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

INTERVIEW OF: CHRISTOPHER J. TOMNEY

Thursday, April 14, 2022

Washington, D.C.

The interview in the above matter was held via Webex, commencing at 9:00 a.m.

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2 Appearances:

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

7

8 [REDACTED] INVESTIGATIVE COUNSEL

9 [REDACTED] INVESTIGATIVE COUNSEL

10 [REDACTED] PROFESSIONAL STAFF MEMBER

11 [REDACTED], CHIEF CLERK

12 [REDACTED] INVESTIGATIVE COUNSEL

13 [REDACTED], INVESTIGATIVE COUNSEL

14 [REDACTED] INVESTIGATIVE COUNSEL

15 [REDACTED] INVESTIGATIVE COUNSEL

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17 For the DEPARTMENT OF HOMELAND SECURITY:

18 VICTORIA RAPOPORT, ESQ.

19 HILARY LEDWELL, ESQ.

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2

Mr. [REDACTED] This is a transcribed interview of Director Chris Tomney conducted by the House Select Committee to investigate the January 6th attack on the United States Capitol pursuant to House Resolution 503.

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6

Director Tomney, could you please state your full name and spell your last name for the record.

7

8

Mr. Tomney. Sure. My full name is Christopher James Tomney. Last name, it's T-o-m as in Michael, N as in Nancy, e-y. Tomney.

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Mr. [REDACTED] Thank you, sir. In the room here today for the committee, both physically and virtually, are myself, [REDACTED], our researcher, [REDACTED] [REDACTED] all of whom are members of the Select Committee's investigative team and serve as investigative counsel.

13

14

I note on your end you have Hilary Ledwell and Victoria Rapoport. Anyone else on your end of the table, sir, so to speak.

15

16

17

Mr. Tomney. Not that I'm aware of, but let me ask Hilary to verify.

Ms. Ledwell. Hi, this is Hilary. No one else that I'm aware of from our side.

Thanks.

18

19

Mr. [REDACTED] Thank you so much. This will be a staff led interview and members of the committee may of course choose to ask questions.

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Again, my name is [REDACTED] and I'm investigative counsel with the Select Committee. Before we begin, I'd like to describe a few ground rules. While I will lead the questioning for today's interview, there may be additional questions from my other colleagues or from members who may choose to join us today. And if members do join us during the interview, I'll pause, acknowledge them, so everyone knows and is aware that they are in the room.

1           Mr. Tomney, you are permitted to have counsel present, as you do. And counsel  
2 has already identified themselves for the record.

3           There's an official court reporter transcribing the record of this deposition.  
4 Please wait until each question is completed before you begin your response, and we  
5 will try to wait until your response is complete before we ask the next question. The  
6 stenographer cannot record nonverbal responses such as shaking of heads, so it's  
7 important that you answer each question with an audible verbal response.

8           We ask that you provide complete answers based on your best recollection. If  
9 the question is not clear, of course, please ask me for clarification. And if you don't  
10 know or if you don't remember, just please simply say so. I don't want you to speculate  
11 or guess if you don't know.

12           I would also like to remind you that it's unlawful to deliberately provide false  
13 information to Congress. And you and your attorney will have the opportunity to review  
14 the transcript of this interview.

15           So I am done with my end. Victoria, I'll turn it over to you for your part before  
16 we get started in earnest.

17           Ms. Rapoport. Perfect. Good morning, everyone. My name is Victoria  
18 Rapoport and I just wanted to make a quick statement for the record. The department  
19 has made available to the committee, consistent with requests from the chairman,  
20 information and records that the department would not publicly release. This includes  
21 information and records covered under the Privacy Act, personnel and other privacy  
22 information, for official use only, intelligence and law enforcement sensitive records, and  
23 raw intelligence information.

24           While the department has made this information and records available to the  
25 committee, the department continues to assert that such information and records

1 provided to the committee and any discussion of such information or records during  
2 the course of the transcribed interview is not intended for public disclosure.

3 DHS is not waiving any protections and, for the purposes of administrative  
4 efficiency and to promote constructive dialogue during the transcribed interview, is  
5 making this assertion at the outset of the transcribed interview to preserve all assertions  
6 of protection from public release or disclosure over information or records used or  
7 discussed during the transcribed interview. The transcript and any attachments are  
8 protected from further dissemination to the same extent as the documents and  
9 information they are based on.

10 Please consult with the department prior to any public release or disclosure.

11 Thank you. I'll turn it over to Mr. Tomney.

12 Mr. [REDACTED] Thank you, Victoria. I appreciate it so much. Thank you so  
13 much.

14 EXAMINATION

15 BY MR. [REDACTED]

16 Q And again, welcome, Director Tomney. I appreciate your time this  
17 morning.

18 A Thank you.

19 Q So let me first just give you a roadmap of kind of where we're going to go  
20 with the questioning. It's going to be very similar to what we did the last time you and I  
21 spoke informally, so there shouldn't be anything new in terms of what we're going to  
22 cover, but we'll start with your background. We'll talk about the organizations that you  
23 work with and for. We'll talk about the lead-up to January 6 of what you and your  
24 departments were doing. We'll talk about January 6th itself, you know, sort of what you  
25 and your departments were doing on that day.

1           We'll then go backwards in time and talk about the summer of 2020 and sort of  
2 what your role was during that time period. And we may juxtapose sort of what you did  
3 during the summer of 2020 with what happened on January 6th.

4           And then finally, and with just some recommendations from you, sir, if any,  
5 regarding what we, the collective federal government we, along with state and local  
6 partners, can do to prevent something like this from happening again in the future. So  
7 that's sort of the roadmap.

8           Any questions about that before we get started?

9           A    No questions.

10          Q    All right, sir. So let's start with your professional -- personal and  
11 professional background, sir. Tell us about your professional background and sort of  
12 how you got to the position that you're in now.

13          A    Certainly. So I'm a retired Coast Guard rear admiral. I retired in the  
14 summer of 2018. Shortly after I retired, that summer, about two months into  
15 retirement, I got a call out of the blue from the acting deputy secretary at the time,  
16 Ms. Claire Grady. Claire and I had served together in the Coast Guard when she was a  
17 senior executive within the acquisition directorate when I became a new flag officer in  
18 2009.

19          Why she had called me was my last assignment, I was the director of the Joint  
20 Interagency Task Force South under U.S. Southern Command down in Key West, Florida.  
21 It's a task force that's made up of all five branches of the U.S. military with  
22 representatives from U.S. law enforcement, the U.S. intelligence community, the U.S.  
23 R&D community as well as working with 42 different international countries and partners.  
24 But -- and the role of that task force was to coordinate the detection and monitoring of  
25 illicit activity by narco-traffickers in the western hemisphere.

1           Given that I was leading this joint interagency task force, I got to meet then  
2 Secretary Christine Nielson on several visits down to Key West. And after I retired, I was  
3 asked if I would be willing to join the department in a civilian capacity as a senior advisor  
4 to look and make recommendations to the secretary and deputy secretary on how DHS  
5 could work better in a joint collaborative fashion such as what I was doing down in  
6 Florida.

7           I joined the department and came on board starting in October of 2018 as a senior  
8 advisor. The position I currently hold right now, which is the director for the office of  
9 operations coordination, that billet was vacant and before the department hired a new  
10 director for ops coordination, they asked for my insights and recommendations, which is  
11 what I did.

12           The position was then advertised early in 2019. I want to say it was January or  
13 early February. I applied for the position and then ultimately was selected and was  
14 offered and assumed the role that I currently perform right now on August 4th of 2019.  
15 So it was just changing positions from a senior counselor to now the director for ops  
16 coordination. And that's been since August of 2019 to this day.

17           Q    Appreciate that, sir. Tell us a little bit about what your responsibilities are  
18 as the director of ops coordination.

19           A    Sure. So my office consists of four primary directorates. One directorate  
20 is just mission support, so I won't really go into much detail. That just provides all the  
21 support services to my directorate, HR, information technology, budget, that sort of  
22 functions.

23           The three primary directorates, though, that do operational work, the first is  
24 called our Current Operations Division, COD. And within the current operations  
25 divisions, there's three primary sections. The first is the National Operations Center,

1 which is by far the largest. It also goes by the acronym NOC or N-O-C.

2 And what the National Operations does, it acts as the principal operations center  
3 not only for DHS, but for the entire Homeland Security enterprise. And the statutory  
4 language for the NOC is found in Title 6 U.S.C. 321d, which describes the NOC as that  
5 principal federal operations center that provides situational awareness and a common  
6 operational picture and provides information, disseminates information not only on  
7 terrorism-related information, but information related to manmade and other natural  
8 disasters in order for decision-makers within that Homeland Security enterprise to make  
9 informed decisions. So it's really a situational awareness center.

10 The second section within the Current Operations Division on top of the NOC  
11 includes our Special Events Program. Special Events Program also goes by the acronym  
12 SEP or S-E-P. And they work with state and local partners to help coordinate and  
13 facilitate the assignment of federal resources, capabilities, personnel and assets in order  
14 to safely perform a multitude of state and local activities and events around the country.  
15 This past year, there was over 40,000 different events that were submitted to the  
16 department to get what is known as a SEAR rating or a special event assessment rating  
17 known as S-E-A-R, SEAR rating.

18 And then the third primary section within the Current Operations Division is the  
19 secretary's briefing staff. And, as the name entails, it's made up of personnel not only  
20 from my staff, but detailees from other DHS components and they compile information  
21 and provide a daily product to the secretary and the deputy secretary on what's going on  
22 around the department, around the federal government, et cetera, what they need to  
23 know for the day. They also respond to requests for information that may come up  
24 throughout the day in order to meet the needs of the secretary and the deputy secretary.

25 So COD is the second division. The third division is our continuity division. One



1 of my primary collateral duties for the department is I act as the continuity coordinator  
2 for DHS. Within the continuity divisions, we maintain the continuity program for the  
3 department. We work on continuity plans. We work with the front office on the  
4 secretarial successor program, and we make sure we have the various alternate facilities,  
5 capabilities, equipment in order for us as a department to continue our primary mission  
6 essential functions, regardless of what's going on within the department, across the  
7 nation, across the globe, that we're able to maintain our vital services as a department on  
8 behalf of the federal government. So that's the continuity division.

9 The last division within my office is known as the JIAG. And that stands for the  
10 Joint Incident Advisory Group, J-I-A-G. Basically the way I describe the JIAG for others,  
11 it's our initial attempt as a department to create a DHS version of the joint staff which is  
12 found within DoD. It's basically made up of detailees from the other components and  
13 offices within DHS.

14 They sit together as an integrated team to then work on joint projects/products to  
15 provide the secretary, the deputy secretary and other DHS leaders with a joint integrated  
16 look and perspective on whatever issues we may be working on in that given time.

17 So whereas the secretary and the deputy secretary get great advice and counsel  
18 from senior leaders of the various offices, that advice and counsel is very much stove  
19 piped from one agency's point of view and we try to provide that joint perspective on  
20 issues to the front office. Over.

21 Q Appreciate that, sir. Clearly you have a very wide and very deep portfolio.  
22 So as we move forward and we're going to talk, I want you to do a deeper dive into sort  
23 of the things that your department does, but focus on those that are related or had the  
24 most relevance, I guess, for January 6th. But I do want to just tease out a couple of  
25 others before we do that.

1           So you mentioned in the beginning something called mission support. Can you  
2 just give me sort of a thumbnail sketch of what that organization does.

3           A    Yeah. So the mission support division is really the administrative division  
4 that provides the services, the support services to all the other members within the office  
5 for them to do their jobs. So they're not doing operational stuff. They're maintaining  
6 our budget; they're maintaining our IT equipment; they're making sure people are getting  
7 paid; they are maintaining liaison with the Office of Legislative Affairs.

8           So again, it's those support services, which basically any organization needs  
9 those services. You need ITs, you need to get paid, you need a budget. So that's all  
10 the supports -- mission support type stuff which is being done within that division.

11          Q    Copy that, sir. And moving over to the continuity coordinator function, is  
12 another way of sort of summing up what that does, the continuity of government, making  
13 sure government can continue to function if there's a disaster, if there's a terrorist attack  
14 or something like that? Is that what you're talking about when you talk about  
15 continuity?

16          A    Yeah. So continuity really has -- there's two real primary types of  
17 continuity. There's continuity of operations known as COOP and then as you just  
18 alluded to, there's the continuity of government or COG. So, yes, the continuity division  
19 performs both aspects, both COOP as well as COG.

20          Again, COOP is, again, making sure that we're able to continue to perform all the  
21 multitude of operations that our department does, from law enforcement operations to  
22 maritime operations to protective service operations. It's ensuring that operations are  
23 able to continue regardless of the environment that we find ourselves operating in.

24          Whereas continuity of government is to ensure the continued constitutional  
25 framework that our nation has been founded on, making sure that that continuity of

1 government, the three branches of government, et cetera, that that government is able  
2 to continue regardless of whatever internal/external threats our nation may be facing.

3 They sound very similar, and they are. But one is actual operations and one is  
4 the larger framework of maintaining our constitutional framework for the nation.

5 Q Copy that, sir. And staying with continuity for a second, with specific  
6 reference to January 6th, were any of the functions or responsibilities of that portion of  
7 your portfolio implicated at all in either the lead-up or on January 6th itself? I know we  
8 didn't talk about this last time, but I'm just curious to know.

