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

INTERVIEW OF: CHRISTOPHER RODRIGUEZ

Tuesday, January 25, 2022

Washington, D.C.

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Appearances:

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

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[redacted] This is an interview of Christopher Rodriguez conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol pursuant to House Resolution 503.

Dr. Rodriguez, could you please state your full name and spell your name for the record as well.

Dr. Rodriguez. Yes. You want my middle name, too?

[redacted] Sure.

Dr. Rodriguez. Okay. Okay. Why not?

Christopher Ryan Rodriguez. Common spelling for Christopher and Ryan, R-y-a-n. Rodriguez, R-o-d-r-i-g-u-e-z.

[redacted] And I'd like everyone in the virtual room today to introduce themselves for the record. Let's begin with those here on your behalf or with you, Dr. Rodriguez. So if they could state their names and positions.

Dr. Rodriguez. Sure. Sure. I'll just start with who I have here in the room, if possible. Is that okay? All right.

[redacted] Yep.

Dr. Rodriguez. I've got Carrie Speranza, Deputy Director of HSEMA. I have Dion Black, our general counsel, HSEMA; and Julia Christian, Chief of External Affairs here at HSEMA.

[redacted] All right. Now --

Dr. Rodriguez. That's on our side, [redacted]

[redacted] Perfect. I'll do the same for the select committee. Here is Senior Investigative Counsel [redacted] We have Investigative Counsel [redacted] as well as professional staff members [redacted] and [redacted] I

believe that's all who I see currently on the call.

This will be a staff-led interview, and members, of course, may choose also to ask questions if any join the call. I will acknowledge them once they do for the record enter the call. My name is [redacted] and I'm an investigative counsel for the Select Committee.

Before we begin, I'd like to describe a few ground rules.

There is an official reporter transcribing the record of this interview. Please wait until each question is completed before you begin your response, and we will try to wait until your response is complete before we ask our next question.

The stenographer cannot record nonverbal responses, such as shaking your head, so it is important that your answer -- that you answer each question with an audible, verbal response.

We ask that you provide complete answers based on your best recollection. If the question is not clear, please ask for clarification. If you do not know the answer, please simply say so.

I also want to remind you that it is unlawful to deliberately provide false information to Congress, and you and counsel will have an opportunity to review the transcript once it is prepared.

EXAMINATION

BY [redacted]

Q Dr. Rodriguez, let's begin with, where do you work?

A I work at the District of Columbia's Homeland Security and Emergency Management Agency.

Q And, for the record, I will be referring to it as HSEMA.

What is your current title at HSEMA?

A I am the Director.

Q Was that your title back on January 6th of 2021?

A Yes.

Q And when did you assume that role?

A October 26th, 2017.

Q May you briefly describe your professional experience leading up to your assumption of the role of Director?

A I was hired as an intelligence analyst at the Central Intelligence Agency November of 2003 out of graduate school. I was at the University of Notre Dame at the time.

I was at the CIA until June of 2014. And then, at that time, became director of homeland security for the State of New Jersey. I was director there in New Jersey from 2014 until 2017, when I assumed this current role.

Q What does HSEMA do?

A HSEMA is the primary emergency management agency for the city of Washington, D.C. We are responsible for incident management coordination, the city's overall preparedness for all threats and hazards, including the threat of terrorism, severe weather, and other man-made and natural events.

We also house the District's intelligence fusion center, which is responsible for collecting and disseminating threat intelligence on all hazards to our State, local, and Federal partners.

Q Is that the National Capital Region Threat Intelligence Consortium?

A That is correct.

Q Okay. And I'll refer for the record to that as NTIC moving forward.

Can you tell me how NTIC fits into HSEMA in the sense of does HSEMA have, apart

from NTIC, an intelligence shop, analysts, or is that entirely within NTIC?

A The NTIC -- well, let me -- the Federal Department of Homeland Security defines what a fusion center's functions and responsibilities are, and we adhere to those -- those guidelines and those conditions of the receipt of FEMA grants.

Our intelligence analysts are all housed within the NTIC, but they do -- and report to me as the Director. So the executive director of the fusion center, the head of the fusion center, reports to me. But it's also -- coordinates very closely with our emergency management functions and our incident coordination functions that are traditionally responsibilities that a State emergency management agency would carry out; for example, the administration of our emergency operations center and our incident command during emergencies that we have to manage on behalf of the city.

So there is that link between intelligence and emergency management.

Q Does NTIC have either any role or responsibility greater than or different to other fusion centers across the country? Is it structured in any way that is unique as well?

A The vast majority of fusion centers across the country are housed within law enforcement police departments. The NTIC is one of a handful of fusion centers that reside or house within the emergency -- the State emergency management agency. And so its mission is broader than strictly law enforcement's support. Law enforcement is one customer of the fusion center, but it's not the only one.

We also work very closely with, for example, our Department of Health during the COVID response, or with our public school system if there are any threats to schools. And so there are -- there are broader all-hazards elements to our fusion center that don't exist in other fusion centers across the country.

Q Can you tell us, if you know, the historical background as to why all that

came to be, that the NTIC is housed under the city government as opposed to a law enforcement agency?

A I -- I was not here during that time, so I don't know the full story of why it was moved. I would say that we have -- the -- our agency, HSEMA, has pushed through legislation in our council to designate the fusion center as a law enforcement entity, and that legislation has passed -- passed last year after January 6th.

And what it allows us to do is ingest or consume all relevant law enforcement information that's coming in from across the country. All of our analysts also have clearances, which allows them to also get classified information from the Federal Government. We have both a SCIF and a secret facility here at HSEMA.

Q And some of that answer may have answered this question, but why did you move for that? Why that push? What disadvantages did you feel were present when there wasn't that law enforcement component?

A The -- the fusion center network in the way that it's structured now limits a lot of the law enforcement information that comes from the country into the NTIC itself. We've never had an issue with information-sharing in our region or in -- with the Federal entities here.

But I think, as our threats become more national in nature, it was important for us to make sure that we could consume law-enforcement-sensitive information from our partners across the country whom we don't interact with as frequently as we do with our partners in the National Capital region, or in the Federal Government here in D.C.

Q And was that gap in receiving information -- was that statutory? So was that required as not being a law enforcement agency, or was it mere -- or is it reputational? Was it the idea that there just wasn't as much sharing because it wasn't -- it didn't have law enforcement capacity?

A Well, my understanding is that there are Federal guidelines for sharing law-enforcement-sensitive information that DOJ and the -- I believe it's the CJIS Division within DOJ kind of lays out for what entities can receive law- enforcement-sensitive information. Obviously, different agencies across the country will determine a need to know for certain information.

So I can't speak to why -- you know, in the event information is not shared, why it's not shared. But what we wanted to do was eliminate any ambiguity as far as the status of our fusion center by passing and designating it as a law enforcement entity for the purposes of receiving, analyzing, and disseminating law-enforcement-sensitive information.

Q You noted that this push occurred subsequent to January 6th. Did the events of January 6th inform your desire to designate it as a law enforcement entity?

A Yes.

Q Can you talk me through a little bit -- obviously we'll get into what constraints or limitations were present leading into January 6th. But, on this point, if you can just expound: What about January 6th informed that decision?

A January 6th was a factor, but it wasn't the only factor. We -- after that happened, I wanted to make sure, as the Director of HSEMA, and as the executive for the fusion center, that our fusion center was best-positioned to receive all threat information going forward, that any barriers that may have existed to information sharing, as I mentioned, not necessarily in our region but across the country, that we among the fusion center networks would be seen as an equal partner in terms of our ability to get intelligence.

And so we -- I very quickly made the recommendation, and then I put forward legislation to designate it as a law enforcement entity.

I did not sense that the -- that the law enforcement designation, as I look back on January 6th -- I know we're going to get to this -- was a hindrance to us getting intelligence. I wanted to make sure that it wasn't a hindrance going forward as we -- as we kind of came out on the other side of January 6th in a completely new environment.

Q All right. So is it fair to say, on January 6th, you did not feel that its lack of designation as a law enforcement entity affected the gathering of intelligence?

A That's correct.

Q Who is your direct supervisor as Director of HSEMA?

A I report to the Deputy Mayor for Public Safety and Justice, who at the time was Roger Mitchell, as well as the city administrator for the city. I am appointed by the Mayor of the District of Columbia.

Q Are there any restrictions, Federal or local, that guide your collection of intelligence like other agencies within the so-called IC, intelligence community?

A Yes. A lot of those guidelines and restrictions are put on by the Federal Department of Homeland Security, again, who defines what the appropriate activities of a fusion center are. We have a privacy officer as well, which is a requirement of a fusion center.

We have multiple layers of review for any products that go out. We have vetted distribution lists for our partners as well. And, in the case of the law enforcement information, again, we follow Department of Justice and CJIS guidelines in terms of how we operate.

Q I want to talk about the lead-up to January 6th now in terms of intelligence. Let's start with the first two MAGA marches on November 14th and December 12th of 2020.

What was the threat landscape, if any, leading up to those events, and how would

you characterize the scope and volume of violence that the city experienced on those two events?

A I do think, when we're talking about the marches in November and December, it is -- in order for me to sort of define the threat environment, I go back to the immediate pre-election period, particularly the late summer of 2020, when we were beginning to see the potential for whomever won the election, whether it's -- was the current President or the former President, there would be a period -- based on our assessments and what we were seeing and what we were hearing from our law enforcement partners, there would be a period of social unrest. And, for most of the last year, a lot of that social unrest played out on the streets of D.C.

And so we, in many respects, were looking beyond Election Day to the fall, from the period of November 3rd, I believe was the date of the election, to the inauguration. We knew that there would be a period of significant social unrest.

And so, when the first march happened on November 14th, we were seeing -- I believe the winner was declared, I think, on the 7th. I think President Biden was declared the winner on the 7th. It took several days. We immediately began to see the potential for demonstrations in the Capital fueled by a lot of misinformation and disinformation in the media. And -- and so, on the 14th, we had -- I don't know the exact numbers -- tens of thousands came out.

We did not see violence during November and December during the daytime when the largest sort of marches happened. There were some arrests for illegal firearms in both cases, but minor incidents and very few. It was during the nighttime when we saw skirmishes between counter protesters and the main protesters in the city, which led to several arrests by the Metropolitan Police Department.

So November -- November 14th was really a precursor to December 12th, again,

when we saw tens of thousands come to the city, following much the same pattern of activities, largely peaceful during the day, and then skirmishes at night on the 14th.

So we were -- we were concerned about those 2 days.

Q Was what transpired ultimately, as you say, the level of violence between protesters and counter protesters at night, those skirmishes -- was that your expectation going in? Was that what you all were expecting, or was that different from the intelligence picture look -- going into those events?

A Well, we always felt that there is not going to be violence, but the Metropolitan Police Department certainly postured for that potential, and -- and I think, you know, from my -- I can only speak for myself and the intelligence I was getting, but I would assess that the potential for skirmishes and for violence were likely.

Q If you recall, was there anti-law enforcement sentiment present in what you were looking at leading up to the two events for the protesters, for the ones who were coming out in support of the former President?

A I -- I don't recall there was anti-law enforcement sentiment.

Q And I'll ask you the same question about just afterward, and obviously this is anecdotal to the extent that you heard on the ground. Was there -- was there, in the end, sort of a law enforcement -- anti-law enforcement sentiment to the pro Trump crowds?

A I did not -- I did not get the -- at least from the assessments that I was seeing and what I was directly observing, that there was overt anti-law enforcement sentiment among those crowds in those specific cases.

Now, that's not to say that the skirmishes that happened that night did not result in some, you know, law enforcement either getting punched or hit, but I -- you're speaking broadly. I did not get that assessment.

Q How would you characterize the city's response to those first two MAGA marches? Did it operationalize the intelligence well to your mind?

A We postured to the intelligence. We knew that those would be significant events. You know, fortunately here in the District, we deal with a lot of demonstrations, protests, and First Amendment activities regularly, literally hundreds of times a year. And so our police department is well-trained in how to handle that.

And, if we do need additional resources, you know, we will -- we will mobilize the entire government in order to make sure that we're keeping our residents and visitors safe.

Q When did you first begin seeing intelligence that was alarming regarding January 6th, and what type of things were you seeing?

A With regard to January 6th, that was around the time of the second protest, so around early part of December, I would say. There were a lot of -- there was a lot of chatter around January 6th and the significance of that date. And so, that was around that time that we first started seeing that type of intelligence.

Q And can you just run through -- you said that type. What type?

A That people would be coming to the District, that there would be a third protest, or, I would say, sort of demonstration in support of the former President. That's when we began to see people really rallying around that date to come to the District.

Q Was there any shift or change in what you were seeing after the President -- former President tweeted on December 19th: "Be there. Will be wild"?

A Yes. That tweet in particular -- and, again, I would say that it's -- it's unfortunate that we had to look at the tweet of a President -- of a sitting President and how that sort of resonated with a lot of groups that were aligned to the far right.

Once that went out, we began to see an uptick -- a really significant uptick in chatter about that date and the desire of a lot of groups, and far right groups, to come to the District.

Q How did you become aware, if at all, that the chatter either was increasing -- was different in scope or volume than the previous two marches? When did you become aware, if at all, that January 6th would not just be a third MAGA march, but was qualitatively going to be different?

A I think, you know, the first thing I would say, just the sheer volume of responses to either the tweet or subsequent -- the tweet you referenced, or subsequent chatter around that date. So, tens of thousands of likes and mentions and retweets that we were beginning to see, which exceeded what we saw earlier in the fall.

