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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.

1 Appearances:

2

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

5

6 [REDACTED] CHIEF INVESTIGATIVE COUNSEL

7 [REDACTED], SENIOR INVESTIGATIVE COUNSEL

8 [REDACTED], SENIOR INVESTIGATIVE COUNSEL AND OF COUNSEL TO THE
9 VICE CHAIR

10 [REDACTED] INVESTIGATIVE COUNSEL

11 [REDACTED], CHIEF ADMINISTRATIVE OFFICER

12 [REDACTED], RESEARCHER

13 [REDACTED], RESEARCHER

14 [REDACTED], CHIEF CLERK

15 [REDACTED] STAFF ASSOCIATE

16 [REDACTED] DETAILEE, TRANSPORTATION SECURITY

17 ADMINISTRATION

18 [REDACTED], DETAILEE, DEPARTMENT OF HOMELAND SECURITY

19

20

21 For the U.S. DEPARTMENT OF DEFENSE:

22

23 EDWARD RICHARDS, AGENCY COUNSEL, SENIOR ASSISTANT DEPUTY
24 GENERAL COUNSEL, OFFICE OF THE SECRETARY OF DEFENSE

25

1 For GENERAL MARK A. MILLEY:

2

3 COLONEL [REDACTED], PERSONAL COUNSEL

4 BRIGADIER GENERAL ROBERT A. BORCHERDING, LEGAL COUNSEL

5 COLONEL [REDACTED], LEGISLATIVE ASSISTANT

6 LIEUTENANT COLONEL [REDACTED] AIDE DE CAMP

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1 [REDACTED] So this is a transcribed interview of
2 General Mark A. Milley, conducted by the House Select
3 Committee to Investigate the January 6th Attack on the United
4 States Capitol pursuant to House Resolution 503.

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

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

11 [REDACTED] General Milley, my name is [REDACTED],
12 [REDACTED] and I'm the chief investigative counsel of the
13 Select Committee. Today we'll be conducting a staff-led
14 interview, and members of the Select Committee, I believe
15 some of whom are already here, may choose to ask questions.

16 Let me start with members of the Select Committee. I
17 believe Ms. Cheney, Mr. Kinzinger, and Mrs. Luria are all
18 present, not in the room but participating remotely. I don't
19 see any other members now, but as they arrive, General
20 Milley, we'll ensure your awareness of their presence. And,
21 as I said, they may likely have some questions for you as we
22 proceed.

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

25 [REDACTED] I believe that's just -- that's us.

1 General Milley. Oh, that's us?

2 ██████████ That's the room.

3 Mr. ██████████ Yeah.

4 General Milley. Okay.

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

8 General Milley. Hello, Congressmen and -women.

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

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

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

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

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

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

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

23 General Milley. A lot of lawyers.

24 ██████████ Well, we have some lawyers as well, so why
25 don't we introduce our team as well.

1 Go ahead, [REDACTED]

2 [REDACTED] Nice to meet you.

3 [REDACTED] investigative counsel.

4 [REDACTED] senior investigative counsel.

5 [REDACTED] researcher.

6 [REDACTED] So, before we begin, General Milley, I just
7 want to describe a few ground rules.

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

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

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

23 If any of our questions lead to an answer which would
24 require you to provide classified information, you should
25 stop short of providing that classified information on this

1 record, but we can arrange for a separate proceeding at which
2 that information can be provided. This is an unclassified
3 session.

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

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

8 General Milley. Sure.

9 [REDACTED] -- and we can stop. If you want to confer
10 with counsel, completely your prerogative.

11 All right?

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

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

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

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

22 I think the events of January 6th, in my personal
23 opinion, were a horrific day, a tragic day in the history of
24 America. I think it was an assault on the Constitution of
25 the United States of America. And I swore an oath to support

1 and defend that Constitution against all enemies, foreign and
2 domestic.

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

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

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

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

23 That's the process. And at no point in that process,
24 zero, not a single part of that process includes the United
25 States military.

1 So my sworn responsibility is to protect and defend the
2 Constitution, and the Constitution doesn't have the military
3 as part of the election process, and nor should it ever be.

4 So what I saw unfold on the 6th was disturbing, to say
5 the least, and I think it was an incredible event. And I
6 want to make sure that whatever information I have -- and I
7 can help you determine facts, atmospheric, opinions,
8 whatever, determine lines of inquiry. In any manner, shape,
9 or form that I or the Joint Staff can help, I want to make
10 sure that we do that, because I think the role of the
11 committee is critical to prevent this from ever happening
12 again.

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

21 And that's where I'm coming from. And I'm here
22 voluntarily. I want to speak honestly, transparently, and
23 answer whatever questions you might have. And if that's
24 helpful, great. I probably have a lot of information that's
25 not helpful for whatever you're doing, and that's okay too.

1 We also have -- and I want to make sure that you know
2 that we have and we'll provide it to you, the Joint Staff --
3 we have a boatload of documentary stuff. I think we provided
4 a bunch of emails, which is good. We have both classified
5 and unclassified stuff. And I will make sure that you get
6 whatever we have. And it's a lot. We have it in binders.

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

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

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

25 ██████████ Appreciate that.

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

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

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

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

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

21 ██████████ Yeah.

22 General Milley. When I was nominated and confirmed as a
23 four-star, as Chief of Staff of the Army 6 years ago and then
24 again as the Chairman, I signed a document, and that document
25 says that I will provide the United States Congress, the

1 Members and the committees, et cetera, any documents,
2 evidence, appear as witnesses, appear at testimony,
3 et cetera, at your command, without hesitation, without
4 question, and answer -- whether it's under oath or not, it
5 doesn't matter, every answer is a truthful answer.

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

8 [REDACTED] Yeah.

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

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

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

18 Mr. Richards. Yes.

19 General Milley. Maybe I should be, though.

20 Mr. Richards. November 15th.

21 General Milley. Can I take a look at it?

22 Mr. Richards. Absolutely. Please, sir, take a look.
23 It is from Deputy General Counsel Jonathan Su.

24 General Milley. Is it addressed to you or me?

25 Mr. Richards. It's addressed to me, sir, but it's

1 regarding your communications with the White House.

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

4 [REDACTED] Yes.

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

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

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

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

22 So there will be no assertion --

23 General Milley. What about conversations before the
24 election?

25 Mr. Richards. So we'll discuss --

1 in your current position as the Chairman of the Joint Chiefs
2 of Staff?

3 A I was sworn in on 1 October, I think, 1 October,
4 2019. It might've been the 30th of September, but the
5 Chairman's term starts on the first of every fiscal year. So
6 I can't remember if it was the 30th of September and we did a
7 ceremony and I was sworn in or if it was the 1st, but it's
8 2019. 1 October essentially is when the term starts.

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

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

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

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

22 And I've got 2 years under my belt now. My term of
23 service under the new law is 4 years. And that does two
24 things. At least, the thought of Congress was that did two
25 things. One is, it provided for continuity in the military

1 realm. And the second thing it did was, it depoliticized the
2 office of Chairman or Vice Chairman, in that, when you had
3 the 2-year rule, you could argue that to be re-upped for a
4 second 2 years was sort of a political litmus test and a
5 loyalty check to whatever the current administration is, that
6 sort of thing. So Senator McCain and others led the reform
7 to make it a 4-year rule.

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

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

12 A Correct. Yeah, that's right.

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

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

18 Q Yeah. Tell us more specifically what it is.

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

25 So you've got a series of laws. You've got Department

1 of Defense instructions. Well, you've got White House
2 executive orders. And then you've got -- or national
3 security memoranda. It depends on which President and how
4 they call them. Then you've got Department of Defense
5 instructions and so on.

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

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

21 You're considered to be a subject-matter expert, so to
22 speak, and you are the senior military advisor. And I say
23 "senior military advisor" because there are several military
24 advisers. The Joint Chiefs of Staff, each one of the Joint
25 Chiefs -- and that's the Chief of Staff of the Army, the

1 Chief of Naval Operations, the Chief of Staff of the Air
2 Force, the Commandant of the Marine Corps; now the Chief of
3 Staff of the Space Force has been added; also the Chief of
4 the National Guard Bureau. And we have -- not technically
5 and legally as part of the Joint Chiefs, but we bring in the
6 Coast Guard as well. And then there's the Chairman and the
7 Vice Chairman.

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

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

24 But it's an advisory capacity. That's the key thing.
25 The chain of command -- we are not in the chain of command.

1 And that's really fundamental. That's built into the DNA of
2 the law. And what that means is that the chain of command
3 runs from the President, Commander in Chief, to the Secretary
4 of Defense, to the combatant commanders, for the overseas
5 stuff. And then, domestically, it runs from the President
6 through the Secretary of Defense to the service
7 Secretaries -- Secretary of the Army, Navy, Air Force,
8 et cetera. And that's the actual chain of command. So
9 operational orders, you know, must do, can't do, those sorts
10 of things, that is the chain of command.

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

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

25 I cannot issue orders in my name. That's illegal. We

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

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

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

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

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

24 The last thing on that is, I would say that the Chairman
25 is the dash -- this has been passed to me by other Chairmen.

1 You're the dash between the political and the military. It's
2 my job and the job of the Joint Chiefs to translate civilian
3 intent and orders into military language so that we can
4 actually execute operations at the strategic, operational,
5 tactical level to achieve a political effect that is desired
6 by the Commander in Chief or the American people.

7 Q Yeah.

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

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

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

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

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

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

1 elected Representatives of the people.

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

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

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

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

24 Q And the Chairman is vital to ensuring that the
25 civilian leadership has all information necessary to make a

1 good decision?

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

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

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

20 Q Yeah.

21 Before you were in your current role, you were in the
22 chain of command and had lots of other jobs in the military.
23 Could you just sort of walk us backward chronologically,
24 prior to your role as the Chairman, other roles that you had
25 within the United States Army?

1 A So I was Chief of Staff of the Army from '15 to
2 '19, not in the chain of command. I'm Chief of Staff -- same
3 role but now in the Army, service chief.

4 Q Uh-huh.

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

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

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

22 Prior to FORSCOM, I was the commander of Third Corps,
23 slash -- it was deployed -- we were deployed to Afghanistan,
24 so I was the commander of the International Joint Force,
25 basically the ground force commander in Afghanistan, as a

1 three-star corps commander. And the Afghanistan commander
2 was General Dunford, and I was his ground force commander, if
3 you will. And he had a component for the air and the ground.

4 Prior to that, I commanded the Tenth Mountain Division
5 at Fort Drum, New York.

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

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

12 Before that, I was a brigade commander in the
13 10th Mountain Division. And that's from '03 to '05-ish,
14 something like that, a little bit better than 2 years. That
15 was deployments to both Afghanistan and Iraq.

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

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

23 And then I was a battalion commander of Air Assault
24 Battalion, the First Battalion, 506th Infantry, the "Band of
25 Brothers" Battalion.

1 And then, before that, I'm a major in the 10th Mountain
2 Division, I'm special forces in the 82nd Airborne, I'm
3 Seventh Division.

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

6 Q Got it.

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

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

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

23 Q Yep. Appreciate that.

24 So let's talk a little bit about something you mentioned
25 in your prior comments, the military's lack of role in

1 elections. I want to ask you about a couple of specific
2 things.

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

6 A No, I got it.

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

10 A Three?

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

14 "Later in the fall of 2020, concerns related to the role
15 of the military in the transition of government after the
16 November election prompted the Chairman of the Joint Chiefs
17 of Staff to declare publicly that 'in the event of a dispute
18 over some aspect of the elections, by law, U.S. courts and
19 the U.S. Congress are required to resolve any disputes, not
20 the U.S. military. I foresee no role for the U.S. armed
21 forces in this process.' In this vein, SecDef declined to
22 approve a request from the U.S. Park Police for a 150-member
23 D.C. National Guard response force from November 1st to 8th,
24 2020, the purpose of which was to provide support to the
25 U.S. Park Police during planned demonstrations surrounding

1 Election Day."

2 So do you remember the issue that's described in that
3 paragraph, the request of the Park Police to have National
4 Guard troops supporting the Park Police during planned
5 demonstrations surrounding election day?

6 A I don't, actually. But the quote I do.

7 Q Yeah.

8 A The quote, if I remember that quote --

9 Q Yeah.

10 A -- that's in response to Congress, I think.

11 Q Okay.

12 A I'm pretty sure that -- I can't remember, was it
13 Congresswoman Slotkin maybe? But it was after -- it was
14 sometime in the summer, probably -- so you got the events of
15 Lafayette Square, right?

16 Q Yeah.

17 A So that's 1 June. And I want to say, in July, two
18 Members of Congress sent me a letter, and they also sent a
19 letter to SecDef. And I responded, and this is part of my
20 response.

21 Q I see. The quoted language was in --

22 A The quoted language -- I believe, anyway. I'm
23 pretty sure.

24 Q Yeah.

25 A And I've used that elsewhere too, but that was the

1 first time I think it appears, is in a letter response.

2 Q Okay.

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

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

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

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

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

24 So one of those things -- and, by the way, if you
25 haven't talked to Ken Rapuano -- I don't know if you've

1 talked to him or have him on a list to talk to. He's -- I
2 won't call him -- you know, he doesn't have all answers to
3 all things at all times, but he's very, very good on the use
4 of the military domestically, and he was in the Department of
5 Defense at the time. He's integral to all these timelines,
6 these requests, the communications that go back and forth
7 between police forces.

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

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

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

25 So I learned that President Nixon, back in 1969,

1 decided -- so the Presidents are the Governor of D.C.
2 There's some arcane law that says that. So President Nixon
3 decided he didn't want to be the Governor of D.C., because of
4 the summer of '68 riots and all this other kind of stuff that
5 was going on in those days, right? So he delegates his
6 authorities to SecDef Mel Laird at the time. SecDef Mel
7 Laird at the time delegates his authorities to the Secretary
8 of the Army at the time, who I can't remember who it was.

9 It has been like that ever since. So the Secretary of
10 the Army, in this case Ryan McCarthy, the Secretary of the
11 Army is, in fact -- has the authorities of the,
12 quote/unquote, "Governor of Washington, D.C." because
13 D.C. doesn't have a Governor.

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

23 In this case, I think what we're looking at here on this
24 paragraph 3, I think, is a -- probably, my guess, is a
25 request from the Park Police that comes in to the Department

1 somehow, Cabinet to Cabinet, through Executive Secretary to
2 Executive Secretary, probably in writing. Ken Rapuano
3 probably got it. It probably went through some degree of
4 analysis, and it probably did not meet the strict criteria
5 for the employment of military force, something like that.

6 I'm guessing, though. I don't remember it exactly --

7 Q Yeah.

8 A -- but that would be the typical thing.

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

15 A Well --

16 Q -- does not want to be involved --

17 A -- again, the criteria.

18 Q Uh-huh.

19 A And this goes back to a lot of lessons learned over
20 the years but also experiences from the summer.

21 As a matter of principle, the military should be your
22 last resort. That's internationally or domestically.

23 So, internationally, for example, you should exhaust,
24 "you" being the government, right, the decision-makers, the
25 National Security Council -- and I do this fairly regularly

1 when I give advice on different things. One of the
2 fundamental principles is to exhaust all other means
3 available -- all diplomatic means, all economic means,
4 information, all the other elements of power -- before you
5 turn to the United States military.

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

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

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

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

25 If the National Guard then comes on Active Duty,

1 Title 10, if the President federalizes them, then they're
2 under the control of the Federal Government, which is
3 different. For the D.C. Guard, there is no -- the Governor
4 is the Secretary of Army. They're always in a Federal
5 status. Even though they're National Guard, they are really
6 under Federal control all the time.

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

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

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

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

25 A I think so.

1 Q -- civilian law enforcement resources should be
2 exhausted first.

3 A Yeah, that -- yeah.

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

11 Q Uh-huh.

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

15 Q Yeah.

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

23 Q Yeah.

24 A Now, the last time we did that sort of thing was
25 1992.

1 Q Los Angeles.

2 A Los Angeles. And Attorney General Barr, President
3 Trump's Attorney General, was the Attorney General for
4 then-President Bush.

5 Q Yeah.

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

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

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

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

25 Q Right. So, if you're looking at, sort of, tiered

1 options, domestic law enforcement has to be the primary
2 option. And then, if we get to military options, even within
3 that general category, there's a difference between the
4 National Guard and an Active Duty 101st, 82nd --

5 A Sure.

6 Q -- Active Duty force.

7 Is it fair to say the National Guard is generally, when
8 it comes to domestic mass demonstration events within the
9 United States, largely a more appropriate resource than the
10 82nd Airborne --

11 A Totally.

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

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

22 But, again, I go back to, let's make sure that all the
23 police forces have been employed and we're really out of
24 Schlitz at this point, and the local authority, the mayor,
25 the Governor, are asking for Federal help.

1 So you go back to the Los Angeles riots. The mayor of
2 Los Angeles, through the Governor of California, was asking
3 the President of the United States to deploy military force
4 to put down the L.A. riots, saying at the time that the LAPD
5 was overwhelmed. And then President Bush said, yep, okay,
6 we'll do this, but it's limited in time, limited in scope, a
7 very finite mission set, for areas of, like, law enforcement.

8 We had to do it in Hurricane Katrina and deploy the 82nd
9 in that case. That's hurricane relief, but there was a
10 security aspect to that as well.

11 Q Uh-huh.

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

20 Q Yeah.

21 A When you introduce the 82nd Airborne Division, an
22 infantry battalion from the 82nd Airborne Division, those
23 units are not police forces. Those units are combat units,
24 and they're trained to move, shoot, and communicate against
25 the enemies of our country.

1 Q Yeah.

2 A And there's risk when you put folks like that --
3 when the 82nd was deployed in the D.C. riots -- in fact,
4 Keith Kellogg, right? You know that name.

5 Q Yes.

6 A He was Lieutenant Kellogg as part of the 82nd
7 Airborne Division at the time. And someone can do a
8 historical fact-check; I'm not exactly sure how many were
9 killed in D.C., but it was a fair amount, I think it's in the
10 20s or 30s, were killed on the streets of D.C. during those
11 riots in the summer of the late '60s.

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

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

17 Q Right.

18 You mentioned the Insurrection Act. I'm wondering, in
19 your role as the chief military advisor to the President,
20 what would be the criteria, in your view, that would justify
21 considering the invocation of the Insurrection Act? General
22 kinds of conditions that would create a predicate for the
23 appropriate invocation of that statute?

24 A Yeah, I think, you know -- and I had these
25 discussions in the summer and so on. So what are the

1 conditions that warrant it, in my view, as a part of my
2 advice?

3 Q Yes.

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

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

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

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

22 So there's 276, I think, cities in the United States
23 that are over 100,000 people. We tracked it every single
24 day, the Joint Staff did. And we tracked the riots, the
25 violence. We'd get police reports, and we plotted it. And

1 we can provide you all those slides and those reports. It
2 was a daily thing. And, on an average day, about two or
3 three cities, maybe four, experienced any kind of protest
4 activity and experienced any kind of violence.

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

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

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

25 Q Uh-huh.

1 A It is bad. It's violent. It's tragic. People
2 died. It's criminal. It's illegal. But insurrection? Not
3 in my view. Insurrection takes on a whole different ball
4 game.

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

6 A Yeah.

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

11 A I think it's both.

12 Q -- process of government?

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

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

1 rioting.

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

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

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

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

20 Q Yeah.

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

23 Q Yeah.

24 A There was definite violence, and it was very
25 serious. And there were a lot of Governors, a lot of phone

1 calls, a lot of going back and forth. But general
2 insurrection, no.

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

7 Q Uh-huh.

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

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

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

22 Q And the predicate for all of those events in
23 different cities was the George Floyd matter and the police
24 violence. That was the impetus that motivated the violence
25 in those cities.

1 A Well, I think that that's what the rioters would
2 say, yeah. I mean, I think that, you know, no phenomenon
3 happens for a single causal reason. So, yes, I would say
4 that that's clearly and unambiguously a contributing factor
5 and it's the primary -- it's the spark that lights the fire
6 sort of thing.

7 Q Yeah.

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

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

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

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

22 Just hang on 1 second.

23 [REDACTED] Yeah, of course.

24 General Milley. So this isn't all of them. I only
25 brought a representative sample. And they are classified.

1 And I'm the classification authority on these things, so --
2 but it's an example.

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

9 [REDACTED] Yep.

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

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

16 [REDACTED] Yeah.

17 General Milley. That's it.

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

21 [REDACTED] Yeah.

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

24 BY [REDACTED]

25 Q Yeah.

1 Another process question. The military doesn't gather
2 that intelligence --

3 A No, we don't.

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

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

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

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

22 But, anyway, they're the ones who do the estimates,
23 along with the other domestic police agencies. And we're in
24 receipt of those reports.

25

1 [1:59 p.m.]

2 BY [REDACTED]

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

7 A A hundred percent, yeah. Absolutely. Overseas and
8 domestic.

9 Q Yeah.

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

12 [REDACTED] No. No, no, no.

13 BY [REDACTED]

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

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

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

24 A There was general unease and atmospheric that were
25 being reported back to me and us about unrest, potential for

1 violence --

2 Q Surrounding the election?

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

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

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

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

25 Yeah. So that's what led to it.

1 Q So tell us who was there.

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

5 Colonel [REDACTED] I don't remember.

6 General Milley. Do you remember?

7 Colonel [REDACTED] No, I don't.

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

10 BY [REDACTED]

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

14 A Right. Exactly.

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

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

23 Q Yeah.

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

1 Mike Flynn.

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

6 Are you familiar with --

7 A Oh, yeah.

8 Q -- those comments?

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

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

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

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

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

1 obviously, know his brother, Charlie Flynn, very well.

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

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

7 Q Yeah.

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

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

14 Q Yeah.

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

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

23 Q When he made those statements, did you take any
24 action to counter them or to reassure people inside or
25 outside of the military about your contrary view?

1 A I don't remember anything specific, but I probably
2 did. I mean, I'm sure that there were conversations that I
3 had with people who said, hey, did you see what Flynn just
4 said, or something like that. I'm sure those conversations
5 occurred. I don't remember anyone in particular, any
6 conversation in particular.

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

9 Q December the 18th.

10 A Yeah, December 18th.

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

18 Q Uh-huh.

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

21 And then, all of a sudden, you see him and Sidney Powell
22 and whoever else was in that meeting in the White House, and
23 Pillow Man comes walking out of the White House, and he's got
24 a document in his hand that some reporter photographs and
25 says, you know, execute plan whatever-it-is and put Kash

1 Patel in charge of the CIA, or something. It says it right
2 on the thing, in the photograph. Those kinds of things kind
3 of make you wonder.

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

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

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

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

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

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

1 Q Right.

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

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

8 Q Yeah.

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

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

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

21 Q Okay.

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

1 Q Uh-huh.

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

7 Q I see.

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

10 Q Yeah.

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

13 Q I appreciate that. Okay.

14 [REDACTED] Let me stop and see if Ms. Cheney or other
15 members of the committee have questions on some of these
16 general topics.

17 Ms. Cheney. No. Thanks very much, [REDACTED]

18 [REDACTED] Okay.

19 Ms. Lofgren, is there anything --

20 General Milley. "Betrayal" is the one by Jonathan Karl?

21 [REDACTED] Yes.

22 General Milley. Yeah. Just for the record, I never
23 interviewed with him.

24 [REDACTED] Did not. I see.

25 General Milley. Never talked to Jonathan Karl.

1 [REDACTED] Got it.

2 General Milley. Don't know him from Adam.

3 [REDACTED] Thank you.

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

6 Yeah, Mrs. Luria, go ahead.

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

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

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

22 Do you have any comments on that?

23 General Milley. Yeah. So anyone who retires from the
24 military is subject to the Uniform Code of Military Justice
25 for the rest of their life. And generals, you know, we take

1 off the uniform and you're retired, but you always have the
2 title of general and you're always subject to these rules, to
3 the Code.

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

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

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

23 I would argue, when two general officers, one of whom
24 was Flynn and one of whom was Allen, get up at major national
25 conventions and get behind a microphone and they start saying

1 this or that, I think that they politicize themselves, they
2 politicize us as a general officer corps.

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

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

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

15 Like you did, right?

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

21 Now, there was a couple of editorials written by retired
22 flag officers that -- you would recognize their names -- that
23 were very critical of then President Trump, highly critical
24 of President Trump. And there was actually discussions with
25 me: Bring him back on Active Duty, court-martial him, you

1 know, make him walk the plank sort of thing, right? I
2 advised them not to do that, because that would further
3 politicize, in my personal view. And I said, please give me
4 a chance to calm the waters a little bit.

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

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

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

24 He played a role prior to January 6th -- you may or may
25 not have seen his remarks down somewhere in D.C. I can't

1 remember where I saw it. It was on -- I saw it on YouTube.
2 It was prior to January 6th, and he's giving a speech. It
3 was very inflammatory. And I listened to it on YouTube, and
4 I was like, what are you saying?

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

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

24 But I am concerned about the broader implications of all
25 of these little politicizations of the military. The use of

1 the military at Mount Rushmore. Major parades marching down
2 Constitution Ave. You know, there are things that are out
3 there that -- the Eddie Gallagher case. There's a whole
4 series of things that I can point to over the last years,
5 actually, maybe even a decade or so -- you know, signing the
6 Immigration Act in the Pentagon with Secretary Mattis
7 standing right beside you and the Joint Chiefs standing right
8 there early in your administration. Is that the use of the
9 military for political purposes, as a backdrop? I don't
10 know.

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

16 Mrs. Luria. Thank you for those thoughts.

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

23 You know, any of us who've ever had a security clearance
24 questionnaire, it's one of the first things that's asked:
25 Have you ever advocated for the overthrow of the

1 U.S. Government? And I think that if one can answer that
2 question "yes," I mean, there's a serious problem there that
3 could and should and would be addressed for an Active Duty
4 person subject to the UCMJ.

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

7 And I yield back.

8 [REDACTED] Mr. Kinzinger, I see your hand up.

9 Mr. Kinzinger. Just real quick. Thank you.

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

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

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

25 General Milley. Yeah, I couldn't agree more. I think

1 it's fundamental to the health of the Republic that we have
2 an apolitical military. And apolitical means nonpartisan,
3 neither Democrat nor Republican, and we execute the lawful
4 orders of the civilian leadership that's appointed over us.
5 The key is "lawful" orders, and therein lie some judgment
6 calls.

