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COMMITTEE ON HOUSE ADMINISTRATION  
U.S. HOUSE OF REPRESENTATIVES,  
WASHINGTON, D.C.

INTERVIEW OF: MICHAEL FREDRICK BROOKS

Thursday, March 14, 2024

Washington, D.C.

The interview in the above matter was held in room 4480, O'Neill House Office Building, commencing at 10:05 a.m.

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2 Appearances:

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5 For the COMMITTEE ON HOUSE ADMINISTRATION:

6

7 [REDACTED] PROFESSIONAL STAFF MEMBER, SUBCOMMITTEE ON OVERSIGHT

8 [REDACTED], DEPUTY STAFF DIRECTOR, SUBCOMMITTEE ON OVERSIGHT

9 [REDACTED], COUNSEL, SUBCOMMITTEE ON OVERSIGHT

10 [REDACTED], STAFF DIRECTOR, SUBCOMMITTEE ON OVERSIGHT

11 [REDACTED], MINORITY DEPUTY STAFF DIRECTOR

12 [REDACTED], MINORITY OVERSIGHT COUNSEL

13 [REDACTED], MINORITY SENIOR COUNSEL FOR OVERSIGHT AND INVESTIGATIONS

14 [REDACTED], VENDOR, CHIEF EXECUTIVE OFFICER OF 5 STONES INTELLIGENCE

1 [REDACTED]: Good morning. We'll go on the record.

2 This is a transcribed interview of Command Sergeant Major Michael Brooks  
3 conducted by the Committee on House Administration, Subcommittee on Oversight.

4 At this time I'd like the witness to please state and spell your full name for the  
5 record.

6 The Witness. Michael Fredrick Brooks, M-i-c-h-a-e-l F-r-e-d-r-i-c-k B-r-o-o-k-s.

7 [REDACTED]: Thank you, sir.

8 Speaking is [REDACTED], deputy staff director of the Oversight Subcommittee.

9 In the room today we have [REDACTED], professional staff member, [REDACTED],  
10 counsel for the Oversight Subcommittee, [REDACTED], a contractor with the  
11 subcommittee, [REDACTED], the subcommittee staff director, [REDACTED], minority  
12 deputy staff director of the full committee, [REDACTED], minority senior counsel for  
13 oversight and investigations.

14 And would you please introduce yourself?

15 [REDACTED] [REDACTED], oversight counsel.

16 [REDACTED]: Would you mind spelling that, please?

17 [REDACTED]: Yes. [REDACTED].

18 [REDACTED]: Okay.

19 Mr. Brooks, do you have any counsel with you here today?

20 The Witness. I do not.

21 [REDACTED]: Okay.

22 So there are two official reporters with us, [REDACTED] and [REDACTED]. They are  
23 transcribing a record of this interview.

24 Please wait until each question is completed before you begin your response, and  
25 we'll try and wait for your response to be complete before we ask our next question.

1           Our official reporters this morning cannot record nonverbal responses, such as  
2 shaking your head, so it's important that you just answer each question with audible,  
3 verbal responses.

4           We ask that you provide complete answers based on your best recollection. If  
5 the question's not clear, just ask me for clarification. And if you don't know the answer,  
6 just say no.

7           So, first, it's important that you understand this interview is voluntary. If at any  
8 time you'd like to stop speaking with us, it's absolutely your choice. Just let us know.

9           Similarly, if at any point you'd like to discuss something with your counsel in  
10 private -- which obviously does not apply today -- you're more than welcome to do that.

11           Secondly, you're not obligated to keep this interview or what we discuss today  
12 confidential. That's your decision. However, the subcommittee does intend to make  
13 your testimony today public at some point.

14           Logistically, please let us know if you need any comfort breaks or would like to  
15 discuss anything.

16           From the majority side, [REDACTED] and I will primarily be the ones asking questions. If  
17 you don't understand the question, just ask us to repeat it or ask clarifying questions.  
18 We'll rotate in 1-hour increments with our minority counterparts, and we'll switch seats  
19 so that they'll be right in front of you.

20           The Witness. Okay.

21           [REDACTED]: Just to give you an outline of the structure of our first hour, we're  
22 going to start with your background, and a few 101-level questions just about the D.C.  
23 National Guard.

24           And then we'll move into the days leading up to January 6th, 2021, and  
25 January 6th itself. And then we'll have some follow-up questions about the DOD IG

1 report and potentially an interview with the January 6th select committee.

2 Does that sound good to you?

3 The Witness. That's fine, yes.

4 [REDACTED]. Awesome.

5 If the official reporter will now swear in Mr. Brooks.

6 The Reporter. Do you solemnly declare or affirm under penalty of perjury that  
7 the testimony you are about to give will be the truth, the whole truth, and nothing but  
8 the truth?

9 The Witness. Yes.

10 [REDACTED]. All right.

11 Mr. Brooks, thank you for your service.

12 Can you please just tell us a little bit about your background?

13 The Witness. I served 29 years in the Army and in the Army National Guard.  
14 The first 12 years of my career, almost 12 years, was with the Active Component, or  
15 COMPO 1, where I served with the 82nd Airborne Division, Eighth Army, as a leadership  
16 instructor.

17 I also served with the old Guard, XVIII Airborne Corps. And then I became an  
18 Active-Duty guardsman with the D.C. National Guard in 2005, where I spent the next 17  
19 years in various units, various positions within that organization, everything from a First  
20 Sergeant of an MP company, which I deployed to Iraq in 2007 and '8, Battalion Operations  
21 Sergeant Major, Brigade Command Sergeant Major, Land Component Command Sergeant  
22 Major, and as well as my final assignment as the Command Senior Enlisted Leader for the  
23 D.C. National Guard from 2017 until I retired March 1st of 2023.

24 [REDACTED]. Thank you.

25 So what was your position and role on January 6th, 2021?



1           A    The mission of the D.C. National Guard is basically a twofold mission,  
2   protecting the Capital and defending the Nation.

3           The way the D.C. National Guard looks at that is they are the only National Guard  
4   that does not report to a governor, that does not protect a State, does not serve a State.  
5   It serves a city.   It just happens to be the Capital of the United States.

6           In that role it's pretty much a defense support of civil authorities role where when  
7   civil authorities, such as police force or other -- Park Police or other agencies, Federal  
8   agencies or District agencies need support, they can request the D.C. National Guard  
9   support.   And if it's found legally sufficient, the request, then often it is approved and  
10   the D.C. National Guard supports civil authorities.

11          On the Federal side, the D.C. National Guard is just like any other National Guard.  
12   They are a Reserve force for the Active Component, and over the past, obviously since  
13   9/11, has deployed multiple times in support of the global war on terrorism, as well as  
14   many deployments within the continental United States, various missions to the border  
15   and other -- Hurricane Katrina and other disaster relief missions.

16          Q    Got it.

17          A    Yeah.

18          Q    How would you describe the overall skill and preparedness of the D.C.  
19   National Guard prior to January 6th, 2021?

20          A    Prior?   From a -- from their Army mission, their job skills, their MOS's, very  
21   proficient.   I mean, like I said, they've deployed -- a lot these soldiers have deployed  
22   upwards of five, six, seven times.   So they're proficient in their jobs.

23          As far as the defense civil support to authorities, the DSCA mission, they're very  
24   proficient in the planning and execution of these.   Every 4 years, they do one of the  
25   largest DSCA operations in the world, which is the inauguration -- the security operations

1 for the inauguration of the President.

2 That's not as widely known, as I was -- as I mentioned before we started. You  
3 know, everybody sees the military presence when they're in their dress uniforms and  
4 they're performing the ceremony of the inauguration. But it's the National Guard who  
5 comes in from all over the country and performs the security apparatus along with  
6 Federal agencies and District agencies to perform the security mission.

7 And part of that, unfortunately, is crowd control or crowd management. So we  
8 do train. It's one of our mandatory tasks that we train annually on the use of crowd  
9 control or, for lack of a better term, riot gear, so they're proficient in donning and using  
10 this equipment and moving in formations.

11 We are called out several times a year to work with MPD, Park Police, and other  
12 Federal agencies. So we are very versed in how to insert ourselves into an MPD  
13 formation or other civil disturbance operation, and it's fairly seamless.

14 We are the National Guard. So, yes, folks come in from their civilian jobs. But  
15 we normally try to have at least a day ahead of time for them to come in, kind of do some  
16 refresher training, before they actually go out on a mission --

17 Q Okay.

18 A -- when we're allotted the time.

19 Q Got it.

20 What was Major General Walker's relationship like with Secretary McCarthy?

21 A It wasn't a bad relationship, but I wouldn't say it was a great relationship.

22 From my viewpoint, I believe Secretary McCarthy -- and I don't know if it was his  
23 personal opinion or views that he got from others within the Active Army staff -- but he  
24 was not, in my opinion, treated as an equal, as a two-star general, as an Army two-star in  
25 the regular component, COMPO 1, two-star general would be treated. And that's how I



1 viewed it. That's my opinion.

2 Q Sure.

3 And what was your relationship like with Secretary McCarthy?

4 A I thought it was a fairly good relationship. Often he would talk to me after  
5 speaking with General Walker. We had numerous conversations over the years when  
6 he was in that position, even when he was just the acting secretary.

7 So I knew him fairly well from a work perspective and had several conversations  
8 with him. I don't know. I felt like he respected me. So I guess that's how I'd put it.

9 Q Sure.

10 Can you elaborate on Secretary McCarthy's role with the D.C. National Guard prior  
11 to January 6th?

12 A So the first part that I think would really stand out would be the civil  
13 disturbances we had following the murder of George Floyd.

14 We had several protests on and around Lafayette Square where we supported  
15 MPD, along with several other Federal agencies with that mission, as well as protecting or  
16 trying to protect some of the monuments from being defaced.

17 During that time, I was rather surprised by the behavior of Secretary McCarthy,  
18 who is the Secretary of the Army. However, there were several instances that I  
19 observed that I thought were not very becoming of a person of that position.

20 There was one time at Lafayette Square where he stood, looked right past myself,  
21 a two-star general, and two other general officers and asked a specialist to move a vehicle  
22 from one position to another.

23 That is a tactical operation. That is not the role of somebody that is appointed,  
24 as the Secretary of the Army, I thought it was very bizarre. That's my opinion of it.

25 And, quite frankly, it wasn't that far. So it was kind of an unimportant thing. I don't

1 know what it was about.

2 There was another instance at the FBI Washington Field Office where we had a  
3 small cell stood up, where we were in there, working with our staff. Secretary McCarthy  
4 had burst through the door. He looked kind of like -- I don't want to say he was  
5 disoriented. He looked like he was looking for something a little frantically.

6 And he yelled, "I need a map." And he turned around, and there was a map  
7 hanging on the wall. And he turned, and he faced the map. And he said out loud,  
8 "Orient yourself, Ranger." Which really struck me as odd because I've worked with  
9 rangers all through my career.

10 And then what he did is he took his finger and he pointed at the map and he  
11 placed his finger on the map. And he said, "Okay. You're right here, Ranger, blah blah  
12 blah." And he started going through kind of the orientation of where people were  
13 placed on the map, where our forces were located.

14 It was just bizarre behavior for a Secretary, you know, a Secretary of the Army to  
15 act this way.

16 Afterwards, I did joke with him. It's an ongoing joke within the ranger  
17 community that if you point at a map with your finger, that it covers up an entire grid  
18 square. So you're somewhere within a thousand-meter square.

19 So I joked with him. I said, "Sir, would you like me to go outside and get you  
20 some pine needles so you can make a more accurate depiction on the map?" Which he  
21 chuckled and laughed and went, "Oh, Sergeant Major, that's funny." And we carried on.

22 But it was just -- from that summer of 2020 on, it really felt like he had a new toy  
23 to play with. Up until that point he didn't come to our building. He didn't come and sit  
24 with us and ask us about missions or our preparedness or equipment statuses or  
25 anything.



1 BY [REDACTED]:

2 Q Understood.

3 So our first exhibit is going to be the Washington Post op-ed from January 3rd,  
4 2021.

5 Are you aware of this op-ed, sir? It's called --

6 A It's been a while. I don't --

7 Q The title is "All 10 living former defense secretaries: Involving the military  
8 in election disputes would cross into dangerous territory."

9 Are you aware of Acting Secretary Miller or Secretary McCarthy's feelings toward  
10 this op-ed?

11 A I'm not familiar with their feelings with that op-ed, no.

12 Q Do you believe this op-ed influenced decision making?

13 A Based on what I observed over those events, there was definitely something  
14 influencing it. Whether it was that, I couldn't tell you.

15 Q So according to Acting Secretary Miller's testimony before the House  
16 Committee on Oversight and Reform, he stated that he made, quote, "a very deliberate  
17 decision that I would not put U.S. military people east of the 9th Street Northwest."

18 Can you kind of speak to where any concerns about the proximity to the Capitol  
19 may have come from?

20 A Again, it goes -- in my viewpoint, it goes to the events of the previous  
21 summer. There were some very public things going on. Obviously, there were many  
22 news articles written about the military's involvement during Lafayette Square and the  
23 Black Lives Matter protests.

24 Most of it was just, in my opinion, propaganda, such as the military used teargas.  
25 We never issued teargas to our people. We never did. Most of the stuff that they said

1 that the military themselves did, did not actually happen.

2 They said they saw -- it wasn't just National Guard. It was Active-Duty troops.  
3 Well, that's not true. A lot of our soldiers, as I stated before, have deployed multiple  
4 times. They wear combat patches from units that they served with, whether they were  
5 with the National Guard or the Active Component. So you might have seen an 82nd  
6 Airborne Division patch out there.

