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One Hundred Eighteenth
Congress of the United States
House of Representatives

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November 21, 2024

The Honorable Robert P. Storch
Inspector General
Department of Defense
4800 Mark Center Drive
Alexandria, VA 22350

Dear Inspector General Storch,

The Committee on House Administration Subcommittee on Oversight (“Subcommittee”) is tasked with investigating the intelligence and security failures at the United States Capitol on January 6, 2021, and to develop effective legislation, such as enacting new policies that will better protect the Capitol. A major component of the security apparatus on January 6 was the Department of Defense (“DoD”), specifically the role, responsibilities, and actions of the District of Columbia National Guard (“DCNG”) in response to the civil unrest and its aftermath at the Capitol.

As you know, on November 16, 2021, the Department of Defense Office of Inspector General (“DoD IG”) published Report No. 2022-039: *“Review of the DoD’s Role, Responsibilities, and Actions to Prepare for and Respond to the Protest and its Aftermath at the U.S. Capitol Campus on January 6, 2021.”*¹ This report was the final product of the DoD IG’s review into the events of January 6, and reviewed how the DoD responded to requests for support as the events unfolded. While the Subcommittee appreciates the DoD IG’s crucial review of the records and materials the DoD holds regarding that day, this report has left many unanswered questions regarding the DoD’s actions on and in the days leading up to January 6, 2021.

Given the DCNG’s history of success supporting both the federal government and the city government in responding to instances of civil unrest, and the significant role they played in ensuring the safety and security of Members of Congress at the Capitol on January 6, it is essential that Report No. 2022-039 is accurate. That is essential for the Subcommittee to identify the serious problems, abuses, and deficiencies to recommend corrective actions consistent with the Inspector General Act of 1978.² Throughout the Subcommittee’s extensive investigation into the failures of January 6, 2021, we have discovered numerous flaws and inaccuracies in the report that your office has yet to appropriately address.

¹ DEP’T OF DEFENSE OFF. OF INSPECTOR GENERAL, REP. DODIG-2022-039, “REVIEW OF THE DOD’S ROLE, RESPONSIBILITIES, AND ACTIONS TO PREPARE FOR AND RESPOND TO THE PROTEST AND ITS AFTERMATH AT THE U.S. CAPITOL CAMPUS ON JANUARY 6, 2021” (2021).

² Inspector General Act of 1978, H.R. 8588, 95th Cong. § 404 (1978).

After a thorough examination of e-mails and documents, including letters, memorandums, agreements, plans, orders, reports, briefings, statements made in congressional hearings, closed-door testimony to the Select Committee to Investigate the January 6th Attack on the United States Capitol (“Select Committee”), and closed-door testimony made to the DoD IG, the Subcommittee’s investigation has concluded that the Department of Defense intentionally delayed the deployment of the DCNG to the Capitol on January 6, 2021. Furthermore, the Subcommittee also maintains that the DoD IG knowingly concealed the extent of the delay in constructing a narrative that is favorable to DoD and Pentagon leadership.

In March 2021, DCNG Major General William Walker testified before Congress that their response to the Capitol on January 6 was delayed by senior DoD officials.³ In April 2024, Colonel Earl Matthews, Major General Walker’s legal advisor; Command Sergeant Major Michael Brooks, Major General Walker’s Senior Enlisted Officer; Brigadier General Aarond Dean, Major General Walker’s Adjutant General; and Captain Timothy Nick, Major General Walker’s Aide-De-Camp, testified that the Secretary of the Army, Ryan McCarthy, was not in communication with the DCNG and that their response to the Capitol was “most certainly delayed [by the Army].”⁴ These key DCNG personnel were intentionally not included as witnesses by the DoD IG.⁵ The Subcommittee is deeply concerned that the DoD IG’s failure to interview witnesses who testify to a contradictory account of events of January 6 erode any suggestion that this report is correct or unbiased.