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

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

1 valuable. And I think that's something that we need to
2 avoid.

3 [REDACTED] Mr. Schiff, I saw your hand up as well.
4 Please.

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

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

13 General Milley. And I agree with that.

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

24 And with respect to General Flynn, given the seriousness
25 of what he has been advocating, are there other options, such

1 as -- well, are there other options, other than having to
2 reinstate him and then engage in a court-martial, to
3 demonstrate the seriousness of what he is advocating?

4 General Milley. Well, first of all, I agree with you on
5 both points, by the way. I fully recognize what happened on
6 1 June, and that's what I tried to make amends to with my own
7 apology and subsequent actions.

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

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

20 Clearly, there's -- if either the President of the
21 United States, the Secretary of Defense, or the Secretary of
22 the Army, any one of the three, determined that General
23 Flynn -- you know, probable cause for committing a crime, the
24 dance steps of doing that under the Uniform Code of Military
25 Justice would -- and I've got a room full of military lawyers

1 here, but I -- there would have to be an investigation to
2 determine if, in fact, there was a crime committed. And
3 then, if that was the case, then -- if it's going to go to
4 court-martial, it would have to go to an Article 32 hearing,
5 which is the equivalent of a civilian grand jury sort of
6 thing. And then there would have to be charges brought by
7 one of the Secretaries or the President against him to bring
8 him back on Active Duty to stand court-martial.

9 Those -- and [REDACTED] and others --

10 Mr. Schiff. So there's --

11 General Milley. Go ahead. I'm sorry.

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

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

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

25 You can speak too.

1 Colonel [REDACTED]. Sir, this one, it would be -- the only
2 option for us would be for him to have an Active Duty recall,
3 retiree recall back to Active Duty, and then we could look at
4 options.

5 General Borcherding. For purposes of court-martial.

6 Colonel [REDACTED]. Right.

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

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

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

13 General Milley. I see. Okay.

14 Did you hear that, Congressman?

15 Mr. Schiff. I did.

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

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

21 But, General, I'd be interested to know whether others,
22 whether General Flynn or others other than General Flynn
23 have, in your presence, suggested the use of the military to
24 either interfere with the transition after the election or to
25 in any other way interfere with the joint session.

1 General Milley. No. There's been no other commissioned
2 officer that I'm aware of that's advocated for that
3 whatsoever.

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

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

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

14 So let me try to describe it this way. I came to the
15 conclusion because of a lot of, for lack of a better term,
16 circumstantial evidence and what I was seeing in various
17 forums, specifically meetings, et cetera, that those were
18 possibles. So, after the 1st of June, basically once a
19 month, I did something in a public way to assure the public
20 and put on notice, essentially, that we, the military, our
21 loyalty is to the Constitution, and we're not going to be
22 involved in any manner, shape, or form in domestic politics
23 in any illegal way. It's just not going to happen. So,
24 roughly speaking, once a month, we did -- I, personally, and
25 we do something.

1 So what did that do? What that did, I believe -- I
2 hope, anyway, and we'll never probably fully know, but I
3 think it put some people on notice that may have had -- I
4 don't know if they had, but may have had some thoughts that
5 they might use the military, and it clearly said to them:
6 Probably not.

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

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

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

25 General Milley. The general atmospheric. Part of it's

1 media, but also Members of Congress, also meetings that --
2 not specific to interfering with the election, but there was
3 a variety of meetings over the summer on the use of force
4 domestically. There were tweets that went out from the
5 President that talked about various rallies and assemblies
6 that, you know, arguably could get violent. There was
7 commentary, public commentary, by people like you just
8 mentioned, like Mike Flynn. There was commentary by a
9 variety of groups -- the Proud Boys, the Oath Keepers, the
10 Three Percenters -- that were talking about violence. There
11 was a whole bunch of stuff in social media.

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

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

19 Thank you.

20 And I yield back.

21 General Milley. Thanks, Congressman.

22

BY [REDACTED]

23 Q Yeah, just to follow up on that, General Milley,
24 tell us more about the President himself and what he said or
25 did that gave you that concern. Was he the audience for

1 these monthly statements, or was the audience broader?

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

4 Q I see.

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

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

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

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

21 But anything in particular about the election --

22 A No.

23 Q -- it sounds like --

24 A No one said to me at any time: Use the military.
25 You know, no one gave me an illegal order. It wouldn't have

1 been followed. We follow legal orders. No one specifically
2 said to me: Do this relative to the election, you know, to
3 change or influence the outcome.

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

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

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

22 Q Uh-huh.

23 ██████████ Any other questions from the members?

24 Ms. Lofgren or Mrs. Murphy, anything?

25 Ms. Lofgren. Yes.

1 [REDACTED] Please. Go ahead, Ms. Lofgren.

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

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

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

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

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

22 General Milley. No, not supplant civilian government.
23 I was concerned and was involved in many conversations about
24 the use of the military in a wide variety of States, but
25 supplant civilian government? No. I wasn't -- there was no

1 conversation where that specific thing came up.

2 Ms. Lofgren. Now, General Flynn suggested publicly that
3 the military would go in and rerun elections --

4 General Milley. Right.

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

6 General Milley. Right.

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

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

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

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

21 And part of the reason why I'm struggling -- and I know
22 we've received reports -- on the very long delay that existed
23 on January 6th for sending in the Guard. I mean, after all,
24 a crowd of insurrectionists had seized control of the seat of
25 government and was threatening the lives of the line of

1 succession to the Presidency, and yet there was a very long
2 period of time.

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

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

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

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

1 investigation as a result of that, et cetera. So we
2 developed a series of lessons learned.

3 One of the lessons learned was to make sure that we
4 established a lead Federal agency, which we did for the
5 6th of January, and that was the Department of Justice,
6 Attorney General Rosen. And the Department of Defense would
7 be in support of Department of Justice.

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

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

19 The only one who said they wanted any military
20 assistance from the National Guard was the Mayor, Mayor
21 Bowser. So she sends in a request, and they were very
22 specific about it. And I don't remember the numbers; I think
23 it's, like, 340, in that range. They wanted about 340
24 National Guardsmen in orange vests, soft caps, no weapons, no
25 wire control equipment, no nothing, and they were there to do

1 traffic control points in and around the Ellipse and around
2 the White House. And that was it. That was the extent of
3 the request.

4 So lead Federal agency and then requests.

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

9 So that was the set going into the 6th.

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

16 Of course, we had information telling us that there was
17 a series of registered protests, that crowd estimations
18 went -- they started off at 10,000 to 15,000. It rises to
19 25,000 on the day of the event and even goes higher,
20 actually, in retrospect.

21 So we're sitting there, and at about -- I think it's
22 1400, 1500, 1400-ish or something like that, I get called to
23 go to the Secretary of Defense's office. I break off my
24 meeting with Christine Wormuth. I go up to Acting SecDef
25 Miller's office. And, at the same time, he called the

1 Secretary of the Army, McCarthy, down there, who's the, you
2 know, "Governor of D.C.," along with the Chief of Staff of
3 the Army, McConville, along with Hokanson of the National
4 Guard Bureau. And a meeting is convened at 1430.

5 And we have timelines that we can, you know, show you
6 all these things.

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

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

18 All of that was done between 1430 and 1450, in about
19 20 minutes. And there were discussions about the puts and
20 takes and how long that was going to take.

21 Acting Secretary Miller said: Okay, do it. And then he
22 got on the phone with Rosen, and there was an interagency
23 quick call. Orders went out, I think it's at, like, 1504,
24 1505. And troops, the Washington, D.C. National Guard -- I
25 told them to mobilize the entire National Guard in D.C. and

1 do so immediately, and they did that under Secretary
2 McCarthy's, you know, supervision. And the National Guard
3 arrives down at the Capitol, like, 2 hours later, 2 or
4 3 hours later. It's in that range.

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

11 Ms. Lofgren. But let me ask you this.

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

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

15 General Milley. No, I understand. Right.

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

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

21 Do you know anything about that?

22 General Milley. I don't.

23 I've talked to Steny Hoyer several different times. On
24 that day, I was on the phone with, you know, Speaker Pelosi,
25 Leader McConnell, McCarthy, Steny Hoyer, I think Durbin,

1 Sullivan, Slotkin, a whole bunch of Members all afternoon.

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

4 Ms. Lofgren. Yes.

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

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

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

1 Ms. Lofgren. Thank you very much, General.

2 ██████████ All right. Any other members before we
3 move along?

4 Mrs. Murphy?

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

7 General Milley. Could I add one more thing --

8 Ms. Cheney. No.

9 ██████████ Please.

10 General Milley. -- to the Congresswoman?

11 ██████████ Please do.

12 General Milley. The other question that's out there a
13 lot is President Trump himself, right, on the 6th. So at no
14 time did I and I am not aware of anyone in the Pentagon
15 having a conversation with President Trump on the day of the
16 6th.

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

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

23 ██████████ Yeah. Of course.

24 Mr. Kinzinger. General, can you answer, had the
25 President called you and made a direct order to defend the

1 Capitol, would that have cut on some of the, maybe,
2 bureaucracy that delayed it?

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

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

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

22 But Vice President Pence was very clear, no question
23 about it. You know, people got there as fast as they could.
24 I didn't see anybody trying to throw sand in the gearbox and
25 slow things down.

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BY [REDACTED]

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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.

[REDACTED] 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.

[REDACTED] -- we'll reconvene. We've still got a ways to go.

1 General Milley. No, that's fine.

2 ██████████ We really appreciate it.

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

4 ██████████ We will take a break.

5 General Milley. Okay.

6 ██████████ We'll go off the record.

7 General Milley. Sure.

8 [Recess.]

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1 [3:14 p.m.]

2 BY [REDACTED]

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

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

11 A Was I surprised?

12 Q Yes.

13 A Yes and no.

14 Q Tell us more. Why?

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

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

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

23 A So, as I was saying, it's a yes and a no. No, in
24 the sense that in the media there had been all kinds of
25 rumors and reports of various people are going to get fired.

1 Esper was one of them. I had been mentioned. Gina Haspel
2 had been mentioned. Chris Wray had been mentioned. I think
3 Attorney General Barr had been mentioned.

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

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

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

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

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

22 At that point, I already knew it, because within minutes
23 of Secretary Meadows calling him there was a tweet that went
24 out from the President, from President -- then-President
25 Trump.

1 So Secretary Esper called me up in the office, his
2 office, and said he was -- had been fired. And we chatted
3 for a little bit.

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

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

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

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

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

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

20 Q Yeah, Sorry, 41.

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

23 Q Right.

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

1 differences, anyway.

2 Q Yeah.

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

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

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

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

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

1 discipline of the military.

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

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

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

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

23 Like, you know, the bombing of cultural sites, which a
24 room full of lawyers here I think pretty much everyone knows
25 that the bombing of a cultural site in the conduct of war is

1 actually a war crime and illegal unless certain criteria are
2 met, where you're literally taking fire, and then it becomes
3 a military target, which is a different circumstance.

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

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

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

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

22 A Huge, yes.

23 Q Tell us more about that.

24 A Absolutely. There was really significant tension,
25 arguments-level intention -- or tension. Secretary Esper and

1 I and Attorney General Barr pretty forcefully discussed the
2 use of the Insurrection Act with the President and advisers.
3 And it was a debate. It was --

4 Mr. Richards. Sir, I'm sorry.

5 [REDACTED] I just want to reference the letter from Deputy
6 General Counsel Jonathan Su. And, again, I would like to, to
7 the extent his answer requires White House communications
8 pre-November 3rd, I would like an opportunity to discuss that
9 with White House counsel, as instructed and consistent with
10 that guidance. So if that's not required as far as an
11 answer, then obviously he can --

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

16 BY [REDACTED]:

17 Q Or has not yet been cleared by current --

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

24 And following that statement, selected members of the
25 White House called Esper and said: You know, not good, et

1 cetera. And then -- and it led to a series of meetings.

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

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

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

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

18 Q Who is Johnny McEntee?

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

1 sort of thing.

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

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

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

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

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

21 A Yes.

22 Q Which is, as you said, responsible for the hiring
23 of over 4,000 Presidential appointees across the government.

24 Was it your impression that Mr. McEntee was imposing
25 some sort of loyalty test or fidelity to President Trump's

1 principles to Secretary Esper and others at the very end of
2 the administration?

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

9 So, for example, I'm a -- I've been in the military for
10 41, 42 years. I'm a member of the executive branch, but I'm
11 not a member of the administration. That's why I sign the
12 document to Congress saying, I'll be candid and so on and so
13 forth.

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

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

24 It's not my lane. But yeah, for sure. I mean, they
25 think -- I take this at face value -- they think that Esper

1 did not carry President Trump's agenda and that he was
2 disloyal, and so they fired him.

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

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

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

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

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

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

23 And then there's a -- already in place were some others.
24 Ezra Cohen. Tony Tata was acting in policy, as I recall.
25 There was a guy named Josh Whitehouse, who is the OPM liaison

1 officer. Each of the Cabinet Secretaries, each of the
2 departments have a liaison officer from OPM.

3 Q To the White House, essentially.

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

6 Q White House liaison.

7 A -- White House liaison, right.

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

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

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

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

18 Q And all this occurs just days after the election.

19 A This happened on the afternoon of the 9th, right.
20 So the election is on the 3rd, and then Esper is removed on
21 the 9th.

22 Q Did any -- let's talk about Mr. Patel. Did he
23 have, in your view, any prior experience in defense, foreign
24 policy, military issues, anything that would qualify him to
25 be chief of staff to the Secretary of Defense?

1 A Well, I mean, I don't know his full background, but
2 he worked, I think, as a staffer up on the Hill. He did
3 that. And he was involved in the Trump administration early
4 on at the -- in the National Security Council. He's involved
5 in a couple of other controversies that the committee I'm
6 sure is fully aware of.

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

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

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

24 Q Did he play a role in the rescue of [REDACTED] ?
25 Do you remember that incident?

1 A [REDACTED].

2 Q It was in the [REDACTED] -- failure to notify the
3 [REDACTED] Government --

4 A Oh.

5 Q -- of extrication of --

6 A [REDACTED] maybe?

7 Q Maybe I'm -- the name --

8 A Have I got the name?

9 Q Tell us what you recall about Mr. Patel's role in
10 the --

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

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

15 Q Okay. And stay away from that on this record.

16 A I'll try to stay away from that.

17 But, anyway, there was an American that was held hostage
18 in West Africa, I think [REDACTED], and he was being held by a
19 terrorist organization.

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

24 And Kash Patel was Acting SecDef Miller's chief of
25 staff, and he was part of the, you know, part of the overall

1 effort to coordinate and synchronize that.

2 Q My understanding is that there was a failure to
3 notify the [REDACTED] Government in advance of that action,
4 which causes significant breach of protocol and a subsequent
5 notification of the [REDACTED] --

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

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

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

19 And then -- and he also -- if I'm -- I may not have this
20 100 percent right, that's why you got to ask Pompeo -- but he
21 said something to Pompeo that wasn't exactly true either.

22 So, as we're getting ready to execute -- and, oh, by the
23 way, as I recall, he's down at Fort Bragg visiting a certain
24 unit with the President. And Ezra Cohen and him and Patel
25 are at Fort Bragg visiting the President.

1 And there's a conversation that occurs. I'm not privy
2 to it. I wasn't there. They inform the President of, you
3 know, certain conditions being set that weren't set. So they
4 misinformed the President. I don't know if that was with
5 malfeasance aforethought, intentional or accidental. I don't
6 know.

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

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

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

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

21 So what is the -- what's the "so what?" there with
22 respect to Kash Patel? You know, I didn't talk to him at all
23 during that whole thing, during the execution of that, but
24 Pompeo did and Tata did. And they both think that there were
25 some integrity issues going on -- you'd have to ask them what

1 they really thought, but that's how it got translated to me
2 at the time -- and that there was, as a minimum, some --
3 the -- either the deliberate or accidental misinforming of a
4 President on a set of conditions involving an actual military
5 operation that was putting U.S. soldiers' -- in that case
6 sailors' -- lives at risk.

7 Q At risk.

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

10 Q I appreciate that.

11 So despite the concern about integrity issues in that
12 incident, subsequent to that, about a month later, December
13 8th, Mr. Patel is traveling in Asia with Acting SecDef
14 Miller, and he's called back to D.C.

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

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

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

22 Q Okay.

23 A There was a lot of media reports at the time that
24 either Gina Haspel or Chris Wray, FBI Director or CIA
25 Director, were going to be fired for whatever reasons, right?

1 These are media reports. And then Patel and Miller are on an
2 overseas trip to Asia. And Patel gets called back, like, you
3 know -- which is unusual, right? So he gets called back.
4 And I get informed, because, you know, I get a daily report
5 of where senior leaders are, where the President, Vice
6 President, Chairman, Vice Chairman, all that.

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

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

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

22 I don't know if that was all true or not. Since then,
23 there's been a whole series of articles in the media that
24 claim that that was a likely possibility and that White House
25 Chief of Staff Meadows had a conversation with then Director

1 of CIA Gina Haspel.

2 Q Have you spoken to her about that?

3 A Specifically?

4 Q Yes.

5 A No, not since then.

6 Q Okay.

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

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

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

23 That is believable to me. I don't know if it's true.
24 You know, you guys can figure that out, talking to the
25 principals involved. But I think that's -- if you connect

1 that dot, back to what Congressman Schiff said about dots, if
2 you connect that dot to, you know, pillow man walking out of
3 the White House with a piece of paper that says Patel to the
4 CIA, and you connect some other things, it's all in the realm
5 of the possible.

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

8 One example is I received a written document on the
9 11th, I think it's -- no, it's the 12th, I think it is, the
10 12th of November, 3 days after Secretary Esper is relieved, I
11 get called up into Acting SecDef Miller's office. And it's
12 Miller, me, and Patel.

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

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

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

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

23 And I looked at Patel and I said: Who gave the
24 President the military advice for this? Did you do this,
25 Kash? And he said: Oh, no, no, I had nothing to do with it.

1 I looked at Acting Secretary Miller and I said: Did you
2 give the President military advice on this? Oh, no, no, not
3 me.

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

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

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

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

25 So O'Brien and Kellogg then say: Give us a few minutes.

1 And they go away. I assume, I don't know factually, but I
2 assume it was to see the President. They come back 10 or 15
3 minutes later and they say: It's rescinded. It's over. It
4 never existed. I said: Okay, fine. So it doesn't exist.

5 So I've seen reversals, like the little story about
6 Gina, I've seen that before in that administration, these
7 immediate reversals when challenged on specific things if
8 they're not rigorously thought out, et cetera. So that's an
9 example.

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

16 A Yeah. And --

17 Q Is that fair to say?

18 A That's right. And -- so you can refer to some open
19 source material from Colonel Douglas Macgregor, who does an
20 interview with -- help me out. What's the magazine? Vanity
21 Fair or something? He does an interview, right? You can
22 look it up. He does an interview. He takes great pride in
23 the fact that he is the author of the memo, who has no
24 statutory responsibilities whatsoever. He was appointed as
25 an advisor, I guess, to Miller by President Trump.

1 So, anyway. So I think you might have seen some things
2 where this memo or something from Johnny McEntee to Douglas
3 Macgregor, it says: Here's your task, to get U.S. forces out
4 of -- out of Somalia, get U.S. forces out of Afghanistan, get
5 U.S. forces out of NATO and take them down from South Korea
6 or something like that.

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

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

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

25 So take that for what it's worth. But that's Macgregor

1 himself saying how that process unfolded.

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

4 A Absolutely not.

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

6 A That's right.

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

10 A Nothing illegal about it.

11 Q -- issue an order --

12 A Nothing illegal.

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

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

17 Q Right.

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

19 Q Yeah.

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

25 But, sure, the President can absolutely issue an order.

1 Just like, you know, with the Insurrection Act, he could walk
2 outside the White House immediately and just order it.

3 So there's wide latitude. There's nothing illegal about
4 that. But when challenged, and, you know, with some logic,
5 it was rescinded.

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

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

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

24 A Yeah. So up at -- yeah.

25 Q Tell us about that.

1 A I know the story you're talking about. The -- and
2 it's not just that. There's several other times when I have
3 conversations.

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

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

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

24 So yeah, in the Army-Navy game, I made some comments.
25 It was a box I guess that, you know, a VIP box. The

1 President was there. Chief of Staff Meadows was there.
2 Patel was there. Acting SecDef Miller was there. Secretary
3 of the Army McCarthy was there. Chief of Staff McConville
4 was there coming out of -- the superintendent of West Point,
5 Darryl Williams, was there. And there were a bunch of other
6 people there. And this was after Patel gets called back and
7 all these stories are out there.

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

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

21 Q Tell us more about your impressions of Mr. Meadows.
22 Was it your view that he was fully on board with some of
23 these nontraditional orders or installation of loyalists, or
24 was he more passing things along even without a personal
25 endorsement?

1 A No. I mean, you know, he's White House chief of
2 staff. All chiefs of staff, by -- that's probably the
3 most -- other than the President perhaps himself or the Vice
4 President, White House chiefs of staff are a highly political
5 entity. It's a job, it's a political job. And they are
6 expected to, you know, carry out the President's agenda. I
7 mean, that's what White House chiefs of staff do. And they
8 coordinate and synchronize the White House and they interact
9 with Congress and they carry forth the President's will.

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

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

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

18 Q A better word, debates.

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

23 And he was always -- he treated me with respect, White
24 House Chief of Staff Meadows did. And I wouldn't say it was,
25 you know, terribly raucous. There was a couple of times.

1 And then as post-election, he and I talked frequently on
2 the phone with Pompeo. So the three of us had frequent, not
3 quite daily, but I would say several times a week.

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

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

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

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

23 There was a lot of effort to calm waters, to make sure
24 that people overseas understood that, you know, the normal
25 puts and takes of democracy, and this is a stable government,

1 we're not going to do something crazy and all that, that took
2 a degree of effort.

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

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

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

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

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

24 And I would say that Secretary Pompeo and Chief of Staff
25 Meadows were in the same place, and I think that, you know, I

1 think they had the same goal, I guess.

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

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

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

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

15 Q Tell us what he said.

16 A Well, Secretary Pompeo said to me, he said -- this
17 is post -- this is -- I don't remember the date, but the --
18 this is after this meeting in the White House where you have
19 Sidney Powell and Mike Flynn, and -- what's the guy's
20 name? -- Mike Lindell, the pillow guy -- after that meeting.

21 Which apparently -- again, I wasn't there, I don't know,
22 not firsthand, but at least as it's characterized in a lot of
23 different media, it was quite raucous. It was, you know,
24 interesting, I guess.

25 And I'm not sure who else was there. I think they said

1 Giuliani was there at that meeting, Pat Cipollone is there,
2 and I'm not sure who else. Meadows was there.

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

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

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

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

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

1 reached its end?

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

5 Q What did he say?

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

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

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

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

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

24 A Yeah, Meadows, Pompeo, O'Brien.

25 Q Kellogg?

1 A Kellogg.

2 Q All talked about the President being in a dark
3 place.

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

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

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

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

23 You mentioned the first couple of weeks --

24 A Yeah.

25 Q -- it was a dark place. Did it stay dark or did

1 things evolve between the election and January 20th, when he
2 left office?

3 A I think there was a bit of a sine curve.

4 Q Tell us about your observation.

5 A Again, I'm not a psychiatrist. But there's a
6 period of time, and I'd have to go to a timeline, but that I
7 don't see him at all and all I'm doing is getting these
8 reports.

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

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

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

22 Colonel [REDACTED]. 12 November, 4 December.

23 General Milley. Yeah. So it's one of those two, 12
24 December or 4 December. I can't remember which one. The
25 topic's an overseas national security issue, which will be

1 classified and I don't need to talk about.

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

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

15

BY [REDACTED]

16 Q The President himself saying that?

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

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

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

25 But he would -- we'd have these meetings, and in all of

1 these meetings he would mention getting robbed and how the
2 election was a fraud, the same -- you know, it's the steal.
3 The election was stolen and the votes weren't counted and all
4 that.

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

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

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

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

24 A No. Mental health, I'm putting mental health off
25 to the side in the sense of -- again, I'm not a psychiatrist.

1 So mental health to me refers to things like -- and, again,
2 I'm not a doctor, but it's like psychopath, sociopath, you're
3 hearing voices, those sorts of things. I never witnessed any
4 of that. And comments about narcissism, it's not my place to
5 comment on a President, on personal egos or any of that kind
6 of stuff.

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

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

19 And then on various -- at various times instructions to
20 do things that, in my mind, were beyond legality and morals
21 and ethics, concerning, like, the use of the military in
22 domestic scenes and dealing with riots and the use of force.
23 There were things said that I didn't think were appropriate.
24 At the end of the day, we didn't do it anyway, and he would
25 back off and so the end of it.

1 So there's those kind of things. Does that mean mental
2 instability? I don't know. Others need to judge that, not
3 me.

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

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

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

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

20 A Sure.

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

23 A Well, you know, I'm 63 years old. I've been in the
24 Army 42 years. I've been in a lot of combat. I've been in a
25 lot of situations where you have to help people work through

1 what they perceive to be very traumatic events and help
2 people stay steady, calm, breathe through your nose. It's
3 going to be okay. Going to get through this. I've been in a
4 lot of those kind of situations. And that's -- I think I
5 made some minor contribution to doing that with the folks.

6 Q Were there other voices that you observed close to
7 the President that had that calming effect?

8 A Absolutely, yeah.

9 Q Who?

10 A Pat Cipollone, no question in my mind. And I don't
11 know Pat super well. I never knew him before any of this.
12 I've come to know him as a high-quality lawyer. The
13 President is his client. He's very quiet and discreet, but
14 he's a very forceful individual.

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

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

25 Q He had credibility with the President, the

1 President listened to him, to your observation?

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

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

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

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

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

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

22 And had it -- I think Secretary Esper played an
23 important role. I think I made some minor contribution. But
24 I think the guy who was perhaps the most significant in
25 avoiding the Insurrection Act was Attorney General Barr.

1 Q How about members of the President's family, did
2 they have any emotional or calming influence on him, or was
3 it the opposite?