7 But the civilian populace doesn't know which shoulder to look at. So they just  
8 assume that, "Oh, that's a patch I recognize," and say that's Active-Duty troops.

9 With all that media -- I'm trying to remember correctly -- there had were folks who  
10 had to go to the Capitol and testify about stuff that happened.

11 On numerous occasions I heard the Secretary say that he didn't want to have to  
12 testify in Congress, in front of Congress again. That, to me, influences his opinion, his  
13 view of how he's going to adjudicate something.

14 So if you're worried about having to go testify, how are you balancing  
15 the -- whether or not it's a real request for assistance or is this something you're  
16 concerned that you might have to testify later on? That's how I think it was influenced.

17 Q So prior to January 6th, did you ever hear a reference to optics?

18 A Yes. The optics thing, it became like a term they would use whenever they  
19 just seemed to not understand something or they didn't like something. It would be  
20 like, well, the optics of this, the optics of that.

21 Like the D.C. National Guard itself has no control over how the public views. It's  
22 not a political issue. It's not anything. It's they're doing their duty. They were given  
23 a mission and they go and they perform the mission to the best of their abilities.

24 How someone else views that, yeah, I could see, like, nobody wants to see armed  
25 soldiers on the streets of America. That's just not who we are. Nobody wants to see

1 that. Servicemembers don't want to see that.

2 However, if you are going to have to put soldiers on the street, the National Guard  
3 is 100 percent the best option, because these are people who live in this community,  
4 these are people that work, they're neighbors, they're kids soccer coaches and stuff in  
5 this community. You want people who care about the community who are on the  
6 streets.

7 During the Black Lives Matter protests we had soldiers' family members come up  
8 to them on the line and ask them what they were doing, "Why are you on that side?"  
9 And it's because they took an oath to the Constitution, not to a President, not to any  
10 other politician, but to the Constitution of the United States.

11 That had a -- those events had a far-reaching impact on the soldiers and airmen of  
12 the D.C. National Guard long after the protests ended. And was it on their minds during  
13 January 6th? Absolutely.

14 I'm sorry. I probably rambled a little bit there.

15 Q No. Thank you, sir. That's very helpful.

16 So we're just going to move on to the days leading up to January 6th.

17 So, sir, are you aware of a January 4th memo from Acting Secretary Miller to  
18 Secretary McCarthy?

19 A I know that there was a memo that was kind of, like, informing that, like, I  
20 think it was about the action memo we ended up getting about authorizing the use of  
21 D.C. National Guard, so, yes.

22 Q So my follow-up is, are you aware of a January 5th memo from Secretary  
23 McCarthy to Major General Walker?

24 A Yes, I am.

25 Q Okay. When were you made aware of that memo?

1 A Sometime afternoon, January 5th probably.

2 Q Okay. Are you aware of the contents of this memo, specifically the changes  
3 made by the Secretary of the Army?

4 A Yeah, there was a lot of discussion as to the unusual restrictions that had  
5 been placed in this memo that hadn't been placed in any other memo.

6 Like I said, we do this a lot. So to have one come down that restricted the use,  
7 basically, again, I don't think they would give those kind of restrictions to a combatant  
8 commander or anyone else that they authorized to do a mission.

9 So why would you come down and tell a two-star general who has several general  
10 officers, command sergeants major and command chiefs, to help run your operation, tell  
11 him you can't deploy a QRF on his own, when the reaction force would be in support of  
12 the mission that you're doing or the city that you're responsible for?

13 So it just -- there's a lot of discussion about those restrictions and why they were  
14 there. Again, I think it had a lot to do with the previous events that -- I think Secretary  
15 McCarthy wanted to have more of a role than he had.

16 [REDACTED]. Okay. So I'm going to kick it to my colleague, [REDACTED] to just ask  
17 some specific questions about that memo.

18 BY [REDACTED]:

19 Q So in addition to Secretary McCarthy telling Major General Walker that the  
20 D.C. National Guard are not authorized to perform any additional tasks or duties not  
21 authorized in this memo without his personal authorization, the D.C. National Guard is  
22 not authorized to do the following. And the first bullet point here is to be issued  
23 weapons, ammunition, bayonets, and batons.

24 On January 5th and 6th, did the D.C. National Guardsmen at the traffic control  
25 points have any of those items?

1           A    There were absolutely no weapons issued.  Lethal arms were not issued at  
2 any time to our servicemembers.

3           However, we did place three sets of basic, riot control gear, in the trunks of those  
4 GSAs at those traffic control points in the event that -- it's three people.  And normally  
5 MPD would locate one officer for, like, every couple of blocks, every couple of  
6 checkpoints.

7           So in our opinion it was personal protection for our servicemembers, that  
8 if -- if -- the crowd got unruly or they decided that somebody wanted to take control of  
9 the -- there, those servicemembers would at least be able to don some form of protective  
10 equipment.

11          So we did have riot control gear in the trunks of those cars, but at no time were  
12 they visible or issued.

13          Q    And what constitutes riot control gear?

14          A    The typical gear starts with shin guards, such as kind of like a catcher in  
15 baseball would wear, usually a vest of some sort, whether it's the old school flak vests or  
16 the more modern-style IBAs or body armor type vests, a helmet, a face shield that affixes  
17 to the helmet, which they're a normal military-issued helmet that has a face shield affixed  
18 to it, a riot shield and then usually a baton.

19          Make sure I got all that.  Yeah, I think that's pretty much it.  And -- well, I take  
20 that back.  Most of the time they also do have their protective masks as well.  It serves  
21 two purposes.  One, it swings around the front to protect their groin area, because the  
22 vests don't go down that far, as well as in the event someone else is using crowd  
23 dispersion methods, such as CS gas or something else, they would have the ability to don  
24 those masks.

25          Q    So now the change in authorizations from Secretary -- or Acting Secretary of



1 Defense Miller, and then, again, on the 4th, to Secretary McCarthy on the 5th, when he  
2 relayed that to General Walker, take out the ballistic protection equipment such as  
3 helmets and body armor.

4 Do you know where that change came from?

5 A As far as the changes to remove it?

6 Q Yes, to remove the prohibition.

7 A No, I do not.

8 Q Okay.

9 A It wasn't us.

10 Q Now, one thing that has stayed in the memo from the 4th to the 5th was to  
11 be issued batons. And you just mentioned that the soldiers at the traffic control point or  
12 the guardsmen at the traffic control points did have batons?

13 A In the trunks of the cars.

14 Q In the trunks of the cars.

15 However, on the January 5th memorandum from Secretary McCarthy to Major  
16 General Walker, those were still listed as prohibited items.

17 Do you know where the order came from for the soldiers to have the batons?

18 A The decision was made -- there was in -- there were several things leading up  
19 prior to January 5th. We had conversations about the possible need of the D.C. National  
20 Guard that weren't authorized.

21 We had had conversations with Chief Sund, who is the Capitol Police Chief at the  
22 time, who had told us that he had gone and asked the board to be able to use National  
23 Guard forces and was told no. Again, the optics word was used.

24 However, Chief Sund did ask, "If it becomes necessary, how many troops could  
25 you get us?" And I don't remember the exact number General Walker said. I think we

1 referenced a number that we had who were already on orders for a COVID mission,  
2 COVID support mission.

3 So we were trying to be proactive. So, yes, we made the call to have riot gear.

4 When we say riot gear, we don't normally remove parts of the gear. Usually it's  
5 just the soldiers' kit. It's much easier to tell the soldiers get your riot gear and they take  
6 their kit and they put it wherever necessary.

7 So I would assume the reason those batons were there was because we told them  
8 to put riot gear in the trunks of their car.

9 Q Okay. And who from the Department of the Army was aware of this, if  
10 anybody?

11 A I couldn't answer that. I mean, I know that we stated it many times, but I  
12 can't specifically say we told this person from the Army.

13 Q Okay. And then you briefly just said that the optics word was used. Do  
14 you know by whom?

15 A I mean, throughout this whole time I could attribute the optics word to  
16 Secretary McCarthy, Lieutenant General Piatt, Flynn, [REDACTED] Major [REDACTED] who was an -- I  
17 mean, just about everybody in the Secretary's entourage used it at some point in regards  
18 to, "How's that going to look? What are we going to do about this if something  
19 happens?"

20 But I can't specifically say that this person said it that time.

21 Q Okay. Thank you, sir.

22 And so to continue on with this January 5th memo, Secretary McCarthy also states  
23 to Major General Walker, "I withhold authority to approve employment of the D.C.  
24 National Guard Quick Reaction Force and will do so only as a last resort in response to a  
25 request from an appropriate civil authority."

1           And this is, again, also requiring a concept of operations prior to approval.

2           Is this consistent with other defense support of civil authority requests from the  
3 D.C. government in the past?

4           A    Absolutely not.  The Quick Reaction Force is a tool that is normally  
5 allocated to commanders on their own recognizance.

6           General Walker, as the commanding general of the D.C. National Guard, already  
7 had authority as far as to protect life, limb, and property, I believe it was, that he could  
8 push a force forward and get -- and I think the -- it's been a while since I read that, I think  
9 it's D.C. code, that says he has that authority but must immediately notify the Secretary of  
10 the Army at the soonest available time.

11           That line in the memo removed that authority from General Walker to be able to  
12 act on January 6th.

13           Q    Okay.  Thank you.

14           So General Walker would typically have the unilateral authority to call in the Quick  
15 Reaction Force.

16           A    Yes.

17           Q    Okay.

18           Now, so like I said previously, the memo stated that the National Guard were not  
19 authorized to perform any additional tasks or duties not in this memo without Secretary  
20 McCarthy's personal authorization.

21           Is that consistent with previous defense support of civil authorities requests from  
22 the D.C. government?

23           A    Yes and no.

24           Q    Okay.

25           A    Yes, if we're going to have a change in mission, yes, we need to notify the

1 Secretary of the Army that we're being asked to do something different. We do have to  
2 make those notifications.

3 However, the part that really became apparent that this was much different was  
4 when during the operations MPD asked us to move one vehicle position from one  
5 intersection literally a block away within eyesight, and we were not authorized to do it  
6 without contacting the Secretary of the Army first.

7 That is a ridiculous restraint from a tactical standpoint where you have a general  
8 officer who's in charge of a task force, who has all the leadership that comes with that  
9 package, perfectly capable of moving that vehicle one block in support of the mission  
10 you've already authorized.

11 We're not adding additional vehicles. We're not doing anything else. We're  
12 moving the vehicle one block. And you've created a process that took way too long.  
13 Whereas the general officer in charge of that task force could have moved that vehicle at  
14 the request of the agency he was supporting, reported it to General Walker.

15 And General Walker could have reported to the Secretary of the Army, "Hey, just  
16 to inform you, we've moved this vehicle from one location to here, here's our justification  
17 of why," and thoroughly explained it.

18 That's a simple task.

1 BY [REDACTED]:

2 Q So, sir, in a transcribed interview with the January 6th select committee,  
3 Colonel [REDACTED], the Joint Task Force Guardian commander, testified that the MPD  
4 asked him to move a vehicle one intersection north but that he could not authorize that.

5 Colonel [REDACTED] continues, "I had to request that up through the Secretary of the  
6 Army and it took 3 hours. Three hours later, I received approval."

7 A Yes.

8 Q Is that what you're speaking to?

9 A Yes. So just to make it clear, that Colonel [REDACTED] is the commander on the  
10 ground with the troops. The staff and everybody else still had another commander, a  
11 one-star general, Kenneth Ryan.

12 So it wasn't like this colonel's out there -- although a colonel, this is an O-6 in the  
13 United States Army, who has the authorization to command a brigade of soldiers in a  
14 combat zone without very much oversight, other than what's given to him in his mission  
15 concept. But he can't make the decision to move a vehicle without the Secretary's  
16 approval?

17 I think that speaks to Secretary McCarthy's overreach.

18 Q Sir, can you just explain for the record what an O-6 is?

19 A An O-6 is a colonel in the United States Army. It is the last rank an officer  
20 has before he becomes a general officer. So this is not a lieutenant fresh out of college  
21 or ROTC or OCS, Officers Candidate School. This is a seasoned officer.

22 On top of that, Colonel [REDACTED] has an incredible background, doing a lot of  
23 important things that I'm sure he could explain. But -- yeah, I don't know.

24 BY [REDACTED]:

25 Q And could you speak to the size of a brigade, just for the record?

1           A    A brigade would be three to five battalions, which would be -- each battalion  
2 probably has between 500 to 700 people. So you're talking about a thousand people.

3           This was a 90, for each shift, 90-person detail that this colonel was in charge of  
4 because that's how -- we put a senior officer down there, in my opinion, unnecessarily to  
5 try and appease the Army staff. Nowhere else in the Army do you really find an O-6, a  
6 colonel, leading 90 people.

7           Q    Yes, sir.

8           So I guess to go back to the January 5th memo from Secretary McCarthy to Major  
9 General Walker, how did those prohibitions affect the planning and fulfilling the D.C.  
10 government's request for assistance?

11          A    I mean, we still moved forward. We had already been planning. The D.C.  
12 National Guard has -- it's a unique process. So it is different. Each time there's a  
13 seven-step process that's kind of set in stone that we kind of operate through over the  
14 years.

15          We get the request. We review it. We send it up. It goes through those  
16 steps. We get approval. It comes down. We execute the mission.

17          Often that approval doesn't come until sometimes the day of the mission. Like,  
18 they're often late.

19          So what we have a tendency to do is we will start as much preparatory operations  
20 as we can prior to with the staff that is on orders already, or if we have the funds  
21 internally to bring people on to do it.

22          Because planning can be considered a training event, we can bring them on with  
23 training dollars to do mission prep, whether it's mechanics to make sure vehicles are  
24 straight, supply sergeants to make sure that the equipment is ready to go.