Further, one of the most damaging claims published within Report No. 2022-039 are quotes attributed to non-senior Army individuals, who claimed that in Major General Walker’s March 2021 testimony before Congress, the two-star General made comments that were “mischaracterized,” “contradicting,” and “not true.”⁶ As you know, a witness who lies to Congress can be convicted of perjury.⁷ Publishing these comments without any substantiating evidence was negligent and reckless, especially given that the junior Army staff member, who provided context to support the claim in their interview with the DoD IG, was blatantly wrong.⁸ The claim, “[o]ne of the things [Major General Walker] said was that the National Guard had all of their equipment in their trucks, in their vehicles. That’s not an accurate statement.”⁹ As the DoD IG is aware, then-Colonel Craig Hunter, who was the DCNG’s Task Force Guardian Commander, testified under oath twice, once to the DoD IG and again to the Select Committee, acknowledging that the DCNG did in fact have their equipment, unbeknownst to Army

³ [Examining the January 6 Attack on the U.S. Capitol Part II, Senate Committee on Homeland Security and Governmental Affairs, March 3, 2021, Testimony of Major General William Walker](#)

⁴ [Three Years Later: D.C. National Guard Whistleblowers Speak Out on January 6 Delay, Committee on House Administration Subcommittee on Oversight, March 13, 2024, Testimony of Colonel Earl Matthews Et Al.](#)

⁵ DEP’T OF DEFENSE OFF. OF INSPECTOR GENERAL, REP. DODIG-2022-039, “REVIEW OF THE DOD’S ROLE, RESPONSIBILITIES, AND ACTIONS TO PREPARE FOR AND RESPOND TO THE PROTEST AND ITS AFTERMATH AT THE U.S. CAPITOL CAMPUS ON JANUARY 6, 2021” (2021)

⁶ *Id.*

⁷ *Sinclair v. United States*, 279 U.S. 263 (1929).

⁸ Select Committee to Investigate the Jan. 6th Attack on the U.S. Capitol, Transcribed Interview of Craig Hunter, (Jan. 20, 2022)

⁹ Non-Senior witness testimony to DoD IG (March 23, 2021)

leadership at the time.¹⁰ Even so, these statements remain published as historical record.

The DoD IG Report concludes that DoD actions to prepare for and respond to the protest at the U.S. Capitol on January 6, 2021, were “appropriate”, “supported by requirements”, and “reasonable in light of the circumstances.” However, the Subcommittee disagrees with the DoD IG’s conclusions following a full investigation into the DoD’s actions and inactions on January 6. Subcommittee findings:

- Secretary McCarthy’s failure to communicate the Secretary of Defense’s order to the DCNG Commander – to immediately deploy forces to the Capitol at 3:04pm.¹¹
- Failure of Secretary McCarthy to communicate directly with the DCNG Commander between 2pm and 6pm – IG Report states the calls took place despite both parties stating, under oath, that the calls never took place.¹²
- Failure to review the purpose and significant delay incurred for the development of the CONOP that was neither requested, needed, nor utilized– and to this day has never been produced.¹³
- IG finding that DCNG was not prepared for the Civil Disturbance mission¹⁴ – despite the knowledge that Secretary McCarthy had recently received comprehensive briefings on DCNG capabilities and observed rehearsals on Civil Disturbance operations by DCNG personnel.¹⁵

The inability of the DoD IG to adequately review these and other DoD actions on January 6 has informed the Subcommittee’s finding that DoD IG is complicit in intentionally concealing DoD actions to delay the DCNG’s response to the Capitol on January 6.

The Subcommittee appreciates the important work of Inspectors General and, in particular, the DoD IG’s commitment to independence, integrity, excellence, and transparency. For that reason, the Subcommittee has worked with the DoD IG in good faith to provide multiple opportunities to produce corroborating materials and absolute evidence to support the findings within Report No. 2022-039.¹⁶ In comments provided to the Subcommittee in response to a discrepancy within the report, the DoD IG responded with, “[a]s a fundamental matter, it is neither unreasonable nor

¹⁰ [Select Committee to Investigate the Jan. 6th Attack on the U.S. Capitol, Transcribed Interview of Craig Hunter](#), (Jan. 20, 2022)

¹¹ [Select Committee to Investigate the Jan. 6th Attack on the U.S. Capitol, Transcribed Interview of Acting Secretary of Defense Christopher Miller](#) (January 14, 2022).

¹² [Select Committee to Investigate the Jan. 6th Attack on the U.S Capitol, Transcribed Interview of Secretary of the Army Ryan McCarthy](#) (February 4, 2022).

¹³ [Committee on House Administration, Subcommittee on Oversight Transcribed Interview of D.C. National Guard Command Sergeant Major Michael Brooks, pg. 74](#) (March 14, 2024)

¹⁴ DEP’T OF DEFENSE OFF. OF INSPECTOR GENERAL, REP. DODIG-2022-039, “REVIEW OF THE DOD’S ROLE, RESPONSIBILITIES, AND ACTIONS TO PREPARE FOR AND RESPOND TO THE PROTEST AND ITS AFTERMATH AT THE U.S. CAPITOL CAMPUS ON JANUARY 6, 2021” (2021).