4 A I don't have firsthand witness knowledge. I can
5 tell you what some others have said to me.

6 Q Sure.

7 A You know, Keith Kellogg, who does have firsthand
8 knowledge and he's right there all the time, he said that on
9 the -- on the 6th, for example, that Ivanka played a very,
10 very critical role in, you know, dealing with her father.
11 I'm not witness to that, but I am witness to him saying that
12 to me.

13 So he said that she played a very, very critical role in
14 a daughter-father sort of way. I'm not sure what all that
15 means. But he made it sound like he was a very -- that she
16 was a calming influence with him on the day of the 6th. But
17 I don't know. I don't have personal witness to that.

18 Q Okay.

19 A I don't know about other members of the family, in
20 terms of their calming influence.

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

1 with her name.

2 Q Kimberly Guilfoyle.

3 A Kimberly Guilfoyle, his daughter Ivanka, Cipollone,
4 and I'm not sure who else. But, anyway, those people were
5 with him. And --

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1 [4:13 p.m.]

2 BY [REDACTED]

3 Q Were they with him on the 6th during the day?

4 A That's what I was told, yeah. I don't know if
5 that's true.

6 Q Told by who?

7 A Kellogg.

8 Q Okay.

9 A So -- and Meadows. I think I said Meadows.

10 Q Yeah.

11 A So they were with him at least until -- they were
12 with him the entire time. I'm told that, after the 6th, not
13 during the 6th. And they were with him, you know, all day on
14 the 6th, I guess --

15 Q Okay.

16 A -- you know. And, as far as who contributed what
17 to whom, I don't know. I do know that Kellogg said that
18 Ivanka had a calming influence on him.

19 Q Do you remember on the 6th or days thereafter any
20 discussion of the potential implication of the 25th
21 Amendment?

22 A Yeah. So I'm not a member of the Cabinet --

23 Q Uh-huh.

24 A -- and I have no role whatsoever in the 25th
25 Amendment discussions, but there was at least one or two

1 occasions when other members of the Cabinet mentioned it very
2 brief, like, 10 seconds, 15 seconds. And then they looked,
3 and they saw that I was standing there, and knowing I'm not a
4 member of the Cabinet, they shut up.

5 Q Who were they?

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

8 Q What do you remember them saying before they --

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

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

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

20 Q Uh-huh.

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

23 Q Yeah.

24 A And it would require -- I think the rules are it
25 requires the majority of the Cabinet with the Vice President

1 or something like that, but not -- no. I just -- these are
2 just isolated --

3 Q Yeah.

4 A -- very brief. That was it.

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

7 A Right.

8 Q -- to make rational decisions.

9 A Right.

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

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

19 Q Okay.

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

22 Q Yeah.

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

25 Q Yeah.

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

12 Q Yeah.

13 A -- and the orders I transmit are lawful.

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

16 A Right.

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

21 A Yes.

22 Q -- you put that together?

23 A 37?

24 Mr. Richards. 37.

25 BY

1 Q And you put that together soon after?

2 A 37.

3 Q Yeah?

4 A Yes. I signed it.

5 Q Yeah. Exactly. And it just sort of summarizes
6 your conversation with Speaker Pelosi?

7 A Yes. So that's 27 September 2021. That -- well,
8 that's in preparation for testimony, yeah.

9 Colonel [REDACTED]. That is correct.

10 General Milley. That's what this is. So what I did was
11 I got -- there were other people -- so when she calls -- so
12 let me go -- so this is the 8th.

13 BY [REDACTED]

14 Q Yeah.

15 A Yeah. So --

16 Q Just describe what happened.

17 A Yeah. So the 8th, there's a couple of different
18 things. We have a planned phone call to my Chinese
19 counterpart, General Li, and I think that ends on or about
20 8:30ish or so in the morning. It's a VTC, and there's a
21 bunch of people on it. We have a Memorandum for Record that
22 you can take a look at.

23 Q Yeah. That's exhibit 38?

24 A Yeah. And so following that, at 8:37, I get on the
25 phone to report out to Pompeo and Meadows. And this is part

1 of our morning calls sort of thing. And we talked to
2 them about -- I talked to them about several things, but I
3 report out the Chinese phone call to both of them, and that's
4 part of my, you know, overseas stuff. Hey. Okay. Chinese
5 are good or this call or that call from a different phone
6 call with me. So I do that.

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

17 Q Yeah.

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

20 Q Uh-huh.

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

23 Q Uh-huh.

24 A Because the transcription of that phone call
25 between me and her appears in one of these books somewhere.

1 Q It does, yeah.

2 A Yeah. So, in any event, this is my summary of all
3 that.

4 Q Yes.

5 A And Speaker Pelosi was quite animated about the
6 situation, and my -- what I was trying to do was assure her
7 that the -- the strategic weapons systems, the nuclear
8 weapons systems, and the processes and procedures for which I
9 am charged, by the way --

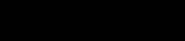
10 Q Uh-huh.

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

20 It's clearly recognized that the President and only the
21 President can authorize the launch, so he, alone, can
22 authorize the launch, but he doesn't launch alone. It's a
23 little phrase we use when we're training people on this whole
24 thing. So what that means is that if the President decides
25 or if there's a nuclear event conference of some kind, we

1 have a series of alerts that go up, and we call people up on
2 conference calls.

3 By procedure, not law, but by procedure, 
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12  et cetera. The President and only the President
13 makes the decision, and then there's mechanisms for transmit
14 his decisions down to the firing units.

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

21 Q Right.

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

1 the right thing and he's getting the right advice.

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

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

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

20 Q Yeah.

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

22 Q Right.

23 A -- but she does have oversight, and she's part of
24 the United States Government, part of the board of directors,
25 and she -- you know, a lot of people said: What's she even

1 doing calling the Chairman? That's jumping the chain of
2 command.

3 I said I talk to Congress all the time.

4 Q Right.

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

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

23 Q Yeah. And you had already seen by this point, by
24 January the 8th, the President going outside of normal
25 channels to make decisions involving the use -- the possible

1 use of military force absent consultation with you, right?
2 Doesn't this happen after that order that was withdrawn?

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

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

19 A Yeah. So what --

20 Q -- everyone was aware?

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

24 Q Uh-huh.

25 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 [REDACTED]

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:

1 Yeah, roger that, we all got it. And I said, "Good."

2 Q All right.

3 A So all good.

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

6 A Right.

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

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

13 Q Uh-huh.

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

18 Q Long relationship.

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

1 fourth time talking to him.

2 Q Uh-huh.

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

14 Q Yeah.

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

19 Q Yeah.

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

23 Q Uh-huh.

24 A I briefed the Senate Armed Services Committee in
25 open hearing on it --

1 Q Yeah.

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

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

11 A Yes, absolutely.

12 Q -- and concerns about our --

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

18 Q Uh-huh.

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

22 Q Uh-huh.

23 A And I'll be happy to show it to you. And, once
24 you'll see it, you'll say, hmmm. And so Secretary Esper and
25 I get together, and it was decided that we would do -- you

1 know, that we would do outreach to, again, assure the Chinese
2 that we are not going to launch a military operation against
3 them, and that was the genesis of it.

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

11 Q Uh-huh.

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

16 Q Yeah.

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

18 Q Okay.

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

25 Q Yeah.

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

5 Q Uh-huh.

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

9 Q Right.

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

11 Q Yeah.

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

23 Q Yeah.

24 A -- because if they perceive instability on our
25 part, and you don't want an escalation or an incident to

1 happen, so I spent a lot of time giving assurance to a
2 country that has a very significant military.

3 Q Was it your impression that the events of January
4 6th added to the impression of instability --

5 A Absolutely. Yeah. There's no --

6 Q -- or risk?

7 A Yeah, absolutely. Sure.

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

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

13 Q Yeah. Generally.

14 A We do have a summary note.

15 Q Yeah.

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

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

25 Q It's reported in the "Peril" book that you said,

1 "We're not going to have a fight. Things may look unsteady,
2 but that's the nature of democracy generally."

3 A Yeah.

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

6 A Yeah. Words to that effect.

7 Q Yeah.

8 A That's probably good gisting.

9 Q All right.

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

13 Q Yeah.

14 A -- but --

15 Q But that was one topic among many.

16 A That was one topic.

17 Q And, again, I'm not --

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

22 Q Yeah.

23 A -- to other counterparts.

24 Q I was just about to ask you.

25 A I think it's 20, 30, 40, something like that.

1 Q Did you have similar conversations based on January
2 6th with other foreign governments?

3 A Yeah. So there's 1, 31, 32, 33, 34, 35, 36, 37,
4 38, 39, 40. Whatever that number is. There's 60, 60 or 70.

5 Q Separate conversations --

6 A Yeah.

7 Q -- that you had --

8 A Yeah. Yeah.

9 Q -- post January 6th?

10 Colonel [REDACTED]. This is through 2020.

11 General Milley. And this is through -- all the way
12 through 19 January 21. So this is -- so, if you talk
13 election, you've got the Russians on the 5th. You've got 1,
14 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 -- 32.

15 BY [REDACTED]

16 Q Since the election?

17 A Something like that, yeah.

18 Q Is that right.

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

21 Q Yeah.

22 A So the 5th of November all the way through -- yeah.
23 So you've got the 30 October one; that's Chinese call No. 1,
24 right, or that's No. 3, actually, over the course of 2 years.
25 And then I talked to the French on the 2nd, talked to the

1 Russians on the 5th, talked to the Brits on the 9th, talked
2 to the French again on the 10th, talked to the Japanese on
3 the 10th, talked to Qatar on the 10th, and so on and so
4 forth.

5 Q Yeah. And the theme of all --

6 A I don't think this is classified, right, so they
7 can have that.

8 Q Yes.

9 A So bottom line is --

10 Q Yeah.

11 A -- these calls to the Chinese are part of lots of
12 calls.

13 Q Right.

14 A And each country has different issues with the
15 United States that we work out and are coordinating and
16 synchronizing, but in all those calls, every single one of
17 them, there was discussions of assurance. There was a lot
18 of -- literally, we're a very powerful country, and things
19 that happen in the United States have echo effect and
20 reverberate throughout world, and there are consequences.
21 And people watch the United States and watch what happens
22 domestically in the United States like a hawk. I mean, you
23 know, not only through formal spying but just through media
24 and embassies and ambassadors and all this other kind of
25 stuff. So what happens in this country, and in this

1 country's Capitol, rapidly gets reported throughout the world
2 and has real consequence throughout world. And I am in a
3 position as the Chairman, and there are other members of the
4 government who have responsibilities for our relationships
5 with other countries. And, in my case, I deal with
6 counterparts, my Chaud (ph) counterparts. So lots of phone
7 calls about assurance.

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

10 A That's right.

11 Q -- that's America stable --

12 A Right.

13 Q -- despite how it might look?

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

16 Q Yeah.

17 A -- and we're okay.

18 Q And in --

19 A We're all going to be okay.

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

22 A It certainly sharpened --

23 Q It exacerbated their concerns.

24 A It certainly sharpened the point of the
25 conversation; that's right.

1 Q Yeah.

2 A There's no question about it.

3 Q Okay. I'm almost finished, and then we can stop
4 and go -- we haven't even talked about January 6th yet, and
5 I'm sorry we're taking all your time.

6 A That's fine.

7 Q Just a couple of things quickly about -- I wanted
8 to ask you about Kash Patel. There's been some reporting
9 that there were these meeting at the Breitbart mansion, and
10 Patel would attend with Ezra Cohen and Steve Bannon. Do you
11 know anything about those associations with Mr. -- between
12 Mr. Patel and Cohen and Bannon and others there or elsewhere?

13 A Firsthand knowledge, no. I mean, but through media
14 reporting, there's things on YouTube. There's things on
15 social media, et cetera. There was a place -- I don't even
16 know if it still exists, I've never been to it, but something
17 called the Breitbart mansion --

18 Q Yeah.

19 A -- which, as I understand it, is somewhere near the
20 State Department, I think, perhaps.

21 Q Uh-huh.

22 A And that had something to do with, I think, Steve
23 Bannon. I think he either rented it or owned it or something
24 like that.

25 Q Yeah.

1 A And I think there was social events that occurred
2 prior to the '16 election, perhaps, and maybe even after the
3 '16 election. And, you know, there's a lot of social events
4 that happen all over Washington, D.C., every single day, but
5 yeah. I think there's a variety of social events, and then
6 I think, you know, guys like Kash Patel or Ezra Cohen or
7 others were participants in a lot of those. But there's
8 nothing illegal about it.

9 Q No. And I'm really --

10 A It's just an association sort of thing.

11 Q I asked you a poor question.

12 A Yeah.

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

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

24 Q Back in '17?

25 A Yeah.

1 Q Okay.

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

4 Q Yeah.

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

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

16 Q Yeah.

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

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

25 A No. I never -- I don't have any firsthand

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

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

12 A Sure. I interacted with him a lot.

13 Q Tell us about that.

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

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Q Yeah.

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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.

14

Q Yeah.

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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, USDI. 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.

25

So USDI has responsibility for the Secretary of Defense

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

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

17 Q Yeah.

18 A And that's what happens on the 9th.

19 Q Is that one of those dots that gave you concern
20 that someone with his relative inexperience is given a
21 position of that influence?

22 A Again, nothing illegal. The President can appoint
23 whomever --

24 Q Right.

25 A -- he wants. Now, these guys are supposed to be --

1 these are supposed to be Senate-confirmed positions.

2 Q Uh-huh.

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

10 Q Yeah.

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

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

24 Q Yeah.

25 A And so, again, stability, steadiness. Those sorts

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

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

12 A I don't know on Cohen's part, Ezra Cohen's part. I
13 didn't talk to him about it. Patel said he wasn't because I
14 --

15 Q He told you directly himself?

16 A Yeah. I asked him. And, when he slid the paper
17 across the desk from me, I said: Are you behind this?

18 He said: No, no, I just saw it. It just came into my
19 inbox. I just saw it.

20 Q Okay.

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

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

1 that personnel change.

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

7 Q You're right. They have.

8 A I'd reference you to that.

9 Q I'm just asking what you recall.

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

15 Q Uh-huh.

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

1 counsel.

2 Q Yeah.

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

10 Q Yeah.

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

15 Q Uh-huh.

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

18 Q Yeah.

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

20 Q No. And General Nakasone immediately -- this is on
21 January 15th, 5 days before the end of the administration
22 when he's installed in a civil service position, not a
23 political appointment, as the General Counsel of NSA.
24 General Nakasone immediately puts him on leave, and he then
25 departs the Agency sometime this year. And, again, I'm just

1 wondering if General Nakasone shared with you any more about
2 his concern about that or if you have any other information
3 about how that came about.

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

7 Q Yeah.

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

21 Q Issues like with Esper --

22 A Well --

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

24 A No, no. This has to do with other things unique to
25 NSA --

1 Q Okay.

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

12 Q Okay.

13 A -- is refer you to Paul Nakasone --

14 Q I appreciate that.

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

24 But, nevertheless, there was feelings like that. And I
25 think with the case of Paul Nakasone, because of his unique

1 position of both CYBERCOM and NSA, and because he's in charge
2 of arguably the most powerful intelligence collection agency
3 in the world, there was people that had some issues with him.

4 I've known Paul for years. He's an officer of
5 tremendous integrity and professionalism and extraordinary
6 skill. He's outstanding. And, when I was Corps Commander
7 and a three-star over in Afghanistan, he was my intelligence
8 officer in Afghanistan. General Dunford was the overall
9 commander.

10 Q Uh-huh.

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

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

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

20 Q Yeah. Tell us about him.

21 A He was -- he was the OPM liaison officer to the
22 Pentagon. Interesting guy. Young. A complete -- and
23 there's nothing wrong with this, but a complete loyalist,
24 Trump loyalist. You go in his office, and it's MAGA this and
25 MAGA that all over the place. So nothing wrong with that.

1 Nothing illegal or immoral. Absolutely, you know, committed
2 to his cause. Young. I think he's in his 20s, late 20s,
3 from New Hampshire, as I recall. I think that he played at
4 least a role, perhaps, in the firing of Esper. I'm not sure
5 exactly what, you know. Again, nothing illegal about it.

6 Q Yeah.

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

24 Q Yeah.

25 A -- anxiety, perhaps, in the eyes of the American

1 people or in Congress and others. My phone was burning up.
2 I was getting calls from not only overseas but all kinds of
3 Senators and Congressmen about the steadiness of the
4 building, the Pentagon.

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

8 Ms. Cheney. Thanks, [REDACTED]

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

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

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

23 Ms. Cheney. Thank you.

24 General Milley. So when did they begin? Maybe -- I
25 could probably actually peg the date. I'd have to get back

1 to you on a specific date, but I'm going to -- from memory,
2 I'm going to say they began in December, perhaps, and take
3 that for -- we'll go back and do a little research and get
4 you an exact date.

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

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

15 [REDACTED] Do you need to take a break?

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

18 [REDACTED] The we'll take a break.

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

21 [REDACTED] Absolutely.

22 General Milley. So where was I? Oh. Anyway, so
23 general themes: steadiness overseas, constantly watching
24 Iran, North Korea, China, Russia, terrorists. Venezuela, by
25 the way, was another one. So there's a series of these

1 potential overseas crises. In several of the calls -- and my
2 theme was -- I sounded like a broken record: Steady, breathe
3 through your nose, we're going to land the -- we're going to
4 land this thing, peaceful transfer of power. That was a
5 constant message of mine. And both Pompeo and Meadows didn't
6 push back on that at all. It was "roger that" sort of thing.

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

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

25 Ms. Cheney. Uh-huh.

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

6 Ms. Cheney. Yeah.

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

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

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

20 ██████████ And I think this is in a classified
21 production.

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

24 Ms. Cheney. Yeah.

25 General Milley. On this timeline, it's actually

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

12 [REDACTED] That would be great.

13 General Milley. -- for your --

14 [REDACTED] Yeah. That would be helpful.

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

16 Ms. Cheney. Great.

17 [REDACTED] General, if you need to take some time --

18 General Milley. Yeah, I need to -- if you don't mind,

19 I've got a --

20 [REDACTED] Whatever you need.

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

24 [REDACTED] Absolutely. Sure.

25 [Recess.]

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

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

6 [REDACTED] Okay.

7 Mrs. Luria, did you have anything?

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

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

19 Mr. Richards. To the extent you can-- if it's White
20 House communications before November 3rd, consistent with the
21 guidance, we prefer to speak to White House counsel before we
22 --

23 [REDACTED] I understand. Just wasn't sure what the
24 timeframe was.

25 Mr. Richards. -- provide any answers. If it's after

1 November 3rd, feel free to answer, [REDACTED]. But, if it's before,
2 then I think we need to consult White House counsel.

3 So can you repeat the question?

4 [REDACTED] Yeah. I just --

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

6 Mr. Richards. Okay. Go ahead.

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

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

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

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

14 [REDACTED] Yes --

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

19 [REDACTED] Okay.

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

22 [REDACTED] It's not a "no."

23 General Milley. Let me put it this way.

24 Mr. Richards. Exactly.

25 General Milley. As an American citizen, it's part of my

1 freedom to speak. Let me put it this way. There are
2 conversations. There weren't orders. These are
3 conversations.

4 BY [REDACTED]

5 Q Okay.

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

12 Q Yes.

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

17 Q Uh-huh.

18 A -- that I think are either illegal, immoral,
19 unethical, or inappropriate, and I say that. And I say: No,
20 we can't do that. That's illegal or that's immoral or that's
21 unethical. We're the United States military. We don't do
22 things like that. These are just general gistings of
23 conversations that occurred. So trying to use the power of
24 persuasion, the power of argument and debate. You know,
25 you're all lawyers. You're all familiar with all of that, in

1 a conversation about some pretty serious topics, all right.

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

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

18

19

20

21

22

23

24

25

1 [5:33 p.m.]

2 BY [REDACTED]

3 Q Despite the President wanting to keep that --

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

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

14 Q I see.

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

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

24 Q And that's --

25 A So perhaps conversations were like that.

1 Q And that's described in here as limiting the
2 President's decision space.

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

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

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

19 So that's the -- so --

20 Q I understand.

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

23 Q By announcing it publicly.

24 A By announcing it publicly.

25 A lot of times my experience was that disagreement, as

1 long as it didn't make the papers or the media, it was -- you
2 know, they might not -- people might not like it, but it
3 wasn't going to be a big deal.

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

6 But what I'm talking about is not that. What I'm
7 talking about is cultural sites, like that will be an example
8 overseas. Another example might be to invade a foreign
9 country, perhaps, without mentioning a foreign country, or
10 taking a person out of a foreign country, which would require
11 the introduction of military force into a certain country.
12 There's legal and illegal ways to do that.

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

19 Q Very helpful.

20 A Is that within the bounds of --

21 Q It stays within the bounds and it's helpful. I
22 appreciate it.

23 A For what it's worth.

24 [REDACTED] Okay. All right.

25 Now I'm going to turn it over to --

1

BY [REDACTED]

2

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.

3

A This is on the 6th? Preparation.

4

Q Ending with the 6th, yes.

5

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

6

A Yes.

7

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

8

When did that begin?

9

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

10

Q And was that requested by yourself?

11

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

12

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.

13

So we stood up a crisis management team that was

14

dedicated to monitoring domestic unrest and to ensure that we

1 had a good handle on the National Guard, the statuses, the
2 readiness, the alert statuses, et cetera. The same thing
3 with the regular military.

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

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

15 Yeah, there's a lot of level of effort on -- I think we
16 called it domestic unrest as a general thing.

17 So to put that in further context, there was a lot of
18 anxiety by various members about Black Lives Matter, Antifa,
19 and various anarchist groups or left-wing groups, so to
20 speak, and the levels of violence participating in these
21 riots, stockpiling Molotov cocktails and taking water bottles
22 and freezing them so they act as a frozen missile sort of
23 thing.

24 A lot of discussions about those groups and
25 organizations, a lot of discussion about the CHAZ Zone out in

1 Seattle, and so on.

2 No discussions that I recall in any kind of depth about
3 the Proud Boys, the Oath Keepers, the Three Percenters, or
4 those kind of people. So -- and I'm not making judgment
5 calls. There's extremists on all sides of the spectrum here,
6 right?

7 So we just worked with the FBI and local police, and we
8 made sure that we kept track of it. And we stood up a team
9 to make sure that we, the Joint Chief of Staffs and I, had
10 situational awareness just like we have overseas, and we're
11 monitoring all kinds of different places, just like what I
12 just did 5 minutes ago walking outside, right?

13 And that's part of my job. In order for me to provide
14 best military advice to the President, SecDef, et cetera,
15 I've got to make sure that I have some visibility and a level
16 of understanding of what's happening.

17 Q Who led that crisis management team for you?

18 A Brigadier General Lestorti. He's the guy who led
19 the team.

20 Q You mentioned --

21 A It's a -- it was a cross-functional team. So I
22 don't know how many people -- how many people were on that
23 thing?

24 Colonel [REDACTED]. It's usually like 30-plus.

25 General Milley. Yeah, it was 30 or 40 people on this

1 thing.

2 BY [REDACTED]

3 Q You mentioned Ken Rapuano, and we've seen some
4 emails from him about updates that are closer to the
5 November-December timeframe.

6 A Yeah.

7 Q What was his role? Was he part of that crisis
8 management team?

9 A Yeah. So the management team, think of it as a --
10 what we call a matrix organization. So you've got people
11 from the various directorates, from the J3 operations.
12 You've got folks in there from logistics. You've got folks
13 in there from different parts. And you've got folks
14 participating as part of the Office of the Secretary of
15 Defense, the OSD staff.

16 Ken Rapuano is on the OSD staff, and he plays a very
17 important role, not so much in the crisis management team per
18 se, but more as the lead guy for the Secretary of Defense to
19 tie together the policy level stuff, the interagency, and the
20 Joint Staff and the military.

21 And Ken becomes like a focal point. So he prepares a
22 lot of the materials, the talking points, the papers, the
23 options, the courses of action, and all this kind of stuff.
24 He also works closely with the National Guard Bureau and so
25 on.

1 So he's a very important guy for the Department of
2 Defense in terms of the planning, coordination,
3 synchronization. But he's at the Department of Defense.
4 He's at Secretary Esper's level. He's -- his official title
5 is what, Assistant Secretary of Defense for Homeland Defense
6 or something like that? Something like that. A Homeland
7 Defense guy. Good guy, very professional.

8 Q So once kind of the summer civil unrest was dying
9 down, these updates still continued, though, in terms of the
10 domestic operations, is that right, heading into the --
11 heading into January 6th? So you had the November --

12 A Yeah, sure.

13 Q -- Million MAGA March and the December MAGA March.
14 Were those on your radar? Did you have any particular
15 concerns?

16 A Yes. So the short answer is yes. The way I framed
17 this for myself and for the Joint Staff, I said: Lookit,
18 there's chunks of time here, phases, if you will. We speak a
19 lot of times in phases in the military.

20 So I said -- and this is from June --so I said: Phase
21 one is now through the election, and phase two is the
22 election out through the certification, which was known, it
23 was a known date, the 6th. So from the election to the
24 certification. Phase three, I said, was certification to
25 inauguration. And phase four was inauguration plus 100 days.

1 And tasks, what we're paying attention to, are different
2 by phase, right?

3 Now, I'll also tell you that what I just said is also
4 common for how I will look or we will look at North Korea or
5 China or there's periods of time when things are perhaps more
6 potentially unstable than others.

7 Right now in the media, for example, you'll see media
8 reporting of Russian movements on the Russian side of the
9 Ukrainian border. So it might be maybe we're in a window of
10 heightened tension, so we're going to watch that a little
11 closer than, say, some other country that none of that is
12 happening, right?

13 So that's how I broke it out. That's the guidance I
14 gave to the Joint Staff. And I said we need to stay tight
15 with the FBI and we need to be monitoring all this
16 information, you know, as we go through the summer.

17 And it was obvious to me and to anyone that this was
18 going to be a very highly contested U.S. domestic election.
19 We're not going to have a part in it, but you can observe
20 that. You can see it.

21 And there was a degree of domestic violence happening
22 throughout the country, and we need to make sure that we're
23 monitoring that and that I can do my job to render advice.

24 So in various meetings, I would take that information
25 from the staff and I would perform my role in the Oval or the

1 Sit Room or wherever, on phone calls with the White House
2 folks.

3 And on a day-to-day basis, if I was up to speed on it,
4 if I had a good handle on it, I could try to use the powers
5 of persuasion to convince people that this course of action
6 is better than that course of action. So that's the purpose
7 of it.