9 A So one of the things we do as a department, so this department has an  
10 alternate operating facility. There's actually many different facilities. Our primary one  
11 that we use is out in Mount Weather. And my office maintains basically a warm cell.

12 We keep a warm status out there where we have personnel that that's their  
13 assigned duty station is out at Mount Weather, to make sure that if we had to, for  
14 whatever reason, you know, go out there, that the equipment is working, all the  
15 terminals are up and running, we have voice, we have video, you know, that we're able  
16 to continue operating from our alternate facility with no loss of mission at all.

17 So again, regarding January 6th, we would have had that same team out there as  
18 well. So again, whether there was anything nefarious or even if we just had like a power  
19 outage or we had equipment failure for whatever reason, we could shift -- and I'm talking  
20 now primarily the watch, which provides that situational awareness -- we could shift the  
21 watch seamlessly out there to Mount Weather to continue providing that situational  
22 awareness of what was going on on the given day.

23 Q Copy that, sir. Appreciate that.

24 So now let's focus on sort of the middle -- what I'll call the middle of your  
25 portfolio. So to bookend by mission support on one end, continuity on the other,

1 sort of that spot in the middle that sort of had the three different components to it,  
2 and I want to just sort of drill down on that a little bit more.

3 A Sure.

4 Q So with respect to that section of your portfolio, and I know you sort of went  
5 through it individually, but generally speaking, what would you say are the primary  
6 functions and responsibilities of that portion of your organization?

7 A Yeah. So again, that division is known as the Current Operations Division or  
8 COD. And again, that's where I would say the bulk of the activity within my staff is  
9 occurring on any given day. And certainly on January 6th and the lead-up of January  
10 6th, that's where the majority of the actual, you know, moving parts are occurring at that  
11 point. And again, with the centerpiece being that National Operations Center or the  
12 NOC.

13 So again, within the NOC, in the days leading up to January 6th, this is where  
14 we are engaging with our interagency partners to make sure that we have good  
15 two-way communications and flows. We are coordinating the assignment of liaison  
16 officers. We don't have any permanent liaison officers either within the NOC or if the  
17 NOC has their own liaisons to other external agencies.

18 The other thing -- and you may ask later on -- is we were setting up a virtual  
19 situation room that we used very effectively on January 6th. And it was basically a tool  
20 that we had been using all the way through that summer of 2020, so in the months  
21 leading up to January 6, as a way to get not only DHS components, but our interagency  
22 components up on a single -- again, we call it a virtual sit room. It's like a virtual chat  
23 room where everyone could log in, it's secured, you needed a password, you -- you know,  
24 just the general public could not access it. But for the sharing and passing and in real  
25 time of law enforcement-related information where folks could ask questions and, as

1 events were unfolding, it could be disseminated broadly, simultaneously to all the  
2 components and agencies that were up in that virtual sit room. And we can talk more  
3 about that based upon any detailed questions you may have.

4 But I'll stop there, Bryan, see what other questions, where you want to drill down  
5 on.

6 Q No, I appreciate that. I definitely want to talk about the virtual situation  
7 room when we sort of get to that part of the story. But I want to sort of tease apart the  
8 COD and the NOC for a second.

9 So from the perspective of explaining to someone who is not familiar with what  
10 operations centers are and what they do and how they're staffed and, you know, what  
11 liaison officers are, can you kind of give us sort of a NOC 101 about those things. Sort  
12 of what's its primary function? How does it work? How is it staffed? You know,  
13 who populates it? Who are partners and liaisons, that sort of thing?

14 A Sure. Yeah, no. Great question. Happy to do that.

15 I think one key point I would lead off with is our National Operations Center  
16 within the department and my role as the director for ops coordination is I have -- and  
17 on the date in question, on January 6th, I had no direct operational tasking authority.

18 So we are in the business of gathering, acquiring and disseminating information  
19 for situational awareness purposes, but we are not a center where I give tasking direction  
20 and have the authority to direct. I'm not like a military unit where I can direct a DHS  
21 component or an interagency partner to do anything. So, I mean, that's something key  
22 to get out there.

23 The way we are structured, we are made up of a combination of DHS employees  
24 who are on my staff as FTE employees of the department who work for -- directly for me.  
25 And we're also staffed up by a number of interagency liaisons who are representatives

1 from other not only federal departments, but we have a number of state and local law  
2 enforcement as well who sit and reside actually on the NOC watch floor as direct  
3 representatives of their components.

4 So they perform two primary functions. One is to disseminate information  
5 that they acquire by sitting on the NOC floor back to their home agency, but at the  
6 same token act as a provider of information, what their home agency may have,  
7 provide that information to us within the NOC.

8 As I mentioned, the statutory language of the NOC in 6 U.S.C. 321 delta, we  
9 disseminated for the entire Homeland Security enterprise. So we're not just a center  
10 solely for passing information to the DHS secretary and component leaderships. We  
11 disseminate and share information with every federal, state, local, territorial, tribal,  
12 private sector, international partner that has a role to play in protecting/preserving  
13 Homeland Security going forward.

14 Our physical layout within the National Operations Center, we have what we term  
15 a high side and a low side. The high side is our top secret SCI SCIF. Our low side is still  
16 a classified space, but it's only classified up to the secret level. On the high side, our  
17 senior most watch stander is what we term the NOC duty director, also goes by the  
18 acronym NDD. The NOC duty director is a GS-15. Senior most watch stander sits on  
19 the high side.

20 The NOC duty director is supported by a senior watch officer, who is also a GS-15,  
21 and that senior watch officer sits on the low side. So we have two GS-15s, NDD on the  
22 high side, and the senior watch officer, also known as the SWO, S-W-O, on the low side.

23 The way I describe their division of labor, seen as on paper they're the same pay  
24 grade, the SWO manages the actual watch itself, so the people who are in the center,  
25 making sure they are doing their individual jobs, making sure that all the processes and

1 procedures are flowing within the center itself.

2 The NOC duty director is the direct representative of the DHS secretary. And  
3 the NOC duty director's primary responsibility is to ensure the dissemination of  
4 information and act as that direct communicator to the secretary, deputy secretary,  
5 chief of staff, White House sit room, any interagency partner. While the SWO can do  
6 that as well, the NOC duty director's kind of that looking upwards and out of the  
7 center while the SWO is looking down and in on the way that people are doing their  
8 jobs.

9 Also within the NOC, we have portions of DHS intel and analysis, I&A. They have  
10 a number of centers. One of the I&A centers is known as CETC, spelled C-E-T-C. That's  
11 the Current and Emerging Threat Center. They're also an around-the-clock watch. And  
12 the CETC watch sits on that high side where the NOC duty director resides.

13 So within feet of each other, we have intel watch standers right next to the ops  
14 watch standers to again help the facilitation of information between the intel and  
15 operations.

16 We have a number of federal agencies within the NOC, everyone from  
17 Department of Defense, Department of Transportation, Department of Veterans Affairs.  
18 We have representatives from the Department of State's diplomatic security service, et  
19 cetera.

20 We also have a number, but not all, a number of DHS component representatives  
21 to include Secret Service has a representative, TSA's TSOC, the Transportation Security  
22 Operations Center, maintains a watch within the NOC. Countering Weapons of Mass  
23 Destruction's office, CWMD, maintains a watch within the NOC. And FPS represents the  
24 management directorate with an FPS liaison within the NOC as well.

25 We have some state and local representatives within the NOC. And again, this is

1 based upon the value proposition that state and locals find in the NOC. So we have  
2 representatives from -- everyone from [REDACTED]  
3 [REDACTED] et cetera. They're all there representing their local  
4 jurisdictions. And when we have issues that either affect that part of the country or  
5 something that may have nationwide interest, they help to facilitate the information  
6 sharing with state and local agencies as well.

7 As far as fusion centers, we rely on DHS I&A, who has a number of DHS intel  
8 officers, IO, assigned to fusion centers around the country. So again, it's through that  
9 cross-coordination between CETC and the NOC that we reach out so we're not double  
10 tapping and we're both reaching out to state and local fusion centers. We rely on I&A  
11 through their intel officers to provide that information.

12 I'll stop there, [REDACTED] see what follow-up questions you may have.

13 Q Appreciate that, sir. Very, very helpful, very exhaustive explanation and I  
14 appreciate it.

15 With respect to the liaison officers or the partners, state and federal, that may  
16 be at the NOC, do you recall if at any time whether the Washington Metropolitan  
17 Police Department or the United States Capitol Police were ever part of the NOC?

18 A Great question. So the answer to MPD is no. For Capitol Police as well as  
19 I'll mention the U.S. Supreme Court Police, they both have assigned representatives to  
20 the NOC.

21 On January 6th itself, Capitol Police LNO was not physically in the NOC, but he  
22 was up on Capitol Hill and he was providing us realtime information from Capitol Hill,  
23 whereas on most days he would be actually in the NOC. But on the day in question,  
24 he was up there on Capitol Hill.

25 I will also say now, where we're at today, post-January 6, the Capitol Police have



1 looked at their manning requirements and they have since pulled back their Capitol Police  
2 LNO. So we currently do not have one assigned today, although we did on the date in  
3 question.

4 Q Copy that, sir. And is LNO the acronym for the liaison officer?

5 A I'm sorry, yes.

6 Q No, that's okay. I knew what it was, but just for purposes of other people  
7 who might be reading the record and not know what an LNO is.

8 So you talked about how primarily what you do is that -- well, you said what you  
9 don't do is you're not an operational director. You don't direct assets, you don't  
10 command action. You corral information, you pull that information in and then you  
11 disseminate it to folks, and I want to sort of talk about that a little bit.

12 Let's start with how do you acquire, how do you get your information that you  
13 bring into the NOC? Talk to us sort of about what that process looks like both on the  
14 low side and on the high side.

15 A Sure. So there's no -- do I still -- okay. There you are. You froze for a  
16 second.

17 So I'll start off by saying there is no one primary way. It's a multitude of ways  
18 that information flows, both being pushed to the NOC as well as the NOC pulling  
19 information to itself.

20 I'll start off first with open source. So one of the ways we get information  
21 provided to us is through open source reporting. The NOC maintains a contract with a  
22 private company to basically monitor both traditional media, news media, as well as  
23 social media that can provide us realtime tipping and queuing when there's issues, again,  
24 in traditional or social media that may have a nexus to Homeland Security.

25 So I think everyone is familiar with the incident that just happened several days

1 ago on the subway up in New York City where there was a shooter on a subway train.  
2 As you can imagine, folks that were directly involved in that instant, they were up on  
3 immediately social media, sending Tweets and sending snap chats and communicating  
4 that something is going on.

5 Oftentimes, many -- a high percentage of the time, the initial indicators that we  
6 get within the National Operations Center that there may be something going on is  
7 through people posting on social media and that's getting picked up. So it kind of  
8 helps -- if you think of it -- helps to skew us into a direction that there may be something  
9 going on that we need to look into further.

10 Oftentimes social media may be traditional law enforcement initial reporting  
11 because law enforcement may be initially responding to a request 911 call. And before  
12 we would even know through official channels, we're getting alert that, hey, there's shots  
13 fired at a high school in a certain part of the country. You know, do we have an active  
14 shooter? Is this -- you know, what's going on? So that is one way, through our  
15 contract with traditional and social media, that we would get information.

16 The second way we would get information I mentioned already is through all  
17 those various liaisons we have assigned to the NOC, through their -- you know, working  
18 back with their parent agencies, just pulling and providing information to us. Or if we  
19 have indicators that there's something going on in a certain part of the country, let's say  
20 in San Diego, whereas we may not have a San Diego police officer within the NOC, we do  
21 have Los Angeles Police, we may ask LAPD's liaison, hey, can you ask, you know, your  
22 colleagues what they may know going on down there in San Diego.

23 What we have found over the years is the best way to get information from law  
24 enforcement agencies is to have fellow law enforcement officers contact fellow law  
25 enforcement officers. Not having a nameless government civilian in Washington, D.C.

1 asking what's going on, but saying I'm so and so with this police agency trying to get some  
2 indication as to what may be going on. So we would get it, again, either pushed to us  
3 from a law enforcement partner or one of our liaisons would pull it for us at our request.

4 We also within the NOC have a few, not many, a few liaison officers that we assign  
5 external from the NOC. The one that we rely on principally is a permanently assigned  
6 billet we have over at FBI. And that is a billet -- so whenever we have a law  
7 enforcement incident, we would be reaching out to our DHS ops, our NOC liaison officer  
8 to the FBI to find out what the FBI/Department of Justice may know about a specific  
9 situation.

10 I mentioned earlier about our relationship with DHS intel and analysis through  
11 their current and emerging threat center. So, again, we might get information through  
12 intelligence channels provided to us through I&A. I&A may get their information  
13 through their relationships with all the state and local fusion centers, through the intel  
14 officers. And we have also a relationship with the government of Canada and their  
15 National Operations Center, their national center, so to exchange information with our  
16 partners to the north, we may get it that way as well.

17 One procedural thing we do within the National Operations Center is every time  
18 the watch changes over -- and our watch schedule is we have our watch team stand  
19 eight-hour watches Monday through Friday and then 12-hour watches on Saturdays,  
20 Sundays and federal holidays. So every time the watch changes out, whether it's every  
21 eight hours or every 12 hours, one of the things they do at the start of the watch is they  
22 do what's called a blast call.