25          We do all these things as much as we can leading up to, because normally we

1 understand that, like, hey, we've done it enough times to be able to look at a request to  
2 go, yeah, it's most likely that's one that's going to get approved. So we will start  
3 planning.

4 And we had, with this one, we had folks who are full time and others doing the  
5 planning.

6 So did it affect us? Yeah, it affected us in the ability to say we knew exactly  
7 which soldiers were going to be in on that day. We had a list of people who had  
8 volunteered, because what we'll also do is send out a message to say, "Hey, we have a  
9 possible mission. Who's available?"

10 And they will respond, "Hey, I'm available."

11 And those are the first people we call once we get approval to say okay. Because  
12 if that servicemember is not on an order that says they are authorized to be on status,  
13 they're not covered. So if they have an accident or they do anything, they're not  
14 covered medically or anything like that.

15 So we try not to bring anybody in before there's an approved order, and we can't  
16 really obligate funds until we get approval. So it's a balancing act.

17 So while it hindered our ability in some ways, we still made do.

18 Q Now, did that have any impact on the D.C. National Guard to respond to a  
19 civil disturbance operation near the United States Capitol? Did the memo and the  
20 restrictions in the memo?

21 A Are you still talking about January 6th, or are we back at Lafayette Square?

22 Q We're talking about January 5th, sir.

23 A Oh, January 5th?

24 Q With the memo coming from Secretary McCarthy to Major General Walker.

25 A On the 5th? I didn't see any impacts on the 5th.





1 kitchen area.

2 And then we kind of went about our daily business of just checking on things.  
3 General Walker was in his office, which, I mean, we're all on the same floor. We're all  
4 right near each other.

5 Yeah, other than a couple of meetings I think I took, yeah. After that, I was in  
6 with General Walker the rest of the day.

7 Q And, sir, this is the D.C. Armory. Is that correct?

8 A Yes.

9 Q Thank you.

10 So who did you have direct lines of communication with on January 6th?

11 A General Walker, obviously, our staff's judge advocate, Colonel Earl  
12 Matthews, the general's aide, [REDACTED], obviously, the task force commander,  
13 Brigadier General Ryan, the NCOIC of the task force, and the OIC, [REDACTED], as well  
14 as Sergeant Major [REDACTED], who was his enlisted adviser for the mission.

15 We had Chief Master Sergeant [REDACTED]. She was on. She had been part of the  
16 task force because at the time we had this overlapping task force from the COVID  
17 mission. So we had begun.

18 And then, of course, Colonel [REDACTED]. Was he a colonel or a general at  
19 the time? [REDACTED], from the Air side.

20 I mean, pretty much every senior leader in the D.C. National Guard at that point.

21 Q Okay. Thank you, sir.

22 How were you receiving information regarding the security situation at the  
23 Capitol?

24 A We received regular updates from the task force commander in the form of  
25 a brief that was given to the operations center. We would go. We'd receive a brief.

1 We'd walk across the roof of the D.C. Armory to the east wing where the operations  
2 center is. We'd get the brief. We'd come back.

3 So, yeah, briefs, and then, obviously, anything -- if anything came up, we'd  
4 received phone calls or anything, it's one building.

5 Q Okay. So the DOD IG report states that Secretary McCarthy and/or  
6 someone from his Army staff contacted Major General Walker three times that day, once  
7 at 3:04 p.m., again at 4:35 p.m., and finally at 5 p.m., which Major General Walker  
8 refutes.

9 Do you recall any of these phone calls taking place?

10 A I do not. To my knowledge, Secretary McCarthy did not -- and I was with  
11 General Walker consistently from a minimum of Chief Sund's call about 1:45, somewhere  
12 in there, on that day, and at no time do I remember him receiving a phone call, or even  
13 his aide receiving a phone call, who often watched his phones when he was at the desk or  
14 something else.

15 Obviously, it's his supervisor. He would have interrupted if he were called. I do  
16 not recall a call from Secretary McCarthy.

17 Q Does Secretary McCarthy have Major General Walker's phone number?

18 A Yes.

19 Q Would he have called --

20 A Both personal and government, yes.

21 Q Would he have called his cell phone, a landline, personal? Do you know  
22 how he would have reached out?

23 A Yes. He has called previously on the office phone. I mean, he's called on  
24 his cell phone, his government, and his personal. So he had all General Walker's contact  
25 information. There's no reason he couldn't have gotten in contact with him that day.

1 Q Okay. Thank you.

2 And, sir, you mentioned a call, I believe 1:49, with Chief Sund, a call to Major  
3 General Walker.

4 Do you know who was present for that call?

5 A General Walker, myself, General Dean, Colonel Matthews,  
6 Lieutenant -- obviously, Lieutenant [REDACTED] Yeah. That's all I'm absolutely sure were  
7 there.

8 Q Sure. And can you speak to what you recall about this phone call?

9 A It was very frantic. Chief Sund was, obviously, in a state of -- he was  
10 animated. I mean, you could tell over the phone call that he was very excited about  
11 what was going on. He was trying to get help. He was very nervous.

12 Q Was there a direct ask from Chief Sund on this call to Major General Walker?

13 A Yes, he asked for immediate support, as many troops as we had, to the  
14 Capitol, because he anticipated that it would be breached.

15 Q Okay. We're going to move on to the TCPs, the traffic control points.

16 So was Secretary McCarthy involved in the decision making of the location of the  
17 TCPs?

18 A No. We received a -- we receive a list from MPD. MPD has, we refer it to  
19 as the box, but if you look at any of those graphics that are out there -- I'm sure they're in  
20 the report -- purple lines with the little dots at each intersection.

21 That had been a standard box that we had been using since before even the Black  
22 Lives Matter protests because it was a Metropolitan Police Department decision following  
23 events -- I believe it was in Charlottesville where a vehicle had driven through a protest.

24 So MPD decided that, hey, people are going to protest. That's where they go.  
25 So they had created this block, we call it the box, where we restricted vehicle traffic so

1 that we didn't have those incidents, that people could freely protest and march without  
2 having to worry about vehicles.

3 So they were predesignated. It was almost -- if you go back and look, you can  
4 almost look at those are the exact same points that the soldiers go to almost every single  
5 time for that mission.

6 So if he stated he had anything to do with it, it's an over exaggeration of his input.

7 Q Were you aware of any traffic control points being removed because of  
8 optics?

9 A They didn't want any military presence on the -- would be the west side, I  
10 believe it was. And there were some concern about how close the ones on the east and  
11 southeast side were to the Capitol.

12 But like I said, those points were predesignated. We didn't have any issues.  
13 MPD wanted 30 points. We gave them 30 points.

14 Q Are you aware of a traffic control point at the Capitol South Metro being  
15 removed?

16 A Not that I can recall off the top of my head, no.

17 [REDACTED]: Okay.

18 BY [REDACTED]:

19 Q So along with the TCPs, you had already mentioned that the guardsmen out  
20 there had their civil disturbance kits.

21 Now, did Secretary McCarthy know that the guardsmen at the traffic control  
22 points had their riot control gear?

23 A At that point, yes.

24 Q At that point?

25 A Yeah.

1 Q And what time are you referring to, sir, 2 o'clock or 2:30 that day?

2 A Yeah. I'm not sure about what time during that point that he knew. But  
3 we stated we have guardsmen. We have riot gear. We said this is how many we have.  
4 We have a QRF of this many. And, oh, by the way, we have this many folks at TCPs that  
5 have equipment with them.

6 Q But he was aware before the authorization from Acting Secretary Miller?

7 A Yes.

8 Q Okay.

9 A I believe so, yes.

10 Q Perfect.

11 And did you ever hear the phrase "re-mission" throughout the day?

12 A Yes.

13 Q Can you just go into a little bit more depth on that? Do you know who you  
14 heard it from? Along what lines was it being referred to?

15 A Mostly from kind of the Army staff when they were talking about, "Oh, we  
16 have to recall them and re-mission them."

17 We had already had a point designated where we would rally, assemble, get  
18 together, and go to where we were needed.

19 So, yeah, there was a lot of talk about re-mission, but it's overexaggerated. The  
20 re-missioning would have been simply calling over the radio to tell the soldiers to report  
21 to the rally point. I think it was Louisiana, and I can't remember the other one. But  
22 that intersection where they would meet, and then we would go from there.

23 Q So then how long would the re-missioning have taken, given that the D.C.  
24 National Guard had their riot control gear readily accessible?

25 A Conservatively speaking, and this is with, like, say, the traffic was jammed up

1 because of the protests and everything else, no more than probably about an hour.

2 They weren't -- I mean, they could have donned the equipment and walked.

3 Q So was it necessary to recall those from the traffic control points to the  
4 Armory in order for them to re-mission?

5 A No. In my opinion, no. And also, technically, through the authority  
6 there's supposed to be an MPD officer with those soldiers. So if the MPD officers have  
7 been removed, those soldiers are technically supposed to leave that point anyway.

8 If they don't have MPD support, in the event that there's some sort of incident, if  
9 there's no MPD officer, those soldiers aren't supposed to be there because they are in  
10 support of MPD. They're not out there on their own doing a mission as soldiers.  
11 They're supporting the Metropolitan Police Department.

12 So if there's no Metropolitan Police Department to support, they're not supposed  
13 to be there. So they could have easily been taken off mission if those officers left.

14 Q Okay. Yes, sir.

15 So we're going to move on to questions about the Quick Reaction Force.

16 So did the Quick Reaction Force have experience with civil disturbance  
17 operations?

18 A Some yes, some no, but that's not uncommon in the National Guard or even  
19 in the regular component. You have new people. You have old people. There's  
20 different levels of proficiency with the gear.

21 Did you have some that maybe didn't have a lot, maybe got their first kind of  
22 exposure that day? Probably. Does that mean they couldn't have done the job? No.

23 Q Now, on the days leading up to January 6th and the morning of January 6th,  
24 was there any intelligence that the D.C. National Guard had received that the original  
25 mission from the traffic control points would turn into a civil disturbance operation?

1           A    I mean, there was chatter, but I don't recall any credible threat of actual  
2 violence or anything that we were overly concerned about.

3           Q    Okay.  So it was not -- you all -- it was not on your radar.  You were not  
4 aware of any mission change to civil disturbance.

5           A    No.  Like, we were still basing off of our assumptions and conversations  
6 that we had with District authorities and others prior to of what their expectations were.  
7 And their expectations were fairly low as well, at least as far as they could handle what  
8 they were expecting.

9           Q    Yes, sir.

10          A    The only caveat to that, I would say, would be Chief Sund, who I think from  
11 the conversations previously he wanted but was not authorized to ask for.

12          Q    Yes, sir.

13                Now, who gave the order to move the Quick Reaction Force from [REDACTED]  
14 [REDACTED] to the D.C. Armory?

15          A    So we received the call at 1:49 from Chief Sund.  Between that and the next  
16 call, General Dean and I were in there.  And we had -- while General Walker was talking  
17 with Chief Sund, General Dean and I said, "Hey, even if we can't authorize it, we can at  
18 least move them closer, because there's nothing that says they have to be at [REDACTED]  
19 [REDACTED]."

20                So General Dean, we confirmed with General Walker, and we asked General Ryan,  
21 who was the task force commander, to have the QRF moved from [REDACTED] to  
22 the Armory.

23          Q    And what time was that?

24          A    Probably the latest was, like, 2, 2:05.

25          Q    And that was when the order went out?

1 A It was before the next call.

2 Q Okay. Yes, sir. So between 1:49 and 2:30?

3 A Yes.

4 Q Okay. Thank you.

5 And can you walk us through what happened once the QRF arrived at the D.C.  
6 Armory?

7 A So because of the previous summer's events, we had incidences where  
8 people would be outside the Armory, looking for activity.

9 So I made the call to have the buses move onto the interior of the Armory and  
10 placed on the drill floor so as not to seem like a military force was rallying outside in  
11 public view. So we put it inside the building on the drill floor.

12 BY [REDACTED]:

13 Q Can you explain that in more detail, for those of us who don't quite  
14 understand what you mean, you moved the buses inside to the floor?

15 A I mean, the D.C. Armory has, like, a 75,000-square-foot drill floor. It's  
16 massive. They used to have a circus in there. They've had monster truck shows. So  
17 it's big.

18 Probably don't have time. There's a history lesson behind that.

19 So we pulled the buses in through one of the cargo bay door onto the drill floor  
20 out of sight of public view so that, like I said, soldiers would not be outside getting their  
21 equipment together, loading buses, and raising any kind of suspicion -- or I don't know if  
22 suspicion's a good word -- but any kind of public view of what was going on.

23 Q Thank you.

24 A Yeah, sorry.

25 BY [REDACTED]:



1 Q So the Department of Defense Office of Inspector General report includes  
2 General Piatt's claim that Secretary McCarthy directed Major General Walker to move the  
3 Quick Reaction Force to the Armory during the 2:30 call.

4 I would assume, based on what you just said, that you would disagree with that  
5 assertion.

6 A I believe that is an inaccurate statement..

7 Q Okay. And are you aware of General Piatt's thoughts or feelings regarding  
8 the D.C. National Guard?

9 A General Piatt basically stated during that call, after 2:30 at some point, that it  
10 was not his best military advice to authorize the use of the D.C. National Guard.

11 He would not recommend to his boss the use of the D.C. National Guard and  
12 made a suggestion that the D.C. National Guard relieve MPD in other places in the area so  
13 that they could report to the Capitol, which would have taken, in hindsight, just as long.