8 Q So understanding that DOD doesn't collect domestic
9 intelligence, who -- I think earlier you said you relied
10 mostly on the FBI. Is that correct?

11 A The FBI, yes.

12 Q Do you rely on any information received from DHS?
13 And I ask because a number of the updates on January 6th are
14 from the DHS NOC and I don't see any from the FBI SIOC that
15 were sent, at least in our production. So I'm just
16 wondering --

17 A Yeah, I mean -- well, there's also Metro Police.
18 There's Capitol Police, FBI, DHS, and there's probably two or
19 three others.

20 But this was a -- the CMT, because I would ask every
21 day: What did the FBI say? What did the FBI say? Because
22 they are the lead Federal agency for domestic stuff as far as
23 police force goes at the national level, for me, anyway.

24 So, anyway, yeah, I don't know if it's in there or not.
25 But we didn't get much, by the way, just so you know.

1 Here is the norm, the normal reporting we got from the
2 police agencies, and this is a lot of chatter, nothing
3 specific, nothing actionable, a lot of chatter.

4 So take, for example -- I don't have my phones -- but
5 take, for example, your phones. I have on my phones a
6 program -- what's it called, a --

7 Voice. Data miner.

8 A Data miner. You probably are familiar with it,
9 right?

10 Q Yes.

11 A A data miner is just a news aggregator, and you can
12 program it. So I program it, just like anyone else does.
13 And I write on the thing. You know, you can program -- you
14 know, I have, for example, you know, Iran or North Korea or
15 Russia or Ukraine or this or that or the other thing. And I
16 also during the summer started going, maybe I'll start
17 programming, you know, city this and city that to see what's
18 going on. So the thing starts kicking up.

19 And then on social media -- and even today, I check this
20 almost every day -- on social media, even today you'll see an
21 incredible volume of very violent, very threatening language
22 that's out there, stuff that would pop on my screen, for
23 example.

24 Threats against Obama, right, former President Obama,
25 that would pop up on data miner. I'd get on the phone and

1 call Chris Wray, say: Hey, Chris, are you tracking this?
2 This is like the former President. I don't know who this guy
3 is, but someone just tweeted or chatted or whatever they did.

4 So it's a chatter sort of thing. But we, the Department
5 of Defense, and I had lawyers plus the intel guys, like, no,
6 no, no, we're definitely not collecting and we're going to
7 do it. I said: That's absolutely right, do it procedurally
8 correct, rely on law enforcement. So those are the agencies
9 that we did.

10 Q So it sounds like FBI as well as local police
11 monitoring you said also?

12 A And a key one was Metro Police.

13 Q And how is this information -- it's coming through
14 the crisis management team.

15 A It's coming through the crisis management team and
16 Ken Rapuano was getting a lot of this stuff.

17 And we have written reports. I'll never forget the
18 one -- I got this one after 6 January, because I kept seeing
19 in the media FBI Field Office Norfolk had a report that
20 predicted all this stuff, right? And I said: Well, if they
21 had it I never saw it. I want to see it.

22 And it took me a couple days, but I insisted that I get
23 the actual FBI report. And they actually sent it to me. And
24 I read it, and it was fascinating. I don't know if you saw
25 it. Have you seen that?

1 Q Yes. The situational incident report from January
2 5th from Norfolk, Virginia, that's the one?

3 A With the attached map --

4 Q Yes.

5 A -- and the arrows.

6 Q Yes.

7 A The Patriots, the Rebels, and the whatever it is.
8 [REDACTED]. Cowboys.

9 BY [REDACTED]

10 Q Cowboys.

11 A You saw that. I looked at that and I said: That's
12 interesting. It would have been nice to see that beforehand.
13 But, in any event, that's a field office of Norfolk. That's
14 not main FBI. That map, though, speaks volumes, so -- in my
15 opinion, in my professional opinion.

16 Q I believe this is the map that you're talking
17 about, which is attached to something else, but I can show it
18 to you to make sure we're talking about the same one that I
19 think was attached to this.

20 A I can see it from here. It's got an arrow coming
21 from New England, coming down I-95, the Patriots.

22 Q I think this might be the one. We can mark it.

23 A Yeah, that's it. Yeah. That's the same map.

24 So that to me was fascinating. It could have been done
25 by anybody. It takes no special training to do that. But

1 the language, the arrows, link-up points, I mean, the stuff
2 that they put in here, I was sitting there going:
3 Fascinating. Who would have done that?

4 You know, I can only imagine that it was probably
5 someone who had some sort of military experience -- at a very
6 low level. But a lot of people could have done it. You
7 could have picked that kind of stuff up off the internet.

8 But, yeah, these were the type of things -- this one we
9 didn't get, but we did get threat assessment. I got -- we
10 did those interagency calls. And the FBI, I can't remember
11 the guy's name. It wasn't Wray. It's --

12 Q David Bowdich?

13 A Yes, Bowdich. Yeah. Very good.

14 So Bowdich would brief on those. And, again, very
15 consistent, a lot of chatter, nothing specific, nothing
16 actionable. But that's our sources.

17 Q My question is, how are you reconciling what you're
18 seeing on your own data miner kind of tracking of what you're
19 able to see -- and putting together the dots is the analogy
20 we used in the prior part of the interview -- and what the
21 Bureau is telling you in these briefings? Are you able to --

22 A Well, I would -- I don't know if this will make
23 sense to you, but there's a cultural difference, an
24 institutional cultural difference between intelligence
25 agencies -- CIA, DIA -- the military, and law enforcement

1 agencies -- the FBI, Capitol Police, et cetera.

2 Law enforcement agencies are looking for post facto
3 evidence to prosecute in a court of law. They're looking for
4 evidence that can withstand cross-examination. Intelligence
5 agencies are looking for early warning indicators and warning
6 of events that have not yet happened. So you're looking for
7 something in the future.

8 So there's a difference of view, an angle of view. And
9 I was told that a long time ago. I was told that like in War
10 College or Staff College about institutional biases and
11 cultural institutions. And my own personal observation is
12 that's become true.

13 So with these reporting that we're getting out of the
14 police forces, you know, it's not a fault or anything, it's
15 not pointing a finger, but they're looking for evidence as
16 opposed to indicators and warnings.

17 So let's just say number of hotel rooms, number of hotel
18 rooms filling up in Washington, D.C., flights coming in,
19 charter flights coming in, how many people are riding the
20 subway, plus all this chatter on social media. Add it all
21 up, do your analysis. You can't do anything with it if
22 you're a cop. What are you going to do? There's nothing.
23 You have to have evidence to do something. You can't
24 interdict on something like that.

25 You take a look at groups who are filing petitions to

1 protest, perfectly legal in the Constitution, right to
2 assemble, haven't done anything wrong. You look at the
3 backgrounds of some of these groups and you sit there and go,
4 hmm.

5 But, again, they're indicators. They're warnings.
6 They're early warnings. There's nothing a cop can do about
7 any of that until a crime is committed.

8 So there's a different angle of view. And what I'm
9 trying to do is just maintain my own situational awareness so
10 that I can render some advice when the moment comes.

11 So I'm looking at it differently. I'm looking at it in
12 an anticipatory way. Police forces look at it in a
13 reactionary way.

14 Q From what you were seeing, did any specific group
15 stand out to you in terms of as we were heading into January
16 6th?

17 A Proud Boys, no question.

18 Q Why is that?

19 A There was a series of tweets, Presidential tweets,
20 and comments, public comments, that were not commands, you
21 know, because it's a much looser thing than that, but they
22 went out. There was -- I think there was six of these things
23 that went out in the fall.

24 And there was at least two -- I forget the dates, but I
25 want to say it's November-December timeframe -- there were

1 two times in which the Proud Boys -- there might have been
2 other groups -- showed up in Washington, D.C., and there was
3 a series of fights, street fights that night. I don't know
4 if you remember this, but there's a series of these fights
5 that go on. And that was clicking -- those were clicking
6 indicators and warnings to me.

7 So tweets go out. Guys show up. Street brawls. This
8 gets to the comment about, you know, brown shirts and all
9 that kind of stuff.

10 So you got these street fights between groups of people
11 that have varying political views. They're happening in the
12 Nation's Capital. And that was -- I'm like, whoa, what's
13 happening here? So my radars are going up a little bit.

14 Having said that, again, totally could be handled by law
15 enforcement, and they did handle it. So these are groups of,
16 you know, five, ten roaming around the streets, getting in
17 street brawls. Metro PD handled it. Chief of police didn't
18 require any support. But we were witting of it and it was
19 just another set of data points.

20 Then, as you get closer, there's a series of tweets
21 talking about the 6th of January. You know, come to the 6th.
22 And, you know, you've got the tweets. They're all out there
23 in the public space. And it was obvious to me that there's
24 sort of this call to come to the 6th.

25 And then we went into these series of meetings to try to

1 do crowd estimations. So the FBI, Metro Police, and others,
2 based on petitions to protest, requests to protest to the
3 city, which were, you know, granted by the Mayor or whoever
4 does that downtown.

5 And on these calls, these conference calls, they started
6 doing estimations of crowd size. It starts out to be 10,000
7 to 15,000. And this is probably the 31 December type call.
8 And then over the course of these calls, the size of these
9 crowds start -- the estimations start growing.

10 So the call on the -- maybe the 4th, the 3rd, the 2nd,
11 it's out there, it's closer to the 6th. That call comes in.
12 And I think it's the FBI or the Park Police or somebody
13 estimates the crowds are going to be the size 20,000 to
14 25,000, 30,000. I'm like, whoa, that's a lot of people
15 coming into this town.

16 After the fact -- and you can check this with the Metro
17 Police -- after the fact, I was told -- and I don't know if
18 it's true -- but I was briefed that the total crowd
19 estimation that came into D.C. was estimated to be upwards of
20 45,000.

21 Q That's post-January 6th, you learned that number?

22 A I learned that number after January 6th. The
23 estimations prior -- and you can check with the folks who do
24 the actual crowd estimations. But I got briefed on that and
25 I distinctly remember that number because it just jumped out

1 at me. I was like, whoa. And I think that number came from
2 the Metro Police chief, actually. But you can check it.

3 Anyway, very, very large crowds, right? And as we get
4 closer, these crowds are -- the estimations of these crowds
5 are growing, based on police estimates of what they think
6 they're going to deal with. So --

7 Q Before we go into those interagency calls, I just
8 want to go back to what you said about the Proud Boys.

9 Now, did you hear about the Proud Boys through any of
10 the law enforcement agency updates, or is that from your own
11 data miner?

12 A No, no. These were reports that we were getting
13 from the law enforcement --

14 Q Okay.

15 A -- the crisis team and all that. And they
16 were tracking the various organizations that the police are
17 telling us, you know.

18 Q And we'll look at --

19 A It wasn't just Proud Boys.

20 Q Before we move off of this, there was some
21 reporting in Peril that described that you were on high alert
22 about some of these things that you were seeing on data
23 miner.

24 A That's what I'm describing to you. High alert,
25 that's probably someone else's words. But high alert is

1 probably an overstatement, but, like I said, my radar was up.
2 There was little doubt in my mind that -- again, going back
3 to the phases.

4 So you have the election -- this is my own analysis, my
5 own personal analysis -- you have the election, wait, you
6 know, 72 hours, you get the counts and all that kind of
7 stuff, and then assess is this thing contested or not
8 contested. It was obviously going to be contested.

9 Okay, fine. So it's contested. And then you start
10 seeing the activity domestically, the rise overrun of emotion
11 or intensity. It was obvious in the media and, you know,
12 anybody can turn on TV could see it. And you could see that
13 the tension levels are getting more -- it's getting more
14 contested, which is fine. That's perfectly fine.

15 You take your challenge and you go to court. And it's
16 court case after court case after court case after court
17 case. I think the number ended up being 86 or whatever it
18 was got shot out of court. But you can see, you can sense
19 the environment is getting more tense as you go on.

20 And that -- so I don't know who used the word "high
21 alert," I don't think that's me, but my alerts were up for
22 sure, along with the FBI and others. We're all kind of
23 looking at the situation.

24 Q But did you believe going into the 6th that what
25 FBI had and DHS had adequately reflected the threat that you

1 perceived from putting all these points --

2 A Yes. So I -- yeah. I mean, I -- what I
3 anticipated personally -- I ended up being wrong -- I
4 personally anticipated a significant amount of people coming
5 into the city and exercising their First Amendment right.
6 Okay, that's fine.

7 And I expected these groups, Proud Boys and Three
8 Percenters and Oath Keepers or whatever groups they are,
9 right, to do what they did in the fall. And when the sun
10 went down, I expected to see groups of 10 or 12 run around
11 the city getting in fights with Black Lives Matter and Antifa
12 people on the streets. And I expected to see a general set
13 of violence and fights, street fights, brawls. That's what I
14 thought was going to happen.

15 And I certainly didn't think that there would be an
16 organized assault on the Nation's Capital. I mean, you know,
17 I knew there was going to be large crowds. I didn't think
18 there was -- what actually happened, I certainly didn't
19 anticipate that, even though if you go back in time and you
20 look at all these websites, you can actually see, in
21 hindsight you can see, and even the FBI can pull these
22 things, you can see what these guys are talking about and
23 that kind of stuff.

24 You can see that FBI report that shows the arrows. You
25 can see people on these various chat rooms saying: This is

1 our Alamo, this is our cause, this is your last chance, this
2 is it, you know, it's time for the revolution. I mean, all
3 this kind of really, really vitriolic language.

4 In hindsight, it all is crystal clear. At the moment, I
5 expected street fights. In fact, the head of Proud Boys gets
6 arrested, if I'm not mistaken, gets arrested by somebody as
7 he was trying to come into the city. And I expected what we
8 saw in the fall, only I thought it was going to be a lot more
9 and bigger, broader, a lot more fighting on the street than
10 in the summer.

11 Q In hindsight, was there an emphasis -- overemphasis
12 on counterprotesters and protesters versus -- without
13 understanding what the crowd's intent might have been, in
14 terms of looking at what happened in November and in
15 December?

16 A You mean overemphasis on the extreme groups?

17 [REDACTED] You mean BLM and Antifa?

18 [REDACTED] Correct.

19 General Milley. Not by me and not by us, not the
20 military. You know, to me it's -- we were calling balls and
21 strikes. I don't think there was an overemphasis on either
22 side.

23 I clearly saw, I think, and this isn't an overemphasis,
24 I saw the greater threat coming from the Proud Boys, Three
25 Percenters, that kind of group, right, only because they were

1 being very vocal, whereas the Antifa, Black Lives Matter
2 crowd, they were much more muted. In fact, I think they were
3 putting out instructions, if I'm not mistaken, I think they
4 were saying stuff like stand down, stay away from all this
5 stuff or whatever. I'm not sure of the language they were
6 using.

7 But there was a clear implication to me that the greater
8 threat on the day of the 6th was probably from the Proud Boys
9 type crowd, right?

10 The broader crowd, I have to say that the broader crowd
11 -- the 6th is interesting as I look at it even now, right?
12 So you get this crowd that shows up and, for the most part,
13 it's very loud, okay, and they're waving their flags and all
14 that kind of stuff, but for the most part, they're peaceful.
15 And they get to the fence line.

16 And you can check with the Capitol Police, but I think
17 that they went -- did a 360 basically around the building of
18 the Capitol. So it's not just one place. I think it's more
19 or less the whole Capitol area.

20 And you get this mass of people, and they're protesting
21 and they're saying the things and all that, but it's for the
22 most part peaceful. Violent rhetoric, perhaps, and all that,
23 but still no violence, not yet.

24 And then all of a sudden there's this surge of violence.
25 And for me, as I look at that, that appears to me to be

1 calculated. Maybe I'm wrong. I don't know. Hopefully you
2 guys can get to the bottom of it, right? But that appears to
3 me to be a calculated event.

4 And you look at the video, you look at the photographs,
5 and you look at the crowd. And look at the people who are in
6 the front of the crowd and look at the people who are much,
7 much further back. The ones that are way further back are
8 waving their flag, doing their thing, okay, that might be
9 First Amendment. But look at that crowd that's up front and
10 you tell me what organizations they belong to.

11 I mean, I don't know. I'm not the FBI. But a lot of
12 them don't look like your average First Amendment protester.
13 And you look at the shirts they're wearing, 6 million not
14 enough or wasn't enough. You know, written in German, work
15 will make you free. Waving neo-Nazi flags, the green and
16 white flags with the runes from the Nazi SS. Waving other
17 types of flags.

18 Lookit, I deal mostly overseas, but I'm looking at it
19 and it speaks volumes to me about who might have been in
20 those front ranks.

21 And then you start looking at what are they wearing. So
22 they're wearing helmets and they're wearing flak vests and
23 they have radios. So why do they have radios? Who are they
24 talking to? What are they doing? What is their command and
25 control? Who was in charge? Who was command and control?

1 What are all these things that they have? Because that
2 didn't happen by accident. There's no way that happened by
3 accident. That is planned, it's coordinated, and in some way
4 somehow it was synchronized. I don't know how. I don't know
5 who. Hopefully, you guys have better luck.

6

BY [REDACTED]

7

Q When you saw the crowd and observed some of these
8 symbols --

9

A Sure.

10

Q -- what did that mean to you in terms of the groups
11 associated with that front line, as you said?

12

A Yeah. I mean, I said some things to my own staff
13 that have since -- you know, some people have interpreted as
14 being quite inflammatory. And I said: These guys look like
15 the brown shirts to me. This looks like a Reichstag moment.
16 I said those things.

17

And I repeated those things, by the way, in the
18 rehearsal that we did for the inauguration, which was done
19 over at Conmy Hall at Fort Myer.

20

And on that one, because of what happened over the
21 summer and because of what happened on the 6th, I insisted
22 and argued for a large interagency rehearsal and designation
23 of a lead Federal agency, which was Secret Service,
24 Department of Justice, and we're going to do a big, huge,
25 massive rehearsal with the entire city laid out on the gym

1 floor of Conmy Hall. And I repeated some of those same
2 comments during that rehearsal, which was actually videotaped
3 by the Secret Service and you can watch the whole thing. I
4 haven't seen it, but I know that they videotaped it.

5 So I did have serious concerns, but I didn't expect what
6 actually happened. I didn't expect that. I expected street
7 brawls.

8 You know, an interesting one is DepSecDef Norquist. I
9 don't know if you know him. He was the Deputy Secretary of
10 Defense underneath Secretary Esper, and he was also the
11 DepSecDef under Acting SecDef Miller, right?

12 So during these calls -- I only remember it in hindsight
13 because he was almost like clairvoyant -- Norquist says
14 during one of these calls: The greatest threat is a direct
15 assault on the Capitol. I'll never forget it.

16 Now, you know, when you look back and you hear things.
17 At the time, I thought -- again, I thought the greatest
18 threat was when the sun goes down you're going to get brawls
19 out on the street.

20 But Norquist, who's a longtime public servant in many,
21 many ways, anyway, he said that. And I was like wow. In
22 hindsight, I'm like check that out.

23 So he nailed it. He pegged that one. Incredible. And
24 he said that in a meeting. Miller. Patel. I'm there.
25 There's others there. We're on a conference call right after

1 a conference call maybe with the interagency, so you got
2 Rosen and so on and so forth. So anyway.

3 Q I want to go through some of those calls, starting
4 with when the request from Mayor Bowser was first made on
5 December 31st, and it kind of goes through the process and
6 then comes to you.

7 A Right.

8 Q And then there's a call on January 2nd with
9 yourself and Secretary McCarthy about the Mayor's request.

10 I've reviewed the IG report. According to the IG
11 report, it says at that January 2nd call you brought up the
12 need for the lead Federal agency in setting up a command
13 post.

14 A Right.

15 Q There's been a lot of discussion about the need for
16 a lead Federal agency, and I know you mentioned it before.
17 But at that time, what was at top of mind in terms of
18 requesting that?

19 A Well, it's -- it's almost -- it's a principle of
20 military operations. This is not a military operation, so I
21 don't want to confuse military operation with what happened
22 here. But the way I'm trained and the way I've been brought
23 up in the military is one of the fundamental keys is to
24 establish a clear, unambiguous unity of command and establish
25 a command and control architecture so that you have the

1 commander's intent, the task, the purpose, the end states,
2 and you can transmit orders and people know who's in charge.
3 So where two or more meet, someone's got to be in charge.
4 It's kind of like a principle.

5 So in Washington -- it's easy in a State, the Governor,
6 right, and the TAG. It's very clear when you're talking
7 about domestic stuff. But in Washington, D.C., it's way more
8 complicated, and it's still complicated. We haven't fixed it
9 in D.C. So what has to happen in D.C. is you get -- you can
10 do a couple of things.

11 One is you can designate things as a national security
12 special event. That's a procedure. It's well-known. It's a
13 process that we do in the Federal Government. But only
14 certain things get designated like that. Like a State of the
15 Union is an example of that or an inauguration.

16 The certification of an election is not. Historically,
17 we have not designated it as a national security special
18 event. That's a way of establishing, you know, someone's
19 clearly in charge.

20 Another way, though, is just by issuing out an order.
21 Just the President says so or the, you know, the National
22 Security Advisor to the President says so, which did happen,
23 by the way, here, and it's in one of these phone calls. But
24 it's very important to establish who's in charge.

25 Now, obviously, the President's in charge and obviously

1 McCarthy is the Governor. But McCarthy is the Governor of
2 the Guard. He's not the Governor of the FBI. He's not the
3 Governor of the Bureau of Prisons. He's not the Governor of
4 the Park Police.

5 So you need somebody who's legally in charge and can
6 give orders. Cooperate and graduate only works so far. You
7 have to actually establish unity of command if you're going
8 to have a -- and that's what we did, by the way, for the
9 inauguration, and it went pretty smooth. But that wasn't
10 done till late in the process here. It was done, but it
11 wasn't done until late.

12 Q So I want to go through exactly when that was
13 established with the Federal agency and who established it.

14 January 3rd, there's a call with the Cabinet members,
15 which would include Attorney General Rosen, the DHS Director,
16 the Homeland Security Director.

17 A Yes.

18 Q And, again, looking at the IG report, it states
19 that you emphasized again the need for a lead Federal agency
20 as well as and law enforcement needed to be the first
21 responders and that ultimately this was police work. This is
22 on page 29 from the IG report.

23 A Yes. It's all true.

24 Q In the report, it says everyone agreed to that.

25 On January 3rd, was the lead Federal agency --

1 A Are they quoting me or are they -- it's just
2 summaries of meetings?

3 Q I can read it to you. It's page 29.

4 A Yeah. It's accurate, though. I mean, I was
5 beating that drum constantly.

6 Q It sounds like it.

7 A As an advisor.

8 Q "General Milley emphasized that the lead Federal
9 agency in law enforcement needed to be the first responders
10 and that ultimately this was police work."

11 A Yes.

12 Q "He told us that everyone agreed to that."

13 A Yes. And the number of cops in Washington, D.C.,
14 given the situation that was being described by police
15 agencies, should have, if properly employed, easily been able
16 to handle anything. And oh, by the way, Ken Rapuano went
17 around to each agency and asked them if they needed help, and
18 they all thought they could handle it, the police forces.

19 But having inherent capability is different than actual
20 employment. And for that, in order to get unity of purpose,
21 unity of effort out of 13 police agencies and whatever the
22 number is, eight or nine or ten thousand cops, you've got to
23 have unity of command.

24 So what ends up happening in D.C. is people go by
25 jurisdiction. So the Washington Monument is the jurisdiction

1 of the Park Police. So the Park Police will guard the
2 Washington Monument out to the edge of the grass.

3 Now, on the street, at the curb it becomes Metropolitan
4 Police. But across the street might be a Federal building,
5 and that might be the whatever police. Or, if it's near the
6 White House, it's going to be the Secret Service, and so on
7 and so forth.

8 So it is a potpourri of jurisdictions, the entire city,
9 of who has legal authority in what part of this city. And
10 establishing the legal -- or the lead Federal agency cleans
11 that up, because that one person has legal authority. And
12 then they can say: You got this, you got that, I give you
13 this order, I give you that order. And that's the beauty of
14 it. And I was constantly emphasizing that.

15 Q Was it established during that call, that 1 o'clock
16 call on January 3rd, that DOJ would be the lead? Is that
17 your recollection?

18 A Yes, that's probably. Is that what it says?

19 Q Well, there's some confusion about it. It says
20 later, I'll quote: "General Milley told us Ambassador Robert
21 O'Brien, National Security Advisor, or White House Chief of
22 Staff Mark Meadows, one of them says, 'Hey, Department of
23 Justice is the lead Federal agency.'"

24 A That's right. Now, what meeting does it say that
25 this -- that is what happened. When does it say that

1 happened?

2 Q It's unclear.

3 A It's close to -- it's not the 6th. It's not the
4 5th.

5 Q There's a meeting on the 3rd of January, the
6 evening, at the White House.

7 A It didn't happen there. This is before that.

8 Q Let me just clarify one thing, though, from this
9 January 3rd call. As you probably are aware, there's some
10 public reporting that we've spoken to Mr. Donoghue and
11 Mr. Rosen about these events as well.

12 It's their recollection from that January 3rd call that
13 you asked DOJ to be the lead agency and the Acting Attorney
14 General at that time said: No, not at this time, January
15 3rd.

16 A That's right.

17 Q Do you remember that?

18 A Absolutely. Yes. So, I mean, it's like, hey,
19 someone's got to -- I'm just an advisor -- someone's got to
20 get the rose pinned on them, someone's got to be in charge,
21 because this is a big deal and you've got all these forces,
22 et cetera.

23 And it didn't take a rocket scientist to figure out the
24 numbers of people coming in, whether it's 25,000 or 45,000.
25 Someone has got to be in charge of this thing, right? So I

1 kept beating that drum.

2 Attorney General Rosen -- or Acting Attorney General
3 Rosen -- and I'm -- now, I'm on these calls. I'm in the
4 Office of the Secretary of Defense, and you've got Acting
5 SecDef Miller, Kash Patel, and some of his other people
6 there. On the phone are all these interagency types, right?

7 And so I'm saying -- I'm trying to be as polite as
8 humanly possible in a collegial way, but at a certain point
9 I'm like: You got to do this. You got to designate a lead
10 Federal agency.