¹⁵ [“DoD Official: National Guard Is First Choice in Response to Civil Unrest”](#) (June 3, 2020).

¹⁶ Letter from David Core to Subcommittee Staff (July 18, 2024). (on file with the Subcommittee).

unusual that witnesses to particular events, especially involving stressful, fast-paced, and multifaceted activities such as occurred on January 6, 2021, may recall certain matters but not others, and their recollections of events may differ from each other.”¹⁷ In response to another discrepancy in the report, the DoD IG responded, “Secretary McCarthy’s description of the circumstances.... document the frenetic pace under which the Secretary and his immediate staff were operating at that time. As a result, we are not surprised by the Secretary’s lack of certainty about whether he spoke with MG Walker.”¹⁸ Inventing a critical phone call between Secretary McCarthy and Major General William Walker in the absence of any evidence violates all investigative standards¹⁹.

A report that includes biased and incomplete statements to favor the DoD and U.S. Army while disparaging the DCNG fails to represent the DoD IG’s philosophy and practice of producing unbiased, objective, impartial, and independent reviews as well as recommendations grounded in evidence and free from external influence.²⁰ Therefore, we are left with no choice but to reject Report No. 2022-039 and request that you publish a formal correction on behalf of the 10,432²¹ congressional staff members and 535 Members of Congress who donned gas masks and retreated from the House and Senate Chambers while the DCNG sat on buses waiting, less than 2 miles from the Capitol at the D.C. Armory, because of a lack of communication from Secretary Ryan McCarthy.²²

On June 4, 2024, the Subcommittee reached out to the Council of the Inspectors General on Integrity and Efficiency (“CIGIE”), an independent entity that focuses on addressing integrity and efficiency issues within Offices of Inspectors General across the federal government, seeking guidance on the revision or retraction of Report No. 2022-039. This request was referred by CIGIE to the DoD IG, which has yet to be addressed.²³ In July 2024, CIGIE Chairman Greenblatt testified that there is precedent, and it is “wholly appropriate to take down whatever is wrong and replace it with something that is factually accurate.”²⁴

The Subcommittee respectfully requests a full correction of this report to ensure the accurate preservation of historical records. As such, we are committed to continuing our good faith relationship with the DoD and DoD IG and look forward to assisting your office in correcting this report. Please provide a written response no later than December 4, 2024. Should you have

¹⁷ Letter from David Core to Subcommittee Staff (July 18, 2024). (on file with the Subcommittee).

¹⁸ *Id.*

¹⁹ DEP’T OF DEFENSE OFF. OF INSPECTOR GENERAL, REP. DODIG-2022-039, “REVIEW OF THE DOD’S ROLE, RESPONSIBILITIES, AND ACTIONS TO PREPARE FOR AND RESPOND TO THE PROTEST AND ITS AFTERMATH AT THE U.S. CAPITOL CAMPUS ON JANUARY 6, 2021,” p. 56 (Nov. 16, 2021).

²⁰ *Mission and Strategic Plan*. About, DEPT of Defense Office of Inspector General (Sep. 16, 2024), <https://www.dodig.mil/Mission-and-Strategic-Plan/>

²¹ Congressional Research Service, Senate Staff Levels, 1977-2022, R43946, at 6 (2023); Congressional Research Service, House of Representatives Staff Levels, 1977-2023, R43947, at 8 (2023).

²² Committee on House Administration Subcommittee on Oversight, Transcribed Interview of Michael Brooks, (March 14, 2024).

²³ E-mail from Juan Lara, Congressional and External Affairs, Council of the Inspectors General on Integrity and Efficiency, to Subcommittee Staff, Committee on House Administration Subcommittee on Oversight. (Jun. 21, 2024, 14:19 EST) (on file with the Subcommittee).

²⁴ [Oversight of the Council of the Inspectors General on Integrity and Efficiency, July 23, 2024, The Honorable Mark Greenblatt Testimony.](#)

questions concerning this correspondence, please contact the Subcommittee at 202-225-2338.
Thank you for your cooperation with this important oversight matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Barry Loudermilk". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

Barry Loudermilk
Chairman
Subcommittee on Oversight
Committee on House Administration