14 Q Yes, sir.

15 Now, so Secretary McCarthy stated in a transcribed interview with the select  
16 committee that during his alleged 3:04 call to Major General Walker, with the  
17 authorization from Acting Secretary of Defense Miller authorizing the entire D.C. National  
18 Guard, that it was at that time when he instructed Major General Walker to move the  
19 QRF to the D.C. Armory. Is that accurate?

20 A That is not accurate. From the 1:49 call until sometime after 5, Secretary  
21 McCarthy was not on the call. He was not on a VTC. He was not in any of these  
22 discussions that took place between the leadership of the city. He was not present.

23 It wasn't like I didn't know the man or his voice. I never heard him. Never had  
24 anyone speak. Colonel [REDACTED] was there. Why would Colonel [REDACTED] speak if he were  
25 there?

1 Q Yes, sir. And how do you know this?

2 A How I do know?

3 Q That Secretary McCarthy was not on these calls?

4 A Because I was.

5 Q Because you were?

6 A Yes, I was on those calls. I was in the room. I was on the call. He wasn't  
7 there.

8 BY [REDACTED]:

9 Q So, sir, as we get into the first call, which was 2:30 p.m., do you recall who  
10 requested that call?

11 A I think it was Dr. Rodriguez from D.C. HSEMA, District of Columbia Homeland  
12 Security Emergency Management Agency.

13 Q Okay. Thank you.

14 A That's a lot.

15 Q Do you recall what the purpose was of this call?

16 A They were trying to get the D.C. National Guard support to the Capitol.  
17 Chief Contee, Chief Sund, Dr. Rodriguez, they were trying to figure out what was  
18 necessary, what was needed to get the D.C. National Guard to respond to the Capitol.

19 Q So to your best recollection, who was on that call?

20 A Chief Sund, Chief Contee, General Walker, General Dean, Colonel Matthews,  
21 Lieutenant [REDACTED] myself, General Piatt, General Flynn, LaNeve, Brigadier General  
22 LaNeve -- I think he was a brigadier then. And I'm pretty sure -- I'm not a hundred  
23 percent sure, but I'm pretty sure [REDACTED] was on the call as well.

24 Q Was Secretary McCarthy on the call?

25 A He was not.

1 Q You never heard him speak?

2 A Never, not once.

3 Q The Department of Defense IG report claims that Secretary McCarthy was on  
4 the 2:30 p.m. conference call when it started but did not remain present for the full  
5 duration of the call.

6 The report also indicates that witnesses told the IG that Secretary McCarthy  
7 stayed on the call for 5 minutes, long enough to hear and acknowledge the urgent  
8 request from Chief Sund and Mayor Bowser.

9 Do you agree with that?

10 A I do not. One, he was not on the call. And neither was Mayor Bowser.  
11 Mayor Bowser was not on the call.

12 Chief Sund was making a request. Chief Contee tried to clarify that request to  
13 General Piatt and said, "Are you saying that the Army is not going to authorize the D.C.  
14 National Guard?" He wanted a direct response from General Piatt.

15 If Secretary of the Army was in the office, why wouldn't he have been the one we  
16 asked, if he was the one with the authority?

17 Q Do you recall hearing the word "optics" on the 2:30 p.m. call?

18 A Yes, General Flynn and General Piatt both made numerous comments about  
19 the optics of having the Guard on the Capitol and how they would much prefer that the  
20 Guard relieve MPD officers elsewhere in the city so that they could respond to the  
21 Capitol --

1

2 [11:04 a.m.]

3 BY [REDACTED]:

4 Q Can you explain --

5 A -- which would've taken way more logistics and time than to have the Guard  
6 respond.

7 Q Can you explain that, to relieve officers versus sending officers?

8 A So, if a police officer is performing traffic duty at intersection X in northwest  
9 D.C., he wanted a D.C. Guardsman to relieve that officer to do those duties so that officer  
10 could respond.

11 The logistics of that alone doesn't make sense. One, you've got to get a -- it's a  
12 one-for-one exchange going on here throughout the city. That would've taken just way  
13 too much logistics for something that wasn't planned, coordinated, or anything ahead of  
14 time; whereas, we already had a plan to how to respond, where to rally, where to meet  
15 up, and how to respond not necessarily to the Capitol but, if necessary, for our own traffic  
16 control points. It --

17 Q Understood.

18 Was anyone from the Mayor's office on that call?

19 A There was. I believe it was a deputy mayor. I'm not 100 percent sure  
20 who they were.

21 Q Okay.

22 A But I think there was a deputy -- what they were a deputy of I'm not clear  
23 on. But I do recall someone else from the office being there.

24 Q Okay. Thank you.

25 A But it was not the Mayor.

1 [REDACTED]: We are at a stopping point. We'll go off the record.

2 [Recess.]

3 [REDACTED]: We will go back on the record and start 1 hour of minority  
4 questions.

5 [REDACTED]: Thank you.

6 Good morning, sir. My name is [REDACTED]. I'm an attorney with the  
7 House Administration Committee minority. This is my colleague [REDACTED]. He is  
8 our deputy staff director.

9 Thank you for being here today. And thank you for your career of service,  
10 particularly your efforts on January 6th and the weeks and months after. I know a lot of  
11 us here were coming to work every day in a difficult professional and personal time, so  
12 thank you for your work to keep us safe here.

13 I want to be respectful of your time and everybody's time, so I'll try not to repeat  
14 too much of what our majority colleagues have gone through.

15 BY [REDACTED]:

16 Q And, with that, I want to follow up quickly on a couple of questions from the  
17 last hour.

18 A Sure.

19 Q You had mentioned a conversation with Chief Steve Sund about not getting  
20 board approval to request the National Guard.

21 A Uh-huh.

22 Q Do you know when that conversation took place?

23 A I'm not going to recall the exact date, but it was a few days prior to  
24 the -- January 5th, our initial day of operations, our initial mission day.

25 Q Got it. And was that conversation between just you and Chief Sund, or was

1       there anyone else?

2               A     No, no, no.   It was me -- or, myself, General Walker.   I believe Colonel  
3     Matthews was there.   And whether Lieutenant [REDACTED] and General Dean were there I'm  
4     not sure.

5               Q     Okay.

6               A     Yep.

7               Q     Chief Sund testified to the January 6th Committee, and just going to quote  
8     some of the testimony.

9               The question is:   "Well, my question is, did you agree with him that the intel  
10    didn't support the request?"   And I believe the "him" was someone on the Capitol Police  
11    Board.

12              The answer from Chief Sund:   "Yeah, I guess so.   Yes."

13              Then, very soon thereafter in the transcript, the question was:   "Did either  
14    Mr. Irving" -- who was the House Sergeant at Arms --"or Mr. Stenger" -- the Senate  
15    Sergeant at Arms -- "expressly tell you, 'No, Chief Sund, you cannot have the National  
16    Guard'?   Did those words or words to that effect ever come from Mr. Irving or Mr.  
17    Stenger?"

18              And the answer is:   "No" -- sorry.   The answer is:   "Those words did not come  
19    from either of them, no."

20              Did Chief Sund mention any of those conversations with you?

21              A     In the conversation we had with Chief Sund, he mentioned wanting to  
22    request the National Guard but not getting support from the House or the Senate  
23    Sergeant at Arms.

24              Because that was the first time I understood -- I didn't know that Chief Sund  
25    wasn't the end-all, be-all for the Capitol Police.   He is the chief of police, but apparently

1 it's a triangle of power. I think there's actually four, though; I think the Architect's in  
2 there maybe now.

3 Q Yeah.

4 A But, yeah. That was the first time I had known that, so -- but, yeah, he  
5 specifically said that those -- the House and Senate Sergeant at Arms did not support it.  
6 Now, whether he -- that's what he told us.

7 Q Right. We did change that law soon thereafter, so now the Capitol Police  
8 chief can call in the Guard in an emergency. Thank you.

9 You mentioned that Secretary McCarthy, tasked a specialist with moving a vehicle  
10 in Lafayette Park?

11 A Yeah.

12 Q Can you elaborate on when specifically that was and what was happening?

13 A So it was during the daytime. There was crowds forming again for the day.  
14 And there was a large tactical vehicle -- I believe it was an LMTV, which is basically a large  
15 truck, cargo truck, not a weapon truck of any sort -- that was parked, you know, a couple  
16 hundred feet from where we were. And he wanted it moved a couple hundred feet the  
17 other way. For what purpose I couldn't tell you.

18 I just -- but if you wanted a vehicle moved or you didn't -- why wouldn't you tell  
19 the guy who's in command of all these troops out here to simply say, "Hey, have that  
20 truck -- I need that truck moved over here, and here's why," you know? Or just tell me  
21 to move it; I'll move it.

22 Why would the Secretary of the Army make such a tactical-level move? It was  
23 just surprising to me. Like, you know, as a command sergeant major, I probably  
24 wouldn't have done that unless my boss told me to. You know, I would've told the  
25 person in charge of that troop, that soldier, have them move the vehicle.

1 Q And was this the same incident or event where the President walked  
2 through Lafayette Square, across the street to the church?

3 A I don't think that was the same day.

4 Q Okay.

5 A Because we were not -- we were not -- when I say "we," I say the leadership  
6 of the D.C. National Guard -- the senior leadership was not on Lafayette Square during  
7 that time.

8 Q Understood.

9 Just a couple random ones before I move on to my questions -- or, my actual  
10 questions.

11 You mentioned the fact that some folks were potentially confused about who,  
12 kind of what element of the military was on the streets of D.C., because a lot of  
13 Guardsmen wear patches from Active Duty deployment.

14 Has there been any thought given, to your knowledge, of maybe not allowing  
15 those sorts of patches for these sorts of situations?

16 A Yes. And, actually, following that event, we actually made a  
17 recommendation to, during those events, to use a full color patch, which is very distinct  
18 for the D.C. National Guard. It's a red, sort of rounded triangle, the Capitol with a rising  
19 sun behind it. It's very unique. It would stand out.

20 Even with the subdued patch that soldiers wear, we were able to, in a lot of  
21 photos that were given to us saying, "Well, what about this person?" say, "That was a  
22 Department of Corrections person."

23 In -- yeah. In my opinion, to many Federal agencies are wearing military gear,  
24 you know? They show up in this, you know -- they look like soldiers, but they're not.  
25 And, you know, when -- if you're doing an operation overseas, fine. Do that.



1        Whatever.    But if you're on the streets, it's very important to know who's who, you  
2        know?

3                And if the ATF is going to show up in fatigues, how do you know they're the ATF  
4        and not the D.C. Guard or, you know, the Federal Bureau of Protection, or Corrections?  
5        There are just too many.

6                And I will be one of the first ones to tell you, what some of those agencies did  
7        during that time was absolutely wrong.    None of my soldiers would ever do something  
8        like that to another human being.

9                Q    Understood.    Thank you.

10                Okay.    I'm going to move to some more general questions.

11                What were your specific duties on January 6th?    I know you mentioned you were  
12        with General Walker for the vast majority of the day.    What sort of things were you  
13        doing?

14                A    So, I mean, to kind of put it in perspective, I think there's a misunderstanding  
15        here that there is a task force commander who's running this operation.    General  
16        Walker is the overarching commanding general of the D.C. National Guard, but General  
17        Ryan is running the task force.    And then he has, you know, Colonel ██████████ running the  
18        traffic control points, and I forget the officer's name who was running the COVID support  
19        group, you know.    And he's got a whole staff there doing planning and information  
20        collection and everything else.

21                So we were there, yeah, because General Walker is overall responsible, but we're  
22        not doing the day-to-day operations of the mission.    We're not executing the mission, if  
23        you will.    We're the senior leadership.    We're there doing the stuff that we would  
24        normally do, which is provide oversight.

25                So, you know, prior to the phone call and, you know, our update briefs, yeah, I

1 was down in my office doing my normal thing, which was either probably doing some  
2 research for the boss for something he had coming up, a soldier issue or an airman  
3 problem, you know.

4 Q And am I right -- I just want to make sure my facts are  
5 correct -- Mr. Ryan -- is it General Ryan?

6 A Ken Ryan. Robert Kenneth Ryan. I think it's Robert Kenneth Ryan.  
7 He's very specific about that, but --

8 Q So he was in charge of the task force that was assembled for the  
9 inauguration and that whole, kind of --

10 A Yeah.

11 Q -- event. And then [REDACTED] was, kind of like a sub-task-force specifically  
12 for --

13 A Right.

14 Q -- the 6th and the joint session and the --

15 A Yeah. General Ryan had kind of been a running task force commander  
16 since COVID started, and then it was just -- we had a tremendous amount of stuff going  
17 on during that time. We had COVID. We had, you know, George Floyd, the protests,  
18 you know, the Black Lives Matter protest down on Lafayette Square. And it just kind of  
19 bled on and on, you know.

20 So, even though, kind of, some of the protests slowed down, we still had the  
21 COVID operations, so General Ryan was kind of this running task force commander that  
22 periodically different groups were stood up underneath to do different mission sets.

23 Q Got it.

24 So, in the weeks and months that followed January 6th, were you physically here  
25 on Capitol Hill?

- 1 A After January 6th?
- 2 Q Yes.
- 3 A Yes. I probably -- up until it ended, I was probably home a total of a week.
- 4 Q Wow.
- 5 A I slept in my office most of the time.
- 6 Q Wow. Well, again, thank you.
- 7 Do you know how many National Guards- -- D.C. National Guardsmen were
- 8 deployed to the Capitol after January 6th?
- 9 A After January 6th? I mean, probably somewhere around 5- to 600 maybe.
- 10 Q Okay.
- 11 A Like -- yeah, I can't remember the exact number, but --
- 12 Q That's fine.
- 13 A -- somewhere in that ballpark.
- 14 Q And out of how many total Guardsmen in the D.C. National Guard is that?
- 15 What is the total --
- 16 A I mean, if you looked at the total, that's roughly a fourth, right? Yeah,
- 17 roughly a fourth.
- 18 Q Okay. So --
- 19 A About 2,400 total. Twenty-four-, 2,600 between the Army and the Air.
- 20 Each have about 12-. So, yeah.
- 21 Q Thank you for that. I --
- 22 A But --
- 23 Q The math would've been ugly.
- 24 A -- the math -- a lot of problems we're having with the math, you know,
- 25 as -- ask General Milley. He's a very math-oriented person, right? If you ever spend

1 any time with him, he does stuff in his head. He looks at the board, and he's like,  
2 ch-ch-ch-ch, and can add it up. He's phenomenal.