11 And, Attorney General Rosen, by tradition, it's usually
12 the Department of Justice. This is a law enforcement. You
13 are the chief law enforcement officer. And I'm trying to do
14 it in a way that is kind of being emphatic without being
15 totally rude. And it went back and forth. And it's like,
16 you know, you're dealing with -- you know, nobody wanted to
17 take charge.

18 So I said on the phone -- and the more I think about it,
19 I'm almost positive it was O'Brien, but it could have been
20 Meadows -- I said something like: Hey, either you, Chief
21 Meadows or O'Brien, one of the two of you got to call the
22 ball. You're the umpire of this thing. All I am is an
23 advisor. But I'm telling you, you got to do this. You got
24 to call the ball.

25 And they did. And they said: Yeah, Rosen, you got it,

1 you're Department of Justice, you're the lead Federal agency.

2 Q Do you remember it happening during that January
3 3rd call or at a later time? Because there's a January 4th
4 call too.

5 A It could be the 4th.

6 Q Okay.

7 A It could be the 3rd or 4th. I'm not sure which
8 call, but it's right around that time. And that's what I
9 mean by it's late.

10 Q Right.

11 A So there's a lot of preparatory activity. You look
12 at the inauguration. Look at the level of preparation that
13 went into that thing and all the time it took and the level
14 of effort, rehearsals, et cetera. So this is happening
15 literally 48 to 72 hours prior to the event itself.

16 Q Let me just go back to the IG report, where it
17 states essentially there was a roll call done there, in terms
18 of going through what any of those other agencies needed from
19 DOD, meaning the DHS Director of Ops said they saw no
20 specific threat to any Federal buildings, the Secretary of
21 Homeland Security said they were concerned about what might
22 happen at sunset with opposing groups roaming the city.

23 A And that's Wolf, I think, right, Secretary Wolf?

24 Q Yes, I believe it was. It was Wolf. I believe
25 Mr. Wolf wasn't around on January 6th, but this must be Wolf.

1 The Secretary of the Army briefed about the request from
2 the D.C. -- for the D.C. National Guard. And then it states:
3 "The National Security Advisor wanted to make sure everyone
4 communicated with the United States Secret Service." This is
5 page 29 of --

6 A Yeah. I don't remember the exact quotes. But
7 yeah, absolutely. And the Secret Service has the lead,
8 obviously, for the White House and the security at the White
9 House. There was great concern about security at the White
10 House.

11 Q From whom?

12 A O'Brien and people in the White House.

13 Q Was it communicated by anyone from DHS about
14 keeping -- the United States Secret Service keeping in
15 communication with them, or was it from Mr. O'Brien?

16 A I don't know. I'm not -- I don't remember. It's
17 discussed, though.

18 Q So I'm now on January 4th. I want to get to that
19 phone call. But before we get to that, on January 3rd, the
20 meeting with the President at the White House.

21 A It's at 1730, right, or something like that?

22 Q So 5:30.

23 A Yeah, 5:30.

24 Q Yes. So that evening -- well, let me just start
25 in -- before that, 4:45 on the defense timeline, it says that

1 you and Secretary Miller met with the National Security
2 Advisor Robert O'Brien. Was that anything related to the
3 January 6th rally, or is that separate?

4 A No. It's related to the meeting. So let me frame
5 the meeting here a little bit.

6 So if I remember right, the President is down at
7 Mar-a-Lago on -- this is Sunday the 3rd, right? The 3rd of
8 January I think was a Sunday.

9 Q Yes, Sunday.

10 A Yeah, if I remember right, it's a Sunday. So the
11 President is down at Mar-a-Lago like Friday, Saturday,
12 something like that. And the International Atomic Energy
13 Agency comes out with a report perhaps the previous Thursday,
14 Friday, something like that, and it's in the papers, it's all
15 over the newspapers, it's in the media that Iran is
16 increasing the number of centrifuges and the amount of highly
17 enriched uranium that they're producing. And it's in the
18 media, okay?

19 So I get called on whatever, either late Saturday night
20 or early Sunday morning by O'Brien, saying: Hey, the
21 President is going to come back from Mar-a-Lago. We all need
22 to get together in the White House tomorrow afternoon. The
23 topic is Iran. And he related that to the IAEA event. Okay,
24 Roger that, just like what you saw earlier, an hour ago,
25 right?

1 So not uncommon thing, by the way, that this is a thing
2 that happens frequently. And Iran has been an issue since
3 day one. And from the entire time I'm the Chairman, there's
4 issues about Iran.

5 So now we're going in. It's the 3rd of January, late
6 afternoon. And I go over there and Miller -- let me try to
7 remember this, who's in the meeting. So the President. The
8 Vice President is not. Pompeo. Acting SecDef Chris Miller.
9 I'm pretty certain Kash Patel. And I'm almost 100 percent
10 certain Meadows was there. Beyond that, I'm not sure. Maybe
11 Cipollone might have been. I'm not sure. Normally one of
12 the lawyers was there on any of these meetings.

13 But anyway, so we go over there and we're meeting on
14 Iran. The topic is Iran. The topic is not the 6th of
15 January. The topic is Iran. And the only ones who did any
16 significant talking were me and Pompeo. Everyone else was
17 kind of listening.

18 So we're in the Oval. This I don't think covers
19 executive privilege or anything, because I'm not going to go
20 into any detail about it, but it's all classified anyway.

21 But the bottom line is the President comes in. He
22 looked normal, behavior-wise and all the rest of it was fine,
23 sits down and says: Okay, tell me about what this thing is
24 with the Iranians and the nukes and all that.

25 And I forget if it was Meadows or Pompeo or Miller or

1 someone said: Okay, Chairman, over to you.

2 So I walk through all the intelligence relative to this.
3 And Gina Haspel was not there and there was no CIA rep there
4 at that point. So I walk through all the intelligence. And
5 then I walk through what options are available, which I won't
6 discuss.

7 And he said: What do you think? And I went through
8 cost and risk and benefit, all the normal stuff, right? He
9 asked Secretary Miller what he thought. Secretary Miller
10 said what he thought.

11 What's interesting, there was some article like in the
12 news yesterday or something like that about what Secretary
13 Miller says he said. And then -- I don't know if you saw
14 that article. You should take a look at that article.

15 And then Pompeo, then he turns to Pompeo. Secretary
16 Pompeo speaks.

17 And the bottom line there is -- you know what happens,
18 right? So it's all good.

19 At the tail end of that meeting, the President looks at
20 Secretary Miller, Acting Secretary Miller. And it just
21 struck me as odd at the moment. And he just -- and that's
22 where the 6th of January comes in. It only lasts a minute,
23 maybe a minute and a half, not even. I don't even think it
24 lasts that long.

25 But there's this commentary between the two of them, and

1 it says: You're set for the 6th and all that and you got a
2 plan and, you know, protect my people and all that. Right?
3 And I'm silent. I'm just listening and I'm like, hmm.

4 And Miller says: Oh, yeah, yeah, we're good, we're
5 squared away, we got capability and all that.

6 And that was it. And then the meeting is over and we
7 all go our ways, right?

8 So I walk out. I'm walking out with Secretary Miller.
9 And I said to Secretary Miller, I said: What was all that
10 about at the tail end? I said: That's, you know -- we have
11 a significant crowd showing up. What are you guys talking
12 about?

13 Oh, nothing, we're good, you know, we're set. We got
14 the -- we've gone around, we've coordinated with the police,
15 and that's all.

16 I said: Okay, fine. Because that is what I knew was
17 true, and he just reinforced what I already knew to be true.

18 Was there anything else behind any of that? I don't
19 know. I'm not going to ascribe anything to that. It just
20 was an odd set of comments at the tail end of a meeting that
21 had nothing to do with domestic stuff.

22 Q Did the President mention how many protesters he
23 was expecting?

24 A Yeah. Well, he did. That was part of it. I
25 forget how many he said, but it was a lot. I forget. I

1 think he might have even -- I don't know what he said. He
2 said -- he might have said something like 100,000 or
3 something like that or 50,000. It was a lot. It was a huge
4 number. And I was like --

5 Q It was a huge number that he was expecting?

6 A Yeah, that's right, that he says to Miller.

7 Q Did he also mention -- again, this is from the IG
8 report -- that the President asked to make sure that it would
9 be a safe event? Do you remember that?

10 A Yes. That's right. Yeah, yeah, for his people.

11 Q Now, I just want to understand the timing of this.
12 Come January 3rd, there was not -- the request from Mayor
13 Bowser had been there, but the approval had not, it had not
14 been approved yet by the Secretary of Defense. That did not
15 come until January 4th. You can look at the timeline.

16 A Yeah. Yeah. So there's a request from Mayor
17 Bowser for X amount of guys in orange vests, soft cap, all
18 that, right? And we had -- there's a separate meeting -- or
19 it's not a separate meeting. It's a meeting in the
20 Department of Defense now, not over at the White House, about
21 that request. Secretary McCarthy got the request. He
22 kept -- the request I think went in through -- I think it
23 comes in to William Walker.

24 Q Yes.

25 A General Walker, maybe, of the D.C. Guard. And then

1 it goes up from him to the Army, and then Army flips it over
2 to Ken Rapuano, and this analysis on exactly what we want.
3 But the issue was define exactly -- and this is very common.

4 So people oftentimes say: I want blank amount of
5 troops. That's not the best way to do it. The best way to
6 do it is here's the task and purpose we need you to
7 accomplish, then we'll come back to you with an offer of how
8 many troops it takes to do that course of action. And then
9 you work it out, right?

10 So that's what was going on. There's this
11 back-and-forth between the Army and the Mayor on exactly
12 scoping the mission, making sure we understood the task and
13 purpose. But in addition to that comes rules of engagement
14 and authorities, and that's really important.

15 So that's one of the big lessons over the summer, is
16 making sure that the Department -- and only the Secretary of
17 Defense or the Secretary of the Army can do that, because
18 that constitutes authorities -- establishes very clear,
19 unambiguous rules of engagement, rules on the use --
20 actually, rules of engagement are overseas. I should say
21 rules on the use of force.

22 So rules on the use of force is what's used in domestic
23 when the military is used in domestic. So that all has to
24 get worked out.

25 And then -- and I forget what the date was, but we wrote

1 a letter. So what we took was the Esper letter from -- so
2 following the events of the summer, Esper wrote a letter,
3 which was actually pretty good. And we all contributed
4 toward helping write it. And it was implementing some of the
5 summer lessons learned.

6 So Esper is no longer there. Miller is not even aware
7 of the Esper letter. So we're in this meeting and it's me,
8 McCarthy, Esper -- or Miller -- Patel is probably there, a
9 few others, right? And I said: Just take the Esper letter,
10 redo it, put a new signature block on it, and call it a day,
11 but get it out because we're getting close.

12 So we do that. We actually edited it. So it's not
13 exactly the same as the Esper letter, but it was edited and
14 updated and it went out under Secretary Miller's signature.

15 Q I just want to --

16 A I don't know what day that was, though.

17 Q That's January 4th. It's exhibit 17.

18 But at the time this comment was made by President Trump
19 about the expectation about the number of protesters, what
20 number do you remember him saying?

21 A It was really big. I want to say 100,000 was said.
22 Maybe it was 50,000. I'm not sure. It was a big number,
23 though.

24 Q And you said it struck you as odd at the time.
25 What was odd about that, knowing that a request from the D.C.

1 National Guard had been made?

2 A No. What was odd -- it was -- sometimes it's hard
3 to describe, because it's an atmospheric of a meeting. And
4 what was odd was a sudden shifting of a really significant
5 topic involving Iran to, boom, this is going to be a big
6 deal, big crowds, some numbers will turn around, and you're
7 set, right? Just make sure it's safe. Make sure it's safe
8 for my people. And it's just almost -- almost casual
9 conversation.

10 But it was just -- it just struck me as odd. It was out
11 of place at the moment. It was not within the context of the
12 broader meeting. And he's not -- you know, Pompeo has got
13 nothing to do with it. He's not looking at me. He's not
14 even looking at Meadows or anybody. He's looking right at
15 Miller.

16 I wouldn't read too much into it, by the way, because
17 I've been in a lot of meetings in the White House, but it did
18 strike me as odd at the moment.

19 Q Did the comment of make sure it's safe indicate to
20 you that the President himself thought it might not be safe?

21 A I don't know why he would say something like that
22 if he didn't think that something was up. I mean, look at,
23 you know, the tweet trail, right? I think one of those
24 tweets is pretty interesting to read in hindsight.

25 Q But I want to make sure I connect the dots there.

1 Make sure it's safe with the caveat of protect my people, was
2 that protect -- make it safe for the people who were showing
3 up?

4 A I think, yeah, sure, the people who were, quote,
5 "protesting." I think that's what it was meant. And I think
6 the -- again, I don't want to get into mind reading. Well,
7 I'll give you a comment from Robert O'Brien, for example, on
8 one of these phone calls.

9 Robert O'Brien, where Norquist says, in one of these
10 phone calls, Norquist says words to the effect like the
11 greatest threat is going to be an assault on the Capitol,
12 O'Brien says in one of these phone calls, the greatest threat
13 is going to come from Antifa and Black Lives Matter
14 assaulting the protesters.

15 So, you know, different, and both are potentially
16 legitimate views. But one guy who's hanging out in the White
17 House, he says that during one of these calls. Was that the
18 view of the President? The President never used the words --
19 in front of me -- didn't use the words protect the protests,
20 protect my people, protect the MAGA crowd, protect that
21 against Black Lives Matter or Antifa.

22 But I would assert that that was pretty much what -- my
23 guess is that is what they thought the threat was, that they
24 thought that there were anti-protesters, I guess, or
25 counterprotesters that were going to stir things up or

1 whatever, I guess. I guess that was the meaning.

2 But, again, I'm getting into speculation, into areas
3 that, you know, verge on mind reading. So I'm not going to
4 speculate what he meant. I can just say what he said.

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1 [6:32 p.m.]

2 BY [REDACTED]

3 Q Before we move off the topic of the meeting itself,
4 you talked us through a little bit about the unique position
5 of the D.C. National Guard and the chain of command. You
6 went through that --

7 A Yeah.

8 Q -- at the beginning. On January 6th, or let's just
9 say on January 3rd, did Secretary Miller have all the
10 authorities he needed to authorize the D.C. National Guard?

11 A Totally. Well, sure. I mean, the President, yes,
12 obviously. But the SecDef has all the -- all the authorities
13 of the Secretary of the Army, the SecDef has. All the
14 authorities of the Secretary of Defense, the President has.
15 So, yes, the Secretary of Defense, acting or otherwise, has
16 complete authority over these forces.

17 Q Was there any additional authority that Secretary
18 Miller needed on January 6 from the President to deploy the
19 D.C. National Guard?

20 A Not at all. No. I mean, he has -- like I said, he
21 can -- the Secretary of Defense legally has an enormous
22 amount of authority over the deployment and employment of
23 military forces, whether it's domestically or
24 internationally. Now, should they do that absent
25 Presidential knowledge or approval? No, they shouldn't, and

1 not very many ever do. So I don't know if -- I have worked
2 very closely with, I don't know, half a dozen, maybe, or more
3 Secretaries of Defense. Secretaries of Defense are very
4 typically very conservative on the use of force and always
5 check with the White House, the National Security Advisor to
6 the President or the President, to ensure that what they are
7 doing is in line with his intent. A very common practice.

8 And I think that Secretary Miller, I don't know because
9 I'm not on -- I was never on a phone call in those days, you
10 know. The 3rd is the last time I talked to the President.
11 Miller says, in an interview in some newspaper, he says he
12 talked to the President subsequent to the 3rd. If he did, I
13 don't know about it, and I don't know what was said, and I
14 don't know when it happened, and I don't know the means,
15 whether it was a phone call, a VTC, or in face. But he says
16 that in a media article, and he says -- Miller, Chris Miller
17 says that the President told him something about 10,000
18 troops or something like that. I don't know. I don't have
19 firsthand knowledge, but I do know he said it in the
20 newspaper article. I do know the President said that to
21 Secretary Esper back over the summer, the same phrase,
22 10,000.

23 So the bottom line is, yes, Secretary Miller has the
24 authorities. I can't imagine he would do -- any Secretary of
25 Defense would do something with the use of military force

1 without checking with the President or the President's
2 National Security Advisor.

3 Q I want to follow up on the 10,000 troops, the
4 number that you mentioned. But back to the meeting, there
5 was reporting that the President told Secretary Miller to
6 take whatever action he needed as events unfolded.

7 A Uh-huh.

8 Q Do you remember him saying something to that
9 effect, the President?

10 A I think so, yeah. Words to that effect.

11 Q And then there's also reporting that Mark Meadows
12 stated, and this is February of 2021, that even -- quote,
13 even in January, that was a given. As many as 10,000
14 National Guard troops were told to be on ready by the
15 Secretary of Defense.

16 A Yeah. So that -- again, for the events of
17 January -- and I've read the media accounts of what Meadows
18 said and what Miller says. Maybe it was said to him. I
19 don't know. I -- if it was said, it was never transmitted to
20 me, and I didn't hear it. I did hear it, in the summer, said
21 to Secretary Esper. So question to self, maybe to you guys,
22 are these folks' memories -- I don't know if this is accurate
23 or not, but are these folks' memories conflating something
24 that occurred in the summer, which was in the media about
25 10,000 troops, or did it happen a second time about 10,000

1 troops? Not -- never once did I hear the President relative
2 to the 6th specify the number of troops, 10,000 or any other
3 number, for that matter. And we weren't even close to that.
4 We said 340 or whatever it is, you know. We went around; we
5 polled the police, and it ended up being 340. Now, in the
6 event -- because of the event during execution, we actually
7 did bring in, you know, whatever the number was, 8- or
8 10,000, but that's after the event.

9 [REDACTED] Before I go on to the January 4th
10 interagency call which I think goes into the lead Federal
11 agency again, does anyone have any questions?

12 BY [REDACTED]

13 Q Can I just follow up quickly on the lead Federal
14 agency thing?

15 A Yeah.

16 Q And that's -- there's been a lot of discussion of
17 this. I take it, General Milley, that your view is that the
18 Department of Defense, with respect to a domestic mass
19 disturbance, should never be the lead Federal agency because
20 that would sort of violate the concept of domestic law
21 enforcement takes the lead when it comes to things within the
22 United States. Is that accurate, or is there a circumstance
23 in which --

24 A Well, I would, you know, never say "never," the
25 never say "always." The President had wide latitude on the

1 one hand, right, but my personal and professional opinion --

2 Q Yeah.

3 A -- and advice I would render, have rendered, and
4 would always render -- not always, I just said I wouldn't say
5 "always" -- but is that the Department of Defense should not
6 be the lead Federal agency to respond to domestic law
7 enforcement type activities --

8 Q Yeah.

9 A -- in the United States. Now --

10 Q Why not?

11 A -- wildfires or hurricanes, that might be
12 different. But, even then, you get things like FEMA become
13 the -- well, the domestic lead Federal agency.

14 Why not? Because, I mean, it goes back to the early
15 days of the Republic. We do not want -- I don't think we
16 want the United States military on the streets of America
17 executing law enforcement-type operations as a matter of
18 routine. I think that's -- first of all, I think it's very
19 dangerous. I actually think it's dangerous. I think that we
20 are designed to do certain things, which is to fight battles
21 and engagements and wars, and our forces are trained to do
22 certain things.

23 Domestic law enforcement -- outside military police,
24 domestic law enforcement is, at best, an additional training
25 in the event, riot control, that sort of thing. Think of the

1 1960s. But, again, I go back to -- go back and look at the
2 1960s, when U.S. Federal troops were introduced into the
3 riots of the 1960s, lots of people were killed.

4 So -- and I'm not blaming anybody. I'm just stating
5 that as an observation of fact. When you start introducing
6 U.S. Federal troops into domestic law enforcement, you are
7 talking about an entirely different set of conditions, and
8 outcomes are going to be quite different. Look at the late
9 1800s and the coal miner and the steel miner strikes and all
10 those strikes that occurred, you know.

11 Federal troops have been used a lot. Look at the draft
12 riots of 1863 during the Civil War. Look what happened in
13 New York City, in the streets of New York City. Look at Kent
14 State, those things. So very wary. And I advise on the side
15 of extraordinary caution on the use of Federal troops on the
16 streets of America. The National Guard. Again, I think we
17 covered it earlier, a little bit different because they do
18 have a level of training, and if you're going to use the
19 military at all on the streets, it's best to use military
20 police forces.

21 Q One of the things the select committee is doing is
22 looking forward and thinking about recommendations, process
23 changes, and this issue of who ought to be the lead Federal
24 agency is talked a lot about. I don't know if you have
25 thoughts prospectively about whether there ought to be a

1 prepositioned agency --

2 A Sure.

3 Q -- or --

4 A No, I think there should.

5 Q Who should it be?

6 A If it's a natural disaster, those sorts of things,
7 I think FEMA is the logical choice. But if it's anything to
8 do with law enforcement --

9 Q Yeah.

10 A -- I would argue that it's one of two choices:
11 It's either the Department of Justice or Homeland Security.

12 Q Uh-huh.

13 A I -- personally I would lean towards Justice
14 because they've got a lot of cops, and they are -- they're an
15 organization that, by culture and design, is law enforcement.
16 That's what they do, and the Attorney General is the head law
17 enforcement officer of the United States. So my bias would
18 be towards the Department of Justice.

19 Q Got it. I appreciate that. Thank you.

20 BY [REDACTED]

21 Q Just getting back to this, when -- from your
22 conversations on January 3rd and January 4th, those two
23 interagency calls, was it clear to you that DOJ --

24 A And I would -- not to interrupt. I'm sorry.

25 Q No problem.

1 A You go ahead and finish your question.

2 Q Was it clear to you that DOJ knew they were the
3 lead Federal agency?

4 A For the 6th?

5 Q Correct.

6 A Yeah. I think so. I mean, he might post facto say
7 no, but I think he was at the time. But I was going to
8 say --

9 Q Sure.

10 A -- prior to Rosen, it was Barr. With Barr, there
11 never was a question. Barr is one of those guys -- for
12 whatever reason, he's one of those guys, large and in charge
13 sort of thing, so he always asserted his authorities and
14 roles and stuff like that. That was just say "hey, you're in
15 charge," that kind of thing. Acting Attorney General Rosen
16 was much more reluctant to assume the position of lead
17 Federal agency, but again, he was designated that by either
18 Meadows or O'Brien and the White House. That -- that's good
19 enough. That's all it takes.

20 Q Do you know how it was communicated from the White
21 House --

22 A Verbally.

23 Q -- to DOJ?

24 A I don't know if it was done in writing. It should
25 be done in writing, by the way. It absolutely should be done

1 with a signature. But, like a lot of things, sometimes it's
2 not, and I don't know of a document that established it, but
3 I do know that it was said during a meeting, and it was heard
4 by a lot of people on that meeting to include the Acting
5 Attorney General.

6 Q Obviously, there's a number of questions about it
7 because there is this confusion because DOJ believes they
8 were not designated the lead Federal agency. They do believe
9 they were the lead on coordination of the intelligence
10 gathering at command posts as well as whatever investigations
11 and prosecutions came out of that. What do you attribute
12 this confusion to because it seems critical to what happened
13 on January 6th.

14 A Lack of rigor and appropriate processes, going back
15 to the previous discussion. Lack of putting things in
16 writing. Again, there's a purpose for the process. There's
17 a purpose to regular order. There's a purpose to typing out
18 orders. There's a purpose to having orders and timelines and
19 all this stuff, right. It clarifies. The written word tends
20 to clarify.

21 So I attribute it to the lack of a -- I don't know that
22 there wasn't a written order. I know I am someone that says
23 the Department of Justice is the lead Federal agency. I know
24 I heard it, but I didn't see a written followup. I didn't
25 see a written followup. It doesn't mean there wasn't one.

1 It just means that I didn't see it.

2 Q And would that typically have come from the White
3 House?

4 A Absolutely. Yeah. And it should have been signed
5 by Robert O'Brien.

6 Q Was the White House --

7 A Typically orders from the White House come --
8 presidential orders, typically they come either signed by the
9 President himself, right, or they'll come -- sometimes you'll
10 see something with a signature of the chief, but -- that's
11 the White House Chief of Staff, but that's pretty rare. But
12 when it comes to issues of national security, the most
13 frequent thing is a written document signed by the National
14 Security Advisor to the President. So Jake Sullivan -- like
15 today, you'll see stuff come out with Jake Sullivan's
16 signature. And they're speaking, they're not issuing an
17 order because they're not in the chain of command. They're
18 not issuing an order on their own behalf. They're issuing an
19 order on behalf of the President.

20 Q Before we get into January 4th, I just wanted to
21 ask you about January 3rd. There was a letter published in
22 The Washington Post from 10 prior Secretaries of Defense.
23 Are you familiar with that letter?

24 A I am very familiar with that letter, yes. I read
25 it multiple times.

1 Q And I probably should have started with that letter
2 from the beginning of January 3rd, but were there talks about
3 this letter between you and Secretary Miller that day and
4 throughout the Pentagon's under his leadership?

5 A I don't remember anything, any particular
6 discussion, but I'm sure there was. I don't remember a
7 particular discussion, but I read it. I thought it was an
8 important letter. It was a letter that I don't know if it's
9 ever been-- I don't know if there's any precedent for a
10 letter like that from all those Secretaries of Defense. And
11 I knew many of them, you know, Gates and Panetta and
12 obviously Mattis. Esper was on there. Actually, I don't
13 know if Mattis was on there.

14 Have you got that letter, Eric?

15 Q I have it. He is on it.

16 A Is he on it?

17 Q Thank you, Ed.

18 A Yeah. So -- yeah. So Carter, I knew real well.
19 Cheney, reasonably well. Cohen, a little bit. Esper. For
20 sure. Gates. I worked -- I was his XO. Hague, a little
21 bit. Mattis, I knew him well. Panetta. Perry not so well,
22 but I've met him a few times, and I worked directly for him a
23 couple different times, so yeah. I mean, I -- that's a
24 pretty unusual letter.

25 Q How would you say it impacted, if there was any

1 impact of that letter, on preparations for January 6th?

