimations. But I got briefed on that and I distinctly remember that number because it just jumped out
at me. I was like, whoa. And I think that number came from
the Metro Police chief, actually. But you can check it.

Anyway, very, very large crowds, right? And as we get
closer, these crowds are -- the estimations of these crowds
are growing, based on police estimates of what they think
they're going to deal with. So --

Q Before we go into those interagency calls, I just
want to go back to what you said about the Proud Boys.

Now, did you hear about the Proud Boys through any of
the law enforcement agency updates, or is that from your own
data miner?

A No, no. These were reports that we were getting
from the law enforcement --

Q Okay.

A -- the crisis team and all that. And they
were tracking the various organizations that the police are
telling us, you know.

Q And we'll look at --

A It wasn't just Proud Boys.

Q Before we move off of this, there was some
reporting in Peril that described that you were on high alert
about some of these things that you were seeing on data
miner.

A That's what I'm describing to you. High alert,
that's probably someone else's words. But high alert is
probably an overstatement, but, like I said, my radar was up. There was little doubt in my mind that -- again, going back to the phases.

So you have the election -- this is my own analysis, my own personal analysis -- you have the election, wait, you know, 72 hours, you get the counts and all that kind of stuff, and then assess is this thing contested or not contested. It was obviously going to be contested.

Okay, fine. So it's contested. And then you start seeing the activity domestically, the rise overrun of emotion or intensity. It was obvious in the media and, you know, anybody can turn on TV could see it. And you could see that the tension levels are getting more -- it's getting more contested, which is fine. That's perfectly fine.

You take your challenge and you go to court. And it's court case after court case after court case after court case. I think the number ended up being 86 or whatever it was got shot out of court. But you can see, you can sense the environment is getting more tense as you go on.

And that -- so I don't know who used the word "high alert," I don't think that's me, but my alerts were up for sure, along with the FBI and others. We're all kind of looking at the situation.

Q: But did you believe going into the 6th that what FBI had and DHS had adequately reflected the threat that you
perceived from putting all these points --

A Yes. So I -- yeah. I mean, I -- what I
anticipated personally -- I ended up being wrong -- I
personally anticipated a significant amount of people coming
into the city and exercising their First Amendment right.
Okay, that's fine.

And I expected these groups, Proud Boys and Three
Percenters and Oath Keepers or whatever groups they are,
right, to do what they did in the fall. And when the sun
went down, I expected to see groups of 10 or 12 run around
the city getting in fights with Black Lives Matter and Antifa
people on the streets. And I expected to see a general set
of violence and fights, street fights, brawls. That's what I
thought was going to happen.

And I certainly didn't think that there would be an
organized assault on the Nation's Capital. I mean, you know,
I knew there was going to be large crowds. I didn't think
there was -- what actually happened, I certainly didn't
anticipate that, even though if you go back in time and you
look at all these websites, you can actually see, in
hindsight you can see, and even the FBI can pull these
things, you can see what these guys are talking about and
that kind of stuff.

You can see that FBI report that shows the arrows. You
can see people on these various chat rooms saying: This is
our Alamo, this is our cause, this is your last chance, this is it, you know, it's time for the revolution. I mean, all this kind of really, really vitriolic language.

In hindsight, it all is crystal clear. At the moment, I expected street fights. In fact, the head of Proud Boys gets arrested, if I'm not mistaken, gets arrested by somebody as he was trying to come into the city. And I expected what we saw in the fall, only I thought it was going to be a lot more and bigger, broader, a lot more fighting on the street than in the summer.

Q In hindsight, was there an emphasis -- overemphasis on counterprotesters and protesters versus -- without understanding what the crowd's intent might have been, in terms of looking at what happened in November and in December?

A You mean overemphasis on the extreme groups?

You mean BLM and Antifa?

Correct.

General Milley. Not by me and not by us, not the military. You know, to me it's -- we were calling balls and strikes. I don't think there was an overemphasis on either side.

I clearly saw, I think, and this isn't an overemphasis, I saw the greater threat coming from the Proud Boys, Three Percenters, that kind of group, right, only because they were
being very vocal, whereas the Antifa, Black Lives Matter crowd, they were much more muted. In fact, I think they were putting out instructions, if I'm not mistaken, I think they were saying stuff like stand down, stay away from all this stuff or whatever. I'm not sure of the language they were using.

But there was a clear implication to me that the greater threat on the day of the 6th was probably from the Proud Boys type crowd, right?

The broader crowd, I have to say that the broader crowd -- the 6th is interesting as I look at it even now, right? So you get this crowd that shows up and, for the most part, it's very loud, okay, and they're waving their flags and all that kind of stuff, but for the most part, they're peaceful. And they get to the fence line.

And you can check with the Capitol Police, but I think that they went -- did a 360 basically around the building of the Capitol. So it's not just one place. I think it's more or less the whole Capitol area.

And you get this mass of people, and they're protesting and they're saying the things and all that, but it's for the most part peaceful. Violent rhetoric, perhaps, and all that, but still no violence, not yet.

And then all of a sudden there's this surge of violence. And for me, as I look at that, that appears to me to be
calculated. Maybe I'm wrong. I don't know. Hopefully you
guys can get to the bottom of it, right? But that appears to
me to be a calculated event.

And you look at the video, you look at the photographs,
and you look at the crowd. And look at the people who are in
the front of the crowd and look at the people who are much,
much further back. The ones that are way further back are
waving their flag, doing their thing, okay, that might be
First Amendment. But look at that crowd that's up front and
you tell me what organizations they belong to.

I mean, I don't know. I'm not the FBI. But a lot of
them don't look like your average First Amendment protester.
And you look at the shirts they're wearing, 6 million not
enough or wasn't enough. You know, written in German, work
will make you free. Waving neo-Nazi flags, the green and
white flags with the runes from the Nazi SS. Waving other
types of flags.

Lookit, I deal mostly overseas, but I'm looking at it
and it speaks volumes to me about who might have been in
those front ranks.

And then you start looking at what are they wearing. So
they're wearing helmets and they're wearing flak vests and
they have radios. So why do they have radios? Who are they
talking to? What are they doing? What is their command and
control? Who was in charge? Who was command and control?
What are all these things that they have? Because that
didn't happen by accident. There's no way that happened by
accident. That is planned, it's coordinated, and in some way
somehow it was synchronized. I don't know how. I don't know
who. Hopefully, you guys have better luck.

Q When you saw the crowd and observed some of these
symbols --

A Sure.

Q -- what did that mean to you in terms of the groups
associated with that front line, as you said?

A Yeah. I mean, I said some things to my own staff
that have since -- you know, some people have interpreted as
being quite inflammatory. And I said: These guys look like
the brown shirts to me. This looks like a Reichstag moment.
I said those things.

And I repeated those things, by the way, in the
rehearsal that we did for the inauguration, which was done
over at Conmy Hall at Fort Myer.

And on that one, because of what happened over the
summer and because of what happened on the 6th, I insisted
and argued for a large interagency rehearsal and designation
of a lead Federal agency, which was Secret Service,
Department of Justice, and we're going to do a big, huge,
massive rehearsal with the entire city laid out on the gym
floor of Conmy Hall. And I repeated some of those same
comments during that rehearsal, which was actually videotaped
by the Secret Service and you can watch the whole thing. I
haven't seen it, but I know that they videotaped it.

So I did have serious concerns, but I didn't expect what
actually happened. I didn't expect that. I expected street
brawls.

You know, an interesting one is DepSecDef Norquist. I
don't know if you know him. He was the Deputy Secretary of
Defense underneath Secretary Esper, and he was also the
DepSecDef under Acting SecDef Miller, right?

So during these calls -- I only remember it in hindsight
because he was almost like clairvoyant -- Norquist says
during one of these calls: The greatest threat is a direct
assault on the Capitol. I'll never forget it.

Now, you know, when you look back and you hear things.
At the time, I thought -- again, I thought the greatest
threat was when the sun goes down you're going to get brawls
out on the street.

But Norquist, who's a longtime public servant in many,
many ways, anyway, he said that. And I was like wow. In
hindsight, I'm like check that out.

So he nailed it. He pegged that one. Incredible. And
he said that in a meeting. Miller. Patel. I'm there.
There's others there. We're on a conference call right after
a conference call maybe with the interagency, so you got
Rosen and so on and so forth. So anyway.

Q I want to go through some of those calls, starting
with when the request from Mayor Bowser was first made on
December 31st, and it kind of goes through the process and
then comes to you.

A Right.

Q And then there's a call on January 2nd with
yourself and Secretary McCarthy about the Mayor's request.
I've reviewed the IG report. According to the IG
report, it says at that January 2nd call you brought up the
need for the lead Federal agency in setting up a command
post.

A Right.

Q There's been a lot of discussion about the need for
a lead Federal agency, and I know you mentioned it before.
But at that time, what was at top of mind in terms of
requesting that?

A Well, it's -- it's almost -- it's a principle of
military operations. This is not a military operation, so I
don't want to confuse military operation with what happened
here. But the way I'm trained and the way I've been brought
up in the military is one of the fundamental keys is to
establish a clear, unambiguous unity of command and establish
a command and control architecture so that you have the
commander's intent, the task, the purpose, the end states, and you can transmit orders and people know who's in charge. So where two or more meet, someone's got to be in charge. It's kind of like a principle.

So in Washington -- it's easy in a State, the Governor, right, and the TAG. It's very clear when you're talking about domestic stuff. But in Washington, D.C., it's way more complicated, and it's still complicated. We haven't fixed it in D.C. So what has to happen in D.C. is you get -- you can do a couple of things.

One is you can designate things as a national security special event. That's a procedure. It's well-known. It's a process that we do in the Federal Government. But only certain things get designated like that. Like a State of the Union is an example of that or an inauguration.

The certification of an election is not. Historically, we have not designated it as a national security special event. That's a way of establishing, you know, someone's clearly in charge.

Another way, though, is just by issuing out an order. Just the President says so or the, you know, the National Security Advisor to the President says so, which did happen, by the way, here, and it's in one of these phone calls. But it's very important to establish who's in charge.

Now, obviously, the President's in charge and obviously
McCarthy is the Governor. But McCarthy is the Governor of the Guard. He's not the Governor of the FBI. He's not the Governor of the Bureau of Prisons. He's not the Governor of the Park Police.

So you need somebody who's legally in charge and can give orders. Cooperate and graduate only works so far. You have to actually establish unity of command if you're going to have a -- and that's what we did, by the way, for the inauguration, and it went pretty smooth. But that wasn't done till late in the process here. It was done, but it wasn't done until late.

Q So I want to go through exactly when that was established with the Federal agency and who established it. January 3rd, there's a call with the Cabinet members, which would include Attorney General Rosen, the DHS Director, the Homeland Security Director.

A Yes.

Q And, again, looking at the IG report, it states that you emphasized again the need for a lead Federal agency as well as and law enforcement needed to be the first responders and that ultimately this was police work. This is on page 29 from the IG report.

A Yes. It's all true.

Q In the report, it says everyone agreed to that. On January 3rd, was the lead Federal agency --
A Are they quoting me or are they -- it's just summaries of meetings?

Q I can read it to you. It's page 29.

A Yeah. It's accurate, though. I mean, I was beating that drum constantly.

Q It sounds like it.

A As an advisor.

Q "General Milley emphasized that the lead Federal agency in law enforcement needed to be the first responders and that ultimately this was police work."

A Yes.

Q "He told us that everyone agreed to that."

A Yes. And the number of cops in Washington, D.C., given the situation that was being described by police agencies, should have, if properly employed, easily been able to handle anything. And oh, by the way, Ken Rapuano went around to each agency and asked them if they needed help, and they all thought they could handle it, the police forces.

But having inherent capability is different than actual employment. And for that, in order to get unity of purpose, unity of effort out of 13 police agencies and whatever the number is, eight or nine or ten thousand cops, you've got to have unity of command.

So what ends up happening in D.C. is people go by jurisdiction. So the Washington Monument is the jurisdiction
of the Park Police. So the Park Police will guard the
Washington Monument out to the edge of the grass.

Now, on the street, at the curb it becomes Metropolitan
Police. But across the street might be a Federal building,
and that might be the whatever police. Or, if it's near the
White House, it's going to be the Secret Service, and so on
and so forth.

So it is a potpourri of jurisdictions, the entire city,
of who has legal authority in what part of this city. And
establishing the legal -- or the lead Federal agency cleans
that up, because that one person has legal authority. And
then they can say: You got this, you got that. I give you
this order, I give you that order. And that's the beauty of
it. And I was constantly emphasizing that.

Q Was it established during that call, that 1 o'clock
call on January 3rd, that DOJ would be the lead? Is that
your recollection?

A Yes, that's probably. Is that what it says?

Q Well, there's some confusion about it. It says
later, I'll quote: "General Milley told us Ambassador Robert
O'Brien, National Security Advisor, or White House Chief of
Staff Mark Meadows, one of them says, 'Hey, Department of
Justice is the lead Federal agency.'"

A That's right. Now, what meeting does it say that
this -- that is what happened. When does it say that
happened?

Q It's unclear.

A It's close to -- it's not the 6th. It's not the 5th.