And then, what we also saw -- and I don't know the date, and perhaps it was around the 19th date that you cited -- that there would be an actual rally on the Ellipse, where the former President would speak. And, unlike other -- the other marches in the fall -- we mentioned November and December -- although the former President sort of came out of the White House and rode around, this one would be like an event that potentially could draw larger numbers than we had seen in November and December, wanting to come to the District.

It was also around that time that we began to see previously nonaligned, ideologically, and even operationally, groups begin to sort of coordinate and cooperate and collaborate to come to the District.

So take Neo-Nazi groups, and groups like the Proud Boys, who are not ideologically aligned, but beginning to coordinate how to get into the District. That's when we really began to get worried that January 6th could be something different.

Q You talked about increased coordination and volume. Was there any

difference in tone that you all detected?

A I think there was a consistent refrain to -- we all know the term "stop the steal," make sure that -- to obstruct Congress' deliberations, to say that -- essentially, to stop the certification. So we knew that there would be some type of event that -- that those who came to the District were trying to essentially obstruct the -- the certification of the election results.

Q Donell Harvin, the Executive Director of NTIC, told the Select Committee that, along with a junior analyst of his, he met with you to raise some of the intelligence that was alarming him in the lead-up to January 6th.

Can you talk to us -- tell us if that's accurate and how that report from him came about, whether it was a preplanned, routine, sort of check-in with you, or whether it was spontaneously planned as a result of the intelligence that was coming in?

A Yes, that meeting did happen. Donell -- Mr. Harvin did brief me with his lead analyst, or our lead analyst on the -- on the January 6th events. What we -- what they briefed me on was really the issues that I discussed earlier -- the increase in chatter, the desire on a part -- on the part of a lot of groups previously not aligned wanting to come into the District on that date, on the 6th; the symbolical nature of the date as well.

I think, you know, if you asked the vast majority of Americans about January 6th and a Presidential election, they probably wouldn't know what happens in Congress that day because it's largely a ceremonial act, and so we -- you know, we talked a little bit about that.

And, during that time, certainly from the summer to the -- the inauguration, Mr. Harvin and I had regular check-ins. He reported directly to me, and so he had walk-in access to my office any time he needed me, call me, text me. If he needed an ad hoc meeting with me, it would always be granted. So that was one of those things. I

asked him to please keep me abreast of all the developments so we could brief our Mayor.

Q Okay. And so it was an ad hoc meeting? Is that fair?

A I don't recall if it was or not, but -- but, throughout that fall, you know, he would just come into my office and say, Hey, boss, we got something I want you to see, so -- in that case, I think it was scheduled, because we had other people coming in, like you mentioned, the analysts.

Q If December 30th is the date of the briefing with the Mayor -- and I don't need an exact date, but around when do you think this meeting with Donell Harvin and the analyst happened?

A Not long before the December 30th meeting. I think it was at that point that we knew that we needed to make some recommendations to the Mayor about National Guard resources.

Q Okay. And if you could just characterize what you heard in that meeting with what you were receiving beforehand. Was it completely in line with the intelligence you had been receiving? Was it a surprise or different, or something had shifted? Was it just an escalation, and so, then, at that point, while in line with previous things, the volume and rhetoric had reached a level that led you to believe that it was time to think about a different posture?

What -- basically what -- what was your reaction to what you were hearing in that meeting as opposed to what you had known about January 6th immediately before it?

A You're referring to the meeting with Donell?

Q Yes.

A Or Mr. Harvin?

Q Yes.

A Okay. What did I hear? Well, again, we had been -- I would say it was probably an escalation, a slow sort of escalation of intelligence over the previous few months. There was also an understanding based on -- based on that briefing that, if -- if supporters of the former President were going to try to disrupt, however broadly defined, the peaceful transfer of power, the -- symbolically, the only two dates that would make sense to do that and the -- sort of the last effort to do it would be January 6th, and in the immediate days prior or even the day of the inauguration.

And so, for us, it was sort of a sprint to January 20th in making sure we were postured to ensure, on city streets, in support of our Federal partners, we were doing all we could to assure the peaceful transfer of power.

Q Did you share, you know, this information, this escalation -- this gradual escalation, before briefing the Mayor, with anyone, like Chief Robert Contee of the Metropolitan Police Department?

A Chief Contee and I did speak before that briefing with the Mayor to make sure that we were on the same page in terms of what our recommendations would be. Chief Contee makes his own decisions about his agency and his department about how he's going to posture his officers. But I think, for the two of us, we were seeing similar intelligence and similar concerning intelligence.

We often do this before briefing the Mayor so that the Homeland Security Director and the chief of police are on the same page with our recommendations. And ultimately we agreed that we would need to make a recommendation to her to request National Guard resources for the 6th.

Q Well, what was his reaction when you brought it up with him? Did it appear that what you were saying was in line with what he was seeing, or did he appear to -- did it appear to be new information to him?

A It did not appear to be new information.

Q Okay.

A I think he and I were -- he and I were seeing the same intelligence, and -- which is why we, you know, wanted to move very quickly to brief the Mayor and get those additional resources into the city.

Q And I take it is this conversation with Chief Contee the same or a day before the briefing, the same day of the briefing, if you recall?

A I don't recall. I don't recall, but he and I will often talk a day or a few hours before we brief the Mayor.

Q Can you describe for me what your reaction personally to the -- to what you were hearing and what you felt you now needed to brief the Mayor about in the sense of -- you know, I guess I want to hear your adjectives. Some people use alarming.

I'm trying to get a sense for how -- how alarming, how shocking, how bothersome what you were seeing was, or -- and, you know, you're obviously experienced in intelligence. Perhaps that's not the type of reaction or tone that people in intelligence take given what you guys see on a consistent basis.

So just tell me: What was your personal emotional sort of reaction to what you were seeing and what you felt needed to be briefed to the Mayor?

A I think we needed to underscore the importance of posturing for something different than we saw November and December, the events that you had mentioned, [redacted]. I was concerned, I think is the best way to describe it, about the -- what could transpire on the 6th.

Certainly what happened on the 6th, I think, if anyone said, you know, that they could imagine that happening, would, I don't think, be truthful. But my sense is that there was a strong potential for violence, and we needed to be ready for that.

We certainly -- and, to give it proper context, we had seen unprecedented violence in the city in May and June of 2020, where, literally, parts of the city burned. And so, for me, it -- I did not anticipate that -- I -- you know, I kind of, in my career, have never seen anything like what happened in May and June in the Nation's Capital, and so, you know, for me, this was a concerning thing, what the intelligence I was seeing on January 6th. It needed to be briefed, and we needed to be ready.

We needed to brace ourselves for something that could be unprecedented, and that's why it was so important that we brief the Mayor, we give her all the information that we have, and we make a recommendation for additional resources.

It's -- throughout my career, I've always tried not to be alarmist when I'm briefing my principal, but, yet, to give sort of a -- an unbiased view of what the intelligence was showing. And the intelligence was showing that we needed to posture ourselves, we needed to brace ourselves, and we needed additional resources in the city.

Q Was the briefing to District of Columbia Mayor Muriel Bowser already on the books, or was it set up ad hoc as a result of the intelligence you were seeing?

A I don't recall. We -- we often have scheduled meetings with the Mayor, and, particularly in that time period, I can't recall whether it was a scheduled meeting or whether it was something we asked for.

But I would say, any time we need to get in touch with her or need to brief her on anything, we have the ability, the chief and I, to call her directly and get her the information that she needs. So she's made that very clear.

Q You mentioned that you and Chief Contee agreed in the call you guys had before the briefing that you needed additional resources, and you mentioned in particular the District of Columbia National Guard.

How specific -- how detailed did you and Chief Contee come to an agreement as to

what they would be needed for and in what sort of numbers or how -- to what extent, or was it just at that point just an acknowledgement that they should serve some role?

A Yeah. So, as the lead law enforcement agency for the District, the Metropolitan Police Department will make a tactical and operational plan for any event, whether it be a First Amendment event, or demonstrations and protests that we see. So they are charged with saying, here is what our operational footprint will look like. Here are the gaps that we see. We will request -- excuse me -- the National Guard to fill in these gaps as we deploy our assets elsewhere.

So, in a lot of cases, that results in traffic management, crowd management being deployed towards Metro stations to make sure that, if we do have tens of thousands of people downtown, they can get -- they can come in and get out safely. And that -- my understanding, was that that was MPD's need, for those specific missions.

Another thing to note is that we as a city do not request specific numbers of Guard resources or personnel. We simply -- we simply convey to the National Guard our operational needs, and they make -- and the National Guard and I guess SecArmy -- Secretary of the Army, Secretary of Defense, makes decisions about how many personnel or what resources, equipment to put against that need.

Q On that call with Chief Contee, did you get into that granular level of detail, you know, National Guard, as you said, traditionally for the use of traffic control points, at Metro stations, or was it just a top-level general acknowledgement that the National Guard -- that the request would be from -- or the recommendation to the Mayor would be the use of the National Guard?

A I don't recall, [redacted] whether we discussed it then, or whether we said -- or the chief was going to go back to his operational needs and say, we'll come back with a recommendation on what specifically we should ask for. I don't recall.

Q Let's turn to the briefing on December 30th.

Can you tell me, as best as you can recollect, who was present? And I do want to note that Mr. Donell Harvin told the Select Committee that he was not present, just to assist you, if that helps in your recollection of at least his presence at the meeting. But, as far as you can remember, who was present?

A As far as I can remember, myself; Chief Contee; the city administrator, Kevin Donahue, Mayor's chief of staff, John Falcicchio; the Deputy Mayor for Public Safety and Justice, Roger Mitchell; obviously the Mayor.

It was a -- it was a small group, so I think, beyond that, there may -- you know, I -- I can't -- well, it's -- possibly people were in the room, you know, on other parts of the city or other callers, but that's -- that's what I can recall.

Q What was the objective of the briefing?

A The objective of the briefing was to provide the Mayor with the latest intelligence on what we knew about January 6th and the potential for violence, when some of the scheduled protests were -- when the protests were scheduled to take place, when we might expect to see the crowds arrive in the District, what we were monitoring to try to assess the level of people or the numbers that would be coming in, some of the indicators that we were monitoring.

We also gave our assessment of some of the intelligence that we were seeing, as I mentioned, that was concerning in my -- to use my word. And then, to make recommendations to the Mayor about what we needed to do operationally prior to -- prior to the 6th and get her concurrence to request National Guard resources immediately.

Q And are those topics -- you mentioned that was sort of the objective. Were those topics that you laid out what was discussed at the briefing? Was there anything

additional that came up that does not conform to that sort of outline you just gave us?

A I don't recall, but probably not. I don't recall, though.

Q Was it you who presented the threat landscape to the Mayor regarding January 6th?

A Yes.

Q Your office provided a set of briefing talking points to the Select Committee. Donell Harvin told us that those were notes that his analysts at NTIC had prepared so that HSEMA would be consistent in presenting the intelligence picture to whomever it was briefing. Does that sound accurate to you?

A Yes.

Q Okay. Did you have a role either in editing or reviewing that document while it was being prepared?

A I did not have a role in editing the documents, the talking points. I do, though, edit fusion center products from time to time. And, in that case, I don't believe -- I'm almost certain that I did not.

Q You've spoken a little bit about this. The notes say, quote, "There is greater negative sentiment motivating conversation than the last two events in November and December of 2020," end quote.

Why was this an important point to share with the Mayor?

A Again, to convey, based on your earlier question, the escalating nature of the -- of the intelligence that we were seeing.

Q And I just -- I want to make clear for the record, you did convey that point?

A Yes.

Q The notes say, quote, "Others are calling to" -- and then this word is in quotation marks, "peacefully storm the Capitol and occupy the building to halt the vote.

Not sure what peaceful means, but they are calling to occupy" -- excuse me -- "the building."

My first question is: Was that point conveyed to the Mayor to the best of your recollection?

A So, when I get talking points like that, I often don't -- at least as a briefer, I don't read talking points. So what I would say -- and, again, I don't know the exact words that I used, but, in that case, we would have said -- I would have said something like, or to the effect of we could see violent efforts to halt the vote, we could see violence around national landmarks. We have a few that have been named, the U.S. Capitol. We also had the Washington Monument, potentially the Jefferson Memorial.

So I would sort of -- I wouldn't -- I would sort of give the Mayor sort of a broader assessment rather than, you know, focus on one specific place.

Q Can you tell me, you know, out of all the specific intelligence that might be out there, potentially, you know, threats to, as you mentioned, other landmarks or certain Members of Congress, why did this particular talking point appear in the document? Why was it an important thing to note, at least in the talking points, in the briefing, or the document itself? What would this -- how would this be helpful, this particular piece of intelligence?

A On the U.S. Capitol?

Q Yep.

A I think what it does is it provides a -- a flavor of the types of -- of the types of narratives and rhetoric we were seeing online, and it gives, I think, the executive, or the decisionmaker, a sense of what the range of possibilities are, or what's being talked about.

It is important -- and I would note that one of the reasons why I think it's

important, or in hindsight, not to have sort of focused on one specific quote or one specific landmark or building, was because rarely do we see in the intelligence field, right, the one piece of intelligence that's like the thing, and in this case, it was important that we just convey that there could -- that there was a high likelihood -- there was a likelihood of violence, and there was a likelihood that violence could occur in certain parts of the city.

Q And do you know why peacefully was in quotation marks as a part of your notes?

A Those -- so, those talking points were not written by me, so they were provided by Donell and his analysts, so I didn't edit that. But I -- I mean, I guess you would have to ask them why it was written that way. But I did not write it that way.