3 During the Black Lives Matter, when that first started, you know, they looked at  
4 numbers and they go, "Well, D.C. National Guard has 2,400. I need 1,200 on the street."

5 That doesn't mean we have 2,400 operational. How many officers, how many  
6 staff members, how many cooks, how many non-operational troops are you talking about  
7 in that 2,400 total? How many do you have to keep reserved to keep launching the ACA  
8 mission that protects the Capitol daily since 9/11, you know, launching F-16s for anything  
9 that enters our airspace? Like, there's a group -- you know?

10 So, even though you say 2,400 and I say a quarter, that was probably everyone we  
11 could muster.

12 Q Got it.

13 And the 2,400, is that just the soldiers? And there are 2,600 airmen? Am I  
14 getting that right?

15 A No, no, no. There's about 1,200 airmen and about 1,200 soldiers.

16 Q Got it. Okay. So, in general, the total number of --

17 A About 2,400, depending on recruiting efforts.

18 Q -- soldiers in the D.C. National Guard, about 2,400. Okay. Thank you.

19 Do you know, roughly, like, what the split is between enlisted officers and -- or,  
20 enlisted soldiers and then officers?

21 A Um --

22 Q Ballpark's fine.

23 A Ballpark? It's an unusually high number for officers in the D.C. National  
24 Guard, because some of the units, like the Mobilization Augmentee, is mostly field-grade  
25 officers and above, and that's, like, 100-and-something officers. So it's probably close

1 to, like, a 65-35 split, enlisted versus officer.

2 Q Got it. Okay.

3 I want to move now to talk a little bit more about the request-for-assistance  
4 process that our majority colleagues touched on.

5 A Uh-huh.

6 Q So, as the senior enlisted leader of the D.C. National Guard, did you play a  
7 specific role in consideration or review of requests for assistance when they come in from  
8 the District of Columbia?

9 A Yes. My role, as the senior enlisted leader, was to look at the numbers  
10 they were requesting; what's the status of our enlisted force, equipment, other things;  
11 and what's my best military advice to my boss of whether or not we can support it or if  
12 those numbers actually make sense.

13 Q Okay.

14 And how many times in the course of your career, approximately, has the D.C.  
15 National Guard received a request for assistance from Washington, D.C.?

16 A Probably a minimum of three to four a year for the 17 years I was there.

17 Q And in terms of how the process is supposed to work, it sounds like it starts,  
18 usually, with a request from the Mayor or the D.C. Homeland Security Emergency  
19 Management Agency?

20 A Or any other Federal agency. The U.S. Secret Service is normally the lead  
21 Federal agency for the inauguration.

22 Q Uh-huh.

23 A They can submit -- it all depends on who's looking for support. But  
24 mostly -- usually it will come from the Mayor's office.

25 Q Got it.

1           And how often, in your experience, are requests for assistance denied?

2           A    Not as often as they should, sometimes.   No.

3           There's a lot of requests that get sent -- you know, these are civilian agencies  
4 asking for support from the military, and so they don't really always have the best  
5 understanding of what the military can and cannot do.   So sometimes they will ask for  
6 things that we're like, "You can't have that," "You can't do that."

7           We tried to support as many as we could, because, I mean, it's the capital.   It's  
8 our seat of power.

9           Q    Sure.

10          Are you aware of a request for assistance that was made by the District of  
11 Columbia around November 2020 related to what I believe was called the Million MAGA  
12 March?

13          A    I recall the march.   Yeah, I -- specifically?   No.   I can't probably answer  
14 specifics to the actual request.   I mean, that was -- what year was that?

15          Q    That was 2020.

16          A    2020?

17          Q    Do you know if a request was or was not made?

18          A    I'm drawing a blank on that one.

19          Q    Okay.   No problem.

20          In your experience, has there ever been a time where the National Guard will  
21 receive a request for assistance, send it to the Secretary of the Army for review, and  
22 recommend not providing support or not granting that request?

23          A    So it's kind of a double-edged sword, kind of, being in the position you're in  
24 in the D.C. National Guard.   While you're the commanding general, you work for the  
25 Secretary of the Army, but your customer is the Mayor.   You know what I mean?   And

1     though she doesn't have the power, that's normally where your requests are coming  
2     from.

3             So you're trying to walk this line of, "I want to support you, Mayor," but in my  
4     heart of hearts, I know the Army's not going to approve this.    So sometimes you do the  
5     dance of, "Okay, we've got your request.    We'll work up the -- you know, the proposal,  
6     and we'll send it," you know, sometimes knowing that it's probably going to get some  
7     pushback as to, okay, why is the D.C. National Guard being asked to carry office furniture  
8     from one building to another.    That's not an unheard-of request.

9             Q     Understood.

10            How long does it typically take for the Secretary of the Army or whoever is  
11     working on this at, I guess, the Pentagon to respond to a request for assistance?

12            A     I've seen it take weeks; I've seen it take hours.    It all depends on what  
13     the -- you know, quite honestly, I think it depends on who's pushing it.    You know, like,  
14     whether, you know, everybody's in the loop and knows what's going on, and it can  
15     happen quickly, it's rather simple, it's not really complicated.

16            If you start trying to introduce, like, lethal weapons or something like that, of  
17     course that gets drawn out because you've got to get a lot of -- no offense -- lawyers  
18     involved, which is --

19            Q     None taken.

20            A     "Never go on a mission without a lawyer."    That's a -- that's a staple.  
21     Yeah.

22            Q     Are there limitations on the National Guard's ability to prepare for -- to put  
23     together a concept of operations or an operational plan for a deployment -- and if I'm  
24     using any of these words incorrectly, I apologize.

25            A     Uh-huh.

1 Q But is there any limitation on your ability to put together a plan or a concept  
2 of operations while the decision's still pending with the Army?

3 A It depends on the complexity of the requested operation. If it's a rather  
4 simple one, yeah, the full-time staff, which, you know, if -- for instance, like, if the  
5 operations section has normally 20 people, well, there's probably 3 to 5 of them that are  
6 full-time. The rest of them are your traditional Guardsmen. They're at their civilian  
7 job; you know, they're at home; they're doing whatever. So, if those 3 to 5 have the  
8 bandwidth in addition to everything else they've got going on, it's not a problem.

9 And often what they will do is, they will call the Guardsmen and say, "Hey, can you  
10 guys work on X?" And they do. The Guardsmen give way more than they actually get  
11 credit for, as far as duty, because they do a lot of it on their own time without getting  
12 points or pay.

13 So, yeah, it's a small staff, but it's capable.

14 Q Got it.

15 So, if we turn to, you know, January 6th specifically and the preparations for it, I  
16 know there were these atypical restrictions, for example, on the use of the Quick  
17 Reaction Force. But even things like the number of Guardsmen that are approved for a  
18 mission, do those sort of variables and not knowing how exactly they would net out  
19 hinder your ability to plan?

20 A I'm not sure I'm tracking what you're asking.

21 Q Sure. So let's say you're planning for a mission, and you don't know yet  
22 whether the Secretary of the Army will approve, you know, 200 Guardsmen or 400  
23 Guardsmen.

24 A Uh-huh.

25 Q You don't know if there's going to be these restrictions on the Quick



1 Reaction Force or if General Walker will have, you know, the authority to deploy them.  
2 Does that hurt your ability to plan?

3 A In some aspects, yes, because if -- like I said, you can do some things with  
4 internal funding. You can use training dollars to bring folks in for what you're  
5 estimating. Right? But if you overestimate that too often, then you're going to run out  
6 of funding. And then, you know, other things that have to get done don't get done, or  
7 you've got to go back and ask for money, which is not always easy.

8 Q Understood.

9 And I believe you testified last hour that the National Guard trains a few days  
10 ahead of a mission for mission-specific --

11 A They would like to.

12 Q So that's where I was going.

13 It sounds like the approval for the activation that we're talking about came  
14 through January -- was it January 4th or 5th? And the mission started the 5th.

15 A Uh-huh.

16 Q Was there any time to provide that specialized training?

17 A There wasn't as much time as we would like.

18 The good thing about it was, because we had had all of the experience going  
19 forward, we felt pretty confident. Plus, it was a mission of traffic control points, which  
20 we're very familiar with. We didn't think that it was necessary for a whole lot of  
21 ramp-up for that.

22 So I don't think that that hindered us at all during that train-up, in other words,  
23 because we had fairly trained troops at the time.

24 Q Understood.

25 And is it typical for an approval to come in 24 hours before the mission begins?

1           A    Yes.  I mean, sometimes you get ramped up and you have people sitting on  
2 the bus waiting to go and you don't get permission.  And then you've got to cancel  
3 everything.

4           Which becomes a whole other issue that is kind of unique to the Guard, is, you ask  
5 a Guardsman to come in and do something -- you know, they're looking for an order,  
6 something that gives them the authority to do so.  But if we haven't gotten that  
7 authority yet, we're basically sometimes asking soldiers and airmen to come in on our  
8 good word to say, we're going to take care of you.  And then when that doesn't happen,  
9 it's kind of hard to make that ask at another time.

10          So you really have to balance that between, okay, how much lead time do you  
11 need and how certain are you that you're going to get authority before you start really  
12 putting things in motion.

13          Q    Got it.

14          I'd like to shift now a little bit to talk about the chain of command in the D.C.  
15 National Guard.  And I believe you mentioned, it differs dramatically from the other 53  
16 National Guards.

17          So, just kind of breaking it down, I understand the commanding general of the  
18 National Guard has, kind of, the operational control.

19          A    Uh-huh.

20          Q    And who is above the commanding general directly?

21          A    Of the D.C. National Guard?

22          Q    Yes.

23          A    The Secretary of the Army.

24          Q    And above the Secretary of the Army?

25          A    Secretary of Defense.

1 Q And above the Secretary of Defense?

2 A The President.

3 Q And I know that there are a series of executive orders that delegate the  
4 authority to the Secretary of Defense and the Secretary of the Army. Can the President  
5 of the United States supersede that delegation of authority at any time?

6 A Are you saying, could the President call up and give the okay?

7 Q Yes.

8 A I've never experienced that, but I suppose, legally, under the regulations at  
9 that time, I would think he probably could, yes.

10 Q Are there any limitations on the President -- assuming an order is lawful, are  
11 there any limitations on the President's authority to issue an order to the D.C. National  
12 Guard?

13 A I mean, if it was a legal, moral order, no. I believe the President would  
14 have the authority to call the D.C. National Guard.

15 Q Okay.

16 So would it be accurate to say that regardless of what confusion or red tape was  
17 happening at the Pentagon between the Secretary of the Army and the Secretary of  
18 Defense on January 6th, the President, if he was inclined, could have authorized the D.C.  
19 National Guard to go to the Capitol, help, assist the Capitol Police and MPD?

20 A I think he could.

21 However, as I think I mentioned earlier, the Secretary of the Army didn't even  
22 understand their authority of the D.C. National Guard. I don't think that -- I don't think,  
23 if you asked -- I don't think, if you asked President Trump, President Biden, President  
24 Obama, President Bush -- go back as far as you'd like until you get back to Reagan, which  
25 was the last time the D.C. National Guard actually had interaction with the President

1 themselves. That's a long time. I don't think any of them could tell you who the  
2 D.C. National Guard commanding general is.

3 Q Could the President have picked up the phone, called the Secretary of  
4 Defense and said, you know, "What's going on here? Our law enforcement is getting  
5 overrun. Make this happen"?

6 A I assume that he could expedite an approval through the Secretary of  
7 Defense, through the Secretary of the Army, yes.

8 Q And, to your knowledge, did that happen at all on January 6th?

9 A No.

10 Q So Chairman of the Joint Chiefs of Staff General Mark Milley, he testified  
11 before the January 6th Committee, and he was talking about the President and what he  
12 was doing during the attack. And he said, quote, "You know, you're the Commander in  
13 Chief. You've got an assault going on on the Capitol of the United States of America.  
14 And there's nothing -- no call, nothing, zero," end quote.

15 He then goes on, quote, "No attempt to call the Secretary of Defense. No  
16 attempt to call the Vice President."

17 As the riot is unfolding, and presumably you're at the Armory, and I'm assuming  
18 you're kind of raring to go, at any point did anybody say, "Hey, maybe the President will  
19 cut through some of this red tape and get us to deploy sooner"?

20 A No. I can't think of anyone that had any expectation that they would  
21 receive a call from the President to do anything. It just wouldn't be normal protocol.  
22 Like I said, in 17 years with the D.C. National Guard, I never once had any Presidential,  
23 you know, interaction as far as missions go.

24 BY [REDACTED]:

25 Q Had the Capitol ever been overrun by a mob in those 17 years?

1           A    No. I mean, we were -- whew. Excuse me.

2           We were just as disheartened as anybody else that day that saw what happened.  
3           Just, I don't know if we would've made a difference, but I surely wish we would've had  
4           the opportunity to try.

5           I mean, I never thought that I would have to issue weapons to soldiers to go  
6           downtown. I mean, this is the Capitol of the United States. It's not Cuba; it's not, you  
7           know, Iraq or Afghanistan. I never once in my lifetime thought I would see armed  
8           servicemembers surrounding the Capitol of the United States.