23 And what a blast call is, is they get up all the federal operations centers, all the  
24 DHS operations centers at the start of the watch saying we've just changed over the  
25 watch here in the NOC, here's what the NOC is currently monitoring for events and the

1 current status, and then they poll and see if any other department or agency has any  
2 other additional information that they would like to provide to the NOC and the  
3 broader group that the NOC may not already have awareness of.

4 And then I think the last way -- and again, certainly not the -- let me take that  
5 back. It may not be the last way, but one of the other primary ways, the virtual situation  
6 room -- I won't go into detail now because I know you're probably going to have  
7 questions later -- but the virtual situation room is a way to get realtime information.

8 And then I will just end by saying a term of art that I used when I headed up  
9 Coast Guard intelligence where we had a term of art back then was every Coastie is a  
10 collector, is -- every member of the Homeland Security enterprise has eyes, has ears.  
11 We know the DHS phrase, if you see something, say something.

12 So again, we may get information just from our daily interactions with others both  
13 inside the department as well as outside the department. It could be as simple as  
14 talking with a military aide to the secretary or the deputy secretary to know that they're  
15 going to a meeting or that something came up in a VTC or private discussion that, you  
16 know, hey, can the NOC look into something because the secretary heard during a  
17 telephone call with an individual that something may be happening.

18 So multitude of ways that we may get information to us. But I'll stop there,  
19 Bryan.

20 Q Copy that, sir. I appreciate it.

21 With respect to DHS I&A, you mentioned that they have an intel watch that  
22 also sits in the NOC. Is that function the NOC's primary interface with the intelligence  
23 community, with the IC? Is that how it gets its high side or some of its high side  
24 information?

25 A Yes. So we rely on I&A to be that direct interface with the intel community.

1 So we would not independently and knowingly go around I&A. We would rely on I&A to  
2 be that front door from DHS to the broader IC and then rely on I&A to make sure we're  
3 aware of any intelligence.

4 Q Copy that, sir. So you've done a really good job of explaining the multitude  
5 of ways that DHS ops and NOC in particular ingest information. Let's talk about how it  
6 disseminates that information.

7 Sort of the primary ways it does it, who are the primary clients, whether they  
8 be internal to DHS such as DHS senior leadership and/or other federal partners, state  
9 and local. Sort of walk us through what the dissemination of information looks like.

10 A Sure. And again, kind of like the ingest, there's a multitude of ways that we  
11 disseminate information as well. So in no particular order, within the department, the  
12 NOC maintains secretarial information requirements, which are a list of key issues and  
13 events that, should we get indications that these triggers are being met, these are issues  
14 that the secretary and his staff would like to be immediately notified for. That's  
15 something that every leader, every secretary, you know, tweaks based upon what their  
16 threshold for awareness is.

17 So one of the ways we would disseminate is if we get an event that triggers  
18 secretarial information requirements, it would either be a direct call directly to the  
19 secretary. More likely than not, before we go directly to the secretary or directly to the  
20 deputy secretary, the NOC duty director would first reach out to their chief of staff saying  
21 this is what we have. We believe the secretary needs or the deputy secretary needs to  
22 be notified. Do you want to do it as their chief of staff or do you desire us to do it.  
23 And that would be something that would be worked in real time.

24 If, given the sensitivity of the information, the gravity of the situation, the  
25 timeliness of the situation, should the NOC not be able to reach either of their chiefs of

1 staff, they have been given the green light to go directly to the principal when time is of  
2 the essence. So that's one way.

3 Another way that our senior leaders get it is through that production of that  
4 secretary's daily brief, which I mentioned one of the three parts of that Current  
5 Operations Division is the secretary's briefing staff. So they prepare a written daily  
6 product, they work with all the DHS components, compile operational information and  
7 provides a daily written product that not only goes to the secretary and the deputy  
8 secretary, but it goes to the top leadership throughout the department and all the  
9 components and staff. So that's another way that information is disseminated  
10 internally.

11 A third way it's disseminated internally is through NOC notes and NOC awareness  
12 reports. Very similar, but they go to different audiences. What a NOC note is and NOC  
13 watch updates are basically tactical, very short, concise situation reports, sitreps as we  
14 call them, to senior leaders across the department when we get indications that an event  
15 affecting the homeland is unfolding.

16 We try -- it's our own internal procedures within ops -- we try to get out a NOC  
17 note within 30 minutes of initial notification of an event. We get alerted through  
18 whatever that means I've talked about earlier, whether it's a social media hit that  
19 there may be shots being fired at a high school, we'll within 30 minutes try to verify,  
20 try to get additional informations, but, within 30 minutes, get out initial notification.

21 And then given the severity of the incident, whether or not the incident is  
22 occurring, whether or not it is growing in intensity, et cetera, we would be providing  
23 updates to that on an ad hoc basis as the information warrants providing updates.  
24 Those NOC notes and NOC watch updates are internal to DHS.

25 When the event rises to equities beyond just DHS, we then would send out a NOC

1 awareness report. And those NOC awareness reports goes to the entire Homeland  
2 Security enterprise. And we caveat it at the beginning of those NOC awareness reports  
3 that much of the information may be similar to what was previously reported in a NOC  
4 note, because, again, the NOC note only went to DHS leadership. The NOC awareness  
5 report, because we're opening up the aperture to others, a lot of it may seem repetitive  
6 to the initial DHS recipients of the initial NOC notes going forward.

7 Generally, the way in practice it works out, almost exclusively we start off with a  
8 NOC note because we don't know how big -- unless obviously it's something major like a  
9 911 style attack where obviously it's something broad like that. But mostly we start off  
10 with the internal report and then broaden out as the situation becomes clearer, more  
11 into focus as we get additional information.

12 We also have, just like we have secretarial intelligence requirements, we also have  
13 Presidential critical information requirements known as PCIRs. So -- and it's not just  
14 with us. Within DHS, all federal departments and agencies have Presidential CIRs.  
15 They're the same.

16 Basically like what the secretarial information requirements are, it's those  
17 events that warrant the attention of the White House through the White House  
18 situation room, as we've known it, W-H-S-R or WHSR as we call the acronym.

19 So again, when we're working an event that may warrant notification within the  
20 department, it may also trigger a Presidential critical information requirement that  
21 requires a written notification over to WHSR as well. So that's another way we  
22 disseminate.

23 We disseminate very informally through that network of liaison officers that I've  
24 already talked about as well. One of the things I have not talked about yet during this  
25 session is our OPSDEPs forum. It stands for operations deputies forum. It was a forum

1 that we had in place at the time of January 6. It was a forum that we had in place for  
2 over two years where we had the senior operators from all DHS components and offices  
3 would get together on a weekly basis to share and disseminate for situational awareness  
4 operational matters that was impacting the department. We would meet every Tuesday  
5 for an hour, and at the end of each hourly meeting, we would devote a period of time  
6 where I would poll the representatives to see if they had any information they would like  
7 to share with other DHS elements that were at the meeting.

8 And then the virtual sit room, again, another tool to disseminate information.  
9 One of the other ways we disseminate to state and local partners I have not talked about  
10 is HSIN, the Homeland Security Information Network. We have a HSIN desk within the  
11 NOC. HSIN stands for H-S-I-N, the Homeland Security Information Network. But it's a  
12 way to disseminate Homeland Security information to state and local partners where  
13 state and local agencies can request from DHS a password and a username and it's a way  
14 for us to disseminate information across the vast network of state and local partners  
15 around the country.

16 So I'll stop there, [REDACTED] see what else you may have on that.

17 Q Copy that, sir. Appreciate it.

18 Are fusion centers included in the audience of folks that you may share  
19 information to such as the NOC awareness reports that you mentioned?

20 A Yes. NOC awareness reports, I'm hesitating. Not completely sure on that.  
21 They would be getting information disseminated certainly through the Homeland Security  
22 Information Network, HSIN, and then they would be getting information directly from  
23 their assigned DHS intel officers, again, assuming that the CETC watch has asked those IOs  
24 to disseminate it.

25 As far as the NOC awareness reports, I would have to ask my staff. I'm not sure



1 at this moment in time.

2 Q Copy that, sir. I was just using that as an example. I was really just trying  
3 to get at whether or not you generally share information with fusion centers and it  
4 sounds like you do.

5 Understanding that DHS I&A is essentially your intel partner in the NOC and  
6 drawing on your intelligence integration and information sharing background both from  
7 JIATF South and in standing up the JIAG in the department itself, talk to me about what  
8 your relationship is like with DHS I&A, how does it work, is it --

9 A [REDACTED] can you repeat? The bandwidth is breaking up, so I didn't catch  
10 that.

11 Q Copy that, sir. I'm happy to.

12 So again, referencing back to your experience both in JIATF South and standing  
13 up to JIAG and intelligence integration and information sharing, understanding that  
14 DHS I&A is your intel partner in the NOC, talk to us about what that relationship is like.  
15 How does it work? How do you think it's working? Is it good? Is it bad? Is it  
16 better? Just sort of generally give us a sense about what the relationship is like  
17 between I&A and providing the intel piece to the NOC.

18 A Yeah. So I would say the relationship today is good. I will also say that  
19 the relationship is very much personality driven and personality dependent. I would not  
20 say it's necessarily solidified through processes and procedures. I have seen it worked  
21 better.

22 For example, during my tenure down at the Joint Interagency Task Force South  
23 where intel and operations were fully integrated, here we are peers and we share and  
24 exchange information, but it's based upon relationships more than it's solidified in  
25 procedures.

1           And what I mean by that is I&A's watch works directly for I&A's leadership.  
2           They're colocated. We work together. But, for example, the NOC duty director can  
3           task and assign other NOC watch standers to do stuff. He can ask and direct the SWO,  
4           the senior watch officer, to take certain actions, et cetera. What the NOC duty director  
5           can do with CETC is make requests, is can ask permission.

6           The other thing is -- and again, having at one point in time in my career, having  
7           grown up in the Coast Guard intelligence field and knowing, again, the type of work that  
8           they do, and I understand about protecting sources and methods, I understand about the  
9           needs to know, et cetera.

10           So procedurally, a lot of what CETC does has to go back to I&A's front office and  
11           I&A's leadership to really get permission and guidance for sharing and disseminating  
12           information. And oftentimes information is passed to the NOC only after permission  
13           is being granted from a senior within I&A.

14           Another challenge that I face at my level is oftentimes I&A's leadership is  
15           providing information directly to departmental's leadership and I'm not aware of it. So  
16           whereas I'm trying to consolidate, whereas I'm trying to integrate information, I can't  
17           necessarily integrate information that I don't have direct knowledge and awareness of.

18           Why I thought it worked better during my time in uniform in south Florida was  
19           down there, it was purely a single watch center made up of both intel and ops watch  
20           standers. Those intel watch standers reported directly to my command duty officer.  
21           And that command duty officer represented me and the entire command, not just  
22           represented the ops side of the command but represented the entire command.

23           The role of my intel staff was to provide administrative oversight to those intel  
24           watch standers, make sure they were appropriately trained, make sure they followed  
25           appropriate intel oversight restrictions, et cetera. But when they were performing

1 the watch, those intel watch officers reported directly to that duty officer. It's not  
2 the case and has not been the case here at DHS. That CETC watch reports not to me  
3 and not to the NOC duty director. They report directly to I&A.

4 I think, again, jumping the gun here to the end of this interview and  
5 recommendations, that's one of the things I think could be improved upon in the  
6 department, but, again, it's not what we currently enjoy today.

7 Q Copy that, sir. I appreciate that.

8 What I'd like to do is, before we move on to the next section of our interview,  
9 which is going to be the lead-up to January 6, I want to pause and ask if any of my  
10 colleagues have any questions for Director Tomney about anything that we've  
11 discussed so far before we change topics.

12 Mr. [REDACTED] Okay. [REDACTED] Director Tomney, this is my colleague [REDACTED]

13 [REDACTED] He may have a couple of questions for you. Stand by.

14 Mr. Tomney. Hi, [REDACTED]

15 BY MR. [REDACTED]

16 Q Hi, Director Tomney. How are you?

17 A Good.

18 Q I wanted to ask -- drill down on a couple of issues that you brought up  
19 regarding I&A, CETC and the NOC. We've heard that perhaps there is some overlap or  
20 duplicativeness between I&A -- between CETC's social media collection, its open source  
21 collection, and that which happened at the NOC and other places in DHS.

22 How would you characterize that? Is there a duplicativeness or duplication or  
23 do the parts kind of work together seamlessly?

24 A So I will caveat by saying I'm not 100 percent certain of the procedures that  
25 I&A's open source collectors follow. I'm aware of their role that they perform, but I'm

1 not, you know, precisely clear on procedurally.

2 But I would say that there is likely some overlap, but I will also say that I&A's  
3 open source collectors perform some services that definitely are unique -- and I hate  
4 that word -- but are unique that we just don't do on the ops side of the house. And  
5 what specifically -- so first of all, what we do from an open source collector within ops  
6 is, as I mentioned earlier, we're just, you know, have our antennas -- and I use that  
7 term, you know, not figuratively -- I mean, figuratively, not literally. We're just  
8 listening to the airwaves and, you know, listening to and trying to collect if someone is  
9 Tweeting out, hey, there's shooting going on in Times Square, to alert us to something.