Q The notes say, quote, "Are you concerned about these groups calling to bring guns to the District, or are they just," in quotation marks, "good ol' boys coming with guns?"

What was your understanding of what that meant?

A What that meant is that we could potentially -- and this was something that we talked about in a scenario -- in a tabletop exercise we did with the Mayor and the former MPD police chief back in October, that we could see a situation -- we could envision a situation in which individuals brought guns into the District, and we wanted to make sure that MPD knew, or the Metropolitan Police Department knew that we were seeing this in the intelligence, and to be ready for it, and sort of going through the scenarios and how they would react to a situation like that.

As you know, guns are illegal here in the District, and so that would -- by doing that, they would be violating District law.

Q What was meant by the phrase "good ol' boys"?

A I don't know. I don't know. I didn't write that. I don't know.

Q Do you recall if this, you know, particular talking point was conveyed to the Mayor?

A I would not use that type of language in a briefing with any executive.

Q Do you know if the general questions that were being posed there -- you know, the type of people who were -- the groups that would be bringing guns to the District, was that conveyed to the Mayor?

A The groups -- I probably did mention some of the groups that we -- that we were seeing. I know, in the tabletop exercise that we did in October of 2020 with the Mayor, we did envision a scenario in which the Proud Boys came with weapons into the District.

Q Ultimately what was your counsel or recommendation to the Mayor at the briefing?

A That we should immediately request National Guard resources for the operational needs that MPD had, and that we should do it immediately, because we were going into a holiday weekend. So I believe the 30th -- and correct me if I'm wrong -- I believe it was a Thursday, and so I believe the 31st was a Friday. We needed to make sure that we got that letter and request into DOD quickly.

Q And, for the record, it appears December 30th is a Wednesday -- of 2020 is a Wednesday?

A Okay.

Q And so the 31st is a Thursday.

A Okay. Yeah. I knew it was like towards the end of the week. We were definitely going into a weekend.

Q You mentioned, you know, part of your counsel, part of your

recommendation, National Guard resources. Anything else from -- operationally from the support from other law enforcement agencies, a curfew, anything operationally else that you yourself recommended, if you recall?

A We did not -- we did not recommend a curfew, although we had imposed that in the May-June timeframe in 2020. I think what we said at the time was, operationally, it was to request the National Guard and to make sure we were keeping in touch with the Mayor in the days leading up to -- in the days leading up to the 6th.

But, as I think the timeline shows, that the committee has, we wanted to make sure also we were regularly keeping in touch with our Federal law enforcement partners as well to make sure that they had everything that they needed. And we were convening coordination calls nationally and regionally.

Q You mentioned that you did not recommend or discuss a curfew. Let me take out discuss. You didn't say discuss, but you said you did not recommend a curfew as was present in the summer.

What was different from the summer that did not lead to the recommendation that there be a curfew like there was before?

A Well, again, I think it goes back to what I mentioned earlier in terms of looking at the indicators of how we would know this was going to get really bad. Right now, at that point, on December 30th, so almost a week prior to the 6th, there were still a lot of unknowns. There were still a lot of gaps. We didn't know how many people would actually show up.

We saw a lot of chatter about it. We saw a lot of intel suggesting that people could. But we wanted to make sure that we were talking to our partners at Amtrak, in the Hotel Association, to make sure that we were looking at reservations. Our regional partners, Virginia, Maryland, all the way up to Pennsylvania, again, trying to get a sense of

what they were seeing in the days leading up.

So a recommendation for a curfew would have been, at that point, premature.

Q Outside of what you yourself recommended, can you give us a breakdown of what options were discussed, whether they were implemented or not?

A On that call?

Q Oh, and I should, I guess, for the record, the briefing was a call, not in person?

A It was a -- it was a Webex.

Q Yes. And I was referring, yes, to the December 30th briefing still. What options, what measures were discussed, whether they were implemented or not?

A I don't recall anything beyond the request of D.C. National Guard resources. There may have been discussion about a press, and making sure that our residents knew what was coming and that could have -- I don't recall in the week leading up to it whether, you know, the chief was out there giving interviews, making sure residents were ready, that there could be, you know, large crowds coming to the District, or whether -- I can't even recall whether I did press on it.

But those would probably be the other things -- you know, how are we messaging this? How are we, you know, talking to our residents about it?

Q So is it fair to say, as best you can recollect, operationally, the only change that you recall from this intelligence briefing to the Mayor was requesting the assistance of the D.C. National Guard?

A Yes. I don't recall whether, from an operational perspective, there were any other agencies that, you know, were fully operationalized, but I don't recall any others being on the line, so -- for that particular call.

Q The Washington Post reported that Mayor Bowser was concerned, quote,

"about a repeat of the Federal response to Black Lives Matter protests when the Justice Department sent prison riot teams, U.S. marshals, and others onto D.C. streets without name tags or badges identifying them as Federal agents," end quote.

First, just a sort of factual question: Were those concerns discussed at the December 30th briefing to your recollection?

A I don't recall. I don't recall.

Q Had you heard those concerns from the Mayor herself or her aides at any point?

A Yes. Yes. I did hear those concerns.

Q Did you share or have those concerns yourself?

A I did.

Q Okay. So, then, now if you can just talk us through, to the extent that they're the same or they diverge, your concerns and the concerns you heard from the Mayor or her aides regarding this point, what was the concern and how did that inform, if at all, your planning for January 6?

[11:00 a.m.]

Dr. Rodriguez. I can only speak for myself and sort of the things that I was feeling. And I was concerned that we could have a situation where -- almost a repeat of what we saw in May and June, where we had a military, armed military personnel in the District, in residential areas. Yes, in the downtown core, but also there are some residential areas down there where people live. That was very concerning.

There was also a concern on my part about the fact that we did have Federal law enforcement in the city, heavily armed,in that late May, early June timeframe that did not have any insignias or identifying information on them. I was concerned that the military could be used in that way again.

We had equipment and assets that are usually used in -- because I have been in war environments, that have been used in theaters of war previously, literally 50 feet off the ground in the downtown area, blowing trees down and moving cars. And so, I was very concerned that in the event that activities on the street escalated, the city could once again become, for lack of a better term, militarized and that armed military and Federal law enforcement personnel could be brought into the District to essentially intimidate residents in the peaceful transfer of power.

BY [redacted]

Q How did the city address those concerns?

A I believe the Mayor sent a letter to the Attorney General, the Secretary of Homeland Security, and I believe the Secretary of Defense. I don't recall the date of that letter, but it was in that timeframe, the late December, early January timeframe of when it was sent where she laid out those concerns.

I believe, I haven't looked at it in quite some time, but I believe the letter

enumerated her concerns about unmarked Federal law enforcement. And that if any were to be deployed in the city, that she wanted that coordinated with the Metropolitan Police Department so at least the city knew that there would be those types of assets downtown.

Q Do you recall if there were any particular incident in the lead up to January 6th, someone suggested the Bureau of Prisons or the Department of Justice agents who were on the streets without identification around that time as maybe an incident that sort of sparked that letter from the Mayor.

Do you recall that?

A I don't recall -- I don't recall a particular incidents or a specific incidents.

Q And understanding that the D.C. National Guard of course do have identification on them and so this is sort of a separate issue dealing with Federal law enforcement who may not be easily identifiable, was there any concern that a request for the D.C. National Guard might appear or -- might appear to be an invitation for Federal law enforcement to participate without a request, without an affirmative request as her letter is indicating is necessary.

Was there a concern that there might be a conflation in the request, or was it felt that that was very obviously separated and so the request for the National Guard had nothing to do with her concerns to make clear that any additional resources from the -- or from the Federal Government needed to be cleared ahead of time separately?

A Could you restate your question? I am trying to think about how to -- are you suggesting -- I don't want to put words in your mouth, but are you saying that the request for the National Guard could be interpreted by DOD as an invitation for Federal, armed Federal --

Q I am wondering, because it is -- I'm sorry. I didn't mean to interrupt?

A No, it is okay. Go ahead.

Q Yes, I think that is fine. I think that is fair. I guess I am trying -- because they sort of come up at the same time, I am trying to understand the link between the two, whether they are seen as wholly separate or whether the concern is we are requesting the D.C. National Guard, I don't want them to get the impression like last time when the D.C. -- you know, when the Federal Government was involved in assisting D.C., that that means, oh, also potentially include these other Federal law enforcement who I do have a problem with, who may come armed, who may be uneasily identified, that sort of thing.

A So I can only again speak for my views on [inaudible] so I have been in this job over 4 years. I would say we have requested National Guard resources dozens of times. In each of our letters for the National Guard we do talk about them performing non-law enforcement activities. We talk about them not being armed. And I think in the December 31st letter requesting National Guard resources, we were very specific about that and what it was that we needed as a city.

So we also know that the Mayor cannot, nor does she have the authority to arm the National Guard. There is only one person in the country that can do that and that is the President of the United States. But -- so from my perspective, the request for National Guard resources was just for that crowd management and traffic control, as we had done dozens of times prior to COVID, during COVID. We never -- we never view as a city the D.C. National Guard as a law enforcement entity.

I view -- again, I can only speak for myself, I view that request the National Guard resources and the letter that the Mayor sent to SECDEF, the Secretary of Homeland Security, and I believe it was the Attorney General. There could have been more people, but I remember those three. As distinct from that request, that she in her letter she was

simply requesting that if the Federal Government, if the White House, if DOD, if DOJ made the determination that they were going to be repeating what they did in May and June of 2020, unilaterally, that needs to be coordinated with the city. Because the city is responsible for protecting its residents. And those -- so in my view, those were separate requests.

Q Thinking only about the D.C. National Guard, were there concerns raised first just again as a factual matter at the December 30th briefing about their response to the summer of 2020 protests, what one witness termed it as sort as embarrassment, quote/unquote, for the D.C. National Guard over the summer, including the low-flying helicopter, the Lafayette Square incident, were those concerns discussed at the December 30th briefing?

A Not that I recall.

Q Had you heard those concerns from the Mayor or her aides at any point?

A I have heard those concerns, mostly in and around the time of the May, June incidents that we saw. I again, speaking for myself, that was -- those incidents from my perspective really eroded trust between myself, my agency, and the National Guard.

Q Can you just give me a rundown which events in particular did you feel eroded that trust?

A When we had requested National Guard resources for late May, early June -- again, I believe the worst of it was -- the worst of what happened in the city and when we requested was May 31st, June 1st, June 2nd, those dates we had received approval from the Secretary of the Army for those assets. And they were very late showing up, in some cases did not show up in the numbers that they told us had been approved. And really, I think, degraded the security environment in and around BLM Plaza and that area Lafayette Park on those nights. So it really kind of stretched our

police department.

Q Did any of those disappointments give you any pause in the use of the National Guard or the request of the use for the National Guard for January 6th?

A Again, I can only speak for myself. Those concerns were in the back of my mind, but I did assess that we needed to make sure we were shaping our security environment the best way that we could. And we needed those resources out there on that day.

Q Did you have any conversation with the Mayor herself or her aides that suggested a pause on her behalf, that same pause of using the National Guard, because of those earlier mishaps in the summer?

A Not that I recall, which is not to say that I think we had all shared those concerns at that time over the summer, and that it, you know, we all kind of -- again, for me, from my perspective, that was in the back of my mind. But it also was important for us to have those assets out there and to request them, based on MPD's needs.

Q So to be fair, is your answer, I don't recall to whether at that time, in the leadup to January 6th, those concerns from the summer were communicated to you by the Mayor or her aides as potential pause for the request for the National Guard?

A Correct.

Q Is that --

A Correct.

Q Was there anything about what you just described so that sort of delay in resources or in some cases, as you put it, not providing the resources that had been approved. Did any of that, and hindsight is of course 20/20, but did any of that color the -- how fast or whether at all you believed that D.C. National Guard, the request for their assistance would come in the lead up to January 6th or on January 6th itself?

A I remember thinking again for myself that it was not guaranteed that that Guard request would be approved. And that we had to -- again, this is what I was thinking from a next step standpoint, how would we posture ourselves operationally in the event that the Guard resource request was denied by the Department of Defense.

Q And this was -- can you describe for me on what level when you say the Department of Defense, the slow pedaling over the summer or potential delays, that was not at a General Walker operational -- you know, operational sort of level, it was at the approval level above him. Is that fair?

A Yes. General Walker or the head of the D.C. National Guard cannot approve Guard resources. I guess that -- the only -- the President of the United States is the Commander in Chief of the D.C. National Guard. We -- that authority or responsibility has been designated -- delegated to the Secretary of Defense, who then delegated it to the Secretary of the Army.

In the case of the January 6th, it was our understanding that that was a discussion between the Secretary -- I believe it was the Acting Secretary of Defense at the time, and the Secretary of the Army. That is where that decision was made. I have no direct knowledge of that, but that is what we had heard.

Q In terms of over the summer, I just -- and I take your answer to mean that sort of slow pedaling or in certain instances outright not providing the resources that had been approved, you seem to indicate that that happened at the sort of Secretary level in the Department of Defense, and not let's say that approval had been given to General Walker and it was just a matter of not moving resources fast enough on the ground level. What about -- how can you tell -- what can you say to explain why you think the sort of delay happened at that level, the DOD level, and not lower? Why do you say that?

A Well, since I have been in that role, the head of the D.C. National Guard has

never been able to approve the mission. So it always happens at the Secretary of the Army level. Now, what we -- what I, as the requesting agent on behalf of the city, was surprised by was that the Secretary, the Secretary of Defense was actually involved in that decision-making process, where from our perspective it had always been the Secretary of the Army. So it seemed to be happening at a higher level.