2 A I mean, it was -- actually, it repeats, I think, a
3 lot of what I was saying from the summer on about, you know,
4 your loyalty is to the Constitution. I think that's the
5 whole gist of this thing. Right there. There's no role for
6 the U.S. military in determining the outcome of a U.S.
7 election. And it says: As senior Defense Department leaders
8 have noted, quote, and that was me. That's what I wrote back
9 to the Congresswoman in the summer, and that's what I gave a
10 couple of remarks to. Somehow, they -- I guess they quoted
11 it.

12 And then they do a shot across the bow, so they -- so it
13 says, you know: U.S. Forces are engaged and active and
14 operate around the world. It is imperative to transition --
15 so a transition of the Department of Defense to do that
16 professionally, be carried out fully cooperatively and
17 transparently, and Acting SecDef Miller and his subordinates,
18 political appointees, offices, and civil servants are each
19 bound by oath, law, and precedent to facilitate the entry
20 into office of the incoming administration and to do so
21 wholeheartedly, refrain from any political action to
22 undermine the results of the election. We call upon you, et
23 cetera, et cetera. So yeah. It was spot on, very powerful.
24 It was good.

25 Q Did you see this as an effort to steady the waters

1 before January 6th?

2 A I don't know. I don't know if that was their
3 intent. I think their intent was a shot across the bow.
4 That's what I think their intent was. I think their
5 intent -- these are powerful guys that have been around, you
6 know, for quite a while, and they understand right and wrong
7 and power, and I think by doing that publicly and as a group,
8 they are putting on notice -- the shot across the bow is too
9 flippant. They're putting on notice those that are currently
10 in positions of power, specifically the guy that took their
11 place, and saying: Hey, here is the rules of the game. You
12 better follow the rules of the game. Otherwise, you're going
13 to end up with a January 6th Commission, and there will be
14 sanctions at the end of this thing, and it won't be pretty,
15 that kind of thing.

16 I -- you know, they didn't know anything about a January
17 6th Committee because they didn't know anything about January
18 6th, but they're putting -- my guess, the way I read that was
19 warning to everybody that's in positions of authority and
20 power: Obey the rules. Obey the rule of law. Obey the
21 transition. Smooth landing. You know, just do your job.
22 That's the way I took it.

23 Q Was there a concern about Secretary Miller
24 specifically or simply because he had been put into place by
25 former President Trump after the dismissal of Secretary

1 Esper?

2 A You'd have to ask the guys who wrote it. But
3 they're all Secretaries of Defense, former Secretaries of
4 Defense, and I think they are clearly speaking to the
5 current -- at that time the current Secretary of Defense. It
6 says it right in the letter, so they're speaking to him. But
7 then it said not just him. It said all political appointees,
8 officers, and civil servants, so they're talking to all of us
9 from -- you know, they're talking to everybody. But yeah,
10 they -- but they named him.

11 [REDACTED] Ms. Cheney, do you have anything, or
12 anyone else, on this?

13 Ms. Cheney. I don't. Thanks, [REDACTED]

14 BY [REDACTED]:

15 Q On January 4th, there was an interagency call
16 around 4 o'clock, and I think this was the last interagency
17 call before the 6th itself. And, again, the usual DOD, DOJ,
18 DHS are all present on this call. Was there any concern
19 raised about the security preparations or permits? You
20 mentioned it earlier.

21 A I think I might have raised it. It might be in the
22 report somewhere. I did. And I did it also, I think -- I
23 might have done it -- I can't remember if I did it for the
24 6th or if I did it for the inauguration, one or the other or
25 maybe both. I -- again, I'm an advisor, so I think I said

1 something like, well, people are submitting permits. What's
2 the proper process, and just because you have a right to
3 protest doesn't mean you have a right to violently protest.
4 And can you turn requests for permits down? It was a
5 question I'm asking.

6 And the guys who approved these permits, Metro Police
7 has a role, but Park Police is mostly the guys who do that.
8 And they are supposed to vet the groups, make sure that, you
9 know, their motives are pure and all that kind of stuff. And
10 so I'm asking a question as opposed to saying you should do
11 this or you should do that. But -- and I still think that's
12 a fair question. Just because, you know, you're a group, a
13 certain group, doesn't give you -- you have a right to
14 protest, but you have a right to peacefully protest, not
15 violently protest.

16 Q What had you seen with the permits in terms of the
17 groups who were -- who had asked for the permits? What
18 concerned you about it?

19 A It wasn't a specific group, necessarily, and we did
20 see the list, I think. I forget how many groups there were,
21 but there was a list of groups, and I reviewed those lists.
22 I just looked at them, and I didn't know anything about the
23 groups. I don't know anything about their backgrounds. It's
24 not my job to check that out. I was just asking a general
25 question of: Hey, you've got all these people showing up. I

1 know I did it for the inauguration. I'm not sure if I did
2 that for the 6th or not.

3 Q There is some reporting that the question that was
4 posed by you during the call is why are we granting
5 permits --

6 A Yeah. Yeah.

7 Q -- to groups?

8 A So I probably did it here as well.

9 Q Who responded to your open question in terms of --

10 A The Park Police.

11 Q Okay. Did you feel reassured?

12 A Well, they said they're vetting them and looking
13 at, you know, Americans' right to protest. And I said:
14 Well, I took an oath to defend the Constitution. It's part
15 of the Constitution. I just wanted people to think it
16 through.

17 Q Sure.

18 A I was just trying to prompt people to think it
19 through.

20 Q On the same call, is there any mention of some of
21 the more aggressive demonstrators who may show up, the Blue
22 Boys, the Proud Boys? Do you remember that being raised by
23 Secretary Miller on this call?

24 A I don't specifically remember it, but sure. I'm
25 sure it was -- if it's in there, I'm sure it was talked

1 about.

2 Q This is in a Senate report where Christopher Miller
3 was interviewed, and he said, on that January 4th call, he
4 recognized that the tone and rhetoric of the more aggressive
5 demonstrators had changed in the last couple months. And
6 that, while he didn't have any indicators of an assault on
7 the Capitol, he recognized that January 6th was a critical
8 day in many of these conspiratorial-minded folks, and it
9 could be pretty dramatic.

10 A Yeah. I think that's a fair account.

11 Q And did you share that concern?

12 A Absolutely.

13 Q And was that -- was there a discussion on this
14 January 4th call about these concerns that were raised?

15 A Yes. I mean, that was the whole point of these
16 calls was to go over the interagency procedures and processes
17 and the disposition of the police forces and the National
18 Guard or anybody else in order to make sure that there was a
19 safe and secure environment on the 6th.

20 Everyone knew. I can't imagine anybody in those calls
21 that didn't realize that on the 6th was going to be the
22 certification of an intensely contested election, and there
23 were large crowds coming into town, and they were coming in
24 to protest. And everybody knew there was a probability, more
25 than a possibility, a probability of violence.

1 Now, again, my understanding of what that meant was
2 probably street fights when the sun went down. Norquist said
3 most dangerous thing is assault on the Capitol. O'Brien says
4 the most dangerous thing are the counter protesters going
5 after the MAGA protesters. So people had different views of
6 what violence meant. But the idea that there would be
7 violence in Washington, D.C., I think was generally
8 understood. But, going back to the FBI, the FBI, what do you
9 think? A lot of chatter, probably going to be some violence,
10 nothing specific, nothing actionable. [Inaudible] prevent.

11 Q Also on that call, Mr. Miller stated that you and
12 he suggested locking down D.C. to avoid potential violence.
13 Do you remember making that suggestion?

14 A Yeah, but it goes something like this.

15 Q Go ahead.

16 A It's a follow on to the part about, has anyone
17 looked at these groups? Has anyone vetted these groups? You
18 have a right to protest, but you don't have a right to
19 violently protest. Has anyone looked at locking down all of
20 D.C. Again, in an advisor role, right. And coming back is:
21 Hey, Americans have a right to protest. We don't -- in fact,
22 one of them said: We handle crowds of this size as a matter
23 of routine. This is not a big issue. We've got it. You
24 know, the Capitol Police actually were very emphatic about
25 they could defend the Capitol. The Metro Police said: We've

1 got streets, you know. They were very -- it was the Capitol
2 Police that responded to the October, November, December
3 timeframe when those street fights were happening. We can
4 take care of all that. Park Police: We've got no issues at
5 the -- on the parks, et cetera, et cetera, but -- yeah.

6 So we threw it out there. I mentioned it, again, in an
7 advisory role for people to think it through, and the folks
8 that are in charge of the Cabinet members said, thank you
9 very much for your interest in domestic affairs, and that's
10 it.

11 Q At the end of that call, did you feel reassured and
12 confident with the security plan going into January 6th?

13 A I felt confident in the sense that the police
14 forces all said that they could handle it, right. So I
15 think -- and I'd have to go back and ask someone
16 else who's in the meeting. I think I went down the list of
17 the police guys on the call and asked the question. Either I
18 or Rapuano or maybe Miller did. Some -- someone of us went
19 right down that list, and all the agencies are on there, and
20 are you good, are you good, do you got what you need? Do you
21 need anything else from Department of Defense and all that
22 kind of stuff. We were pretty rigorous about that because I
23 lived through the summer, the previous summer, and all the
24 acrimony associated with it, right. And, you know, you learn
25 from that sort of stuff.

1 Q And --

2 A I mean, I became even more rigorous. I was off the
3 charts rigorous when it came to the inauguration.

4 Q At some point during that call, do you remember
5 going through what the numbers were of the law enforcement
6 who responded during the summer?

7 A The numbers of the law enforcement that responded.

8 Q Each agency.

9 A I remember calling off the numbers that I had. And
10 I said -- I don't know if it was to Rosen or just to the
11 group, and it might have been in the beginning. I
12 reviewed -- in the military, we have a term called "order of
13 battle." Order of battle is the list of the friendly forces
14 or the enemy forces that you have. So I went through the
15 police order of battle because I wanted to make sure that we
16 had an appreciation of how much police force is available in
17 the District of Columbia. And I said things like: Okay,
18 Metro Police, you got 2,500 guys on your rolls from chief
19 down to patrol man, and you're using how many, that kind of
20 thing. Again, trying to be collegial as possible.

21 But, group by group by group, and Secret Service, FBI,
22 the, you know, Park Police, the Federal police throughout the
23 Federal buildings, the Bureau of Prisons, all these guys. We
24 did the same thing for the inauguration. And it was: How
25 many guys you got? How many guys you got? How many are you

1 using? How many are you deploying?

2 Now, I'm not going to tell them what to do, just an
3 advisor. All I'm -- what I'm really doing is acting as a
4 surrogate for Acting SecDef Miller so that he had a complete
5 appreciation of the police forces that are available for
6 security in the District. And then, obviously, the National
7 Guard, William Walker, and then, if we needed Federal forces,
8 but nobody asked for Federal forces.

9 Q And the numbers that you have at the baseline was
10 from the summer, is that correct, that you were saying do you
11 need --

12 A It was baseline from the summer, but we updated it.
13 We kept-- I kept -- I don't have the slides and stuff with me
14 right now, but we -- I kept a slide of how many cops are in
15 D.C.

16 Q I believe that --

17 A And not only D.C. I did that for the all the
18 urban -- you know, how many cops are in Kenosha, Wisconsin,
19 city police? How many State police are in the State of
20 Wisconsin, and how many National Guard are in Wisconsin? How
21 many cops belong to the Seattle police? How many belong to
22 the Washington State Police? How many National Guard are in
23 Washington? I did that for every State in the Union, not
24 just New York City. I wanted to make sure that I had an
25 appreciation in my advisory role of what tools are available

1 to the decisionmakers, and the principle being: Use all your
2 law enforcement first, local, then State. And then, if
3 needed, the Governor uses National Guard. If needed, you
4 come to the Federal force.

5 Q I believe the number was about 8,000 --

6 A That's in the range, yeah.

7 Q -- of the available police from -- in the national
8 capital region. Does that --

9 A Yeah. I think the total number -- if you add up
10 everybody from Chief of Police down to patrolmen, I think you
11 get a number something like 12- or 13,000. Available, it was
12 something like 8, which is a considerable amount of cops.

13 Q That evening before, there was another call with
14 Acting Attorney General Rosen and Secretary of Defense
15 Miller. Do you remember that call? Well, let me just ask
16 the pointed question.

17 A Just ask me the pointed question.

18 Q Was there ever a direct conversation between you
19 and Attorney General Rosen about this designation of the lead
20 Federal agency from your notes?

21 A Well, I would say "memory" ahead of Post-it notes.
22 But I think the answer is yes. I'm not positive, and I
23 probably can't prove it, you know, with some document, but
24 I'm almost positive that I, with Miller in the room, and
25 Patel would have been in the room too, probably. And I'm

1 almost positive I said to Rosen: You're the lead Federal
2 agency, you know, words to that effect, and again, trying to
3 do that in as professional and nice a way as I can to a
4 Cabinet official.

5 Q We talked a little bit -- you mentioned that the
6 Secretary --

7 A Does it say that I said it to him or something like
8 that? I don't know.

9 Q No, not in my notes.

10 A I think I did. I think I did. But, you know, if
11 he says I didn't, then I'll give him the benefit of doubt. I
12 don't know. But I -- I'm pretty sure I did.

13 Q I don't have any information about that.

14 A Okay.

15 Q I just want to talk briefly about the January
16 4th --

17 A I actually think too -- I'm sorry. I actually
18 think he admits to that, by the way. Didn't somebody do some
19 interview where he's in front of Congress, and he's on
20 C-SPAN?

21 Q Yeah. He didn't admit that they were the lead
22 Federal agency.

23 A He didn't.

24 Q They were coordinating on certain aspects --

25 A Okay.

1 Q -- but not --

2 A I thought he said it.

3 Q I think there's an issue of the semantics of what
4 it means, but this clear-cut designation they don't believe
5 occurred.

6 A If it went well, you were. If it went bad, you
7 weren't.

8 Q So exhibits 17 and 18 are some of the memos that
9 you mentioned earlier. I just want to briefly talk about
10 them.

11 You mentioned that you -- Secretary Esper had had
12 written a memo after the summer protests.

13 A Which exhibit are you on now?

14 Q Exhibit 17. This is the January 4th memo --

15 A Okay.

16 Q -- from Acting SecDef Chris Miller.

17 A Yes. This is the redone version of the Esper memo.

18 Q I want to talk about some of these control measures
19 and what was borne out of some of the lessons learned from
20 the summer protests. Obviously, there was --

21 A Well --

22 Q Go ahead.

23 A I can go bullet by bullet if you want.

24 Q That's fine.

25 A Okay. So, again, the summer was a pretty

1 gut-wrenching experience, and we went through a lot of
2 lessons learned in an after-action review process with
3 Secretary Miller.

4 So it's clear -- like, let's take the first bullet where
5 it says bayonets. That became an issue over the summer.
6 Were bayonets issued, were they not issued? Were they in the
7 scabbard, not in the scabbard? Ammunition, batons, ballistic
8 protection, equipment.

9 In this particular case, the Mayor explicitly said, and
10 it's in her written request, not to issue that stuff. That's
11 why it's in this memo. That's not an Esper lift. That's
12 because of the Mayor's request.

13 But there's a general sense by the Metro Police, the
14 Mayor, various other police agencies that there was an
15 overmilitarization -- and I don't disagree with her, by the
16 way -- an overmilitarization of the response to the summer
17 unrest in D.C.

18 So the issue here, that first bullet, that's directly
19 from the Mayor. She explicitly stated that. It says: "To
20 interact physically with protestors except when necessary in
21 self-defense or defense of others, consistent with" -- that's
22 pretty standard, so -- and we even go beyond that. I don't
23 know if it says it in the memo, but we even go beyond that.

24 So in the inauguration, for example, we insisted that
25 anywhere where there's National Guard, there had to be a cop,

1 a Metro Police officer right next to him.

2 So we don't want the military, National Guard or
3 otherwise, interacting directly with the American civilian
4 population without a law enforcement officer there, because
5 the level of training and skills that we have is not to the
6 level of a cop. Okay? It might be okay, we might train to
7 it, but it's not to that same level.

8 So how do you prevent that? How do you mitigate against
9 bad things happening with a young troop out there with a
10 weapon? Is you prohibit physical interaction. That's what
11 that bullet's about.

12 We prohibited the use of any riot control agent. You
13 remember the summer, you remember Lafayette Square, you know,
14 the gas and all that stuff, right. No. We're not doing it.
15 Cops, you want to do it? That's a police thing. We're not
16 doing it.

17 So we're saying we are not -- not only not doing it,
18 you're not going to have it. You're not going to have the
19 opportunity to use it in that -- you know, in this particular
20 circumstance.

21 There might be another circumstance on some other day in
22 some other condition where it might be authorized. But at
23 that time, on this day -- and I'm advising him on this memo,
24 sitting there in his office with the Esper memo with McCarthy
25 and a couple of others, to include lawyers from OSD, et

1 cetera, line by line going through this, lining it out,
2 editing, and stuff like that, resulting in this memo.

3 Not allowed to share equipment with law enforcement. So
4 why is that? Well, you've got Bureau of Police running
5 around with no name tags. You've got Bureau of Police and --
6 not, no, Bureau of Prisons, rather. You've got other police
7 forces that are wearing camouflage uniforms that looks a lot
8 like a military uniform. And to an average American citizen,
9 you know, I can't distinguish between a cop and a soldier.

10 Loaning local police a shield that says military police
11 on it, and then the American people think the military is the
12 guy wielding that baton just because there's a shield that
13 says military police, or a helmet that says MP, things like
14 that.

15 So brassards on the arm, anything at all, thanks very
16 much, you guys got your stuff, we're going to have our stuff.
17 And the uniform piece becomes important. That was one of the
18 big lessons learned, is to make sure that police are easily
19 identifiable and distinguishable from military forces.

20 The use of ISR. So over the summer there was a lot of
21 confusion about ISR assets and who authorized what, the
22 helicopters, just as an example. There was other assets.
23 You can't spy on America, period, American citizens, without
24 specific and very unique legal authorities. Very, very rare.

25 So just flat out say no. Don't even -- the planes don't

1 take off, the helicopters take off, no. Not going to do it.

2 Next one, same thing. That's the same. That's kind of
3 a repeat of the previous one on the helicopters. Not using
4 any helicopters. So, police, you want helicopters, you've
5 got helicopters too. So if you really need a medevac, you've
6 got medevac. You've got police medevac. You've got life
7 flights and all that kind of stuff, right?

8 If it's beyond the capability of the police, demonstrate
9 to us that you've used all your assets, then we'll bring in a
10 helicopter. But we're not going to make the same mistake of
11 flying medevac helicopters over the city of Washington, D.C.,
12 and the Capitol and have rotor wash blowing down on people
13 and people think that, you know, it's the apocalypse showing
14 up. We're not going to do that again. So these are lessons
15 learned.

16 Conduct searches, seizures, arrests. No. That's not
17 what we do. That's what cops do. That's not what we do.
18 That's posse comitatus.

19 Seek support from any non-National Guard units. So, no,
20 we're not going to go outside and get the 82nd Airborne
21 Division to roll into D.C. No. It's D.C. Guard. This is
22 your city.

23 If we need additional help because of the situation and
24 the Mayor asks for it or one of these other police agencies
25 asks for it through request, then, obviously, we're going to

1 respond. But we're going to respond to the request that we
2 have. The only request we had was the Mayor, and that led to
3 this memo, which was very strict on the use of the military.

4 And by the way, it's as it should be, I think. I think
5 the military should be very tightly controlled in the streets
6 of America.

7 Q So on that line, just to be clear, none of these
8 restrictions were in place before the summer protests of
9 2020, correct, they were borne out of the lessons learned
10 from that?

11 A Absolutely. I mean, the Esper memo, I forget the
12 date on it, but it's after the 1st. It's after Lafayette
13 Square.

14 The Lafayette Square stuff happens pretty quickly, in a
15 72-hour window. So there's a series of violent activities
16 that occur in D.C. at the end of May. And there's a -- you
17 know, the chief of the Metro Police actually said it was the
18 most violent 3 days of his experience as the D.C. Metro
19 Police chief. That leads, then, up to the 1st.

20 So the events leading into the Lafayette Square are
21 compressed in time. Things are happening very fast. This is
22 where you get the Insurrection Act arguments and discussions.
23 And I'd have to pull the actual Esper memo, but that memo is
24 after the events of the 1st.

25 Q But all of what we've discussed about these

1 thoughtful considerations and the high bar that the military
2 takes before deploying troops, were these discussions had at
3 the time of the summer protests, forgetting that there
4 weren't these guidelines in effect?

5 A Yeah. Yeah. Absolutely. I mean, sure. I mean,
6 that's why the 82nd Airborne Division was at Andrews Air
7 Force Base and not in the District, because there were
8 discussions like that with me and Esper and a couple of other
9 people.

10 And there was significant pressure on Secretary Esper to
11 deploy forces, you know. You see that letter, right, you
12 know, the Johnny McEntee thing over here. That was all
13 wrapped up.

14 So we did have very considerable discussions. And as
15 you get later in the summer, it's not -- it's partially D.C.,
16 but it's not so much D.C. There's other cities, like I was
17 rattling off some of those other cities.

18 This is constant discussion, this is constant back and
19 forth with me and Secretary Esper and Ken Rapuano and
20 Secretary McCarthy, because most of this is Army, and others,
21 about the use of force on the streets of America. And so,
22 yes, we had these discussions frequently.

23 Q And without getting into what we discussed before,
24 but when you say there was considerable pressure on Secretary
25 Esper, you're talking about -- are you talking about pressure

1 from the White House itself?

2 A Yes.

3 Q Okay. Now, the Army report talks about the lessons
4 learned from the summer and the considerable scrutiny that
5 DOD received. Did any of that scrutiny lead to any
6 reluctance for DOD to respond on January 6th?

7 A No. No. So, again, I've got to separate
8 preparation from response.

9 So the response is once, in my mind, is once the event
10 starts happening, the insurrection, the riot, the assault on
11 the Capitol, right, and that's happening, call it noonish, I
12 think, as I recall sitting there with Secretary Wormuth, it's
13 like that noontimish that former President Trump takes
14 this -- takes the microphone in the Ellipse outside the White
15 House.

16 And he's preceded by a series of speakers. And I'm in a
17 meeting. I'm watching it. I'm watching the speakers. But
18 I'm not listening to it because I've got the thing on mute,
19 right?

20 But this was advertised ahead of time that they were
21 going to do this. I wasn't aware at the moment of the
22 vitriol of some of that, those speeches, those preceding
23 speeches. Some of that stuff was pretty interesting, as I
24 learn more about what they were saying. But at the moment,
25 I'm just seeing guys get up behind the microphone, watching

1 it. I'm in the middle of meetings.

2 And then when the President starts speaking, I'm still
3 in my meeting there with Secretary Wormuth -- or then
4 Christine Wormuth, who later becomes Secretary of the Army --
5 and I'm watching that unfold. And there's a lot of people
6 there, but again, it's on mute, so I'm not sure what the
7 words are.

8 Then I unmuted it a couple of times, heard a few things,
9 and I'm, you know, just -- you know, just, it was -- you
10 know. It was clear that these were words that were
11 inflammatory, but at that point, you know, they're not --
12 it's not at the Capitol. They're not -- have we got another
13 call? Say it again.

14 Can I take a break for a second?

15 [REDACTED] We're off the record.

16 [Recess.]

17 BY [REDACTED]

18 Q I think we're on January 6th.

19 A Yes. Okay.

20 Q You were talking about you were listening to parts
21 of the former President's speech.

22 A Yes.

23 Q Some of the language you found inflammatory.

24 A Yep.

25 Q Were you aware of Vice President Pence around the 1

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

1 the response to a question from Ms. Lofgren, between 1:30 and
2 1:50 you immediately were called to the Acting Attorney
3 General and MPD, kind of getting alerted as to what was
4 happening. And then at 3:04 is when Secretary of Defense
5 Miller --

6 A No, it wasn't 1:40, 1:50, I don't think. I think
7 it's 1430 I'm in a meeting. I was called up to the SecDef's
8 office. I'm in my office with Secretary Wormuth. The phone
9 rings. Someone from upstairs says: The Secretary wants to
10 see you right away, and the topic is downtown.

11 I looked at the TV, turned the mute off, and saw
12 rioting, right? You see the violence at that point, right?

13 So I said, okay. And I looked at Secretary Wormuth. I
14 said: Sorry, we're going to have to cut this off. Hopefully
15 you'll understand. You're welcome to stay, have a cup of
16 coffee, but I don't think I'm going to be back any time soon.

17 And so I went upstairs, and for the rest of that day all
18 the way till 2200, 2300 at night, I was upstairs in the
19 SecDef's office, in the general area up there, and now and
20 again I would walk back to my office and back up.

21 So my entire day was spent, from that moment on, all
22 wrapped around events of the 6th and it was reacting to the
23 violence.

24 And so at 1430, a meeting commences in the SecDef's
25 office. Secretary McCarthy came running down the hall, and

1 he was actually winded when he showed up at the Secretary of
2 Defense's office. With him in tow was the Chief of Staff of
3 the Army, General McConville.

4 Also summoned to this meeting was General Hokanson, the
5 National Guard Bureau Chief. Kash Patel was in the meeting.
6 A guy named Brigadier General Gambaro, who was an XO to
7 Secretary -- Acting Secretary Miller, was there. Ken Rapuano
8 was there. Norquist was there. Paul Nye, the general
9 counsel, was there. Miller and me.

10 And it's a quick, rapid fire meeting, lots of quick
11 questions, et cetera. The first thing out of the barrel of
12 the meeting was, you know, Miller to McCarthy: Give me a
13 quick sitrep, what's going on. McCarthy gives him a sitrep:
14 Here is where the police forces are, here is where the
15 activity is, here is the status of the Guard, et cetera, et
16 cetera.

17 Miller looks at me, Secretary Miller looks at me. He
18 says: General, what do you think? I said: Mr. Secretary,
19 right now you should authorize the immediate mobilization of
20 the entire D.C. Guard. In addition to that, you should get
21 on the phone with Attorney General Rosen and get every police
22 force in Washington, D.C., to immediately move to the
23 Capitol.

24 And then I looked at Hokanson and said: And, Dan, you
25 need to call the neighboring States -- which was Virginia,

1 West Virginia, Maryland, Delaware, I think that was it, I
2 might have even said New Jersey -- and said: Get volunteers,
3 get -- I just pulled a number out, a thousand or two thousand
4 from each State. Get them down here as fast as we can.