10 CETC and their open source collectors may have that capability. I don't know.  
11 But what we do not do and what CETC does do is when there is an incident -- and let's  
12 say, Jerry, you are now a person of interest to law enforcement for whatever reason and  
13 maybe you were arrested for something and we now want to know what is your social  
14 media presence out there in cyberspace. This would be something that we do not do  
15 within ops because now we're into an area that is beyond just situation awareness.  
16 Something has occurred. There's now a person that is of interest either for intelligence  
17 purposes, law enforcement purposes whatsoever.

18 So my understanding now, which, again, may not be 100 percent accurate, my  
19 understanding is that's where I&A's open source collectors is looking at -- they're not  
20 drilling down into firewalled and protected websites, but anything that Jerry may have  
21 put out there that the general public has access to, they would be looking at your  
22 social media profile for law enforcement and intelligence value. I don't know if that  
23 helps, [REDACTED]

24 Q It does. And I'm grateful for that. Thank you very much for that  
25 explanation, Director Tomney.

1           Is it possible for you to very broadly describe the content of the secretary's  
2 daily brief? Not the intelligence-sensitive information that's in there, but kind of  
3 what gets to the secretary, what's handled by the NOC, kind of like what sorts of  
4 information, what chunks of information and how that may shift and change over time  
5 depending on the secretary.

6           A    Yeah. So, again, to your last point there, yeah, it changes based upon the  
7 secretary's, you know, interest and guidance.

8           So the secretary's briefing staff will be working daily with each of the other  
9 operational components and staffs to kind of either pull information based upon a  
10 request either from the secretary, the deputy secretary or one of their senior advisors,  
11 to pull the answers to, you know, requests for information, what we term RFIs. So  
12 pulling that information, putting it into a future secretary's daily brief, as well as  
13 operational reporting over the last 24 hours.

14           So generally speaking, this is broadly speaking, the beginning of the brief will be  
15 any sort of overnight developments over the last 24 hours of major operational issues of  
16 the department, a major drug seizure, a major, you know, migrant interdiction, a  
17 pollution case, you know, that sort of stuff. And again, at that senior executive level,  
18 just the facts -- if you remember Joe Friday -- just the facts, you know, just the key bullets  
19 of what went on.

20           It's also an opportunity for our components to highlight successes. So, again, we  
21 would also be including in the brief the results of any sort of, let's say if there was a  
22 criminal investigation, whether Secret Service or HSI, you know, was doing an  
23 investigation that led to an arrest or a seizure or a takedown of an organization, we'd be  
24 putting in the highlights of that as well.

25           One of the things some secretaries like in their daily briefs from an aviation

1 standpoint is the wait times at the TSA checkpoints around the country. We often put in  
2 the national weather forecast and a national weather map. Because, again, things like  
3 wildfires, things like tornados, et cetera, we'll put in the weather maps and the weather  
4 forecast around the nation.

5 So, again, it's normally success stories, significant operational events from the  
6 last 24 hours, you know, airports, weather, those types of things would be in the brief.

7 Q Thank you. When it comes to I&A's intelligence or information that they  
8 may want to share with the secretary and the staff, the senior staff, does it go through  
9 the secretary's daily brief? Is this your opportunity to see I&A's intelligence? I know  
10 you had said that sometimes I&A or often I&A sends intelligence directly to the secretary  
11 and you don't get eyes on it. Is this your one opportunity or one of the few would you  
12 characterized?

13 A So I would say it's ad hoc. It's no -- it's a friction point whereas at times  
14 some I&A products will go through the secretary's briefing staff and be in the daily book.  
15 Other times it would go direct from I&A directly to the secretary, the deputy secretary  
16 and bypass the secretary's briefing staff.

17 I think it all is based upon either the sensitivity of the information, how broadly  
18 it's disseminated, does I&A want the secretary's briefing staff to even know about  
19 something very sensitive, you know, if they're dealing with a known or suspected  
20 terrorist or something like that. So sometimes it does, sometimes it doesn't. It's  
21 not definitive one way or the other, unfortunately.

22 Q And one final question and then I will happily let you go. And [REDACTED] thank  
23 you for the opportunity to ask questions. And thanks again, Director Tomney, for your  
24 responses.

25 Is the secretary's daily brief the primary way the secretary gets intelligence and

1 operational information on a daily basis or are there other briefs, a routinized brief?

2 I know that there's a Presidential daily brief, but within the department, is this -- at  
3 least within the last administration, the last several years, was this the primary way?

4 A So it's the primary way to get the basic foundational information of the day.  
5 And then it would be, again, updated throughout the day and evening through those NOC  
6 notes as other time-sensitive events would happen throughout the day.

7 But yeah. So it's more of the -- what I would term the issues that we have the  
8 luxury of time, that it doesn't need to go like at 10 o'clock at night. It's stuff that can  
9 wait to get published into a finished product that he or she could read the next  
10 morning as part of the start of their workday, you know, to complement, to your point,  
11 like the Presidential daily brief that they get.

12 Mr. ██████████ Once again, thank you, Director Tomney. And thank you, ██████████

13 Mr. Tomney. Thanks, ██████████

14 Mr. ██████████ Thank you, ██████████, Appreciate it.

15 BY MR. ██████████

16 Q So Director Tomney, we've been going for about 65 minutes or so. I think  
17 we probably have another hour, maybe hour and a half together. Did you want to take  
18 a break, sir, before we press forward, for 5 or 10 minutes, or do you want to press? It's  
19 totally up to you.

20 A I am good, but if others need to take a comfort break, I'm happy to pause, so  
21 I'll defer to you. But I'm personally -- I'm fine to continue. So --

22 Q Copy that, sir. So am I. So we'll just press -- and if at any point you want  
23 to take a break, just let me know and we can always pause and take five, okay?

24 A All right. Thank you.

25 Q So now let's segue over into the lead-up of January 6th. And I want to start

1 with -- what we'll use as a segue is a couple of times in the first part of our conversation,  
2 you talked about this virtual situational room. And I'm wondering if you could tell us in  
3 a little more detail what that is, sort of what its origins were and sort of what role was it  
4 designed to serve with respect to January 6th itself.

5 A Sure. So the virtual situation room has been around for a couple of years.  
6 It was not designed or utilized exclusively for January 6th. It had been used quite  
7 extensively prior to that.

8 For those of you old enough here on this interview who can remember the old  
9 America Online AOL chat rooms, it's kind of a modern day version of that. It is a  
10 software solution where individuals can log in, kind of like what we're on right now  
11 with Webex, where you can look at all the participants on this call that we're on today.  
12 Our virtual situation room has the same capabilities, so you can see who is all in the sit  
13 room.

14 Kind of like Webex here, it has a chat feature, so you could post questions, you  
15 could post information within the virtual situation room. It allows us to hang  
16 attachments. So if we had documents, if we had reports, if we had images or pictures,  
17 charts, we could hang those in the virtual situation room.

18 It had video and audio like we're using right now. So very much similar to Cisco  
19 Webex, very much similar to Microsoft Teams that many of us are familiar with. But it  
20 was a closed -- meaning it's not open to the general public -- a closed law enforcement  
21 community where we would activate it, we would act as the host or the monitors for that  
22 virtual situation room, allowing folks to enter the situation room, again, if they had a valid  
23 need to be there because we are passing law enforcement related information. And it's  
24 a way to basically baseline, flatten out the information flow and then when information  
25 was happening, to get it to everyone at the exact same time.



1           So you're not playing the phone game, let's call everyone up, you're not sending  
2 out an email or a report hoping someone opens it up in their inbox or you hope it's not  
3 sitting in someone's inbox for hours. It gets everyone out there, you know, at the exact  
4 same time.

5           So that's what the virtual situation room is. We used it quite extensively during  
6 the summer of 2020 for civil unrest, in the lead-up to January 6. And in the lead-up to  
7 other types of planned major events where we were going to leverage that virtual  
8 situation room, we would again make -- how should I describe it? We would advertise  
9 that we were going to be activating the virtual situation room so folks would know that  
10 would be a tool that they would be able to leverage.

11           We would be, again, announcing it at our blast calls whenever the watches would  
12 change out, alerting everyone that the virtual situation room is available. Our liaison  
13 officers, we would say, hey, make sure your agencies know the virtual situation room.  
14 You know, informal discussions, you know, at my level and my peers' level. So trying to  
15 get the word out that that's a tool, not the only tool, but a tool that folks could use to,  
16 again, have situational awareness. So I don't know if that leads to other questions on  
17 that.

18           Q    No, that's very good, sir. And again, I think it's a good segue into  
19 January -- the lead-up to January 6 before we talk about the 6th itself.

20           Now understanding sort of how that component works and given all the  
21 background you've given us about how ops gets information, how it disseminates  
22 information, to the best of your recollection, when did what I'll call the specter of  
23 January 6th start to pop up on your radar? When did you as the director of ops start  
24 to get information that something might be brewing in or around either the Electoral  
25 College vote count and/or the inauguration?

1           A    I would say probably -- I can't give you a precise date, but as memory serves  
2 me, it would be mid to late December is when things -- that we knew that there was  
3 going to be large crowds. Law enforcement was starting to see in social media a  
4 number of various groups calling for protests. Law enforcement, like the Park Police,  
5 were starting to get applications for various permits in the city. So I would say starting  
6 mid to approaching the Christmastime frame of December of 2020, that's when, again,  
7 we started to know that things were starting to heat up.

8           I can tell you, though, initially, January 6th wasn't initially a date. It started first  
9 looking at the inauguration. And then, again, as we were getting into late December, as  
10 we start seeing what was going on at the state level down in the Georgia area, as law  
11 enforcement started seeing more and more mention of January 6, it was about late  
12 December, you know, between Christmas, maybe New Year's, that time frame that, yeah,  
13 January 6 started becoming more clear as a significant date for law enforcement.

14          Q    Copy that, sir. And you mentioned that it started out with what sounds like  
15 open source information in part being provided by what I think I understand to be sort of  
16 state and local law enforcement partners.

17          Were you getting any other information from, let's say, federal partners, from  
18 Capitol Police or DoD or DOJ, FBI, any of those, or even anywhere else within the DHS  
19 enterprise about sort of percolating about, you know, this buildup to what would  
20 eventually be January 6th?

21          A    Yes. So again, I mentioned previously about our weekly operations  
22 deputies forum. So again, this would be where we would be getting indications of what  
23 is on the radar of our various components.

24          So it's not just INA that has a social media collection capability. It's not just  
25 within ops and my commercial contract company. Our other law enforcement

1 agencies also, for their own law enforcement purposes and under their own  
2 authorities, have capabilities as well; agencies like the Secret Service, agencies like the  
3 Federal Protective Service as well.

4 So, again, not any one area, but, you know, through all these mechanisms, we  
5 were starting to get indications that, you know, around January 6, things were going to  
6 be -- there was a lot of interest that started, you know, coming together in that late  
7 December time frame.

8 At my level, I don't recall any direct engagements with interagency partners until  
9 we got to the point -- and I know we're going to get there, so I won't go into the  
10 details -- until we get to the point of those two calls at the cabinet level. That was really  
11 where we started getting directly into the interagency, you know, passing/sharing of  
12 information.

13 Q Copy that, sir. So if I understand you, it sounds like prior to the calls on  
14 January 3rd and 4th, the cabinet level calls, it sounds like DHS ops is getting info, sort of  
15 assessing it, but it sounds like it hasn't started to push any of that information either out  
16 or up. Is that correct or is that fair?

17 A Push out or up. Yeah, I don't think there was really anything that we had  
18 yet to push out or up other than, yeah, there was a lot of interest surrounding it, but we  
19 didn't have anything tangible yet to pass, correct.

20 Q Copy that, sir. And again, before we jump to the two cabinet level  
21 calls -- and I know that you've mentioned that you also held your ops deputies forum.

22 Prior to the 3rd, to January 3rd, were there any DHS internal calls such as the  
23 ops deputies' call or any other interagency calls where sort of the lead-up to January 6  
24 was being discussed, putting aside the cabinet level discussion on the 3rd and the 4th?

25 A Yeah. Nothing that comes to memory right now prior to that Sunday,

1 January 3rd first cabinet level call. Nothing to -- as you just described it, nothing formal  
2 like that had occurred that I recall.

3 Q Copy that, sir. So let's start -- let's jump to January 3rd, then. Talk to me  
4 about sort of how is it that you became to be involved in that cabinet level call on that  
5 Sunday.

6 A Yeah. So that Sunday morning, I was at home. I live down in ██████████  
7 ██████████ so I was at home. And I got word earlier that morning that the secretary was  
8 invited to a cabinet level call that was being convened that afternoon at 1 o'clock by the  
9 acting Secretary of Defense to talk about the planning for the federal interagency  
10 coordination and planning for security for the events on January 6th. And I was asked if  
11 I was available, if I could be a plus one to back bench the secretary on that call.

12 I said obviously if the secretary wants me, I can certainly, you know, be on that  
13 call. And so I got a calendar invite from the secretary scheduler that morning. Once I  
14 got wind of that, my first thing is I carry a secured mobile telephone. I went and  
15 attempted to do a secure call, but where I live, I get spotty reception, so the secure call,  
16 test call didn't go very well. So I decided I was going to just drive into the city to be  
17 there for the call at 1 o'clock and take it down there in the National Operations Center  
18 where, again, in case there was any sort of hiccups, I had the watch team there that could  
19 assist me in the call and managing the call.