9           But, again, that's where you have to give credit to the soldiers and airmen of the  
10          United States military. Regardless of their views, regardless of who they vote for, they  
11          do their duty. And if they're told to go somewhere by the appropriate authority, they go  
12          and do the best job they can, regardless of the situation. And, oftentimes, as was the  
13          case in this situation, they get left out to dry.

14          So, yeah, could the President have picked up the phone and called? Yeah, he  
15          probably could have -- if he knew.

16          Let's be honest, there are so many people between the President -- you know, if  
17          you looked at it on paper and you go, "It's the Secretary of the Army, Secretary of  
18          the -- yeah, it's right there." I don't think it's that simple.

19          Q    When you say, "if he knew," knew what?

20          A    Knew he had control of the D.C. National Guard.

21          We've talked about this for years. Thomas Jefferson created the D.C. National  
22          Guard for a very specific reason. When Thomas Jefferson became President, he was the  
23          first President to serve his term in the newly created Capitol of the United States.

24          He was not a very popular President. There's kind of a correlation there. When  
25          Jefferson became President, he wasn't very popular in Virginia, Maryland, or

1 Pennsylvania, all which had very large militias at the time. So there was a fear that  
2 those powerful militias could march into a fledging democracy and take over, influence  
3 the government.

4 So Jefferson saw the need for a military element that reported directly to the  
5 President to prevent that, and, hence, why the D.C. National Guard was created.

6 If you back up -- and this is where I get disheartened with this whole process. If  
7 you back up to the events after the murder of George Floyd, when everything started  
8 going south and they wanted military support, we had all the adjutant generals from New  
9 York, Virginia, all over, calling up saying, "Hey, what do you need? We're on our way to  
10 help."

11 Less than 2 hours later, we're getting the same calls going, "Hey, my Governor  
12 won't allow me to come." Why? Because their Governor's a Democrat.

13 Who cares? This isn't about what party you belong to. But because the Mayor  
14 of D.C. didn't want military support, she influenced the other Governors to prevent that.

15 Which is why you need the D.C. National Guard. Because you left no other  
16 option for the President at that time other than to declare what?

17 Q Martial law?

18 A Not martial law. But, right, he can invoke an act that allows the Active  
19 military to come in, right? Nobody wants to see that.

20 We fought like crazy to keep the Active component off the streets of D.C. And  
21 when I say "we," I say the D.C. National Guard. We said, "You don't want that," even  
22 though you've got, I think it was the 10th Mountain and the 82nd Airborne Division sitting  
23 outside the city, waiting to come in, just champing at the bit. These are combat troops  
24 ready to go into the Capitol. And we said, "No. You want Guardsmen, people who live  
25 in this community, to do this mission."

1           But what if -- what if the Mayor had control of the D.C. National Guard instead of  
2 the President, right, and there's a disagreement for whatever reason, whether it's party  
3 or whatever? What if she was to take the D.C. National Guard and block all of the  
4 entranceways to prevent other National Guards from coming in?

5           Like, these are all nightmare scenarios, right? But there's a reason the D.C.  
6 National Guard is the way it is.

7           But the problem is, through the bureaucracy and the delegation, the D.C. National  
8 Guard got set over here.

9           If you look across the Nation at National Guard units and you say, yo,  
10 hey -- whether Vermont gets the new F-35 unit, right, who's lobbying for that? Yeah,  
11 their adjutant general is, but mostly the Governor, right? Because it brings jobs and  
12 other things.

13           Who lobbies for the D.C. National Guard when they come in and they say, "Hey,  
14 we're taking two of your MP companies that support the city"? Who goes, "No, you  
15 shouldn't do that because we need them to do missions such as this"? Nobody does,  
16 because they don't understand that they're technically the Governor of the D.C. National  
17 Guard.

18           So there's no defense. So the D.C. National Guard has been dwindled down into  
19 this 2,400-man-and-woman force because nobody has paid attention.

20           So when you say, could the President pick up, yeah, he could, but I doubt he  
21 knows he has authority. I don't think he gets briefed on the D.C. National Guard when  
22 he takes the oath of office. He should, because it's important, but I don't think that's  
23 how it works.

24           BY [REDACTED]:

25           Q So, before he was terminated, Secretary of Defense Esper, back in I believe

1 June 2020, he testified to Congress that the President's inclination was to deploy up to  
2 10,000 troops, Active Duty forces to the Capitol. This was during the George Floyd  
3 protests.

4 A Uh-huh.

5 Q Secretary Esper then held a press conference, also in June, explicitly to say  
6 that he did not support invoking the Insurrection Act. And then he testified that, when  
7 that happened, he was immediately summoned to the White House, where President  
8 Trump was, quote, "quite upset and yelling."

9 And then 2 days after the networks declared Joe Biden the winner of the  
10 Presidential election, President Trump fired Secretary Esper because, according to Chief  
11 of Staff Mark Meadows, Esper was not loyal to the President.

12 So do you think there was any of the hesitancy anywhere -- in the Pentagon,  
13 Secretary of the Army, Secretary of Defense -- do you think there was any hesitancy to  
14 activate the D.C. National Guard sooner, or deploy them sooner, because of the, sort of,  
15 fear that the President would use the military for domestic political ends?

16 A Based on actions I observed with Secretary McCarthy, I think he was  
17 concerned; I think he was trying to be a holdover.

18 Q By "holdover," you mean Secretary McCarthy wanted a job in the Biden  
19 administration?

20 A Yes. He had been held over from the Obama administration, became the  
21 Secretary of the Army after, you know, we had an acting for a while. And then I think he  
22 expected to be held over again with the next administration.

23 And I think there was some concern on his end about -- as I mentioned before,  
24 why else would you make statements about having to testify, you know, about these  
25 operations if they're legitimate operations under the correct authorities, you know?



1 And, you know --

2 Q Got it.

3 A -- you shouldn't have that fear.

4 Q Sure.

5 And I've just got a few more things. You mentioned the authorities, and I want  
6 to talk about that a little bit.

7 Can you just briefly explain the difference between Title 10 activation and Title 32  
8 activation of the Guard?

9 A So Title 10 activation is a Federal activation. Title 32 is what the Guard is  
10 normally under.

11 The D.C. National Guard, because they don't have a funding stream of Title 32  
12 dollars -- they normally go under Federal dollars -- so it's considered a Federal activation,  
13 if you will.

14 Now, the difference is, the D.C. National Guard has special authorities under D.C.  
15 Code that allow it to do certain things that would not be allowed underneath a normal  
16 Title 32 order or even a Title 10 order.

17 Q On January 6th of 2021, was the D.C. National Guard activated under Title  
18 10?

19 A No. They were activated under Title 32.

20 Q Okay.

21 A But the dollars are Federal dollars, so people often confuse that it's a Federal  
22 activation.

23 Q Got it. Okay.

24 And under what circumstances would a Title 10 activation occur as opposed to a  
25 Title 32?

1           A    Normally, a Title 10 activation occurs when you go overseas, whether it's for  
2 combat or just training missions overseas.   Normally, we would put all servicemembers  
3 under Title 10.

4           Q    How about domestically?

5           A    Domestically, there's special circumstances.   Like, you know, if you work on  
6 a missile silo, you're a Guardsman; as soon as you walk into that missile and you have the  
7 authorities to do certain things, you're under Title 10.   An F-16 pilot, the moment they  
8 launch, they become under a different title, right?

9                   There are certain times that allow it.   I don't know them all, and I'm not going to  
10 pretend that I'm an authority on authorities.

11          Q    Sure.   But, I guess, there would have to be circumstances in  
12 whatever -- there would have to be facts on the ground, for lack of a better word, that  
13 would justify a Title 10 activation.   And I believe -- and correct me if I'm  
14 wrong -- generally, it's insurrection, invasion, or rebellion, and to enforce Federal law in  
15 one of those situations?

16          A    That sounds about right.

17          Q    Okay.   And so, since the D.C. National Guard is so different from the other  
18 National Guards in that the President is at the top of the chain of command, if we're  
19 talking about other States' National Guards, unless the President is federalizing under  
20 Title 10 --

21          A    Uh-huh.

22          Q    -- the Governor is at the top of the chain of command?

23          A    Yes.

24          Q    Okay.   And so, fair to say that one of the ways that the D.C. Guard is distinct  
25 from other National Guards is that the D.C. National Guard can be activated under

1 Title 32 or Title 10 by the President if the circumstances warrant, but for all other  
2 National Guards, if the President themselves were to activate them, it could only be  
3 under Title 10?

4 A I'm not real clear on the authorities the President could or could not do  
5 activation on. I'm assuming, since he is the Commander in Chief, that he has authority  
6 to activate under all. Because there's other statuses, as well, in the National Guard that  
7 really don't relate to the President. But, like, you could be in a State active duty status,  
8 such as the Task Force Empire Shield in New York. They have an entire unit that is on  
9 State active duty orders since 9-11, you know. So the authorities vary widely.

10 So I really can't give you an answer on what the President could or could not do as  
11 far as with the D.C. National Guard. When I say that, could he activate them? Yes.  
12 Does he have the authority to do it? I assume he would because he's the President and  
13 the Commander in Chief, yeah.

14 Q Understood.

15 I think that's all I have for now, so we can go off the record.

16 [Recess.]

17 [REDACTED]: We'll go back on the record. We will start the second hour of  
18 majority questions.

19 BY [REDACTED]:

20 Q So, sir, you mentioned earlier, when you were speaking with [REDACTED] and [REDACTED]  
21 that

22 You mentioned, sir, that Secretary McCarthy -- that there was a rumor or it was  
23 pretty widely known that Secretary McCarthy wanted to be a holdover in the Biden  
24 administration.

25 Do you think that if he had received a call from President Trump he would've

1 answered the call or acted on direct orders from President Trump?

2 A I would assume he would. I like to believe that people in those positions  
3 are doing the job to the best of their ability regardless of their aspirations or political  
4 affiliation, you know. I would like to believe that if he received a call from the President  
5 at the time he would've acted.

6 Q So do you believe Secretary McCarthy was doing to the best of his ability to  
7 not get politics involved that day with his actions?

8 A I think Secretary McCarthy tried to make himself more important and, by  
9 doing so, gummed up the works. Like, just, there was no need. At no other time had  
10 we been, kind of, this hand-carried operation by the Secretary of the Army. They give us  
11 the authority to execute the mission, and we execute the mission. Why are you still  
12 here? Why are you still trying to do things from your level?

13 It just -- it caused so much more turmoil and additional steps that were  
14 unnecessary. Like, we had a request for assistance. It had gone through the channels.  
15 They all agreed that, yes, you can do these things. You know, the letter came out as it  
16 was. But we had our marching orders, we had our guidance. Why did you have to  
17 continue to be in the process? It makes no sense.

18 And, to this day, I can't understand why someone at that level would be so far  
19 down in the weeds in the execution of an operation of, let's be honest, roughly  
20 100-and-some people per shift. Like, that's -- you don't see him hand-carrying anything  
21 in ARCENT, you know, or overseas in other theaters. Like, why are you trying to  
22 hand-carry the D.C. National Guard? Do you not like General Walker? Like, I don't  
23 know. Like, what's your -- it just -- I have never been able to reconcile it.

24 Even all these years later, I still think about it, and I go, I just don't understand how  
25 somebody at that level tried to be so self-important. Why were you holding press

1 conferences? Why were you doing all these things at that time, other than giving us the  
2 authority to move? It just -- it baffles me.

3 Q So, sir, the command structure for President Trump as it relates to the D.C.  
4 National Guard: President Trump delegated authority to Acting Secretary Chris Miller; is  
5 that correct?

6 A Yes.

7 [Brooks Exhibit No. 3  
8 was marked for identification.]

9 BY [REDACTED]:

10 Q So this is exhibit 3, testimony from Secretary Chris Miller to the January 6th  
11 Select Committee.

12 And just to read a quote, Secretary Miller says: "On January 3rd, the President  
13 asked in passing about January 6th preparations. From then on, if not earlier," Acting  
14 Secretary Miller said, "I felt like I had all the authorities I needed. I did not need to  
15 discuss anything further with the President regarding authorities."

16 Does that indicate that President Trump has delegated his authority to Acting  
17 Secretary Miller?

18 A Yes. I mean, I don't even -- from my view of the regulations and my  
19 understanding of the D.C. National Guard, I don't even think he needed to have that  
20 conversation to have that authority.

21 You know, I'm happy that he had the conversation, according to him, but  
22 this -- you know, keep in mind that, at this point, the Capitol hasn't been attacked.  
23 People aren't trying to get into the Capitol. This is just a traffic control mission. Let's  
24 back it up to reality. This is just a 30-point operation to control traffic to prevent a  
25 vehicular accident with protestors.

1           So, yeah, I think that's accurate. Like, I think he had everything he needed. I  
2 think Secretary McCarthy had everything he needed. The only one who didn't was the  
3 guy who had to do the action, and that's General Walker.

4           Q    Thank you, sir.

5           So we'd also like to be respectful of your time, so we're just going to kind of do  
6 some quick, rapid-fire questions about the D.C. Armory.

7           Do you recall when additional Guardsmen showed up at the D.C. Armory?

8           A    After January 6th?

9           Q    On January 6th and --

10          A    Oh, additional Guardsmen.

11          I mean, we had the Guardsmen on their points in the Metro stations. We had  
12 the staff and the, you know, leadership of that group.

13          Somewhere around midday, we had the second shift showing up, prepared to go  
14 and relieve the traffic control points. Because, truth be told, the day prior, on the 5th, I  
15 don't think there was shifts. I think we ended up doing, like, a solid 12-hour shift for  
16 that group. So we ended up making sure that they get some relief the next day and  
17 have the second shift.