5 And I said: Only if, you know, the Secretary approves
6 that. I can't issue orders. And the Secretary said: Yes,
7 do all that. And then he got on the phone with Rosen. There
8 was a phone call with Rosen.

9 And then at the 1504 timeframe, if I'm -- I'm doing this
10 from memory, but there's actual timelines that show this --
11 about 1504 the orders are, quote, unquote, transmitted to
12 Secretary McCarthy, who's actually in the meeting, and then
13 he leaves and he starts issuing orders.

14 Q So from that -- and I'm sorry, I'm going to do
15 civilian -- the 3:04 order, that's when the full mobilization
16 of the -- I'm reading from the timeline here.

17 A That's when it comes out of Miller's mouth. That's
18 not to say a written order's out. That's different. So it
19 comes -- Miller, the Acting Secretary of Defense, makes a
20 decision and issues what we call VOCO, verbal order of the
21 commanding officer, which is, you know, the Secretary of
22 Defense. No discussion with President Trump. No discussion
23 with Vice President Pence. No discussions with Meadows or
24 anybody in the White House. This is all being done inside
25 the Department of Defense now in reaction to reporting that

1 we're seeing.

2 And what we're doing is we're spinning up the force.
3 We're spinning up the D.C. Guard and the neighboring States'
4 Guards. Federal forces -- the only Federal forces available
5 is the Old Guard at Fort Meyer, which they have a secondary
6 mission for the defense of the Washington -- the District of
7 Columbia area.

8 But, anyway, so this all happened pretty quickly at this
9 point.

10 Q So -- and I'm not going to go through every single
11 call, but just taking it from that 3:04 VOCO until the
12 National Guard arrives at 5:20.

13 A Yes.

14 Q Can you just generally describe what is occurring.
15 And the big picture question here is, as Ms. Lofgren asked
16 you, there's scrutiny about the delay and the length of time
17 it took for the D.C. National Guard to come. And I'm just
18 wondering if you could just explain to us what was going on
19 in that 2-hour, 20-minute timeframe before they were able to
20 actually establish the perimeter.

21 A Well, I mean, you have to issue out orders. The
22 Guard has to be alerted. They have to marshal. They have to
23 assemble at the Armory. They have to be issued equipment.
24 They have to be issued orders and instructions. They have to
25 be told what their rules of use of force are.

1 There needs to be some sort of back -- well, in the
2 military, we call these troop leading procedures. There's a
3 set of orders and instructions that have to go, think about
4 this, from the Secretary of Defense to the Secretary of the
5 Army to the commander of the D.C. Guard, General Walker, to
6 the executing units. And they were not prepositioned. They
7 weren't already on an alert status that would, like,
8 instantaneous.

9 So these guys were in their houses, phones are ringing,
10 and it says: Time now, move to the Armory, alert, alert,
11 alert sort of thing. They get their cars. They drive to the
12 Armory.

13 Now, some of are already stationed. There's 40 or 50 of
14 them that were already prepositioned as part of the Mayor's
15 request as a quick reaction force, but other than that, there
16 wasn't any kind of numbers.

17 Remember the size of this crowd, estimated, you know,
18 20,000, 25,000, something like that, clearly violent at this
19 point. So then now you're the Secretary of the Army. So the
20 Secretary of Defense has made his decision: Alert, marshal,
21 mobilize, and employ the entire Guard. That's really all the
22 Secretary of Defense has to do. Then it's up to the
23 Secretary of the Army who's got to make sure that the rest of
24 those procedures are happening.

25 The last thing you want to do, right, is just

1 willy-nilly rush an armed force into a situation like that
2 unprepared, not thought out, not properly equipped, et
3 cetera. And I can only imagine what that could have been.

4 And, again, police forces. So at the same time this is
5 happening in parallel, police forces are assembled based on
6 phone calls to Rosen as the lead Federal agency to marshal
7 everybody, which they did, and they started rushing police
8 forces. The hostage rescue team from the FBI. I think DEA
9 had a SWAT team or something like that. There were different
10 organizations within D.C. that moved immediately to the
11 Capitol to start clearing the Capitol of these rioters, these
12 insurrectionists, right?

13 Now, cops, a SWAT team is doing that. That's different
14 than a 20-year-old National Guardsman, right? A SWAT team,
15 that is what they do. That is their job. That's the
16 day-to-day life of a rapid deployment cop of a SWAT team sort
17 of thing. So these forces are moving while the National
18 Guard guys are marshaling and assembling.

19 The entire time from SecDef's decision at 1504 to the
20 arrival of the National Guard physically at the Capitol,
21 that's doing things on the perimeter in their activities, the
22 entire time is like 2 to 2.5 hours.

23 I said, and I still think, from a cold start for those
24 guys, that's very fast, and I still think that's true. And
25 the, quote, unquote, delay has to do with these procedures to

1 make sure that these kids are -- not kids -- these troops are
2 properly briefed, and they're equipped properly, and they
3 have their orders, and they know what they're doing, they
4 know where they're going, they know the condition, the
5 situation.

6 So that's what the Secretary of the Army I think was --
7 he and his chain were doing to make sure that those Secretary
8 of Defense orders were being followed through.

9 Q Was there any hesitation by DOD leadership to
10 deploy the D.C. National Guard?

11 A None. No.

12 And that's -- and so the picture I'm trying to paint is
13 at 1430, right?

14 Now, if you go back to the 31st of December and the 1st
15 and 2nd and 3rd and 4th, that's a different set of
16 conditions.

17 Once the events are happening and this insurrection and
18 riot is going on, and there's now an appreciation of the
19 situation based on, you know, film footage on TV, right, and
20 reporting, the meeting starts at 1430, it's less than 15 or
21 20 minutes before the Secretary of Defense is making
22 decisions based on recommendations of the Secretary of the
23 Army and me and others, which is, you know, in the world of
24 the Pentagon, that's pretty fast decisionmaking.

25 Now, beforehand, that's different. That's a

1 different --

2 Q Well, let's talk about what could have happened
3 beforehand that would have increased the response time.

4 A Well, what could have happened -- you know, the
5 world is always full of could haves, should haves, would
6 haves, right? So what could have happened was a better
7 intelligence picture, a better understanding of the domestic
8 threat environment, the groups that were coming in.

9 In hindsight, some of this stuff is readily -- you can
10 see it in hindsight, some of it. You can't see all of it,
11 but you can see some of it. And you can now uncover threads
12 on these various social media sites. You can uncover -- I'm
13 sure, sooner or later, you guys are going to uncover
14 communications between someone that is organizing, planning,
15 and synchronizing this.

16 Like I said it up front, in my personal opinion, for
17 what it's worth, something of this magnitude, something of
18 this size and scope, and as those events unfold, and looking
19 at -- physically looking at video and what happened, I find
20 it not credible that that happened organically and just sort
21 of spontaneously happens. I'm not buying it.

22 Do I have evidence of otherwise? No. But I'm seeing it
23 on TV, and I've seen the reports afterwards. And I think, my
24 hypothesis is, is that -- and this is based on, you know,
25 40 years of military experience.

1 When 25, 35, or whatever the number is, when groups that
2 large get together, and there is an event like what we saw,
3 with people with radios, and it sure looks to me, you know,
4 like it was coordinated.

5 And I think that you are likely, at some point, you're
6 going to discover some sort of linkages and connecting of
7 these dots.

8 And some of these people have experience in the
9 intelligence world. They're familiar with how to do certain
10 things with cutouts, with layers of cutouts, how to organize
11 things on communication channels that are not readily
12 accessible, and so on and so forth.

13 So you'll find it, sooner or later. It wasn't an
14 accident.

15 Q In terms of what else could have helped that day,
16 on the intel piece --

17 A Yeah.

18 Q -- all the chatter that's there --

19 A Yeah.

20 Q -- what would have, in your viewing at it now,
21 again, of course, in hindsight, what would have made that
22 actionable in the sense of why weren't -- why wasn't anyone
23 able to connect these dots and make it not just warnings here
24 and there --

25 A Yeah.

1 Q -- but more so a threat landscape?

2 A I mean, I don't know. In my opinion, again, I
3 default back a little bit to culture.

4 For law enforcement organizations to have something
5 actionable, there had to be an action, there had to be
6 something happen, because they're looking for evidence.

7 So law enforcement agencies normally, typically, by
8 culture, by training, are reluctant to intervene prior to an
9 event because a crime hasn't been committed. So what's the
10 purpose? What's the legal justification to intervene?

11 The world I live in, in the military, overseas military
12 operations, in the world of intelligence, it's different. We
13 take action. We've taken people's lives with evidence that
14 would never stand up in a court of law in the United States.

15 So what I'm saying is you're looking at two different
16 standards here. And I think that as we look forward, the
17 intelligence that police forces have, I think that there's an
18 element of indicator and warning-type methodologies that --
19 and, again, this is broad brush.

20 So there are parts of the FBI that clearly do indicators
21 of warnings and anticipatory intelligence just like, you
22 know, CIA does, et cetera. NCTC does this stuff for domestic
23 terrorism and overseas terrorism as they come into the
24 country and all that.

25 But as a broad comment, I think that there are lessons

1 to be learned in the world of intelligence and predictive
2 intelligence based on indicators and warnings of potential
3 domestic terrorist activities. Maybe there's a -- maybe
4 there's some TTPs that can be developed and used by police
5 forces. I don't know.

6 But I think intelligence and the inability to see the
7 whole prior to the events of the 6th, when I think in
8 hindsight, you can see it. You can go back. You can look
9 through a wide variety of information. And you can say --
10 you can sit there and say: How did anybody miss that? It
11 was obvious. There's all kinds of people out there saying
12 this was obvious. This was obvious. We were seeing it the
13 whole time.

14 Q Right.

15 A That's all hindsight stuff, looking backwards.

16 So I think that is one thing. I don't have a magic
17 answer to it, but I think that there's something that should
18 be pursued by some professionals with expertise to how you do
19 domestic intelligence within the bounds and intent of U.S.
20 law without violation of people's civil rights, but you still
21 have some sort of predictive intelligence. I think that
22 would be one area.

23 Another area is lead Federal agency. I think that any
24 time you're talking about the use of the military inside the
25 boundaries of the United States, I think it's really

1 important to designate up front the lead Federal agency, and
2 I think you should do it in writing, signed by an authority
3 that has the authority to issue that order. I think that
4 cleans up a lot of things when you have that lead Federal
5 agency.

6 Q You mentioned the NSSE.

7 A Yeah. That's a method that we do.

8 Q Would you recommend -- that's obviously in place
9 for State of the Unions and inaugurations. Should it be in
10 place for a joint certification of electoral results? Would
11 that be --

12 A I think that's something that people should
13 consider and think through. And, you know, it's sad to say.
14 I mean, what does that mean to the future of the democracy
15 where, you know, votes and certification of votes have to be
16 designated as a national security event. That speaks volumes
17 in and of itself.

18 But I think people, not me, but others in law
19 enforcement and other parts of the U.S. Government, should
20 seriously consider that sort of technique in the future for
21 sure.

22 Q On the intel piece, what impact would have a joint
23 intelligence bulletin had one been issued by DHS and FBI
24 prior to January 6th?

25 A It would have helped, you know. I think it would

1 have established in the military what we call a common
2 operating picture.

3 So you want to have a common operating picture of your
4 friendly forces and your enemy forces. So, you know, Sun Tsu
5 says, you know, see the enemy, see yourself, and win a
6 thousand battles sort of thing, and see only the enemy but
7 not yourself -- or see yourself and not the enemy -- and then
8 you lose and all that kind of stuff, right?

9 So you have to have common understanding of the
10 environment, of the -- of a common operating picture of
11 what's happening out there, and that didn't exist. And
12 people who are in positions of decisionmaking should have
13 access to all-source information in order to form some sort
14 of coherent picture so that they can take appropriate actions
15 on the friendly side.

16 That's normal for military operations. It doesn't work
17 all the time perfectly well for sure. That's a guaranteed
18 bet there. But the doctrine is there. The procedures are
19 there.

20 And I think something, exactly what you just said, a
21 joint intelligence bulletin under law enforcement that brings
22 together all the domestic law enforcement information and is
23 produced as a document and then disseminated to all the
24 appropriate agencies I think would be very, very helpful.

25

1 [7:44 p.m.]

2 BY [REDACTED]

3 Q If there had been a joint intelligence bulletin but
4 not a request from the U.S. Capitol Police, as there was not
5 a request here by the U.S. Capitol Police -- from the Mayor
6 there was -- would D.C. National Guard still prepare a
7 response, a contingency plan, without a request for
8 assistance?

9 A Prepare? Sure, maybe. But execute? No. And
10 there's a difference between preparing to do things -- we
11 prepare all the time for contingencies around the world in
12 the military. So preparing for something and doing it are
13 two different things.

14 Sure, preparations could be done, contingencies could be
15 developed. I think General Honore talked about some of that
16 in his investigation. I think all that's fair. But actually
17 employing and executing and doing? Be careful, that's
18 different. That requires appropriate authorities from
19 civilian authority.

20 Q If there had been a formal request from the
21 U.S. Capitol Police for the D.C. National Guard, would that
22 have impacted the response time?

23 A Oh, absolutely. Well, I mean, it depends on what
24 their request was. But had the D.C. Capitol Police asked for
25 U.S. military forces, National Guard, then we would've given

1 it to them. It depends on what they would've asked for, but
2 we would've given it to them. I mean, look what happened
3 afterwards, right? Over 25,000 went into the city.

4 So the fact of the matter is, they didn't -- not only
5 didn't they ask, they were prompted to ask by Ken Rapuano.
6 Because we made sure. We went around and asked, or he did on
7 our behalf, on the Secretary of Defense's behalf.

8 Q It's in the DOD timeline that at least there were
9 two efforts made from DOD to Capitol Police to confirm they
10 did not request the assistance of --

11 A Yeah. I'm sure it's at least that. And it wasn't
12 just Capitol Police; it was every single one of those police
13 agencies.

14 Q I just have a couple more top-line questions, and
15 then I think we're done, but --

16 A Sure.

17 Q -- I wanted to go back to the day of, if you were
18 aware of a tweet around 3:13 from the President to his
19 supporters saying, "I'm asking for everyone at the US Capitol
20 to remain peaceful. No violence! Remember we are the party
21 of Law & Order."

22 Did you see that tweet that day?

23 A This is on what day? The 5th?

24 Q This is the 6th. No, this is during it.

25 A Oh, during it.

1 Q At 3:13.

2 A No. Afterwards, yeah, somebody showed me to that
3 after the fact. At that point, that's -- you know, it was a
4 little too late.

5 Q I know you --

6 A But I didn't see it, though, at the time.

7 Q I know you stated earlier that you did not speak to
8 the President at all that day. Was there any desire for you
9 to speak to the President in the sense of asking him to put
10 out a statement to quell the violence that was going on?

11 A No. Not necessary, by me.

12 I was dealing at that point with a crisis situation.
13 The Secretary of Defense was making the decisions, based on
14 recommendations I was giving him, very quickly.

15 I had conversations with the Vice President, three of
16 them; Meadows, a couple of them; O'Brien; Speaker Pelosi;
17 Leader McCarthy; Senator Schumer; Steny Hoyer. I was called
18 by, I don't know, a dozen or more Members. But those calls
19 were leadership calls. And there were multiples of those; it
20 wasn't just one. So we're dealing with that all day long.

21 And, you know, I didn't -- I was not in the mood, sort
22 of thing. I wanted to just deal with that.

23 I knew at that point that the people to deal with at
24 that point is Miller, Vice President, Meadows if necessary I
25 guess. But there were no orders that anyone needed to give

1 us. We knew what needed to be done and get down there as
2 fast as humanly possible to get the situation under control.

3 Q Did the President's silence with the leadership
4 frustrate you in any way or surprise you?

5 A I noted it.

6 Q And when you say you noted it, what do you mean?

7 A You know, you're the Commander in Chief. You've
8 got an assault going on on the Capitol of the United States
9 of America, and there's nothing? No call? Nothing? Zero?

10 And it's not my place to, you know, pass judgment or --
11 I'm the, you know -- but no attempt to call the Secretary of
12 Defense? No attempt to call the Vice President of the United
13 States of America, who's down on the scene?

14 To my knowledge, it wasn't -- I just noted it. I was
15 just driving on. Just get the people down to the Capitol.
16 Get the Capitol clear. Get the adjacent States' Guards stood
17 up. This is all crisis management at this point.

18 Q To what extent do you hold President Trump
19 responsible for the attack on the Capitol?

20 A I think that's the responsibility of the American
21 people and their designated representatives. I have my
22 personal opinions, and it's probably best kept to myself as a
23 military officer, you know? But you can imagine what it
24 might be, right?

25 So -- but that's not my place. It's not the job -- and

1 you don't want the job -- of the military, holding political
2 leaders accountable. That is not the military's job. The
3 military must remain apolitical. And my opinions on things
4 like that should remain with me, and I should not state them
5 publicly, because that's getting the military back into an
6 area that we shouldn't be in.

7 It is the job of the American people, it's the job of
8 the American Congress, it's the job of the judiciary to hold
9 political leadership, to include Presidents, accountable. It
10 is not the job of the military, and we don't want me to opine
11 on that.

12 Q Understood.

13 Just a couple more questions on just the authorities
14 again.

15 On January 6th, could President Trump have taken any
16 action that would've increased the response time of the
17 D.C. National Guard? In other words, was there anything he
18 could've done to have gotten them there faster?

19 A Any order he could've given or something like that?
20 Is that what you mean?

21 Q Sure. Or any phone call made?

22 A No. No. Again, 1430. Miller makes a decision,
23 transmits to the "Governor," McCarthy. McCarthy is
24 transmitting to the executing units, Walker and those guys.
25 And they moved as fast as humanly possible under the

1 conditions that were being obtained at the moment.

2 There wasn't anything that I think President Trump
3 could've done to speed that process up. You know, he
4 could've called and been all excited and yelled and screamed
5 and said, "Go faster, go faster, go faster." But that's
6 about as fast as that system is going to move, given that
7 they weren't prepositioned.

8 If they were prepositioned, then things would've been
9 much faster, for sure, no question about it. But the fact
10 that, for the vast majority, except for the guys who were
11 doing the traffic control points and except for that little
12 40-man reaction force, the rest of the D.C. Guard is going
13 from a cold start, and there wasn't anything President Trump
14 or anyone else was going to do to speed that process up once
15 things got going.

16 At 1430, from 1430 on, the National Guard moved as fast
17 as humanly possible, in my opinion.

18 Q On the flip side of that question, on January 6th,
19 were you ever concerned that the President might delay or
20 prevent the D.C. National Guard from responding to the
21 Capitol?

22 A I suppose he could have. It didn't even cross my
23 mind. It wasn't -- I wasn't even --

24 Q I just want to ask about one phone call I know you
25 were not on, that 2:30 phone call that was in the press with

1 General Piatt and General Flynn.

2 A Yeah. So that's down in the Army space at the
3 Pentagon --

4 Q Correct.

5 A -- but I'm aware of it, though, obviously.

6 Q Did that conversation in any way impact the
7 response time, or response at all, through the D.C. National
8 Guard?

9 A I don't think so, but there's others who do think
10 so. You know, Will Walker, for example, he gave testimony to
11 that effect --

12 Q Uh-huh.

13 A -- to the effect that he thought that that kind of
14 slowed things down.

15 I don't think so, though, because, first of all, Piatt
16 and Miller -- not Miller, but Flynn and the others that were
17 on that call, they don't have the authorities. They can't
18 make decisions either. It takes the Secretary of the Army;
19 it takes the Secretary of Defense. So they have no
20 authorities to issue orders to do anything, just like I
21 don't, right?

22 So that call, as a standalone entity, it's been very
23 controversial, but I don't think that that call had any
24 impact one way or the other, to tell you the truth.

25 The decision-makers, the two of them -- there's only two

1 of them at this point, McCarthy and Miller -- are both in the
2 SecDef's office. And that decision-making process, based on
3 what I already described, happened pretty quickly. And then
4 McCarthy goes back to the Army, and then he's back with Piatt
5 and back with Flynn, and now they're issuing orders --

6 Q Right.

7 A -- in McCarthy's name.

8 So neither Flynn nor Piatt could've issued orders
9 anyway. And if they did -- I mean, I suppose the words
10 could've crossed their mouths, but it would've been illegal.
11 They're not allowed to do that.

12 Q On that call, the Army initially denied that
13 General Flynn participated. And, as you know, there was --

14 A Right.

15 Q -- press about that. Were you aware of the reasons
16 why the Army initially denied? Or what do you attribute that
17 to?

18 A No. And I've talked to McConville and McCarthy and
19 those guys. I don't actually know. I think part of it is
20 just stupidity. As I understand it, he wasn't in that
21 conversation for very long; he was in it and he leaves or
22 something like that.

23 Q Uh-huh.

24 A I'm not sure of all the details of that
25 conversation.

1 But it was an ignorant thing, for the Army to publicly
2 release something like that. It happened. It was false.
3 And as soon as it became known that it was false, I think
4 they made the corrective action and corrected it.

5 Q You mentioned General Walker's testimony --

6 A Yeah.

7 Q -- to the Senate. And, according to General
8 Walker, a different view of some of the authorities that he
9 had that day.

10 A Yeah.

11 Q He essentially said that he had Guardsmen that were
12 ready to move to the Capitol.

13 A He did. He said that in testimony.

14 Q What is your reaction to his view that that number
15 of people -- he said 155 people could've arrived to the
16 Capitol in minutes.

17 A He said that, yeah.

18 Q Do you -- was that your best military advice?

19 A Well, I mean, first of all, as I recall, he said
20 words to that effect in testimony. I don't know that that
21 was true.

22 I'm not saying that he intentionally told an untruth.
23 So that's different. I'm not saying that. I think people
24 sometimes overestimate out of pride, out of -- because of
25 their job. He's very proud of the Guard.

1 And, again, I'm speculating a bit. I've known Will
2 Walker for a long time. I've got a lot of respect for him.
3 He's now Sergeant at Arms and all that.

4 I suspect -- and I haven't talked to him about this, but
5 I suspect he felt that maybe the National Guard was being
6 blamed, so he was going into a bit of a defensive stance
7 while in testimony, and he was -- you know, in his memory,
8 he's thinking, well, we could've, you know, moved faster and
9 done all these things.

10 I personally think that that is an overestimation of the
11 speed at which he could've done that, number one. Number
12 two, if he had 150 guys ready to go just like that, I
13 certainly -- that wasn't part of the planning. It was 40 or
14 something like that.

15 And even if he had 150 -- let's just say they did --
16 where were they going to go? What were they going to do?
17 What was their mission? What was their task and purpose?
18 What was their rules on the use of force? And who approves
19 it? Because Will Walker doesn't have the authority to deploy
20 the U.S. military into a domestic law enforcement situation
21 without the authority of the Secretary of the Army or the
22 Secretary of Defense.

23 So -- and I love Will Walker. He's great. But, you
24 know -- so I think that, yeah, I heard his testimony. I just
25 don't necessarily agree with that point of view. I think

1 that -- and I may be wrong. He might be right, I might be
2 wrong, I don't know. But that's my view.

3 I think that the Guard acted as rapidly as they actually
4 could, given that you want to ensure that you're not just
5 rushing 18-, 19-, 20-, 21-year-olds, led by 25-year-olds,
6 with weapons, into a melee that you don't fully understand
7 what's going on. That's nothing but a recipe for even a
8 further disaster.

9 In fact, even in hindsight, I am really glad the cops
10 showed up first. I'm glad that the FBI or the DEA or whoever
11 it was, I'm glad they were the ones that showed up first and
12 cleared the Capitol. Because they're the pros, they know how
13 to do it. They're cops.

14 Q Yeah.

15 I think that covers everything.

16 BY [REDACTED]

17 Q Yeah. I want to give Ms. Cheney and Mrs. Luria a
18 chance to ask questions, but I just have a couple very brief,
19 I promise, tactical questions, General Milley.

20 A Sure.

21 Q If you, in advance of the 6th, had really accurate
22 intelligence, 45,000 people, some of whom, in an organized
23 way, were going to intentionally breach the Capitol, what
24 kind of tactical plan would, in hindsight, have been better
25 or would you have recommended?

1 A Well, if you had that -- you know, hindsight is
2 always 20/20. If you had that level of intel -- and we did,
3 actually. So it's not a hypothetical, I suppose. We had it
4 for the inauguration. We had similar chatter, similar
5 vitriol going on. And, now, post-the-6th-of-January,
6 everybody's antennas are all up, right?

7 Q Yeah.

8 A So we did put in place a really rigorous set of
9 rings, protection, in and around the Capitol in order to
10 prevent an assault on the inauguration, which was being
11 threatened, by the way.

12 And, as it turned out, in part, at least my theory of
13 the case is -- you can't prove a negative, but -- in part,
14 the various groups that were thinking about assaulting the
15 inauguration chose not to because of the level of security
16 forces that went in and various things on social media, et
17 cetera, where the word went out to the various groups and
18 said, "Stand down, don't go, this is a false flag operation,
19 don't go, there's too much force there, they've turned it
20 into an armed camp," and all this other kind of stuff. So
21 that level of defensive protection around the Capitol for the
22 inauguration, that actually deterred something.

23 But if I had to do it -- you know, if I had perfect
24 knowledge after the fact -- and, again, I'm military, not a
25 cop, but I would strongly encourage the police, if you know

1 of a particular group that's coming into the capital city, or
2 anywhere else for that matter, that's intent on doing
3 violence and harm or intent on assaulting the Capitol, you
4 should disrupt, delay, arrest, interdict --

5 Q Yeah.

6 A -- those sorts of things, in accordance with
7 U.S. law.

8 And, clearly, additional defensive preparations, if you
9 had that level of intelligence, could've been made. Perhaps
10 not to the level of the inauguration, but there could've been
11 further things done.

12 Q Yeah.

13 So the military can't act or deploy troops or
14 operationalize without a request, but it can prepare,
15 correct? The Army or the National Guard, for example, could
16 have had 6,000 Guardsmen in Arlington or at the Armory
17 waiting for a call without -- correct me if I'm wrong.