20 After that, I reached out to my staff, through my deputy chief of staff for  
21 operations ██████████ and I asked ██████████ to let's schedule a no notice operations  
22 deputies call. We would call them snap OPSDEPs because we would have the routine  
23 regular Tuesday morning weekly forums. But whenever we had to call an add hoc  
24 meeting or a no notice meeting, we just called them snap OPSDEPs.

25 So I asked ██████████ I said, let's do a snap OPSDEPs for 9 o'clock Sunday morning.

1 Let's get together our law enforcement components, INA, the Office of General Counsel,  
2 to talk about where do we stand as a department in our planning for January 6th and  
3 then let's prepare a one-pager -- and I use the term "one-pager." It's not always one  
4 page, but we try to keep it to a page -- let's prepare a one-page pager of talking points  
5 that we could give to the secretary prior to the 1 o'clock call so he could talk from an  
6 informed position about all the preparatory work that we were doing within the  
7 department.

8 So we did that snap OPSDEPs call at 9 o'clock Sunday morning after which the  
9 watch then prepared that one-pager, which basically summarized what each one of our  
10 law enforcement components either knew about January 6th or what was going to be  
11 their force posture on the day of January 6th and how we were going to be postured.  
12 And so that was what occurred Sunday morning. I drove into the city and then I took  
13 the call from the operations center.

14 So I won't go further. Let you ask additional questions unless you want me to  
15 continue into the call.

16 Q No, no, I appreciate it, sir. Thank you.

17 So the one-pager that you provided from the snap OPSDEPs call -- and you may  
18 have said this and I may have just missed it -- to whom did you provide that one-pager  
19 to? Is that something that went to AS1 or AS2 or was that something that was  
20 disseminated just amongst the deputies? I'm just curious sort of where that  
21 ultimately went.

22 A Yeah. That went obviously to -- because AS1 was the customer of it  
23 because we wanted him to be informed for the call. And then what our general  
24 procedures are is those one-pagers, we would then disseminate it back out to the  
25 OPSDEPs so they have awareness as well of this is what we sent to the secretary. So

1 everyone has that consolidated. So it would go much broader than just that.

2 Personally what I did as well, and this goes back to that summer of 2020, one of  
3 the things we haven't talked about is AS1 Wolf appointed me as his direct liaison with the  
4 Department of Justice for making sure we had transparency in the dissemination of  
5 information.

6 And since the summer of 2020, I was regularly keeping the DOJ point of  
7 contact, an individual by the name of Mr. David Burns from the criminal investigations  
8 division of DOJ as well as the FBI's deputy director, David Bowdich, I kept them  
9 informed, whenever we would send out reports to the secretary on overnight  
10 developments of civil unrest or as we were developing products on our force posture  
11 for significant events that occurred during 2020 like, you know, July 4th, like Labor Day  
12 weekend, like, you know, election day in November, making sure that DOJ and the FBI  
13 knew our posture and in turn they would keep me informed about what they knew  
14 from a DOJ or an FBI standpoint.

15 So I would have to go back through my notes, but I'm fairly confident that I would  
16 have sent that same one-pager to both Davids at DOJ and FBI so they knew, hey, your  
17 principal will be on the call most likely with my principal. Here's what my principal  
18 knows is our force posture going into the call.

19 Q Copy that, sir. Appreciate it.

20 So let's talk about the January 3rd call and start with who do you recall, what  
21 agencies were represented on the call?

22 A The call was, again, convened at the request of the acting Secretary of  
23 Defense. There was a number of senior Department of Defense officials on the call to  
24 include, as I recall, the Deputy Secretary of Defense, the Chairman of the Joint Chiefs of  
25 Staff, the Secretary of the Army. Those were the principals. There may have been -- I

1 don't recall now -- there may have been a senior official from the National Guard Bureau  
2 as well on the call. There may have even been the head of the D.C. National Guard,  
3 General Walker. Again, I'm not confident on that.

4 The ones I recall speaking on the call were the acting Secretary of Defense, the  
5 Secretary of the Army and the Chairman of the Joint Chiefs of Staff. I recall specifically  
6 those three speaking during the call, but I think there were other senior DoD officials.

7 Additionally to that, the acting attorney general was on the call, AG Rosen at the  
8 time. The Secretary of Interior was there. Oh, going back to the acting attorney  
9 general, he had with him the deputy director of the FBI, David Bowdich, who was on the  
10 call. Who else? FBI, DOJ, DoD. So obviously Secretary Wolf was invited. He did not  
11 initially start the call because he was getting ready to take off from Andrews and so he  
12 joined the call midway through the discussion.

13 I would have to look at my meeting notes. There may have been a couple of  
14 others. If I'm forgetting one and you want to ask me was so and so there, I could tell  
15 you, but there may have been a few others that I'm just overlooking right now.

16 Q Copy that, sir. No, I appreciate that.

17 What do you recall was generally discussed and sort of what were the  
18 outcomes of the January 3rd meeting?

19 A So the whole purpose, as I recall in the opening comments by the Secretary  
20 of Defense behind this call, was that the Defense Department was asked to provide  
21 soldiers to help in the security on January 6, and the secretary was looking for getting a  
22 general consensus on what was the interagency's understanding of what was going to  
23 occur on January 6 and what were other departments in the AGC's posture going to be.  
24 Because he as the Secretary of Defense didn't really have a good understanding of what  
25 everyone else was doing and really wanted to just kind of baseline to have a discussion to

1 understand what others were doing on January 6.

2 And I think he, as I recall, started with the Secretary of the Army to describe the  
3 request that the Secretary of the Army had for sending National Guard to support the  
4 District, and the Secretary of the Army had not yet made a decision whether or not to  
5 provide the requested soldiers that were asked of by the city.

6 And then he went to the Chairman of the Joint Chiefs of Staff, General Milley.  
7 And generally speaking, General Milley was very reluctant to put the U.S. military in a  
8 position of policing U.S. citizens based upon our historical roots as a nation and using the  
9 military against our own people. So he was very adamant and very skittish as to the  
10 chairman about getting uniformed folks involved in the security for January 6.

11 And after that, it was just kind of around the roster, the folks on the call, about  
12 what each agency or department knew about January 6, how big a crowd was expected,  
13 what was people's understanding of expected level of violence and how are folks  
14 posturing their own departments and agencies.

15 I recall that there was a swag, as I would put it, a widely disparate view about the  
16 crowd size, but I think most folks on the call expected it was going to be a large crowd.  
17 Numbers that I recall being thrown about on that call, anywheres from about 25 to  
18 30,000 or more could be expected. And I remember someone -- don't ask me who, I  
19 can't remember now -- commented that while that is a large number, D.C. has seen much  
20 larger crowds over the years than that. And I think there was broad  
21 discussion/acknowledgment that folks were calling for bringing weapons into the city on  
22 that day, so there was no surprise, there was no -- you know, no one disagreed that there  
23 was going to be the high likelihood that there could be some violence on January 6.

24 That was kind of the flow of the call. Everyone spoke from their point of view  
25 what they knew, what they didn't know, how they were going to be postured.



1           The call kind of ended with, one, whether or not folks thought there should be a  
2 follow-up call on Monday, and no one really pushed back. No one really had a strong  
3 opinion one way or the other. And I think because there was kind of a general lack of  
4 silence, Secretary of Defense said, well, let's go ahead and do a second call tomorrow to  
5 see, you know, if anything has really changed or if we get any additional clarity and  
6 it -- you know, tomorrow's call doesn't have to be as long or as exhaustive as this call that  
7 we're just now finishing. If anyone just has any updates, we can make it shorter.

8           The only thing that was kind of left as a, as I would term it, a hanging chad on that  
9 call was who was going to be the lead federal coordinator for the federal government on  
10 the 6th. That the Secretary of Defense felt like it shouldn't be the Department of  
11 Defense, but he just called the meeting because no one else had called the meeting and  
12 he just generally wanted to know what everyone was doing going on, but that someone  
13 should be coordinating and it shouldn't be the Department of Defense. So that was kind  
14 of left as an opened, unanswered question that was kind of touched upon during the call.  
15 And there was some hope that there would be some greater clarity on the next day's call  
16 to that question. So that's kind of how the call kind of concluded.

17           Secretary Wolf, just to conclude from a DHS perspective, he ultimately joined the  
18 call, but only after I had been -- or DHS had been polled and then I spoke up on the  
19 secretary's behalf, basically summarized that one-pager that we produced to the  
20 secretary, let the acting Deputy Secretary of Defense know that, one, that our estimates  
21 within DHS generally aligned with others, that we were anticipating a high number,  
22 25,000 or more people. We were aware of a broad likelihood of being some violence.

23           I talked about the mission of the Federal Protective Service to protect federal  
24 facilities, talked about that the Secret Service felt like they were adequately prepared  
25 to protect the White House complex and their protectees. And I also talked about

1 the virtual sit room, how we were connected with the other departments and agencies  
2 that were on this call, with their agencies who were up on the call and that we would  
3 be monitoring that. So that was kind of, you know, for two to three minutes, kind of  
4 the highlights I gave the group on the call from the DHS standpoint.

5 Q Copy that, sir. I appreciate that. And I know you may not recall  
6 specifically, but I'll ask, do you know if the U.S. Capitol Police was on that January 3rd  
7 call?

8 A I know for a fact they were not. Were not.

9 Q Okay. And other than sort of the difference in crowd size, was your sense  
10 that everyone on that call was on the same page in terms of what I will generically call the  
11 threat picture for the 6th, or did you feel like not everyone was sort of on the same page  
12 about what that looked like as of the 3rd?

13 A So as of the 3rd, I think everyone was on the same page on the 3rd, knowing  
14 that there was a number of permits that have already been submitted by the 3rd, again,  
15 for the Department of Interior speaking on behalf of the U.S. Park Police. Talked about  
16 that there were so many permits that had already been submitted and that knowing the  
17 groups that submitted the permits, there was consensus or broad awareness on the call  
18 that there was a number of divergent ideological groups that were going to be in the city  
19 at the same time on the 6th, so the likelihood and from past experience during the  
20 summer of 2020 of protests and counter-protest groups getting into physical altercations,  
21 there was a recognition that there was a high likelihood that that could occur on January  
22 6th.

23 And again, on the 3rd, there was also awareness that there was a number of  
24 various posts on social media where folks were talking about bringing weapons into the  
25 city. So folks were expecting that there was going to be weapons in the crowds and

1 folks violating D.C.'s weapons, you know, laws.

2 Q Copy that, sir. And you mentioned that you spoke up on the secretary's  
3 behalf because DHS was already polled by the time the secretary joined. Then  
4 afterwards, you sort of briefed up the secretary on what you had briefed on the call.

5 Can you recall -- and again, just from sort of a general broad brush perspective,  
6 as of the 3rd when you were briefing the secretary, what was DHS's posture? Like  
7 what were we prepared to do? Sort of who was prepared to bring what to the fight,  
8 so to speak, to the best of your recollection?

9 A Yeah. So from the best of my recollection, again, Secret Service, from their  
10 mission space, felt like they were adequately prepared to safeguard the White House  
11 complex, the vice presidential, you know, house. So Secret Service had no  
12 additional -- as I recall, they still had the anti-climb fencing around Lafayette Square up.  
13 So Secret Service -- good to go from Secret Service's perspective.

14 FPS, from their force posture, they had a number of officers that were going to be  
15 guarding federal facilities down there along the National Mall area. They also had a  
16 mobile field force that was going to be, again, as the name entails, available, that if they  
17 had to, you know, respond to a federal facility where they may not be adequately  
18 manned or reinforce a currently, you know, guarded federal facility, they were going to  
19 have the mobile field force available.

20 One of the things FPS also had done going back through the summer of 2020 is, at  
21 their own headquarters, they have a number of, again, law enforcement, badge-carrying,  
22 weapons-carrying officers just doing headquarters functions, that they had a number of  
23 headquarters folks that were identified, not immediately available, but could get recalled  
24 to constitute yet additional FPS reinforcements.

25 FPS also worked out with both CBP and ICE where -- over at the Ronald Reagan

1 Building and at ICE headquarters. FPS provides building securities at those two facilities  
2 as well. FPS worked it out to, again, pull FPS officers away from those two headquarters  
3 and allow ICE and CBP to provide their own building security to allow FPS greater  
4 flexibility to safeguard other federal facilities in the area.

5 And then I think I would just end by saying both CBP and ICE were asked to  
6 identify additional personnel should FPS require additional support. So FPS had  
7 somewhere in the neighborhood of about 50 CBP-identified reinforcements that, again, in  
8 order to support FPS, whether it's from ICE or CBP or another DHS law enforcement  
9 component, they have to be cross-designated by FPS. So, again, in the lead-up to  
10 January 6, it was making sure that those folks that were on recall from CBP and ICE to  
11 augment FPS had been, you know, cross-designated, had all the required training and  
12 were ready to go.

13 CBP and ICE don't have any organic authorities to operate and to safeguard  
14 federal facilities. That's an FPS authorities that needs to be delegated and designated to  
15 our other components. So it was making sure those other components had staff that  
16 were ready to go with the appropriate gear, training and authorities.