Q There's a meeting on the 3rd of January, the evening, at the White House.

A It didn't happen there. This is before that.

Q Let me just clarify one thing, though, from this January 3rd call. As you probably are aware, there's some public reporting that we've spoken to Mr. Donoghue and Mr. Rosen about these events as well.

It's their recollection from that January 3rd call that you asked DOJ to be the lead agency and the Acting Attorney General at that time said: No, not at this time, January 3rd.

A That's right.

Q Do you remember that?

A Absolutely. Yes. So, I mean, it's like, hey, someone's got to -- I'm just an advisor -- someone's got to get the rose pinned on them, someone's got to be in charge, because this is a big deal and you've got all these forces, et cetera.

And it didn't take a rocket scientist to figure out the numbers of people coming in, whether it's 25,000 or 45,000. Someone has got to be in charge of this thing, right? So I
kept beating that drum.

Attorney General Rosen -- or Acting Attorney General Rosen -- and I'm -- now, I'm on these calls. I'm in the Office of the Secretary of Defense, and you've got Acting SecDef Miller, Kash Patel, and some of his other people there. On the phone are all these interagency types, right?

And so I'm saying -- I'm trying to be as polite as humanly possible in a collegial way, but at a certain point I'm like: You got to do this. You got to designate a lead Federal agency.

And, Attorney General Rosen, by tradition, it's usually the Department of Justice. This is a law enforcement. You are the chief law enforcement officer. And I'm trying to do it in a way that is kind of being emphatic without being totally rude. And it went back and forth. And it's like, you know, you're dealing with -- you know, nobody wanted to take charge.

So I said on the phone -- and the more I think about it, I'm almost positive it was O'Brien, but it could have been Meadows -- I said something like: Hey, either you, Chief Meadows or O'Brien, one of the two of you got to call the ball. You're the umpire of this thing. All I am is an advisor. But I'm telling you, you got to do this. You got to call the ball.

And they did. And they said: Yeah, Rosen, you got it.
you're Department of Justice, you're the lead Federal agency.

Q Do you remember it happening during that January 3rd call or at a later time? Because there's a January 4th call too.

A It could be the 4th.

Q Okay.

A It could be the 3rd or 4th. I'm not sure which call, but it's right around that time. And that's what I mean by it's late.

Q Right.

A So there's a lot of preparatory activity. You look at the inauguration. Look at the level of preparation that went into that thing and all the time it took and the level of effort, rehearsals, et cetera. So this is happening literally 48 to 72 hours prior to the event itself.

Q Let me just go back to the IG report, where it states essentially there was a roll call done there, in terms of going through what any of those other agencies needed from DOD, meaning the DHS Director of Ops said they saw no specific threat to any Federal buildings, the Secretary of Homeland Security said they were concerned about what might happen at sunset with opposing groups roaming the city.

A And that's Wolf, I think, right, Secretary Wolf?

Q Yes, I believe it was. It was Wolf. I believe Mr. Wolf wasn't around on January 6th, but this must be Wolf.
The Secretary of the Army briefed about the request from the D.C. -- for the D.C. National Guard. And then it states: "The National Security Advisor wanted to make sure everyone communicated with the United States Secret Service." This is page 29 of --

A Yeah. I don't remember the exact quotes. But yeah, absolutely. And the Secret Service has the lead, obviously, for the White House and the security at the White House. There was great concern about security at the White House.

Q From whom?

A O'Brien and people in the White House.

Q Was it communicated by anyone from DHS about keeping -- the United States Secret Service keeping in communication with them, or was it from Mr. O'Brien?

A I don't know. I'm not -- I don't remember. It's discussed, though.

Q So I'm now on January 4th. I want to get to that phone call. But before we get to that, on January 3rd, the meeting with the President at the White House.

A It's at 1730, right, or something like that?

Q So 5:30.

A Yeah, 5:30.

Q Yes. So that evening -- well, let me just start in -- before that, 4:45 on the defense timeline, it says that
you and Secretary Miller met with the National Security
Advisor Robert O'Brien. Was that anything related to the
January 6th rally, or is that separate?

A No. It's related to the meeting. So let me frame
the meeting here a little bit.

So if I remember right, the President is down at
Mar-a-Lago on -- this is Sunday the 3rd, right? The 3rd of
January I think was a Sunday.

Q Yes, Sunday.

A Yeah, if I remember right, it's a Sunday. So the
President is down at Mar-a-Lago like Friday, Saturday,
something like that. And the International Atomic Energy
Agency comes out with a report perhaps the previous Thursday,
Friday, something like that, and it's in the papers, it's all
over the newspapers, it's in the media that Iran is
increasing the number of centrifuges and the amount of highly
enriched uranium that they're producing. And it's in the
media, okay?

So I get called on whatever, either late Saturday night
or early Sunday morning by O'Brien, saying: Hey, the
President is going to come back from Mar-a-Lago. We all need
to get together in the White House tomorrow afternoon. The
topic is Iran. And he related that to the IAEA event. Okay.
Roger that, just like what you saw earlier, an hour ago,
right?
So not uncommon thing, by the way, that this is a thing that happens frequently. And Iran has been an issue since day one. And from the entire time I'm the Chairman, there's issues about Iran.

So now we're going in. It's the 3rd of January, late afternoon. And I go over there and Miller -- let me try to remember this, who's in the meeting. So the President. The Vice President is not. Pompeo. Acting SecDef Chris Miller. I'm pretty certain Kash Patel. And I'm almost 100 percent certain Meadows was there. Beyond that, I'm not sure. Maybe Cipollone might have been. I'm not sure. Normally one of the lawyers was there on any of these meetings.

But anyway, so we go over there and we're meeting on Iran. The topic is Iran. The topic is not the 6th of January. The topic is Iran. And the only ones who did any significant talking were me and Pompeo. Everyone else was kind of listening.

So we're in the Oval. This I don't think covers executive privilege or anything, because I'm not going to go into any detail about it, but it's all classified anyway.

But the bottom line is the President comes in. He looked normal, behavior-wise and all the rest of it was fine, sits down and says: Okay, tell me about what this thing is with the Iranians and the nukes and all that.

And I forget if it was Meadows or Pompeo or Miller or
someone said: Okay, Chairman, over to you.

So I walk through all the intelligence relative to this. And Gina Haspel was not there and there was no CIA rep there at that point. So I walk through all the intelligence. And then I walk through what options are available, which I won't discuss.

And he said: What do you think? And I went through cost and risk and benefit, all the normal stuff, right? He asked Secretary Miller what he thought. Secretary Miller said what he thought.

What's interesting, there was some article like in the news yesterday or something like that about what Secretary Miller says he said. And then -- I don't know if you saw that article. You should take a look at that article.

And then Pompeo, then he turns to Pompeo. Secretary Pompeo speaks.

And the bottom line there is -- you know what happens, right? So it's all good.

At the tail end of that meeting, the President looks at Secretary Miller, Acting Secretary Miller. And it just struck me as odd at the moment. And he just -- and that's where the 6th of January comes in. It only lasts a minute, maybe a minute and a half, not even. I don't even think it lasts that long.

But there's this commentary between the two of them, and
it says: You're set for the 6th and all that and you got a
plan and, you know, protect my people and all that. Right?
And I'm silent. I'm just listening and I'm like, hmm.

And Miller says: Oh, yeah, yeah, we're good, we're
 squared away, we got capability and all that.

And that was it. And then the meeting is over and we
all go our ways, right?

So I walk out. I'm walking out with Secretary Miller.
And I said to Secretary Miller, I said: What was all that
about at the tail end? I said: That's, you know -- we have
a significant crowd showing up. What are you guys talking
about?

Oh, nothing, we're good, you know, we're set. We got
the -- we've gone around, we've coordinated with the police,
and that's all.

I said: Okay, fine. Because that is what I knew was
true, and he just reinforced what I already knew to be true.

Was there anything else behind any of that? I don't
know. I'm not going to ascribe anything to that. It just
was an odd set of comments at the tail end of a meeting that
had nothing to do with domestic stuff.

Q Did the President mention how many protesters he
was expecting?

A Yeah. Well, he did. That was part of it. I
forget how many he said, but it was a lot. I forget. I
think he might have even -- I don't know what he said. He said -- he might have said something like 100,000 or something like that or 50,000. It was a lot. It was a huge number. And I was like --

Q  It was a huge number that he was expecting?
A  Yeah, that's right, that he says to Miller.
Q  Did he also mention -- again, this is from the IG report -- that the President asked to make sure that it would be a safe event? Do you remember that?
A  Yes. That's right. Yeah, yeah, for his people.
Q  Now, I just want to understand the timing of this. Come January 3rd, there was not -- the request from Mayor Bowser had been there, but the approval had not, it had not been approved yet by the Secretary of Defense. That did not come until January 4th. You can look at the timeline.
A  Yeah. Yeah. So there's a request from Mayor Bowser for X amount of guys in orange vests, soft cap, all that, right? And we had -- there's a separate meeting -- or it's not a separate meeting. It's a meeting in the Department of Defense now, not over at the White House, about that request. Secretary McCarthy got the request. He kept -- the request I think went in through -- I think it comes in to William Walker.
Q  Yes.
A  General Walker, maybe, of the D.C. Guard. And then
it goes up from him to the Army, and then Army flips it over to Ken Rapuano, and this analysis on exactly what we want. But the issue was define exactly -- and this is very common. So people oftentimes say: I want blank amount of troops. That's not the best way to do it. The best way to do it is here's the task and purpose we need you to accomplish, then we'll come back to you with an offer of how many troops it takes to do that course of action. And then you work it out, right?

So that's what was going on. There's this back-and-forth between the Army and the Mayor on exactly scoping the mission, making sure we understood the task and purpose. But in addition to that comes rules of engagement and authorities, and that's really important.

So that's one of the big lessons over the summer, is making sure that the Department -- and only the Secretary of Defense or the Secretary of the Army can do that, because that constitutes authorities -- establishes very clear, unambiguous rules of engagement, rules on the use -- actually, rules of engagement are overseas. I should say rules on the use of force.

So rules on the use of force is what's used in domestic when the military is used in domestic. So that all has to get worked out.

And then -- and I forget what the date was, but we wrote
a letter. So what we took was the Esper letter from -- so
following the events of the summer, Esper wrote a letter,
which was actually pretty good. And we all contributed
toward helping write it. And it was implementing some of the
summer lessons learned.

So Esper is no longer there. Miller is not even aware
of the Esper letter. So we're in this meeting and it's me,
McCarthy, Esper -- or Miller -- Patel is probably there, a
few others, right? And I said: Just take the Esper letter,
redo it, put a new signature block on it, and call it a day,
but get it out because we're getting close.

So we do that. We actually edited it. So it's not
exactly the same as the Esper letter, but it was edited and
updated and it went out under Secretary Miller's signature.

Q I just want to --
A I don't know what day that was, though.
Q That's January 4th. It's exhibit 17.

But at the time this comment was made by President Trump
about the expectation about the number of protesters, what
number do you remember him saying?
A It was really big. I want to say 100,000 was said.
Maybe it was 50,000. I'm not sure. It was a big number,
though.
Q And you said it struck you as odd at the time.
What was odd about that, knowing that a request from the D.C.
National Guard had been made?

A   No. What was odd -- it was -- sometimes it's hard
to describe, because it's an atmospheric of a meeting. And
what was odd was a sudden shifting of a really significant
topic involving Iran to, boom, this is going to be a big
deal, big crowds, some numbers will turn around, and you're
set, right? Just make sure it's safe. Make sure it's safe
for my people. And it's just almost -- almost casual
collection.

But it was just -- it just struck me as odd. It was out
of place at the moment. It was not within the context of the
broader meeting. And he's not -- you know, Pompeo has got
nothing to do with it. He's not looking at me. He's not
even looking at Meadows or anybody. He's looking right at
Miller.

I wouldn't read too much into it, by the way, because
I've been in a lot of meetings in the White House, but it did
strike me as odd at the moment.

Q   Did the comment of make sure it's safe indicate to
you that the President himself thought it might not be safe?

A   I don't know why he would say something like that
if he didn't think that something was up. I mean, look at,
you know, the tweet trail, right? I think one of those
tweets is pretty interesting to read in hindsight.

Q   But I want to make sure I connect the dots there.
Make sure it's safe with the caveat of protect my people, was that protect -- make it safe for the people who were showing up?

A I think, yeah, sure, the people who were, quote, "protesting." I think that's what it was meant. And I think the -- again, I don't want to get into mind reading. Well, I'll give you a comment from Robert O'Brien, for example, on one of these phone calls.

Robert O'Brien, where Norquist says, in one of these phone calls, Norquist says words to the effect like the greatest threat is going to be an assault on the Capitol, O'Brien says in one of these phone calls, the greatest threat is going to come from Antifa and Black Lives Matter assaulting the protesters.

So, you know, different, and both are potentially legitimate views. But one guy who's hanging out in the White House, he says that during one of these calls. Was that the view of the President? The President never used the words -- in front of me -- didn't use the words protect the protests, protect my people, protect the MAGA crowd, protect that against Black Lives Matter or Antifa.