Q When? Are you talking about January 6th?

A I am talking about January 6th. Yes.

Q Okay. My question, though, is geared towards summer of 2020. What I am trying to understand is in those moments that disappointed you, when there was an erosion of trust at the D.C. National Guard in terms of resources, either coming delayed or not coming at all, once approval was I think you said once -- although you know that approval was granted, at what level was it that those -- that that happened?

A My understanding is it happened at the Secretary of the Army level in May and June of 2020.

Q And then my question just is how do you know?

A How do I know? I guess it would have been -- and I can look back at this -- generally speaking when we do National Guard resource requests, the approvals come from the Secretary of the Army in a letter to me as the director of HSEMA, and I never received a letter from the Secretary of Defense when in terms of what comes from that. It also could have been from just my conversations with General Walker about where that decision-making process was at that time in May and June.

Q Right. So it sounds as though you did converse with General Walker, and it was your understanding that whatever delays were occurring in the moving, providing of resources was not at his level, but was above him. Is that fair?

A Yeah, not at General -- correct, not at General Walker's level, yes, correct.

Q The Washington Post reported also that Mayor Bowser was, quote, "reluctant to request the National Guard, concerned that the troops could be given orders by the President and abandon their posts," end quote. And of course, I am not independently verifying the reporting from the Post. I just want to get your opinion as to whether that was accurate or not. So that the first question is, was anything like that discussed at the December 30th briefing?

A Not that I recall.

Q Had you heard those concerns from the Mayor or her aides at any point?

A As I mentioned -- to that specific sentence, I don't recall. But around the time of the May, June 2020 protest, there was a lot of concern that the National Guard had not shown up when it said that it would at the areas that MPD needed them.

So that did, at least for myself and, you know -- that did erode a lot of trust in terms of what the -- what we were getting from the National Guard. And also, from my perspective, the fact that we did have armed military personnel in the city, I would say from my perspective I would share the concern that those -- that that military personnel could be armed again if that is what the Secretary of Defense, or the Secretary of the Army, or even the President wanted.

Q But the specific concerns to the extent that anybody held them was is that the troops could be given orders by the President, and this is obviously specific to the certification of the election vote, that the troops could be given orders by the President and abandon their posts. That concern had you heard from the Mayor or her aides at any point?

A Not that specific concern. Not that I recall. Not that I recall.

Q Did you have those concerns yourself?

A Yes, yes, yes.

Q Tell me about that. Why?

A Because of the overwhelming response that we had, that we experienced in May and June where there could -- from my perspective, the greatest predictor of future behavior is past behavior. We did or I did anticipate that there could be a repeat of May and June of 2020 with the military. That was something I was concerned about. That was something, as I mentioned our request for the National Guard for January 6th could always be usurped by the President himself, by higher-ups in the government, because the Mayor does not have control over the D.C. National Guard.

The Mayor should have control over the D.C. National Guard, but it is always at the sort of direction of the President, as the Commander in Chief or his designee. And so, that is the concern that I had when we requested National Guard resources for December -- for January 6th.

Q Did you share those concerns with anyone?

A Maybe with my immediate -- maybe with my staff, but I -- I don't recall sharing those concerns. There was always a -- for me, I -- I guess I am always thinking about a worst-case scenario that our -- that our request for National Guard resources was denied, and we have to think about how to posture ourselves with that denial, without those resources for MPD.

Q From your understanding, did any of these concerns affect either your recommendation for the request for the National Guard or the ultimate sort of request -- that that does come from you, but of course is in a letter that you draft, but also obviously meets the approval of the D.C. Mayor to sort of give the request on her behalf. Right?

Basically did that -- did any of these concerns affect the request in any way or were they just concerns in the back of your mind that ultimately you I guess set aside and

made the request the same as if you didn't have those concerns?

A There were concerns in the back of my mind. And I as the Homeland Security director though have to make recommendations based on my best assessment of what is needed to protect our residents and visitors. And so, I set those aside to make the best operational and security recommendation for the Mayor for the D.C. National Guard resources.

Q So is it fair to say it did not affect the request in terms of, you know, operational, strategic decision, that is what led the day, none of these concerns had any effect on the request?

A That is correct. They did not have an effect on my ultimate recommendation or our collective recommendation to request National Guard resources.

Q That is to say the request would have been the same had you not had any of these concerns?

A Correct.

[redacted], may I ask a question?

[redacted] Go ahead.

BY [redacted]

Q Hi, Dr. Rodriguez. I am wondering if that December 31st initial letter to General Walker and then ultimately you get the approval January 4th, that 4-day turnaround time, was that -- understandably it was the holidays, it is January 1st, but was that a typical turnaround time from DOD for a request for the D.C. National Guard or was that unusual in any way?

A I have been asked this question before. It is a difficult question to answer because I -- because it is event dependent. It also depends on our needs and discussions I have with General Walker before we put that in. Right? To make sure

that we are also communicating with our partners prior to a request.

Certainly the timeliness of the request, I emphasized with General Walker in getting an answer quickly. Our intelligence showed that a lot of the people who would be participating in the January 6th event were coming that weekend. And so, we had to make operational decisions quickly and so did MPD.

So we did communicate to them the urgency of the request. It was frustrating that for several days we had to make phone calls, keep checking in with General Walker to see where that request stood, because we were having a press conference with the Mayor that Monday, which what was that -- I don't know what that was. The 3rd.

Q I think that is the 4th actually.

A The 4th. And we needed -- yeah, the 4th. I am sorry. That we needed to know, as we communicated to our residents, what to expect, that if there were National Guard resources on the streets, they shouldn't be concerned, you know, that this was a partnership. And so, it was frustrating that we did not learn that the approval had been granted -- I believe it was maybe 20 minutes before the press conference that we had with the Mayor that morning, when General Walker called Chief Contee and I.

Q We have seen some of the back and forth during that 4-day period with DOD and General Walker. Did you have any visibility into kind of the questions that were being asked, or any concerns that were being conveyed?

A No. I did not, which made it all the more frustrating to us, because we were waiting for that approval.

Q And the questions by [redacted] about the request itself, are there similar requests for the D.C. National Guard that use the same language that you used in the December 31st letter, prior requests?

A Yes. We have used them for controlling crowd management before.

Q Have you ever requested them for civil disturbance in the time that you have been at HSEMA?

A That is a good question. I would have to look. I would have to look and see for civil disturbance. I am almost certain yes, but I would need to look back and see.

Q And let me just take the step further back over kind of the intel questions that [redacted] asked before, before I turn it back to him. You mentioned in kind of in the beginning that you and Chief Contee were seeing the same intelligence, which makes sense given kind of the roles that you both had. Did you feel the same that DHS, I&A, and FBI were seeing the same intelligence as you and Chief Contee?

A I did. But there were -- I think a lot of the Federal entities that we liaised with, the Bureau, I&A were seeing similar intelligence. And certainly the information and the intelligence that we received in the fusion center, as we were doing our own collection apart from the Federal entities, we were certainly sharing that with the Federal Government as well with those entities, whether it be through our phone calls, our briefings, and through other means, whether it be through HSIN, so.

Q So it sounds like though, from what you are seeing, it led you to as you said to immediately request D.C. National Guard based upon what you were seeing. So you see this information, you operationalize it in the manner of making this decision. Were you aware if any other agency took any other actions similar to what you did?

A At the Federal level?

Q Yes. Was it discussed --

A I am not aware of other Federal agencies taking sort of similar actions to posture operationally the way we were, Chief Contee and I were recommending to the Mayor.

Q And can you just explain that a bit? Based upon your experience, obviously

you were at the CIA for a bit, you have some intel background as I know, what those differences are if you are able to explain what you saw?

A I think --

Q What you saw was able to do versus federally?

A I think ultimately intelligence, it is a human enterprise. Right? And I think that one of the issues I think is sometimes overlooked as we discuss what happened on January 6th is that the intelligence and information sharing apparatus that was built after 9/11, right, breaking down silos, making sure that States, locals have information, that the Federal Government is sharing with each other. For the most part, it worked prior to January 6th. I think the Federal Government, I think here in the District in the region, across the fusion center network, we all had similar assessments of what was going to happen on January 6th.

Again, do I think that people knew that the Capitol would be occupied by people carrying Confederate flags? I don't think so. But our job and -- well, let me take a step back. I think the challenge was that people, human beings make decisions about whether to operationalize the intelligence. Information sharing happens everyday. I was just at a meeting with the FBI last week. They are sharing information.

I&A has a representative that sits in my fusion center here, that is constantly telling us when troubling intelligence comes up and we go into the SCIF, to our secured space, and we would read that Intel. It is whether those entities chose to posture themselves to who it was we were all seeing. Whether that be the Capitol Police, whether that be the FBI, whether that be any other Federal entity to sound the alarms to the decisionmakers. Right? To the President, to the Secretary of Defense, the Secretary of Homeland Security and to say, we need to take this seriously.

With the Mayor, with Mayor Bowser, the chief and I have that open line of

communication to be able to tell her in an unbiased way that we have a problem here. We could potentially see this outcome, violence, large crowds, sort of a last stand for those who would seek to overturn or stop the peaceful transfer of power. We need to posture now. And we need to request these resources now.

Again, we were a week out. So experience, particularly being here in the District now for over 4 years, the event we had over this past weekend with the mandates and the March for Life. We, you know, we have seen those protests in the past, often only days before that we really know what it is going to look like.

The Park Police issued a permit for 50,000 people for the Defeat the Mandates rally. We kind of knew they weren't going to get to that. They probably only to about 20,000, but we knew that. And so, you know, we can make operational decisions really days out. And so, but we knew for January 6th we needed to get ahead of it.

I think our Federal partners frankly were either incapable or unwilling to posture to the intelligence that we were all seeing. And the city just made a different decision.

Q Right. That different decisionmaking is what we are trying to understand, and at the end we will ask for some perspective recommendations. But I appreciate your answer. I think it captures the two reactions and decisionmaking based upon what essentially everyone was seeing the same type of information out there. So it is complicated to understand what the decisionmaking was taking at the D.C. government level, which for I think everyone would say you guys got it right versus what some Federal partners did or did not do.

One question before I turn it back over, did you have any interaction with Chief Sund from the Capitol Police about these concerns and the efforts -- the decision that you had made to immediately ask for the D.C. National Guard?

A I did not communicate with Chief Sund about our decision to request the

National Guard. I know that my team, MPD, and Capitol Police at the operational level did discuss a lot of the intelligence we were seeing. And -- but I did not speak with him prior to -- prior to our request for the D.C. National Guard.

Q But it is --

A I did speak with -- yeah.

Q Sorry, go ahead. You did speak with --

A No. I did speak with him on the 6th when it was clear to us that the Federal entities were not talking to each other.

Q And I am sure [redacted] will unpack that more.

A Yeah.

Q But is it fair to say that Capitol Police had the similar information as what HSEMA had?

A Yes.

Q Were you surprised they didn't make -- the Capitol Police did not make a similar request for the D.C. National Guard prior to January 6th?

A In hindsight, yes. At the time, we had had issues, which under Chief Manger had become less, had largely been resolved. We had had issues understanding, getting the full picture of U.S. Capitol Police's operational posture and what their planning was.

A lot of that tactical information, again you can talk to Chief Contee about this who probably has a lot more, as a police department, information on that, but I know that there were a lot of challenges getting the operational and tactical plans from the U.S. Capitol Police. And I think that had been in place largely for years, it was a challenge.

Q Was there a request for a department wide plan from you all to the Capitol Police to just make sure everyone was on the operational page going into the 6th?

A We did that at the threat intelligence level, to make sure that ultimately the Capitol Police is responsible for the Capitol and that area. And so, what we at least from the HSEMA standpoint, our role as the host of the D.C. fusion center, the NTIC, is to make sure our Federal partners have all the intelligence that they need to make those operational decisions. So if we are conveying to them, this is what we are seeing, here's how we are posturing. They need to make those operational decisions for themselves.

Q Understood. Thank you.

A Thank you.

BY [redacted]

Q So Dr. Rodriguez, one final question about the sort of delay, the request for the National Guard is put out December 31st, January 4th is when it gets approved. In that interim, Chief Contee has told us he had a conversation with the Secretary of the Army, McCarthy, in which he expressed reservation about approving that request and potential alternatives instead. Did you know about that? Had you been informed about whether there was some reluctance within the Department of Defense for that request in those 5 days in which you are waiting for approval?

A I believe Chief Contee did convey that to me. So I did not have a direct conversation with Secretary McCarthy, but I did -- I do recall hearing that from Chief Contee. He called me and let me know.

Q And so, in that period, were you concerned? Was it on your mind that potentially the request could be denied?

A Absolutely. And that was a concern I had even when we made the request, that it could be denied. And we would have to start thinking through how to adjust to that.

Q What was your understanding of why that would be? Obviously it is

speculation, so if you are comfortable with it, you know, that lesson you drew that from the summer, what was the reason that you felt that the Department of Defense might reject this request?

A Again, I can only speak for myself, but in the same way that the military and Federal law enforcement were used, again my perception, for political purposes back in May and June of 2020, I believed that those same entities, law enforcement, military, could likewise be used to push a political agenda on January 6th.

Q And so, was the reluctance, in your mind, potentially from people within Department of Defense to keep that from happening, or the reluctance was itself a reflection of that political aim to potentially aid in the President's goal of attempting to delay the certification. Is the delay a tactic to keep that from happening or essentially a tactic to assist it?