17 Q Copy that, sir. Appreciate it.

18 Last question about the 3rd before we move on to the 4th. Were there any  
19 action items for DHS as a result of that call? Were there any specific actions that DHS  
20 ops took as a result of the conclusion of the January 3rd call, other than what you've  
21 already described?

22 A Yeah. No specific actions that I recall other than everyone was asked to  
23 update their -- you know, if they had any updates. So that was our only action was to  
24 verify the next day on Monday, the 4th, with our components to make sure, has anything  
25 changed? Do you still have the same posture? Are you doing anything new or

1 different that we don't already know about? But other than that, there was no  
2 additional action items for us.

3 Q Copy that, sir. So with that said, let's move now over to the 4th and let's  
4 talk about, you know, who was on the call on the 4th, what was discussed, sort of the  
5 same thing we've done with the 3rd, but now with the 4th.

6 A Yeah. So on the 4th, it was the exact same members were invited on the  
7 call that were on the 3rd. Really -- and again, it was led off by the acting Secretary of  
8 Defense. And, again, he just prefaced that we don't need to make this a long call, just  
9 looking for any updates since we had talked at 1 o'clock on Sunday.

10 The things that stood out to me was, before Chairman Milley spoke, the acting  
11 attorney general spoke as well as a few others. And so when Chairman Milley spoke,  
12 Chairman Milley put out a statement -- and I'm paraphrasing. This is not a verbal  
13 statement, but paraphrasing, that -- and I'm now General Milley, saying, hey, if I  
14 understand correctly, DOJ is the lead federal agency on the 6th or words to that effect,  
15 but that was the general sense of what General Milley said. And then he went on to say  
16 a few other things.

17 But the thing that resonated with me from General Milley's statement was  
18 General Milley in no uncertain terms said I just heard that DOJ is the lead federal  
19 agency. And to me, that clearly gave an open window for the acting attorney general  
20 to push back to say, no, General, you heard wrong, we're not the lead federal agency.  
21 That did not occur. But neither did the acting attorney general say to the effect,  
22 yeah, you heard correctly, we are the lead federal agency.

23 So it was -- there was a lack of interest -- my opinion now. Let me just share  
24 what I'm about to say is my opinion. There was a lack of interest on the Sunday call by  
25 DOJ to actively take the lead federal agency call, which is why it was left as a hanging

1 issue, unresolved issue from that first call.

2 On the second call, by the time it got to General Milley and he said, from  
3 everything I've heard, DOJ is the lead federal agency, and because the attorney general  
4 didn't push back, to me, it was everyone recognized that, okay, DOJ, you got it. You're  
5 the lead now for the 6th on behalf of the federal Executive Branch.

6 Q Copy that, sir. Appreciate it.

7 And so sort of having put that issue to bed and other than updates from the 1  
8 o'clock call on the 3rd, anything else significant discussed at that January 4th call?

9 A No. It was a much shorter call. The only thing, at the end of the call, vice  
10 asking the group, the acting Secretary of Defense basically said, hey, from what I've  
11 heard, I don't think there's a need for us to do another call on Tuesday the 5th, but if  
12 anyone disagrees, let me know or if you feel we need to get a call, we can always  
13 schedule a call later, but I feel -- and again, I'm paraphrasing now -- I feel comfortable as  
14 the Secretary of Defense. I don't think we need to do another call, you know, after this  
15 call. And therefore, no one spoke up to say, oh, no, we need to continue these calls, you  
16 know, it was that second call and that was it.

17 Q Copy that, sir. I didn't mean to cut you off. I'm sorry if you weren't done.

18 A You're good.

19 Q Thank you, sir. Do you recall if, on the January 3rd call, if U.S. Capitol Police  
20 was a part of that call? I know they weren't on the 3rd. Do you recall if they were  
21 on -- whether or not they were on on the 4th?

22 A No. Neither Capitol Police nor Metro PD from the city were on either calls.  
23 It was just all the federal partners from the Executive Branch.

24 Q Copy that. And again, sort of similar to my question about the 3rd, any  
25 action items or any actions that DHS ops took as a result of what came out of the January

1 4th call?

2 A No. I don't recall we took any actions, nor do I necessarily recall really  
3 anyone necessarily took many actions. It was really to share and pass information, not  
4 necessarily to take taskers or to take action. It was really just to inform others about  
5 what each one was doing from a departmental standpoint -- from each department  
6 standpoint. But, no, I don't recall any specific actions necessarily for anyone coming out  
7 of that call.

8 Q Copy that, sir.

9 A If I could --

10 Q Yes, sir.

11 A Sorry to cut you off. There was only one item that was discussed as a  
12 possible action. And on that second call, there was discussion about whether or not  
13 there should be a briefing to members of Congress on what's our general awareness of  
14 the events and how we are postured and, you know, whether it's a joint, you know,  
15 briefing from, you know, the various departments.

16 Folks generally thought that was a good idea. And so I don't recall necessarily  
17 that anyone got specifically pinned with that to lead that briefing to Congress. Again,  
18 it's my opinion that, as I sit here and remember it, the assumption was it would have  
19 been the lead federal agency to schedule that. I recall coming back after that call and  
20 alerting our own DHS Department of Leg Affairs that there may be an ask to give a  
21 briefing to members of Congress so our leg affairs folks were not caught off guard.  
22 But as I know it to this day, there was never any briefing that actually was a follow-up.

23 Q Copy that, sir. Appreciate it.

24 So before we segue into the 6th itself, like I've done previously, I'll pause and  
25 ask if any of my colleagues have any questions for Director Tomney about what we just

1 discussed in terms of the lead-up to January 6th and his participation as the director of  
2 DHS ops.

3           Okay. Looks like we're good to go, sir. So let's talk about the 6th. And  
4 probably the easiest way to do this is kind of like we've been doing. In a narrative form,  
5 just sort of tell me how your day began on the 6th, like from the time you woke up and  
6 we'll walk through the day and I'll probably ask you questions along the way about what  
7 you did and what was going on on January 6th itself.

8           A    Yeah. No, certainly. And I'll try to pause as I tell the story so you don't  
9 have to remember a laundry list of questions.

10           So again, as I recall both at the department level as well as within my own staff,  
11 we maximized teleworking on that day because we knew there was going to be large  
12 crowds in the city. We knew there could be the potential for violence. So we  
13 encouraged folks to telework, not come into the city unless they needed to be in the  
14 city.

15           The acting secretary of DHS was overseas on international travel in the Middle  
16 East. He was eight time zones ahead. The acting deputy secretary was at his home  
17 over in [REDACTED] Was not in.

18           I came in that morning to -- and I remained in the city at St. Elizabeth the entire  
19 day and didn't leave until, you know, well into the evening to return back home.

20           For the most part, I spent most of my time in my office with my deputy chief of  
21 staff for operations. I got a morning brief as I do every morning, or I should say every  
22 workday, from the NOC duty director about what's going on. I activated and logged  
23 in myself into the virtual sit room from my own desktop in my office and I recall  
24 making and receiving a number of calls that morning as the situation started to unfold  
25 in the city.



1           And I'll go all the way up until noontime and then I'll pause before I go more to see  
2 if you have any questions. So as I recall that morning, that the sit room was actively  
3 being utilized by the interagency. A number of departments and agencies were up into  
4 the sit room.

5           I recall we were getting realtime crowd estimate sizes down there around the  
6 Washington Monument and around The Ellipse. Generally speaking, prior to noon,  
7 the crowd was generally peaceful. There had been a couple of arrests that morning.  
8 I know at one federal facility, FPS stopped a vehicle and found a couple of handguns  
9 and took a couple of individuals into custody. But generally speaking -- and I think on  
10 a positive note, surprisingly, there was very little violence, that the crowd was  
11 generally peaceful. A large crowd, but generally peaceful.

12           Knowing that there was going to be the event The Ellipse over at the White House,  
13 by midmorning the crowd started to shift away from the Washington Monument to start  
14 getting over towards The Ellipse for the White House function. And I recall that the  
15 crowd size was being estimated at about 25,000. And I don't recall the crowd size  
16 much -- estimates much deviating. So I think that was -- someone pins me down and  
17 asked what was the crowd size, that's what I'd give is 25,000 because that's what I recall.  
18 Generally speaking, that's what folks leveraged -- you know, kind of leveraged on.

19           Our DHS law enforcement folks were in their various positions, safeguarding the  
20 federal facilities, the Ronald Reagan Building, et cetera. And really it was -- other than a  
21 few minor issues, generally, we didn't see the large scale what we had anticipated of  
22 protests and counter-protest groups going at it with one another.

23           So I'll stop there to see if you have any questions up until that moment in the  
24 timeline.

25           Q     Copy that, yes, sir. I just have one question. Do you recall if you were

1 tracking or monitoring the media coverage of the event like on TV or on old school radio,  
2 you know, up until 12 o'clock?

3 A Yes. So in my office, I have a large flat screen TV on the wall. I have a  
4 removable standup desk. So like I'm talking to you now, I had my desktop and then  
5 directly on the wall in front of me I had a TV. So, yes, I had the TV on and was  
6 monitoring open source as well.

7 Q Copy that, sir. All right. So now let's say from 12:00 to about 3:00, what's  
8 going on?

9 A Okay. So shortly after 12:00, we are now getting reports of disturbances  
10 up on Capitol Hill where the crowd is starting to get agitated. Again, I can see it with my  
11 own eyes because I'm watching the national news coverage. I can see the Capitol Police  
12 behind the bike racks with the crowds in front of them, much larger than what I saw as  
13 the Capitol Police in the TV coverage I was watching.

14 I would see the outbursts within the crowds of either shaking bike racks. I  
15 would see occasional objects being thrown at officers, et cetera. So at the same time  
16 that was going on and I was observing that, I was monitoring the virtual chat that was  
17 on my desktop and I was seeing, you know, reports where the event at The Ellipse that  
18 the White House was performing was concluding and that law enforcement was seeing  
19 the crowds migrate from The Ellipse up towards Capitol Hill. So where there was  
20 already large crowds that I was seeing on TV, the reports we were getting is even more  
21 folks were now leaving the White House function to head up to Capitol Hill as well.

22 At one point, I would have to look at the timeline, but it was somewhere in that  
23 time frame, we got the report of a couple of suspicious packages up there on the Capitol  
24 complex. At one point we had a report of a person with a weapon on a rooftop of a  
25 building that initially had the interest but was quickly dispelled and turned out to be

1 fellow law enforcement up on a rooftop, but they initially didn't know who it was that  
2 was up there.

3 A lot of inquiries going back and forth both in virtual chat, emails, telephone  
4 calls about what's going on. I know at some point, as the events are unfolding,  
5 Secretary Wolf reached out to me. I know at one point his chief of staff and deputy  
6 chief of staff, who was traveling with him, reached out to me as well via email wanting  
7 to know what was going on.

8 I was answering questions for the deputy secretary. At one point the deputy  
9 secretary asked me to pass the link because he wanted to get up into the virtual sit room.  
10 His chief of staff wanted to get up in the virtual sit room as well as his senior counselor.  
11 So I recall, again, helping them get connected in the virtual sit room as well.

12 I did not know it at the time, but during this time frame, Director Murray from the  
13 Secret Service was trying to provide me an update of what the Secret Service was doing,  
14 but for whatever reason, his messages never got through to me. I don't know why, but  
15 he was trying to reach out to me. And this is all happening until -- again, then I'm  
16 witnessing like everyone else the breach happening up there on Capitol Hill. So I'll stop  
17 with the initial breach to see any questions on that thus far.

18 Q Copy that, sir. And I appreciate it.

19 So two questions. One, it sounds like when you started your day, you were in  
20 your office. Did you stay in your office during this time frame or at some point did  
21 you migrate to the NOC, for example?

22 A I can't say definitively, but I believe I walked to the NOC at least once in the  
23 morning before things really heated up. If you're unfamiliar with the layout of the St.  
24 Elizabeth's campus, it's literally about a 10-minute walk from my office to the NOC.

25 And again, while I'm in the NOC, I don't have access to my cell phone, I don't

1 have access to my email, so I did not plant myself in the NOC. But I recall, yeah,  
2 when I first got down there, to have the face-to-face discussions with the NOC duty  
3 director, with the senior watch officer, so I could talk to our liaisons that were in on  
4 that day, you know, take a look at the virtual sit room on the wide screens that we  
5 have down there.

6 But after, you know, that initial visit, I was pretty much tied to my phone, my desk  
7 phone, my cell phone, my emails up there in my office with my deputy chief of staff.  
8 And then just dealing with the watch either in the virtual sit room, telephone or emails  
9 just from my desk.

10 Q Copy that, sir. Appreciate it.

11 And my second question is, at this point in the story, are you -- or have you yet  
12 been providing any information to AS1, Acting Secretary Wolf or Acting -- AS2, Acting  
13 Deputy Secretary Cuccinelli about what was going on? Had that happened yet at this  
14 point in the story?

15 A I would have to refresh my memory on my timeline. I know I had  
16 engagements with both of them. I can't remember right now if it was before the breach  
17 or after the breach, but I know they both had interest. They were both watching the  
18 same news media that I was as well. So I can't -- I would have to look at the timeline to  
19 say at what point that occurred.

20 I know I had more engagements with the deputy secretary only because he was  
21 here in the NCR, and I know it was late at night, but I did have some engagements with  
22 the acting secretary. But I can't recall right now whether it was before or after the  
23 breach.