But I would assert that that was pretty much what -- my guess is that is what they thought the threat was, that they thought that there were anti-protesters, I guess, or counterprotesters that were going to stir things up or
whatever, I guess. I guess that was the meaning.

But, again, I'm getting into speculation, into areas that, you know, verge on mind reading. So I'm not going to speculate what he meant. I can just say what he said.
Before we move off the topic of the meeting itself, you talked us through a little bit about the unique position of the D.C. National Guard and the chain of command. You went through that --

A Yeah.

Q -- at the beginning. On January 6th, or let's just say on January 3rd, did Secretary Miller have all the authorities he needed to authorize the D.C. National Guard?

A Totally. Well, sure. I mean, the President, yes, obviously. But the SecDef has all the -- all the authorities of the Secretary of the Army, the SecDef has. All the authorities of the Secretary of Defense, the President has. So, yes, the Secretary of Defense, acting or otherwise, has complete authority over these forces.

Q Was there any additional authority that Secretary Miller needed on January 6 from the President to deploy the D.C. National Guard?

A Not at all. No. I mean, he has -- like I said, he can -- the Secretary of Defense legally has an enormous amount of authority over the deployment and employment of military forces, whether it's domestically or internationally. Now, should they do that absent Presidential knowledge or approval? No, they shouldn't, and
not very many ever do. So I don't know if -- I have worked very closely with, I don't know, half a dozen, maybe, or more Secretaries of Defense. Secretaries of Defense are very typically very conservative on the use of force and always check with the White House, the National Security Advisor to the President or the President, to ensure that what they are doing is in line with his intent. A very common practice.

And I think that Secretary Miller, I don't know because I'm not on -- I was never on a phone call in those days, you know. The 3rd is the last time I talked to the President. Miller says, in an interview in some newspaper, he says he talked to the President subsequent to the 3rd. If he did, I don't know about it, and I don't know what was said, and I don't know when it happened, and I don't know the means, whether it was a phone call, a VTC, or in face. But he says that in a media article, and he says -- Miller, Chris Miller says that the President told him something about 10,000 troops or something like that. I don't know. I don't have firsthand knowledge, but I do know he said it in the newspaper article. I do know the President said that to Secretary Esper back over the summer, the same phrase, 10,000.

So the bottom line is, yes, Secretary Miller has the authorities. I can't imagine he would do -- any Secretary of Defense would do something with the use of military force
without checking with the President or the President's National Security Advisor.

Q I want to follow up on the 10,000 troops, the number that you mentioned. But back to the meeting, there was reporting that the President told Secretary Miller to take whatever action he needed as events unfolded.

A Uh-huh.

Q Do you remember him saying something to that effect, the President?

A I think so, yeah. Words to that effect.

Q And then there's also reporting that Mark Meadows stated, and this is February of 2021, that even -- quote, even in January, that was a given. As many as 10,000 National Guard troops were told to be on ready by the Secretary of Defense.

A Yeah. So that -- again, for the events of January -- and I've read the media accounts of what Meadows said and what Miller says. Maybe it was said to him. I don't know. I -- if it was said, it was never transmitted to me, and I didn't hear it. I did hear it, in the summer, said to Secretary Esper. So question to self, maybe to you guys, are these folks' memories -- I don't know if this is accurate or not, but are these folks' memories conflating something that occurred in the summer, which was in the media about 10,000 troops, or did it happen a second time about 10,000
troops? Not -- never once did I hear the President relative to the 6th specify the number of troops, 10,000 or any other number, for that matter. And we weren't even close to that. We said 340 or whatever it is, you know. We went around; we polled the police, and it ended up being 340. Now, in the event -- because of the event during execution, we actually did bring in, you know, whatever the number was, 8- or 10,000, but that's after the event.

Before I go on to the January 4th interagency call which I think goes into the lead Federal agency again, does anyone have any questions?

BY Q Can I just follow up quickly on the lead Federal agency thing?

A Yeah.

Q And that's -- there's been a lot of discussion of this. I take it, General Milley, that your view is that the Department of Defense, with respect to a domestic mass disturbance, should never be the lead Federal agency because that would sort of violate the concept of domestic law enforcement takes the lead when it comes to things within the United States. Is that accurate, or is there a circumstance in which --

A Well, I would, you know, never say "never," the never say "always." The President had wide latitude on the
one hand, right, but my personal and professional opinion --

Q Yeah.

A -- and advice I would render, have rendered, and

would always render -- not always, I just said I wouldn't say

"always" -- but is that the Department of Defense should not

be the lead Federal agency to respond to domestic law

enforcement type activities --

Q Yeah.

A -- in the United States. Now --

Q Why not?

A -- wildfires or hurricanes, that might be
different. But, even then, you get things like FEMA become
the -- well, the domestic lead Federal agency.

Why not? Because, I mean, it goes back to the early
days of the Republic. We do not want -- I don't think we
want the United States military on the streets of America
executing law enforcement-type operations as a matter of
routine. I think that's -- first of all, I think it's very
dangerous. I actually think it's dangerous. I think that we
are designed to do certain things, which is to fight battles
and engagements and wars, and our forces are trained to do
certain things.

Domestic law enforcement -- outside military police,
domestic law enforcement is, at best, an additional training
in the event, riot control, that sort of thing. Think of the
1960s. But, again, I go back to -- go back and look at the 1960s, when U.S. Federal troops were introduced into the riots of the 1960s, lots of people were killed.

So -- and I'm not blaming anybody. I'm just stating that as an observation of fact. When you start introducing U.S. Federal troops into domestic law enforcement, you are talking about an entirely different set of conditions, and outcomes are going to be quite different. Look at the late 1800s and the coal miner and the steel miner strikes and all those strikes that occurred, you know.

Federal troops have been used a lot. Look at the draft riots of 1863 during the Civil War. Look what happened in New York City, in the streets of New York City. Look at Kent State, those things. So very wary. And I advise on the side of extraordinary caution on the use of Federal troops on the streets of America. The National Guard. Again, I think we covered it earlier, a little bit different because they do have a level of training, and if you're going to use the military at all on the streets, it's best to use military police forces.

Q One of the things the select committee is doing is looking forward and thinking about recommendations, process changes, and this issue of who ought to be the lead Federal agency is talked a lot about. I don't know if you have thoughts prospectively about whether there ought to be a
prepositioned agency --

A  Sure.

Q  -- or --

A  No, I think there should.

Q  Who should it be?

A  If it's a natural disaster, those sorts of things, I think FEMA is the logical choice. But if it's anything to do with law enforcement --

Q  Yeah.

A  -- I would argue that it's one of two choices: It's either the Department of Justice or Homeland Security.

Q  Uh-huh.

A  I -- personally I would lean towards Justice because they've got a lot of cops, and they are -- they're an organization that, by culture and design, is law enforcement. That's what they do, and the Attorney General is the head law enforcement officer of the United States. So my bias would be towards the Department of Justice.

Q  Got it. I appreciate that. Thank you.

BY

Q  Just getting back to this, when -- from your conversations on January 3rd and January 4th, those two interagency calls, was it clear to you that DOJ --

A  And I would -- not to interrupt. I'm sorry.

Q  No problem.
A You go ahead and finish your question.
Q Was it clear to you that DOJ knew they were the lead Federal agency?
A For the 6th?
Q Correct.
A Yeah. I think so. I mean, he might post facto say no, but I think he was at the time. But I was going to say --
Q Sure.
A -- prior to Rosen, it was Barr. With Barr, there never was a question. Barr is one of those guys -- for whatever reason, he's one of those guys, large and in charge sort of thing, so he always asserted his authorities and roles and stuff like that. That was just say "hey, you're in charge," that kind of thing. Acting Attorney General Rosen was much more reluctant to assume the position of lead Federal agency, but again, he was designated that by either Meadows or O'Brien and the White House. That -- that's good enough. That's all it takes.
Q Do you know how it was communicated from the White House --
A Verbally.
Q -- to DOJ?
A I don't know if it was done in writing. It should be done in writing, by the way. It absolutely should be done
with a signature. But, like a lot of things, sometimes it's not, and I don't know of a document that established it, but I do know that it was said during a meeting, and it was heard by a lot of people on that meeting to include the Acting Attorney General.

Q Obviously, there's a number of questions about it because there is this confusion because DOJ believes they were not designated the lead Federal agency. They do believe they were the lead on coordination of the intelligence gathering at command posts as well as whatever investigations and prosecutions came out of that. What do you attribute this confusion to because it seems critical to what happened on January 6th.

A Lack of rigor and appropriate processes, going back to the previous discussion. Lack of putting things in writing. Again, there's a purpose for the process. There's a purpose to regular order. There's a purpose to typing out orders. There's a purpose to having orders and timelines and all this stuff, right. It clarifies. The written word tends to clarify.

So I attribute it to the lack of a -- I don't know that there wasn't a written order. I know I am someone that says the Department of Justice is the lead Federal agency. I know I heard it, but I didn't see a written followup. I didn't see a written followup. It doesn't mean there wasn't one.
It just means that I didn't see it.

Q And would that typically have come from the White House?

A Absolutely. Yeah. And it should have been signed by Robert O'Brien.

Q Was the White House --

A Typically orders from the White House come -- presidential orders, typically they come either signed by the President himself, right, or they'll come -- sometimes you'll see something with a signature of the chief, but -- that's the White House Chief of Staff, but that's pretty rare. But when it comes to issues of national security, the most frequent thing is a written document signed by the National Security Advisor to the President. So Jake Sullivan -- like today, you'll see stuff come out with Jake Sullivan's signature. And they're speaking, they're not issuing an order because they're not in the chain of command. They're not issuing an order on their own behalf. They're issuing an order on behalf of the President.

Q Before we get into January 4th, I just wanted to ask you about January 3rd. There was a letter published in The Washington Post from 10 prior Secretaries of Defense. Are you familiar with that letter?

A I am very familiar with that letter, yes. I read it multiple times.
Q And I probably should have started with that letter from the beginning of January 3rd, but were there talks about this letter between you and Secretary Miller that day and throughout the Pentagon's under his leadership?

A I don't remember anything, any particular discussion, but I'm sure there was. I don't remember a particular discussion, but I read it. I thought it was an important letter. It was a letter that I don't know if it's ever been-- I don't know if there's any precedent for a letter like that from all those Secretaries of Defense. And I knew many of them, you know, Gates and Panetta and obviously Mattis. Esper was on there. Actually, I don't know if Mattis was on there.

Have you got that letter, Eric?

Q I have it. He is on it.

A Is he on it?

Q Thank you, Ed.


Q How would you say it impacted, if there was any
impact of that letter, on preparations for January 6th?

A  I mean, it was -- actually, it repeats, I think, a lot of what I was saying from the summer on about, you know, your loyalty is to the Constitution. I think that's the whole gist of this thing. Right there. There's no role for the U.S. military in determining the outcome of a U.S. election. And it says: As senior Defense Department leaders have noted, quote, and that was me. That's what I wrote back to the Congresswoman in the summer, and that's what I gave a couple of remarks to. Somehow, they -- I guess they quoted it.

And then they do a shot across the bow, so they -- so it says, you know: U.S. Forces are engaged and active and operate around the world. It is imperative to transition -- so a transition of the Department of Defense to do that professionally, be carried out fully cooperatively and transparently, and Acting SecDef Miller and his subordinates, political appointees, offices, and civil servants are each bound by oath, law, and precedent to facilitate the entry into office of the incoming administration and to do so wholeheartedly, refrain from any political action to undermine the results of the election. We call upon you, et cetera, et cetera. So yeah. It was spot on, very powerful. It was good.

Q  Did you see this as an effort to steady the waters
before January 6th?

A I don't know. I don't know if that was their intent. I think their intent was a shot across the bow. That's what I think their intent was. I think their intent -- these are powerful guys that have been around, you know, for quite a while, and they understand right and wrong and power, and I think by doing that publicly and as a group, they are putting on notice -- the shot across the bow is too flippant. They're putting on notice those that are currently in positions of power, specifically the guy that took their place, and saying: Hey, here is the rules of the game. You better follow the rules of the game. Otherwise, you're going to end up with a January 6th Commission, and there will be sanctions at the end of this thing, and it won't be pretty, that kind of thing.

I -- you know, they didn't know anything about a January 6th Committee because they didn't know anything about January 6th, but they're putting -- my guess, the way I read that was warning to everybody that's in positions of authority and power: Obey the rules. Obey the rule of law. Obey the transition. Smooth landing. You know, just do your job. That's the way I took it.

Q Was there a concern about Secretary Miller specifically or simply because he had been put into place by former President Trump after the dismissal of Secretary
Esper?

A You'd have to ask the guys who wrote it. But they're all Secretaries of Defense, former Secretaries of Defense, and I think they are clearly speaking to the current -- at that time the current Secretary of Defense. It says it right in the letter, so they're speaking to him. But then it said not just him. It said all political appointees, officers, and civil servants, so they're talking to all of us from -- you know, they're talking to everybody. But yeah, they -- but they named him.

Ms. Cheney, do you have anything, or anyone else, on this?

Ms. Cheney. I don't. Thanks, [redacted].