A To be honest -- [redacted], nothing was off the table in my mind. As I think through worse case scenarios, either could have happened in my view.

Q So the request from yourself, Washington Post characterized it as quote, "a narrow request to the Pentagon for troops to assist with mostly traffic control," end quote.

Do you agree or disagree with that characterization that was a narrow request?

A I wouldn't characterize it as a narrow request. I would characterize it as a request we made on previous occasions for that type of assistance. It was just repeating what we had requested previously.

Q Did you feel it was appropriate for the city to request that the D.C. National Guard assist with civil disturbance? And if not, why not?

A Do I think -- I think it was appropriate in the event that we had a situation where there was escalating violence, that the D.C. National Guard could provide some

assistance to MPD. Now from a tactical and operational how they did it and operationally, they would be under the -- under is the wrong word -- they would be subject to sort of the direction and the guidance of MPD on the ground.

Q Why not request for it to assist with civil disturbance as an initial matter?

A Because requesting with civil disturbance having the military for lack of a better term, touching, interacting with members of the public is, in my view, contrary to Democratic norms, small d democratic norms in terms of how the military should be deployed against its citizenry.

And so, from my perspective, philosophically that would -- getting the military involved in a civil disturbance event is a last -- is a last resort. So that wouldn't necessarily be something that I would be comfortable recommending that we just, you know, deploy the military into First Amendment activities or to interact directly with the public unless it was a last resort.

Q Is that value -- was that informed at all by the summer of 2020?

A In my view, yes, it was.

Q So is that an example?

A In the summer of 2020 --

Q You go.

A Yes, because in the summer of 2020, the U.S. military was I would argue inappropriately at best, illegally at worst deployed against its citizens, against American citizens.

Q Did you have any expectation from other departments like Capitol Police or Park Police that they would ask the National Guard for civil disturbance assistance? And did you view that -- them -- those departments as the appropriate requesters of that sort of assistance rather than Metropolitan Police Department given the jurisdictional areas of

responsibility?

A So the answer to your former question is no. The second part about National Guard requests, the city cannot request National Guard resources on behalf of a Federal entity. So we requested those assets based on what we knew our operational needs would be, for city property and for the city -- on city streets. For the Capitol and Park Police, those requests would be made separate from the city. MPD and HSEMA could not make those request on behalf of those entities.

Q And when you say no to my first part of the question, that means you did not expect other departments to ask for D.C. National Guard assistance with matters like civil disturbance?

A For the 6th I -- I did not expect that. I guess I -- I guess I would have deferred to their operational planning and their posture to know whether that would be required by -- based on their geographic -- you know, their jurisdiction whether that was required. So I would have deferred to them based on the available intelligence to make that determination.

Q And this may be too much of a hypothetical, but seeing that you have intelligence that you were able to see, is that not -- was that -- would that have been a recommendation you would have made for the D.C. National Guard to assist with civil disturbance, given that the demonstrations were going to take place on Federal land under the jurisdiction of Park Police or Capitol Police?

A That's difficult to say in hindsight. Right? Certainly the intelligence that we were seeing suggested the likelihood of violence. And we -- me, as the HSEMA director, had to make the best recommendation I knew based on the intelligence to the Mayor of Washington, D.C. who has jurisdiction over a certain portion of the city. So that is a very difficult question to ask or to answer with hindsight.

Q Is it fair to say that it was your professional opinion that at least for the areas that the Mayor has control over, civil disturbance was not -- assistance from the D.C. National Guard was not either maybe not necessary, but that wasn't one of the needs that the District of Columbia needed for January 6th?

A Civil disturbance was not something we requested at that time. Mostly also because the vast majority of the, if not all, of the permitted protests were taking place on Federal lands. And we can check back, but I am almost certain that MPD did not issue any permits for the events on the 6th or the day prior on the 5th, they were all taking place on Federal land issued by permits by Federal authorities.

Q What was your understanding of how quickly the main units of the National Guard or the QRF, for the record the Quick Reaction Force, could be repurposed and remissioned in the event of an emergency?

A My understanding was 30 to 60 minutes that they could be repurposed, almost immediately. The QRF has always been, when discussed, something that could be deployed at a moment's notice to assist with civil disturbance.

Q Was there anything in the request from you and the Mayor that you felt communicated the hesitance or communicated a limitation for your ability to potentially amplify your request for the D.C. National Guard should there be an emergency?

A In the past, when QRFs have been available to the city, our understanding is -- I would say my understanding is that that is simply a call to General Walker to deploy or the head of the D.C. National Guard to deploy those resources, with the caveat that the city, myself, the Mayor, cannot deploy a QRF to the Capitol or to the Washington -- or to the Mall because that is Federal land. And so, the QRF, at least from the city's perspective, has always been, when available, has been to deploy to city resources -- to city lands.

Q To put a finer point on it, there is discussion, right, there is that adjective in the Washington Post, narrow request. There is discussion about the traffic control points and whether that was communicating some sort of hesitance. I am asking in essence was there, as far as your intent and the Mayor's intent, was there anything in that letter for your request that was intended to communicate any sort of limitation, hesitance, any sort of narrowness to the assistance of the D.C. National Guard to the point where it would also communicate a hesitance to call on them should the situation arise, or did you feel as though this was a very traditional, usual request that should not have conveyed any sort of hesitance in their usage?

A I would say the latter. It was a traditional request that was not meant to convey narrowness. I would say that if there is any narrowness that is placed on it, it is by the Federal Government in limiting the authorities of the D.C. Mayor.

Q So let's talk about that approval came with certain limitations, not moving past 9th Street and that any change in mission be explicitly signed off by the Defense Secretary himself, but you have mentioned that already in our interview. What did you think of that reply by the Department of Defense? Is that how it worked in the past, say over the summer? Was that odd or new to you at all?

A It was new to us. We had always -- again, the D.C. Mayor cannot change the approved mission of the D.C. National Guard. So when we request Guard resources we are requesting for specific mission. If something were to happen, operational necessities require that mission to change, the D.C. Mayor does not have that authority. It has to go back to the Secretary of the Army.

What was new to us or to me I would say in that approval was that that authority was -- now resided with the Secretary of Defense. Whereas in the past that had not been the case. It had always resided, based on experience, with the Secretary of the

Army. And so, that added another layer of in my view bureaucracy that if we needed the resources of National Guard in a quickly evolving situation, it could be delayed because it had to go to the Secretary of Defense.

Q And to be fair, that concern you had prior to January 6th, prior to it actually happening which is in the case of an emergency there may be a delay, given this additional level of bureaucracy. Is that fair?

A That is correct.

Q Okay. What about the limitation, you know, keeping basically national guardsmen and women away from the Capitol, so not moving them, you know, having the 9th Street sort of bordered. What did you think about that?

A Again, new to us, I think -- I think MPD could answer this with more specificity and detail from an operational and on-the-ground tactical posture as I would. But that did signal to me that there were additional limitations being put on, put on the mission and that it constrained our ability to react quickly if the situation got out of hand. So not just with the approval process, but also with the footprint, I guess, of where the National Guard would be located.

Q Did you appreciate the view, which has been expressed to the Select Committee of wanting to keep the military away from, and some use the word "optics," but away from the counting of Democratic votes? Were you aware in December of General Michael Flynn's insinuation that the military would assist in overturning the results of the election and then the statement put out by the Department of Defense that the military has no role whatsoever in the counting of votes and the electoral process. Did you appreciate that view?

A Yes. I understand that -- I understand that and I appreciate that view.

Q We talked about intelligence sharing and I think it sounds as though -- and I

was going to ask you if you thought January 6th was a failure of intelligence. I think you have answered that question.

Let me ask it this way, do you agree or disagree with the statement made by the former Capitol Police Chief Steven Sund that there was no specific credible threat leading up to January 6th and that that explains in part the insufficient preparation for the event?

A The term "specific credible threat" in my view is overused. Rarely in the intelligence profession do we have specific and credible threats that signal that something is going to happen this day at this time. It happens, but it is extremely rare in my career as an intelligence officer. So how I would reply to that is that it is the conglomeration of intelligence and data gathered over months and months that created a threat picture for the events of January 6th that was different than what we were seeing before.

And that the intelligence was escalating, that the threat picture from all these dispirit pieces of intelligence that were out there and put together to create a comprehensive assessment showed, at least from the city's standpoint, that we needed to posture differently and in an enhanced way than we did for previous demonstrations.

So I think that that phrase, it actually frankly drives me crazy when people say that. I actually instruct my analysts not to use that phrase and instead to describe the intelligence that they are seeing. And let the decision maker decide what actions to take based on the best intelligence that we have available.

So I think anyone who uses that phrase does not understand how the intelligence enterprise works, and that is how I respond to that.

[11:59 a.m.]

BY [redacted]

Q Similarly, the Federal agencies have -- have used that phrase, specific credible threats. They've used talk about aspirational versus imminent threats, and First Amendment concerns of looking at the, you know, even open source, what American citizens are putting out there, as impediments to developing potentially an accurate threat picture, those -- you know, that those are constraints, federally, statutorily, that keep them from being able to fully, you know, get what they need to get, and in particular as it led -- as it pertained to January 6th.

Given that your agency, as you've testified, has those same constraints, same First Amendment concerns, what is your response to that? Are those considerations at all a limitation, or could they have been a limitation in the lead-up to January 6th, or is that a separate issue of, you know, knocking on doors, getting warrants, actual investigations, versus just using what is out there to posture yourself appropriately?

A As we collect intelligence, we have to do so within the confines of the law, right, and of the guidance that's given to us by DOJ and by DHS. That's why we pay analysts, though, and I think analysts have to look at the intelligence that's available to them, make honest and unbiased assessments of what the threat environment is, and brief that to their principals. And then it's the principal's job to take that intelligence and then make operational decisions.

And so I think sometimes what gets conflated is -- and it's one of the reasons why, [redacted], I think, as a city, we are very well-postured to make those decisions, is because the intelligence analysts don't reside within a law enforcement agency.

Often law enforcement agencies look at intelligence in a way to make arrests and

issue subpoenas. But the value of intelligence is not -- often not for those ends. It's for -- it's to construct a threat environment in which we can understand it better and make better decisions that allow us to be proactive and to head off threats. And so I think sometimes that perspective gets lost.

I don't view intelligence the same way the Metropolitan Police Department or other law enforcement agencies view it, and it's that distinction that I think needs to get resolved somehow. And I don't -- it's a long way of answering your question, but I think it's an important distinction to make.

Q And that sounds as though that may be an advantage actually. You were talking a little bit about before about the disadvantage of not being a law enforcement entity, but that sounds like an advantage. It kind of frees you up to not see it so narrowly as, you know, are we going to identify this person, go track down this person, which might implicate civil liberties, versus just use what's out there in developing your own landscape of what you should do operationally.

So do you think that that's something you might lose by incorporating law enforcement or becoming a law enforcement entity?

A No, because our -- and I will use the word narrow. Our legislation was very narrowly tailored. The law enforcement designation would be for intelligence and information-sharing capabilities only. We don't want badges and guns. We don't want arrest authority. Our job is to support law enforcement agencies.

I will also say it is certainly an advantage, and it's a model that I brought over from CIA. At CIA, the analysts sit within the directorate of analysis. The case officers, the operators, sit in a different directorate. They have different leadership cones, hierarchies. But the analysts -- if the analysts sat with the operators and were subject to their authority, then all that would drive their analysis and assessments are how many

sources you can recruit, how many -- how many, you know, arrests you can make, or how many law enforcement agencies you can work, how many Russians you can take down, right?

It's not -- often analysis has to be separated from those, because then you get it -- then you get analysis that's unbiased and not sort of tailored only to the operator. And so that's why I think, in the city, we are very well-positioned to give honest assessments to our executives, my boss, the Mayor.

Q The Washington Post reported that Donell Harvin felt that, quote, "Federal law enforcement agencies did not seem to share his sense of urgency," end quote.

Did you feel that way?

A You know, I -- in my discussions with them, I do believe that they had the same intelligence. They saw the same threat picture. And, again, I would go back to my comment about the posturing.

I don't let -- I can't make that same statement that Donell said, because I don't know whether it was an unwilling -- you know, despite the fact that there was the intelligence that we all saw, there was just an unwillingness to do it for reasons that I can't explain or I'm not going to get into or speculate, or whether it was -- they were just incapable of doing it, they didn't have the resources to be able to do it. So I can't make that statement.

Donell worked for a director and for a city that's very proactive and can make decisions very quickly, because we have access to our chief executive when we need it and when we want it for decisions.

The Federal apparatus is so much, let's say, like thicker institutionally that, you know, I can't tell you why they -- you know, Donell says that they conveyed a lack of urgency. And I don't -- you know, I don't want to speculate about that.

Q The Washington Post also reported about a call between the fusion centers across the country coordinated by Mike Sena, which included Mr. Harvin. Were you a part of said call, and did you come to find out before January 6th that fusion centers across the country were picking up on much of the same intelligence as NTIC was?

A I was not part of that call. I was not on that call. I believe that was on January 4th, and I -- I believe I was at the press conference with the Mayor, so I was doing other things.

Donell did let me know -- Mr. Harvin let me know that he was having that call. I was happy that he was. I was encouraged that he was working with Mr. Sena in San Francisco. And so Donell did -- Mr. Harvin did brief me after that and said that the -- that there were -- I mean, close to 300, I believe, people on the call from across the country. It was the first call of its kind.

It really showed leadership on behalf of the D.C. fusion center that we were convening it, and that the fusion centers were seeing largely the same threat intelligence and shared the same concerns that we did.