24 Q Copy that, sir. I appreciate that.

25 So let's talk about what happened now after the breach. The Capitol is

1 breached. Sort of what happens next in your day? What do you do next?

2 A So, again, as I mentioned a while ago, we have a -- or had a U.S. Capitol  
3 Police liaison officer assigned to the NOC who was actually up on Capitol Hill that day who  
4 was providing realtime information back to our watch in the NOC.

5 Once we got word that the Capitol had been breached, several things  
6 happened almost probably simultaneously at various places. We were getting word  
7 and word from FPS that they were asked to send FPS officers up to the Capitol Hill to  
8 augment the Capitol Police. And so, therefore, FPS was taking 16 officers, as I recall,  
9 as a team and surged them up to the Capitol.

10 I didn't know it at the time, but I learned later that at the same time FPS was  
11 asked for reinforcements, that Secret Service sent reinforcements as well. I do not  
12 know -- and this would be something you would all have to get from Secret  
13 Service -- whether or not that was a specific ask of the Secret Service or if the Secret  
14 Service did it, you know, at their own -- on their own. But they did send initially 100  
15 officers, both uniformed and plainclothes, up to assist at the Capitol. And later on sent  
16 an additional 100. So I think at the height, as I recall, there was about 200 Secret  
17 Service, give or take, up there on Capitol Hill.

18 About this same time as the breach occurred, because the deputy secretary is now  
19 in the virtual chat room, he made a posting in the chat that he authorized appropriate  
20 DHS law enforcement personnel to assist the Capitol Police. And as this was all  
21 occurring, I asked my deputy chief of staff to let's convene as soon as possible an  
22 immediate snap OPSDEPs to find out what do we have that we can send up there to assist  
23 the Capitol Police.

24 Mindful of where we were at in the story, not having the luxury of history now,  
25 we didn't know if this was a start of something more serious and whether or not there

1 was going to be other events and other widespread violence happening in other places  
2 in the city. So the purpose behind the OPSDEPs was, one, find out what do we send  
3 up there, at the same time figure out how are we postured to continue to secure other  
4 federal buildings, our own headquarters, at CBP, ICE, et cetera.

5 So what could we do to assist CB -- or the Capitol Police, while at the same time  
6 let's make sure we need to be able to respond to other incidents if and when they would  
7 occur.

8 Simultaneously to all this happening, the director of the Coast Guard Criminal  
9 Investigative Service, Mr. Michael Berkow, who is someone I had worked with for a  
10 number of years and I would consider a friend, reached out to me to let me know that he  
11 had about a dozen or so special agents of the Criminal Investigative Service available to  
12 assist. And I told him at the time that we were getting ready to convene at 3:30 a snap  
13 OPSDEPs and that he was invited to join us on that call.

14 He was able to also tell me on that initial call that, if we weren't aware, that the  
15 Capitol Police had set up a -- what I would term a rallying point up on Capitol Hill  
16 where responding agencies were asked to report to so they could get their assignment  
17 of where they could be employed up there on Capitol Hill. I said, no, wasn't aware of  
18 that, Michael. If you could pass me a point of contact; I'll have the watch reach out,  
19 so that would assist us as the department to figure out so we're not just sending stuff  
20 up piecemeal.

21 So later on, he did send me a phone number and a name. I asked our watch to  
22 contact this individual up there in the Capitol Police to find out where and what could  
23 they -- what did they want from DHS beyond FPS and Secret Service that they already  
24 had.

25 So that was all occurring within the 3:00 p.m., 3:30, 4 o'clock, you know, within

1 that one-hour time frame.

2 We kicked off the snap OPSDEPs at 3:30, basically figured out what do we have at  
3 our disposal. We also talked about and asked the DHS components to go back to figure  
4 out -- again, not knowing if this was just the tip of the iceberg -- where else could you get  
5 reinforcements and how many hours would it take you to get additional folks into the city  
6 if it was required.

7 So -- and that was a homework assignment from that snap OPSDEPs is what else  
8 could you bring that -- we know what we have at the table right now. What more is  
9 available out there that you could pull from other cities and how quickly could you get  
10 them here. Something we learned from June of 2020 in the civil unrest scenarios.

11 So we're doing the snap OPSDEPs. NOC duty director reached out to the  
12 Capitol Police. By the time they reached out to the Capitol Police, Capitol Police told  
13 our watch that they had more than enough reinforcements showing up and at that  
14 point, they, one, thanked us as a department and, two, asked us just to remain at our  
15 current locations to -- you know, to stand by if additional help was needed at that  
16 point. So we passed that.

17 Post-snap OPSDEPs call, because I don't think we got the word until after the call  
18 was over that, hey, just continue to consolidate your resources, but don't deploy up to  
19 Capitol Hill until we get word from the Capitol Police that they need even additional  
20 officers beyond what had already responded by that point.

21 I think the last thing I would say is I recall reaching out to, at that point, to  
22 Secretary Wolf via email, let him know here's our posture, on a call letting deputy  
23 secretary know here's our posture. I know at one point, the deputy secretary asked me  
24 in an email whether or not the secretary had any concerns about the deputy's direction to  
25 provide needed support to the Capitol Police. And I remember responding back to the

1 deputy saying, no, I talked to the secretary and he's fine and basically, you know, in no  
2 uncertain terms, you know, kind of impressed the same thing is let's provide all necessary  
3 support that the Capitol Police may need going forward.

4 So I'll stop there. That may elicit some follow-up questions for you [REDACTED]

5 Q Copy that, sir. And I appreciate it.

6 Going back just a little bit, but tying it to the 6th itself, but beginning in sort  
7 of -- when you identified when this first started percolating in mid to late December up  
8 to and including the 6th itself, had you gotten -- did DHS INA provide you with any  
9 information about the 6th or the lead-up to the 6th either in December in prep for  
10 your January 3rd call, January 4th call and/or on the 6th itself, and if so, what kind of  
11 information did they give you?

12 A Yes. So there was a number -- not just INA products, but I recall a number  
13 of various products talking about the 6th. You know, I recall getting -- you know, one of  
14 the routine products we would get is a list of daily protest permits throughout the city  
15 and the number of expected participants for the various protests that would come out on  
16 a daily basis.

17 So, yes, INA did put out a number of products, but I recall reading products  
18 from FPS, reading products from the Secret Service as well. So it wasn't just  
19 exclusively INA.

20 Q Copy that, sir. What time did you finally get to go home on the 6th?  
21 What time did your day wrap up?

22 A I recall wrapping up -- it was well after business hours. I want to say it was  
23 8 o'clock. Could have been a little bit later than that. My last task I was trying to do  
24 was, based upon direction I was given from the acting secretary, he wanted me to reach  
25 out directly to Rich Donoghue, who I believe at the time was serving the role as the acting



1 deputy attorney general, and he wanted me to reach out to see if DOJ needed anything  
2 additional from DHS.

3 I recall trying to reach Rich via email with no luck. I recall reaching out to  
4 David Burns from DOJ as well as Dave Bowdich, the deputy of the FBI. Dave Bowdich  
5 was not reachable either via email or I had his personal cell phone and he wasn't  
6 picking up his cell phone.

7 David Burns finally -- I did get ahold of him and I told him why I was trying to reach  
8 Rich. He told me he would reach out to Rich Donahue and have Rich get ahold of me.  
9 As I recall, we didn't connect until sometime 8 o'clock or later. And at that point, Rich  
10 was actually in the Capitol and I told him basically what we had done up until that point,  
11 that we had reached out to the Capitol Police and as of 4:00 p.m., they had no specific  
12 additional ask for us and asked us to just stand by. And I recall Rich said, yeah, that  
13 seems prudent -- basically paraphrasing now -- I'm up here right now and, yeah, there's  
14 more than enough law enforcement and National Guard up here now. Don't see a need  
15 for additional DHS up here on Capitol Hill. I said Roger, I'll just get that back to the  
16 secretary, just want to make sure that you all had anything you need from a DOJ  
17 standpoint.

18 So that was my last task. And then I recall sending up an email to the secretary  
19 and deputy secretary letting them know I talked to Rich. And I think after I sent that  
20 e-mail was when I departed for the day.

21 Q Copy that, sir. And one last question about the 6th that just occurred to  
22 me that I didn't ask you during our informal, so I apologize. But do you recall -- well, let  
23 me ask it this way.

24 Our understanding is that acting AS2 Ken Cuccinelli actually went to the Capitol  
25 on the 6th. Were you aware of that and was that coordinated with you at all or your

1 office?

2 A I'm not aware of that now. So, no, it would not have been coordinated  
3 with us. It may have been -- and again, assuming if he did go up there, it would have  
4 been, I would assume, after the fact in the evening sometime. But no.

5 All I recall ending the evening with with the deputy secretary is two things.  
6 One, he had a number of media hits the next morning, so I know he wanted to know  
7 what he could and couldn't talk about as far as with the media the next morning.  
8 Because, again, I told him as far as DHS numbers, how many officers we sent from  
9 which agencies and he wanted to know what. So I advised him to stay clear of  
10 specific numbers, just keep it broad and general.

11 And I recall also he had asked for a formal brief on everything first thing when he  
12 got in on Thursday morning the 7th. So I recall working with the Secret Service, working  
13 with my own team to make sure we had a good executive brief ready to go first thing in  
14 the morning when the deputy showed up to work.

15 Q Copy that, sir. Thank you.

16 Once again, I'll pause here before we move on to -- I promise you, sir, we're  
17 coming to the end of the tunnel. But before we move on to the summer of 2020, do  
18 any of my colleagues have any questions for Director Tomney about what we've  
19 discussed regarding January 6th itself?

20 Okay, sir. So let's -- we'll come back to January 6th and the form of  
21 recommendations towards the end, but let's talk about the summer of 2020 and sort of  
22 what was DHS ops' role in addressing and dealing with the civil unrest, not just locally  
23 here in the national Capitol region, but also in other parts of the country as it related to a  
24 number of social injustice issues to include the death of George Floyd.

25 A Right. So I and my staff became involved, again, as I recall, it was Memorial

1 Day weekend in May where I took a phone call from the acting secretary who indicated  
2 that he had just gotten off the phone with Attorney General Barr, and the AG and the  
3 acting secretary talked.

4 And the secretary told me that he gave the attorney general my name and  
5 asked me to act as the DHS point attorney. So if the attorney general needed  
6 anything from DHS, to please rely on Chris Tomney and that I should expect a call  
7 from, you know, someone from the attorney general's office who was going to be my  
8 counterpart. And that ultimately turned out to be David Burns that I've mentioned  
9 already.

10 That was right before the week of 2 June, Monday, 2 June, with all the incidents  
11 that occurred that week in the city, to include the issues at Lafayette Park, the issues with  
12 the church, et cetera.

13 So as the summer progressed, what we would do within my staff is we would  
14 do a daily synopsis each morning. It was a separate report that listed any significant  
15 civil unrest issues from around the country that we would compile into a single report  
16 on a daily basis and only on days when there was unrest. I mean, if there was  
17 nothing to report, we would not produce one, so there was not certainly one every  
18 day. There was one every day at the lead-off of the summer, but, again, as we  
19 approached the fall and winter and things started to settle down, they became less  
20 and less frequently until we no longer did them.

21 But what we would do is not report on the actual First Amendment protected  
22 protests, but we would be reporting on the criminal activities. We would be reporting  
23 on the arrests. We would be reporting on the issues that affected Homeland Security.

24 As we grilled our staff, folks can, you know, protest and march, et cetera, all  
25 they want, but it's when they cross that line into criminal matters is when we need to

1 be doing the reporting. And again, because we're in the business providing that  
2 situational awareness.

3 So those daily reports, when they would be compiled by the watch, they would go  
4 up to the secretary and all our DHS senior leaderships and then, through my relationship  
5 with DOJ, I would share that directly with both David Burns and David Bowdich of the FBI  
6 just so, again, we would be able to have the same shared understanding of level of  
7 violence, level of criminal activities in the various cities from the night before.

8 In many of these cities, we also coordinated law enforcement responses. So  
9 take, for example, Portland, Oregon where it was safeguarding and providing the  
10 physical security to the Hatfield Courthouse that became the center of gravity for a  
11 number of the violent protests. But that courthouse was jointly guarded and  
12 protected by both DOJ as well as DHS. You had U.S. marshals in the courthouse, you  
13 had Federal Protective Service individuals there. So, again, it was to share that  
14 baseline awareness between the two departments.

15 Additionally over the summer, my role was, again, as the title is of my office,  
16 operations coordinations, we helped to coordinate and provide resources to other  
17 components when they needed additional support.

18 So in the context of civil unrest, FPS, they, as an agency, did not have nearly  
19 enough law enforcement officers to safeguard all the facilities in all the cities where  
20 we had criminal unrest. So FPS would leverage my staff routinely to help find  
21 additional law enforcement LEOs so FPS could do their primary mission of protecting  
22 federal property and federal facilities.

23 So the way we would do that is FPS would try to leverage their own resources  
24 first, both within their regions and -- again, they divide up the country into FPS  
25 regions -- so they would try to get additional FPS officers from a neighboring city within

1 their own specific region, if they need them at a certain location. But if the threat and  
2 level of violence exceeds what the region can provide, it then goes up to FPS  
3 headquarters here in Washington to say let's divert resources from another region to help  
4 in a specific FPS region.