Q On January 4th, there was an interagency call around 4 o'clock, and I think this was the last interagency call before the 6th itself. And, again, the usual DOD, DOJ, DHS are all present on this call. Was there any concern raised about the security preparations or permits? You mentioned it earlier.

A I think I might have raised it. It might be in the report somewhere. I did. And I did it also, I think -- I might have done it -- I can't remember if I did it for the 6th or if I did it for the inauguration, one or the other or maybe both. I -- again, I'm an advisor, so I think I said
something like, well, people are submitting permits. What's the proper process, and just because you have a right to protest doesn't mean you have a right to violently protest. And can you turn requests for permits down? It was a question I'm asking.

And the guys who approved these permits, Metro Police has a role, but Park Police is mostly the guys who do that. And they are supposed to vet the groups, make sure that, you know, their motives are pure and all that kind of stuff. And so I'm asking a question as opposed to saying you should do this or you should do that. But -- and I still think that's a fair question. Just because, you know, you're a group, a certain group, doesn't give you -- you have a right to protest, but you have a right to peacefully protest, not violently protest.

Q What had you seen with the permits in terms of the groups who were -- who had asked for the permits? What concerned you about it?

A It wasn't a specific group, necessarily, and we did see the list, I think. I forget how many groups there were, but there was a list of groups, and I reviewed those lists. I just looked at them, and I didn't know anything about the groups. I don't know anything about their backgrounds. It's not my job to check that out. I was just asking a general question of: Hey, you've got all these people showing up. I
know I did it for the inauguration. I'm not sure if I did
that for the 6th or not.

Q There is some reporting that the question that was
posed by you during the call is why are we granting
permits --

A Yeah. Yeah.

Q -- to groups?

A So I probably did it here as well.

Q Who responded to your open question in terms of --

A The Park Police.

Q Okay. Did you feel reassured?

A Well, they said they're vetting them and looking
at, you know, Americans' right to protest. And I said:
Well, I took an oath to defend the Constitution. It's part
of the Constitution. I just wanted people to think it
through.

Q Sure.

A I was just trying to prompt people to think it
through.

Q On the same call, is there any mention of some of
the more aggressive demonstrators who may show up, the Blue
Boys, the Proud Boys? Do you remember that being raised by
Secretary Miller on this call?

A I don't specifically remember it, but sure. I'm
sure it was -- if it's in there, I'm sure it was talked
Q This is in a Senate report where Christopher Miller was interviewed, and he said, on that January 4th call, he recognized that the tone and rhetoric of the more aggressive demonstrators had changed in the last couple months. And that, while he didn't have any indicators of an assault on the Capitol, he recognized that January 6th was a critical day in many of these conspiratorial-minded folks, and it could be pretty dramatic.

A Yeah. I think that's a fair account.

Q And did you share that concern?

A Absolutely.

Q And was that -- was there a discussion on this January 4th call about these concerns that were raised?

A Yes. I mean, that was the whole point of these calls was to go over the interagency procedures and processes and the disposition of the police forces and the National Guard or anybody else in order to make sure that there was a safe and secure environment on the 6th.

Everyone knew. I can't imagine anybody in those calls that didn't realize that on the 6th was going to be the certification of an intensely contested election, and there were large crowds coming into town, and they were coming in to protest. And everybody knew there was a probability, more than a possibility, a probability of violence.
Now, again, my understanding of what that meant was probably street fights when the sun went down. Norquist said most dangerous thing is assault on the Capitol. O'Brien says the most dangerous thing are the counter protesters going after the MAGA protesters. So people had different views of what violence meant. But the idea that there would be violence in Washington, D.C., I think was generally understood. But, going back to the FBI, the FBI, what do you think? A lot of chatter, probably going to be some violence, nothing specific, nothing actionable. [Inaudible] prevent.

Q Also on that call, Mr. Miller stated that you and he suggested locking down D.C. to avoid potential violence. Do you remember making that suggestion?

A Yeah, but it goes something like this.

Q Go ahead.

A It's a follow on to the part about, has anyone looked at these groups? Has anyone vetted these groups? You have a right to protest, but you don't have a right to violently protest. Has anyone looked at locking down all of D.C. Again, in an advisor role, right. And coming back is: Hey, Americans have a right to protest. We don't -- in fact, one of them said: We handle crowds of this size as a matter of routine. This is not a big issue. We've got it. You know, the Capitol Police actually were very emphatic about they could defend the Capitol. The Metro Police said: We've
got streets, you know. They were very -- it was the Capitol Police that responded to the October, November, December timeframe when those street fights were happening. We can take care of all that. Park Police: We've got no issues at the -- on the parks, et cetera, et cetera, but -- yeah.

So we threw it out there. I mentioned it, again, in an advisory role for people to think it through, and the folks that are in charge of the Cabinet members said, thank you very much for your interest in domestic affairs, and that's it.

Q At the end of that call, did you feel reassured and confident with the security plan going into January 6th?

A I felt confident in the sense that the police forces all said that they could handle it, right. So I think -- and I'd have to go back and ask someone else who's in the meeting. I think I went down the list of the police guys on the call and asked the question. Either I or Rapuano or maybe Miller did. Some -- someone of us went right down that list, and all the agencies are on there, and are you good, are you good, do you got what you need? Do you need anything else from Department of Defense and all that kind of stuff. We were pretty rigorous about that because I lived through the summer, the previous summer, and all the acrimony associated with it, right. And, you know, you learn from that sort of stuff.
Q And --
A I mean, I became even more rigorous. I was off the charts rigorous when it came to the inauguration.
Q At some point during that call, do you remember going through what the numbers were of the law enforcement who responded during the summer?
A The numbers of the law enforcement that responded.
Q Each agency.
A I remember calling off the numbers that I had. And I said -- I don't know if it was to Rosen or just to the group, and it might have been in the beginning. I reviewed -- in the military, we have a term called "order of battle." Order of battle is the list of the friendly forces or the enemy forces that you have. So I went through the police order of battle because I wanted to make sure that we had an appreciation of how much police force is available in the District of Columbia. And I said things like: Okay, Metro Police, you got 2,500 guys on your rolls from chief down to patrol man, and you're using how many, that kind of thing. Again, trying to be collegial as possible.

But, group by group by group, and Secret Service, FBI, the, you know, Park Police, the Federal police throughout the Federal buildings, the Bureau of Prisons, all these guys. We did the same thing for the inauguration. And it was: How many guys you got? How many guys you got? How many are you
using? How many are you deploying?

Now, I'm not going to tell them what to do, just an advisor. All I'm -- what I'm really doing is acting as a surrogate for Acting SecDef Miller so that he had a complete appreciation of the police forces that are available for security in the District. And then, obviously, the National Guard, William Walker, and then, if we needed Federal forces, but nobody asked for Federal forces.

Q And the numbers that you have at the baseline was from the summer, is that correct, that you were saying do you need --

A It was baseline from the summer, but we updated it. We kept-- I kept -- I don't have the slides and stuff with me right now, but we -- I kept a slide of how many cops are in D.C.

Q I believe that --

A And not only D.C. I did that for the all the urban -- you know, how many cops are in Kenosha, Wisconsin, city police? How many State police are in the State of Wisconsin, and how many National Guard are in Wisconsin? How many cops belong to the Seattle police? How many belong to the Washington State Police? How many National Guard are in Washington? I did that for every State in the Union, not just New York City. I wanted to make sure that I had an appreciation in my advisory role of what tools are available
to the decisionmakers, and the principle being: Use all your
law enforcement first, local, then State. And then, if
needed, the Governor uses National Guard. If needed, you
come to the Federal force.

Q I believe the number was about 8,000 --
A That's in the range, yeah.

Q -- of the available police from -- in the national
capital region. Does that --
A Yeah. I think the total number -- if you add up
everybody from Chief of Police down to patrolmen, I think you
get a number something like 12- or 13,000. Available, it was
something like 8, which is a considerable amount of cops.

Q That evening before, there was another call with
Acting Attorney General Rosen and Secretary of Defense
Miller. Do you remember that call? Well, let me just ask
the pointed question.
A Just ask me the pointed question.
Q Was there ever a direct conversation between you
and Attorney General Rosen about this designation of the lead
Federal agency from your notes?
A Well, I would say "memory" ahead of Post-it notes.
But I think the answer is yes. I'm not positive, and I
probably can't prove it, you know, with some document, but
I'm almost positive that I, with Miller in the room, and
Patel would have been in the room too, probably. And I'm
almost positive I said to Rosen: You're the lead Federal agency, you know, words to that effect, and again, trying to do that in as professional and nice a way as I can to a Cabinet official.

Q  We talked a little bit -- you mentioned that the Secretary --

A  Does it say that I said it to him or something like that? I don't know.

Q  No, not in my notes.

A  I think I did. I think I did. But, you know, if he says I didn't, then I'll give him the benefit of doubt. I don't know. But I -- I'm pretty sure I did.

Q  I don't have any information about that.

A  Okay.

Q  I just want to talk briefly about the January 4th --

A  I actually think too -- I'm sorry. I actually think he admits to that, by the way. Didn't somebody do some interview where he's in front of Congress, and he's on C-SPAN?

Q  Yeah. He didn't admit that they were the lead Federal agency.

A  He didn't.

Q  They were coordinating on certain aspects --

A  Okay.
I thought he said it.

I think there's an issue of the semantics of what it means, but this clear-cut designation they don't believe occurred.

If it went well, you were. If it went bad, you weren't.

So exhibits 17 and 18 are some of the memos that you mentioned earlier. I just want to briefly talk about them.

You mentioned that you -- Secretary Esper had had written a memo after the summer protests.

Which exhibit are you on now?

Exhibit 17. This is the January 4th memo --

Okay.

-- from Acting SecDef Chris Miller.

Yes. This is the redone version of the Esper memo.

I want to talk about some of these control measures and what was borne out of some of the lessons learned from the summer protests. Obviously, there was --

Well --

Go ahead.

I can go bullet by bullet if you want.

That's fine.

Okay. So, again, the summer was a pretty
gut-wrenching experience, and we went through a lot of
to learn lessons in an after-action review process with
Secretary Miller.

So it's clear -- like, let's take the first bullet where
it says bayonets. That became an issue over the summer.
Were bayonets issued, were they not issued? Were they in the
scabbard, not in the scabbard? Ammunition, batons, ballistic
protection, equipment.

In this particular case, the Mayor explicitly said, and
it's in her written request, not to issue that stuff. That's
why it's in this memo. That's not an Esper lift. That's
because of the Mayor's request.

But there's a general sense by the Metro Police, the
Mayor, various other police agencies that there was an
overmilitarization -- and I don't disagree with her, by the
way -- an overmilitarization of the response to the summer
unrest in D.C.

So the issue here, that first bullet, that's directly
from the Mayor. She explicitly stated that. It says: "To
interact physically with protestors except when necessary in
self-defense or defense of others, consistent with" -- that's
pretty standard, so -- and we even go beyond that. I don't
know if it says it in the memo, but we even go beyond that.

So in the inauguration, for example, we insisted that
anywhere where there's National Guard, there had to be a cop.
a Metro Police officer right next to him.

So we don't want the military, National Guard or otherwise, interacting directly with the American civilian population without a law enforcement officer there, because the level of training and skills that we have is not to the level of a cop. Okay? It might be okay, we might train to it, but it's not to that same level.

So how do you prevent that? How do you mitigate against bad things happening with a young troop out there with a weapon? Is you prohibit physical interaction. That's what that bullet's about.

We prohibited the use of any riot control agent. You remember the summer, you remember Lafayette Square, you know, the gas and all that stuff, right. No. We're not doing it. Cops, you want to do it? That's a police thing. We're not doing it.

So we're saying we are not -- not only not doing it, you're not going to have it. You're not going to have the opportunity to use it in that -- you know, in this particular circumstance.

There might be another circumstance on some other day in some other condition where it might be authorized. But at that time, on this day -- and I'm advising him on this memo, sitting there in his office with the Esper memo with McCarthy and a couple of others, to include lawyers from OSD, et
cetera, line by line going through this, lining it out, editing, and stuff like that, resulting in this memo.

Not allowed to share equipment with law enforcement. So why is that? Well, you've got Bureau of Police running around with no name tags. You've got Bureau of Police and -- not, no, Bureau of Prisons, rather. You've got other police forces that are wearing camouflage uniforms that looks a lot like a military uniform. And to an average American citizen, you know, I can't distinguish between a cop and a soldier.

Loaning local police a shield that says military police on it, and then the American people think the military is the guy wielding that baton just because there's a shield that says military police, or a helmet that says MP, things like that.

So brassards on the arm, anything at all, thanks very much, you guys got your stuff, we're going to have our stuff. And the uniform piece becomes important. That was one of the big lessons learned, is to make sure that police are easily identifiable and distinguishable from military forces.

The use of ISR. So over the summer there was a lot of confusion about ISR assets and who authorized what, the helicopters, just as an example. There was other assets. You can't spy on America, period, American citizens, without specific and very unique legal authorities. Very, very rare.

So just flat out say no. Don't even -- the planes don't
take off, the helicopters take off, no. Not going to do it.