Q The Post also reported about the purportedly low regard that the FBI held for fusion centers, apparently derogatorily some calling them confusion centers, for example, and that NTIC in particular, given its proximity to sort of the lead Federal intelligence agencies, was seen in this light, sort of derogatorily.

Had you heard of this perception?

A I have, yes. I have heard of this perception.

Q And, in your view, did those views -- did that perception from the sort of Federal law intelligence agencies, did it impact the effect NTIC had in contributing to the threat picture, either the distribution putting out or the receipt of intelligence for January 6th?

A So I think there is a -- there is a lot of -- there is a lot of issues at play in your question. I do believe that the fact that the fusion center is based within the Emergency Management Agency structurally, organizationally, is sort of alien to a lot of the law enforcement agencies across the country, and particularly the Bureau, which is obviously the lead Federal law enforcement agency.

And I do think that there continues to be perceptions that, because the fusion center is not based within a -- a traditional law enforcement agency, like a police department, that somehow its credibility is -- is lessened.

Actually, I hope that, over the last 4 years, my team and I have really tried to make it more relevant by hiring really good analysts and training them in the way that civilian intelligence agencies are trained -- civilian analysts are rather than law enforcement analysts, and what -- to your point earlier, I think it opens up the aperture of what it is the fusion centers can really provide the law enforcement community. But I do believe that there -- that those perceptions, they continue. I think they're --

The Reporter. This is the stenographer. I lost him there.

Dr. Rodriguez. Sorry. You went -- you went --

[redacted] Yeah, he froze.

Dr. Rodriguez. It was frozen.

[redacted] Oh, okay. Okay. Great.

BY [redacted]

Q If you could -- do you remember where -- can you pick up where you got frozen, Doctor?

A Yeah. I think they're going to -- I think, yeah, they are going to continue those perceptions as long as there is this perception that the only valuable intelligence can come from traditional law enforcement agencies. So I hope on January -- in the

lead-up to January 6th and after January 6th, we have shown our value to the Federal entities.

And I will say that, now, the FBI, Washington Field Office, has invited me and the fusion center to a lot of their closed-door briefings with law enforcement, you know, police departments in the region. And so I think the Bureau is seeing the value of what we can provide from an analytic standpoint.

Q I know this is difficult because January 6th -- obviously there are so many things that went into it and not -- no one thing was the sort of predominant factor obviously. It's hard to add or answer whether one small piece of the puzzle affected the overall picture, but do you think that the reputation of the fusion centers, NTIC in particular, you can -- either of the two, whether it affected how seriously the information or intelligence it was sharing with those Federal intelligence agencies, or whether -- and, in the reverse, that reputation was also keeping potential intelligence or information from you guys in a way that was detrimental overall in whatever way, however small part, in the lead-up to January 6th?

A It could happen both -- in both your questions. I mean, it could have. But, again, I mean, the way that we train our analysts is we have a duty to warn. We have a duty to share information and intelligence. And, you know, in the process, we build relationships. We're good partners. We make sure that we're reaching out to our Federal counterparts and building those relationships, because they are critical with Federal law enforcement agencies.

But we also have to find ways to institutionalize our relationships. For example, now, with First Amendment events and protests, demonstrations, the U.S. Capitol Police has a --

[redacted] I can't hear you.

[redacted] Oh, no. You're frozen. We can't hear you.

[redacted] You're not muted. Yeah, I'm muted. You're unmuted, Doctor, but for some odd reason, your audio cut out. And, in fact, it shows here, yeah, that you're not connected to audio. I don't even think you can hear us, actually, now that I think about it.

[redacted] Yeah, I was like what did the Capitol Police do?

[redacted] Usually there is a chat. I feel as though -- and we're off the record obviously.

[Discussion off the record.]

BY [redacted]

Q Yeah, go ahead.

A So I think we just need to continue building those relationships, showing our value, and just doing what it is our jobs are to do, which is to warn and to share information. And I just tell my analysts, look, just keep your eye on the ball. Like, there are always going to be people out there who -- you know, who don't take you seriously for one reason or another, but you can't be -- you can't be worried about that. You've just got to keep being good partners, share information, and build those relationships.

Q Did HSEMA create a written threat assessment for January 6th?

A We did, yes.

Q Was it internal, or was it meant and was shared with external partners?

A It was internal for me.

Q And do you recall --

A Largely, a lot of it -- a lot of the content was based on the talking points that you had read earlier. That's where a lot of it was taken from.

Q Okay. So there was nothing that we haven't discussed yet in terms of the intelligence picture included in the threat assessment that you haven't mentioned today?

A No.

Q All right.

[redacted] Sorry.

[redacted] Go ahead.

[redacted] Sorry.

BY [redacted]

Q Dr. Rodriguez, do you mind finishing your question about -- before it cut out, you said -- you were talking about your relationships, and you said, for example, now Capitol Police invites us, and then it cut out.

Can you finish that thought?

A Oh, yeah. No problem. No problem.

So now what we have is a standing agreement and I believe an MOU with U.S. Capitol Police that, whenever there is a First Amendment event or permitted events on the Capitol or in the vicinity of the Capitol, they invite us into their ops center.

So the fusion center is actually there sitting with them, and, if there are any city resources that they need or any intelligence that we're getting, we pass that to them immediately.

Q And that did not exist --

A Sorry to --

Q That didn't exist before the 6th?

A I think it did, but it was ad hoc. Like it wasn't institutionalized. It was based on I know a guy who knows a guy. You know, why don't you come and sit here. But now it's -- like, it's a standing thing.

The other institutionalization of our relationship with the FBI is that we are now part of WFO's executive steering group, which invites the heads of all law enforcement entities in their region to be briefed once a month on ongoing cases, either on the counterterrorism front or the counterintelligence front. So the fusion center is now represented there.

So I think, you know, a lot of that shows that the Federal entities, to your question, [redacted] are beginning to respect our presence and our value in those settings.

[redacted] Thank you.

BY [redacted]

Q Did you see -- and I'm sorry, Doctor. If at any point you need a break, let me know, but I'm hoping we're going to wrap up --

A Okay.

Q -- maybe by 1:00 p.m., I'm shooting for.

Did you see -- did you see the written threat assessment developed by the Capitol Police, the one that famously noted that Congress itself was a target, and not the counter protesters like at the demonstrations before? Did you see that before January 6th?

A I did not, [redacted], no.

Q To your recollection, did any organization in the intelligence community or law enforcement produce a written threat assessment that reached you prior to January 6th?

A No.

[redacted] Do you think --

Dr. Rodriguez. You said written, right? No.

BY [redacted]

Q Yes. Written. And I understand of course you guys shared calls --

A Uh-huh.

Q -- but a written bulletin, threat assessment, the answer was no, right, Doctor?

A Yes. Correct.

Q To your -- I asked that. So was that a problem as in would it have helped, do you think, if ones had been generated by the FBI or DHS, I&A, for example?

A Yes, absolutely.

Q Why? Why do you think -- how would that have helped?

A Because, again, I think in the intelligence enterprise, it's always useful to see things written down, which often, I think, can help a reader like myself, a customer. If the threat changes, you can actually see how it changes and why it does, like what intelligence is coming in that would cause you to be more concerned or less concerned about the threat environment.

And so I think written products are always something that formalizes the assessments. I know the value of oral briefings and phone calls and coordination calls, but having those products, I think, allows us to -- to see sort of why these assessments are being made and what's the data and the information that's going into them? That's always very helpful.

Q Why do you think none were created?

A I don't know. I mean, I don't know.

Q Okay.

A Well, you're saying they were -- I mean, you are suggesting that some were created. I just didn't see -- with the Capitol Police, for example, you said there was one that was created. I believe there -- I thought I saw in the press that the FBI may have created one. But certainly that didn't get to me, so --

Q Okay. And I guess, yeah, my question was why -- to the extent that if they were created, you know, they weren't shared widely, at least not with you, and I was wondering if you -- and the answer may be you have no idea, but any visibility into potentially why -- and certainly, look, the major ones like FBI and DHS, why those weren't put out and shared? Is there some sort of lesson to our personnel, institutional or a bureaucratic reason that you might know or might see, might be able to help us understand why that would not come to pass?

A Yeah. Again, I don't want to speculate. You'd have to ask those agencies, but I think some of the issues are probably institutional and bureaucratic. I think they might harken back to some of the issues you raised with the perceptions of the value of the fusion center and what they can actually do for those Federal entities if they were to share that information.

I do think, despite the fact that we've made tremendous progress in the last, you know, 21 years or 20-plus years since 9/11 in information sharing, I think States and locals still are not getting what they need from the Federal -- I think it's gotten better, but I think it's not as seamless as it should be.

Q Did HSEMA produce any suspicious activity reports as it relates to January 6th? If so, were they uploaded anywhere? With whom were they shared?

A I would have to get -- I would have to get you that information, [redacted], on the SARs around that time period. I would have to circle back with you on that. I don't know the -- a specific number off the top of my head.

Q But it's fair to say that you do recall there being SARs produced related to January 6th?

A I don't recall. I don't recall.

Q How SARs are generally dealt with within HSEMA, are they uploaded

somewhere? Are they given to the FBI in any sort of capacity through the Guardian system -- eGuardian system?

A Yeah, so they're -- SARs -- suspicious activity incidents can be reported in a bunch of different ways. You can call it into MPD. You can -- you can also email it through our iWATCH system, iwatch.org, and enter in information there. And so, once that -- once the SARs come in, the analysts sort of look at them and vet them, and then -- based on their training they get from DHS.

And then, if it does -- if it does rise to a level of suspicious activity, they will put that into the eGuardian system, the Federal -- the FBI has first right of refusal on all of those -- on all of those SARs. And, if -- if the Bureau doesn't take them, then they can be referred back to the States or to the local jurisdictions.

Q I'd like to turn to January 6th, the actual day, now. Talk me through your morning up, until and through, until you hear about the first signs of trouble at the Capitol.

A I was up pretty early that day. I drove into the city center probably around 4 o'clock in the morning and parked along Constitution Avenue right where the entrance to the Ellipse is, and I already saw coming down 17th towards Constitution hundreds of people walking down 17th towards -- towards the entrance to the Ellipse on Constitution.

And, as I parked on Constitution, the line to get into the Ellipse to go where the rally was going to be was already sort of stretched all the way back to the Washington Monument, so you can imagine there were thousands of people already there.

I had heard from some of my folks who were coming in from Maryland -- and, in particular, Mr. Harvin -- that there was already a lot of traffic on 295 coming up from the Beltway, from the Woodrow Wilson Bridge. And -- and so, at that point, we knew -- I knew that this was going to be a little bit -- this was going to be different, and there were

going to be a lot of people there.

Again, something that we had anticipated, but the crowds at that time of day and that early in the morning, for a rally that I believe began around 10:00 or 11:00, I think, was pretty unprecedented.

And so I spent -- I came to the office, I believe sort of, you know, looking at that, called a couple of my staff, made sure that we were all going to be there at the office here where I am now. And our emergency operations center was going to be operational pretty early that day.

And we had a full activation, which meant that we were bringing in Federal partners, State and local partners, not just from the District, but Maryland, Virginia, as well, because our role in an instance like this is that we're not a police department, so we deal a lot with consequence management.

So, if things go bad, from our EOC is where the request from mutual aid and mutual support are coming from, and Emergency Management Assistance Compact, EMAC, requests. So we were here most of the morning, watching it all on TV, again, looking at tens of thousands of people. And the first signs that we got that there would -- that there would be trouble was when the protesters started moving to the Capitol on Constitution.

And we saw, I think, like a lot of people for about an hour, the protesters were there in the front sort of probing the line -- the U.S. Capitol Police line. I believe -- actually, Chief Contee was there at the Capitol sort of reporting what he was seeing, and it was -- it was getting really bad to the point where I know our timeline talks about U.S. Capitol Police had requested assistance from MPD and FEMS, I believe late in the 12 o'clock hour, I believe it was. I can look. I have the timeline here, but I know you have it as well.

And then, once they had breached the line, once the -- the rioters sort of moved across the line, I remember Mr. Harvin coming, running down the hallway, you know, sort of telling us, because I was in with my ops chief and a couple of other people as we were sort of watching it on television, and we -- he told us that the line had been breached, at which point we wanted to get in touch with the National Guard and make sure that, you know, we might need to redeploy resources elsewhere.

I told Mr. Harvin to keep trying Chief Sund, because I think there were some people who were having trouble getting in touch with him -- again, there was a lot of stuff going on, so I can -- I can understand -- and -- as I was trying to coordinate with MPD. And when I spoke with the chief, Chief Sund, I asked him what he needed.

He said he just needed everybody. You know, he needed everything that we could provide.

The challenge was that the National Guard and the U.S. Capitol Police were not talking. And, at that point, I believe around 2 o'clock, 2:10, I got General Walker on the line, and I was -- Chief Sund, and the big concern for -- again, I can only speak to my personal experience. I know, you know, Chief Contee and the Mayor had gone to MPD, but I was here at the EOC trying to coordinate mutual aid to come in and to get the authorities to talk to each other.

And I said, okay, General Walker, Chief Sund, anyone else that we need to get on a conference call like now to understand what the Capitol needs, let's do it.

So I sent them a conference call line -- my conference call line as the director and told them to dial in immediately.

At that point, I sent that information to Chief Contee and to make sure he had it as well, and then we all just got on the line.