5 But if it exceeds what FPS can do across their entire agency, then it would come to  
6 me and then we would act as, again, that facilitator to call snap OPSDEPs to say, okay,  
7 FPS, ICE, you know, Secret Service, et cetera, what do you have available? Can you  
8 provide any additional resources? And we were to, again, connect FPS to our DHS  
9 components.

10 Interagency, we would do the same thing, not nearly on the same volume. But I  
11 recall, again, it was during July -- during the 4th of July when we had the threats to the  
12 national monuments, again also over Columbus Day in October when we had threats to  
13 Christopher Columbus statues in various cities around the country, that DOI, Department  
14 of the Interior and specifically the National Park Service and the Park Police, would ask us  
15 as a department, DHS, could you provide us, DOI, with some additional LEOs to help  
16 safeguard national parks, national monuments, statues, et cetera.

17 One of the things we did, for example, is we sent some law enforcement officers  
18 from DHS up to Gettysburg to help the National Park Police, you know, safeguard a  
19 number of the monuments up there at Gettysburg.

20 But I'll stop there, [REDACTED] see if that elicits other questions.

21 Q Yes, sir. I appreciate it.

22 Just one question in addition to what was a very good explanation about the  
23 role of DHS ops during that time period. We've come to learn during our  
24 investigation that -- and this is also, I believe, a part of public reporting, open source  
25 reporting at the time -- that DHS INA had sort of a fundamentally different role in 2020

1 than it did on January 6th in that they were sort of gathering information about  
2 people, about protestors, about reporters.

3 Was INA sharing any of that information with you or your office in that capacity  
4 while you were carrying out your normal functions in response to what you've already  
5 described? What interaction, if any -- may be a better way to ask the question -- did you  
6 all have with DHS INA at that time.

7 A Yes. So DHS INA is a part of the OPSDEPs forum. And in the context of  
8 civil unrest, whenever we would do these snaps OPSDEPs calls, which we would do them  
9 fairly regularly, especially during the summer of 2020, INA would be on those calls as well.  
10 Because, again, as we're responding to a specific threat in a specific city, we would always  
11 ask and INA would always be there to say what do we know? What's the latest? You  
12 know, if we got an operational response, we're spending FPS or other LEOs, what's the  
13 latest threat that we're aware of.

14 So INA was a part of all those snap OPSDEPs calls and, yes, would be providing  
15 us whatever they knew at the time.

16 Q Copy that, sir. I appreciate it.

17 Again, I'll pause here before we move on to our last question to see if anyone  
18 on the call has any questions about the summer of 2020 for Director Tomney.

19 All right, sir. As promised, last, but certainly not least, we ask all of the folks who  
20 give us their time, of which we are very appreciative of your time both before and now,  
21 but for their own -- to the extent you have -- understanding that they're personal  
22 recommendations or thoughts -- about what we -- again, defined as the collective federal  
23 government we, to include our federal and state, local, tribal partners -- what can we do?  
24 What are some lessons learned from your perspective, not just based on what you  
25 experienced on the 6th itself, but your vast experience in the Coast Guard at JIATF South.

1       What are some things that we might do differently or better to prevent something like  
2       this from happening again both within the context of DHS itself and, again, outside of DHS  
3       to the greater sort of federal government.

4             A     Yeah.  No, I appreciate the question because I've given this a lot of thought  
5       over the months as I know many folks have as well.

6             You know, I'll start off my answer by saying -- and it may not be a very popular  
7       answer, an answer that's shared by many, but I don't view January 6 necessarily as an  
8       intelligence failure.  I think we had enough intelligence.  I think we had enough  
9       awareness that there was going to be large crowds.  I think we had enough  
10      awareness -- we knew there was going to be the strong likelihood of violence.  I think  
11      we had the general awareness that there was going to be the strong likelihood that  
12      people were going to be armed and bringing weapons, et cetera.

13            So to me, again, there was enough knowledge out there, maybe not knowledge  
14      that specifically the Capitol was going to be stormed, but, you know, we knew that the  
15      Capitol was going to be the center of gravity.  We knew about the crowd size.  We  
16      knew about the potential for violence.  We knew as an interagency that generally the  
17      focus in the morning was going to be at the function on The Ellipse, and we knew that the  
18      focus was going to be up on Capitol Hill in the afternoon.  So none of that is a surprise,  
19      and I think the intelligence gave us good, strategic warning about what to expect on the  
20      day.

21            Where I think we collectively all came up short on that day was how do we  
22      communicate -- I mean, it's the same lessons from 9/11, that we were all in various levels  
23      of silos and therefore the adversary was able to take advantage of the seams and the  
24      gaps between the various agencies and the jurisdictions, et cetera, and because everyone  
25      was in charge, no one was in charge.

1           And so what we could do differently is, one, we need to have better planning  
2 going into major events like this. It's all well and good to have discussions and  
3 baseline awareness and knowledge, but we're -- you know, from my Coast Guard  
4 experience and spending five years in two joint commands working with DoD, where's  
5 the campaign plan? Where is the branch and sequel plannings, meaning if this  
6 happens, then that? If this, you know, occurs, then we will do that.

7           To me, we had ample law enforcement in the city on January 6th. I don't think it  
8 was a lack that law enforcement didn't have enough trained law enforcement officers.  
9 We had plenty of law enforcement officers. What we did not have was we did not have  
10 a contingency plan that if a federal -- or if any location was suddenly, you know,  
11 overtaken or became the focus point of an angry mob, how are we going to all respond in  
12 a coherent, integrated fashion? Whether it was the U.S. Capitol, whether it was the  
13 White House, whether it's Lafayette -- you know, it doesn't matter. If the crowd  
14 suddenly went into one location, how are all the various overlapping jurisdictions going  
15 to, you know, respond to it.

16           So I think that's lesson number one is we did a very poor job of planning. We  
17 didn't have any contingency plans at all in place or, if we did, we didn't leverage those  
18 contingency plans.

19           Another recommendation is I think from the National Incident Management  
20 System, NIMS, I don't think we leveraged all the same lessons that we learned and that  
21 we utilize in other major incidents. There was never, that I'm aware of anyways, there  
22 was never a national incident command that was established for this. There was a  
23 number of command centers. There was a number of operations centers. FBI had  
24 their SIOC. FBI had their Washington Field Office. Metro PD had their joint operations  
25 center. You know, Capitol Police, you know -- so everyone had their own thing, but



1 where are all the top leaders all coming together to speak as a single integrated voice?

2 You know, if you all think back, for example, you know, I'll pick one, like the  
3 Boston Marathon bombing. You know, after that bombing occurred, you know,  
4 everyone rallied around. There was -- you know, from the district attorney to the chief  
5 of police to the FBI SAC up in Boston, they were speaking as a single interagency body.  
6 They were working in a coherent fashion to find the bombers.

7 You know, on January 6th, we didn't have a coherent, integrated, national incident  
8 command structure in place. So that would be, you know, another lesson is how do we  
9 put that in place or how do we have it on paper? How do we exercise it? And then  
10 how do we implement it when we have a major incident like that, you know, like January  
11 6th. God forbid we have something like that, but any major incident where you need to  
12 bring the agencies together.

13 Third, which may be a long pole in the tent because it goes back to our U.S.  
14 Constitution, is the separation of powers. But the fact is that, you know, the Capitol  
15 grounds are, you know, a different branch of government than the Executive Branch.

16 So, you know, I think most, if not all of you, are lawyers and I'm not a lawyer,  
17 but from my understanding is our federal law enforcement agencies do not have  
18 independent jurisdictions to enforce federal laws on the U.S. Capitol grounds because  
19 that's under the sole authority of the Legislative Branch. Just like we don't have any  
20 sort of independent authorities to enforce federal laws on the grounds of the Supreme  
21 Court because that's the Judiciary Branch.

22 So I don't know if there's a way to get around that or have overlapping or joint  
23 jurisdictions. But it was my understanding on January 6th, just like it's my  
24 understanding today -- and I could be wrong -- but we could not unilaterally send any DHS  
25 LEOs up to Capitol Hill without the express authority being delegated by the Capitol Police

1 to us in DHS because we're a different branch of government.

2 So I don't know how you could, you know, fix that or if it is even fixable or it's just  
3 one of the bumps in -- you know, necessary bumps in having a free and open society is  
4 the separation of branches. But again, you can mitigate it. If you can't fix the  
5 jurisdictional piece, you can mitigate it by having plans, by exercising plans, by having  
6 joint structures where you have a rep from the Legislative Branch, a rep from the  
7 Judiciary Branch and a rep from the Executive Branch speaking as, no kidding, they are  
8 the leaders for this event speaking on behalf of all three of the branches of government.

9 I think we failed short as an Executive Branch because there was, I think, a  
10 reluctance acknowledgment of who was the lead federal agency, but that was never  
11 formally disseminated, that was never actively discussed. It was kind of -- it was very  
12 loose, that designation. And there was no firm direction/guidance given to the  
13 interagency because the lead federal agency only at the last second, the last days, really  
14 acknowledged their role of that going forward.

15 I think from a DHS perspective, one of the things I think that we, I think, need to  
16 do better as a department is figure out what is our departmental's roles and missions for  
17 acts of civil unrest, civil disobedience, you know, et cetera.

18 Because I think, if I were to poll contemporaries and peers here in the  
19 department, I think I would get different points of view. I think some view us as a  
20 national police force, which I don't believe that was the intention of Congress, my  
21 personal belief, when DHS was created, that we're not a national police force, a  
22 national police agency to be called upon.

23 But I think some believe that and I think others agree with me that they don't  
24 think that should be our role. And one of the things from January 6th all the way  
25 through the previous summer of 2020 that the various unrest in the city showed us is we

1 have a very high demand, low density number of trained, qualified and equipped law  
2 enforcement officers who could actually be able to respond to an issue of violence and  
3 civil unrest. Meaning we don't have a large number of folks that are trained in riot  
4 control techniques, that have the appropriate shields and helmets and nonlethals, et  
5 cetera. We just don't have.

6 So whereas on paper we maybe have, you know, thousands -- tens of  
7 thousands of law enforcement officers, only a very small percentage that actually get  
8 put into what we saw on January 6th on the front lines and would be able to be  
9 effective because they are trained and equipped to do so. We don't have a large  
10 number.

11 So I don't know what the right number is. I think we have too few. I don't  
12 know what the target should be, but I think that should be something that ought to be  
13 looked upon going forward.

14 But I'll stop there, Bryan. I think those are some of the major, you know,  
15 takeaways from my experience leading up to January 6.

16 Q Appreciate that, sir. And, yes, your understanding of the separation  
17 between church and -- separation of powers is correct, you're right, you know. The  
18 Executive Branch can't just show up on USCP's door -- United States Capitol Police's door  
19 and start doing stuff without their permission.

20 And I think it's interesting that you point that out because a lot of folks have  
21 talked about that issue just within the Executive Branch. Like, you know, with -- for  
22 example, in D.C., you have like -- you know, the Park Police has got this piece of it and  
23 the Secret Service has got this piece of it. But I think you're the first person to sort of  
24 articulate that as it applies to the different branches of government, so I think that's a  
25 very useful recommendation.

1 Another thing that you brought up that I thought was very interesting is this idea  
2 of some sort of regular high-level meeting between the executive, judiciary and the  
3 legislative on, you know, these operational issues. You come from an ops and planning  
4 background, you know, and maybe there's some value in, you know, having some kind of  
5 regular meet where folks get together and say, hey, if something happens and it touches  
6 all three of us, this is our plan, this is our contingency, this is how we're going to respond.  
7 So I really appreciate all of your recommendations, but those two particularly resonated  
8 with me.

9 I'll pause and ask one last time. Anything from my team, any last questions for  
10 Director Tomney before we let him go? Hearing none, I'll ask if there's anything from  
11 Hilary or Victoria, anything that you'd like to put on the record before we adjourn.

12 Ms. Rapoport. I don't have anything. Thank you.

13 Mr. [REDACTED] Okay. Great.

14 BY MR [REDACTED]

15 Q Well, Director Tomney, I want to thank you again for your time. Thank you  
16 for your service. Thank you for making your time during both in the informal and during  
17 this transcribed interview. Both were very, very helpful to the committee's work and I  
18 thank you for that.

19 Do you have any final questions for me, sir, before we call it a day?

20 A No, I don't, [REDACTED] I appreciate it. I'm happy to help you and the  
21 committee out. As I said after the first time, if you have any follow-up questions you  
22 think of after the fact, more than happy. I think it's very important work what the  
23 committee, what you all are doing up there. So happy to, again, answer any additional  
24 questions as they may come up in the future.

25 Q Appreciate that, sir. And I haven't forgotten your open invitation for us to

1       come visit the NOC as well.

2             A     Absolutely.

3             Q     So I'll probably be taking you up on that.

4             Mr [REDACTED]     With that said, this transcribed interview stands adjourned.

5     Have a very happy weekend, sir, happy Easter and thank you all for your participation.

6             Mr. Tomney.     All right.     Thank you as well.     Thanks, everyone.

7             (Whereupon, at 11:42 a.m., the taking of the instant interview concluded.)

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Certificate of Deponent/Interviewee.

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

\_\_\_\_\_

Witness Name

\_\_\_\_\_

Date