Next one, same thing. That's the same. That's kind of a repeat of the previous one on the helicopters. Not using any helicopters. So, police, you want helicopters, you've got helicopters too. So if you really need a medevac, you've got medevac. You've got police medevac. You've got life flights and all that kind of stuff, right?

If it's beyond the capability of the police, demonstrate to us that you've used all your assets, then we'll bring in a helicopter. But we're not going to make the same mistake of flying medevac helicopters over the city of Washington, D.C., and the Capitol and have rotor wash blowing down on people and people think that, you know, it's the apocalypse showing up. We're not going to do that again. So these are lessons learned.


Seek support from any non-National Guard units. So, no, we're not going to go outside and get the 82nd Airborne Division to roll into D.C. No. It's D.C. Guard. This is your city.

If we need additional help because of the situation and the Mayor asks for it or one of these other police agencies asks for it through request, then, obviously, we're going to
respond. But we're going to respond to the request that we have. The only request we had was the Mayor, and that led to this memo, which was very strict on the use of the military. And by the way, it's as it should be, I think. I think the military should be very tightly controlled in the streets of America.

Q So on that line, just to be clear, none of these restrictions were in place before the summer protests of 2020, correct, they were borne out of the lessons learned from that?

A Absolutely. I mean, the Esper memo, I forget the date on it, but it's after the 1st. It's after Lafayette Square. The Lafayette Square stuff happens pretty quickly, in a 72-hour window. So there's a series of violent activities that occur in D.C. at the end of May. And there's a -- you know, the chief of the Metro Police actually said it was the most violent 3 days of his experience as the D.C. Metro Police chief. That leads, then, up to the 1st.

So the events leading into the Lafayette Square are compressed in time. Things are happening very fast. This is where you get the Insurrection Act arguments and discussions. And I'd have to pull the actual Esper memo, but that memo is after the events of the 1st.

Q But all of what we've discussed about these
thoughtful considerations and the high bar that the military takes before deploying troops, were these discussions had at the time of the summer protests, forgetting that there weren't these guidelines in effect?

A Yeah. Yeah. Absolutely. I mean, sure. I mean, that's why the 82nd Airborne Division was at Andrews Air Force Base and not in the District, because there were discussions like that with me and Esper and a couple of other people.

And there was significant pressure on Secretary Esper to deploy forces, you know. You see that letter, right, you know, the Johnny McEntee thing over here. That was all wrapped up.

So we did have very considerable discussions. And as you get later in the summer, it's not -- it's partially D.C., but it's not so much D.C. There's other cities, like I was rattling off some of those other cities.

This is constant discussion, this is constant back and forth with me and Secretary Esper and Ken Rapuano and Secretary McCarthy, because most of this is Army, and others, about the use of force on the streets of America. And so, yes, we had these discussions frequently.

Q And without getting into what we discussed before, but when you say there was considerable pressure on Secretary Esper, you're talking about -- are you talking about pressure
from the White House itself?

A Yes.

Q Okay. Now, the Army report talks about the lessons learned from the summer and the considerable scrutiny that DOD received. Did any of that scrutiny lead to any reluctance for DOD to respond on January 6th?

A No. No. So, again, I've got to separate preparation from response.

So the response is once, in my mind, is once the event starts happening, the insurrection, the riot, the assault on the Capitol, right, and that's happening. Call it noonish. I think, as I recall sitting there with Secretary Wormuth, it's like that noonish that former President Trump takes this -- takes the microphone in the Ellipse outside the White House.

And he's preceded by a series of speakers. And I'm in a meeting. I'm watching it. I'm watching the speakers. But I'm not listening to it because I've got the thing on mute, right?

But this was advertised ahead of time that they were going to do this. I wasn't aware at the moment of the vitriol of some of that, those speeches, those preceding speeches. Some of that stuff was pretty interesting, as I learn more about what they were saying. But at the moment, I'm just seeing guys get up behind the microphone, watching
it. I'm in the middle of meetings.

And then when the President starts speaking, I'm still in my meeting there with Secretary Wormuth -- or then Christine Wormuth, who later becomes Secretary of the Army -- and I'm watching that unfold. And there's a lot of people there, but again, it's on mute, so I'm not sure what the words are.

Then I unmuted it a couple of times, heard a few things, and I'm, you know, just -- you know, just, it was -- you know. It was clear that these were words that were inflammatory, but at that point, you know, they're not -- it's not at the Capitol. They're not -- have we got another call? Say it again.

Can I take a break for a second?

We're off the record.

[Recess.]

Q I think we're on January 6th.
A Yes. Okay.
Q You were talking about you were listening to parts of the former President's speech.
A Yes.
Q Some of the language you found inflammatory.
A Yep.
Q Were you aware of Vice President Pence around the 1
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1 o'clock time issuing a letter that he would follow the
2 Constitution and not the request of --
3 A Yes.
4 Q Did you learn about it in real time or --
5 A Yes.
6 Q And what impact did that have in terms of your own
7 threat assessment about January 6th?
8 A I just saw the letter, I think it was online or in
9 the media or wherever it was. Somebody gave it to me.
10 Somewhere I saw the statement. And I just said: Good for
11 him, follow the Constitution, or words to that impact. It
12 had no impact on any action I was taking, but --
13 Q But separate from any action, did you think that it
14 would have an impact on the rally itself, knowing that Vice
15 President Pence is --
16 A Well, I was also aware in real time of the
17 follow-on comment about -- something about -- or maybe it
18 happened before or after, I can't remember which, which is,
19 you know, if Mike Pence doesn't do something or whatever,
20 I'll be very disappointed. It was like this veiled threat
21 sort of thing.
22 I don't know, not my lane, not my job. My job is
23 staying clean with making sure that the uniformed military
24 stays out of domestic politics. But, yes, I was aware of it.
25 Q So around this time, then, it's around, you said in
the response to a question from Ms. Lofgren, between 1:30 and
1:50 you immediately were called to the Acting Attorney
General and MPD, kind of getting alerted as to what was
happening. And then at 3:04 is when Secretary of Defense
Miller --

A No, it wasn't 1:40, 1:50, I don't think. I think
it's 1430 I'm in a meeting. I was called up to the SecDef's
office. I'm in my office with Secretary Wormuth. The phone
rings. Someone from upstairs says: The Secretary wants to
see you right away, and the topic is downtown.

I looked at the TV, turned the mute off, and saw
rioting, right? You see the violence at that point, right?

So I said, okay. And I looked at Secretary Wormuth. I
said: Sorry, we're going to have to cut this off. Hopefully
you'll understand. You're welcome to stay, have a cup of
coffee, but I don't think I'm going to be back any time soon.

And so I went upstairs, and for the rest of that day all
the way till 2200, 2300 at night, I was upstairs in the
SecDef's office, in the general area up there, and now and
again I would walk back to my office and back up.

So my entire day was spent, from that moment on, all
wrapped around events of the 6th and it was reacting to the
violence.

And so at 1430, a meeting commences in the SecDef's
office. Secretary McCarthy came running down the hall, and
he was actually winded when he showed up at the Secretary of
Defense's office. With him in tow was the Chief of Staff of
the Army, General McConville.

Also summoned to this meeting was General Hokanson, the
National Guard Bureau Chief. Kash Patel was in the meeting.
A guy named Brigadier General Gambaro, who was an XO to
Secretary -- Acting Secretary Miller, was there. Ken Rapuano
was there. Norquist was there. Paul Nye, the general
counsel, was there. Miller and me.

And it's a quick, rapid fire meeting, lots of quick
questions, et cetera. The first thing out of the barrel of
the meeting was, you know, Miller to McCarthy: Give me a
quick sitrep, what's going on. McCarthy gives him a sitrep:
Here is where the police forces are, here is where the
activity is, here is the status of the Guard, et cetera, et
cetera.

Miller looks at me, Secretary Miller looks at me. He
says: General, what do you think? I said: Mr. Secretary,
right now you should authorize the immediate mobilization of
the entire D.C. Guard. In addition to that, you should get
on the phone with Attorney General Rosen and get every police
force in Washington, D.C., to immediately move to the
Capitol.

And then I looked at Hokanson and said: And, Dan, you
need to call the neighboring States -- which was Virginia,
West Virginia, Maryland, Delaware, I think that was it, I might have even said New Jersey -- and said: Get volunteers, get -- I just pulled a number out, a thousand or two thousand from each State. Get them down here as fast as we can.

And I said: Only if, you know, the Secretary approves that. I can't issue orders. And the Secretary said: Yes, do all that. And then he got on the phone with Rosen. There was a phone call with Rosen.

And then at the 1504 timeframe, if I'm -- I'm doing this from memory, but there's actual timelines that show this -- about 1504 the orders are, quote, unquote, transmitted to Secretary McCarthy, who's actually in the meeting, and then he leaves and he starts issuing orders.

Q  So from that -- and I'm sorry, I'm going to do civilian -- the 3:04 order, that's when the full mobilization of the -- I'm reading from the timeline here.

A  That's when it comes out of Miller's mouth. That's not to say a written order's out. That's different. So it comes -- Miller, the Acting Secretary of Defense, makes a decision and issues what we call VOCO, verbal order of the commanding officer, which is, you know, the Secretary of Defense. No discussion with President Trump. No discussion with Vice President Pence. No discussions with Meadows or anybody in the White House. This is all being done inside the Department of Defense now in reaction to reporting that
we're seeing.

And what we're doing is we're spinning up the force. We're spinning up the D.C. Guard and the neighboring States' Guards. Federal forces -- the only Federal forces available is the Old Guard at Fort Meyer, which they have a secondary mission for the defense of the Washington -- the District of Columbia area.

But, anyway, so this all happened pretty quickly at this point.

Q So -- and I'm not going to go through every single call, but just taking it from that 3:04 VOCO until the National Guard arrives at 5:20.

A Yes.

Q Can you just generally describe what is occurring. And the big picture question here is, as Ms. Lofgren asked you, there's scrutiny about the delay and the length of time it took for the D.C. National Guard to come. And I'm just wondering if you could just explain to us what was going on in that 2-hour, 20-minute timeframe before they were able to actually establish the perimeter.

A Well, I mean, you have to issue out orders. The Guard has to be alerted. They have to marshal. They have to assemble at the Armory. They have to be issued equipment. They have to be issued orders and instructions. They have to be told what their rules of use of force are.
There needs to be some sort of back -- well, in the military, we call these troop leading procedures. There's a set of orders and instructions that have to go, think about this, from the Secretary of Defense to the Secretary of the Army to the commander of the D.C. Guard, General Walker, to the executing units. And they were not prepositioned. They weren't already on an alert status that would, like, instantaneous.

So these guys were in their houses, phones are ringing, and it says: Time now, move to the Armory, alert, alert, alert sort of thing. They get their cars. They drive to the Armory.

Now, some of are already stationed. There's 40 or 50 of them that were already prepositioned as part of the Mayor's request as a quick reaction force, but other than that, there wasn't any kind of numbers.

Remember the size of this crowd, estimated, you know, 20,000, 25,000, something like that, clearly violent at this point. So then now you're the Secretary of the Army. So the Secretary of Defense has made his decision: Alert, marshal, mobilize, and employ the entire Guard. That's really all the Secretary of Defense has to do. Then it's up to the Secretary of the Army who's got to make sure that the rest of those procedures are happening.

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

And, again, police forces. So at the same time this is happening in parallel, police forces are assembled based on phone calls to Rosen as the lead Federal agency to marshal everybody, which they did, and they started rushing police forces. The hostage rescue team from the FBI. I think DEA had a SWAT team or something like that. There were different organizations within D.C. that moved immediately to the Capitol to start clearing the Capitol of these rioters, these insurrectionists, right?

Now, cops, a SWAT team is doing that. That's different than a 20-year-old National Guardsman, right? A SWAT team, that is what they do. That is their job. That's the day-to-day life of a rapid deployment cop of a SWAT team sort of thing. So these forces are moving while the National Guard guys are marshaling and assembling.

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

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

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

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

A  None. No.

And that's -- and so the picture I'm trying to paint is
at 1430, right?

Now, if you go back to the 31st of December and the 1st
and 2nd and 3rd and 4th, that's a different set of
conditions.

Once the events are happening and this insurrection and
riot is going on, and there's now an appreciation of the
situation based on, you know, film footage on TV, right, and
reporting, the meeting starts at 1430, it's less than 15 or
20 minutes before the Secretary of Defense is making
decisions based on recommendations of the Secretary of the
Army and me and others, which is, you know, in the world of
the Pentagon, that's pretty fast decisionmaking.

Now, beforehand, that's different. That's a
Q Well, let's talk about what could have happened beforehand that would have increased the response time.

A Well, what could have happened -- you know, the world is always full of could haves, should haves, would haves, right? So what could have happened was a better intelligence picture, a better understanding of the domestic threat environment, the groups that were coming in.

In hindsight, some of this stuff is readily -- you can see it in hindsight, some of it. You can't see all of it, but you can see some of it. And you can now uncover threads on these various social media sites. You can uncover -- I'm sure, sooner or later, you guys are going to uncover communications between someone that is organizing, planning, and synchronizing this.