18 A You could have planned --

19 Q Yeah.

20 A -- but you couldn't have positioned.

21 Q Oh, I see. They couldn't have positioned --

22 A Couldn't move them.

23 Q -- anywhere? Or --

24 A Couldn't move them.

25 Q That's my question. So they couldn't have moved to

1 the Capitol to engage, but they could've been geared up and
2 standing by, some quantum of force, if there had been more
3 intelligence in advance --

4 A Well --

5 Q -- that there might be --

6 A -- let's just say Virginia. You couldn't have done
7 that without the Governor, the Governor of Virginia.

8 Q Yeah.

9 A He would have to say to do that. Otherwise, you'd
10 have to federalize them, right?

11 Q Uh-huh.

12 A You couldn't have had Maryland or Delaware, you
13 know -- so no.

14 I mean, you could've planned. You could've had paper
15 plans, you could have orders, you could've had intel, you
16 could've done all that level of planning. But you couldn't
17 actually bring guys into armories, issue out orders, issue
18 equipment, basically bring them on duty, because that's
19 money. These guys have to get paid. And they come in for
20 the weekend or whatever, so if you're bringing them on duty,
21 you're paying them. Who's paying? Is the State paying, or
22 is the Federal Government paying?

23 So those levels of preparation, the actual
24 preparation -- so planning? Yes, you can plan. You can plan
25 to your heart's content all day long. But preparing the

1 force, issuing the orders, rehearsing, assembling them,
2 marshaling them, issuing them their equipment, that can't be
3 done without the authority of the properly duly designated
4 civilian authorities.

5 Q Yeah.

6 A And they have to have orders to do that.

7 Q Right. All of which makes coordination,
8 information-sharing --

9 A Yeah.

10 Q -- crucial.

11 You said something about the inauguration, that the
12 inauguration is a contrast to January 6th.

13 In one of the books, you're quoted as saying, "Here's
14 the deal, guys. These guys are Nazis. They're Boogaloo
15 Boys. They're Proud Boys. They are the same people we
16 fought in World War II. Everyone in this room, whether
17 you're a cop, whether you're a soldier, we're going to stop
18 these guys to make sure we have a peaceful transfer of power.
19 We're going to put a ring around the city, and the Nazis
20 aren't getting in."

21 I assume, if that's accurate, that that was taken from
22 that recording and the training exercise that you talked
23 about before?

24 A Yeah, that's exactly right. There was a rehearsal
25 at Conmy Hall at Fort Myer, Virginia, 300 or 400 people in

1 attendance.

2 Q Yeah.

3 A At the front row of tables like this, I'm sitting
4 here, Acting Secretary of Defense Miller is sitting there,
5 Kash Patel is sitting there. The incoming administration
6 people are all sitting in rows back there. Around the table,
7 over there is the Director of the FBI --

8 Q Yeah.

9 A -- there is the chief of police, the Metro Police,
10 Capitol Police, et cetera. All the security -- over here is
11 the Guard, the National Guard, Secretary of the Army. All
12 the key players for security of the military district of
13 Washington are there. Representatives of the Mayor's office
14 are there. Representatives from the Hill, from Speaker
15 Pelosi, Leader McCarthy's office -- I don't know if McCarthy
16 had a person there -- but Schumer's people had some people
17 there.

18 This was, I don't know, 300, 400 -- you guys were
19 there -- 300 or 400 people were there. It was all being
20 videotaped. It's a national security special event. The
21 lead Federal agency is the Secret Service. And, I mean, it
22 was very rigorous. It was a couple days. We did this twice,
23 actually.

24 Q Yeah. And --

25 A So, yes, I said those words or words to those

1 effect. I believed them then, and I believe them now.

2 Q Yeah. Your reference to World War II, is that,
3 going back to what you said before, it's like the Reichstag
4 moment, the brownshirts?

5 A Yeah, my personal opinion is that there are radical
6 elements domestically. Not my job to deal with them. It's
7 the job of law enforcement, et cetera. But there are radical
8 elements on both sides of the political spectrum. And the
9 groups that were particularly threatening I think came from a
10 certain segment of the political spectrum.

11 Q Uh-huh.

12 A And they manifested themselves in certain organized
13 groups like the Proud Boys, the Oath Keepers, the Three
14 Percenters. And there's a wide variety of other groups that
15 were represented. And they have extreme views that don't
16 align with the values of this country.

17 And, in my view, they were part of a deliberate attempt
18 to overthrow the Constitution of the United States on the
19 6th, in that they were planning to have a deliberate attempt
20 to interdict and disrupt the inauguration of a duly elected
21 President. And it's our job to defend the Constitution
22 against all enemies, foreign and domestic.

23 And we are just part of a whole. And I just wanted to
24 make sure, when I mentioned those words -- that was at the
25 tail end; I mentioned those words after a couple long days of

1 practice and rehearsal -- that everyone got focused as to
2 what our task was, which is to protect the inauguration and
3 make sure that we had a peaceful transfer of power. And we
4 did.

5 [REDACTED] That's a good place for me to stop. Let me
6 turn it over to Ms. Cheney and Mrs. Luria.

7 Ms. Cheney. Thanks very much, [REDACTED]
8 And, again, thank you, General Milley.

9 I wanted to just go back to one thing you were talking
10 about a few minutes ago. And we certainly don't want you to
11 step over into political judgments. But, if you look at the
12 events of the day, the events of the 6th, they can be divided
13 up into two broad questions.

14 One question is this question about what sparked the
15 violence, whether the President incited violence. And I
16 think you could say that, generally speaking, that's a
17 fact-finding set of issues that the committee is engaged in.

18 There's a separate question, though, and that is what
19 the President's duty was once the violence was underway. And
20 I think when [REDACTED] asked you, or maybe [REDACTED] asked you,
21 whether the President had taken action while the attack was
22 underway, you said, "Well, that wouldn't have been
23 necessary." And I just wanted to give you a chance to
24 clarify that.

25 Clearly, you all did your duty, and you all responded,

1 and you all did, as we've been investigating and discussing
2 over the course of the day, what was needed to defend the
3 Capitol, ultimately. But I want to make sure that I'm clear,
4 that we're clear, the record's clear that, when you say it
5 wasn't necessary for the President to act, that's not a
6 judgment on whether or not he had the duty to act.

7 And so that's my first question to you, is, as you look
8 at: Ultimately, the President is Commander in Chief. A
9 violent assault is underway on the Capitol, as you said, to
10 stop the counting of votes, interfere with democratic
11 process. Do you believe the President had a duty -- any
12 President has a duty to defend the Constitution, to defend
13 our democratic process?

14 General Milley. Yeah, absolutely have a duty.

15 And when I said "necessary," I mean there is no order or
16 action that he could have done at that moment to speed up the
17 response of the National Guard and the Department of Defense.
18 Those wheels were already in motion, and neither him nor
19 anyone else was going to speed that up. Those wheels were in
20 motion. They were operating at that point at a speed that
21 was governed by our processes and our procedures and things
22 I've already mentioned.

23 So, when I said it wasn't necessary, absolutely not,
24 because there's nothing he could've done, materially, to
25 change the outcome of the deployment of the National Guard.

1 Having said that --

2 Ms. Cheney. Right.

3 General Milley. -- when you're saying duty to protect
4 and defend the Constitution, he takes the same oath I do, and
5 so does half the people in this room. We all do. So
6 everyone, from Commander in Chief on down --

7 Ms. Cheney. Ultimately -- but, ultimately, he's the
8 Commander in Chief.

9 General Milley. That's right.

10 Ms. Cheney. He's supremely responsible.

11 General Milley. Yeah, that's right. And, as the
12 Commander in Chief, there are actions that perhaps, in
13 hindsight for sure, that he could've and should've taken, not
14 necessarily to speed us up, but things to stop what was
15 happening from people that were followers of his -- or
16 proposed followers -- or professed followers of his.

17 I don't know if that would've done any good either, but
18 he eventually did that, didn't he? Didn't he send out a
19 tweet or something like that or --

20 Ms. Cheney. Yeah, and it made a difference.

21 General Milley. -- or some kind of video?

22 Ms. Cheney. He told people to go home.

23 General Milley. Yeah.

24 Ms. Cheney. So, again, I think, going back to this
25 question about, you know, ultimately, when you're faced with

1 a Capitol under assault, as that day was unfolding, you know,
2 you said that -- you talk about the extent to which, you
3 know, you were doing your job. You were making sure that you
4 were getting the Guard there as quickly as could happen.

5 When you look back now, though, and you think about,
6 where was the President, why was nobody talking to him, is it
7 an unusual thing that it didn't even seem to be surprising
8 that he was apparently not, you know, involved in these
9 conversations, not involved in the discussion about how to
10 defend the Capitol, that kind of thing?

11 What did you think about that at the time? What did you
12 think about it since?

13 General Milley. I thought at the time and I think about
14 it since: It's highly unusual. And I grew up in an
15 organization where commanders are responsible and take charge
16 and they see situations unfolding and they issue orders and
17 take charge.

18 I thought it unusual at the time that -- and I think I
19 said it earlier -- that the President didn't reach out to
20 Secretary Miller or Vice President Pence. I thought that was
21 unusual at the time. There wasn't anything I could do about
22 it. I'm just, you know, driving on. But, yeah, it was
23 absolutely unusual.

24 And --

25 Ms. Cheney. And then --

1 General Milley. -- what was he doing? I don't know,
2 but I can tell you who was with him.

3 Ms. Cheney. And who was with him?

4 General Milley. From my knowledge -- and I already said
5 this once on the record, but just to level bubbles --
6 physically with him, Keith Kellogg, Mark Meadows. I think,
7 although I'm not sure, I think Pat Cipollone was over in the
8 White House and perhaps some other lawyers. I believe -- I'm
9 not positive, but I believe Stephen Miller was there.

10 I think, in addition to that, you've got his son, I
11 believe is there, Don Jr. And his spouse, Kimberly
12 Guilfoyle, I believe is there. I think that Ivanka, his
13 daughter, is there. And I think Robert O'Brien is in the
14 White House but not necessarily in the Oval and not
15 necessarily right in the President's orbit.

16 And I base all of that on conversations with -- that I
17 had. So, first, I'm having firsthand conversations with
18 Keith Kellogg, and he laid out who was there to me. And,
19 now, I'm not eyewitness. Kellogg would be the eyewitness,
20 but I think that's -- and there's probably others. But, to
21 my knowledge, that's who was with him.

22 Ms. Cheney. And then just one final question. I know
23 you said that the last time you talked to the President was
24 on the 3rd. Did you talk to him after the 6th?

25 General Milley. Nope. The last time in my life I

1 personally talked or saw, had any communication, you know,
2 point-to-point with the President was on the 3rd.

3 Since then, he has mentioned me in rallies, at speeches.
4 And his communications director, Liz Harrington, has put out
5 four statements on me. So there's been a lot of that kind of
6 communication, but none from me to him or him to me since the
7 3rd.

8 Ms. Cheney. Okay. Thanks very much, General.

9 Thanks, [REDACTED]

10 Mr. [REDACTED] Mrs. Luria, do you have anything?

11 Mrs. Luria. Well, thank you.

12 And thank you, General Milley, for providing such
13 lengthy and detailed testimony. And I just kind of wanted to
14 follow up a little bit on some of the things that Liz was
15 just talking about.

16 You mentioned a couple times during testimony today that
17 you did speak to Vice President Pence on January 6th. And,
18 at one point, you referenced his request to make sure that
19 the National Guard responded. But can you tell us anything
20 else about those conversations that you had with the Vice
21 President on the 6th?

22 General Milley. Yeah. There was -- I'm pretty sure
23 there were three. It might only be two, but we can clarify
24 that from a factual standpoint. But, in both conversations,
25 I would describe -- I would characterize his comments as very

1 direct, forthright, businesslike, serious, forceful,
2 coherent, unambiguous.

3 What did he say? You know, I might get a little bit of
4 the quotes wrong here, but he said things like -- this is a
5 conversation with Secretary Miller, Acting Secretary Miller.
6 I'm on the phone. Kash Patel's in the room. There's some
7 others. I'm not sure who's on his side. You can hear a lot
8 of noise in the background, so there's obviously a lot of
9 activity going on. And he said, "Get the National Guard down
10 here. Get them down here now, and clear the Capitol." You
11 know, and this is the Vice President of the United States.
12 And there was other forceful language. I forget the exact
13 quotes, but it was all along that gist.

14 That call occurs, what, at 1600? What does the timeline
15 say?

16 Yeah, there's two. 1608, that's the first one. That's
17 the one I'm describing.

18 So he's very forceful. But, again, decisions have
19 already been made at that 1430 to 1504 timeframe. So
20 decisions have already been made before that phone call. But
21 he was adamant, and he was very forceful about it.

22 Secretary Miller responds saying, you know, we've
23 already made decisions, they're on the way, help's on the
24 way, that kind of thing.

25 And this conversation doesn't last long. It's minutes.

1 But it's very forceful.

2 And then there's a second call at 1915, or 7:15 in the
3 evening, and same sort of gist. But, at that point, things
4 are -- wheels are in motion, the Capitol is being cleared.
5 As I recall, at 2000, 8 o'clock at night, the Capitol is
6 declared clear by the Capitol Police.

7 I think that at the 1915, 1930-ish, there was a lot of
8 progress being made. And I think the Vice President -- that
9 conversation is also very forceful, but he also expressed
10 thanks to various people about, you know, helping out and
11 supporting.

12 And there were more people on that call. That one, I
13 think, has got Senate and House leadership on there perhaps.
14 I know there were some other leaders on there. And I think
15 there's some members of other agencies, not just Department
16 of Defense. I think -- I'm not positive, but I think White
17 House, Meadows, might've been on that call. That's a bigger
18 call, that second one.

19 Over.

20 Mrs. Luria. And during that first call, recognizing
21 that was just more direct, between him and the Acting
22 Secretary, and you were also listening because you were in
23 the same room, did he express any concern about his safety?
24 Did he discuss anything about his whereabouts? I know his
25 family had been with him that day. Was there any discussion

1 about any actions or movements that he should take or any
2 discussion of that at all, of his personal safety and his
3 whereabouts?

4 General Milley. There was a little bit. Not so much
5 from him. He wasn't saying, "I'm in jeopardy," or any of
6 that. He was stoic and direct, right? But I think -- I'm
7 pretty sure Secretary Miller said, "Sir, are you safe, are
8 you in a safe area," that kind of thing, and he said, "Yes,
9 I'm safe, I'm fine." And, remember, he's got a Secret
10 Service detail wrapped around him.

11 In effect, as I learned more about what ended up
12 happening, the rioters, or the insurrectionists, are
13 extraordinarily lucky that there was a Capitol Policeman that
14 led them in a different direction than the Vice President.
15 Because I know full well the Secret Service guys were ready
16 to protect the Vice President, and that would've been quite
17 bloody, I suspect.

18 So he had adequate protection around him. He was not in
19 any sort of -- there wasn't any panic, or there wasn't any
20 concern -- he didn't express any concern about his own
21 safety. We did recognize his family was with him. There was
22 a lot of noise in the background.

23 The other Members on the call, by the way, at that
24 point, a good number of them were already moved [REDACTED]

25 [REDACTED]

1 [REDACTED] There were
2 different people at different places.

3 But the Vice President himself did not express concern
4 of his own safety, but he was asked about that, and he
5 confirmed that he was okay.

6 Mrs. Luria. Thank you.

7 And you also said that, after January 3rd, you never
8 spoke to or saw the President again. But I would assume --
9 you know, there were still 2 weeks remaining in the
10 administration after that -- that on a regular basis within a
11 2-week period, how many times would you normally say you
12 would've spoken to the President?

13 And, secondly, you know, he's still the President for
14 2 weeks, and there are a lot of, you know, military
15 operations and things that you were concerned with and
16 monitoring and, I suppose, wanted to discuss with him. Was
17 there any impact, the fact that for the final 2 weeks of the
18 administration you didn't have any direct communications with
19 him?

20 General Milley. I had no direct communications with him
21 during that period of time. Impact? Well, nothing happened,
22 so I guess the answer would be there was no impact. Nothing
23 bad happened overseas or any of that kind of stuff, nothing
24 requiring a Presidential decision. Could there have been?
25 Sure. But there wasn't.

1 So I dealt at that point with the Secretary of
2 Defense -- Acting Secretary of Defense Miller and White House
3 Chief of Staff Meadows and stayed in routine communication
4 with Gina Haspel and Secretary of State Pompeo. And, again,
5 stay steady, get to the 20th, peaceful transfer of power, and
6 then let others figure all this stuff out in the aftermath.

7 So that was kind of my attitude: Eye on the ball, eye
8 on the horizon, stay steady, be an immovable object in the
9 midst of chaos, sort of thing. And I'm not trying to be
10 overly dramatic here, but that was sort of my attitude at
11 that point.

12 Mrs. Luria. Okay.

13 And my final question -- because you've mentioned that,
14 you know, a few times, that when you had those conversations,
15 that was your message of, you know, stay steady, get to this
16 final point in the peaceful transition of power.

17 And, you know, we have sought to speak to Mr. Meadows.
18 He has not agreed to address our committee yet. But can you
19 sort of restate again, like, where you thought he was in
20 agreeing with you? And, sort of, was he also trying to reach
21 that same goal? Did he share the same sentiment? Did you
22 have any conversations directly about, you know -- you had an
23 underlying concern in order for that to be your mantra, so
24 did you discuss that at all with him?

25 General Milley. Absolutely. Yeah. Sure. I don't know

1 how many times, but a lot, saying those words to him and
2 Pompeo and O'Brien and Gina and the whole bunch. I mean,
3 yeah, so I was repeating that. Those were constant themes.

4 And I would say that, with Meadows, he wasn't, you
5 know -- he didn't say anything to me about, hey, we're going
6 to stay in power, and, no matter what happens, we're going to
7 stay past the 20th, or any of that kind of stuff. He didn't
8 mention any of those words to me. And I think he kind of
9 knew where I was, and we were going to have a peaceful
10 transition of power. This thing's over. The Vice President
11 certified -- you know, did whatever he did, and the
12 legislature certified the election.

13 In fact, we put out a --- we put out a memo on the 12th,
14 signed by all the members of the Joint Chiefs of Staff. It
15 was a memo to the force, because there were military folks,
16 retired, and, actually, I think there were some that, maybe
17 one or two, that were Active, and there were some Reservists,
18 et cetera. But there were military folks involved, in one
19 way or another, with the events of the 6th. And we wanted to
20 speak with one voice.

21 So I got the chiefs together -- I personally wrote that
22 memo, got the chiefs together in my office, and I said:
23 Well, we can do this one of a couple different ways. But I'm
24 going to put a memo out to the force. And I can sign it
25 myself as the Chairman, I can sign it on behalf of the entire

1 Joint Chiefs, or we can all sign it together. And every
2 single one of them within less than a nanosecond said, no,
3 we're all signing it together.

4 So we all lined up. The guys finished the typing of it,
5 put the signature blocks on there. We signed it. They read
6 it. Everybody proofed it. There was one minor correction,
7 and so we made the correction; it was to a guy's name. We
8 didn't have his, like, third or fourth or whatever he was
9 behind his name, so we made that change. One change, signed
10 it, and published it right then.

11 And that was a message to the force that the United
12 States military stays out of politics. It was also a message
13 more broadly, overseas, domestically, to the American people,
14 to whomever read it, right? And we wanted it to be public.
15 And we were determined that there was going to be a peaceful
16 transfer of power of a legitimate election that was certified
17 by the United States Congress.

18 Mrs. Luria. Yes. Thank you. And I'm familiar with
19 that letter.

20 You said that Mr. Meadows never made a comment to you
21 indicating anything about, you know, staying past the 20th,
22 but are you aware from any conversations you had with other
23 individuals that he made statements such as that to anyone
24 who you've spoken to?

25 General Milley. No, I'm not aware of statements, you

1 know, but -- no. I think you guys will kind of sort that
2 out, one way or another. But, no, there's no statements made
3 to me by anyone that Meadows conspired with or tried to set
4 conditions in order to stay past the 20th. That's to me,
5 personal knowledge. No, that didn't happen.

6 Mrs. Luria. Okay.

7 Well, thank you again, General Milley.

8 General Milley. Thanks, Congresswoman.

9 Ms. Cheney. Hey, [REDACTED] can I just ask one more question?

10 [REDACTED] Yeah, of course.

11 Ms. Cheney. Thanks.

12 So, General Milley, on the 6th, there began to be these
13 reports in the press that portrayed Vice President Pence as
14 really being in charge and sort of ordering, you know, the
15 Guard in ways that weren't necessarily consistent with what
16 you described happened.

17 And was there a moment when the chief of staff, when
18 Mark Meadows expressed concern about this, expressed concern
19 about reports that Pence was in charge, and wanted to ensure
20 that people had an idea that President Trump was more engaged
21 than he actually was?

22 General Milley. Yes, there was.

23 When's the call with Meadows? Is the call with Meadows
24 after -- is it before or after the second Vice President
25 call?

1 I can't remember the exact time. There was a call. I
2 can't remember the exact time, though.

3 So this was Meadows. On my end is me, Miller, Patel,
4 not sure who else. And I don't know who was on his end. He
5 said -- this is from memory. He said: We have to kill the
6 narrative that the Vice President is making all the
7 decisions. We need to establish the narrative, you know,
8 that the President is still in charge and that things are
9 steady or stable, or words to that effect.

10 I immediately interpreted that as politics, politics,
11 politics. Red flag for me, personally. No action. But I
12 remember it distinctly. And I don't do political narratives.

13 Ms. Cheney. All right.

14 Thank you very much. Appreciate it. Thanks again for
15 all the hours today and for everything, for your service and
16 your commitment to walking through all this with the
17 committee. We appreciate it.

18 I yield back.

19 General Milley. And thank you, Congresswoman. Thanks
20 for your leadership too, by the way.

21 [REDACTED] Yeah, Mrs. Luria, go ahead. If you have
22 something else, fine.

23 Mrs. Luria. Okay. I'm sorry, but there's a further
24 question from me, because, General Milley, you just said that
25 that, obviously, at this point in time, seemed like it was a

1 political thing -- i.e., give the appearance that the
2 President instead of the Vice President is making decisions.

3 But if, in a very conceivable, different context, you
4 know, the President, for example, was incapacitated or not in
5 a sane state of mind -- I'm not suggesting that that's the
6 case. We've already gone over your assessment about it. And
7 you're not a doctor, but -- you know what I mean. As the
8 Chairman of Joint Chiefs, in another scenario, you know, it
9 could be a very different concern than a political one.

10 But did you have any indication whatsoever that there
11 was anything of that nature? Or it was just alarm bells to
12 you that this was all sort of a political,
13 create-an-impression-type situation and not a realistic
14 situation that would indicate some inability of the President
15 to be in charge or make those decisions?

16 General Milley. Well, I said before that Meadows,
17 Kellogg, O'Brien, Miller, on different occasions they used
18 words like "he's in a dark" -- "the President's in a dark
19 place" and "the President's not doing real well," all that
20 kind of stuff. Those are characterizations by them, not of
21 me. Do those -- I mean, they said things like that.

22 Was I concerned? I don't know. No -- in a way, no,
23 because there was the Secretary of Defense, there's a Vice
24 President, we're communicating back and forth. There is
25 communications with Meadows. And I, we, the uniformed

1 military, we had our eye on the ball. We were watching. If
2 something really weird happened, you know, overseas or
3 something like that, then we would've figured it out.

4 But, no, I wouldn't say that I was overly concerned. It
5 was a comment that registered. I'll never forget it. But
6 it's not a comment from me to action. You know, I'm not
7 going to go type up narratives on, you know, the President,
8 Vice President, this, that, and the other thing. Not my
9 lane.

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1 [8:30 p.m.]

2 [REDACTED] Mrs. Luria, Ms. Cheney, anything else?

3 If not, then, General Milley, I'll just give you the
4 last word.

5 Is there anything that we haven't asked you that you
6 think we should know or anything else important that you want
7 to ensure the select committee focuses on or learns of?

8 General Milley. Well, first of all, thank you for what
9 you're doing. Right? I think it's -- I personally think,
10 not only as a general but an American citizen, what you're
11 doing is important work. And I want you to -- I think it's
12 really important that we as a country get to the truth. I
13 think truth matters here. And that's not going to be easy,
14 and it's difficult, and it's controversial. And, you know,
15 but I think it's important. And I thank you for what you're
16 doing and all of you are doing.

17 And I commit to you that, if you have follow-on
18 questions, like I said, we have, I don't know, 6 or 10 linear
19 feet worth of, like, documents and stuff like that, you know,
20 typical Pentagon stuff. So we've got tons of stuff. Most of
21 it is not germane to, I think, what you're looking for, but
22 who knows. Maybe it is. I don't know. We'll give you
23 anything and everything that we have. We have means and
24 mechanisms of transmitting classified materials. That's not
25 a problem. We can do that, too.

1 I think like, for example, one thing that might be of
2 interest in the classified world would be some of the
3 intelligence that indicated how other countries were looking
4 at the United States during this period of time. That might
5 be of interest, perhaps. I don't know

6 ██████████ Yes

7 General Milley. So, anyway, bottom line is I commit to
8 you that -- and I'll make available anybody that's on my
9 staff to come talk and interview. And I think that it's
10 important. I think transparency's important. Candor's
11 important. And I want you and I think -- I think everyone in
12 America wants you to get to the bottom of this. And we don't
13 want it to happen again.

14 This Republic is -- means something. It means something
15 to me. I've buried a lot of soldiers, and my dad and mom
16 fought in World War II, relatives that fought in a lot of
17 different wars. And this country means something, and that
18 Constitution means something. And it's bigger than us. It's
19 bigger than any one of us, and we've got to protect it. And,
20 if we don't protect it, then God help us down the road.

21 And it's, you know, it's -- I guess I'll just stop there
22 but thanks for what you're doing.

23 ██████████ Well, I'll join Ms. Cheney and Mrs. Luria
24 by saying thank you, General Milley. This is extremely
25 helpful. We've kept you here well beyond the time that we

1 predicted. But we can't get to the bottom of it without
2 people like you, who were there, willing to come forward. So
3 we very much appreciate your time and your cooperation.

4 General Milley. Good.

5 [REDACTED] And, with that, we'll go off the record.

6 [Whereupon, at 8:35 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

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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