Now, what I -- what -- again, I know this question has been asked. The call was

not recorded unfortunately. But, on that call, I started off and, you know, turned it to -- turned it to Chief Sund to sort of outline what was happening, what he needed. He needed the National Guard.

Now, General Walker was on the line as well, and what I did not know and have come to -- throughout that call, had come to realize, was that there were other generals on the line as well that came from SecArmy's office.

They did not announce themselves by name, but came to find out later that it was General Piatt and General Flynn who were on the line. And the question was -- that Chief Sund said was that we need National Guard resources, to which a general replied -- and I believe it was General Piatt replied, was, well, you know, we don't like the optics of having military personnel at the Capitol against peaceful protesters.

And so I remember -- maybe -- I think it was Chief Contee that said, well, they're not peaceful anymore. And then Chief Contee spoke up and said, are you -- Chief Sund, what do you need? Do you need National Guard resources? And then Chief Contee said, are you denying the request of the chief of Capitol Police for National Guard resources?

And to which General Piatt replied -- I believe it was General Piatt -- replied, we're not denying the request. We just need more information.

And, at that point, the call sort of ended very abruptly, and there was no further discussion about what was sort of needed. And it almost -- it felt like to me like Capitol -- and you've asked me this question before, [redacted] It felt like to me that help was not coming, and -- at least from the National Guard.

I would say help did come from MPD and from our regional partners who were already here in the city and FEMS -- and the Fire and EMS Department, to help clear the Capitol. But it -- I came away from that call with the understanding that National Guard

resources were not coming. And Capitol Police was left to request MPD resources and resources from the region.

I'll pause there, because I've been talking for a while, and see if you have any questions before I go on.

Q That sounds good. Let me run through that.

First, the emergency operations center, is it true -- it's my understanding the Mayor had directed that it be stood up 48 hours before on January 4th. Is that correct?

A That is correct. That is correct, yes.

Q And was that sort of, you know, an operational decision spotted from the intelligence that January 6th and the days leading up to it, I suppose, with the demonstrations also on January 5th had significance and required that sort of coordination and sort of vigilance 48 hours out?

A Yes.

Q Well, did you have an opportunity to hear any of the President's speech at the Ellipse?

A Very minimal. I think we -- I was going back and forth from the EOC into offices. So there was a lot of work to be done, but I -- I heard snippets of it.

Q Was there anything that, you know, was of interest to you as a consumer of intelligence, either any remarks he made about the Vice President and his role in the certification, any, you know, indications that he might march with the demonstrators over to the Capitol, or if at that point you overheard or were given reports about any chanting from the crowd regarding Vice President Pence, his role, or any potential threat to him?

Any of that at the time of course make your ears perk up, or you didn't really hear any of those items or think much of them?

A Yeah. So, to answer the question directly, I don't recall that date watching parts of the speech that referenced the former Vice President. However, I do recall hearing -- and, again, I'm paraphrasing -- the former President say, like, we're going to go -- we're going to march to the Capitol, and I'll be with you, or -- I'm paraphrasing again. Or we're going to go up to the Capitol and something, fight, or I forget. But I remember that, and that sort of like made me kind of perk up.

But there was rhetoric in the days leading up to it about the former Vice President, so that was also, I mean, concerning to me.

Q Was there any calls that you were a part of that included Secret Service that mentioned any of those threats to the -- at least, or included talk of the Vice President's role in the certification process in a way that implicated intelligence, that implicated his security? Did you overhear any of that or participate in any of that?

A No, [redacted], no.

Q So now you've -- you're at, is it fair to say is it 2:30? I think that's what the infamous call is called, is around 2:30?

A Around 2:30, yes.

Q Okay.

A Yes.

Q When you convened this call, I know you're patching in Chief Contee, Chief Sund. Who are you hoping to reach or hoping to get from the other side, if anyone, or was this meant to just be you folks and other people are somehow included, Department of Defense officials?

A I knew that I needed Chief Sund and General Walker to talk to each other. They weren't able to connect. I think they were trying to, but they just weren't able to. I needed them to talk. I did not know that General Walker would bring on other people

or in the Secretary of the Army's office. I was not aware, nor did I request for that to happen. But maybe -- you know, I'm speculating -- he felt like he needed a decision quickly, and so he wanted to get the right people on the call.

Q And so then it wouldn't have been your office -- neither your intent to try to get them in touch with the Department of Defense officials, neither your office, the ones who patched them in? You believe, is it fair to say, it was General Walker and his folks who included them in the conference call?

A Yes.

Q Throughout the phone conversation that you've outlined for us -- and we appreciate it -- were you wondering where or if McCarthy -- Secretary McCarthy or even Secretary Miller, given the January 5th letter, including him -- he's always in the chain of command, of course, but maybe more directly saying that he needed to give express, explicit approval. Were you wondering where they were, either if they were on the call, or why they weren't on the call, that sort of thing?

A At that time, I think during the call, I wasn't thinking that. I was more thinking like Chief Sund needs to get National Guard resources to the Capitol. He has the right person on the call to be able to do that.

My belief was that General Walker would be communicating that to -- to the Secretary of the Army and the Secretary of Defense to get that answer.

Afterwards, after that call, I remember thinking why wasn't McCarthy -- at least McCarthy on the call? Was there a breakdown in communication between the National Guard and the Secretary of the Army?

Q Given that you thought, you know, the person you needed was General Walker -- the two that you were trying to get together was General Walker and Chief Sund -- in essence, did General Walker participate? Did he -- it sounds as though

there was, you know, Chief Sund making the request. There was these military personnel kind of fielding the request.

Did General Walker make it clear on the call that this is what he wanted to do and that, you know, as far as, you know, that he was on board with the request, or did he really not participate in the call itself?

A I don't recall him participating as much as General Piatt in particular. There were a lot of sort of voices on the other end of the line, so it's hard for me to say -- I know General Walker's voice. I talk to him a lot. I don't recall him participating significantly, or at least not at the level of the others.

Q Certainly if he spoke, you didn't hear any sort of, you know, reluctance from him about the participation of the National Guard in this emergency situation?

A Correct. Correct.

Q Did anyone tell you that Secretary McCarthy was going to go see Secretary Miller for approval?

A No.

Q So no one, of course, explained either -- either of their absences on the call or discussed where they were at that moment? Nothing like that, right?

A No. No.

Q And what was your understanding regarding these -- the generals and whether they had the authority to deny? Was that brought up in any way by them or by anyone, the idea that, hey, I'm not saying no or yes, because I can't say either of the two anyway?

A Yeah. I had not interacted with them before, so, from my perspective, this was all sort of new. Why were they on this call? Were they authorized to speak on behalf of the Secretary of the Army? That was not made clear.

Q Is it fair to say that the way they were responding, you know, showing reluctance to send military personnel to quell what, you know, you say -- they said was peaceful protesters -- were they at least putting -- did it appear that they were -- did it appear as though they believed they had the authority to deny the request, or that they were just sort of questioning it, or were, you know, reluctant to bring the request to someone higher?

What was your impression of that period and what they were trying to do and what they felt their powers were to do in that situation?

A I did not -- it did not come off to me that they had the authority to make the decision on the call. They kept -- they did question the request itself, needed more information in their words, but it wasn't clear what information they needed. And, in a rapidly evolving situation where literally the Capitol was being overrun, it seemed their request and their sort of reply is really kind of bureaucratic and -- I don't want to use the word disinterested, but more just, let's just hold on. Let's just wait. Let's just kind of calm down for a second while literally Rome is burning.

And so, like -- what -- yeah, it kind of came off to me was -- like -- I don't know. That's the way it came off, so --

Q Did anyone mention the need to develop a CONOP or like mission -- remission analysis --

A A plan, yeah. Right there was -- yeah. Like need more information, like what's the plan? Like, you know, that kind of speak. What's the -- what is the mission? What's the plan? We need more information, but not being specific about it.

Q Do you recall if anyone attempted to explain to them what the plan -- whether there was anyone who said, well, you know, assist Capitol Police in support of law enforcement? Was there anyone who had tried to supply that answer?

A I don't recall. I don't recall whether anyone tried to supply that answer.

Q Do you recall if anyone threatened to tell the media that the Department of Defense was denying the request for the D.C. National Guard?

A You know, I don't recall that, and I -- I've heard that that was said. I don't recall that.

Q And I think you answered this, but, at the end of the call, was it your impression that the National Guard was not coming?

A Yes.

Q So, in the time between that request -- that first request on that call and when the National Guard were ultimately deployed, what were you up to, and who were you with?

A Right after that call, I went back into the EOC and started making sure that my team had what they needed to begin making mutual aid requests from across the region; specifically, from Maryland State Police, Virginia State Police, New Jersey State Police. We were starting to get calls into the EOC to offer assistance and law enforcement assistance to go and -- to go to the Capitol.

So I was probably there for another hour, I would say, making sure we were fielding calls, my team needed what -- from me what they needed before I had to go be with the Mayor and the chief at MPD headquarters.

So my team very quickly jumped into action and started getting those requests and making those requests for mutual aid assistance. And, at that point, again, I think after an hour after the 2:22 call, I was on my way to MPD headquarters.

Q When you got to MPD headquarters, who was there?

A When I got there, the Mayor was there, her chief of staff, Chief Contee, Chief Donnelly from Fire and EMS, some of his -- you know, MPD staff was there in their JOC,

their joint operations command center. And Secretary McCarthy, I believe, was there by the time I got there, at MPD headquarters.

Q Well, did you have any discussions with Secretary McCarthy yourself?

A Not immediately. It was more later on. As the mutual aid requests started coming in, we were -- we were really focused on where they would go, how -- like, if we had either other National Guards coming in or police departments coming in, where we would house them and making sure that they knew where to go and they had points of contact on the scene.

A lot of that was done with MPD, of course, because I think, at that point, they were -- I mean, they were already actively engaged. And so a lot of it from my perspective was just coordinating with the EOC back here and with MPD.

Q Can you just run down the agencies -- the departments, the National Guards who were at the ready, who responded to your requests and were ready to assist if needed?

A Well, I'll start with the police departments. I believe there were several police departments already in the city around the 5th and 6th -- Montgomery County, Prince George's County, Fairfax County, Arlington County. So they were already sort of staged here.

Now, in terms of the State Police entities, Maryland, Virginia, New Jersey were the primary ones that offered to send law enforcement assets into the city. And, in terms of the National Guards, I believe it was Maryland and Virginia that had signaled a willingness to send in Guard resources.

Q But particularly with Maryland's National Guard, did you have any visibility into, you know, whether they actually were brought in to assist and, if so, why not? If not, why not?

A I did not, no.

Q Okay.

A Yeah, I did not.

Q Okay. During this period -- now you're in the Metropolitan Police Department headquarters, and Secretary McCarthy is there, you say that not, so little later do you ever get to either speak with him or be in a conversation in which he is a part. What is your understanding, if you're talking about it, if anyone is mentioning it to you, as to where the request for the D.C. National Guard is?

A So I was in conversations with Secretary McCarthy, and he was at that time being very responsive to requests for the D.C. National Guard.

I can't speak to -- I can't speak to his interaction with Secretary Miller. I had heard secondhand that, at that time, during that period, Secretary McCarthy was in direct contact with the Vice President.

Q Did you say Vice President?

A Basically -- yes.

Q Okay.

A Yes. Vice President Pence. That he was in direct contact with him about decisions that might need to be made to deploy or redeploy National Guard assets, getting sort of those directions from him.

Again, that was secondhand information. I did not witness that. I had heard that.

But he was being very -- Secretary McCarthy was being very responsive to the needs of MPD and the needs of the Mayor in terms of what it was they needed up on the Capitol during that time.

Q Who told you Secretary McCarthy -- tell me about that.

A Who told me about that? You know, I don't recall. He had a lot of military aides with him, but I don't recall. I mean, I think there were about 10 to 12 military aides with him on all different conversations. I don't recall a specific person who was there.

Q But it was someone on his staff?

A But I do -- yeah. Yes. It was someone on his staff. Also at that time, Secretary McCarthy did participate, I believe, in the press conference that the Mayor had, the first one. So I think he was trying to show some cooperation with the city.

Q And I know from previously speaking, you don't quite recall when the green light for deployment of D.C. National Guard was given. Is that right?

A That's correct. I don't recall the specific time.

Q But is it your recollection that, at least at the time of the press conference, which is 4:45, that, at that point, you don't have or, or you hadn't heard that the D.C. National Guard had been given the green light, that they were being deployed by that point? Is that fair?

A That is correct. That's fair.

Q Okay. And is that because you sort of -- you would have remembered the Mayor maybe announcing that or including that as part of her press conference?

A Yes.

Q Okay. So, then, before that period -- you know, Secretary McCarthy is there in the press conference himself. And you say he's being responsive, and you're overhearing from his staff that he's still in conversations with potentially Vice President Pence about ultimate approval.

Do you hear at all anyone give you or a reason whatsoever for what -- what is still the holdup, what is the delay for?

A No. I can't recall talking about -- anyone talking about that in particular.

Q Was General Walker there? I know at some point he arrived to the headquarters, but let's use the press conference as the cutoff since that's closest to when the National Guard was ultimately deployed. Was he there at all before that period?

A He was -- no, he was not. Not to my recollection.

Q Were you wondering why? Were you wondering where he was?

A Not at the time, because, again, based on my experiences with the D.C. National Guard, the Secretary of the Army is empowered to make those decisions, so I wasn't thinking about that in the moment, not as much as, okay, we have someone here, Secretary of the Army, who is empowered to make those operational decisions, I believe.