Like I said it up front, in my personal opinion, for what it's worth, something of this magnitude, something of this size and scope, and as those events unfold, and looking at -- physically looking at video and what happened, I find it not credible that that happened organically and just sort of spontaneously happens. I'm not buying it.

Do I have evidence of otherwise? No. But I'm seeing it on TV, and I've seen the reports afterwards. And I think, my hypothesis is, is that -- and this is based on, you know, 40 years of military experience.
When 25, 35, or whatever the number is, when groups that large get together, and there is an event like what we saw, with people with radios, and it sure looks to me, you know, like it was coordinated.

And I think that you are likely, at some point, you're going to discover some sort of linkages and connecting of these dots.

And some of these people have experience in the intelligence world. They're familiar with how to do certain things with cutouts, with layers of cutouts, how to organize things on communication channels that are not readily accessible, and so on and so forth.

So you'll find it, sooner or later. It wasn't an accident.

Q In terms of what else could have helped that day, on the intel piece --

A Yeah.

Q -- all the chatter that's there --

A Yeah.

Q -- what would have, in your viewing at it now, again, of course, in hindsight, what would have made that actionable in the sense of why weren't -- why wasn't anyone able to connect these dots and make it not just warnings here and there --

A Yeah.
Q -- but more so a threat landscape?

A I mean, I don't know. In my opinion, again, I default back a little bit to culture.

For law enforcement organizations to have something actionable, there had to be an action, there had to be something happen, because they're looking for evidence.

So law enforcement agencies normally, typically, by culture, by training, are reluctant to intervene prior to an event because a crime hasn't been committed. So what's the purpose? What's the legal justification to intervene?

The world I live in, in the military, overseas military operations, in the world of intelligence, it's different. We take action. We've taken people's lives with evidence that would never stand up in a court of law in the United States.

So what I'm saying is you're looking at two different standards here. And I think that as we look forward, the intelligence that police forces have, I think that there's an element of indicator and warning-type methodologies that -- and, again, this is broad brush.

So there are parts of the FBI that clearly do indicators of warnings and anticipatory intelligence just like, you know, CIA does, et cetera. NCTC does this stuff for domestic terrorism and overseas terrorism as they come into the country and all that.

But as a broad comment, I think that there are lessons
to be learned in the world of intelligence and predictive intelligence based on indicators and warnings of potential domestic terrorist activities. Maybe there's a -- maybe there's some TTPs that can be developed and used by police forces. I don't know.

But I think intelligence and the inability to see the whole prior to the events of the 6th, when I think in hindsight, you can see it. You can go back. You can look through a wide variety of information. And you can say -- you can sit there and say: How did anybody miss that? It was obvious. There's all kinds of people out there saying this was obvious. This was obvious. We were seeing it the whole time.

Q Right.

A That's all hindsight stuff, looking backwards.

So I think that is one thing. I don't have a magic answer to it, but I think that there's something that should be pursued by some professionals with expertise to how you do domestic intelligence within the bounds and intent of U.S. law without violation of people's civil rights, but you still have some sort of predictive intelligence. I think that would be one area.

Another area is lead Federal agency. I think that any time you're talking about the use of the military inside the boundaries of the United States, I think it's really
important to designate up front the lead Federal agency, and
I think you should do it in writing, signed by an authority
that has the authority to issue that order. I think that
cleans up a lot of things when you have that lead Federal
agency.

Q You mentioned the NSSE.
A Yeah. That's a method that we do.
Q Would you recommend -- that's obviously in place
for State of the Unions and inaugurations. Should it be in
place for a joint certification of electoral results? Would
that be --
A I think that's something that people should
consider and think through. And, you know, it's sad to say.
I mean, what does that mean to the future of the democracy
where, you know, votes and certification of votes have to be
designated as a national security event. That speaks volumes
in and of itself.

But I think people, not me, but others in law
enforcement and other parts of the U.S. Government, should
seriously consider that sort of technique in the future for
sure.

Q On the intel piece, what impact would have a joint
intelligence bulletin had one been issued by DHS and FBI
prior to January 6th?
A It would have helped, you know. I think it would
I have established in the military what we call a common operating picture.

So you want to have a common operating picture of your friendly forces and your enemy forces. So, you know, Sun Tsu says, you know, see the enemy, see yourself, and win a thousand battles sort of thing, and see only the enemy but not yourself -- or see yourself and not the enemy -- and then you lose and all that kind of stuff, right?

So you have to have common understanding of the environment, of the -- of a common operating picture of what's happening out there, and that didn't exist. And people who are in positions of decisionmaking should have access to all-source information in order to form some sort of coherent picture so that they can take appropriate actions on the friendly side.

That's normal for military operations. It doesn't work all the time perfectly well for sure. That's a guaranteed bet there. But the doctrine is there. The procedures are there.

And I think something, exactly what you just said, a joint intelligence bulletin under law enforcement that brings together all the domestic law enforcement information and is produced as a document and then disseminated to all the appropriate agencies I think would be very, very helpful.
Q If there had been a joint intelligence bulletin but not a request from the U.S. Capitol Police, as there was not a request here by the U.S. Capitol Police -- from the Mayor there was -- would D.C. National Guard still prepare a response, a contingency plan, without a request for assistance?

A Prepare? Sure, maybe. But execute? No. And there's a difference between preparing to do things -- we prepare all the time for contingencies around the world in the military. So preparing for something and doing it are two different things.

Sure, preparations could be done, contingencies could be developed. I think General Honore talked about some of that in his investigation. I think all that's fair. But actually employing and executing and doing? Be careful, that's different. That requires appropriate authorities from civilian authority.

Q If there had been a formal request from the U.S. Capitol Police for the D.C. National Guard, would that have impacted the response time?

A Oh, absolutely. Well, I mean, it depends on what their request was. But had the D.C. Capitol Police asked for U.S. military forces, National Guard, then we would've given
it to them. It depends on what they would've asked for, but we would've given it to them. I mean, look what happened afterwards, right? Over 25,000 went into the city.

So the fact of the matter is, they didn't -- not only didn't they ask, they were prompted to ask by Ken Rapuano. Because we made sure. We went around and asked, or he did on our behalf, on the Secretary of Defense's behalf.

Q It's in the DOD timeline that at least there were two efforts made from DOD to Capitol Police to confirm they did not request the assistance of --

A Yeah. I'm sure it's at least that. And it wasn't just Capitol Police; it was every single one of those police agencies.

Q I just have a couple more top-line questions, and then I think we're done, but --

A Sure.

Q -- I wanted to go back to the day of, if you were aware of a tweet around 3:13 from the President to his supporters saying, "I'm asking for everyone at the US Capitol to remain peaceful. No violence! Remember we are the party of Law & Order."

Did you see that tweet that day?

A This is on what day? The 5th?

Q This is the 6th. No, this is during it.

A Oh, during it.
Q At 3:13.

A No. Afterwards, yeah, somebody showed me to that after the fact. At that point, that's -- you know, it was a little too late.

Q I know you --

A But I didn't see it, though, at the time.

Q I know you stated earlier that you did not speak to the President at all that day. Was there any desire for you to speak to the President in the sense of asking him to put out a statement to quell the violence that was going on?

A No. Not necessary, by me.

I was dealing at that point with a crisis situation. The Secretary of Defense was making the decisions, based on recommendations I was giving him, very quickly.

I had conversations with the Vice President, three of them; Meadows, a couple of them; O'Brien; Speaker Pelosi; Leader McCarthy; Senator Schumer; Steny Hoyer. I was called by, I don't know, a dozen or more Members. But those calls were leadership calls. And there were multiples of those; it wasn't just one. So we're dealing with that all day long.

And, you know, I didn't -- I was not in the mood, sort of thing. I wanted to just deal with that.

I knew at that point that the people to deal with at that point is Miller, Vice President, Meadows if necessary I guess. But there were no orders that anyone needed to give
us. We knew what needed to be done and get down there as fast as humanly possible to get the situation under control.

Q Did the President's silence with the leadership frustrate you in any way or surprise you?

A I noted it.

Q And when you say you noted it, what do you mean?

A You know, you're the Commander in Chief. You've got an assault going on on the Capitol of the United States of America, and there's nothing? No call? Nothing? Zero?

And it's not my place to, you know, pass judgment or -- I'm the, you know -- but no attempt to call the Secretary of Defense? No attempt to call the Vice President of the United States of America, who's down on the scene?

To my knowledge, it wasn't -- I just noted it. I was just driving on. Just get the people down to the Capitol. Get the Capitol clear. Get the adjacent States' Guards stood up. This is all crisis management at this point.

Q To what extent do you hold President Trump responsible for the attack on the Capitol?

A I think that's the responsibility of the American people and their designated representatives. I have my personal opinions, and it's probably best kept to myself as a military officer, you know? But you can imagine what it might be, right?

So -- but that's not my place. It's not the job -- and
you don't want the job -- of the military, holding political leaders accountable. That is not the military's job. The military must remain apolitical. And my opinions on things like that should remain with me, and I should not state them publicly, because that's getting the military back into an area that we shouldn't be in.

It is the job of the American people, it's the job of the American Congress, it's the job of the judiciary to hold political leadership, to include Presidents, accountable. It is not the job of the military, and we don't want me to opine on that.

Q Understood.

Just a couple more questions on just the authorities again.

On January 6th, could President Trump have taken any action that would've increased the response time of the D.C. National Guard? In other words, was there anything he could've done to have gotten them there faster?

A Any order he could've given or something like that? Is that what you mean?

Q Sure. Or any phone call made?

A No. No. Again, 1430. Miller makes a decision, transmits to the "Governor," McCarthy. McCarthy is transmitting to the executing units, Walker and those guys. And they moved as fast as humanly possible under the
conditions that were being obtained at the moment.

There wasn't anything that I think President Trump could've done to speed that process up. You know, he could've called and been all excited and yelled and screamed and said, "Go faster, go faster, go faster." But that's about as fast as that system is going to move, given that they weren't prepositioned.

If they were prepositioned, then things would've been much faster, for sure, no question about it. But the fact that, for the vast majority, except for the guys who were doing the traffic control points and except for that little 40-man reaction force, the rest of the D.C. Guard is going from a cold start, and there wasn't anything President Trump or anyone else was going to do to speed that process up once things got going.

At 1430, from 1430 on, the National Guard moved as fast as humanly possible, in my opinion.

Q On the flip side of that question, on January 6th, were you ever concerned that the President might delay or prevent the D.C. National Guard from responding to the Capitol?

A I suppose he could have. It didn't even cross my mind. It wasn't -- I wasn't even --

Q I just want to ask about one phone call I know you were not on, that 2:30 phone call that was in the press with
General Piatt and General Flynn.

A Yeah. So that's down in the Army space at the Pentagon --

Q Correct.

A -- but I'm aware of it, though, obviously.

Q Did that conversation in any way impact the response time, or response at all, through the D.C. National Guard?

A I don't think so, but there's others who do think so. You know, Will Walker, for example, he gave testimony to that effect --

Q Uh-huh.

A -- to the effect that he thought that that kind of slowed things down.

I don't think so, though, because, first of all, Piatt and Miller -- not Miller, but Flynn and the others that were on that call, they don't have the authorities. They can't make decisions either. It takes the Secretary of the Army; it takes the Secretary of Defense. So they have no authorities to issue orders to do anything, just like I don't, right?

So that call, as a standalone entity, it's been very controversial, but I don't think that that call had any impact one way or the other, to tell you the truth.

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

Q  Right.

A  -- in McCarthy's name.

So neither Flynn nor Piatt could've issued orders anyway. And if they did -- I mean, I suppose the words could've crossed their mouths, but it would've been illegal. They're not allowed to do that.

Q  On that call, the Army initially denied that General Flynn participated. And, as you know, there was --

A  Right.

Q  -- press about that. Were you aware of the reasons why the Army initially denied? Or what do you attribute that to?

A  No. And I've talked to McConville and McCarthy and those guys. I don't actually know. I think part of it is just stupidity. As I understand it, he wasn't in that conversation for very long; he was in it and he leaves or something like that.

Q  Uh-huh.

A  I'm not sure of all the details of that conversation.
But it was an ignorant thing, for the Army to publicly release something like that. It happened. It was false. And as soon as it became known that it was false, I think they made the corrective action and corrected it.

Q You mentioned General Walker's testimony --
A Yeah.

Q -- to the Senate. And, according to General Walker, a different view of some of the authorities that he had that day.
A Yeah.

Q He essentially said that he had Guardsmen that were ready to move to the Capitol.
A He did. He said that in testimony.

Q What is your reaction to his view that that number of people -- he said 155 people could've arrived to the Capitol in minutes.
A He said that, yeah.

Q Do you -- was that your best military advice?
A Well, I mean, first of all, as I recall, he said words to that effect in testimony. I don't know that that was true.

I'm not saying that he intentionally told an untruth. So that's different. I'm not saying that. I think people sometimes overestimate out of pride, out of -- because of their job. He's very proud of the Guard.
And, again, I'm speculating a bit. I've known Will Walker for a long time. I've got a lot of respect for him. He's now Sergeant at Arms and all that.

I suspect -- and I haven't talked to him about this, but I suspect he felt that maybe the National Guard was being blamed, so he was going into a bit of a defensive stance while in testimony, and he was -- you know, in his memory, he's thinking, well, we could've, you know, moved faster and done all these things.