18          And that second shift was coming in midday at some point. I don't remember  
19 the exact time. But I know that when we had the QRF relocated to the D.C. Armory, we  
20 were grabbing those folks and putting them into -- getting their gear issued to them and  
21 marshaled into groups to get on buses and go.

22          Q    Okay.

23          Were the Guardsmen at the traffic control points ever relieved on January 6th?

24          A    They were relieved -- they never went to the Capitol. They were relieved  
25 to come back to the Armory, I want to say, somewhere -- my recollection is, somewhere

1 between, like, 4:00 and 5:00 they were asked to come back.

2 Q Okay.

3 A And I think that was mainly because, again, MPD was responding to the  
4 Capitol, so, without a supporting authority, they shouldn't be out there.

5 Q Okay.

6 Were the Guardsmen at the D.C. Armory aware of what was unfolding at the  
7 Capitol?

8 A Yes. I mean, we were getting reports. You know, it was on the news.  
9 There's plenty of televisions in the Armory, you know. You know, we were telling them  
10 to get ready, to be prepared for crowd -- you know, crowd management. And so, yeah, I  
11 think they had a pretty good understanding of what was going on.

12 Q Could they see or hear anything from the Armory?

13 A No. I mean, we're roughly 2 miles east of the Capitol, so they wouldn't  
14 have been able to hear it, necessarily, or see it.

15 Q So you mentioned that the Guardsmen -- the Quick Reaction Force were  
16 suiting up. What was going on in the 2 hours that you had Guardsmen and the Quick  
17 Reaction Force waiting at the D.C. Armory? Can you just kind of speak to what the  
18 environment was, what the feelings were, what Guardsmen were doing?

19 A It was a lot of frustration. Like I said, they knew what was going on, and  
20 they were ready to go, and they just couldn't understand why they were still sitting there.  
21 Like, literally sitting on a bus, just waiting to drive to the Capitol and do the best they  
22 could to support Capitol Police.

23 I mean, at that time, like I said, there was frustration. Afterwards was worse.  
24 You know, the weeks and months after that, it was worse. Because, you know, when  
25 everything starts coming out and people start saying this and that, then the

1 servicemembers are sitting there like -- they're just the whipping dog. People were like,  
2 "Why weren't you there?" We were. We were waiting.

3 You know, there was a point in that afternoon, you know, in the lull in the  
4 conversations on the VTCs and the secure calls, that General Walker literally said to  
5 myself and others that, like, you know, he had a thought in his head of sending them  
6 anyway, of just doing it and dealing with the consequences afterwards, you know.

7 You know, I think I made the statement to him, I said, "Sir," I said, "I don't think  
8 anybody would fault you." You know, I mean, just -- we were just baffled by, like, why  
9 were we just seemingly unable to go. Like, we were ready.

10 Now, I'll be perfectly honest with you. If at 1:49 Chief Sund said, "Go," would we  
11 have had 200-plus Guardsmen ready to go? Probably not. We'd still have a sizable  
12 force, you know, probably roughly 100 or so. But for at least 2 hours, we had 150-plus  
13 people just twiddling their thumbs, waiting for the authorization to go help what was  
14 going on 2 miles west of our location.

15 Q So a claim that part of the delay was due to waiting on Guardsmen to show  
16 up, would you agree with that?

17 A Absolutely not. And I heard that comment.

18 Now, if this was a no-notice mission, like, everybody's just -- it's a -- I forget what  
19 day it was. Say it's a Monday, right, and people are at their jobs, nobody's activated for  
20 any mission, no COVID operation, no nothing's going on. Yeah, you've probably got 100,  
21 200 people at the Armory, maybe. And those are, like, officers and senior folks who are  
22 kind of running the operation. Yeah, then you would've had to do the phone-tree thing  
23 and you're calling people from their homes, from their jobs, and having them respond.  
24 That's an accurate statement.

25 To make that statement about this day is absolutely wrong, because we had



1 people there. They were on orders. We didn't have to call them from home; they  
2 were there. So, to make that statement, it's a mischaracterization of the organization  
3 and what they were capable of at that time.

4 I think it was just a way to deflect and say, "Oh, it's the National Guard; you know,  
5 they're not full-time, they're not there, you've got to call them from their house." Yeah,  
6 but these were already here. Like, that's an irrelevant point.

7 Q So, sir, just to make sure I fully understand, you recall buses of Guardsmen  
8 who were prepared and geared up, waiting for authorization. And in terms of the chain  
9 of command, the authorization could only be provided by Secretary McCarthy to Major  
10 General Walker?

11 A Yes. And, ultimately, when we got the word, it wasn't directly from  
12 McCarthy. It came from General McConville.

13 Q We will touch on that.

14 So just quick, rapid-fire, sir: You mentioned the secure video teleconference, the  
15 phone bridge at 3:00 p.m. Do you recall who requested that call or who was on that  
16 bridge?

17 A That was the Army staff, so that was -- I can't remember if it was General  
18 Piatt or General Flynn, but it was one of those two who set up that bridge --

19 Q Okay.

20 A -- if I remember correctly.

21 Q Do you recall how long that call lasted?

22 A All the way up until we got the authorization from General McConville.

23 Q And were you with Major General Walker during this time?

24 A Yes.

25 Q Okay.

1           We're going to go back to the 3:04 p.m. -- the alleged 3:04 p.m. call. According  
2 to Secretary McCarthy's transcribed interview with the Select Committee, he called Major  
3 General Walker at 3:04 p.m. to relay the authorization of D.C. National Guard.

4           Did that call occur?

5           A     Not to my knowledge, no.

6           Q     If you had --

7           A     And just to make a point, if you have a general officer or any leader, and you  
8 receive an order from your superior, and you flat-out just don't do it, why wasn't he  
9 fired? Why wasn't he relieved? Because it didn't happen. There was no -- how can  
10 you make that statement and then not take action, if that was the truth?

11           If General Walker gave me a lawful order to do something and I refused, he has  
12 the ability to take action against me, because he was my commander. The Secretary of  
13 the Army had the ability to take action against General Walker if he refused an order.  
14 So that doesn't even -- it doesn't even make sense.

15           Q     The DOD IG report alleges that Major General Walker and his staff could not  
16 clearly articulate to Secretary McCarthy what the specific request was from the Capitol  
17 Police, which prompted Secretary McCarthy to then move to the MPD headquarters.

18           Do you share that recollection?

19           A     I recollect them asking for a CONOP, what exactly was the D.C. National  
20 Guard -- and General Walker, in an elevated voice, saying, "The mission is simple: to get  
21 as many Guardsmen as I can in riot gear and have them report to Chief Sund  
22 at" -- whatever intersection it was -- "as quickly as possible. That's the operation."

23           They were expecting some -- they wanted a CONOP, a concept of operations,  
24 which is a, you know, document that shows maps and locations. And it's a staff product  
25 that is worked up to brief commanders on an upcoming mission.

1           At this point, we've got people walking around the Capitol. You want us to stop  
2 and do a full-blown concept of operations for a -- for a support mission? We're not  
3 going into combat. We're not going in armed. We are going to support the Capitol  
4 Police and MPD. We're going to do what they need us to do when we get there, as long  
5 as it fits within our order, which is to support them.

6           It made no sense. And, in my opinion, it was just a delay tactic to say, we want  
7 you to do some more work before we let you go. It was unnecessary.

8           Q    Why would a concept of operations plan be created by Secretary McCarthy  
9 as opposed to the D.C. National Guard or the civil authority who requested the  
10 assistance?

11          A    It shouldn't be.

12          Again, I think Secretary McCarthy had a flashback of when he was actually in the  
13 Army, and he was getting to do all the things that he didn't get to do before he left.

14          He -- his behavior -- show me one Secretary of the Army in the history that  
15 developed their own concept of operations, that went to an operations center and told  
16 people, "This is what we're going to do." Show me one. The reason is, most of them  
17 are not military.

18          I'm a whole-hearted believer in the civilian oversight of the military, because  
19 there's a reason for it. We need people who ask questions, who don't pretend that they  
20 know the answers, because they ask the people who know and they get -- they have  
21 conversations that get it right.

22          You don't just go in there and go, "Oh, well, when I was a captain in the Ranger  
23 battalion, this is what we did. We did CONOPs." Guess what, sir. You're a Secretary  
24 of the Army, the entire Army. Why are you in the D.C. National Guard's business?  
25 Give us the operation, and let us go. Give us the authorization, and let us go. It's that

1     simple. It had been that simple decades prior.

1 [12:15 p.m.]

2 BY [REDACTED]:

3 Q Is it typical for Secretary McCarthy to require this CONOP, and has it been  
4 asked before?

5 A This CONOP thing came about following, again, the incidents during  
6 Lafayette Square and the monuments and everything else.

7 Once they started figuring out that, "Oh, we are kind of in charge of the D.C.  
8 National Guard, so when they do things, we're kind of responsible for it, yeah," so once  
9 they started figuring out that, then they started asking all kind of weird questions that  
10 weren't normally asked.

11 And while we were constantly trying to say, "Sir, it's not your responsibility to do  
12 this," we -- we always did a concept of operations. But they wanted a -- their version of  
13 a concept of operations.

14 We always came in with a brief and said, "Hey, here's where people are going to  
15 be located. Here's how many. Here's the logistics." We went through the whole  
16 process. We always did that.

17 But they wanted a specific format. They wanted different things because now  
18 they wanted to be involved. And it's, like, "Well, for what? What are you trying to do?  
19 What are you trying to provide oversight? Department of the Army staff? The D.C.  
20 National Guard staff's planning the operation. They're manning the operation. They're  
21 executing the operation. All we need you to do is give us the authority, sir."

22 Q So at 3:04 p.m., Secretary McCarthy also states that he called Speaker Pelosi  
23 and told her that authorization had been given to the D.C. National Guard.

24 Had you or Major General Walker been communicated mobilization orders at that  
25 time?

1 A No.

2 Q Did Major General Walker have immediate response authority or emergency  
3 authority as listed in the DOD Directive 3025.18?

4 A Up until he received that letter where it was taken from him.

5 Q And that's the Secretary McCarthy memo?

6 A Yeah.

7 Q Thank you.

8 The DOD IG report also states that Acting Secretary Miller noticed that protesters  
9 at the Capitol were becoming violent, and he knew a request for assistance would soon  
10 follow that he was willing to approve.

11 Was Secretary Miller's approval necessary?

12 A I don't believe so. I think, again, the delegation is to the Secretary of the  
13 Army. If General Walker prior to the authorization memo from Secretary McCarthy has  
14 immediate response authority, the Secretary of the Army has immediate response  
15 authority just like the Secretary of Defense and so forth.

16 So, yeah, I don't think Secretary -- Acting Secretary Miller had to do anything to  
17 authorize D.C. National Guard. I think Secretary McCarthy could have done it without  
18 him.

19 Q Thank you.

20 So, sir, the 4:35 p.m. call, were you with Major General Walker at 4:35 p.m.?

21 A [Nonverbal response.] Yes

22 Q Did Major General Walker receive a call at 4:35 p.m. from anyone in the  
23 Army's office?

24 A Not that I recall, no.

25 Q So you don't recall a call from Brigadier General LaNeve?

1           A    I mean, Brigadier General LaNeve had been in and out of the VTC and the  
2 calls, but I don't remember a specific call from him at that time.

3           Q    It was reported in the DOD IG report that Secretary McCarthy called to  
4 reissue deployment because he claimed he issued deployment at 3:04 p.m., again at 5  
5 p.m., due to inaction by Major General Walker.

6           Do you recall a 5 p.m. call?

7           A    No.

8           Q    And why would Major General Walker not act upon a direct order from the  
9 Secretary of the Army?

10          A    As I stated earlier, there's -- he wouldn't have. And if he had, if he had  
11 denied or refused the order, where's the action? Where's our force?

12          And, oh, by the way, as far as it goes with General LaNeve, why would you ask a  
13 one-star general to tell a two-star general to do something?

14          Again, this doesn't even pass the smell test. Like this we called and they refused.  
15 That's baloney. You didn't call.

16          The authorization to go was relayed over the VTC through General McConville.

17          Q    What time did you receive the green light to mobilize?

18          A    Somewhere between 5 and -- somewhere around there, 5:15, somewhere  
19 around there.

20          Q    And do you recall who gave that order?

21          A    General McConville is the one who relayed it to us, supposedly from  
22 Secretary McCarthy.

23          Q    Can you explain to us how Major General Walker received that order, how  
24 that conversation or notification happened?

25          A    You mean how did he respond or --

1 Q How did he become aware that they were green-lighted to mobilize?

2 A On the call, we were on the call. I mean, we were in the room. And he  
3 just said, "You're authorized to go."

4 BY [REDACTED]:

5 Q Sir, could you just explain what are you seeing in that room? what does  
6 the VTC look like? how can you tell who's speaking, who's on the call, who's not on the  
7 call -- or -- yeah, who's not on the call, who's listening to the call, who might not be  
8 speaking?

9 A I mean, if you -- I'm sure everybody's used Teams or Zoom or something like  
10 that. You've got little windows. Most of the windows are only showing whoever the  
11 principals are.

12 Like, you have General Piatt at his desk and General Flynn at his. And there  
13 was -- I believe there was one that was a conference room type situation. There was a  
14 desk.

15 Q But you could theoretically see who was speaking on the call.

16 A Pretty much, yes.

17 Q Okay. All right. Perfect. Thank you just for that clarification.

18 Now, sir, we have an excerpt from Major General Walker's April 21st, 2022,  
19 transcribed interview with the January 6th select committee where General Walker  
20 claimed that his aide-de-camp, Lieutenant [REDACTED] stated that they're doing everything that  
21 they can to delay it, referring to the Army staff.