Q Did he mention Secretary Miller at all, Secretary McCarthy, and whether Secretary Miller had already given him the approval, and so that he was sort of the last decisionmaker, or did he not mention, as far as you recall, Miller at all?

A He did not mention Secretary Miller at all. Again, the only person that I had heard he was in contact with was -- I do believe he was in contact with the Secretary of Homeland Security as well, who I believe at the time was Chad Wolf, I believe.

Q And was that also maybe from a staffer --

A I can -- yes. Yes.

Q -- of his? Okay.

So tell me if this is fair. It sounds, you said, he was very responsive. By the time that you are with Secretary McCarthy at the headquarters for MPD, do you now believe -- is he making it seem as though, yes, National Guard is coming at some point; it's just a matter of when?

A Yes. Yes.

Q Okay. Did you ultimately that day, from either conversations with

General Walker, who ultimately -- General Walker ultimately did arrive at MPD headquarters. Is that right?

A Yes.

Q Okay. Did you, in conversation with him or in conversation with McCarthy -- Secretary McCarthy that day at all come to learn or find out or even hear speculation as to what took so long?

A I did not. Not in that moment, no. We were more concerned about how we were clearing the Capitol.

Q You've discussed you don't know exactly when authorization is given. You might be aware now that there is a discrepancy between what the National Guard said, authorization given at 4:30 or -- excuse me -- at 5:09, whereas Department of Defense says authorization was given at 4:30.

Other than the fact, I suppose, that you participated in a press conference at 4:45, in which you don't believe at least you or the Mayor had been informed about authorization, do you have any other visibility as to which of those two it could not have been or, you know, could not have been, I guess, to rule out?

A No. I don't. I don't have visibility into that.

Q Okay.

[redacted] We have 6 minutes. I'd like to go into recommendations, but first I want to make sure that my colleagues don't have questions about anything dealing with the lead-up to January 6th or January 6th itself.

No? Okay.

BY [redacted]

Q So, to wrap up, what were the major lessons learned that you took away from January 6th? Not personally, of course, but in terms of, you know, what worked,

what didn't work on January 6th.

A I think what worked was, again, the information and intelligence sharing. I think -- I think it worked. I think we all -- we all had the same assessment of the threat environment happening on that day and around that day, because we had just seen so many events leading up to it.

I think that the lesson learned for me, coming -- having come from the Federal Government, is that there is no strong coordination touch point for the Federal Government for these types of events, outside of NSSEs. You know, the NSSE process, the Secret Service is the agency to coordinate, and they bring us all together.

I think now, in a post-January 6th environment, there is no strong lead coordinating Federal entity that says, as I do here in the city, as the Homeland Security Emergency Management director, hey, MPD, you have what you need? FEMS, what are your gaps? What do you need from people on the phone right now? What are you guys seeing? What are your unmet needs? What are your requirements? Are we all on the same page here? Are we all seeing the same thing?

A lot of it, what was happening with the Federal entities prior to January 6th is these kind of one-off briefings and -- and -- and assessments and conversations, so I would recommend -- and I don't know what agency or entity takes that on. I have seen recently that the NSC in this administration has taken on that role.

You know, I don't know whether that's FEMA. I don't know whether that's I&A, but someone's got to be pulling all these agencies together for these types of events.

The other thing is that the city, given that we are the Federal capital, the city has to be involved in these planning sessions. What happens on Capitol Hill, what happens in the Mall, it matters for the city. And -- and the Federal Government needs to incorporate the city in all elements of it.

And I deeply respect my Metropolitan Police Department counterparts, but it's also about fire and EMS. It's also about Health and Human Services. The it's also about emergency management, because when things go awry, when -- when the city is stressed to respond, all these other entities -- all these other city entities have to wrap themselves around our residents and our visitors, and so I think that's really important. The city has to have a seat at the table.

The other thing is I will say, [redacted] -- and I don't want to get political, but control of the National Guard, I do believe that, on January 6th -- I'm not making a political statement, but, on January 6th, if the D.C. Mayor had control of the National Guard or at least would be given the authority to redeploy assets as needed without having to go back to the Federal apparatus, it would have made a difference. I honestly believe that.

And -- and so what I would also respectfully request to the committee is -- is also not to overcorrect for a situation that, for -- in many respects -- again, I -- you know, I know anything is possible in the future, but, in many respects, could have been a one-off event. I don't think that we could ever have envisioned a sitting President making the types of statements that they -- he did to fuel a -- what best could be described as an insurrection.

And, you know, I -- this is Chris talking. But I do believe that -- that the guardrails of democracy worked, and anything that the committee can do to recommend how we strengthen those guardrails in the future, I think, is really, really important. And I think one way to do that, again, to get back to my comment about control of the D.C. National Guard, is to -- is to, again, create sort of balance of power structures where the D.C. National Guard cannot be used against its citizenry by a Federal administration.

And so, you know, those would be some of the recommendations I would -- I

would posit to you.

Q And if I could just run through those really fast, ask a little bit more details.

A Yeah.

Q So, to the point of the -- you know, a Federal agency -- to your mind and to your knowledge, was there a lead Federal agency in charge for January 6th?

[1:00 p.m.]

Dr. Rodriguez. No, there was.

BY [redacted]

Q Had there been one set up for the summer of 2020 protests?

A No, no.

Q Okay. As far as you understand, there was no one. What about for the inauguration? Who was the lead Federal agency for the inauguration?

A The Secret Service, because that is an NSSE. That is a national special security event.

Q And there is talk about making an January 6th an NSSE event going forward. Is -- I mean, there something you would recommend? Is there recommendation that events may be sort of take up significance that they might not have historically, and so even in -- for events that don't reach that level, there still should be a sort of lead Federal agency in charge regardless of if takes on the NSSE sort of posture or not?

A I do, I do. Yes. Who is convening all the stakeholders? Who is bringing everyone together, not just Federal agencies, but also State and local. Yes, that would be -- that would be I think very useful.

Q I just want to put a finer point on it. You would be in support, and you would sort of request that the committee recommend that the D.C. Mayor be treated similarly as a governor would in terms of the powers she would have in calling and deploying the National Guard. Is that fair?

A Absolutely.

Q And then your last point was about overcorrection. Can you be specific? Because, you know, the same as it is important to have us know what sort of

recommendations you think would be good, what are you warning against in terms of recommendations? Is this referred to as other people a warning against increase in, you know, domestic terror statutes or powers in terms of surveilling citizens in order to try to keep the focus on domestic terrorism? What do you mean by an overcorrection that you would warn against?

A What I would say is to an overcorrection in terms of winnowing a way sort of the structures for collaboration and information sharing that have been put in place after 9/11, the fusion centers. The fusion centers yes, they not as well respected, but they should be strengthened, right? Not to like for example all the fusion centers it didn't work, right? The information didn't get where it was supposed to be. Similarly, you know, with the FBI and I&A, Oh, well, you know, maybe the FBI shouldn't be involved in -- I don't know, sharing information with State and locals, or maybe we should think about how -- we were getting the information. I mean. We were getting the information, of course, again, not written products as you mentioned, but we did share other assessments and those assessments were shared back with us. Again, I think at the highest levels of government that intelligence was being politicized. And so, you know, we have to make sure that we are not, again, making changes based on what hopefully is an anomaly in our American experience, right, with transfers of power. So I guess that is how I would -- that is how I would put it.

We also have to be very sensitive to the silos that still exist. You mentioned them, [redacted], as you were talking to me about, again, a lack of respect for the fusion centers. There are still those silos that exist. And I think anything the Federal Government can do, anything Congress can do to enhance the value of the fusion centers to have State and locals come and speak to the committee, or to speak to the government and Homeland Security and sort of provide their assessments of what it is

they are seeing on the ground, you know, in their jurisdictions would be helpful as well, because I hope our fusion centers actually, instead of always taking from the Federal Government, I hope we are giving intel up as well and that there is a value there.

Q All right. Is there anything we didn't ask you that you want to share with us?

A No, I think I am good. I think I am good.

[redacted] Can I just follow up on one thing before you sign off, Dr. Rodriguez, and it is about that information sharing from the State and locals?

BY [redacted]

Q Is that what you see as the role of DHS I&A, is synthesizing that information and pushing it up and --

A Yeah, I -- I do. You know, DHS I&A along with FEMA, they administer the fusion centers. What I have seen in my career and then having been a homeland security director in New Jersey and now in D.C., is that the fusion centers also sometimes see themselves as silos of excellence, right, where they are not sharing that information to their funding entities. FEMA and I&A fund the fusion centers. I think I&A needs to hold their feet to the fire much more than they have. And saying we expect that you will be coming and briefing us. We expect that you will be providing information to us. Because what a lot of police departments I think do is they just take that money and kind of run. Not that it is a waste, it is not. But I think there has to be more accountability there. And I&A has what no other Federal entity has, period. They have 79 intel centers across the country. And if you are talking about domestic terrorism, you are not going to get that piece of intel that is going to raise your alarm from the FBI, you know, maybe field office in Columbus; you are going to get it from, like, the local police department that is seeing a bunch of people gathering in this field out, you know, in the

middle of nowhere talking about how they want to storm the Capitol, or come back for the anniversary of January 6th.

Q Right. And I guess what I am struggling with is the amount of information the fusion centers have, where is the gap? And how did it get to I&A, or how does it get to the I&A? Because as we know, DHS and the FBI didn't issue any joint intelligence bulletin. But as you just described -- what you describe, is their oversight of I&A on the fusion centers? And shouldn't have they received all of that information?

A I think it depends on the fusion center. Like for example, I have a great relationship with John Cohen. I think he's phenomenal. I have his cell phone number and we talk and we have known one another for a long time. But I don't know the extent to which other fusion centers have that relationship, and the extent to which the PSAs that are in the fusion centers have the trust of those fusion centers to get that tactical information and report it back. I think I&A, for many years, this is not just this administration, has struggled to find its place and its mission. And, again, I don't think that is, you know, the Biden administration, I don't think it is the Trump administration. I think this has been like this since 2004.

I know when I was with CIA, I&A was always seen as, like, not, you know, not at the level of an NSA or an FBI. So I think that there is a lot of discussions at I&A that they need to find their way, but they have a great tool at their disposal, they have the fusion centers.

Q Right. And I am just curious why something that is seemingly basic as that isn't institutionalized, that it comes down to personal relationships versus an automatic assessment. Because as you are probably already aware there were no OSRs issued by DHS I&A even though, presumably, they had all the information from the fusion centers?

A Uh-huh, yes.

Q Two more questions. One is do you think that --

A Sure.

Q You spoke a lot about the intelligence and how it impacted operations. Do you think if DHS and FBI had issued a joint intelligence bulletin, it would have changed operations for any of these agencies, the Capitol Police, or the response for anyone else?

A That's difficult to say, because I don't have an appreciation for the political dynamics at play. I think in the previous administration, I think the political dynamics were more prevalent. It would have been hard for them not -- I'll say it this way, it would have been hard for them to not fully mobilize, if you did have a written product out there that was sort of laying out the threat environment. I think when you just have phone calls and text messages, and all these sort of informal ways of communication, it becomes easier to pass the buck and not really and say, Well, we don't share that assessment, but we have something written down, I think it becomes harder to not make the operational changes that are necessary.

Q And when you say the kind of politicization of the threat environment, how much do you think the President's words themselves contributed to that threat environment? And did that create a challenge for Federal agencies to respond being that the President is their boss essentially?

A That is hard for me to say, because I don't -- I am not in a Federal agency anymore. I would say as an outside observer, and, again, having been in the intelligence community, and, you know, having worked for and now work for a Mayor that has never asked me my political affiliation. I would say that I really appreciate the fact that the intelligence we provide, the threat assessments that we provide, I have never been in a situation in my last 4 years where I felt political pressure. But as an outside observer, I would say that I have never, in my career, seen the politicization of intelligence the way I

saw in the previous administration.

Q Can you give an example of that. You said it before and I did interject, but what you do mean by that of the politicization -- I can never say that word -- of intelligence?

A Yeah. I would say politicization is, I don't want to, like, define it, but when you are making -- when politics and political considerations are -- and partisan considerations are at least appearing -- again, I'm an outside observer, right, are appearing to influence how you react to intelligence and to threats for partisan or political advantage. I definitely witness and been an observer of not only in the events of May and June of 2020 and you contrast that with what we saw on January 6th. That to me -- again, it's interpretation, it's objective, because I have no direct knowledge, but to me, that speaks of politicization. And that is hard to take.

Q Were you aware of an effort by the White House to federalize the MPD during the summer of 2020 protests as a form of response?

A Yes.

Q And what was your reaction to that?

A Once again, using -- well, my response to that was one of shock and complete, just disillusionment with the administration, the Presidential administration, about threatening to federalize a local civilian -- a local police force for what appeared to be illegal reasons. And in my view, a complete overreaction and winnowing away the very notion of self-rule for the District. And fortunately, that never came to pass, but it was certainly a threat that was levied.

Q Did you learn about that attempt from the Mayor or from someone within the White House itself?

A I learned that from the chief of police at the time, Peter Newsham, chief of

MPD.

Q Dr. Rodriguez, thank you very much for your time today. We really appreciate it. This has been incredibly insightful and helpful to the committee.

A Thank you. Thank you.

[redacted] All right. That will be the end of the record. Thank you so much, Doctor. We really appreciate it as [redacted] said, and have the good rest of your day and afternoon.

Dr. Rodriguez. Okay. Thank you, [redacted] Thank you, [redacted]

[redacted] Bye, bye.

[Whereupon, at 1:23 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing _____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

_____

Witness Name

_____

Date