I personally think that that is an overestimation of the speed at which he could've done that, number one. Number two, if he had 150 guys ready to go just like that, I certainly -- that wasn't part of the planning. It was 40 or something like that.

And even if he had 150 -- let's just say they did -- where were they going to go? What were they going to do? What was their mission? What was their task and purpose? What was their rules on the use of force? And who approves it? Because Will Walker doesn't have the authority to deploy the U.S. military into a domestic law enforcement situation without the authority of the Secretary of the Army or the Secretary of Defense.

So -- and I love Will Walker. He's great. But, you know -- so I think that, yeah, I heard his testimony. I just don't necessarily agree with that point of view. I think
that -- and I may be wrong. He might be right. I might be wrong, I don't know. But that's my view.

I think that the Guard acted as rapidly as they actually could, given that you want to ensure that you're not just rushing 18-, 19-, 20-, 21-year-olds, led by 25-year-olds, with weapons, into a melee that you don't fully understand what's going on. That's nothing but a recipe for even a further disaster.

In fact, even in hindsight, I am really glad the cops showed up first. I'm glad that the FBI or the DEA or whoever it was, I'm glad they were the ones that showed up first and cleared the Capitol. Because they're the pros, they know how to do it. They're cops.

Q Yeah.

I think that covers everything.

BY

Q Yeah. I want to give Ms. Cheney and Mrs. Luria a chance to ask questions, but I just have a couple very brief, I promise, tactical questions, General Milley.

A Sure.

Q If you, in advance of the 6th, had really accurate intelligence, 45,000 people, some of whom, in an organized way, were going to intentionally breach the Capitol, what kind of tactical plan would, in hindsight, have been better or would you have recommended?
A  Well, if you had that -- you know, hindsight is always 20/20. If you had that level of intel -- and we did, actually. So it's not a hypothetical, I suppose. We had it for the inauguration. We had similar chatter, similar vitriol going on. And, now, post-the-6th-of-January, everybody's antennas are all up, right?

Q  Yeah.

A  So we did put in place a really rigorous set of rings, protection, in and around the Capitol in order to prevent an assault on the inauguration, which was being threatened, by the way.

And, as it turned out, in part, at least my theory of the case is -- you can't prove a negative, but -- in part, the various groups that were thinking about assaulting the inauguration chose not to because of the level of security forces that went in and various things on social media, et cetera, where the word went out to the various groups and said, "Stand down, don't go, this is a false flag operation, don't go, there's too much force there, they've turned it into an armed camp," and all this other kind of stuff. So that level of defensive protection around the Capitol for the inauguration, that actually deterred something.

But if I had to do it -- you know, if I had perfect knowledge after the fact -- and, again, I'm military, not a cop, but I would strongly encourage the police. if you know
of a particular group that's coming into the capital city, or
anywhere else for that matter, that's intent on doing
violence and harm or intent on assaulting the Capitol, you
should disrupt, delay, arrest, interdict --

Q Yeah.

A -- those sorts of things, in accordance with

U.S. law.

And, clearly, additional defensive preparations, if you
had that level of intelligence, could've been made. Perhaps
not to the level of the inauguration, but there could've been
further things done.

Q Yeah.

So the military can't act or deploy troops or
 operationalize without a request, but it can prepare,
correct? The Army or the National Guard, for example, could
have had 6,000 Guardsmen in Arlington or at the Armory
 waiting for a call without -- correct me if I'm wrong.

A You could have planned --

Q Yeah.

A -- but you couldn't have positioned.

Q Oh, I see. They couldn't have positioned --

A Couldn't move them.

Q -- anywhere? Or --

A Couldn't move them.

Q That's my question. So they couldn't have moved to
the Capitol to engage, but they could've been geared up and
standing by, some quantum of force, if there had been more
intelligence in advance --

A  Well --

Q  -- that there might be --

A  -- let's just say Virginia. You couldn't have done
that without the Governor, the Governor of Virginia.

Q  Yeah.

A  He would have to say to do that. Otherwise, you'd
have to federalize them, right?

Q  Uh-huh.

A  You couldn't have had Maryland or Delaware, you
know -- so no.

I mean, you could've planned. You could've had paper
plans, you could have orders, you could've had intel, you
could've done all that level of planning. But you couldn't
actually bring guys into armories, issue out orders, issue
equipment, basically bring them on duty, because that's
money. These guys have to get paid. And they come in for
the weekend or whatever, so if you're bringing them on duty,
you're paying them. Who's paying? Is the State paying, or
is the Federal Government paying?

So those levels of preparation, the actual
preparation -- so planning? Yes, you can plan. You can plan
to your heart's content all day long. But preparing the
force, issuing the orders, rehearsing, assembling them, marshaling them, issuing them their equipment, that can't be done without the authority of the properly duly designated civilian authorities.

Q Yeah.

A And they have to have orders to do that.

Q Right. All of which makes coordination, information-sharing --

A Yeah.

Q -- crucial.

You said something about the inauguration, that the inauguration is a contrast to January 6th.

In one of the books, you're quoted as saying, "Here's the deal, guys. These guys are Nazis. They're Boogaloo Boys. They're Proud Boys. They are the same people we fought in World War II. Everyone in this room, whether you're a cop, whether you're a soldier, we're going to stop these guys to make sure we have a peaceful transfer of power. We're going to put a ring around the city, and the Nazis aren't getting in."

I assume, if that's accurate, that that was taken from that recording and the training exercise that you talked about before?

A Yeah, that's exactly right. There was a rehearsal at Conmy Hall at Fort Myer, Virginia, 300 or 400 people in
attendance.

Q Yeah.

A At the front row of tables like this, I'm sitting here. Acting Secretary of Defense Miller is sitting there, Kash Patel is sitting there. The incoming administration people are all sitting in rows back there. Around the table, over there is the Director of the FBI --

Q Yeah.

A -- there is the chief of police, the Metro Police, Capitol Police, et cetera. All the security -- over here is the Guard, the National Guard, Secretary of the Army. All the key players for security of the military district of Washington are there. Representatives of the Mayor's office are there. Representatives from the Hill, from Speaker Pelosi, Leader McCarthy's office -- I don't know if McCarthy had a person there -- but Schumer's people had some people there.

This was, I don't know, 300, 400 -- you guys were there -- 300 or 400 people were there. It was all being videotaped. It's a national security special event. The lead Federal agency is the Secret Service. And, I mean, it was very rigorous. It was a couple days. We did this twice, actually.

Q Yeah. And --

A So, yes. I said those words or words to those
effect. I believed them then, and I believe them now.

Q Yeah. Your reference to World War II, is that, going back to what you said before, it's like the Reichstag moment, the brownshirts?

A Yeah, my personal opinion is that there are radical elements domestically. Not my job to deal with them. It's the job of law enforcement, et cetera. But there are radical elements on both sides of the political spectrum. And the groups that were particularly threatening I think came from a certain segment of the political spectrum.

Q Uh-huh.

A And they manifested themselves in certain organized groups like the Proud Boys, the Oath Keepers, the Three Percenters. And there's a wide variety of other groups that were represented. And they have extreme views that don't align with the values of this country.

And, in my view, they were part of a deliberate attempt to overthrow the Constitution of the United States on the 6th, in that they were planning to have a deliberate attempt to interdict and disrupt the inauguration of a duly elected President. And it's our job to defend the Constitution against all enemies, foreign and domestic.

And we are just part of a whole. And I just wanted to make sure, when I mentioned those words -- that was at the tail end: I mentioned those words after a couple long days of
practice and rehearsal -- that everyone got focused as to what our task was, which is to protect the inauguration and make sure that we had a peaceful transfer of power. And we did.

That's a good place for me to stop. Let me turn it over to Ms. Cheney and Mrs. Luria.

Ms. Cheney. Thanks very much.

And, again, thank you, General Milley.

I wanted to just go back to one thing you were talking about a few minutes ago. And we certainly don't want you to step over into political judgments. But, if you look at the events of the day, the events of the 6th, they can be divided up into two broad questions.

One question is this question about what sparked the violence, whether the President incited violence. And I think you could say that, generally speaking, that's a fact-finding set of issues that the committee is engaged in.

There's a separate question, though, and that is what the President's duty was once the violence was underway. And I think when [b] asked you, or maybe [b] asked you, whether the President had taken action while the attack was underway, you said, "Well, that wouldn't have been necessary." And I just wanted to give you a chance to clarify that.

Clearly, you all did your duty, and you all responded,
and you all did, as we've been investigating and discussing over the course of the day, what was needed to defend the Capitol, ultimately. But I want to make sure that I'm clear, that we're clear, the record's clear that, when you say it wasn't necessary for the President to act, that's not a judgment on whether or not he had the duty to act.

And so that's my first question to you, is, as you look at: Ultimately, the President is Commander in Chief. A violent assault is underway on the Capitol, as you said, to stop the counting of votes, interfere with democratic process. Do you believe the President had a duty -- any President has a duty to defend the Constitution, to defend our democratic process?

General Milley. Yeah, absolutely have a duty.

And when I said "necessary," I mean there is no order or action that he could have done at that moment to speed up the response of the National Guard and the Department of Defense. Those wheels were already in motion, and neither him nor anyone else was going to speed that up. Those wheels were in motion. They were operating at that point at a speed that was governed by our processes and our procedures and things I've already mentioned.

So, when I said it wasn't necessary, absolutely not, because there's nothing he could've done, materially, to change the outcome of the deployment of the National Guard.
Having said that --

Ms. Cheney. Right.

General Milley. -- when you're saying duty to protect and defend the Constitution, he takes the same oath I do, and so does half the people in this room. We all do. So everyone, from Commander in Chief on down --

Ms. Cheney. Ultimately -- but, ultimately, he's the Commander in Chief.

General Milley. That's right.

Ms. Cheney. He's supremely responsible.

General Milley. Yeah, that's right. And, as the Commander in Chief, there are actions that perhaps, in hindsight for sure, that he could've and should've taken, not necessarily to speed us up, but things to stop what was happening from people that were followers of his -- or proposed followers -- or professed followers of his.

I don't know if that would've done any good either, but he eventually did that, didn't he? Didn't he send out a tweet or something like that or --

Ms. Cheney. Yeah, and it made a difference.

General Milley. -- or some kind of video?

Ms. Cheney. He told people to go home.

General Milley. Yeah.

Ms. Cheney. So, again, I think, going back to this question about, you know, ultimately, when you're faced with
a Capitol under assault, as that day was unfolding, you know, you said that -- you talk about the extent to which, you know, you were doing your job. You were making sure that you were getting the Guard there as quickly as could happen.

When you look back now, though, and you think about, where was the President, why was nobody talking to him, is it an unusual thing that it didn't even seem to be surprising that he was apparently not, you know, involved in these conversations, not involved in the discussion about how to defend the Capitol, that kind of thing?

What did you think about that at the time? What did you think about it since?

General Milley. I thought at the time and I think about it since: It's highly unusual. And I grew up in an organization where commanders are responsible and take charge and they see situations unfolding and they issue orders and take charge.

I thought it unusual at the time that -- and I think I said it earlier -- that the President didn't reach out to Secretary Miller or Vice President Pence. I thought that was unusual at the time. There wasn't anything I could do about it. I'm just, you know, driving on. But, yeah, it was absolutely unusual.

And --

Ms. Cheney. And then --
General Milley. -- what was he doing? I don't know, but I can tell you who was with him.

Ms. Cheney. And who was with him?

General Milley. From my knowledge -- and I already said this once on the record, but just to level bubbles -- physically with him, Keith Kellogg, Mark Meadows. I think, although I'm not sure, I think Pat Cipollone was over in the White House and perhaps some other lawyers. I believe -- I'm not positive, but I believe Stephen Miller was there.

I think, in addition to that, you've got his son, I believe is there, Don Jr. And his spouse, Kimberly Guilfoyle, I believe is there. I think that Ivanka, his daughter, is there. And I think Robert O'Brien is in the White House but not necessarily in the Oval and not necessarily right in the President's orbit.

And I base all of that on conversations with -- that I had. So, first, I'm having firsthand conversations with Keith Kellogg, and he laid out who was there to me. And, now, I'm not eyewitness. Kellogg would be the eyewitness, but I think that's -- and there's probably others. But, to my knowledge, that's who was with him.

Ms. Cheney. And then just one final question. I know you said that the last time you talked to the President was on the 3rd. Did you talk to him after the 6th?

General Milley. Nope. The last time in my life I
personally talked or saw, had any communication, you know, point-to-point with the President was on the 3rd.

Since then, he has mentioned me in rallies, at speeches. And his communications director, Liz Harrington, has put out four statements on me. So there's been a lot of that kind of communication, but none from me to him or him to me since the 3rd.

Ms. Cheney. Okay. Thanks very much, General.

Thanks, [Redacted]

Mr. [Redacted] Mrs. Luria, do you have anything?

Mrs. Luria. Well, thank you.

And thank you, General Milley, for providing such lengthy and detailed testimony. And I just kind of wanted to follow up a little bit on some of the things that Liz was just talking about.