22 What are your thoughts on that?

23 A So it's another interesting aspect about the Guard. Lieutenant [REDACTED] who is  
24 the aide to General Walker, was also a uniformed Secret Service agent. So it's not like  
25 he's just a normal lieutenant. He had been -- he had taken a leave of absence to come



1 on orders to be General Walker's aide for a period of time. So it wasn't like he wasn't  
2 familiar with law enforcement or anything like that.

3 And to General Walker's credit, the moment Chief Sund called he directed  
4 Lieutenant [REDACTED] to keep copious notes. And Lieutenant [REDACTED] every phone call,  
5 everything and anything, Lieutenant [REDACTED] jotted down in his notebook. He had a  
6 timeline. He had everything. Because General Walker knew the importance of what  
7 was going on and the significance of it.

8 So it wouldn't surprise me if [REDACTED] said something like that.

9 Q But in your opinion, do you believe the authorization to deploy the D.C.  
10 National Guard was delayed, either intentionally or unintentionally?

11 A Yes.

12 Q Do you care to expand upon that, whether it was intentional or  
13 unintentional?

14 A Whether it was intentional or unintentional, whether it was a  
15 misunderstanding of what they should have known, in my opinion, you can't rectify the  
16 situation when you've got people entering the Nation's Capitol.

17 Again, I can't say we would have made a difference. I'd just say that we would  
18 have liked to have had the opportunity to try.

19 But to just be sitting there while all this is unfolding, waiting for the senior leaders  
20 of our military to figure out the optics and the whatever concerns they had when all they  
21 needed to do was say go?

22 In my opinion, I don't think we were missing any kind of authorities. We weren't  
23 missing any equipment. Would we have liked to have more people? I don't know.  
24 Maybe it would have been nice. But it's irrelevant really. We had 150-plus people that  
25 were ready to go. We just didn't get the permission.

1           Q    So where do you believe this delay came from? Who do you believe  
2 delayed it?

3           A    I believe it came from Secretary McCarthy and his staff. And what I mean  
4 by the staff is they had never been involved with these missions before. So they were,  
5 like, trying to figure it out on the fly.

6                   And it's, like, why? We have the answers. And we repeatedly told them, like,  
7 "We know when what we're doing. We just need you to give us the authorization."

8                   This wasn't a we're just going to randomly send people to the Capitol. We had  
9 an organized group that was equipped and ready to go. It just needed to be released.

10          Q    Okay.

11                   Did you ever see a CONOP?

12          A    No.

13          Q    Did anybody from the Army ever mention a CONOP to you? Anyone from  
14 the D.C. National Guard ever see a CONOP that day?

15          A    I have never seen one iota, one piece of paper, one memo, one CONOP,  
16 anything to support this supposed planning operation that the Army staff did. The only  
17 people who planned anything and produced anything was the D.C. National Guard.

18                   So all of that stuff they wrote about we were putting a CONOP together and we  
19 were doing these other things and trying to figure out how to re-mission, all this other  
20 stuff, it's smoke and mirrors. That has absolutely never happened. If they did it, they  
21 never shared it with us.

22          Q    If the D.C. National Guard's in support of civil authorities, why would  
23 Secretary McCarthy be the one creating the CONOP -- or creating this CONOP?

24          A    It's a good question. Like, it's unnecessary. Again, there's no need for it.  
25 And why are you in this business, sir? You're the Secretary of the Army.

1 Q Yes, sir.

2 Now, the DOD Inspector General's report stated that Secretary McCarthy learned  
3 of the violence at the Capitol on a 1:34 call from Mayor Bowser, asking the Secretary if  
4 United States Capitol Police had asked for assistance yet; Secretary McCarthy continued  
5 to the DOD IG that it was clear to him that the DOD needed to help either MPD or USCP.

6 Now, on that, if he had been on that 2:32 phone call, did he have the authority to  
7 release the Quick Reaction Force?

8 A He was not on the 2:30 call, and I don't know what conversation he had with  
9 the Mayor. I wasn't, obviously, in that conversation.

10 But, yes, he was the one who withheld the authority to himself to release the  
11 Quick Reaction Force. So if he would have been there at 2:30, yes, absolutely, he could  
12 have.

13 Q Okay.

14 A But didn't because he wasn't.

15 Q Perfect. Thank you, sir. Just a few more questions.

16 Why do you believe it took so long to receive approval to deploy if the  
17 Acting Secretary of Defense approved the authorization at 3:04 p.m.?

18 A I have no idea.

19 Q And I can't remember. I believe you briefly touched on it. Did Secretary  
20 McCarthy need Acting Secretary of Defense Miller's authorization?

21 A In my opinion, no. I think that the Secretary of the Army had already  
22 gotten his authority from Secretary Miller previously. We had received our letter from  
23 Secretary McCarthy. Secretary McCarthy, in my opinion, had the ability to release the  
24 QRF.

25 Q So you don't believe that he needed to get Secretary -- or Acting Secretary of

1 Defense Miller's authorization for the change of mission. You think that could have --

2 A No.

3 Q Okay. Thank you, sir.

4 BY [REDACTED]:

5 Q So I'm just going to take us home here, sir.

6 Were you interviewed by the January 6th select committee?

7 A I was interviewed by a committee by phone, I think. I can't remember the  
8 date. It may have been the select committee. But I never received any follow-up to it.  
9 So I assumed it was nothing.

10 Q Do you recall anything unusual about your conversation with the  
11 committee?

12 A Unusual? Nothing I can think of.

13 Q Do you have any thoughts to share about that conversation?

14 A I mean, as I think it was obvious earlier, like, I get very, very passionate about  
15 the D.C. National Guard because they don't get very much support as it is, because they  
16 don't have anybody really fighting for their interests.

17 And then they do everything that's asked of them to the best of their  
18 abilities, and then people come out and tell lies, like they're unprepared and untrained.

19 It's kind of hard to keep doing that mission and keep showing up when the people  
20 that are supposed to be leading our military say things like that about you, when you  
21 have literally carried the weight at that point nearly a year for everything that was going  
22 on in the Capitol.

23 And you -- yeah, just -- I just -- it was a -- it was a turning point for me. I -- I  
24 lost -- I lost my desire to serve after this, because I absolutely could not fathom the senior  
25 leaders that I had looked up to over the years, had seen what they had done and

1 applauded it, act the way they did during these events.

2 Yeah. When it was over, I -- that was my decision, to retire, because I -- I  
3 couldn't -- I couldn't -- I mean -- the stuff and the way they treated us afterwards, General  
4 McConville, the way he treated the D.C. National Guard afterwards? It's reprehensible.  
5 I mean --

6 Q Can you expand on that?

7 A So General Walker becomes the -- if he was such a bad guy, how did he  
8 become the House Sergeant at Arms?

9 You get a new commanding general. I didn't want to leave her with a new  
10 sergeant major and a new commander in an organization she's new to. So I told her I  
11 would give her a minimum of a year.

12 Every mission that came down after that, she was treated horribly by the Army  
13 staff and General McConville. She would have to go over there and explain the most  
14 minute details to the Secretary of the Army and the Chief of Staff of the Army.

15 Like, what other commander has to do that, over, like, perimeter security for the  
16 fallout for the 4th of July fireworks? I mean, it just -- the way they treated -- they  
17 treated us like we were incompetent. For what reason? What did we do?

18 And I will grant you the horrible mistake that that pilot made with that helicopter  
19 during 2020. That should have never happened. There were some failures in there,  
20 and there was a report on that. But that doesn't make the whole organization a bad  
21 organization.

22 What did they do? They showed up, they did the best job they could under the  
23 most extreme circumstances. And you're the Chief of Staff of the Army, not just  
24 COMPO 1, but COMPO 1, 2, and 3. And the man is absolutely ignorant of 2 and 3. He  
25 doesn't know what they do. He doesn't know their capabilities or how they're even

1       actioned.

2               The things he would say in those meetings to General McCandless, like, "Well, if  
3       you go up to support MPD, and MPD says, 'Hey, we want your soldiers to clear a building,'  
4       are your soldiers just going to tell them no?"

5               "Well, yes, that's outside the scope of their authority."

6               "Oh, so your soldiers are just going to tell the Metropolitan Police Department  
7       no."

8               "Yes, because they're soldiers. They do what they're told. They know what  
9       their responsibilities are. They know what their left and right limits are. They're  
10      not -- they're not morons."

11              This man treated them like -- treated the entire D.C. National Guard like they were  
12      just beneath them, like they were small and insignificant. And I just -- they are good  
13      people. And to be treated that way was -- I just -- it hurts.

14              Q     Were you ever interviewed by the DOD IG?

15              A     No.

16              Q     Do you know -- are you aware of anyone in the National Guard who was  
17      interviewed by the DOD IG?

18              A     I believe General Walker was. But other than that, I don't -- I can't think of  
19      anybody else that I know of was interviewed by -- for that report.

20              Q     In the DOD IG report, most of their sources are unnamed or anonymous. Is  
21      that normal, in your opinion?

22              A     No. I mean, why would you not name these so-called witnesses or sources  
23      while you name everybody else? Like, I don't understand that. Like, well, okay, well, if  
24      you say this happened, who said it? Who verifies that they were there? Who verifies  
25      that this document was created?

1           It's all -- again, this is just Mike Brooks' opinion. But Lieutenant General Flynn  
2 had his issues. Lieutenant General Piatt was expecting a fourth star. Secretary  
3 McCarthy wanted to be a holdover. These were not things that were unknown to us.

4           And they all acted like it. They all acted like they were waiting on something,  
5 they were trying to protect something that was theirs, instead of protecting what  
6 mattered, which was the people who did this mission, who did this operation.

7           They all just huddled together and tried to cover themselves. And it just, like I  
8 said, that changed the course of my career at that point.

9           Q    So, sir, how did the November 16th DOD IG report impact you, and how did  
10 it impact your men?

11          A    I mean, the D.C. National Guard, their recruiting efforts have gone down.  
12 They don't -- I mean, granted, that's across the board in the military. So I can't really  
13 blame that on January 6th.

14          But I will tell you that a lot of people questioned why they were doing what they  
15 were doing. To be asked to do those hard jobs, whether it was the COVID support,  
16 whether it was the riots, the protests at Lafayette Square, or the events of January 6th, I  
17 mean, a lot of soldiers have some really hard feelings about their treatment following  
18 those events because they did the best they could.

19          And then you've got, like, that really prolonged time afterwards. You know,  
20 yeah, we had, I think, upwards of 27,000 soldiers and airmen came in to support that  
21 mission from all 54 States, territories, and the District over that period of time. But  
22 those folks rotated back home and another unit came in, another unit came in, and they  
23 rotated.

24          You know who was there the whole time? The D.C. National Guard. They  
25 maintained the backbone, the logistics, they maintained the continuity of everything

1 during that entire time, only to be treated like that in a DOD IG report?

2 I mean, it bothers me, because it's not factual. To have somebody claiming all  
3 this -- they claimed they did all these things to make this happen. What? What did  
4 you do? What did you do? What paper did you create? What plan did you create?  
5 What did you execute?

6 You didn't, but you tried to take credit for everything that the same people that  
7 you are trying to disparage actually did.

8 And like I said, that was a huge part of my decision to retire afterwards. I know  
9 many soldiers decided not to reenlist after that because, quite frankly, some of them said  
10 they didn't sign up to be put in riot gear and put on the streets of the Nation's Capital.  
11 It's not what they thought the Army was.

12 Q So, sir, this is my last question. I know [REDACTED] has one more last question.

13 Is there anyone that you would recommend the subcommittee reach out to, or is  
14 there anything else you'd like to share with us about your experience related to  
15 January 6th?

16 A I mean, I don't know who all you've talked to. But, like I said, [REDACTED],  
17 he was the NCOIC with Colonel [REDACTED] [REDACTED], the folks that were down on the  
18 street. Chief Hinton, she was pretty much the senior NCO down on the drill floor,  
19 actually marshalling folks on the drill floor. There's General Ryan, Senior Enlisted  
20 Leader. So, yeah, from an enlisted standpoint, I'd say one of those two.

21 Or Sergeant Major [REDACTED] She was -- I think she was the operation sergeant  
22 major at the time. So maybe she would have some information.

23 [REDACTED]: Okay. Thank you.

24 [REDACTED]: And, sir, given your experience in the D.C. National Guard, if the  
25 certification of the 2020 Presidential election was classified as a National Security Special



1 Event, what effect do you think that that would have had on D.C. National Guard  
2 response?

3 The Witness. I mean, it makes it easier. It makes the whole process easier.  
4 You designate it as a National Security Special Event, you've got a lead agency, you've got  
5 points of contact. It just -- it makes the process a little smoother and easier.

6 I mean, yeah, it'd be great if they did, because then you could plan and could have  
7 the whole discussions with all the interagencies.

8 [REDACTED]. Do you think there would have been more buy-in from the  
9 Department of the Army?

10 The Witness. Only because I think they would have been taken out of the loop.  
11 You would have had a lead agency such as the Secret Service or someone else calling the  
12 shots instead of the Secretary of the Army.

13 [REDACTED]. All right. Thank you. That's all I have.

14 [REDACTED]. Thank you, sir.

15 [REDACTED] [REDACTED] do you guys have any follow-up questions?

16 [REDACTED]. I think we're all set.

17 [REDACTED]. Well, this concludes our interview.

18 Sir, we really appreciate your time. We'll go off the record.

19 [Whereupon, at 12:41 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing 81 pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

MICHAEL F. Brooks

Witness Name

April 1, 2024

Date