You mentioned a couple times during testimony today that you did speak to Vice President Pence on January 6th. And, at one point, you referenced his request to make sure that the National Guard responded. But can you tell us anything else about those conversations that you had with the Vice President on the 6th?

General Milley. Yeah. There was -- I'm pretty sure there were three. It might only be two, but we can clarify that from a factual standpoint. But, in both conversations, I would describe -- I would characterize his comments as very
direct, forthright, businesslike, serious, forceful, coherent, unambiguous.

What did he say? You know, I might get a little bit of the quotes wrong here, but he said things like -- this is a conversation with Secretary Miller, Acting Secretary Miller. I'm on the phone. Kash Patel's in the room. There's some others. I'm not sure who's on his side. You can hear a lot of noise in the background, so there's obviously a lot of activity going on. And he said, "Get the National Guard down here. Get them down here now, and clear the Capitol." You know, and this is the Vice President of the United States. And there was other forceful language. I forget the exact quotes, but it was all along that gist.

That call occurs, what, at 1600? What does the timeline say?

Yeah, there's two. 1608, that's the first one. That's the one I'm describing.

So he's very forceful. But, again, decisions have already been made at that 1430 to 1504 timeframe. So decisions have already been made before that phone call. But he was adamant, and he was very forceful about it.

Secretary Miller responds saying, you know, we've already made decisions, they're on the way, help's on the way, that kind of thing.

And this conversation doesn't last long. It's minutes.
But it's very forceful.

And then there's a second call at 1915, or 7:15 in the evening, and same sort of gist. But, at that point, things are -- wheels are in motion, the Capitol is being cleared. As I recall, at 2000, 8 o'clock at night, the Capitol is declared clear by the Capitol Police.

I think that at the 1915, 1930-ish, there was a lot of progress being made. And I think the Vice President -- that conversation is also very forceful, but he also expressed thanks to various people about, you know, helping out and supporting.

And there were more people on that call. That one, I think, has got Senate and House leadership on there perhaps. I know there were some other leaders on there. And I think there's some members of other agencies, not just Department of Defense. I think -- I'm not positive, but I think White House, Meadows, might've been on that call. That's a bigger call, that second one.

Over.

Mrs. Luria. And during that first call, recognizing that was just more direct, between him and the Acting Secretary, and you were also listening because you were in the same room, did he express any concern about his safety? Did he discuss anything about his whereabouts? I know his family had been with him that day. Was there any discussion
about any actions or movements that he should take or any
discussion of that at all, of his personal safety and his
whereabouts?

General Milley. There was a little bit. Not so much
from him. He wasn't saying, "I'm in jeopardy," or any of
that. He was stoic and direct, right? But I think -- I'm
pretty sure Secretary Miller said, "Sir, are you safe, are
you in a safe area," that kind of thing, and he said, "Yes,
I'm safe, I'm fine." And, remember, he's got a Secret
Service detail wrapped around him.

In effect, as I learned more about what ended up
happening, the rioters, or the insurrectionists, are
extraordinarily lucky that there was a Capitol Policeman that
led them in a different direction than the Vice President.
Because I know full well the Secret Service guys were ready
to protect the Vice President, and that would've been quite
bloody, I suspect.

So he had adequate protection around him. He was not in
any sort of -- there wasn't any panic, or there wasn't any
concern -- he didn't express any concern about his own
safety. We did recognize his family was with him. There was
a lot of noise in the background.

The other Members on the call, by the way, at that
point, a good number of them were already moved
There were different people at different places.

But the Vice President himself did not express concern of his own safety, but he was asked about that, and he confirmed that he was okay.

Mrs. Luria. Thank you.

And you also said that, after January 3rd, you never spoke to or saw the President again. But I would assume -- you know, there were still 2 weeks remaining in the administration after that -- that on a regular basis within a 2-week period, how many times would you normally say you would've spoken to the President?

And, secondly, you know, he's still the President for 2 weeks, and there are a lot of, you know, military operations and things that you were concerned with and monitoring and, I suppose, wanted to discuss with him. Was there any impact, the fact that for the final 2 weeks of the administration you didn't have any direct communications with him?

General Milley. I had no direct communications with him during that period of time. Impact? Well, nothing happened, so I guess the answer would be there was no impact. Nothing bad happened overseas or any of that kind of stuff, nothing requiring a Presidential decision. Could there have been? Sure. But there wasn't.
So I dealt at that point with the Secretary of Defense -- Acting Secretary of Defense Miller and White House Chief of Staff Meadows and stayed in routine communication with Gina Haspel and Secretary of State Pompeo. And, again, stay steady, get to the 20th, peaceful transfer of power, and then let others figure all this stuff out in the aftermath.

So that was kind of my attitude: Eye on the ball, eye on the horizon, stay steady, be an immovable object in the midst of chaos, sort of thing. And I'm not trying to be overly dramatic here, but that was sort of my attitude at that point.

Mrs. Luria. Okay.

And my final question -- because you've mentioned that, you know, a few times, that when you had those conversations, that was your message of, you know, stay steady, get to this final point in the peaceful transition of power.

And, you know, we have sought to speak to Mr. Meadows. He has not agreed to address our committee yet. But can you sort of restate again, like, where you thought he was in agreeing with you? And, sort of, was he also trying to reach that same goal? Did he share the same sentiment? Did you have any conversations directly about, you know -- you had an underlying concern in order for that to be your mantra, so did you discuss that at all with him?

General Milley. Absolutely. Yeah. Sure. I don't know
how many times, but a lot, saying those words to him and
Pompeo and O'Brien and Gina and the whole bunch. I mean,
yeah, so I was repeating that. Those were constant themes.

And I would say that, with Meadows, he wasn't, you
know -- he didn't say anything to me about, hey, we're going
to stay in power, and, no matter what happens, we're going to
stay past the 20th, or any of that kind of stuff. He didn't
mention any of those words to me. And I think he kind of
knew where I was, and we were going to have a peaceful
transition of power. This thing's over. The Vice President
certified -- you know, did whatever he did, and the
legislature certified the election.

In fact, we put out a --- we put out a memo on the 12th,
signed by all the members of the Joint Chiefs of Staff. It
was a memo to the force, because there were military folks,
retired, and, actually, I think there were some that, maybe
one or two, that were Active, and there were some Reservists,
et cetera. But there were military folks involved, in one
way or another, with the events of the 6th. And we wanted to
speak with one voice.

So I got the chiefs together -- I personally wrote that
memo, got the chiefs together in my office, and I said:
Well, we can do this one of a couple different ways. But I'm
going to put a memo out to the force. And I can sign it
myself as the Chairman. I can sign it on behalf of the entire
Joint Chiefs, or we can all sign it together. And every single one of them within less than a nanosecond said, no, we're all signing it together.

So we all lined up. The guys finished the typing of it, put the signature blocks on there. We signed it. They read it. Everybody proofed it. There was one minor correction, and so we made the correction; it was to a guy's name. We didn't have his, like, third or fourth or whatever he was behind his name, so we made that change. One change, signed it, and published it right then.

And that was a message to the force that the United States military stays out of politics. It was also a message more broadly, overseas, domestically, to the American people, to whomever read it, right? And we wanted it to be public. And we were determined that there was going to be a peaceful transfer of power of a legitimate election that was certified by the United States Congress.

Mrs. Luria. Yes. Thank you. And I'm familiar with that letter.

You said that Mr. Meadows never made a comment to you indicating anything about, you know, staying past the 20th, but are you aware from any conversations you had with other individuals that he made statements such as that to anyone who you've spoken to?

General Milley. No. I'm not aware of statements, you
know, but -- no. I think you guys will kind of sort that out, one way or another. But, no, there's no statements made to me by anyone that Meadows conspired with or tried to set conditions in order to stay past the 20th. That's to me, personal knowledge. No, that didn't happen.

Mrs. Luria. Okay.

Well, thank you again, General Milley.

General Milley. Thanks, Congresswoman.

Ms. Cheney. Hey, can I just ask one more question?

Yeah, of course.

Ms. Cheney. Thanks.

So, General Milley, on the 6th, there began to be these reports in the press that portrayed Vice President Pence as really being in charge and sort of ordering, you know, the Guard in ways that weren't necessarily consistent with what you described happened.

And was there a moment when the chief of staff, when Mark Meadows expressed concern about this, expressed concern about reports that Pence was in charge, and wanted to ensure that people had an idea that President Trump was more engaged than he actually was?

General Milley. Yes, there was.

When's the call with Meadows? Is the call with Meadows after -- is it before or after the second Vice President call?
I can't remember the exact time. There was a call. I can't remember the exact time, though.

So this was Meadows. On my end is me, Miller, Patel, not sure who else. And I don't know who was on his end. He said -- this is from memory. He said: We have to kill the narrative that the Vice President is making all the decisions. We need to establish the narrative, you know, that the President is still in charge and that things are steady or stable, or words to that effect.

I immediately interpreted that as politics, politics, politics. Red flag for me, personally. No action. But I remember it distinctly. And I don't do political narratives.

Ms. Cheney. All right.

Thank you very much. Appreciate it. Thanks again for all the hours today and for everything, for your service and your commitment to walking through all this with the committee. We appreciate it.

I yield back.

General Milley. And thank you, Congresswoman. Thanks for your leadership too, by the way.

Yeah, Mrs. Luria, go ahead. If you have something else, fine.

Mrs. Luria. Okay. I'm sorry, but there's a further question from me, because, General Milley, you just said that that, obviously, at this point in time, seemed like it was a
political thing -- i.e., give the appearance that the
President instead of the Vice President is making decisions.

But if, in a very conceivable, different context, you
know, the President, for example, was incapacitated or not in
a sane state of mind -- I'm not suggesting that that's the
case. We've already gone over your assessment about it. And
you're not a doctor, but -- you know what I mean. As the
Chairman of Joint Chiefs, in another scenario, you know, it
could be a very different concern than a political one.

But did you have any indication whatsoever that there
was anything of that nature? Or it was just alarm bells to
you that this was all sort of a political,
create-an-impression-type situation and not a realistic
situation that would indicate some inability of the President
to be in charge or make those decisions?

General Milley. Well, I said before that Meadows,
Kellogg, O'Brien, Miller, on different occasions they used
words like "he's in a dark" -- "the President's in a dark
place" and "the President's not doing real well," all that
kind of stuff. Those are characterizations by them, not of
me. Do those -- I mean, they said things like that.

Was I concerned? I don't know. No -- in a way, no,
because there was the Secretary of Defense, there's a Vice
President, we're communicating back and forth. There is
communications with Meadows. And I, we, the uniformed
military, we had our eye on the ball. We were watching. If something really weird happened, you know, overseas or something like that, then we would've figured it out.

But, no, I wouldn't say that I was overly concerned. It was a comment that registered. I'll never forget it. But it's not a comment from me to action. You know, I'm not going to go type up narratives on, you know, the President, Vice President, this, that, and the other thing. Not my lane.
[8:30 p.m.]

Mrs. Luria, Ms. Cheney, anything else?

If not, then, General Milley, I'll just give you the last word.

Is there anything that we haven't asked you that you think we should know or anything else important that you want to ensure the select committee focuses on or learns of?

General Milley. Well, first of all, thank you for what you're doing. Right? I think it's -- I personally think, not only as a general but an American citizen, what you're doing is important work. And I want you to -- I think it's really important that we as a country get to the truth. I think truth matters here. And that's not going to be easy, and it's difficult, and it's controversial. And, you know, but I think it's important. And I thank you for what you're doing and all of you are doing.

And I commit to you that, if you have follow-on questions, like I said, we have, I don't know, 6 or 10 linear feet worth of, like, documents and stuff like that, you know, typical Pentagon stuff. So we've got tons of stuff. Most of it is not germane to, I think, what you're looking for, but who knows. Maybe it is. I don't know. We'll give you anything and everything that we have. We have means and mechanisms of transmitting classified materials. That's not a problem. We can do that, too.
I think like, for example, one thing that might be of interest in the classified world would be some of the intelligence that indicated how other countries were looking at the United States during this period of time. That might be of interest, perhaps. I don't know.

Yes, General Milley. So, anyway, bottom line is I commit to you that -- and I'll make available anybody that's on my staff to come talk and interview. And I think that it's important. I think transparency's important. Candor's important. And I want you and I think -- I think everyone in America wants you to get to the bottom of this. And we don't want it to happen again.

This Republic is -- means something. It means something to me. I've buried a lot of soldiers, and my dad and mom fought in World War II, relatives that fought in a lot of different wars. And this country means something, and that Constitution means something. And it's bigger than us. It's bigger than any one of us, and we've got to protect it. And, if we don't protect it, then God help us down the road.

And it's, you know, it's -- I guess I'll just stop there but thanks for what you're doing.

Well, I'll join Ms. Cheney and Mrs. Luria by saying thank you, General Milley. This is extremely helpful. We've kept you here well beyond the time that we
predicted. But we can't get to the bottom of it without people like you, who were there, willing to come forward. So we very much appreciate your time and your cooperation.

General Milley. Good.

And, with that, we'll go off the record.

[Whereupon, at 8:35 p.m., the interview was concluded.]
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